



Department of Planning and Economic Development

Staff Report to the Planning Commission

February 12, 2016

Bloomer Woods Site Condominiums

REQUEST	Tree Removal Permit Wetland Use Permit Recommendation Natural Features Setback Modification Preliminary Condominium Plan Recommendation
APPLICANT	Greg Windingland Lombardo Homes 51237 Danview Technology Ct. Shelby Township, MI 48315
LOCATION	East side of John R, north of Avon
FILE NO.	15-006
PARCEL NO.	15-13-301-058
ZONING	R-3 One Family Residential with MR Mixed Residential Overlay
STAFF	Sara Roediger, AICP, Manager of Planning

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Summary

The applicant for the Bloomer Woods one-family detached site condominium project, a proposed 30-unit development on 12.8 acres, has assembled parcels near the northeast corner of John R and Avon to form one 12.8 acre parcel. The site is zoned R-3 One-Family Residential with a Mixed Residential Overlay. There is R-3 zoning with an MR Mixed Residential overlay to the north and south; R-3 zoning to the west; and a manufactured housing park, zoned RMH to the east. The site is master planned Mixed Residential. There is approximately 1.39 acres of wetland area, and approximately 14,370 square feet (approximately one-quarter) will be impacted, which requires a Wetland Use Permit Recommendation. In addition, the site falls under the City's Tree Conservation Ordinance and will require a Tree Removal Permit (see number two under Review Considerations). Approximately 2.74 acres of the site will be preserved as open space, primarily around the wetland areas. Access to the site will be from John R via a boulevarded entrance with an internal loop road. There is a detention pond in the northwest corner of the site next to the wetland area.

Development Layout

The development is using the lot size averaging option, with lot widths ranging from 81 to 107.5 feet and areas ranging from 10,800 sq. ft. to 20,581 sq. ft. The minimum lot width required in the R-3 district is 90 feet and the minimum area required is 12,000 square feet. The development proposes a density of 2.3 units per acre; much less than 2.9 units per acre permitted. Homes prices are expected to range from \$350,000 to \$450,000.

Review Considerations

1. **Tree Removal.** The Tree Conservation Ordinance applies to this development, since the land is unplatted. There are 449 regulated trees on-site, and the applicant is proposing to remove and replace as many as 280, resulting in a preservation percentage of 37.6%.
2. **Landscaping/Tree Replacement.** A landscape plan has been provided for review, and the proposed plan preserves the largest quantity of trees in one concentrated location by the wetland area and minimizes wetland impact. Applicable landscaping requirements include the right-of-way, detention pond and tree replacements. The proposed plan includes heavily landscaped buffers along John R and the detention basin, and the plans are in compliance with consideration of the following:
 - a. The landscape plan should include all information required by *Section 138-12.103* and also comply with the requirements of Article 12 of the Zoning Ordinance. The plan is in compliance with the exception that additional deciduous trees are required along John R.
 - b. Provision of an Irrigation Plan and cost estimate.
 - c. Posting of a landscaping bond in the amount of \$51,323 plus inspection fees, prior to issuance of a land improvement permit.
 - d. Depositing \$6,000 with the City's Tree Fund to plant one street tree per lot.
3. **Wetland Use Permit/Natural Features Setbacks.** There is a wetland area on site totaling 1.39 acres which is regulated by the City and very likely, the MDEQ. Approximately 14,370 square feet (0.33 acres) of the wetlands will be both temporarily and permanently impacted due to construction of the proposed road, of a portion of several lots, the detention pond and two storm water culverts. The City's wetland consultant, ASTI Environmental, recommends approval of a Wetland Use Permit for these activities due to the quality of the wetlands. Please refer to ASTI's letter dated January 26, 2016.

Approximately 1,075 linear feet of Natural Features Setback will be temporarily and permanently impacted from the construction of the road, several lots and the detention pond. ASTI recommends that modifications be allowed in these areas because of their low quality. Please refer to ASTI's letter dated January 26, 2016.
4. **Architectural Design.** Samples of elevations and floor plans are included, and consist of brick, stone and vinyl siding. The models include ranches and colonials of various iterations.
5. **Other Reviews.** The plans have received a conditional recommendation of approval from the City's engineering, fire and building departments subject to conditions identified in their applicable review letters which will not impact the site layout, and which may be handled prior to final site condo, construction plan and building permit approval. Please refer to the appropriate attached reviews.

Site Plan Recommendation

Section 122-367(b) requires that approval of a preliminary one-family detached site condominium plan be based upon compliance with the applicable sections and regulations of the Land Division article of the Code of Ordinances, availability and adequacy of utilities, an acceptable comprehensive development plan, a reasonable street and lot layout and orientation, and an environmental plan showing no substantially harmful effects. The plans are technically compliant, and staff therefore recommends that the Planning Commission grant a recommendation of approval to City Council, subject to conditions.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 15-006 (Bloomer Woods Site Condominiums), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on January 15, 2016, with the following findings and subject to the following condition.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. Of the 449 regulated trees onsite, 169 will be saved, resulting in a 37.6% preservation rate
3. The applicant is proposing to replace 280 regulated trees with 248 tree credits.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.

Motion to Recommend Wetland Use Permit Approval

MOTION by _____, seconded by _____, in the matter of City File No. 15-006 (Bloomer Woods Site Condominiums), the Planning Commission **recommends** City Council **approves** a **Wetland Use Permit** to temporarily and permanently impact approximately 14,370 square feet for the construction of several units, a portion of the proposed road, two culverts and a portion of the storm sewer detention pond, based on plans dated received by the Planning Department on January 15, 2016, with the following findings and subject to the following conditions.

Findings

1. Of the approximately 1.39 acres of City-regulated wetlands on site, the applicant is proposing to impact a little over one-quarter.
2. The wetland areas are of medium to low ecological quality and should not be considered a vital natural resource to the City.

Conditions

1. City Council approval of the Wetland Use Permit.
2. If required, that the applicant receives all applicable DEQ permits prior to issuance of a Land Improvement Permit.
3. 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.
4. As noted on the plans, that any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, prior to final approval by staff.

Motion to Approve a Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 15-006 (Bloomer Woods Site Condominiums), the Planning Commission **grants Natural Features Setback Modification** for the temporary and permanent impacts to as much as 1,075 linear feet of natural features setbacks associated with the construction and grading of several units, the proposed road and the storm sewer detention basin, based on plans dated received by the Planning Department on January 15, 2016, with the following findings and subject to the following conditions.

Findings

1. Natural Features Setback Modifications are needed to construct several units, a portion of the road and the detention basin.
2. The Natural Features Setbacks are of low ecological quality and the City's Wetland Consultant, ASTI, recommends approval.

Conditions

1. Add a note indicating that Best Management Practices will be strictly followed during construction to minimize the impacts on the Natural Features Setbacks.

Motion to Recommend Preliminary Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 15-006 (Bloomer Woods Site Condominiums), the Planning Commission recommends that City Council approves the Preliminary One-Family Residential Detached Condominium plan based on plans dated received by the Planning Department on January 15, 2016, with the following findings and subject to the following conditions.

Findings

1. Upon compliance with the following conditions, the proposed condominium plan meets all applicable requirements of the zoning ordinance and one-family residential detached condominium.
2. Adequate utilities are available to properly serve the proposed development.
3. The preliminary plan represents a reasonable street layout.
4. The Environmental Impact Statement indicates that the development will have no substantially harmful effects on the environment.
5. Remaining items to be addressed on the plans may be incorporated on the final condominium plan without altering the layout of the development.

Conditions

1. Provide all off-site easements and agreements for approval by the City prior to issuance of a Land Improvement Permit.
2. Provide a landscape bond in the amount of \$51,323 for landscaping, replacement trees, plus an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
3. Payment of \$6,000 into the tree fund for street trees, prior to issuance of a Land Improvement Permit.
4. Approval of all required permits and approvals from outside agencies.
5. Compliance with the department memo comments, prior to Final Site Condo Plan Approval and Building Permit Approval.
6. Submittal of By-Laws, Master Deed and Exhibit B's for the condominium association along with submittal of Final Preliminary Site Condo Plans.

Reference: Plans dated received by the Department of Planning and Development on January 15, 2016 (Cover Sheet, Site Plan, Sheet 1; Topography Survey, sheet 2; Utility Plan, Sheet 3; Grading Plan, Sheet 4; Details, Sheet 5; R.O.W. Improvements, Sheet 6, prepared by Community Civil Engineering & Surveying; Tree Preservation Plan, Sheet 7; Landscape Plan, Sheet 8; Landscape Details, Sheet 9, prepared by Donald C. Westphal Associates, LLC.

Attachments: Assessing Department memo dated 12/08/15; Planning Department memo dated 2/1/16; Building Department memo dated 11/24/15; Fire Department memo dated 1/26/16; DPS/Engineering Department memo dated 1/25/16; Parks & Forestry memo dated 12/28/15; ASTI Environmental letter dated 1/26/16; Environmental Impact Statement dated 11/17/15; WRC Letter dated 12/1/15; Public Hearing Notice; Wetland Use Permit Notice; Tree Removal Notice.

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