



Department of Planning and Economic Development

Staff Report to the Planning Commission

December 9, 2020

North Row Development

REQUEST	Revised Wetland Use Permit Revised Natural Features Setback Modifications Revised Site Plan Approval
APPLICANT	Kevin Baird North Row, LLC 720 Kimberly Dr. Troy, MI 48098
LOCATION	West side of Old Orion Ct., west of Rochester Rd.
FILE NO.	19-042
PARCEL NO.	15-03-476-016
ZONING	R-1 One Family Residential with an FB-1 Flexible Business Overlay
STAFF	Kristen Kapelanski, AICP, Manager of Planning

Summary

At the June 2, 2020 Planning Commission meeting, the subject site was approved for a 20-unit apartment development in five buildings with outdoor amenity space, along with a Tree Removal Permit, Wetland Use Permit Recommendation and Natural Features Setback Modification. Prior to City Council's review of the Wetland Use Permit, it was determined by EGLE that the impacts were slightly over what had been recommended for approval, and they could not release the State permit. New areas were delineated, which showed that a new Wetland Permit would be required (.181



acre rather than .094 acre), and the natural features setback impacts also changed (446 linear feet to 657). The amenity space in the northwest corner was reduced to stay away from the wetlands and a second amenity space with screening has been added south of the dumpster. Please see the ASTI Environmental letter dated November 4, 2020, which states that the natural features setback areas are of low quality and function and offer little buffer quality to the onsite wetland. Tree removal did not change. The applicant also took the opportunity at this time to address some of the Commission's conditions of approval. The second floor balconies were extended to three feet, a right turn only sign has been placed at the entrance to Maple Hill, and tree plantings and species have been revised along Maple Hill and the detention basin per the Commission's direction. The site plan is basically the same, with the addition of more amenity space and landscaping. Price points, as stated in the EIS, will be from \$1900 to \$2800 per month. The site is zoned R-1 with the FB-1 Overlay, and the site is being

developed using the FB-1 standards, which permits the proposed use. One minor modification for the side yard setback to Maplehill Rd., was modified by the Planning Commission at the previous meeting. The site is surrounded by residential zoning except a portion to the west across Old Orion Ct. where there are medical offices. All staff have recommended approval, and if the Planning Commission agrees that the proposed development will be compatible and harmonious and offer another level of housing, below are proposed motions.

Staff Recommendations

Department	Comments & Waivers/Modifications	Recommendation
Planning	Minor waiver	Approval
Fire	Minor comments	Approval
Engineering	Minor legal comments	Approval
Parks & NR	No comments	Approval
Building	Comments to be addressed at building permit review	Approved

Motion to Recommend a Wetland Use Permit

MOTION by _____, seconded by _____, in the matter of City File No. 19-042 (North Row Development) the Planning Commission **recommends to City Council** approval of a **revised Wetland Use Permit** permanently impact approximately .181 acre to construct the outdoor amenity area, site access drive and parking lot, the buildings and the boulder retaining wall based on plans dated received by the Planning Department on October 22, 2020 with the following findings and subject to the following conditions.

Findings

1. Of the .35 acre of wetland area on site, the applicant is proposing to impact approximately .181 acre.
2. Because the wetland areas are of low ecological quality and are not a vital natural resource to the City, the City’s Wetland consultant, ASTI, recommends approval.
3. Construction of a retaining wall should prevent unintended impacts to the wetlands and preserve the City’s aesthetics, per ASTI.

Conditions

1. City Council approval of the Wetland Use Permit.
2. That the applicant receives and applicable EGLE Part 303 Permit prior to issuance of a Land Improvement Permit.
3. That the applicant provides a detailed soil erosion plan with measures sufficient to ensure ample protection of wetlands areas, prior to issuance of a Land Improvement Permit.
4. That any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City approved wetland seed mix where possible and implement best management practices, prior to final approval by staff.

Motion to Approve a Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **grants a revised natural features setback modifications** for 657 linear feet for permanent impacts to construct the access drive, detention pond and several buildings, based on plans dated received by the Planning and Economic Development Department on October 22, 2020 with the following findings and conditions:

Findings

1. The impact to the Natural Features Setback area is necessary for construction activities.
2. The proposed construction activity qualifies for an exception to the Natural Features Setback per the ASTI Environmental letter dated November 4, 2020, which also states that the areas are of low ecological quality and function and offer little buffer quality.

Conditions

1. Work to be conducted using best management practices to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted.
2. Site must be graded with onsite soils and seeded with City approved seed mix.

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 19-042 (North Row Development), the Planning Commission **approves** the **revised Site Plan**, based on plans dated received by the Planning Department on October 22, 2020, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Maplehill Rd. and Old Orion Ct. thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The Planning Commission waives the site yard setback to the north requirement of 25 feet to 15 ft, finding that it meets the intent of the FB Ordinance.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
6. The proposed development offers another type of housing as outlined in the Master Plan.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond for landscaping and irrigation, plus inspection fees, as adjusted as

necessary by staff in the amount of \$69,905.00 to be posted prior to temporary grade certification being issued by Engineering.

3. Payment into the City's Tree Fund of \$16,040.00 prior to temporary grade certification being issued by Engineering.

Reference: Plans dated received by the Planning Department October 22, 2020

Attachments: Building Dept. memo dated 11/6/20; DPS/Engineering memo dated 11/4/20; Planning Department Memo dated 11/6/20; Fire Department memo dated 10/30/20; Parks & Natural Resources memo dated 10/27/20; Revised EIS; ASTI letter dated 11/4/20; WUP Public Hearing Notice; Minutes PC 6-2-20

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