

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2017-02, PRESERVE AT BALDWIN PLANNED UNIT DEVELOPMENT (PUD)
ELIGIBILITY AND CONCEPT PLAN
JOINT PUBLIC HEARING WITH THE BOARD OF TRUSTEES
WEDNESDAY, JANUARY 18, 2017**

The Charter Township of Orion Planning Commission held a joint public hearing with the Board of Trustees on Wednesday, January 18, 2017 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	Don Walker, PC Rep. to ZBA
Don Gross, Vice Chairman	Rob Zielinski, Commissioner
Joe St. Henry, Secretary	Neal Porter, Commissioner
John Steimel, BOT Rep. to PC	

PLANNING COMMISSION MEMBERS ABSENT:

None

BOARD OF TRUSTEE MEMBERS PRESENT:

Chris Barnett, Township Supervisor	Mike Flood, Trustee
Penny Shults, Township Clerk	Brian Birney, Trustee
Donni Steele, Township Treasurer	Ron Sliwinski, Trustee

BOARD OF TRUSTEE MEMBERS ABSENT:

None.

CONSULTANTS PRESENT:

Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Cory Mabery	Patricia Ruther
Jim Rutkowski	James Ruther
William Anderson	Lynn Harrison

Vice Chairman Dunaskiss invited the applicant to make a presentation.

Mr. Jim Rutkowski, Prime Consulting, the developer, began the presentation. Mr. Rutkowski showed a short video of the property along with a brief overview. Before the video, Mr. Rutkowski noted that he likes to develop properties without impacting wetlands and the natural balance of the land; that is his trademark.

Mr. Cory Maybery with Davis Land Survey and Engineering said his company is involved with the conceptual layout and design of this project. He then ran the PowerPoint presentation and went over its content which contained the project's background and other information that may answer the public's, Board of Trustees and Commissioners questions.

The presentation showed the boundaries of the approximate 48 acres of the vacant site. He noted the topography is relatively flat and that there are some substantial trees and a significant wetland area also on the site. Mr. Maybery commented that the Hills of Indianwood borders the property to the south and east, and pointed out the two proposed entrances off of Baldwin Road on the west side of the property.

The property is zoned Suburban Estates (SE) and Suburban Ranch (SR); is bordered by SR to the east and south, SE to the west and Suburban Farms (SF) to the north.

The presentation showed an overlay of the project containing the building envelopes of the proposed 20 building sites. Also shown where the wetland areas that will be developed as part of the upland areas or as the trail system. They are proposing the remaining areas to be a conservation easement limiting the use to its current state. The conservation easement will have walking trails and boardwalks for the use of residents. The existing pond will be used as a natural retention basin for the southern portion of the development.

Mr. Maybery noted that due to the developments location and small size, they believe there will be minimal impact on Baldwin Road. They have, however, provided two entrances to the site per the discussion had at the pre-application meeting.

The proposed land use as a Planned Unit Development would consist of 20 building sites. The size of the proposed development is 48.62 acres and the habitat and conservation easement areas are approximately 20 acres. The open space includes 3.61 acres of upland and wooded wetland area and an additional 7.3 acres of easily accessible area. The total open space is just under 11 acres which equals approximately 15%. He clarified that open space, per ordinance, does not include street right-of-ways, lakes, submerged land, setbacks or stormwater areas.

The applicants are asking for the properties to be changed from SR and SE to PUD. Their main intent is to preserve and work with the habitat and surrounding wetlands. The closest density match is the density of the neighboring development to the south and east and it is their intent to be consistent with surrounding developments. A PUD zoning will provide them with the ability to preserve the natural habitat while providing home sites with a proven market and that will also add value to the area.

Mr. Maybery noted some of the conditions that were part of the application: it will be for residential use only with a maximum of 20 homes on lot sizes from 16,900 sq. ft. to 64,053 sq. ft., each lot will be limited to one detached home with a side entry garage, all homes will require high quality building materials and limitations on exterior colors; the minimum house living area is 2,000 sq. ft. for a one-story, 2,500 sq. ft. for a 1½-story and 2,800 sq. ft. for a two-story. They are proposing an on-site stormwater drainage system that will accept all on-site and off-site drainage that currently drains onto the property. The entrance sign will comply with the Township Sign Ordinance, all streets and utilities will require Township engineering approval and construction security and maintenance shall be provided in accordance with Township ordinances. The sanitary sewer collection system will be gravity fed internal to the neighborhood with a single lift station discharging to the sanitary sewer system along Baldwin Road.

Regarding eligibility criteria. As a recognizable benefit, they are proposing the preservation of natural features such as woodlands, tress, open spaces, wetlands and hills; the creation of a pedestrian pathway and trail system; preservation of wetlands and natural habitats via a habitat conservation easement; and high quality architectural design requirements.

The applicants consider the preservation of natural features and wetlands as the greatest benefit and a guiding principle in this development. Approximately 20 acres will be dedicated as a permanent habitat with trails provided throughout with several pedestrian amenities such as a gazebo, benches and the trails.

Density impact was also considered. The plan provided upland areas and consideration was taken to make sure there would be minimal impact on the surrounding environment.

Regarding the Master Plan. The Future Land Use calls for single family, low density. Considering the gross acreage, 1½ to 2 ½ acre future land use density, that amounts to approximately 19 to 24 homes.

Economic impact – given the high quality architecture, public amenities, open space preservation; property values should remain stable.

Regarding open space. The proposed development shall contain at least as much open space as would otherwise be required by the existing zoning and the PUD.

Unified Control of the proposed development shall be under single ownership and control.

Regarding the reasons to approve this rezoning request: the proposal will preserve the natural habitat and wetlands in a way that is not possible with the current zoning while keeping density consistent with the area. The proposal meets all eligibility requirements and would be a beautiful addition to the community. Mr. Maybery commented that by requesting a PUD development, they are acknowledging that it is a unique parcel of land where the public may have additional concerns outside of a normal development.

Johanna Barker, 3590 Indianwood Road, commented she knew a development would be coming and appreciated the fact that the applicants won't be destroying the property. There is so much going on in the community now, she would like to keep it as open as possible. She commented that she has been through that property while walking her dog and it is really beautiful back there. She asked that the applicants promise they will not destroy it all and if they do what they say they are going to do, she is ok with it. She doesn't want to see an obnoxious subdivision where houses are only 5 ft. apart; she wants to keep everything as open as possible.

Trustee Flood noted the Wetland Delineation Report the applicants provided and commented that one thing that is lacking and hasn't been addressed is Ordinance 151, the Phragmite Control Ordinance. It was his opinion that has to be addressed somewhere in the project's documents.

Trustee Flood noted there is already a safety path along Baldwin Road that was paid for by taxpayers, will the applicants consider reimbursing that money or providing some sort of amount to the safety path fund in lieu of putting one in?

Trustee Flood also recommended that a single trash hauler be used throughout the development and that condition be specified in the PUD documents. He believed that would also be a public benefit, not having a lot of haulers going in and out tearing up the roads.

Trustee Sliwinski asked the applicants if surrounding residents had been contacted for feedback or input regarding traffic and construction concerns?

Clerk Shults asked what the price range for the homes will be? How will they dedicate the preserve area, would it be dedicated to the use of the people in the development only? She commented she is glad they are looking to develop it with fewer homes; she believes 20 parcels is reasonable for that area. She also asked what has been already taking place on the property, It looks like a motor cross track?

Treasurer Steele concurred with Trustee Floods' comments about the safety path. She also had concerns about the name, Preserve at Baldwin, the Township already has a subdivision called the Preserves and it may cause confusion. Treasurer Steele asked if the developer was planning on selling a house and lot as a whole package or selling the lots and people bringing in

their own builders? She commented on the roads going out to Baldwin Road. It seems with just a small cluster of homes that one entrance would be less obtrusive. She also noted that from the engineering review, asked if the roads will be wide enough to compensate for pathways, sewer lines, utility lines, etc. that have to also cross over the wetlands; something was noted that it might be a little tight.

Supervisor Barnett said that most of the comments and questions he had were already mentioned. In general he said he appreciated that the applicants listened to their comments and concerns during the pre-application meeting especially about adding a second entrance for the fire chief; they probably really didn't want to. He explained that ordinance requires anything over 600 ft. has to have two points of ingress and egress. Supervisor Barnett also noted that the applicants have been responsive to maintaining as much of the natural resources as possible.

Secretary St. Henry read an email into the record from Nicole Ocholik, 3648 Park Meadow Drive. Ms. Ocholik was not in support of the project, she believed it would be inconsistent with the goals and objectives of the Master Plan and surrounding developments.

Mr. Rutkowski and Mr. Maybery addressed the questions from the public and Board members.

In response to Ms. Barker's question – Mr. Rutkowski replied they promise to do what they say they are going to do. He has already written the association documents and wants to provide a higher end subdivision – for legality reasons, they have to stay within what is contained in those documents. Mr. Maybery added that a PUD ensures that trust. A PUD allows more restrictions, or an agreement/contract between the community and the developer, to ensure that what is being proposed and approved gets done.

Mr. Rutkowski responded to eradicating the Phragmites, he commented that he has already had that conversation with Mr. Maybery and knows that is something they have to take care of. They also want the wetland and conservation areas preserved and the homeowners association will continue to do that – it will be included in the necessary documents.

Considering a pathway contribution, Mr. Rutkowski said they would. He also concurred with Trustee Flood that having a single trash hauler is a good idea and will add that into the association documents.

Mr. Rutkowski said the price of homes will be \$750,000 and up. Regarding the dedicated use of conservation areas, that dedication will be in the association documents, will be on the plans, in the deed and will remain that way. Mr. Rutkowski then noted he believed what had been happening on the property was people was using for all terrain vehicles and that is definitely not their intent.

Mr. Rutkowski addressed the project's name and it possibly being confused with the other development named The Preserves. He would really like to keep the present name, they gave it that name because that is what they are doing - "preserving". Clerk Shults recommended possibly changing it to Baldwin Preserves. Mr. Rutkowski said they would work on that.

Regarding selling the lots individually or as a package with lots and home - Mr. Rutkowski explained they will first obtain pre-reservations and then seek out a builder. He commented the association documents will contain very specific high-end building requirements to ensure the homes with high quality. The last thing he would want to do is sell single lots.

Mr. Maybery replied he did not believe they went around as a team and contacted the neighbors, they relied on this process and the public hearing notification for that.

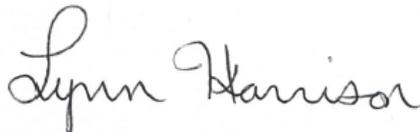
Regarding the correspondence from Ms. Ocholik, Mr. Maybery said the Future Land is a guiding document used for zoning and typically for land use in general. Based on their 48 acres and the proposed 20 sites actually falls on the low end of what would be the future land use as a gross acreage. They did look at that, the current zoning, the ordinances that apply to this and eligibility requirements.

Regarding the entrance roads – Mr. Mabery said that was discussed at the pre-application meeting and it was requested that there be two.

It was asked if the open space would be for the general public or just for the development homeowners? Based on input received at the pre-application meeting and how the applicants want this development to be, the internal pathways will be for the homeowners only; this would give them more control what goes in there and limit what is done there.

Seeing there were no other comments. Chairman Dunaskiss closed the PC-2017-02, Preserves at Baldwin Planned Unit Development (PUD) Concept and Eligibility joint public hearing at 7:46pm.

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

February 1, 2017

Planning Commission Approval Date