

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING, WEDNESDAY, MAY 2, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 2, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

### PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman  
Don Gross, Vice Chairman  
John Steimel, BOT Rep to PC

Don Walker, PC Rep to ZBA  
Neal Porter, Commissioner  
Scott Reynolds, Commissioner

### PLANNING COMMISSION MEMBERS ABSENT:

Joe St. Henry, Secretary

### CONSULTANTS PRESENT:

Planner Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.  
Mark Landis (Township Engineer of OHM)  
Tammy Girling, Township Planning & Zoning Director

### 1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

### 2. ROLL CALL

As noted

### OTHERS PRESENT:

Alan Greene  
Bob Halso  
Shawn Blaszczyk  
Don Hickmott  
Members from Boy Scout Troop 186  
Lynn Harrison

### 3. MINUTES

A. 4-4-18, Planning Commission Regular Meeting Minutes

B. 4-4-18, PC-2018-14, MJC Stadium Ridge LLC Rezone Request Public Hearing Minutes

Moved by Commissioner Porter, seconded by Commissioner Walker, to **approve** the 4-4-18, Planning Commission Regular Meeting Minutes and the 4-4-18, PC-2018-14, MJC Stadium Ridge LLC Rezone Request Public Hearing Minutes, as presented. **Motion carried**

### 4. AGENDA REVIEW AND APPROVAL

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

### 5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

David Kaufman, 3983 Long Meadow Ln., commented he is the Senior Patrol Leader of Boy Scout Troop 186 located in St. Joseph Church. They are here to observe the meeting tonight in hopes of learning more about how they run and so they can obtain a Citizenship and Community Merit Badge. Chairman Dunaskiss invited the troop to come up and take a photo if they like.

### 6. CONSENT AGENDA

None

## **7. NEW BUSINESS**

### **A. PC-2017-01, Gregory Meadows, Planned Unit Development (PUD) Final Plan and condominium documents, located at a vacant parcel on the south side of Gregory, west of Baldwin Rd. (parcel 09-31-200-001)**

Alan Greene, Counsel for the developer/owner, presented. He noted that a representative of the developer and owner, Bob Halso, and the project engineer, Shawn Blaszczyk, were in the audience to answer questions if needed.

Mr. Greene gave a brief history of the project. It originally came before the Commission in January of 2017 as a 142 unit PUD project. Due to issues from the public and Planning Commissioners, the recommendation to the Township Board was to deny the project. The Township Board took the Planning Commission's recommendation and also denied the project. The developer/owner unfortunately felt it necessary to take the Township to court over the matter. Mr. Greene explained the process that took place between them, the Township and a court appointed arbitrator. The case ended in a Consent Judgement dated January 8, 2018 whereas it dictated the conditions and stipulations for the development. One of the major compromises was that the number of units was reduced to 103.

Mr. Greene noted that this development had significantly changed and is no longer targeted to "empty-nesters". The lots are all about 90 ft. which is considered large for a residential subdivision and that a large majority of the homes would have side-facing garages depending on topography. It has now been designed to be a family-oriented neighborhood. He mentioned its proximity to shopping and the reconstruction of Baldwin Road. One of the features they are most proud of are the project's recreational amenities. He noted that about a third of the property will be preserved as open space. There is also about a half mile of trails through the open space.

Mr. Greene said they have substantial buffer areas with natural vegetation between their property and neighboring properties and also substantial buffer areas to Gregory Road, because of that he commented, instead of having two entrances off of Gregory Road, they now will have a boulevard entrance – there will only be one break-through on Gregory Road. Also, there are pocket parks and other specific amenities that were set forth on the plans. Mr. Greene then showed a PowerPoint slide depicting the planned entrance to the development.

Planner Lewan went over his review dated April 25, 2018 in which he found the final PUD plan and condominium documents to be in substantial compliance with the Consent Judgement dated January 8, 2018 however the following items need to be addressed: Township approval of minor modifications to the site plan/bylaws permitting front-entry garages on no more than seven (7) of the units, flip images for pergola feature and park play structure on Sheet LS-6, add location of the play structure to Sheet LS-2; submit full-size (24" by 36") copy of concept landscape plans as shown in consent judgement; and, there was a discrepancy in the number of units in the Master Deed versus the final PUD plan. The actual number should be 103 and not 104 as noted in the Master Plan.

Engineer Landis went over OHM's review dated April 26, 2018. The review noted that in regards to stormwater management, there is a significant area of existing off-site contribution from the east that will need to be incorporated in their stormwater management plan. Mr. Greene said he was aware of this and their engineers have planned for that. There was nothing in the review that they disagreed with and are prepared to adhere to everything with respect to the final engineering plans.

In conclusion, Engineer Landis found the final PUD to be in substantial compliance with the Township's ordinances and engineering standards. However, they do ask that the PUD approval acknowledge the following: the engineering plan, designed in accordance with Zoning Ordinance No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township's Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and scaled by the design engineer.

Mr. Greene commented that they are in agreement with the Planner's findings and was not aware of the number of unit discrepancy – it should be 103 and will take of that in the Master Deed.

Bob Halso explained their plans for grading as it relates to the possibility for front-entrance garages – it will all depend on how the grading ultimately works and the depths of the houses they want to have.

Chairman Dunaskiss noted the letter from Consumer Energy dated July 26, 2017 regarding the recorded agreement from them and Michigan Electric Transmission Company for the release of the easement.

Chairman Dunaskiss noted there was an email from the Fire Marshal dated April 24, 2018 and a letter from the Director of Department of Public Services dated April 30, 2018.

Chairman Dunaskiss commented that it appears everything is in order as it relates to the Consent Judgement and with the reviews from the Township's outside consultants.

Trustee Steimel said that on the plans he viewed on his laptop, it appeared the applicant was going to resurface Gregory Road all the way to Rohr Road? It was indicated that was correct.

Chairman Dunaskiss asked the applicant about the timing of the project? Mr. Blaszczyk said engineering is going "full bore" and have been working along with OHM. They already submitted to the Road Commission and got their approval. The permits should be available in the second half of this year so development should start late this year or next spring.

Chairman Dunaskiss then asked if there were trigger points for the paving? Mr. Blaszczyk said they are going to work with the Township on that. They are looking at the timing if and if and when the Township wants to put a water line down Gregory - that will impact their thinking on when they pave. Also paving will have to coincide with when they want earth moving equipment to access the site using Gregory Road. They envision working with the Township to come up with a date for the paving that will satisfy these concerns.

Commissioner Reynolds commented on the front-facing garages and how administratively that will be addressed. Planning & Zoning Director Girling responded that the Department keeps a Neighborhood Book which will contain stipulations for the development taken from the Consent Judgement and bylaws along with BSA tracking capabilities, will keep track of the number of front-facing garages and their locations.

Planning & Zoning Director Girling also commented that originally there was a set of condo documents submitted that needed some changes per the Township Attorney. What the Commissioners are seeing tonight is the second set. The first set did not contain language about Phragmites, a unified garbage carrier or the fact that citizens can not go to the ZBA for a dimensional variance for decks or other amenities. The second version did have this language in the bylaws but the Township Attorney would like to see it also in the Master Deed.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that in light of the Consent Judgment entered into on January 8, 2018, that the Planning Commission hereby forwards a recommendation to the Township Board to **approve** PC-2017-01, Gregory Meadows Planned Unit Development-Final Plan and condo documents with the plan dated received by the Township on April 23, 2018 for the property located on the south side of Gregory, west of Baldwin Road, being parcel 09-31-200-001; this recommendation is subject to the following conditions:

- address Planner's review of April 25, 2018, items 1 thru 3:
  - Township approval of minor modification to the site plan/bylaws permitting front-entry garages on no more than seven (7) of the units,
  - flip images for pergola feature and park play structure on Sheet LS-6,
  - add location of play structure to Sheet LS-2;
- the Township Attorney's review of the final documents;
- any issues in the Engineer's review dated April 26, 2018;
- and, that the Master Deed be revised to reflect 103 units instead of 104 units as listed on pages 1, 8 and 14 of the submitted Master Deed.

Discussion on the motion:

Commissioner Reynolds clarified that there were actually 1 thru 4 items in the Planner's review that need to be addressed plus an additional fifth. Chairman Dunaskiss responded that that fifth issue was included in the motion (the number of units in the Master Deed) and because the Planner's letter was referenced, all the issues were covered.

**Roll call vote was as follows:** Walker, yes; Reynolds, yes; Steimel, yes; Gross, yes; Porter, yes; Dunaskiss, yes. **Motion carried 6-0** (St. Henry absent)

## **8. UNFINISHED BUSINESS**

None

## **9. PUBLIC COMMENTS**

Don Hickmott commented he will be living next door to Gregory Meadows and said that he appreciates their 50' buffer area around the outside perimeter of the development. He noted that he glanced at the bylaws and did not see any mention of the buffer and how it will be handled. What are Gregory Meadows homeowners allowed to do on the buffer and mentioned a number of things such as having a tent sleepover, extend their lawns, put up a gazebo, ride motorized bikes, etc.? Who will be responsible for the maintenance of the retaining walls? Who will clean up the trees that might fall over in the buffer? He is interested in what is going to happen in the buffer zone for the benefit of the surrounding property owners.

## **10. COMMUNICATIONS**

Michigan Planner March/April 2018 Edition

## **11. COMMITTEE REPORTS**

None

## **12. PUBLIC HEARINGS**

- A. 5/16/18 at 7:05 pm - PC-2018-17, Stadium Ridge Conditional Rezoning Request to rezone 40.68 acres of unaddressed parcel (09-14-400-010) from Residential Multiple -1 (RM-1) to Single Family Residential-3 (R-3), and 2.93 acres of unaddressed parcel (09-

14-400-010) from Residential Multiple -1 (RM-1) to General Business (GB) with conditions.

- B. 5/16/18 Directly following PC-2018-17: PC-2018-16, 3537 Gregory Rezone Request to rezone 3537 Gregory Rd. (09-31-200-008) from Suburban Farms (SF) to Single Family Residential -3 (R-3).

**13. CHAIRMAN'S COMMENTS**

Chairman Dunaskiss said he appreciated the Scouts coming out tonight, they do a lot in the community and looks forward to what they do next.

**14. COMMISSIONERS' COMMENTS**

Commissioner Reynolds thanked the Boy Scouts for coming out.

Commissioner Porter welcomed the Boy Scouts, he likes to see youth involvement.

**15. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to adjourn the meeting at 7:47pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

May 16, 2018

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Planning Commission Approval Date