



Department of Planning and Economic Development

Staff Report to the Planning Commission

August 17, 2018

Breckenridge Condominiums

REQUESTS	Conditional Use Recommendation Tree Removal Permit Wetland Use Permit Natural Features Setback Modification Site Plan Approval
APPLICANT	Mark Gesuale Hamliv, LLC 14955 Technology Dr. Shelby Township, MI 48315
LOCATION	South side of Hamlin, west of Livernois
FILE NO.	18-008
PARCEL NOS.	15-28-226-023 and -024
ZONING	R-3 One Family Residential with an MR Mixed Residential Overlay
STAFF	Kristen Kapelanski, AICP, Manager of Planning

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Summary

The Breckenridge Condominiums project consists of 12 attached units in six, two-unit buildings on 3.73 acres on the south side of Hamlin, west of Livernois. The site is zoned R-3 with an MR Mixed Residential Overlay, and there is the same zoning to the west, south and east developed with homes. To the north, across Hamlin, it is zoned REC-W with industrial uses. The site is master planned Mixed Residential. The site will be accessed from Hamlin, and there is currently an eight-foot pathway on Hamlin. There are several small wetlands onsite that will be minimally impacted, and a Wetland Use Permit is being requested. The project includes 1.5 acres of private open space. Stormwater will be detained on site into a detention basin and will be discharged into the existing storm sewer to the north. Unit prices will start at \$375k. The applicant sent letters to the adjacent neighbors advising them of the project.

Compliance Criteria

The site is being developed using the MR Overlay standards of the Ordinance. Attached housing in the MR district requires a Conditional Use Recommendation by the Planning Commission and approval by City Council per Section 138-6.501 B. The district also has a ten-acre minimum site requirement; however, the Planning Commission can waive this if another standard is more reasonable due to existing site or neighborhood conditions or because the site cannot physically comply with one or more of the requirements.

The issuance of the Conditional Use is a discretionary decision and based on 5 general criteria contained in Sec. 138-2.302 of the Zoning Ordinance and the findings listed in the enclosed resolution as follows:

- 1) *Will promote the intent and purpose of this chapter.*
- 2) *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.*
- 3) *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.*
- 4) *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 5) *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Review Considerations

1. **Tree Removal.** The site is subject to the City's Tree Conservation Ordinance and any regulated tree removed must be replaced with one tree credit. There are 31 regulated trees being removed which are being replaced onsite with 36 trees.
2. **Landscaping/Tree Removal.** The plans comply with the landscaping and tree replacement requirements applicable to the site, with consideration of the wetland features and existing vegetation, which allow a modification of the planting requirements. The following conditions must be met:
 - a. Provide a landscape bond in the amount of \$83,048 plus inspection fees, prior to issuance of a Land Improvement Permit.
 - b. Payment into the City's Tree Fund of \$2,601 for street trees per unit (12 units at \$216.75 each), prior to issuance of a Land Improvement Permit.
3. **Wetlands/Natural Features.** There will be impacts to approximately 9,671 square feet of the City regulated wetlands on-site; therefore, a Wetland Use Permit is required. ASTI, the City's environmental consultant, states that the wetlands are of low quality and function, and should not be considered a vital natural resource to the City. The proposed site layout requires a Natural Features Setback Modification for 812 linear feet to construct the detention basin and for other site development. ASTI also states that this activity qualifies for an exception to the natural features setback and motions for a natural features setback modification and wetland use permit recommendation are included. See the letter from ASTI dated July 27, 2018 for additional information. The plans show a one to two-foot boulder retaining wall in areas consistent with the City's Wetland and Watercourse Protection Ordinance and the Natural Features Setback ordinance to protect some of the impacted areas.
4. **Architecture.** The proposed building elevations have been included for your review. Homes will be reviewed separately by the Building Department and must be designed to meet the intent of the City's Architectural Design Standards.
5. **Condominium Documents.** The applicant must submit a proposed master deed and bylaws for staff and City Attorney review and approval as part of the construction review process.
6. **Other Reviews.** The plans have been reviewed and have received a conditional recommendation of approval

from building and engineering, which can be handled during building and construction plan review and approval.

Site Plan Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees that the development area will be harmonious and compatible in appearance with the existing development, below are motions for consideration relative to City File No. 18-008 (Breckenridge Condominiums).

Motion to Recommend Conditional Use Approval

MOTION by _____, seconded by _____, in the matter of City File No. 18-008 (Breckenridge Condominiums) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow attached housing in the MR Mixed Residential Overlay district, based on plans dated received by the Planning Department on July 24, 2018, with the following findings.

Findings

1. The proposed development and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The use will promote the intent and purpose of the zoning ordinance.
3. The proposed units have been designed and are proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering another housing option.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **grants a Tree Removal Permit** for the removal and replacement of as many as 31 regulated trees, based on plans dated received by the Planning Department on July 24, 2018, with the following findings and subject to the following conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to replace 31 regulated trees with 36 tree replacement credits on site, as required by the Tree Conservation Ordinance.

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 Tree Fund.

Wetland Use Permit Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **recommends** that City Council **approves** a **Wetland Use Permit** to impact approximately 9,671 square feet for the construction of several units and associated grading, the construction of the storm water detention basin, grading in the lawn areas of several units and to the boulder retaining wall areas, based on plans dated received by the Planning Department on July 24, 2018, with the following findings and subject to the following conditions.

Findings

1. Of the approximately 50,500 s.f of City-regulated wetlands on site, the applicant is proposing to impact approximately 9,671 s.f.
2. Wetlands A and B are of low quality and function, and should not be considered a vital natural resource to the City, according to the ASTI Environmental letter of July 27, 2018. Wetland C is not regulated by 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.

Motion to Approve a Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **grants a natural features setback modification** for 812 linear feet for impacts from the construction of the detention basin and other site development, based on plans dated received by the Planning and Economic Development Department on July 24, 2018 with the following findings and conditions:

Findings

1. The permanent impact to the Natural Features Setback area is necessary to construct the detention basin and other site developments.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated July 27, 2018.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.

Motion for Site Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 18-008 (Breckenridge Condominiums), the Planning Commission **approves** the **site plan** based on plans dated received by the Planning Department on July 24, 2018, with the following findings and subject to the following conditions.

Findings

1. Upon compliance with the following conditions, the proposed site plan meets all applicable requirements of the zoning ordinance and one-family residential condominium standards.
2. The Planning Commission waives the ten-acre minimum site area, finding that the site cannot physically comply with this requirement.
3. Adequate utilities are available to properly serve the proposed development.
4. The site plan represents a reasonable and acceptable plan for developing the property.

Conditions

1. City Council approval of the Conditional Use.
2. City approval of all easements and recording of such easements with the Register of Deeds prior to issuance of a Land Improvement Permit.
3. Submittal and City attorney approval of the condominium documents, prior to final approval by staff.
4. Submit a landscape bond in the amount of \$83,048 plus inspection fees, prior to issuance of a Land Improvement Permit.
5. Provide payment of \$2,601 into the City's Tree Fund for street trees, prior to issuance of a Land Improvement Permit.
6. Approval of required soil erosion permit and approval from outside agencies.

Reference: Plans dated received by the Department of Planning and Development on July 24, 2018, prepared by and Nunez Design, D'anna Associates and TR Design.

Attachments: Assessing Department memo dated 4/24/18; Building Department memo dated 5/5/18; Fire Department memo dated 7/27/18; Parks & NR Department memo dated 7/26/18; DPS/Engineering Department memos dated 7/27/18 and 6/12/18; Planning Department memo dated 8/1/18; ASTI Environmental letter dated 7/27/18; EIS dated received 5/30/18; CU, WUP and TRP Notices.

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