



One-Family Residential Detached Condominium Final Plan Recommendation	
REQUEST	Recommendation for Approval of a One-Family Residential Detached Condominium Final Plan (aka Site Condo Plan)
APPLICANT	Roy Rathka 11684 Majestic Ct. Shelby Township, MI 48315
LOCATION	North of Auburn, East of John R
FILE NO.	13-001
PARCEL NO.	15-25-352-022
ZONING	R-4, One-Family Residential
STAFF	Ed Anzek, AICP, Director

Summary

The proposed Regal Estates one-family detached site condominium project is ready for Final Plan review by the Planning Commission. The applicant appeared before the Planning Commission on August 20, 2013 and received a Recommendation of the Preliminary Site Condo Plan for a nine-unit development and approval of a Tree Removal Permit. City Council subsequently approved the Preliminary Site Condo Plan on September 16, 2013.

The 3.5 acre subject site, located north of Auburn and East of John R (east of Gravel Ridge) is zoned R-4, One Family Residential zoning district. One-family detached dwellings are permitted by right in the R-4 district per the City's Zoning Ordinance and the One-Family Detached Site Condo Ordinance. The parcel is surrounded by R-4 zoning and developed with homes. Access for eight homes fronting an internal stub street called Jewell will be from DeMar, and one home will front DeMar. DeMar dead ends on the east end of the property, where an access road to the detention pond is planned. A Sidewalk Waiver will be requested from City Council after the Final Plan Recommendation.

Specific action requested for consideration by the Planning Commission is a recommendation to the City Council for Approval of the Final Site Condominium Plan.

Review Considerations

Engineering/DPS. The construction plans have received a conditional recommendation of approval from the City's Engineering Department subject to the applicant obtaining a land division for a portion of the parcel at the northwest corner and providing an MDEQ Sanitary Sewer Permit. This land will not be a part of the development, and the applicant is selling it to the property owner to the north.

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 MDEQ.

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.

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.

- 1) 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.
- 2) 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.
- 3) 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)
- 4) Cost estimates for all proposed landscaping must be provided on the landscape plan.
- 5) Posting of landscaping bonds prior to issuance of a land improvement permit based on the landscape cost estimate.
- 6) Deposit \$1,800 with the City's Tree Fund to plant one street tree per lot.

Condominium Documents. The applicant has submitted the proposed Master Deed and Bylaws for Staff and City Attorney review and approval.

Planning

The Planning and Economic Development Department recommends that the City's Planning Commission recommends approval of the Final Site Condominium Plan subject to conditions.

DPS/Engineering

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.

Fire Department

The Fire Department recommends approval.

Building Department

The applicant is requested to comply with the Building Department memo dated August 19, 2014 prior to issuance of a building permit.

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. Below is a motion for consideration:

MOTION by _____, seconded by _____, in the matter of City File No. 13-001 (Regal Estates), the Planning Commission recommends that City Council **grants Approval** of the **Final Site Condominium Plan**, based on plans dated received by the Planning Department on August 13, 2014, 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 final plan represents a reasonable and acceptable plan for developing the property.
4. The final plan is in conformance with the preliminary plan approved by City Council on September 16, 2013.

Conditions

1. Engineering approval of all permits and agreements 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 landscape and irrigation plans and cost estimates for staff review and to determine the bond amount that must be posted prior to issuance of a land improvement permit.
5. Payment of \$1,800 into the 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 (RCOC), prior to issuance of a land improvement permit.
7. Compliance with the Building Department memo dated August 19, 2014 and Engineering Department memo dated August 27, 2014.
8. That the applicant obtains a Sidewalk Waiver for DeMar from City Council.

Reference: Final Site Condo Plan dated received by the Planning Department 8/13/14: Sheets 1-6, prepared by Fenn & Associates, Inc.
Attachments: Building Dept. memo dated 8/19/14; Fire Dept. memo dated 8/27/14; DPS/Engineering memo dated 8/27/14; ASTI Environmental letter dated 8/26/14.

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