



# MCKENNA

March 15, 2024

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

**Subject: VLO-23-07, Peninsula of Lake Orion – Site Condominium**

Dear Councilmembers,

We have reviewed the above condominium subdivision request submitted by Mocerri (the “Applicant”) 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 February 5, 2024.

We offer the following comments for your consideration:

## PROPOSAL

The proposed application is to partition land generally located at 160 Darling Drive, which consists of one parcel (09-02-458-015) and encompasses a total of 0.76 acres. The parcel is zoned for and will remain RL, Lake Single Family Residential. The resulting land configuration will result in three (3) site condominium lots. Lot 1 at 0.22 acres, Lot 2 at 0.17 acres, and Lot 3 at 0.22 acres.

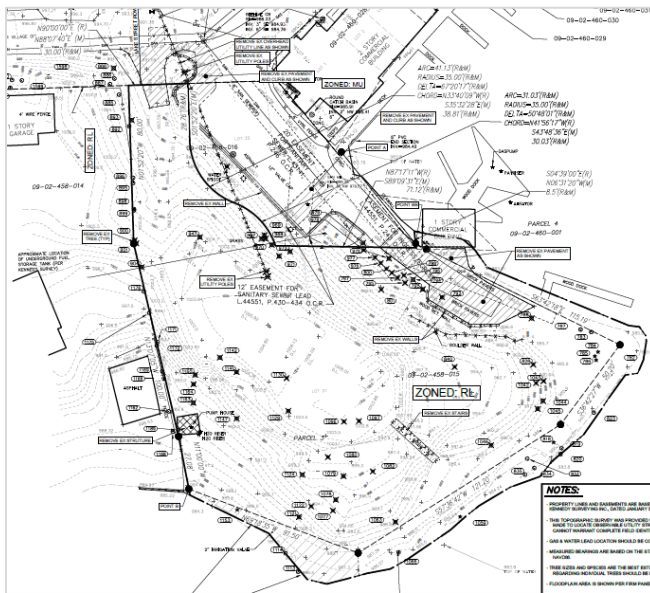
The table below depicts the site’s surrounding land uses, future land uses, and current zoning districts.

Location	Existing Land Use	Zoning District	Future Land Use
Site	Vacant/Unimproved	RL, Lake Single Family Residential	Lake Single Family Residential
North	Residential	RV, Village Single Family Residential	Village Single Family Residential
East	Commercial	RL, Lake Single Family Residential; MU, Mixed Use	Lake Single Family Residential, Corridor Commercial
South	Lake Orion (open water)	Public/private right-of-way	Public/private right-of-way
West	Residential	RL, Lake Single Family Residential	Village Single Family Residential

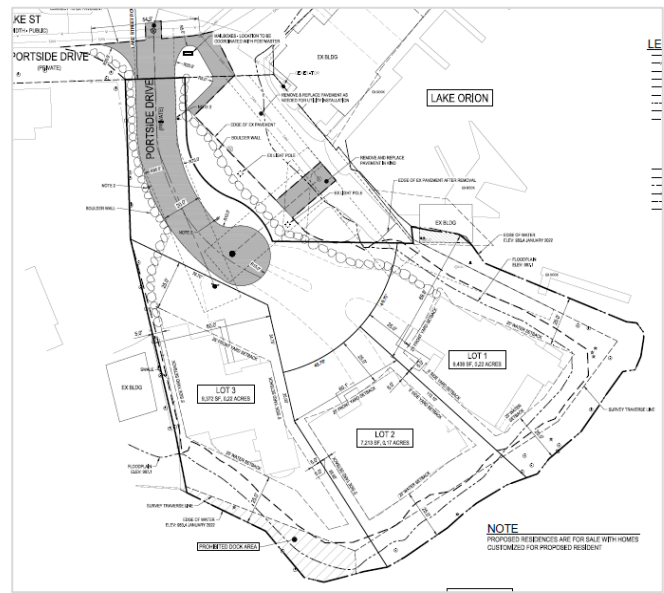


# Summary of the Proposed Configuration

## EXISTING



## PROPOSED



# 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.** *In the RL District, the required minimum lot width is 60 feet, and the minimum lot area is 7,200 square feet. With the proposed subdivision of land, the resulting lots 1, 2, and 3 are conforming lots of record for the Village as they both meet (and exceed) the minimum required dimensional standards.*

## 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.** *Parcels 1, 2, and 3 do 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 February 5<sup>th</sup>, 2024.*

## **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.*** *All three lots will have access to a private road, "Portside Drive", which connects to Lake Street.*

## **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.**

### **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 site condominium will result in three conforming lots of record for the Village.

*Therefore, it is recommended that the Village Council approve the proposed land reconfiguration for parcel 09-02-458-015, generally located on Lake Street, as depicted in the attached exhibit, which is in substantial compliance with the site plan approved by the Village Planning Commission on February 5, 2024.*

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)