

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2018-49, HILLS OF WOODBRIDGE PUD CONCEPT
JOINT PUBLIC HEARING WITH THE BOARD OF TRUSTEES
WEDNESDAY, DECEMBER 19, 2018**

The Charter Township of Orion Planning Commission held a joint public hearing with the Board of Trustees on Wednesday, December 19, 2018 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman
Joe St. Henry, Secretary

John Steimel, BOT Rep to PC
Don Walker, PC Rep to ZBA

PLANNING COMMISSION MEMBERS ABSENT:

Don Gross, Vice Chairman
Scott Reynolds, Commissioner
Todd Garris, Commissioner

BOARD OF TRUSTEE MEMBERS PRESENT:

Chris Barnett, Township Supervisor
Donni Steele, Treasurer
John Steimel, Trustee

Mike Flood, Trustee
Julia Dalrymple, Trustee
Brian Birney, Trustee

BOARD OF TRUSTEE MEMBERS ABSENT:

Penny Shults, Township Clerk

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Ellen Rosser	Jacklyn Rolf	Gerry Taipalus
Michael Garzoni	Carol Mullen	Mark Eaglem
Rich Rizzo	David Milner	Mike Pudists
Tom Kalis	Jason Rosell	Mike Lee
Rick McNamara	Jennifer Vezina	Gary Stonerock
Bill Olson	Rhonda Geldhof	Dave Moralee
Dominic Goric	John Vidican	Diane Taipalus
Matthew Knoth	Tom Berry	Shaun Beach
Ricki Knoth	Dan Webb	Lynn Harrison

The Board of Trustees opened their Special Meeting at 7:05pm.

Chairman Dunaskiss invited the applicant to make a presentation.

Tom Kalis, 31350 Telegraph Rd., Ste. 200, Bingham Farms, presented on behalf of the applicant and landowner. They, the applicant, are seeking a rezoning to a PUD under Zoning Ordinance 78, Section 30.03.

The property is located at 3677 S. Lapeer Road, north of Silverbell Road. The property abuts Walley Edgar Chevrolet to the north, on the east side of Lapeer Road. The property consists of approximately 32.81 acres.

The applicant is proposing a mixed-use development consisting of 129 condominium units which is comprised of 64 duplex buildings and a single standing building. They are also proposing a commercial

aspect of the project along Lapeer Road. At this point they are proposing three buildings – one to be approximately 3,200 sq. ft., one to be approximately 3,600 sq. ft., and a linear retail building consisting of approximately 50,900 sq. ft.

They are appearing here this evening because of the area in question - the property topography has significant contours and some minor wetlands. There is single family residential abutting to the east and they are proposing a multi-family use and a commercial use. Mr. Kalis noted that these two uses fit within the Master Plan designation for the area. He added that the commercial aspect of the project will abut Lapeer Road.

Along Lapeer Road they are proposing 3 ingress and egress drives. He pointed out that the plan they are presenting tonight has been in the works for over a year. They considered comments from MDOT, the Township consultants and officials, and residents in the area. He noted they revised the plans many times based on these comments. They feel the plan they are presenting is not only best for the Township but for the development of that property and for the residents.

The applicant is proposing multi-family units which are in demand in today's market. There are a very limited number of duplex units out there that are available for empty nesters, retirees, or young couples starting out with no children. The development will be aesthetically pleasing, and they have attached with their submittal quite a bit of information including building elevations, landscape plans, and footprints for the units.

The units will be approximately 1,700 to 1,900 sq. ft., 2 bedrooms to 3 bedrooms, will have attached 2-car garages, and each unit will have a small deck in the back consisting of approximately 150 sq. ft.

The property is currently zoned R-1, single-family at its northern end; OP, Office/Professional at its center; and RB, Restricted Business at the southern end. The residential portion will encompass approximately 28 ½ acres of the site and the commercial will include approximately 4.2 acres.

Mr. Kalis then explained the PUD process which includes the concept plan they are presenting now and then the final site plan portion. Both processes must receive recommendation from the Planning Commission before they can proceed with, eventually, approval by the Township Board. In addition, there will be a PUD Agreement drafted and that will probably come at the final site plan approval stage. Tonight, they are presenting their conceptual plan and are asking the Planning Commission for a recommendation for approval so they can proceed on to the next stage.

Mr. Kalis commented that he believes what they are presenting meets the Township Master Plan and will provide a nice transitional zoning from east heading to the west. He explained there is single family residential abutting the property and there is existing trees and vegetation along that perimeter line that will provide screening for residents to the east. They are also proposing additional landscaping and tree plantings as shown on the landscape plan. From a planning standpoint, it makes perfect sense.

Regarding density, this was discussed in the narrative they submitted with the plans. Mr. Kalis noted that if the property were built as currently zoned, their proposal is much less intense; much less density. From a traffic standpoint there will be significantly less trips per day than if the property were developed under the current Zoning. With their proposed PUD, they are looking at between the duplex units, the retail linear building, and the two individual commercial buildings, approximately 1,716 trips per day. If it were to be built out under the current zoning which allows office/medical and a much larger commercial component than what they are proposing and higher density residential, trips per day would be approximately 8,609 – their proposal shows a significant reduction in traffic. He also noted the density they are proposing is significantly less than what would be allowed if they were to develop it as zoned and not as a PUD.

Mr. Kalis said the plan is very detailed and those details were submitted as part of the application. The road will be private, there will be sidewalks, landscaping throughout and he passed around a board to the residents that were there.

There are proposed detention ponds on the site, the entranceways will be landscaped, and the detention ponds will not only take care of the storm water drainage on the site but will also help alleviate storm water drainage from abutting properties.

Mr. Kalis went over the six criteria in the ordinance by which a PUD is considered:

- Recognizable Benefit
- Density Impact
- Township Master Plan and whether the proposed plan is consistent with it
- Economic Impact - that their development will generate and will be quite significant because they are looking at 129 residential property owners creating tax revenue and tax revenue from the commercial portion. This will all be new revenue generated for the Township.
- Guaranteed Open Space – which they exceed what is required. They are providing approximately 27% of the site as open space.
- Unified Control – this project will be owned and developed by the same owner at the time approval is received.

In addition, looking at the Master Plan for the subject area, what they are providing is consistent with single family medium high density, a density range of 2.5 to 3.9 units per acre; multiple family medium density with a density range of 6 ½ to 8 units per acre; and neighborhood commercial which density is not applicable but is intended to serve the surrounding residential area. The commercial aspect they are proposing will not only serve the development they are proposing but also the residential areas surrounding the proposed development. They believe they are in conformance with the goals of the Master Plan. The Master Plan indicates providing transitional zones between intensive commercial uses and residential uses to ensure protection of existing neighborhoods - they feel this layout provides that.

Regarding the intent that residential development shall be designed to be compatible with the natural features on the site. This site is irregularly shaped, it is split zoned and the contours range quite a bit, these duplexes are the best residential product for the site. Mr. Kalis explained that because of the topography, it will allow some of the units to have walk-outs - it will be a very beautiful development and one that is going to be much in demand to the residents of Lake Orion and surrounding areas.

Regarding maintaining appropriate open space and amenities - as he indicated, their open space exceeds what is required under the ordinance.

Mr. Kalis went on to answer these questions as they pertain to multi-family developments in the Township: Limiting the location of multi-family areas to sites with access to major thoroughfares – Lapeer Road is a major thoroughfare; this site is close to it and abutting it. Encourage alternative housing styles other than multi-family apartments - they could do that on this site but are choosing not to. Taking into account empty nesters, condominiums and attached single family dwellings - they feel this plan will not only be very aesthetically pleasing, it will meet a specific market demand within the Township and fits within the surrounding area.

Mr. Kalis then introduced the project developer and engineer and said they would be happy to answer any questions. In the end, he would like the Planning Commission to move for a recommendation to approve the conceptual PUD plan submitted here this evening.

Chairman Dunaskiss asked for comments from the public.

Jason Rosell, 3825 Hi Dale Drive and President of the Hi Hill Village Association, commented they have looked at the plans as proposed and have several comments:

- They believe that the Deed Restrictions for Hi Hill Village also apply to this area and those deed restrictions call for private dwellings for single families and one dwelling per lot. The deed restrictions also require such things as individual setbacks for the lots, etc.
- Any structures within the Hi Hill Village Association must be submitted to the Architectural Review Board.
- Currently the existing density of Hi Hill Village, excluding the proposed development area, is 1.65 units per acre; the proposed development, on their plans, show as just under 4 units per acre however they were including the commercial area in that calculation. If you subtract the commercial area, it comes out more like 4.51 units per acre – that is 2.73 x greater density than Hi Hill Village.
- On the opening page of the documents there is an Ordinance Deviation Table - almost 50% of the items listed there, they are requiring a deviation from including the rear setback. In some cases, with the decks included, they are going to be as close as 23 ft. to abutting properties.
- Due to the increased density, he believes there will be a safety hazard with the possibility of firefighters being in a “collapse zone” in between buildings as they are so tightly packed together.
- Per the PUD ordinance, 50% of the garages are supposed to be recessed or side-entry - they are only proposing 5 of the 65 buildings to be as such which is 7.7%.
- This new development has the potential to increase traffic in their subdivision and with the commercial component, there is the possibility of commercial traffic on their residential roads. Even though those roads are public, everyone knows there are funding conflicts to repair public roads. They are using their own HOA funds to do repairs within the subdivision, on the County roads.
- They met with the developers informally last week and they mentioned that if this is approved, there would be a “crash gate” installed at the connector at Hi Lure Drive to allow emergency access and limit residential and commercial traffic through Hi Hill.
- A 25 ft. front setback is shown off their new proposed roads, this would put the sidewalks directly at the back-of-curb which also creates a potential safety issue. Some personal vehicles are longer than 20 ft. so even if those are parked up against the garage door, tailgates would be blocking the proposed sidewalk.
- On the plans he saw, each structure was shown only having one water service. Since these will be owned as opposed to leased, he was curious as to how DPW would handle non-payment or emergency issues - would they have to shut off the service to both units?
- The grading plan has sections that show the proposed elevations in relation to their subdivision, Hi Hill Village, and they show both homes as being 2-story – both are not 2-story, one is a ranch and one is a tri-level.
- Regarding their proposed 35 ft. setback - currently units 34, 35, 36, 54, 55, 60 and 61 encroach into that 35-ft. setback with the decks.
- Looking at the sanitary basis of the design - the REUs don't match the WRC approved amount of 2.44 people that was approved in May. Also, they are proposing a 10" (line) so the scouring velocity wouldn't be reached which would create a maintenance problem for DPW.
- There is a proposed vegetative buffer shown but due to elevations, he doesn't believe it is enough to block the development from the current Hi Hill development.
- No side or rear yard elevations were proposed.
- He agreed that the alternate density plan is possibly under current zoning but feels it still wouldn't meet Hi Hill deed restrictions.

- If this is approved, they feel “the condo association would have to be legally extracted from their association to protect them from any possible legal ramifications”.

Gary Caddick, 109 Hi Hill Drive, asked what the price range was going to be and has the fire department looked at this? He did not believe a fire truck could get down some of the roads, turn around, and get back out.

John Vidican, 3830 Hi Dale Drive and Vice President of the Hi Hill Village Association. He is also a professional surveyor. He added on to what Mr. Rosell said:

- He noted that the plans were lacking some off-site survey work for grading and showing where the houses were going to be. It would be nice if they had an updated plan showing more of the off-site conditions as to where the grades are going, he was concerned about drainage and where all the water is going to go.
- There were no clearing limits identified and no tree survey shown even though it looks like they had one done. He doesn't know specifically which trees they will be saving which ones they are not.
- Regarding MDOT – he has not seen a letter from them yet, so he doesn't know what they are thinking at this time - allowing 3 entrances for the commercial component is a lot. He would like it they could separate the two commercial areas versus the residential area so that public traffic won't be running through Hi Hill Village and cutting over to Silverbell. There are a lot of children who play there, and it is a quiet neighborhood; increased traffic is a big concern. Not only for safety reasons but for maintenance costs.
- He talked to the Office of Land Survey and Remonumentation as it pertains to something like this where there are two existing platted recorded subdivisions being used for this development. It was their opinion that the applicant would have to preform replat for this area in order to do what they want to do and that could take up to 6 months.
- He read that the Township Engineer was suggesting an additional connector over to Hi Valley – he believed that would also cause more traffic through the Hi Hill subdivision.
- Regarding the wetlands - he deals with a lot of properties that have wetland concerns, this is a fresh water forced wetland and understands that the applicant would have to show a real good case for having to destroy it and go through it. Currently they do not have anything from MDEQ but typically a 25 ft. buffer is required from any wetland. If they can proceed with their plans, they would have to go through the MDEQ and most likely must do some type of mitigation.

Rick McNamara, 3677 Hi Lure Drive, commented that he will be able see the proposed development from his house. He then handed out a copy of a similar development, Summerfield Condos, which are down the road from Hi Hill Village. He believed that was a well thought out development. It consists of 70 units, there is a lot of accessibility, a lot of green area, and there is no side street access to other residential areas. That developer made provisions for all of that when developing the property. The Summerfield development is on approximately 16 acres and the density is about 4.47. When he looks at the drawings for Woodbridge, he estimated the commercial at 192 ft. deep and 880 ft. long which ends up being about 3.91 acres and if that is subtracted from Sublot C, it comes out to about 27.3 acres. A density then of about 4.72 - considerably different from the 3.93 the developer shows on the concept plan. He noted there are 3 other developments between Clarkston Road and Silverbell on the west side that are also more like Summerfield Condos: Stratford Village, Barrington Cove and Four Seasons. All of those have their entrance and exits off M-24. When looking at this layout, the developer gave more priority to putting in as many units as they could and less priority on accessibility; even for those that would be living there. Anyone who lives off M-24 knows what traffic is like from about 3:30pm to 7:00pm every day. People who live in this development and want to go down to Silverbell will go to Hi Valley, down Morgan Hill and enter access it through the back way. It was his opinion those residents (Hills of Woodbridge) shouldn't have the ability to access Morgan Hill. If there is a fire in that development, that must be handled by that property which would not be solving it with a gate. It was his opinion the retention ponds are there to

replace the wetlands they will be filling in. He asked, why aren't they developing those (the wetlands) and make them a feature of the property. The condos they are proposing do have a nice look, but it doesn't seem like they gave any thought to anything other than maximizing their return on investment. Also, regarding the retention ponds, they will be across from where Hi Hill Village puts their Christmas decorations - that will not be a very impressive look for those going to Hi Hill Village.

Ellen Rosser, 11 Hi Hill Drive, commented she lives on the corner of M-24 and Hi Hill Drive and moved there because she was tired of all the building going on in Royal Oak - now it is going to be across the street from her and is not happy about it. There is so much traffic already that people can barely get out onto M-24 and now there will be hundreds of more people there - it is too much. She asked about the retention ponds - what are they like and what do they do? They will be directly across the street from her - will there be a lot of mosquitos, sewage, etc.?

Tim Berry, 3676 Hi Lure Drive, informed the applicant that this plan threatens to completely remove his driveway - he would no longer have access to his garage. He explained that his driveway was originally built off a road that consisted of Hi Valley Drive and connected out onto Lapeer Road. That road eventually became overgrown and disappeared. He said he has contacted a lawyer and they are going to make it a point that he has access to his driveway or make a claim that the land is his at that point through adverse possession. He wanted to know what the developers plan was for his driveway.

Mike Budists, 310 Pinnacle, commented he is a 50-year resident. It was his opinion that the PUD is something the Planning Commission needs to go back and correct it due to the errors that have happened over the years. He believed that most of the residents of Hi Hill Village would welcome the residential portion of this development, but the question is: what is it? This proposed development has a model on Scripps Road, the Pulte development - the setbacks are there, the garage doors are there, and the common space is there. One thing he suggests the applicant looks at is the problem of the retail space they are proposing. The planning process has changed over the years. Retail is now more concentrated at major intersections and not dragged out for miles hap hazardously. If you look at the section in Bloomfield Hills from Square Lake to Quarton Road, planning had been done in such a way that retail is concentrated at intersections and not strung out. He strongly suggests that the planners take a good look at this and depart with the retail. Three entrances will be a nightmare for Lapeer Road. We should not promote that but minimize it. Lapeer Road was redone, and it sort of works and it sort of doesn't. He realizes that the Planning Commission does not have the ability to dictate the design, but they can surely dictate the amount and type of materials that appear on these buildings. He referenced the nice look of the Pulte buildings that have brick going up to the eve points and aluminum siding on the open eaves. Lake Orion has been lucky so far. There have been some quality developments appearing here especially the last one on Scripps Road - the elderly housing development. Regarding the question about the retention ponds - in almost every subdivision they end up being a big dirt pile, an unclean place, and theirs will be at an entrance to Hi Hill Village. This must be more than a pit - if the slopes are steep enough that metal fencing as to be around it. There is a lot of things that can be learned from what has happened in this Township - let us not go forward with mistakes that have been made, let us go forward with something that can be correct now.

Rhonda Geldhof, 3711 Bald Mountain Road and Treasurer for the Hi Hill Village subdivision, commented that the density does not match the character of their subdivision. Another concern was the traffic - anyone pulling out of the proposed area either must turn down Hi Hill, to get to Silverbell, take Bald Mountain or Hi Villa across, or they must fight traffic getting out of that area, make a loop, go past Silverbell, make another loop to make the turn onto Silverbell. She has complained to Lt. Toth many times that they need additional patrol on Hi Hill and on Bald Mountain. People travel down them at high speeds, the roads are terrible, it is a major expense and their annual dues are minimal. Her concerns were their roads and safety.

David Milner, 3719 Hi Dale Drive and Chairman of the Architectural Review Board, commented then when looking at the drawings and the way the structures are being put in, the way it is designed, he is thinking

about school buses picking up and dropping off. There is really no way for buses to turn around and get back out of that subdivision. He believes the only place there could be a pick up and drop off would be near the retail space which, then, is a safety concern and could be chaotic. He was concerned about the density hitting their roads. Their roads were not designed for the level of traffic that will increase from the new residents. Also, there are no sidewalks in the Hi Hill Village subdivision - concerned about the safety (of pedestrians) with no sidewalks and people speeding down the roads.

Gary Stonerock, 3754 Hi Villa Drive, commented he is concerned about the grading and his basement flooding. When he moved in it only flooded occasionally. About 15 years ago it started flooding more, and 10 years ago, even more. He noted that Morgan Hill by Walley Edgar, there are times the water races so fast there that you can't use Morgan Hill. Because his property will back up to this development, he would like to have arborvitaes planted about 15 to 20 ft. tall from Morgan Hill to Hi Hill and to let them grow, be a natural buffer and kept maintained. Right now, there are woods.

Rick McNamara, 3677 Hi Lure Drive, noted that at the corner of Hi Hill and Hi Lure, there was a young child on a bike killed. The traffic in this area, their subdivision, and new residents using Hi Hill to get to Bald Mountain and then to Silverbell - it is already an issue. There are lots of little kids, people walk their dogs and kids - there are not enough Stop signs.

Chairman Dunaskiss noted the citizen letters received. Secretary St. Henry summarized that 4 letters were received and were all from residents of the Hi Hill Village subdivision and were opposed to the development in some manner. He read a couple of the letters into the record. They were from: Jim Bologna, 90 Hi Hill Dr.; Terrence and Susan Strunk, 226 Morgan Hill Dr.; Sara Rosell, 3825 Hi Dale Dr.; and Celia Johnson, 3818 Hi Dale Dr. - objections were access to the neighborhood and increased traffic through it; increased noise and safety issues; property values; the residential duplexes and commercial development do not match the character of Hi Hill Village; and increased burden on subdivision roads.

Chairman Dunaskiss asked the Township Board for their questions and comments.

Trustee Flood commented that this is not his "first rodeo" regarding the development of this property. He understands this is conceptual and an opportunity to get comments and concerns on the record. He is a believer in leaving as many trees on a property as possible. He has heard all the concerns from the residents here tonight and knows that the Planning Commission will delve into all those questions. He noted that when dealing with wetlands, the Township has a Phragmite Ordinance and wants to make sure that Ordinance is abided by. Regarding the PUD public benefit - he would encourage a single trash hauler. He has read all the consultant reviews and knows that all their concerns will be addressed. He personally has an interest in setbacks. He noted the Fire Department's concern with the "hammerhead" dead ends - they would rather see cul de sacs. Regarding the commercial development - the Planner determined that none of the property is zoned GB zoning. The concern then would be the two drive-thrus they are proposing.

Treasurer Steele questioned if the commercial buildings already had tenants or will they be spec buildings? She also wanted to know what the price point of the duplexes will be? She had some concern about the density and the "hammerhead" - it looks a little tight. She said parking is always an issue with duplex developments and having extra parking for guests. Will there be enough depth to the streets to allow parking along them; that is important to her. She said she appreciated all the comments from the neighborhood residents here tonight. They put a lot of time and effort into their concerns. She also appreciates the applicant - this vacant land has been blight on M-24 as an entrance into the Township. She is glad to see some type of development going in there. She likes the commercial to the multi-tenant to the residential - it is a nice buffer and why PUDs are important - to bring a transition from M-24 to residential.

Trustee Birney asked about the applicant's comment that this type of housing is needed – is that from actual data or is that something the applicant has been hearing? He wants to know what the actual data is for that statement.

Trustee Dalrymple concurred with Treasurer Steele about extra parking. She said she also understood that the applicant had a meeting with the homeowners last week - were there any other meetings before that expressing concern about shared road usage? She believed the residents of Hi Hill Village have a valid concern about that.

Supervisor Barnett thanked everyone for coming out and for the civil discourse during the public hearing. He knows this is a very passionate thing when someone is talking about developing in your backyard. He explained this is a process and noted that he has met with a lot of people over the six years that he has been here and commented that the property will not remain green space forever. It is private property and will be developed into something. The good news is there is a Board and Planning Commission that listens to feedback. He noted prior history when there was a concept plan approved for a PUD on this same site - his opinion is that this is a better plan. They will hear more in depth from Planner Lewan and Engineer Landis about traffic and site flow and the review from the Fire Department had to say. He agrees with the concerns about Hi Lure - he used to use that as a cut through and apologized for that. With the reconfiguration of Lapeer Road - that has virtually eliminated that. He then talked about a possible emergency gate - there are other developments in the Township that have them. These are siren activated; he recommended the applicant look at something like that.

Chairman Dunaskiss asked for the applicant to come back up to the microphone to answer some of the questions brought forth.

Tom Kalis, on behalf of the applicant, commented there were many good questions asked and they want the residents to be happy with what they are proposing. He explained that this is land that will be developed and should be developed.

In general, with respect to questions that pertain to the development of the site itself - issues such as drainage, traffic circulation, storm water runoff, flooding of one of the resident's property. This is at the conceptual stage, if they can proceed, engineering plans will be prepared, and those plans will be subject to many "sets of eyes". They will have to deal with MDOT relative to Lapeer Road. He noted that the ingress and egress points come in large part from MDOT's recommendation. They will have to deal with the Oakland County Department of Public Works to the extent the wetlands are regulated and need to treat them as such. They have deal with the Department of Environmental Quality. They must conform to all these agency requirements in order to get their approvals. A process that will take place later, after final PUD approval is given and plans are submitted for engineering.

Regarding specific site development questions - a lot of those will be answered during the engineering stage and by the various agencies that have jurisdiction over the project.

With respect to the concerns about traffic going in out of the development - this is a multiple duplex project and geared towards empty nesters and retirees. Should a young couple move in, it would probably be couple that is just starting out and doesn't have school aged children. They don't feel that the concern about school bus pick up and drop off is going to be an issue.

The concern about people cutting through Hi Hill Village to gain access to the proposed development - they have offered, on the southern end of the development, to close it off but not permanently. Fire trucks will need access to this development, so they are offering to provide some type of gate. There is no other access point along the perimeter that will allow anyone in Hills of Woodbridge to gain access to the abutting subdivision to the east. The people they perceive that will be buy these condo units can dictate their day and can choose not to leave or enter during peak rush hour.

About concerns over the detention ponds - there are places where those are unkept with no water in them and weeds, but because this is a PUD, there will be PUD agreement. There can be safe guards, precautions, restrictions, built into the agreement requiring maintenance of those ponds. Mr. Kalis said his client is developing in many different areas of the State and they maintain their projects in a very aesthetically pleasing condition.

Regarding building materials - he believes the duplexes will contain brick, stone and some vinyl siding; elevations were presented with the plans.

About guest parking – Mr. Kalis said there is area to provide for guest parking but believes they are requesting a deviation from some of the parking required. They can provide guest parking on the site; that shouldn't be an issue.

Mr. Kalis noted they were aware of previous plans for this property that presented a lot more density and uses. They felt those plans weren't as compatible with the surrounding land uses as what they are proposing. The property is zoned for office, for business, and for residential - these are uses that are permitted on the site and master planned for the site.

Regarding questions about the development itself – the units, marketing price points, Mr. Goric can answer those.

Dominic Goric, 51410 Milano Dr., commented they have developed numerous projects and built over several hundred condominiums - this is not their first concept plan.

Regarding the comment about water – Mr. Goric explained the reason for the ponds and why they are placed where they were. The site naturally falls in the direction of the ponds - there is over 80 feet of fall. What they did is used the fall and developed the units in a way so that they will be walk-out units. Unfortunately, they must maintain all the water on site so they do have to have ponds. What they like to do on all their projects is use the ponds as a focal point - they put fountains in them and landscaping in them. They use them not only as a necessity but as focal points to bring notice to the project. Behind the pond as you enter there will be a fountain right at the entrance and there will be a wall along the whole front with a lot of landscaping.

The price point is going to be \$280,000 to \$350,000. The units will be between 1,600 and 2,000 sq. ft., will have full brick around the first floor, there will be vinyl siding, stone on the front, and a very nice decorative garage door.

Chairman Dunaskiss asked about the need for this type of housing. Mr. Goric replied that this housing need is in strong demand. One, there was a downturn when many baby boomers turned 60/60+ and a lot of condos weren't being built and condo projects were converted back to residential or unbuilt, and financing in the condo world went away. The largest population segment in housing right now is the "baby boomer" and it is very under served. Look at how many condos are out there and at the market population - you will see that there is a strong demand. In other communities they are building in, they cannot get units to drywall, they are sold – they are building almost a year in advance for people.

Regarding the timing and demand for the retail – Mr. Goric said right now they have no demand and are trying to leave it flexible. They don't mind coming back as users come in and addressing each use as needed. They put it in as a concept and will market it - they don't plan on building empty shopping centers. He noted that the space can either be professional office, medical, bank, or retail.

Regarding the density calculation – Mr. Goric replied that if someone were to put just a residential subdivision here, they could create 75 buildings. This project has 65 buildings, not much larger than a regular size subdivision. If someone were to do a regular subdivision, they could have setbacks as much as 35 ft. from the residence. This project has different setbacks, some are 90 and even 100 ft.

Regarding tree preservation - they are preserving a lot of trees around the perimeter. In the interior it is harder because there is a lot of contour to the land and when land balancing is started, they must make sure they don't have any water issues. He reiterated there will be a significant tree buffer around the entire site and they will be supplementing the landscaping within that as shown on the landscape plan.

The setbacks – Mr. Goric said in 90% of other communities, their developments meet setbacks. This community is unique in that a deck cannot be in a setback. He believed that the required set back is met in almost all areas and they have areas to the north that are 90 and even 100 ft.

Regarding guest parking – Mr. Goric said they will look at providing extra parking and noted there can be parking in the street. Also, there is a sidewalk proposed.

One of the Trustees had asked how much engagement with the neighbors had the applicant had prior to the meeting last week? Mr. Goric replied they did meet with them and the largest concern was the entrance off Hi Hill and the potential for increased traffic through the subdivision. He reiterated that they are not opposed to making that an emergency access only. They are proposing 3 entrances - 2 for the retail and 1 for the residential area. They connected the two (the duplexes and the retail) so that if someone wants to go to the retail that lives inside the sub, they don't have to go out onto Lapeer Rd and do a double U-turn to come back to the retail. This concept also would take traffic off Lapeer Road. However, there was just the one meeting.

Regarding the proposed hammerheads - Mr. Goric explained they use "hammerheads" in pretty much all their developments - they meet international standards. If the Township wants them to put in cul de sacs, all that does is add concrete and eliminates some units. Cul de sacs also create problems with snow plowing and won't add anything to the parking situation. They find hammerheads more effective, than just putting in large pours of concrete.

Regarding fire access and truck circulation between the dwellings – Mr. Goric said the dwellings have 15 ft. in between each one which is standard.

Regarding the resident who will not have access to his garage – Mr. Goric replied they will investigate that situation, whether they are on his property or he is on theirs. They will work with him.

Regarding wetlands – there has not been any engagement with the MDEQ as to whether there are regulated wetland there? Mr. Goric said they have engaged a consultant and they are working through that.

Chairman Dunaskiss asked the Township Board if they had any additional questions, comments or concerns? Supervisor Barnett commented about the ponds, is there potential to put a fountain in the ponds so that they don't get stagnant and look nice?

Trustee Flood commented on the deed restriction document, he didn't believe that was addressed. Supervisor Barnett said the Township Attorney is aware of it and has been talking with the Planning & Zoning Director about it.

Treasurer Steele asked where were some of their other locations that are like this one? The applicant replied there is one in Canton called Woodbridge Estates. Anyone can go to that website and see exactly what they did there, especially when it come to the ponds. The applicant noted they don't want to be bad neighbors and will make sure landscaping and the ponds are always maintained. The applicant also commented on the concern about circulation. He said every time they tried to adjust the plans, they always ended up coming out onto another development or a road - a "catch-22". It is not their intent to create extra traffic or a burden on residents. They will ask for help regarding circulation issues.

Chairman Dunaskiss asked for any other questions from the public.

Jason Rosell, 3825 Hi Dale Drive, asked about the decks being inside the setback. In his experience people use their decks in the summer for several things, that will become an encumbrance on nearby neighbors if those are left in the setback area.

Dave Milner, 3719 Hi Dale Drive, asked if there will be an age restriction in the development, it was mentioned that school aged children would not be an issue? Also, typical density for an area like this might be as many as 75 homes, they are putting in 65. However, it is a lot more than that, given the number of driveways there will be. Again, he mentioned a concern with parking and how short those driveways will be.

Dave Morley, 3630 Hi Lure Drive, regarding the deed restrictions complying with their sub - it doesn't appear that it is going to. He asked, why not just make the whole thing separate so that there is no connection between the two - none of their entrances or exists would go through their sub. He also said that at looking at it, it looks like the Redwood development where there the appearance of row after row of houses and the Township didn't like that look. If it can be contained so you don't see them, it might be better or something more two story like Heron Springs. He added that thinking this development is going to be limited to people over 50 - there is no guarantee they would keep their comings and goings during non-rush hour times – that's a lot of speculation.

Ellen Rosser, 11 Hi Hill Drive, talked about traffic coming and going. She lives on the corner of Hi Hill and M-24 and it is awful trying to get out onto M-24 now - she envisions a line of cars there and not being able to get out of her driveway, what can they do about that? She then asked about the emergency gate and what that was. Chairman Dunaskiss explained that it would be a gate that no car could get past, but fire trucks and ambulances could. The gate would be siren activated. She was still very much concerned about traffic on Hi Hill Drive and not being able to get out of her driveway.

John Vidican, 3830 Hi Dale Drive, said from a developer's standpoint, he understands it is a very difficult site to build on. Some of their residents already have drainage issues. Their subdivision was built in the 60s and they didn't really think about all the rules and regulations they have now days, as far as drainage goes. He is assuming the applicant is probably going to tie into their ditches at some point to get water to the main feed down Hi Hill. He asked that they put in some type of restrictor to help with rain events. He said there are problems right now with no easements for drainage and some residents are having areas washed away. He said you really don't know 5 – 10 years from now who is going to be there and how it will turn out. If there ever are children there, the development is not conducive to bus routes. Overall there is only so much that can be done with this land so do it right the first time. Make sure it makes sense for everybody and will work for the Township in the future. He asked about garbage pickup, right now, in their neighborhood, they have haulers that go through all day long. He concluded by saying it would be nice if they would put in a park, there is a lot of green space in the middle where they might be able to put one. He is aware that the applicant anticipates there won't be any kids there but they cannot dictate who will buy there.

Daniel Rotan, 5805 24 Mile Road, Ste. B, Shelby Township, responded to the concerns about the ponds – these are detention ponds not retention ponds. Water will be detained for 48 hours than will go out to a ditch along M-24. The flow will be restricted and will not be gushing. He noted that the pond in the middle is a "4-bay", it will be wet and they will keep it moving with a fountain so that it won't become stagnant. Calculations will be done during engineering that will dictate the flow out of the detention ponds.

Dominic Goric responded that the development will not be age restricted. Regarding the length of the driveways and vehicles encroaching on sidewalks – he said the driveways will be long enough to walk around a vehicle; they would not put sidewalks where cars would have to park over them. About the Deed Restriction Agreement – what they have seen so far, the large parcel where the actual duplexes and the commercial development will be are on "Out Lot C" of the Hi Hill Village subdivision. There are 2 vacant

lots that are also part of the Hi Village plat and where 2 of the detention ponds will be. The Deed Restriction Agreement says those 2 lots can be used for commercial and that there is architectural control, but the applicant doesn't plan on putting any buildings on those. He noted there is an exclusion in the agreement for those two lots and "Out Lot C". He added that Wally Edgar Chevrolet is also on "Out Lot C" and would have been under the same jurisdiction. He said they do have lawyers who are studying the agreement.

Mike Budists, 310 Pinnacle, asked who will own the property after all the units are sold? Chairman Dunaskiss replied that the association will. Mr. Budists then said, "there goes the fountains, the maintenance and the rest of it."

Chairman Dunaskiss closed the public hearing at 8:43pm.

Respectfully submitted,

Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date

DRAFT