



Department of Planning and Economic Development

Staff Report to the Planning Commission

October 16, 2015

Harvard Place Apartments PUD Amendment

REQUEST	Amended PUD Site Plan Approval or Amended PUD Agreement Recommendation and Amended PUD Site Plan Recommendation
APPLICANT	MJC Harvard Place, LLC 46600 Romeo Plank, Suite 5 Macomb, MI 48044
AGENT	Lou Chirco
LOCATION	East of John R, north of School Rd.
FILE NO.	04-037.3
PARCEL NOS.	15-24-100-009, -010, -018, -019, -028, -029, -037, -038, -040
ZONING	R-3 One Family Residential with PUD Overlay
STAFF	Sara Roediger, AICP, Manager of Planning

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Overview

The applicant is proposing to amend the approved Planned Unit Development (PUD) to construct an in-ground swimming pool with cement deck and pool house in place of the jungle gym at Harvard Place Apartments, a 168-unit development located east of John R and north of School Rd. The rental office would be expanded to include bathrooms and storage and maintenance requirements as governed by the State of Michigan to operate a pool and house its maintenance equipment. The applicant approached the City and indicated that based on other similar projects, residents have indicated a desire to have pool facilities, and would like to add one to this project. The site is currently being graded for construction.

The City Council approved the subject site as a PUD Overlay in April of 2007. The applicants appeared before the Planning Commission and City Council in March and April of 2013 for recommendation and approval of a first amendment to the PUD, which changed the ownership of the development from Oakville Estates, LLC and changed the layout from one-story condos to apartments. The First Amended PUD document is included.

PUD Amendment Review Process

Amendments to an approved PUD plan are reviewed by the Planning Commission, and if the modifications are determined to be material in nature, shall be approved by the City Council in accordance with the procedures applicable to the final approval of the PUD. According to *Section 138-7.108*, “*The Planning Commission shall determine whether the proposed modification is minor in nature and does not violate the area and density requirements or materially affect the overall character of the PUD plan. In such case, the Planning Commission may approve or deny the proposed amendment. If the Planning Commission determines the proposed amendment is material in nature, the amendment must be reviewed by the Planning Commission and approved by City Council in accordance with the procedures applicable to final approval of the Planned Unit Development.*”

Because the proposed modifications do not affect the area or density requirements or materially affect the overall character of the PUD plan, staff suggests that the Planning Commission determine that the proposed changes are minor in nature and can review and approve the amended site plan; a part of the PUD Agreement. If the Planning Commission determines this change is minor in nature, than the PUD Agreement amendment is unnecessary and only the Exhibit document is approved by the Planning Commission. Review and approval by the City Council would then not be necessary.

Amended PUD Site Plan Review Considerations

The applicant feels that a pool would be a desirable amenity to the community and has had several conversations with staff. The changes will not cause additional stormwater requirements. Planning and Engineering staff were the reviewers for the proposed area changes.

1. **Site Layout.** The proposed project is going in the same area as the planned office and playset; the office is being enlarged to house bathrooms and storage and a pool is proposed rather than a playset. The subject size of the area is the same as approved in the PUD Agreement, and is therefore in compliance with the approved PUD Plan.
2. **Building Design.** The proposed building elevations will be predominately brick and are consistent with the approved PUD agreement and site plan, and they meet the intent of the Architectural Design Standards.

Summary

As part of the technical review for this project, the plans and supplemental documentation only needed review by two city departments. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees that the development will be harmonious and compatible with surrounding development, staff recommends approval of the following motion relative to City File No. 04-037.3, subject to any changes or conditions recommended by the Planning Commission.

Amended PUD Site Plan Approval Motion *(if Planning Commission determines minor)*

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.3(Harvard Place Apartments PUD), the Planning Commission **approves** the **Amended PUD Site Plan**, dated received September 21, 2015 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 the pool are will be safe and convenient for pedestrians coming and going to the site.
3. 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.
4. 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.
5. The proposed amended site plan further promotes the goals and objectives of the Master Plan by offering a variety of housing.

Conditions

1. Address comments from the City's Engineering Department, prior to final construction plan approval.

Amended PUD Agreement Review Considerations

(if Planning Commission determines significant or "material in nature")

The First Amended PUD allowed an office and playset in the subject area, and the Second Amendment proposes an in-ground pool and pool house instead. Following is a summary of the requested changes to the PUD agreement:

1. **Recitals B.** This section would eliminate the playset and replace it with an in-ground pool and cement deck and allow enlargement of the rental office for bathrooms, storage and maintenance equipment.

The City Attorney has reviewed and approved the legal form of the proposed revised PUD Agreement.

Amended PUD Agreement Recommendation Motion

(if Planning Commission determines significant or "material in nature")

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.3 (Harvard Place Apartments PUD), the Planning Commission **recommends approval to City Council** the Second Amendment to the PUD Agreement, dated received September 21, 2015, with the following findings and conditions.

Findings

1. The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.
2. The proposed amended PUD agreement is consistent with the approved Final PUD plan.

3. The amended PUD agreement will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed amended PUD agreement 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 agreement provides for an appropriate transition between the subject site and existing land uses to the north of the property.

Conditions

Insert any applicable conditions.

Amended PUD Site Plan Recommendation Motion

(if Planning Commission determines significant or "material in nature")

MOTION by _____, seconded by _____, in the matter of City File No. 04-037.3(Harvard Place Apartments PUD), the Planning Commission **recommends that City Council approves the Amended Site Plan**, dated received September 21, 2015 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 the pool are will be safe and convenient for pedestrians coming and going to the site.
3. 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.
4. 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.
5. The proposed amended site plan further promotes the goals and objectives of the Master Plan by offering a variety of housing.

Conditions

6. Address comments from the City's Engineering Department, prior to final construction plan approval.

Attachments: Seconded Amendment to the PUD, dated received 9/21/15; PUD Site Plans dated received 09/21/15; Preliminary Site Plan, Sheet C2, prepared by Land Development Consulting Services, Inc.; Pool House, Floor plans (Exhibit B), prepared by TR Design; Planning memo dated 10/1/15; DPS/Engineering memo dated 10/1/15; First Amendment to the PUD; PHN.
