



MCKENNA

March 26, 2024

Planning Commission
Village of Lake Orion
21 E. Church St.
Lake Orion, MI 48362

Subject: VLO-24-01 Snug Harbor (160 Heights Road), Site Plan Review #1

Dear Commissioners:

Snug Harbor (the "Project") is a site plan request for a four-unit multiple-family development at 160 Heights Road. The Project is located on one parcel (09-11-403-006) north of Heights Road and west of Broadway (M-24). The approximate parcel location is shown below in the yellow outline. The Project scope includes the following:

- Demolition of primary commercial structure and two accessory buildings;
- Construction of two (2) townhomes and two (2) stacked flats for a total of four (4) dwelling units;
- General site improvements such as landscaping, lighting, interior sidewalk, utilities, etc.



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SUMMARY OF COMPLIANCE

A summary of the site plan findings are noted in the table below. Further specifications, review, and recommendations regarding the site plan are detailed on the following pages.

Ordinance Standards	Compliance	Comments
1. Required Information	<u>Does not comply</u>	Required: sealed drawings; nearby zoning, building, and lot information; site information; additional dimensions. See Item #1
2. Use & Harmonious Design	<u>May comply</u>	MU zoning and use clarification; see Item #2.
3. Dimensional Standards	Complies	Refer to Item #3.
4. Natural Features / Landscaping	<u>May comply</u>	Corrections, additional information, and waiver required. See item #3.
5. Access & Circulation	<u>Does not comply</u>	Pedestrian cross access (sidewalks) required. See Item #4.
6. Parking & Loading	<u>Does not comply</u>	Additional off-street parking required for flats. See Item #5.
7. Building Design & Architecture	<u>May comply</u>	Missing information, refer to Item #6.
8. Engineering / SWM	<u>May comply</u>	Engineer's report. EGLE clearance re: "common development plan" for contiguous sites under single development control.
9. Lighting	Complies	Refer to item #9.

Recommendation

We recommend the applicant revise the site plan addressing the outstanding items in this report (along with any outstanding items from the Village Engineer and Fire Marshal) and re-submit to the Village for additional review.

Concurrently, the Village will explore text amendments to Article 9: the MU Mixed Use District to clarify the use of multiple-family dwellings (without a retail component on the ground floor) as a permitted use by-right.

If you have any questions, please do not hesitate to contact us. Thank you.

Respectfully submitted,

McKENNA

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Village Clerk, Ms. Sonja Stout (stouts@lakeorion.org)
21 E. Church Street, Lake Orion, MI 48362



Site Plan Review

Standards for Site Plan Approval are set forth by [Article 19: Administrative Procedures and Standards](#). This project is reviewed against the Village's [Zoning Ordinance](#), Master Plan, existing site conditions, and sound planning and design principles.

Underlined text denotes items that require additional information, consideration, or a waiver from the Code.

We offer the following comments for your consideration:

1. REQUIRED INFORMATION

Section 19.02(D) lists the information required of all site plans undergoing Planning Commission review. The following items must be included on a revised plan:

- Seal/signature of a registered design professional.
- Zoning, building, and lot information for adjacent properties.
- Clear and consistent property lines and legal descriptions.

2. USE & HARMONIOUS DESIGN

Zoning Ordinance Standards: *All elements of the site must be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.*

Findings: The site is zoned the MU, Mixed Use District where, per section 9.02(A.10), single-family and multiple-family dwelling units are permitted when located above the ground story and subject to the ground story being only a non-residential use. However, the Intent of Article 9: MU – Mixed Use District reads:

“...to promote compatible combinations of commercial, office, service, and residential development along M-24 south of Paint Creek to serve as a gateway into the DC, Downtown Center District. Office, commercial, and retail development should be located along M-24, with residential land uses located along the Lake to buffer existing single-family neighborhoods from the impacts of non-residential uses and M-24. Development in this district is intended to serve the nearby neighborhoods and is not intended to be highway-oriented in scale. Parking lots should not be exposed to view from M-24 or the Lake but, should be screened from these important frontages by buildings. Site design should maintain and enhance pedestrian and/or image connectivity to the Downtown area.”

We find the proposed multi-family use meets the intent and purpose of the Zoning Ordinance in buffering nearby single-family uses from extensive development along M-24; however, as written, multiple-family uses are not a permitted use within the MU, Mixed Use District *unless* located above the ground floor (ex: a mixed-use building with retail on the first floor or a live/work unit). We recommend that before (or while) approving the proposed site plan and associated use for Snug Harbor, the Planning Commission also advance an ordinance amendment to permit multi-family uses – without a commercial component – by-right in the MU District and clarify corresponding density requirements.



3. DIMENSIONAL STANDARDS

Zoning Ordinance Standards: *The site plan must comply with the district requirements for minimum floor area, height of building, lot size, yard space, density and all other requirements as set forth in the Schedule of Regulations.*

Findings: The Project complies with the dimensional standards of the MU, Mixed Use District. The table below outlines the dimensional standards required and whether compliance has been met:

Dimensional Measurement	Required	Proposed	Comments
Max. Density	15 DU / acre 4.4 DU on-site	4 DU / 0.296 acres	Complies.
Front Yard Setback (Build-To Line)	10' (min) 25' (max)	10' (min)	Complies.
Min. Side Yard Setback (both)	0*	2' (east) 25' (west)	Complies.
Min. Rear Yard Setback	25'	25'	Complies.
Min. Water Setback	25'	25'	Complies.
Min. Floor Area: 2-Bedroom Unit	800 sq. ft.	>800 sq. ft.	Complies.
Max. Building Height**	36'	28' 7 9/64*	Complies.
Max. Lot Coverage (by structures)	50%	42%	Complies.

*Increases to 20' if abutting a residential district, does not apply in this instance.

**The site is located in the Height Overlay District, where a taller height would be considered a Special Land Use.

4. NATURAL FEATURES, SCREENING & LANDSCAPING

Zoning Ordinance Standards: *The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.*

There must be reasonable visual and sound privacy. Fences, walks, barriers, and landscaping must be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.

Findings:

Landscaping and Plant Material. The applicant has provided a landscaping plan on sheets L1 and L2. The following landscaping and screening standards are relevant to this Project:

Plant Materials and Landscape Elements. The proposed plant materials and landscape elements must be of high quality, be of diverse species types, and follow the required plant material specifications. While the proposed plant material is of high quality, they do not fulfill diversity requirements. There are also



minor discrepancies in plant material specifications (11 river birch are noted, but only 6 are shown on plan; 9 fine line shrubs are noted, but 30+ are shown).

The Ordinance requires that no single plant species comprise more than 20% of any category of plant material. The landscaping plan does not comply with this diversity requirement; however, we recommend that the Planning Commission waive this requirement, consistent with other multifamily developments in the MU district, to promote a cohesive design within a smaller site.

Existing Plant Materials. The applicant indicates which plant materials are to be kept on Sheet L2, and which ones are to be removed on Sheet C2. The Applicant has made a sufficient attempt to preserve and incorporate existing plant materials into the new landscaping plan.

Common Open Space Area. Per section 9.03(C.6), a minimum area of 10% of the lot area must include site amenities (pocket parks, plazas, pedestrian areas) over and above the minimum landscape and open space Ordinance requirements. The applicant shows over 31% open space reserved.

Environmentally Sensitive Design. Per section 9.03(D) MU sites must incorporate environmentally sensitive design. We recommend the Planning Commission require, as practicable, reduction in impervious surface area (incl. reduction in building footprint size), permeable paving, water recharge areas within landscaping, and/or other identifiable measures in order to protect and enhance water quality, the environment, community health and the general public welfare.

5. ACCESS & CIRCULATION

Zoning Ordinance Standards: *All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.*

The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a recognized source of reference.

Where the Planning Commission determines, after expert consultation, that public safety would be substantially promoted in a particular location by reducing the number of points of ingress and egress between private property and an adjoining highway, cross-access may be required. Shared drive approaches between adjoining parcels may also be permitted under this Section.

Findings:

Vehicular Access. Vehicular access to the site is provided from three driveways which extend from Heights Road to the garages, which face Heights Road. The existing curb cut on Heights Road will be eliminated as part of this project. Development standards in the MU District encourage cross access between sites; given the size and characteristics of the site and surrounding neighborhood, we do not find this would serve public health, safety, or access. The site plan is subject to the standards of the Township Fire Marshal regarding emergency access and fire suppression.

Boat Docks. For aquatic vehicles, the three docks currently on site will remain. The applicant must detail the number of boat slips and if any expansion or improvements to the docks are proposed. Per Section 9.02(B)(9), one (1) boat slip is allowed per 15 feet of lake frontage. Any expansion of existing boat docks/slips would require special land use review and approval.



Pedestrian Connectivity. Walkways are proposed from the driveways to the front doors and from the rear patios to the lakeside docks. Section 9.03(C.1) states that new development should be walkable and include pedestrian connections to the downtown center district and nearby neighborhoods. Frontage sidewalks are required to connect with the adjacent Mystic Cove development and to be stubbed to the southwest along Heights Road for future connections. There is an opportunity to locate a sidewalk within the right of way that crosses the driveways for Snug Harbor and extends across the service drive median for Mystic Cove. A license agreement should be explored with the Village to enhance pedestrian connectivity in this area.

6. PARKING & LOADING

Zoning Ordinance Standards: *Off-street parking, loading, and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls, fencing or landscaping of effective height.*

Findings: Per Section 14.02, two parking spaces are required per dwelling unit. Both townhomes include a 2-car garage and both stacked flats include a 1-car garage. While there is driveway space extending from the garages to the road, these are majorly within the right of way and do not provide the necessary off-street parking required for the flats. The required off-street parking must be provided or satisfactory data shall be furnished to support a reduction in off-street parking requirements by the Planning Commission.

7. BUILDING DESIGN & ARCHITECTURE

Zoning Ordinance Standards: *All buildings along the street frontage of the parcel shall have a primary entrance or entrances on the façade facing the street. All primary entrances must be accessible to pedestrians. Primary entrances should be highlighted through the incorporation of architectural features such as canopies, awnings, porticos, raised cornice parapets over the doors arches, large windows, or architectural details such as tile work and moldings that are integrated into the building structure and design.*

Building materials used on exteriors of new buildings shall be appropriate for the character and size of the proposed building, and shall complement the materials used on surrounding buildings and in the Village Downtown. Brick, stone, integrally colored architectural block are preferred building materials. Clapboard materials such as cement siding (“Hardy Plank” or similar) and shake shingles are encouraged as accent building materials. E.I.F.S. and metal may be acceptable as accent materials only, and should not comprise more than 20% of the wall area of any façade. Vinyl or metal siding is discouraged.

Findings:

Building Design. The proposed multi-family units have slightly varied front setbacks and façade elements, providing relief to the massing of the building. For the façade facing Heights Road, multiple gable roof segments, and material variation help ground the design and provide vertical interest. On the lakeside elevation, vertical interest is incorporated into the architecture with large windows, covered patios and balconies, material variation, and layered gable roof segments.

Building Materials. The proposed elevations feature material types; however, the material colors are not specified within the plans. The proposed materials include board and batten siding, horizontal siding, wood accents, and asphalt and metal roofing.

The applicant must specify material colors. This can be depicted with renderings and building elevations. Material samples and color elevations must be provided to and approved by the Planning Commission.



8. ENGINEERING / STORMWATER MANAGEMENT

Zoning Ordinance Standards: *Appropriate measures shall be taken to ensure that the removal of stormwater will not adversely affect adjoining properties or the capacity of the public storm drainage system and shall comply with State and Federal standards. Provisions shall be made for the construction of stormwater facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas.*

Adequate services and utilities and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development. All utilities shall be located underground unless modified by the Planning Commission based on persuasive evidence provided by the applicant indicating it is not feasible to locate utilities underground. Where possible and practical, drainage design shall recognize existing natural drainage patterns.

Findings: Stormwater pre-treatment infrastructure is not proposed for this Project. All stormwater and utility requirements must be addressed to the satisfaction of the Village Engineer.

It has been suggested that this development, contiguous with adjacent developments under the same control, may constitute a “common plan of development” over one acre, which would require certain stormwater management practices and permits from the County. Previously, staff had been operating under the assumption that separate site plan applications for developments under one acre constitute distinct development plans, thus not requiring SWM permits from the County.

To protect the Village from liability in upholding state MS4 permit requirements, it is our recommendation that the developer furnish a clearance letter from EGLE stating that the various projects under their control – Snug Harbor, Mystic Cove, Constellation Bay, Starboard, and Peninsula – are *not* considered a “common plan of development.”

9. LIGHTING

Zoning Ordinance Standards: *Exterior lighting must be arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.*

Findings: Sconces and downlights are proposed within the Project. Driveways and pedestrian walkways within the site are proposed to be adequately illuminated (see table).

Standards	Required	Proposed	Compliance
Max. Height of Light Fixtures	22’ or height of building, whichever is less.	16’	Complies
Max. Illumination at Any Given Point	10 fc.	0.9 fc.	Complies
Max. Illumination at the Property Line	0.5 fc.	0.5 fc.	Complies