



Department of Planning and Economic Development

Staff Report to the Planning Commission

August 15, 2013

Regal Estates One Family Site Condominium

REQUEST	Preliminary One-Family Residential Site Condominium Plan Approval Tree Removal Permit
APPLICANT	Roy Rathka, Jr. 11684 Majestic Ct. Shelby Township, MI 48315
LOCATION	North of Auburn, west of John R.
FILE NO.	13-001
PARCEL NO.	15-25-352-022
ZONING	R-4 One Family Residential
STAFF	Jim Breuckman, AICP, Manager of Planning

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Summary

The Regal Estates one-family detached site condominium project is a proposed nine-unit, ranch-style development on 3.5 acres located on the southeast corner of Gravel Ridge and DeMar. Access to the site will be from DeMar, and the internal street will be stubbed until and if access to the property to the north is required. The site is zoned R-4, One-Family Development, and is surrounded by R-4 zoning. The site is master planned residential.

Development Layout

The proposed development consists of a new dead-end street (Jewell Drive). A dead end is proposed as the potential for future development on the site to the north exists, so a stub is proposed instead of a cul-de-sac. Storm drainage will be detained onsite and released to the Ireland Drain to the southeast. DeMar dead ends on the east end of the property, where an access road to the detention pond is planned.

Review Considerations

1. **Engineering/DPS.** The plans have received a conditional recommendation of approval from the City's engineering department subject to several conditions which will not impact the site layout, and which may be handled prior to final site plan approval.
2. **Tree Removal.** The Tree Conservation Ordinance applies to this development, since the land is unplatted. There are 47 regulated trees on-site, and the applicant wishes to remove and replace as many 23, resulting in a preservation percentage of 51%.
3. **Landscaping/Tree Replacement.** A landscape plan must be provided for review. Applicable requirements include the detention pond landscaping requirement, the street tree landscaping requirement, and tree replacement.
 - a. A type A landscape buffer is required around detention ponds (see Section 138-12.300). Detention pond landscaping should be clustered along the east side of the pond where possible to buffer existing houses to the east from the new pond.
 - b. The landscape plans must include all information required by Section 138-12.103 and also must comply with the requirements of Article 12 of the Zoning Ordinance.
 - c. A proposed tree planting list along with cost estimates for each proposed plant must be provided on the landscape plan.
 - d. A note must be added to the plans indicating that the proprietor shall pay the City \$200 per lot for street trees (Section 122-304.7)
 - e. Cost estimates for all proposed landscaping must be provided on the landscape plan.
 - f. Posting of landscaping bonds prior to issuance of a land improvement permit based on the landscape cost estimate.
 - g. Deposit \$1,800 with the City's Tree Fund to plant one street tree per lot.
4. **Wetland Use Permit/Natural Features Setback.** According to the City's wetland consultant the project as proposed does not require a Wetland Use Permit from the City or a Permit from the DEQ.

ASTI does recommend that any temporary Natural Features Setback impacts from construction activities associated with Lot No. 5, the proposed detention pond to the south of Lot No. 5 or the proposed drainage Level Spreader structure located within Lot No. 5 must be restored to original grade with original soils and be seeded with a City approved seed mix. ASTI also recommends that plans prohibit buildings, decks patios or other physical structures in the Natural Feature Setback area. This should be noted on the plans.
5. **Easements.** Tree protection, wetland, and natural features setback easements must be recorded with the County Register of Deeds prior to the issuance of a Land Improvement Permit.

Site Plan Summary

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. 13-001 (Regal Estates), the Planning Commission **grants a Tree Removal Permit**, based on plans dated received by the Planning Department on August 12, 2013, 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. The applicant is proposing to replace 23 regulated trees with 24 tree replacement credits, as required by the Tree Conservation Ordinance.

Conditions

1. Tree protective fencing, as reviewed and approved by the City's Landscape Architect, shall be installed prior to issuance of the Land Improvement Permit.

Motion to Recommend Preliminary Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 13-001 (Regal Estates Site Condominium), the Planning Commission **recommends that City Council approve the preliminary one-family residential detached condominium plan** based on plans dated received by the Planning Department on August 12, 2013, 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. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a Land Improvement Permit.
3. Submittal of detailed landscape plans addressing staff comments in item 3 of review considerations, above.
4. Provide landscape cost estimates for landscaping, replacement trees, and irrigation on the landscape plans.
5. Payment of \$1,800 into the tree fund for street trees prior to issuance of a Land Improvement Permit.

6. Submit of a landscape bond in an amount equal to the cost estimate for landscaping, replacement trees, and irrigation prior to issuance of a Land Improvement Permit.
7. Filing of conservation easements for all wetland, infiltration trench, and natural features setback areas prior to the issuance of a Land Improvement Permit.
8. Approval of all required permits and approvals from outside agencies.
9. Compliance with the Engineering Department memos dated June 11, 2013 (Taunt); July 3, 2013 (Boughton).
10. Temporary Natural Features Setback impacts from construction activities associated with Lot No. 5 or the proposed drainage Level Spreader structure must be restored to original grade with original soils and seeded with a City approved seed mix, prior to issuance of a Land Improvement Permit.
11. The By-Laws and recorded easement for the natural feature setback area should stipulate a prohibition of buildings, decks, patios or other physical structures.

Reference:	Plans dated received by the Department of Planning and Development on August 12, 2013 (Sheets 1-4 prepared by Fenn & Associates, Inc.
Attachments:	Assessing Department memo dated 4/25/13; Building Department memo dated 4/29/13; Fire Department memo dated 07/30/13; DPS/Engineering Department memos dated 6/11/13 and 7/3/13; Parks & Forestry memo dated 4/15/13; ASTI Environmental letter dated 4/22/13; Water Resources Commissioner letter dated 4/18/13; Water Resources Commissioner letter 4/18/13; Environmental Impact Statement dated 4/4/13; Public Hearing Notice; Tree Removal Notice.
