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The developer's proposal to create a planned unit development provides additional flexibility to the developer in terms of setbacks but provides greater surety in terms of development and compatibility with the surrounding uses. Planned Unit Developments are typically a way in which a developer can seek approval for a higher density than what zoning would traditionally permit.

In this particular case, the applicant is seeking approval for less density than what could be traditionally granted. Using basic lot size calculations in an R-2 district, a total of 68 units are permitted and the developer is proposing a total of 60 units. When the calculations for townhomes are used (townhomes are permitted in an R-2 district after special approval) more than 80 dwelling units could be constructed. The applicant is seeking a planned unit development, it appears, not so much to gain density but to better use an irregularly shaped parcel of land.

Approximately twenty-seven (27%) percent or 3.78 acres of the development will be set aside for open space. The open space area must be preserved and dedicated through an irrevocable conveyance for use as common land for the sole benefit and enjoyment of present and future lot or homeowners within the development or it shall be dedicated to the Township as parkland for the use by the general public.

Whereas the proposed site plan for the single-family residential site condominium development meets the requirements of the Zoning Ordinance and is consistent with this area of the Township, staff recommends approval of SUP-10-03 and S-10-23 with the fourteen (14) recommendations in the report.

Steven Leinberger, a representative of Leinberger Builders, stated he had no problems with the fourteen (14) conditions listed in staff's report. Mr. Leinberger feels the proposed planned unit development would be an asset to the community and that there is a high demand for this type of housing in our area. The roads would be private and built to Saginaw County Road Commission standards.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed site plan and special use permit.

1. Mrs. Weiss of 4688 Mackinaw stated she was concerned with the proposed development not being maintained and turning the general area into a rundown, un-kept area bringing down the values of adjoining neighbors properties.

Mr. Brucker state the property is zoned R-2, Medium Density Residential because of the close proximity to the railroad tracks. Planned Unit Developments are proven to be a good usage of R-2 properties.

Mr. Majask inquired if the condominium association will have good bylaws and a reserve fund for the common areas? Mr. Leinberger stated with the first phase of Mackinaw Meadows a master deed was drafted with strict guidelines for the common areas. 10% of the monthly association fees are set aside for these expenses as required by the State of Michigan. The associate fees have annual dues of \$135.00. The condominium association is responsible for grass cutting and maintaining the

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common areas. The proposed town homes maintenance as a group will maintain lawns, exteriors of the town homes and help pay for their portion of the plowing.

Mr. Gombar inquired about spacing between buildings. Plans show 12 feet and is approved by the Fire Department.

Ms. Smith stated the final site plan will document the pathway through the open space area. Mr. Gombar stated he would like to see it kept natural with no pathway. Mr. Gombar feels it is a safety issue with it being located too close to the railroad tracks.

Mr. Weiss would like a border, fence or berm between the two properties. He also stated he has drainage problems and that Mr. Leinberger is aware of the problem. A drain tile is broken and the area where he used to have a garden cannot be maintained as a garden because it floods too often. Mr. Leinberger stated that when the roads were being installed a field tile was damaged causing the ponding issues. He put in a swale to help but it is not working very well. Mr. Eric Spitler, the engineer, stated with this proposed development they have engineered the site for storm water. They have met with the township engineer and have added a catch basin to take care of the drainage issue.

Mr. Gombar inquired if a fence or berm will be constructed for this development? Ms. Smith stated the zoning ordinance requires a buffer when it abuts an area zoned residential.

There being no further comments, Mr. Brucker closed the public hearing portion of this proposed site plan and special use permit.

Discussion followed among the Planning Commission members. Mr. Brucker inquired if any of the units would be constructed barrier free. Mr. Leinberger stated they are not required to but the slopes could be modified for ease of access during construction. Currently they are providing oversized doors and extra blocking in the showers so that homes could be retrofitted if needed. It would be more expensive if they built them to the strict compliance of the ADA (American with Disabilities Act) standards.

Motion by Mr. Nolan, supported by Mr. Majask, to recommend approval of the proposed special use permit (SUP-10-03) to the Township Board upon the following fourteen (14) conditions listed below:

1. Approval of a final site plan by the Fire Department, Community Development, the Building Department and the Department of Public Services prior to the Township Board issuing utility contracts.
2. An overall review and approval of a storm water management plan by the Saginaw County Department of Public Works. The Township Board will not award any contracts for the installation of the public water lines and sanitary sewer lines until the storm water management plan has been approved.

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3. Review and approval of the rear lot drainage system by the Township Engineer. The Township Board will not issue any utility contracts for public water and sanitary sewer until the rear lot drainage plan has been approved.
4. Prior to the Building Department issuing an occupancy permit for any home within this subdivision, the Contractor and Engineer must certify that the storm water management system has been installed in accordance with the approved design if the applicant chooses to use the previously approved storm water management plan. The applicant must complete the request for Storm water Exemption form.
5. Follow the requirements of the Condominium Ordinance No. 437 and provide a copy of the Master Deed with the restrictive covenants and easements to the Community Development Department for review and approval. The master deed shall include restrictions that prohibit enclosures, patios, etc., within the right-of-way of the Universal Drain.
6. Provide for documentation and conveyance of the dedicated open space as required per Section 2207(7).
7. Plans for the private road must be submitted to the Saginaw County Road Commission for review and approval. A copy of the approval letter shall be forwarded to the Community Development Department prior to the Township Board awarding utility contracts.
8. The roadway must be inspected by the Saginaw County Road Commission or design engineer to ensure the road construction complies with the Road Commission standards. Any associated documentation regarding the road construction and design should be forwarded to the Road Commission and copied to our office for the project file. The developer must deposit funds in an amount equal to 110% of the estimated roadway construction cost as agreed upon by the Saginaw County Road Commission and Township Engineer. The type of security required for the road construction shall be determined by the Township Manager and Director of Fiscal Services.
9. The final site plan for this condo development will need to be modified as follows:
 - a. The boundaries of the proposed phasing needs to be addressed in order to ensure that the development meets all the required yard regulations. There are three distinct issues in terms of setbacks and yard regulations within the proposed Phase I. They are as follows:
 - i. Units 37, 21 and 17 are required to maintain a minimum of a 40-foot setback from the perimeter of the adjoining property.
10. A landscaping plan shall be submitted to the Community Development Department. The landscaping plan shall detail the following:

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- a. The installation of street trees along the private roadway spaced at a distance no greater than 30 feet apart
 - b. One tree must be installed in each of the unit's rear yard area
 - c. Aesthetic screening of the proposed detention area
 - d. The entry way along Mackinaw Road
 - e. Detailing the use of open space areas
11. Installation of a crosswalk where the pedestrian walk crosses the proposed road into the development.
12. Installation of a system or series of walkways to and from the designated open space, as required by ordinance.
13. Leads for each unit to connect to rear lot drainage are required. Rear lot drainage for those units located adjacent to the Universal Drain must be addressed.
14. The streets, currently shown as ending at the property line, are acknowledged by Staff, the Planning Commission and the Developer, as designed to continue into the adjoining property in the future. This is the desired outcome regardless of who may purchase and/or develop the adjoining property.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw

Motion by Mr. Nolan, supported by Mr. Majask, to recommend approval of the proposed site plan (S-10-23) upon the same conditions listed in the proposed special use permit SUP-10-03.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw

Receive and File All Correspondence:

- A. The July 2010 issue of Planning & Zoning News
- B. Invitation to the Saginaw Township Employees Annual Picnic

Adjournment:

Motion by Mr. Gombar, supported by Mr. Nolan, to adjourn the meeting at 7:41 p.m.

VOTE: 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED
Nelson
McGraw