

UNFINISHED BUSINESS

2025-0071

Request for Site Plan Approval - File PSP2024-0008 - for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

(Staff Reports dated 5/14/25 and 2/12/25, Reviewed Plans for 5/20/25 and for 2/18/25, Krieger Klatt letters dated 4/8/25 and 1/17/25, Public Comment Received, Applicant's Presentation for Neighborhood Meeting, Emails to HOAs dated 5/5/25 and 2/8/25, Public Meeting Notice for 5/20/25, Planning Commission Minutes for 2/18/25, Applicant's Presentation to the Planning Commission 2/18/25, Development Application, Environmental Impact Statement, G2 Consulting Group letter dated 4/11/24, WRC letter dated 5/10/24 and Public Meeting Notice for 2/18/25 had been placed on file and by reference became a part of the record hereof.

Present for the applicant were developers Pat and Mark Bismack, Jeff Klatt, Krieger Klatt Architects, and Paul Tulikangas, Nowak and Fraus Engineers.

Chairperson Hooper introduced this item, and explained that the requests include site plan approval, tree removal permit, wetland use permit recommendation and natural feature setback modification for the Old Orion Court residential development, a 32-unit apartment complex and related amenities on the south side of Orion Road, west of Old Orion Court and Rochester Road. He invited the applicants to the presenters' table and called for the staff report.

Mr. McLeod noted that this item includes four requests for approval including a site plan, tree removal permit, recommendation to City Council for a wetland use permit, and a natural features setback modification. He stated that the subject parcel is 2.4 acres in size, lies at the intersection of Orion Road, Maple Hill and Old Orion Court, and was a former place of worship. He mentioned that there had been two previous site plans approved for the site, one for a restaurant and the other for a multiple family development of a slightly lesser density of 20 apartment units. He stated that this request is for 32 units, 22 being two-bedroom units and ten one-bedroom units. The tree removal permit would be for the removal of 30 regulated trees with five specimen trees being removed; and the applicant is requesting to pay the required number of regulated trees to be replaced into the City's Tree Fund. He pointed out that the previous version of the site plan requested a wetland use permit for 0.07 acres, and this submittal has modified it to 0.09 acres, representing an additional 870 feet of wetland impact. The natural features setback that is associated with the impacts of the wetland use permit is being requested as well. For the tree removal permit, they are looking for payment of 57 trees into the City Tree Fund and are planting a total of 104 trees, up from 93 trees in their February submittal.

He explained that the wetland use permit request has been raised by 0.02 acres, and he noted that the City's wetland consultant, ASTI, has indicated that this is a medium-quality wetland. He stated that ASTI fully reviewed the request and has recommended approval of the wetland use permit based on the City's design standards and regulations. He pointed out that the crossing of the wetland was at the area that provides the minimum amount of impact, and the way that they are constructing the culvert will still maintain connection between two portions of remaining wetland so the hydrology can move back and forth.

He pointed out that the landscape modification that was requested last time has been eliminated, and he mentioned that one of the main discussion points raised at the last meeting was for the applicants to return with a site plan that did not require a modification. He stated that the applicants are utilizing the Flex Business (FB) zoning for this development.

Mr. McLeod reviewed the changes to the site plan made since the last time this appeared before the Commission:

- The Commission had expressed a concern over the proximity of the public node, the bike fixing station, to the intersection. This has been pulled back slightly.*
- Originally there was a sidewalk connection that went along Maple Hill that connected the overall pathway system on Orion and Old Orion Court. This has been removed; however, they do show an easement there as well as bonding for the potential future development of the sidewalk should the City ever decide that a sidewalk is necessary in that location.*
- The parking spaces that originally were the catalyst for the setback modification to the south end of the site are now parallel parking spots, allowing for the full green belt required on the south side of the property. Those lost parking spots have been added to the western portion of the parking lot to ensure that they are still meeting the City's minimum requirements in terms of total number of parking spaces.*
- There are three technical places of interest which the Ordinance requires, and he commented that these will probably be a point of contention this evening.
 - * The bike area and pedestrian gathering near the intersection.*
 - * The wetland overlook at the back portion of the parking area that overlooks the natural feature.*
 - * The conservation easement proposed across the entire remaining portion of the wetland. He mentioned that the Ordinance allows within the FB District for a conservation easement to be considered a place of interest.**
- Stormwater collection is actually occurring underground. There are two different mechanisms proposed based on the City's requirements. They will bring in the stormwater through a collection system on site, it will go into an underground tank, and the quality measures will take place in the storage device that cleans the water. Stormwater will ultimately leave the site and head eastward and ultimately make its way to Rochester Road.*
- The delineated wetland for the site bows from north to south and toward the west end of the site. The wetland has a pretty significant impact on the site farther to the west which is an existing single family residence. The wetland traverses farther to the south along the water course that goes farther south as well. Mr. McLeod noted the revised drawing showing the additional wetland impacts proposed, noting that this is a difference of 870 square feet from the*

original proposal. He pointed out that just over a half-acre of property will be maintained in that conservation easement.

- The front elevations have not changed much and are mostly masonry, with accent materials being provided.

Chairperson Hooper asked the applicants if they wished to add anything.

Mr. Klatt explained that their project synopsis remains the same, and that they are proposing two-story buildings with the same density as previously presented. He noted, however, that the plan is now fully compliant with all ordinance requirements, thanks to close collaboration with City Staff. He mentioned that they also held a meeting with the neighbors on April 19th to address their concerns.

He highlighted their key changes to the plan:

- Adjustments to the pocket park in the right-of-way.
- A major revision to the parallel parking along the south property line, now ensuring full compliance with green belt and buffer requirements, including additional trees.
- Adjustments to the parking layout to compensate for the green belt changes.
- Increased landscaping along the western property line to provide better shielding and privacy for the neighboring property.

He stated that during their neighborhood meeting, residents raised concerns about:

- Sidewalks along Maple Hill.
- Adding three to four additional trees along the western property line.
- The wetland overlook and its views into the neighbor's rear yard.
- Adding a vehicular gate to limit the drive out to Maple Hill, restricting exit to emergency vehicles only.

He stated that they are open to accommodating these requests, pending the Commission's decision. He stressed that their revised plan is fully compliant in terms of use, setbacks, building height, parking, lot coverage, and amenity areas. He added that they have also included an enhanced landscape plan showing extensive greenery and shielding along the southern and western boundaries. The floor plans, unit count, pedestrian access, and facade design remain unchanged, offering a transitional and compatible design with the surrounding neighborhood.

He thanked the Commission for their time and offered to answer any questions that the Commissioners may have.

Chairperson Hooper opened Public Comment for this item, and noted that he had approximately eight public comment cards. He asked if there was anyone else wishing to speak who had not turned in a card yet. He reiterated that no additional cards will be entertained once public comment has begun, and he stressed that commenters were limited to three minutes each timed signaled by a buzzer. He stated that any questions and concerns should be addressed to the Chair, and will be collected for everyone to do their best to get answers.

Connor Pytlowany, 241 Maple Hill, expressed two main concerns: traffic and the wetland outlook amenity. Regarding traffic, he stated that he is worried about the addition of 60 vehicles daily to Maple Hill and Orion Road, exacerbating existing traffic from a previously approved development. He commented that he believes this will create a dangerous situation due to the existing 45 mph sweeping curve on Orion, leading to an increased risk of accidents. He requested a traffic study to ensure the intersection can handle the added volume safely and, at minimum, the approval of a gate at the entrance to Maple Hill to control traffic flow. He stated that his second concern involves the proposed wetland outlook, which is positioned 57 feet from his property line. He argued that it is not truly a community benefit but rather a potential privacy intrusion, especially as a resident with a young child. He expressed concerns about feeling observed and asked the Commission to remove the outlook from the development for the safety and privacy of his family.

Ed Capa, 270 Maple Hill, stated that his main concern is the adequacy of parking spaces in the proposed development and the potential overflow parking onto Maple Hill. He stated that inadequate parking leads to street parking, which is already a problem on Cliffview and creates safety issues, especially for emergency vehicles like ambulances, on the narrow 20-22 foot wide Maple Hill. He mentioned police intervention is needed during events like graduations or weddings when street parking blocks access. Mr. Capa also expressed frustration that the parking wasn't relocated to the other side of the development to be less disruptive to residents across Orion Road. Additionally, he asked for the site plan and wetland permit to be rejected based on these parking concerns and questioned who would be responsible for maintaining the underground storage after the developers leave. Finally, he suggested that sticking with the original plan of 22 units, without the wetland destruction, would make everyone happier.

Chairperson Hooper called Usman Ibrahim forward.

Nancy Cooley came forward, noting that Mr. Ibrahim is the president of the Quail Crest Homeowners' Association and had not arrived yet. She noted that she is the HOA Treasurer and had sent an email today. She stated that her primary concern is the increased traffic and its impact on the safety of residents exiting their subdivision. She stated that exiting Scarborough Road and turning left onto the main road is dangerous due to the curve and the speed of traffic, which she notes often exceeds 45 mph and the added traffic from the proposed development will exacerbate this danger. Her second concern was initially about water runoff, but she stated that it seemed to be answered, confirming the water will go into holding tanks and not overflow into the culvert at the northwest corner of Rochester Road where her subdivision's retention basins are located.

Rick Braden, 160 Ann Maria, raised several concerns. He highlighted that 35 years ago, City Council prevented him from altering protected wetlands near his property, but now a 32-unit complex is being built on wetlands. He stated that he feels this is contradictory. He expressed concerns about the proximity of dumpsters (just over 40 feet from his neighbor's and just under 50 feet from his house), the smell, and potential maintenance issues. He also voiced concerns about privacy and security, with a four-foot wall being the only separation and

balconies overlooking his and his neighbors' backyards. He emphasized the traffic issues, and noted the blind curve on Orion Road near the Maple Hill exit, predicting more accidents and fatalities. He referenced the Mayor's love of the "big, wide open, pretty land" in Rochester Hills and stated that he and his neighbors want the same enjoyment and preservation of their environment.

Lisa Cummings, 236 Ann Maria, expressed concerns about the proposed development's impact on her neighborhood and the local environment. She bought her house for the wetlands, wildlife, and quiet atmosphere. She is worried about the added traffic from the 64 vehicles (two per unit), increased noise, and the safety of children at the nearby school bus stop on Maple Hill, which she fears is endangered due to the doubled population density. She pointed out the disparity between the existing number of houses (10 on Ann Maria and 19 on Maple Hill) and the addition of 32 units, emphasizing the significant traffic increase. She also highlighted the limitation of walking in the area during construction and the permanent loss of wetlands, which she considers irreversible. She stated that the removal of mature trees cannot be adequately replaced by saplings. She expressed concern for the wildlife that will lose their habitat.

John Marsh, 411 Elmhill, requested that a traffic study be done during the school year and in the morning. He stated that traffic can be backed up Orion Road a half mile, and commented that he has to wait for someone to let him out of his street in the mornings. He stated that the Master Plan does not match the request.

Thomas Olmeda, 390 Maple Hill, stated that traffic is their biggest issue. He described experiencing difficulties leaving for work around 6:45-7:00 AM due to congestion and noted the school bus stop on the corner, emphasizing safety concerns for children. He supported the request for a traffic study, especially during the school year, as he feels the two-lane road becomes unexpectedly congested. He advocated for the installation of a gate on Maple Hill to manage the traffic flow, particularly since the development would nearly double the density of their street. He mentioned buying his house on a whim but has since grown to appreciate its quiet and green environment, which he wishes to preserve for safety and peace. He mentioned the existing condo construction at the other end of the street, adding to the traffic woes, and described a recurring problem with construction traffic speeding recklessly, posing a danger to residents who walk and socialize in the street. He emphasized that this is a safety issue, and the added construction and increased traffic without a gate make residents feel unsafe.

Meribah McFadden, 291 Elmhill, expressed concerns about tree removal, noise, and disruption from development. She mentioned past loss of biking trails and wildlife habitat due to the condo construction at the end of Maple Hill. She questioned the approval of building in wetlands and advocated for preserving existing green spaces over creating new ones. She suggested the area under consideration could be a park and voiced worries about increased traffic, declining property values, and overdevelopment in Rochester Hills. She advocated for a building moratorium.

Seeing no additional speakers, Chairperson Hooper closed public comment. He mentioned that the Commission received a number of letters, emails and other correspondence over the last several months. He noted that he was out of town for the February meeting, but he had received and reviewed all of the information. He stressed that he understands people's concerns, and stated that the Commission was going to see if they can get some answers to these questions.

He stated that he visited the site today and pointed out that Maple Hill and Ann Maria are dead end streets. He commented that he did not think there would be a reason for anyone to come out of the development and turn left to go down a dead end street, and the issue is the added traffic. He noted that whenever owners of vacant land exercise their property rights to develop their property according to the laws and ordinances of the City, there is an impact. He pointed out that there were impacts when his own home and when the other homes were built, and stated that everyone wants to live here. He noted that there were several requests made for a traffic study, and asked staff about it.

Mr. McLeod responded that as a part of the site plan review process, there are eight reviewers within the City itself and three of those reviewers are contained within the Engineering Department, one of whom is specifically relative to traffic. He explained that both of the driveways come out to local roads that are under City control, and each site plan is reviewed relative to City standards. He stated that these standards will tell the traffic reviewers when traffic impact assessments and traffic impact studies are required, and he explained that as a part of this review the traffic reviewer did not indicate that the level of this development triggered or warranted a traffic impact assessment or study based on its size or based off of traffic generation. He added that in conversations it was substantially below what would normally trigger an assessment or study. He pointed out that reviewers always work based on regulations and accepted standards, whether it is from a Zoning, Engineering or Building code.

Chairperson Hooper asked if he envisioned or saw anything that would cause people to go down a dead end street from this development.

Mr. McLeod responded that one can never try to guess what people are going to do in terms of their vehicles; however, realistically unless someone lives and is friends with someone down the street, it is a dead end and there is no way to go any farther unless they are visiting someone that lives on Maple Hill. He stated that there may be an occasional car that goes down Maple Hill because they know someone or their child's friend lives down the street, and this traffic will generally be heading outward.

Chairperson Hooper mentioned a gate, and commented that he has been on Planning Commission for 26 years and has seen a number of developments some with gates and some without. He commented that there is no reason to have a gate there as it would stop people from traversing onto Maple Hill and going 200 feet to Orion Road. He asked if there was a Fire or EMS emergency issue by doing that.

Mr. McLeod responded that if a gate is put in place it would have to meet Fire

standard with either a lock or Knox box, or be breakaway. He stressed that Fire would be the first one to review any request to ensure it would meet their requirements if the Commission felt a gate was warranted.

Ms. Roediger stated that the City generally prefers to have a very natural look in terms of creating neighborhoods and connectivity. She noted that when opting to have walls of screening, they tend to prefer green walls as opposed to brick or solid walls. She added that they encourage connectivity between neighborhoods versus gating off a community. She pointed out that if there was a reason for someone in the complex to go onto Maple Hill they would have to go out to Old Orion Court, turn left on to Orion Road, and then left onto Maple Hill. She noted that without a gate, it would just be a left turn; and stated that the frequency of this happening is very low because it is a dead end road that just serves houses. She commented that it is an overall policy of the City to discourage gates and solid walls.

Chairperson Hooper questioned the location of the wetland overlook.

Mr. McLeod stated that this is the main portion of the wetland and it was the way that the developer looked to solve providing the amenity space. He explained that there is a substantial distance between the outlook itself and the property line, and then from the property line going farther onto usable yard and space on the abutting residential property. He stated that there is really no additional screening that can be provided in some of those areas because once getting into the wetland there is no additional landscaping that can be provided. He noted that the outlook or is raised so it is already within the wetland, and it cannot be screened. He pointed out that the City also looks to build features that are called placemaking features, and it is a part of the FB District to have places of interest and create features within the development that make them unique and more desirable. He commented that with the previous North Row development, the overall configuration was completely different and the overlook was way to the north with additional property at that time. He suggested that if it was moved farther to the south they could probably gain some additional separation between the neighbor to the west. He mentioned that the Ordinance requires these kinds of amenity spaces to try to create the uniqueness that so many people within the city love. He stressed that it is the Commission's choice if they feel it is an appropriate location, and reiterated that there is a good amount of separation and vegetation.

Chairperson Hooper asked if the applicant had any objection to relocating the overlook.

Mr. Tulikangas responded that the current location is aligned with the parking orientation and provides a straight shot from the building side across the lot. He suggested that if they were going to move the overlook, they would probably want to shift it a couple of curb islands further south; and commented that he did not think it would make a huge cost impact or affect any of the parking spaces. He stated that if it is something the Commission wanted they would not necessarily be opposed to it.

Chairperson Hooper asked for some photographs he took during his site visit to

be displayed. He noted that he stood next to trees 170 and 171 and looked at what would be seen from the area of the proposed wetland overlook, and he commented that he could barely see Mr. Pytlowany's house. He stressed that this is existing wetland that is not going to be touched. He stated that concerns were mentioned relative to potential overflow parking on Maple Hill and asked the applicant to comment.

Mr. Tulikangas responded that the proposed number of parking spaces is 64.

Mr. Klatt added that the City requirement is based on a per unit count.

Mr. McLeod responded that the actual number is one-and-a-half spaces per unit, plus 0.5 spaces for guest parking, for an equivalent of two spaces per unit.

Mr. Klatt noted that his office does a significant amount of multifamily development across the area and across the country, and 1.5 spaces seems to be the new norm for multifamily without guest parking. He stressed that there is a significant amount of parking here and he does not believe it will be fully maxed out based on the fact that they have a significant amount of one-bedroom units. He stated that he does not think that the parking lot will be maxed at 64.

Chairperson Hooper noted there are always two sides of a coin about flipping the parking and the units, and flipping the building will make it closer to the residences. He asked how this particular configuration came about.

Mr. McLeod responded that the configuration is modeled from the FB District, which pushes the building closer to the roadways. Based on the City's ordinance, flipping the building to the back would not be realistic.

Mr. Tulikangas added that a big portion of the area in front of the building is actually City and Oakland County right-of-way. He commented that to add some sort of access points for a parking area to that point would make the roads less safe as there would be less space between the ingress and egress points of the development.

Chairperson Hooper asked about maintenance of the underground detention system.

Mr. Tulikangas responded that the underground detention and stormwater management system will be subject to a maintenance agreement entered between the landowner and the City that gets recorded on the property deed and is in perpetuity. He explained that it requires periodic maintenance and cleaning of the system, vactoring it out. Any erosion issues that pop up during a heavy storm should be observed and monitored.

Chairperson Hooper asked about traffic impacts on Scarborough.

Mr. McLeod responded that from the City's traffic reviewer, this development does not even come close to triggering a traffic study which would reach out amongst the surrounding intersections and roadways and review capacity and

efficiency of those roadways.

Chairperson Hooper asked if there was any other concern raised about the storm outlet, noting that the system is designed to collect all water generated from the impervious surfaces into the underground system and discharge underground along Old Orion Court to existing storm sewers.

Mr. Tulikangas responded that was correct, noting that most of the developed portion of their site will be routed to an underground conveying system, which then flows into underground storage, with the outlet being the culvert and storm system existing on Old Orion Court. He stated that the restricted outlet will discharge to that storm pipe and continue to flow through the road and ditch culvert system to the south.

Chairperson Hooper stated that it was not raised as an issue tonight, but from the last meeting minutes, he read that the ditching system coming down Maple Hill would be intercepted and directed into the wetlands. He added that questions regarding wetland delineation were raised.

Mr. Tulikangas responded that when they first looked at the site five or six years ago, they had an on-site meeting with EGLE and that was one of their main concerns to maintain the hydraulic connectivity of the wetland. He explained that there is a portion of the existing wetlands that will remain at the northeast corner of the site and a culvert underneath the proposed driveway entrance on Maple Hill. He added that part of that system is that the ditching from Maple Hill will also have a culvert that basically allows water to continue to flow or feed the existing wetland onsite. He stressed that their stormwater management system is basically collecting a lot of the impervious flows and taking those elsewhere, but they do want to maintain some hydraulic connectivity and maintain the existing sources of that water flow so the wetland does not dry out.

Mr. McLeod pointed out that every three years the wetland delineation must be updated or renewed; and this wetland delineation for the site was renewed in 2023 and is considered to be current by the City. He stressed that ASTI, the City's environmental consultant for the past 30-odd years, has verified the delineation; and from their standpoint they feel that this is the best opportunity in terms of preserving the wetland with the development that is going to occur on the site. He commented that this is a best case scenario in terms of the way that they are developing around it, modifying the culvert to allow for cross hydrology between the two different wetland sites; and the 3,900 square feet being impacted by the development and preserving the just over a half acre of wetland on this site was an appropriate situation.

Chairperson Hooper asked about the dumpster location, and if there was another location explored.

Mr. McLeod responded that they may have looked at other options, but taking the dumpster farther north would either be into the building itself or would create additional impacts most likely to the wetland. He pointed out that it would have a dumpster enclosure around it meeting City specifications, and evergreen plantings around that plus additional trees. He noted that the dumpster location

is 20 or so feet from this particular property line and the residence to the south is a good distance off of the mutual property line. He commented that they can go back and look again if there is an opportunity to provide additional plantings in the area; however, he cautioned that there is such a thing as overplanting where too many plantings in a certain location would choke each other out.

Mr. Tulikangas stated that they definitely explored other possible dumpster locations along with the various site layouts, and concurred that pushing it any farther north would lead to more space needed and more wetland impacts. He pointed out that the corner is strategic for maneuverability of a garbage dumpster and is the best way to keep it away from the road frontage. He pointed out that on the updated landscape plan, 13 arborvitaes will screen the dumpster location and they would be substantial in height at maturity. He commented that if this is a sticking point, they could probably try to fit something else in there; however, there is only so much space and they need to allow for the growth of the proposed plantings.

Chairperson Hooper commented on the discussion of a four-foot wall.

Mr. McLeod responded that the four-foot wall has now been removed with this latest iteration. He explained that the wall was the applicant's attempt to try to mitigate the reduction in greenbelt that was before the Commission in February. Now, with the increased greenbelt being provided and the plantings stacked in there, the wall was removed and it is now a "green wall". He stated that ultimately in time the green will thicken and blend in to provide a more significant buffer.

Chairperson Hooper noted the two residences on Ann Maria and questioned the buffer being placed to their property line.

Mr. McLeod responded that the Ordinance stipulates the required number of plantings and linear feet of greenbelt when an FB District development goes against single family residential. He stressed that the applicant has now met that criteria in terms of number of plantings and utilization of existing trees.

Chairperson Hooper commented that wildlife is a consistent issue raised on every development. He noted that when his subdivision was developed, and when the original homes were built on Maple Hill, Elmhill and Ann Maria, wildlife relocated elsewhere. He pointed out that the wetlands are not being impacted other than the small area, and wildlife will still enjoy much of the same habitat as before. He commented that there is tree removal needed to build this development.

He noted that questions are raised all of the time about why development is happening, and pointed out that it has been zoned for development since the beginning of zoning in Rochester Hills. He stressed that as long as it is developed in accordance to the laws and ordinances of the City, the applicant is permitted to exercise his property rights to do that. He stated that the City is doing its best to weigh that balance between the existing residents who have moved in here with the development of their homes and new developments. He commented that it is a balancing act that is never a perfect science. He

mentioned that there is a 25-acre parcel behind his home that will now be developed and will be a subdivision. He commented that the best way for someone to ensure something will not be developed is to purchase the property. He noted that to ask the City to purchase property is not at the purview of the Planning Commission. He mentioned pathways and the Master Plan map.

Mr. McLeod responded that they are increasing the amount of pathway connectivity throughout the majority of the site. He pointed out that what came out of the residents' meeting was that the residents want a delayed construction of the sidewalk that would go along Maple Hill. He explained that they are showing alignment and an easement that would be there for pathway and have offered a bond for future construction if and when the City determines that sidewalks in that particular location are appropriate along Maple Hill.

He stressed that zoning dictates the current regulation of the property and how the property can be utilized. He explained that the property has been zoned with the FB District for over a decade if not closer to 15 years; and the previous development that was approved for the 20-unit apartment was to be built under the FB District, along with the once-proposed restaurant. He explained that the FB District allows for mixed use, for office, commercial and for residential housing. He noted that in this particular instance they have chosen to utilize the property as residential. He stated that right now the Master Plan is out of alignment and this is one of the things that is reviewed during the Master Plan update every five years. He noted that this is one of the things that they can look at as a part of the iteration of the draft Master Plan the City is going through right now.

Chairperson Hooper noted the school bus stop on the corner.

Mr. Tulikangas stated that they do not have any say in bus stop locations, and did not believe there were any proposed changes to that location. He pointed out that they are extending the pathways through there, which he would assume would get close to the bus stop. He commented that whether that is a good or bad thing is one's opinion.

Chairperson Hooper stated that relative to construction traffic, if the project is successful, he would think that there would be no reason to go down Maple Hill or Ann Maria. He suggested that if the City requires it, they could post temporary no construction traffic signs on both streets to ensure that people are not go to down either one of those streets. He noted that similar to signs on the end of Maple Hill with the construction of the attached townhomes, there are signs up that no construction traffic should park on that street and should stay within the development. Relative to property values, he stated that all of the developments he has seen have not had a negative impact on adjacent properties. He asked if there was anything else the applicants or Staff wished to say before taking it to Commission discussion.

Mr. Tulikangas pointed out that they do have a right turn only sign from the development onto Maple Hill. He stressed that they could beef up the signage to improve that condition.

Mr. Hetrick asked what could be done to discourage use of Maple Hill as an exit. He commented that the gate would be a challenge, and the school bus stop does present a safety issue.

Mr. Klatt suggested that perhaps a sign could be added relative to emergency exit only. He commented that they could not guarantee it would stop traffic. He stressed that their team is okay with a gate if it would solve the issue.

Mr. Hetrick stated that this could be a condition for consideration; however, the Fire Department may challenge it. He asked if there were any alternatives that could minimize the traffic on Maple Hill.

Mr. Klatt commented that it would be a path of least resistance, and if it was a known problem that people exiting would get stuck, they would naturally find the other way out. He suggested if it was a problem it would solve itself.

Mr. Hetrick asked how far south the overlook could be moved so it was primarily looking at the large swath of wetland.

Mr. Tulikangas asked for a page of the plans to be pulled up and noted that it could pretty easily be moved about 40 to 50 feet south with the parking spaces redistributed. He stated that it would then be looking at the longer portion of the parcel.

Mr. Hetrick stated that moving it far enough to the south would reduce the concern of the adjacent family that they would be looking into his backyard. He asked what impact that would make on Ann Maria properties.

Mr. Tulikangas responded that it would be pushed closer to those rear yards but there would still be a good 70 or 80 feet from the south property line.

Mr. Klatt stated that they are trying to create a pedestrian access from each side, and pushing it farther to the south would defeat the purpose of breaking up the expansive parking.

Mr. Hetrick stated that the condition could be that it be moved as far south as possible to minimize the overlook into the resident's backyard while ensuring that the crosswalk is not significantly impacted.

Mr. Klatt suggested an alignment to where access is promoted through the building and would be more of a natural pathway to promote public use.

Mr. Hetrick stressed that no construction signs should be put up on Maple Hill and Ann Maria. He commented that stormwater detention flows to the south and should not impact the subdivision to the north. Relative to property values, he stated that he lives in a subdivision adjacent to rental properties and his

property value has gone up probably two or three times in the course of time that he has lived in that subdivision. He commented that he would like a condition that they investigate the use of a gate or an alternative of the suggestion of no left turn or emergency exit only to minimize Maple Hill traffic.

Ms. Denstaedt thanked the applicants for coming back and taking into consideration all the changes that were requested at the last meeting in February. She asked how many neighbors were in attendance at the meeting.

Mr. Klatt responded that while they did not take a roll call or attendance, he would estimate 30 or 40 residents.

Ms. Denstaedt commented that traffic has obviously been a number one worry, and asked what would be the option of having a third party independent study done on traffic to ease the neighbors' minds.

Mr. Klatt stated that he would go back to Mr. McLeod's comment about City Staff suggesting a minimal impact from a 64-car estimate on the site.

Mr. Tulikangas stated that he understands concerns about traffic, and noted that a lot of the concerns seem to be with the existing traffic. He commented that there is nothing they could possibly do to improve the overall traffic circulation around the site. He stated that while 64 spaces sounds like a lot of cars, when it is analyzed from the perspective of staged ingress and egress throughout different times of the day, it typically would not result in a huge change in the level of service of the surrounding area.

Ms. Denstaedt asked if the Commission could see the reviewers' report.

Mr. McLeod explained that as a part of the site review process, each reviewer including the traffic reviewer provides their commentary. He noted that this would be seen as a comment on the site plan. In this instance, since it was so far below the threshold, they did not provide a comment. He explained that all of the comments go to the applicant in the form of a red line drawing. He pointed out that usually by the time they get to the Planning Commission, the drawings are relatively clean.

Ms. Denstaedt asked if there could be signage on the street relative to not parking on the streets of Ann Maria and Maple Hill, or include signage in their lot; and asked if something could be included in the lease that parking is to stay within the parking spots allotted.

Mr. Klatt responded that while this is something the Bismacks could control in their lease, from a City standpoint, he did not think they had the ability to add road signage. He stated that signage could be added within the lot, but policing the activity may be a different story. He stressed that he is more than confident that the number of parking spaces is a lot for 32 units of a mix of one and two bedrooms and far above what most communities are looking at nowadays.

Ms. Denstaedt stated that she would echo Mr. Hetrick about including some options for a gate as a condition for safety.

Mr. Struzik asked if Maple Hill will connect to Cliffview.

Mr. McLeod responded it would not and would remain a dead-end street.

Mr. Struzik asked if the wetland overlook would be restricted to residents or open to the community.

Mr. Klatt responded that he believed that the intent of the Zoning Ordinance is that it is open to the community as a community benefit, and the site has connectivity meant to link it to the neighborhoods.

Mr. Struzik stressed that he would echo previous statements about private property rights, and if they take away private property rights from people who own property the City will find itself in court and will find that they do not have the amount of flexibility back and forth that they have with developers. He stated that this is why it is really important to work with the developers to seek changes. He commented that residents have brought up a lot of good points, fellow Commissioners have brought up good points, and he feels like some of this is being reflected in this plan as it evolves. He stated that he is proud to live in a city that he believes gets the balance of private property rights and also wants green space. He mentioned that the City has a large number of parks and he is glad that they have been able to make commitments, but they are always constrained by budgets.

Mr. Gallina acknowledged that while untouched land is ideal, it's not always feasible in planning situations. He emphasized the commission's role in ensuring plans harmonize with the community and that applicants engage with neighbors, which was achieved in this case. He highlighted the importance of road safety, minimal impact on privacy from dumpsters and screening, and the proposed updates since the last plans as a step in the right direction. He also stressed the effort put into researching the site and the goal of minimizing stress on the property through additional screening and potentially moving the outlook, while recognizing and respecting citizens' concerns and striving for a balanced approach.

Vice Chairperson Brnabic stated that she would echo the Commissioners' comments. She moved the motion for site plan approval, with seven pre-printed findings, three pre-printed conditions, and added a fourth condition to move the overlook farther to the south, possibly lining it up with the pathway to create a natural pathway in the area. She consulted Commission members regarding adding a fifth condition relative to a gate.

Chairperson Hooper suggested the fifth condition should be to investigate use of gates and/or signage to reduce traffic on Maple Hill, as reviewed and approved by Staff.

Ms. Roediger noted that from a Staff perspective, they are dealing with this situation in a previously-approved development. She explained that in the past when the Commission has desired gates, it has always been out of a concern for cut-through traffic; and when the Commission has imposed a condition to

add a gate, from the Planning Staff perspective it would always be a no to add a gate because of reasons previously discussed for connectivity between neighbors, and there really is no destination to turn left onto Maple Hill. She asked from a neighbor perspective taking a walk if they want to have a bunch of gates in the community. She stated that if there was a valid traffic reason, she is just not seeing it in this instance. She commented that by putting it on Staff, the Fire Department would say it can go there if they do a Knox box, Engineering would say if they want it, okay and if not, no. She commented that if it is left to Staff, it is very gray and has caused some concerns among Staff perspectives.

Chairperson Hooper asked if there were any additional conditions. He mentioned adding signage within the site for no parking on Maple Hill and Ann Maria, and lease language for no parking allowed outside of the complex; and no construction traffic allowed on Maple Hill and Ann Maria during construction.

Mr. Hetrick asked for the gate condition to be restated.

Chairperson Hooper restated that the condition would read to investigate use of gate and/or signage to reduce traffic impacts on Maple Hill as reviewed and approved by Staff.

Mr. Weaver asked what the reference to medium-quality wetland represented.

Mr. McLeod responded that when ASTI reviews each one of the wetlands as a part of their assessment, they look at the vegetation quality and quantity and types of vegetation materials that are in each one of those wetlands. He noted that the rating is based off of native versus non-native plantings that are within them as well as their function, and the number of invasive species. The review also speaks as to whether it is an emergent wetland versus a forested wetland, it will talk about water quality and water flow. He explained that there are a number of different attributes and ASTI's review goes through and outlines each one of those attributes. For this particular wetland, he categorized it as medium quality and high-functioning.

Mr. Weaver stated that this leads him to believe it probably has a lot of phragmites and other invasive species that are causing it to be medium quality. He asked the applicant if there were three bedroom apartments.

Mr. Klatt responded that there were 22 two-bedroom and 10 one-bedroom.

Mr. Weaver stated that realistically, they are probably looking at 54 cars being parked on site by residents. He asked if installing a gate on Maple Hill would force everyone out on Old Orion and make that a worse situation as it would be the only way to get out. He stated that this would solve one problem and create a potentially worse problem. He asked if people would be able to go down Old Orion and out to Rochester Road by Starbucks, noting that this could help as an alternate route. He asked where the bus stop location was.

Mr. Tulikangas responded that he believed it was at the corner of Maple Hill and Orion or in close proximity to it.

Mr. Weaver suggested that a sign be considered that residents cannot leave that way between the hours of 6 a.m. and 9 or 10 a.m.. He stated that he was fine with moving the overlook to the south, but did not want to create a similar problem to that neighbor to the south. He suggested perhaps finding a happy medium between the two impacted neighbors. He stated that if everyone agrees that they do not need it, he is fine with omitting it from the project. He noted comments regarding not needing additional apartments and asked if a housing study was done before this was planned.

Mr. Klatt responded that while he did not want to speak for the Bismacks, he believed they did work with local experts on a market study to understand the mix of one and two bedroom units.

Chairperson Hooper asked Mr. Weaver if he was looking for a condition to configure the exit to Maple Hill as a right turn exit, left turn entry only.

Mr. Weaver stated that he does not want to create a situation where a gate is put up and it causes a large backup at the only other entrance. He added that he would be concerned for the time in between the Fire Department being called and people trying to get out. He added that if Maple Hill is a dead-end street, other than the rare occasion where a resident of this complex goes to visit a friend at their house, he does not see anyone turning left. He stated that he does recognize the concern that there is a school bus stop at the corner. He asked why something couldn't be done to eliminate the turns between the hours where school buses are going to be dropping children off.

Ms. Roediger stated that staff would appreciate understanding clearly if there is a yes or no for a gate, because putting it on staff kicks the decision down the line.

Chairperson Hooper stated that in his opinion he does not see the need for a gate.

Mr. Weaver stated that he does not either, but recognizes concerns that people will leave and turn right to get to Orion and children might be there. He suggested limiting turns at certain times.

Mr. Hetrick suggested he make it simple and eliminate the gate. He commented that everyone is more in agreement for signage and language that can be added to lease agreements is a better option.

Chairperson Hooper adjusted the language on the proposed condition that Staff is to investigate the use of signage to reduce traffic impacts on Maple Hill as reviewed and approved by Staff.

Mr. Dettloff expressed his thanks to the developers and their team for taking to heart the comments made back in February, and for their continued interest and investment in the community. He thanked the residents who have come out, and stressed that he has been on the Commission for 20 years and has yet to see a development that has had a negative impact on property values. He

expressed appreciation for the developers' willingness to meet with the residents and asked that dialogue continue if there are concerns. He commented that he is glad the gate issue has been resolved and supports Ms. Roediger's comment that she is not a big fan of them unless they are a necessity.

Mr. Struzik concurred that he does not want to see a gate and wants to see connectivity. He commented that he believes a gate would create more issues with traffic that wanted to turn left on Orion, and expects that if traffic is backed up on Orion Road, they would most likely want to enter farther south in the backup to turn right. He stated that he wanted to see the outlook preserved as it is a good feature, and he commented that he could see his family using it if available to them whether they lived in the apartments or nearby.

Chairperson Hooper restated the motion on the floor by Vice Chairperson Brnabic, supported by Mr. Dettloff, to approve the site plan with the seven pre-printed findings, three pre-printed conditions, and added conditions 4) Relocate the overlook approximately 40 feet to the south to match the sidewalk stub to the east; 5) Investigate use of signage to reduce traffic impacts on Maple Hill as reviewed and approved by Staff; 6) Add no-parking signs within the complex to prohibit parking on Maple Hill or Ann Maria; 7) Add lease language for no parking allowed outside of the complex; and 8) Post No Construction Traffic on Maple Hill and Ann Maria during construction.

After a roll call vote, he announced the motion passed unanimously.

Vice Chairperson Brnabic moved the motion in the packet to grant the tree removal permit. The motion was seconded by Mr. Struzik.

After a roll call vote, Chairperson Hooper announced the motion passed unanimously.

The motion in the packet was moved by Vice Chairperson Brnabic, seconded by Ms. Denstaedt, to grant the Natural Features Setback.

After a roll call vote, Chairperson Hooper announced that motion passed unanimously.

Vice Chairperson Brnabic moved the motion in the packet to recommend City Council grant the Wetland Use Permit. The motion was seconded by Mr. Hetrick.

Following calling for a voice vote on the recommendation, Chairperson Hooper announced the motion passed unanimously.

Mr. McLeod noted that the target date for the Wetland Use Permit recommendation to go to City Council is June 9.

A motion was made by Brnabic, seconded by Dettloff, that this matter be Approved. The motion carried by the following vote:

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of City File No. PSP2024-0008 Old Orion Ct., the Planning Commission approves the Site Plan, based on plans received by the Planning Department on April 9, 2025, 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 Orion Road, via Old Orion Ct. and Maple Hill Road, thereby promoting safety and convenience of vehicular traffic both within the site and on the adjoining street.
3. Adequate utilities are available to the site.
4. The preliminary plan represents a reasonable parking, building and lot layout and orientation.
5. The proposed improvements should have a satisfactory and harmonious relationship with the development onsite as well as existing development in the adjacent vicinity given the split zoning of the property that allows for development consistent with the FB Flex Business District.
6. 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. The proposed encroachments into the identified wetland are limited in nature and the applicant has proposed the inclusion of a culvert to maintain hydrological flow between the two wetland areas.
7. The applicant has revised the plans in an acceptable manner to eliminate the need for a landscape buffer modification, maintain adequate parking onsite, conduct a meeting with neighboring residents, and provide increases to the overall size and number of plantings onsite.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final site condominium approval.
2. Provide a landscape bond in the amount of \$99,428, plus the cost of inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Provide an easement with bonding, as required by the City, to ensure the future sidewalk construction along Maple Hill.
4. Relocate the overlook approximately 40 feet to the south to match the sidewalk stub to the east, as approved by Staff.
5. Investigate use of signage to reduce traffic impacts on Maple Hill, as reviewed and approved by Staff.

- 6. Add no-parking signs within the complex to prohibit parking on Maple Hill or Ann Maria.
- 7. Add lease language for no parking allowed outside of the complex.
- 8. Post No Construction Traffic on Maple Hill and Ann Maria during construction.

2025-0072

Request for Tree Removal Permit Approval - File PTP2025-0001 - to remove thirty (30) regulated trees and five (5) specimen trees and to provide zero (0) replacement trees and to pay the required fifty-seven (57) replacement trees into the City's Tree Fund for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant

See Legislative File 2025-0071 for Discussion.

A motion was made by Brnabic, seconded by Struzik, that this matter be Granted. The motion carried by the following vote:

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of File No. PTP2025-0001 (Old Orion Ct. Tree Removal Permit) the Planning Commission grants a Tree Removal Permit (PTP2025-0001), based on plans received by the Planning Department on April 9, 2025, with the following findings and subject to the following conditions:

Findings

- 1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
- 2. The applicant is proposing to remove 30 regulated trees and 5 specimen trees, and proposes to provide payment into the City's tree fund equivalent to the fifty-seven (57) replacement trees required.

Conditions

- 1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
- 2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the 57 replacement trees identified on the site plan.

2025-0074

Request for Natural Features Setback Modification - File PNFSM2025-0001 - to modify the required natural features setback by approximately 398 linear feet for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion

of the land has the FB Flex Business Overlay; Mark Bismack, Applicant
See Legislative File 2025-0071 for Discussion.

A motion was made by Brnabic, seconded by Denstaedt, that this matter be Granted. The motion carried by the following vote:

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of City File No. PNFSM2025-0001 (Old Orion Ct.), the Planning Commission grants a natural features setback modification for 418 linear feet of permanent impacts to the identified wetland area identified on the site plan to construct the proposed parking area, to provide the building area for the multiple family building and associated development infrastructure, based on plans received by the Planning Department on April 9, 2025, with the following findings and conditions:

Findings

1. The impact to the Natural Features Setback area is necessary for construction activities related to the proposed development; further, the applicant has minimized the impacts to the natural features and associated natural features setbacks by modifying the means of construction such as installing a culvert to maintain hydrological connection between the two (2) portions of the wetland and proposing the maneuvering lane and parking area to cross at the narrowest portion of the wetland area and finally, the applicant has provided for the future protection of the natural features setback by providing signage to define the area for future residents, workers, etc.
2. ASTI has reviewed the subject plans and proposed impacts to the natural features setbacks associated with the identified wetland along with the proposed mitigation efforts to help reduce the impacts to those natural features and has indicated that the plans as proposed are satisfactory.

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.
3. Any areas that are subject to "Temporary Impacts" must be restored to original grade with original soils or equivalent soils and seeded with a City-approved seed mix where possible, and 4. The applicant shall abide by all conditions and recommendations as outlined in ASTI's review letter of April 15, 2025.

2025-0073

Request for Wetland Use Permit Recommendation - File PWEP2025-0001 - to impact approximately 0.09 acres of wetlands for Old Orion Ct. Residential Development, a 32-unit apartment complex and related amenities on approximately 2.4 acres of land, located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd., Parcel 15-03-476-018 and abutting road right-of-way, zoned R-1 One Family Residential and a portion of the land has the FB Flex Business Overlay; Mark Bismack, Applicant
See Legislative File 2025-0071 for Discussion.

A motion was made by Brnabic, seconded by Hetrick, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Hetrick, Struzik and Weaver

Excused 1 - Neubauer

Resolved, in the matter of City File PWEP2025-0001 (Old Orion Ct.) the Planning Commission recommends to City Council approval of a Wetland Use Permit to permanently impact approximately 0.09 acres of wetlands, as defined within the site plans, to construct the parking area, building areas for the multiple family building and associated development infrastructure based on plans received by the Planning Department on April 9, 2025, with the following findings and subject to the following conditions.

Findings

1. The proposed impacts to Wetland A will be approximately 0.09 acres. Additionally, although Wetland A was determined to be of medium quality overall ecologically and of high function, the design and impacts to wetland are minimized due to the installation of a culvert and strategically locating the crossing at the narrowest portion of the wetland.
2. ASTI has reviewed the subject plans and proposed impacts to Wetland A along with the proposed mitigation efforts to help reduce the impacts to the wetland (including the installation of a culvert to maintain hydrological connection between the wetland areas and the impacts to Wetland A are relatively small) and has indicated that the plans as proposed are satisfactory.

Conditions

1. City Council approval of the Wetland Use Permit.
2. That the applicant receives an EGLE Part 303 Permit (as applicable) prior to issuance of a Land Improvement Permit.
3. That the applicant provides a revised plan sheet showing all wetland impacts to Wetland "A" in square feet.
4. That any temporary or permanent 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 the applicant must implement best management practices, prior to final approval by staff.
5. The applicant shall abide by all conditions and recommendations as outlined in ASTI's review letter of April 15, 2025.