



CITY COUNCIL ACTION REPORT

DATE: February 9, 2010

TO: John Szerlag, City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
R. Brent Savidant, Acting Planning Director

SUBJECT: Preliminary Site Condominium Approval – Hidden Parc Site Condominium, South of Long Lake Road, West side of John R Road, Section 14 – R-1C

Hidden Parc Site Condominium received Preliminary Site Condominium Approval from City Council on June 20, 2005. The 35-unit development was approved with one street connection to John R, two relatively lengthy cul-de-sacs and two Emergency Vehicle Access (EVA) facilities. The applicant did not receive Final Site Condominium Approval and therefore Preliminary Approval expired.

New owner and applicant CPVentures, LLC proposes a revised layout for Hidden Parc Site Condominium. The applicant proposes a 30-unit site condominium on the 13.3 acre parcel. Access is provided by two public roads connecting to John R Road. A stub road terminating at the northern property line is also proposed. 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. The applicant proposes developing the project in two phases.

The applicant intends to create three residential parcels on the north side of Welling Drive, just west of unit 3. Lot split applications are approved administratively by the City Assessor, as regulated under Chapter 41 Subdivision Control Ordinance. Because the proposed design does not extend the Luisa Drive stub street to the north into the subject property, the applicant is responsible for constructing a turnaround that will safely accommodate vehicles, including emergency vehicles.

The Planning Commission recommended approval of the project at the December 8, 2009 Regular meeting (see attached report dated December 4, 2009 and resolution). The applicant made the following revisions to the Site Condominium Plan based on Planning Commission comments:

1. All issues raised in the report prepared by Carlisle/Wortman, Associates, Inc. (dated December 3, 2009) were addressed.
2. Based on discussion with the Engineering Department, the applicant eliminated the rear yard drains proposed along the west property line. By moving the catch basins closer to the rear of the homes, the applicant was able to preserve trees along the western boundary line.

3. A note was added to the site plan indicating that a temporary turnaround will be installed at the phase line.
4. The applicant provided a turnaround at the northern terminus of Luisa Drive. The turnaround shall be designed to accommodate emergency vehicle turning movements, as determined by the Engineering Department prior to Final Site Condominium Approval.

The application meets all relevant regulations, including complying with Zoning Ordinance requirements. City Management recommends approval of Preliminary Site Condominium Plan for Hidden Parc Site Condominium.

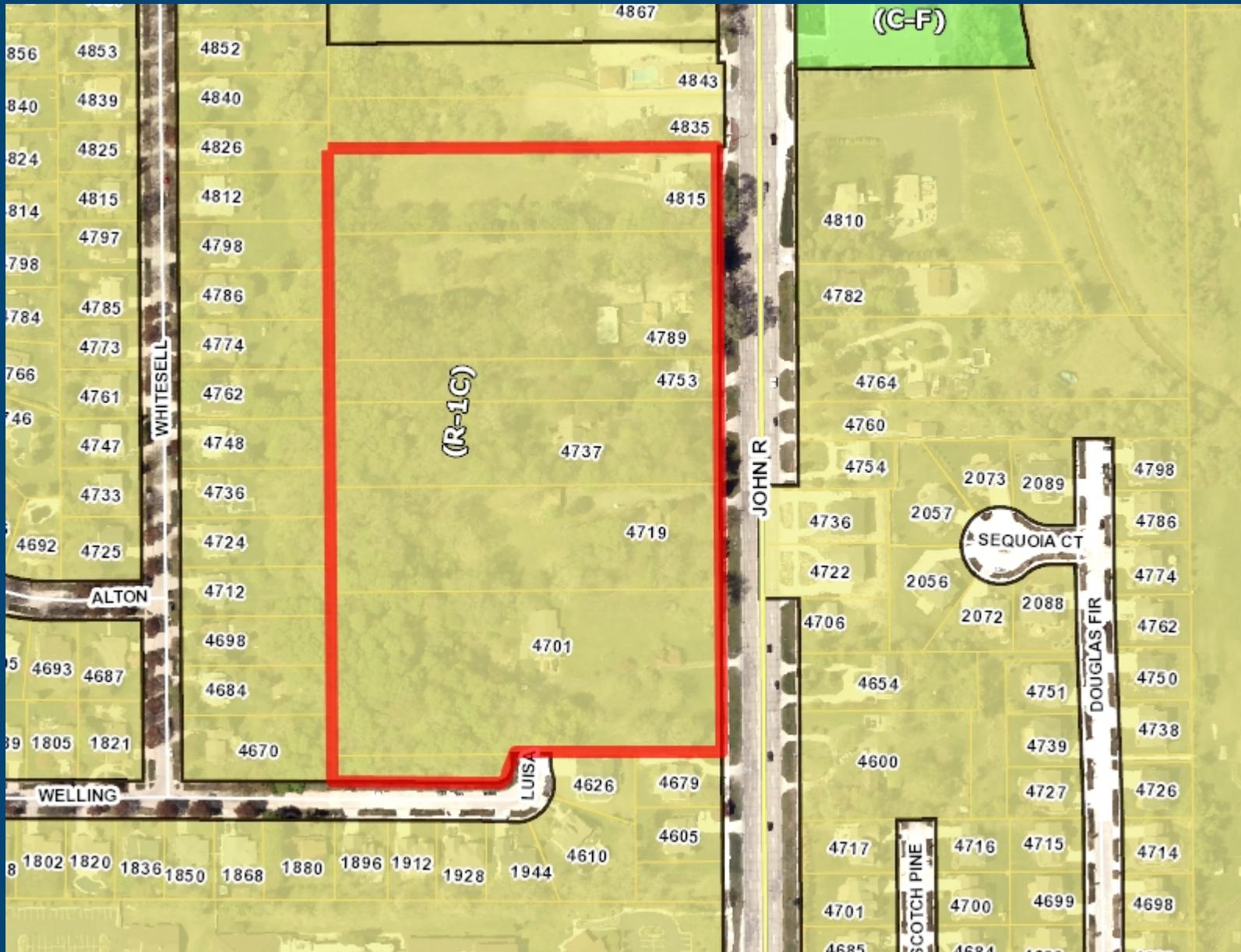
Attachments:

1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated January 14, 2010.
3. Minutes from the December 8, 2009 Planning Commission Regular meeting.
4. Report prepared for Planning Commission, dated December 4, 2009.
5. Public comment.

Prepared by RBS/MFM

cc: Applicant
File/ Hidden Parc Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Hidden Parc Site Condo Sec 14\Application 2009\CC Approval Hidden Parc Site Condo 02 15 10.docx



Legend

- I-75
- Road Centerline**
 - Major Road
 - Industrial Road
 - Local Road
- Zoning**
 - (PUD) Planned Unit Development
 - (B-1) Local Business District
 - (B-2) Community Business District
 - (B-3) General Business District
 - (R-C) Research Center District
 - (C-F) Community Facilities District
 - (C-J) Consent Judgment
 - (E-P) Environmental Protection District
 - (R-EC) Residential Elder Care
 - (P-1) Vehicular Parking District
 - (H-S) Highway Service District
 - (M-1) Light Industrial District
 - (O-1) Office Building District
 - (O-M) Office Mid-Rise District
 - (OSC) Office Service Commercial District
 - (CR-1) One Family Residential Cluster District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (R-1T) One Family Attached Residential District
 - (R-2) Two Family Residential District
 - (R-M) Multiple Family Residential Medium Density District
 - (RM-1) Multiple Family Residential District (Low Density)
 - (RM-2) Multiple Family Residential District (Medium Density)
 - (RM-3) Multiple Family Residential District (High Density)
- Hydrography Poly
- Hydrography Arc
- Parcels

Aerial Photos - 2008

- Red:Band_1
- Green:Band_2

Printed: 12/3/2009

479 0 239 479Feet

Scale 1: 2,872



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: January 14, 2010

Site Condominium Review For City of Troy, Michigan

Applicant: Christopher Cousino, CP Ventures, LLP

Project Name: Hidden Parc Site Condominium

Plan Date: December 24, 2009

Location: South of Long Lake Road, on the west side of John R Road, in Section 14

Zoning: R-1C, One Family Residential

Action Requested: Site Condominium Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a revised site condominium plan for a project titled “Hidden Parc Site Condominiums.” The project was granted a recommendation of approval from the Planning Commission on December 8, 2009. This project is a revival of a previously approved but defunct site condominium project. The development would include the demolition of 5 existing homes, the preservation of a sixth home, and the construction of an additional 29 new homes and a private drive network having access to John R. Road in two locations.

Site condominium projects are regulated in Section 34.30.00 of the Zoning Ordinance under the “unplatted one-family residential development” provisions. The proposed project utilizes lot size averaging to meet minimum lot size regulations in the underlying R-1C, One-Family Residential District.

All unplatted one-family residential development must obtain a recommendation with regard to preliminary plan approval from the Planning Commission, and then seek preliminary approval of the site condominium from the City Council. Final plan approval requests are reviewed by City staff and acted upon by City Council, in accordance with 34.30.06.C.

Location of Subject Property:

The property is located south of Long Lake Road, on the west side of John R Road, in section 14.

Size of Subject Property:

The parcel is 13.3 acres in size.

Proposed Uses of Subject Parcel:

The applicant is proposing a 30-unit site condominium project.

Current Use of Subject Property:

Six single-family homes presently sit on the property. The applicant proposes to remove 5 of the homes and retain one home (unit 11).

Current Zoning:

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

Zoning Classification and Land Use of Adjacent Parcels:

North: R-1C (One Family Residential); Beer Barrel Party Store

South: R-1C (One Family Residential); one family residential

East: R-1C (One Family Residential); one family residential

West: R-1C (One Family Residential); one family residential

Items to be Addressed: *None.*

BUILDING LOCATION AND SITE ARRANGEMENT

The project is designed to incorporate an existing home located on what will become unit 11. The layout incorporates two separate access drives to John R. Road, the proposed Rosewood Lane and Hazelnut Lane. These two drives would be connected by a third private street, Honey Locust, which runs north to south near the property's west boundary. A single cul-de-sac, Rosewood Court, is present near the Rosewood Lane access to John R. Road, to provide access to the existing home and four additional new units situated within the interior of the site.

In addition to the 30 proposed units, or building sites, the project includes two common areas. The first is a large detention basin at the southwest corner of the property, and the second is a "park" immediately adjacent the intersection of Luisa Drive and John R. Road. This park is unusual in shape, and is essentially a remnant piece of property made necessary by the arrangement of Rosewood Court, which has been designed around the existing home that is to be preserved. While we support the preservation of the existing home, it is unfortunate that it

restricts the efficient arrangement of units in this way. However, we believe that with proper maintenance and improvements, this remnant piece of property can become an asset to the development.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 30.20.00 requires the following dimensional requirements for the R-1C District

	<u>Required:</u>	<u>Proposed:</u>
Minimum Lot Area	10,500 sq. ft. (with sewer) and 9,450 sq. ft. with lot size averaging option	9,862 minimum, 13,125 average
Dwelling Unit Density	3.1 DU/acre	2.39 DU/acre
Lot Width	85 feet (with sewer) and 76.5 feet with lot size averaging option	76.5 foot minimum
Setbacks		
Front	30 Feet	30 Feet
Side	10 Feet	10 Feet
Side (total)	20 Feet	20 Feet
Rear	40 Feet	40 Feet
Building Height	2 stories, 25 feet	Not shown
Site Boundary setback (John R. Road setback)	50 feet	50 feet
Lot Coverage	Maximum 30 %	Not shown

The building height and lot coverage are not shown, but will be enforced by the City as the construction of individual homes is permitted.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

Proposed Circulation:

As noted previously, the site is arranged to allow access to John R. Road at two locations, and includes a north to south road and a central cul-de-sac to provide access to all portions of the property. This arrangement makes use of nearly the entire property for building sites and allows

for the future potential connection to the north. A temporary asphalt “T” will be located at the north “stub” end of Honey Locust to reserve this capability.

Immediately south of the project is an existing subdivision that includes an east to west street known as Welling Drive. At the extreme east end of Welling Drive is an “eyebrow” and a stub street extending north that is known as Luisa Drive. The existing off-site Luisa Drive “stub” street will terminate at the rear of the proposed unit 3. While Luisa Drive would ideally extend through this area and connect with the new project, as it was originally approved, there is no City requirement compelling the applicant to do so. Therefore, we do not object to this arrangement.

We observed during a site visit that the existing “eyebrow” is nearly sufficient to allow for a vehicle to fully turn around at the terminus of Welling Drive without pulling into a residential driveway, but it would be more suitable to add an opposing “eyebrow” on the west side of the Luisa Drive “stub” to accommodate vehicles of all sizes. The applicant has added the opposing eyebrow, which is located on an adjacent parcel that is also under his control. We support the new proposed arrangement.

Sidewalks:

Sidewalks already exist along John R. Road which meet the 8 foot minimum sidewalk width. A full sidewalk network is also proposed throughout the project on both sides of all proposed streets.

Items to be Addressed: None.

NATURAL RESOURCES

The site is currently largely wooded, with mature trees spreading over the existing single-family residential lots. The woods are most extensive in the southwest corner of the overall property and along the existing lot boundaries, separating the individual lots. The applicant has included a tree preservation plan which demonstrates that the vast majority of these existing trees will be removed to accommodate the new development, although some effort has been made to save trees in several areas where they could be avoided. This includes a revised location for underground utilities, which have been moved from the rear yards to the front yards for units along the west boundary. It is our understanding that the applicant has sought the input of the City engineering department to move forward with this alternative design, which will improve the applicant’s ability to preserve trees along the common boundary with the homes to the west.

There are several locations on lots 1, 2, 4, 5, 6, 7, 9, 12, 16, 17, 20, 21, 22, 23, and 25 where trees not marked for removal would most likely be disturbed by the construction of a home. The applicant has stated that these trees are not indicated for removal, because they will attempt to reserve as many as possible, although it is unclear which trees will be able to be preserved given the variability of potential home footprints within the building envelopes. There are no requirements for tree preservation or mitigation for this project.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met in accordance to the City of Troy Landscape Design and Tree Preservation Standards.

Composition:

A variety of planting materials are proposed, and planting details have been provided.

Street Trees:

There are 48 street trees proposed, which equates to 1 tree for every 20 linear feet of frontage, meeting Ordinance requirements. Further, an additional 27 trees are proposed surrounding the detention basin.

Items to be Addressed: None.

LIGHTING

Lighting information has not been provided with the preliminary site plan. Detailed lighting information will be required for final site plan approval.

Items to be Addressed: None.

RECOMMENDATIONS

We are in support of the proposed site condominium. The final minor outstanding informational elements have been addressed and the plan meets all Ordinance requirements. We recommend that the preliminary site condominium plan be approved.



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

#225-02-2916

SITE CONDOMINIUM SITE PLAN

8. **SITE CONDOMINIUM PRELIMINARY SITE PLAN REVIEW** – Proposed Hidden Parc Site Condominium, 30 units/lots proposed, West side of John R between Wattles and Long Lake, Section 14, Currently Zoned R-1C (One Family Residential) District

Mr. Branigan presented a summary of the preliminary site plan review on the proposed Hidden Parc Site Condominium. He reported on the following site plan deficiencies.

- Expand the width of unit 22 to meet minimum requirements.
- Rename the proposed Luisa Drive.
- Add a “T” turnaround or west “eyebrow” on the west side of the existing Luisa Drive “stub” street.
- Clarify trees to be removed and replace proposed trees to an appropriate species as noted by the City’s Landscape Analyst.
- Address specific site plan notations, as addressed under Submittal Requirements in the Planning Consultant report dated December 3, 2009.

Mr. Savidant reviewed the significant revisions from the previously approved site plan; i.e., number of units, emergency vehicle access and connections to John R.

Bill Mosher of Apex Engineering, 560 Whims Lane, Shelby Township, was present to represent the petitioner. Mr. Mosher gave a brief history of the property. He addressed the cul de sacs, phasing of the project as relates to infrastructure, stormwater management, lighting and landscaping.

It was brought to the attention of the Planning Consultant that the plans in front of the Planning Commission members were different than the plan being addressed by the Planning Consultant.

Mr. Mosher indicated the minor revisions made to the plans distributed to the members relate to street names and the phase line.

Messrs. Branigan and Savidant addressed recent departmental changes in the site plan review process. Mr. Savidant apologized for the confusion.

Discussion followed on:

- Stormwater management.
- Development design standards.
- Pre-application meetings with applicants.

Mr. Mosher said the intent of the petitioner is to move quickly on the project, to build two-story homes in the range of 3,000 square feet and to leave as many trees as possible for a natural buffer. He indicated every effort would be made to preserve trees.

Chair Schultz opened the floor for public comment.

Paul Fitzgerald of 4698 Whitesell Drive, Troy, was present. Mr. Fitzgerald said he was glad to hear comments this evening with respect to saving trees. He addressed preservation of the natural landscape, stormwater management, access drives, the depressed housing market and development phases of the project.

Neal Harris of 4762 Whitesell Drive, Troy, was present. Mr. Harris expressed appreciation for the cooperation and responses he received from Mr. Savidant through email and at the department counter. Mr. Harris addressed preservation of the natural landscape and the depressed housing market.

David Evans of 4782 John R, Troy, was present. Mr. Evans said he would welcome any improvement to the property because it has been abandoned and an eyesore for years. Mr. Evans addressed the infrastructure and development phases of the project and asked the distance from the first street south of the party store in relation to his home.

Mr. Branigan replied approximately 125 feet from property line to the drive.

Chair Schultz encouraged Mr. Evans to contact the Planning Department during regular business hours for further information.

Chair Schultz closed the floor for public comment.

There was discussion on stormwater management and development design standards.

Christopher Cousino of 12955 - 23 Mile Road, Shelby Township, was present. Mr. Cousino, the property owner, said he would consider alternatives on stormwater management. He stated it is not his intent to clear cut the property. Mr. Cousino said he would like to work cohesively with the Planning Commission and Engineering Department.

Resolution # PC-2009-12-101

Moved by: Tagle
Seconded by: Hutson

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 Hidden Parc Site Condominium, including 30 units, located north of Welling on the west side of John R, Section 14, within the R-1C zoning district be granted, subject to the following conditions:

1. Clarification of items raised in the Site Condominium Report prior to consideration by City Council.

FURTHERMORE, That the following **design recommendations** are provided to City Management:

1. Require discussions with the petitioner, the Planning Department and the Engineering Department to explore innovative stormwater techniques and materials to preserve a greater number of trees, especially in the rear yard lots.
2. Clarification of items in the Site Condominium Report, inclusive of clarifying phasing of the project and treatment of the turnaround of Phase 1.
3. Potential for an eyebrow to assist in the turnaround on Welling and Luisa south of the property on the west side.

Yes: All present (9)

MOTION CARRIED

DATE: December 4, 2009

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: SITE CONDOMINIUM PRELIMINARY SITE PLAN REVIEW – Proposed Hidden Parc Site Condominium, 30 units/lots proposed, West side of John R between Wattles and Long Lake, Section 14, Currently Zoned R-1C (One Family Residential) District

The applicant, CP Ventures LLP, submitted the above referenced Preliminary Site Condominium Plan Approval application.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the project.

It should be noted that Hidden Parc Site Condominium received Preliminary Approval from City Council on June 20, 2005. However, the applicant did not seek Final Approval and the Preliminary Approval expired. The approved development included 35 units. There was no vehicular connection with Hidden Oaks Subdivision to the south, although an Emergency Vehicle Access (EVA) was required. The revised application proposes a 30-unit development, with no roadway or EVA connection to Hidden Oaks.

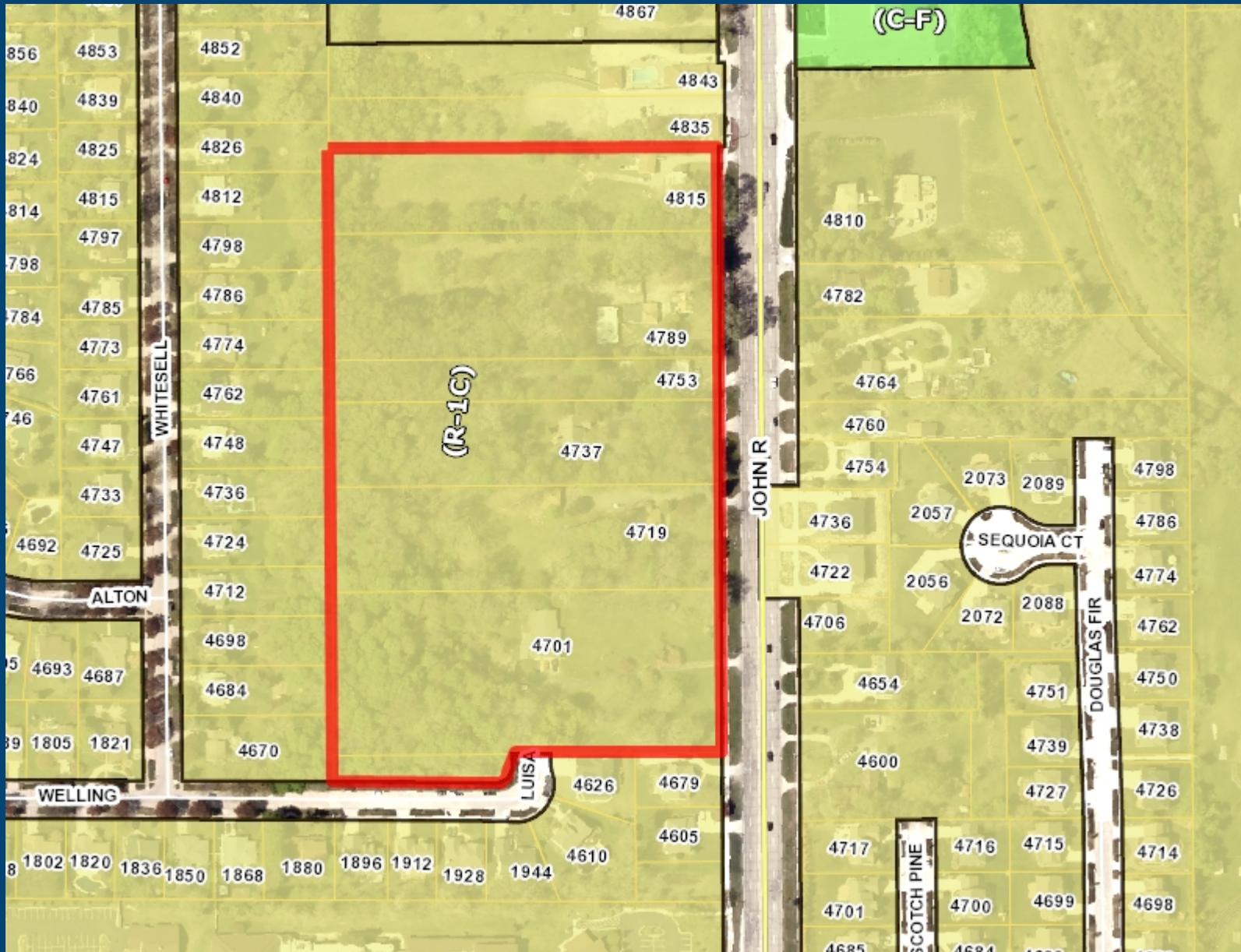
Please be prepared to discuss the application at the December 8, 2009 Planning Commission Regular meeting.

Attachments:

1. Maps
2. Report prepared by CWA, dated December 3, 2009
3. Comparison Between Site Condominiums and Plats

cc: Applicant
File/ Hidden Parc Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Hidden Parc Site Condo Sec 14\Application 2009\Hidden Parc Memo 12 08 09.docx



Legend

- I-75
- Road Centerline**
 - Major Road
 - Industrial Road
 - Local Road
- Zoning**
 - (PUD) Planned Unit Development
 - (B-1) Local Business District
 - (B-2) Community Business District
 - (B-3) General Business District
 - (R-C) Research Center District
 - (C-F) Community Facilities District
 - (C-J) Consent Judgment
 - (E-P) Environmental Protection District
 - (R-EC) Residential Elder Care
 - (P-1) Vehicular Parking District
 - (H-S) Highway Service District
 - (M-1) Light Industrial District
 - (O-1) Office Building District
 - (O-M) Office Mid-Rise District
 - (OSC) Office Service Commercial District
 - (CR-1) One Family Residential Cluster District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (R-1T) One Family Attached Residential District
 - (R-2) Two Family Residential District
 - (R-M) Multiple Family Residential Medium Density District
 - (RM-1) Multiple Family Residential District (Low Density)
 - (RM-2) Multiple Family Residential District (Medium Density)
 - (RM-3) Multiple Family Residential District (High Density)
- Hydrography Poly
- Hydrography Arc
- Parcels

Aerial Photos - 2008

- Red:Band_1
- Green:Band_2

Printed: 12/3/2009

479 0 239 479Feet

Scale 1: 2,872





CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: December 3, 2009

Site Condominium Review For City of Troy, Michigan

Applicant: Christopher Cousino, CP Ventures, LLP

Project Name: Hidden Parc Site Condominium

Plan Date: November 10, 2009

Location: South of Long Lake Road, on the west side of John R Road, in Section 14

Zoning: R-1C, One Family Residential

Action Requested: Site Condominium Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a preliminary site condominium plan for a project titled "Hidden Parc Site Condominiums." The project is a revival of a previously approved but defunct site condominium project. The development would include the demolition of 5 existing homes, the preservation of a sixth home, and the construction of an additional 29 new homes and a private drive network with access to John R. Road in two locations.

Site condominium projects are regulated in Section 34.30.00 of the Zoning Ordinance under the "unplatted one-family residential development" provisions. The proposed project utilizes lot size averaging to meet minimum lot size regulations in the underlying R-1C, One-Family Residential District.

All unplatted one-family residential development must obtain a recommendation with regard to preliminary plan approval from the Planning Commission, and then seek preliminary approval of the site condominium from the City Council. Final plan approval requests are reviewed by City staff and acted upon by City Council, in accordance with 34.30.06.C.

Location of Subject Property:

The property is located south of Long Lake Road, on the west side of John R Road, in section 14.

Size of Subject Property:

The parcel is 13.3 acres in size.

Proposed Uses of Subject Parcel:

The applicant is proposing a 30-unit site condominium project.

Current Use of Subject Property:

Six (6) single-family homes presently sit on the property. The applicant proposes to remove 5 of the homes and retain one home (unit 11).

Current Zoning:

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

Zoning Classification and Land Use of Adjacent Parcels:

North: R-1C (One Family Residential); Beer Barrel Party Store

South: R-1C (One Family Residential); one family residential

East: R-1C (One Family Residential); one family residential

West: R-1C (One Family Residential); one family residential

Items to be Addressed: *None.*

BUILDING LOCATION AND SITE ARRANGEMENT

Project is designed to incorporate an existing home located on what will become unit 11. The layout incorporates two separate access drives to John R. Road, the proposed Luisa Drive and Hazelnut Lane. These two drives would be connected by a third private street, Honey Locust, which runs north to south near the property's west boundary. A single cul-de-sac, Rosewood Court, is present near the Luisa Drive access to John R. Road, to provide access to the existing home and four additional new units situated within the interior of the site.

In addition to the 30 proposed units, or building sites, the project includes two common areas. The first is a large detention basin at the southwest corner of the property, and the second is a "park" immediately adjacent the intersection of Luisa Drive and John R. Road. This park is unusual in shape, and is essentially a remnant piece of property made necessary by the arrangement of Rosewood Court, which has been designed around the existing home that is to be preserved. While we support the preservation of the existing home, it is unfortunate that it restricts the efficient arrangement of units in this way. However, we believe that with proper

maintenance and improvements, this remnant piece of property can become an asset to the development.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 30.20.00 requires the following dimensional requirements for the R-1C District

	<u>Required:</u>	<u>Proposed:</u>
Minimum Lot Area	10,500 sq. ft. (with sewer) and 9,450 sq. ft. with lot size averaging option	9,862 minimum, 13,158 average
Dwelling Unit Density	3.1 DU/acre	3.29 DU/acre
Lot Width	85 feet (with sewer) and 76.5 feet with lot size averaging option	<i>76.5 foot minimum, with the exception of unit 22, which does not meet minimum lot width standards</i>
Setbacks		
Front	30 Feet	30 Feet
Side	10 Feet	10 Feet
Side (total)	20 Feet	20 Feet
Rear	40 Feet	40 Feet
Building Height	2 stories, 25 feet	Not shown
Site Boundary setback (John R. Road setback)	50 feet	50 feet
Lot Coverage	Maximum 30 %	Not shown

The building height and lot coverage are not shown, but will be enforced by the City as the construction of individual homes is permitted. Unit 22 does not meet the minimum lot width requirement, even with the lot size averaging option applied. At the setback line, unit 22 is only 76.41 feet in width, and is 76.44 feet in width at the front lot line. However, the applicant could reduce the width of Unit 21, which exceeds 76.5 feet width, to accommodate additional required width for Unit 22.

Items to be Addressed: *Expand the width of unit 22 to meet minimum requirements.*

SITE ACCESS AND CIRCULATION

Proposed Circulation:

As noted previously, the site is arranged to allow access to John R. Road at two locations, and includes a north to south road and a central cul-de-sac to provide access to all portions of the property. This arrangement makes use of nearly the entire property for building sites and allows for the future potential connection to the north. A temporary asphalt “T” will be located at the north “stub” end of Honey Locust to reserve this capability.

Immediately south of the project is an existing subdivision that includes an east to west street known as Welling Drive. At the extreme east end of Welling Drive is an “eyebrow” and a stub street extending north that is also known as Luisa Drive. It is likely that the Luisa Drive proposed in the new project will have to be renamed, as it will not connect with this existing Luisa Drive and will not have any common connection whatsoever. This is subject to final approval of the City. The existing off-site Luisa Drive “stub” street will terminate at the rear of the proposed unit 3. While Luisa Drive would ideally extend through this area and connect with the new project, as it was originally approved, there is no City requirement compelling the applicant to do so. Therefore, we do not object to this arrangement.

We observed during a site visit that the existing “eyebrow” is nearly sufficient to allow for a vehicle to fully turn around at the terminus of Welling Drive without pulling into a residential driveway, but it would be more suitable to add a “T” turnaround or opposing “eyebrow” on the west side of the Luisa Drive “stub” to accommodate vehicles of all sizes. This should be possible, given that the vacant residential lot on the west side is also under control of the applicant, and was created by a land division.

Sidewalks:

Sidewalks already exist along John R. Road which meet the 8 foot minimum sidewalk width. A full sidewalk network is also proposed throughout the project on both sides of all proposed streets.

Items to be Addressed: 1.) *Potentially rename the proposed Luisa Drive.* 2.) *Add a “T” turnaround or west “eyebrow” on the west side of the existing Luisa Drive “stub” street.*

NATURAL RESOURCES

The site is currently largely wooded, with mature trees spreading over the existing single-family residential lots. The woods are most extensive in the southwest corner of the overall property and along the existing lot boundaries, separating the individual lots. The applicant has included a tree preservation plan which demonstrates that the vast majority of these existing trees will be removed to accommodate the new development, although some effort has been made to save trees in several areas where they could be avoided. That being said there are several locations on lots 1, 2, 4, 5, 6, 7, 9, 12, 16, 17, 20, 21, 22, 23, and 25 where trees not marked for removal would most likely be disturbed by the construction of a home. The applicant should clarify why

these trees are not indicated for removal, and revise the tree preservation plan if necessary. There are no requirements for tree preservation or mitigation for this project.

Items to be Addressed: Clarify trees to be removed.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met in accordance to the City of Troy Landscape Design and Tree Preservation Standards.

Composition:

A variety of planting materials are proposed, and planting details have been provided. The chosen deciduous decorative tree, the *Pyrus Calleryana*, was not approved by the City Landscape Analyst, nor was the planting details, which he indicated were out of date. The Landscape plans will need to be revised to address these issues.

Street Trees:

There are 48 street trees proposed, which equates to 1 tree for every 20 linear feet of frontage, meeting Ordinance requirements. Further, an additional 27 trees are proposed surrounding the detention basin.

Items to be Addressed: Replace proposed *Pyrus Calleryana* trees with a suitable species and update planting details to satisfy the City Landscape Analyst's concerns.

LIGHTING

Lighting information has not been provided with the preliminary site plan. Detailing lighting information will be required for final site plan approval.

Items to be Addressed: None.

SUBMITTAL REQUIREMENTS

The submittal meets minimum requirements. However, several details should be clarified or corrected:

- *The existing driveways are shown on the site plan drawing above all other layers. While we understand that these are to be removed, it is confusing on the site plan.*
- *It is unclear what the dark black arrows are meant to represent on the site plan.*
- *The phase line between phases 1 and 2 cuts directly through units 12 and 13. In which phase will these units be developed?*
- *It is unclear if the entire road network will be developed in the first phase or within each phase separately. If separately, how will the temporary terminus of Honey Locust be designed?*

- *The site boundary varies from sheet to sheet. The three lots on the existing Welling Drive to the south, were one part of this property, and are being developed separately via a land division. These should not be included on the site plan as part of the site. Therefore, the landscape plan, existing conditions survey, and tree preservation plan must be revised to match the boundary shown on the site plan.*

Items to be Addressed: Address the comments provided herein.

RECOMMENDATIONS

We are largely in support of the proposed site condominium. There are several outstanding elements that must be addressed prior to the plan being presented to the City Council; however the plan meets all Ordinance requirements except the slight lot width deviation on unit 22. Once corrected, and once the additional informational items are settled, we believe the preliminary site condominium plan should be approved. Therefore, we recommend that the Planning Commission recommend to the City Council that the preliminary site condominium be approved as designed, conditioned upon the applicant addressing the items noted herein prior to being presented at the City Council for approval.



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

#225-02-2916

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**
 - a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
 - b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
 - c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
 - d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

Kathy Czarnecki

From: Richard Robinson [rrobinson@us.gestamp.com]
Sent: Monday, December 07, 2009 1:52 PM
To: Kathy Czarnecki
Subject: FW: Hidden Parc Site Condominium

12-7-09

Planning Commission;

With great dismay I find this notice of another plan to ruin my backyard. With the economy as it is now I see no reason to tear up a natural setting to possibly sell condominiums. There is already a site at Rochester & Wattles area that is moving very slowly and quite frankly it is going to be a while before it is completed. This Hidden Parc Site was proposed a couple of years ago and my wife and I canvassed the area and acquired numerous signatures that were not considered as a viable reason not to destroy this property for a chance that these condos might sell. It does not seem to be a very good idea to tear up this parcel of land on a chance that this will be a nice addition to our neighborhood. The Planning Commission now has a very difficult decision from a community stand point. Even if you decide to let this project go thru what have you done to our neighborhood if these buildings don't sell. It is my strong recommendation to delay this project for at least another 2 years as Michigan puts itself back together.

Very Concerned Citizens
Richard & Denise Robinson
4748 Whitesell, Troy

Hidden Parc Site
Condominium Plans
are available for viewing at the
City Clerk's Office and the Troy Public Library