1. OPEN MEETING  
2. ROLL CALL  
3. MINUTES  
   A. 6-7-23, Planning Commission Regular Meeting Minutes  
4. AGENDA REVIEW AND APPROVAL  
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY  
6. CONSENT AGENDA  
7. NEW BUSINESS  
   A. PC-23-16, Waldon Meadows Revised Landscape Review, located on the north side of Waldon Rd. and west of Lapeer Rd. (parcel #09-26-102-001 through 09-26-102-022).  
   B. PC-23-21, Dutton East Retail Revised Landscape Review, located at 4898 Bald Mountain Road, (parcel #09-35-477-003).  
8. UNFINISHED BUSINESS  
9. PUBLIC COMMENTS  
10. COMMUNICATIONS  
11. PLANNERS REPORT/EDUCATION  
12. COMMITTEE REPORTS  
13. FUTURE PUBLIC HEARINGS  
14. CHAIRMAN'S COMMENTS  
15. COMMISSIONERS’ COMMENTS  
16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
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The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 7, 2023, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**
Scott Reynolds, Chairman
Jessica Gingell, Commissioner
Joe St. Henry, Secretary

**PLANNING COMMISSION MEMBERS ABSENT**
Don Gross, Vice Chairman

1. **OPEN MEETING**
Chairman Reynolds opened the meeting at 7:00 p.m.

2. **ROLL CALL**
As noted

**CONSULTANTS PRESENT:**
John Enos, (Township Planner) of Carlisle Wortman Associates, LLC
Mark Landis, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Paul Silverman
Roger Sherr
Joan Crombie

3. **MINUTES**
A. 5-17-23, Planning Commission Regular Meeting Minutes
B. 5-17-23, PC-23-15, Lapeer Road Burger King Special Land Use Public Hearing Minutes

Moved by Commissioner Walker, seconded by Liaison Urbanowski, to approve the minutes as presented. **Motion carried.**

4. **AGENDA REVIEW AND APPROVAL**
Moved by Liaison Urbanowski, seconded by Commissioner Gingell, to approve the agenda as presented. **Motion carried.**

5. **BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**
None.

6. **CONSENT AGENDA**
A. PC-2021-44, The Pearl of Orion Site Plan, Plans Date Stamped 3-31-21, 6-8-21, 6-30-21 & 9-8-21 Approval of Destruction of Documents.
B. PC-2021-56, Esys Consolidation Site Plan, Plans Date Stamped 6-30-21 & 7-26-21 Approval of Destruction of Documents.
C. PC-2021-42, FedEx Ground Parking Expansion Site, Plans Date Stamped 3-22-21 & 4-26-21 Approval of Destruction of Documents.
D. PC-23-04, Orion Ridge Major PUD Amendment Plans, Plans Date Stamped 2-7-23 Approval of Destruction of Documents.

Moved by Liaison Urbanowski, seconded by Commissioner Gingell, to approve the consent agenda as presented. **Motion carried.**

7. **NEW BUSINESS**

A. PC-23-04, Orion Ridge Major PUD Amendment, located on a vacant parcel at the NW corner of Maybee and Baldwin Roads (parcels #09-29-104-001 through 9-29-104-051).

Mr. Roger Sherr with Baldwin Maybee LLC, 31300 Orchard Land Rd., Farmington Hills, MI presented. He stated that they are seeking site plan approval for a multi-family community consisting of 156 units configured in 13 quad-style buildings. The site plan for this development is very difficult and challenging. The topography on this site slopes over 40 ft. from east to west from south to north. The installation of the roundabout on Baldwin and Maybee made things even more challenging. The roundabout lowered Maybee Road by about 15 feet making the differential from the low point on Maybee to the high point on their site even more extreme. The site plan challenges have been significant. They think they have the perfect building configuration now for this site. Instead of it having a grading plan that accommodates the buildings they now have buildings that accommodate the existing grades. He added that Peter Stuhldreer with Designhaus Architecture was going to talk more about the buildings and the site plan.

Mr. Sherr said their target market is targeting both existing residents and new residents moving into the community. The design is extraordinary, it is more of a Franklin Wright architecture, very classical, and perfectly suited for Gingellville. It is unique and was sure it would be in architectural magazines if this community is developed. The target market is older people looking to downsize from their existing homes and looking for a high-quality rental environment. It gives them flexibility without maintenance and single-floor living. They are not looking for buildings with long hallways that resemble dormitories on a college campus or for townhomes with the challenges of staircases. They want maintenance-free living on single floors with a high-quality interior that resembles that of ownership-occupied houses more so than a rental community. For younger residents moving into the community, they too are looking for flexibility, they are having children at a later date, postponing marriage. They want a high-quality living environment without the cost and responsibility of homeownership. They think they have a well-conceived community, building configuration, very high-quality, architecturally distinguished, and they think really perfectly suited to the design requirements and standards of the Gingellville Overlay District.

Mr. Peter Stuhldreer with Designhaus Architecture 3300 Auburn Rd., Auburn Hills, MI presented.

Mr. Stuhldreer stated that Mr. Sherr summed up the project and the demand and the demographic goals, and the need to break these buildings into a resort-style layout to accommodate the grades without flattening it out and building a bunch of retaining walls. Making it more of a commercial look, now it is more of a resort look with a nice feel from the inside. It has 13 buildings, and they are basically all the same on the outside. 156 total dwelling units each building is 12 units. That allows for 1/3 of the entire site to walk in off of grade. There are provisions also for those on-grade apartments for interior garages and storage space. Also, on-grade connects directly to the common area in the building itself. They feel like they have accomplished a walkability connection to the village surrounding them. Added to that public sense and to those amenities with a pocket park at the roundabout. For their tenants themselves a community building with a pool, playground, and other amenities that they are
talking about. The walkways that go throughout the site all connect back together, they walk around the retention pond which is a landscape feature in the back corner, and they make their way out to both Baldwin and Maybee Road to connect the public, as well as off into the vest-pocket park in the corner next to the roundabout.

Mr. Stuhlreyer said he knew they had some questions about open space but there are 2.5 acres of space that are not asphalt or a building on the site which is about 100,000 square feet of open space.

Mr. Stuhlreyer stated that the stormwater has been accounted for in the back corner. That has been a concern on this site in the past. The other amenities include carports and a good unit mix for all demographics and rent ranges. There are studios, one-bedroom, two-bedrooms, and three-bedrooms, and reasonably diverse between those selections, so they have 40% single occupant, single-bedroom or studio, 40% 2-bedroom and, 20% 3-bedroom throughout the site. There are just over 300 parking spaces available on the site including the parking spaces in the interior garages. This puts them right around 2 parking spaces per dwelling unit. He added from his experience in multi-family the number that is manageable in a development with this type of unit mix is about 1.75 which leaves them with about 40 spaces available for guests and other activities in the community building. They think they are parked correctly and felt good about the layout. He wanted to stress that this plan although it seems unique because it is pods of 12-unit buildings, is simply a building that is three-story walkup building it is a common product, they just have taken the three pods that are usually together creating a 36-unit building which they would see all over the place and broken them into single pods. They had to do this to not have to grade the site like crazy. It also has one other great feature on the units, it gives them more perimeter for more windows in the bedrooms and other spaces. Right now, they think after a year or so that they have been reworking this PUD they think they have hit a place where they are pretty comfortable.

Planner Enos read through his review date stamped May 31, 2023.

Engineer Landis read through his review date stamped May 26, 2023.

Chairman Reynolds said there was a recommendation for approval by the Fire Marshal but with a number of requirements with that FDC locations, turning radiiuses that were previously mentioned in the OHM letter. There was a review from WRC and RCOC. They completed a site walk and there was a Public Service review.

Liaison Urbanowski thought that the density for her was high, and too close on that western side, 45 feet is not sufficient, and she would ask that it be 100 feet. They did get a letter and she did read through that, and she agreed with it, it was too close to that side for her. She asked about the LED bulbs. Planner Enos said that they have a requirement in the ordinance on the type of bulb and the intensity of the bulb. They do need to amend the ordinance because of the technological increase changes. Chairman Reynolds said it is dated it is an antiquated statement in their ordinance it would be an acceptable change.

Liaison Urbanowski said she had a concern with the flat roof because those are not allowed in the Gingellville Overlay District and as it is the roofs the prior plans had an arch or a pitch to them, but they don’t know. She wondered if it was exceeding 35 feet because that one part is next to the house to the west, which was a concern of hers.

Liaison Urbanowski stated that she was reading through the public hearing notes, and they were talking about the affordability of these, and they said it was market-rate apartments anywhere from $2 to $2.65. She did calculations from sheet A6.2 and the smallest unit for a
one-bedroom is 860 square feet. At $2 a square foot that is a $1,720 apartment. At the high end for a one-bedroom 1,048 square feet at $2.65 is $2,777, which is the range for one bedroom and is 40% of the dwellings. She wasn’t sure how those fit, at least the way she interprets missing middle housing for Orion Township. She looked it up and a couple of different places said that 30% of a person’s income is a relatively safe space for paying for rent or a home. She looked at SEMCOG today and looked in the Master Plan and it had SEMCOG numbers from 2019 for a medium household income and per capita. For 2021 the medium household income is $104,676 for this area. She wasn’t sure who was going to afford these in this area. She didn’t think it would be older people looking to downsize. Going back to the 3 bedroom, the biggest one, they have 1500-1600 square feet, and at $2 per square foot that this in the $3,000 range. She wasn’t sure that she agreed with this being middle-market housing. She asked if she was correct in assuming that the previous plan was for sale. She asked what the public benefit from changing from the plan that it was before to the plan they are giving them now. She was struggling to find the public benefit of it. They have 2.5 acres of open space, but it was not a usable open space it is spread out throughout.

Mr. Sherr said regarding density, the density is based on the ordinance they are well within what is allowable. If they thought the Gingellville Overlay District density should have been lower they could have done that, but the planners, council, and community felt that up to 20 units per acre was appropriate. In his world land planning is still quite low. The 20 units per acre are 3/4’s of that. So, from a density standpoint technically he was just suggesting that it is really not a dense community, three-story buildings, 4 units on each floor, every unit is a corner unit and won’t feel dense at all.

Mr. Sherr said moving to the rental rate, he is as sticker shocked as they all are with the cost of groceries, housing, and rent. They can’t build today any type of rental community, new, for less than $2 a foot, it just won’t happen. They can’t take the range of $2 to $2.65 and apply it to every floor plan. The smaller units tend to have a higher per-square-foot number just because that is just the way the math works, the larger units the per-square-foot number comes down. They are targeting one bedroom $1,500-$1,600, the studios closer to $1,200, the two bedrooms will be closer to $2,000/per month, and the three bedrooms above that. That is just an estimate, he wishes they could deliver things lower. They can’t build anything new with the cost of new house construction today housing they won’t see anything under $400,000, it just won’t happen. The first-time homebuyer is passed over with the mortgage deduction, whatever downpayment assistance they have, the cost of new construction is insane. This is the Gingellville Overlay District, it needs to be special, it needs to be unique, it needs to be everything they have designed for these buildings. They can’t build a Class C quality building; the cost of construction will not allow it. They are building a high-quality community with interior features that are making the units more expensive but that is what people will want to downsize to. They don’t want to downsize too less; they want to downsize too more. They want the stone countertops, the hardwoods, the beautiful plumbing fixtures, the lighting and security, the automation that is available today, and the efficiencies that are available. That is what is happening in the world of construction and design today.

Mr. Sherr stated in terms of community and public benefit, their benefits are significant. The corner node is much more special than what they delivered earlier with the duplex community. Even before they get to the public benefit, the duplex community they designed with fewer units was not economical to build they couldn’t afford to do it. The units would have been well over $400,000 a unit. For empty nesters that are coming out of their homes with equity from those homes they can afford to rent for a period of time, they choose to and some of them relocate to other areas, and some of them remain within the area. Renting in a maintenance-free community with maintenance 24/7 gives them the flexibility they are seeking. Unfortunately, the
rental price for an upscale unit is going to be at that $2 number. He agreed with everything that they have stated but it is the facts of where they are today in terms of construction cost.

Commissioner Cummins said he had some concerns with regard to the project, it is a major almost completely changed project altogether from the one that was initially approved. He has some problems with some missing information, verification of the open space requirements, and concerns about the proximity of the driveway to the north property line that should remain with the ordinance requirements. Some problems with some of the items in the Gingellville Overlay District. Concerns about the screening to the west, and some of the openness that they may be losing here.

Chairman Reynolds said the product has the potential to meet some of the criteria and the needs of their community. He doesn’t mind some of the aesthetics that are here even if they break away from a pitched roof elevation, he thought that was fine to be a little more open-ended with that. He did hang his hat on more basics of them just considering the project and its density here. Yes, it is a PUD Amendment, and it is pretty significant. He thought that they needed to take a look at why it is a PUD and one of those things is community benefit. Unfortunately, economics are not the only driver of that, there is open space and those factors. Just for findings of fact in this initial discussion here, they are talking about the idea of increasing the density of the space and he goes to the Gingellville Overlay District to understand why they are going from 9 units per acre to 20, and there were some simple criteria. It was not over 35 feet in height, having 20% open space, and mind you 20% of open space does not include setback requirements or detention areas. For him to hang his hat on this is a good fit or even fits their criteria of why it is a bonus he didn’t have that proven to him yet. There are a couple of other factors in there for the sake of rear setback garages, there was a fourth one that he couldn’t think of. He thought there still needed to be some proof of those points and some of those findings of fact to say that this is why they are going, whether it be 20 or not it is still over the required 9, talking about the bonus criteria. To him, it is pretty clear where it is saying if they are going to go ahead and utilize that bonus criteria, they are not over 35 feet in height and they are talking about that. He thought maybe the fourth one was a setback, but he will try to find that. The other pieces are some of the general site circulations, and the access to the buildings, some of these buildings. In the southwest corner, there is parking with just a piece of sidewalk right in front of it. Overall, they are just trying to say this is a great benefit to the community and the missing middle. He thought that circulation and circulation pass are all part of it. He didn’t want to come out of the gate and say it is a horrible project or anything like that, but he thought there was still some work to still be done here to, a) just prove the findings of fact of why they are considering the bonus criteria first and then digging into some of these details which he agreed are fairly minor in nature. He felt the setbacks, even if they were to consider a multi-family higher density of 20, they are still going to acknowledge the adjacent uses. Unfortunately, with this use here on the corner they still have Suburban Estates (SE) and Suburban Farms (SF) directly adjacent. From a good planning purpose, they are going to want to see more than the basic setback on that western line, in his perspective.

Mr. Sherr stated on the 20% that they are looking at it empirically just like they are, they have 22%, not including setbacks, open space 22%, not including the pond, not including setbacks, 22%. They have provided some of that documentation. Mr. Sherr said the building height is not over 35 feet. There was a note in the planner’s report, and they are not sure where it came from, they are not saying it was wrong, but the buildings are 35 feet. To the maximum height of the highest parapet not even to the roof the roof deck is 32 the buildings are physically shorter. They are not going to go to 40% open space to get the bonus.

Chairman Reynolds said that is one of those things where, to his knowledge, they didn’t have all of those calculations they are missing or at least are being provided this evening. He thought
that even if that were the case there are still some of these circulation items, in his perspective, some of these setbacks need to be looked at from a buffer standpoint. He thought it still needed some work from his perspective.

Planning & Zoning Director Girling asked Chairman Reynolds if he would like her to go over the criteria. Chairman Reynolds replied that would be great. Planning & Zoning Director said a minimum residential open space shall be 20%, there shall be a square green or similar open space park or plaza that includes benches, shade trees, walking paths, and similar amenities within or at the edge of the residential area; front facing garages shall be recessed from the front living area at least 5 feet; if multi-family units are proposed they shall be of townhouse, bungalow, court, small multiplex, triplex, quadplex, or duplex variety; when building types are proposed the Planning Commission may permit reduced setbacks consistent with section 33.03 based upon consideration of the building type, development concept, and adjacent land uses; apartments are also permitted as part of the density bonus and addition building height bonus provided; they shall have no building dimension measured in a straight line that exceeds 160 feet; no building exceeding 35 feet in height shall be located closer than 100 feet from an adjacent single-family residential district.

Mr. Sherr said as Mr. Stuhlreyer mentioned they are indeed less than 35 feet, and that only applied to buildings within 100 feet of the residential district, there is one residential district in which there is one house on two acres, which is at some point going to be redeveloped anyway with perhaps someone seeking multi-family, it is multi-family behind that house. If this site is approved whether it is this density or something less, or more, the house will be sitting with higher density both to the north and to the east. He didn’t know if they will come in with clusters with a higher density, but it is probably not going to come back with a new home being built on the site. The 35 feet he thought Mr. Stuhlreyer went over, that again is only for building within 100 feet of the westerly property line. In the earlier PUD, he thought one of the planners mentioned a 100-foot setback, the earlier PUD was much closer than 100 feet which is amending that slightly in section 33. He would hate for this plan and for them to say that they don’t like it because it violated 35 feet, it’s iconic architecture, they want density, this is the Overlay District, this is an area where they are trying to establish a pedestrian-friendly part of town with people, they are bringing people. The higher density is a good thing. People leave their homes they walk into the Baldwin corridor, into the shops, restaurants, and eateries that are on Baldwin. That is what they want, that is what the corner node is designed for. He thought if they stepped back, and he understood the criteria all of which he thought he complied with but with respect to those concerns he thought they step back. This is a PUD. It is the best tool Planning Commissions and councils ever had to approve the site and realize that there may be slight deviations from technical requirements which themselves are somewhat arbitrary. Someone said let’s make it 20% maybe the open space requirement should be 24% or 15% which is how it reads in the earlier parts of 33.02 Design Standards it calls for 15 feet it is only with the density bonus that they are requiring additional open space.

Mr. Sherr stated he wanted to read one section of the 15% requirement it said “required open space may be fulfilled in other parcels or noncontiguous areas of the Overlay District. He wasn’t sure exactly what that meant but what it brought to him was the notion that living in an urban environment they build micro units, very small units, 400 square feet one-bedroom units. He once asked how you live in a unit that small, and where is your backyard, they said my backyard is the community it is the streets where the taverns, bars, and restaurants are. He will argue that in Gingellville, and in this area, in particular, it is so beautifully designed and pedestrian-friendly, they hope to see every one of their residents utilizing the streets and sidewalks in this corridor as their backyard/open space.
Mr. Stuhlreyer said if he could just add to the list, 20% the fact is they have 20%. The park plaza, benches, landscape on a corner, and interior, they checked that box. Garages are on the sides not the front and all front doors are on the front, and all of the garages are on the sides of all of the buildings they have no front-facing garages. They are a small multiplex, they are less than 35 feet, their length is less than 160 and no building within 100 feet of a residential district is higher than 35. It has to be clear that they are reading from the same set of facts and that those facts are what they designed from.

Planner Enos stated that what he is hearing from their Planning Commission is they are not opposed to the project overall but there are still a lot of questions. Sometimes when you provide a project like this, he saw a project narrative, whereas rather than looking through 25 pages of a site plan the project narrative starts to lay out those factors on how it may meet either the PUD or may meet the Gingellville Overlay District area. So, they are able to lay those factors out, and as the Director indicated how do they meet these and why should the Planning Commission allow for that flexibility where they had 51 units previously now, we have triple that. What is the difference and what is the give for each of them to allow that? What he was hearing from the Planning Commission is they are just not yet comfortable with allowing that much density without some more discussion or understanding of the ordinance requirements, and the PUD and or Gingellville section.

Mr. Stuhlreyer stated that just going by what is written and what they have got turned in. He understands they could float into subjectivity, but they want to keep moving forward. They would have to know what those metrics are to be able to move forward. Planner Enos said they want to know what those metrics are too. Mr. Stuhlreyer said if it is 35 feet within 100 feet and they are 35 feet within 100 feet.

Chairman Reynolds said they are not necessarily here to debate they are just here to have a discussion about some of their concerns. One of the underlying issues, whether they are arguing that the building is 37 feet or 35 feet, they are just talking about 35 feet buildings adjacent to the western property line which is within less than 100-foot setback of that said property line. If they want to argue one part of the fundamental issue, there is more here. They are just talking about a PUD as a tool, they totally agree with those comments, but when it is all said and done it is a multi-family style development adjacent to low-density, single-family homes of Suburban Estates (SE) and Suburban Farm (SF). They are talking about having this fit into this community, and no they are not talking about the what-if hypothetical of what else could still be going on Maybee Rd. for a development. They are talking about what they see here in front of them. From that perspective they are just saying overall the project, at least in his perspective, understands where they are going after from a development standard and what the unit types are he thought there were some issues here that there isn’t clarity provided to them prior to this meeting about what the actual density is and how they are getting that calculation, that was one piece of this. Second, they are arguing here this evening, rather it is 35 feet per what they are saying, or the Planner consultant saying there are 37 feet. There is some of this information here that they need to have clarified before, but he personally, is comfortable moving forward with this. He personally believes that no matter what the density is they are still going to look at the PUD, especially since a creative zoning tool and it fitting within the adjacent neighborhoods is one of the fundamental items of a PUD, to begin with. They are talking about a large number of topics here, not just about single nit-picky changes but rather about why a PUD and what items of the PUD they are going to take to look at here. He thinks there needs to be some more information provided and a deeper look at why they are going to challenge certain parts of the ordinance and not before they continue any further nit-picking on what their ordinance says or doesn’t say.
Secretary St. Henry said PUDs are very creative tools that enable developers and municipalities to develop unique challenging pieces of property. If it makes sense, then there is a community benefit that allows them some flexibility with so-called ordinance requirements and so forth. As the developer comes forward with a creative plan, they also have the right as a Planning Commission when they look at PUDs to push back. He was getting the sense that they don’t appreciate anybody pushing back on this development. He understood they have had this piece of property in play for a while, but they are looking at this plan tonight. They are allowed to push back, they may come to an agreement some compromise like they usually do with a PUD, it may not be tonight. He was not too concerned and didn’t think the Planning Commission was too concerned about when they would come back and maybe find that compromise. They don’t have to sit here and be told, they understand in some respects that they meet the PUD requirements, but it is the nature of this exercise they are allowed to push back some based on what they see, the community needs, and the community benefits. There is plenty of compromise in play here.

Moved by Chairman Reynolds, seconded by Commissioner Cummins, that the Planning Commission postpones action on PC-23-04, Orion Ridge Major PUD Amendment, located on a vacant parcel at the NW corner of Maybee and Baldwin Roads (parcel 09-29-104-001 through 09-29-104-051) for plans date stamped received 5/12/2023 for the following reasons: for the ability to address our consultant letters and their open issues; to provide additional findings of fact and to come back with a clarity of the PUD eligibility requirements along with the bonus criteria for the density of the Gingellville Overlay District.

Discussion on the motion:

Mr. Andy Szadyr, 3500 Maybee Rd. the property just west of this development.

Mr. Szadyr said he participated in some of these before and it is great to hear how they are approaching this, he appreciated it.

Mr. Szadyr stated that he wasn’t trying to shut down what Mr. Sherr is doing, progress happens, and they all have to adjust. He moved to that property knowing about the PUD that existed at the time and it was no surprise that ultimately something would happen there. There are a few things that are really important, and he thought that they eluded to all of these. Some of them have said something about all of it. One of them is the three-story piece. Imagine where you are sitting and even closer than the end of that room is a 37-foot building and that is what he would be looking at every day. When he opens his door that is what he is going to see 37 feet up. That is not what was in the original PUD, those were going to be single-story buildings. The effect on him immediately is extreme especially when they look at the setback, which he thought was 35 feet. That building is 35 feet from his property line. They have all seen that problem and have talked about it a little bit. He didn’t know what could be done there, he doesn’t have solutions, but he has concerns. The other part of it is, he knows that the Baldwin corridor has been created to kind of represent a certain part of Orion Township. He has lived in Orion for 40 years, so he is familiar with how this whole thing happened. He remembers Gingellville when it was Gingleville with a little IGA store. He was imagining driving up Baldwin Road and what we would see because all of these buildings are really close to the road. It would look like a giant wall of buildings up on the hills all around the corner and down Maybee Road. It would be just right in your face, honestly, I don’t think they are really that attractive the flat roof looks like a cheap building. Frank Lloyd Wright had his time and his reasons, but he thought it was just a cheaper way to build the thing. There is a proposal for a little pocket park on the corner. They have a long way to go with developing that Gingellville corridor in terms of safety because he is terrified of
walking down those sidewalks. Putting a pocket park on that corner where it is a hill. If there is a pocket park, make sure there is a fence around it and that it is safe for children because parks are for kids. You have to protect the community that is going to be using this. It kind of goes the same all around that place.

Mr. Szadyr stated that a few years ago Mr. Sherr approached him to purchase his property. He stated that his reason was he wanted to be able to extend the roadway so he could offer people to have a second route to get in and out of the property, so there is not just one driveway. Now they are going to be looking at about 300 cars coming in and out of one driveway on Maybee Rd. He didn’t know if any of the Planning Commissioners have tried to turn onto Maybee Rd. from any parking lot but in that area, 300 cars as opposed to a third of that which was the original PUD 300 cars is a lot of cars. That density issue reflects the concerns regarding density. Can that corner really handle that many people in and out? He added that Mr. Sherr mentioned that there is some design integration of considering seniors who would want to move into a place like this. Seniors are not going to climb three stories of an apartment unless they are intending to have elevators. He is planning to keep his one-story home where he has no stairs. He wasn’t sure how that really fit with senior living when they are three-story buildings without elevators.

Chairman Reynolds noted that they were in receipt of his letter from Mr. Szadyr.

Mr. Szadyr stated however things go he appreciated the consideration of his location relative to that west property line, and all of the different ramifications that would include noise pollution and the proximity of this giant building. He didn’t know how they could compromise; they can’t put a giant berm there to help with any of that. He didn’t know the answer but thought it was really close. As this project continues, and he will attend future meetings, being that he is right there, if it is possible to manage the length of time that this project will go on for, understand that all of this construction is going to blow stuff right into his yard during that whole time. There is going to be dust and dirt, all kinds of stuff coming right at him. If they ever do such a thing where they put a time limit this has to be started and finished in “x” amount of time to him that would make sense because he guarantees it, his place will be covered with dust and dirt. Today they have a smog alert because of the smoke in the air and he wore a mask to mow his lawn. His neighbor and he don’t think it is to their benefit to be having to deal with dust and dirt for an extended amount of time.

Ms. Joan Crombie 3520 Maybee Rd. said she lives just west of Mr. Szadyr. She has understood for many years that there will be great changes to the corner of Baldwin and Maybee Road. Her grandmother had the home that was there and began their property in 1860. She is quite familiar with it. The one question she had was about the topography of the layout and the pictures shown on the screens. It looks as if it is flat, is that correct in this new plan? Chairman Reynolds said there was some topography on the land, and he thought that the plans will come back in front of them. Planner Enos said they will change some of the topography. It is just necessary because of the slopes and the way they are going to work the stormwater drainage. That will continue to have the retaining wall on the north side, which is going to stay but there will be some changes to topography but that is in the way that they designed this and in terms of the height of those buildings. The hope is that as they are built, they are not going to be as massive as you would think on flat ground. There will be some changes but not significant.
Ms. Crombie said that she supports everything that Mr. Szadry presented to them this evening. She understands it has been a very long time that the gentleman with these plans has worked on this project. She is not against change she would prefer to say she does not care to have Gingellville be an apartment end of Orion Township. She has lived here not all of the time but since she was 5 months old. There are some parts where you really appreciate the change and others that do not. In terms of comfortable living for the residents that live on Maybee, both where they are and to the west of them it will be a large impact. There is a lot of traffic, as she was sure they know, and she was sure studies have been done. She thanked them for her consideration of the people that have been here as well as the people that are welcome to come.

Chairman Reynolds asked if there were any other public comments on the motion. There were none.

Roll call vote was as follows: Gingell, yes; Cummins, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Reynolds, yes. Motion carried 6-0 (Gross absent).

8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
A. Administrative decisions require careful application to ordinance standards – MSU Extension article.
Planner Enos stated that Planning & Zoning Director Girling had something but also Planning & Zoning Director Girling also met and put together a plan for amending their ordinance. They are putting together a work program for the ordinance amendments that they have heard from the Planning Commissioners in regard to the issue of the tree, and PUDs, and also simplifying some of the ordinance too. He just wanted to know they were working on that and in a couple of weeks Planning & Zoning Director Girling and he are going to meet again to try to figure out that work program when it is time to make some of those amendments, of course, they will bring to them.

Chairman Reynolds asked if Planning & Zoning Director Girling had anything to add regarding the MSU Extension. Planning & Zoning Director Girling replied that she gets these in her email and looks for ones, never disregarding anything but some of them are not necessarily pertinent. She thought this one looked interesting and wanted to pass it on to the Planning Commissioners.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
None.
15. COMMISSIONERS' COMMENTS
None.

16. ADJOURNMENT
Moved by Chairman Reynolds, seconded by Commissioner Cummins, to adjourn the meeting at 8:00 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
The site plan for this neighborhood was approved on April 27, 2018. The approved plans contained a landscape plan.

The developer sold the lots before installing some of the landscape as shown on the April 27, 2018 landscape plan.

The owners of some of the lots have told the developer they don’t want the trees at all or don’t want the species listed on the April 27, 2018 landscape plan. The developer cannot enter the property to install the trees.

The applicant (developer) wants to close out this development project and cannot do so without approval to amend the approved landscape plan.
TO: The Charter Township of Orion Planning Commission  
FROM: Tammy Girling, Planning & Zoning Director  
DATE: June 15, 2023  
RE: PC-23-16, Waldon Meadows Amended Landscape Plan

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Landscaping (Ord. No. 78, Section 27.05)**

**Motion 1:** I move that the Planning Commission grants amended landscape plan approval for PC-23-16, Waldon Meadows Amended Landscape Plan, located on the north side of Waldon Rd. and west of Lapeer Rd (parcel #09-26-102-001 through 09-26-102-022) for plans date stamped received April 20, 2023 based on the following findings of facts (motion maker to insert findings of facts).

This approval is based on the following conditions:

a. (Motion maker to list any unresolved issues related to the Township Planner’s review letter).

b. (Motion maker to list any additional conditions).

Or

I move that the Planning Commission denies amended landscape plan approval for PC-23-16, Waldon Meadows Amended Landscape Plan, located on the north side of Waldon Rd. and west of Lapeer Rd (parcel #09-26-102-001 through 09-26-102-022) for plans date stamped received April 20, 2023. This denial is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission postpones amended landscape plan approval for PC-23-16, Waldon Meadows Amended Landscape Plan, located on the north side of Waldon Rd. and west of Lapeer Rd (parcel #09-26-102-001 through 09-26-102-022) for plans date stamped received April 20, 2023 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s review letter).
APPLICATION FOR LANDSCAPE REVIEW

Case Number PC-23-16

*PROOF OF OWNERSHIP MUST BE INCLUDED IN THE APPLICATION*
(Acceptable documentation includes: Warranty Deed, Quick Claim Deed, Land Contract, and Option to Purchase with a Copy of the Warranty Deed. If the applicant is not the property owner, then written authorization from the property owner must be included)

NOTICE TO APPLICANT

The following application must be completed (incomplete applications/plans will be returned to the petitioner) and filed with the Township. The plans must meet the landscaping requirements listed in the zoning district of the subject property and the criteria specified in Section 27.05 of Zoning Ordinance No.78. If it is determined that the modifications are not minor, then review and approval by the Planning Commission will be required. Please refer to Section 30.02E for a complete list of application requirements.

Date 4/15/23 Project Name Waldon Meadows

Applicants Name Lisa Shackleton - Clearview Homes, LLC
Applicants Address 445 S. Livernois, Suite 324
City Rochester Hills State MI Zip Code 48307
Phone# 586-929-8757 Fax # E-Mail lisa@myclearviewhome.com

Property Owner Name Clearview Homes, LLC **At the time of site plan approval**
Property Owner Address 445 S. Livernois, Suite 324 Rochester Hills, MI 48307
Phone# 586-929-8757 Fax # E-Mail lisa@myclearviewhome.com

Name of Firm/Individual who Prepared the plan Nagy Devlin - Brian Devlin
Address 31736 W. Chicago, Livonia, MI 48150
Phone# 734-634-9208 Fax # E-Mail jbdevlinrla@gmail.com

*Please Indicate Above The Contact Person *

Property Description:
Waldon Meadows Condominium

Location or Address of the Property: ____________________________

Side of Street: ____________________________ Nearest Cross Streets: North side of Waldon Road/West of M24

Original parcel #09-26-101-001

Sidewell Number(s): ____________________________ Total Acreage: ____________________________

Subdivision Name (if applicable): ____________________________

Waldon Meadows Condominium

Frontage (in feet) 518.28 Depth (in feet) 823'

*Please Attach to the Application a Complete Legal Description of the Subject Property

Zoning Classification: R2

Subject Property ____________________________

Adjacent Properties:

North 369 Greenshield South 391 Waldon Road

East 374 Waldon Road West 430 Waldon Road

Current Use of Property: Single family residential

__________________________

Modifications Proposed to the Landscape Plan:

We have removed some trees from lots on approved landscape plan. We have added some trees to lots on revised landscape plan.

__________________________

***4 Sets Of The Landscape Plan Prepared In Accordance With The Orion Township Zoning Ordinance #78, And The Applicable Review Fees Found In Ordinance #41 Must Be Received With The Application ****

I hereby submit this application for Landscape Plan Approval, pursuant to the provisions of the Orion Township Zoning Ordinance, Ordinance #78, and any other applicable Township Ordinance requirements. In support of the application, I hereby certify that the information provided herein is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application) and on behalf of all owners of this property, I hereby grant the Planning Commission members and Township Building Department staff permission to perform a site walk on the property, without prior notification, as is deemed necessary.

__________________________ 4/17/23

Signature of Applicant Date
April 19, 2023

Orion Township
2323 Joslyn Road
Orion Township, MI 48360

To Planning Commission Board:

I am petitioning the Planning Commission to amend the landscape plan for Waldon Meadows Condominium. As part of site plan approval, Clearview Homes was required to install trees in the front yards of the lots. Per Orion Township’s requirement, all landscaping installed in the community must be inspected one year after the installation of the last item. As such, Clearview planned to install all of the street trees at one time and toward the end of home construction, to avoid the trees getting damaged during the home building process. At that point, many homeowners had moved into their homes. When it came time to install the trees, several of the homeowners refused to allow Clearview to install trees. I have included some email correspondence with the homeowners. Clearview Homes did install the trees for the homeowners that were willing to accept them.

I have included an amended landscape plan showing what is currently planted on site. This includes trees planted by Clearview Homes as well as several trees that were planted by homeowners during their own landscaping process. I would ask that you review what has been planted in total thus far and approve the plan as amended.

Thank you for your consideration in this matter.

Lisa Shackleton
Clearview Homes, LLC
lisa@myclearviewhome.com
From: Jonathon Zupancic <jpzupancic@gmail.com>  
Sent: Tuesday, May 17, 2022 12:54 PM  
To: Lisa Shackleton <lisa@myclearviewhome.com>  
Subject: Re: Tree Location

We do not want a tree planted on our property

On Tue, May 17, 2022, 9:45 AM Jonathon Zupancic <jpzupancic@gmail.com> wrote:
Why? Why would I allow you to walk onto my property?
__________________________________________________________

From: Nicholas Welshans <nicholas.s.welshans@gmail.com>  
Sent: Monday, May 16, 2022 11:09 AM  
To: Lisa Shackleton <lisa@myclearviewhome.com>  
Subject: Re: Street Trees

Hi Lisa,

I am interested in the spruce trees. The one that still exists is in pretty rough shape, so I wouldn’t hate if that one is pulled and then replaced too. I was going to have it cut before the end of the summer anyway, as its not going to last too much longer anyway.

On Thu, Aug 18, 2022 at 7:45 AM Lisa Shackleton <lisa@myclearviewhome.com> wrote:

Good Morning,

Previously you mentioned wanting the spruce tree replaced on your lot. Were you still interested in that replacement? We are targeting the week of August 29th for replacement.

Thank you,

Lisa Shackleton

Hi Lisa,  

This is Jackie and Daniel Humeniuk from Lot 5 Waldon Meadows. We are requesting that no trees are planted on our lot and they can be moved elsewhere in the community.

We recently have planted 40 emerald arbor vitae, 3 flowering trees in addition to the several trees that were already on our lot. We cannot have any more trees planned and since we are the homeowners of the property we are not permitting any to be planted.

The township has informed that we do not need to accept trees since we are established residents. Thank you,

Jackie Humeniuk
LOT 11

Hey Lisa,

I am on Lot 11 and we have some landscaping that will be installed at the end of May with tree additions and the tree placement outlined in the attached PDF for lot 11 would dramatically interfere with the plan we’ve already established. Is there any way we can simply not have the tree planted on our property?

Thanks and I look forward to your response.

-Matthew Rippin

LOT 21

Lisa,
As we have trees in our yard already we don’t want any more planted. Lot 21
Much thanks!
Kind Regards,
Ron Schoenstein ron.schoenstein@gmail.com

LOT 12

Lisa,

No, we are not interested. Lot 22

On Thu, Aug 18, 2022 at 7:50 AM Lisa Shackleton <lisa@myclearviewhome.com> wrote:
Drew Curi dscuri11@gmail.com

No, I don’t want 2, sorry for that.

Steven Hsieh
AQP/Quality Supervisor
TIS-CMS BU, Networking
3499 W. Hamlin Road
Rochester Hills, MI 48309

LOT 6

Hi Lisa,

I unfortunately was not on this original email, or I would have responded sooner.

Given that we had agreed to our tree installment prior to the irrigation and grass being installed in our yard, we can no longer accept the tree to be planted on our property. We are concerned for the damage of our irrigation and yard, and will no longer permit the tree planting.

My apologies for the late notice, but I thank you in advance for your understanding.

Katelyn Awdish
LOT 9 REAR YARD
LOT 10 REAR YARD ARBORVITAES
LOT 10 SIDE ARBORVITAE
1 OF 2 YARD TREES

RECEIVED
APR 20 2023
Orion Township Planning & Zoning
TO: Tammy Girling, Planning Director

FROM: John L. Enos, AICP, Township Planner

DATE: May 16, 2023

RE: Waldon Meadows Landscaping Amendment Request

The applicant Clearview Homes is requesting an amendment to the landscape plan as approved by the Planning Commission. Specifically, the applicant is requesting permission to meet the intent of the approved plan. Some residents have requested that the trees as shown on the approved site plan and approved by the Planning Commission not be planted on their property due to the fact they have already moved into their homes and do not want the plantings.

The submitted information and amended plans show the approved landscape plan and the `plants installed by the developer (Clearview Homes) as well the plants installed by residents. We note that residents have planted several evergreen trees, primarily Arborvitae. However, that does not negate the requirement of tree plantings by the developer who is requesting what is currently planted, be approved.

Recommendation

While we understand and appreciate the fact that the developer wanted to plant all the trees at one time, they should have made sure the residents buying and moving into these new homes were aware of the requirements that at least one tree would be planted in their front yard. In order to rectify this situation, we would recommend one of the following:

1. Provide the missing trees that are shown on the approved site plan, approximately thirteen (13) deciduous trees, primarily Red Oak and Sugar Maple elsewhere on the site. This can be either in open space areas or on other units as approved by the individual resident.

2. Coordinate with the Orion Township Parks Department to find locations where the required trees could be planted within public areas in the Township.

3. Allow for current tree plantings Clearview Homes in combination with what has already been planted by current residents.
Dutton East Retail is part of a commercial development called Dutton Park. Dutton Park is comprised of two parcels. The eastern parcel (Dutton East Retail) has been developed, while the western parcel remains vacant.

Dutton Park Site Plan was approved on February 3, 2021 with plans dated August 27, 2021. The August 27, 2021 plans included a landscape plan.

ITC needed to install power lines along Dutton Rd., which necessitated an easement on Dutton Park’s property. ITC went to the Board of Trustees for them to determine the poles were “essential services,” which exempts ITC from zoning requirements. As a result, we received an application for an Administrative Review to approve to amend the Dutton East Retail Landscape plan within the area of the ITC easement to amend or eliminate plantings in the easement.

The amended landscape plans which address the ITC easement were Administratively approved 3/16/2023.

Now, Dutton Park applicant is requesting to further amend the landscape plan to address site challenges.
TO:       The Charter Township of Orion Planning Commission
FROM:       Tammy Girling, Planning & Zoning Director
DATE:        June 15, 2023
RE:       PC-23-21 Dutton East Retail Revised landscape plan

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Landscape Open Space Tree Count Waiver (Ord. No. 78, Section 27.05A, 3, a, ii)**

**Motion 1:** In consideration of the overall design and impact of the revised landscape plan, I move that the Planning Commission **approve/deny** a landscape open space tree count waiver on all boundaries for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1, 2023, based on the applicant **did/did not** demonstrate the landscaping is in keeping with the intent of section 27.05 of the ordinance: (motion maker insert findings of facts).

**Parking Lot Landscaping Adjacent to Roads Tree Count and/or Tree Type Waiver (Ord. No. 78, Section 27.05A, 4, a)**

**Motion 2:** I move that the Planning Commission **approve/deny** a parking lot landscaping tree count and/or Tree type waiver on the north (Premier Dr.), east (Bald Mountain Rd.), and south (Dutton Rd.) boundaries for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1, 2023. This **approval/denial** is based on the following finding of facts:

- a. Limited Parcel Depth (Insert any findings of facts),
- b. Existing vegetation (Insert findings of facts),
- c. Other site factors which limit the practical application of landscaping standards (Insert findings of facts),

**Parking Lot Landscaping Adjacent to Roads Hedge/Wall/Fence/Berm Waiver (Ord. No. 78, Section 27.05A, 4, b)**

**Motion 3:** I move that the Planning Commission **approve/deny** a parking lot landscaping hedge/wall/fence/berm waiver on the north (Premier Dr.), east (Dutton Rd.), and south (Dutton Rd.) boundaries for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1, 2023, based on the applicant **did/did not** demonstrate the landscaping is in keeping with the intent of the ordinance: (motion maker insert findings of facts). This **approval/denial** is based on the following finding of facts:
a. Limited Parcel Depth (Insert any findings of facts),
b. Existing vegetation (Insert findings of facts),
c. Other site factors which limit the practical application of landscaping standards
   (Insert findings of facts),

**Landscape Berm Slope Waiver (Ord. No. 78, Section 27.05A, 5, b,i)**

**Motion 4:** I move that the Planning Commission approve/deny a berm slope waiver for
the east (Bald Mountain Rd.) boundary for PC-23-21, Dutton East Retail Revised
landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for
plans date stamped received June 1, 2023, based on the applicant did/did not
demonstrate the landscaping is in keeping with the intent of the ordinance: (motion
maker insert findings of facts).

**Landscape Interior Parking Lot Tree Waiver (Ord. No. 78, Section 27.05A, 6, b)**

**Motion 5:** I move that the Planning Commission approve/deny an interior parking lot
tree count and tree type waiver for PC-23-21, Dutton East Retail Revised landscape
plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date
stamped received June 1, 2023. This approval/denial is granted/not granted because
the applicant did/did not demonstrate the following:

a. The parking lot consists of only one (1) aisle (Insert any findings of facts),
b. The area surrounding the parking lot is heavily landscaped (Insert findings of facts),
c. Where existing off-street parking drives and/or structures are located on the parcel
   (Insert findings of facts),

**Landscape Interior Parking Lot Island Width Waiver (Ord. No. 78, Section 27.05A,
6, c)**

**Motion 6:** I move that the Planning Commission approve/deny an interior parking lot
island width waiver for PC-23-21, Dutton East Retail Revised landscape plan, located at
4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received
June 1, 2023. This approval/denial is granted/not granted because the applicant
did/did not demonstrate the following:

a. The parking lot consists of only one (1) aisle (Insert any findings of facts),
b. The area surrounding the parking lot is heavily landscaped (Insert findings of facts),
c. Where existing off-street parking drives and/or structures are located on the parcel
   (Insert findings of facts),

**Landscaping (Ord. No. 78, Section 27.05)**

**Motion 7:** I move that the Planning Commission grants revised landscape plan
approval for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald
Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1,
2023 based on the following findings of facts (motion maker to insert findings of
facts).

This approval is based on the following conditions:

a. (Motion maker to list any unresolved issues related to the Township Planner’s
   review letter).
b. (Motion maker to list any additional conditions).
I move that the Planning Commission **denies** revised landscape plan approval for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1, 2023. This **denial** is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission **postpones** revised landscape plan approval for PC-23-21 Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 1, 2023 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s review letter).
APPLICATION FOR LANDSCAPE REVIEW

Case Number PC- 23 - 21

*PROOF OF OWNERSHIP MUST BE INCLUDED IN THE APPLICATION*

(Acceptable documentation includes: Warranty Deed, Quick Claim Deed, Land Contract, and Option to Purchase with a Copy of the Warranty Deed. If the applicant is not the property owner, then written authorization from the property owner must be included.)

NOTICE TO APPLICANT

The following application must be completed (incomplete applications / plans will be returned to the petitioner) and filed with the Township. The plans must meet the landscaping requirements listed in the zoning district of the subject property and the criteria specified in Section 27.05 of Zoning Ordinance No.78. If it is determined that the modifications are not minor, then review and approval by the Planning Commission will be required. Please refer to Section 30.02E for a complete list of application requirements.

Date 05/30/2023 Project Name Dutton East Retail

Applicants Name Henry Yandt Construction, LLC (Contact: Shaun Houck)

Applicants Address 1615 S. Telegraph Rd

City Bloomfield Hills State MI Zip Code 48302

Phone# (248) 709-9104 Fax # E-Mail shouck@henryyandt.com

Property Owner Name Premier Drive, LLC

Property Owner Address 1615 S. Telegraph Rd, Bloomfield Hills, MI 4802

Phone# (248) 709-9104 Fax # E-Mail shouck@henryyandt.com

Name of Firm/Individual who Prepared the plan Nowak and Fraus Engineers _ George Ostrowski

Address 46777 Woodward Ave, Pontiac, MI 48342

Phone# (248) 332-7931 Fax # E-Mail gostrowski@nfe-engr.com

*Please Indicate Above The Contact Person *

Property Description: 33
Location or Address of the Property: 4898 Bald Mountain Rd

Side of Street ______ West ______ Nearest Cross Streets: Dutton

Sidwell Number(s) 09-35-477-003 Total Acreage 1.88

Subdivision Name (if applicable)

Frontage (in feet) 455.96 Depth (in feet) 300

*Please Attach to the Application a Complete Legal Description of the Subject Property

Zoning Classification:
Subject Property IP, Industrial Park

Adjacent Properties:

North IP Industrial South Vacant

East Ajax West IP Industrial

Current Use of Property: One story 4,400 sf retail building

Modifications Proposed to the Landscape Plan:
See attached updated L998, Sheet L4, drawing dated 5/30/2023 revised per owner

**** 4 Sets Of The Landscape Plan Prepared In Accordance With The Orion Township Zoning Ordinance #78, And The Applicable Review Fees Found In Ordinance #41 Must Be Received With The Application *****

I hereby submit this application for Landscape Plan Approval, pursuant to the provisions of the Orion Township Zoning Ordinance, Ordinance #78, and any other applicable Township Ordinance requirements. In support of the application, I hereby certify that the information provided herein is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application) and on behalf of all owners of this property, I hereby grant the Planning Commission members and Township Building Department staff permission to perform a site walk on the property, without prior notification, as is deemed necessary.

Signature of Applicant 5/31/2023
Project Name:  Dutton East Retail
PC#:  Parcel#(s):  09-35-477-003

Please select an option below:

☒ Permission to Post on Web Site
By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

Signature of Applicant:  [Signature]
Printed Name of Applicant:  Shaun Houck
Date:  6/1/2023

☐ Do not want plans posted on Web Site
TO: Tammy Girling, Planning & Zoning Director

FROM: John L. Enos, Township Planner

DATE: June 12, 2023

RE: Dutton Rd. East - Administrative Landscape Review

This project is comprised of two parcels: an east parcel and a west parcel. The applicant is requesting a change to the approved Landscape Plan for the east parcel only (subject site). The Zoning Map designates the subject site as zoned Industrial Park, and Lapeer Road Overlay. The subject site has been developed with a retail building and associated parking accessed off of Bald Mountain Rd. and Premier Dr. The subject site also has frontage along Dutton Rd., which is the southern boundary of this parcel.

In 2022, as part of the ITC Transmission Mountain Interconnection project, the Township Board approved installation of overhead transmission lines on the north side of Dutton Rd., which is the south portion of the subject site. The resolution passed by the Township Board stipulated that the transmission lines within the Easement are an "essential service" and are exempt from the regulations of the ordinance. The resolution also states that removal of trees or landscaping within the easement does not render the properties non-conforming under existing site plans.

The applicant has provided a modified Landscape Plan (date stamped June 1, 2023), and has requested administrative approval of the proposed changes. We have evaluated this plan against the landscape ordinance and the Lapeer Road Overlay ordinance, while considering the modifications within the ITC easement.

Landscape Ordinance – Sec. 27.05

Landscape Design Standards:
The general landscape standards are summarized below. We have assessed the plan based on these standards, and provided comments in italics following each:

1. All portions of the landscaped area shall be planted with live plant material. Provided.

2. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area. The plans show 63,774 s.f. of landscaped open-space area, requiring 22 trees across the site (or 63,774/3,000 = 22 trees). The applicant is requesting a waiver for all trees due to retaining wall tie-backs and overhead utilities along all three frontages.
In looking at an aerial photo (March, 2023), retaining walls and overhead lines do not interfere with tree installation in the areas shaded in green below. These areas are also outside of the ITC Easement. It may be possible to install more trees in these areas than shown on the proposed plan.

**Figure 1: Potential Tree Locations on Subject Site (as of March, 2023)**

The ordinance allows the Planning Commission to reduce or waive the requirements above, provided that such adjustment is in keeping with the intent of the Zoning Ordinance, and Sec. 27.05. The applicant will need to discuss the proposed waiver with the Planning Commission.

3. All landscaped areas shall have an underground irrigation system, or access to a readily available and acceptable water supply (1 hose bib within 100-feet of planted material to maintain). *Note #19 under General Landscape Notes indicates that all landscape areas shall be irrigated with an automatic underground system.*

**Parking Lot Landscaping Adjacent to Roads**

1. One (1) tree per 30 lineal feet, or fraction thereof, is required within a 20-foot wide greenbelt between an on-site parking lot and a street right-of-way. In addition, a hedge, wall, decorative metal fence, or berm with a vertical rise of at least 30-inches is required within a greenbelt. If a wall/fence is used, at least one shrub or vine is required per 10 lineal feet of wall/fence, located on the street side.
Dutton Rd.: As mentioned above, the subject site’s frontage along Dutton Rd. is located within an ITC Easement, and landscape ordinance requirements don’t apply within this easement. A retaining wall of various heights has been constructed within this area. The Landscape Plan shows installation of a mix of ornamental grasses and shrubs that will have various mature heights.

The applicant is requesting a waiver from the landscape requirements along the Dutton Rd. greenbelt. However, since the area is within the ITC Easement, and the Township Board’s resolution regarding ordinance requirements in the easement, no waiver is necessary. The proposed landscaping within the easement will benefit the view of this site from Dutton Rd.

ITC approval will be necessary for the proposed plantings in the Easement. Note that Emerald Green Arborvitae and Serviceberry (proposed in Easement) are not on the ITC list of Compatible Plantings.

Premier Dr.: 220 l.f. of greenbelt / 30 = 8 trees (Measurement scaled from west property boundary to where this greenbelt intersects with 20-foot wide Bald Mountain Rd. greenbelt).

Three multi-stemmed ornamental trees and one shade tree are provided along Premier Dr. It is likely that the ornamental trees are used so as to not interfere with the overhead powerline since they are located very close to the existing lines. This type of tree will grow to approximately 15-25-feet tall under ideal conditions. The shade tree is located outside of the greenbelt, further back on the site and away from the overhead powerlines. (Note: A second shade tree is planted in this area, which we apply to the “parking lot perimeter” requirements.) This part of the site could accommodate additional shade trees, arranged in a grouping similar to a small woodland patch.

Based on our calculations, this greenbelt is deficient by the use of ornamental trees (vs. shade trees), and by the number of trees proposed. The applicant is requesting the Planning Commission grant a waiver for the number of required greenbelt trees.

Twenty (20) shrubs that have a mature height of 3-5-feet are also proposed along this frontage. No shrubs are proposed along this frontage to the west of the entry drive, or to the east so that the hedge meets up with the proposed hedge along Bald Mountain Rd. A shrub hedge should extend to these areas to reduce the visual effect of the parking area and meet the intent of the ordinance. Another option is the Planning Commission granting a waiver for the required shrubs.

Bald Mountain Rd.: 165 l.f. of greenbelt / 30 = 6 trees (Measurement scaled from Premier Rd. right-of-way to ITC Easement on south end of site).

The proposed plan shows three shade trees, and a hedge of 20 evergreen shrubs. The plans request a Planning Commission waiver for the number of trees. Note that the shrub hedge is located on the side of a berm, but neither the hedge nor berm extends across the entire parking lot frontage. The hedge and/or plantings, or the berm should be extended to screen the view of the parking lot from Bald Mountain Rd. Another option is a Planning Commission waiver.

2. No landscaping is proposed within the areas used for sight distance at any road intersection, or intersections of a driveway with a road, meeting this requirement. Note that the additional trees and shrubs suggested above can be accommodated outside of the sight distance areas.

3. Berms in conjunction with a greenbelt must be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal, with at least a two (2) foot flat area on the top. The proposed plan locates a berm along Bald Mountain Rd. The slopes on the proposed berm need to be flattened slightly to meet this requirement.
**Interior Parking Lot Landscaping**

1. Parking lots with more than 20 spaces shall contain a minimum of 20 square feet of interior landscaping per parking space, and one (1) tree per 200 s.f. of interior landscaping. **Counting the spaces shown on the Landscape Plan, the subject site has 53 parking spaces; therefore, 1,060 square feet of interior landscaping is required.** Also, six (6) trees are required. We have the following comments:
   a. The notes under the heading “landscape Requirements” states that there are 55 parking spaces provided. However, the plans only show 53 parking spaces. The 2021 plan shows 55 parking spaces. Compared to the 2021 plan, the revised Landscape Plan removed one space along the west property line for the dumpster, and removed one space along the south property line. It is unclear if this reduction in parking spaces complies with the parking requirements of the ordinance, and should be confirmed.
   b. The “Landscape Requirements” note states that the design provides 1,427 s.f. of interior landscaping, and 3 trees. The plans meet the requirements for interior landscaping area, but do not meet the requirements for interior trees. Also, the proposed tree species is a multi-stemmed tree, but not a shade tree. Three more trees need to be added to the plans and the proposed trees modified to a “shade” species, or the applicant may request a modification or waiver of this requirement from the Planning Commission.
   c. Regarding the three parking lot islands on the south end of the building, they are slightly narrower than the minimum 10-foot width, and should be widened. (Note: this includes the island on the southern end of the 9-space parking bay.) The parking lot islands on the north end of the building generally meet the 10-foot dimension requirement. However, all landscape islands are smaller than the required 200 square feet, and need to be enlarged to meet this requirement.
   d. All parking lot islands will have sod as a ground cover, and are protected with curbs. Also, they are dispersed to guide vehicles around the building.
   e. The applicant may ask the Planning Commission to modify these requirements in the case where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped.

**Material Standards and Specifications**

1. The proposed plant material meets the minimum size requirements, except for the Little Quick Fire Hydrangea. We would expect the proposed 3 Gallon to not meet the minimum 24” height at planting; this should be modified to a 5 Gallon.

2. The Landscape Plan includes a note regarding maintenance that is consistent with the ordinance requirements.

**Tree and Woodland Protection – Sec. 27.12**

The 2021 plans (Sheet L-1) show removal of 38 “protected” trees from the subject site (easterly parcel). None of the removed trees on this site are considered Landmark Trees. This ordinance section requires that one tree be planted for each tree removed. A note under “Landscape Requirements” states that no replacement trees are provided on this site. Thirty-eight (38) 2.0-caliper inch replacement trees need to be planted on the subject site, or the applicant could request that the Planning Commission waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform, and the applicant proposes a contribution to the Tree Fund, in an amount reasonably related to the cost of the tree replacement being waived.
Lapeer Road Overlay District – Article XXXV

The landscaping requirements in this overlay district reference the same landscape and tree preservation regulations listed above.

Summary of Comments

The revised Landscape Plan does not meet the following ordinance requirements. The ordinance permits an applicant to request the Planning Commission waive or modify the requirements, based on certain standards:

1. **Landscaped open space** requires 22 trees; none proposed. The Planning Commission must determine that a waiver or adjustment is in keeping with the intent of the Zoning Ordinance, and Sec. 27.05.

2. **Parking lot landscaping adjacent to roads.** The Planning Commission may waive or modify the requirements subject to one or more of the following conditions: limited parcel depth, existing vegetation, or other site factors which limit the practical application of landscaping standards:
   a. **Dutton Rd.** : ITC approval of proposed landscaping within the Easement.
   b. **Premier Dr.** : Eight (8) trees required; three (3) ornamental and one (1) shade tree proposed. Hedge screening parking lot from road is not proposed across entire frontage.
   c. **Bald Mountain Rd.** :  
      i. Six (6) trees required; three (3) shade trees proposed. Hedge screening parking lot from road is not proposed across entire frontage.
      ii. Slopes on proposed berm need to be slightly flattened to meet ordinance requirements.

3. **Interior parking lot landscaping.** The Planning Commission may waive or modify these requirements where the parking lot consists of only on (1) aisle and the area surrounding the parking lot is heavily landscaped, or where existing off-street parking drives and/or structures are located on the parcel.
   a. Confirm that proposed number of parking spaces (2 fewer than approved plans) meets ordinance requirements for use.
   b. Six (6) trees required for interior landscaping; three (3) multi-stemmed (vs. “shade” species) trees are proposed.
   c. Parking lot islands don’t all meet 10-foot minimum width requirement, or 200 s.f. minimum area requirement.

4. **Plant material.** Increase size of Little Quick Fire Hydrangea from 3-gallon to 5-gallon to meet minimum size requirements.

5. **Tree and woodland protection.** The Planning Commission may waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform, and the applicant proposes a contribution to the Tree Fund, in an amount reasonably related to the cost of the tree replacement being waived.
   a. Thirty-eight (38) replacement trees required; none provided.

CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President

540
Tiffany Sanders

From: Mark Landis <Mark.Landis@ohm-advisors.com>
Sent: Thursday, June 1, 2023 11:55 AM
To: Tiffany Sanders
Cc: Tammy Girling; John Enos; Jeff Williams
Subject: RE: PC 23-21 Dutton East Retail Landscape Review

Tiffany,

It appears the plantings over the watermain are limited to perennials and small shrubs which is fine.

Plantings have been excluded from the majority of the septic field area. The minor encroachment is a couple of hydrangea which shouldn’t be an issue.

No additional review necessary.

Thanks

MARK LANDIS, PE | OHM Advisors® | est.1962
PROJECT MANAGER
D (248) 751-3107  C (248) 342-8098  O (248) 751-3100
mark.landis@ohm-advisors.com | OHM-Advisors.com

From: Tiffany Sanders <tsanders@oriontownship.org>
Sent: Thursday, June 1, 2023 11:22 AM
To: John Enos <jenos@cwaplan.com>; Mark Landis <Mark.Landis@ohm-advisors.com>; Jeff Williams <jwilliams@oriontownship.org>
Cc: Tammy Girling <tgirling@oriontownship.org>
Subject: PC 23-21 Dutton East Retail Landscape Review

This Message originated outside your organization.

Good morning,

Please find the attached plan for a Landscape Review.

Mark and Jeff – will you please do a visual scan to verify no additional review is needed by either of you?

John – original site plans to follow for your reference in the current review. Original site plan was reviewed by prior Planner.

Regards,

Tiffany Sanders
Specialist – Planning & Zoning
Planning & Zoning Department
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5004
W: www.oriontownship.org
The fire department has reviewed the proposed documentation and has no concerns or need for an additional review at this time.

The only past concern we had was the curbed island that was installed in the east access drive. We worked with the applicant and had that changed to a mountable curb, so fire department access was not hindered.

If you need anything additional, please let me know.

---

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

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Good morning,

Please find the attached plan for a Landscape Review.

Mark and Jeff – will you please do a visual scan to verify no additional review is needed by either of you?

John – original site plans to follow for your reference in the current review. Original site plan was reviewed by prior Planner.

Regards,
FINAL DESIGN DEVELOPMENT IS COMPLETED AND APPROVAL BY ORION TOWNSHIP ONCE

4' DIA SPADE CUT EDGE W/ 3" SHREDDED BARK MULCH

September 15, 2021

APPROVED BY:

SOD INSTALLATION SHALL OCCUR ONLY:

PROPOSED 8' WIDE PEDESTRIAN

SHALL BE STABILIZED WHERE NECESSARY, AND LAID PERPENDICULAR TO SLOPES DAILY UNTIL ESTABLISHMENT. IN AREAS SUBJECT TO EROSION, SODDED LAW

MULCH, TYPICAL FOR HEIGHTS OVER 30". BLEND AROUND EXISTING POLE IN 30"

UNDISTURBED SUBGRADE ALL LAWN AREAS DESIGNATED TO BE SODDED, SHALL BE SODDED WITH DRAWN BY:

SPRING: APRIL 1 TO JUNE 1

ALL LAWN AREAS DESIGNATED TO BE SEEDED, SHALL BE HYDRO-SEEDED

TO REJECT ANY WORK OR MATERIAL THAT DOES NOT MEET THE REQUIREMENTS OF ALL LAWN AREAS

THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS, AND PIECES ON INCONSISTENT SIZE.

THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE SHALL HAVE THE RIGHT

nejgergmenentm&

TO THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT.

THE LANDSCAPE ARCHITECT FOR HEAVY

PLASTIC AND OTHER MATERIALS REMOVE ALL TAGS, STRING,

EVERGREEN TREE PLANTING DETAIL

SCARIFY SUBGRADE AND PLANTING MIX TO BE AMENDED PER

FIRST BRANCH USING 2-3" OF AREA PER SPACE, 1 TREE PER 200 S.F. OF AREA

ENTRY CONDITION TREES NOT ALLOWED

NOTES:

FOLD DOWN ALL BURLAP FROM TOP

HEDGE PLANTING DETAIL

REMOVE ALL NON-BIODEGRADABLE

HARDWOOD BARK. MULCH SHALL BE MULCH 3" DEPTH WITH SHREDDED

FOR UPRIGHT, 18" IF ANGLED.

SHRUBS

EVERGREEN TREE PLANTING DETAIL

PARSING LOT SHALL

ALL LAWN AREAS SATISFIES

GROUNDCOVERS/PERENNIALS

2.5" CAL 5' HT 5' OC

5' OC

DWARF SLENDER DEUTZIA 'NIKKO'

VIBURNUM LANTANA 'EMERALD GREEN ARBORVITAE

EUONYMUS ALATUS X 'LYNWOOD GOLD'

EXCATION PLANTING DETAIL

39 GAL

3 GALE

110 GAL

GROUNDCOVERS/PERENNIALS

2-PX 3-AB 3-PX 20-TD

LANDSCAPE REQUIREMENTS

ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED IN THE MOST

SUPPLY PLANT MIX DEPTH IN ALL PLANTING BEDS AS INDICATED IN PLANT DETAILS

CONTRACTOR WILL SUPPLY FINISHED GRADE AND EXCAVATE AS NECESSARY TO

BEING BACKFILLED. APPLICATION SHALL BE AT THE MANUFACTURERS RECOMMENDED

20 S.F OF AREA PER SPACE, 1 TREE PER 200 S.F. OF AREA

IN THE ITC EASEMENT

BALD MOUNTAIN ROAD: 211.69 L.F.

REQUIRED:

205 L.F. / 20 S.F. = 10 TREES REQUIRED

PARKING ABUTTING A R.O.W.

REQUIRED:

PARKING LOT SHALL

ALL PERIMETER LAWN AREAS

LANDSCAPE REQUIREMENTS

A HEIGHT ADEQUATE TO PROTECT PLANT MATERIALS FROM SNOW REMOVAL OPERATIONS, BETWEEN THE MANUFACTURER RECOMMENDED

20 S.F OF AREA PER SPACE, 1 TREE PER 200 S.F. OF AREA

GROUND COVER KEY

GROUND COVER KEY

0 = DORMANT LAW AT LEAST 1" THICK WITH 2" BARK MULCH

1 = GROUND COVER; USE 3 HARDWOOD STAKES

2 = ABOVE SURFACE BARE TO 6" DEEP, BARK MULCH

3 = GROUND COVER MISTED 3" DEEP MULCH MULCH
Vegetation Management: Compatible Plantings

Wire Zone:
- Boxwood
- Burning Bush
- Coralberry
- Cotoneaster
- Forsythia
- Globe Arborvitae
- Holly
- Hydrangea
- Mugho Pine
- Juniper
- Privet
- Redtwig Dogwood

Near Border Zone:
- Alberta Spruce
- Birdsnest Spruce
- All Annuals and Fleshy Perennials
Vegetation Management: Compatible Plantings [cont.]

Far Border Zone:

- Dogwood
- Dwarf Crabapple
- Japanese Maple
- Tree Lilac
- Redbud