1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 7-5-23, Planning Commission Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
   A. PC-21-90, Ridgewood Final PUD Plan, Plans Date Stamped 02-22-23 Approval of Destruction of Documents
7. NEW BUSINESS
8. UNFINISHED BUSINESS
   A. PC-23-21, Dutton East Retail Revised Landscape Plan, located at 4898 Bald Mountain Rd. (parcel 09-35-477-003).
9. PUBLIC COMMENTS
10. COMMUNICATIONS
11. PLANNERS REPORT/EDUCATION
    A. Discussion on Variances, Waivers, and Deviations
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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2. ROLL CALL

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the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, July 5, 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:
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT
Scott Reynolds, Chairman

1. OPEN MEETING
Acting Chairman Gross opened the meeting at 7:00 p.m.

2. ROLL CALL
As noted.

CONSULTANTS PRESENT:
John Enos, (Township Planner) of Carlisle Wortman Associates, LLC

OTHERS PRESENT:
David Tank

3. MINUTES
A. 6-21-23, Planning Commission Regular Meeting Minutes

Moved by Commissioner Cummins, seconded by Commissioner Gingell, to approve the minutes as presented. Motion carried.

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

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

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

7. **NEW BUSINESS**
   A. PC-23-23, Black Cat Beanery, Determination of Use/Uses Not Otherwise Included Within a District Request.

Acting Chairman Gross asked if the applicant was present. He asked the applicant to come up and present their project and state their name and address for the record.

David Tank from 44378 Apple Blossom Drive Sterling Heights, MI was present.

Mr. Tank stated that he had an additional document that answers what the Township Planner brought up. Mr. Tank explained that a cat café is a coffee shop with cats. Overseas, they let the cats mix and mingle with the customers. The health codes here are a little bit more strict. The best you can do here in the States is have a food license and the cats in one area and the food in another area separated by a wall, separate HVAC things like that. We tried to get that with Oakland County Health, but they will not go for it. We will not have a food license, but we are still going to try to preserve the concept of a café. We are going to have the best possible self-serve coffee we can, and our own beans. It will be a Keurig; it will be self-serve, but we will try to have treats and coffee and still preserve the café experience. The cat room will be separated by walls and a vestibule. It will hold ten to fifteen cats, it will vary up and down with adoptions and rescues coming in. The idea is if you want to hang out and be around a lot of cats and have a coffee, you can do that. The cats are also available for adoption. The overarching mission is to find these animals homes and it is a unique way for people to interact with them. He thought that it was better than going to a normal rescue or shelter because you get to see them in a relaxed environment. Some people just want to be around cats and have a coffee.

Mr. Tank emphasized that there would not be other cats and dogs allowed in the building. We would have the resident cats on site. They would live there until they are adopted out, then we bring another rescue in. He pointed out that they had identified a location as a target. The relevant point is we are using 64 square feet per cat as a rule of thumb to not have too many; both for the comfort of guests and the cats. When we have a cat area, that is the rule we are going to use to limit ourselves. On top of that, we are going to have three or four people and we need to do record-keeping and health checks. We are going to be limited by staffing and what we can do to care for the cats. That is why the ten to fifteen number is our target for living on-site. There will be three areas: the cat public area, the cat back area, and the café area. The cats will be provided by a nearby rescue. It is Pawsitive Cause up in Holly. They will be providing the animals. They will be providing all veterinary care. They are a rescue and a low-cost veterinary clinic. When the cats come to us, they will be neutered, spayed, vaccinated, microchipped, and eligible for adoption right away. Cats will rarely be coming or going from the building, only when they move in or move out, and occasional medical care that they will need. When that happens, we will take them in our private vehicles. In the meantime, they will be able to roam inside the cat area at all times. If there are any exterior facing windows, we are going to put black-out shades or something so people do not congregate when we are closed and knock on the glass.

Mr. Tank said they are still hoping to get the food license and keep that dialogue open with Oakland County Health. He was not counting on it anytime soon. We are doing our proposed build-out in a way that would maybe leave that door open in the future to have a license to be a true coffee shop like you would expect from a Starbucks. As it is, we will do self-serve coffee, some pre-packaged nice little cupcakes, cookies something to make it worth the while and
visitors pay a set fee between ten and twenty to spend time in the cat room and then have the free food and beverage. He shared a personal story regarding his father when he lived in a senior center. Mr. Tank knew that they love to have animals around and have pets. He was looking forward to having them come in and just enjoy and spend time with animals that normally can’t at home. This is a very personal mission for himself and his partner. We want to do something that most importantly finds homes for the animals but also it is a positive place. People are always happy in a cat café. There are generally not a lot of unhappy people there. It is an important project for us.

Mr. Tank explained each of the seven questions and conditions that were to be discussed in a handout that he provided. He re-emphasized that yes, the cats would be spayed, neutered, and vaccinated by the time they come into the café. We are going to be partnered with a low-cost clinic. Any medical care they need will be taken care of through them. The MDARD regulations state they must be spayed or neutered to be adopted out. It is an absolute must for our mission. He pointed out in his PowerPoint presentation the proposed floor plan for the unit that they have a tentative agreement on. The darker orange area would be the public cat space. The dark yellow is the public area, that is where the public will interact with the cats. The lighter yellow is the back area which is not for the public; it is for employees only. Litter boxes, food, and storage will be back there. The cats can come and go through little doggie doors but the public cannot only us, the employees. In that room is where the litter boxes will be. We have about 200 feet that will be a back room, the public cannot go back there. We will have litter boxes, we guessed five. We have since been in contact with MDARD. We are going to have more, probably close to ten or fifteen one per cat is what we are going to shoot for. We will have to get creative with space use but that is what we will do. The boxes are going to be cleaned hourly when we are open. When we are closed, someone will still come in once a day. We have enough boxes that once a day should be okay to get the cat stuff out of there. We will be using a pine-based litter. It does pretty well with odor prevention. We are going to have an electrician install exhaust fans above where the boxes are to help get the airflow out. We will have a hemp filter with the HVAC; both for the animal’s health and for the public’s perception. We do not want anything to smell other than clean. We will have a sealed container for the refuse and then we will take it out to the dumpster whenever that is full. There is a dumpster right behind our back door.

Mr. Tank pointed out the hygiene requirements are pretty strict in the State. MDARD is going to be very specific on what we need to do and we need to honor that to maintain our license and be in good standing. For the build-out we are having quoted, we have to take all of this into account. The floors, the ceiling, the walls everything has to be sanitized, nothing that is porous. The build-out will take all of that into account. We will be cleaning daily, both for the comfort of the visitors and the health of the cats.

Mr. Tank touched on the maximum number of cats on the premise briefly. We will be happy to honor any restriction that the Planning Commission sees fit. The calculation that we had done ourselves is 64 square feet per cat. With this layout that we have, we have 944 feet between the back room and the public and the cats will go freely back and forth, fourteen give or take. If we have a good week and two or three cats get adopted, it goes down. If there are going to be some rescues that are two or three siblings that need to stay together, it might go up a little bit. That is what we are going to shoot for.

Mr. Tank addressed the question of whether the animals would be removed at night. He stated that no they would not be removed at night. That was not the plan. Cats do not go well with transportation. They will live on-site until they are adopted out. If they need medical care, they will be moved out, but they will live there. He said that regarding health department approval, as far as he knew, he had a lot of back and forth with OCHD on the food license. He does not
think they have official jurisdiction. He knows that MDARD likes to know that they are included and they are aware. The applicant is coordinating that documentation, but as far as he knew, they know what they are doing. The Health Department told the applicant that it has to be self-serve, nothing refrigerated and that is the input we have gotten from them.

Mr. Tank talked about the last question the Township Planner had about if the cats be sold or adopted free of charge. He said there would be an adoption fee but that is entirely a way to subsidize the rescue. We will charge between 100 to 200 dollars but that will go directly to Pawsitive Cause or Care. It will not even touch our books. The money will go straight there. The general idea is that admission fees are what will subsidize our cost of housing and care for the cats and the lease, the utilities, insurance, and everything else. All the adoption fees go straight to the rescue to subsidize them being able to provide the animals to us and provide medical care.

Mr. Tank provided a location update. We have a pending lease agreement. It is the Orion Marketplace Center across from the new Meijer just south of Clarkson on Lapeer. It is currently zoned Restricted Business and the landlord is excited about having a unique possible draw to the space. Contract terms are aligned, we are holding off until we have a better idea of how the city will handle it.

Mr. Tank gave an update on the shelter status. Nicole from MDARD came out. She was out last week and gave the pre-review and pre-approval. She said that as long as we do the things she suggested, we are going to be okay to go ahead and gave us our status as an animal shelter so we can house the cats here.

Mr. Tank thanked Orion Township. He stated that to get to this point, he had interfaced with a few municipalities and Orion Township has been by far the most informative and cooperative. He introduced his business partner, Danielle Reyes. She works with Pawsitive Cause and has a lot of experience with animal care and she will be my partner. Either one of us can answer any questions you might have.

Acting Chairman Gross thanked the applicant and turned it over to the Township Planner for his comments.

Township Planner Enos read through his review date stamped June 16, 2023.

Secretary St. Henry assumed that the public space would be supervised at all times.

Mr. Tank replied that it will never have less than two people on site. One person in the cat area, and one person on the outside to handle people coming in the refreshment area.

Secretary St. Henry presumed that there would be age restrictions in the public area. You cannot have a bunch of young kids in there.

Mr. Tank mentioned that they tentatively talked about having no one under 16 without a parent and no one under a certain age, maybe 4 or 5. We do not want little kids in there pulling tails. Without being too restrictive, we do want to keep small children out.

Secretary St. Henry wondered where the cats would go at night. Are they caged or are they running around?

Mr. Tank responded think of it like a big living room with a bunch of beds that they would live in. We will have one, two, or three kennels in the back, which will be mostly for new cats that are
not quite socialized yet, and not comfortable. They will live there until they are comfortable, then they will be out. Once they have assimilated the population, they will have free roam of that area. If it does not work, some of them may have to go back to the rescue. There are some that we are going to try and get their most adoptable. We have already coordinated with them that owner-surrenders are the best candidates for this. They were just in a home, and we can find them another home very quickly maybe.

Liaison Urbanowski stated that the applicant answered all the questions she had, and the question Secretary St. Henry had was the additional question she had. She did point out that she Googled it. Liaison Urbanowski said that she has two young adult daughters at her house, and when she mentioned Cat café, they both lost their little minds. She went to look it up because she was interested in what it was all about. There was one that was in Ann Arbor and one person complained on Google about a 4-year-old in there doing things. Her question was what are we doing to prevent people from being rough with the cats?

Mr. Tank empathized with what Liaison Urbanowski was saying. He said that he was sure that they will have an upset parent who then leaves a review like they kicked me and my 3-year-old out because they were a little angel. We will handle it the best we can.

Liaison Urbanowski explained that she was the Chamber of Commerce Director here in Orion for four years and she also owned a small business here. She thought this was a really neat situation. Liaison Urbanowski wondered what Oakland County will have to do. This is becoming more prevalent. In Japan, she knew that they have a lot of this stuff and it has moved over here; that is for them to decide. She has been to the Oakland County Fair and she has been in the animal feeding area, feeding them carrots while she was eating a funnel cake. She did not understand what the problem was with having coffee.

Mr. Tank stated that there are two cat cafés in Michigan that have a food service license. One is in Lansing and one is in Grand Rapids. Ingham County and Kent County have said if you have permanent walls and a vestibule, if the animals never come and go from the public entrance, they have a separate entrance and discreet HVAC, so the air cannot be the same. If you meet those requirements, they will grant you a food license. We were counting on that. We budgeted separate HVAC and everything. He called Oakland County; they got back to us a week later and they said I’m sorry, we did everything we could. He got the feeling that some people at one level were okay with it. Mr. Tank asked them how is this safe in Ingham County but unsafe in Oakland County? They replied Sir, that is how we interpreted it.

Liaison Urbanowski agreed that it is interesting and a very unique thing so she thought because we are talking about live animals and things like that she would be in favor of a Special Land Use. She did not think it was a general business thing. There are some contingency things that we should be keeping an eye on. She was glad the applicant added the spaying, neutering, vaccinated, and microchipping in there too.

Acting Chairman Gross wondered how an operation like this is financed.

Mr. Tank responded it is all his money. He explained that he had a consulting business and it was doing okay, his dad got sick at the beginning of 22. He shut it down to help his father out and he thought that it would be temporary, his father ended up passing away in June. He took some time and thought what am I going to do next? I am doing okay, my father left some stuff behind and I thought this is the best way to honor his legacy and do something positive. As of now, we are not a 501c3, I might seek it. It might make my life easier for insurance purposes. It is privately funded and we have a business plan. He was hoping that people show up and we
can break even and keep providing the service. He is committed to fund it for at least two years. If no one comes in, he will pay for the shelter for a couple of years.

Acting Chairman Gross asked if his admission fees would pay for the operating costs.

Mr. Tank explained that if they could hit 130 to 140 people a week, we would be okay. We will pay all the bills and we will pay the staff. Less than that, we go negative, and he will be fine with that. He had allocated enough capital for a couple of years. He hopes that it will take off and we can make some money. This is not a financial thing for him. He would be better off doing something else. He wants to make it sustainable, maybe hire some people. The funds are already there.

Acting Chairman Gross questioned how many days a week they would be open.

Mr. Tank replied that it will depend on the demand somewhat. We are planning on five days a week for five to six hours a day so between twenty to thirty hours a week depending on demand. The cats do not want people around too much. We need to be open so they can see the cats and adopt them. Probably five days a week, twenty-four, twenty-five hours. Saturday and Sunday for sure and we can probably pick two weekdays to be closed. We want to capitalize on the traffic on Lapeer too. When there are a lot of people around there, we want to get them to come in and check it out.

Commissioner Walker admitted that he had been doing this for a long time. He has seen a lot of people come in front of them and say things like we are not in this for the money. He never believed one of them one time until the applicant got here. He somehow thought that the applicant was not in it for the money, and he appreciated that. Commissioner Walker shared a personal story about his two cats that he got from Oakland County. He was most impressed with the applicant's presentation.

Mr. Tank disclosed that he is okay with money, and it is time to do something that matters.

Liaison Urbanowski confessed that she is a goat fan. She loves the idea of goat yoga; so, doing events like cat yoga and parties. She said that this is the most exciting thing that has happened in a week. This is amazing.

Mr. Tank added that they would do movie nights, yoga is a good idea. Anything that will get people in the door, within reason.

Mr. Tank acknowledged that there are some things that have to happen. From what he read online; he noticed that a public notice needs to be posted. His question is if some kind of special use is needed, what would the general time frame be once we can satisfy all of the requirements?

Township Planner Enos interjected that you would have to formally submit to the Community Development Department to the Planning & Zoning Director whom he thought the applicant had spoken with. They would process that, and they do it pretty quickly. There is a fifteen-day notice in regards to the local paper and notification of neighbors within 300 feet. Then it would go in front of the Planning Commission which meets twice a month. He suggested speaking with Planning & Zoning Director Girling to see if there is any flexibility on time frames. This is not typical. Certainly, her staff is going to want to be able to have the time to get the notifications out. Planner Enos admitted that he would not need that much time to do his analysis. He has done it so that would not hold up things. He mentioned talking to Director Girling to see what kind of flexibility she could allow as a Special Land Use.
Liaison Urbanowski stated that it would be four weeks before the next meeting.

Acting Chairman Gross indicated that he had an opportunity to go over the ordinance. What the applicant is asking for this evening is a clarification or a determination by the Planning Commission as to what zones this would be allowable in. The applicant had already picked out one that was RB.

Mr. Tank said that if something falls through, it would be nice to have GB, RB potentially BIZ.

Acting Chairman Gross looked at the ordinance as did Planner Enos and the RB, GB, and BIZ zones as well as some of the light industrial zones that allow for pet grooming, daycare, and kennels as a special use permit. He thought that it would be appropriate for them as a Commission to consider the determination as to the potential zones as opposed to zeroing in on one. In the event, the applicant comes up with another location. He agreed with Planner Enos that a Special Use is the most appropriate way to proceed with this so we can review it in terms of the conditions and obligations of the Commission and the owner.

Moved by Acting Chairman Gross, seconded by Liaison Urbanowski, that the Planning Commission determines that the use as described in the application for PC-23-23, Black Cat Beanery, is clearly similar in nature to the uses and is compatible with the listed or existing uses in the RB zoning district, the GB zoning district, the BIZ zoning district, and the LI and IP zoning districts which allow for pet grooming, daycare, and overnight boarding as special uses to be reviewed in more detail upon submission by use in one of those zoning districts.

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

B. Discussion on tree preservation.
Acting Chairman Gross turned it over to the Township Planner for a brief presentation for a possible direction.

Township Planner Enos said that Planning & Zoning Director Girling and he had been talking about this over the last month. As he has gotten to know everyone and gotten to know the ordinance and met with developers and reviewed several plans and then also reviewed the latest version of the Master Plan. It does speak to some need for environmental protection. What we did was we looked at the current ordinance, and he was aware that he was directed to look at the tree ordinance and other ordinance sections. We were able to jump into the tree protection ordinance and take a walk through that. One of Planner Enos’s partners, Sally Elmiger was an ecological expert who helped him with this. She also owns a tree farm, so she spends a lot of time on weekends with her husband working at this tree farm. She looked at our current ordinance which is the first memo dated June 21, 2023. It had a variety of comments and thoughts. From there, we took a step toward what we can do to improve that. As you know, on the last several projects, especially the PUDs, we have seen some significant trees being removed in our Township. While they have added some pretty good landscaping, those are not going to be matured for a long, long-time two-inch d.b.h. six-foot Evergreen. He thought that we are at a place in time where there are no real easy sites left in the Township for development. There are a lot of environmentally sensitive areas in the Township. Planner Enos said that what we are proposing is taking a look at and not reinventing the wheel totally, but we wrote Ann Arbor Township’s Tree Protection Ordinance. It has been vetted by several attorneys and supported at the court level. It is a community just north of Ann Arbor. You got to believe they have some real environmental concerns down that way. That ordinance works. What he was suggesting is to take that and move farther with that. Within this language, the Ann Arbor
language talks about an ecological characterization report. What he found was that all these things tie together, whether they are wetlands, steep slopes, endangered species, and then trees. They are all bound together. What this ecological characterization report does is it requires an applicant to provide that to the Township as part of a project. We are not going to get down to each residential home having to pull a tree permit, but this is for the projects that we are dealing with now. These are commercial projects, industrial projects, and PUDs that take a lot of the natural features away from the site and are permitted under our zoning ordinance, are permitted under our tree ordinance. There are also some questions regarding the tree protection fund. What Ann Arbor Township does and what we are proposing is to look at it as more of an environmental protection fund. If they cannot find places to plant trees in the Township, we find other ways to use some of that funding if they have to remove some of those trees and that can be stream bank preservation or wetland creation. There is a variety of different options available rather than just saying okay if I am cutting down this many trees down, I have to replace this many trees, and/or I have to pay towards a tree fund which there is still some question regarding the legality of that. Planner Enos wanted to get the Commission’s thoughts on it and get their thoughts on the next steps. He was aware that the Master Plan has some maps showing wetlands and showing some environmentally sensitive sites that were done at the big picture level through Oakland County. He did not think it would be too big of an ask for a creation of a local Township ecological environmental study to show what we have left and where, the type, style, and ways to protect that. The Ann Arbor ordinance gets into a lot of different design techniques for larger-scale residential and commercial properties. It talks about things rather than building out, building up, and protecting the trees around it. Right now, in our ordinance, the building envelope, no matter where it is on the site allows for the removal of those trees. Our Master Plan clearly says that environmental protection and tree protection is one of our goals and this is doing one of those things.

Acting Chairman Gross asked how does the Canton Township litigation affect these tree preservation ordinances?

Township Planner Enos replied that he thought that the Canton Township was not upheld because their tree protection ordinance did not tie it to the Master Plan or a larger environmental plan for the community. They just said we are going to protect trees, it is in our ordinance, and it is important. The courts have said we have to connect this to a larger plan for the community, whether it is the Master Plan. Maybe we do an addendum to the Master Plan but also a larger plan for an environmental protection plan for the community. That is why the Ann Arbor Township has been upheld in court because it is tied in part to the Master Plan and a larger-scale environmental protection plan.

Acting Chairman Gross wanted to clarify that we are not subjecting ourselves to an unconstitutional audit by the courts. Township Planner Enos suggested we talk to our Township Attorney to get some feedback from him before we even move forward with it. Acting Chairman Gross liked the fact that we are not trying to reinvent the wheel. He also liked that we are looking at other ordinances that have been successful in various locations. Township Planner Enos said that he usually starts from scratch and writes all his ordinance amendments. He never borrows from another community.

Secretary St. Henry liked the idea of possibly broadening that. Instead of a tree fund, it is more of an environmental protection fund. He pointed out that they had a case last meeting where he could have seen that playing out a little smoother than with the discussion that we had. There are no obvious places for trees. There are things in this Township that we can do to help preserve what we have already.
Commissioner Walker commented that he refers to himself as the “tree man”. When he read this report by Township Planner Enos and his staff, it made his heart sing. Commissioner Walker thought that this was overdue. This is the first step toward cleaning up what we have had trouble with for decades trying to figure out what to do. He thought that this was a huge step in the right direction.

Liaison Urbanowski wondered what an ecological characterization report entailed, required. What is the scope of that? How long will it take? Township Planner Enos explained that there are two parts to this. He thought that if the Commission was comfortable with it, he would talk to Planning & Zoning Director Girling to take the steps towards the Master Plan addendum and then maybe a larger-scale environmental protection plan. The ecological characterization report is something that the applicant has to provide us. The applicant has to hire a professional environmental person who has to look at the site and give us a report regarding endangered species, invasive species, wetlands, woodlands, slopes those kinds of things. That is provided for every project to us. They do show this on our site plans, but it gets down into much more detail. These trees are invasive here, we are okay with those being removed but this area is not. Liaison Urbanowski stated that we had people come in on certain projects and talk about wildlife. She said that she wanted to get a better understanding of what exactly is being affected. Township Planner Enos clarified that yes, how it is been affected and how one thing affects another. What he could do as we move through this process is give you an example of one that was provided for development. You can see exactly what they were provided as part of their site plan. They are going to provide the PUD Agreement and the engineering and the landscaping but I will give you a copy of that if you are comfortable with us moving forward with this so you can see that hey this is what we are going to expect when you come to Orion.

Secretary St. Henry noted that when we do site walks, he could think of a couple, where you do not realize until you see and walk it, the impact on monument trees. We all cannot do every site walk. This would probably fall under those lines.

Township Planner Enos pointed out that the developer provides it, but a licensed ecological expert provides this as part of their submittal process. He does some work downriver and one of the communities is Woodhaven, Michigan. One of the Planning Commissioners said we are called Woodhaven, but we are really not anymore. That community understood that they are at a point right now where if this was twenty years ago, they may have been able to protect more trees. He thought that this is where we were too.

Township Planner Enos mentioned that he would speak with Planning & Zoning Director Girling. We will show you what the work program is and decide whether we are going to start with the environmental ecological plan or at least start to take this Ann Arbor Township model and massage it a little bit more for Orion if you are comfortable with that. Acting Chairman Gross suggested looking at the Canton Township decision looked at a little further. Planner Enos agreed to do that. Acting Chairman Gross reiterated that he did not want to have the Township subjected to any litigation if it has already been tested. Planner Enos suggested that he did not want to go through the exercise of amending our ordinance and find it is not constitutional.

Commissioner Cummins said that this is a very important step that we are taking right now. He thought that it would pay off big time in the future. Michigan is having some problems with invasive species. If they are not controlled, they could become a major problem for us in this Township too.

Township Planner Enos stated that he might bring Sally out here. She is brilliant and can talk about what we are doing.
8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Acting Chairman Gross was glad that everyone had a safe Fourth of July.

15. COMMISSIONERS’ COMMENTS
Liaison Urbanowski mentioned that summer taxes are now due from July 1st through September 14th without penalty. You can pay multiple ways, look at the back of your tax bill. If you have any questions, call the Treasurer’s office. We are happy to answer them.

16. ADJOURNMENT
Moved by Commissioner Cummins, seconded by Commissioner Walker, to adjourn the meeting at 7:50 p.m. Motion carried.

Respectfully submitted,

Courtney Keisman
PC/ZBA Clerk
Charter Township of Orion
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: July 5, 2023
RE: PC-21-90, Ridgewood Final PUD Destruction of Documents Date Stamped Received 02-22-2023

As per the provided Control Form, the hard copy for PC-21-90, Ridgewood Final PUD date stamped received 02-22-2023, 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-21-90, Ridgewood Final PUD for plans date stamped received 02/22/2023.
### Summary of Document:

**UNAPPROVED SITE PLAN**

### Pre-Scan

<table>
<thead>
<tr>
<th># pages in file (paper)</th>
<th>Initials</th>
<th># pages scanned (electronic)</th>
<th>Initials</th>
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<tr>
<td>18</td>
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</tbody>
</table>

### 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 Krieman**

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

Date: **7/5/2023**

---

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: **7/12/23**
RIDGWOOD FINAL SITE PLAN
CLUSTERED RESIDENTIAL PLANNED UNIT DEVELOPMENT

TAX ID'S: O-09-15-226-006
O-09-15-226-007
O-09-15-226-008

A PART OF THE NORTHEAST 1/4 OF
SECTION 15, T4N, R10E,
ORION TOWNSHIP
OAKLAND COUNTY, MICHIGAN

FOR:
IN-SITE LLC
3454 RIDGELINE DR
ANN ARBOR, MI 48105
PH: (847) 476-9944

The proposed project will have 30 residential units proposed to be placed on site. At full occupancy, the number of residents is recommended for estimating duplex development vehicle trip ends estimated by number of residents rather than number of dwelling units. Typically grouped as duplexes. However, the ITE Trip Generation Manual does not have rates for multi-family housing, which typically has groupings of three to five units. This number of residents will occur during full occupancy, which is anticipated to last 30 years. Therefore, 30 years is the time period for which the ITE Trip Generation Manual was used to estimate the number of vehicle trip ends generated by the proposed project. This number of residents will occur during full occupancy, which is anticipated to last 30 years. Therefore, 30 years is the time period for which the ITE Trip Generation Manual was used to estimate the number of vehicle trip ends generated by the proposed project.

The Project Narrative provides for the opportunity to preserve many of the site's natural features including wetlands and woodlands areas. The proposed storm water management details will enhance the environmental quality of the local community area as well as the proposed residents desiring to transition from rentals to home ownership.

The benefits gained by the use of a cluster development and PUD flexibility would likely increase the property value and thus have a positive economic impact to the community through increased property values. The benefits gained by the use of a cluster development and PUD flexibility would likely increase the property value and thus have a positive economic impact to the community through increased property values.

The number of residents is recommended for estimating duplex development vehicle trip ends estimated by number of residents rather than number of dwelling units. Typically grouped as duplexes. However, the ITE Trip Generation Manual does not have rates for multi-family housing, which typically has groupings of three to five units. For the purposes of this study, it was assumed that the number of residents would be estimated by number of residents rather than number of dwelling units. Typically grouped as duplexes. However, the ITE Trip Generation Manual does not have rates for multi-family housing, which typically has groupings of three to five units. For the purposes of this study, it was assumed that the number of residents would be estimated by number of residents rather than number of dwelling units.
UTILITY NOTE:

BENCHMARKS:

NOTE:

GAS SAN

LEGEND

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

LEGAL DESCRIPTION:

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

DATE

BY

DESCRIPTION

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

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SCALE: 1" = 40'
Know what's below before you dig. Call RIN-SITE LLC.
Know what's below. Call IN-SITE LLC before you dig.
Know what's below before you dig. Call IN-SITE LLC.
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

122 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

80 Trees (122 - 42)

Title:
Landscape Plan

Project:
Ridgewood
Orion Township, Michigan

Prepared for:
IN-Site, LLC
3454 Ridgeline Drive
Ann Arbor, Michigan 48105

Submission:
November 1, 2021

Revised:
May 6, 2022

Revised:
November 18, 2022

Submission:
February 22, 2023

Job Number:
21-073

Drawn By:
Issued:
Page 1

Reviewed:
December 13, 2021

Prepared:
November 19, 2022

Revised:
February 20, 2023

Checked By:

Sheet No.
L-1
Tree Protection Fencing
See Sheet L-4 for Detail

Legend
"X" Denotes Removed Tree

Title:
Woodland Plan

Project:
Ridgewood
Orion Township, Michigan

Prepared for:
Bukie, LLC
206 Old Wayland Drive
Arlington, Michigan 48105

Revision:

Issued:

Job Number:

Job:

Drawn By:

Checked By:

Seal:

Land Planning / Landscape Architecture

Sheet No.
L-2
<table>
<thead>
<tr>
<th>Tree List</th>
</tr>
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</tbody>
</table>

**Woodland Summary**

- **Total Trees**: 993 Trees
- **Total Trees Removed**: 568 Trees
- **Trees Preserved**: 425 Trees (42.8%)
- **Regulated Trees Removed**: 122 Trees
- **Regulated Trees Replacement**: 122 Trees
- **Landmark DBH Removed**: 437"
- **Landmark Replacement Required**: 146 Trees (437 / 3)
- **Total Replacement Required**: 122 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 Designated at Landmark Status per Ordinance Sec. 27.12(L)
- **Landmark EX**: Tree Recommended for Replacement Exemption due to Very Poor or Dead Condition
- **Remove**: Tree will be Removed and 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 over a Utility and is Exempt

Tree Inventory Performed by Mike's Tree Surgeons, Inc.
**DECIDUOUS TREE PLANTING DETAIL**

- **Tree Protection**
  - **Tree Staking Detail**
  - **Staking Detail**
  - **Entry Sign**

**EVERGREEN TREE PLANTING DETAIL**

- **Tree Protection**
  - **Tree Stake Detail**
  - **Entry Sign**

**SHRUB PLANTING DETAIL**

- **Entry Sign**

**LANDSCAPE NOTES**

1. All plants shall be fourth to sixth season origin according to the American Standard for Nursery Stock, sixth edition of the American Standard for Nursery Stock.
2. Foliage and growth habit as per plant material and requirements of the plan.
3. Foliage and growth habit as per the landscape design for all plants within the project.
4. Banding and protection of all plants shall be according to plant specifications and requirements of the plan and grading permits. All trees require protection.
5. Remove all tag, string, and stake materials that are unsightly or could cause damage to the tree.
6. Plastic or wood orange snow fencing shall be installed at or beyond the dripline, unless more substantial materials are required.
7. No removal of vegetation from the ground up without permission from the proper reviewing authority, including the Woodlands Review Board.
8. There shall be no grade changes, including fill, within protected areas.
9. Sod shall be two-year-old "Baron/Cheriadelphi" Kentucky Blue Grass grown in a sod nursery.
10. Provide clean backfill soil, using material stockpiled on site. Soil shall be amended per soil test.
11. "Agriform" tabs or similar slow-release fertilizer shall be added to the planting mixture.
12. Plants shall be watered before and after planting is complete.
13. The plan shall be responsible for checking plant quantities to ensure the quantities on drawings and plant list are the same. In the event of a discrepancy, the quantity on the plant list shall prevail.
14. The plan shall be responsible for checking plant quantities to ensure the quantities on drawings and plant list are the same. In the event of a discrepancy, the quantity on the plant list shall prevail.
15. The plan shall be responsible for checking plant quantities to ensure the quantities on drawings and plant list are the same. In the event of a discrepancy, the quantity on the plant list shall prevail.
16. The plan shall be responsible for checking plant quantities to ensure the quantities on drawings and plant list are the same. In the event of a discrepancy, the quantity on the plant list shall prevail.
17. All trees must be staked, fertilized, and mulched and shall be guaranteed to live for a period of three years from the date of installation.
18. No removal of vegetation from the ground up without permission from the proper reviewing authority, including the Woodlands Review Board.
19. No grade changes, including fill, within protected areas.
20. Use the same staking/guying system as specified for these trees. They are shown on the plan.
STAFF SUMMARY

TO: Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: June 15, 2023

CASE: PC-23-21 Dutton East Retail Amended Landscape Plan

Dutton East Retail is part of a commercial development called Dutton Park. Dutton Park is comprised of two parcels. The eastern parcel (Dutton East Retail) has been developed, while the western parcel remains vacant.

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

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

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

Now, Dutton Park applicant is requesting to further amend the landscape plan to address site challenges.
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: July 12, 2023
RE: PC-23-21 Dutton East Retail Revised landscape plan

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

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

**Motion 1:** In consideration of the overall design and impact of the revised landscape plan, I move that the Planning Commission **approve/deny** a landscape open space tree count waiver on all boundaries for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 28, 2023, based on the applicant **did/did not** demonstrate the landscaping is in keeping with the intent of section 27.05 of the ordinance: (motion maker insert findings of facts).

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

**Motion 2:** I move that the Planning Commission **approve/deny** an interior parking lot island width waiver for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 28, 2023. This **approval/denial** is **granted/not granted** because the applicant **did/did not** demonstrate the following:

a. The parking lot consists of only one (1) aisle (Insert any findings of facts),

b. The area surrounding the parking lot is heavily landscaped (Insert findings of facts),

c. Where existing off-street parking drives and/or structures are located on the parcel (Insert findings of facts),

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

**Motion 3:** I move that the Planning Commission grants revised landscape plan **approval** for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 28, 2023 based on the following findings of facts (*motion maker to insert findings of facts*).

This **approval** is based on the following conditions:

a. Revise plans to show flattened berm that meets ordinance,
b. (Motion maker to provide resolution to address 38 trees needed per Ordinance 78, Section 27.12)

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

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

Or

I move that the Planning Commission **denies** revised landscape plan approval for PC-23-21, Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 28, 2023. This **denial** is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission **postpones** revised landscape plan approval for PC-23-21 Dutton East Retail Revised landscape plan, located at 4898 Bald Mountain Rd., parcel number 09-35-477-003 for plans date stamped received June 28, 2023 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s review letter).
TO: Tammy Girling, Planning & Zoning Director

FROM: John L. Enos, Township Planner
Sally M. Elmiger, Planner

DATE: July 11, 2023

RE: Dutton Rd. East – Revised Administrative Landscape Review

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

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

We reviewed plans date stamped June 1, 2023, and provided the review to the Township. The Planning Commission discussed these plans, and approved the following motion at their June 21, 2023 meeting:

 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.

The applicant has provided a revised Landscape Plan (Sheet L4) (date stamped June 28, 2023). We have evaluated this plan against the ordinance requirements and the comments in our previous review. We have listed our previous comments in bold text below. We follow each with an evaluation of how the most recent Landscape Plan has addressed the comment, in italics.
Landscape Ordinance – Sec. 27.05

**Landscape Design Standards:**

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

![Figure 1: Potential Tree Locations on Subject Site (as of March, 2023)](source: NearMap.com)

**CWA Comment:** In addition to the required greenbelt landscaping (discussed below), the revised plan offers four additional trees along the front of the site, including two large shade trees and two evergreen trees. While the revised plan doesn’t meet the extent of the ordinance requirement, given the limitations on site, we would consider this the maximum number of trees that could reasonably fit. The Planning Commission could consider reducing the number of trees required by this section of the ordinance.
Parking Lot Landscaping Adjacent to Roads

1. One (1) tree per 30 lineal feet, or fraction thereof, is required within a 20-foot wide greenbelt between an on-site parking lot and a street right-of-way. In addition, a hedge, wall, decorative metal fence, or berm with a vertical rise of at least 30-inches is required within a greenbelt. If a wall/fence is used, at least one shrub or vine is required per 10 lineal feet of wall/fence, located on the street side.

   - **Dutton Rd.**: As mentioned above, the subject site’s frontage along Dutton Rd. is located within an ITC Easement, and landscape ordinance requirements don’t apply within this easement per the Township Board’s motion. Therefore, no landscape waiver is necessary along this frontage. **CWA Comment:** The plans have been updated, and the number of shrubs along the Dutton Rd. retaining wall have been increased substantially. This change will provide an attractive hedge within the Dutton Rd. greenbelt, and will help to fill in the large expanse of turf grass. Ornamental grasses have also been added at the bottom of the retaining wall, which will help to soften the appearance of the wall to patrons using the parking lot.

   - **Premier Dr.:** 220 l.f. of greenbelt / 30 = 8 trees (Measurement scaled from west property boundary to where this greenbelt intersects with 20-foot wide Bald Mountain Rd. greenbelt), and hedge planting. Based on our calculations, this greenbelt is deficient by the use of ornamental trees (vs. shade trees), by the number of trees proposed, and by the lack of a hedge across the entire road frontage. **CWA Comment:** The revised plan shows eight trees within this greenbelt. Three are large evergreens, four are understory-sized trees (ultimate height approx. 20-30 feet), and one is a large shade tree, meeting this requirement. The landscaping within this greenbelt has also been supplemented with more shrubs that extend the planting toward the intersection with Bald Mountain Rd. Ornamental grasses have also been added to the hedge planting. The corner has a decorative planting bed that includes the shade tree, and additional shrubs and ornamental grasses. This approach will successfully screen the parking lot from the road.

   - **Bald Mountain Rd.:** 165 l.f. of greenbelt / 30 = 6 trees (Measurement scaled from Premier Rd. right-of-way to ITC Easement on south end of site), and hedge planting. **CWA Comment:** The revised plan meets ordinance requirements along this road frontage.

2. **Sight Distance.** **CWA Comment:** The revised plans have located the proposed plantings outside of the required sight-distance triangles at the road and driveway intersections.

3. **Berms in conjunction with a greenbelt must be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal, with at least a two (2) foot flat area on the top. The proposed plan locates a berm along Bald Mountain Rd. The slopes on the proposed berm need to be flattened slightly to meet this requirement.** **CWA Comment:** The applicant’s response letter (dated June 28, 2023) states that they will modify the berm configuration to meet ordinance requirements.
**Interior Parking Lot Landscaping**

1. Parking lots with more than 20 spaces shall contain a minimum of 20 square feet of interior landscaping per parking space, and one (1) tree per 200 s.f. of interior landscaping. Counting the spaces shown on the Landscape Plan, the subject site has 53 parking spaces; therefore, 1,060 square feet of interior landscaping is required. Also, six (6) trees are required. We have the following comments:
   a. The notes under the heading “Landscape Requirements” states that there are 55 parking spaces provided. **CWA Comment:** The note has been revised to accurately reflect the 53 spaces on site.
   b. The “Landscape Requirements” note states that the design provides 1,427 s.f. of interior landscaping, and 3 trees. The plans meet the requirements for interior landscaping area, but do not meet the requirements for interior trees. Also, the proposed tree species is a multi-stemmed tree, not a shade tree. Three more trees need to be added to the plans and the proposed trees modified to a “shade” species. **CWA Comment:** The revised plan addresses these comments and meets the ordinance requirements.
   c. Regarding the three parking lot islands on the south end of the building, they are slightly narrower than the minimum 10-foot width, and should be widened. (Note: this includes the island on the southern end of the 9-space parking bay.) All landscape islands are smaller than the required 200 square feet, and need to be enlarged to meet this requirement. **CWA Comment:** The applicant’s written narrative states that the landscape islands were constructed per the approved plan. They will be field-verified to confirm that they meet the ordinance standards; if not, they will request a waiver.

**Material Standards and Specifications**

1. The proposed plant material meets the minimum size requirements, except for the Little Quick Fire Hydrangea. We would expect the proposed 3 Gallon to not meet the minimum 24” height at planting; this should be modified to a 5 Gallon. **CWA Comment:** The plans have been revised and meet the minimum size standards.

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

The 2021 plans (Sheet L-1) show removal of 38 “protected” trees from the subject site (easterly parcel). None of the removed trees on this site are considered Landmark Trees. This ordinance section requires that one tree be planted for each tree removed. Thirty-eight (38) 2.0-caliper inch replacement trees are required, or the applicant could request that the Planning Commission waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform, and the applicant proposes a contribution to the Tree Fund, in an amount reasonably related to the cost of the tree replacement being waived. **CWA Comment:** The applicant’s written narrative requests a waiver from the required planting, based on the new plan that maximizes the number of trees on site given the available space. We consider not planting the trees on this site reasonable, given the amount of landscaping provided to meet other ordinance requirements. However, this section allows that where planting the trees on site is not feasible, they may be planted at another location, as determined by the Planning Commission.
Lapeer Road Overlay District – Article XXXV

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

Summary of Comments

As requested by the Planning Commission, the revised Landscape Plan has substantially reduced the number of requested waivers from ordinance requirements, and increased the number of trees planted on site. The following are the few remaining items to be addressed:

1. **Landscaped open space** requires 22 trees; plans propose 4 trees in addition to trees proposed to meet other landscaping requirements. The Planning Commission could consider reducing the number of trees required by this section of the ordinance.

2. **Parking lot landscaping adjacent to roads.** The applicant states that they will modify the berm slopes to meet ordinance requirements.

3. **Interior parking lot landscaping.** The applicant states that the size of the interior parking lot landscape islands (already constructed) will be field-verified to confirm that they meet the ordinance standards; if not, they will request a waiver.

4. **Tree and woodland protection.** The Planning Commission could consider waiving the requirement for 38 replacement trees planted on site; However, this section gives the Planning Commission the ability to approve the required planting on another site. This issue needs to be addressed.

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

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

From: Mark Landis <Mark.Landis@ohm-advisors.com>
Sent: Thursday, June 29, 2023 7:45 AM
To: Tiffany Sanders
Cc: Jonathan Mahut; jenos@cwaplan.com; Jeff Williams
Subject: RE: PC-23-21 Dutton East Retail Landscape Review - Second Submittal

Tiffany,

We have no concerns with the proposed revised landscaping plan. While there are plantings over proposed utilities and near retaining walls, they will be smaller shrubs and groundcover so no issue. There are some plantings in the area of the reserve septic field, however the likelihood of them needing to utilize this is remote so we find it acceptable.

Thanks

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

From: Tiffany Sanders <tsanders@oriontownship.org>
Sent: Wednesday, June 28, 2023 12:29 PM
To: Mark Landis <Mark.Landis@ohm-advisors.com>
Subject: FW: PC-23-21 Dutton East Retail Landscape Review - Second Submittal

This Message originated outside your organization.

Hi Mark,

For clarity – no fees at all were taken in for this review.

Tiffany Sanders
Specialist – Planning & Zoning
Planning & Zoning Department
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5004
W: www.oriontownship.org

From: Tiffany Sanders
Sent: Wednesday, June 28, 2023 12:04 PM
To: John Enos <jenos@cwaplan.com>; Mark Landis <mark.landis@ohm-advisors.com>; Jeff Williams <jwilliams@oriontownship.org>
Cc: Tammy Girling <tgirling@oriontownship.org>
Subject: PC-23-21 Dutton East Retail Landscape Review - Second Submittal

Hello all,
The fire department has reviewed and has no concerns at this time. If you should need anything additional from me please let me know.

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

---

From: Tiffany Sanders <tsanders@oriontownship.org>
Sent: Wednesday, June 28, 2023 12:04 PM
To: John Enos <jenos@cwaplan.com>; Mark Landis <mark.landis@ohm-advisors.com>; Jeff Williams <jwilliams@oriontownship.org>
Cc: Tammy Girling <tgirling@oriontownship.org>
Subject: PC-23-21 Dutton East Retail Landscape Review - Second Submittal

Hello all,

Please find the attached second submittal for the Dutton East Landscape Review.

John – for your review. No fees were collected for this review as it is the second.

Mark and Jeff – would you both please take a quick look at the plan to see if you have any issues? If you do not see anything, would you please send an email stating so? Thanks for your help.

Jeff – we have a hard copy here in the office if you need it.

Regards,

Tiffany Sanders
Specialist – Planning & Zoning
Planning & Zoning Department
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5004
W: www.oriontownship.org
APPLICATION FOR LANDSCAPE REVIEW

Case Number PC- 23 - 21

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

NOTICE TO APPLICANT

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

Date 05/30/2023 Project Name Dutton East Retail

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

Applicants Address 1615 S. Telegraph Rd

City Bloomfield Hills State MI Zip Code 48302

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

Property Owner Name Premier Drive, LLC

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

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

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

Address 46777 Woodward Ave, Pontiac, MI 48342

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

*Please Indicate Above The Contact Person *

Property Description: 43
Location or Address of the Property: 4898 Bald Mountain Rd

Side of Street: West Nearest Cross Streets: Dutton

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

Subdivision Name (if applicable)

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

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

**Zoning Classification:**
Subject Property: IP, Industrial Park

Adjacent Properties:

North: IP Industrial South: Vacant

East: Ajax West: IP Industrial

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

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

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

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

[Signature]
Signature of Applicant

[Date]
5/31/2023
Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name: Dutton East Retail

PC# Parcel#(s) 09-35-177-003

Please select an option below:

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

Signature of Applicant: [Signature]

Printed Name of Applicant: Shaun Houck

Date: 6/1/2023

☐ Do not want plans posted on Web Site
June 28, 2023

Charter Township of Orion
Planning & Zoning
2323 Joslyn Road
Lake Orion, MI 48360

RE: 4898 Bald Mountain Road – PC-23-21 – Landscaping Amendment
Henry Yandt Construction, LLC Response to Review Letter

Dear Tammy Girling,

Below is our response to the Carlisle Wortman Review Letter dated June 12, 2023.

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

1. **Landsplaced open space requires 22 trees; none proposed.** The Planning Commission must determine that a waiver or adjustment is in keeping with the intent of the Zoning Ordinance, and Sec. 27.05. **HYC RESPONSE – HYC has submitted a revised Landscape Plan with a total of 24 Trees and 204 Shrubs to meet ordinance requirements. This is a total of 13 additional trees from the previous submission. Three (3) new trees north of the dumpster enclosure. Six (6) new trees along Premier Drive frontage. Four (4) new trees along Bald Mountain Road frontage.**

2. **Parking lot landscaping adjacent to roads.** The Planning Commission may waive or modify the requirements subject to one or more of the following conditions: limited parcel depth, existing vegetation, or other site factors which limit the practical application of landscaping standards:
   a. **Dutton Rd.: ITC approval of proposed landscaping within the Easement.** **HYC RESPONSE – HYC has submitted a revised Landscape Plan that was previously approved by ITC for this area. Refer to PC-22-40 for reference.** Please note limitations due to restrictions from the ITC easement and compliant plantings. Shrubs and retaining wall satisfies screening requirements – trees are not allowed in the ITC easement.
   b. **Premier Dr.: Eight (8) trees required; three (3) ornamental and one (1) shade tree proposed.** Hedge screening parking lot from road is not proposed across entire frontage. **HYC RESPONSE – HYC has submitted a revised Landscape Plan with a total of eight (8) trees and a hedge along Premier Drive to meet ordinance requirements. Please note an open, non-planted area due to the septic field located just east of the Premier Drive.**
entrance.

c. Bald Mountain Rd.:  
   i. Six (6) trees required; three (3) shade trees proposed. Hedge screening parking lot from road is not proposed across entire frontage. **HYC RESPONSE — HYC has submitted a revised Landscape Plan with a total of six (6) trees and a hedge along Bald Mountain Road to meet ordinance requirements.**
   
   ii. Slopes on proposed berm need to be slightly flattened to meet ordinance requirements. **HYC RESPONSE — HYC will flatten berms slightly to meet ordinance requirements.**

3. Interior parking lot landscaping. The Planning Commission may waive or modify these requirements where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped, or where existing off-street parking drives and/or structures are located on the parcel.
   
   a. Confirm that the proposed number of parking spaces (2 fewer than approved plans) meets ordinance requirements for use. **HYC RESPONSE — HYC has submitted a revised Landscape Plan showing fifty-three (53) parking spaces.**
   
   b. Six (6) trees required for interior landscaping; three (3) multi-stemmed (vs. “shade” species) trees are proposed. **HYC RESPONSE — HYC has submitted a revised Landscape Plan with six (6) shade trees to meet ordinance requirements.**
   
   c. Parking lot islands don’t all meet the 10-foot minimum width requirement, or 200 sf minimum area requirement. **HYC RESPONSE — HYC will field measure to confirm. Islands have been installed per plans. HYC will request a waiver if installation does not meet ordinance requirements.**

4. Plant material. Increase size of Little Quick-Fire Hydrangea from 3-gallon to 5-gallon to meet minimum size requirements. **HYC RESPONSE — HYC submitted a revised Site Plan noting the change to 5-GAL plant size to meet size requirement.**

5. Tree and woodland protection. The Planning Commission may waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform, and the applicant proposes a contribution to the Tree Fund, in an amount reasonably related to the cost of the tree replacement being waived.
   
   a. Thirty-eight (38) replacement trees required; none provided. **HYC RESPONSE — HYC has submitted a revised Landscape Plan with twenty-four (24) new trees. A number of trees could not be planted due to the ITC easement, the west retaining wall and the septic field. HYC has substituted shrubs to cover the trees that could not be planted. In the case of a deficit, HYC would request a waiver based on maximizing the amount of trees on the space available.**

*No other changes have been made to this document.*

Sincerely,

Tom Beauchamp

President
Henry Yandt Construction
248-941-4650
tbeauchamp@henryyandt.com

1615 S. Telegraph Rd.
Bloomfield Hills, MI 48302
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 even 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 waive 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 those 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

July 5, 2023
Planning Commission Approval Date
Vegetation Management: Compatible Plantings

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

All Annuals and Fleshy Perennials

Near Border Zone:
- Alberta Spruce
- Birdsnest Spruce
- Boxwood Burning Bush
- Coralberry Cotoneaster
- Forsythia Globe Arborvitae
- Holly Hydrangea
- Mugho Pine Juniper Privet Redtwig Dogwood
Vegetation Management: Compatible Plantings [cont.]

Far Border Zone:

Dogwood
Dwarf Crabapple
Japanese Maple

Tree Lilac
Redbud