



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

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Legislative File No: 2012-0056 V2

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Economic Development, ext. 2572

**DATE:** March 23, 2012

**SUBJECT:** Request for Preliminary Site Condominium Plan Approval – File No. 11-011 – Avon Lakes Condominium, a two-unit site condo development on 1.2 acres on Mackwood between John R and Dequindre

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**REQUEST:**

Approval of the Preliminary Site Condominium Plan for Avon Lakes Condominium, a two-unit, single-family site condo development on approximately 1.2 acres located on Mackwood, west of Dequindre. The applicant would also like a Waiver from the requirements of the Sidewalk Ordinance (see File No. 2012-0065).

**BACKGROUND:**

The subject parcel is in the Mac Kary subdivision, which was platted in 1951. The use of the site condominium process is afforded by State law to re-divide parcels that are part of a Plat. The applicant is also the developer of the Avon Lakes Subdivisions to the west and south, which were approved in four phases, the final in 2003. As the 2008 amended Planning Act requires, a public hearing is required and property owners abutting the subject parcel were sent notices of the Planning Commission meeting. The Planning Commission, after conducting the Public Hearing, moved to recommend Council approve the Preliminary Site Condominium Plan.

Due to the depth of the parcel, the applicant is proposing to create a Limited Common Element in the rear of the parcel to comply with the Subdivisions Ordinance standards for parcel size. The Ordinance requires that excess lot depth in relation to width shall be avoided and a depth-to-width ratio of not more than 3:1 is desirable. The Limited Common Element area cannot be built upon, and a copy of the Homeowner's Association Master Deed requiring this will be filed with the City prior to Final Plan Approval. This area will be approximately .037 acre, and will be held under common ownership by the owners of the two units. The applicant intends to include these units as part of the overall Avon Lakes Subdivision Homeowner's Association.

The subject site is not regulated by the City's Tree Conservation Ordinance (TCO) since it was platted prior to 1988. There is a condition regarding payment for one street tree per unit. A small piece that was part of Lot 93 in Avon Lakes Subdivision No. 3 was split and made part of the subject parcel. That piece is also not regulated by the TCO since it received Tentative Preliminary Approval in 1987. The subject site is zoned and master planned for residential uses, and the applicants advised it was always their intention to develop the parcel into two units.

The Planning Commission recommended approval of the Preliminary Site Condominium Plan on March 6, 2012 with two minor conditions. Several residents requested clarification regarding the

site condo process. Some residents noted that the use of the term “condo” conjured up images of a townhome or stacked development. Once it was learned that this was a development for 2 single family detached homes to be built on a “condo unit” concerns were alleviated. All applicable departments and outside agencies have reviewed the Plan and recommend approval. A Resolution is included for your consideration.

**RECOMMENDATION:**

Staff and the Planning Commission recommend approval of the Preliminary Site Condominium Plan for Avon Lakes Condominium, City File No. 11-011, consisting of two-units on Parcel No. 15-25-202-040.

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APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		