



Department of Planning and Economic Development

Staff Report to the Planning Commission September 13, 2013

Somerset Pines One Family Site Condominium

REQUEST	Final One-Family Residential Site Condominium Site Plan Approval Natural Features Setback Modifications
APPLICANT	MJC Somerset Pines, LLC 46600 Romeo Plank Rd., Suite 5 Macomb, MI 48044
LOCATION	North side of South Boulevard, between Adams & Crooks
FILE NO.	06-012.2
PARCEL NO.	15-32-300-007, -008, -009, and -010
ZONING	R-4 One Family Residential
STAFF	Jim Breuckman, AICP, Manager of Planning

In this Report:

Summary.....	1
Development Layout.....	1
Review Considerations	2
Motion to Approve a Natural Features Setback Modification	3
Motion to Recommend Preliminary and Final Condominium Plan Approval.....	3

Summary

The proposed Somerset Pines one-family detached site condominium project is ready for final plan review by the Planning Commission. The project was preliminarily approved as a 41-unit development but has since been expanded and now includes 42 units without changing the overall site layout. The increase in the number of units represents a substantive change and as such the plan will require a new preliminary approval, including a public hearing which was noticed to adjacent residents and in the paper as required by State Law.

The site includes four lots of the Messmore Farms Subdivision, which was platted in 1955. The site has an area of 19.2 net acres, and includes a 2.5 acre MDEQ-regulated wetland located within the open space area.

Development Layout

The development uses the lot size averaging option, which allows for a reduction in lot width to 72 feet and an average lot area requirement of 9,600 sq. ft. with no lot being less than 8,640 square feet. The layout meets the design standards of the lot size averaging option with a square-foot average of 12,642.

The site also proposes a single point of entrance via a boulevard with extensive landscaping.

Review Considerations

1. **Tree Removal.** As the site was originally platted in 1955 it is exempt from the Tree Conservation Ordinance. There are 952 regulated trees on-site of which 732 will be removed. While no replacement trees are required the applicant is proposing to provide 220 replacement credits.
2. **Landscaping/Tree Removal.** The plans comply with the landscaping and tree replacement requirements applicable to the site, subject to the following conditions:
 - a. Providing a cost estimate for irrigation and irrigation plan.
 - b. Posting of a landscaping bond in the amount of \$168,400 for landscaping plus irrigation cost prior to issuance of a land improvement permit.
 - c. Depositing \$8,400 with the City's tree fund to plant one street tree per lot.
3. **Natural Features.**
 - a. The proposed site layout requires a natural features setback modification for lots 22, 23, 24, and 25. The City's environmental consultant recommended that the natural features setback be modified because wetland B is not a high quality wetland. However, a revised natural features setback modification is being requested by Staff because the addition of the one lot changed the lot numbers affected.
 - b. The plans must note that silt fencing will be installed along the natural features setback line on lots 14, 15 and 16 and between wetland B and the infiltration trench on lots 22-25.
 - c. Conservation easements must be provided for wetlands, natural features setback areas, and the infiltration trenches prior to a land improvement permit being granted.
4. **Condominium Documents.** The applicant has submitted the proposed Master Deed and Bylaws for Staff and City Attorney review and approval.
5. **Engineering/DPS.** The plans have received a recommendation of approval from the City's engineering department, subject to procedural conditions (i.e. easements, permits, etc.). Engineering has no issues with the development layout or utility design.
6. **Fire Review.** Fire has several outstanding comments, and so fire department approval of the plans will be required prior to staff approving and stamping the final site plan. The Fire Department's comments will not impact the layout of the plan, and if any changes must be made as a result of their comments it is expected that those changes will require only minor adjustments to the plan.

Site Plan Summary

Section 122-368 of the Code of Ordinances requires that approval of a final one-family detached site condominium plan shall include all the information required in the approved preliminary plan and shall also be based upon compliance with the applicable sections and regulations of the Land Division article of the Code of Ordinances, obtaining state and county agency approvals, including utilities, water supply, sewage disposal, drainage, wetlands and roads, and submission of a Master Deed and Bylaws. 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 Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 06-012.2(Somerset Pines Site Condominium), the Planning Commission **grants a natural features setback modifications** for the rear of lots 22, 23, 24 and 25 for direct and permanent impacts as a result of a proposed rain garden/infiltration trench and for direct and permanent impacts as a result of the construction of the storm water energy dissipater, with the following findings and conditions:

Findings

1. The wetland associated with the natural features setback area at the rear of lots 22-25 is of low quality.
2. The construction of the storm water energy dissipater qualifies for an exemption to the natural features setback according to the City's wetland consultant.

Conditions

1. Provide silt fencing along the natural features setback line on lots 14, 15 and 16 and between wetland B and the infiltration trench on lots 22-25.

Motion to Recommend Preliminary and Final Condominium Plan Approval

MOTION by _____, seconded by _____, in the matter of City File No. 06-012.2 (Somerset Pines Site Condominium), the Planning Commission **recommends that City Council approve the preliminary and final one-family residential detached condominium plan** based on plans dated received by the Planning Department on August 6, 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 and final plan represents a reasonable and acceptable plan for developing the property.
4. The preliminary and final plan are in conformance with the preliminary plan approved by City Council on July 16, 2012, with the difference being the addition of one lot. The street and development layout have not otherwise changed.

Conditions

1. City approval of all easements and agreements and recording of such easements with the Register of Deeds prior to issuance of a land improvement permit.
2. City Attorney approval of the condominium documents.
3. Inspection and approval of tree protection and silt fencing by the City prior to issuance of a land improvement permit.
4. Provide cost estimate and irrigation plan for staff review prior to final site plan approval.
5. Payment of \$8,400 into the tree fund for street trees prior to issuance of a land improvement permit.
6. Submit a landscape bond of \$168,400 for landscaping and replacement trees, as adjusted as necessary with the inclusion of the irrigation plan, 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 required soil erosion permit and approval from outside agencies (RCOC).
9. Compliance with the Fire Department memo dated August 14, 2013 and Engineering Department memo dated September 12, 2013.

Reference: Plans dated received by the Department of Planning and Development on August 6, 2013 (Sheets 1-10 prepared by Fenn & Associates, Inc.; Landscape Plans, Sheets L-1 thru L-4, dated/ revised August 5, 2013 prepared by James C. Scott & Associates).

Attachments: Assessing Department memo dated 9/11/13 Building Department memo dated 8/26/13; Fire Department memo dated 08/14/13; DPS/Engineering Department memo dated 9/12/13; ASTI Environmental letter dated 5/31/12; Planning Commission Minutes dated 6/26/12 and 7/16/13; and Public Hearing Notice.
