



Department of Planning and Economic Development

Staff Report to the Planning Commission

March 15, 2013

Harvard Place PUD	
REQUESTS	Amended Final PUD Agreement Recommendation Revised Tree Removal Permit Revised Site Plan Approval Recommendation
APPLICANT	MJC Harvard LLC 46600 Romeo Plank Rd., Suite 5 Macomb, MI 48044
AGENT	Lou Chirco
LOCATION	East of John R, North of School Rd.
FILE NO.	04-037.2
PARCEL NOS.	15-24-100-009, -010, -018, -019, -028, -029, -037, -038 and -040
ZONING	R-3 One Family Residential with PUD Overlay
STAFF	Jim Breuckman, AICP, Manager of Planning

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Overview

The applicant is requesting final approval of an amended Planned Unit Development (PUD) to develop the subject site with a 168-unit apartment complex. The proposed development consists of 14 buildings with 12 units each on approximately 25.7 acres of assembled property. Each unit has a minimum area of 1,441 square feet and all units have attached two-car garages.

The plan includes a small park for the residents of this community, along with passive open space/tree preserve areas with an aggregate area of approximately 13.2 acres. The site consists of a loop road connecting John R Road and School Road, with the School Road entrance to be an emergency access until such time as School Road is paved. A center turn lane is proposed in front of the John R entrance.

The proposed PUD agreement is an amended version of the originally approved Oakville Estates PUD agreement.

The applicant received approval of the Preliminary PUD Agreement and exhibits from City Council on September 10, 2012, with conditions to be addressed prior to Final submittal. The final plan is consistent with the conceptual plan regarding road layout, design, landscaping and other proposed improvements. Please refer to August 21, 2012 Planning Commission minutes for further details.

Standards for PUD Final Site Plan and Agreement Approval

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 amended PUD contract, and the PUD contract has been reviewed and approved by the City Attorney.

PUD Contract and Final Site Plan Review Considerations

1. **PUD Contract.** The proposed PUD contract is an amended version of the approved and recorded Oakville Estates PUD contract, and retains many of the conditions of the prior plan. Two new conditions have been added:
 - a. Item 6.c, page 5 – this item contains a provision to require the alteration of the median island in Academy Drive causes material adverse ingress/egress traffic conflicts at such entrance.
 - b. Item 6.g, page 6 – this item addresses the Planning Commission’s condition of PUD concept plan approval to remedy any potential impacts on the neighboring property owner’s well at 1247 John R. Road. The new condition reads in part: “The project...shall not cause damage to or interfere with the well and water supply located at 1247 John R Road. The Developer shall be responsible for repairing or restoring the neighbor’s well or water supply or for costs associated with the neighbor connecting to the public water main, if that becomes necessary due to any such damage or interference occurring during or within one (1) year after completion of the Project’s underground development activities.”

The City Attorney has reviewed and approved the proposed revised PUD contract.

2. **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.
3. **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 1,301 regulated trees. The applicant is removing 656 regulated trees and providing equivalent tree replacement credits on-site.

The number of trees proposed to be preserved on the final site plan has been reduced compared to the concept plan, with the additional removal occurring in the vicinity of buildings 4 and 5. Final grading increased the area of impact on the existing trees, however, the applicant has taken reasonable measures to minimize the disturbance of regulated trees. Most notably, the plans now

propose a retaining wall and landscape boulders to the north and east of building 5. The change in tree preservation is summarized as follows:

Plan	Trees Preserved	Preservation Percentage
Oakville Estates	202	15.5%
Harvard Place Concept Plan	707	54.3%
Harvard Place Final Site Plan	645	49.6%

All additional trees to be removed will be replaced on-site, and the proposed tree preservation on the Harvard Place final site plan is still significantly increased compared to the originally approved Oakville Estates plan.

- 4. Wetland Use Permit.** There are two regulated wetlands on site, which have been verified by the City's Wetland Consultant. As new owner, the applicant has reapplied to MDEQ to transfer the original permit from the MDEQ in the new development name. The permit is necessary for temporary impacts to construct a six-foot by 12-foot elevated boardwalk (bridge) in the northeast corner of the site. Per ASTI, the structure would allow Wetland A to be crossed and would keep pedestrian impacts to a minimum, thereby preserving wetland functions and allowing access to the open space areas to the east of Wetland A. The previous developer received a Wetland Use Permit approval from City Council and a Part 303 permit from the MDEQ, which for City approval purposes remain valid and no new City wetland use permit is required.
- 5. Landscape Buffers.** The developer is providing buffering sufficient to meet the intent of the type B and C Buffers, and will increase shrub groupings spanning openings where deciduous trees are being planted within the buffers. As addressed by the Planning Commission, a section was added to the PUD Agreement to require perimeter landscaping around the detention pond and on the south side adjacent to the home on John R.

Summary

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. 04-037.2:

PUD Agreement Recommendation Motion

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** that City Council **approves** the Amended and Restated Final PUD Agreement, dated received February 26, 2013, 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 appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the color elevation of the buildings previously provided by the applicant to the Planning Commission.
2. All other conditions specifically listed in the Agreement shall be met, prior to final approval by Staff.

Tree Removal Permit Motion

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **grants a Revised Tree Removal Permit**, based on plans dated received by the Planning Department on February 26, 2013, 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 656 regulated trees from the site.
3. The applicant is proposing to provide 674 replacement credits on-site.
4. No payment into the City's tree Fund is required.

Conditions:

1. All tree protective fencing must be installed, inspected and approved by City Staff, prior to issuance of a Land Improvement Permit.
2. Correct the discrepancy on Sheet LA-1.0 where the proposed tree removal is listed as 721 trees, when the actual removal is 656 trees.

Site Plan Approval Recommendation Motion

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.2 (Harvard Place PUD), the Planning Commission **recommends** that City Council **approves** the **Revised Final Site Plans**, dated received February 26, 2013 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. Automobile parking areas have been designed to avoid common traffic problems and promote safety. Further, deferred parking spaces have been identified on-site for future consideration.
4. 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.
5. 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.
6. The proposed Final Plan promotes the goals and objectives of the Master Plan that the City provides a variety of housing.
7. The proposed plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. All remaining engineering issues identified in the memo dated March 11, 2013 to be addressed prior to issuance of a Land Improvement Permit.
2. All comments from Fire Department memo dated March 12, 2013 to be addressed prior to final Staff approval of the plans.
3. Provision of a performance guarantee in the amount of \$232,113.00, 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.
4. Submittal of an irrigation plan prior to final Staff approval of the plans.
5. Obtain appropriate Permit from Engineering Services for any work in the John R right-of-way, and dedicate and convey to the City a right-of-way along the John R and School Road frontages, both prior to obtaining a Land Improvement Permit.

Attachments: PUD Agreement dated received 02/26/13; Site Plans dated received 2/26/13: Cover Sheet, Sheet C1; Preliminary Site Plan, sheet C2; Boundary Survey, Sheet C3; Topographic Survey, Sheet C4; John R Road Topographic Survey, Sheet C5; School Road Topographic Survey, Sheet C6; Grading Plans, Sheets C7 and C8; Utility Plan, Sheet C9; Drainage Area Plan, Sheet C10; John R Road Striping Detail, Soil Map & Watershed Map, Sheet C11, prepared by Land Development Consulting Services, Inc.; Site Plan, Sheet SP-1.0; Zoning Plan, Sheet SP-2.0; Natural Features Plan, Sheet SP-3.0; Tree Plans, Sheets T-1.0, T-1.1, T-1.2, T-2.0, and T-2.1; Landscape Plans, Sheets LA-1.0, LA-1.1, LA-1.2; LA-1.3; LA-1.4, LA-1.5, LA-1.6 and LA-2.0, prepared by DesignTeam; Boardwalk Location & Details, prepared by Brooks Williamson and Associates; Building Elevations

DPS/Engineering memo dated 3/11/13; Fire Department memo dated 3/12/13; and Planning Commission Minutes dated 08/21/12.
