



One-Family Residential Detached Condominium Preliminary Plan Recommendation

REQUEST	Recommendation for Approval of a One-Family Residential Detached Condominium Preliminary Plan (aka Site Condo Plan)
APPLICANT	Hamlin Associates 5877 Livernois Rd., Suite 103 Troy, MI 48098
AGENT	Joel Garrett
LOCATION	Mackwood Road, west of Dequindre
FILE NO.	11-011
PARCEL NO.	15-25-202-040
ZONING	R-4, One-Family Residential
STAFF	Ed Anzek, AICP, Director

Summary

The subject parcel is located in the Mac Kary Subdivision, which was platted in 1951. The applicant wishes to develop two site condo units, located on Mackwood between John R and Dequindre. As some Commissioners may recall, the use of the Site Condominium process afforded by state law is intended to re-divide parcels that are part of a Plat. The applicant is also the developer of the Avon Lakes Subdivisions immediately to the south, which were approved in four phases, the final in 2003. As the new law requires, property owners abutting the subject parcel were sent notices about the meeting.

The subject site is located in an R-4, One Family Residential zoning district. One-family detached dwellings are permitted by right in the R-4 district per the City's Zoning Ordinance and the One-Family Detached Site Condo Ordinance. The parcel is surrounded by R-4 zoning, and developed with homes. Access for both units would be from Mackwood Rd.

Due to the depth of the parcel, the Applicant for the site condo is proposing to create a Limited Common Element in the rear of the parcel to comply with the Subdivisions Ordinance for platting. Please see more information under "Limited Common Element."

Specific action requested for consideration by the Planning Commission is a recommendation to the City Council for Approval of the Tentative Preliminary Plan.

Trees/Landscaping

The subject site is not regulated by the City's Tree Conservation Ordinance 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 was split and made part of the parent parcel being used in this Site Condo. That small piece is also not regulated by the Tree Conservation Ordinance. Notations in the minutes from the Avon Lakes Tentative Preliminary Plat (TPP) approval in 1987 include the legal opinion from Mr. Larry Ternan (Mr. Staran's predecessor) that if lands received their Tentative Preliminary Approval prior to the Tree Conservation ordinance it did not apply. Lot 93 was part of the Plat that received the TPP approval in 1987.

Limited Common Element

The Subdivisions Control Ordinance requires that excessive lot depth in relation to width shall be avoided and a depth-to-width ratio of not more than 3:1 is desirable. Since the lot is deeper than that, the applicants will use the back (north) portion of the lot as a Limited Common Element, which cannot be built upon. A copy of the Homeowner's Association Master Deed establishing this Common Element will be required prior to Final Approval. Approximately .037 acre of limited common element is proposed and a notation is shown on the Plan that will require this Limited Common Element to be held under common ownership by the owners of the 2 units.

Wetland Use Permit/Natural Features Setback Modifications

There are no wetlands or watercourses onsite that would require a Natural Features setback.

Sidewalk Waiver

The applicant will be advised to seek a sidewalk waiver from City Council. Neither the abutting properties to the east or west have sidewalks installed. The standard for a waiver is if the sidewalks would not be continuous or connect into others sidewalks.

Planning

The Planning and Economic Development Department recommends that the City's Planning Commission recommend approval of the condominium plan subject to conditions.

DPS/Engineering

The City's DPS/Engineering Services department has reviewed the proposed project and recommends approval. If City Council approves the Site Condo Plan, the applicant will proceed with Construction Plans prior to Final Plan submission.

As part of the technical review for this project, all applicable City departments have reviewed the plans and supplemental documentation. All review comments are contained within the enclosed information. Since the reviewers have recommended approval or had no comments relative to the submittal, Staff recommends approval of the following motions relative to City File No. 11-011.

Reference: Tentative Preliminary Plan dated received by the Planning Department 11/03/11: Sheet P-1, Topographic Survey and Sheet P-2, Preliminary Site Plan, prepared by Professional Engineering Associates.

Attachments: Building Department memo dated 11/14/11; Fire Department memo dated 11/10/11; Public Services Department memo dated 02/06/12; Water Resources Commissioner Letter dated 11/22/11; EIS dated received 11/3/2011, PHN

MOTION by _____, seconded by _____, in the matter of City File No. 11-011 (Avon Lakes Condominium), the Planning Commission recommends that City Council **grant Tentative Approval** of the **Preliminary Site Condominium Plan**, based on plans dated received by the Planning Department on November 3, 2011, with the following findings and subject to the following conditions.

Findings:

1. Upon compliance with the following conditions, the preliminary plan meets all applicable requirements of the Zoning Ordinance and One-Family Residential Detached Condominiums Ordinance.
2. Adequate utilities are available to properly service the proposed development.
3. The preliminary plan represents a reasonable lot layout and orientation.
4. The Environmental Impact Statement shows that this development will have no substantially harmful effects on the environment.
5. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. Provision of \$200 per unit for street trees, payment made prior to obtaining a Land Improvement Permit.
2. That the applicant receives all engineering-related permits, including a Soil Erosion and Sedimentation Control Permit and approved Construction documents required by Public Services prior to Final Plan approval.

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