



March 19, 2024

Village Council
Village of Lake Orion
21 East Church Street
Lake Orion, MI 48362

Subject: VLO-23-03, Orion Villas – Attached Condominium Units

Dear Councilmembers,

We have reviewed the above condominium request prepared by Kieft Engineering for conformance to the provisions of the Lake Orion Dividing and Partitioning of Land Ordinance (Code of Ordinances: Chapter 157) and the Zoning Ordinance.

Per section 157.24, the Village Council makes the final decision concerning any partitioning of land, including subdivisions and condominiums. The project site plan received approval from the Planning Commission on June 5, 2023. The project was previously approved for conceptual site plan and condominium development by the Village Council and Orion Township pursuant to an interlocal agreement (attached) executed in 2019.

We offer the following comments for your consideration:

PROPOSAL

The proposed application is to partition land generally located at 597 Flint Street, which consists of two parcels, one in the Village of Lake Orion (09-01-302-035) and the other in Orion Township (09-01-327-046), which encompasses approximately 0.76 acres. Due to a 2019 interlocal agreement, the entire development is subject to Village Ordinance review standards. The resulting land configuration will result in eight (8) attached condominium units.

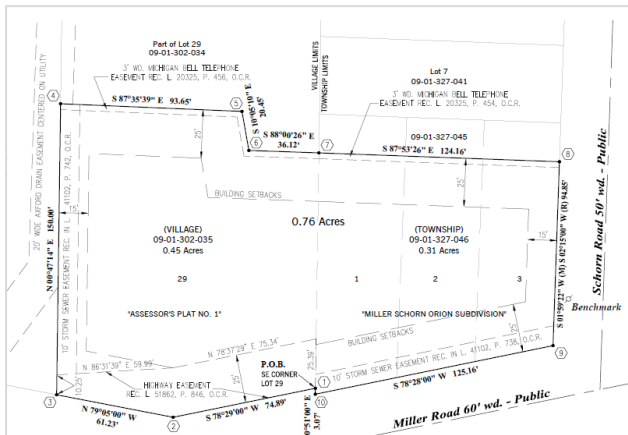
The table below depicts the site’s surrounding land uses, future land uses, and current zoning districts.

Location	Existing Land Use	Zoning District	Future Land Use
Site	Vacant/Unimproved	RM, Multiple Family Residential (Village of Lake Orion) & Single-Family Residential (Orion Township)	Multiple-Family Residential (Village of Lake Orion) & High-Density Single Family Residential (Orion Township)
North	Residential	RM, Multiple Family Residential (Village of Lake Orion) & Single-Family Residential (Orion Township)	Multiple-Family Residential (Village of Lake Orion) & High-Density Single Family Residential (Orion Township)
East	Public/private right-of-way	Public/private right-of-way	Public/private right-of-way
South	Public/private right-of-way	Public/private right-of-way	Public/private right-of-way
West	Public/private right-of-way	Public/private right-of-way	Public/private right-of-way

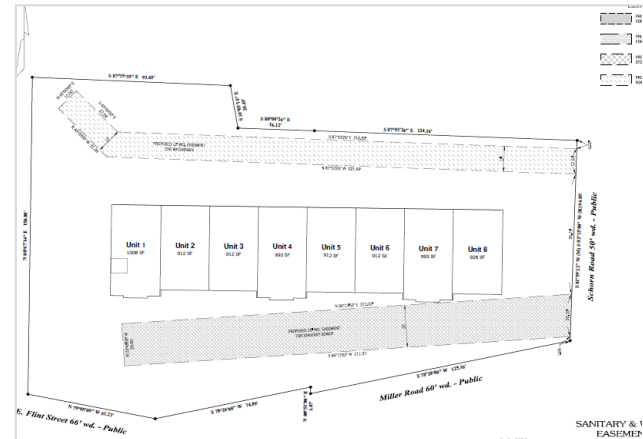


Summary of the Proposed Configuration

EXISTING CONFIGURATION



PROPOSED CONFIGURATION



Standards for Granting Approval

Per section 157.25, the following standards are the basis upon which applications for the division or partitioning of land are reviewed and approved:

COMPLIANCE WITH STATE LAW

An application shall not be approved unless it complies with the Subdivision Control Act, Public Act 288 of 1967, as amended. The Village may permit the dividing of lots, outlots, or other parcels of land into not more than 4 parts; however, any lot, outlot, or other parcel of land not served by public sewer and public water systems shall not be further divided if the resulting lots, outlots, or other parcels are less than the minimum width and area provided for in Section 186 of the Subdivision Control Act of 1967. A lot which is a part of a recorded plat may not be divided into more than 4 parts in perpetuity. An acreage parcel may be divided or partitioned as provided in Section 102(d) of the Subdivision Control Act of 1967.

Complies. *There are no additional state requirements beyond the requirements identified in this review.*

LOT DIMENSIONAL REQUIREMENTS

All parcels created as a result of the application shall comply with the minimum lot dimensional requirements, including lot size and lot width, minimum yard setback requirements and lot coverage requirements of the current Zoning Ordinance, adopted in Chapter 158, except in the following circumstances:



- Where the proposed division or partitioning of land would reduce the degree of existing non-conformity with Zoning Ordinance standards; or
- Where the non-conforming parcel created as a result of the division or partitioning of land is intended to be combined with additional land for the purposes of creating a building site that conforms with the Zoning Ordinance requirements.

Complies. *Because the proposed development is to be divided into attached condominium units and not site condominium lots, the parcel on which the condominium units are situated is to be utilized as a general common element. Per the approved Site Plan, the site conforms to the dimensional standards of the Zoning Ordinance.*

TAXES OR ASSESSMENT LIENS

Any due or unpaid taxes, special assessments upon the property, or any amounts due to the municipality relating to the land which is the subject of the application (such as, but not limited to, charges for water service, sanitary sewer service, and trash collection service), shall be paid before the division or partitioning of land is given final approval.

Complies.

DEPTH TO WIDTH RATIO

Wherever possible, the depth-to-width ratio of a resulting parcel shall not exceed 3-to-1.

Complies. *The overall parcel does not exceed the 3-to-1 depth-to-width ratio.*

DISRUPTION TO FLOW OF WATER

No application shall be approved if subsequent development would result in disruption to the existing or natural flow of water within drainage ditches, natural water courses, or government-maintained drains unless evidence of a feasible alternate method of drainage is presented.

Complies, *subject to the approval of the Village Engineer.*

CONSIDERATION OF DEED RESTRICTIONS

The effect of proposed division or partitioning of land on deed restrictions shall be considered by the Village Manager, Planning Commission and Village Council in their review of the application. However, such deed restrictions shall not be binding upon the village under this subchapter.

Not applicable.

CONSENT OF THE TITLE HOLDER

No application shall be approved without the consent of the title or deed holder of the subject parcel.

Complies.

CHARACTER OF SURROUNDING DEVELOPMENT



In reviewing an application, the Village Manager, Planning Commission, and Village Council shall consider the impact of subsequent construction on the character of surrounding development. In evaluating character of surrounding development, the Village Manager, Planning Commission and Village Council shall consider the size, dimensions, and proportions of existing surrounding parcels.

Complies. *The Site Plan for this application was approved on June 5, 2023.*

PARKING REQUIREMENTS

An application shall not be approved if it would result in a loss of parking such that development on any of the resulting parcels would be unable to comply with the minimum parking requirements in the Zoning Ordinance.

Complies. *There will be no loss of parking as a part of this project. Instead, the project will provide sufficient parking for the dwelling units via driveways and garages.*

ACCESS

An application shall not be approved unless all resulting parcels have direct frontage upon a paved public road or a private road. Accessibility to each newly created parcel must be directly from the public or private road and not by easement across another parcel or lot.

Complies. *The Site Plan for this Application was approved on June 5, 2023. All condo units will have access to a common two-way drive, which connects to Schorn Road; an additional one-way emergency ingress connects to the Flint St. roundabout.*

PUBLIC FACILITIES

An application shall not be approved unless the resulting parcels are served by public facilities, including, but not limited to, water, sanitary sewer, and paved rights-of-way.

As a condition of approval, the Village Council may require the applicant to install public facilities in accordance with specifications established by the village, or to guarantee the installation of public facilities in the form of a cash performance bond or an irrevocable letter of credit running in the favor of the village, in the amount of the estimated cost of the installation of the public facilities, together with the estimated cost of the review by the Village Engineers of the applicant's proposed plans for the installation of the public facilities. The entire cost of installation of public facilities, including the cost of the Village Engineers review plans and inspection of construction, shall be the responsibility of the applicant. In extraordinary situations, as determined by the Village Council, where properties cannot feasibly be served by public facilities, and the Village Council issues a waiver of the requirement of resulting parcels being served by public facilities, then the minimum width and area of resulting parcels as required in Section 186 of the Subdivision Control Act of 1967, as amended.

Complies. *The provision of public facilities is included in the interlocal agreement and Village and Township engineering review has largely concluded.*



APPLICATION REQUIREMENTS

Per Section 157.23, the following information shall be supplied with the application. The applicant has provided the Village with these documents or will provide such to the Oakland County Register of Deeds upon recordation; we defer to the Village for any additional information requested.

1. Three copies of a sealed 8 ½" x 14" drawing prepared by a Registered Land Surveyor.
2. A legal description prepared by a Registered Land Surveyor of all parcels, permanent easements, or other areas that would result from the requested division or partitioning of land. The legal description shall be in a form sufficient for recording with the Oakland County Register of Deeds and shall indicate the area of all parcels in square feet and acres.
3. Copies of existing or proposed deed restrictions related to the proposed parcels.
4. If any portion of the land has been part of a previous application for division of land, the applicant shall submit the date(s) of such application(s) and action taken.

RECOMMENDATION

The proposed condominium project encompasses eight (8) units and is found in compliance with state and local regulations pertaining to condominium development. Each unit includes all the space contained within the interior, finished, unpainted walls and ceilings and the finished subfloor, as depicted within Exhibit B.

Therefore, it is recommended that the Village Council approve the proposed land reconfiguration for parcels 09-01-302-035 and 09-01-327-046, generally located on 597 E. Flint Street, as depicted on the attached exhibits, which substantially comply with the site plan approved by the Planning Commission on June 5, 2023.

If you have any questions, please do not hesitate to contact us. Thank you.

Respectfully submitted,

McKENNA

Gage Belko, AICP
Associate Planner

Ashley E. Amey
Assistant Planner

CC: Village Clerk: Ms. Sonja Stout, 21 E. Church Street, Lake Orion, MI 48362 (stouts@lakeorion.org)