CHARTER TOWNSHIP OF ORION
PLANNING COMMISSION REGULAR MEETING AGENDA
WEDNESDAY, JULY 5, 2023 - 7:00 PM
ORION TOWNSHIP MUNICIPAL COMPLEX BOARD ROOM
2323 JOSLYN ROAD
LAKE ORION, MI 48360

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 6-21-23, Planning Commission Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
   A. PC-22-39, Hudson Square PUD Final Plan, Plans Date Stamped 04-12-23 Approval of Destruction of Documents
   B. PC-21-90, Ridgewood Final PUD, Plans Date Stamped 11-21-22 Approval of Destruction of Documents
   C. PC-23-17, Edgar Development Administrative Review, Plans Date Stamped 05-01-23 Approval of Destruction of Documents
   D. PC-22-37, Stadium Ridge Apartments Site Plan, Plans Date Stamped 10-6-22, 11-30-22, 01-26-23 Approval of Destruction of Documents
   E. PC-23-15, Lapeer Road Burger King Site Plan & SLU, Plans Date Stamped 04-11-23, Approval of Destruction of Documents
7. NEW BUSINESS
   A. PC-23-23, Black Cat Beanery, Determination of Use/Uses Not Otherwise Included Within a District Request
   B. Discussion on tree preservation
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 21, 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
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jesica Gingell, Commissioner
Don Walker, PC Rep to ZBA
James Cummins, Commissioner
Kim Urbanowski, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT
None.

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
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Lisa Shackleton
Tom Beauchamp
Zeyad Alfred

3. MINUTES
A. 6-7-23, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Cummins, to approve the minutes as presented. Motion carried.

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

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

6. CONSENT AGENDA
None.

7. NEW BUSINESS

Chairman Reynolds asked the applicant to state their name and address for the record.

Lisa Shackleton representing Clearview Homes was present. Her address is 49305 Marsseilles Macomb Michigan, 48044.
Chairman Reynolds asked the applicant to give an overview.

Ms. Shackleton explained that she petitioned the Planning Commission to allow her to amend their landscape plan for Waldon Meadows Condominium. As part of their landscape plan, they were required to install yard or street trees along with some entry common area planting as well. All the common area plantings have been completed and inspected. At some point through the process, they were informed by the Planning Department that all landscaping in the community, including the yard or street trees, were to be inspected one year after the installation of the last item. She stated that it was their intention to plant all of the yard trees at one time so that the clock could start ticking once they were all installed. Several of the homeowners at the time had moved into their homes and did not want them to plant the trees once they had ownership of the homes. She did reach out to everybody in the community and everybody that was willing to accept a tree, they did install several of them did not want the trees. She explained the plan shows what they did attempt to install and what was already installed by other homeowners to give the Planning Commission an idea of what is on-site right now.

Chairman Reynolds thanked the applicant and turned it over to the Township Planner to read his review of the request.

Planner Enos read through his review dated stamped received May 17, 2023.

Commissioner Cummins stated that Clearview is an experienced builder. He continued on to say could not believe that they could have passed up the fact that they are going to omit thirteen or by his count as many as nineteen trees in this subdivision knowing that they were required to plant them. As they went to sell a lot, at least they should have told tell the owners they have two trees, they need to be planted, one tree whatever you are putting in there. Those trees should have been planted at the time that those lots were finished graded and they sold those lots.

Vice-Chairman Gross said that upon reviewing the site of the subdivision, he thought the developer did a pretty decent job of preserving and maintaining some existing trees on some of the lots. It is unusual that they did not mass-grade the entire site, but they did preserve some of the rather large trees, especially on the western border. The only area he saw that could use some assistance was on lot 4, which is the lot which backs up to Waldon Road on the west end of the subdivision. Lots 1, 2, and 3 have nice existing heavy trees along Waldon and lot 4 is bare. He thought that even if it is in the right-of-way, some additional landscaping along lot 4 would be very helpful in terms of screening that property from Waldon.

Chairman Reynolds stated that it was disappointing to have the development go down the way it did. Landscaping is something we factor in these developments so it was something that he thought he would like to see. He was understanding of the situation, understanding that it has been a while since it has been approved and built and there was some homeowner input on here. He thought that for him, it is the discussion of do we require what was previously approved, do we want to accept what they have done to date, or find some compromise in between? He did not want to go and start changing or shifting. Chairman Reynolds thought to go with one or the other, but he was open to working with this, at the same time, he would love to see the street trees, but he was also understanding that as a homeowner what that would mean.

Commissioner Gingell asked the applicant if the landscaping requirements are in the HOA documents for the street trees?
Ms. Shackleton stated that there is language in the Master Deed and By-Laws that talks about landscaping requirements that could be required by a municipality.

Commissioner Gingell wondered if our requirement was in there? Do we know?

Ms. Shackleton stated that she would have to check.

Commissioner Gingell stated that a lot of them say each house is required to have a street tree. She thought that this was overlooked in the HOA documents.

Ms. Shackleton said that she knew potentially in our PA, there may be some language between them and the buyer that indicates or discusses the potential of any municipality planting requirement.

Ms. Shackleton emphasized that it was never their intent not to plant the trees. They were not looking to walk away from that. While a sub of this size could potentially take two years to build out, if they plant a tree in year one and the last tree is planted two years later and then they have to warranty a tree for another year after that, then they were looking at a potential three-year period from the first tree. It is a combination of they cannot plant at the very beginning when the sub is under construction because these trees were required to be in the front yard and not in the right-of-way. They cannot grade, they cannot build a house with a tree there and at that point, there is not a public right-of-way that would potentially give them access to put a tree in after the fact. These homeowners own their properties, and at that point they could not get in there. Ms. Shackleton ran the whole process and she made every attempt with every homeowner to try and get those trees installed. They even had several more that were even going to take them initially. Then at some point in the process, she went out a week later and the homeowners said forget it, they did not want them. She tried.

Commissioner Walker said that it seemed to him that all he heard was that these are the things she did not do. He did not hear a good reason why she did not do them. If she had done this before, she had to dot her I’s and cross her T’s. One of the reasons we grant PUDs and things of that nature is because of that tree ordinance. He is known as the “tree-man” and he takes it really, really seriously. He asked the applicant, that they heard and took the temperature of the Board, what would they suggest they do?

Ms. Shackleton said that they would have absolutely from the beginning offered to pay into a tree fund if that was an option. There is nowhere else to plant trees and she understood that Vice-Chairman Gross mentioned lot 4. If you look at the property line, that person’s property goes all the way to the pathway so that is his property, they cannot plant anything in there because it is the same argument that that is their property. That only leaves between the pathway and Waldon Road, which is the right-of-way, so they cannot put anything there either. There is a small area up front where there are just the little entry plantings. There is a small easement up there for those plantings but other than that every other piece of that sub is owned by somebody, so there is nowhere to put them. They had no problem with the Planner’s suggestion to work with Parks and Rec for the additional trees that were not planted there, but there is nowhere to put them on site.

Liaison Urbanowski stated it was her understanding that for any sort of tree fund, we would have to spend it within a certain amount of time. On top of that, some of the things that we have planned for Parks and Rec are not quite there and not ready to be done yet. We are at a point where we are not quite in a position to accept either one of those things. We do not have the space for them yet until we build a park which is not quite ready. If we take the money, we have
to spend it on trees and put it somewhere. We do not have a place for that either. We cannot take on the issue that was created by this.

Secretary St. Henry stated that our options are limited. He was curious why did the homeowners not want the trees?

Ms. Shackleton replied that she did not know. Some were adamantly angry that they absolutely did not want them; we were stuck.

Secretary St. Henry wondered what kinds of trees are these?

Ms. Shackleton stated that they were a variety.

Secretary St. Henry questioned are they of decent size?

Planner Enos replied yes, three and a half caliper, d.b.h. Planner Enos added that since they were trying to brainstorm here, what about the possibility to ask residents who will not shoo her off their property, whether they would be interested in an additional tree?

Ms. Shackleton stated that she thought that it might be possible.

Liaison Urbanowski said that is not a given. That would just be a possibility. That does not really solve the issue.

Planning & Zoning Director Girling added that it always seems like when there is an issue with a neighborhood, there is an issue with a neighborhood. She said that since day one even along the perimeter the mature standing pine trees, beautiful pine trees, the homeowners were in and saying I want to cut them down. Then, we had the corner lot 22 who had some trees, and they were like I do not like the trees. Landscaping has been the theme of the issue of this neighborhood since day one. For whatever reason, the homeowners that have moved in here are not even liking the existing ones that are to remain.

Secretary St. Henry said to continue with the discussion of a wacky idea. This is our community. There is a lot going on with the schools and so forth right now, a lot of construction. They just built a new elementary school in the Village, early childhood centers that are a year or two old. There are other buildings where there may be tree issues. Why don’t we try and work something out with the school district and see if they would be interested in any of those trees? Landscape their properties, he said since they are part of the community.

Chairman Reynolds questioned can we do that with our tree fund? Liaison Urbanowski wondered can we do that with what? Chairman Reynolds replied with the tree fund. Liaison Urbanowski stated no.

Chairman Reynolds thought that the parameters of it are very specific.

Planning and Zoning Director Girling indicated that we never created a tree fund. We would be creating something that we never had. There has been litigation on communities that had the tree fund. It cannot be just this fund of money that sits there. It has got to be spent relatively fast. She did not know what relatively fast is, but she remembered reading and thinking wow that is relatively fast. We are talking about creating something that does not exist plus we are talking about text amendments where we might even just eliminate that because of the hassle of it. Then, you are talking about not wanting physical trees. Unless there is somebody that physically has the ability to have thirteen trees delivered and they bear the responsibility, and
you just cannot deliver them and have them sit there. That was the problem we had
discussions previously with Parks and Rec about them opening a nursery but when they started
the number of trees we were talking about because this is coming up in a lot of cases, they were
like we just cannot handle that; we do not have the ability. They are larger, they are balled up
and they have got to be planted and they have to be ripped up and they have to be moved. The
conversation came to a close and it is not the direction they want to go.

Liaison Urbanowski asked the applicant if she had any other properties in the Township?

Ms. Shackleton replied no.

Secretary St. Henry re-emphasized the point that we do not have a tree fund. He suggested
that they think outside the box here a little bit. Let us figure out someplace else in our
community that could use thirteen nice trees.

Planning and Zoning Director Girling said that while we are researching it, where do the thirteen
trees go? They owe them to us until we figure it out? If we do not figure it out, do they have to
come back?

Secretary St. Henry wondered how long will it take to put some feelers out there for some trees?

Chairman Reynolds replied that it happens on a regular basis. That is why Liaison
Urbanowski spoke to what she did. This is a frequent topic of a project not fulfilling the tree
requirement and we have to try and scramble and try to find a place to put them. A lot of times,
we go to Parks and Rec or that other entity. Based on when we collect, then it becomes a task
of the Township to figure that out. It is almost like that has to be brought forth by the applicant
as a solution. To say, here is where we are going to go and us to bring that versus us assuming
the issue and then fixing it.

Secretary St. Henry suggested that maybe if the applicant threw those ideas out there, they
would consider doing that.

Vice-Chairman Gross wondered if MDOT would be willing to accept the thirteen trees? In the
median?

Chairman Reynolds replied that it is all hypothetic.

Planner Enos stated that there are options and as said we would like to see the applicant come
up with options. Whatever those options are in our Township; we do not know what those
options are.

Ms. Shackleton suggested Woodside Church or some other church. Maybe she could call them
and say would you like thirteen trees, something like that?

Chairman Reynolds confirmed that he was defending the process and our staff, and we
frequently run into this that we say hey here’s 46 trees right? By our legal requirements, we
cannot just say perfect, we will figure them out. Yes, he was sure there are needs in the
community, right? However, as of here today based on what the applicant is required to do
versus what we are willing to work with and here are the circumstances, we cannot hang our hat
on the what if. We want to hang our hat on we are going to donate these to so and so, right?
For us, on his behalf, he can understand the circumstances. He was very frustrated that it did
not go in in the first place and if there was not a good alternative solution of where these could
go within our Township, we would personally be requiring the site plan as it was originally
submitted. With that said, he did not know if anyone was willing to make a motion or if anyone wanted to have further discussion here, to allow the applicant to provide that solution to them.

Planning and Zoning Director Girling pointed out that along that line, as she was trying to think of because it comes back to staff following up, her mind was thinking that the plan before us is what is out there, which is lacking thirteen so perhaps if the Planning Commission is in favor of it, it would be a motion to approve this alternate plan with the condition that the applicant has to come back with written correspondence of who they are going to give in Orion Township the thirteen trees to.

Liaison Urbanowski added could we also put a couple of parameters on who they are given to.

Chairman Reynolds agreed with Liaison Urbanowski.

Planning and Zoning Director Girling added that it should also list the size of the trees.

Chairman Reynolds responded with of equal caliper.

Moved by Liaison Urbanowski, seconded by Commissioner Cummins, that the Planning Commission grants amended landscape plan approval for PC-23-16, Waldon Meadows Amended Landscape Review, located on the north side of Waldon Rd., west side of Lapeer Rd. (parcel #09-26-102-001 through 09-26-102-022) for plans date stamped received 4/20/2023 based on the following findings of fact: the applicant has demonstrated that there are no places within this plan to put the thirteen trees that are lacking and this is also conditioned upon the applicant coming up with an alternate plan for placing thirteen trees somewhere in the community in terms of public spaces or community spaces.

Discussion on the motion:

Chairman Reynolds requested that there be an amendment to the motion. The thirteen trees of equal d.b.h., required d.b.h. essentially, so they can flex that a little bit if it is not equally thirteen, they are at least getting the replacement quantity.

Ms. Shackleton clarified to the Planning Commission that they want the trees in a public facility of some sort.

Commissioner Walker questioned if there was a time limit within the motion. He suggested that there be a reasonable time limit in the motion itself.

Chairman Reynolds went back and clarified the intent of where these would go, something that is a community benefit.

Liaison Urbanowski interjected with something along the lines of a public space, library, civic areas, places that are enjoyed for free by the community maybe that is connected to some sort of charity or something. When we think in terms of when we do a PUD, we think of community benefit. She would like it to be a community benefit.

Chairman Reynolds suggested that we clarify it in the science of a community space or civic space within a 12-month period. He thought that whether it is a non-profit or not at least something that is a bigger picture.

Liaison Urbanowski wondered how are we going to verify this and make the approval? Are we making this incumbent upon the Planning and Zoning Director and
administratively to approve it or do we want to put it in front of the Planner again to see if that is good? Do we want to have it come back that we approve it? How are we making sure that this is being followed through?

Planner Enos proposed that it could be done administratively between the Planning and Zoning Director and himself as part of the motion. They provide that information location d.b.h. and they would bring it back to them and let them know what that was, but they can administratively handle that.

Planning and Zoning Director Girling asked if planted is meant literally planted? It is not correspondence, library, yes we are going to be accepting thirteen trees. Do they physically have to be planted? In which time they are planted, she will be notified and probably check with her ahead of time of the location, to make sure we are in agreement of the public space, then when they are planted, they get a hold of her, she goes out and counts thirteen trees, life is grand, we move on.

Chairman Reynolds made a clarification of the motion that it is intended that the administration would verify that the trees are physically planted within a 12-month period.

Planning and Zoning Director Girling said that as she pointed there is in the ordinance that we hold their money a year from when it is planted to make sure that it survives. Was she still going that year from when it was planted in this community space?

Chairman Reynolds and Liaison Urbanowski both replied yes.

Chairman Reynolds again clarified the performance guarantee as noted in the discussion for the motion.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Cummins, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.

B. PC-23-21, Dutton East Retail Landscape Review, located at 4898 Bald Mountain Rd. (parcel 09-35-477-003).

Chairman Reynolds asked the applicant to approach the podium, state their name and address for the record and give them a brief overview.

Tom Beauchamp representing the landowner and the tenant for the site located at 4898 Bald Mountain Rd. His address is 4865 Broomfield Way.

Mr. Beauchamp admitted that the site has been a challenging site. The site consisted of parcel one and parcel two. Parcel two is the large area behind Culver’s which was a landfill, the Sandison landfill. Up on the hill is where Joyology currently resides. In order to build within the property line, they had to build a retaining wall of two hundred fifty thousand dollars to get it to that edge so they could get a building on the property, to get a parking lot to meet the Fire Marshal’s requirement for twenty-six feet aisle ways and part of the property was actually across Premier Drive. It is just a very tight site. A month or two down the line, now all of a sudden, ITC comes through and they want to put their power poles. They have an easement and the applicant cannot have trees or anything below that. There are specific plants that are compliant that they could put there. There was an initial landscape package that was put together through the site plan process that was submitted that Nowak and Fraus had done. They came back
after a number of rounds with the ITC, changes that were required with them being in there and having a public utility improvement and then the owner moved in. Some of the things that they overlooked in the design was the impact of not only the new one but the existing power poles that DTE ran across along Bald Mountain and the Premier side. They added to the fact on the west elevation where they had to build this retaining wall, the retaining wall is twenty feet tall at the highest point. It was not twenty-one double A, it is six A but it is a stone that is twenty feet from the wall back into the parking lot. The little greenbelt that he has set up there, he cannot even plant anything in, plus roots would grow into the wall. There is a lot of hardship, and a lot of burden to try to find places to put trees. Additionally, they had to put in a septic field on the site because the location and elevations of the existing sanitary system trying to tie into something where they did not have property at that time. It would have been floating in the air to be able to get it to tie in. There have been a number of hardships to get to the point where they are at. They are going to throw thirty-eight trees around this property and try and make this stuff work. It has been very difficult. The building is going to be completely hit. There is understanding the ordinances and protecting the line of vision to the parking lots and different things. They did a revised site plan.

Planner Enos read through his review dated stamped received June 12, 2023.

Mr. Beauchamp understood what Planner Enos was saying. Mr. Beauchamp went on to point out specific areas on the proposed landscape plan. He stated that they want the trees to thrive; they want them to grow and if they are talking about adding one or two more trees in a corner, they could do that. They might be pine trees if the other two are deciduous. He stated there are three trees along Premier Drive. He pointed out he cannot plant in the area of the septic field. However, he mentioned an area of where he could put five trees but what they are trying to achieve, sometimes we get caught up in ordinances. He explained that he gets it because then everybody who does not come in here and it is a subjective deal of what do we do. He stated he does not know the answer and pointed to three big trees. He continues there is a power line but that comes more over the parking lot. It is not directly over. The three trees are directly under power lines. He stated they are not the ITC power lines that are along Dutton, but they are power lines from DTE. The trees have to be maintained and kept under the height that they are. He stated he did not know if it was 20 feet. In the interior, they have three trees now that may not be a typical shade tree. He reiterated that they spent a lot of money building a building too. The building is a beautiful building in the community. He expressed that you can cover it up with where people drive by, they see a forest. He continued to say he was not trying to be insensitive. This was not anything before, it was the top of the landfill. They have created something that he thought was beneficial to the community at a cost. It is not a cost issue to put trees here. If you guys come out of this and we got to put fifty trees on there, we will figure out how to do it. That is not what the intent is as we come in here. We want it to look presentable. The tenant wants it, and the landowner themselves wants it. He would be glad to work with the Planner’s landscape consultant if they have some ideas that made scene that we can actually put on paper and do this. George Ostrowski with Nowak and Fraus is a talented guy too and he has beaten me over the head every time we came back to him with these challenges.

Commissioner Walker stated that one of his least favorite arguments by an applicant is it is a challenging site because unless someone forced the applicant to do it, the applicant and their team picked this site, and you knew what the site looked like before you picked this site. The applicant knew it was a landfill. Commissioner Walker explained that he had the advantage of being on the Zoning Board and his Waze could not find this place at first. He could not figure out where he was going because maybe the streets are not in the latest addition of Waze. It is challenging but it is there. It was there when the applicant started. When they came in front of the Zoning Board, they wanted another sign. The applicant wanted a variance from the sign ordinance because it was so difficult to see the building; that was the pitch. The Board voted for
the applicant, but it was not a unanimous vote. It was a lot of discussion among the Board members about granting that variance. Some of us did not feel that it was not warranted. When he heard again today, it is a challenging site, it is a challenging site. He did not pick the site, someone on the applicant’s team did. He did not like the argument that much.

Commissioner Cummins commented that he looked over this pretty well. He drives past this almost every single day and regularly passes it on Dutton Road. He could tell them that it is not unreasonable. We have nothing that we can do with that ITC easement, of course. It is a legitimate waiver. He believed that probably the twenty-two open-space trees are going to be difficult for them to achieve. He believed that the rest of the trees could easily be achieved and probably add to the site. The applicant will still have great visibility of that building from Dutton and M-24. It is sitting on top of the mountain. Everyone will see Joyology’s building from the two most heavily traveled roads, so visibility is not going to be blocked by these trees. The street trees along Bald Mountain and Premier could easily be handled. He thought that the applicant had an adequate plan that they did when they did a cross between the ITC plan that was developed back in March and their proposed plan that he had today if they had a cross reference those two together and keep some of those larger shade trees and mix in some of the smaller trees; he thought that the applicant could come up with a pretty good plan that you do not have to waiver all the trees.

Liaison Urbanowski noted that even if they had landscaping around this building, there is no way anyone could miss it. It is right there. She asked if the applicant still had the lights on the side of the building too? The applicant replied they are gone. Liaison Urbanowski said she thought that they should go through every one of these waivers and talk about them and see what we think about them because there are a lot of waivers that they are asking and she wanted to be very specific on what we are expecting from them.

Chairman Reynolds agreed with Liaison Urbanowski. He voiced his thoughts. It seems like because there is a hardship it is like we are just jumping off the cliff and saying well let us just fight it. He thought that from the basis of approval, we rarely approve seven waivers on a project, especially of all one nature and belief. What he would like to have happen is the applicant come forth with a reduction of waivers with a proposed site plan versus just an open-ended here is seven, will you approve them? He thought there are areas where additional can be considered. Chairman Reynolds considered that there are some areas where there are potentially alternate methods; the applicant had heard discussion prior to their case of other opportunities if that might be considered. He understood the easements, he understood the parameters that cannot be controlled. He felt like there is a handful that are decisions being made here that are in defense of branding than in defense of landscaping. He did not want to necessarily say tit for tat. He would like to see a reduction in the waiver proposal.

Planner Enos interjected that he agreed with Chairman Reynolds. He thought that the applicant should come back before the Commission after reviewing our suggestions and also perhaps talking with our landscape architect. For example, the hedge rows running along Premier and/or extending along Bald Mountain. To extend those hedge rows may allow the applicant to speak with the Planning Commission and say hey we have extended these hedge rows three-to-five-foot hedge rows to block traffic and headlights. Can we have a waiver on tree removal? To walk through all these several waivers with the idea that hey we are going to give this or that changes the layout because he did not believe that the Commission will give you all of the waivers. It changes the layout of the plan. He would suggest as the Commission was talking about and the Chairman had mentioned to do what the applicant can based on our strong suggestions and they can certainly work with our landscape architect and have these discussions and bring this back with a lower number of waivers. At that point, the Commission may be able to have a conversation on what works or does not work.
Liaison Urbanowski expressed that the compatible planting list that was included with them from ITC. She looked at their website and there are a couple of different suggestions for things that can be planted along their easement on the ITC website. There are additional ideas on where the trees can be planted.

Planning and Zoning Director Girling mentioned that she and Planner Enos have talked about this. The landscape section of the ordinance gets repetitive. Where it might appear to be one, two, three, four, five, six waivers it is because there is a requirement here under this section and there is a requirement here under this section. It is still talking about the same area but because it is two different sections of the ordinance, it compounds itself. It makes it look worse than it is. Again, your decision on whether you look at these each before a motion is on the table and we are out of here. She did have to say in defense, it can look worse than it is just because of the multiple places we talk about landscape in the ordinance.

Chairman Reynolds understood and acknowledged that our ordinance can sometimes be a little messy. He guessed just plans aside, he felt like there is some opportunity here to make up and make an honest attempt at areas that have been pointed out today. Walking in, saying that this is the requirement and then it is all off the table. Chairman Reynolds thought there are some areas that we can still provide some additional. He would consider because of those hardships of the public spaces and utilities there could be some others maybe on the adjacent properties or another area. His intent here is he did not want to keep talking about sure they can just push them elsewhere because that is not his end goal with our ordinance. His opinion would be to have an opportunity to revise and resubmit based on some of the discussions.

Liaison Urbanowski wanted to make sure that they are all clear about what they would like each one of us; what we are expecting to see when it comes back. As many trees as possible, plantings where you can, understanding that some issues have happened and that is understandable. She believed that there is plenty of opportunity here to do some nice landscaping and put some trees in. She would like to see a valiant effort.

Chairman Reynolds mentioned what the applicant brought forth to the Planning Commission tonight and what he thought the applicant had. He thought that within reason, some of these areas of where they changed and what you are doing in lieu of, especially if there is some of the low plantings or something. There are opportunities to fill in some more on the site and then also he would be open to other contributions personally. He did not know there were other thoughts here because things like a power line are obviously a difficult parameter, but it could be an opportunity for another location to receive trees.

Secretary St. Henry concurred with Chairman Reynolds in seeing another plan, using as many trees as possible for landscaping. He also agreed that just like the last case they looked at, there are creative opportunities to plant trees and benefit this community. He thought the applicant has an opportunity here to move forward with a strong idea another option if there are any extra trees. We are making you work a little, it is the way it goes.

Moved by Chairman Reynolds, seconded by Commissioner Cummins, that the Planning Commission postpone revised landscape plan approval for PC-23-21, Dutton East Retail Revised Landscape Review, located at 4898 Bald Mountain Rd. (parcel 09-35-477-003) for plans date stamped received 6/1/2023 for the following reasons: to provide time for the applicant to revise and resubmit a landscape plan that reduces the number of waivers and increases the number of tree plantings within the site or comes up with alternative solutions for the lack of plantings within the proposed development of the second.
Chairman Reynolds asked if there were any further discussions of the motion from the Planning Commission. There were none.

Chairman Reynolds asked if there were any public discussion of the motion. There were none.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Gingell, yes; Walker, yes; Cummins, yes; St. Henry, yes; Reynolds, yes. Motion carried 7-0.

8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds told everyone to enjoy the holiday coming up and the festivities in town and the fireworks and everything. He hoped that everyone enjoy themselves and to stay safe.

15. COMMISSIONERS’ COMMENTS
Liaison Urbanowski reminded everyone that by the end of next week, tax statements will be in the mailbox. Taxes are due. Starting July 1st, we can take payments and we will be here on July 3rd and July 5th but not July 4th.

16. ADJOURNMENT
Moved by Chairman Reynolds, seconded by Vice-Chairman Gross, to adjourn the meeting at 7:52 p.m. Motion carried.

Respectfully submitted,

Courtney Keisman
PC/ZBA Clerk
Charter Township of Orion

Planning Commission Approval Date
TO:    The Charter Township of Orion Planning Commission  
FROM:  Tammy Girling, Zoning/Planning Director  
DATE:  June 28, 2023  
RE:    PC-2022-39, Hudson Square Final PUD Destruction of Documents Date Stamped Received 4-12-2023

As per the provided Control Form, the hard copy for PC-2022-39, Hudson Square Final PUD date stamped received 4-12-2023 was compared to the electronic copy of the same and are comprised of the same pages and all pages are legible zoomed to 200%. A hard copy is available at the office for viewing prior to the meeting.

File Scanning Control Form For 24x36 Plan Sets

Project Name: Hudson Square PUD Final Plan
Project Number: PC-22-39
Date Stamped Received: 04/12/2023

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Reason for Destruction:
REVISED PLANS RECEIVED

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Scanner’s signature: Courtney Korman
Scanner’s printed name: Courtney Korman
Date: 04/12/2023

I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

Director’s signature: Tammy Girling
Director’s printed name: Tammy Girling
Date: 04/28/2023
SITE DEVELOPMENT PLANS
FOR
HUDSON SQUARE
3030 SOUTH LAPEER ROAD
PROPOSED MULTI-USE PLANNED UNIT
DEVELOPMENT

PID: 09-26-101-021
3030 SOUTH LAPEER ROAD
ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN

PLANS PREPARED BY:

STONEFIELD
engineering & design
Detroit, MI • New York, NY • Boston, MA
Princeton, NJ • Tampa, FL • Rutherford, NJ
www.stonefieldeng.com
607 Shelby Suite 200, Detroit, MI 48226
Phone: 248.271.1115

PLAN REFERENCE MATERIALS:

1. THE PLAN SET REFLECTS THE FOLLOWING DOCUMENTS
   including all referenced plans:
   - SURVEY PERFORMED BY KEPP ING ENGINEERING, INC.
   - SITE PLAN PERFORMED BY KEPP IN G ENGINEERING, INC.
   - ARCHITECTURAL PLANS PERFORMED BY STONEFIELD
   - AERIAL MAP FROM GOOGLE EARTH
   - Project Site Flow, 800' E - 500' W, 0' - 200' N

2. CREATED USING ESRI TOPOGRAPHIC TOPOGRAPHIC DATA
   AND AUTODESK AUTOCAD SOFTWARE

3. ALL INFORMATION PROVIDED IS ACCURATE TO THE BEST OF THE INFORMATION SUPPLIED.
   THE INFORMATION SUPPLIED IS SUBJECT TO CHANGE AS PERMIT ISSUANCES AND OTHER APPROVALS.
   THE PLANS ARE FOR REFERENCE PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS CONSTRUCTION DOCUMENTS.

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TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: June 28, 2023
RE: PC-2021-90, Ridgewood Final PUD Destruction of Documents Date Stamped Received 11-21-2022

As per the provided Control Form, the hard copy for PC-2021-90, Ridgewood Final PUD date stamped received 11-21-2022, was compared to the electronic copy of the same and are comprised of the same pages and all pages are legible zoomed to 200%. A hard copy is available at the office for viewing prior to the meeting.

SUGGESTED MOTION: Move to authorize Liaison Urbanowski to sign the Construction Document Reproduction Affidavit for PC-2021-90, Ridgewood Final PUD for plans date stamped received 11/21/2022.
**File Scanning Control Form For 24x36 Plan Sets**

**Project Name:** Ridgewood Final PUD  
**Project Number:** PC-21-90  
**Date Stamped Received:** 11/21/2022

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**Reason for Destruction:** REVISED PLANS RECEIVED

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Scanner’s signature: **Courtney Kisman**  
Scanner’s printed name: **Courtney Kisman**  
Date: **6/7/2023**

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Director’s signature: **Tammy Girling**  
Director’s printed name: **Tammy Girling**  
Date: **6/28/23**
UTILITY NOTE:

BENCHMARKS:

NOTE:

LEGEND

OH

FLOOD NOTE

DECEMBER 5, 2018

ORIGINAL ISSUE DATE:

DRAWING NUMBER:

REVISIONS

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

Proj. No. 2017-031

Part of the Ne 1/4 of Section 15, T4N, R10 E Orion Township, Oakland County, Michigan

Caution!!
The locations and elevations of existing underground utilities as shown on this drawing are only approximate. No guarantee is either expressed or implied as to the completeness or accuracy thereof. The contractor shall be exclusively responsible for determining the exact utility locations and elevations prior to the start of construction.

Tiburon Investments, LLC
1700 W Big Beaver, Suite 120
Troy, MI 48084

www.storeyengineering.com

Date By Description

TSS DN. TSS SUR. AWP P.M. TSS

625 W Clarkston Road

No.

3 Full working days before you dig call

www.missdig.net
1-800-482-7171 (Toll Free)

Miss Dig System, Inc.
48264 Manchester
Macomb, MI 48044
(586) 216-1043

Engineering Group, LLC

C-1.0

Scale: 1" = 40'
Landscape Summary

General Landscaping

Net Site Area 450,580 s.f.
Less Wetland and Buffer 98,707 s.f.
Less Impervious Area 180,709 s.f.
Net Site Area 171,161 s.f.

Trees Required 57 Trees (171,161 / 3,000)
Trees Provided 104 Trees (104 Existing Trees Located Outside of Wetland, Greenbelt and ROW Areas)

Greenbelt - West and South
Greenbelt Length 987 l.f. (Net Wetland and Buffer)
Trees Required 32.9 Trees (987 / 30')
Trees Provided 33 Trees (15 Existing)

Greenbelt - Clarkston Road
Greenbelt Length 749 l.f.
Trees Required 24.9 Trees (749 / 30')
Trees Provided 25 Trees (20 Existing)

Street Trees
Street Frontage 2,770 l.f.
Street Trees Required 55.4 Trees (2,770 / 50)
Street Trees Provided 56 Trees

Woodland Replacement
Total Replacement Required 121 Trees, 2.0" Deciduous or 6' Evergreen
146 Trees, 3.0" Deciduous or 8' Evergreen
Trees Provided 42 Trees, 2.0" Deciduous or 6' Evergreen
146 Trees, 3.0" Deciduous or 8' Evergreen
Trees Paid into Tree Fund 79 Trees (121 - 42)
## Tree List

### Woodland Summary

- **Total Trees**: 993 Trees
- **Total Trees Removed**: 568 Trees
  - **Trees Preserved**: 425 Trees (42.8%)
  - **Regulated Trees Removed**: 121 Trees
    - **Regulated Trees Replacement**: 121 Trees
  - **Landmark DBH Removed**: 437"
    - **Landmark Replacement Required**: 146 Trees (437 / 3)
      - **Total Replacement Required**: 121 Trees, 2.0" Deciduous or 6' Evergreen
      - **146 Trees, 3.0" Deciduous or 8' Evergreen**

### Legend

- **Building**: Tree is located within a Building Envelope and is Exempt.
- **Detention**: Tree is located within a Detention Pond and is Exempt.
- **Drive**: Tree is located within a Driveway and is Exempt.
- **EX**: Tree recommended for replacement exemption per Ordinance Sec. 27.12(D)8
- **EX-DED**: Tree has been identified as being infected with Dutch Elm Disease.
- **Landmark**: Tree designates at Landmark Status per Ordinance Sec. 27.12(L)
- **Landmark EX**: Tree recommended for replacement due to very poor or dead condition.
- **Remove**: Tree is removed and will be replaced.
- **ROW**: Tree is located within a Right of Way and is Exempt.
- **Street**: Tree is located within a Street and is Exempt.
- **Utility**: Tree is located within a Utility and is Exempt.

Tree inventory performed by Mike's Tree Surgeons, Inc.
**DECIDUOUS TREE PLANTING DETAIL**

- Tree shall be watered before and after planting is complete.
- Plants shall be full, well-branched, and in healthy vigorous growing condition.
- All plants shall be north Midwest American region grown, No. 1 grade plant materials, Pipe Stone to Match.
- Plants shall be watered before and after planting is complete.
- Plants shall be full, well-branched, and in healthy vigorous growing condition.

**EVERGREEN TREE PLANTING DETAIL**

- Tree shall be watered before and after planting is complete.
- Plants shall be full, well-branched, and in healthy vigorous growing condition.
- All plants shall be north Midwest American region grown, No. 1 grade plant materials, Pipe Stone to Match.
- Plants shall be watered before and after planting is complete.
- Plants shall be full, well-branched, and in healthy vigorous growing condition.

**TREE PROTECTION DETAIL**

- Tree shall be protected with a tree guard. The tree guard shall be installed around the trunk of the tree, leaving the root flare exposed to air.
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**SHRUB PLANTING DETAIL**

- Shrubs shall be protected with a tree guard. The tree guard shall be installed around the trunk of the tree, leaving the root flare exposed to air.
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- Shrubs shall be protected with a tree guard. The tree guard shall be installed around the trunk of the tree, leaving the root flare exposed to air.
TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Zoning/Planning Director

DATE: June 28, 2023

RE: PC-2023-17, Edgar Development Administrative Review Destruction of Documents Date Stamped Received 5-1-2023.

As per the provided Control Form, the hard copy for PC-2023-17, Edgar Development Administrative Review date stamped received 5-1-2023 was compared to the electronic copy of the same and are comprised of the same pages and all pages are legible zoomed to 200%. A hard copy is available at the office for viewing prior to the meeting.

SUGGESTED MOTION: Move to authorize Liaison Urbanowski to sign the Construction Document Reproduction Affidavit for PC-2023-17, Edgar Development Administrative Review for plans date stamped received 5/1/2023.
**File Scanning Control Form For 24x36 Plan Sets**

**Project Name:** Edgar Development Administrative Review

**Project Number:** PC-23-17

**Date Stamped Received:** 05/01/2023

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Scanner’s printed name: **Courtney Keisman**

Date: **6/17/2023**

I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

Director’s signature: **Tammy Gilding**

Director’s printed name: **Tammy Gilding**

Date: **10/18/2013**
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: June 28, 2023
RE: PC-2022-37, Stadium Ridge Apartments Site Plan Destruction of Documents
    Date Stamped Received 10-6-2022, 11-30-2022 & 1-26-2023.

As per the provided Control Form, the hard copy for PC-2022-37, Stadium Ridge Apartments Site Plan date stamped received 10-6-2022, 11-30-2022 & 1-26-2023 was compared to the electronic copy of the same and are comprised of the same pages and all pages are legible zoomed to 200%. A hard copy is available at the office for viewing prior to the meeting.

File Scanning Control Form For 24x36 Plan Sets

Project Name: Stadium Ridge Apartments Site Plan
Project Number: PC-22-37
Date Stamped Received: 01/26/2023

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Reason for Destruction:
REVISED PLANS RECEIVED

I have scanned the file listed above and, as per my initials indicate, verified the number of physical pages match the number of pages scanned into Laserfiche as well as verified that all pages scanned are clear and legible at a 200% enlargement.

Scanner’s signature: Courtney Kiesman
Scanner’s printed name: Courtney Kiesman
Date: 01/17/2023

I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

Director’s signature: Tammy Girling
Director’s printed name: Tammy Girling
Date: 01/28/2023
PROPOSED
STADIUM RIDGE APARTMENTS
PART OF THE SOUTHEAST 1/4 OF SECTION 14, T.4N., R.10E.,
ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN

SITE PLANS

Developer
MC STADIUM RIDGE LLC
46500 Romolo Plank Rd, Suite 5
Macomb, MI 48044
Phone: (586) 266-1203

Project Engineering Consultant
LAND DEVELOPMENT CONSULTING SERVICES, INC.
46500 Romolo Plank, Suite 2 PHONE (586)266-2350
MACOMB, MI 48044 FAX: (586)266-2351

PROPERTY DESCRIPTION

The proposed project is located in the SE 1/4 of Sec 14, T.4N., R.10E., Orion Township, Oakland County, Michigan. The property is approximately 18.5 acres and consists of a single family residential development property located within the Town of Orion, Oakland County, Michigan.

SITE PLANS

Sheet List
01. COVER
02. OVERALL SITE PLAN
03. DETAILED LAYOUT PLAN WEST
04. DETAILED LAYOUT PLAN EAST
05. TOPOGRAPHIC SURVEY
06. GRADING PLAN WEST
07. GRADING PLAN EAST
08. UTILITY PLAN WEST
09. UTILITY PLAN EAST
10. PRELIMINARY LIFT STATION PLAN
11. WETLAND PLAN
12. TREE SURVEY WEST
13. TREE SURVEY SOUTHEAST
14. TREE SURVEY NORTHEAST
15. TREE SURVEY EAST CHART
16. LANDSCAPE PLAN
17. PHOTOMETRIC DETAILS

IRRIGATION PLANS
IR-1 IRRIGATION PLAN WEST
IR-2 IRRIGATION PLAN EAST

ARCHITECTURAL PLANS
01. STADIUM RIDGE APARTMENT FIRST FLOOR PLAN
02. STADIUM RIDGE APARTMENT SECOND FLOOR PLAN
03. STADIUM RIDGE APARTMENT ELEVATIONS

LOCATION MAP
TOWNSHIP OF ORION
OAKLAND COUNTY, MICHIGAN

SUBMISSION/REVISIONS

RECEIVED
January 26, 2023

Permit Matrix
AGENCY | PROJECT | PERMIT NO. | EXPIRATION DATE
--------|---------|-----------|-------------------
--------|---------|-----------|-------------------
--------|---------|-----------|-------------------

CHARTER TOWNSHIP OF ORION PERMITS

1. Permits shall be secured prior to commencement of construction.
2. A certified copy of the permit shall be posted at the job site.
3. All permits shall be renewed annually.
4. Permits shall be renewed annually.

CHARTER TOWNSHIP OF ORION FIRE DEPARTMENT NOTES

1. All permits shall be secured prior to commencement of construction.
2. Permits shall be renewed annually.
3. A certified copy of the permit shall be posted at the job site.

CHARTER TOWNSHIP OF ORION PLANNING & ZONING

1. All permits shall be secured prior to commencement of construction.
2. Permits shall be renewed annually.
3. A certified copy of the permit shall be posted at the job site.
4. Permits shall be renewed annually.

L E A D LAND DEVELOPMENT CONSULTING SERVICES, INC.
46500 Romolo Plank, Suite 2 PHONE (586)266-2350
MACOMB, MI 48044 FAX: (586)266-2351

CERTIFIED BY:

January 26, 2023
1-1/2" BIT WEARING COURSE MDOT HMA 13A OR 5E
8" MDOT AGGREGATE BASE
COURSE MDOT 21AA LIMESTONE
COMPACTED SUBGRADE TO 95% OF MAX DENSITY
BOND COAT 0.10 GAL/SY
2-1/2" BIT LEVELING COURSE MDOT HMA 3C OR 3E
NOTE:
TREE SURVEY PERFORMED BY KING & MACGREGOR ENVIRONMENTAL, INC ON 06-25-2018. PROJECT#18022
SEE SHEET 13 FOR CONTINUATION
Tree protection will be erected prior to start of construction activities, and shall remain in place until construction is complete. No person may conduct any activity within the drip line of any tree designated to remain; including, but not limited to placing solvents, building material, construction equipment, or soil deposits within drip lines. Grade changes may not occur within the drip line of protected trees. During construction, no person shall attach any device or wire to any remaining tree. All utility service requests must include notification to the installer that protected trees must be avoided. All trenching shall occur outside of the protective fencing.

**TREE PROTECTION NOTES**

1. 
2. 
3. 
4. 
5. 
6. 

**NOTE:** TREE SURVEY PERFORMED BY KING & MACGREGOR ENVIRONMENTAL, INC ON 06-25-2018. PROJECT#18022
IRRIGATION DESIGN IS FROM THE POINT OF CONNECTION (POC) ONLY. THE DESIGN IS BASED ON DOLLAR PER SQUARE FOOT/ACRE معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل قدم مربع/acre معدلات مالية لكل 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IRRIGATION SPECIFICATIONS

1. IRRIGATION DESIGN IS FROM THE POINT OF CONNECTION (POC). THE DESIGN IS BASED ON GALLONS PER MINUTE (GPM) OR GALLONS PER SQUARE INCH (PSI) AS REQUIRED BY THE LOCAL CODE. ALL PERCENTages BASED ON 0% ELEVATION CHANGE IN THE AREA OF IRRIGATION.

2. ALL PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND ACCORDING TO LOCAL BUILDING, ELECTRICAL, AND PLUMBING CODES.

3. IRRIGATION CONTRACTOR SHALL INSTALL POSTS REQUIRED BY LOCAL AGRICULTURE AND ORDINANCES DURING THE COURSE OF CONSTRUCTION AS REQUIRED. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH LOCAL CODE.

4. INSTALLING IRRIGATION HOSES WITH A MINIMUM OF 12" OF COVER BASED ON SOIL CONDITIONS. INSTALL HOSES BETWEEN HOSES AND HOSES TO HOSES WITH HOSES BASED ON FINISH GRADES.

5. PIPE MATERIALS AND PIPE SIZES BASED ON PIPE SIZES AS INDICATED.

6. ALL WORK SPACED OR SPACED HOSES SHALL BE MADE WITH APPROVED WATERPROOF HOSES CONNECTIONS AND HOSES IN A VALE OF MICRON size.

7. ALL HOSES ARE TO BE INSTALLED PERPENDICULAR TO FINISH GRADES, EXCEPT AS OTHERWISE INDICATED.

8. IRRIGATION HOSES WITH A MINIMUM OF 12" OF COVER BASED ON SOIL CONDITIONS. INSTALL HOSES BETWEEN HOSES AND HOSES TO HOSES WITH HOSES BASED ON FINISH GRADES.

9. PIPE MATERIALS AND PIPE SIZES BASED ON PIPE SIZES AS INDICATED.

10. ALL WORK SPACED OR SPACED HOSES SHALL BE MADE WITH APPROVED WATERPROOF HOSES CONNECTIONS AND HOSES IN A VALE OF MICRON size.

11. ALL HOSES ARE TO BE INSTALLED PERPENDICULAR TO FINISH GRADES, EXCEPT AS OTHERWISE INDICATED.

12. IRRIGATION HOSES WITH A MINIMUM OF 12" OF COVER BASED ON SOIL CONDITIONS. INSTALL HOSES BETWEEN HOSES AND HOSES TO HOSES WITH HOSES BASED ON FINISH GRADES.

13. PIPE MATERIALS AND PIPE SIZES BASED ON PIPE SIZES AS INDICATED.

14. ALL WORK SPACED OR SPACED HOSES SHALL BE MADE WITH APPROVED WATERPROOF HOSES CONNECTIONS AND HOSES IN A VALE OF MICRON size.

15. ALL HOSES ARE TO BE INSTALLED PERPENDICULAR TO FINISH GRADES, EXCEPT AS OTHERWISE INDICATED.

16. THE DESIGN IS BASED ON THE SITE INFORMATION AND/OR DRAWINGS SUPPLIED WITH THE DESIGN CRITERIA BASED ON SITE. THE DESIGN CRITERIA BASED ON SITE IS TO BE USED.

17. WATER SOURCE INFORMATION, ELECTRICAL POWER AVAILABILITY, ETC. TO SITE.

18. LANDSCAPE SUPPLY BASED ON NO RESPONSIBILITY OR LIABILITY FOR ANY ERRORS IN DESIGN OR INSTALLATION THAT ARE DUE TO REASONS IN THE WORKS OR MISTAKES IN INFORMATION SUPPLIED TO SITE. LANDSCAPE SUPPLY BASED ON RELATION TO THIS PROJECT, UNLESS OTHERWISE NOTED.

IRRIGATION DESIGN IS FROM THE POINT OF CONNECTION (POC). THE DESIGN IS BASED ON GALLONS PER MINUTE (GPM) OR GALLONS PER SQUARE INCH (PSI) AS REQUIRED BY THE LOCAL CODE. ALL PERCENTages BASED ON 0% ELEVATION CHANGE IN THE AREA OF IRRIGATION.

ALL PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND ACCORDING TO LOCAL BUILDING, ELECTRICAL, AND PLUMBING CODES.

IRRIGATION CONTRACTOR SHALL INSTALL POSTS REQUIRED BY LOCAL AGRICULTURE AND ORDINANCES DURING THE COURSE OF CONSTRUCTION AS REQUIRED. ALL WORKS TO BE PERFORMED IN ACCORDANCE WITH LOCAL CODE.

INSTALLING IRRIGATION HOSES WITH A MINIMUM OF 12" OF COVER BASED ON SOIL CONDITIONS. INSTALL HOSES BETWEEN HOSES AND HOSES TO HOSES WITH HOSES BASED ON FINISH GRADES.

PIPE MATERIALS AND PIPE SIZES BASED ON PIPE SIZES AS INDICATED.

ALL WORK SPACED OR SPACED HOSES SHALL BE MADE WITH APPROVED WATERPROOF HOSES CONNECTIONS AND HOSES IN A VALE OF MICRON size.

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WATER SOURCE INFORMATION, ELECTRICAL POWER AVAILABILITY, ETC. TO SITE.

LANDSCAPE SUPPLY BASED ON NO RESPONSIBILITY OR LIABILITY FOR ANY ERRORS IN DESIGN OR INSTALLATION THAT ARE DUE TO REASONS IN THE WORKS OR MISTAKES IN INFORMATION SUPPLIED TO SITE. LANDSCAPE SUPPLY BASED ON RELATION TO THIS PROJECT, UNLESS OTHERWISE NOTED.
**File Scanning Control Form For 24x36 Plan Sets**

**Project Name:**  
Stadium Ridge Apartments Site Plan

**Project Number:**  
PC-22-37

**Date Stamped Received:**  
11/30/2022

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**Reason for Destruction:**

REVISED PLANS RECEIVED

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I have scanned the file listed above and, as per my initials indicate, verified the number of physical pages match the number of pages scanned into Laserfiche as well as verified that all pages scanned are clear and legible at a 200% enlargement.

**Scanner’s signature:** Courtney Keisman

**Scanner’s printed name:** Courtney Keisman

**Date:** 2023-11-30

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I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

**Director’s signature:** Tammy Girdog

**Director’s printed name:** Tammy Girdog

**Date:** 2023-08-22
NOTE:
TREE SURVEY PERFORMED BY KING & MACGREGOR ENVIRONMENTAL, INC ON 06-25-2018. PROJECT#18022
NOTE:
TREE SURVEY PERFORMED BY KING & MACGREGOR ENVIRONMENTAL, INC ON 06-25-2018. PROJECT #18022

SEE SHEET 13 FOR CONTINUATION
Tree protection will be erected prior to start of construction activities, and shall remain in place until construction is complete. No person may conduct any activity within the drip line of any tree designated to remain; including, but not limited to placing solvents, building material, construction equipment, or soil deposits within drip lines. Grade changes may not occur within the drip line of protected trees. During construction, no person shall attach any device or wire to any remaining tree. All utility service requests must include notification to the installer that protected trees must be avoided. All trenching shall occur outside of the protective fencing.

**TREE PROTECTION NOTES**
1.
2.
3.
4.
5.
6.

**NOTE:** TREE SURVEY PERFORMED BY KING & MACGREGOR ENVIRONMENTAL, INC ON 06-25-2018. PROJECT# 18022

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**TREE PROTECTION DETAIL**

**NOTE:**
- All survey requests must include notification to the installer that protected trees must be avoided.
- All trenching shall occur outside of the protection zone.
X34° FLOODLIGHT

Small but mighty...the versatile X34. 5 sizes, 8 lumen packages and 2 finishes.

X34°

Details and Performance

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| Luminaire Construction | Die-Cast Aluminum |}

Ordering Information

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RAB

3000 West 50th Street
Chicago, IL 60632

Tel: 800-722-7224
Fax: 773-889-0778

As a leader in the lighting industry, RAB is committed to providing high-quality, energy-efficient products that meet the needs of architects, engineers, and contractors. Our X34° FLOODLIGHT is just one example of our commitment to excellence in design and performance. Whether you're looking for a specific size or lumen package, we have the options you need to meet your requirements. Contact us today to learn more about our products and how we can help you with your next project.
IRRIGATION SPECIFICATIONS

1. IRRIGATION DESIGN IS FOR THE POINT OF CONNECTION (POC). THE DESIGN IS BASED ON GALLONS PER MINUTE PER SQUARE FOOT DETERMINED BY OTHERS.

2. IRRIGATION DESIGN IS FOR THE POINT OF CONNECTION (POC). THE DESIGN IS BASED ON GALLONS PER MINUTE PER SQUARE FOOT DETERMINED BY OTHERS.

3. IRRIGATION CONTRACTOR IS TO VERIFY POINT OF CONNECTION IN THE FIELD. INSTALLER IS TO CONFIRM THE MINIMUM DISCHARGE REQUIREMENTS OF THE POINT OF CONNECTION AS INDICATED ON THE LEGEND PRIOR TO INSTALLATION.

4. THE PRESSURE REQUIREMENT AT THE POINT OF CONNECTION IS BASED ON NO MORE THAN A 1" DEVIATION CHARGE IN THE AREAS OF IRRIGATION.

5. ALL PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS AND ACCORDING TO LOCAL BUILDING, ELECTRICAL, AND PLUMBING CODES.

6. IRRIGATION CONTRACTOR WILL ARRANGE INSTRUCTIONS REQUIRED BY LOCAL AGENCIES AND INSPECTORS DURING THE COURSE OF CONSTRUCTION AS REQUIRED. ALL WORKS TO BE IN PHA LOCAL CODE. BACHLOR'S PREMIUM TO BE PHA LOCAL CODE.

7. LOCATION OF IRRIGATION COMPONENTS SHOWN ON DRAWINGS IS APPROXIMATE. ACTUAL LOCATION MAY VARY SLIGHTLY AS REQUIRED TO ACHIEVE FULL EVEN COVERAGE.

8. ALL SPRINKLER HOSES SHALL BE INSTALLED PERPENDICULAR TO FINISH GRADES ACCORDING TO OTHERS ANNOTATIONS.

9. INSTALL IRRIGATION HOSES WITH A MINIMUM OF 10' COVER BASED ON FINISH GRADES. INSTALL IRRIGATION HOSES WITH A MINIMUM OF 10' COVER BASED ON FINISH GRADES.

10. PIPE LOCATIONS ARE DIAGRAMMATICAL. VALUES AND PIPE SIZES SHOWN IN PHA AREAS ARE FOR DIAGRAMATIC CLARITY ONLY.

11. THE IRRIGATION CONTRACTOR SHALL COMPLY WITH PIPE SIZES AS INDICATED.

12. ALL WORK VISUALS (Photos, Plans, Etc.) SHALL BE COMPLIANT WITH ADEQUATE WATERPROOF WORK CONNECTIONS AND BE A IN VA MACHINE OR SPA BOXES.

13. ALL CONTROL WORKS DOWNSTREAM OF THE CONTROLLER IS TO BE 2 IN. OR 3 IN. INSULATED DIRECT BURY.

IRRIGATION SCHEDULE

IRRIGATION DESIGN

IRRIGATION PROJECT: MAGEE AVE.

IRRIGATION LATERAL LINE: Polyethylene Pipe 100 PSI 1" 26,412 l.f.

IRRIGATION PIPE: PVC Class 160 SDR 26 2" 851.4 l.f.

Valve Size

Design Date: 11/29/22

Drawn By: DS

Checked By: C ME

REVISIONS

Drawing Title: STADIUM RIDGE APARTMENTS

Drawing Scale: 1" = 1'

Project Number: 078788

Sheet Number: IR-1

SCALE: 1" = 1'-0"
IRRIGATION SPECIFICATIONS

1. IRRIGATION DESIGN IS BASED ON THE PERFORMANCE CHARACTERISTIC OF THE PRODUCT MARKETED AS UPON ORDERING THE PRODUCT. THE DESIGN IS BASED ON THE PERFORMANCE CHARACTERISTIC OF THE PRODUCT MARKETED AS UPON ORDERING THE PRODUCT.

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[Diagram of Irrigation System]
File Scanning Control Form For 24x36 Plan Sets

Project Name: Stadium Ridge Apartments Site Plan

Project Number: PC-22-37

Date Stamped Received: 10/06/2022

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Reason for Destruction:
REVISED PLANS RECEIVED

I have scanned the file listed above and, as per my initials indicate, verified the number of physical pages match the number of pages scanned into Laserfiche as well as verified that all pages scanned are clear and legible at a 200% enlargement.

Scanner’s signature: Courtney Keisman
Scanner’s printed name: Courtney Keisman
Date: 6/17/2023

I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

Director’s signature: Tammy Gilding
Director’s printed name: Tammy Gilding
Date: 6/28/23
# Proposed

## Stadium Ridge Apartments

**Part of the Southeast 1/4 of Section 14, T.4N., R.10E., Orion Township, Oakland County, Michigan**

### Site Plans

**Developer**

MAC Stadium Ridge LLC

4600 Romeo Plank Rd, Suite 5

Macomb, MI 48044

Phone: (586) 265-1203

**Project Engineering Consultant**

Land Development Consulting Services, Inc.

4600 Romeo Plank, Suite 2

Phone: (586) 688-2350

Fax: (586) 688-2351

### Sheet List

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<td>Overall Site Plan</td>
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<td>03</td>
<td>Detailed Layout Plan West</td>
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<td>04</td>
<td>Detailed Layout Plan East</td>
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<td>Topographic Survey</td>
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<td>Grading Plan East</td>
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<td>Tree Survey East Chart</td>
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### Architectural Drawings

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<td>Stadium Ridge Apartment Second Floor Plan</td>
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<tr>
<td>03</td>
<td>Stadium Ridge Apartment Elevations</td>
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### Location Map

**TOWNSHIP OF ORION**

Oakland County, Michigan

**Received**

Oct 6, 2022

Orion Township Planning & Zoning
Tree protection will be erected prior to start of construction activities, and shall remain in place until construction is complete. No person may conduct any activity within the drip line of any tree designated to remain; including, but not limited to placing solvents, building material, construction equipment, or soil deposits within drip lines. Grade changes may not occur within the drip line of protected trees. During construction, no person shall attach any device or wire to any remaining tree. All utility service requests must include notification to the installer that protected trees must be avoided. All trenching shall occur outside of the protective fencing.

**TREE PROTECTION NOTES**

1. Tree preservation will be requested prior to start of construction activities, and a work plan shall be submitted to the city.
2. This permit may only be issued when the project is complete and all required steps have been taken.
3. Soil changes may not occur within the drip line of protected trees.
4. During construction, no person shall attach any device or wire to any remaining tree.
5. All utility service requests must include notification to the installer that protected trees must be avoided.
6. All trenching shall occur outside of the protective fencing.

**NOTE:**

Tree survey performed by King & MacGregor Environmental, Inc., on 06-25-2018. Project #18022
TO: The Charter Township of Orion Planning Commission  
FROM: Tammy Girling, Zoning/Planning Director  
DATE: June 28, 2023  
RE: PC-23-15, Lapeer Road Burger King Site Plan & Special Land Use Destruction of Documents Date Stamped Received 4-11-2023

As per the provided Control Form, the hard copy for PC-23-15, Lapeer Road Burger King Site Plan & Special Land Use date stamped received 4-11-2023, was compared to the electronic copy of the same and are comprised of the same pages and all pages are legible zoomed to 200%. A hard copy is available at the office for viewing prior to the meeting.

File Scanning Control Form For 24x36 Plan Sets

Project Name: Lapeer Road Burger King Site Plan & SLU
Project Number: PC-23-15
Date Stamped Received: 4-11-2023

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Reason for Destruction:

Revised plans received.

I have scanned the file listed above and, as per my initials indicate, verified the number of physical pages match the number of pages scanned into Laserfiche as well as verified that all pages scanned are clear and legible at a 200% enlargement.

Scanner’s signature: Courtney Keisman
Scanner’s printed name: Courtney Keisman
Date: 6/14/2023

I have verified that the file above has satisfactorily been scanned into Laserfiche following the Township’s policy on document scanning.

Director’s signature: Tammy Girdler
Director’s printed name: Tammy Girdler
Date: 4/28/23
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: June 28, 2023
RE: PC-23-23, Black Cat Beanery Determination of Use

As requested, I am providing a suggested motion 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.

**Uses Not Otherwise Included Within a District (Ord. No. 78, Section 27.02E)**

**Motion 1:** I move that the Planning Commission determines the use as described in the application for PC-23-23, Black Cat Beanery, **is/is not** clearly similar in nature to the uses and/or compatible with the listed or existing uses in any district listed in Ordinance #78 (insert findings of facts).

*If Motion 1 is found to be similar and/or compatible with listed or existing uses, please provide use and districts as appropriate. No further motions needed.*

*If Motion 1 is found to be not similar and/or compatible with listed or existing uses, proceed to:*

**Determination of compatibility (Ord. No. 78, Section 27.02E)**

**Motion 2:** I move that the use and characteristics as described in the application for PC-23-23, Black Cat Beanery, has are compatible for use in ____________ district(s) as listed in Ordinance #78 (insert finding of facts such as daily traffic count, types of merchandise or service provide, types of goods produced, and expected hours of operation).

**Type of Use (Ord. No. 78, Section 27.02E)**

**Motion 3:** I move that the use described in the application for PC-23-23, Black Cat Beanery, is a ____________ (insert use by right, special land use, or accessory use) in the ____________ district(s) (insert finding of facts).

1. Are there any Standards and Conditions to be required for the use?
2. What is the name of this use as described in the application?
TO: Tammy Girling, Planning & Zoning Director
FROM: John L. Enos, Township Planner
DATE: June 16, 2023
RE: Black Cat Beanery Determination of Use

The applicant is requesting a determination of use/uses not specifically otherwise included within a district, Section 27.02. The applicant has not provided a specific location but is researching a location within the GB, RB or BiZ zone.

The proposed use as described by the applicant is a “Cat Café” which is a commercial use that will house 10-15 cats, provide coffee, beverages, and snacks for patrons and allow patrons to spend time with the cats. The cats would be available for adoption and be provided to the facility from a local rescue. The applicant is planning to work without a food service license and offer self-serve refreshments only. The applicant is requesting that if determined permissible in the above zoning districts that food service could be added at a later date.

In the evaluation of a proposed use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics. The applicant has provided a determination of use application with required information.

Per the Ordinance, if the Planning Commission finds that the proposed use is similar in nature and/or compatible with permitted or existing uses and the Commission shall determine whether the proposed use shall be permitted by right, a special land use, or permitted as an accessory use.

General Business (GB)

The General Business District allows a variety of eating and drinking establishments as both permitted and special uses (Section 14.01). In addition, pet grooming and daycare are allowed as permitted use.
Restricted Business (RB)

The Restricted Business District allows a variety of eating and drinking establishments as both permitted and special uses (Section 11.01). In addition, pet grooming and daycare are allowed as a permitted use.

Brown Road Innovation Zone

The most comparable use in this zoning district would be a restaurant and that is considered ancillary uses or support uses (Type B) and animal kennel boarding (Type C) and shall only be allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size.

Recommendation

As described and as required by the Ordinance we are of the opinion the use differentiates from a “traditional” café, pet day care, restaurant or similar use enough that it is not spelled out specifically and should be classified as a use not otherwise classified within our Ordinance. This being the case and due to the combination of animals and food/drink that we allow the use a special land use within the RB, GB or BIZ Zoning Districts. While we may not want to draft specific ordinance language based on the unique and limited number of uses that will ever be proposed the Planning Commission should think of potential conditions that may be attached to the use when and if formally requested. These could include but not be limited to:

1. All cats must be spayed, neutered and vaccinated.
2. Provide detailed description of waste and litter control.
3. Provide hygiene requirements.
4. Maximum number of cats on premises shall be #
5. Would the animals be removed at night?
6. Is health department approval required?
7. Would the cats be sold or adopted free of charge.
CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

2323 Joslyn Road
Lake Orion, MI 48360
(248) 391-0304

DETERMINATION OF USE
Case Number PC- 23 - 23

IF A SPECIFIC LOCATION IS KNOWN FOR THE PROPOSED USE
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 at least three (3) weeks prior to
a scheduled Planning Commission meeting in order to initiate a request for determination
of use. Regular meetings of the Planning Commission are held on the first and third
Wednesday of each month at 7:00 p.m. at the Orion Township Hall, 2323 Joslyn Road,
Lake Orion.

Date  6/13/2023  Project Name BLACK CAT BEANERY

Applicants Name  DAVID TANK

Applicants Address  44378 APPLE BLOSSOM DRIVE

City  STERLING HEIGHTS  State MI  Zip Code 48314

Phone# 248-635-6669  Fax # N/A  E-Mail TANKTRONIC@GMAIL.COM

Property Owner Name  property location unknown at this time

Property Owner Address  property location unknown at this time

Phone#  Fax #  E-Mail

*Please Indicate Above The Contact Person For The Proposed Project*

Property Description (If Known):
Location or Address of the Property: unknown, likely Baldwin b/w I-75 & Maybee

Side of Street  Nearest Cross Streets:
Sidewell Number(s)  Total Acreage
Zoning Classification:
Subject Property TBD

Adjacent Properties:

North ______________________________ South ______________________________

East ______________________________ West ______________________________

Description of the Proposed Use (If necessary, please attach additional sheets of paper) Cat Café: a facility which will house 10-15 cats, provide coffee, beverages, and snacks for patrons, and allow patrons to spend an amount of time with the cats. The cats would be available for adoption and provided to us from a local rescue. Our goal is to create a space where the community can enjoy the company of the animals, and find homeless animals a permanent home.

We are currently planning to work without a food service license, and offer self-serve refreshments only. We would like to have our use/zoning take into account the possibility of adding food service at a future date as allowed by the County. [please reference attached PowerPoint]

a. Projected Trip Generation of Use Our business plan assumes 10-20 guests on a weekday, and 30-50 guests on a weekend.

b. Type of Merchandise or Service Provided Mainly time spent with the animals for leisure, animal adoptions, self-serve gourmet coffee and pastries, and a small amount of retail merchandise (coffee beans, branded clothing, etc)

c. Expected Hours of Operation 20-35 hours per week, depending on demand.
   MON, THU, FRI, SAT, SUN: 2:00pm – 8:00pm [Closed TUE, WED]

d. Building Characteristics We are targeting a building approximately 1,400-2,000 sqft in size, ideally in a high-traffic retail location. We would like to be considered for any commercial/retail space in a GB, RB, or BIZ zone.

I hereby submit this application for a determination of use. 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.

June 14th, 2023

Signature of Applicant ___________________________ Date ___________________________
BLACK CAT BEANERY

PROPOSED CAT CAFÉ IN ORION TOWNSHIP
JUNE 13, 2023

Dave Tank
248-635-6669
tanktronic@gmail.com
WHAT IS A CAT CAFÉ?

• A cat café is a place that houses cats available for adoption, providing the public a chance to interact with the cats (usually for a fee/donation).
  • Some cafes have full-service food and beverage options available, some are essentially a shelter with some form of self-service coffee or beverage available for visitors.

• The cafes are usually located in commercial/retail spaces zoned for “normal” coffee shops.

• No cats (or dogs) belonging to customers are allowed in the building. The resident cats of the café are the only animals on site. They will typically “live” there until they are adopted out. At that time another animal needing a home from a partner shelter will be brought in.
• We would like to find a space between 1,300 and 1,800 square feet for the café. Of course, more space would be preferred if the lease rate was attractive.

• Our plan is to have between 10-15 cats on site at any given time. Our guideline is to have no more than one cat per 64 ft² for the comfort of both the cats and the customers. Regardless of size, we will be limited by our staffing to care for no more than this number of cats.

• Our planned buildout will separate the space into three sections:
  • **Cat Public Area** – this is where members of the public will interact with the cats [~800 ft²] It will be separated from the café area by a two-door vestibule to protect the cats from getting out. The cat area will be separated from the café area by permanent walls and this vestibule for its entire perimeter. If OCHD is amenable to granting a food license in the future, we would likely have to add a second HVAC unit for discrete air flow.
  • **Cat Back Area** – this is where the necessities for the cats (food and litter) will be kept, away from public view. Cats will be able to access the area through multiple “doggie doors” that will give them access but keep public customers out. This is also where cats that are currently ill or transitioning into the community will live temporarily in cages, as needed. [~200 ft²]
  • **Café Area** – this is where all other activities would take place, separated from the cat areas. This would include bathroom(s), counter/register, merchandise, and a dedicated café area with an assortment of self-serve coffee, beverages, and snacks available. [~800 ft²]
  • This design is intended to facilitate controlling paid entry into the cat area, as well as allowing individuals with allergy or other limitations to view the cats from the café area separated by a wall.
BLACK CAT BEANERY: OUR PROPOSED CAT CAFÉ

EXAMPLE LAYOUT, STRIP MALL LOCATION

TOTAL SQUARE FEET: 1680 sq ft

CAT/PERS MINIMUM SPACE: 8' x 8'

8 Cats

800 sq ft
CAT PUBLIC AREA

224 sq ft
CAT BACK AREA

64 sq ft
BATHROOM

144 sq ft
CAFÉ

24 sq ft
VESTIBULE

424 sq ft
MERCH/DESK/ETC

CUSTOMER INGRESS/EGRESS

COFFEE MACHINE
BEVERAGES
SNACKS

LITTER BOXES
HEADING CASES FOR NEW ANIMALS
"Hidding Place" for cats avoiding public
SUPPLIES

70' x 24'
The cats will be provided by a nearby rescue we have established a partnership with, and receive veterinary care from their full-service clinic.

Cats will rarely be coming to or from the building. Only when transferred in to live, adopted out, or receiving veterinary care. When being transported they will be in carriers and transferred in private non-commercial vehicles.

The cats will be able to roam freely inside their areas at all times. If one of the windows of the cat area is an exterior window, we will deploy shades/curtains when we are not open to reduce passers-by tapping on the glass or creating a disturbance.
• Our long-term goal is to be a full-service coffee shop. Oakland County Health Department communicated they cannot issue a food license at this time.

• To operate without a food service license and still provide our intended experience, we will offer a high-end self-service beans-to-cup coffee and cappuccino machine, and pre-packaged pastry from local bakeries to our visitors. We will have a partnership with a local roaster to provide Black Cat Beans for our customer’s coffee and for retail sale.

• Visitors will pay a set fee (between $10-20) to spend an hour in the cat room with the animals, and enjoy complimentary food and beverage. We also plan on holding special events to engage the community – cat yoga, book clubs, senior citizen events, etc.
BLACK CAT BEANERY: OUR PROPOSED CAT CAFÉ

• Our targeted location is along Baldwin Road, north of I-75 and South of Waldon. We would like to be as close as possible to Great Lakes Crossing to take advantage of their consumer traffic.

• We are hoping to be viewed as a RB/GB/BIZ/OP zoned entity so that we can make our home in a retail or office space – the ability to be seen by passers-by greatly increases the interest in our café and mission.
SUMMARY

• This project is a personal mission for myself and my business partner. The establishment of a friendly, safe space for cats and people to interact – and finding homes for homeless cats – is our passion. We have private funding secured and are ready to get started as soon as we have a home.

• If you have any questions about our planning or intent, please reach out to me at the contact information on the cover.

• Thank you for taking the time to learn about our potential venture in your city. We hope to serve you a coffee next to our cats in the near future ;)
TO: Tammy Girling, Planning & Zoning Director
FROM: Sally M. Elmiger, AICP, LEED AP
DATE: June 21, 2023
RE: Tree and Woodlands Protection Ordinance (Sec. 27.12)

We were asked to review the Tree and Woodlands Protection Ordinance, and offer suggestions that would assist Orion Township in better protecting its remaining tree/woodland resources. Listed below are suggestions that the Township may want to consider. We have started with “big picture” ideas, which would help support and be a basis for any future ordinance language. Then we discuss possible updates to the existing ordinance language.

**Big Picture Item:**

1. **Woodland Preservation as Part of Natural Feature Preservation.** As mentioned in the Zoning Enabling Act (Sec. 125.3203): “A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, ... to conserve natural resources and energy...” We suggest augmenting the Master Plan (possibly with an addendum), with a detailed inventory of tree and woodland resources, in combination with other natural features, such as streams, wetlands, steep slopes. The inventory should be mapped, and describe the various tree/woodland units (such as tree rows, woodlands), the general composition of the plant community (Beech-Maple, Forested Wetland, etc.), list the predominant plant community species, and the plant community’s ecological quality. Information from Oakland County’s 2017 Michigan Natural Features Inventory (MNFI) Potential Natural Areas could be a start. This inventory could be used to prepare a detailed plan, as described on Pg. 58 of the Township’s 2022 Master Plan. The plan would outline the goals, policies, priorities, action items, schedules, and funding mechanisms to address tree/woodland preservation (in conjunction with natural feature preservation) in the Township. Basing new ordinance language on a robust inventory and clear goals in the Master Plan will make the ordinance more defensible.

**Ordinance Provisions:**

1. **Purposes.** The declarations and purpose sections of the ordinance include many of the important statements that tie tree preservation to the health, safety, and welfare of the community. Another important declaration is that trees and woodlands are integral to the functions natural features provide, such as protecting and cleaning surface water and ground water, providing wildlife habitat, supporting soil conservation, etc. This point could be made more directly.

We would also suggest that one purpose of the ordinance should be to prohibit clearcutting in anticipation of land development without prior approval of the Planning Commission.
2. **Process.** The ordinance attempts to address tree removal associated with site plans, and tree removal activities that don’t require a site plan, together. The process for each could be separated into two different tracks.

3. **Tree Removal Permit.** The ordinance uses the phrase “a permit isn’t required,” to imply that someone can remove trees in certain areas without any consequences. We suggest more direct language that ties tree removal over certain parts of a site with mitigation requirements (rather than needing/not needing a permit.) This could also help eliminate confusion for an applicant going through Site Plan Review, where the Planning Commission is reviewing/approving tree removal, and a permit isn’t required.

4. **Size of Trees/Sites to Regulate.** The ordinance defines a “protected tree” as being 4-inches diameter at breast height. In our experience, this is relatively small. The Township should consider 6- or 8-inch DBH to be the minimum size requiring mitigation.

   The ordinance also exempts parcels of five acres and less from the Tree Permit requirement. If the Township is interested in regulating tree removal on residential lots, five acres may be large. We would suggest that the Township consider a three-acre cut off. A study of lot sizes/uses could be conducted to confirm the current parcel size is appropriate, or establish a new size.

5. **Minimum Preservation Requirement.** This requirement allows a developer to remove all the trees on site where there isn’t any development. There are design techniques that could be written into the ordinance to allow development of a site, but preserve trees (and other natural features) at the same time.

6. **Tree Replacement.** The mitigation requirements in the current ordinance are reasonable. Although we would argue that more could be done to preserve trees on site using this tool. The mitigation requirement could be used to incentivize better tree protection with “conservation design” techniques.

   The Township could also consider a “Natural Feature Fund,” or “Tree/Woodland Fund” that a developer could choose to pay into if the site can’t accommodate the mitigation trees, or the developer doesn’t want the trees on site. The fund would be used to conduct natural feature/woodland/tree projects on public lands in the Township.

7. **Right to Forest Act.** You may be aware that Michigan has a Right to Forest Act. It is similar to the Right to Farm Act, in that it establishes standards to minimize nuisances. The ordinance should be updated to include language that allows for forestry management operations as long as the property owner has submitted, and the Township approved, a Woodland Stewardship Plan.

We look forward to discussing these ideas with you.

Sally M. Elmiger, AICP, LEED AP
Principal
CARLISLE/WORTMAN ASSOC., INC.

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Tree and Woodlands Protection Ordinance
June 21, 2023
TO: Tammy Girling, Planning & Zoning Director
FROM: Sally M. Elmiger, AICP, LEED AP
DATE: June 27, 2023
RE: Tree and Woodlands Protection

In response to your discussion with John Enos, we are providing an example tree/woodland protection ordinance that is currently being used in another of our client communities, Ann Arbor Township. Ann Arbor Township has a long history of natural feature preservation, and the use of planning and site design tools to accommodate reasonable use of the land while helping to preserve the functioning of natural systems. These tools are reflected in their Master Plan, and natural feature preservation ordinances.

This memo describes the information and goals/policies that a tree/woodland protection ordinance should be based on. It then describes the general sections of Ann Arbor Township’s tree/woodland protection ordinance, and the components we think incentivize tree preservation and give designers options to achieve more ecologically-sensitive site designs.

Master Plan:

As mentioned in the Zoning Enabling Act (Sec. 125.3203): “A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, ... to conserve natural resources and energy...” This last phrase gives local units of government the ability to reasonably regulate tree and woodland removal within their boundaries. However, to have a defensible ordinance, it needs to be based in a Master Plan that contains environmental studies documenting the scope and importance of these features in the Township, and how all environmental features “work together” to provide functional benefits to people.

The example ordinance attached to this memo is based on Ann Arbor Township’s Master Plan, which was developed from several studies and inventories conducted in the Township. The Township vegetation was inventoried, and a report of the environmentally significant areas of the Township was prepared by a local land conservancy and botanist. The Huron River Watershed Council also prepared a “green infrastructure” study that identified important natural resources, including trees and woodlands, in the community. The ordinance was then developed using the facts identified in the study reports.

We suggest augmenting Orion Township’s Master Plan (possibly with an addendum), with a detailed inventory of tree and woodland resources in the Township, and particularly those that are associated with other natural features, such as streams, wetlands, and steep slopes. The inventory should be mapped, and describe the various tree/woodland units (such as tree rows, woodlands), the general composition of the plant community (Beech-Maple, Forested Wetland, etc.), list the predominant plant community species, and the plant community’s ecological quality. Information from Oakland County’s 2017 Michigan
Natural Features Inventory (MNFI) Potential Natural Areas could be a good start. This inventory could be used to prepare a detailed plan, as described on Pg. 58 of Orion Township’s 2022 Master Plan. The plan would describe the ecological benefits trees and woodlands provide to the community as a whole, tree/woodland preservation goals, policies and priorities, and action items, schedules, and funding mechanisms to address tree/woodland preservation in the Township. Basing new ordinance language on a robust inventory and clear goals in the Master Plan will make the ordinance more defensible.

**Example Ordinance Provisions:**

We have summarized below the main provisions of the Ann Arbor Township Tree/Woodland Preservation Ordinance. The full ordinance language is attached for your consideration.

**Purpose.** The ordinance clearly states that the protection of trees is related to the preservation of other natural resources in the community. It also states that clearcutting, in anticipation of development, is prohibited without a permit.

**Application.** The Ann Arbor Township ordinance applies to any process that requires a site plan. The Township requires review and approval of a Tree/Woodland Removal Permit during the preliminary site plan stage, which enables the Planning Commission to work with the applicant in revising their design early in the process to better protect existing trees on site. Note that there isn’t a “permit” per se, but an application form that triggers requirements for a tree survey, possible ecological characterization report, tree protection measures, and tree mitigation.

The ordinance also applies to any site development that doesn’t require a site plan, but is removing more than 100-DBH (diameter at breast height) of trees on a property of at least three-acres. A property owner needs to receive approval of the tree removal, and proposed mitigation, from the Planning Commission.

**Exemptions.** In addition to sites that don’t require a site plan and are less than 3-acres, the ordinance lists a number of activities that are exempt from the required permit, including farming, forestry operations in compliance with a Woodland Stewardship Plan approved by the Township, public utility installation, work within a public right-of-way, dead/diseased trees after consultation with the Township staff, and any tree considered to be a safety hazard.

**Information Required.** When an applicant submits information for tree removal (whether with or without a site plan), they also may be asked to provide an “ecological characterization report.” This report is prepared by qualified professionals to describe the plant community on site (including threatened or endangered species); wildlife habitat; water features such as wetlands, streams and lakes; general ecological functions provided by the site; and other information needed to evaluate how the proposed disturbance will impact the functioning of the site’s environmental features. This report will help to establish the scope of development the site can support without eliminating the ecological benefits. (Note: Sites identified as environmentally significant in the Master Plan inventory discussed above would be the type of sites where an ecological characterization report would be helpful.)

**Right to Forest Act.** You may be aware that Michigan has a Right to Forest Act. It is similar to the Right to Farm Act, in that it establishes standards to minimize nuisances. As mentioned above, Ann Arbor Township’s ordinance allows forestry operations without a Tree/Woodland Removal Permit as long as the property owner has submitted, and the Township approved, a Woodland Stewardship Plan.
Invasive Species. The ordinance lists invasive species (as listed) that are not considered a “protected” tree. Therefore, their removal doesn’t count toward the removal or mitigation requirements.

Protected and Landmark Trees. This example ordinance identifies “protected” trees as any non-invasive tree with a DBH of 8-inches or greater.

The ordinance also lists large or “Landmark” trees, per species, that are given special consideration. The ordinance calls for site design techniques that preserve these large trees. However, they may be removed if preservation is not possible. The mitigation requirements are the same for all “protected” trees, whether they are landmark or not.

Mitigation. The ordinance requires mitigation if protected/landmark trees are removed. The mitigation calculation figures the DBH of removed trees, and requires 50% replacement, with a factor that equates DBH (which is measured 4.5-feet from grade), to “caliper inch” (which is measured about 1-foot from grade). The factor takes into account that a tree trunk tapers further from the ground.

Alternatives to Tree Planting. Planting trees on site is one way an applicant can replace the trees removed during development. The ordinance also allows the applicant to use their “mitigation budget” to conduct ecologically beneficial activities on site, such as invasive species removal, stream-bank restoration, wetland enhancements, and the like. They may also pay into a Woodlands/Natural Features Fund that is used for ecologically-beneficial projects on public lands.

Site Design Techniques to Preserve Trees. Lastly, the ordinance offers a number of site design techniques that applicants can use to help reduce impacts to woodlands/trees on site, such as minimizing clearing and grading by using the site’s topography as part of the site design; minimizing the building footprint by building up vs. out; using a cleared portion of the site for the development, while leaving the vegetated portion intact; and maintaining the grades and moisture conditions within the dripline of trees to remain by using retaining walls or tree wells.

We look forward to discussing this example with you.

Sally M. Elmiger, AICP, LEED AP
Principal
CARLISLE/WORTMAN ASSOC., INC.
Sec. 74-605. - Tree and woodland resource preservation.

(a) **Introduction and purpose.** Trees and woodlands provide for a number of public benefits, including environmental, social, and aesthetic benefits. Uncontrolled development or tree removal could result in unnecessary removal of trees, woodlands and related natural resources. Therefore, it is the intent of this section to:

1. Encourage the preservation of trees and related natural resources of the Woodland ecosystem on undeveloped land and in connection with the development of land;
2. Prohibit clear cutting of Woodland areas prior to or in anticipation of development without prior approval from the Planning Commission;
3. Prohibit removal of protected trees or woodlands without a permit when required by this section;
4. Provide for the protection, preservation, proper maintenance and use of trees and Woodlands to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
5. Provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the Township, in keeping with article IV, section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

(b) **Applicability.** This section shall apply to all land located in the Township, unless exempt pursuant to subsection (d) below, including parcels that are in the process of being annexed to the City of Ann Arbor until the date that such annexation is final and notice of such official annexation is provided to the Township by the State of Michigan.

(c) **Prohibitions.**

1. Clear cutting of woodlands, including grubbing, on parcels covered by this section is prohibited without first obtaining a tree/woodland removal permit. Clear cutting as a long term forestry management practice for long term regrowth of the woodland and not prior to or in anticipation of development of land is allowed without a tree/woodland removal permit if consistent with a woodland stewardship plan described in subsection (m) below that has been reviewed, approved and is on file with the Township prior to the start of any forestry management practices or operations.
2. Removal of protected trees or woodlands without a permit when required by subsection (g) below is prohibited.

(d) **Exemptions.** Tree and Woodland removal associated with the following shall be exempt from the requirements of this section:

1. 154
Parcels that are not subject to site plan review or subdivision plat review as defined in article II, and:

a. Are three acres or less.

b. Are greater than three acres, but where no more than 100 dbh inches of protected trees are removed within 12 months.

(2) Farming operations, as defined by the Right to Farm Act, which are lawfully existing and operating in accordance with Generally Accepted Agricultural Management Practices as adopted by the Michigan Department of Agriculture.

(3) Forestry operations conducted in compliance with a woodland stewardship plan that has been filed with the Township Building Official and has been reviewed and approved by the Township Environmental Consultant prior to the start of any forestry management practices or operations.

(4) Installation, repair or maintenance of public utilities lawfully operating in the township in accordance with an operating permit or right-of-way permit issued by the township but only to the extent that such tree or woodland removal is necessary for protection of utility lines and the public health, safety and welfare.

(5) Work within an existing public road right-of-way or an existing private road easement but only to the extent necessary for safe access along such right of way or private road easement and to protect the public health, safety and welfare in accordance with an operating permit or right-of-way permit issued by the Township.

(6) Any trees which are demonstrated by the property owner to the satisfaction of the Township Building Official, in consultation with the Township Environmental Consultant, to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.

(7) Any tree that poses a safety hazard, whose removal will prevent injury or damage to persons or property, and provided that removal is accomplished through the use of accepted standard forestry practices.

(e) Authorization. Under certain conditions defined in this section, a tree/woodland removal permit may be authorized by the Planning Commission to allow limited removal of tree/woodland resources, or construction, activity, use, or operations within a woodland area, if preservation techniques described in this section have been applied to the greatest extent practical, and tree and/or woodland removal is found by the Planning Commission to be unavoidable.

(f) Filing of application; fee; amendment. Application for proposed tree/woodland removal permit shall be made by filing an application form and required fee with the Township Clerk. The fees shall be set by resolution of the Township Board. In addition, when this section requires or permits review, approval and filing of a woodland stewardship plan, the plan shall be filed with the Township Clerk on an application form provided by the Township and the required fee. The
fee for review of the woodland stewardship plan shall be set by resolution of the Township Board. Any request for amendment to a tree/woodland removal permit shall be made by filing an application form with the Township and the required fee. The fee for amendment to a tree/woodland removal permit shall be set by the Township Board. Any amendment to a tree/woodland removal permit shall be processed in the same manner as the initial permit, and the amendment request and the amended plan submittals shall highlight the proposed changes, including any additional tree/woodland removal proposed, the reasons for such changes, and any additional mitigation proposed, unless otherwise required by the Township environmental consultant in consultation with the Planning Commission due to the nature of the proposed amendment.

(g) Application procedure for tree/woodland removal permit. The provisions of this section shall apply to all parcels in the Township that (1) require site plan review or subdivision plat review as defined in Article II, or (2) are greater than three acres in area (unless exempted in (c) or (d)(1)(b) above). The procedure for review and approval of a tree/woodland removal permit is as follows:

(1) When site plan or subdivision plat review is required. If protected trees or woodlands are proposed for removal as part of a development proposal, the following are required as a component of the preliminary site plan submission pursuant to section 74-175, or the preliminary plat, tentative approval pursuant to section 58-72.
   a. A Tree/woodland survey.
   b. A tree replacement plan (see tree replacement options section 74-605 (n)).

The planning commission shall review the tree/woodland survey, any tree replacement plan, and all information required by this section and the site plan or plat review sections, as applicable. The planning commission shall approve, approve with conditions or deny the applicant's tree/woodland removal permit in accordance with the standards set forth in this section and the site plan or plat review sections, as applicable.

(2) When site plan or subdivision plat review is not required. If protected trees or woodlands are proposed for removal and are not part of a development proposal, the Planning Commission shall conduct a review of permit applications in the following situations:
   a. For parcels that are greater than three acres in area, when more than 100 DBH inches of protected trees are to be removed within 12 months (unless exempt pursuant to (c) or (d)(1)(b) above).
   b. The Planning Commission may require a tree/woodland survey in circumstances where the Commission determines that it would be helpful in understanding the number and/or sizes of trees proposed for removal. At a minimum, a plot plan, as defined in subsection

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74-605(l) of this section, shall be submitted that provides the location, size and type of all protected trees and/or woodlands to be removed as well as a tree replacement plan and tree protection method where necessary.

The Planning Commission, in consultation with any appropriate consultants if needed, shall approve or deny the applicant's tree/woodland removal permit in accordance with the standards set forth in this section.

(h) **Review criteria.** In determining whether the proposed disturbance or removal of trees and/or woodlands is limited to the minimum necessary to allow a reasonable use of the land, the Planning Commission shall apply the following criteria:

1. The importance and overall value of the trees/woodlands on the site. In general, the importance of trees/woodlands increases with rarity, size, and age.

2. The existence of overlapping natural features such as wetlands, 100-year flood plains, woodlands, landmark trees, steep slopes or endangered species in one area. Overlapping natural features increase the importance and overall value for preservation of the area.

3. The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.

4. The amount of disturbance in relation to the scale of the proposed development.

5. The adequacy of the tree replacement plan or other mitigation plan.

6. The justification for forestry management practices, the benefits of the proposed disturbance and proposed coordination with the recommendations in the woodland stewardship plan.

(i) **Invasive trees.** The following species are considered invasive and shall not be considered a protected tree under this section.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alder (Black)</td>
<td><em>Alnus glutinosa</em></td>
</tr>
<tr>
<td>Buckthorn</td>
<td><em>Rhamnus utilis</em></td>
</tr>
<tr>
<td>Buckthorn (Common European)</td>
<td><em>Rhamnus cathartica</em></td>
</tr>
<tr>
<td>Buckthorn (Glossy, Tallhedge)</td>
<td><em>Rhamnus frangula</em></td>
</tr>
<tr>
<td>Elm (Siberian)</td>
<td><em>Ulmus pumila</em></td>
</tr>
<tr>
<td>Tree Type</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Horse Chestnut</td>
<td><em>Aesculus hippocastanum</em></td>
</tr>
<tr>
<td>Locust (Black)</td>
<td><em>Robinia pseudoacacia</em></td>
</tr>
<tr>
<td>Locust (Bristly)</td>
<td><em>Robinia hispida</em></td>
</tr>
<tr>
<td>Locust (Clammy)</td>
<td><em>Robinia viscose</em></td>
</tr>
<tr>
<td>Maple (Amur)</td>
<td><em>Acer ginnala</em></td>
</tr>
<tr>
<td>Maple (Norway)</td>
<td><em>Acer platanoides</em></td>
</tr>
<tr>
<td>Mulberry (Russian, White)</td>
<td><em>Morus alba</em></td>
</tr>
<tr>
<td>Olive (Autumn)</td>
<td><em>Elaeagnus umbellate</em></td>
</tr>
<tr>
<td>Olive (Russian)</td>
<td><em>Elaeagnus angustifolia</em></td>
</tr>
<tr>
<td>Poplar (Lombardy)</td>
<td><em>Populus nigra var. italica</em></td>
</tr>
<tr>
<td>Poplar (Silver, White)</td>
<td><em>Populas alba</em></td>
</tr>
<tr>
<td>Spindle Tree</td>
<td><em>Euonymus europea</em></td>
</tr>
<tr>
<td>Tree of Heaven</td>
<td><em>Ailanthus altissima</em></td>
</tr>
<tr>
<td>Willow (Crack)</td>
<td><em>Salix fragilis</em></td>
</tr>
<tr>
<td>Willow (Gray)</td>
<td><em>Salix cinerea</em></td>
</tr>
<tr>
<td>Willow (Laurel/Bayleaved)</td>
<td><em>Salix pentandra</em></td>
</tr>
<tr>
<td>Willow (White)</td>
<td><em>Salix alba</em></td>
</tr>
</tbody>
</table>

(j) **Landmark trees.** The following species that meet the minimum size (DBH) requirement are considered landmark trees.
<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Landmark Tree Size (DBH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash</td>
<td><em>Fraxinus</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Basswood</td>
<td><em>Tilia</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Beech, American</td>
<td><em>Fagus grandifolia</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Black Cherry</td>
<td><em>Prunus serotina</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Black Walnut</td>
<td><em>Juglans nigra</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Buckeye, Ohio</td>
<td><em>Aesculus glabra</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Douglas Fir</td>
<td><em>Pseudotsuga menziesii</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Elm</td>
<td><em>Ulmus</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Fir</td>
<td><em>Abies</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td><em>Gymnocladus dioicus</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>London Planetree/American Sycamore</td>
<td><em>Platanus</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Maple (Silver)</td>
<td><em>Acer saccharinum</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Pine (All species)</td>
<td><em>Pinus</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Spruce</td>
<td><em>Picea</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Tulip Poplar</td>
<td><em>Liriodendron tulipifera</em></td>
<td>18&quot;</td>
</tr>
<tr>
<td>Tree Type</td>
<td>Scientific Name</td>
<td>Diameter</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------</td>
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</tr>
<tr>
<td>Hickory</td>
<td><em>Carya</em></td>
<td>16&quot;</td>
</tr>
<tr>
<td>Honey Locust</td>
<td><em>Gleditsia trianths</em></td>
<td>16&quot;</td>
</tr>
<tr>
<td>Maple (Red)</td>
<td><em>Acer rubrum</em></td>
<td>16&quot;</td>
</tr>
<tr>
<td>Maple (Sugar)</td>
<td><em>Acer saccharum</em></td>
<td>16&quot;</td>
</tr>
<tr>
<td>Oak (All species)</td>
<td><em>Quercus</em></td>
<td>16&quot;</td>
</tr>
<tr>
<td>Arborvitae</td>
<td><em>Thuja</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Bald Cypress</td>
<td><em>Taxodium distichum</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Birch</td>
<td><em>Betula</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Black Tupelo</td>
<td><em>Nyssa sylvatica</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Cherry, Flowering</td>
<td><em>Prunus spp.</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Crabapple/Hawthorne</td>
<td><em>Malus/crataegus</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Dawn Redwood</td>
<td><em>Metasequoia glyptostroiboides</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Ginkgo</td>
<td><em>Ginkgo</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Hackberry</td>
<td><em>Celtis occidentalis</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Hawthorn</td>
<td><em>Crataegus</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Hemlock</td>
<td><em>Tsuga</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Larch/Tamarack</td>
<td><em>Larix</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Magnolia</td>
<td><em>Magnolia</em></td>
<td>12&quot;</td>
</tr>
<tr>
<td>Tree</td>
<td>Scientific Name</td>
<td>Diameter</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>Pear</td>
<td>Pyrus spp.</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Persimmon</td>
<td>Diospyros virginiana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Poplar</td>
<td>Populus except for p. deltoides, alba</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Sassafras</td>
<td>Sassafras albidum</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Sweetgum</td>
<td>Liquidambar styraciflua</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Yellow Wood</td>
<td>Cladrastis lutea</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Blue-Beech/Hornbeam</td>
<td>Carpinus caroliniana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Butternut</td>
<td>Juglans cinera</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Cedar of Lebanon</td>
<td>Castanea</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Chestnut</td>
<td>Castanea</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Dogwood, Flowering</td>
<td>Cornus florida</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
<td>Juniperus virginiana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Hop-Hornbeam/Ironwood</td>
<td>Ostrya virginiana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Maple, Mountain/Striped</td>
<td>Acer spicatum/pensylvanicum</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Paw Paw</td>
<td>Asimina triloba</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>Amelanchier</td>
<td>8&quot;</td>
</tr>
</tbody>
</table>

(k) **Tree/woodland survey.** A Tree/woodland survey shall meet the following requirements:
(1) **Plan requirements.** If a tree/woodland survey is required as part of the site plan or subdivision plat review process, then the scale of the survey shall be the same as the site plan or the subdivision plat. In any other case, a tree/woodland survey shall be a scaled drawing which shall not exceed 100 feet to the inch.

(2) **Plan contents.** In all cases a tree/woodland survey shall show all protected trees and woodlands to be removed and to remain. (Note that the phrase "protected trees" includes "landmark trees.") The survey shall contain the following:

(a) Location of all protected trees and woodlands accurately plotted;
(b) Common and botanical names of all protected trees, their size in inches at their DBH, and a description of each tree's health
(c) Ecological characterization report, prepared by a professional or professionals qualified in the areas of ecology, botany, wildlife biology or other relevant discipline that includes, at a minimum, the following information.

1. The plant species, plant communities/associations (paying particular attention to Michigan endangered, threatened, and special concern species) that the Woodland contains;

2. The wildlife use and habitat (paying particular attention to Michigan endangered, threatened, and special concern species) showing the species using the woodland, wildlife movement corridors, the times or seasons that the woodland is used by those species and the "functions" (meaning feeding, watering, cover, nesting, roosting, and/or perching) that the woodland provides for such wildlife species;

3. The boundary of wetlands that are located within, either partially or wholly, the woodland and a description of the vegetation and ecological functions provided by those wetlands;

4. The pattern, species, and location of native trees, native tree stands, and other native site vegetation including their relationship to adjacent areas;

5. The top of the bank or shoreline of any inland lake or stream located, either partially or wholly, within the woodland; and

6. The general ecological functions provided by the woodland and its features.

7. Other information necessary or advisable for a proper evaluation of the site and proposed tree removal.

If the proposed activity or proposed woodland impacts are minimal as determined by the Planning Commission, and as assisted by the Building Official, environmental consultant, or others, the Planning Commission may, in its discretion, waive the requirement for an ecological characterization Report.
(3) **Tree tags.** All protected trees shall be numbered and non-corrosive tags bearing that number shall be attached to each respective tree.

(4) **Professional qualifications.** The tree/woodland survey must be sealed by a forester registered in the State of Michigan, an International Society of Arboriculture certified arborist, or a forester certified by the Society of American Forestry. The ecological characterization report that is part of the Tree/Woodland Survey must be signed by the ecologist, botanist, wildlife biologist or other, stating their qualifications to prepare such report.

(5) **Extent of survey.** In the case of large or heavily wooded parcels, plotting of protected trees that are more than 100 feet outside of the edge of the area to be disturbed may be waived by the Planning Commission at the request of the applicant and upon a recommendation by the Township environmental consultant.

(l) **Plot plan.** When this section requires a plot plan, the plan shall include the following information:

1. Scale, date, and north directional arrow.
2. Location map showing major intersections, and dimensioned diagram of the parcel.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.
4. Location, species, size, and condition of protected trees and woodlands to be removed.
5. Additional information as required by the Planning Commission for the purposes of determining compliance with the provisions of this chapter.

(m) **Woodland stewardship plan.** When a woodland stewardship plan is being proposed, it must be reviewed and approved by the Township environmental consultant prior to the start of any forestry management practices or operations. The plan shall meet the following requirements:

1. **Plan contents.** The contents of a woodland stewardship plan must comply with the requirements established by the State of Michigan's Forest Stewardship Program (FSP) including:
   a. Property identification and overview: Landowner and plan writer's names, addresses, phone numbers and signatures; acreage under the stewardship plan; date; landowners goals; location of site and directions to property; cover page with FSP logo, date, etc.; completed landowner assessment form; interaction with surrounding landscape.
   b. Property maps and location information: General property description; forest type map; activity map; soils map, legend, and soils description.
   c. Resource descriptions: Narrative description of management unit; stands described by cover type and acreage; major species; stand size class, density soil type, site quality; stand quality, including age, health, growth rate, volume, timber quality, threatened and
endangered species database checked, habitat class information, cultural heritage data, stand history, wildlife habitat quality and uses, timber production potential, recreational opportunities, wetlands and water quality issues, and aesthetics.

d. Prescriptions/recommendations: Schedule of prescribed activities for the next ten years; stand/management unit specific goals statement; how prescriptions use the appropriate best management practices to minimize damage to the resources in each management unit; long-range silvicultural objectives for each stand or cover type clearly stated and related to landowners' goals.

(2) Professional qualifications. All woodland stewardship plans must be prepared by a certified forester. Certified foresters are foresters registered with the State of Michigan or a conservation district forester.

(3) Purpose. The purpose of the woodland stewardship plan shall be for long term forest management and regrowth of the woodland and not prior to or in anticipation of development of the land.

(4) Review and approval by State of Michigan Forest Stewardship Program (FSP). Prior to filing the woodland stewardship plan with the Township, the applicant shall obtain and provide evidence of approval of the plan pursuant to the State of Michigan Forest Stewardship Program or its successor.

(5) Compliance with Generally Accepted Forest Management Practices (GAFMP). The woodland stewardship plan shall comply with GAFMP adopted by the Michigan Department of Natural Resources or its successor.

(n) Tree replacement options and requirements. The tree replacement requirements herein can be met in part or in whole by the landscape requirements set forth in section 74-586, Landscaping and transition strips.

(1) Protected tree replacement. For every one inch DBH of protected trees removed, one-half inch DBH of replacement trees shall be planted on the parcel, each of which replacement trees shall have a 2.0-inch minimum caliper for deciduous trees, or six feet in height for coniferous trees. To compensate for the disparity between DBH and caliper inch measurements, replacement trees using caliper measurements must be provided at 140 percent of the DBH removed. Replacement trees shall be species native to Michigan, and non-sterile varieties. If more than 20 replacement trees are required, a mixture of three more species must be used.

EXAMPLE:

Trees to be removed in woodland area greater than three (3) acres = 200 DBH inches
(200 DBH x 140%) x .5 = 140 caliper inches of replacement trees 140 / 2.0 = 70 replacement trees at 2.0 caliper inch required

(2) *Tree replacement and woodland stewardship plans.* If removal of protected trees is conducted in compliance with a woodland stewardship plan, then replacement trees are not required.

(3) *Tree replacement plan contents.*

a. *Plan requirements.* If a tree replacement plan is required as part of the site plan review or subdivision plat review process as set forth in 74-605(g)(1), then the scale of the tree replacement plan shall be the same as either the site survey, the site plan, and/or the subdivision plat. If a tree replacement plan is required for other woodland or protected tree removal as set forth in 74-605(g)(2), the tree replacement plan, if required, shall be a scaled drawing and the scale shall not exceed 100 feet to the inch.

b. *Plan contents.* In all cases a tree replacement plan shall contain the following:
   1. Property boundaries, existing and proposed buildings and structures, pavement, overhead and underground utilities, and other permanent features of the property.
   2. Existing natural features such as edges of woodlands, protected trees to remain, wetlands, water courses and water features (ponds, lakes, etc.).
   3. Location, size, species (common and botanical names), and number of all proposed trees;

(4) *Tree removal without permission.* If protected trees are removed without the required review and approval, or without filing any required woodland stewardship plan, then, in addition to sanctions for violation of this chapter, each one (1) inch DBH removed must be replaced with two DBH inches in replacement trees. Replacement trees shall meet the same minimum size, species, and diversity requirements as noted in (1) and (2) above. Plans showing the location, size, species, and other relevant information regarding tree mitigation and replacement as required by this subsection shall be submitted to the Township Building Official for review and approval, in consultation with the Township’s Environmental Consultant if needed.

(5) *Transplanting trees.* Where native woodland species are being displaced by development, smaller sized native trees transplanted from the disturbed area of the site may be used to fulfill tree replacement requirements. Transplanted trees shall be native species, no less than 1.0" caliper for deciduous trees or three feet tall for evergreen trees, and the total number of plants used adds up to the size requirements for a single species. For example, two rescued 1.0" caliper oaks can be used instead of 1, 2.0" caliper oak. Native species transplanted from the site shall not be removed from undisturbed areas of the site, or areas designated as
preservation or conservation areas. Federal and state laws protecting native plant species designated as endangered, threatened or of special concern must be adhered to and under no circumstances shall these plants be damaged, destroyed or removed from the site.

(6) **Woodland restoration.** If deemed appropriate by the Planning Commission, woodland areas disturbed by development activities may be mitigated by the creation of an area planted with a native plant community appropriate to the area. The proposed plant community shall be illustrated on a tree replacement plan, including information about all proposed plant material. In reviewing such a proposal, the Planning Commission shall apply the following standards:

a. The use of existing Woodland soils from the site to establish necessary soil conditions for Woodland plants to establish themselves.

b. The native species diversity proposed for tree, understory and groundlayer plants.

c. The age diversity of the proposed tree canopy. (Native trees and shrubs of various ages and sizes are appropriate for this type of planting. Therefore the minimum tree size requirements do not apply here.)

d. The use of plants with local genotypes, including rescued plants from the disturbed portion of the site, seed, and propagates from the local plant populations.

e. The habitat values created by the proposed mitigation, including plant species proposed adjacent to other site features, such as contiguous woodlands, tree rows, wetlands, streams, or other features.

(7) **Security.** After issuance of a permit under this section the applicant shall deposit with the Township security in the form of cash, or letter of credit, in an amount recommended by the Township environmental consultant and approved by the Planning Commission, and in a form approved by the Township Building Official and Township attorney to ensure proper installation and survival of replacement trees, transplanted trees, and/or woodland plants for a period of three years after the later of (i) planting, (ii) issuance of a certificate of occupancy for the project, or (iii) final approval of the tree/woodland removal permit or any amendment. The tree replacement plan shall include a description of the proposed amount and type of security to be posted. The applicant and the Township shall enter into an escrow agreement pertaining to the conditions for release of the security in a form approved by the Township attorney and building official at the time the security is posted.

(8) **Alternative mitigation measures.** The planning commission shall be authorized to waive a portion of the tree replacement requirements of this section when site factors, tree condition or development requirements make conformity to the tree replacement requirements of this section difficult or undesirable. In such case, the applicant shall propose either (i) a plan for planting a portion of the required replacement trees or other plantings in other areas of the
Township, or (ii) a monetary contribution to the Township Woodlands/Natural Features Fund, which contribution shall be in an amount reasonably related to the cost of the tree replacement requirement waived. The Planning Commission shall review such proposal and may request revisions to the proposal and may approve, approve with modifications and conditions, or deny such proposal for waiver of tree replacement requirements.

The Township Woodlands/Natural Features Fund shall be a separate Township fund which shall serve as the depository for all monetary contributions as provided in this subsection.

The Township Board shall administer and use the Township Woodlands/Natural Features Fund for the public purposes of planting and maintaining trees, Woodlands, and other natural features within the Township, and for other public purposes related to stewardship, preservation and restoration of natural features, trees or woodlands in the Township in accordance with specific programs developed by the Planning Commission and approved by the Township Board. Such programs may include but are not limited to the following, all to be conducted within the Township: (i) invasive species removal, (ii) stream bank restoration, (iii) park pathway restoration, (iv) assessment, mapping or surveys of waterways, (v) replacement of dead ash trees along roads, or (vi) installation of trees as windbreaks.

(o) **Preservation of existing trees and woodlands.** Protected trees, landmark trees and woodlands shall be preserved to the greatest extent practicable through the use of site development techniques including but not limited to the following:

1. In general, landmark trees should not be removed for development. Site design should consider any landmark tree on a site as an important design element. Removal of landmark trees should occur rarely and should be considered only after alternatives are studied and found to be not feasible.

2. Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.

3. Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building work. Excavated soil and materials from basements and grading shall not be spread in the Woodland area. Careful handling of trees and use of adequate tree protection measures should be undertaken, especially for trees near the building envelope.

4. Use retaining walls and other techniques to minimize grade changes near trees.

5. **
Provide tree and understory/groundlayer protection during all construction phases of the project. Woodland areas excluded from development should be protected from all intrusions during development by well-maintained barrier fencing. (See subsection (p), Tree protection during construction below for minimum requirements.) If construction or grading is to occur within a portion of woodlands those woodland areas excluded from development should be clearly marked and/or fenced off during development. Unpermitted intrusions include any activity that could adversely affect the plants (trees, shrubs, and herbaceous/groundlayer plants) within the fenced-off woodland including, but not limited to, the following: driving vehicles and/or heavy equipment; stockpiling, storage or parking of any soils, materials, equipment or vehicles; spreading excess fill/soil; dumping of construction or landscaping wastes; and clearing/removal of the understory or groundlayer of vegetation within the woodland.

(6) Minimize the building/construction footprint on individual lots to preserve trees within lot boundaries.

(7) Maintain grades and moisture conditions within the critical root Zone (CRZ) of trees. Many of the native hardwood trees: oaks, hickories, maples and beeches, for example, and most old trees do not adapt to environmental changes brought about by construction. Grading changes should not occur within the CRZ of a tree. In addition, grading on a site should neither increase or decrease moisture conditions within a tree's CRZ. The area of concern around an important tree may be significantly larger than the CRZ. The drip line of the tree shall be used for comparison, and if larger than the CRZ, the dripline should be used to determine how best to protect an important tree.

(8) Locate utility lines away from trees to be retained. If this is not possible, install utility lines through bored tunnels instead of trenches.

(9) Conduct any necessary excavation around trees by hand.

(p) Tree protection during construction.

(1) Critical root zone. No disturbance or construction activities may occur within the critical root zone of any protected or landmark tree designated to remain as shown on the Tree/Woodland survey, site plan, or subdivision plat.

(2) Protected barrier. The applicant, and the applicant's agents and successors shall erect and maintain suitable barriers as approved by the Township to protect trees designated to remain as shown on the approved site plan or subdivision plat. Protected barriers shall be placed at the outer limits of the critical root zone, or drip line if larger and if required by the planning commission to provide greater protection for an important tree, and shall remain in place until the Township authorizes removal based on tree protection factors or issues a final certificate of zoning compliance, whichever occurs first.

(3)
Inspections. The Township shall have the right to periodically inspect the site during site plan or subdivision plat review, land clearing, and/or construction to ensure compliance with this section.

(4) Construction damage. Any woodland, protected tree or landmark tree that is determined to be dead, dying or severely damaged due to construction activity within three years after the later of issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan, subdivision plat, or tree/woodland removal permit shall be replaced by the applicant in the amount specified in the requirements for mitigation of woodlands. Plans showing the location, size, species, and other relevant information regarding tree mitigation shall be submitted to the Township Building Official for review and approval, in consultation with the Township's environmental consultant.

(q) Appeals and variances. All appeals or requests for variances from the provisions of this section shall be made to the Ann Arbor Township Zoning Board of Appeals. Any appeal must be received in writing by the Township Clerk within 28 days after the date of the meeting at which the Planning Commission made its decision.

(r) Violations and penalties.

(1) Any person found in violation of the provisions of this section shall be subject to the provisions in Article II, Division 2 of this chapter, and may be cited for each day of violation. The Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.

(2) In addition to the provisions contained in this Section, the Planning Commission, at a regular or special meeting, shall have the authority to direct the Zoning Officer or other designated person to notify the Township Supervisor that a stop work order (or stop construction order as described in section 74-98) shall be issued upon any project subject to this Section, with the concurrence of the Township Supervisor, when it is determined that a violation has occurred.

(Ord. No. 4-2011, 5-16-2011; Ord. No. 4-2017, 10-16-2017)