

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, OCTOBER 16, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 16, 2013 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Carol Thurber, Chairwoman	Justin Dunaskiss, Vice-Chairman
Dick Christie, Secretary	Don Walker, PC Rep. to ZBA
Karyn Pennington, Commissioner	Joe St. Henry, Commissioner

PLANNING COMMISSION MEMBER ABSENT:

John Steimel, BOT Rep. to PC

CONSULTANTS PRESENT:

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Zoning/Planning Administrator

OTHERS PRESENT:

Chris Barnett	Char Follis	Jeff Young
Greg Haase	Sheryl Haase	Don Gross
Ken Beaty	Monica Beaty	Cathi Truscott
John MacMillan	John Van Steenis	Todd Rachel
Jean Rachel	Mark Tompkins	Holli Tompkins
Volker Plehn	Eric Wold	Heather Lossing
Michael Lossing	Jim Hauxwell	Brenda Hauxwell
Craig Kempenaar	Cathy Kempenaar	Jim Butler
Dianne Lytle	Marilyn Anderson	Jackie Meyer
Michael Keller	David Walters	Bob Halso
Phoebe Schutz		

1. OPEN MEETING

Chairwoman Thurber called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

Commissioner Steimel was absent.

3. MINUTES

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss to approve the September 18, 2013 regular meeting minutes and the September 18, 2013, PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use public hearing minutes as presented. **Motion carried 6-0 (Steimel was absent).**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington and Secretary Christie to approve the agenda as amended, which is to remove agenda items #8, B&C. **Motion carried 6-0 (Steimel was absent).**

5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

Public comments were heard.

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6. CONSENT AGENDA

No items.

Chairwoman Thurber recessed the regular meeting and opened the PC-2013-20, Indianwood-Fernhurst Township-Initiated Rezoning Public Hearing at 7:05 p.m.

Chairwoman Thurber closed the PC-2013-20 public hearing and reconvened the regular meeting at 7:57 p.m.

7. NEW BUSINESS

A. PC-2013-20, Indianwood-Fernhurst Township-Initiated Rezoning, Southwest Corner of Indianwood Road and Fernhurst Court from Multiple-Family Residential-1 (RM-1) to Single-Family Residential-3 (R-3), Sidwell #09-03-252-002

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Land Use and Zoning Analysis correspondence, dated October 7, 2013*. We have evaluated the proposed rezoning in accordance with the criteria found in Zoning Ordinance No. 78, Section 3.06 regarding zoning map amendments. The proposed rezoning from RM-1 to R-3 is consistent with the Township's 2008 Master Plan. The proposed single-family land use designation will be consistent with the existing uses surrounding the property. We also find that the proposed single-family uses will be suitable and compatible with the general trend of development occurring within the area. The proposed down-zoning will be less intense than the current multi-family designation and will create far fewer impacts such as traffic, natural resources, and public service requirements than the current designation of multi-family. The proposed R-3 zoning will reduce traffic volume compared to the present uses under the RM-1 zoning district. We believe that the change from RM-1 to R-3 will eliminate an isolated area of RM within this portion of the Township where the predominant land use is single-family residential.

Commissioner Pennington noted that this request is just rezoning the dirt and that there is no site plan associated with it.

Vice-Chairman Dunaskiss noted that the rezoning would make it consistent with the surrounding properties, since it is currently an isolated zoning. It would also provide for much less density. When reviewing a rezoning request, there are certain criteria that the Planning Commission must base their decision on and that this proposed rezoning meets every criterion.

Secretary Christie commented that Supervisor Barnett mentioned that the safety path was under consideration and also the fact that there may be accommodations met for the trail head parking. He inquired if that is something that we're willing to do.

Supervisor Barnett commented that it is not a condition of this rezoning, but it's been discussed and it will be discussed again before we would actually sell it. We would take input from the Safety Path Advisory Committee. We have received some resident input to that end as well. The safety path easement is a for sure deal and will be a condition of the sale to get a safety path easement across the entire property. A trail head is to be determined.

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Secretary Christie read aloud correspondence received from Ms. JoAnn Van Tassel, of 2726 Saturn, dated October 14, 2013, in which she suggested that the Township designate a portion of the subject site as a trail head for the Polly Ann Trail that would be large enough to include 5-6 parking spaces adjacent to the existing approach into the property*.

Chairwoman Thurber overviewed their site walk report for this case*.

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington regarding case PC-2013-20, Indianwood-Fernhurst Township-Initiated Rezoning of 11.41 acres, Southwest Corner of Indianwood Road and Fernhurst Court from Multiple-Family Residential-1 (RM-1) to Single-Family Residential-3 (R-3), Sidwell #09-03-252-002, **to recommend adoption to the Township Board of Trustees** based on the following findings of fact: 1)the proposed rezoning is consistent with the Township's Master Plan; 2)the existing property within the general area and looking at the surrounding uses is bringing the density down to correlate more closely with the characteristics of the general area; 3)if you look at the sustainability of the property in question as it is currently permitted, the multi-family and condos would not be a fit for there and the R-3 is a much better fit for this parcel; and, 4)as we look at the trends of development in the area, we know that there are only single-family homes and no multi-family homes until you get to the Indianwood property, so it's certainly consistent with the trends of development in this particular area. Roll call vote was as follows: Walker, yes; St. Henry, yes; Dunaskiss, yes; Christie, yes; Pennington, yes; Thurber, yes. **Motion carried 6-0** (Steimel was absent).

Supervisor Barnett thanked members of the public for their input tonight. The Township will obtain an appraisal and the property will be listed for sale.

8. UNFINISHED BUSINESS

A. PC-2013-07, Orion Commons Final Planned Unit Development (PUD) Plan, located at the southwest corner of Scripps and Lapeer Roads, 86 acres, Sidwell #09-23-100-001.

Mr. David Walters, of Lormaxstern, introduced Mr. Jim Butler, of Professional Engineering Associates, and Mr. Bob Halso, of Pulte Homes.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Final PUD Plan Review correspondence, dated October 9, 2013*. It is our opinion that the Final PUD Plan for Orion Commons is in general compliance with Zoning Ordinance No. 78. The project exhibits recognizable community benefits in terms of its positive economic impact and guaranteed open space, promotes the Township's Master Plan. While final comments from the RCOC and MDOT are forthcoming, the Township can condition approval of the Final PUD Plan upon compliance with RCOC/MDOT requirements. We also recommend that the following items be addressed by the Planning Commission prior to making a recommendation of approval to the Township Board of Trustees: 1)Comply with traffic improvements of the RCOC and MDOT; 2)Provide a minimum rear yard setback for the multi-family units; 3)Comply with wetlands requirements both for both the Township's Wetland Ordinance and MDEQ requirements. Receive permits from the Township and MDEQ; 4)Finalize pedestrian plaza design in accordance with MDOT sight visibility and design criteria; 5)Specify amenities for required open space areas such as trails or

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park features; 6) Provide details of berm landscaping; 7) Submit final floor plans and elevations; 8) Denote building materials on elevations or provide separate list to Planning Commission; 9) Include detailed list of ordinance deviations; and, 10) Include a phasing plan and schedule.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Final PUD Plan Review correspondence, dated October 7, 2013*. In our opinion, the Final PUD Plan is not in substantial compliance with the Township's ordinances and engineering standards. We recommend that the following items be addressed (as stated in their letter): 1) storm water drainage issues; 2) detention basins; 3) sanitary sewer and water main easement; 4) relocate the franchise utility route; 5) crossover work on Lapeer Road issues; 6) consider requesting the developer to contribute funds to be used by MDOT in lieu of constructing the 150 feet of eastbound lane on Scripps Road; 7) shift the centerline of the boulevard entrance at Scripps Road; 8) plans should state that the Gunnison Street boulevard entrance to Lapeer Road shall be constructed as part of Phase I; 9) private road easement requirement; 10) public road cross-section shall be specified; 11) internal road geometry; 12) measures to ensure long stub streets have adequate turnaround; 13) ADA-approved pedestrian crossings for walk; 14) revise Sheet 5.0 to accurately indicate the total acreage; 15) removed OCWRC water main details and Orion pathway details from the plan set; and, 16) Sheet 5.2, show existing sanitary sewer at proposed connection. Regarding Exhibit B and the Master Deed, really just clarifying that the public utilities for water and sanitary sewer (includes the pump station) are really owned and maintained by Orion Township.

Township Engineer Stevens overviewed their Wetland Review correspondence, dated October 7, 2013*. In our opinion, the wetland application materials are in substantial compliance with the Township's ordinances and engineering standards. However, we recommend the following comments to be addressed: 1) Page 2 of the application states that the state/county will issue the soil permit. This shall be revised to state/township; 2) The site plan/engineering plan shall address the storm water measures required due to eliminating wetlands D, E, F, G, and H; 3) The Township Planning Commission will need to determine whether wetlands D, E, F, G, and H are regulated by the Township; 4) Point-source discharge is shown on plans. It is recommended that the site use level spreaders to discharge the storm water into the wetland to create a method that better replicates natural conditions; and, 5) Flags marking the boundary of the wetland shall be shown on the plans. He also noted that he agrees with Planner Wortman that the Township should make the acknowledgement or verification of whether you're going to regulate the small pocket wetlands and that they appear to be low-quality and more for on-site storm water.

Mr. Butler commented regarding the multi-family by the commercial, 30 feet is what that setback is going to be. There is an additional 30 feet to the berm, so it will be 60 feet from the commercial, but from the property line it will only be 30 feet. He then distributed copies of the pedestrian plaza plan (focal point on the southwest corner of Lapeer and Scripps Roads) to members. MDOT told them they would allow the petitioner to put concrete sidewalks in and some pavement, but they don't want any physical structures like walls, benches, or things like that. They will allow landscaping, so they are showing a low-level landscape bed to complement that corner. In the future, they are going to create the same thing on the northwest corner where

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Pomeroy Living-Orion Campus will be going in. The berm, although it is not shown on the drawings yet, will be heavily landscaped and will meet the landscape requirements. Floor plans and elevations, if members want, they will add the plans and materials that are choices and options to the plans. They will provide a detailed list of ordinance deviations. As far as a phasing plan and schedule, it is already provided on Sheet 5.0, but they will add clarity to that. Regarding the open space, amenities, trails, and park-like features, the only real area that we have the ability to do that is around and through the detention basin area. There is some topography out there as you go down to that basin that really doesn't lend itself to really putting a trail in there. If you sum total the safety path along Scripps Road and Lapeer Road that they will install plus the pathways and sidewalks within the development, there is over 2½ miles of walkways in that development. We would ask your consideration for accepting that as it is. Again, the detention basin has a lot of steep slopes and putting a pathway around it would be a challenge and I don't know how much value it really adds, because you have residential behind it and I'm not sure the people would be very interested in having people walking through their backyard around the detention basin. Regarding Mr. Stevens' comments, a lot of the comments are related to final engineering and the plans that you have are extraordinarily detailed. There are a few things that need to be adjusted and we have no issue with anything that he has stated in there, so we can certainly make the modifications. Related to RCOC and MDOT, the review letter from RCOC, dated October 16, 2013*, regarding the Scripps Road improvements, the only thing that's new on there from the previous letters that were given to us back in April, is Item F, that talks about a bypass lane being installed. Their traffic study, done by Parsons, does not warrant that bypass lane based on what they've seen, so we need to have further conversation about that and the other issue is that there is not enough right-of-way to do that. MDOT is currently doing a traffic and safety study through the M-24 corridor. There are improvements that need to be made, the crossover and other geometrical improvements. Our traffic study and MDOT information needs to be paired up, but we won't know what the results of their study are until November. They are continuing to have conversations with MDOT to discuss what needs to be done. He then requested a conditional approval, so that they can move the project forward.

Secretary Christie commented that his main concern is the traffic situation on that whole intersection.

Mr. Butler replied that they will comply with whatever RCOC and MDOT require. Regarding the tree preservation, any trees associated with the creek, they're preserving.

Engineer Stevens commented that for clarification on the tree removal, from his site visit, in the areas that were not to be disturbed, those trees were not identified in the tree survey. So, there are more than 80 trees being saved on the site. The 80 trees are those that are being saved in the areas of disruption. There are trees in other areas that they weren't disturbing that are not counted in the tree survey.

Mr. Butler agreed.

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Chairwoman Thurber noted that at least in the single-family portion, she'd like them to install a sidewalk on both sides of the streets.

Commissioner Dunaskiss inquired what the thought process was in putting the sidewalk on only one side of the street.

Mr. Bob Halso, of Pulte Homes, commented that many communities in Oakland County prefer grass to having sidewalks. The intent of this design is interconnectivity with the sidewalks connecting to the safety paths. They feel that these 2½ miles of walkways is sufficient for this development and asked if they could do more landscaping instead of more concrete.

Mr. Butler and members discussed requesting the developer to deposit the funds in an escrow account to be used by MDOT in lieu of constructing the 150-foot eastbound lane on Scripps Road.

Mr. Butler noted that they will do what MDOT and the Township wants on that.

Mr. Walters noted that there is not enough information tonight to solve this right now. The suggestion to escrow money for the Scripps Road portion of the improvements that we're willing to contribute to is fine and probably an intuitively good idea. As far as what MDOT is going to do, we've agreed to escrow an additional \$100,000 for improvements associated with that process to be used however it's most efficiently used. We've also proposed to do a crossover at our cost, which our traffic study suggested that we do in dealing with our traffic. If members want them to, they will escrow monies for improvements to Scripps Road.

Mr. Butler confirmed that they will build a new crossover.

Chairwoman Thurber noted that for the escrow monies for Scripps Road improvements, she would like to know the official estimate amount.

Mr. Walters commented that he would propose that Mr. Butler do an estimate and discuss it with the Township Engineer and whatever amount they agree to, they will escrow that amount of money.

Chairwoman Thurber noted that the safety path needs to be entirely shown on the plans going to the south on Lapeer Road to their property line and to their west property line on Scripps Road.

Mr. Butler noted that they will correct that on the plans.

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss regarding case PC-2013-07, Orion Commons Final Planned Unit Development (PUD) Plan, located at the southwest corner of Scripps and Lapeer Roads, 86 acres, Sidwell #09-23-100-001, **to approve the Wetland Permit** based on the following findings of fact: 1)the action or use is not likely to or will not pollute, impair, or destroy a wetland; 2)there are no feasible or prudent alternatives to the proposed action; and, 3)the approval is consistent with public interest, in light of the stated purposes of the ordinance. Roll call vote was as follows: St. Henry, yes; Dunaskiss, yes; Christie, yes; Pennington, yes; Walker, yes; Thurber, yes. **Motion carried 6-0** (Steimel was absent).

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Chairwoman Thurber offered time for public comments.

Mr. Don Gross, of 1974 Avon Glen, inquired what the timing would be for the improvements and how would it be coordinated with the construction of the development.

Engineer Stevens noted that he believes that the timing of the construction is for 2016. They're going through the traffic study phase and then the design phase right now.

Mr. Walters commented that if all went well, they would hope to begin land development next year and probably begin house construction very early 2015. He also noted that the crossover will be included in the PUD Agreement.

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-07, Orion Commons Final Planned Unit Development (PUD) Plan, located at the southwest corner of Scripps and Lapeer Roads, 86 acres, Sidwell #09-23-100-001, **to recommend approval with conditions to the Board of Trustees of the Final PUD Plan** based on the following findings of fact: 1)compliance with the PUD Concept set forth in Zoning Ordinance No. 78; 2)that the PUD is compatible with adjacent uses in the area and consistent with the development existing in the area as well as the future development proposed for the area; 3)the applicant's ability to commit dollars to improvements to Lapeer Road and Scripps Road to mitigate any traffic that this PUD might incur, that it certainly mitigates the traffic impact; 4)the applicant is protecting the natural environment and only doing one crossover from the green space or wetlands that are in this development. They are doing a nice job of preserving the natural environment; 5)it is in compliance with the regulations set forth in the Township's ordinances; and, 6)that it is consistent with the Township's Master Plan. **This approval is based upon the following conditions:** 1)that the applicant shall comply with traffic improvements of the Road Commission for Oakland County (RCOC) and the Michigan Department of Transportation (MDOT); 2)that the applicant shall provide a detailed list of the ordinance deviations including: a)provide a minimum rear yard setback for the multi-family units; b)comply with the wetland requirements of the Wetlands Protection Ordinance No. 107 and the MDEQ's requirements and receive the required wetland permits from the Township and MDEQ; c)that the applicant shall finalize the conceptual plan that they provided for the pedestrian plaza in accordance with MDOT's sight visibility and design criteria; d)that the applicant shall provide a detailed description and landscape plan for the berm landscaping; e)that the applicant shall submit final floor plans and elevations and denote the building materials on the elevations and provide a separate list for the Planning Commission and the Township; f)that the applicant shall provide a schedule for the Phasing Plan; g)that the \$100,000 that is committed in the PUD Agreement for the enhancement to Lapeer Road; and, h)that the three crossovers shall be added to the PUD Agreement as well as the requirement of escrow monies committed to the improvements on Scripps Road to be benchmarked that if those funds will go to the greater good of MDOT improvement or the funds will be spent once the development has reached 50 units. Also, address all the comments in the Township Engineer's review letter, dated October 7, 2013. Also, that the safety path across the frontage shall be shown on the plans. Also, that the applicant shall enter into an agreement for the maintenance of the pedestrian plaza.

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Chairwoman Thurber stated, let's clarify Scripps Road again, the escrow to be deposited at a cost that's agreeable by the Township Engineer until the construction of 50 units at which time the improvements to Scripps Road would have to be made.

Vice-Chairman Dunaskiss inquired, do we want to peg it that unless they're already allocated and agreed upon with MDOT or to say, ok they've reached 50 homes, but they're three months away from using those funds?

Mr. Walters stated, maybe we could phrase it, the earlier of, because it is in our best interest to do it as quickly as possible.

Roll call vote was as follows: Dunaskiss, yes; Christie, yes; Pennington, yes; Walker, no; St. Henry, yes; Thurber, yes. **Motion carried 5-1** (Steimel was absent).

~~B. PC-2011-03, Text Amendment to Zoning Ordinance No. 78, Lapeer Road Overlay District~~

This case was removed from the agenda during Agenda Review.

~~C. PC-2013-19, Text Amendment to Zoning Ordinance No. 78, Zoning Ordinance Consolidation~~

This case was removed from the agenda during Agenda Review.

9. PUBLIC COMMENTS

None further.

10. COMMUNICATIONS

Various meeting minutes for members' information.

11. COMMITTEE REPORTS

None due at this time.

12. UPCOMING PUBLIC HEARING

- A. 11-06-13, PC-2013-22, Mullins BBQ Restaurant Special Land Use Public Hearing, request for an outdoor café, at 7:05 p.m. (east side of Baldwin Road, north of Maybee Road)
- B. 11-06-13, PC-2013-23, Guest House Special Land Use Public Hearing (immediately following the PC-2013-22 Public Hearing) request for a new treatment facility building, 1601 Joslyn Road.

13. CHAIRWOMAN'S COMMENTS

Chairwoman Thurber thanked members for their good work tonight.

14. COMMISSIONERS' COMMENTS

Vice-Chairman Dunaskiss commented that he is happy with the way things went here tonight.

Commissioner St. Henry commented regarding the Orion Commons PUD project on Lapeer and Scripps Roads. Just last week there were two significant accidents at that intersection involving students and adults. The sooner that situation can be addressed to meet everybody's needs, the better. He is looking forward to hearing what MDOT's solutions will be for those problems.

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15. ADJOURNMENT

Moved by Commissioner Pennington, supported by Secretary Christie to adjourn at 9:36 p.m. **Motion carried unanimously** (Steimel was absent).

* Attachment

** *Italics denote amendments made to the agenda.*