

10-B

Planned Unit Development

~~SITE PLAN REVIEW~~

**APPLICATION AND SUBMITTAL  
CHECKLIST FOR PLANNING  
COMMISSION**



City of Marine City  
Building Department  
260 S Parker St.  
Marine City, MI 48039  
(810) 765-9011  
buildingdepartment@cityofmarinecity.org

Cash Receipting Code: Plan Com

<b>Application Fees:</b>	<b>\$200.00</b>	<b>Single &amp; Multi-Family (up to 3 units)</b>
	<b>\$300.00</b>	<b>Commercial, Industrial, Subdivisions, Condos, Multi-Family (4 or more units)</b>
	<b>\$200.00</b>	<b>Special Use Application</b>

When this completed application is filed in conjunction with the site plan for the proposed development, it will serve to initiate processing of the plans in accordance with the review procedure as described in the City of Marine City Zoning Ordinance. The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the City of Marine City Zoning Ordinances, which are available on the City's website at [www.cityofmarinecity.org](http://www.cityofmarinecity.org), and complying with the various requirements therein. Further, these professionals shall make themselves aware of all master plan requirements including, major thoroughfares, land use, recreation, etc. Be sure to complete each applicable section of this application, omission of any required information will delay the review process. **Applicant will reimburse the City of Marine City for all planning Consultant fees and Engineering Consultant fees associated with this application prior to being placed on the agenda.**

Applicant Name(s): Marine City Place Apartments, LLC - Rutger Breakey

Applicant Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: breakeyrw@gmail.com

Property Owner Name(s): Chesterfield Venture, LLC

Property Owner Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Proposed Development: Marine City Place Apartments

Address of Development: 2006 S. Parker St, Marine City, MI 48039

Parcel No.: 74-02-012-3004-000 Description of Development:  New  Addition

Copy of Legal Description Attached

Proposed Use: See attached Exhibit A

I (We) hereby attest that all of the information provided in this application and attachments submitted, are true and correct to the best of my (our) knowledge and belief.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Site Plan Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If petitioner is not the owner, state the basis for representation (i.e. Attorney, Representative, Option-to-Buy, etc.): \_\_\_\_\_

## **EXHIBIT A**

### **PROJECT DESCRIPTION:**

Enclosed please find our Application for Parcel Number 74-02-012-3004-000 located at 2006 S. Parker St. On behalf of the Owner/Developer, we are requesting rezoning to Planned Unit Development (PUD) to develop a Multi-Family Residential complex consisting of five (5) 36-unit buildings totaling 180 apartment units. The development will also include a leasing office with a gym, maintenance shed, and the associated parking lot and utilities for the complex.

The multiple family buildings are proposed with a maximum length of 252-ft and mean height just under 35-feet.

The parcel contains 465,436-SF (10.68-ac). The proposed development having a unit mix comprising of 175 two-bedroom units and 5 one-bedroom units for a total of 180 units (465,436 sq ft), will generate a density of 16.854 units per acre.

The proposed 180-units are proposed with a minimum of 360 parking spaces or at 2 spaces per unit.



**CASH WAGGNER**  
**& ASSOCIATES, PC**  
 CONSULTING | ENGINEERING | SURVEYING

**RECEIVED**  
 OCT 03 2022

DATE: 9/28/22 *City of Marine City* ATTENTION: Shannon Adams  
 PROJECT NO.: 16-2568 COMPANY: Marine City Planning Commission  
 REFERENCE: Marine City Place Apartments ADDRESS: 260 S. Parker St.  
 YOUR FILE NO.: CITY, ST, ZIP: Marine City, MI 48039  
 PHONE: 810-765-9011

THE FOLLOWING ITEMS:

COPIES:	DATE:	DESCRIPTION:
3	9/28/22	C-101 Development Plan
1	9/28/22	Site Plan Review Application
1	9/27/22	\$300 Review Fee (check #28651)

ARE TRANSMITTED:

- PER YOUR REQUEST
- FOR YOUR FILES
- FOR REVIEW & COMMENT
- OTHER

FOR YOUR:

- APPROVAL
- USE
- INFORMATION
- OTHER

VIA:

- COURIER
- FOR PICK UP
- USPS
- NEXT DAY
- CERTIFIED
- FED EX
- UPS
- SATURDAY DELIVERY
- TRACKING #
- DHL
- OTHER

COMMENTS:

Shannon,  
 Included in this submittal is the site plan application, development plan, and review fee for the proposed Marine City Place Apartments development.  
 Let me know if you have any questions. Thanks.

FROM:

*Nathan R. Wagner*  
 NATHAN R. WAGNER, PE

cc: File

LETTER OF TRANSMITTAL

402 E 13<sup>TH</sup> STREET,  
 STE 101  
 JASPER, IN 47546  
 PH: 812-634-5015  
 FAX: 812-634-5017  
 E-MAIL:  
[CCASH@CASHWAGGNER.COM](mailto:CCASH@CASHWAGGNER.COM)





## § 160.236 PLANNED DEVELOPMENT.

(A) *Purpose.* The purpose of this Section is to permit flexibility in the regulation of land development; encourage innovation in land use and variety of design, layout and type of structures constructed; achieve efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of residents in the City in accordance with § 503 of Public Act 110 of 2006, as amended.

(B) *Authority.* The City Commission shall have the authority to approve, deny, or approve with conditions applications for a Planned Development Project (PDP).

(C) *Amendment required.* The approval of a PDP shall require an amendment to the Zoning Ordinance to revise the official Zoning Map to designate the subject property as a PDP. Approval granted under this Section (including the development agreement, all aspects of the final plan, and any conditions imposed on it) shall constitute an inseparable part of the zoning amendment.

(D) *Qualifying conditions.* In order to qualify for Planned Development Project (PDP) consideration, the following conditions shall be met to the satisfaction of the City Commission.

(1) *Recognizable benefits.* The PDP shall result in recognizable and substantial benefits to the ultimate users of the project and to the community, where such benefits would otherwise be unlikely to be achieved under the regulations of the underlying zoning districts. The following benefits shall accrue from the PDP:

(a) The permanent protection and preservation of open space, valuable natural resources, and wildlife habitat.

(b) Efficient use of land and natural resources.

(c) The efficient arrangement of utilities and design of traffic circulation systems including limitations on the number of vehicular access points along the existing road network, thus minimizing traffic conflicts while satisfying emergency needs.

(d) Structures are sited so as to preserve important visual, ecological, recreational, cultural and historic resources.

(e) Residential amenities to serve residents of the PDP, such as playground areas, hiking trails, tennis courts and other outdoor recreational facilities.

(2) *Site area and control.* The minimum site area necessary to be considered for a PDP shall be 5 acres. If the PDP consists of multiple parcels, they must be contiguous. The existence of a public road dividing parcels or lots included in the proposed development shall not be a basis for the disqualification of contiguity. The proposed development 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 the Ordinance and the specifications of the PDP approval.

(3) *Mixed use.* The PDP shall consist of at least two land uses authorized in this Ordinance. Two or more different types of housing, including, but not limited to, single-family dwellings and multiple family dwellings, may qualify as a PDP.

(E) *Project design standards.*

(1) *Applicable base regulations.* Unless otherwise waived or modified as part of an approval in accordance with Subsection (E),(2) below, all yard and bulk, parking, loading, landscaping, lighting, and other standards for the districts listed below shall be applicable for uses proposed in a PDP:

(a) Single family residential uses shall comply with the regulations applicable in the R-1B District.

(b) Multiple family residential uses shall comply with the regulations applicable in the R-M District.

(c) Retail commercial uses and office uses shall comply with the regulations applicable in the B-2 District.

(d) Industrial uses shall comply with the regulations in the I-1 District.

(e) Mixed uses shall comply with the regulations applicable for each individual use.

(2) *Regulatory flexibility.* The City Commission may consider and permit flexibility in the regulation of land development to: encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, available infrastructure, natural resources, energy, and the provision of public services and utilities while continuing to meet goals and objectives of the city's Master Plan; encourage useful open space; provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the city; and/or respond to market conditions provided any variation granted would also result in the overall design being compatible with neighboring development and zoning. In such instances, building and/or site improvement requirements and standards need not be uniform with regard to each type of land use provided. Such variation(s) shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

(3) *Residential density.* Increases in the density of residential development may be permitted by the City Commission upon determination that the desired density will not adversely impact water and sewer services, storm water drainage, road capacity, traffic flow, parks and recreation services, fire and police services, schools, character of the area, and any planned public or private improvements in the area. Such increased density may be interspersed throughout the development. To qualify for density increases, the applicant must present and describe examples of benefits to the residents of the development and/or the citizens of the city. By way of example, such benefits may include one or more that:

(a) Augment the recognizable benefit standards required by the City Commission as outlined in Subsection (E),(1),(a)-(e) above.

(b) Provide economic, environmental, or social benefits apart from those required by this Ordinance.

(c) Enhance new or ongoing cultural activities.

(d) Provide opportunities for the enhancement of public education.

(e) Implement the Leadership in Energy and Environmental Design (LEED) green building principles in the design, construction, and operation of structures.

(4) *Open space requirements.* Planned development projects containing a residential component shall provide and maintain usable open space as shown on the approved PDP plan. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the PDP plan and never changed to another use. Such conveyance shall:

(a) Provide for maintenance of the privately owned open space by private property owners with an interest in the open space.

(b) Provide maintenance standards and a schedule.

(c) Prove for assessment of the private property owners by the City for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

(5) *Compatibility with the Master Plan.* The proposed PDP shall be consistent with the City's Master Plan.

(6) *Availability and capacity of public Services.* The proposed type and density of use shall not exceed the capacity of existing public services, facilities and utilities.

(7) *Pedestrian and vehicular circulation.* A pedestrian circulation system shall be provided throughout the project that is insulated from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing streets, sidewalks, and bicycle pathways in the vicinity of the site.

(8) *Privacy for dwelling units.* The design of a PDP shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

(9) *Utilities.* All new utilities serving a planned development, including electric, telephone, and cable television lines, shall be placed underground.

(10) *Emergency access.* The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

(11) *Design integration. Signage,* lighting and building materials shall reflect an integrated development.

(12) *Phasing.* Where a project is proposed for construction in phases, it shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the PDP and residents of the surrounding area.

(F) *Application procedure.* Application shall be made to the City for rezoning as a Planned Development Project. Applications for planned development zoning shall include applicable data required for site plan review as specified in § 160.300, and the following:

(1) A written statement explaining in detail the full intent of the applicant indicating the specifics of the site plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies supporting the land use request, traffic studies, and the intended scheduling of development, as may be appropriate for the specific project submitted.

(2) *Overall PDP plan.* The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial, and other non-residential use; each type of open space; community facilities and public areas; and other types of land uses.

(3) *Traffic data and information concerning traffic generated by the proposed PDP.* Sufficient information shall be provided to allow the City to evaluate the impact of the proposed development on adjoining roads. The following traffic related information shall be provided:

(a) Estimates of the volume of traffic generated by each use.

(b) The peak hour volume of traffic expected to be generated by the proposed development.

(c) A schematic drawing indicating vehicular movement through the site, including anticipated turning movements.

(d) Measures being proposed to alleviate the impact of the development on the circulation system.

(4) *Fiscal impact.* Analysis of the fiscal impact of the proposed planned development on the City of Marine City and the school district.

(5) *Market study.* Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the City Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.

(6) *Legal documentation of single ownership or control.* The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.

(7) *Schedule.* A schedule of the development and construction details, including specific phasing dates and timing of all proposed improvements.

(8) *Documents.* A draft of ownership and governance documents is required. These documents shall include the following:

(a) Deeds.

(b) Warranties guaranteeing ownership conveyed and described in the deeds.

(c) A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.

(d) Association bylaws (for example, condominium association by-laws) that describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.

(e) A draft PDP agreement.

(G) *Preliminary review procedure.* The following procedures and requirements provide for preliminary review of PDP proposals by City officials.

(1) *Submission of a completed plan.* The planned development application materials, required fees, and sufficient copies of the completed plan, prepared in the manner specified in this Section, shall be submitted to the city for review.

(2) *Review by city officials.* The Zoning Administrator and other appropriate city officials and review committees shall review the site plan and application materials pursuant to the project design standards outlined in this section, and shall prepare a written review, which shall specify any deficiencies in the site plan and make recommendations as appropriate.

(3) *Submission of a revised plan and planned development application.* The applicant shall revise the plan and application materials, based on the recommendations set forth in the City's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the Planning Commission at the same time.

(H) *Planning Commission review and recommendation to the City Commission.* The following procedures and requirements provide for detailed review of PDP proposals by the Planning Commission.

(1) *Acceptance for processing.* After all application materials have been received and review fees paid, the Zoning Administrator shall forward copies to the Planning Commission for review and action.

(2) *Public hearing.* The Planning Commission shall hold a public hearing with notice as provided in § 160.305 of this Zoning Ordinance.

(3) *Review and action.* Following the public hearing, the Planning Commission shall review the PDP application pursuant to the project design standards of this Section, requested modifications, and consistency with the purposes and intent of this section.

(4) *Plan revision.* If the Planning Commission determines that revisions are necessary to bring the PDP proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible recommendation to the City Commission.

(5) *Planning Commission recommendation.* The Planning Commission shall review the application for a PDP, together with the public hearing findings and reports and recommendations from the City officials and other appropriate reviewing bodies. The Planning Commission shall then make a recommendation to the City Commission. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

(a) *Approval.* Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission may recommend approval to the City Commission.

(b) *Approval with conditions.* The Planning Commission may recommend that the City Commission impose reasonable conditions with the approval of a PDP proposal, to the extent authorized by law, for the following purposes:

1. To ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
2. To protect the natural environment and conserve natural resources and energy.
3. To ensure compatibility with adjacent uses of land.
4. To promote the use of land in a socially and economically desirable manner.
5. To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
6. To achieve the purpose and intent of this Ordinance.

In the event that the planned development is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

(c) *Denial.*

1. Upon determination by the Planning Commission that a PDP proposal does not comply with the standards and regulations set forth in this ordinance, fails to comply with the purpose and intent of this section, or otherwise could be injurious to the public health, safety, welfare, and orderly development of the City, the Planning Commission shall recommend denial.

2. The Planning Commission shall prepare and transmit a recommendation to the City Commission stating its conclusions and findings, the basis for a recommendation regarding the creation of a PDP zone, and any recommended conditions relating to an affirmative decision.

(I) *Preparation of final development agreement.* Upon the approval recommendation of a PDP plan by the Planning Commission, the applicant shall prepare a written agreement setting forth any and all conditions upon which approval was based. The Zoning Administrator shall review the agreement, with assistance from the City Attorney and other advisors. After approval of the ordinance granting the zoning map amendment and development agreement by the City Commission, the agreement shall be recorded in the Office of the St Clair County Register of Deeds at the expense of the applicant. The agreement shall, at a minimum:

- (1) Incorporate by reference the final approved site plan.
- (2) If open space or common areas are indicated in the project for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to the residents, and the use shall be irrevocably dedicated for use as open space for park, recreation or other common uses.
- (3) Detail a program and related financing mechanisms for maintaining common areas, amenities and features, such as walkways, signs, lighting and landscaping.
- (4) Assure that any natural features will be preserved as shown on the site plan.
- (5) Assure the financing for the construction and maintenance of all roadways and necessary utilities (including public water, waste water collection and treatment) through a performance bond or other means, for any and all phases of the project. In the case of phased project, this requirement shall be reviewed for compliance at the time of construction plan approval for each phase of the project.
- (6) Address any other concerns or conditions placed on the approval by the Planning Commission or the City Commission.

(J) *Final action by City Commission.* The following procedures and requirements provide for final action on PDP proposals by the City Commission.

(1) After the Planning Commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for City Commission review.

(2) *Public hearing.* Upon receipt of the PDP plan and Planning Commission recommendation, the City Commission, solely at their option, may schedule an additional public hearing

(3) *City Commission determination.* The City Commission shall make a determination based on review of the final plan together with the findings of the Planning Commission, and the reports and recommendation from the City officials and other appropriate reviewing bodies. Following completion of its review, the City Commission shall approve, approve with conditions, or deny a PDP proposal along with its related map change and development agreement in accordance with the guidelines described for the Planning Commission in subsection (H)(5) above.

(4) Upon approval by the City Commission of the ordinance amendment, the PDP plan shall become an integral part of the zoning amendment, and for purposes of city record keeping, shall be referred to as "Planned Development Project No. \_\_\_\_\_," which number shall correspond to the number of the amending ordinance.

(5) All approved plans and records shall be filed with the City Clerk.

(K) *Required conditions.* Planned development projects shall be subject to the following required conditions:

(1) Approval of a PDP shall constitute an amendment to the Zoning Ordinance. All improvements and land uses of the site shall be in conformity with the planned development project plan, any conditions imposed, and the approved development agreement. Changes to the approved PDP that are not considered minor by the Zoning Administrator shall be reviewed in accordance with the procedure for the original application.

(2) Approval of a principal use, and building and/or site improvement plans as part of the rezoning, shall be effective for a period of 12 months, except that the Planning Commission may, at its discretion and upon application by the land owner and/or his representative and for cause shown, grant an extension for an additional 12 months. At the end of the 24 month period, if the development is not completed, the Planning Commission shall review the progress to date and make a recommendation to the City Commission as to action relative to permitting continuation under the original approval for an additional time period. In the event an extension is not granted by the City Commission past the 24 month period, the approval and allowances, including the PDP development agreement, site plan, zoning designation, and any conditions imposed pursuant to this Section shall become null and void and of no further force and effect. In the event that an approved planned development plan becomes null and void, the City Planning Commission shall initiate proceedings to amend the zoning classification of the site.

(3) Plans for building and/or site improvements of the proposed PDP shall be in accordance with all other requirements of this Ordinance.

(L) *Minor changes.*

(1) Minor changes may be approved by the Zoning Administrator, subject to a finding that:

- (a) The proposed changes will not affect the basis upon which approval was granted.
- (b) The proposed minor changes will not adversely affect the overall planned development in light of the purpose and intent of this Section.
- (c) The proposed changes will not affect the character nor the intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

(2) Examples of minor changes include, but shall not be limited to additions or alteration to the landscape plan or landscape materials; alterations to the internal layout of an off-street parking lot, provided that the total number of spaces does not change; relocation of a trash receptacle changes in locations or tree types on an approved landscape plan, or location of designated parking spaces; or an increase in floor area of less than twenty percent (20%) of the initial total floor area, up to 5,000 square feet maximum.

(M) *Performance guarantee.* The City Commission may require the applicant to deposit a performance guarantee in accordance with § 90.162 of the Marine City Code.

- (N) *Fees.* Fees for legal, engineering, and planning review of plans shall be established for resolution of the City Commission in an amount sufficient to cover the actual costs incurred by the city.
  - (O) *Zoning Board of Appeals Authority.* The ZBA shall have no authority to consider any appeal of a decision by the City Commission concerning a PDP application.
- (Ord. 2019-002, passed 2-21-2019)