

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, JANUARY 17, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, January 17, 2018 at 7:00pm 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	Neal Porter, Commissioner
Joe St. Henry, Secretary	Scott Reynolds, Commissioner
John Steimel, BOT Rep. to PC	

PLANNING COMMISSION 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

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

OTHERS PRESENT:

Mike Robbe	Cory Mabery
Lisa Shackleton	James Rutkowski
Phil Christi	Lynn Harrison
Jim Porritt	

3. MINUTES

A. 1-3-18, Planning Commission Regular Meeting Minutes

B. 1-3-18, Ordinance 154 Applications Public Hearing Minutes

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to **approve** the 1-3-18, Planning Commission Regular Meeting Minutes and the 1-3-18, Ordinance 154 Applications Public Hearing Minutes, as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Commissioner Walker to approve the agenda as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

Phil Christi, Buckner Road, asked the Planning Commission why the site plan approval for Skalne Ford, which brought Christi's Restaurant, was not being enforced and why this issue has seemed to have hit a "road-block"? It was noted that Mr. Christi's concerns have been noted as he presented them at a previous meeting and that Public Comment is reserved for comments only and not for discussion or response back and forth.

6. CONSENT AGENDA

None

7. NEW BUSINESS

A. PC-2017-02, Preserve at Baldwin Request for extension to submit Final PUD Plan (located at vacant parcel #09-18-100-002, 09-07-226-002, &09-07-226-009) located on the east side of Baldwin, south of Indianwood Rd.

Mr. James Rutkowski, representing Prime Consulting and the property as named, was present. Chairman Dunaskiss asked Mr. Rutkowski for an update on the project and why they are asking for an extension.

Mr. Rutkowski replied that the project is moving along well; they are completing the engineering drawings and the application with the DEQ. He noted that the reason for the extension request is that the items with the DEQ has taken more time than had thought and weather conditions have also made it difficult to do some of the field work. They are asking for a 90 day extension to be safe - most likely it will be done in about 30 days. The applicant has all intentions of moving forward and proceeding with the plans as stated the last time they were here.

Chairman Dunaskiss clarified that the major issue seems to be getting the DEQ to survey the wetlands. Mr. Rutkowski concurred - there are areas on the site that they have to cross and they have to meet with the DEQ about those areas. He noted that the DEQ has had some staffing issues and has had to push their request back in their schedule and why they (the applicant) needs to request an extension

Mr. Corey Maybery, Davis Land Survey and Engineering, further explained they have 3 minor crossings that will be treated as one permit by the DEQ. Also, there is some stormwater discharge in which they have to meet certain parameters for that discharge. Mr. Maybery said they do have a plan in place and have been trying to schedule a meeting with the DEQ's Warren office and there has been correspondence back and forth to make sure they are going in the right direction. Mr. Maybery noted too that there has been some delay because of complication with the sight and its tree foliage – they had to wait for the leaves to fall to get an aerial topography and couldn't do that until the middle to end of November.

Chairman Dunaskiss asked Mr. Maybery, with his experience, if a 90 day window is sufficient? Mr. Maybery said, yes.

Commissioner Reynolds commented it has been his experience with the DEQ that sometimes it does take additional time. It was his opinion that a 90 day extension was not unreasonable and it appears the applicant is still moving forward. Chairman Dunaskiss concurred and appreciated the preservation they are putting into the site and how they are trying to use it.

Vice Chairman Gross commented that since this is their first extension and that the applicant has been moving forward, he would hate for them to have to come back after 90 days for another extension if things don't work out and therefore recommended granting a 6 month extension – if they can do it faster, that would be great. The Planning Commissioners did not have problem with granting a 6 month extension versus 90 days.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission approves an extension to the applicant for a six (6) month period based upon the fact that the applicant has been moving forward and is currently before the DEQ and awaiting final approval from them; six (6) months should give them enough time to complete their application process.

Vice Chairman Gross amended the motion, Commissioner Porter re-supported to add that the extension is for the final submission of the Final PUD plan.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Porter, yes; Dunaskiss, yes. **Motion carried 7-0**

B. PC-2018-03, Waldon Meadows Site Condo Site Plan, located at 386 Waldon Rd (parcel #09-26-101-001)

Mike Robbe, land development manager for Clearview Homes, 811 E. South Blvd., Rochester Hills, was present. Mr. Robbe introduced Mr. Jim Sharpe with Sharpe Engineering, the design engineer for the project.

Mr. Robbe explained that Waldon Meadows is a 22 lot site condo in the R-2 zoning district. It meets all requirements of R-2 zoning and will not need any variances. It is designed so that all the lots and setbacks follow zoning and he noted the roads will be public. Also, per a comment about having a single waste hauler, they have amended their documents to comply with that request. Mr. Robbe commented that also in their design, they took into account the "wall of trees" along Waldon Road and changed some of the engineering to preserve those trees. Regarding the Planner's comment about legacy trees, he has identified 12 on the site and adjusted a few engineering things to save a couple that were in the grading lines. Unfortunately, they are 4, one in the middle of cul de sac and the others for utility reasons, there is not a lot they can do about those. It will be a self-contained subdivision and he believed that pictures of the home types were included in the packets. The pricing will be starting in the mid \$300,000's.

Chairman Dunaskiss asked for the applicant to pull up some of the renderings of the proposed homes in their PowerPoint presentation. Mr. Sharpe complied and pulled up a couple different elevations including one for a ranch.

Chairman Dunaskiss said they are site condos and inquired if they are going to be individually sold? Mr. Robbe said they will be individual lot ownership - single family residences with public roads. Mr. Robbe explained there will be a little bit of an entrance but there will not be boulevard and they typically do a large sandblasted boulder with some landscape for signage. There will be a maintenance agreement for the detention area, besides that, there is no real general common elements.

Mr. Sharpe added that they did submit plans per the requirements to the outside agencies. Some of those have come in and there haven't been any objections from WRC office or the Road Commission and they will be going through the staff letters shortly. He noted that sanitary sewer and a water main are available and dimensionally they are not looking for any variances or anything outside of R-2 zoning.

Chairman Dunaskiss asked Planner Lewan to go over the Planner's review dated January 11, 2018.

Planner Lewan commented that this is a straight site plan and not a special land use or PUD. He noted, however, that because of the size of the project and the number of units, it will also have to go to the Township Board for approval. Planner Lewan said that generally speaking the project is in compliance with the Township Zoning Ordinance and the site condominium standards of the Township. The planner review had 11 comments of which the applicant had already addressed a couple of them.

- The applicant clarified that there are 22 units rather than 23.

- The applicant addressed the comments on the tree stands and land marked trees. Planner Lewan responded that it appears they are trying to be cooperative and adjusting a few things on the plan to save as many of those trees as possible although he has not seen a revised plan yet and that the applicant is aware of the landmark trees – that some of those trees will have to be replaced which has been addressed or will be addressed.
- Building elevations and renderings were shown.
- RCOC will need to review and approve the project as the applicant is proposing public roads.
- Planner Lewan noted that signage was noted on the plans, that needs to be applied for separately through Building Department.
- Regarding the Master Deed and Bylaws – the Township Attorney also needs review the condominium documents.

The Planner's biggest concern was natural feature preservation and that the applicant needs to work a little bit more with the site to help reduce the number of trees that have to be removed - it sounds like the applicant is willing to do that.

Engineer Stevens went over the Engineer's review dated January 8, 2018.

- There is water main and sanitary sewer available. There is a 16" water main along Waldon Road that they are proposing to extend into the site. There is also sanitary running along both Waldon Road and behind the site which they are proposing to tap into that along the frontage of the roadway and extend it into their site.
- With regards to stormwater management, they show the proper detention pond/sediment pond.
- As the applicant stated, they are proposing public roads, 27 ft. wide, asphalt with concrete curb and gutter. The roads essentially end in two cul de sacs.
- With regards to the property lines at the north end of the project, didn't know if there was the ability for the applicant to modify those property lines and potentially make the pond areas into common space. He noted that this configuration is acceptable but they have found over the years, they raise questions by the property owners that the pond is actually on their property within an easement versus being in a common area. Asked for that consideration.
- With regards to the potential future extension of the northern cul de sac to the west - there is a stub road in Waldon Park at this approximate location that would head to the east. At some point if there is ever future development, it would be nice if some of these mid-size to small subdivisions had some inner connectivity - instead of having several individual access points along the roadway. He asked for the applicant to consider this.

With that, they find the plan is in substantial compliance with Ordinances and engineering standards from a site plan perspective.

Mr. Robbe responded to the consultant comments as follows:

Regarding the issue with the lot lines – the lots and building envelopes are limited by the location of the main sewer line. The problem with moving the property line to the edge of the easement, the property owner would lose any building envelope because of rear yard setbacks - lots 12 and 13 would be unbuildable. It would be easier if the sewer line wasn't there but it is and it serves the whole community; they are trying to work around it.

Mr. Robbe noted their original preliminary submittal had a "T off" but had gotten a review back from the Township that they wanted a cul de sac.

Mr. Sharpe said the water main will be stubbed off at the property line so that it can be extended in the future for looping of the system. Regarding the sanitary sewer – with the way the elevation works, it wouldn't make sense to extend the sanitary sewer. There will be limited cover as it is back there so any future developments would probably want to run their sanitary sewer lines out to Waldon Road just as they are planning to do.

Engineer Stevens responded to the cul de sac issue. The Township fire department prefers a cul de sac so their thought was if there was any way the applicant could possibly modify the cul de sac to get the fire department what they want with full a turnaround as well as set it up for future extensions. He noted it is not a requirement, just a consideration. He explained the issue when you have a cul de sac and there is an easement, the property owners don't expect that cul de sac to go away and usually aren't aware of the easement and its purpose. Mr. Robbe commented that he understands that but they get requests all the time from customers who specifically want to buy at the back of cul de sac believing that there won't ever be a cut through. What they are proposing works for what the market is looking for.

Commissioner Reynolds said from a planning standpoint it is nice to plan ahead for connections, especially if there is stub just to the west. However, at the same time doesn't believe we can force the applicant to do it. The only way, for the time being, would they be open to providing an easement for a through connection?

Chairman Dunaskiss clarified with the applicant that they will update the tree plan and will work with the consultant on the engineering plan so that it is designed in accordance with the Zoning Ordinance, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance 139, and the Township's engineering standards. The applicant indicated they will.

Commissioner Reynolds went over the Site Walk Report that was provided by the Site Walk Committee. Overall, they didn't see any major concerns, especially since the project is straight zoned. The biggest thing to note is the existing row of trees at the south end of the parcel, they are pines and are being proposed to be maintained. This will provide some pretty significant screening for the development, especially along Waldon Road. He noted there is also a significant tree line on the north end of the parcel which although being slightly modified with the detention ponds, that too is a pretty solid tree line. The report noted a single family located on the parcel with a driveway that seemed to be in the similar location of the drive that is proposed – the development will be kind of tucked away.

Mr. Sharpe noted their plans show a safety path on Waldon Road, 5 ft. interior sidewalks, and street trees. He commented however that he doesn't believe street trees are a requirement for a site condominium plan.

Mr. Robbe explained that in relation to the power line running through the site, moving it to Waldon Road would dismantle their "wall of trees". They are therefore looking for alternatives.

Trustee Steimel asked Engineer Stevens if the detention pond is described as “common area”? Mr. Robbe said it is described as a “limited” common rather than “general” common. Trustee Steimel then asked how they plan on accessing the detention area? Mr. Robbe explained there is a hidden driveway to it; on top of the storm sewer between lots 15 & 16. Mr. Robbe noted there is detail of it provided in the plans.

Engineer Stevens reiterated that it is acceptable the way they have it and there is language in the Master Deed that there is access to it

Chairman Dunaskiss noted that the applicant will have to provide the documentation from RCOC on the new curb cut and that they accept the fact that the roads will be public throughout development.

Chairman Dunaskiss clarified that the applicant won't have a problem meeting the 20 ft. setback requirement for the sign. Mr. Robbe said, no.

The applicant needs to modify the Master Deed to reflect RCOC's maintenance of public roads with the Township.

Commissioner Porter asked about the two plans he received. It was noted that one of the sets was the site plan documents and the other was the proposed Exhibit B condominium documents. In regards to the condo documents, he asked if fences will be allowed? Mr. Robbe said he believed that wasn't broached. Commissioner Porter than said that the need to make sure that is addressed for the easement going back to the detention pond - nothing can be built or put on that easement. Commissioner Porter said that needs to be made clear in the condo documents. Commissioner Porter also asked if there was anything in the condo documents about evasive species; he wants to make sure those are maintained by the homeowners association. That in the future that they will be dealt with. Commissioner Porter added that there are people in the Township that are experts with that; if there are no teeth in the condo documents, it will be hard to get them taken care of. Mr. Robbe said he will take it to company leadership; he doesn't want to burden the homeowners with it.

Trustee Steimel said that type of language, regarding dealing with evasive species, usually only shows up in PUD documents which is slightly different than what is in condo documents. He commented that the detention pond has to be maintained whether it gets filled with muck or Phragmites but, again, that is not usually addressed in condo documents. Mr. Sharpe commented that there will be a maintenance agreement for the detention area and will talk to their attorney about Commissioner Porter's concern. It was noted that should the developer come across some Phragmites when working on the site, they should contact the Township on how to properly dispose of them.

Chairman Dunaskiss commented on the Master Deed and it was his opinion that it was well thought out.

Planner Lewan said to follow up on one of Engineer Stevens' comments regarding the stub road – from the discussion tonight he got the impression it was not the applicant's intension to stub that road. Mr. Robbe said, correct. Planner Lewan wanted to make sure everyone was clear on that.

Vice Chairman Gross clarified there will only be one single trash hauler. Mr. Robbe said, yes and is making edits to the Master Deed about that. That the Association will choose a single provider and each homeowner would be responsible for their own bill.

Commissioner Porter clarified that the Township cannot require a stub road. Engineer Stevens commented that there are some zoning districts that require a cross access road but this is not one of them.

Planning & Zoning Director Girling explained that the subdivision regulation ordinance does have some criteria about this but it applies to when there is a larger road going through the development; she did not find where it specifically said it is required in this case.

Planning & Zoning Director Girling also had two additional comments. She noted that it is preferred to have signage completely removed from the plan so when it gets to the point where the plan is signed off on, it is not misunderstood that the sign is being agreed to as well. The sign would be addressed administratively. The other commented was that it was suggested by the attorney when he reviewed the Master Deed that some language be added giving the Township authority to review and approve any proposed amendments to the master plan. It was noted that is typical language and the Mr. Robbe said they will comply.

Mr. Robbe said he understood removing the actual sign from the site plan but there will still have to be reference to it because they will need a sign easement to get the setback that is required by ordinance - an easement specifically for signage and landscaping.

Commissioner Reynolds asked Planner Lewan if he won't have a concern with the legacy tree calculations being that is not provided right now - that they will be able to meet or exceed those? Planner Lewan concurred.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission grants site plan approval and forwards the plan and condo documents to the Board of Trustees for their approval, PC-2018-03, Waldon Meadows, located at 386 Waldon Road for the plans date stamped and received December 21, 2017; approval is based on the following conditions:

- the approval of the condo documents by the Planner, Engineer, and Attorney;
- that the design of the sign be approved under a separate application;
- that the plans meet all of the requirements of the R-2 zoning district;
- and complies with all other regulations.

Vice Chairman Gross amended the motion, Commissioner Reynolds re-supported that the signage will be handled administratively and the condo documents be amended to include that there be a unified garbage carrier and language added that the Township can review and approve any proposed amendments to the Master Deed.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Porter, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

Phil Christi, Buckner Road, commented for the record that he requested from the Building Department in writing why Skalne Ford is exempt from adhering to the site plan as established by the Orion Township Planning Commission; he was denied that written reason, why; the Supervisor stepped in and he was told not to talk to anybody but him and that we (the Township) have nothing for you. Mr. Christi said this property is his retirement and this situation

takes that property value down. He was taught that if you believe that something is right, you stick up for it and don't quit. He would like in writing from the Building Department or the Supervisor's office why Skalnek Ford is exempt from adhering to the site plan as established by the Orion Township Planning Commission.

10. COMMUNICATIONS

MAP Flyer; RCOC Report

11. COMMITTEE REPORTS

A Site Walk Report from the Site Walk Committee pertaining to PC-2018-03, Waldon Meadows, dated January 10, 2018.

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Porter commented he believes the Ordinance should be looked at as it pertains to stubbed roads.

Commissioner Walker thanked Commissioner Reynolds for the information contained in the Site Walk report.

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to adjourn the meeting at 8:02pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

February 21, 2018

Planning Commission Approval Date