The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 17, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Scott Reynolds, Chairman (Orion Twp., Oakland County)
Don Gross, Vice-Chairman (Orion Twp., Oakland County)
Joe St. Henry, Secretary (Orion Twp., Oakland County)
Don Walker, PC Rep to ZBA (Orion Twp., Oakland County)
Kim Urbanowski, BOT Rep to PC (Orion Twp., Oakland County)
Garrett Hoffman, Commissioner (Orion Twp., Oakland County)
Jessica Gingell, Commissioner (Orion Twp., Oakland County)

PLANNING COMMISSION MEMBERS ABSENT:
None

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:00 pm.

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Diane Griffiths  Roger Berent
Manny Kniahynycky  Caitlyn Habben

3. MINUTES
A. 02-17-21, Planning Commission Workshop Meeting Minutes
B. 02-17-21, Planning Commission Regular Meeting Minutes
C. 02-17-21, Planning Commission Public Hearing Minutes for PC-2021-05, C&A Group
Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman to approve the three sets of minutes, as submitted. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, to approve the agenda as presented. Motion carried

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

7. NEW BUSINESS
A. PC-2019-47, Lavender Ridge Final PUD Site Plan Extension Request, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001).

Chairman Reynolds stated that they are looking for a one-year extension. He asked the applicant if he could a brief overview of where they were at and why they are asking for the extension.

Mr. Manny Kniahynycky was present via the GoToMeeting App.

Mr. Kniahynycky stated that the reason for the extension is the lack of financing due to the pandemic. They are encouraged that it is starting to open up and they have been checking constantly with their usual sources and they are getting indications that they are willing to give them a term sheet now. They just completed their development agreement with the Township Attorney, and that has been executed by the Township and by them, and they will be taking a copy and will be getting it recorded. They have been dealing with the owners of the property so they have got more of an extension with a lot more deposits, and a lot more money down. They are hoping that when they can get their term sheet on the financing, they are going to proceed at full speed to try to get the final engineering done, and then go to construction as soon as they can.

Chairman Reynolds said that due to Covid, and some financing issues going on but with the hope that they are going to proceed forward with the pandemic hopefully being behind us in 2021.

Vice-Chairman Gross asked if they had done any preliminary marketing on this project yet? Mr. Kniahynycky replied they have done studies to confirm that their projected lease rates, et cetera, are realistic. They are also very encouraged by the fact that the leasing of apartments in general, is very strong. They have projects in Troy and in Royal Oak, and they are leasing almost as quickly as they can deliver those. Those projects were financed before the pandemic and have been under construction for a couple of years. He thought everything else is a go. He added that it is just the financing all of the banks and the lending institutions decide to sit on the sidelines when the pandemic hit. They had some good preliminary discussions with the lenders that they usually use and then they all decided that they couldn’t assess their risks from the pandemic. So basically, the corporate attorneys decided that they were not going to issue commitment until they could see their way as to what the risks are going to be with the change in economic conditions. He said they have two other projects that are in the exact same situation one in Brighton and one in Ann Arbor and all of those were sidelined due to the financing, the commitments for financing not being provided by the various lending institutions. They just got their term sheet today, on their Ann Arbor project, so they are very encouraged by that.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, due to the constraints imposed upon this development by COVID, I would move that the Planning Commission approve the Final PUD Plan extension request for PC-2019-47, Lavender Ridge Final PUD Plan for one-year, until February 3, 2022. This approval is based on the following findings of facts: financing has been difficult over the last year.
Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.

B. PC-2020-01, Orion Classic Car Club Site Plan Extension Request, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021).

Chairman Reynolds asked if the applicant was present?

Mr. Roger Berent was present via GoToMeeting App.

Chairman Reynolds asked the applicant to give a brief overview of what has been progressing and the reasons for the extension.

Mr. Berent stated that he was there on behalf of Dr. Canine, Roger Barrett from Roger Barrett Architects presented.

Mr. Berent said that Dr. Canine had multiple financing options in place. As soon as the pandemic hit, they were all pulled basically. He has been working with a couple of lending institutions and things are starting to open up again for them. It is his intention to move forward with the project, as it was designed and planned for the car club and restaurant area. With regards to the restaurant, he had a potential tenant line up and ready to sign a lease, and again, that fell through, obviously, restaurants are not something that people are climbing over each other to start opening, at least in the last year. For those reasons, Dr. Canine is seeking another year extension on the Site Plan approval.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approves the site plan extension request for PC-2020-01, Orion Classic Car Club Site Plan for a one-year period to April 15, 2022. This approval is based on the following findings of facts: that over the last year due to COVID it has been extremely difficult in terms of financing for development.

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

8. UNFINISHED BUSINESS

A. PC-2021-36, Township Initiated Text Amendment – Woodland Protection

Chairman Reynolds said that the general overview of this is that they want to speak to some general intent on this section of the ordinance. So, that they are all clear with the professional consultants, the Planning Commission, and how they are kind of interpreting the current verbiage of the text and then also moving forward down the road. He thought they will be revising this but at this point in time, there is some clarification that they want to signify and have a couple of discussion points.

Planning & Zoning Girling said that this is a problematic section of the ordinance. She added that they really need to come up with some resolution. The way she sees it as a short-term goal and a long-term goal. The long-term goal, whether the woodland is being looked at as a map within the Master Plan, and maybe within the Master Plan they end up with changes in the ordinance. So, perhaps the long-term goal of what they really want this ordinance to say is further down the road. Right now, they are taking in applications, and she looks at it one way, somebody else looks at it another way, the Planner looks at it another way, and people that have been on the Commission before look at it another way. They need to come up with an
understanding amongst everyone. How are they going to look at this section so they got something to use, currently until they modify it to say what they really want it to say.

Chairman Reynolds stated that there were some general provisions or discussion points about what trees do, and don’t get replaced, what trees are they essentially referencing, when they take a look at the ordinance. There is this discussion of kind of this immediate discussion on which our text currently speaks to and then the long term-goal and how they might modify that with, not only the Master Plan but also, how they might change verbiage down the road. They frequently are bringing up tree replacement, tree removal permits, legacy trees, general items. He wanted to discuss what their goals are and how they read the verbiage. His perspective, as he looked at this, trees within the development area, generally, are exempt from a replacement because we are essentially saying it is within the development area, unless, it is a legacy or a land-mark tree. When those are encountered within the building footprint, they need to be replaced at an inch-to-inch caliber for replacement, that is how he always read this. There are obviously, further discussions, and this ordinance that speaks to clear-cutting, and general items. He thought that they wanted to be on the same page with where they are moving forward, and what their intent is as they bring up to their consultants about tree removal permits and if they are required, sometimes they are overlooking them, sometimes they are leaning on them.

Vice-Chairman Gross said he had an opportunity to go over all the material that Planning & Zoning Director Girling provided them. He said he went through the ordinance and looked at all the different sections. He said that there is a couple of key points, one is when a tree removal permit is required, and there is a definition of a building envelope and that the trees that are within a building envelope are not required to be replaced. So, it seems it would be counter-productive to have a tree survey prepared for the trees within the building envelope. If that is the point of contention, he thought that the ordinance is pretty succinctly when it says a tree survey prepared by the State of Michigan registered forest or arborist or landscaped areas or all areas for which a tree removal permit is required and a tree removal permit is not required within a building envelope. He didn’t see the necessity to have a tree survey within the building envelop area.

Chairman Reynolds asked Vice-Chairman Gross his thoughts for landmark and legacy trees within the building envelope, and did he concur with Chairman Reynolds statement? Vice-Chairman Gross replied that he agreed that if there are legacy trees, landmark trees, which are in excess of the dimensions that are specified, they should be replaced. He thought it would be simple to determine those without having a full-blown tree survey for the building envelope.

Commissioner Walker agreed with Vice-Chairman Gross. He thought that they might not have to have the tree survey, but the trees here are disappearing too rapidly for him anyway. He can understand why they might not need a survey within the envelope, but he thought that the counting of the trees and the replacing of those trees should remain.

Trustee Urbanowski said that was her concern when they start looking at all the exemptions, and the reasons there wouldn’t be a tree survey needed. It really narrows the scope of when you would actually need a big tree survey. She would like to see fewer trees, in the big picture, long-term, come down. Orion Township was just awarded a Tree City USA award. She thought it was important, this is a Tree and Woodland protection ordinance. She would like to see long-term, to encourage people to be mindful of those landmark trees, and those historic trees. She said if they don’t have to do it in the envelope, then they shouldn’t be asking them to do it according to the way that the ordinance is written now. It would be nice to have a count later on at some point, or some accounting of what they are missing, and then making sure that it gets put back. They are talking substantial big trees to replace, things that are gone. Her only
concern is that if they are not doing a survey of the building envelope, and they have an example of larger projects, and there is a lot of space that is being built, and it is a substantial piece of the land, and if they are not surveying it, how do they account for the possibility of a substantial tree, being removed without being under our watch?

Chairman Reynolds stated that he didn’t think the discussion was so much about having applicants avoid a tree survey, he thought it was more about the interpretation of what the requirements are that they setting forth, and what is the tree replacement. They are all agreeing on this building area, as they define it currently except for those that are legacy or landmark trees. He thought that there are other segments that he thought they could speak to. For example, being the architect on the Orion Township site, they approached it that it was a large site. They are not going to identify every tree, but they are going to identify the area in which they are essentially developing so they can prove to them, what is a legacy tree, what is a landmark tree, how are they replacing it and how are they proceeding forward. He agreed moving forward, they might want to change their goals with this. They know that it is going to take some time, and he thought they definitely need to take some notes and obviously speak to that. How do they protect some of these underdeveloped sites? They keep speaking to woodland and currently, they don’t have a current woodlands map. He thought that is one thing that they need to kind of buff and polish in this ordinance, there really are regions and areas that they want to stick up for, that is one tool that they have.

Secretary St. Henry stated that if there is a historical landmark tree within a building footprint he would like to know, depending on where they are at, they should take a look at these one-on-one and ask the builder or developer why this tree has to come down? Or if there is any way that you can work around it? Can they adjust the plans at all to save those Landmark trees, because chances are, no matter what is planted, no matter what remediation takes place, that tree is gone for our life-time if that is a landmark or a historical tree? He said he just had a tree taken down in his neighborhood for a community project, in his front yard and the Township is going to replace that tree, and he appreciated that, and he is going to be able to pick out what he wants. A 6 to an 8-foot tree that they plant later this year, is not going to be 80-ft. tall in his lifetime, or at least as long as he lives in his home. He thought that they should do everything they can to preserve those landmark trees, if at all possible. That is not just giving a green light to a developer, to say, they can take it down if it is in the footprint.

Chairman Reynolds said that is the goal here, is even though they have a building footprint, are they holding people accountable for those legacy and landmark trees, those are still going to be one of our first intents. It is meant to be difficult to remove those trees, especially since they have to replace on that one-on-one. It is not to say that, they can’t take them down, but it is costly to do so. They want to see developers work around those trees versus just saying, they are going to take them down or contribute to a tree fund.

Secretary St. Henry said if the Planning Commission agrees on a site plan, then they must speak as a Planning Commission, that this development is worth it, and there are no other alternatives to saving the trees.

Trustee Urbanowski agreed with Secretary St. Henry. She said that the review standards, the very first one necessary for construction if there is no feasible or prudent location alternative on-site for improvement, she felt like it shouldn’t just be because this is where they want it. If there is a little woodland area of trees that is worth preserving, she hoped that there would be more consideration given to that. She thought it was important to people that already live here and to people that will be moving here too. She felt that is one of the reasons people want to live here is because of the green spaces. She wanted to encourage more of the preservation standards, if at all possible.
Planning & Zoning Director Girling stated that with the tree survey, because there was a little bit of a discussion on not needing the tree survey, that is not something that she was gray in the ordinance. If they chose not to have it, that would be something they would discuss in long term goal but with it being required the purpose of it for even those that are not a land-mark trees, that in that building envelope, it does give the discretion for the Planning Commission, and they should be looking at the plan and saying, can you move the road 20-ft. to save that tree, and they are not going to know if that tree is there unless they have a tree survey. She agreed with what everybody’s saying that at the absolute smallest amount of discussion is that, the tree survey would be needed.

Planning & Zoning Director Girling asked that Chairman Reynolds make some bullet points, and make sure that everyone is agreeing, and so they know, going forward, legacy versus protected, building envelope, not building envelope, tree removal permit, tree fund. Those were the main six things that kind of went in circles in the texts that she wanted to make sure that they have it completely ironed out so she knows what to tell developers when they call.

Secretary St. Henry stated that this is not unprecedented, they ask developers in pre-app meetings and during site plan reviews, in neighborhoods to preserve natural features and things along those lines. He didn’t think it would be unprecedented if they talk to developers to save these trees.

Planner Fazzini said two points from a site plan perspective. One is, he thought, engineers or architects have difficulty understanding how to show, ideally, they would have the tree survey, and they would have the construction limits overlaid on that. They are getting the tree survey separate from the construction plans so they can’t tell what the area of improvement is often because they are not overlaying this survey with where there are site improvements. He thought the big difficulty, was establishing that boundary. The second is just clarification on if the landmark trees within the construction boundaries have to be replaced or not.

Planner Arroyo said he understood the discussion about the tree survey required where ever the permit is required. He asked if they have identified the boundaries of their construction, they are allowed to remove those trees? It sounded like to him, that they don’t have to do a tree survey for the area within the limits of construction, as long as it falls with the definition.

Chairman Reynolds said that is some of the discussion on which people are having in which they are just understanding that those trees are not necessarily needing to be replaced. He didn’t think everyone was speaking to how the current ordinance speaks to when a tree survey is or isn’t required. He thought that was kind of agreeing that they don’t need to be replaced, or they are not changing the text to say when a tree survey map is or isn’t required. They are talking about the replacement side than the survey side.

Planner Arroyo said so the tree survey is going to be required, and it is going to include the area that is going to be impacted by construction, as well as, the area outside of that, correct? Chairman Reynolds replied, correct. Planner Arroyo said he just wanted to make sure that he understood that is where the discussion was going.

Planning & Zoning Director said that the Planning Commission can ask the applicant, to move the road 20-ft, because they are losing these 50 trees, but if they don’t know what is in the building envelope, they don’t know to ask that.

Planner Arroyo asked what about in the situation where they have a parcel, that is a thousand feet deep and it is loaded with trees, and someone is only developing 250-ft. in-depth, is it still
their expectation that there is going to be a tree survey for the entire parcel, even though the vast majority of it is not going to be developed at all?

Chairman Reynolds said he was fairly certain that they have verbiage in the ordinance saying that the Planning Commission can waive the requirement, what is and what is not surveyed.

Chairman Reynolds stated that another example, where they need to focus on is the general development area or the area in which it gets developed. There are some interpretations there, if someone is blatantly not surveying an area just to try and hide something, he would say no. But if it is 5-acres developed on a 50-acre site, he thought it was reasonable to say a tree survey should be 7-8 acres or the limit is plus a little bit. Then they know, there are no areas that are not surveyed but developed.

Planner Arroyo stated that they do have a provision that says that if they have a site plan that is over 10 acres in size, with more than 100 regulated trees, the Planning Commission can waive the tree inventory requirements, that is only if it is over 10-acres. He asked when they talk to developers, do they have any discretion to identify an area, as he just mentioned, beyond the development boundary, and say, this is where the tree survey should go? Then if they are not touching anything beyond that, they stop it.

Planning & Zoning Director Girling said that there is a section that talks about if it is a large site and there is an area you do not intend to impact that, you can show it on the plan and mention the predominant species. So, it makes it easier, it is not right in this section they are talking about, it might be under site plan requirements 30.01 where it specifically says a tree survey is required, and she thought it was in that section. She asked if someone could look quickly because she didn’t want to disconnect everyone. She always wondered that also why they are giving that predominant species if it is the back 20, that is a lot of money if they are not even touching it, to require them to do it. They all know that they try, they have kind of learned redevelopment ready, and time is money, and trying to get it through the Planning Commission rapidly. If a developer doesn’t do the tree survey or doesn’t do an area, and then comes to the Planning Commission and the Planning Commission doesn’t grant that waiver for preparing it, then they made themselves set back a little bit.

Trustee Urbanowski said she was not sure that the spot that Planner Arroyo was talking about was for larger sites over 10 acres in size containing more than 100 regulated trees. She read that the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas. So, they do have that discretion.

Chairman Reynolds thought that there is some reasonable discretion thereof requiring that much of a tree survey for a small addition. He was aware projects with a heavily wooded site, they are not touching it, he thought they could be realistic on what they are requiring. They ask that on larger sites could it still be applied where it is reasonable being provided for that of a smaller site that isn’t touching the woodlands area. His main focus would be kind of immediate area surrounding what improvements are occurring, that is his intent.

Planning & Zoning Director said she found section 30.01, which says what needs to be submitted with the site plan location, size, and type of existing trees that are four inches or greater, in caliber, measuring 12 inches above grade except the trees listed as prohibited plant material need to be shown only if they measure 12 inches or greater. Only trees that measure 12 inches or greater in calipers need to be shown in the woodland area clusters or hedgerows provided that the boundaries and predominant species of such area are indicated. She said it was talking about clusters of them, that they have to show the boundaries and say what the
predominant species are. So, it is a little bit of a break. Again, as they are talking about a possible text amendment as their long-term goal, even the size of the trees that we are looking at they can address.

Planner Arroyo said major simplification of that section once they get to that point because he thought it could be substantially shorter.

Commissioner Walker thought that they should reserve some discretion for the Planning Commission and the Board. But at the same time, have a little control over the developers he didn’t think that there was anything wrong with that. They can make exceptions to make sure, but they are getting caught in the minutia of this. He asked if they are going to write the Master Plan tonight? He didn’t think so, he thought it was all part of the debate.

Chairman Reynolds said so, general replacement within the development area as defined by the ordinance, so they are exempt for trees except for our landmark trees. He asked if everyone was in agreement with that statement? All were in agreement.

Chairman Reynolds stated that the second item was the replacement. Those historic trees or landmark trees at 1 to 1 who are holding those requirements? Especially if they are in the development area they would need to be replaced as per page 27-58. Any landmark or historic tree shall be replaced on a 1 to 1 basis. So, a 48-inch landmark tree shall be replaced by 24 2-inch trees. He asked if everyone was in agreement with that statement? All were in agreement.

Chairman Reynolds said the last piece that they didn’t really speak to, that they do have, and they don’t always utilize, is if there is a replacement, they do have Section M which is a tree farm. All money proposed to be paid by the applicant in lieu of a tree replacement or relocation, that is a viable option or agreeing that is a viable option to replace trees, or contribute towards the tree fund versus replace those trees on site. That is what the ordinance speaks to. He asked if everyone was in agreement with that statement? They were not.

Commissioner Walker stated that Secretary St. Henry earlier pointed out earlier that they are replacing his tree but will they see it come to fruition, maybe not? Just the fact that someone gives them $20 to plant a tree, that won’t be a landmark type tree, for 20-years this is not the same as knocking down the tree in the first place. Secretary St. Henry agreed; he didn’t know how they could work around that?

Planning & Zoning Director Girling said she completely understood what Commissioner Walker was saying. She thought as they talk about a text amendment, perhaps the text amendment has something with more chomp on the size of the tree versus 24 little ones, maybe it is two larger ones. She thought that is more of the text amendment and what they want to see that those landmark trees are more comparable to the ones being removed. Right now, they are trying to get through what this ordinance says because they are not doing the text amendment, they are doing what does it say, so that they have something to all agree on, going forward.

Planner Arroyo said in reference to the tree fund because he does work with other communities that have funds like that, it is important that if they are going to start receiving contributions to a tree fund, that they have an established as a separate fund that can be tracked. There is a program where that money is spent generally within a reasonable time, the next planting season to actually plant the trees. It is not a fund to just sit and hold, they have to in order to hold muster, they need to have a dedicated fund, and then they need to be planting the trees somewhere in the Township after that money has been deposited.
Chairman Reynolds thought that they needed to be looking at the woodlands map. They need to be discussing the pay in lieu fee at all of those items as future endeavors with the major overhaul of this section.

Planning & Zoning Director Girling said regarding the tree fund, as Planner Fazzini had said, they are getting plans that show a tree survey, but then they don’t show the building overlay over top, making it difficult for, in this case, the landmark trees. They are going to count them in their review, but she thought that they hold in the initial reviews to them, to having a chart that is easily within the plans. As she is talking to the developer, she can emphasize this. Here is a list of landmark trees, and you need to have a count on your landscape plan, and if it shows 50, then they need to show how they have 50. Because we have quite a few landscaping requirements within the 30-ft. or 20-ft. greenbelt buffer that they might find that the tree fund isn’t even a big deal with that number of trees that they require that they by default of it that they are replanting enough trees that it turns out to be a wash. It does say in the very last section, if they found that there are numerous trees, that there is the ability to waive, not encouraging it, just pointing it out that it can be waived. She didn’t know of a tree fund right now. She has never seen any money go to a tree fund, but she will look into it. If they are looking like that might come into play, to make sure it is all set up. The whole question of again, she didn’t like sighting things for a developer and then it not being correct. There is not a need for a tree removal permit, by the ordinance, they are going to have to replace these landmark trees, but it is not a physical permit that they would be given.

Commissioner Hoffman asked if in the short-term, can they just request that they overlay it in their drawing, and make it easier for everyone? Chairman Reynolds agreed.

Chairman Reynolds thought how he read the ordinance is, essentially, the tree removal permit, it is vague of why they would require it. To him, it seems to be for someone who owns a site and can’t just go on the site and clear-cut it with no reason or justification. He thought that is what that item within the ordinance is for. He thought that if there is a development proposed, yes, they would like to see a survey of the trees, they would like to have an inventory and an overlay and thought that those were reasonable expectations. So, they can have a constructive discussion on trees, especially the landmark and legacy trees.

Chairman Reynolds said if there is a land balancing before there is a development proposed and there is a lot of exemptions in these categories that speak to those. He thought it was more about the tree removal permit. He said that someone coming in and proposing a development, for him, is enough content to review as long as they have accurate data, the overlay to speak to what their concerns are.

Chairman Reynolds said they frequently bring up a tree removal permit but are they requiring a permit? It is very vague. Or essentially a tree inventory with an overlay adhering to that?

Planner Arroyo said his impression of this is that if they identify a development site, you only remove trees within the development site. They probably would not need a tree removal permit because it would be just what is associated with the plan because they are not going to go beyond that. But, if they went beyond that area, then, they would need a permit, and then they would have to replace them. Is that basically the way they believe it is intended?

Chairman Reynolds said that the tree removal permit if they have a plan and started replacing trees outside that development area, it is a replacement. That is how he read the ordinance. Whether the development plan submitted speaks to that, that to him would fulfill that permit asked. He thought the first segment of the ordinance, for him, read more towards if someone came in here without any development, they have some sort of rhyme or reason, so someone
can’t come in and do something without proposing something. He thought for the first question about replacement outside the development area of those standards still adhere to that they replace it, but he didn’t think that a special permit is required, because he thought they were getting all the information that they need. That segment for him is if someone comes in and says, for a code enforcement standpoint, or the Building Official, or however, they have a little bit of gusto against not someone just buying a piece of property and clear-cutting it. He said they need something documented when they do anything.

Planning & Zoning Director Girling asked if it should be in a separate motion? If they are showing a plan, and they are showing the building envelope, and they addressed the landmark trees that are within the building envelope, and they got that outside of the infrastructure, and they are asking to remove 10, and there is not 10 in the landscape plan, so they are not replacing them, it is either a waiver that they don’t have to because that is where the tree removal permit is, they are not planning to replace them. So, is it just a motion, versus, creating a permit, a separate analysis, they are looking at the plan, and if they accept the plan, then they are accepting that as it is acceptable?

Chairman Reynolds said in his perspective the information fulfills the permit. It is not ever defined to say what the permit is, how it needs to be applied for. If the documentation is shown or not shown he thought that the requirement would be pulled out and say, either administratively or return. The need for a discussion to somehow address a tree removal permit and a permit is the word they change in the text amendment. He asked if there was any agreement or support? Trustee Urbanowski said if there is some sort of documentation up front, here is what is being removed, here is what the landscaping plan, she thought that the documentation was enough. As long as there is something. Chairman Reynolds asked if everyone was in support? All were in support.

Chairman Reynolds asked the Commissioners to take a look at the section that speaks to woodland maps. He asked as they go to amend this, what are their thoughts on holding a different standard or different criteria, especially now that they are moving towards undeveloped lands, difficult sites, land balancing, does that change their perspective on tree replacement.

Trustee Urbanowski said she vaguely remembers seeing, in one of the previous meetings a woodlands map. She knew that they are working on that right, for the next Master Plan. She said she couldn’t locate it. Chairman Reynolds said there was a woodland map, and thought that the last time it was updated was in 2010, so it was very outdated. He thought that was one of those tools that will come up with the Master Plan, and a text amendment. Are they identifying all the woodlands that they want to preserve? If they don’t have a location on the map, is their definition of woodlands?

Planner Arroyo said that they have already made a woodland map for the new Master Plan. He said to keep in mind it is based on the available date. It is not a survey, based on a map where someone’s going out and looking at every tree. It is based on data that is available, and it is usually taken from aerial photography, they will be seeing that.

Trustee Urbanowski asked at the pre-app meetings is that an appropriate time to ask the developer to be mindful of the trees? The Planning & Zoning Director replied that they have got a rough plan at that point. Usually, before they come into pre-application, they have not completely laid out, they probably have not surveyed the trees. Are they going to change the plan based on what they say? Who knows, but it is a good time to put the bug in their ear, that we do have this tree section and the Planning Commission looks at if there is an alternative to moving that road 20 feet to save that cluster of trees. Just so they keep in mind that they are
going to be looking at those trees that are landmark, and they are going to have to replace them, and there is a landscape requirement.

Chairman Reynolds thought that another thing to add would be to reference the Master Plan. He thought it has been a goal to preserve natural features, it is the goal of a PUD. Those are just general reference points, that he thought they could always bring up and speak to.

Chairman Reynolds appreciated everyone’s comments.

B. PC-2021-07, 5 Year Master Plan Update
Chairman Reynolds said that they had a discussion earlier, at six o’clock. He asked Planner Arroyo if there was anything to add? Planner Arroyo said they covered everything.

The Planning & Zoning Director asked Planner Arroyo regarding the wetland ordinance it says per the wetland map that is attached, it is not attached. They create a wetland map a long time ago and it probably is not at all close to what a national wetland inventory would show. She asked if the Master Plan is the time to do that? Planner Arroyo said that it was already done. That they will get at the end of the month, which is all the existing conditions, that is going to have the woodland and the wetlands, all of that will be in there.

Planning & Zoning Director Girling said when they created that original wetland map, they had to send out notices to everybody that had wetlands. She asked if that map that they might include as an outline, different than their official wetland now? Planner Arroyo said they may have to in terms of implementing the wetland ordinance if something separate has to be done with it.

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
A. RRC Virtual Academy

Planning & Zoning Director Girling said that there is something called a redevelopment ready community, and there is a certification they can go through. They have been working on that for some time, but one of the criteria is they go through this number of classes. The organization that puts this on, had heard from a number of communities that were going through this process, that perhaps their Township Board and Planning Commissioner’s might want to go through this academy also. They are offering it for free, so, she has attached that information, and it outlines the different sessions. If anyone is interested in that they can discuss it with her further.

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None

13. FUTURE PUBLIC HEARINGS
None
14. CHAIRMAN’S COMMENTS
Chairman Reynolds said he said Happy St. Patrick’s Day and asked everyone to keep promoting the Master Plan.

15. COMMISSIONERS’ COMMENTS
Trustee Urbanowski wanted to thank Planning & Zoning Director Girling for representing the Township well with “Tea with Tracy”. And she was excited about the Master Plan and wished everyone a Happy St. Patrick’s Day.

Commissioner Gingell said Happy St. Patrick’s Day.

Commissioner Hoffman said Happy St. Patrick’s Day and excited about the Master Plan.

Planning & Zoning Girling said that they will be virtual at the Orion Center starting in April 2021.

16. ADJOURNMENT
Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman to adjourn the meeting at 8:13 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

April 7, 2021
Planning Commission Approval Date