



MCKENNA

May 4, 2026

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

Subject: Constellation Bay - Site Plan Extension
Location: Parcel 09-11-226-065 (Southwest of the intersection of M-24 and S Broadway)
Applicant: Dominic F. Mocerri on behalf of Mocerri Companies, LLC.

Dear Planning Commissioners:

We have reviewed the application to extend the validity of the site plan approval for Constellation Bay. The request to extend the site plan was received by the Village prior to the expiration of the site plan, so we believe it is within the letter of the ordinance to consider an extension.

The Site Plan Approval for Constellation Bay is expiring on June 18, 2026. This date is when the most recent engineering changes were reviewed and approved by the Village Engineer, Nowak & Fraus.

The reason for expiration is that within 12 months after the date of final plan approval, *building permits must be obtained encompassing a minimum of 25 percent of the gross floor area and site improvements shown on the site plan or the site plan shall be deemed null and void without any further action by the Village. (Z.O. Sec. 19.02.C(8)).* This provision states *The Planning Commission may, upon application in writing stating the reasons therefore, extend the 12-month period for one (1) additional period of up to 12 months.* Therefore, if building permits or an approved extension is not received by this date, the approval will expire.

Consideration of site plan extension should be based on conditions on the site and in surrounding developments. The adjacent and surrounding properties have not had major changes since the approval. The northern site, Waterside Social, has had structural updates, though they do not impact the development.

We also look for progress demonstrated by an applicant to complete the conditions of approval. The Queen Anne historic home has been moved on the site and is to undergo major restoration. The applicant also states that they are in the process of extending/renewing infrastructure permitting through the State of Michigan. The applicant is also undergoing renewal of engineering permits, particularly water and sanitary sewer.

It is apparent the development team continues to make progress on bringing this project to construction.

In summary, we find the project is still appropriate in terms of nearby development and the applicants have made tangible progress toward construction. Therefore, we recommend approval of an extension of one year, extending the validity to June 18, 2027.

If you have any questions regarding this case, please do not hesitate to contact us.

Sincerely,

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C: Mocer Companies, LLC., Applicant