



Date: January 18, 2012

**STAFF MEMORANDUM TO THE PLANNING COMMISSION**

**SUBJECT:** Tentative and Final Preliminary Plat review of Hawk's Nest

**APPLICANT:** Tim Lyons

**LOCATION:** 4505 Dublin

**PROPOSED DEVELOPMENT:** 21.04 acres lot area  
3.82 conservation/storm area  
5.54 acres street

**AREA:** Approximately 30 acres

**ZONING:** IA and LCMR (petition currently being considered for RA-1 Single Family Residential)

**ADJACENT ZONING:** North: RC Regional Commercial  
East: COM Community  
South: RA-2  
West: Industrial (Homer Twp.)

**ADJACENT DEVELOPMENT:** North: Commercial  
East: Institutional  
South: Vacant and single family residential  
West: Single family residential

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**REPORT**

The request is for Tentative and Final Preliminary Plat of Hawk's Nest, a single family residential subdivision of 62 lots on 30.4 acres west of Dublin Road and south of the Pere Marquette rail trail.

A site plan is required for this project by Article 1, Chapter 23 of the City's Code of Ordinances regulating the development of platted subdivisions. Section 23 of the Code of Ordinances requires the following criteria be used as a basis upon which site plans for plats will be reviewed and approved:

Please review the minutes of the January 10, 2012 meeting for additional background information. The public hearing on this petition can be reviewed at the City of Midland website ([www.midland-mi.org](http://www.midland-mi.org)) under streaming video.

There were several concerns raised at the public hearing by the public and commissioners that require research. There were no requested amendments, corrections or changes to the site plan as a result of the commission or public comments. Single family residential development is a permitted use by right in the RA-1 Single Family Residential Zoning District classification. The concerns are:

- The ditch on Dublin may need to be closed to provide safe pedestrian access on the adjacent sidewalk. (Referred to engineering for comment)
- There is one entrance to the subdivision. This may not be sufficient in an emergency. (Referred to engineering for comment)
- Will the Rose drain be sufficient in size to handle runoff produced by the development? (Referred to engineering)
- If a rear lot fence is permitted on lot 1 of the proposed subdivision, this fence will be in the front yard of the adjacent lot at the northeast of the plat, owned by the Wallaces. (Requested that developer prohibit rear lot fence on lot 1 by staff)

Upon approval of the Tentative and Final Preliminary Plat, a Final Plat will be prepared with additional construction detail. If the proposed layout of the Final Plat is in compliance with state law and city ordinance and is consistent with the design of the adopted preliminary plat, then final plat approval will be reviewed and acted upon by the City Council exclusively.

#### **STAFF RECOMMENDATION & CONTINGENCY ITEMS**

Based on consideration of the proposed plan, staff recommends approval of the tentative and final preliminary plat for Hawk's Nest with the following contingencies:

1. The Storm water detention system is designed and constructed in accordance with the City of Midland Engineering Department specifications.
2. All landscaping shall comply with Article 6 of the Zoning Ordinance.
3. All exterior lighting shall comply with Section 3.12 of the Zoning Ordinance.
4. All exterior signage shall comply with Article 8 of the Zoning Ordinance.
5. The location, access and flow of any proposed fire hydrants and water service shall be in accordance with the City of Midland Fire Department and City of Midland Utility Department specifications.
6. Lot 1 is prohibited from constructing a fence in the rear yard to prevent a fence in the front yard of the adjacent property to the north.
7. The ditch on Dublin is enclosed to provide increased safety for pedestrians on Dublin Road.

#### **PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will formulate a recommendation to City Council at its January 24, 2012 meeting. We further anticipate that on January 30, 2012 the City Council set a public hearing on the plat and take action at their February 20<sup>th</sup> meeting.

Respectfully Submitted,



Cynthia E. Winland, AICP, PCP  
Director of Planning & Community Development