



April 4, 2024

Village of Lake Orion
21 E. Church Street
Lake Orion, MI 48362

Attn: Mr. Gage Belko

GW# 20107.40

Re: Snug Harbor Site Plan Review #1
NFE Job No. 0039

Dear Mr. Belko,

Please see the attached revised site plan documents addressing the review comments from McKenna review letter dated March 26, 2024, Nowak and Fraus's review letter dated March 20, 2024, and Orion Township Fire Department review letter dated March 21, 2024 (responses are *italicized*):

McKenna Review Letter

1. The following items must be included on a revised plan:
 - a. Seal/signature of a registered design professional.
Seal and signature is added to the plans.
 - b. Zoning, building, and lot information for adjacent properties.
Information is added.
 - c. Clear and consistent property lines and legal descriptions.
Property line information is clear and consistent. It does not match the PA as there were some discrepancies between the PA and subsequent title work. Property descriptions do not always match the surveyed legal descriptions.
2. 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.
This issue was already addressed with the approval of Starboard.
3. 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).
Landscape plans have been clarified.
4. 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.
As was the case with Starboard, this is a small site where diversity requirements would not allow for a cohesive design. We request a waiver.
5. Recommend the Planning Commission require, as practicable, reduction in impervious surface area (including reduction in building footprint size), permeable paving, water recharge areas within landscaping, and/or other identifiable measures to protect and enhance water quality, the environment, community health, and the general public welfare.
Pervious pavement will be proposed for the patios. Keep in mind that while the adjacent land for Mystic had heavy clay soils. Infiltration testing will be performed after site plan approval. Like Mystic, the permeable pavements will still be proposed to allow for infiltration as the soil allows. Another

environmental feature is the restoration of the natural lake edge including native no mow seed mix. This is also being proposed with Mystic. In working with EGLE and this is a high priority with EGLE as it will provide great benefit to the lakeshore and pretreatment of stormwater runoff prior to entering the lake. This is one of the few areas on the lake that is still natural.

6. The applicant must detail the number of boat slips and if any expansion or improvement to the docks is 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.
Per the topo survey, there are 6 existing docks with 9 slips. Per our site plan 3 docks for 6 slips proposed. That is a reduction in 3 docks and 3 slips. We will add a note to the plan with the numbers of existing and proposed slips to properly depict the number of slips.
7. 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.
The sidewalk will have no connection on either side of the property. There is not a connection proposed for Mystic Cove and the lake is on the west side of the road little room for a walk outside the pavement as the grade drops off to the lake with wetlands close to the road.
8. 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.
The parking in the driveway with a portion of the driveway within the ROW is not uncommon within this community and many others. There are several homes with no garages and either rely on street parking or drives fully within the ROW.
9. 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.
A rendering will be provided, and material samples will be provided to the planning commission.
10. 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”.
We have provided information regarding storm water and EGLE’s definition for Starboard. The MS4 is part of EGLE’s NPDES permit. EGLE’s definition of “common plan of development” is a contiguous area where multiple separate and distinct construction activities may be taking place at different schedules under one plan. Mystic Cove, Constellation Bay, Starboard and Peninsula development are not contiguous areas. Mystic Cove and Constellation Bay provide detention as required. Mystic Cove and Snug Harbor are not taking place under one plan. The Snug Harbor property was not under a purchase agreement until after Mystic Cove construction commenced. Included with this submittal is the highlighted EGLE definition. It also should be noted that besides the pervious pavement we will also exceed the OCWRC future MEP requirements by almost 7.5 times what is required. Those calculations are included in the plan set.

Nowak Fraus Review Letter

Density/Overall Concept:

1. The site is zoned MU, Mixed Use, but is designed using RM district density (higher than MU density) while utilizing MU setbacks (less than RM setbacks). This feature of the current Zoning regulations allows increased density in MU sites that provide only residential (no mixed) uses without providing the non-residential features contemplated in the MU zoning designation.

As per previous review information, the zoning ordinance points to the RM district for density for sites that are strictly residential.

2. As shown, the site proposes building coverage of ~42% (50% maximum allowed), but over 60% impervious area total when including patios, drives, walks, and docks onsite. Due to the size of the site, less than 1 acre, the developer is not proposing stormwater management measures though runoff will increase due to the increased impervious area.

Permeable pavement is proposed for the patios to allow for infiltration as the soils allow. Development also depicted natural shoreline restoration to the satisfaction of EGLE including native no mow mixes which help filter stormwater runoff prior to flowing into the lake. Development also proposes significant upgrades to site landscaping. Both natural no mow seed mixes and enhanced landscaping is accepted MEP stormwater measures by Oakland County.

3. The Village is responsible for maintaining its MS4 permit (municipal separate storm sewer system) through the provisions of the adopted Ordinance 23.29 which applies to “any activities which may impact the quantity or quality of a private stormwater conveyance system or any waterway within the Village”. This site is also contiguous with and owned by the developer of Mystic Cove which raises the point that EGLE could consider this part of a “larger common plan” when reviewing the MS4 reports. If the developer does not provide stormwater runoff management practices, we are concerned this could violate the Village’s MS4 permit provisions.

We have provided information regarding storm water and EGLE’s definition for Starboard. The MS4 is part of EGLE’s NPDES permit. EGLE’s definition of “common plan of development” is a contiguous area where multiple separate and distinct construction activities may be taking place at different schedules under one plan. Mystic Cove, Constellation Bay, Starboard and Peninsula development are not contiguous areas. Mystic Cove and Constellation Bay provide detention as required. Mystic Cove and Snug Harbor are not taking place under one plan. The Snug Harbor property was not under a purchase agreement until after Mystic Cove construction commenced. Included with this submittal is the highlighted EGLE definition. It also should be noted that besides the pervious pavement we will also exceed the OCWRC future MEP requirements by almost 7.5 times what is required. Those calculations are included in the plan set.

Plan Contents:

4. Plans were not sealed or signed by a license design professional as required.

Plans include the seal and signature.

5. The Legal Description shown on the Cover Sheet does not match the legal description found in the submitted purchase agreement. Additionally, the property dimensions along the Heights Road frontage (Topo and Boundary Survey) do not clearly show the ends of each boundary leg, and the Grading and Utility Plan appears to show a dashed line that may be meant to represent the original platted boundary (not shown elsewhere), but this is unlabeled and unclear. Please clarify the final site boundary to prove setbacks are being met.

The final site boundary is per the topographic survey. PA does not take into account any incumbrances from the title package and constitutes a larger parcel than depicted on the topographic survey.

6. Label the zoning district for this site and adjacent properties in plan view.

Zoning district for this site is already depicted in the site data chart and adjacent property information has been added.

7. Dimensions must be shown for the proposed driveway widths. Lengths are shown; however, the Mystic Cove development intends to widen the pavement on Height Road nearly 10 feet. Thus, the length dimensions shown (23.4’, 27.0’, and 21.2’) may not accurately reflect the available driveway length, affecting the vehicle parking count. Also, parking counts are required to be “off-street” parking; the 10’ front setback means half the driveway length is located within the street, not off-street.

The Mystic Cove project has the radii set back to account for the existing pavement for the Snug Harbor parcel since there was no intention at the time to purchase this piece. Now the Mocerri has a purchase

agreement for this piece, the Mystic Cove radii will need to be adjusted to fit this layout. Dimensions have been added to the width of the drives. Parking in the driveway with a portion of the driveway within the ROW is not uncommon within this community and many others. There are several homes with no garages and either rely on street parking or drives fully within the ROW.

8. The site does not provide pedestrian access along Heights Road. A common mailbox is proposed without defined pedestrian access to the location as shown.
Given the nature of these units, individual mailboxes are now proposed. The sidewalk will have no connection on either side of the property. There is not a connection proposed for Mystic Cove and the lake is on the west side of the road little room for a walk outside the pavement as the grade drops off to the lake with wetlands close to the road.
9. Height of structures within 50' of the site are required to be shown at site plan stage. Please show height and number of stories proposed for adjacent Mystic Cove buildings.
Heights have been added.
10. No location is shown for a transformer pad, or screening for it, as required for site plans.
A conceptual location for the transformer pad will be provided with appropriate screening.
11. Existing sanitary sewer and water main Heights Road are each 8" diameter and should be labeled as such.
Pipe sizing has been added.

Fire Protection:

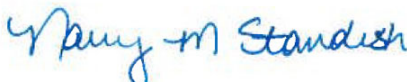
12. Preliminary utility plans indicate the building will include fire suppression, with a Fire Department Connection (FDC) shown at the southwest corner of the proposed building.
Acknowledged.

Fire Marshal Review Letter

1. The Riser Room shall be equipped with a residential Knox Box to allow fire department access. These notes shall be added to the plans.
A note has been added to the plans.

Please feel free to contact me if you have any questions.

Respectfully,
GIFFELS-WEBSTER



Nancy Standish, PE
Partner

Cc: Dominic F. Mocerì, Mocerì Companies (by email)
Dominick Tringali, Mocerì Companies (by email)