

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: CHRISTIAN CARROLL, PLANNER
SUBJECT: 22609 MONTEBELLO COURT WOODLAND PERMIT
DATE: AUGUST 2, 2022

The applicant, Cristopher Naida, seeks approval of a Woodland Use Permit, PBR20-0272, to remove eight regulated woodland trees ranging in size from 9 to 16 inches diameter-at-breast-height (DBH) from a lot located at 22609 Montebello Court, also known as Lot 16 in Montebello Estates. The site is located north of Nine Mile Road and west of Novi Road in Section 27 of the City. The Planning Commission reviewed the plans for Montebello Estates in 2016 and approved a Woodland Use Permit for the development. However, upon final grade inspection of this lot, the City's Landscape Architect found that eight regulated woodland trees had been removed that were not included on the Woodland Use Permit for the development. The applicant is requesting the removal of eight regulated woodland trees in order to receive approval of final grade for a single-family residential lot.

The City's Environmental Consultant reviewed the request and prepared a review letter dated July 12, 2022. Based on the plans provided, the applicant has removed eight regulated woodland trees within an area mapped as city-regulated woodland. Therefore, twelve 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. Their review letter also indicates that the applicant should revise the plot plan tree replacement chart to show six foot tall Black Hills Spruce in lieu of five foot tall Black Hills Spruce in order to count towards replacement credits. This has been revised and included in the provided packet. In total, the applicant is currently proposing ten replacement credits to be planted on-site.

The proposed removals have no impact on the previously approved Woodland Use Permit, 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 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.**

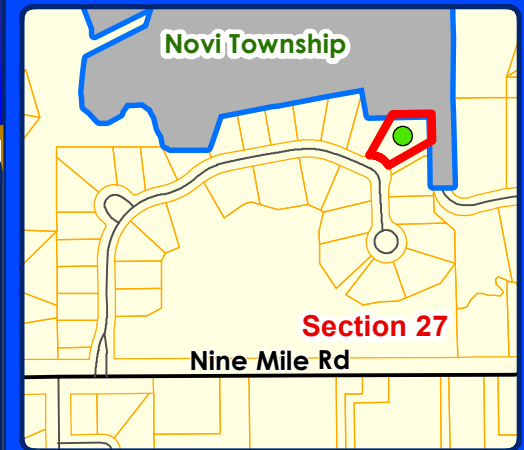
SUGGESTED MOTION:

To approve Woodland Use Permit, PBR20-0272, for the removal of eight regulated woodland trees within an area mapped as City Regulated Woodland on Lot 16 of Montebello Estates 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


22609 MONTEBELLO 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

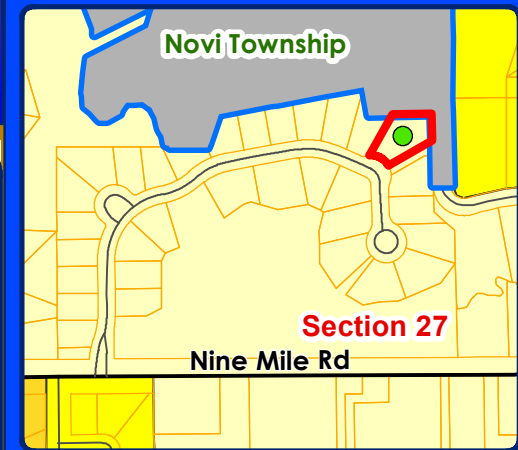
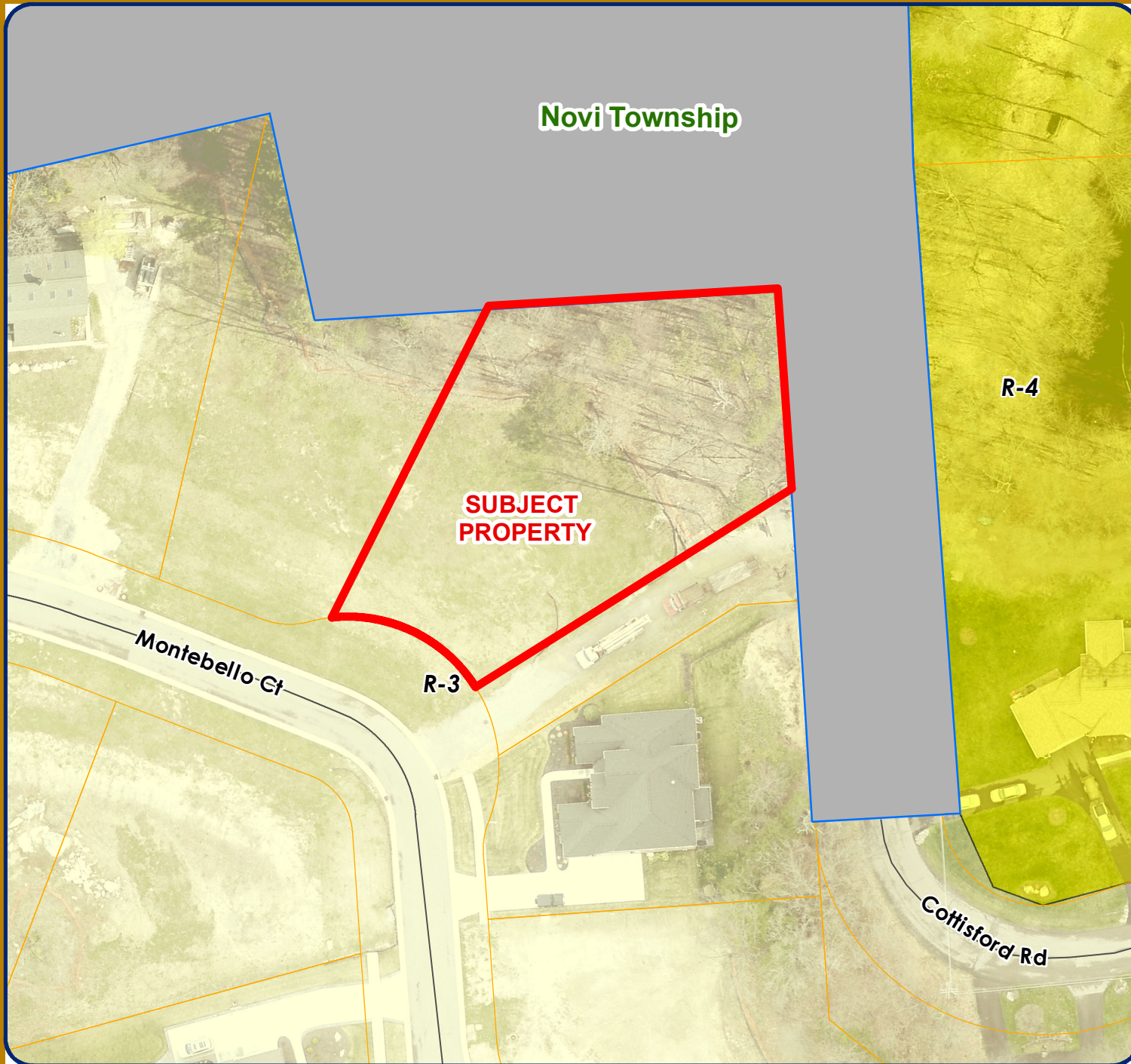
Map Author: Christian Carroll
Date: 8/2/22
Project: 22609 MONTEBELLO CT
Version #: 1

0 15 30 60 90 Feet
1 inch = 67 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.

22609 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

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

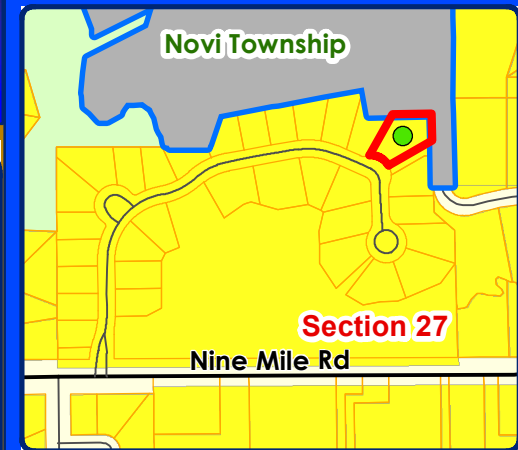
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22609 MONTEBELLO COURT WOODLAND PERMIT

FUTURE LAND USE



LEGEND

- Single Family
- Private Park
- 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: 8/2/22
Project: 22609 MONTEBELLO CT
Version #: 1

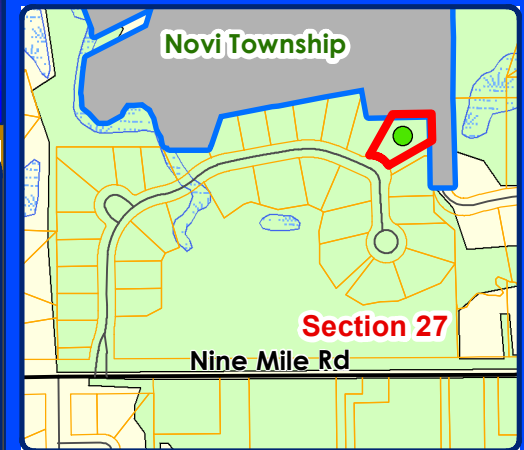
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22609 MONTEBELLO COURT WOODLAND PERMIT

NATURAL FEATURES



LEGEND


- WETLANDS
- WOODLANDS
- 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: 8/2/22
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PLOT PLAN



SITE PLAN



TREE NOTE

TREES AND TREE PROTECTION FENCING PER THE TREE REMOVAL PLAN ON THE APPROVED FINAL SITE PLAN.

WOODLAND RECOMMENDED
By: ECT Date: 9-8-20

WETLAND RECOMMENDED
By: N/A Date: _____

ENGINEERING RECOMMENDED
By: SW Date: 9-8-20
INSTALL TREE PROTECTION FENCING ALONG 34' WOODLAND PRESERVATION EASEMENT LINE PER CITY OF NOVI STANDARDS.

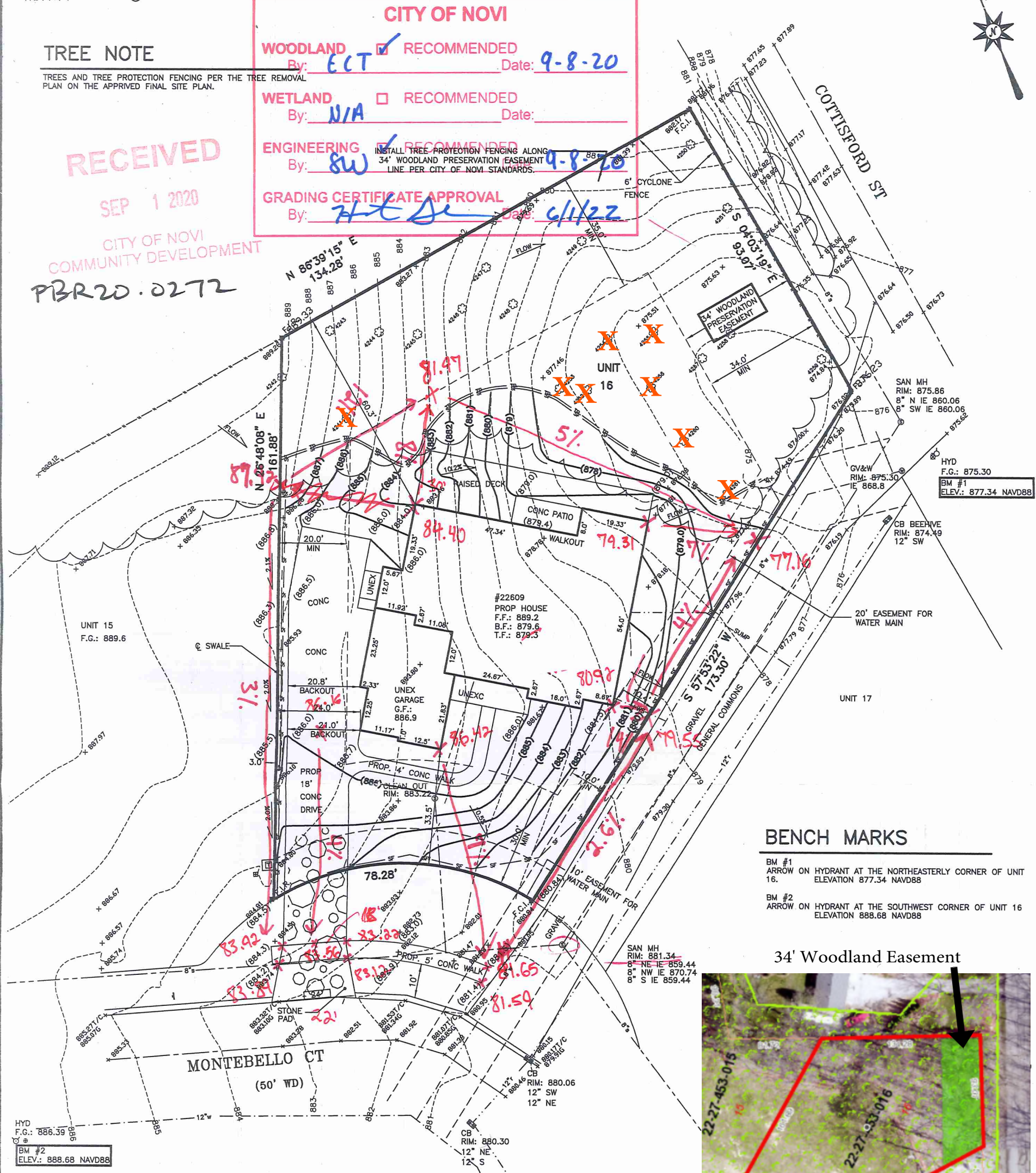
GRADING CERTIFICATE APPROVAL
By: H.T.S. Date: 6/1/22

RECEIVED

SEP 1 2020

CITY OF NOVI
COMMUNITY DEVELOPMENT

PBR20.0272



BENCH MARKS

- BM #1
ARROW ON HYDRANT AT THE NORTHEASTERLY CORNER OF UNIT 16.
ELEVATION 877.34 NAVD88
- BM #2
ARROW ON HYDRANT AT THE SOUTHWEST CORNER OF UNIT 16.
ELEVATION 888.68 NAVD88

34' Woodland Easement



OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 502213, PAGE 342, OAKLAND COUNTY RECORDS

LEGEND

- | | | | |
|--------------------|------|---------------------|--|
| GARAGE FLOOR | G.F. | STORM MANHOLE | |
| TOP OF FOOTING | T.F. | STORM CATCH BASIN | |
| BENCHMARK | B.M. | SANITARY MANHOLE | |
| FINISHED FLOOR | F.F. | GATE VALVE & WELL | |
| FINISHED GRADE | F.G. | DET. EDISON MANHOLE | |
| EXISTING | EX. | WATER/GAS SHUT OFF | |
| FIELD MEASURE | F.M. | FIRE HYDRANT | |
| INVERT ELEVATION | I.E. | UTILITY POLE | |
| SILT FENCE | SF | SOIL BORING | |
| WATERMAIN | W | SEPTIC TANK | |
| STORM SEWER | S | WELL | |
| SANITARY SEWER | SS | POLE OR POST | |
| OVERHEAD WIRES | OH | MAILBOX | |
| 1" WATER SERVICE | WS | SECTION CORNER | |
| 6" SANITARY LEAD | SL | LIGHT | |
| PROP. SUMP LEAD | SUMP | DECIDUOUS TREE | |
| FENCE | F | EVERGREEN TREE | |
| PROP. ELEVATION | | | |
| EX. SPOT ELEVATION | | | |
| TREE FENCE | TF | | |



Tree #	Size (Diameter / DBH)	Species	Condition on Original Tree Survey	Replacements required
4241	9"	Sugar Maple	Good	1
4252	9"	Red Maple	Good	1
4253	10"	Red Maple	Good	1
4254	14"	Black Cherry	Good	2
4255	11"	Sugar Maple	Good	2
4256	16"	Sugar Maple	Good	2
4260	9"	Red Maple	Good	1
4261	14"	Sugar Maple	Good	2
Total Trees Removed: 8				Total Woodland Replacements Required: 12



8495 N. TERRITORIAL RD
PLYMOUTH, MI 48170

PHONE: (734) 416-9651
FAX: (734) 416-9657
www.glasurveyor.com

Landscape

- Black Hill Spruce 5' **Revised to 6' Black Hill (Aug-1)** 12
- Serviceberry 2" 2
- 5' Hvy Arborvitae 6
- Annabelle Hydrangea 12
- Blue Fescue 20
- Mulch 38

DATE: 07/08/20
JOB NO.: 3913-016
FILE NO.: 3913-016

SCALE: 0' 30'
1" = 30'

1 OF 2

BGW

07/28/20 REVISE HOUSE 08/02/20 REVISE PER REVIEW 08/11/20 REVISE HOUSE
08/31/20 REVISE PER REVIEW

NOTE: GLA SURVEYORS & ENGINEERS, INC. ASSUMES NO RESPONSIBILITY FOR OWNER SUPPLIED BUILDING DIMENSIONS. BUILDER/CLIENT MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

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: 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.

Date: July 12, 2022

RE: 22609 Montebello Ct- Single Family Residential Plot Plan
Woodland Review #2 – PBR20-0272

Davey Resource Group, Inc. (DRG) has conducted a review of the residential plot plan for 22609 Montebello Ct. prepared by GLA Surveyor (revision dated: 08/31/2020; marked-up). The site contains regulated woodlands and a woodland conservation easement. The Plot Plan was submitted in response to a woodland violation noted by the City of Novi during the final grade inspection on May 31, 2022 (see attached final grade inspection report). The applicant removed eight (8) regulated woodland trees that were to be preserved without a Woodland Use Permit.

Recommendation: DRG **recommends approval** of the 22690 Montebello 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))	In Place

WOODLAND REVIEW COMMENTS

1. The applicant removed the following trees which were to be preserved per the approved site plan and Plot Plan without a permit. Any disturbance to a City regulated woodland requires a Woodland Use Permit. **This permit will require City Planning Commission approval** because more than 3 regulated trees have been removed.

Tree #	Size (Diameter / DBH)	Species	Condition on Original Tree Survey	Replacements required
4241	9"	Sugar Maple	Good	1
4252	9"	Red Maple	Good	1
4253	10"	Red Maple	Good	1
4254	14"	Black Cherry	Good	2
4255	11"	Sugar Maple	Good	2
4256	16"	Sugar Maple	Good	2
4260	9"	Red Maple	Good	1
4261	14"	Sugar Maple	Good	2
Total Trees Removed: 8		Total Woodland Replacements Required: 12		

2. The applicant is proposing the to plant 12 – 5-foot tall Black Hills spruce (*Picea glauca*). To be counted towards meeting the tree replacement requirements **the minimum height of an evergreens is 6-feet**. The proposed 5-foot Black Hills spruce do not meet woodland replacement requirements **Please revise plot plan for submission for Planning Commission approval**.
3. **Replacement trees should not be located** 1) within 10’ of built structures or the edges of utility easements; 2) over underground structures/utilities or within their associated easements; 3) within the woodland conservation easement; and (4) within the critical root zone* of any regulated woodland trees. In addition, replacement tree spacing should follow the Plant Material Spacing Relationship Chart for Landscape Purposes found in the City of Novi Landscape Design Manual.

* **Critical root zone (CRZ)** means a circular area around a tree with a radius measured to the tree's longest dripline radius plus one (1) foot.

4. Woodland Conservation Easement.
 - a. Figure 1 shows the location of the Woodland Conservation Easement per the approved site plan and City of Novi easement records. The plot plan now shows an inset of this picture, but the Plot Plan has not been revised to show the location and there is not a description of the picture. **Revise Plan to show the accurate location of the woodland conservation easement OR provide an arrow from the drawn woodland conservation easement to the picture with a description of what is shown.**
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. For tree replacement credits that will be planted on site a **financial guarantee of \$4,800 (12 woodland replacements x \$400/tree replacement 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.

- b. **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 **\$1,200** (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.
- 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.



Figure 1. 22609 Montebello Ct. (red outlined parcel)
City of Novi Regulated Woodland Map
(Green hatched = regulated woodland;
solid green area = woodland conservation easement)

FINAL GRADE INSPECTION LETTER



Community Development Department
 45175 Ten Mile Road
 Novi, MI 48375

FINAL GRADE INSPECTION REPORT

TO: Sarah Marchioni, Building Project Coordinator; Angie Pawlowski, Bond Coordinator; Nina Schaffrath, Account Clerk; Christian Carroll, Planner
 FROM: Rick Meader, Landscape Architect
 DATE: May 31, 2022
 SUBJECT: Montebello Estates – Lot 16 – 22609 Montebello Court

I inspected the lot today. Tree fencing was only found in sections along the property lines (not protecting the trees to be saved). Silt fence was found at the base of the graded slope, but a total of eight (8) trees that were shown as being saved on the approved Plot Plan have been removed, totalling 12 replacement credits (see table below). The original tree survey showed all of those trees to be in good health.

Tree #	Size (dbh)	Species	Condition	Replacements required
4241	9"	Sugar Maple	Good	1
4252	9"	Red Maple	Good	1
4253	10"	Red Maple	Good	1
4254	14"	Black Cherry	Good	2
4255	11"	Sugar Maple	Good	2
4256	16"	Sugar Maple	Good	2
4260	9"	Red Maple	Good	1
4261	14"	Sugar Maple	Good	2
8				12

One of the removed trees, #4241, was in the 34-foot woodland easement, the rest weren't.

Since more than three (3) trees were removed, the applicant will need to submit an application for a Woodland Use Permit from the Planning Commission. At least one of the replacement trees required must be replanted within the woodland easement to compensate for the tree removed from the easement. They will all need to be guaranteed for two years from approval.

Until the applicant receives the required woodland permit, the lot does not have Final Grade approval.

If there are any further questions, please contact me at (248) 735-5621 or rmeader@cityofnovi.org. Thank you.

Rick Meader

Rick Meader
City of Novi Landscape Architect

Cc: Patrick O'Leary, Blue Peninsula Luxury Homes



Back yard from south property line



Back yard from west property line

Building
248.347.0415
248.735.5600 fax

Ordinance Enforcement
248.735.5678
248.735.5682 fax

Planning
248.347.0475
248.735.5633 fax