



Department of Planning and Economic Development

Staff Report to the Planning Commission

June 17, 2014

Sanctuary at Rivers Edge PUD	
REQUEST	PUD Concept Plan Recommendation
APPLICANT	William E. Mosher IV, Agent MJ Ridgepointe, LLC 49587 Compass Pte. Chesterfield Township, MI 48047
LOCATION	North of Avon, East of Livernois, South of Harding
FILE NO.	14-008
PARCEL NO.	15-15-403-010
ZONING	RCD, One-Family Cluster
STAFF	Ed Anzek, AICP, Director

In this Report:

Overview	1
PUD Review Process.....	2
PUD Qualification Criteria	3
PUD Concept Plan Recommendation Motion.....	4

Overview

The applicant is proposing a 20-unit Planned Unit Development (PUD) on a 6.19-acre site located north of Avon, east of Livernois and south of Harding. The site abuts the Clinton River Trail to the south; vacant, City-owned property and one home to the west, three homes to the north and one home on 2.6 acres to the east. The site, and those to the east and west are zoned RCD, One Family Cluster. The properties to the north and south are zoned R-4, One Family Residential. The proposed 20 units represent a net density of 3.25 units per acre. There are .21 acres of State and City regulated wetlands, which the applicant is requesting to fill. In addition to abutting open space, open space is provided in various areas of the development for a total of 1.54 acres. The applicant was before the Planning Commission on February 25, 2014 for a discussion. Please refer to those Minutes for details of the discussion.

The applicant is proposing 2,500 to 4,500 square-foot homes with minimum rear yard setbacks of 30'; minimum front yard setbacks of 20'; and 15' minimum side yards. The majority of front yard widths are proposed at 60 feet. A private road cul-de-sac of 28 feet (50' ROW) with 5-foot sidewalks is also proposed. If a sidewalk (not shown) is not proposed for the south side of Helmand, a Sidewalk Waiver from City Council will be required at Final PUD Review.

PUD Review Process

Process Overview

The PUD review process consists of a two step process:

1. **Concept Plan.** The PUD concept plan is intended to show the location of site improvements, buildings, utilities, and landscaping with a level of detail sufficient to convey the overall layout and impact of the development. The PUD concept plan is not intended to demonstrate compliance with all ordinance requirements, but rather is intended to establish the overall layout of the development, including the maximum number of units which may be developed.
2. **Site Plan/PUD Agreement/Tree Removal Permit/Wetland Permit.** The second step in the process is to develop full site plans based on the approved PUD concept plan. At this time the plans are reviewed for compliance with all City ordinance requirements, the same as any site plan.

Past PUD Practice

In the past, some applicants for PUDs have developed detailed plans and begun the site plan review process prior to seeking PUD concept plan approval. This provides greater certainty to the applicant that their proposed development will meet City ordinance requirements, but also entails greater cost and uncertainty, as the applicant must sink more money into developing plans without assurance that the overall layout is acceptable to the Planning Commission and City Council. Providing more detailed plans is at the applicant's option.¹

In this case, the applicant has chosen to seek PUD concept plan approval before submitting for technical review against ordinance standards. This is how the PUD ordinance anticipates the PUD review process to proceed. The risk to the applicant in this instance is that technical ordinance review may require changes to the site layout. If those changes maintain or reduce the density or impact of the development while remaining consistent with the approved PUD concept plan, the plan can continue through the review process to site plan and PUD agreement approval.

On the other hand, if changes are required during the review process that renders the plan no longer in conformance with the PUD concept plan, the process must start over with a new PUD concept plan approval. Thus, by waiting to submit full site plans for technical ordinance review until step 2 in the PUD process the applicant benefits from a City decision that the layout is acceptable, but also accepts the risk that the plans will comply with technical ordinance requirements.

Proposed PUD Concept Plan

In this case, the applicant has completed some of the work necessary for site plan approval and has had preliminary discussions with some City departments, so there is some degree of confidence that the layout will meet the various ordinance requirements. However, the applicant has not yet submitted for formal technical review of the site plans to all departments.

As such, the Planning Commission and City Council should only be evaluating the major elements of the development such as density, layout, and building design with the understanding that the details will be reviewed during step 2 of the process, with the burden being on the applicant to maintain compliance with the overall layout and density approved with the PUD Concept plan.

¹ It should be noted that the City's PUD ordinance was updated about 5 years ago to require less information up front. In the past, detailed site plans were required early in the PUD process.

PUD Qualification Criteria

Section 138-7.102 sets forth the criteria that a prospective PUD must meet. Each one of the criterion are listed below, along with staff comments on the proposed PUD's compliance with each.

1. *The PUD option shall not be used for the sole purpose of avoiding applicable requirements of this ordinance. The proposed activity, building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.*

The proposed PUD includes single-family homes ranging from 2,500 square feet to 4,500 square feet. The current zoning is RCD, One Family Cluster. If the site were developed under this zoning, attached units could be proposed, and the applicant could get as many as 30 homes. Since the location is close to Rochester, a PUD is being proposed to allow smaller front yard widths, which is more consistent with the neighborhood to the north in Rochester, and a private road width as has been used for other low volume developments is proposed to maximize the development opportunity and take advantage of the natural features.

2. *The PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.*

If the site was developed under RCD, the applicant could propose attached housing with a higher density.

3. *The PUD option may be used only when the proposed land use will not materially add service and facility loads beyond those contemplated in the master land use plan. The applicant must demonstrate to the satisfaction of the City that the added loads will be accommodated or mitigated by the applicant as part of the PUD.*

The proposed gross density is less than typical densities achieved in attached residential developments in the RCD district.

It is unlikely that the number of units proposed will materially impact service or facility loads above those anticipated by the Master Land Use Plan, but the Planning Commission and City Council must determine if the proposed quality of the development is consistent with planned new development for area.

4. *The PUD shall meet as many of the following objectives as may be deemed appropriate by the City:*
 - a. *To preserve, dedicate or set aside open space or natural features due to their exceptional characteristics or their environmental or ecological significance in order to provide a permanent transition or buffer between land uses, or to require open space or other desirable features of a site beyond what is otherwise required in this ordinance.*
 - b. *To guarantee the provision of a public improvement that would not otherwise be required to further the public health, safety or welfare, protect existing uses or potential future uses in the vicinity of the proposed development from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.*
 - c. *To promote the goals and objectives of the Master Land Use Plan and other applicable long range plans such as the Master Thoroughfare Plan.*
 - d. *To facilitate development consistent with the Regional Employment Center goals, objectives, and design standards in the City's Master Land Use Plan.*
 - e. *To preserve and appropriately redevelop unique or historic sites.*

- f. To permanently establish land use patterns that are compatible with or will protect existing or planned uses.
- g. To provide alternative uses for parcels that can provide transition or buffers to residential areas and to encourage redevelopment of sites where an orderly transition or change of use is desirable.
- h. To enhance the aesthetic appearance of the City through quality building design and site development.

The plan is not required to comply with all of the items listed in criterion 4. It is up to the judgment of the Planning Commission and City Council to determine if the proposed development provides some benefit that would not otherwise be realized. In this instance, it may be the development of an otherwise difficult parcel to develop, the high quality of the proposed architecture, or another factor.

PUD Concept Plan Recommendation Motion

Should the Planning Commission find that the proposed PUD concept plan meets the qualifying criteria for a PUD, staff offers the following motion to recommend approval to the City Council.

MOTION by _____, seconded by _____, in the matter of 14-008 (Sanctuary at Rivers Edge PUD), the Planning Commission **recommends** that **City Council approve** the PUD Concept plans dated received May 16, 2014, with the following findings and subject to the following conditions.

Findings

1. The proposed PUD Concept plan meets the criteria for use of the Planned Unit Development option.
2. The proposed PUD Concept plan meets the submittal requirements for a PUD concept plan.
3. The proposed development should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.
2. The site plans, including but not limited to landscaping, engineering, tree removal and wetland use/buffer modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.
3. The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.
4. Recommendation by the Planning Commission and approval by City Council of a Wetland Use Permit and submittal of an MDEQ Wetland Permit at Final PUD review, with the plans to address comments from ASTI's letter dated June 2, 2014.
5. Approval of a Tree Removal Permit by Planning Commission at Final PUD review.

6. Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.
7. Obtain a Sidewalk Waiver from City Council for the south side of Helmand at Final PUD Review.
8. Address comments from the Engineering memo dated June 10, 2014 applicable to Final PUD submittal, including obtaining a Steep Slope and Flood Plain determination and from the Fire Department memo dated June 12, 2014 .
9. Submittal of an Environmental Impact Statement with Final PUD review.

Attachments: PUD Conceptual Site Plans dated received 5/16/14: Cover Sheet, Sheet SP 1.0; Site Plan, Sheet SP 1.1; RCD Test Plan Concept, Sheet SP 1.2; Existing Conditions, Sheet SP 1.3; Woodland Analysis, Sheet SP 1.4; Tree Survey, Sheet SP 1.5; Tree List, Sheet SP 1.6; Preliminary Engineering & Water Infiltration Plan, Sheet SP 1.7; Landscape Concept Plan, Sheet LA 1.0; Site Section, Sheet LA 1.1; Entrance Concept Plan, Sheet LA 1.2; Specifications & Details, Sheet LA 2.0, prepared by Design Team +; Architectural Concept Elevations, Sheet A-1, prepared by The Residential Design Group.

Fire Department memo dated 6/12/14; Engineering Services memo dated 6/10/14, ASTI
Environmental Letter dated 6/2/14; Planning Commission Minutes dated 2/25/14; Public Hearing
Notice
