

**CITY OF DEXTER
PLANNING COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 6, 2016**

I. CALL TO ORDER AND ROLL CALL:

The meeting was called to order at 7:08 PM at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski - ab
Jack Donaldson -ab
James Smith

Thomas Phillips -ab
Alison Heatley
Scott Stewart

Jim Carty
Marni Schmid -ab
Tom Stoner

Also present: Michelle Aniol, Community Development Manager; Carol Jones, Interim City Clerk; Laura Kreps, Carlisle Wortman; and Sara Pizzo and Yuchen Ding, Planning Interns.

Motion Carty; support Stewart to nominate Alison Heatley to chair the September 6 Meeting in the absence of the Chairman, Vice-Chair and Secretary.

Unanimous voice vote approval with Commissioners Donaldson, Kowalski, Phillips and Schmid absent.

II. APPROVAL OF THE MINUTES

1. Regular Meeting minutes – July 5, 2016
2. Special Meeting minutes – July 19, 2016

Motion Smith; support Stoner to approve the minutes of the Regular Meeting minutes of July 5, 2016 and the Special Meeting minutes of July 19, 2016 as presented.

Unanimous voice vote approval with Commissioners Donaldson, Kowalski, Phillips and Schmid absent.

III. APPROVAL OF THE AGENDA

Motion Smith; support Carty to approve the agenda with the addition of Discussion Item 9-B under New Business, Discussion of Building Heights in the Downtown.

Unanimous voice vote approval with Commissioners Donaldson, Kowalski, Phillips and Schmid absent.

IV. PUBLIC HEARING(S)

A. NONE

V. PRE-ARRANGED PARTICIPATION

Sara Pizzo and Yuchen Ding – Planning Interns

The interns have been working on the First Street Park Project and gave their report on their progress to date. They gave an overview of the park and reviewed safety issues from a discussion with Washtenaw County Sheriff Deputy Fox, a report from the Dexter Ringers and a report from the Parks & Recreation Commission. The interns listed their recommendations for improvements to First Street Park. Discussion followed.

VI. REPORTS

A. Chairman Report – Matt Kowalski

None

B. Planning Commissioners and Council Ex-Officio Reports

Commissioner Smith:

- City Council did have a discussion about sidewalks and the intent of the sidewalk ordinance on new builds in old town Dexter. Discussion followed.
- City Council will meet at 6 PM on September 12 with Scio Township and Jim Haeussler of Peters Building to discuss the property at the edge of the City. Discussion followed.

C. Community Development Office Reports – Michelle Aniol

Ms. Aniol submits her report as per packer. Ms. Aniol gave the following updates and answered questions:

- Highlighted the Visual Primer for Social Impact Design included in the packet.
- Comment from Commissioner Smith – The property at the corner of Hudson and Forest is now listed For Sale by Owner.
- Question – What about the Strawberry Alarm Clock? (The Special Use for the property expired on July 25 of this year. The Site Plan has another year, until July 25, 2017, to be in effect.)

VII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

VIII. OLD BUSINESS

A. Amendments to the Zoning Ordinance – Review and discuss draft amendments to Article 19, Planned Unit Development District.

Ms. Kreps explained the areas of concern in Article 19 which need a re-look. More supplemental information will be provided at the next Planning Commission meeting.

IX. NEW BUSINESS

A. Discussion regarding Article 3, Section 3.17 Fences

Ms. Aniol highlighted Section 3.17 on Fences with the proposed change that would require a property survey for any fence installed. Discussion followed and item will come back to Planning Commission next month.

B. Discussion of Building Heights in the Downtown

Ms. Aniol reported that the redevelopment project at 3045 Broad Street has proposed to construct a four-story building on the site along with another building at three-stories. Ms. Aniol asked for Commissioner comment's on the use of a four-story building as currently that is not the code for the downtown. Discussion followed and item will come back to Planning Commission next month.

X. PROPOSED BUSINESS FOR NEXT AGENDA

A. Regular Meeting, Monday, October 3, 2016:

1. Grandview Commons PUD Final Site Plan

XI. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

XII. ADJOURNMENT

Motion Carty; support Smith to adjourn at 8:51 PM.

Unanimous voice vote approval with Commissioners Donaldson, Kowalski, Phillips and Schmid absent.

XIII.COMMUNICATONS

None

Respectfully submitted,

Carol J. Jones
Interim Clerk, City of Dexter

Approved for Filing: _____



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF REPORT

To: Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Date: October 3, 2016

ZBA UPDATES

- The ZBA considered two cases on September 19, 2016 and took the following action:
 - The first case called for a 1.3-foot variance from Section 3.02, sub-section E of the City of Dexter Zoning Ordinance, to allow a detached accessory structure to be 8.7 feet from a principal structure (i.e. the house), for property at 8058 Huron Street. Following the public hearing and a thorough discussion, the ZBA, in a 3-2 split vote, granted the requested variance, subject to a 4-foot unobstructed distance be maintained between the shed and the existing planter. The Board cited substantial justice and extraordinary circumstances as contributing to their decision. A copy of the decision accompanies this report.
 - The second case, called for a variance to increase the maximum lot coverage by 2%, from 30% to 32%, for property at 3544 Lexington. The request was made to facilitate the construction of a 14-foot x 14-foot deck and stairway. Following the public hearing and a thorough discussion, the ZBA voted unanimously to deny the requested variance. The Board cited no practical difficulty, no extraordinary circumstances, and no substantial justice. A copy of the decision accompanies this report.

During its deliberation, the Board questioned whether this issued would be better handled through an amendment to the Dexter Crossing PUD, as it was in 2005.

As Council will recall, in 2005 Peter's Building Company requested and obtained an amendment to the Area Plan for Dexter Crossing Residential, to allow the maximum lot coverage to be 35%, for the following 5 lots:

- a) 193 (515 Coventry)
- b) 194 (513 Coventry)
- c) 198 (505 Coventry)
- d) 201 (499 Coventry)
- e) 214 (3635 South Downs)

The size of the lots ranged from 6,387 square feet to 6,829 square feet. In granting the amendment to the PUD, the Planning Commission and Village Council determined these lots were substantially smaller than the minimum lot area required in the R-1B districts. The lot size for 3544 Lexington is 8,312 square feet.

It may be helpful to remember that when Dexter Crossing was developed, the emphasis was on smaller, narrower lots, clustered together to maximize and preserve open space. The housing type being developed at that time was predominately single family 2-story detached structures, which could fit on a narrower lot. Over the last twenty years, as baby boomers matured and became empty nesters, and subsequently retirees, the trend has shifted from 2-story homes to single story ranch homes. The width and square footage of a ranch home is generally greater than the width and square footage of a 2-story colonial home.

Mr. Haeussler contacted staff the following morning regarding the process for requesting an amendment to the Dexter Crossing PUD. Staff explained that unlike in 2005, when the Planning Commission had the authority to determine whether a requested change to an approved area, preliminary or final site plan was major or minor, the ordinance was amended in 2007 to give the Zoning Administrator that responsibility (Section 19.13). Furthermore, if the requested change is determined to be minor, the Zoning Administrator has the authority to approve the change, after notification to the Planning Commission and City Council. Lastly, in 2005 the Planning Commission determined the above cited PUD amendment was considered a minor change. A copy of the current and former standards in Section 19.13 accompanies this report.

Mr. Haeussler submitted a request for a minor PUD amendment on Friday, September 23rd.

MISCELLANEOUS UPDATES

- On Monday, September 14, 2016 the state legislature sent the following bills to the Governor:
 - HB 4210 would amend the current Medical Marijuana Act to legalize the manufacture and use of marijuana-infused products
 - HB 4209 would legalize and regulate the sale of medical marijuana through dispensaries, and
 - HB 4827 would establish a licensing and regulation framework for medical marijuana growers, processors, secure transporters, provisioning centers, and safety compliance facilities (i.e. a "seed-to-sale" tracking system for medical marijuana).

HB 4209 and 4827 are tie-barred to each other, meaning neither could take effect unless both are enacted. As of the date of this report, the Governor had not signed the legislation into law.

According to the legislative analysis by the House Fiscal Agency, HB 4209 would allow a municipality to enact an ordinance to authorize one or more types of marijuana facilities, and limit the number of each type of facility, within its boundaries; charge an annual local licensing fee up to \$5,000; and enact other ordinances related to marijuana facilities such as zoning ordinances. *A facility could not be licensed unless an authorizing ordinance has been adopted.*

Municipalities adopting authorizing ordinance must approve each applicant for a new state operating license before the Medical Marijuana Licensing Board can consider an application. Information obtained by the municipality from an applicant for this purpose would be exempt from FOIA requests.

Copies of the bills are provided separately from your physical packet, for your reading pleasure. You can also access the pending legislation and review legislative analyses on the Michigan Legislatures

website: [https://www.legislature.mi.gov/\(S\(12yy4txbt3n1zaibk3vhkvcz\)\)/mileg.aspx?page=Home](https://www.legislature.mi.gov/(S(12yy4txbt3n1zaibk3vhkvcz))/mileg.aspx?page=Home)

- Staff attended an on-site meeting between Steve Brouwer (Grandview Commons), Dominic Ramono (MEDC CAT), Nathan Voght (Washtenaw County Brownfield Coordinator), and AKT Peerless (Brownfield Consultant for Grandview Commons), on Thursday, September 15th. The purpose of the meeting with Dominic up-to-speed on the project. Our previous CAT representative left MEDC earlier this summer.
- A subcommittee of the DDA will meet on Friday, September 30th to review and discuss the proposed Brownfield Redevelopment Plan for Grandview Commons.
- Staff is scheduled to attend a meeting at Northern United Brewing Company (NUBC) on October 4th. The purpose of the meeting is to introduce new representatives from MEDC (Ryan Hundt), MDARD (Nancy Boxey), and Ann Arbor Spark (Jennifer Olmstead). We'll also get a tour of the plant, as well as the new Cambrian EcoVolt wastewater pretreatment system, for which NUBC received a Strategic Growth Initiative Grant.



OFFICE OF COMMUNITY DEVELOPMENT

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NOTICE OF DECISION

TO: City Council and Planning Commission
FROM: Michelle Aniol, Community Development Director
DATE: September 20, 2016
RE: **ZBA #2016-03, 8058 Huron Street Setback Variance Request**
Applicant: Stephen Chumney
Property Owner: Stephen and Sandra A Chumney

On September 19, 2016 the Zoning Board of Appeals conducted a public hearing to consider a variance request, submitted by Stephen Chumney for property located at 8058 Huron Street (08-03-32-360-007). Mr. Chumney requested the following variance from Section 3.02, sub-section E, of the City of Dexter Zoning Ordinance, regarding required setbacks for detached accessory structures:

1. 1.3-foot variance from the required 10-foot setback from the principal building for a detached accessory structure, to allow an existing shed to remain 8.7 feet from the principal structure.

The applicant cited practical difficulties associated with the property. It was noted, the shed had already been constructed.

The following ZBA members were present: Phil Mekas, Chairman, Jon Rush, Chris Wallaker, Zach Michels and Marni Schmid.

Staff provided the following information

- **Zoning:** The subject property is zoned VR, Village Residential District. The intent of the VR Village Residential District is to:
 - Encourage innovative, traditional residential mixed and multiple-use developments so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings.
 - Promote land development practices which will protect the public health, safety and welfare.
 - *Traditional neighborhoods are the desired alternative to conventional modern, use-segregated developments such as large lot suburban subdivisions and strip commercial developments.*
 - Encourage residential/mixed-use development in a manner consistent with the preservation and enhancement of property values within existing residential areas.
 - Promote the creation of places which are oriented to the pedestrian, promote citizen security and social interaction.
 - Promote development of mixed-use structures or mixed-use development with offices, multiple family and retail uses located with related community facilities.
 - Discourage commercial or industrial uses that create objectionable noise, glare and odors.

A single family residential house currently occupies the site. The neighborhood is residential in character with single and multiple family dwellings on either side of Huron Street. Commercial uses are limited to the intersection of Huron and Central Street, to the east. A shed is a common residential accessory structure, and would be consistent with the neighborhood character.

Background: The applicant erected a 160 sq. ft. pre-fabricated wood shed earlier this year, without a permit and in the location where a previous garage was located. The garage

foundation measured 226 square feet. The shed has a small footprint at 160 square feet. The applicant was informed that erection of the shed without a permit was a violation of the Zoning Ordinance, and he needed to apply for a zoning compliance permit. The applicant submitted the required application, but the application was denied because the shed was located less than 10 feet from the principal structure, as required in Section 3.02, sub-section E.

Mr. Chumney gave a brief presentation and distributed an additional packet of materials. He explained the reason for the sheds location was based on the old garage foundation. He assumed it would be compliant. He stated the 50-foot setback from the river and the steep slope of the back yard resulted in a practical difficulty. When considering alternative locations, he was concerned the shed would block his neighbors' view of the river.

Board comments after the applicant's presentation included the following:

- How long have you lived in the house (at 8058 Huron)?
- The lot was created before zoning. The house was constructed before zoning, but you built the shed before checking the zoning; relying on the counsel of others that a permit wasn't needed.
- Why couldn't the shed be located on the other side of the backyard?
- Couldn't the shed be located behind the old garage foundation?
- How many feet between the back of the old garage foundation and the drop off of the yard?
- Setback is required to stop fire from jumping from structure to structure and to give first responders room to get through.

Chairman Mekas opened the public hearing at 7:44 pm.

- Doug Neil, 8050 Huron Street (next door to the east) stated he used to live at 8058 Huron. When he bought the house there was no garage, just the foundation. When the tornado went through, he lost several kayaks because he had no garage and no shed. He decided to move next door because he would have a garage. He stated that many houses on Huron Street do not have a garage. He supported the variance request and stated it would definitely be a net positive for the neighborhood.
- Ron Kallek, 8079 Huron (2 houses to the west), stated he agreed with Mr. Neil. He also backs up to the Huron River, which is one of the most important factors for living on Huron Street. The view of the river. He stated he supported the variance request.

Comments from the ZBA, after the public hearing, included the following:

- I'm still having trouble with the self-created issue. If the petitioner had come to the city before buying and placing the shed, he would have learned found out the requirements and applied for a smaller shed, which could meet the ordinance requirements. Topography was there, lot/size of house that was all there, the location of the shed is self-created.
- Building shed without getting a permit rubs me the wrong way.
- Substantial justice is something the other people in the neighborhood have, and applicant can't without variance. In this case, some do, but not everyone does (have a shed).
- We've had more public comment on this than anything we've covered. It's going to affect the neighbors more than others in the city. The view of the river will be blocked if the shed is moved. I see substantial justice in this.
- If variance is denied, does the shed have to be removed within 24 hours?

Following the public hearing and thorough discussion, the ZBA voted 3-2 to grant the requested variance subject to the applicant maintaining an unobstructed 4-foot distance between the shed and existing planter bed. The Board cited substantial justice and extraordinary circumstances.



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NOTICE OF DECISION

TO: City Council and Planning Commission
FROM: Michelle Aniol, Community Development Director
DATE: September 20, 2016
RE: **ZBA #2016-05, 3544 Lexington – Variance to increase maximum lot coverage**
Applicant: Elizabeth Ritter
Property Owner: Peters Building Company

On September 19, 2016 the Zoning Board of Appeals conducted a public hearing to consider a variance request, submitted by Elizabeth Ritter for property located at 3544 Lexington (08-08-08-260-066). Ms. Ritter requested the following variance from Section 20.01, Schedule of Regulations of the City of Dexter Zoning Ordinance, to allow the construction of a 14-foot by 14-foot deck:

1. A variance to increase the maximum lot coverage from 30% to 32%

The applicant cites practical difficulties associated with the property. A copy of application and staff's review accompany this decision.

The following ZBA members were present: Phil Mekas, Chairman, Jon Rush, Chris Wallaker, Zach Michels and Marni Schmid.

The applicant was represented by the property owner and builder, Jim Haeussler, of Peters Building Company.

Staff provided the following information before reviewing the criteria for considering a variance:

- **Zoning:** The subject site is located on the south side of Lexington Court. The subject site, and all adjacent property is zoned Dexter Crossing Planned Unit Development (PUD) with an underlying zoning of R-1B, One Family Residential – Small Lot. Improvements, such as a deck, are permitted, subject to yard setbacks and maximum lot coverage requirements. According to Section 20.01, Schedule of Regulations for Principal Buildings – Residential, the maximum lot coverage in the R-1B District is 30%.
- **Background:** In the 2005, Peter's Building Company requested and obtained an amendment to the Area Plan for Dexter Crossing Residential, to allow the maximum lot coverage to be 35%, for the following 5 lots:
 - a) 193 (515 Coventry)
 - b) 194 (513 Coventry)
 - c) 198 (505 Coventry)
 - d) 201 (499 Coventry)
 - e) 214 (3635 South Downs)

The size of the lots ranged from 6,387 square feet to 6,829 square feet. In granting the amendment to the PUD, the Planning Commission and Village Council determined these lots were substantially smaller than the minimum lot area required in the R-1B districts.

In addition, that same year the Zoning Board of Appeals granted a variance to the homeowner of lot 129 (3656 South Downs), to allow a maximum lot coverage not to exceed 34%. The variance was granted based upon findings of substantial justice and extraordinary circumstances. The homeowner suffered from multiple sclerosis, the yard was not level enough for the wheelchair to maneuver easily, and a larger deck was needed to accommodate his wheelchair. The area of the lot in this case was 7,244 square feet, which is 556 square feet less than the minimum lot area required in the R-1B District.

Mr. Haeussler gave a brief presentation in which he clarified that Peters Building Company is the owner of the property, and built the house for the applicant. Peters was not the developer of Dexter Crossing. Mr. Haeussler also addressed the 2005 PUD amendment, and said it was a proactive measure. He stated that this situation was a mistake, and regretted that it wasn't caught sooner. He stated the applicant hired another company to build the deck, and that Peters Building Company did not specifically create this problem, except that "we" built the house for a homeowner that lived in California.

Mr. Haeussler distributed a handout from another ZBA Case (2014-05), which pertained to a lot in Dexter Crossing, in which a setback variance was requested, and was granted. He also distributed another handout of photos of houses with elevated decks in the vicinity of the subject property, to show that an elevated deck would be consistent with current conditions. He reiterated that no one did anything deliberately to cause this situation.

The Board questioned if an amendment to the PUD for Dexter Crossing should have been the next step.

Chairman Mekas opened the public hearing at 8:36 pm. Comments from the public included the following:

- Kate Stafford, 6867 Wellington Drive stated she serves on the Dexter Crossing Homeowners Association (HOA) Board and spoke in support of the variance.
- Gary Northrup, 6924 Wellington Drive, stated the applicant is his sister-in-law and that he was speaking on her behalf. He stated that the applicant does not blame Peter's Building Company for the mistake and does not want to see the applicant punished for the oversight. He asked the ZBA to grant the variance.

Comments from the ZBA, after the public hearing, included the following:

- Mr. Haeussler was asked what he considered a self-created practical difficulty. Mr. Haeussler stated it was something where there was not deliberate or intention to create.
- What if I'm building a house and I max out the 2,000 square feet for the house and then I come back and want a shed, would that be self-created.
- How is this lot unique?
- How does the PUD impact the development? Two-story homes fit, but a ranch doesn't?
- Shouldn't this go back to the Planning Commission, as a PUD amendment?
- What if we limit the deck to 10' x 10' without a roof; steps add 75 sq. ft., and allow for increased coverage plus steps as proposed?

Following the public hearing and a thorough discussion, the ZBA voted unanimously to deny the requested variance. The Board cited no practical difficulty, no extraordinary circumstances, and no substantial justice.

Article XIX

PUD PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS (Excerpt)

Current Ordinance (after 2007 amendment):

Section 19.13 AMENDMENT AND REVISION

- A. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in an approved preliminary or final site plan, which is determined by the Zoning Administrator to be a major change, as defined in this section, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change as defined in this Section and as determined by the Zoning Administrator, shall only require a revision to the approved plan and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council and provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development and further provided that such change is minor as defined in this Section 19.13.
- B. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons therefore. Such reasons shall be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of City of Dexter and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.
- C. Changes to be considered major, for which amendment is required pursuant to the procedures and conditions as required for the original submittal as set forth in this Article XIX, shall include one or more of the following:
1. Change in concept of the development.
 2. Change in use or character of the development.
 3. Change in type of dwelling unit as identified on the approved area plan.
 4. Increase in the number of dwelling units.
 5. Increase and/or decrease in nonresidential floor area of over five (5) percent.
 6. Increase and/or decrease in gross floor area or floor area ratio of the entire PUD of more than one (1) percent.

***PUD Planning and Development Regulations
for Planned Unit Development Districts***

7. Rearrangement of lots, blocks, and building tracts.
 8. Change in the character or function of any street.
 9. Reduction in land area set aside for common open space or the relocations of such area(s).
 10. Horizontal and/or vertical elevation changes of five (5) percent or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
 2. An increase in nonresidential floor area of five (5) percent or less.
 3. Horizontal and/or vertical elevation changes of five (5) percent or less.
 4. Designated "Areas not to be disturbed" or open space may be increased.
 5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 6. Changes to building materials to another higher quality material.
 7. Changes in floor plans, which do not alter the character of the use.
1. Slight modification of sign placement or reduction of size.
 9. Minor variations in layout, which do not constitute major changes.
 10. An increase in gross floor area or floor area ratio of the entire PUD of one (1) percent or less.
- E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change. Upon approval, revised drawings shall each be signed by the petitioner and the owner(s) of record or the legal representative(s) of said owner(s) and submitted for the record.

Previous Ordinance (before 2007 amendment):**Section 19.13 AMENDMENT AND REVISION**

- A. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in an approved preliminary or final site plan which results in a major change, as defined in this section, in the approved area plan, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved plan.
- B. A request for an amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of Village of Dexter and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Village Council.
- C. Changes to be considered major, for which amendment is required, shall include one or more of the following:
1. Change in concept of the development.
 2. Change in use or character of the development.
 3. Change in type of dwelling unit as identified on the approved area plan.
 4. Increase in the number of dwelling units.
 5. Increase in nonresidential floor area of over five (5) percent.
 6. Increase in gross floor area or floor area ratio of the entire PUD of more than one (1) percent.
 7. Rearrangement of lots, blocks, and building tracts.
 8. Change in the character or function of any street.
 9. Reduction in land area set aside for common open space or the relocations of such area(s).

*PUD Planning and Development Regulations
for Planned Unit Development Districts*

10. Increase in building height.
- D. A developer may request Planning Commission approval of minor changes, as defined in this section, in an approved area plan, approved preliminary site plan, where applicable, and in an approved final site plan. The Planning Commission shall notify the Village Council and other applicable agencies of its approval of such minor changes. The revised drawings as approved shall each be signed by the petitioner and the owner(s) of record or the legal representative(s) of said owner(s).
- E. Minor changes shall include the following:
1. A change in residential floor area.
 2. An increase in nonresidential floor area of five (5) percent or less.
 3. Minor variations in layout which do not constitute major changes.
 4. An increase in gross floor area or floor area ratio of the entire PUD of one (1) percent or less.
- F. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.



CARLISLE

WORTMAN
associates, inc.

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(734) 662-1935 Fax

MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Douglas J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: September 20, 2016

RE: Planned Unit Development (PUD) Provisions – Discussion Breakdown

Attached is an enhanced version of the first draft of the proposed PUD regulations provided to the Planning Commission for review at their September meeting. This enhanced clean copy version of the proposed chapter has references to the current applicable section of the Ordinance. Hopefully, these references will aid you in your review and our future discussions.

As noted previously, much of the language provided has been reorganized and slightly modified for grammatical corrections and to provide greater detail. However, there are a number of sections/provisions the Planning Commission will need to discuss prior to moving forward with a more polished draft.

Specifically, the Planning Commission will need to evaluate and discuss the broader topics of:

1. **Open space** – Providing “significant” areas of open space is a current eligibility requirement for PUD projects. For in-fill and commercial projects this may not be as important as in areas where exclusively residential is proposed or for greenfield development. Natural features and resources should always be a priority, but may not be located on every development site. If open space will remain a requirement for certain development types, a specific requirement should be formulated, “significant” and other subjective terms should be avoided.
2. **Design Elements/Standards** – Provisions related to site design should be reviewed and evaluated for current applicability. Additional provisions for mixed use projects, and non-residential projects may be added.
3. **Processing Procedures** – The procedures for submittal, review, and approval of PUD projects has been modified as directed by the Planning Commission at the June meeting. The new process eliminates the Area Plan Review, replacing it with a less formal Concept Review meeting(s) that are conducted with the Planning Commission and City Council separately. In addition to reviewing the proposed review procedures, submittal requirements at each step should be reviewed and modified based on the information necessary for review and approval of that particular phase.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President*

R. Donald Wortman, *Principal* John L. Enos, *Principal* David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal*
Laura K. Kreps, *Associate*

PUD Provisions
September 20, 2016
Page 2

I look forward to discussing each of these topics with you at the October Planning Commission meeting.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.



CARLISLE/WORTMAN ASSOC., INC.

Douglas J. Lewan, PCP, AICP

Principal

Cc: File



CARLISLE/WORTMAN ASSOC., INC.

Laura K. Kreps, AICP

Associate

Article XIX

PUD PLANNED UNIT DEVELOPMENT DISTRICTS

Section 19.01 PURPOSE AND INTENT **CURRENT 19.01**

The Planned Unit Development (PUD) district is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Section 19.02 GENERAL PROVISIONS

- A. **Where Permitted.** A PUD may be applied in any zoning district. **CURRENT 19.02**
- B. **Uses Permitted.** Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and welfare to ensure the compatibility of varied land uses both within and outside of the development. **CURRENT 19.02**
- C. **Qualifications of Subject Parcel.** The petitioner for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met: **CURRENT 19.01**
1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
 2. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.
 3. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which

identifies and integrates natural resources and features in the overall site design concept, as applicable, and encourages the provision of open space for active and/or passive use.

4. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.
5. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision for public services and utilities; and provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
6. The PUD shall be harmonious with the public health, safety, and welfare of the City.
7. The proposed PUD shall not result in an unreasonable, negative environmental impact or loss of historic structure(s) on the subject site.
8. The proposed PUD shall not result in an unreasonable, negative economic impact upon surrounding properties.
9. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the underlying zoning district and City of Dexter Master Plan, and shall not be detrimental to the adjoining zoning districts or uses.
10. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
11. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards, rather to ensure the increased flexibility of regulations over land development is subject to proper standards and review procedures.

Section 19.03 DESIGN CONSIDERATIONS **NEW PROVISION**

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- A. Perimeter setbacks.
- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.

- C. Underground installation of utilities.
- D. Installation of separate pedestrian ways apart from vehicular streets and ways.
- E. Achievement of integrated and harmonious design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways, and construction materials.
- F. Noise reduction and visual screening features for protection of adjoining incompatible residential uses.
- G. Ingress and egress to the property with respect to vehicular and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- H. Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.
- I. Yard areas and other open space.
- J. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre, and the height of buildings and other structures.
- K. The preservation of natural resources and natural features, if applicable.

Section 19.04 – PROJECT DENSITIES **CURRENT 19.03**

A. Residential Density.

1. The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or the density as proposed in the Master Plan.
2. Project density shall be demonstrated by a parallel plan, demonstrating a conventional development layout based on the underlying zoning with all applicable ordinances and laws observed, including proof of water supply and sewage disposal. The Parallel Plan shall be included as a part of the initial Concept Plan submittal. The Parallel plan must be a realistic residential site plan that could be developed if the PUD was not approved.
3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the

average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow a more dense development in an earlier phase, while ensuring appropriate overall density. **NEW PROVISION**

4. Additional density for residential uses may be allowed at the discretion of City Council upon the recommendation of the Planning Commission. Allowance of additional residential density shall be based upon a demonstration by the applicant of consistency with the Master Plan, and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project. Such material benefit(s) would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the determining whether a project warrants additional density, the City Council, upon recommendation of the Planning Commission, may also consider the following factors including, but not limited to: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of resources and contributes to an area wide open space network; and improvements to the City's infrastructure.

B. Mixed Use Project Density. CURRENT 19.03

1. For PUD projects which contain both a non-residential and a residential component, the City shall make a determination as to the appropriate residential density based upon the Master Plan; existing and planned residential densities in the surrounding area; the availability of utilities and service; and the natural features and resources contained on the subject parcel.
2. Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscaping berms and/or decorative walls, shall be employed in accordance with Article VI.

C. Non-Residential Component. A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met: **NEW PROVISION**

1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed 10% of the gross area of the development.

2. All non-residential uses shall be compatible with the residential area of the PUD.
3. The architectural design of the structure(s) is compatible with the balance of the development.
4. All non-residential structures are connected to a pedestrian access system servicing the project.
5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to 25% of the required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be screened in accordance with Section X.XX.

Section 19.05 – DESIGN STANDARDS

A. Open Space Regulations. CURRENT 19.03

1. When completed, the PUD shall have areas devoted to open space, which shall either remain in a natural state and/or be restricted for active and/or passive recreation purposes. Such areas shall be harmonious with single-family residential uses within and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis, and may include: natural, historical, and architectural features, and/or the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units.
4. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
5. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
6. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for active recreation.
 - b. Provide areas for informal recreation and pathways convenient to the majority of the residents within the development.
 - c. Connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
 - d. Preserve an existing natural buffer from adjacent land uses where appropriate.
7. Areas not considered open space.
- a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
 - b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - c. The area within any manmade storm water detention or retention pond.
 - d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.
8. To ensure that open space is maintained in perpetuity, the following shall apply: **NEW PROVISION**
- a. No PUD shall be approved by City Council until documents pertaining to maintenance and preservation of common open space areas, common landscaped areas, and/or common recreation facilities located within the development plan have been reviewed by the City Attorney.
 - b. The City shall be identified as having the right to enforce the conditions, covenants, and restrictions placed on the open space, unless otherwise directed by the City Council and the City Attorney, with the documentation utilized for such purpose to be in a form approved by the City Attorney. Any costs associated with enforcement may be assessed to the property owner and/or the homeowner’s association.

B. **Common Areas and Facilities.** The location, extent, and purpose of all common area and facilities shall be identified on the Concept Plan, the Preliminary PUD Plan, and on each Final PUD Plan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the Final PUD Plan(s).

**CURRENT
19.12**

a.

C. **Setbacks.** All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning

districts in which the use is listed as a Permitted Use. In all cases, the strictest provision shall apply. **CURRENT 19.04**

D. **Buffering from Adjacent Property.** Landscaping shall be preserved and/or provided in accordance with Section X.XX to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property. **CURRENT 19.03 C.4.**

E. **Vehicular and Pedestrian Circulation.** **CURRENT 19.04**

1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site; promotes safety; contributes to coherence of site design; and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid system or a modified grid system and traditional neighborhood design (TND) guidelines.
2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between, or through all open space and/or common space areas, and to appropriate off-site amenities. Informal trails may be constructed of gravel or other similar material; however, the City may require the construction of a pathway of up to eight feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.
3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street, private street, or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission. All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the PUD provides for separation of

pedestrian and vehicular traffic and adequate off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.

8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in Section 19.05.D. If private streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.
9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

F. Parking and Loading Regulations. CURRENT 19.04

1. The parking and loading requirements set forth in Article V, shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the Preliminary Site Plan. Such reduction shall be based upon specific findings.

G. Utilities. CURRENT 19.04

1. Each principal building shall be connected to public water and sanitary sewer lines.
2. There shall be underground installation of utilities, including but not limited to: electrical, telephone, and cable television lines. Distribution lines may be placed overhead if approved by the City Council. Surface-mounted equipment for underground wires shall be shown on the Final PUD Plan and shall be screened from view in accordance with Section X.XX.

H. Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction pursuant to Section XX.XX. **CURRENT 19.04**

I. Design Elements. CURRENT 19.04

1. **Residential Projects.** Residential projects shall be designed to complement the visual context of the area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that any scenic views across or through the site are protected.

2. **Non-Residential and/or Mixed Use Projects.** Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two of the following:
- a. Patio/seating area
 - b. Pedestrian plaza with benches
 - c. Transportation center
 - d. Window shopping walkway
 - e. Outdoor playground area
 - f. Kiosk area
 - g. Water feature
 - h. Clock tower

Those amenities listed above or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Section 19.06 - APPLICATION AND PROCESSING PROCEDURES **CURRENT** **19.07 - 19.10**

- A. **Effects.** The granting of a PUD application shall require an amendment of the zoning ordinance and zoning map constituting a part of this Chapter. An approval granted under this Article including all aspects of the Final PUD Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- B. **Concept Review Meeting.** Prior to submission of an application for a PUD, the petitioner shall request a Concept Review Meeting with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the Concept Review Meeting at both the next available Planning Commission and City Council Meetings. The Concept Review Meeting shall be held with the Planning Commission first, and the City Council second. Planning Commission and City Council Concept Review Meetings can be scheduled simultaneously.
1. **Purpose.** The purpose of the Concept Review Meetings shall be to inform the Planning Commission, City Council, and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. In order to establish Concept Review Meeting

dates with the Planning Commission and City Council, the petitioner must provide a sketch plan of the PUD, and the following information:

- a. A legal description of the property in question.
 - b. Location and description of site; dimensions and area.
 - c. General topography; soil information.
 - d. Scale, north arrow, date of plan.
 - e. Adjacent land uses.
 - f. Location, type, and land area of each proposed land use; type of dwelling units.
 - g. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.
 - h. Departures from the regulations of the Ordinance which may be requested.
 - i. General description of the organization to be utilized which will own and maintain common open space areas and facilities.
 - j. Location, use, and size of open areas and recreation areas.
 - k. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.
 - l. General description of covenants or other restrictions and/or easements for public utilities.
 - m. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
 - n. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - o. Location and area of each development phase.
 - p. General description of proposed water, sanitary sewer and storm drainage systems.
 - q. Delineation of areas to be platted under the Subdivision Control Act, if any.
2. Statements made at the Concept Review Meetings shall not be legally binding commitments.

- C. **Preliminary PUD Application – Submission and Content.** Following the Concept Review meetings with the Planning Commission and City Council, XX copies of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Preliminary PUD Plan shall contain the following information:
1. All information required for Preliminary Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 2. A narrative describing:
 - a. The nature of the project, projected phases, and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the intent of the PUD District pursuant to Section 19.01.
 - d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
- D. **Preliminary PUD Plan – Planning Commission Review and Recommendation.** The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in Sections 19.03 through 19.05. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:
1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
 3. The PUD shall not change the essential character of the surrounding area.
 4. Proposed phases and timetable.
 5. The proposed PUD shall be under single-ownership or control such that there is a single person or entity having responsibility for completing the

project in conformity with this Article. This provision shall not prohibit transfer of ownership or control upon due notice to the Zoning Administrator.

- E. **Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section XX.X, Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the Preliminary PUD submittal shall become null and void.
- F. **Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection D. above.
- G. **Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within 12 months of receiving Preliminary PUD approval or the application shall be null and void. **CURRENT 19.14**
- H. **Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:
1. All information required for Final Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.
 2. Detailed construction and engineering plans in accordance with XX.XX.
 3. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- I. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a Final PUD Plan, unless a binding agreement is provided in lieu of dedication.
- J. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a Final PUD Plan.
- K. Where a Homeowners or Condominium Association is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and

restrictions that will govern the Association, to be filed with the Final PUD Plan application. The provisions shall include, but shall not be limited to, the following:

- a. The Association shall be established before any dwellings within the development are sold.
- b. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer, and shall be so specified in the covenants.
- c. Restrictions shall be permanent.
- b. The Association shall be made responsible for liability.
- c. Dwelling unit owners shall pay their prorated share of costs, and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties within the development.

L. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the PUD District in addition to all development standards outlined in Sections 19.03 through 19.05. **CURRENT 19.14**

M. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

N. **Final PUD Plan and Rezoning – Effect of Approval.** The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:

- 1. Date of approval of the Final PUD Plan by the City Council.
- 2. Legal description of the property.

3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 19.07 – RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS NEW PROVISION

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

Section 19.08 PUD CONDITIONS CURRENT 19.05

- A. Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent land uses; and promoting the use of land in a socially and economically desirable manner consistent with the Master Plan.
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; necessary to meet the intent and purpose of this Ordinance; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the record of the approved PUD which shall include a Final PUD Plan and development agreement signed by the City and the petitioner.

Section 19.09 PHASING AND COMMENCEMENT OF CONSTRUCTION

A. Phasing. CURRENT 19.06

1. Where a project is proposed for construction in phases, upon completion, each phase shall be capable of standing on its own in terms of the presence of safe and convenient vehicular and pedestrian access; adequate utility services and facilities; and recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area. In addition, each phase of developments which include residential and non-residential uses, shall provide the relative mix of uses and the scheduled completion of construction shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.
2. The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council.
3. The Planning Commission may require, as part of a Final PUD Plan review of a development phase, that land shown as open space on the approved Preliminary PUD Plan be held in reserve as part of the phase to be developed in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases, if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

- B. Commencement and Completion of Construction.** Construction shall be commenced within one year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be

reviewed in light of the existing and applicable law and Ordinance provisions prior to any construction. **CURRENT 19.14**

- C. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued for a PUD until the requirements of this Article have been met.

Section 19.10 AS-BUILT DRAWINGS **CURRENT 19.16**

As-built drawings shall be provided in accordance with Section 21.08.

Section 19.11 PERFORMANCE GUARANTEE **CURRENT 19.17**

Performance guarantees shall be provided in accordance with Section 21.11.

Section 19.12 MODIFICATIONS TO AN APPROVED PUD PLAN **CURRENT 19.13**

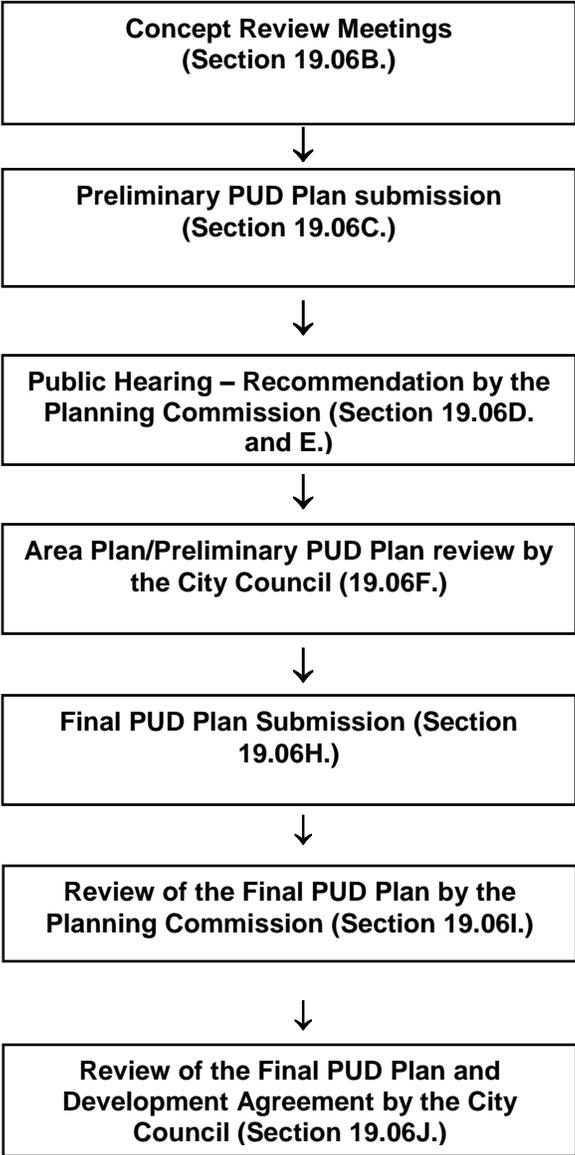
- A. A developer may request a change in an approved Preliminary PUD Plan or an approved Final PUD Plan. A change, which is determined by the Zoning Administrator to be a major change, shall require an amendment to the approved Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development.
- B. A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions; potential improvements in layout or design features; unforeseen difficulties; or advantages mutually affecting the interest of City of Dexter and the developer, such as: technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.
- C. The following changes shall be considered major:
1. A change in concept of the development.
 2. A change in use or character of the development.
 3. Changes in type(s) of dwelling units.

4. A change in the number of dwelling units (density).
 5. Changes in non-residential floor area of over five percent.
 6. Changes in lot coverage and/or floor area ratio of the entire development greater than one percent.
 7. The rearrangement of lots, blocks, and building tracts.
 8. A change in the character or function of any street.
 9. A reduction in land area set aside for common open space or the relocation of such area(s).
 10. Horizontal and/or vertical elevation changes of five percent or more.
- D. Minor changes shall include the following:
1. A change in residential floor area.
 2. A change in non-residential floor area of five percent or less.
 3. Horizontal and/or vertical elevation changes of five percent or less.
 4. An increase in designated “Areas not to be disturbed” or open space.
 5. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 6. Changes to approved building materials to higher quality materials.
 7. Changes to floor plans which do not alter the character of the use.
 8. Slight modifications of sign placement or reduction of size.
 9. Minor variations in layout which do not constitute major changes.
 10. An increase in gross floor area or floor area ratio of the entire development of one percent or less.
- E. The Zoning Administrator shall have authority to determine whether a requested change is major or minor in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, the owner(s) of record, and/or the legal representative(s) of said owner(s) and submitted for the record.

Section 19.18 VIOLATIONS **CURRENT 19.18**

- A. A violation of an approved Preliminary PUD Plan and/or a Final PUD Plan, shall be grounds for the City Council to order that all construction be stopped, and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.

- B. Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in Section 21.13.



* Annexation and/or conditional transfer requests can be made before or after the Concept Review Meetings.

Article XIX

~~PUD PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT DISTRICTS~~

Section 19.01 PURPOSE AND INTENT

~~_____~~The Planned Unit Development (PUD) district is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovative land use ~~in terms of~~ and variety in design, layout, and type of structures constructed; to preserve significant natural features and open space; to promote efficient provision of public services and utilities; to encourage aesthetically pleasing development; to ensure compatibility of a proposed PUD with adjacent uses of land and to promote the use of land in a socially and environmentally desirable manner; minimize adverse traffic impacts, to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

Section 19.02 GENERAL PROVISIONS

A. **Where Permitted.** A PUD may be applied in any zoning district.

B. **Uses Permitted.** ~~B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and welfare to ensure the compatibility of varied land uses both within and outside of the development, and to the limitations of this Article.~~

C. **Qualifications of Subject Parcel.** ~~Specifically, the PUD District regulations set forth herein are intended to achieve the following and a~~ The petitioner for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following ~~as a condition for a PUD:~~ criteria are met:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations.
2. Encourage innovation in land use and excellence in design, architecture, layout, type of structures constructed through the flexible application of land development regulations, and the preservation of natural resources.

- ~~3.1. The PUD shall incorporate design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways.~~
- 4.3. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. The PUD emphasizes a planning approach, which identifies and integrates natural resources and features in the overall site design concept, as applicable, and encourages the provision of open space for active and or-passive use.
- 5.4. Long term protection of historic structures or significant architecture worthy of preservation, if applicable.
- 6.5. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision for public services and utilities, and provides adequate housing, employment and shopping opportunities particularly suited to the needs of the City residents, if applicable.
- 7.6. The PUD shall be harmonious with the public health, safety, and welfare of the City.
- 8.7. The proposed PUD shall not result in an unreasonable, negative environmental impact or loss of historic structure(s) on the subject site.
- 9.8. The proposed ~~planned unit development~~PUD shall not result in an unreasonable, negative economic impact upon surrounding properties.
- 10.9. The proposed use or uses shall be of such location, size, density, and character as to be in harmony with the underlying zoning district and City of Dexter Master Plan, and shall not be detrimental to the adjoining zoning districts or uses.
- 11.10. The proposed PUD shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this ordinance.
- 12.11. The PUD is not proposed in an attempt by the petitioner to circumvent the strict application of zoning standards, rather to ensure the increased flexibility of regulations over land development is subject to proper standards and review procedures.

Section 19.02 PUD REGULATIONS

- ~~A. A PUD may be applied in any zoning district.~~
- ~~B. Any land use or mix of land uses authorized in the City of Dexter Zoning Ordinance may be considered for a PUD, subject to public health, safety and~~

- ~~welfare to ensure the compatibility of varied land uses both within and outside of the development and to the limitations of this Article.~~
- ~~C. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved area plan, and on site plans and plats approved subsequently thereto pursuant to an approved PUD, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance.~~
- ~~D. Regulations shall be the continuing obligation of any subsequent interest in a PUD district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article XIX. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD district shall not thereafter be developed or used except in accordance with the approved area plan, preliminary and final site plans, and plats approved subsequent thereto.~~
- ~~E. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with, or under petition for, a PUD district classification, until the requirements of this article have been met.~~

Section 19.03 GENERAL DESIGN PROVISIONS CONSIDERATIONS

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- A. Perimeter setbacks.
- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- C. Underground installation of utilities.
- D. Installation of separate pedestrian ways apart from vehicular streets and ways.
- E. ~~The PUD shall incorporate~~ Achievement of integrated and harmonious design elements that unify the site through landscaping, lighting, coordinated signage, pedestrian walks and pathways, and construction materials.
- F. Noise reduction and visual screening features for protection of adjoining incompatible residential uses.
- G. Ingress and egress to the property with respect to vehicular and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.

H. Off-street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties or uses.

I. Yard areas and other open space.

J. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre, and the height of buildings and other structures.

K. The preservation of natural resources and natural features, if applicable.

~~All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as Permitted Principle Uses. In all cases, the strictest provision shall apply.~~

~~Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the petitioner and deemed adequate by the City Council, upon recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.~~

Section 19.04 – PROJECT DENSITIES

~~The proposed density of the PUD shall be no greater than that which would be required for each of the proposed component uses included within the PUD (measured by the stated acreage allocated to each use) of the development by the district regulations for the underlying zoning district unless otherwise permitted by the Planning Commission and City Council or per this section.~~

A. ~~A.~~ Residential Density.

1. ~~1.~~ The total number of dwelling units in a PUD project shall not exceed the number of dwelling units Residential density shall not be greater than the maximum density permitted in the underlying zoning district or the density as proposed in the Master Plan in which the property is situated immediately prior to classification under this Article. If the parcel is not zoned for residential use immediately prior to classification under this Article, the City shall make a determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.

2. ~~2.~~ Project density shall be demonstrated by a parallel plan, i.e. a conceptual site plan with demonstrating a conventional development layout

based on the underlying zoning with all applicable ordinances and laws observed, including proof of water supply and sewage disposal. The ~~parallel~~ Parallel site plan shall be included as a part of the initial Area Concept Plan submittal. The Parallel plan must be a realistic residential site plan that could be developed if the PUD was not approved.

3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow a more dense development in an earlier phase, while ensuring appropriate overall density.
4. ~~3.~~ Additional density for residential uses may be allowed in at the discretion of the City Council upon the recommendation of the Planning Commission, and b Allowance of additional residential density shall be based upon a demonstration by the applicant of consistency with the Master Plan, and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project, where additional density is proposed to be preserved, where ~~s~~ Such material benefit(s) would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the ~~determination~~ determining whether a project warrants additional density, the City Council, upon recommendation of the Planning Commission, may also consider the following factors including, ~~without limitation~~ but not limited to: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of ~~the~~ resources base and contributes to an area wide open space network; and improvements to the City's infrastructure.

B. **Mixed Use Projects** Density.

1. For ~~planned unit development~~ PUD projects which contain both a non-residential and a residential component, the City shall make a determination as to the appropriate residential density based upon the Master Plan; existing and planned residential densities in the surrounding area; the availability of utilities and service; and the natural features and resources ~~of~~ contained on the subject parcel.
2. Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen

and/or landscaping berms and/or decorative walls, shall be employed in accordance with Article VI.

C. Non-Residential Component. A PUD may incorporate a non-residential component into an exclusively residential development, provided that all of the following are met:

1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed 10% of the gross area of the development.
2. All non-residential uses shall be compatible with the residential area of the PUD.
3. The architectural design of the structure(s) is compatible with the balance of the development.
4. All non-residential structures are connected to a pedestrian access system servicing the project.
5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to 25% of the required parking spaces may be located in the front yard. Where the parking lot is visible from residential units or open space, it shall be screened in accordance with Section X.XX.

Section 19.05 – DESIGN STANDARDS

A. Open Space Regulations.

1. ~~1.~~ When completed, the PUD shall have significant areas devoted to open space, which shall either remain in its a natural state and/or be restricted for use for active and/or passive recreation purposes. Such areas shall be harmonious with peaceful single-family residential uses within and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis, and may include: natural, historical, and architectural features, and/or the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains. —The amount of open space, including the area and percentage of the site, shall be specified on the site plan.
2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.

- 3. ~~2.~~ Open space areas shall be conveniently located in relation to dwelling units.
- 2.4. Open space areas shall have minimum dimensions, which are useable for the functions intended, which will be maintainable.
- 3.5. The City Council may require, upon recommendation of the Planning Commission, that natural amenities such as ~~ravines, rock outcrops,~~ wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.
- ~~4.1. Landscaping shall be preserved and/or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.~~
- 5. ~~Efforts shall be made to preserve natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains~~
- 6. ~~When completed, the PUD shall have significant areas devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive recreation purposes harmonious with peaceful single family residential uses in and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.~~
- 6. In addition to preservation of natural features, additional open space shall be, where possible, located and designed to achieve the following:
 - a. ~~provide~~ Provide areas for active recreation.
 - b. ~~provide~~ Provide areas for informal recreation and pathways convenient to the majority of the residents within the development.
 - c. ~~connect~~ Connect into adjacent open space, parks, bike paths, and provide natural greenbelts between land uses.
 - ~~7.d.~~ Preserve an existing natural buffer from adjacent land uses where appropriate.
- 8.7. Areas not considered open space.
 - i.a. The area within a public street right-of-way or private road access easements or other easements that include roads or drives.
 - ii.b. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - iii.c. The area within any manmade storm water detention or retention pond.
 - iv.d. The required yard (setbacks) area around buildings, which are not located on an individual lot or condominium site.

~~D. Preservation of Natural Resources and Natural Features. Taking into consideration the criteria set forth in Sections 19.01 and 19.03, the City shall evaluate the proposed PUD to determine the following:~~

- ~~1. Natural resources will be preserved to the maximum extent feasible.~~
- ~~2. The proposed PUD respects the natural topography and minimizes the cutting, filling, and grading required.~~
- ~~3. The proposed PUD will not detrimentally affect or destroy natural features such as lakes, ponds, stream, wetland, steep slopes and woodlands, and will preserve and incorporate such features into the development's site design.~~
- ~~4. The proposed PUD will not cause off site soil erosion or sedimentation problems.~~
- ~~5. The conveyance and storage of storm water will enhance the aesthetics of the site.~~

8. To ensure that open space is maintained in perpetuity, the following shall apply:

- a. No PUD shall be approved by City Council until documents pertaining to maintenance and preservation of common open space areas, common landscaped areas, and/or common recreation facilities located within the development plan have been reviewed by the City Attorney.
- b. The City shall be identified as having the right to enforce the conditions, covenants, and restrictions placed on the open space, unless otherwise directed by the City Council and the City Attorney, with the documentation utilized for such purpose to be in a form approved by the City Attorney. Any costs associated with enforcement may be assessed to the property owner and/or the homeowner's association.

~~Section 19.04 – DESIGN STANDARDS~~

Section 19.12 – COMMON AREAS AND FACILITIES

B. Common Areas and Facilities. A. The location, extent, and purpose of all common area and facilities shall be identified on the area Concept pPlan, on the pPreliminary sitePUD pPlan where applicable, and on each fFinal sitePUD pPlan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the fFinal site-PUD pPlan(s).

~~B. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.~~

~~C. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a final site plan or final plat.~~

~~D. Where a Home Owners or Condominium Association (Association) is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, same to be filed with the area plan application. The provisions shall include, but shall not be limited to, the following:~~

~~1. The Association shall be established before any dwellings in the PUD are sold.~~

~~2. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.~~

~~3. Restrictions shall be permanent.~~

~~4. The Association shall be made responsible for liability.~~

~~5. Dwelling unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties.~~

a.

~~C. A. **Setbacks in the PUD Project.** All regulations within the City Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the PUD based upon the zoning districts in which the use is listed as a Permitted Principle Uses. In all cases, the strictest provision shall apply. All regulations applicable to front, side and rear yard setbacks, shall be met in relation to each respective land use in the PUD upon zoning district regulations in which the proposed use is listed as a Permitted Principle Use or Special Land Use.~~

~~D. **Buffering from Adjacent Property.** Landscaping shall be preserved and/or provided in accordance with Section X.XX to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.~~

~~E. **B. Vehicular and Pedestrian Circulation.**~~

1. Vehicular circulation shall be designed in a manner, which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography. The City encourages vehicular circulation to be modeled after the grid

system or a modified grid system and traditional neighborhood design (TND) guidelines.

2. Walkways shall be provided in a manner, which promotes pedestrian safety and circulation. Walkways should be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian and bicycle access to, between, or through all open space and/or common space areas, and to appropriate off-site amenities. Informal trails may be constructed of gravel or other similar material; however, the City may require the construction of a pathway of up to eight ~~(8)~~ feet in width be constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development. ~~The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.~~
3. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic. ~~Traffic calming techniques may include but are not limited to the following, pedestrian refuge islands, central islands, chicanes, roundabouts, chokers, curb extensions and/or raised pedestrian crossings.~~
4. Locations for school bus stops and mailboxes shall be shown on the site plan.
5. Each lot or principal building shall have vehicular access from a public street, ~~or private~~ street, or alley approved by the City Council and recommended by the Planning Commission.
6. Each lot or principal building shall have pedestrian access from a public or private sidewalk where deemed necessary by the City Council, upon recommendation of the Planning Commission, ~~as part of the area plan.~~ All parts of a PUD district shall be interconnected by a sidewalk system with design and materials acceptable to City Council, which will provide necessary, safe, and convenient movement of pedestrians.
7. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the ~~area plan~~ PUD provides for separation of pedestrian and vehicular traffic and adequate, off-street parking facilities. Modification of proposed public streets shall first be reviewed by the City Engineer.
8. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in ~~section~~ Section 19.0305.A.3D, ~~preceding~~.

streets are to be dedicated to a public agency in the future, the petitioner shall first agree to bear the full expense of making the street suitable for public acceptance.

9. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.
- ~~10. Thoroughfare, drainage and utility design shall meet and exceed standards otherwise applicable in connection with each of the respective types of uses served.~~

F. ~~C.~~ **Parking and Loading Regulations.**

1. The parking and loading requirements set forth in Article V, ~~herein,~~ shall apply except that the number of spaces required may be reduced if approved by the City Council, upon recommendation of the Planning Commission, as part of the ~~area~~ Preliminary Site plan ~~Plan~~. Such reduction shall be based upon specific findings.
- ~~2. Parking areas within the PUD shall meet the minimum requirements of City Ordinances, unless modified by the Planning Commission and City Council.~~

G. ~~D.~~ **Utilities.**

1. Each principal building shall be connected to public water and sanitary sewer lines.
 - ~~2. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention/detention ponds may be permitted.~~
 - ~~3.~~ 2. There shall be underground installation of utilities, including but not limited to, electrical, telephone, and cable television lines, ~~provided, however, that distribution~~ Distribution lines may be placed overhead if approved by the City Council. Surface-~~mounted~~ equipment for underground wires shall be shown on the ~~final~~ Final site ~~PUD p~~ Plan and shall be screened from view in accordance with Section X.XX.
 - ~~4. The uses proposed in the PUD shall not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.~~

H. ~~E.~~ **Storm water Drainage/Erosion Control.** All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction pursuant to Section XX.XX. ~~and shall to the minimum extent feasible, utilize non structural control techniques, including but not limited to:~~

- ~~1. limitation of land disturbance and grading;~~
- ~~2. maintenance of vegetated buffers and natural vegetation;~~
- ~~3. minimization of impervious surfaces;~~
- ~~4. use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock-lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio-retention swales.~~

F.I. Design Elements.

1. Residential Projects. ~~It is the intent of this article to promote excellence and innovation in design. Signage, lighting, landscaping, architecture and building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character and the community, surrounding developments, and natural features of the area.~~ Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that the any scenic views across or through the site are protected. and that the residential development is buffered from different land uses.

~~4. Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such manner that the scenic views across or through the site are protected and that the residential development is buffered from different land uses.~~

2. Non-Residential and/or Mixed Use Projects. Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two ~~(2)~~ of the following:

- a. ~~patio~~ Patio/seating area;
- b. ~~pedestrian~~ Pedestrian plaza with benches;
- c. ~~t~~ Transportation center;
- d. ~~w~~ Window shopping walkway
- e. ~~,e~~ Outdoor playground area;
- f. ~~k~~ Kiosk area;

g. Water feature;

h. Clock tower

Those amenities listed above or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City Council, as recommended by the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Section 19.076 - PRE-APPLICATION CONFERENCE AND PROCESSING PROCEDURES

A. Effects. The granting of a PUD application shall require an amendment of the zoning ordinance and zoning map constituting a part of this Chapter. An approval granted under this Article including all aspects of the Final PUD Plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

~~B. A. Concept Review Meeting. Prior to filing a formal request or to submission of an application for a PUD, the petitioner for a PUD district shall request a pre-application conference~~Concept Review Meeting with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the Concept Review Meeting at both the next available Planning Commission and City Council Meetings. The Concept Review Meeting shall be held with the Planning Commission first, and the City Council second. Planning Commission and City Council Concept Review Meetings can be scheduled simultaneously~~conference and shall inform the City Manager, President, Planning Commission Chair, staff or consultants whom the Zoning Administrator deems appropriate.~~

1. Purpose. ~~B. The purpose of the conference~~Concept Review Meetings shall be to inform the Planning Commission, City Council, and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. In order to establish Concept Review Meeting dates with the Planning Commission and City Council, [the petitioner must include the following information at the pre-application conferenceprovide a sketch plan of the PUD, and the following information:

- a. A legal description of the property in question.
- b. Location and description of site; dimensions and area.
- c. General topography; soil information.
- d. Scale, north arrow, date of plan.

- e. Adjacent land uses.
- f. Location, type, and land area of each proposed land use; type of dwelling units.
- g. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.
- h. Departures from the regulations of the Ordinance which may be requested.
- i. General description of the organization to be utilized which will own and maintain common open space areas and facilities.
- j. Location, use, and size of open areas and recreation areas.
- k. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.
- l. General description of covenants or other restrictions and/or easements for public utilities.
- m. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
- n. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
- o. Location and area of each development phase.
- p. General description of proposed water, sanitary sewer and storm drainage systems.
- q. Delineation of areas to be platted under the Subdivision Control Act, if any.
- ~~1. Legal description of the subject property.~~
- ~~2. The estimates total number of acres to be developed.~~
- ~~3. The relative locations of the different uses in the proposed planned development.~~
- ~~4. The estimated density for each proposed use.~~
- ~~5. The known deviations and alterations from ordinance regulations.~~
- ~~6. The estimated number of acres to be used as open space.~~

7. At least a sketch of the exterior facades of all buildings and structures contemplated to be erected.

8. A sketch of the proposed PUD.

9. The approximate number of acres of wetlands, woodlands and any other environmentally sensitive areas.

10. The location and estimated number of acres of natural resources and natural features which are to be preserved.

2. C. Statements made in the conference at the Concept Review Meetings shall not be legally binding commitments.

C. Preliminary PUD Application – Submission and Content. Following the Concept Review meetings with the Planning Commission and City Council, XX copies of the application and all required materials for Preliminary PUD Plan shall be submitted. The submission shall be made to the Zoning Administrator for distribution to applicable reviewing parties and agencies. The Preliminary PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Preliminary PUD Plan shall contain the following information:

1. All information required for Preliminary Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.

2. A narrative describing:

a. The nature of the project, projected phases, and timetable.

b. The proposed density, number, and types of dwelling units if a residential PUD.

c. A statement describing how the proposed project meets the intent of the PUD District pursuant to Section 19.01.

d. A statement from a registered engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.

e. Proof of ownership or legal interest in property.

D. Preliminary PUD Plan – Planning Commission Review and Recommendation. The Planning Commission shall review the Preliminary PUD Plan according to the provisions found in Sections 19.03 through 19.05. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions of the Preliminary PUD Plan. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 2. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this Article.
 3. The PUD shall not change the essential character of the surrounding area.
 4. Proposed phases and timetable.
 5. The proposed PUD shall be under single-ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Article. This provision shall not prohibit transfer of ownership or control upon due notice to the Zoning Administrator.
- E. Public Hearing – Planning Commission.** The Planning Commission shall hold a public hearing and give notice in accordance with Section XX.X, Public Notice. If at any time after the public hearing the Preliminary PUD becomes inactive (no new information or plans submitted) for a period of six months, the Preliminary PUD submittal shall become null and void.
- F. Preliminary PUD Plan – City Council Review and Determination.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the Preliminary PUD Plan in accordance with the standards for approval and conditions for a PUD noted in Subsection D. above.
- G. Preliminary PUD Plan – Effect of Approval.** Approval of the Preliminary PUD Plan that is required to accompany a PUD application does not constitute Final PUD Plan or rezoning approval, but only bestows the right on the applicant to proceed to the Final PUD Plan stage. The application for Final PUD consideration shall be submitted within 12 months of receiving Preliminary PUD approval or the application shall be null and void.
- H. Final PUD Application – Submission and Content.** Following Preliminary PUD Plan approval, copies of the application for Final PUD Plan shall be submitted to the Zoning Administrator. The Final PUD Plan shall be accompanied by an application form and fee as determined by the City Council. The Final PUD Plan shall contain the same information required for the Preliminary PUD Plan in subsection C. above along with the following information and any information specifically requested by the Planning Commission and/or City Council in their review of the Preliminary PUD Plan:
1. All information required for Final Site Plan Review in accordance with Section 21.08, Data Required for Preliminary and Final Site Plans.

2. Detailed construction and engineering plans in accordance with XX.XX.
 3. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- I. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a Final PUD Plan, unless a binding agreement is provided in lieu of dedication.
 - J. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a Final PUD Plan.
 - K. Where a Homeowners or Condominium Association is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, to be filed with the Final PUD Plan application. The provisions shall include, but shall not be limited to, the following:
 - a. The Association shall be established before any dwellings within the development are sold.
 - b. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer, and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - b. The Association shall be made responsible for liability.
 - c. Dwelling unit owners shall pay their prorated share of costs, and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties within the development.
 - L. **Final PUD Plan and Rezoning – Planning Commission Review and Recommendation.** After receiving approval of the Preliminary PUD Plan from the City Council, the Planning Commission shall review the Final PUD Site Plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed Final PUD Plan is in substantial compliance with the approved Preliminary PUD Plan and still meets the intent of the PUD District in addition to all development standards outlined in Sections 19.03 through 19.05.
 - M. **Final PUD Plan and Rezoning – City Council Review and Determination.** After receiving the recommendation of the Planning Commission and considering the comments of the public, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

N. Final PUD Plan and Rezoning – Effect of Approval. The Final PUD Plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically listed in the Final PUD Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:

1. Date of approval of the Final PUD Plan by the City Council.
2. Legal description of the property.
3. Legal description of the required open space and/or common space along with a plan stating how the open space and/or common space is to be maintained.
4. A statement that the property will be developed in accordance with the approved Final PUD Plan and any conditions imposed by the City Council or Planning Commission unless an amendment is duly approved by the City upon the request of the applicant or applicant's transferees and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

Section 19.07 – RESOLUTION OF AMBIGUITIES AND CHAPTER DEVIATIONS

- A. The City Council, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using this Zoning Chapter, the Master Plan, and other City standards and/or polices as a guide.
- B. Deviations with respect to such regulations may be granted as part of the overall approval of the PUD provided there are features or elements demonstrated by the applicant, and deemed adequate by the City Council upon the recommendation of the Planning Commission, designed into the PUD for the purpose of achieving the intent and objectives of this Article.

Section 19.~~05~~08 PUD CONDITIONS

- A. ~~A.~~ Reasonable conditions may be required by the City Council, upon the recommendation of the Planning Commission before approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ~~for the purpose of ensuring~~ ensure that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent land uses; and promoting the use of

land in a socially and economically desirable manner consistent with the Master Plan ~~of the City.~~

- B. ~~B.~~—Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals within the project and those immediately adjacent, and the community as a whole; ~~and~~ necessary to meet the intent and purpose of this Ordinance; ~~;~~ and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made part of the ~~development agreements~~ record of the approved PUD which shall include a ~~site~~ Final PUD plan ~~Plan~~ and development agreement signed by the City and the petitioner.

Section 19.06 ~~09~~ PHASING AND COMMENCEMENT OF CONSTRUCTION

~~Development may be phased as delineated on the approved area plan, subject to the following requirements:~~

A. Phasing.

1. A.—Where a project is proposed for construction in phases, ~~the planning and designing shall be such that,~~ upon completion, each phase shall be capable of standing on its own in terms of the presence of safe and convenient vehicular and pedestrian access; ~~;~~ adequate utility services, ~~and~~ facilities, ~~;~~ and recreation facilities and open space. Each phase shall contain all necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area, ~~including sidewalk connections and roadway improvements.~~ In addition, ~~the~~ each phase of developments which include residential and non-residential uses, shall provide the relative mix of uses and the scheduled completion of construction ~~for each phase~~ shall be disclosed and determined to be reasonable ~~in~~ at the discretion of the City Council after recommendation from the Planning Commission.
2. B.—The City Council, upon recommendation of the Planning Commission, may require that development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development; so that serious overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide housing and commercial market ~~analysis~~ analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD district request for recommendation to the City Council. ~~with respect to this requirement.~~

3. ~~C.~~ ~~—~~ The Planning Commission may require, as part of a ~~Final site-PUD plan-Plan~~ review of a ~~development~~ phase, that land shown as open space on the approved ~~area-plan~~ Preliminary PUD Plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases, if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.

B. Commencement and Completion of Construction. Construction shall be commenced within one year following Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a Final PUD Plan shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. In the event a Final PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and Ordinance provisions prior to any construction.

~~C. E.~~ ~~—~~ No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued ~~therefore, on a lot with, or under petition~~ for, a PUD ~~district classification~~, until the requirements of this ~~article~~ Article have been met.

~~Section 19.07 - PRE-APPLICATION CONFERENCE~~

~~A. Prior to filing a formal request or submission of an application for a PUD the petitioner for a PUD district shall request a pre-application conference with the City Zoning Administrator. The request shall be made to the City Zoning Administrator who shall set a date for the conference and shall inform the City Manager, President, Planning Commission Chair, staff or consultants whom the Zoning Administrator deems appropriate.~~

~~B. The purpose of the conference shall be to inform City and other officials of the concept of the proposed PUD and to provide the petitioner with information regarding land development policies, procedures, standards, and requirements of the City and other agencies. The petitioner must include the following information at the pre-application conference:~~

- ~~1. Legal description of the subject property.~~
- ~~2. The estimates total number of acres to be developed.~~

- ~~3. The relative locations of the different uses in the proposed planned development.~~
 - ~~4. The estimated density for each proposed use.~~
 - ~~5. The known deviations and alterations from ordinance regulations.~~
 - ~~6. The estimated number of acres to be used as open space.~~
 - ~~7. At least a sketch of the exterior facades of all buildings and structures contemplated to be erected.~~
 - ~~8. A sketch of the proposed PUD.~~
 - ~~9. The approximate number of acres of wetlands, woodlands and any other environmentally sensitive areas.~~
 - ~~10. The location and estimated number of acres of natural resources and natural features which are to be preserved.~~
- ~~C. Statements made in the conference shall not be legally binding commitments.~~

~~Section 19.08 - AREA PLAN REQUIREMENTS~~

~~A. Procedure for Petition and Area Plan Approvals for PUD.~~

- ~~1. A petition for a PUD district may be made by the owner(s) of record or by person(s) acting on behalf of the owner(s) of record of the subject parcel(s). The petitioner shall have a substantial interest in the subject property prior to filing. The filing shall be in the name of all owners. The petitioner shall provide evidence of full ownership of all land in a PUD, execution of a binding sales agreement or written permission from the owner of record, prior to approval of the petition and area plan by the City Council.~~
- ~~2. The petition shall be filed with the City Zoning Administrator who shall process the petition and the area plan.~~
- ~~3. The Planning Commission shall hold a public hearing on the petition and area plan. Notice of the public hearing shall be given in a newspaper of general circulation in the City of Dexter.~~
- ~~4. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:

 - ~~a. General character and substance.~~
 - ~~b. Objective and purposes to be served.~~
 - ~~c. Compliance with regulations and standards.~~~~

~~d. Scale and scope of development proposed.~~

~~e. Economic feasibility of the proposed uses.~~

~~f. Impact assessment — Reports and Maps illustrating the following is required:~~

~~1) Intent — The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. Preparation of the Impact Assessment is required unless waived, in whole or in part, by the Planning Commission and shall be the responsibility of the petitioner. The petitioner shall use qualified personnel to complete the Impact Assessment, which shall address the following issues, at minimum:~~

~~(a). Water, noise, and air pollution associated with the proposed use.~~

~~(b). Effect of the proposed use on public utilities.~~

~~(c). Historic and archeological significance of the site and adjacent properties.~~

~~(d). Displacement of people and other land uses by the proposed use.~~

~~(e). Alteration of the character of the area by the proposed use.~~

~~(f). Effect of the proposed use on the City's tax base and adjacent property values.~~

~~(g). Compatibility of the proposed use with existing topography, and topographic alterations required.~~

~~(h). Impact of the proposed use on surface and groundwater.~~

~~(i). Operating characteristics and standards of the proposed use.~~

- ~~(j). Proposed screening and other visual controls.~~
- ~~(k). Impact of the proposed use on traffic.~~
- ~~(l). Impact of the proposed use on flora and fauna, natural resources and natural features, woodlands, wetlands, etc.~~
- ~~(m). Negative short term and long term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.~~
- ~~(n). Economic effect the project would have on the City, including, but not limited to, the additional need, if any, for City public services such as the need for additional police or fire services, or public school support, the generation of municipal refuse, etc.~~
- ~~2) Evaluation of the Impact Assessment – The Planning Commission and City Council shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the PUD. The City Council and Planning Commission shall determine that the proposed use:~~
 - ~~(a). Will be harmonious with and in accordance with the general objectives of the Master Plan.~~
 - ~~(b). Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.~~
 - ~~(c). Will not be hazardous or disturbing to existing or future neighboring uses.~~
 - ~~(d). Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.~~
 - ~~(e). Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.~~

~~(f). Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.~~

~~(g). Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general health, safety and welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.~~

~~3) Applicability of Other Standards and Ordinances Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other City ordinance, or with any other applicable local, State or Federal law or regulation.~~

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~~g. Development schedules.~~

~~=====~~

~~h. Compliance with the adopted Master Plan of the City.~~

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~~i. Ownership of land, identifying all parties of interest.~~

~~j. Full and complete disclosure for all parties involved in the development as to ownership, current financial position, experience in previous five (5) years, background on all management personnel. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and in the form of testimony by experts as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other City officials.~~

~~5. The City Planning Commission shall conduct a public hearing to review and evaluate the petition and area plan within ninety five (95) days after the pre-application conference is completed and following receipt by the City of a completed PUD application in accordance with Article XIX. Following the public hearing, the Planning Commission shall make a resolution either recommending approval or denial of the petition (or tabling the petition pending receipt of further information as required by this Article) to the City Council. The Planning Commission shall transmit a report to the City Council setting forth its conclusions, decision, recommendations and the basis for its decision, along with comments received at the public hearing. The report shall contain the Planning Commission's analysis of the petition and area plan, findings regarding standards and suggested conditions of approval if applicable.~~

- ~~6. The City Council shall review the petition and area plan and the City Planning Commission recommendations and the City Council shall approve, approve with conditions, deny, or table for future consideration (if the PUD petition and/or area plan does not meet the criteria set forth in this Ordinance, but could meet the criteria if revised), the petition and area plan. Changes in the petition or area plan desired by the City Council shall be referred back to the City Planning Commission for further review and recommendation prior to City Council action thereon.~~
- ~~7. If the petition and area plan are approved by the City Council, the petitioner and all owner(s) of record of all property included within the PUD shall sign a statement and/or PUD agreement, as determined by the City Council and its attorney, that the approved petition and area plan shall be binding upon the petitioner and owner(s) of record and upon their heirs, successors, and assigns among other criteria in accordance with this Article.~~

~~B. Information Required for Area Plan~~

- ~~1. An area plan for a PUD consisting of eighty (80) acres or less shall contain all information required for preliminary site plans as set forth in Section 21.04, herein, and the following information:~~
- ~~a. Density of use for each use area of the site, including a parallel site plan for residential development as described in Section 19.03.A.2.~~
- ~~b. General description of the organization to be utilized which will own and maintain common open space areas and facilities.~~
- ~~c. General description of covenants or other restrictions; easements for public utilities; by laws and articles of incorporation for home owners', cooperative, or condominium association(s).~~
- ~~d. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.~~
- ~~e. Description of all proposed uses by reference to existing zoning classifications under the City Zoning Ordinance, i.e. residential uses by density and housing type. Office and commercial land uses, open space and recreational facilities, and other land uses.~~
- ~~f. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.~~
- ~~g. Delineation of areas to be platted under the Subdivision Control Act, if any.~~

- ~~2. An Area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in Section 19.08 B.1 (a) through (g), preceding, and the following information:~~
 - ~~a. Location and description of site; dimensions and area.~~
 - ~~b. General topography; soil information.~~
 - ~~c. Scale, north arrow, date of plan.~~
 - ~~d. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre); type of dwelling units.~~
 - ~~e. Location, use and size of open areas and recreation areas.~~
 - ~~f. General location, surface width, and right of way width of proposed public streets; general location and surface width of major private streets/drives.~~
 - ~~g. General location of proposed parking areas and approximate number of spaces to be provided in each area.~~
 - ~~h. General delineation of existing natural features to be preserved or removed; location of existing structures, streets and drives; location and purpose of existing easements.~~
 - ~~i. Adjacent land uses.~~
 - ~~j. Location and area of each development phase; summary of land use information as required in Section 19.08.B.2.(d) preceding, for each phase.~~
 - ~~k. General description of proposed water, sanitary sewer and storm drainage systems.~~

~~C. Standards for Petition and Area Plan Review.~~

~~The Planning Commission shall determine and shall provide evidence of same in its report to the City Council, that the petition and area plan meet the following standards:~~

- ~~1. The proposed PUD shall conform to the adopted Master Plan or any part thereof, or represents a land use policy, which, in the Planning Commission's opinion, is a logical and acceptable change to the adopted Master Plan.~~

- ~~2. The proposed PUD shall conform to the intent and all regulations and standards of a PUD district.~~
- ~~3. The proposed PUD shall be adequately served by public utilities, facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.~~
- ~~4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.~~
- ~~5. The petitioner shall have made provision to assure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.~~
- ~~6. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.~~
- ~~7. The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.~~
- ~~8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.~~
- ~~9. The proposed development shall create a minimum disturbance to natural features and landforms.~~
- ~~10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.~~

- ~~11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD, where applicable.~~

~~**D. Effect of Approval of Petition and Area Plan Approval of the petition and area plan by the City Council shall have the following effects:**~~

~~When approved, the PUD, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all the improvements and uses shall be in conformity with the amendment. Notice of adoption of the final PUD site plan and PUD development agreement shall be recorded with the Washtenaw County Register of Deeds at the petitioner's expense.~~

- ~~1. Approval shall confer a right to the petitioner for a period of three (3) years for a PUD of eighty (80) acres or less in area, or for a period of five (5) years for a PUD of more than eighty (80) acres in area, from the date of approval, that existing zoning regulations as they apply to the land included in the petition and area plan, shall remain unchanged, provided that subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.~~

- ~~2. Approval of an area plan shall indicate acceptance of uses, building locations in the case of a PUD of eighty (80) acres or less in area, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.~~

- ~~3. Approval of an area plan of eighty (80) acres or less in area shall authorize the petitioner to file an application for final site plan approval for all or any phase of the development shown on the approved area plan. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the City Council gives permission for such construction, after recommendation by the Planning Commission, and provided that all required permits have been issued.~~

~~Grading, tree removal and other changes in existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this sub-section. Construction shall be limited to those elements whose location, size, alignment and similar characteristics will not be reviewable as part of a final site plan or any plat.~~

- ~~4. Approval of an area plan of more than eighty (80) acres shall authorize the petitioner to file a preliminary site plan for each phase of the proposed development. No construction shall begin with any phase until after a~~

~~preliminary site plan is approved as required herein, and in accordance with Section 21.04B, herein.~~

~~5. Approval of an area plan by the City Council shall authorize the petitioner to file a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the City's Subdivision Control Ordinance for area within the PUD which is to be platted.~~

~~6. No deviations from the area plan approved by the City Council shall be permitted except as provided in this article.~~

~~Section 19.09 - PRELIMINARY SITE PLAN REQUIREMENTS~~

~~A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan for PUD's consisting of more than eighty (80) acres of land area. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of, Section 21.04B, herein. Preliminary site plans shall conform to the approved area plan.~~

~~Section 19.10 - FINAL SITE PLAN REQUIREMENTS~~

~~A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet all provisions of, Section 21.04C, herein. The petitioner and all owner(s) of record or the owner(s) legal representative(s) shall sign the approved final site plan.~~

~~Section 19.11 - SUBDIVISION PLATS~~

~~A. The City Council shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.~~

~~B. A preliminary or final site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development.~~

~~C. Plats shall conform to the approved area plan.~~

~~Section 19.12 - COMMON AREAS AND FACILITIES~~

~~A. The location, extent, and purpose of all common area and facilities shall be identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the final site plan(s).~~

~~B. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.~~

~~C. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the City Attorney for review before the City Council approves a final site plan or final plat.~~

~~D. Where a Home Owners or Condominium Association (Association) is to be used to maintain common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the Association, same to be filed with the area plan application. The provisions shall include, but shall not be limited to, the following:~~

- ~~1. The Association shall be established before any dwellings in the PUD are sold.~~
- ~~2. Membership in the Association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.~~
- ~~3. Restrictions shall be permanent.~~
- ~~4. The Association shall be made responsible for liability.~~
- ~~5. Dwelling unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the Association may become a lien on the individual properties.~~

Section 19.1610 AS-BUILT DRAWINGS

~~As-built drawings shall be provided in accordance with Section 21.08, herein.~~

Section 19.1711 PERFORMANCE GUARANTEE

~~Performance guarantees shall be provided in accordance with Section 21.11 herein.~~

Section 19.13-12 AMENDMENT AND REVISION MODIFICATIONS TO AN APPROVED PUD PLAN

~~A. A developer may request a change in an approved area plan, an approved preliminary Preliminary site PUD planPlan, or an approved final Final site PUD planPlan. A change in an approved preliminary or final site plan, which is determined by the Zoning Administrator to be a major change, as defined in this~~

~~section~~, shall require an amendment to the approved ~~area plan~~ Preliminary and/or Final PUD Plans. All amendments shall follow the procedures and conditions ~~herein~~ required for the original submittal, review, and approval, including a public hearing and notification. A change, which results only in a minor change ~~as defined in this Section and~~ as determined by the Zoning Administrator, shall only require a revision to the approved Preliminary PUD Plan and/or Final PUD Plan, and may be approved by the City Zoning Administrator after notification to the Planning Commission and City Council ~~and~~ provided the minor change will not significantly alter the PUD as approved by the City Council, including the appearance of the development ~~and further provided that such change is minor as defined in this Section 19.13.~~

B. ~~B.~~—A request for an amendment shall be made in writing to the Zoning Administrator and shall clearly state the reasons ~~therefore~~ for all proposed amendments. Such reasons shall be based upon considerations such as changing social or economic conditions, ~~;~~ potential improvements in layout or design features, ; unforeseen difficulties, ~~;~~ or advantages mutually affecting the interest of City of Dexter and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. Following payment of the appropriate fee, the developer shall submit the required information to the Zoning Administrator for review.

C. ~~C.~~—~~Changes to be considered major, for which amendment is required pursuant to the procedures and conditions as required for the original submittal as set forth in this Article XIX, shall include one or more of the following~~ The following changes shall be considered major:

1. ~~1.~~—~~A C~~ A C change in concept of the development.
2. ~~2.~~—~~A C~~ A C change in use or character of the development.
3. ~~3.~~—~~Changes~~ Changes in type(s) of dwelling units ~~as identified on the approved area plan.~~
4. ~~4.~~—~~Increase~~ A change in the number of dwelling units (density).
5. ~~5.~~—~~Increase and/or decrease~~ Changes in non-residential floor area of over five ~~(5)~~ percent.
6. ~~6.~~—~~Increase and/or decrease in gross floor area~~ Changes in lot coverage and/or floor area ratio of the entire ~~PUD development of more~~ greater than one ~~(1)~~ percent.
7. ~~7.~~—~~The R~~ The R rearrangement of lots, blocks, and building tracts.
8. ~~8.~~—~~A C~~ A C change in the character or function of any street.
9. ~~9.~~—~~A R~~ A R reduction in land area set aside for common open space or the ~~relocations~~ of such area(s).

~~10.~~ ~~10.~~ Horizontal and/or vertical elevation changes of five ~~(5)~~ percent or more.

~~D.~~ ~~D.~~ Minor changes shall include the following:

~~1.~~ ~~1.~~ A change in residential floor area.

~~2.~~ ~~2.~~ An ~~increase~~ change in non-residential floor area of five ~~(5)~~ percent or less.

~~3.~~ ~~3.~~ Horizontal and/or vertical elevation changes of five ~~(5)~~ percent or less.

~~4.~~ ~~4.~~ An increase in Designated “Areas not to be disturbed” or open space ~~may be increased~~.

~~5.~~ ~~5.~~ Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis.

~~6.~~ ~~6.~~ Changes to approved building materials to ~~another~~ higher quality materials.

~~7.~~ ~~7.~~ Changes in to floor plans, which do not alter the character of the use.

~~4.8.~~ Slight modifications of sign placement or reduction of size.

~~9.~~ ~~9.~~ Minor variations in layout, which do not constitute major changes.

~~10.~~ ~~10.~~ An increase in gross floor area or floor area ratio of the entire PUD development of one ~~(1)~~ percent or less.

~~E.~~ ~~E.~~ The Zoning Administrator shall have authority to determine whether a requested change is major or minor, in accordance with this ~~section~~ Section. The burden shall be on the applicant to show good cause for any requested change. Upon approval of a minor change, revised drawings shall each be signed by the petitioner, ~~and~~ the owner(s) of record, and/ or the legal representative(s) of said owner(s) and submitted for the record.

~~Section 19.14 EXPIRATION OF PLAN APPROVALS~~

~~A.~~ ~~A.~~ An area plan or a preliminary site plan, where applicable, shall expire two ~~(2)~~ years after approval unless a final site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for approval. Thereafter the final site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two ~~(2)~~ years of the date of approval of the immediately preceding final site plan.

- ~~B. A final site plan for the entire PUD, or all final site plans for all phases thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area. All final plans in a PUD shall have been approved and recorded within the preceding time periods.~~
- ~~C. Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in Section 19.14A, preceding, and failure to obtain approval of final site plans and final plats provided in Sections 19.14A and B, preceding, shall authorize the City Council to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration. In such case, the City Council may require that a new area plan be filed and reviewed in accordance with the requirements for original application. Expiration shall also authorize the City Council to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the City Council to be appropriate.~~
- ~~D. An approved final site plan shall expire as provided in Section 21.04.C.8, herein.~~
- ~~E. Development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for subsequent phases of a PUD unless good cause can be shown for not completing same.~~
- ~~F. If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.~~

~~Section 19.15 EXTENSION OF TIME LIMITS~~

~~Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

~~Section 19.16 AS-BUILT DRAWINGS~~

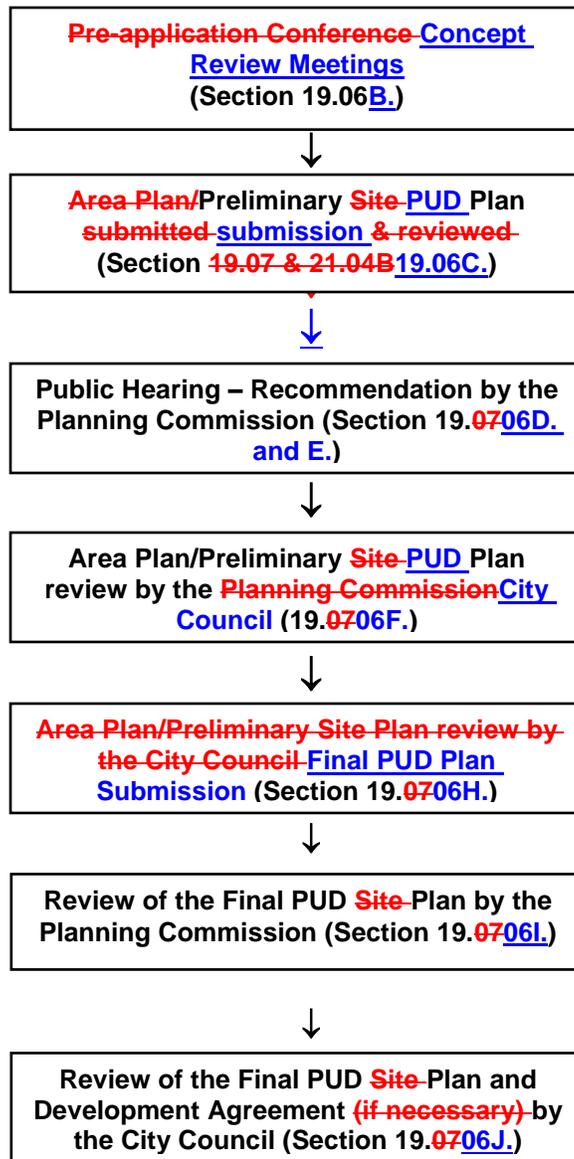
~~As-built drawings shall be provided in accordance with Section 21.08, herein.~~

~~Section 19.17 PERFORMANCE GUARANTEE~~

~~Performance guarantees shall be provided in accordance with Section 21.11 herein.~~

Section 19.18 VIOLATIONS

- A. A violation of ~~an approved area plan, an approved preliminary~~ Preliminary site PUD ~~plan~~ Plan; and/or a ~~Final site PUD plan~~ Plan, shall be grounds for the City Council to order that all construction be stopped, and ~~to order~~ that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the City Council.
- B. Violations of any plan approved under this ~~article~~ Article, or failure to comply with any requirement of this ~~article~~ Article, including agreements and conditions attached to an approved plan, shall be considered a violation of the City Ordinance as provided in Section 21.13 ~~herein.~~



* ~~Annexation and/or conditional transfer requests can be made before or after the~~ Pre-application-conference-Concept Review Meetings.



OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

STAFF MEMO

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Date: September 6, 2016

According to Section 3.17, Fences, a survey must be provided with all applications for a fence permit:

"All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a survey showing the location of the proposed fence."

However, the very next sentence eliminates the survey requirement by allowing an applicant to submit written consent from his/her neighbor:

"Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, with the submission of written consent from all adjacent property owners or a certified survey verifying the location of the property lines."

In a community, like Dexter, a certified survey is essential to ensure compliance with fence location requirements and to eliminate the creation of non-conforming or encroachment situations, especially areas platted and developed prior to the establishment of the Zoning Ordinance.

Staff is concerned that the allowance of "written permission" from an adjacent property owner, in cases where the fence would be located on the property line, has the potential to create non-conforming and encroachment situations.

Staff respectfully requests the Planning Commission consider the following amendment to Section 3.17, Fences:

Section 3.17 FENCES

Fences are permitted subject to the following regulations:

A. Permits:

1. A permit is required for ~~The erection, construction or alteration of any fence shall require a permit and shall be approved by the Zoning Administrator in compliance with the provisions of this Ordinance.~~
2. All applications for fence permits shall be submitted to the Zoning administrator and shall be accompanied by the fence design information and a certified survey prepared by a professional land surveyor registered in the state of Michigan. The survey shall be prepared according to the guidelines specified in Section 3 of Michigan Public Act 132 of 1970, as amended, and shall showing the location of the proposed fence.
3. Fences located within the front, side or rear yards may be erected directly on the property line, unless otherwise mentioned in this ordinance, with the submission of written consent from all adjacent property owners or as demonstrated on a certified survey verifying the location of the property lines.
- 1.4. _____ The fee for the fence permit shall be set by resolution of the City Council.



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: MMB Equities Request for Landscape Plan Modifications

Date: September 28, 2016

The Final Site Plan for the Grandview Common PUD is not in substantial compliance with the ordinance, per review by staff, OHM, CWA and DAFD. As such is not being presented to the Planning Commission for consideration. However, the applicant would like feedback from the Planning Commission, before resubmitting a revised final site plan.

Enclosed with this memo you will find written correspondence from MMB Equities, LLC, received September 7, 2016, which proposes 1) a modified landscape plan, in accordance with Section 6.13 Waiver or Modification of Standards for Special Situations, and 2) a waiver of the D.B.H. standard for select clearing of lower quality and non-native tree species, in accordance with Section 6.14, sub-section E.

The applicant has proposed/requested the following waivers/modifications, as provided in Sections 6.13 and 6.14 of the Zoning Ordinance:

1. Modified tree replacement calculations, based on an evaluation of tree health by Arbor Tree Care Surgeons. The assessment quantified the health of all existing trees 8-inches in caliper or greater, on a scale of 1 to 5, with 1 being dead, dying or diseased and 5 being excellent health. Based on this assessment, the applicant is proposing to replace trees with a score of 3, 4, or 5. On the flip side, the applicant proposes that trees scoring a 1 or a 2 not be replaced.
2. All low-quality and/or non-native trees not be required to be replaced, regardless of the assessment score. The applicant asserts that *"replacement of low quality/non-native trees on an urban redevelopment site is not consistent with the intent of the Landscape Ordinance."*
3. The applicant is also requesting credit for 10 trees, based on the standards for preserved trees in Section 6.13.

A copy of the CWA review dated, September 20, 2016 is attached to this memo. According to CWA the "deviation being requested by the applicant with regard to replacement of trees to be removed is not supported or allowed by the Replacement Standards outlined in Section 6.14 of the City of Dexter Zoning Ordinance."

"Further, Section 6.13 allows for a waiver or modifications of standards for special situations which allows the Planning Commission to determine if existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. The Planning Commission may approve credit for existing trees on a site to accommodate landscaping requirements. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission and are not on the list of trees not permitted (Section 6.11 C)."

CWA also noted the following:

- "the trees the applicant is proposing to save are walnut, locust and cottonwood trees which are all listed as trees not permitted in Section 6.11 C."

- "the applicant will need to re-evaluate the site's required tree replacement and credit waiver request based upon the standards of Section 6.11C, 6.13 and 6.14 (as referenced in the review letter).

Staff will provide details analysis under separate cover on or before your meeting.

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MMB Equities LLC

September 29, 2016

City of Dexter
Planning Commission
8140 Main Street
Dexter, MI 48130

Dear Ms. Aniol and the Dexter Planning Commission,

In response to the Carlisle Wortman review dated September 20, 2016 the additional information is provided.

1. Re-evaluate the required tree replacement and tree credit waiver request based on the standards of Section 6.11C, 6.13 and 6.14D

Based on the requirements of Section 6.11C, the Planning Commission can waive the requirement to replace non-native and low quality trees.

We are requesting that replacement of 74 non-native trees NOT be required per the DHB replacement standard. (Denoted on table as orange).

We are requesting that 21 low quality (assessed at 1 – dead dying or diseased or 2 – structural problems) NOT be required to be replaced per the DBH replacement standard. (Denoted on table as red).

PER SECTION 6.11C -

SCIENTIFIC NAME COMMON NAME/CULTIVARS

Acer negundo	Box Elders
Acer platanoides, saccharinum	Maples (Norway, Silver)
Aesculus hippocastanum	Horse Chestnut (nut bearing)
Ailanthus altissima	Tree of Heaven Catalpa (all) Catalpa Wayfaring
Tree Ginkgo	Female Ginkgo
Fraxinus (all)	Ash (all varieties)
Juglans nigra	Black Walnut
Morus	Paper mulberry
Populus alba	Poplars/Cottonwood (White, Silver)
Robinina pseudoacacia	Black Locust
Salix (all)	Willows
Ulmus pumila	Elms (Siberian)

Trees with the following characteristics are also undesirable: fruit bearing, weak wooded, weeping form/branches, low-branching height typically lower than five (5) feet.

We are requesting that the replacement requirement for low quality and non-native trees be granted by the Planning Commission because planting trees in addition to those required by ordinance is challenging with redevelopment of an urban brownfield site. The Tree Replacement ordinance is intended to discourage the removal of trees on greenfield and woodland sites. Grandview Commons is a functionally obsolete industrial warehouse on a Brownfield site. When designing the Grandview Commons every effort was made to preserve or save quality trees that would not be impacted by the roads, buildings or storm water measures required. Special consideration was given to the design of the corner feature in an attempt to preserve and highlight the trees in this location.

Per our request we are asking the Planning Commission to consider NOT requiring that we replace (per DBH equation) the 74 non-native or low quality tree (as defined by the arborist). The DBH equation would result in a replacement requirement of 172 additional trees. The arborist indicated that the non-native low quality trees are volunteers (grew out of roots of invasive), were not deliberately planted, are multi stemmed or structurally deficient, and are generally considered invasive in arbor culture.

Per Section 6.13 Waiver or Modification of Standards for Special Situations we are requesting that the Planning Commission grant credit for the trees preserved on the Grandview Commons site.

Per the ordinance the Planning Commission could grant us credit for the 10 preserved trees. Per the DBH standards that would total a 25 tree credit. When designing the site and site amenities we made extra effort to save as many high quality, native tree as possible. Specifically we have designed the corner feature to highlight some of the existing trees on site.

We are proposing to replace the high quality, native trees in accordance with the requirements. Due to the lack of available land area, preservation of view sheds, the urban nature of the redevelopment with regard to over planting, safety and utility conflicts we would like to propose a contribution to the City Tree Program in the amount of \$5,200.00 (\$100.00/tree) (78 required replacements – 25 credit=52 trees).

Please consider the cumulative request for credit for existing landscaping preserved, as well as the waiver of replacement standards for non-native/invasive species and the donation.

2. Modified Landscape Plan Request

As part of our Final Site Plan approval request we are asking the Planning Commission to consider approval of a modified landscape plan in accordance with Section 6.13 of the Landscaping Ordinance.

Pursuant to Section 6.13 the Planning Commission may approve modified landscaping plans based on the following criteria:

(The highlighted criteria are applicable to the Grandview Commons Project)

a. **Extent to which existing natural vegetation provides desired screening**

- b. The existence of a steep change in topography which would limit the benefits of required landscaping
- c. The presence of existing wetlands
- d. Existing and proposed building placement
- e. The abutting or adjacent land is developed or planned by the City for a use other than residential
- f. Building heights and views
- g. The adjacent residential district is over 200 feet away from the subject site
- h. Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening requirement

Preservation of the view shed and preservation of existing landscaping was considered in the Landscape Plan design. Design is proposed in an effort to screen adjacent land uses, but preserve views and eliminate a “wall” of landscaping that segregates the project from the community.

Given the urban nature of the development we hope that the Planning Commission can consider the improved Landscape Plan that provides additional plant material.

Section 6.01 INTENT

The intent of this Article is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this Article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray. The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design based on the specific conditions of the environment. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of the project site. Reference to the National Standards for Horticulture is encouraged.

A modified landscape plan is requested given the following considerations:

1. Shrubs removed from west property line and replaced with grasses. We are trying to provide an open views cape between the public pathway and the development. We feel that shrubs will create a tunnel feel that some may think is uninviting and unsafe.
2. Shrubs and evergreen trees removed from south property line to open up views to creek. The Planning Commission mentioned numerous times that we wanted to preserve the view to the open space. There are no adjacent land uses to buffer.
3. Shrubs removed from east property line and replaced with evergreen trees for improved screening (trees wrap around corner onto portion of south property line)
4. Some ornamental trees removed from interior of the site to open up views to creek
5. Grasses and perennials added to central open space area to create a sense of place and privacy for the units facing the “park”.
6. Perennials added along Grand Street to enhance streetscape and soften street presence of the buildings (plantings along the street will be seen/enjoyed by many more people than shrubs)

tucked in the back of the site along the property line) Proposed plan creates a tree lined street that is inviting to walk down.

7. Overall there is an increase in proposed plant material. The total number of proposed plants on the approved Area Plan/PSP landscape plan: 560; Total number of proposed plants on current FSP landscape plan: 745.

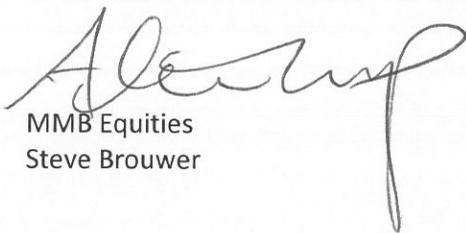
From a practical perspective, overplanting trees and shrubs on the site creates maintenance problems and over growth that may cause safety concerns for residents as well as overcrowding and struggling plant material. Existing landscaping along the perimeter of the site serves as a buffer to adjacent parcels. Adding landscaping where there is no adjacent land uses (i.e. wetlands) eliminates the view shed and buffers open space.

Grandview Commons is an approved PUD Area Plan. The PUD standards permit flexibility to promote better site design. Grandview Commons has been presented as a development with a variety of housing styles. We have proposed an alternative landscape plan that we believe delivers long term sustainability within the site, meets the intent of the ordinance and provides a quality over quantity design through the use of a variety of plant materials, inclusive of more than trees and shrubs. We have highlighted the community areas, reduced the wall feel of the pedestrian pathways and maintained view sheds of the natural areas surround the site.

MMB Equities, LLC has presented an alternative landscape design that we are confident will contribute to the aesthetics, development quality, stability of property values, and the overall character of the City and the Grandview Commons Development. We have provided a landscape design that preserves quality mature trees, screens headlights to reduce glare, integrate various elements of a site, ensures compatibility between land uses, assists in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.

Thank you.

Please feel free to contact us if you have any additional questions.



MMB Equities
Steve Brouwer

TAG #	SPECIES	SIZE	ON-SITE/OFF-SITE	TO BE REMOVED	HEALTH ASSESS.	CREDIT	REPLACEMENT
203	SIBERIAN ELM	11"	ON	X	Non-Native (NN)		
204	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
205	SIBERIAN ELM	12"	ON	X	Non-Native (NN)		
206	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
207	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
208	SIBERIAN ELM	14"	ON	X	Non-Native (NN)		
209	WALNUT	9"	ON		SAVE	2	
210	BLACK LOCUST	9"	ON	X	4		3
211	SIBERIAN ELM	18" (2 Trunks)	ON	X	Non-Native (NN)		
440	WALNUT	36"	ON		SAVE	3	
441	BLACK LOCUST	16"	ON		SAVE	3	
442	BLACK LOCUST	9" (4 Trunks)	ON		SAVE	2	
443	WALNUT	12"	ON		SAVE	3	
444	BLACK LOCUST	18"	ON	X	2		
445	BLACK LOCUST	26"	ON	X	2		
446	BLACK LOCUST	18" (2 Trunks)	ON	X	2		
447	OAK	32"	ON	X	5		5
448	SPRUCE	22"	ON	X	4		3
449	CEDAR	12"	ON	X	4		3
450	CEDAR	10"	ON	X	4		2
451	SIBERIAN ELM	20"	ON	X	Non-Native (NN)		
452	BLACK LOCUST	8"	ON	X	2		
453	BLACK LOCUST	10"	ON	X	2		
454	BLACK LOCUST	10"	ON	X	2		
455	BLACK LOCUST	10"	ON	X	2		
456	BLACK LOCUST	9"	ON	X	2		
457	WALNUT	18"	ON	X	2		
458	BOX ELDER	9" (3 Trunks)	ON	X	Non-Native (NN)		
459	BLACK LOCUST	9"	ON	X	2		
460	BOX ELDER	9"	ON	X	Non-Native (NN)		
461	WALNUT	22"	ON	X	4		3
462	BOX ELDER	9" (3 Trunks)	ON	X	Non-Native (NN)		
463	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
464	BOX ELDER	10"	ON	X	Non-Native (NN)		
465	BOX ELDER	10"	ON	X	Non-Native (NN)		
466	BOX ELDER	10" (2 Trunks)	ON	X	Non-Native (NN)		
467	MULBERRY	11"	ON	X	Non-Native (NN)		
468	BLACK LOCUST	13"	ON	X	2		
469	BLACK LOCUST	13" (2 Trunks)	ON	X	2		
470	BOX ELDER	9" (2 Trunks)	ON	X	Non-Native (NN)		
471	BOX ELDER	11"	ON	X	Non-Native (NN)		
472	BOX ELDER	10"	ON	X	Non-Native (NN)		
473	MAPLE	30"	ON	X	2		
474	MAPLE	20"	ON	X	3		3
475	WALNUT	8"	ON	X	4		2
476	BLACK LOCUST	14" (2 Trunks)	ON	X	3		3
477	BOX ELDER	20"	ON	X	Non-Native (NN)		
478	BOX ELDER	10"	ON	X	Non-Native (NN)		
479	BOX ELDER	16"	ON	X	Non-Native (NN)		
480	BLACK LOCUST	16"	ON	X	1		
481	OAK	9" (2 Trunks)	ON	X	3		2
482	BLACK LOCUST	11"	ON	X	2		
483	SIBERIAN ELM	28"	ON	X	Non-Native (NN)		
484	BLACK LOCUST	26"	ON	X	2		
485	SIBERIAN ELM	13"	ON	X	Non-Native (NN)		
486	SIBERIAN ELM	12"	ON	X	Non-Native (NN)		
487	SIBERIAN ELM	11"	ON	X	Non-Native (NN)		
488	SIBERIAN ELM	11"	ON	X	Non-Native (NN)		
489	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
490	SIBERIAN ELM	15"	ON	X	Non-Native (NN)		
491	SIBERIAN ELM	9"	ON	X	Non-Native (NN)		
492	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
493	SIBERIAN ELM	9"	ON	X	Non-Native (NN)		
495	SIBERIAN ELM	9"	ON	X	Non-Native (NN)		
496	SIBERIAN ELM	10" (3 Trunks)	ON	X	Non-Native (NN)		
497	SIBERIAN ELM	11"	ON	X	Non-Native (NN)		
498	SIBERIAN ELM	11"	ON	X	Non-Native (NN)		

499	SIBERIAN ELM	9"	ON	X	Non-Native (NN)		
50135	PINE	36"	ON	X	4		5
50136	WILLOW	32"	ON	X	Non-Native (NN)		
50139	PINE	16"	ON	X	4		3
50141	PINE	36"	ON	X	4		5
50142	PINE	36"	ON	X	4		5
50143	MAPLE	54"	ON	X	4		5
50169	WALNUT	20"	ON	X	4		3
50172	WALNUT	50"	ON	X	4		5
50202	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50203	COTTONWOOD	18"	ON	X	Non-Native (NN)		
50204	COTTONWOOD	8" (2 trunks)	ON	X	Non-Native (NN)		
50205	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50206	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50207	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50208	SIBERIAN ELM	18"	ON	X	Non-Native (NN)		
50209	COTTONWOOD	12"	ON	X	Non-Native (NN)		
50210	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50211	SIBERIAN ELM	14"	ON	X	Non-Native (NN)		
50212	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
50213	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
50214	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50215	SIBERIAN ELM	12"	ON	X	Non-Native (NN)		
50216	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50217	COTTONWOOD	12"	ON	X	Non-Native (NN)		
50218	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
50219	SIBERIAN ELM	12"	ON	X	Non-Native (NN)		
50220	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50221	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50222	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50223	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50224	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50225	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50226	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50262	WALNUT	24" (2 Trunks)	ON	X	3		5
50266	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50268	WALNUT	32"	ON	X	3		5
50269	MAPLE	8" (4 Trunks)	ON	X	2		
50273	WALNUT	14"	ON	X	3		3
50283	SIBERIAN ELM	8" (2 trunks)	ON	X	Non-Native (NN)		
50284	SIBERIAN ELM	14"	ON	X	Non-Native (NN)		
50285	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50296	WALNUT	26"	ON		SAVE		3
50307	COTTONWOOD	8"	ON		SAVE		2
50309	WALNUT	16"	ON		SAVE		3
50310	COTTONWOOD	8"	ON		SAVE		2
50311	WALNUT	8"	ON		SAVE		2
50314	CHERRY	20"	ON	X	1		
50315	COTTONWOOD	10"	ON	X	Non-Native (NN)		
50318	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50319	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50320	OAK	8"	ON	X	1		
50321	OAK	12"	ON	X	2		
50322	SIBERIAN ELM	10"	ON	X	Non-Native (NN)		
50323	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50324	SIBERIAN ELM	8"	ON	X	Non-Native (NN)		
50325	WALNUT	18" (2 Trunks)	ON	X	1		
50326	SIBERIAN ELM	12"	ON	X	Non-Native (NN)		
50332	WALNUT	40"	ON	X	3		5

25 78

CREDIT REPLACEMENT

PROPOSED TO BE REPLACED	78
LOW QUALITY NON REPLACEMENT	0
TO BE SAVED	10
NON NATIVE NON REPLACEMENT	0

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MMB Equities LLC

City of Dexter
Planning Commission
8140 Main Street
Dexter, MI 48130

RECEIVED

SEP - 7 2016

CITY OF DEXTER

58262 non-ref.
\$ 1,329 app fee
\$ 3,000 SPR ESCROW

Dear Ms. Aniol and the Dexter Planning Commission,

MMB Equities, LLC received PUD Area Plan approval from the City Council on August 8, 2016. In accordance with the City of Dexter Zoning Ordinance we are now requesting Final Site Plan approval.

As part of our Final Site Plan approval request we are asking the Planning Commission to consider approval of a modified landscape plan in accordance with Section 6.13 of the Landscaping Ordinance. In addition we are asking the Planning Commission to grant credit pursuant to Section 6.14 for trees that we have made an effort to preserve. Development of the corner feature at the corner of Grand and Baker was planned in an effort to save and highlight these trees.

Pursuant to Section 6.13 the Planning Commission may approve waivers or modifications to the required landscaping based on the following criteria:

(The highlighted criteria are applicable to the Grandview Commons Project)

- a. **Extent to which existing natural vegetation provides desired screening**
- b. The existence of a steep change in topography which would limit the benefits of required landscaping
- c. **The presence of existing wetlands**
- d. **Existing and proposed building placement**
- e. **The abutting or adjacent land is developed or planned by the City for a use other than residential**
- f. **Building heights and views**
- g. The adjacent residential district is over 200 feet away from the subject site
- h. **Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening requirement**

Attached is a table that illustrates the replacement standards and credits we are requesting.

After evaluation of the Arbor Tree Care Surgeons tree health assessment on site (1 – dead, dying, diseased, 2 – Structural problems, 3 – Maintenance Required, 4 – Good condition, 5 – Excellent) we are proposing that anything with a score of 3 or greater be replaced and anything valued 1 or 2 will not be replaced in accordance with the numeric replacement standard.

MMB Equities is also requesting the low-quality and/or non-native trees not be replaced. Replacement of low quality/non-native trees on an urban redevelopment site is not consistent with the intent of the Landscaping Ordinance. We are attempting to provide creative landscape design based on the urban nature of the site by utilizing perennials and grasses in addition to the required trees and shrubs. The site landscaping has been designed with the pedestrian vehicular safety in mind as well as how the site

landscaping will evolve as it matures. Underground utilities and paving (sidewalks, drives and driveways) were also considered as they will eventually be impacted by maturing vegetation.

Preservation of the view shed and existing landscaping was considered in the Landscape Plan design. Design is proposed in an effort to screen adjacent land uses, but preserve views and eliminate a "wall" of landscaping that segregates the project from the community.

Given the urban nature of the development we hope that the Planning Commission can consider the improved Landscape Plan that provides additional plant material.

Section 6.01 INTENT

The intent of this Article is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots, and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this Article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray. The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage creative design based on the specific conditions of the environment. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of the project site. Reference to the National Standards for Horticulture is encouraged.

A modified landscape plan is requested given the following considerations:

1. Shrubs removed from west property line and replaced with grasses. We are trying to provide an open views cape between the public pathway and the development. We feel that shrubs will create a tunnel feel that some may think is uninviting and unsafe.
2. Shrubs and evergreen trees removed from south property line to open up views to creek. The Planning Commission mentioned numerous times that we wanted to preserve the view to the open space. There are no adjacent land uses to buffer.
3. Shrubs removed from east property line and replaced with evergreen trees for improved screening (trees wrap around corner onto portion of south property line)
4. Some ornamental trees removed from interior of the site to open up views to creek
5. Grasses and perennials added to central open space area to create a sense of place and privacy for the units facing the "park".
6. Perennials added along Grand Street to enhance streetscape and soften street presence of the buildings (plantings along the street will be seen/enjoyed by many more people than shrubs tucked in the back of the site along the property line) Proposed plan creates a tree lined street that is inviting to walk down.
7. Overall there is an increase in proposed plant material. The total number of proposed plants on the approved Area Plan/PSP landscape plan: 560; Total number of proposed plants on current FSP landscape plan: 745.

From a practical perspective, overplanting trees and shrubs on the site creates maintenance problems and over growth that may cause safety concerns for residents as well as overcrowding and struggling plant material. Existing landscaping along the perimeter of the site serves as a buffer to adjacent

parcels. Adding landscaping where there are no adjacent land uses (i.e. wetlands) eliminates the view shed and buffers open space.

MMB Equities, LLC has presented a landscape design that we are confident will contribute to the aesthetics, development quality, stability of property values, and the overall character of the City and the Grandview Commons Development. We have provided a landscape design that preserves quality mature trees, screens headlights to reduce glare, integrate various elements of a site, ensures compatibility between land uses, assists in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of storm water runoff and salt spray.

Please consider approval of our request for a modified landscape plan and request for credit for the trees that we have made effort to preserve.

Thank you.

Please feel free to contact us if you have any additional questions.



MMB Equities
Steve Brouwer

TAG#	SPECIES	SIZE	ON-SITE/OFF-SITE	TO BE REMOVED	HEALTH ASSESS.	CREDIT	REPLACEMENT
203	ELM	11"	ON	X	Non-Native (NN)		
204	ELM	8"	ON	X	Non-Native (NN)		
205	ELM	12"	ON	X	Non-Native (NN)		
206	ELM	10"	ON	X	Non-Native (NN)		
207	ELM	8"	ON	X	Non-Native (NN)		
208	ELM	14"	ON	X	Non-Native (NN)		
209	WALNUT	9"	ON		SAVE	2	
210	LOCUST	9"	ON	X	4		3
211	ELM	18" (2 Trunks)	ON	X	Non-Native (NN)		
440	WALNUT	36"	ON		SAVE	3	
441	LOCUST	16"	ON		SAVE	3	
442	LOCUST	9" (4 Trunks)	ON		SAVE	2	
443	WALNUT	12"	ON		SAVE	3	
444	LOCUST	18"	ON	X	2		
445	LOCUST	26"	ON	X	2		
446	LOCUST	18" (2 Trunks)	ON	X	2		
447	OAK	32"	ON	X	5		3
448	SPRUCE	22"	ON	X	4		3
449	CEDAR	12"	ON	X	4		3
450	CEDAR	10"	ON	X	4		2
451	ELM	20"	ON	X	Non-Native (NN)		
452	LOCUST	8"	ON	X	2		
453	LOCUST	10"	ON	X	2		
454	LOCUST	10"	ON	X	2		
455	LOCUST	10"	ON	X	2		
456	LOCUST	9"	ON	X	2		
457	WALNUT	18"	ON	X	2		
458	BOX ELDER	9" (3 Trunks)	ON	X	Non-Native (NN)		
459	LOCUST	9"	ON	X	2		
460	BOX ELDER	9"	ON	X	Non-Native (NN)		
461	WALNUT	22"	ON	X	4		3
462	BOX ELDER	9" (3 Trunks)	ON	X	Non-Native (NN)		
463	ELM	10"	ON	X	Non-Native (NN)		
464	BOX ELDER	10"	ON	X	Non-Native (NN)		
465	BOX ELDER	10"	ON	X	Non-Native (NN)		
466	BOX ELDER	10" (2 Trunks)	ON	X	Non-Native (NN)		
467	MULBERRY	11"	ON	X	Non-Native (NN)		
468	LOCUST	13"	ON	X	2		
469	LOCUST	13" (2 Trunks)	ON	X	2		
470	BOX ELDER	9" (2 Trunks)	ON	X	Non-Native (NN)		
471	BOX ELDER	11"	ON	X	Non-Native (NN)		
472	BOX ELDER	10"	ON	X	Non-Native (NN)		
473	MAPLE	30"	ON	X	2		
474	MAPLE	20"	ON	X	3		3
475	WALNUT	8"	ON	X	4		2
476	LOCUST	14" (2 Trunks)	ON	X	3		3
477	BOX ELDER	20"	ON	X	Non-Native (NN)		
478	BOX ELDER	10"	ON	X	Non-Native (NN)		
479	BOX ELDER	16"	ON	X	Non-Native (NN)		
480	LOCUST	16"	ON	X	1		
481	OAK	9" (2 Trunks)	ON	X	3		2
482	LOCUST	11"	ON	X	2		
483	ELM	28"	ON	X	Non-Native (NN)		
484	LOCUST	26"	ON	X	2		
485	ELM	13"	ON	X	Non-Native (NN)		
486	ELM	12"	ON	X	Non-Native (NN)		
487	ELM	11"	ON	X	Non-Native (NN)		
488	ELM	11"	ON	X	Non-Native (NN)		
489	ELM	10"	ON	X	Non-Native (NN)		
490	ELM	15"	ON	X	Non-Native (NN)		
491	ELM	9"	ON	X	Non-Native (NN)		
492	ELM	8"	ON	X	Non-Native (NN)		
493	ELM	9"	ON	X	Non-Native (NN)		
495	ELM	9"	ON	X	Non-Native (NN)		

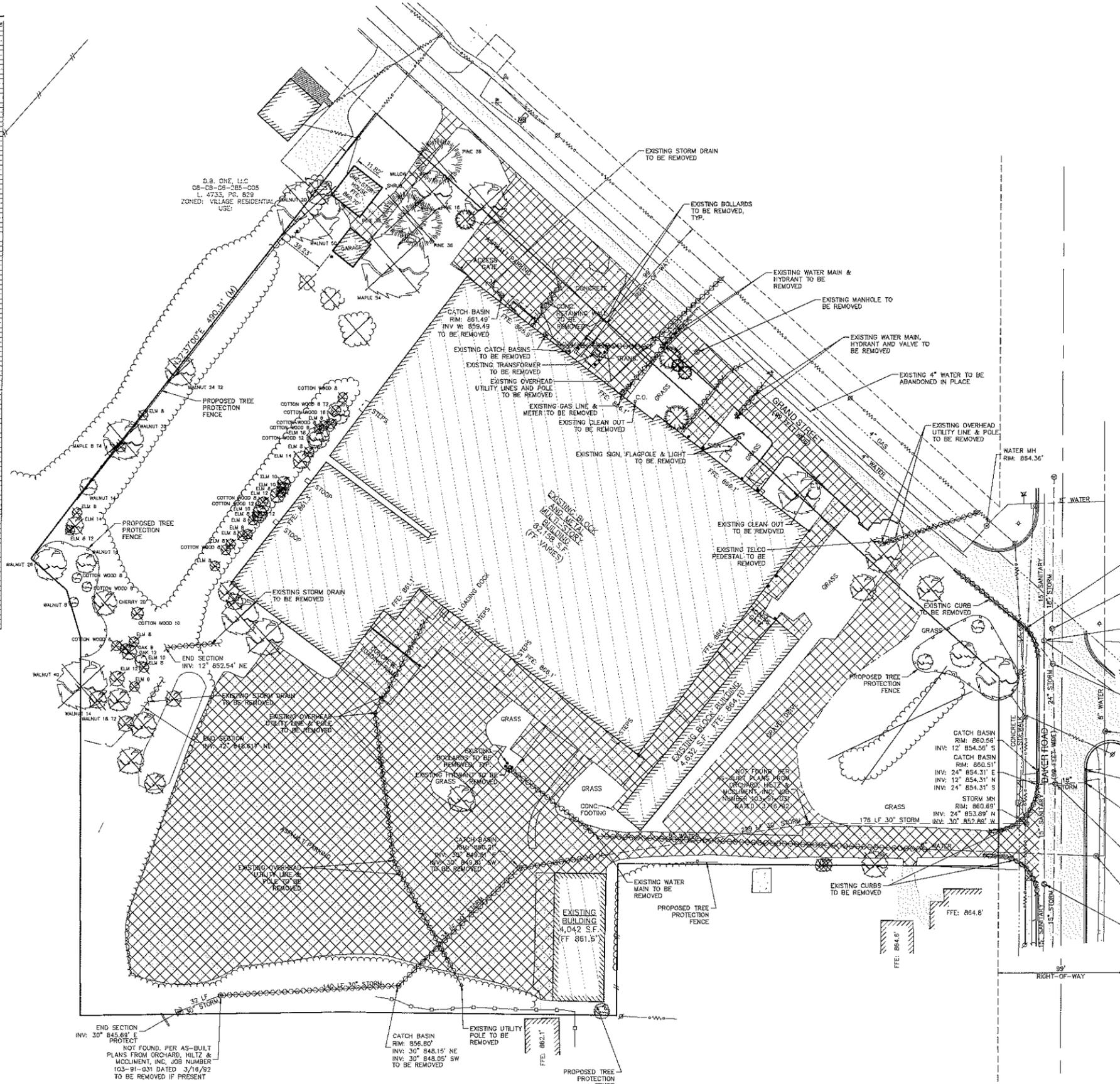
496	ELM	10" (3 Trunks)	ON	X	Non-Native (NN)		
497	ELM	11"	ON	X	Non-Native (NN)		
498	ELM	11"	ON	X	Non-Native (NN)		
499	ELM	9"	ON	X	Non-Native (NN)		
50135	PINE	35"	ON	X	4		3
50136	WILLOW	32"	ON	X	Non-Native (NN)		
50139	PINE	16"	ON	X	4		3
50141	PINE	36"	ON	X	4		3
50142	PINE	36"	ON	X	4		3
50143	MAPLE	54"	ON	X	4		3
50169	WALNUT	20"	ON	X	4		3
50172	WALNUT	50"	ON	X	4		3
50202	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50203	COTTONWOOD	18"	ON	X	Non-Native (NN)		
50204	COTTONWOOD	8" (2 trunks)	ON	X	Non-Native (NN)		
50205	ELM	8"	ON	X	Non-Native (NN)		
50206	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50207	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50208	ELM	18"	ON	X	Non-Native (NN)		
50209	COTTONWOOD	12"	ON	X	Non-Native (NN)		
50210	ELM	8"	ON	X	Non-Native (NN)		
50211	ELM	14"	ON	X	Non-Native (NN)		
50212	ELM	10"	ON	X	Non-Native (NN)		
50213	ELM	10"	ON	X	Non-Native (NN)		
50214	ELM	8"	ON	X	Non-Native (NN)		
50215	ELM	12"	ON	X	Non-Native (NN)		
50216	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50217	COTTONWOOD	12"	ON	X	Non-Native (NN)		
50218	ELM	10"	ON	X	Non-Native (NN)		
50219	ELM	12"	ON	X	Non-Native (NN)		
50220	ELM	8"	ON	X	Non-Native (NN)		
50221	ELM	8"	ON	X	Non-Native (NN)		
50222	ELM	8"	ON	X	Non-Native (NN)		
50223	ELM	8"	ON	X	Non-Native (NN)		
50224	ELM	8"	ON	X	Non-Native (NN)		
50225	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50226	ELM	8"	ON	X	Non-Native (NN)		
50262	WALNUT	24" (2 Trunks)	ON	X	3		3
50266	ELM	8"	ON	X	Non-Native (NN)		
50268	WALNUT	32"	ON	X	3		3
50269	MAPLE	8" (4 Trunks)	ON	X	2		
50273	WALNUT	14"	ON	X	3		3
50283	ELM	8" (2 trunks)	ON	X	Non-Native (NN)		
50284	ELM	14"	ON	X	Non-Native (NN)		
50285	ELM	8"	ON	X	Non-Native (NN)		
50296	WALNUT	26"	ON		SAVE		3
50307	COTTONWOOD	8"	ON		SAVE		2
50309	WALNUT	16"	ON		SAVE		3
50310	COTTONWOOD	8"	ON		SAVE		2
50311	WALNUT	8"	ON		SAVE		2
50314	CHERRY	20"	ON	X	1		
50315	COTTONWOOD	10"	ON	X	Non-Native (NN)		
50318	COTTONWOOD	8"	ON	X	Non-Native (NN)		
50319	ELM	8"	ON	X	Non-Native (NN)		
50320	OAK	8"	ON	X	1		
50321	OAK	12"	ON	X	2		
50322	ELM	10"	ON	X	Non-Native (NN)		
50323	ELM	8"	ON	X	Non-Native (NN)		
50324	ELM	8"	ON	X	Non-Native (NN)		
50325	WALNUT	18" (2 Trunks)	ON	X	1		
50326	ELM	12"	ON	X	Non-Native (NN)		
50332	WALNUT	40"	ON	X	3		3

25 60

CREDIT REPLACEMENT

ON-SITE TREE LIST

Table with columns: TAG, SPECIES, SIZE, HEALTH, LOCATION, and REMARKS. Lists various trees on the site with their respective details.



BENCHMARKS:

- BM 1: BENCH TIE IN EAST FACE OF UTILITY POLE IN THE NORTHERLY RIGHT-OF-WAY OF GRAND STREET AT THE NORTHWEST SIDE OF SITE. ELEVATION: 865.22' (NAVD88)
BM 2: BENCH TIE IN NORTHWEST FACE OF UTILITY POLE IN THE WEST RIGHT-OF-WAY OF BAKER ROAD 100' NORTH OF SOUTH ENTRANCE DRIVE TO SITE. ELEVATION: 862.54' (NAVD88)

DEMOLITION NOTES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLISHING OR RELOCATING ANY SITE FEATURES ACCORDING TO PLAN AND AS APPROPRIATE TO FACILITATE THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
2. PRIOR TO REMOVING, RELOCATING, OR PERFORMING ANY WORK ON A UTILITY, THE CONTRACTOR SHALL COORDINATE WITH THE RESPECTIVE UTILITY OWNER.
3. ALL DEMOLITION MATERIAL SHALL BE PROPERLY REMOVED FROM THE SITE AND DISPOSED OF IN A LEGALLY DESIGNATED DISPOSAL AREA. PERMITS AND FEES FOR DISPOSAL OF DEMOLITION MATERIAL SHALL BE OBTAINED AND PAID FOR BY THE CONTRACTOR.
4. COORDINATE WITH UTILITY PLAN REGARDING DEMOLITION OR RELOCATION OF EXISTING UTILITIES.
5. NOTE THAT NOT ALL UNDERGROUND EXISTING SERVICE LEADS AND FRANCHISE UTILITIES WERE ABLE TO BE LOCATED IN THE FIELD. LOCATIONS SHOWN ARE APPROXIMATIONS BASED ON THE BEST AVAILABLE INFORMATION. CONTRACTOR SHALL FIELD VERIFY.
6. SOIL EROSION CONTROL BMP'S SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF DEMOLITION ACTIVITIES.
7. REMOVE ANY EXISTING BUILDING FOOTINGS WITHIN THE PROPOSED BUILDING FOOTPRINT AND BACKFILL WITH ENGINEERED MATERIAL.
8. REMOVAL OF LIGHT POLES SHALL INCLUDE THE REMOVAL OF THE POLE BASE AND CONDUIT BETWEEN LIGHTS.
9. REMOVAL OF EXISTING PAVEMENT AND CONCRETE MATERIAL AS INDICATED ON THE PLANS IS TO BE DONE IN A LEGAL MANNER. BASE MATERIAL IF CLEANED AND APPROVED BY GEOTECHNICAL ENGINEER, MAY BE USED FOR FILL.

LEGEND

Legend table defining symbols for spot elevation, contour, wetland limits, adjacent property line, section line, easement line, curb/pavement, fence, gravel, ditch, quadrail, tree line, tree (coniferous), tree (deciduous), sign, mailbox, found iron pipe, found iron rod, found PK nail, found conc. monument, set iron rod, set mag nail, ex. section corner, soil boring, ex. water main, ex. water valve, ex. hydrant, ex. water manhole, ex. well, ex. water meter, ex. storm sewer, ex. storm inlet/catch basin, ex. storm manhole, ex. storm end section, ex. sanitary sewer, ex. sanitary manhole, ex. underground gas, ex. gas valve, ex. overhead electric, ex. underground electric, ex. underground cable, ex. telephone manhole, ex. electric manhole, ex. electric meter, ex. gas meter, ex. light pole, ex. traffic signal box, ex. unidentified manhole, ex. traffic signal pole, ex. utility pole, ex. guy wire, demo utility/curb, demo pavement and curb, demo building, demo existing tree, proposed tree protection fence.

- REPLACE CASTING & ADJUST RIM AS NECESSARY
CATCH BASIN
RIM: 861.44'
INV: 12" 856.24' SE
STORM MH
RIM: 861.93'
INV: 18" 855.93' N
INV: 18" 855.93' S
SANITARY MH
RIM: 861.25'
INV: 15" 853.25' N
INV: 15" 853.25' S
INV: 8" 853.95' E
INV: 8" 858.45' E
WATER MH
RIM: 862.47'
STORM MH
RIM: 861.51'
INV: 18" 855.81' N
INV: 12" 855.81' NW
INV: 24" 855.81' S
WATER MH
RIM: 861.40'
CATCH BASIN
RIM: 860.51'
INV: 12" 855.91' S
INV: 12" 855.91' E
CATCH BASIN
RIM: 860.51'
INV: 24" 854.31' E
INV: 12" 854.31' N
INV: 24" 854.31' S
STORM MH
RIM: 860.89'
INV: 24" 853.89' N
INV: 30" 852.89' W
STORM MH
RIM: 860.93'
INV: 24" 855.18' W
INV: 24" 855.18' N
INV: 18" 855.18' E
INV: 15" 855.18' S
WATER MH
RIM: 861.89'
SANITARY MH
RIM: 861.14'
INV: 15" 853.66' N
INV: 15" 853.66' S

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MMB EQUITIES, LLC
GRANDVIEW COMMONS
SITE PLAN
DEMOLITION PLAN

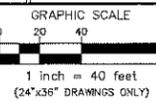
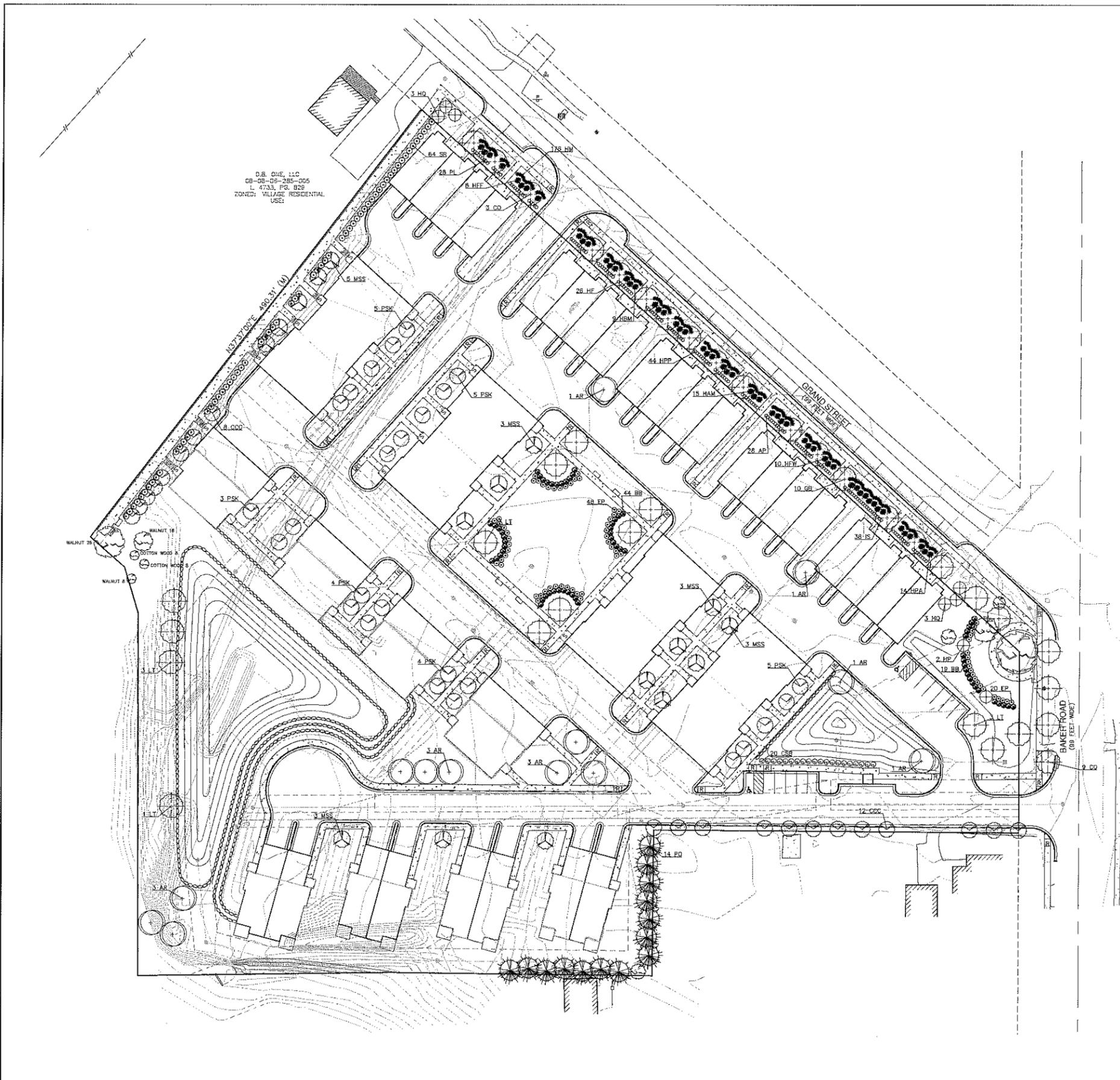


Table with project details: MCA JOB # 1051-16-7340, DATE 08/07/2016, DRAWN BY CMB/CAR, CHECK BY CMB/AW, PM D. GARRETT, BOBK/CREW BC, SECTION 8, TOWNSHIP T25, RANGE R5E, COMMUNITY CITY OF DEXTER, COUNTY WASHTEHAW, SHEET 03.

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



NOT FOR CONSTRUCTION



D.B. ONE, LLC
 CB-08-08-285-005
 L. 4733, PG. 029
 ZONED: VILLAGE RESIDENTIAL
 USE:



PLANTING LIST:

KEY	QTY.	SPECIES	MIN. SIZE	SPEC.
AR	13	ACER RUBRUM RED MAPLE	2.5" CAL.	B&B
CO	12	CELTIS OCCIDENTALIS 'PRAIRIE PRIDE' PRAIRIE PRIDE HACKBERRY	2.5" CAL.	B&B
GB	10	QUERCUS BILOBA CHINKY	2.5" CAL.	B&B
LT	14	LIRIODENDRON TULIPIFERA TULIP POPLAR	2.5" CAL.	B&B
PO	14	PICEA OMORICA SERBIAN SPRUCE	6.0' HT.	B&B
CCC	20	CRATAEGUS CRUSGALLI V. INERMIS 'CRUSADER' CRUSADER THORNLESS HAWTHORN	2.0" CAL.	B&B
MSS	17	MALUS 'SPRING SNOW' SPRING SNOW CRABAPPLE	2.0" CAL.	B&B
PSK	26	PRUNUS KANZAN KANZAN FLOWERING CHERRY	2.0" CAL.	B&B
CSB	20	CORNUS SERICEA 'BERGUSON COMPACT' REDSTEM DOGWOOD	#5	CONT.
HP	2	HYDRANGEA PANICULATA 'GRANDIFLORA' PEEGEE HYDRANGEA	#5	CONT.
HQ	8	HYDRANGEA QUERIFOLIA 'ALICE' OAKLEAF HYDRANGEA	#5	CONT.
SR	84	SACCHARUM RAVENNAE HARDY PAMPAS GRASS	#5	CONT.
AP	28	ATHYRIUM N. FICTUM JAPANESE PAINTED FERN	#1	CONT.
BB	63	ANDROPOGON CERARDII BIG BLUESTEM	#1	CONT.
EP	68	ECHINACEA PURPUREA CONE FLOWERS	#1	CONT.
HAM	15	HOSTA 'AUGUST MOON' AUGUST MOON HOSTA	#3	CONT.
HBM	9	HOSTA 'BLUE MAMMOTH' BLUE MAMMOTH HOSTA	#3	CONT.
HF	26	HELLEBORUS FLORENCE PICOTEE DOUBLE-WHITE HELLEBORE	#1	CONT.
HEF	8	HOSTA 'FRANCEE FR' FRANCEE HOSTA	#3	CONT.
HPW	10	HOSTA 'FRANCIS WILLIAMS' FRANCIS WILLIAMS HOSTA	#3	CONT.
HM	178	HAKONECHLOA MACRA 'AUREOLA' GOLDEN HAKONECHLOA	#1	CONT.
HPA	14	HOSTA 'APHRODITE' APHRODITE HOSTA	#3	CONT.
HPP	44	HEUCHERA 'PALACE PURPLE' CORALBELLS	#1	CONT.
IS	38	IRIS SIBIRICA 'CAESAR'S BROTHER' PURPLE IRIS	#1	CONT.
PL	28	PULMONARIA 'MRS. MOON' LUNGWORT	#1	CONT.

LANDSCAPE CALCULATIONS

ON-SITE LANDSCAPING - MULTIPLE FAMILY RESIDENTIAL

	REQUIRED	PROVIDED
OPEN SPACE:	N/A	3.54 AC
TREES (1 PER 1,000 SF):	154	126
SHRUBS:	N/A	28
GRASSES/PERENNIALS:	N/A	131

BUFFER / SCREENING BETWEEN LAND USES - VR (1,279 LF)

	REQUIRED	PROVIDED
BUFFER ZONE:	8	8
TREES (1 PER 30 LF):	43	39
SHRUBS (7 PER 30 LF):	299	0
GRASSES/PERENNIALS:	N/A	64

STREET TREES - GRAND STREET / BAKER ROAD (857 LF)

	REQUIRED	PROVIDED
TREES (1 PER 30-40 LF):	22-29	22
GRASSES/PERENNIALS:	N/A	396

* PER SECTION 6.1.5 OF THE CITY OF DEXTER ZONING ORDINANCE, A WAIVER IS REQUESTED FROM THE REQUIRED LANDSCAPING FOR BUFFER/SCREENING BETWEEN LAND USES. IN LIEU OF THE REQUIRED BUFFER PLANTINGS, ORNAMENTAL GRASSES HAVE BEEN SUBSTITUTED FOR SOME OF THE SHRUBS, AND ADDITIONAL PLANTINGS HAVE BEEN ADDED ALONG GRAND STREET TO ENHANCE THE STREETSCAPE.

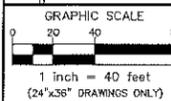
LANDSCAPE NOTES

- THIS PLAN IS FOR PLANTING LOCATIONS ONLY.
- SIZES SPECIFIED ARE MINIMUM SIZES TO BE INSTALLED.
- IN THE EVENT THE PLANT LIST DOES NOT MATCH THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
- ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH CITY STANDARDS IN A NEAT, HEALTHY AND WEED-FREE CONDITION. FREE FROM REFUSE AND DEBRIS. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIAL IS TO BE REPLACED WITHIN ONE YEAR, OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.
- ALL EXISTING TREES TO REMAIN THAT ARE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY THE END OF THE FOLLOWING PLANTING SEASON.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. PLANT MATERIAL IS TO BE LOCATED SUCH THAT IT WILL NOT INTERFERE WITH ANY UNDERGROUND OR OVERHEAD UTILITIES. PLANTINGS WITHIN 15 FEET OF A FIRE HYDRANT SHALL NOT EXCEED 8 INCHES IN HEIGHT.
- REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. FEEL BACK THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE ANY BURLAP AROUND TREE TRUNKS.
- ALL LANDSCAPE AREAS SHALL BE EXCAVATED OF ALL BUILDING/CONSTRUCTION MATERIAL AND POOR SOILS TO A DEPTH OF 18"-24" AND BACKFILLED WITH GOOD, MEDIUM TEXTURED PLANTING SOIL.
- ALL DISTURBED UNPAVED AREAS ARE TO BE SPREAD WITH A MINIMUM 4 INCHES OF TOPSOIL AND SOILED. AREAS OF INDIVIDUAL TREES AND LANDSCAPE BEDS ARE TO BE MULCHED WITH A MINIMUM OF 4 INCHES OF SHREDED HARDWOOD BARK.
- ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH A READILY AVAILABLE WATER SUPPLY. NEWLY PLANTED MATERIALS SHALL BE REGULARLY WATERED UNTIL ESTABLISHED.
- IF AN APPROVED SPECIES IS NO LONGER ACCEPTABLE DUE TO SUCH THINGS AS INFESTATION OR DISEASE, A SUITABLE SIMILAR SPECIES SHALL BE USED AS REPLACEMENT. ANY PLANT SUBSTITUTIONS SHALL HAVE CITY APPROVAL PRIOR TO INSTALLATION.
- RECOMMENDED PLANTING DATES ARE MARCH 1 TO MAY 15 FOR ALL MATERIALS AND OCTOBER 15 TO OCTOBER 15 FOR DECIDUOUS MATERIALS. PLANTINGS OUTSIDE THESE DATES SHALL HAVE PRIOR CITY APPROVAL AND MAY REQUIRE SPECIAL TREATMENT, SUCH AS EXTRA WATERING OR MULCHING, TO INCREASE SURVIVAL POTENTIAL.
- PLANT MATERIAL SHALL NOT INTERFERE WITH SIGHT DISTANCE TRIANGLES.

ISSUED FOR:
 REV: DATE:

METRO CONSULTING ASSOCIATES
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CLIENT NAME: MMB EQUITIES, LLC
GRANDVIEW COMMONS
 SITE PLAN
 LANDSCAPE PLAN



MCA JOB #:	1051-16-7340
DATE:	09/07/2016
DRAWN BY:	CMB/CAR
CHECK BY:	CMB/CAW
PM:	D. GARRETT
BOOK/CREW:	BC
SECTION:	6
TOWNSHIP:	T23
RANGE:	R5E
COMMUNITY:	CITY OF DEXTER
COUNTY:	WASHTENAW
SHEET:	24

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



NOT FOR CONSTRUCTION



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(734) 662-1935 Fax

Date: September 20, 2016

**PUD Final Site Plan Review
For
City of Dexter, Michigan**

Applicant:	MMB Equities, LLC – Steve Brouwer
Project Name:	Grandview Commons
Location:	7931 Grand Street (08-06-155-001) 7905 Grand Street (08-06-427-001) Vacant Baker Road (08-06-427-002) 7961 Grand Street (08-08-06-285-004)
Current Zoning:	PUD
Plan Date:	September 7, 2016
Revised Date:	NA
Action Requested:	Approval of Final PUD Site Plan.
Required Information:	We will note any informational deficiencies in the body of this review.

PROJECT AND SITE DESCRIPTION

The applicant is requesting final site plan review of the Grandview Commons residential development. As you recall, the City Council approved the Area Plan/PUD rezoning on August 8, 2016. The intent is to redevelop an existing industrial brownfield and adjacent residential parcel to provide a development with a variety of housing options, as well as to provide the environmental clean-up and demolition of an existing industrial facility within the downtown area.

The applicant is proposing to demolish three (3) existing industrial buildings and 1-story house and garage (newly acquired western parcel) in order to develop the 8.58 acre site with a variety of housing types to include: four (4) 8-unit buildings; four (4) 4-unit buildings; five (5) 4-unit townhouse buildings, and four (4) duplexes totaling 76 dwelling units. Seventeen (17) buildings will be constructed containing a total of 144 bedrooms. Based on the floor plans submitted with the most recent plan set, we infer the development will include sixteen (16) one-bedroom units; forty-four (44) 2-bedroom units; and sixteen (16) 3-bedroom units. Each unit will have access to a private garage space.

Initially, the project was demonstrated to be completed in two (2) phases. The submittal reviewed for the June Planning Commission depicted construction of the development in three (3) phases – starting from Baker Road and moving westward. The applicant submitted the project phasing under a revised Sheet 04 via email on July 25, 2016. This layout depicts the proposed phases as demonstrated at the June Planning Commission meeting.

Section 19.10 requires final site plan approval for each phase of a PUD as delineated on the approved area plan. Sheet 04 demonstrates the three (3) phases of development which coincide with the approved Area Plan. However, neither the title block nor the site plan distinguishes that the plans submitted are for Phase 1 only. The applicant has verified via email their intent is to request final site plan for the entire project at this time.

Items to be Addressed: None.

Figure 1. – Aerial Photograph



AREA, WIDTH, HEIGHT, SETBACKS

The applicant is requesting final site plan approval of the Grandview Commons PUD. In August, the City Council approved the PUD rezoning utilizing VR, Village Residential as the underlying zoning district. Section 20.10 outlines the schedule of regulations for the VR zoning district as outlined on the following page:

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	Required	Provided	Compliant
Lot Area	4,500 sq.ft./d.u. (2-family) 9,800 sq.ft./d.u. (multi-family)	8.58 acres	7 acres needed for 2-family 15.3 acres needed for multi-family
Lot Frontage	60 feet	170.38 feet	Complies
Setbacks			
Front	15 feet	4 feet (Grand St. ROW) 112 feet (Baker Rd. ROW)	Deviation from requirement approved.
Side	10 feet	15 feet (west)	Complies
Rear	25 feet	25 feet (south)	Complies
Building Height	2.5 stories / 35 feet	2 stories/30.5 feet (townhouse tallest structure)	Complies

A deviation for the Grand Street front yard setback was approved on the Area Plan in August, and is provided on Sheet 04 which states, *a front setback deviation of 11 feet is requested from the required minimum front setback of 15 feet to allow a minimum front setback of 4 feet.* All other dimensional requirements of the VR zoning district have been met.

Items to be Addressed: None.

NATURAL RESOURCES

Topography: The site has been previously developed, and maintains a level topography with a 5-foot slope from the front (north) to the rear (southwest) of the site having natural drainage toward Mill Creek.

Woodlands: One hundred twenty-six (126) trees are demonstrated on the topographic survey and provided in the tree table. Most of the existing trees will be removed to accommodate the proposed development. The tree list on Sheet 03 notes ten (10) trees to remain.

The applicant is proposing modified tree replacement calculations, as provided in their cover letter (date stamped by the City of Dexter – September 7, 2016), and has indicated they are only proposing to replace native tree species with a health assessment rating of 3 or greater.

Section 6.14 D. requires replacement of existing trees identified on the site plan with an eight (8)-inch or larger caliper this requirement includes both native and non-native species. Based on the information provided in the tree list, we calculate 251 replacement trees are required based upon the number of native/non-native trees to be removed that are not considered landmark trees.

In addition to the protected trees noted above, we find eleven (11) landmark trees (native trees having a DBH of 24-inches or greater) are proposed for removal. These trees are not noted as landmark trees on the tree inventory provided, and would require 55 additional replacement trees (5 replacement trees each) for a total of 306 replacement trees.

Section 6.14 F. allows the Planning Commission to either:

- Allow greater size for replacement trees;
- Allow replacement trees at another location on public property in the City; or
- Require contributions to the City's Tree Replacement Program.

Further, the requirement for on-site mitigation may be altered or waived by the Planning Commission if the proposal meets the following criteria:

1. The proposal meets all other ordinance requirements.
2. The applicant can clearly demonstrate that there is inadequate planting area for the healthy installation of the required trees on the site and that maximum effort has been put into locating as many of the required trees as possible.
3. The applicant has made every reasonable effort to preserve as many of the existing on-site trees as possible.
4. The proposal demonstrates environmental sensitive design in terms of topography, stormwater management, soil erosion management, etc.

The deviation being requested by the applicant with regard to replacement of trees to be removed is not supported or allowed by the Replacement Standards outlined in Section 6.14 of the City of Dexter Zoning Ordinance.

Further, Section 6.13 allows for a waiver or modifications of standards for special situations which allows the Planning Commission to determine if existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. The Planning Commission may approve credit for existing trees on a site to accommodate landscaping requirements. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by

the Planning Commission and are not on the list of trees not permitted (Section 6.11 C.)

We note the trees the applicant is proposing to save are walnut, locust and cottonwood trees which are all listed as trees not permitted in Section 6.11 C.

The applicant will need to re-evaluate the site's required tree replacement and credit waiver request based upon the standards of Sections 6.11 C., 6.13, and 6.14 D. as referenced above.

Wetlands: No wetlands are present on the subject site. However, the site is bordered by Mill Creek to the south.

Soils: The USDA web soil survey indicates the majority of the site contains Oshemo Loam Sand having 0-6% slopes.

Items to be Addressed: *Re-evaluate required tree replacement and tree credit waiver request based on the standards of Section 6.11 C., 6.13, and 6.14 D.*

BUILDING LOCATION AND SITE ARRANGEMENT

The site arrangement and building locations are consistent with the approved Area Plan.

Items to be Addressed: *None.*

TRAFFIC IMPACT

Based on the average weekday trip ends provided by the Institute of Transportation Engineers, we find the existing industrial use generates approximately 79 trip ends/net acre or 474 vehicle trips per day. The existing single-family residential structure to be removed generates approximately 9 vehicle trips per day. A residential condominium development is listed as averaging 5.1 trip ends/dwelling unit. Based on the 76-units proposed, this equates to an average of 388 vehicle trips per day.

A revised traffic impact analysis has been provided by the applicant demonstrating and evaluating existing and future levels of service (LOS) at Baker Road and Grand Street. Based on the analysis provided, the report concludes the proposed development will have minimal if any impact on the traffic operations of Baker Road and Grand Street. The LOS will remain the same with the exception of the southeast bound approach on Grand Street which will be a LOS E during the peak PM period, and the northwest bound approach on Grand Street which will become a LOS F during both AM and PM peak periods.

The revised report recommends:

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- The existing Baker Road drive and proposed Grand drive be designed and constructed per the City of Dexter standards and specifications.
- The Baker Road access should be reconfigured such that the driveway radius does not encroach onto the existing property to the south.

The City Engineer has reviewed the traffic impact study and noted it to be “acceptable as presented” in their May 19, 2016 review letter.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

The site will be accessed via a driveway from Grand Street and a driveway from Baker Road. Internal circulation appears adequate; however, turning radii for emergency and garbage trucks have not been provided as part of the final site plan.

We defer further comment on site access and circulation to the Dexter Area Fire Department and the City Engineer.

Items to be Addressed: Provide emergency and garbage truck turning radii.

ESSENTIAL FACILITIES AND SERVICES

The site is served by sewer and water. However, the amount of REUs will need to be evaluated in comparison with the current (industrial/residential) and proposed (residential) uses.

Two (2) stormwater detention basins are located on the site.

The City Engineer is currently conducting a review of the existing/proposed essential facilities and services.

Items to be Addressed: City Engineer review of essential facilities and services.

PARKING, LOADING

Section 5.03 requires multiple-family dwellings provide two (2) parking spaces for each dwelling unit, and 0.5 guest parking spaces for every three (3) dwelling units. The applicant has verified each of the garages can accommodate two (2) parking spaces.

Based on the number of dwelling units (76), an additional thirteen (13) guest spaces are required. Thirteen (13) additional guest parking spaces have been provided in two (2) locations in the southeast corner of the development, as well as eighteen (18) on-street spaces shown on Grand Street. We note two (2) barrier-free parking spaces are provided.

Items to be Addressed: None.

SIDEWALKS

All internal and periphery sidewalks are proposed at 5-foot widths as provided on the approved Area Plan. The public pedestrian walkway along the western property line to Mill Creek is 8 feet wide. These widths are in accordance with City standards.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided on Sheet 24 of the plan set.

Composition: As required in Section 6.02 B., the applicant will be required to provide a detailed landscape schedule with botanical names, sizes, spacing, etc. of each proposed plant, as well as the percentage of genus and species of each proposed planting to ensure diversity in species. No more than 25% of any one (1) genus or 10% of any one (1) species shall be permitted on the site plan.

Street Trees: Street trees (canopy trees) are required at a minimum of every thirty (30) feet or a maximum of forty (40) feet between the sidewalk and the curb for development with frontage on a public street. Twenty-two (22) to 29 street trees are required along the Grand and Baker Road ROWs in order to meet this requirement. Twenty-two (22) street trees are depicted on the landscape plan.

Parking Lot Screening: Parking lot screening is not required, as none of the proposed parking areas are adjacent to a ROW.

Interior Parking Lot: Parking lots having either 3,000 sq. ft. of area or 25 spaces are required to provide at least 3% of the total parking area as landscaping. Thirteen (13) parking spaces are proposed within two (2) separate parking areas. Neither of the proposed parking areas consists of 3,000 sq. ft. of area. Therefore, no additional interior parking lot landscaping is required.

Buffer/Screen: The multiple-family development is adjacent to existing VR zoned/used property to both the west and south. The applicant is requesting a waiver or modification for an alternative landscaping design along the west and south property lines where Buffer Zone "B" would be required adjacent to single-family

residential uses/zoning. Specifically, the applicant provides the following considerations for Planning Commission review:

1. *Shrubs removed from the west property line and replaced with grasses. We are trying to provide an open viewscape between the public pathway and the development.*
2. *Shrubs and evergreen trees removed from the south property line to open up views to creek. The Planning Commission mentioned numerous times that we wanted to preserve the view to the open space. There are no adjacent land uses to buffer.*
3. *Shrubs removed from the east property line and replaced with evergreens from improved screening (trees wrap around corner onto portion of south property line).*
4. *Some ornamental trees removed from interior of the site to open up views to creek.*
5. *Grasses and perennials added to central open space area to create a sense of place and privacy for the units facing the "park".*
6. *Perennials added along Grand Street to enhance streetscape and soften street presence of the buildings (plantings along the street will be seen/enjoyed by many more people than shrubs tucked in the back of the site along the property line). Proposed plan creates a tree-lined street that is inviting to walk down.*
7. *Overall there is an increase in proposed plant material, the total number of proposed plants on the approved Area Plan/PSP landscape plan: 560; Total number of proposed plants on current FSP landscape plan: 745.*

In making a determination to waive or reduce the landscape and screening requirements of this Article, the Planning Commission shall consider the following:

- A. Extent to which existing natural vegetation provides desired screening.
- B. The existence of a steep change in topography which would limit the benefits of required landscaping.
- C. The presence of existing wetlands.
- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- F. Building heights and views.

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- G. The adjacent residential district is over 200 feet away from the subject site.
- H. Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Site Landscaping: One (1) tree is required for each 1,000 square feet of open space on the development site. Trees in the required screen can count toward this calculation. The landscape plan indicates 3.54 acres of open space are provided requiring 154 trees, 126 trees are provided throughout the site.

Tree Replacement: See comments under Woodlands in Natural Resources section of this report.

Details: Planting and staking details are provided on Sheet 25.

Refuse Containers: Curb-side pick-up is proposed.

Items to be Addressed: 1) Provide composition percentages in accordance with Section 6.02. 2) Planning Commission to determine alternative landscape design meets the intent of Section 6.13.

LIGHTING

A lighting plan has been included in the most recent plan set. One (1) street light and 205 wall-mounted fixtures are proposed throughout the site. Illumination levels at property lines measure 0.1 foot-candles or less as required.

Detail of wall-mounted fixtures is provided on Sheet 28. Detail of proposed street light should also be provided.

Items to be Addressed: None.

SIGNS

A sign location has not been demonstrated on the site plan. Any signs(s) must comply with all applicable provisions of Article 7, Signs, of the Zoning Ordinance. All signage should be demonstrated by location and detail on the final site plan.

Items to be Addressed: Provide location and detail of all signage.

BAKER ROAD CORRIDOR

The subject site is also located in the Baker Road Corridor (BRC) overlay district. Specific architectural standards are provided in order to integrate the development within the BRC by visually relating new structures with existing buildings in the Central Business and Village Commercial districts.

Specific architectural standards for the BRC overlay district are noted below in accordance with Section 15(D).02. In reviewing the BRC standards we focused primarily on the townhouse structures, as that building type is most visible as it will be located along the Grand Street ROW for our evaluation of building orientation and building scale. All proposed structures are considered in our discussion of exterior building materials and design.

Building Orientation: The intent of the BRC is to contribute to the desirability of pedestrian activity within the Baker Road area and to encourage connectivity to the streetscape. Entranceway orientation and proposed flow of pedestrians will contribute towards the desired pedestrian activity and scale. The following shall be considered:

1. Buildings shall front toward and have at least one (1) pedestrian entrance facing onto the public street.
2. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front façade of a building, such as awning, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.
3. All buildings shall have at least 70% of their first floor façade on the street-facing sidewalk as non-reflective. The use of highly reflective, mirror-type glass is prohibited.

CWA COMMENT: *The townhouse structure is located along the Grand Street ROW. All units have a pedestrian entrance visible/facing the street. The north (front) elevation of the townhouse structure has incorporated a variety of architectural features (windows, columns, dormers, recessed entries, etc.), and is not considered a blank wall. A listing of material types has not been provided.*

Building Scale:

1. Building facades are required to be subdivided through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings. The predominating surface plan of all building walls over 40 feet in length shall be varied through the use of architectural treatments, such as varying building lines, entrance accents, and windows.

2. The height to width ratio of these subdivided facades of single-story buildings shall not exceed 1:2. The height to width ratio of these subdivided facades of two-story buildings shall not exceed 1:1.
3. Building articulation shall be accomplished through combinations of the following techniques:
 - a. Façade modulation: Stepping portions of the façade to create shadow lines and changes in volumetric spaces;
 - b. Use of engaged columns or other expressions of the structural system.
 - c. Horizontal and vertical divisions. Use of textures and materials, combined with façade modulation.
 - d. Dividing facades into storefronts with visually separate display windows.
 - e. Providing projections such as balconies, cornices, covered entrances, pergolas, arcades, and colonnades.
 - f. Variations in the rooflines by use of dormer windows, overhangs, arches, stepped roofs, gables, and other similar devices.

CWA COMMENT: *Façade modulation has been provided through the use of entry doors and bay windows. The height (21.5 feet) to width (24 feet) ratio does not exceed 1:1 for the subdivided two-story façade. Further building articulation is accomplished through façade modulation, the use of columns; balconies, covered (recessed) entrances, and dormer windows.*

Building Materials and Design: The applicant must demonstrate the proposed buildings possess architectural quality and variety that create a distinct and harmonious character for the corridor

1. Variety in building design shall be provided by architectural features, details, and ornaments such as archways, colonnades, towers, and cornices.
2. Building entrances shall utilize windows, canopies, and awning; provide unity of scale, texture, and color; and provide a sense of place.
3. Roof shape and materials shall be architecturally compatible with the district and enhance the predominant streetscape. Consideration should be given to surrounding buildings when determining roof shape.
4. Exterior building materials and treatment shall maintain a consistent overall appearance within the BRC. Any individual side of a principal building, at least 80% of the façade shall be constructed of, or covered with, one or more of the following materials:

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- a. Brick – smooth, hard, uniform, red, dark-red, or brown brick.
- b. Cut stone – carved and smooth finish stone.
- c. Siding – natural wood and/or cement-based artificial wood-siding.
- d. Glass windows and/or doors – non-reflective, clear or slightly tinted.
- e. Other materials similar to the above as determined by the Planning Commission.

CWA COMMENT: *A variety in building design has been represented in each of the building-types. Building entrances and roof shapes are in scale with typical residential developments. Exterior materials will need to be identified to ensure preferred materials are utilized, and the 80% requirement has been met on each structure. Overall, we find the proposed structures meet the architecture design guidelines of the BRC district.*

Items to be Addressed: *Provide listing of exterior façade materials.*

EXTERIOR ELEVATIONS/FLOOR PLANS

Building elevations and floor plans for each of the proposed structure types have not been provided with final site plan submittal.

Items to be Addressed: *Provide exterior elevations (with listing of exterior façade materials) and floor plans.*

RECOMMENDATIONS

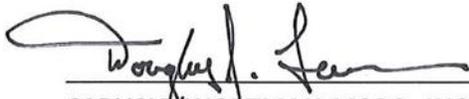
As presented the Grandview Commons Final Site Plan is in general compliance with the approved Area Plan for the development.

The following items will need to be addressed prior to approval of the Grandview Commons Phase 1 Final Site Plan:

1. Re-evaluate required tree replacement and tree credit waiver request based on the standards of Section 6.11 C., 6.13, and 6.14 D.
2. Provide emergency and garbage truck turning radii.
3. City Engineer review of essential facilities and services.
4. Provide composition percentages in accordance with Section 6.02.
5. Planning Commission to determine alternative landscape design meets the intent of Section 6.13.
6. Provide location and detail of all signage.
7. Provide listing of exterior façade materials.

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8. Provide exterior elevations (with listing of exterior façade materials) and floor plans.
-


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STAFF MEMO

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Lot Coverage

Date: September 6, 2016

Current and former staff's interpretation of the intent of the zoning ordinance was/is, in regards to lot coverage and decks; decks are included in the lot coverage calculation. This interpretation was recently questioned (not in a bad way). Thus, there may be ambiguity in the ordinance, and as such may be open to other interpretations.

Since ambiguity is the bane of any ordinance, staff is recommending the following amendment to the Lot Coverage definition (text to be added in underlined; text to be deleted is ~~struckout~~):

- Section 2.02, Definitions, Lot Coverage: The part or percent of the lot occupied by ~~a building~~buildings and/or structures, including accessory buildings and structures, such as, but not limited to decks, stairways, porches, breezeways and swimming pools.

In addition, staff recommends the Planning Commission conduct a public hearing to consider the amendment at its next regular meeting, on November 7, 2016.