



Department of Planning and Economic Development
Staff Report to the Planning Commission

February 12, 2025

PSP2024-0008, PTP2025-0001, PWEP2025-0001, and PNFSM2024-0001

Old Orion Ct. Development (Apartments)

Parcel 70-15-03-476-018

REQUEST	Site Plan Approval, Wetland Use Permit Recommendation, Natural Features Setback Modification Approval, and Tree Removal Permit Approval
APPLICANT	Mark Bismack 5319 23 Mile Road Shelby Township, MI 48316
LOCATION	Parcel ID. 70-15-03-476-018 and abutting road right-of-way located on the south side of Orion Road, west of Old Orion Ct. and Rochester Rd
FILE NO.	PSP2024-0008, PTP2025-0001, PWEP2025-0001, and PNFSM2025-0001
PARCEL NOS.	70-15-03-476-018
ZONING	R-1 One Family Residential District with the FB Flex Business Overlay (front/east portion of site only)
STAFF	Chris McLeod, AICP, Planning Manager

Summary

The applicant is proposing to develop the property noted above with a multiple family residential development that is proposed to include thirty-two (32) 1- and 2-bedroom apartment units and related amenities. The overall acreage of the site is approximately 2.4 acres and it is located on the south side of Orion Road, west of Old Orion Ct. and Rochester Road. The site is currently zoned R-1 One Family Residential and to a depth of approximately 200 feet, also includes the FB Flex Business Overlay district. As shown on the plans, the site has significant environmental features to the west side of the site and impact the overall site layout. Additional approvals required for the project as designed include a tree permit, wetland use permit and natural feature setback modification.

History

As noted the site is currently zoned R-1 One Family Residential District with the Flex Business Overlay. The site has carried some form of the City's FB Flex Business District for a number of years (since approximately 2014). Prior to the latest round of FB amendments, the site was zoned R-1 with the FB-1 Flex Business District overlay. With the consolidation of the three (3) former FB Districts, the site now includes the FB Overlay district as noted.

In 2017 the site was granted a conditional use and site plan approval for a restaurant use. That plan was approved for the development of an approximate 3,900 square foot restaurant for Silver Spoon (that is currently located 543 N. Main in Rochester). That site plan included the development of the restaurant space, large outdoor eating areas and 61 parking spaces. That site plan also included a natural features setback modification for up to 245 linear feet of impact and no wetland use permit. The site was never developed pursuant to the approved plans.

In 2019, two years later, the site was approved as the North Row Apartments. The North Row Apartments included twenty (20) 2-bedroom apartments. The North Row approval included the site plan approval for 20 apartments, the removal of 48 regulated trees, a Wetland Use Permit for impacts of 0.181 acres of wetland and modifications to approximately 657 linear feet of Natural Features Setback. Since the original North Row approval, a land split was applied for and approved. The portion of the property that was split off has now become 241 Maplehill Road, which has a house constructed on it. However, the North Row development did not encroach into that area and was approved to be built on the same area as remains for the proposed development now before the Commission.

Current Proposal

The application currently before the Planning Commission includes an apartment building of thirty-two (32) units, including a total of ten (10) one (1) bedroom apartments and twenty-two (22) two (2) bedroom units. The submitted EIS form indicates that intended rental rates would range from \$1,900-\$2,800 per month. The overall site is being developed pursuant to the City's FB Overlay District requirements and has undergone three (3) separate administrative reviews prior to coming before the Planning Commission.

A total of sixty-four (64) parking spaces are being proposed to service the 32 units. This includes 48 spaces for the units themselves and sixteen (16) spaces for visitor parking. These parking spaces are largely located behind the proposed building, between the building itself and the wetland area, while some parking is located south of the building. Access drives will be located on Old Orion Ct. to the southeastern corner of the site, as well as on Maplehill Rd. near the western edge of the norther property line.

The site plan proposes an extensive pathway and sidewalk network throughout and adjacent to the site. The pathway system will include the pathway along Old Orion Ct. but will extend the pathway to more closely follow the curvature of Old Orion Ct. The same treatment will also be provided along Orion Road, where the pathway will be extended along the curvature of that portion of roadway.

The proposed landscape plan includes an extensive planting scheme. This will include 93 total tree plantings throughout the site. This includes plantings along the building frontage itself and within the oversized right-of-way at the intersection of Old Orion Ct. and Orion Road. These plantings will be dispersed amongst the pathway system also in this area. Plantings will also be provided along the entire western edge of the parking lot area. Most of these plantings are designed to provided the buffer noted below. The units/building itself will also be largely surround by foundation plantings, along the front and rear sides of the building.

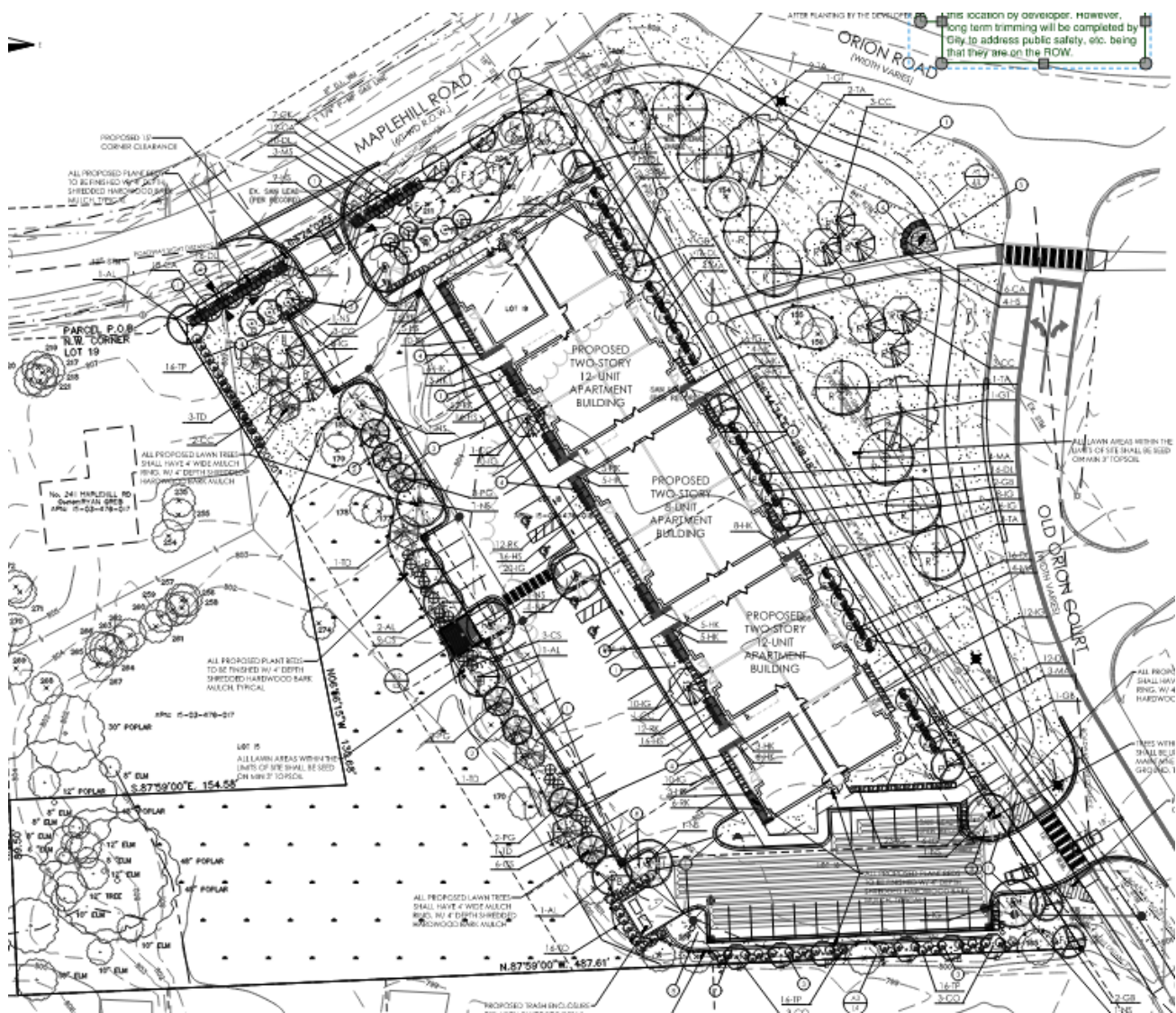
A type "C" buffer is required along the western property line. This side of the site also includes the identified wetland area. Based on the requirements for a buffer of that designation, a total of 6 deciduous trees, 5 ornamental trees and 13 evergreen trees are required in addition to shrub plantings. Between existing and proposed trees, the buffer requirement has been satisfied.

Modification – Buffer C requirement along south property line

Much like the buffer required along the western property line, a similar buffer is required along the southern property line. The applicant is seeking a modification to this requirement. Based on zoning requirements, a total of 4 shade trees, 3 ornamental trees, 8 evergreens and 12 shrubs, all to be planted within a twenty (20) foot greenbelt. The applicant is providing a 4' tall screen/retaining wall, 4 existing trees that are designated to remain, 6 additional trees and 32 shrubs. This area of the site will have some elevation changes given the existing topography and proposed grading. In lieu of the full greenbelt being provided, the applicant is proposing the use of a four (4) foot tall retaining wall to help control any noise or light pollution. In addition, the applicant is proposing a series of arborvitae, Hackberries amongst several other planting types to help further mitigate the buffer reduction request.

A wetland overlook area is being proposed at the eastern edge of the identified wetland area. This structure is being designed to be elevated, to extend out and over the wetland area and is intended to satisfy one of the Flex Business required amenity areas. The area will include a covered pergola-type structure along with benches inside of the structure. The structure itself will be accessed via a universally accessible sidewalk system that traverses the site, across the parking area to the overlook structure. This structure is part of the requested wetland use permit (and natural features setback modification) and is discussed in more detail later in this report.

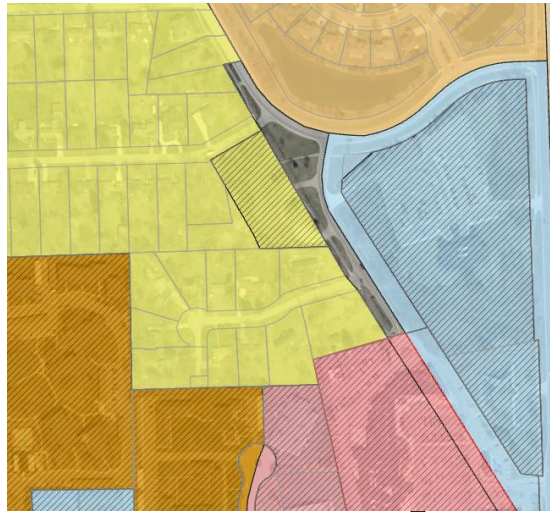
Site Plan



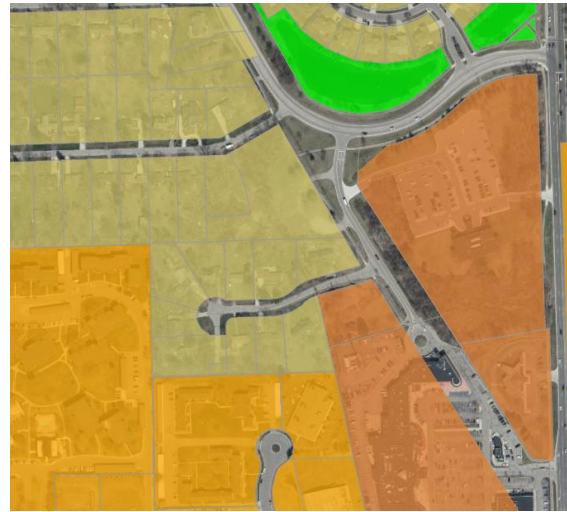
Apartment Elevation



Zoning Map **Master Land Use Plan**



- RE One-Family Residential District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- RCD One-Family Residential Cluster District
- RM-1 Multiple-Family Residential District
- RMH Manufactured Housing Park District
- NB Neighborhood Business District
- CB Community Business District
- HB Highway Business District
- BD Brooklands District
- O Office District
- I Industrial District
- SP Special Purpose District
- EC Employment Center District
- FB Flex Business Overlay District
- MIR Mixed Residential Overlay District
- PUD Overlay



- Estate Residential
- Residential 2
- Residential 2.5
- Residential 3
- Residential 4
- Residential 5
- Mixed Residential Overlay
- Multiple Family
- Residential Office Flex
- Auburn Road Corridor
- Commercial Residential Flex - 2
- Commercial Residential Flex - 3
- Office
- REC Workplace
- REC Technology and Office Image Corridor
- REC Interchange
- Regional Commercial
- Industrial
- Special Purpose
- Park/Public Open Space
- Private Recreation/Open Space

	Zoning	Existing Land Use	Future Land Use
Site	R-1 One Family Residential District with Flex Business Overlay (in part)	Vacant Property	Residential 2
North (across Maplehill)	R-1 One Family Residential District	Single Family Residential Homes	Residential 2
South	R-1 One Family Residential District	Single Family Residential Homes	Residential 2
East (across Old Orion Ct.)	O Office District with Flex Business Overlay and RCD Residential Cluster Development	Medical Office	Commercial Residential Flex 2
West	R-1 One Family Residential District	Single Family Residential Homes	Residential 2

Tree Removal Permit

The applicant has provided a tree survey that indicates a total of 76 trees onsite that initially qualified as regulated trees. Of those a total of 8 trees were either located in the right-of-way or were dead, leaving a total of 68 regulated trees onsite, of which an additional six (6) trees are located within the designated building envelope. The site plan proposes a total of thirty (30) regulated trees and five (5) specimen trees to be removed (1 being exempt), totaling 35 total removals. A total of 33 are proposed to be saved onsite, which is in excess of the number necessary to satisfy the minimum preservation of forty percent (40%). Based on the City's replacement requirements, (30 regulated tree replacements and 27 specimen tree replacements) a total of fifty-seven (57) trees are required to be replanted onsite or paid into the tree fund (or some combination thereof). The applicant is proposing to pay the equivalent of 57 trees into the City's tree fund for a current total of \$19,038.

Wetland Use Permit and Natural Features Setback Modification

The applicant is proposing to fill and/or modify the existing wetland area onsite and modify the natural features setback associated with that wetland. The plans were reviewed throughout the administrative review process by the City's environmental consultant, ASTI. The latest review conducted by ASTI recommends approval of the wetland use permit and the natural features setback modification subject to several conditions.

The site was inspected by ASTI on October 9, 2023 and a watercourse boundary determination was completed at that time. The results of that inspection were that the site was impacted by a wetland in the western portion of the site along with an unnamed watercourse within that wetland (this watercourse is not subject to any specific impacts from the proposed development).

Wetlands Use Permit

The identified wetland is a forested and emergent wetland. The vegetation within the emergent wetland was largely that of non-native species, largely Phragmites which comprised approximately 80 percent or more of the wetland area. The wetland did also include some native species, including Aster, Sedge, and Joe-Pye Weed. The emergent portion of the wetland did not include any trees. The forested portion of the wetland included native species of Box Elder and Green Ash, while the understory was a mixture of native and non-native species. It is the City's environmental consultant's opinion that the wetland is in contact with the groundwater in the area at some depth. The wetland onsite is a part of the larger riparian system of the Stony Creek and represent, in part, a portion of the headwater system of the watershed. Provided the factors examined onsite, the wetland identified is of a medium ecological quality and high function.

The current site plans show that approximately 0.07 acres (3,049 square feet) of wetland will be impacted largely from the construction of the property access from Maplehill Road to the north. These impacts will also be the result of the construction of the wetland outlook being proposed as a part of the amenity space required by the FB District, although the outlook is being constructed as an elevated feature above the wetland itself.

The wetland being impacted is being traversed by the entrance drive and associated maneuvering lane that provides access to (and through) the site. The applicant is proposing to maintain hydrologic flow between wetland areas being created by the maneuvering lane. The wetland report also indicates that the maneuvering lane is located through the narrowest portion of the wetland area in an attempt to minimize wetland impacts.

In addition to a City Wetland Use Permit, the wetland report also indicates that an EGLE permit will also likely be required pursuant to Part 303.

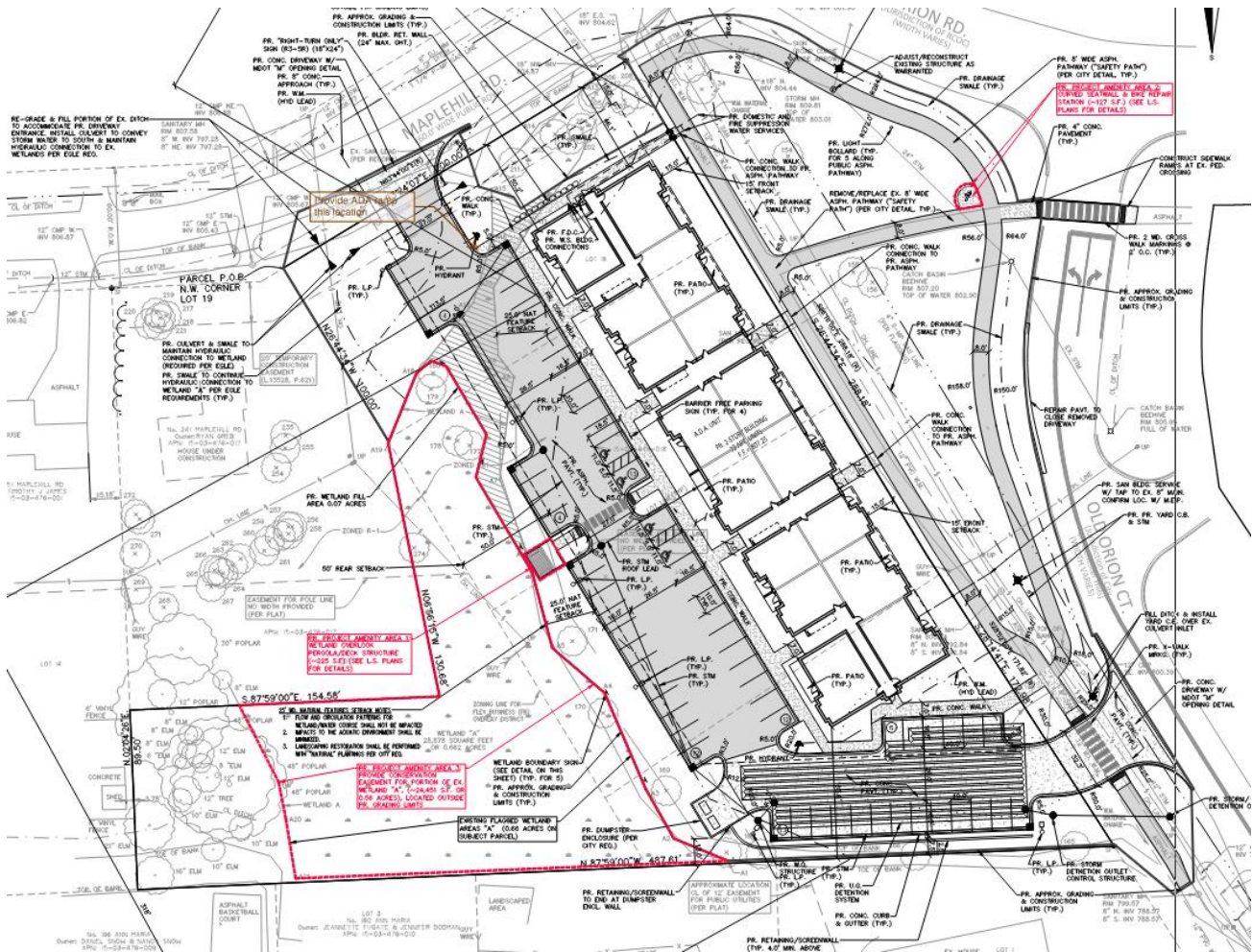
Natural Features Setback Modification Request

In regard to Natural Features, the site inspection noted that the natural features areas were largely dominated by non-native species including Honeysuckle, Autumn Olive, and Glossy Buckthorn along with areas where maintained lawns also intruded into the area as well. Given the types of vegetation and the extent of non-native species and intrusions, the City's environmental consultant has indicated that the natural features setback area is of low ecological quality and function.

The site plan proposes a total linear foot impact of Natural Features Setback of 398 feet for non-stormwater related impacts. The proposed site plan does include an additional thirty (30) feet of natural feature setback impact; however, those impacts are related to stormwater activities and therefore, can be exempted from consideration. These impacts are proposed to be permanent impacts which are as a result of parking lot improvements along with the construction of the northernmost buildings on the site and the associated sidewalks. Finally, a minor impact is being proposed as a result of the wetland overlook area.

The ASTI review indicates that the Natural Features Setback areas must be planted with a native wetland edge seed mix and has recommended this be a condition of any approval. This recommendation will increase the native plantings in the Natural Features Area along with increasing its potential buffering capability for the wetlands.

In addition to the impacts noted above, the site plan also shows minor impacts (30 linear feet) to the Natural Features Setback from the installation of the stormwater system. These impacts are exempt based on Ordinance regulations.



Staff Recommendations

Department	Comments & Waivers/Modifications	Recommendation
Planning	Modification request for buffer requirement along southern property line	Approval
Engineering	Land Improvement Permit is required Identify swale easement between the subject property and the property to the west. Modify hydrant and associated easement at south end of building as noted. Submit additional technical reports with engineering plan submittal as noted.	Approval
Fire		Approval
Building	Revise references to current codes.	Approval
Forestry	Maintenance concerns relative to tree plantings in road right-of-way to be addressed appropriately	Approval
Assessing		Approval

The application has been notified to the general public along with specific notices to those within 300 feet of the site, as well as to an adjacent homeowner's association, for the purposes of the wetlands permit and tree removal permit. The Planning Department has not received any specific correspondences regarding the application.

Motion for Site Plan Approval

MOTION by _____, seconded by _____, 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 January 20, 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 Maplehill 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 proposed modification to the required Type C buffer along the southern property line is found to be acceptable since the number of trees proposed onsite increases the overall site aesthetic.

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 \$95,693, plus the cost of inspection fees as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, 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 January 20, 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.

Motion to Approve Natural Features Modification

MOTION by _____, seconded by _____, in the matter of City File No. PNFSM2025-0001 (Old Orion Ct.), the Planning Commission **grants a natural features setback modification** for 398 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 January 20, 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 January 23, 2025.

Motion to Recommend a Wetland Use Permit

MOTION by _____, seconded by _____, 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 3,049 square feet of wetlands 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 January 20, 2025, with the following findings and subject to the following conditions.

Findings

1. The proposed impacts to Wetland A will be approximately 0.07 acres or 3,049 square feet. 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 January 23, 2025.