



CITY COUNCIL ACTION REPORT

DATE: January 19, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Preliminary Site Condominium Review – Oak Forest Site Condominium, South side of Square Lake Road, between Willow Grove and John R Road, Section 11 – R-1C

Background:

- The Planning Commission recommended approval of Oak Forest Preliminary Site Condominium Plan at the December 9, 2008 Regular meeting.
- The applicant is proposing a 76-unit site condominium on a 39.23-acre parcel. The development will utilize the Lot Averaging Option (Section 34.10.00) which provides for up to a 10 percent reduction in lot areas and widths.
- This project received Preliminary Approval from City Council on April 18, 2005, and was granted a one-year extension on June 5, 2006. Preliminary Approval expired on April 18, 2007.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 Special Council meeting:

- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the Preliminary Site Condominium Plan as submitted or with conditions.
- City Council can deny the Preliminary Site Condominium Plan.

Attachments:

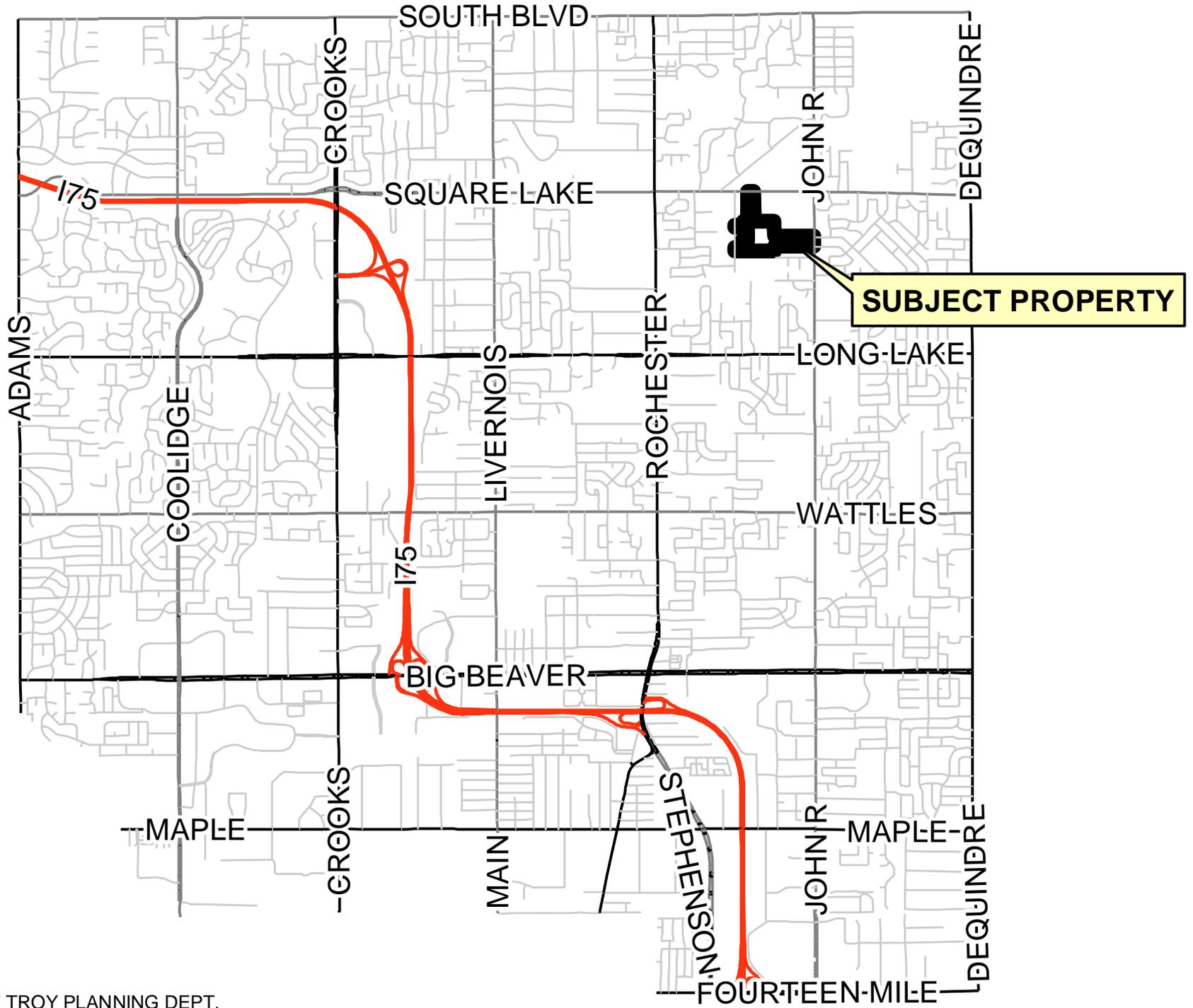
1. Maps.
2. Report prepared for Planning Commission dated December 3, 2008.
3. Minutes from the December 9, 2008 City Council Regular meeting.

Prepared by RBS/MFM

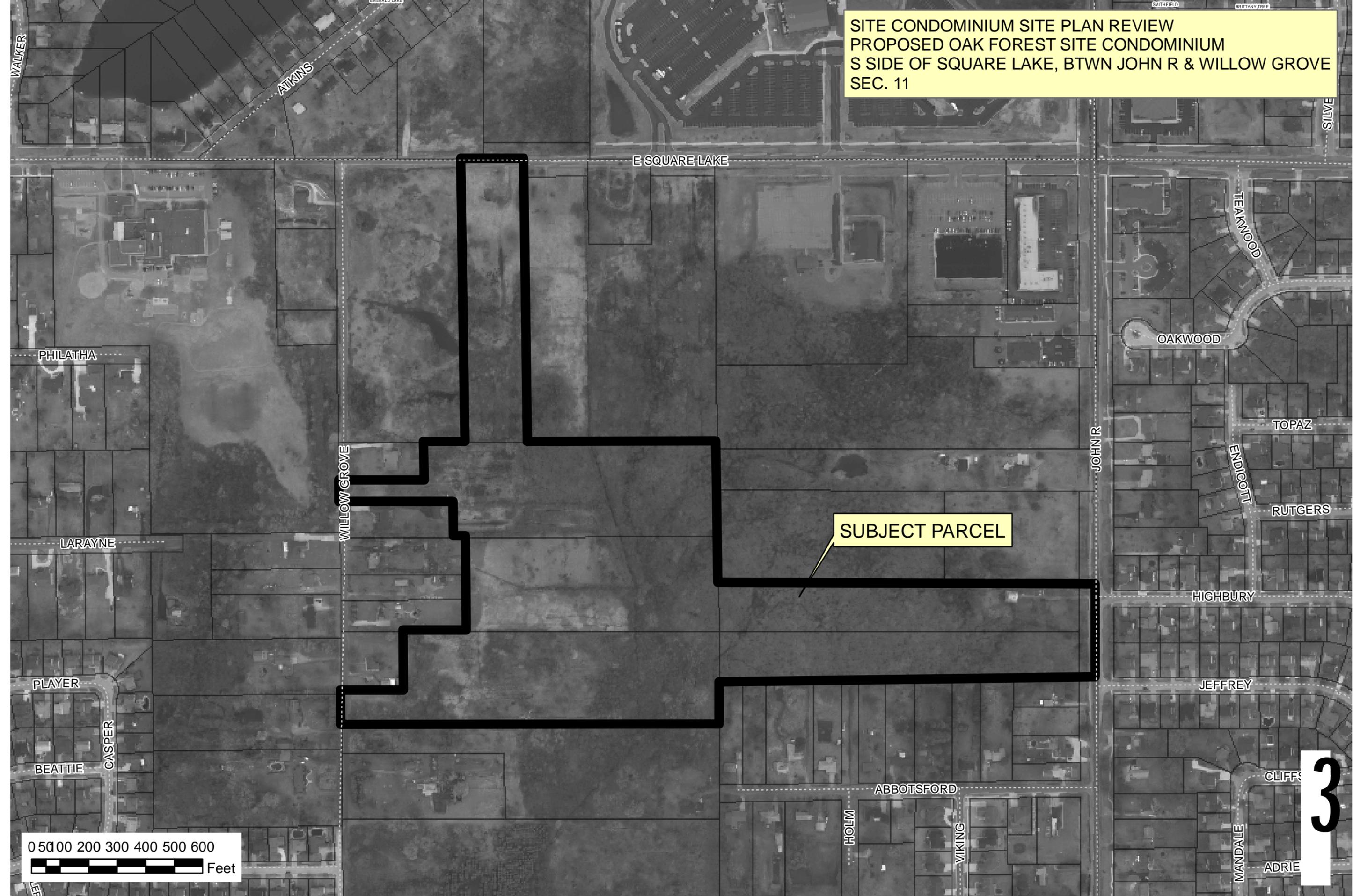
cc: Applicant
File/Oak Forest Site Condominium

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CITY OF TROY



SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED OAK FOREST SITE CONDOMINIUM
S SIDE OF SQUARE LAKE, BTWN JOHN R & WILLOW GROVE
SEC. 11



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Feet

SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED OAK FOREST SITE CONDOMINIUM
S SIDE OF SQUARE LAKE, BTWN JOHN R & WILLOW GROVE
SEC. 11

R-1D

E SQUARE LAKE

B-2

O-1

P-1

R-1C

SUBJECT PARCEL



DATE: December 3, 2008

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PRELIMINARY SITE CONDOMINIUM REVIEW – Oak Forest Site Condominium, south side of Square Lake Road, between Willow Grove and John R Road, section 11 – R-1C.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Dale Garrett of Ladd's Inc.

Location of subject property:

The property is located on the south side of Square Lake Road, between Willow Grove and John R Road, in section 11.

Size of subject parcel:

The parcel is approximately 39.23 acres in area. It has access to both Square Lake Road and John R Road.

Description of proposed development:

The applicant is proposing a 76-unit site condominium, with access to both Square Lake Road and John R Road. Two stub streets to the north on the east side of the Fetterly Drain and one stub street to the south on the west side of the Fetterly Drain are also proposed.

This project received Preliminary Approval from City Council on April 18, 2005, and was granted a one-year extension on June 5, 2006. Preliminary Approval expired on April 18, 2007.

Current use of subject property:

Two single-family homes presently sit on the property.

Current use of adjacent parcels:

North: Single family residential and vacant.
South: Single family residential and vacant.
East: Single family residential and vacant.
West: Single family residential and vacant.

Current zoning classification:

The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:

North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Master Plan Designation:

The property is designated on the Master Plan as Single Family Residential.

ANALYSIS

Compliance with area and bulk requirements of the R-1C One Family Residential District:

Lot Area: Minimum lot area in the R-1C district is 10,500 square feet. However, the applicant is utilizing the Lot Averaging Option, which permits a 10 percent reduction in lot area to 9,450 square feet.

Lot Width: The minimum required lot width is 85 feet. The applicant has utilized the lot averaging option, which permits a 10 percent reduction in lot widths, to 76.5 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.
Side (least one): 10 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Preservation Plan was submitted as part of the application.

Storm water detention:

The applicant is proposing two storm water detention basins. One will serve the 38 units on the east side of the drain, one will serve the 38 units on the west side of the drain.

Natural features and floodplains:

The Natural Features Map indicates there are wetlands, woodlands and a drain on the property. The MDEQ has a draft wetland permit for the site but it has not been finalized. The applicant is required to receive a permit from the MDEQ prior to commencing any construction activity such as dredging, filling, or draining within a regulated wetland.

The MDEQ typically requires conservation easements over mitigated wetlands that are approved under the MDEQ wetland permit. These areas are owned and maintained by the property owner but enforced by the MDEQ, under the parameters set up by the MDEQ conservation easement. All mitigation areas to be regulated by MDEQ conservation easements need to be clearly indicated as such prior to being reviewed by City Council.

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Streets: The proposed development has direct vehicular access to both John R and Square Lake Roads. The paved portion of all proposed streets will be 28 feet wide, located within a 60-foot wide public right-of-way.

The applicant has provided two future connections to the north and one to the south.

Sidewalks: The applicant is proposing sidewalks on both sides of the proposed streets. In addition, a 12-foot wide pedestrian connection is provided to the south, between units 31 and 32.

Utilities: The parcel is served by public water and sewer.

CITY MANAGEMENT RECOMMENDATION

The applicant provides a 12-foot wide pedestrian connection with the Holm Street right of way to the south, between units 31 and 32. At the request of the Planning Department, the applicant provided an alternate layout showing a vehicular connection in place of the pedestrian connection. Interconnecting neighborhoods using paths or streets is generally considered a sound planning

principal. In this instance, the Holm Street right of way (platted in 1928) is unimproved and there are no plans to construct Holm between Abbotsford and the northern property line. The right of way essentially serves as the backyard for two homes in an established residential neighborhood. If a path or street is extended to the southern property line, it is unclear if and when it will ever be connected to the right of way to the south. It seems wasteful to have the applicant construct a path or street that ends at the property line. The applicant proposes five points of ingress/egress for this development, with sidewalks on both sides of all interior streets. For these reasons, City Management would support the elimination of a pathway or street at this location.

City Management recommends approval of the Oak Forest Site Condominium application, subject to the following:

1. All mitigation areas to be regulated by an MDEQ conservation easement need to be clearly indicated as such on all plans prior to being reviewed by City Council.

Furthermore, City Management requests that the Planning Commission make a determination on whether to have a pathway connection, a vehicular connection or neither, between units 31 and 32 to the Holm Street right of way to the south.

cc: Applicant
File/Oak Forest Site Condominium

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SITE CONDOMINIUM SITE PLANS

8. SITE CONDOMINIUM SITE PLAN REVIEW – Proposed Oak Forest Site Condominium, 76 units/lots proposed, South side of Square Lake Road, West of John R and East of Willow Grove, Section 11, Zoned R-1C (One Family Residential) District

Mr. Hutson declared he has a business interest with the petitioner and asked to be recused from deliberations for both Agenda items #8 and #9.

Mr. Forsyth said it would be appropriate to recuse Mr. Hutson from both Agenda items to avoid any conflict of interest.

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium development, and reported it is the recommendation of City Management to approve the Oak Forest Site Condominium application with the condition that the mitigation areas are clearly indicated on all the plans prior to being reviewed by City Council.

Mr. Savidant addressed the proposed pedestrian pathway between units 31 and 32 to the Holm Street right of way to the south. He asked members to consider and make a determination whether the pedestrian pathway should remain, be eliminated, or replaced by a stub street designed to City standards.

There was a brief discussion on if and how the plan was revised since its prior approval and how the plan relates to the Master Plan.

The petitioner, Dale Garrett, 5877 Livernois, Troy, was present. Mr. Garrett said the lots were somewhat reshuffled as a result of the completion of the drain improvements. He indicated the number of lots remains the same and that basically there are no changes to the plan since its prior approval.

Discussion continued on:

- Mitigation areas.
- Pedestrian pathway.
- Housing market trends.

Chair Schultz opened the floor for public comment.

The following residents were present and spoke in opposition of the proposed development.

Dorene Randall, 5348 Abington, Troy.

Pam Brubaker, 5775 John R, Troy.

Patricia Ullmann, 5621 Willow Grove, Troy. Ms. Ullmann addressed both Agenda items #8 and #9.

Chair Schultz closed the floor for public comment.

Mr. Maxwell asked the petitioner to address his concern that the development might be overbuilt. He also asked if the petitioner would like to respond to any of the comments given tonight by the residents.

Mr. Garrett said the site, in his opinion, is not overbuilt. He said they are impacting 1.7 acres of wetlands and constructing 2.9 acres of the 39-acre site. Mr. Garrett said that averages out to a little over two units per acre, indicating that the normal construction ratio is four units per acre. Mr. Garrett addressed the rigorous process of the MDEQ and said he is satisfied with the determination. He is confident that all regulations and City ordinances relating to permits and the MDEQ have been followed. Mr. Garrett briefly addressed the trees cut on the Oak Forest South Site Condominium site and specifically noted that the cut trees were nursery stock size.

Mr. Savidant addressed the mitigation areas, to the best of his ability, on the overhead screen.

Resolution # PC-2008-12-148

Moved by: Sanzica
Seconded by: Vleck

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Oak Forest Site Condominium, including 76 units, located on the south side of Square Lake Road and west side of John R, Section 11, within the R-1C zoning district be granted, subject to the following conditions:

1. All mitigation areas to be regulated by an MDEQ conservation easement need to be clearly indicated as such on all plans prior to being reviewed by City Council.
2. The proposed pedestrian pathway between units 31 and 32 to the Holm Street right of way to the south be eliminated.

Yes: All present (5)
Abstain: Hutson
Absent: Strat, Ullmann, Wright

MOTION CARRIED