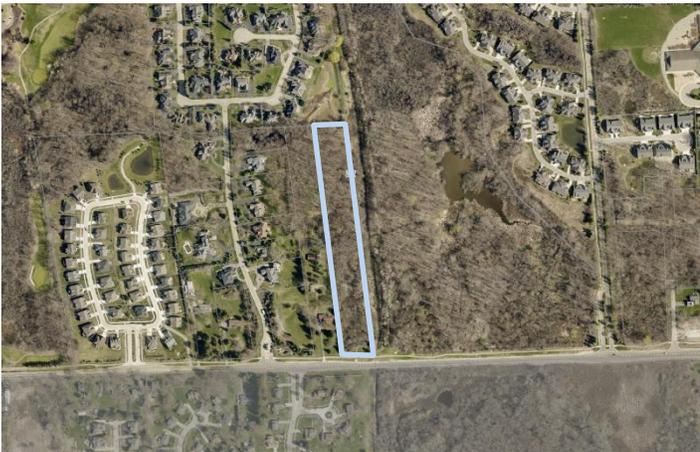


**South Oaks Condominiums**

<b>REQUESTS</b>	Preliminary Site Condo Plan Recommendation, Tree Removal Permit, Wetland Use Permit, Natural Features Setback Modification
<b>APPLICANT</b>	South Oaks, LLC 14496 North Sheldon, Suite 230 Plymouth, MI 48170
<b>LOCATION</b>	Vacant property (15-32-376-078) South Blvd., north side of South Blvd. between Coolidge and Crooks
<b>FILE NO.</b>	JRMFD2022-0022, PSP2022-0014, PTP2023-0004
<b>PARCEL NOS.</b>	15-32-376-078
<b>ZONING</b>	R-4 One Family Residential
<b>STAFF</b>	Chris McLeod, AICP, Planning Manager

**Summary**

The applicant is proposing to develop a 9-unit detached single family condominium development on approximately 4.84 acres located on the north side of South Blvd., between Coolidge and Crooks Roads. The site is zoned R-4 One Family Residential District and is surrounded by other single family developed properties to the south, west and north, while the property to the east is largely undeveloped.



The applicant is utilizing the City’s lot width averaging provisions located in *Section 138-5.200*, which allows for lot widths to be modified, provided the average lot width of all lots is not less than the width required for the district (the R-4 One Family Residential District). The average lot sizes within the development will be 90.03 feet in width and 10,260 square feet. The minimum lot size in the R-4 One Family District is 80 feet in width and 9,600 square feet in area.

Several comments remain from the administrative staff review that should not alter the overall layout of the plan and can be addressed during final site condominium review. This includes additional clarification on grade issues at the entrance and the need for EGLE review of wetlands.

## Review Process

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The site condominium development process includes a number of reviews at Administrative, Planning Commission and City Council levels. The Preliminary Site Condominium review process requires review and approval by the Planning Commission and City Council. Once achieved, Final Site Condominium review also requires Planning Commission and City Council review and approval. After Final Site Condominium review full engineering and construction plans are reviewed administratively.

## Updated Information

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At the February 2023 Planning Commission included a request for additional information in regards to the overall development. This included tree preservation onsite, tree replanting requirements onsite, additional review/clarification of wetland impacts, the need for additional architectural variation, an updated EIS document, the need for a meeting with abutting landowners, and the ownership/living arrangements of residents within the homes to be clarified.

Since the February Planning Commission meeting, the applicant has provided revised landscaped plans that have been reviewed and approved by the City's Natural Resources Department. The revised landscape plans provide for upsized (12' vs. 8') evergreen trees, primarily along the west side of the development. The applicant and Natural Resources Department worked to determine appropriate ratios of replacement tree requirements vs. proposed planting sizes that were permissible based on Ordinance requirements.

The applicant has provided different architectural drawings depicting two different base home designs and several different architectural variations of each of the base designs.

In regard to home ownership and overall living arrangements, the City Attorney's Office has reviewed the item with the applicant's legal counsel and relevant State Statutes and has determined that the physical living arrangements being proposed as a part of the development do constitute a single family living unit and therefore comply with the requirements of the City's one family residential districts.

Finally, as a part of the motion to postpone action, the Planning Commission required the developer to hold a meeting with the impacted residents. The meeting for the proposed South Oaks development took place on March 6, 2023. Based on the attendance sheet provided it appears 22 residents attended the meeting.

## Tree Removal Permit

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The applicant has provided a tree survey that indicates a total of 326 trees onsite initially qualified as regulated trees. Of those a total of 70 trees were located within defined building envelopes or were of poor quality, therefore were exempt from calculations. Of the remaining 256 qualified regulated trees, a total of 105 are proposed to be saved during development. In addition a total of 85 specimen trees are proposed to be removed, while 41 are proposed to be saved. Based on City requirements and the number of trees proposed to be removed, a total of 116 replacement trees and an additional 1,360 caliper inches, are required for the site. The applicant is proposing to plant 191 replacement trees and pay the equivalent of 570 trees into the City's tree fund.

## Wetland Use Permit and Natural Features Setback Modification

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The applicant is proposing to fill and/or modify three different wetland areas on site and the plans were reviewed by the city's environmental consultant, ASTI. ASTI verified the wetland delineation submitted by the applicant and assessed the quality of the wetlands affected. Wetland E, located towards the front of the site, is

approximately 5,845 square feet in area and is proposed to be filled in its entirety. The natural features buffer associated with Wetland E would also be largely removed, totaling approximately 398 linear feet.

Wetland Area C, the largest of the onsite wetlands, totals approximately 11,576 square feet with a proposed disruption of approximately 4,772 square feet. The natural features reduction associated with the proposed wetland disruption is approximately 330 linear feet.

Wetland B, which is located at the rear of the site, is approximately 1,860 square feet in area and the applicant is requesting to fill approximately 1,536 square feet of the total area. The associated natural features buffer for Wetland B would also be removed, totaling approximately 155 linear feet.

Wetland	Total Wetland Area	Total Wetland Area Impacted	Total Natural Feature Impact
Wetland E	5,855 sq. ft.	5,845 sq. ft.	398 linear ft.
Wetland C	11, 576 sq. ft.	4,772 sq. ft.	330 linear ft.
Wetland B	1,860 sq. ft.	1,536 sq. ft.	155 linear ft.
Total	19,291 sq. ft. (0.44 acre)	12,153 sq. ft. (0.28 acre)	883 linear ft.

The total wetland disturbance is proposed to be 12,153 square feet of the total 19,281 square feet of wetland identified onsite. In addition, the natural features modification proposed is approximately 883 feet, this is largely based on the near complete filling of wetland areas “B” and “E”. ASTI’s review indicates that Wetlands B and E are considered to be of low ecological quality and function and should not be considered a valuable natural resource by the city; and Wetland C is considered to be of medium-high ecological quality. ASTI noted that a Wetland Use Permit is required and that onsite wetlands are likely regulated by Michigan Department of Environmental, Great Lakes and Energy (EGLE). Further, ASTI recommends the impacts to Wetlands B and E be allowed since they are small and of low ecological quality and function. ASTI recommends that the proposed impacts to Wetland C be allowed since they are taking measures to minimize impacts and the impacts are necessary to allow for prudent engineering design for accessing the northern portion of the site.

## Other Modifications Requested

The applicant as a part of the plan review process has requested a Planning Commission modification to allow a sidewalk on only one side of Rouge Ct. The sidewalk has been relocated on the east side of the street, which will now be on the same side as the homes, after discussion with the Planning Commission. The west side of the road will now be dedicated for planting area. Modifications of the sidewalk requirement along a local roadway are provided for in *Section 138-2.205* (Engineering Requirements) of the Zoning Ordinance. The site condominium, as currently proposed, only has home sites on the east side of the road; no home sites will be located on the west side of Rouge Ct. With the limited number of home sites and with home sites only on one side of the roadway, the need for sidewalks on both sides of the roadway is likely reduced.

## Staff Recommendations

Department	Comments & Waivers/Modifications	Recommendation
Planning	Planning Commission modification requested for sidewalks on one side of street.	Approval
Engineering	Comments noted on site plan to be handled at construction plan review	Approval
Fire	No Comment	Approval

Department	Comments & Waivers/Modifications	Recommendation
Building	No Comment	Approval
Forestry	No Comment	Approval
Assessing	No Comment	Approval
Traffic	Requirement to show grade compliance for ADA accessibility, and provide approach and spillway details as noted,	Denial

## Motion for Preliminary Site Condominium Plan Recommendation

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. PSP2022-0014 South Oaks Condominium, the Planning Commission **recommends approval of the Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on March 16, 2023 and supplemented with an updated sheet 6 dated April 7, 2023 and updated landscape plans received April 10, 2023, with the following findings and subject to the following 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 proposed project will be accessed from South Blvd., thereby promoting safety and convenience of vehicular traffic both within the site and on the adjoining street.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable street and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
6. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
7. The requested modification for sidewalks to be located solely on the east side of Rouge Ct. is warranted due to the limited number of home sites and the home being located only on one side of the street, the same as the revised sidewalk location.

### Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final site condominium approval.
2. Provide a landscape bond in the amount of \$108,150, plus the cost of the additional noted storm water basin plantings, inspection fees, etc. as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

## Motion to Recommend a Wetland Use Permit

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File PSP2022-

0014 (South Oaks Site Condominium) the Planning Commission **recommends to City Council** approval of a **Wetland Use Permit** to permanently impact approximately 0.28 acres of wetland to construct the building lots for single family units, private roadway, and the associated retaining walls based on plans dated received by the Planning Department on March 16, 2023 and supplemented with an updated sheet 6 dated April 7, 2023 and updated landscape plans received April 10, 2023, with the following findings and subject to the following conditions.

### **Findings**

1. Of the 0.44 acre of wetland area on site, the applicant is proposing to impact approximately 0.28 acres.
2. ASTI recommends approval of impacts to wetlands B and E since they are of low ecological quality and are not a vital natural resource to the city, and impacts to wetland C be allowed since they are taking measures to minimize impacts and the impacts are necessary to allow for prudent engineering design for accessing the northern portion of the site, as outlined in their report dated April 11, 2023.

### **Conditions**

1. City Council approval of the Wetland Use Permit.
2. That the applicant receives an EGLE Part 303 Permit (as applicable) prior to issuance of a Land Improvement Permit.
3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible, and the applicant must implement best management practices, prior to final approval by staff.
5. The applicant abide by all conditions and recommendations as outlined in ASTI's review letter of April 11, 2023.

## **Motion to Approve Natural Features Modification**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. PSP2022-0014 South Oaks Site Condominium, the Planning Commission **grants a natural features setback modification** for 735 linear feet of permanent impacts to three different natural features identified on the site plans to construct the proposed private road, to provide the building area for single family residential units, and associated development infrastructure, based on plans dated received by the Planning Department on March 16, 2023 and supplemented with an updated sheet 6 dated April 7, 2023 and updated landscape plans received April 10, 2023, with the following findings and conditions:

### **Findings**

1. The impact to the Natural Features Setback area is necessary for construction activities related to the proposed development.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback

per the ASTI Environmental letter dated April 11, 2023, which also states that the areas are generally of low ecological quality and function and offer little buffer quality.

### **Conditions**

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.

## **Motion to Approve a Tree Removal Permit**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PSP2022-0014 (South Oaks Site Condominium) the Planning Commission **grants a Tree Removal Permit (PTP2023-0004)**, based on plans received by the Planning Department on March 16, 2023 and supplemented with an updated sheet 6 dated April 7, 2023 and updated landscape plans received April 10, 2023, with the following findings and subject to the following conditions:

### ***Findings***

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
2. The applicant is proposing to remove 136 regulated trees and 85 specimen trees, and provide 191 replacement trees with the remaining balance of replacement tree credits to be paid into the City Tree Fund.
3. The applicant has increased the size of plantings in certain areas of the site to reduce the number of trees being paid into the City's tree fund and to provide additional plantings and screening onsite above and beyond ordinance requirements.

### ***Conditions***

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the remaining 570 replacement trees required.