



**Department of Planning and Economic Development**

Staff Report to the Planning Commission

May 12, 2014

**Villas at Shadow Pines Final PUD**

<b>REQUESTS</b>	Final PUD Agreement Recommendation Site Plan Approval Recommendation Tree Removal Permit Approval Wetland Use Permit Approval
<b>APPLICANT</b>	Shadow Pines, LLC 14955 Technology Dr. Shelby Twp., MI 48315
<b>AGENT</b>	Bill Mosher
<b>LOCATION</b>	North side of South Boulevard, between Adams and Crooks
<b>FILE NO.</b>	13-009
<b>PARCEL NOS.</b>	15-31-400-018
<b>ZONING</b>	R-4, One Family Residential
<b>STAFF</b>	Jim Breuckman, AICP, Manager of Planning

*In this Report:*

Overview .....2

Standards for PUD Final Site Plan and Agreement Approval.....2

PUD Contract and Final Site Plan Review Considerations .....2

Summary.....4

PUD Agreement Recommendation Motion.....5

Tree Removal Permit Motion.....5

Wetland Use Permit Recommendation .....6

Site Plan Approval Recommendation Motion.....6

## Overview

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The applicant is requesting final approval of a Planned Unit Development (PUD) to develop a 28-unit attached condominium project consisting of 14 buildings with 2 units in each building. The site has an area of 9.8 acres, is wooded, has wetlands located on the northeast portion of the site, and abuts Pine Trace golf course to the west. The proposed units range from 1,716 square feet to 2,479 square feet in area, and all units have attached 2-car garages.

The applicant received approval of the Preliminary PUD Agreement and exhibits from City Council on July 29, 2013 with conditions to be addressed prior to final approval. The final plan is consistent with the conceptual plan regarding road layout, design, landscaping and other proposed improvements. Please refer to July 16, 2013 Planning Commission minutes for further details.

## Standards for PUD Final Site Plan and Agreement Approval

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Section 138-7.105(B) lists the standards of approval for final site plans, while Section 138-7.107 lists the required information in a PUD contract.

The final site plans are consistent with the proposed PUD agreement, and the PUD agreement has been reviewed and approved by the City Attorney.

## PUD Contract and Final Site Plan Review Considerations

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1. **PUD Agreement.** The proposed PUD agreement is attached, and is consistent with the form and content of PUD agreements approved by the City in the past. Please note that the developer is proposing to provide escrow funds to pay for the reconfiguration of Pine Trace hole 11 as recommended in the developer's golf course architect's report (paragraph 5.h on page 5).

The City Attorney has reviewed and approved the proposed revised PUD contract. At this time the following PUD Agreement items remain to be addressed:

- a. Recital B, page 1 – revise date to July 29, 2013.
- b. Paragraph 6.c, page 4 – updated to indicate that the developer and its successors acknowledge that the roads do not meet public standards and may not be dedicated to the public unless they are first brought into compliance with public road standards by the owners of the development.
- c. Paragraph 14, page 6 – a 20% increase in the size of the building footprint is substantial and exceeds what would be considered minor. The increase should be capped at 10%.
- d. Paragraph 14, page 6 – a statement should be added (consistent w/ ZO Sec. 138-7.109) that for a proposed change to the Final PUD Plans that is material in nature, the change must be reviewed by the PC and approved by the CC in accordance with the procedures applicable to final approval of the PUD.
- e. Paragraph 15, page of the PUD Agreement, after the 4th sentence about submitting a site plan within 2 years, insert a sentence that says: "If the site plan has not been submitted and approved within the prescribed time, the right to develop under the approved plan may be terminated by the City."

- f. **Timeline for Completion.** The Agreement can and should be enhanced as it relates to Zoning Ordinance Sec. 138-7.108 which spells out minimum requirements for the PUD Contract. Subsection F requires the agreement to include a timeframe for commencement and completion of improvements, and a means of ensuring that all public improvements are constructed and maintained. Although the PUD Agreement talks about the development sequence in a general way, and also talks about getting site plan approval within 2 years, it really does not specify a timeframe as subsection F requires. Nor does the PUD Agreement contain penalties for failing to complete improvements, as required in subsection J of Sec. 138-7.108.

The PUD Agreement also must add a provision similar to Zoning Ordinance Section 138-7.106.B.4, which addresses what happens if development is not substantially complete within 3 years. That should be spelled out in the Agreement.

2. **Golf Course/Proposed Development Compatibility.** The proprietor of Pine Trace golf course to the west raised concerns about the proximity of the proposed buildings to the fairway of hole 11, with the potential for mis-hit balls to slice onto the property of the proposed development. The developer is concerned about liability to the golf course of errant shots that stray into the proposed development. Accordingly, staff has reviewed this issue with the City Attorney, and the applicant has retained a golf course architect to review the proposed development plan. The golf course architect's report (dated October 15, 2013) is attached.

The report finds that the proposed development layout and its relationship to the golf course are "acceptable and within the standard guidelines of the golf residential development industry." There report also identifies a few design characteristics of hole 11 which could be modified to reduce the number of errant shots that would stray over the property line, and to maximize the compatibility between the golf course and the proposed development. Please refer to pages four and five of the golf course architect's report. As noted above, the developer is proposing to escrow money to pay for some of these modifications.

3. **Final Site Plans.** The proposed final site plan has been reviewed by City Staff on several occasions. Those reviews have required adjustments and changes made by the applicant to address issues identified by different departments. The currently submitted final site plan has received recommendations for approval with conditions by all applicable City Staff. The final site plans that are revised to address the remaining conditions, as approved by City Staff, will be included as exhibits in the PUD Agreement.

The following site plan items remain to be addressed prior to final site plan approval being granted:

- a. Provide landscape cost estimates on Sheet LA1.7.
  - b. Provide an irrigation plan.
4. **Tree Removal.** The Tree Conservation Ordinance regulates the site in that all regulated trees removed must be replaced on a one for one basis. There are 200 surveyed regulated trees, with an estimated 45-50 additional trees in the wetland area in the northeast portion of the site that were not surveyed due to heavy brush, according to the applicant.

147 of the 200 surveyed trees are proposed to be removed, resulting in a preservation percentage of 26.5%. There is no minimum preservation requirement applicable to the development, so the trees to be removed must be replaced on a one-to-one basis. Sufficient replacement tree credits are proposed to replace the trees to be removed.

5. **Wetland Use Permit.** There are regulated wetlands on site, which have been verified by the City's Wetland Consultant. The proposed plans would impact 0.476 acres of existing MDEQ and City-regulated wetlands. The applicant must secure a DEQ wetland use permit prior to construction plans being approved, and ASTI, the City's wetland consultant, has a number of site plan items yet to be addressed. However, the issues in ASTI's letter will not impact the layout of the development and so their remaining items can be handled with revisions to the plans prior to final site plan approval being granted.

## **Summary**

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The proposed PUD agreement and final site plan meet the requirements for final PUD approval. The proposed plans and agreement are consistent with the PUD concept plan, and the proposed final PUD has been reviewed by all applicable departments within the City and is recommended for approval or approval with conditions. Subject to any changes or conditions recommended by the Planning Commission, Staff recommends approval of the following motions in reference to City File No. 13-009:

## **PUD Agreement Recommendation Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission **recommends** that City Council **approve** the PUD Agreement with the following findings and conditions.

Findings:

1. The proposed final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed final PUD is consistent with the approved PUD concept plan.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The revisions noted in item 1 under Review Considerations, above, be incorporated into the PUD Agreement prior to signing and executing the PUD Agreement.
2. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.
3. All other conditions specifically listed in the Agreement shall be met prior to final approval by Staff.

## **Tree Removal Permit Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on April 8, 2014, with the following findings and subject to the following conditions.

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is removing up to 147 regulated trees from the site.
3. The applicant is proposing to provide 160 replacement credits.

Conditions:

1. All tree protective fencing must be installed, inspected and approved by City Staff, prior to issuance of a Land Improvement Permit.

## Wetland Use Permit Recommendation

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission **recommends** City Council **approve** a **Wetland Use Permit** to impact approximately .476 acre for the construction of several units, the detention pond and a portion of the roadway and its utilities, based on plans dated received by the Planning Department on April 8, 2014, with the following findings and subject to the following conditions.

### Findings:

1. Of the approximately 2.4 acres of City-regulated wetlands on site, the applicant is proposing to impact approximately .476 acres.
2. The impacted areas consist of two narrow fingers which extend off the main body of the wetland, and areas at the perimeter of the wetland. Wetland Fill Area 2 is proposed to accommodate a forebay, which is part of the stormwater management system.
3. The applicant has minimized potential wetland impact by incorporating a retaining wall to the north of units 9-11A and along the east side of Trace View Drive.

### Conditions:

1. That the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
2. 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.
3. Investigate the possibility with Staff regarding further reduction of wetland impact by means of constructing a permanent barrier at the limits of the impacts, such as a fieldstone/boulder wall or other decorative and highly visible barrier, prior to Final Approval by Staff.
4. Verification by ASTI that conditions from the April 21, 2014 letter are addressed on revised site plans prior to final approval by Staff.

## Site Plan Approval Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission **recommends** that City Council **approve** the **Site Plan**, dated received April 8, 2014 by the Planning and Development Department, with the following findings and conditions.

### Findings:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements can be met subject to the conditions noted below.
2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site and on adjoining streets.

3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed Final Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.

Conditions:

1. All remaining engineering issues identified in the memo dated April 28, 2014 be addressed prior to issuance of a Land Improvement Permit.
2. All comments from Fire Department memo dated April 23, 2014 to be addressed prior to final Staff approval of the plans.
3. Addressing all remaining site plan items in comments 1 and 3 under Review Considerations, above, in this letter prior to final site plan approval being granted.
4. Provision of a performance guarantee in the amount to be determined based on the landscaping cost estimate to be submitted, as adjusted if necessary by the City, to ensure the proper installation of trees and landscaping. Such guarantee to be provided by the applicant prior to issuance of a Land Improvement Permit.

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Attachments: *Site Plans dated received 4/08/14: Preliminary PUD Condo Plan, Sheet 1, Existing Conditions and Natural Features Base Plan, Sheet 2; Existing Tree and Tree Removal Plan, Sheeet 3; Tree List, Notes and Details, Sheet 4; Preliminary Grading Plan, Sheet 5; Proposed Utility Plan, Sheet 6; Open Space Plan & Landscape Requirements, Sheet LA-1.0; Overall Landscape Plan, Sheet LA-1.1; Entrance Landscape Plan, Sheet LA-1.2; Entrance Elevation & Cross Sections, Sheet LA-1.3; Unit Landscape Plan, Sheet LA-1.4; Specifications & Details, Sheet LA-1.5; Landscape Planting Schedule, Sheet LA-1.6; Landscape Cost Estimates, Sheet LA-1.7; Gate House, Sign & Mail Kiosk, Sheet SA 1.0; Floor Plans-Building A, Sheet A 1.0; Floor Plans-Building B, Sheet A 1.1; Floor Plans-Building B, Sheet A 1.2; Exterior Elevations-Building A, Sheet A 3.0; Exterior Elevations-Building A, Sheet A 3.1; Exterior Elevations-Building B, Sheet A 3.2; Exterior Elevations-Building B, Sheet A 3.3.*

PUD Agreement dated received 4/08/14; Assessing memo dated 4/24/14; Parks & Forestry memo dated 4/24/14; DPS/Engineering memo dated 4/14/14; HRC letter dated 4/28/14; Fire Department memo dated 4/23/14; ASTI Environmental letter dated 4/21/14; Report from Golf Architecture, dated 10/15/13; EIS, dated revised 1/11/14; Planning Commission Minutes dated 07/16/13; Wetland Use Permit Notice; and Tree Removal Notice.

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