The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, April 7, 2021, at 7:00pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

*Please note this meeting was also available virtually via a “GoToMeeting” #599-669-285*

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner
Jessica Gingell, Commissioner

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:
Daniel Spatafora
Pam Omilian
Angie Aldridge
Dominic Goric
Brian Omilian
Daniel Rhoton
Tom Kalas

3. MINUTES
A. 03-17-21, Planning Commission Workshop Meeting Minutes
B. 03-17-21, Planning Commission Regular Meeting Minutes
Moved by Secretary St. Henry, seconded by Commissioner Walker to approve both sets of minutes, as submitted. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, 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-2021-38, Canterbury Village, Modify Existing Site Condominium, located at 2359 Joslyn Ct., (parcel 09-21-251-004).
Chairman Reynolds asked if the applicant was present?

Ms. Angie Aldridge, co-owner of Canterbury Village, 525 Indianwood Rd. presented.

Ms. Aldridge stated that they are selling Yates building to them and creating a new parcel off of Canterbury Village. They were there for two variances for the north and the east. The south setback is good at 92-ft. the west setback moved 40-ft. to be in compliance. She added that if they look north, they have two setbacks there, 23-ft. and 8-ft. It butts up to the sidewalk, they are not selling the sidewalk, which will remain Canterbury Village’s property. The sidewalk has always been on the lot line even when Stan Aldridge owned Canterbury Village and Yates was the Bullpen. When Stan bought the Bullpen, it became all of Canterbury Village. They are looking for the variance north it is supposed to be 30-ft. and they have two variances of 23-ft. and 8-ft. Chairman Reynolds stated that she was there tonight to subdivide the condominium unit, so they are just reviewing condo documents. He added that will be a future step that will be dependent upon their approval at this phase. Ms. Aldridge said she thought that this was for the approval of the two variances. Chairman Reynolds stated that this was to approve the division of land, and the next step is going to be a variance that they are seeking, and will be a condition of this motion. Chairman Reynolds said that the overview of splitting off the building was accurate. Ms. Aldridge apologized and said she thought she was there for a variance. Chairman Reynolds said that will be a different Board, it will be another process after this. It may be helpful to have the professional consultants walk them through, and then they will turn it back if there was anything else, she would like to add.

Planner Fazzini read through his review date stamped March 31, 2021.

Engineer Landis read through his review date stamped March 24, 2021.

Vice-Chairman Gross said that this appeared to be straight forward application. The site is currently developed, no additions or modifications are being proposed to the site. The lot split application has been reviewed by the Township Attorney and he was satisfied with the appropriate Master Deed and documents, and there are appropriate easements provided in the lot split for the subject parcels.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approve KALGW LLC’s application to subdivide condominium Unit 1 located within the condominium known as “Canterbury Village” into two units, subject to the recording of the “First Amendment to Master Deed Canterbury Village” as reviewed by the Township Attorney.

Discussion on the motion:

Chairman Reynolds said that sometimes these are a little complicated but since it is zoned (SP-1) and this is a separate condominium area if this was ever to be sold off partially, in the future, he asked if that creates any issues with setbacks? He questioned if it was a separate lot or if it was a whole? Planner Fazzini said that unit 3 would need to meet setbacks, there are 4 units within the condo, 2 are general common element areas. The units with buildings and improvements on them will need to meet setbacks and the standard district requirements. Unit 3 appeared to be the only one that may have some questions, and they can work with the Planning & Zoning Director on that as far as what is nonconforming or what needs a variance.

Chairman Reynolds said his concern was that they are creating a nonconforming lot which they cannot do, so technically they have to deny with a motion to approve if they
receive approval from the ZBA. Planner Fazzini said that they have not reviewed the plan on the screen that indicates the setbacks, so they have not verified if there are standards that are met or not, that is something that still needs to be done.

Chairman Reynolds asked if it was the north and east setbacks? Ms. Aldridge replied correct. Chairman Reynolds said that when there is a variance requested it is denied at this level but approved if the variances are approved. Secretary St. Henry questioned if they don’t have to come back? Chairman Reynolds replied correct. He added that if they are fine with the lot split, he thought that they were creating a nonconforming lot. Secretary St. Henry said so a conditional approval? Chairman Reynolds stated that there are already conditions, but it needs to go to the ZBA, but it is not in the motion currently.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported to include that this was subject to granting the approval of any necessary setback waivers by the Zoning Board of Appeals.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes Reynolds, yes. **Motion carried 5-0.** (Hoffman & Gingell absent)

B. PC-2021-40, API Consulting Office Addition Site Plan, located at 339 W. Clarkston Rd. (parcel 09-14-100-008).

Chairman asked to be recused because he was in direct relationship to the drawings prepared by his office for API Consulting, and will come back for item 8A.

 Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross, to recuse Chairman Reynolds from the PC-2021-40, API Consulting site plan approval due to conflict of interest.

**Roll call vote was as follows:** St. Henry, yes; Urbanowski, yes; Walker, yes; Gross, yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

Acting Chairman Gross asked if the applicant would like to make a presentation?

Mrs. Pam Omilian with API Consulting located at 339 W. Clarkston Rd. She was present with her husband Brian Omilian, and are life-long Lake Orion residents and are both business owners in Lake Orion. They were proposing an 860-ft. addition to their existing 550-sq. ft. existing office building. It currently houses their office, but they are growing. Their building is neighbored on the east side by the Orion Area Eagles club, and on the west side is an unoccupied building. They wanted to explain a few items that came up in the review and they are requesting some waivers due to the existing building that is already on the property. The first one was a Parking & Buffer setback waiver. The Parking & Buffer setback waiver is limited by the existing building and the existing driveway at that location. They have thoroughly researched it and it is still the best place for parking. The Trash Enclosure, they are also asking for a waiver from a trash enclosure, since they only need one trash receptacle. They use a residential bin they don’t see a significant change or any request for an addition. They are a very small office and they are mostly paperless. The third thing was site lighting, there was a note referring to the lighting plans due to the small nature of the project they just wanted to keep the proposed lighting in line with what they already have on the existing portion of the building, and they have their lighting ordinances noted on the plans. The last item they had was the safety path. They understood the importance of safety paths but there is nothing on the south side of Clarkston Rd. from M24 except in front of the Speedway to Joslyn Rd. There is one right
across the street that goes from M24 to Baldwin. Their safety path would go nowhere and would adhere to the cost of their project because it is a very low-cost project.

Planner Fazzini read through his review date stamped March 31, 2021.

Engineer Landis read through his review date stamped March 31, 2021

Secretary St. Henry asked in regards to the waiver request for the Parking and the Greenbelt Waiver, he did agree that the existing driveway and the building footprint it is there and there is not a whole lot they can do about that. He thought it would be unreasonable not to allow that. In terms of the trash, he thought that residential trash pick-up was more than sufficient, especially since a lot of their business is paperless. Regarding the Planners and the Engineers talking about the safety path, there is no safety path. He didn’t think he had ever seen anybody on that side of the road on a bike. He thought it was sufficient for that part of Clarkston Rd.

Trustee Urbanowski said she agreed with the safety path because the safety path on the other side of Clarkston is the one that is connected to all that beautiful stuff that they just recently have done, and thought that most people would be walking on that side of the street. She added that there is mostly just business on that side of the road. The covered trash area waiver she knew that they didn’t have a lot of garbage.

Trustee Urbanowski questioned the parking setback, and asked if that was the front parking setback? Engineer Landis replied correct the northern parking. Trustee Urbanowski asked if that would be even more affected by the Road Commission? Engineer Landis replied yes; if they are measuring the setback from the Future Master Plan right-of-way, it would be 60-ft. off the center of the road would be the right-of-way, but if they are looking to give a waiver for that, that would be fine. Acting Chairman Gross said it would affect the landscaping setback, not parking within that area, so the parking would not be affected just the setback for the parking. Trustee Urbanowski said that it is an existing parking lot, and then the drive around as well. She added that in the Fire Marshal review, that it is the Fire Departments’ recommendation that the gravel surface located in the access turnaround be paved. She thought if that should be paved because that was in the Fire Marshal report. Mrs. Omilian stated that was their plan to have it all paved, and it is plowed now even though it is gravel, but it will continue to be paved and plowed.

Trustee Urbanowski said that they have these plans now but some of these like the lighting sheets, and the landscaping, she asked if that was something that could be resubmitted and looked at again? Engineer Landis stated that he would be comfortable doing it as an administrative review of the plans if they wanted to make a motion to meet the conditions of their review except for the pathway if that is the way they are leaning.

Planner Fazzini said that the Parking Setback Waiver they could add that to the motion because they need that waiver on the west side, they could reference the front setback area, as well, if they desired. Otherwise, they would need to redesign and potentially shift that area. He added that on the lighting, it was unlikely that they will not meet the illumination levels at the property line. He said that one-foot candle was pretty high, so what they would be looking for is that the fixtures will cut off if there are pole lights in the parking lot, that don’t exceed 20-ft. He thought that the lighting was relatively minor and could be changed without affecting the proposal substantially. The safety path question he said the process for not constructing a safety path is the payment in lieu, and that is a multi-step process with the Planning Commission and the Safety Path Advisory Committee, then that is ultimately decided by the board, so they could make a recommendation either way towards the safety path question.
Secretary St. Henry asked Engineer Landis if he was comfortable with making an administrative review on these items? Engineer Landis replied that he would be ok with that.

Acting Chairman Gross asked what API Consulting did? Mrs. Omilian replied that it was an accounting firm. Acting Chairman Gross asked how many customers do they have in a day. Mrs. Omilian replied not very many, it is mostly done virtually, especially now, but before they might have someone come in and drop stuff off, but there are four staff members and that is it. Acting Chairman said they have four people in the office, and then maybe an occasional client. Acting Chairman asked if their trash was just paper? Mrs. Omilian replied correct. Acting Chairman asked if it was handled manually as opposed to with a truck? Mrs. Omilian replied correct, they recycle and most of it is just paper in the garbage.

Acting Chairman Gross said the existing site was relatively narrow and it is confined by use on one side, the fraternal lodge, and then a future probably office on the other side that is currently on the market. Mrs. Omilian said it was on the market for lease.

Acting Chairman asked if there was a safety path on a Master Plan? Planning & Zoning Director Girling said whether it is on the Master Plan or not, the Planner is correct, that per the ordinance the plans should show the safety path, and then the Planning Commission can make a recommendation to the Safety Path Committee of whether they are to contribute in lieu of or construct it, and then the Safety Path Committee makes a recommendation to the Board that then decides whether they have to construct it or contribute in lieu of. If the vote is to contribute in lieu of, with the fact that it is not on the Master Safety Path plan they could have something contributing in lieu of that is considerably lower. It is ultimately not the Planning Commission’s decision. Planner Fazzini said that this location is on the north side of Clarkston Rd., but the ordinance language overrides the map, even though it is not shown on the map on the south side of the road, it still has to go through the safety path ordinance process. Acting Chairman noted that there would be a couple of motions that would be required. One is relative to the Off-Street Parking Setback Waiver for the front parking along Clarkston Rd. The second motion would be for the Landscaping Greenbelt Waiver along the perimeter of the site. He thought that they discussed both of those, it was the existing parking and the waiver was a result of the future right-of-way for Clarkston Rd.

Acting Chairman said that the Landscaping Greenbelt Waiver is a result of the restricted site size in terms of its frontage. He added that a Covered Trash Area Waiver is required and justification has been presented for that, which is that there is no trash generated warranting a trash dumpster on the site. Then there would be a fourth waiver relative to a safety path on Clarkston Rd. as to whether that should be shown and or requesting a monetary donation in lieu of the safety path. He said that there should be separate motions for each of those. Mrs. Omilian said that the lot is very narrow but it was very deep, and they are not going to do anything with the woods in the back quarter of the lot. It is all wooded until they get to the wetlands, they plan to leave that wooded section there. She noted that it was one of the only lots that still have the woods in between the water and wetlands, and there is a good chunk of woods there, with landscape plants and mulch around the rest of it.

Commissioner Walker asked if they would be willing to put that preservation of the wooded area in their request today, that if they were to grant them the parking waiver, would it be ok to put that in the motion? Mrs. Omilian replied that would be fine.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission approves a 9-ft. waiver from the required 20-ft. parking area to property line setback for PC-2021-40, API Consulting Office Addition Site Plan located at 339 W. Clarkston
Road (09-14-100-008) for plans date stamped received March 17, 2021, for the following reasons: it is an existing site and it would create a hardship for them to try to fix that.

Trustee Urbanowski amended her motion, re-supported by Commissioner Walker to include the promise to preserve the back part of the lot, the woodlands, up to the wetlands.

**Roll call vote was as follows:** St. Henry, yes; Urbanowski, yes; Walker, yes; Gross, yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

Moved by Trustee Urbanowski, seconded by Secretary St. Henry, that the Planning Commission grant a 9-ft. waiver from the required 20-ft. landscaping greenbelt requirement along the entire perimeter of the property for PC-2021-40, API Consulting Office Addition Site Plan located at 339 W. Clarkston Road (09-14-100-008) for plans date stamped received March 17, 2021, for the following reasons: it is a narrow site and it is already built upon.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Urbanowski, yes; Walker yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

Moved by Secretary St. Henry, seconded by Trustee Urbanowski, that the Planning Commission approve a waiver from the requirement for a covered trash receptacle for PC-2021-40, API Consulting Office Addition Site Plan located at 339 W. Clarkston Rd. (09-14-100-008) for plans date stamped received March 17, 2021, for the following reasons: the applicant plans to continue using the residential trash service for their business after the addition, and they are virtually paperless now, and there will be no need for a commercial dumpster or receptacle.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

Moved by Trustee Urbanowski, seconded by Secretary St. Henry, that the Planning Commission forward a recommendation to the Safety Path Committee to waive the safety path for PC-2021-40, API Consulting Office Addition Site Plan pending review and their decision about construction or payment in lieu of construction.

**Roll call vote was as follows:** St. Henry, yes; Urbanowski, yes; Walker, yes; Gross, yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2021-40, API Consulting Office Addition Site Plan, located at 339 W. Clarkston Rd. (09-14-100-008) for plans date stamped received March 17, 2021, based on the following findings of fact: that the applicant rectifies any of the unresolved issues in the OHM report minus #1 and #5, including the grading shall be included in the plan set, revising the plans to include the paving of the southern tee turnaround extension; extending the proposed rain garden around the tee turnaround; showing the hydrants so that coverage may be assessed; add proposed pavement sections to the plan; and confirm that the building is connected to the sanitary sewer or show the location of the septic field.

Discussion on the Motion:

Planning & Zoning Director stated that even though that they are not recommending the safety path be constructed it should still be shown on the plan.
Trustee Urbanowski amended the motion, Commissioner Walker re-supported to include under the OHM report bullet point #5 a public pathway shall be included along the frontage of the property in the plan set.

**Roll call vote was as follows:** Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes. **Motion carried 4-0** (Hoffman & Gingell absent, Reynold recused)

**8. UNFINISHED BUSINESS**

A. PC-2018-49, Hills of Woodbridge Planned Unit Development (PUD) Final Plan, located on a vacant parcel 09-26-451-004 north of 3805 S. Lapeer, vacant parcel 09-26-402-020, and vacant parcel 09-26-402-021 (both west of 40 Hi-Hill Dr.).

Chairman Reynolds asked if the applicant was present?

Mr. Tom Kalas 31350 Telegraph Rd., Suite 201, Bingham Farms, 48025. He was representing the applicant Hills of Woodbridge LLC, pertaining to a request for a final PUD plan recommendation for approval so then they can proceed to the Township Board. Also, he had with him, if there are any questions, were representatives from the owner along with the engineer for the project.

Mr. Kalas said they have been going at this for close to two years or more. They have gone back and forth a few times, they tweaked the plans considerably, the number of units has been reduced, the proposed commercial buildings have been reduced from four to three. The number of units is a duplex condominium unit, they have been reduced from 128 units to 114 units. They did attach with their submittal a four-page summary of all the changes that have been made to the plans since they were last there in front of the Planning Commission at which time, they had received a conceptual site plan approval. He added that this was a project that is proposed for the east side of Lapeer Rd. just north of Silverbell Rd., north of the Edger Chevrolet Dealership. There will be duplex condominium units and along Lapeer Rd. there will be three retail buildings for future development. They are seeking a Final PUD Plan approval and felt that they had adequately addressed all the comments from the engineering consulting firm, from the Planner, and they are ready to proceed to the next step subject to their review and recommendation.

Mr. Kalas added that the property is split zoned, it consists of approximately 28-acres, the zoning on the property is for residential, office, and restricted business uses. He added that these units they felt were in demand not only in the Township but also throughout the southeast Michigan area. They are going to be nice beautiful condominium units ranging in square footage from 1,700 – 1,900-sq. ft., 2-car attached garage, and two to three bedrooms each. They have submitted as part of their package elevations, floor plans, building materials, all the materials and information that is required under the (PUD) ordinance. They felt that they have addressed all of the concerns that the Commissioners and the consultants had and would like to have a recommendation this evening for approval so that they can proceed with the plan and hopefully break ground sometime this summer.

Planner Fazzini read through his review date stamped April 1, 2021.


Chairman Reynolds stated that they had a few reviews from DPW, that there are not any additional concerns or comments with the development.
Chairman Reynolds said that they had a review letter from their Fire Marshal that they are recommending approval with comments from the residential portion of the development, with the understanding that a temporary Fire Department access drive that leads to Brookstone Dr. This temporary drive will be installed in phase one, as a portion of the project and shall meet the requirements of section 503 of the International Fire Code. The commercial development is not recommended for approval, a couple of requirements that are not addressed is truck turning template overlay shall be depicted on the plan for the commercial site, and an additional fire hydrant will be required on the commercial site with the location shown.

Chairman Reynolds said that there is a tree survey review that was dispersed today, just a chart. There was some clarification dispersed from the applicant just to clarify a few things that were recommended for visual purposes and was once again reviewed. A number of items are in here the Wetland Plan, as mentioned by OHM, there is an EGLE permit submitted, a lighting plan, and documents that support the application.

Vice-Chairman Gross thanked the applicant for spending a lot of time and effort on their site plan. As the Planner indicated this is the first time that they have actually seen a site plan with the building and elevations. He was disappointed with the site plan. As a review of the plan from the streetscape, all they are going to see is a series of garages in the front of the buildings. The entrance to the buildings is through a 5-ft. wide passageway between the garage and a building side. The elevations there are two, Ashley and a Barclay, which are the same basic elevations and there are no variations, they are very monotonous, showing brick veneer, and stone veneer on one elevation, and then they reverse that to stone and brick veneer on the other elevation. Units 1 – 114 are considered all the same. If they are going down any of the streets within the complex, they will be able to see 114 garages. He was not able to find any community open space within the development, there is very little passive open space for the individual units. There is not a lot of community open space that is available for the occupants of the building. 114 units he thought deserves and warrants a boulevard entrance off Lapeer Rd. A single entrance that serves both the 114 units plus the future commercial he thought would be better served with a boulevard entrance identifying the complex. He was disappointed with what he saw on the site plan.

Chairman Reynolds said he wanted to speak to the garage component and was one thing that was briefly mentioned in the Planners review, and didn’t agree with transpiring of the comments between architectural features, this was the first time they were seeing the real elevations of the project. The ordinance requiring at least 50% either to be a side entry or a minimum of 5-ft. recess. The ordinance does give two options to say as much as they prefer a side entry the recess is another allowable way to achieve that, and he was open to that, he didn’t see that in the plans and in any of the variation that it is proud of the main façade. How they are addressing that was one of his immediate concerns. He knew it was a challenging long skinny site, there is a lot of grade changes there so he knew that the boulevard was difficult, he would love to see more, he knew that there was some landscaping that was previously discussed at the concept level, to make it a welcoming façade, so maybe when they get into architectural features, they can walk them through that as the applicant. They can talk about some open space too, obviously, that is a major requirement when they look at the concept level and the density in general there are some modifications where units were reduced. He thought that the density was a similar platform, when they removed the small parcel that is adjacent to Walley Edgar, the same number of units was reduced there.

Secretary St. Henry said that his biggest concern looking that the site plan focused on the fact that there doesn’t appear to be enough open space for a development of this size. He understood that it was a tough piece of property to build on but at the same time if they are going to have over 100 units that are a community, he thought it deserved some sort of open
space consideration. In regards to the elevations, they do have that caveat in the ordinance in regards to the 5-ft. setback, and they know that developers take advantage of that.

Chairman Reynolds noted that from concept approval to where they are now there is a slight decrease in the overall units that are being proposed. He didn’t have the density requirements in front of him, he didn’t know how much this had strayed from the concept from final approval in density necessarily. There was concept approval for speaking to density and those big pictures, so to bring that back up now or to significantly change that kind of contradicts their process. Not that things don’t change from concept to final, he knew that there would always be items that they address at final and not at the concept, but generally following the path through he wanted to make sure that they don’t lose focus or start the process over even though they started this back in 2009.

Trustee Urbanowski said she understood that they are just forwarding the recommendation for rezoning it as a PUD, she did want to reiterate what they are saying about those elevations. They have made it a point before that 50% either needs to be a side entry, and it looks like obviously, it can’t be. She said different elevations and sticking to that, that to her was important. Making it so that there are different elevations or that garages being setback that 5-ft., and the open space too. There is not a lot of space but that is a lot of potential families in there.

Chairman Reynolds said that he wanted to turn it back over to the applicant. He stated that they have heard some initial knee-jerk reactions specific to their garage requirement of at least 50% being a 5-ft. recess or side access, some concerns about open space, and a discussion point of a nicer entry boulevard. He asked the applicant to speak to some of those comments.

Mr. Kalas said had color booklets that were prepared to help the Commissioners visualize it more because they felt that the units were nice-looking units. He added that they did understand as far as the commercial portion of the PUD that at some point in the future when the user does present for that site that they will have to come in for a separate site plan approval and meet all the Township requirements at that time relative to setbacks, parking, and buffer landscaping. He said they had no issues with that. As far as building materials, elevations, why the units were designed or laid out the way they were, he deferred to the applicant and owner Mr. Dominic Goric.

Mr. Dominic Goric with the Hills of Woodbridge Development.

Mr. Goric stated that he wanted to address the side entrance garages. He said this was something that they went through in their initial concept. This site has over 100-ft. of fall, the whole south side is going to be walkout basements, to do side entrance garages are going to have retaining walls everywhere. What they found in their 6 or 7 projects in the past that people don’t like side entrance garages especially when they are going to have to have 8-9-ft. retaining walls that they are going to be able to maneuver into these garages. The other point is when they do side entrance garages the minute, they do them they are going to add another 400-500-sq. ft. of concrete drive, so that will take away from the open space requirement. Their open space, what they focused on was the east side of the property, that is where they have most of the trees, and most of the residents, and that is where they felt they could leave a very large area that they could preserve the trees and to create a buffer between the condos. As they get closer to Lapeer Rd. that is where they start falling off and they are going to have a lot of walkouts. That is the reason they are not seeing too many side-entry garages, the minute they do a side entry garage on this particular site they are going to have an 8-10-ft. retaining wall, which is going to scare the heck out of people when they have to pull in. The other issue is the more side entrance garages they have the more concrete, more maintenance for the
associations. The open space they preferred to leave it in the rear yards as opposed to putting condos up to the property line and then creating an open space somewhere else, especially closer to Lapeer Rd. They carry elevations down the street, so there are four different variations. They are going to have a hip-roof, and a gable roof. They are going to have stone on one side, brick on one side, then they reverse. They carry that theme down the street reversing back and forth. This was common in all of their projects. As far as relief, they carry a 2-3-ft. relief between the units and then the porches are set back about 5-ft. and then they have the garages. They try not to protrude the garages too much forward because then all of a sudden when they are driving down the street all they are looking at is garages. They are trying to recess those garages back as far as they can.

Mr. Goric said this was not a new plan, they have used this plan in about 2 or 3 projects already. They have full brick, full stone, if it is a walkout it is going to be full brick as well. There will be 30-year shingles. He added that this will be all very high materials they are not using anything cheap, even the vinyl siding will be the highest-grade vinyl siding. They build luxury condominiums in Metro Detroit, so what they are going to bring is going to be first-class. The floor plans are 1,600-2,000-sq. ft. He was happy to address any item one at a time.

Chairman Reynolds said that regarding the garages, he agreed that there were some significant changes with side entry. He then asked about exploring the alternate in the ordinance requirement that says a 5-ft. recess? He questioned if that was feasible? Mr. Goric replied that he didn’t understand the 5-ft. recess what are they trying to accomplish? He asked if they are going to push the garage out 5-ft. then they are going to be starring at garages going down the street. Chairman Reynolds replied no; he said that the ordinance outlines 50% in a PUD has to either be a side entry garage or a minimum of a 5-ft. recess from the primary façade. He added that they provide two opportunities to still have addressed the architectural relief without necessarily guiding everyone toward a side entry garage. Mr. Goric said so then they’re going to push the garage 5-ft. back which then pushes the unit back 5-ft. on the backside. Now all of a sudden, they are just pushing the units closer to the road because they are getting 5-ft. closer to that open space area. He added that anything that is controlled from one side is going to be pushed out on the other side. There are detached units, and 3 car garages, which they are not going to find in a lot of projects. There is a side entrance garage where it is flat, so it is not just all straight, whatever they had a contour they had space they put a three-car garage in and also, they put side entrance garages in where they could, so it is not just all straight. He said regarding the double boulevard, they tried to put the double boulevard at Lapeer Rd., the problem there is when the state came through and did the widening, they expanded the pond in front of the property, it doesn’t give them much room. They went back and forth with the state where they could even put the entrance, and that was pretty much the controlled point where they could put an entrance in, they still have a lot of control over them it is not just – we can do what we want. Chairman Reynolds stated that it was a requirement of the ordinance for PUDs. There are three side entry garages currently indicated in the plan. Mr. Goric said that they had brought this point up, if they go back to the minutes at the original concept site plan, they brought this point up, and said this is not a site that they can do side entrance garages, 1) they are going to add $15,000 - $20,000 a unit in retaining walls, 2) people don’t like them. He could show them in Shelby he had to do two of them, he couldn’t sell the unit, he sold it to a 30-year-old who doesn’t mind coming out of the garage. People are scared to death when they see they have to go out and turn around and then they have a 10-ft. fall if they miss. This particular site is just not conducive to that, and that is what they brought up in the original site plan.

Secretary St. Henry said he understood exactly what he was saying about the side entrance garages, he was familiar with the piece of property. They do have this 5-ft. elevation. Mr. Goric asked what is 5-ft. considered? He stated they have a 5-ft. setback from the porches 5 almost 10-ft., he didn’t understand. He questioned if they are trying to get the garage back the whole 5-
ft. from the front? Chairman Reynolds replied yes. Mr. Goric said then they are going to push the unit back 5-ft. in the backside. Chairman Reynolds said that they are just speaking to an ordinance requirement that is required of a PUD. Mr. Goric said that he thought this was brought up in the original concept plan and they sought a waiver from it, and when they thought that they go with the conceptual site plan approval, he didn’t think that they understood that they would be changing the site plan again. Chairman Reynolds said he didn’t think they were speaking to changing the site plan to side entry garages, they are talking about a plan change or at least 50% of the plans changed, and this is something that they have required of other PUD’s that have recently been approved. Mr. Goric said right, but now they are going to change the road pattern, setback, everything is going to change, it will change the whole plan because they have to push back the rear yards 5-ft. He said he would like to seek a waiver on that requirement. This is a product that they have done in 7 or 8 communities, and he has never had a problem with it.

Chairman Reynolds said that it was something that they have asked for and gotten in other PUD condo minimized products. Very frequently none of them are side-entry garages but they have provided multiple plans that address that ordinance requirement. Chairman Reynolds asked if it would be a variance? Planner Fazzini said they would have the deviation process for PUD’s so on their site plan they have a table of standards that they can’t meet and if the PUD is approved those deviations are accepted. Their recommendation to the Board could either be to include a deviation or to not include and to meet that PUD standard. Planner Fazzini said that this was discussed with The Cottages of Gregory Meadows, they committed to that percentage as part of the varied elevations, they didn’t have the hard number at that time, but it was discussed and agreed that they would try to meet that 50%. Chairman Reynolds said he thought that this was something that was discussed and brought up in the past two times. He went back and reviewed the discussions from December, it was brought up as a concern that that would be something that they talked about. At concept review they didn’t have any building plans, they talked to many concerns about decks, elevations, grade changes, and how that would affect.

Chairman Reynolds agreed with the architectural materials that are being proposed, he thought that plans looked nice, he was just going off a floor plan requirement specific to floor plans and garages if they are not going to offer any side entry garages, they do offer three, he agreed. Mr. Goric said on the deviation requirement it is listed and it was listed on the conceptual plan as well, the 54-unit reduction, and the offset. He said he didn’t see the offset though.

Chairman Reynolds agreed that there could be things that were discussed as a concept. He went back through meeting minutes and discussion points, going back to December they spoke about this very topic. His effort is not to shut the project down or put any footwork against the project as it is proposed but they have had projects that have had two plan offerings that offer that and meet that criteria. He added that they are a recommending body, if his fellow Planning Commissioners agree to it, speak to that, or push forward but that is one item that he brought it up, they don’t necessarily talk ahead of time, it was something that Vice-Chairman Gross brought up tonight. He went back through and did his homework back to concept to where they were in December to where they are right now. He added that concept doesn’t necessarily mean that final approval gets granted especially when they didn’t see floor plans or much else, other than that there was an elevation presented at the meeting.

Mr. Kalas said to Chairman Reynolds that he recognizes his concern. He added that at this point, under the PUD law ordinance they do have the right to grant the deviation, which they are requesting because otherwise physically if they had to abide by that 50% requirement, they would be back to square one. It changes the layout, the density, the road pattern. He said the emphasis was to leave the open space in the back for the units closer to Lapeer Rd. Based on prior developments that this developer has done, from the marketing, and the sales standpoint,
the front entry garages are what sell the duplex units. Secretary St. Henry said they are not questioning the side entrance. Mr. Goric said it is the 5-ft., he understood, but even the 5-ft. they are going to be starting all over because all the setbacks are going to change. If you push a garage back 5-ft. they push the rear of the unit back 5-ft. Secretary St. Henry said that this has been in the ordinance, they didn’t just come up with this week. Mr. Goric said he understood, but under the PUD they are requesting a deviation respectfully. He added that the demand right now and the market is they can’t build things fast enough, and material costs have gone up on this same unit $25,000-$35,000 just in one year. If they get approval, they can get this in the ground this year.

Secretary St. Henry stated that this is a landmark development coming into Orion Township, right down Lapeer Rd. They are very familiar with the neighborhood that sits behind Hi-Hill. It is very important to the Planning Commission, and to the other government officials, and many of the residents that this is done right. Because we are going to be long gone by then. Coming into Orion Township, it is very important to them that they get this right. That is why they are being sticklers about this. Mr. Goric said he understood but the property is a commercial and office property, and he thought they were bringing a lot of value, they are bringing in over 40 million dollars in tax base. Mr. Goric said if they look at their background, they do nothing but the highest quality. Secretary St. Henry said he was not questioning that at all.

Mr. Kalas said it was an alternative to what it is currently zoned. They felt that in and of itself is going to be a lot nicer than office and commercial development.

Mr. Goric said the 5-ft. offset, all they are now doing is just pushing the 5-ft. in the rear, and he doesn’t see the benefit of pushing the garage 5-ft. back. They already have the porches off-set over 5-ft. the front is off-set over 2-3-ft in between units and to push the garages back another 5-ft. now they are just going to line that up with the porch, and push the rear yard which means they have to start all over with the street patterns. Or they could build smaller units if that is what they want to do, instead of 1,600 they can build 150-250-sq. ft. smaller units, which is not what they want to do.

Chairman Reynolds said that the building design criteria as presented within the color elevations, and he asked for their, thoughts, concerns, support. He said that brick materials, long-lasting materials, he thought dimensionally they look nice, it was the ordinance requirement of the garage items. He thought that the units other than that of materiality he supported the project and what is being proposed. Trustee Urbanowski thought that it looked like a very attractive building and she liked the materials and she thought that the product would be beautiful.

Trustee Urbanowski said that she appreciated the amount of information that had given them, and it was very thorough, and it is a lot of work, and they all know that. She knew that they were very passionate about the project but they do have to do their diligence too. Mr. Goric asked what does the 5-ft. offset accomplish? He said they are now taking a nice building and they are just pushing the garage back 5-ft. and making it flat with the porch. These porches he was raising up and giving it a little bit of a contour so they stick up. Now they put the garage up and flat with the porch, architecturally it is not going to look good. They are meeting the 5-ft. setback but they are not architecturally achieving anything. Trustee Urbanowski said she thought that the idea, from the other plans, that she has seen in other PUD’s is that the front porch is the presentation point as opposed to the door of the garage. Chairman Reynolds said correct, there have been other plans submitted to them that adheres to that requirement that still has a nice architectural relief. They realize that is not possible everywhere in a development, that is why it is 50%. It is not just side garages it is side garages or the architectural relief element. They understand their concerns about reworking roads and things like that. Mr. Goric
said that they take pride in their elevations and they spend a lot of time on them, and he is passionate about it, this is not something they just throw together. He stated they went back probably 5 times on them and raised it and put 8-ft. doors on it, stuff that they don’t normally see in normal condos. They bring high luxury units, and the materials they use are just brick and stone and 30-year shingles. When they are done, they want to make sure that it lasts.

Commissioner Walker said he thought everyone thought it looked good. Their issue is that there is an ordinance that says they must do something. Not only must they do it every PUD application for the last 10, 15, 20 years has had to meet the same criteria. Their point is well taken that there are elevation issues with the property but almost every applicant for a PUD that comes before them could make that same kind of argument. They are asking them to do something here today that they have never done before, and if they did that, he could just see a line out the door of people that they put through more effort, more expense to do these things over the last 20-years.

Mr. Kalas said that the PUD does give them the discretion to deviate. This is a unique site perhaps unlike other sites that have come in front of them because of the slope, the contour, abutting Lapeer Rd., how it is currently zoned. These are factors that they felt should be taken into consideration in granting that deviation, and felt that it was warranted. He understood, but that is the beauty of a PUD, the law allows a lot of discretion as opposed to a regular site plan, where if they meet the ordinance, they have to grant the approval. PUD gives them the discretion because it realizes and the whole point of a PUD ordinance is to apply it to sites that are difficult to develop, either because of physical characteristics, wetlands, wooded areas, contours, and slopes. Again, that is the beauty of a PUD because it allows creativity and it allows the Township, both Planning Commission and the Township Board, to deviate from certain requirements if it makes sense if it looks good, and if it meets the spirit and intent of the zoning ordinance, and felt in this situation that it does. They are beautiful units even with the front-facing garages without the 5-ft. variation, and it is a product that they have developed before, they know it will sell, they know there is a demand for it, and to say that they have to push the garages back on 50% of the units 5-ft. will kill this project from a physical and an engineering standpoint.

Chairman Reynolds asked what if they pushed back recessed garages on units 12-28 or 78-91? Mr. Goric said that they could push back 12-29 if they don’t mind. Chairman Reynolds noted so there is a possibility to address. Mr. Goric said what happens to them, now they are changing the floor plan. When they build models, they build two variations and they go in. Now they have to build four models because he has a 5-ft. offset on the one side. He added that there were areas that they could do it but now they are introducing two more floor plans and he has to build two more models.

Mr. Daniel Rhoton the Engineer for the project stated that is where they are preserving the majority of the trees. They were all familiar with the development to the east, having an issue with it they were trying to give as much buffer and preserve as much natural foliage there, pushing that back 5-ft. is only going to increase the slopes and increase the number of trees they need to remove.

Secretary St. Henry said this the beauty of a PUD, it is messy in a good way, and that was a good point, that the engineer brought up because the neighborhood behind is very sensitive to this development.

Chairman Reynolds asked if they could speak to the phasing of the project and agreement to the construction schedules as brought forth by their engineer. They have spoken about phase one being initiating within one year of approval, was there any issue with that? Then
understanding that there are some open comments from a number of items on the commercial phase, so that would be a future phase? Mr. Kalas said if they get approval tonight, they will be out there real soon. He added that there is such a short window in this state, if they get approval, they go out for permits they are already going to be in the middle of summer. They have grading, underground paving, approval today is going to be really close to getting this in the ground. He stated that there was a comment about a temporary asphalt turnaround at the end of the court, they had no issues with that. The commercial component, they have no issue coming back, as they need users. If they have a site plan, they can treat that total separate site plan approval when they have uses, they have no issue with that.

Chairman Reynolds said that there was a discussion about the recommendation to have an additional safety path that connected to the middle of the development. One of the thoughts that he had upon review of the set was the temporary road. He understood that it was a unit that looks to be a side entry garage and a front entry, but a three-unit garage, he thought it was unit 40. If that temporary path turned into a walking path in the future. Mr. Goric stated that he did have a concern because they have built these where they have the commercial going back because that is the normal transition, commercial, multi-family, to residential. Most communities want the wall up, they don’t want any pedestrian traffic going through because it is a safety concern. The other problem they have there is 54-41 are all going to be walk-out basements, so if they do a safety path through there, there is a concern for liability for the association, if someone slips and falls on a safety path. He stated that there is a sidewalk that goes all the way around, right to the commercial component from the neighborhood. His recommendation would be because of the slope, the walkouts, association liability, and he didn’t think people like safety paths going through their yards to a commercial neighborhood. His suggestion would be not but he would leave that to discretion, again the concern would be the slope in that area.

Chairman Reynolds asked about the tree preservation details, or at least indicating preservation criteria. Mr. Goric replied that fencing and protection are no problem in those areas.

Chairman Reynolds said that they already talked through building design. There is the agreement that the commercial phase would be something in the future that would need additional final approval. Safety path is within the recommendation by Giffels Webster but the applicant has spoken to them that there is a slope and it would have two side yards of two units, construction schedule would agree to be within one year, it sounded even sooner than that, and tree preservation details would be spoken to. He added that may be just the point of their safety path, is their concern that there wouldn’t be a middle path, there are paths that go all the way around the site to the commercial development. Trustee Urbanowski said that the safety path in the middle of the site was not important to her. If she was in unit 40 or 41, she wouldn’t want people walking through her yard to get to whatever is there. Mr. Goric said that they had purchased a project and when they got in there, they told them to tear out the paths because people didn’t like them going through their yards. Mr. Goric thought that 54-41 are all walkout basements, so they are going to have an 8-10-ft. fall from that road to the bottom.

Chairman Reynolds stated that they need to pass the wetland permit, as brought forth, there is a review from OHM, there weren’t any significant comments, or open issues, that they do need some feedback. He said there are some items, in general, that support what is being mitigated. There was an application to EGLE currently. He asked if there were potential motions towards a wetland permit. Secretary St. Henry said he wasn’t ready to make a motion yet. He said that they have seen at least one maybe two other developers try to do something with this piece of property. There has been a lot of concern from the community, directly to the east about any development here. When there is a PUD or whenever they are looking at any development, there is a lot of give and take, back and forth, and compromise, and recognizing the importance of that buffer in the back of this development and how important that is to the community, and
the neighborhoods behind, he felt that they should seriously consider a deviation on those garages. If they do move back and they do have to take down trees, even if they took down one tree that they hadn’t planned on originally, then folks in that neighborhood are not going to be happy with that, and they need to take their concerns into consideration and find some middle ground. In this particular case, in this development, even though he hoped it didn’t set a president, this could open up a can of worms, he thought that being responsive to the neighborhood behind this development that more space they could give them, that is better and the compromise should be considered.

Chairman Reynolds agreed that a PUD is challenging in that they need to consider a lot of factors that is why it is not a single set process, it is a recommendation, it is not final approval. Upon reviewing the tree surveys and everything like that, he thought that there was the opportunity to attempt to address those ordinance requirements. He didn’t believe that when they look at the tree survey there are many gaps of trees, what is existing, there are going to be trees proposed, but to meet the ordinance and to address by a 5-ft. mark in many areas not significantly changing the open area or the landscape area that is proposed. He adhered that there was difficulty to the site with the mass grading, but he would like to see at least an attempt to address that concern or that ordinance requirement. He said they have stood on very solid ground with as difficult sites that are very long narrow that have had mass grading. They have the project off of Morgan Rd., Cottages of Gregory Meadows, where they had huge grading of that site. On their site walk they drove up that site and there has to be 50-60-ft. elevation grade change from existing, but they held them to that 50% requirement and said they need to put a stop to this plan or only sell “X” amount of plan “Y”. His issue with this is there are many reasons why it can’t be done versus an attempt to say they can accomplish 25% or 10%. He didn’t want to shoot down the whole project over that, he just believed that there was some sort of compromise that can be made whether those become a larger premium unit or a slightly different façade, but he thought there should be an attempt made towards that because it is something that they have over the last 2-3 years with PUD’s required and never deviated a single percent. Mr. Goric said that one of his concerns is when they start changing one unit, they have to change them all, or they have to introduce many models. He said understanding the history of this site, they had a Redwood project that was approved, it was all vinyl sided, there were no 5-ft. deviations, they had some side entrance garage which they appeased to them but it was just flatting the entire site and making a hole in it. He stated that maybe they can’t give them the 5-ft. but he is giving them quality materials, full brick, stone, 30-year shingles, versus a project that was already approved that to him was very lackluster and they approved it. He said now he is here and they are pounding on this 5-ft. and he is saying there is a lot more superior to their site plan, product, and their elevation than they have given Redwood. A 5-ft. setback starts this all over with this project, it wouldn’t be until next year.

Trustee Urbanowski said that they have asked this of others. She thought it was a hard place to be. She said she hasn’t seen all the other plans, she didn’t have that history, but she did know that there was some rocky history with this particular piece. She thought it will be something that people will see, Lapeer Rd. is the major artery in their Township, and to have something that looks nice, quality, and all that is very important. Mr. Goric said he didn’t think that a 5-ft. setback was going to do anything for cars going 60MPH. He said they have to pull all the landscaping in to try to buffer. Trustee Urbanowski said that they still have other pieces of land that are going to come before them as a PUD and if they don’t follow their ordinance then there is really no reason to have it. She asked them if there was a way to work with them a little bit. Mr. Goric said it was not working with them it is starting all over. If they push back a garage 5-ft. that means they have to redesign the whole unit 5-ft., the first-floor plate changes. He added that if they look at the floor plans if they push back the garage 5-ft., it lines up with the porch, then they lose that 2-ft. and then they go back 5-ft., then it comes back. Trustee Urbanowski said she was not an architect and she admired the work that they do.
Chairman Reynolds said with the effort that they don’t want to shoot down projects, they are obviously just speaking to ordinance concerns and items that get brought forth to them, is there are some other pieces to this puzzle that they could make the motions towards, and they are a recommending body so there is the opportunity to have their recommendation reviewed at the Board of Trustees level, so, one way or the other. Chairman Reynolds said they were happy to proceed with some of these hang-ups that are being brought forth tonight, if that was favorable with them they would be working towards motions. He said that there is a wetland permit ordinance #107.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approves the wetland permit for PC-2018-49, Hills of Woodbridge located on a vacant parcel 09-26-451-004 north of 3805 S. Lapeer, vacant parcel 09-26-402-020, and vacant parcel 09-26-402-021 (both west of 40 Hi-Hill Dr.) for plans date stamped received March 15, 2021. This approval is based on the following findings of facts: that the proposed impact for the wetland pond will not have long term negative effects and therefore can be approved; the proposed land use is consistent with the zoning of the property and the proposed minor impacts are consistent with the typical development provide and require stormwater management and prevention of soil erosion; there does not appear to be any feasible or pertinent alternatives for this particular site; the applicant has provided the adequate stormwater management facilities and not impacting wetland behaviors and should be considered a regulated wetland.

Roll call vote as follows: Gross, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Reynolds, yes. Motion carried 5-0 (Hoffman & Gingell absent)

Chairman Reynolds said that brings them to the PUD, they can have a further discussion if someone wants to make a motion that they can discuss, he entertained that also.

Secretary St. Henry asked in the spirit of compromise, right now they are at zero 5-ft. recessed garages, was there any room to go from zero to 20-25% working together in good faith? Mr. Goric said if they change one thing, they change the whole unit, they would have to go back to the architect. Their focus is on every wall being moved a little bit so they are just not making it flat. They went and made 20x20 garages because everyone was complaining that the garages were small, and added 3-car garages. If that is the only thing, and they find the other things in the site plan are acceptable and up to the standard, if that would be the only recommendation would be that they don’t agree with the 5-ft., and move on, then maybe they can address it with the Board. Mr. Kalas said if they push them back 5-ft. it affects the setbacks, it is not that easy. Chairman Reynolds said they are well aware of the chain reaction. Mr. Goric said that this unit went from 1,450-sq. ft. to 1,600-sq. ft. because he thought that 1,450-sq. ft. was tight and small, and coming out to Orion they want at least a 1,600-sq. ft. ranch, so they expanded it to 1,600-sq. ft. and pushed them wider, and now to push it back 5-ft. they are going back to losing a 100-ft. He wished he could say move it back 5-ft. but now all of a sudden, the decks move back and they get into the setbacks and some of the decks are right at the setbacks.

Chairman Reynolds said if he were to make a motion if there was zero effort towards our ordinance that would significantly change the effort. If there was a compromise to say it is a difficult site there is a lot of grading but I gave them 15% or 25% he would personally have a different conversation. Mr. Goric asked if they could say, as he was looking at phase two, there are so many units on the north side they have more room on the north side, on the south side they are right up against the property line. Secretary St. Henry asked them to put it up on the screen, so it was easier for them to see. Chairman Reynolds stated that phase two starts at unit 74? Mr. Goric replied right. Mr. Goric said he wants to get this project rolling this year, so in phase 2 they can see the rear yards there have a little more room, so if they said that 74 – 98, 70-100% of those units they have to do the 5-ft. offset on the north side, there is room there
and what it does is it gives them time to redesign the units when they go into the next phase because they are set to start phase one. He said that 74-98 there was plenty of rear yard setback, there are 2-3 units where it will be tight, but most of those units they can achieve the 5-ft. in the back, and then when they go to phase-two they can introduce another model, and show the people what will change. Secretary St. Henry asked if they would sell them just as quickly? Mr. Goric replied he hoped so. He added that it is not a matter of sales, he thought that the elevation that they have is tremendous and why would he want to put the porch even with the garage door, now he has a porch that is going to be sticking out in front of the garage door which he hates, but if that is what is going to get them there, then he can concede and that will give him time to redo a plan into next phase because that will probably be two to three years from now. That will help get the project rolling, maybe achieve their goal, and gives him time. Chairman Reynolds asked what would they say that represent or what criteria would they be putting forth, the requirement is 50%? Mr. Goric said that the 5-ft. deviation there are going to be some units, they are already 35-ft. on unit 74 and 75, but most of the units he thought they could achieve the 5-ft., there are 3 there that are going to be tight, so approximately 80% of those units. He didn’t want to have to go to the Zoning Board of Appeals for 2 or 3 of these units either because of the 5-ft., so, 20 of 24 wherever there is not an issue. He added that if they say that 20% of the site had to be 5-ft. he thought that they could find that.

Chairman Reynolds said he was not going to speak for everyone, he thought that was moving in the right direction, he would love to see as many as possible, and not be limited to phase 2. His personal feeling on the property is that there are not many other major comments he had besides that main piece. He said that there would be some time to address potentially compromise between now and the next step, they are a recommending body. He thought it was one of the conditions or criteria of findings of fact for one way of approval or denial. He said it seemed they were dancing around a recommendation here tonight, hanging on topic, he would really like to see that brought forth. He thought that if there was a significant movement in that or proof that they are either modifying some of the units in phase one to bring that criterion up, or proving some findings of fact of why that limitation really doesn’t exist. He said as a professional and as a design architect making a 5-ft. change in a façade isn’t that significant and isn’t going to make or break the entire project. He understood that grading plays into that and understood that there were a lot of parts, that is why he is suggesting that certain units. He thought that there was a way to bring that up without a significant change. He understood that economically they had to build two models or units, but he thought that there was a way to have some better faith towards that ordinance requirement. He said there were a number of items that still need to be addressed, a number of conditions. He thought one of the conditions beyond Planners, Engineers, and department reviews, future phasing, and adding some of these things could be the reason why it is denied and what they are asking for or potential findings of fact of what would change their feeling, he thought that they could submit that to the Board of Trustees.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to deny PC-2018-49, Hills of Woodbridge Planned Unit Development (PUD) Final Plan request to rezone the property from Restricted Business (RB), Office Professional (OP), and Single Family Residential (R-1) to Planned Unit Development (PUD) located on a vacant parcel 09-26-451-004 north of 3805 S. Lapeer, vacant parcel 09-26-402-020, and vacant parcel 09-26-402-021 (both west of 40 Hi-Hills Dr.) for plans date stamped received March 15, 2021. This recommendation for denial is based on the following findings of facts: the plans are not in compliance with the PUD Concept, Section 30.03(g)(5), relative to the architectural and site rezoning requirements relative to the attached garages being at least 50% side entry or recessed, where the front of the garages is at least 5-ft. from behind the front line of the living portion of the principal dwelling; the impact on traffic, he thought, could be improved with a boulevard entrance, on Lapeer Rd., a project of 120
units with a commercialize will be part of this entrance deserves a major boulevard entrance to accommodate the traffic entering and exiting the project.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the plan does not include and the applicant indicates that they would come in with a subsequent review for the commercial development along Lapeer Rd.

Discussion on the motion:

Secretary St. Henry asked if they approve to deny and then the Board of Trustees agrees and then they deny, can the applicant come back and say that they have adjusted and they are at 20-25% of recessed garages? Chairman Reynolds said that it would be one year before they could come in with a resubmittal. Secretary St. Henry asked if they agree to deny and between now and the time they go to the Board of Trustees, they come up with some adjustments, then at that point, can the Board of Trustees approve this recognizing that the applicant worked in good faith to try to meet this? Planner Fazzini said they can do whatever they want it is a rezoning.

Chairman Reynolds said they are a recommending body, whether they recommend to approve or deny the Board could agree or disagree with their position. He understood that it is not in substantial completion, some of those things he would agree with. His opinion was that if it was to be overturned is that, there are some outstanding comments that need to be addressed. They don’t always get into this situation. He asked Planner Fazzini if they recommend denial and it was to be approved at the Board level that doesn’t necessarily address the open comments from their reviewers, or does it come back to them? Planner Fazzini said they could send it back to them. Planning & Zoning Director Girling said at the Board level they have three options to approve, deny, or send it back to the Planning Commission. If the recommendation from the Planning Commission is to deny then their deliberating on it on their own based on what is in their motion on why they denied it. Planner Fazzini said that they could discuss the garage percentages if there was a compromise or a change, then they could send it back to them for further discussion on what has changed and then back to the Board. Planning & Zoning Director Girling said correct, but the main point is if the motion is on the floor unless she was mistaken, she didn’t think that the motion mentioned that the garage was the issue. She said as it was a motion to recommend denial based on the conditions or the reasons that Vice-Chairman Gross gave, so that is what the Board is going to look at is what is within the motion.

Chairman Reynolds said that the motion that is currently on the table is a motion to deny since the plan is not in substantial completion to PUD requirements specifically due to the 50% garage requirements. The reasons for impact traffic could be improved with a major boulevard entrance, and the plans do not currently include the commercial development phase, and that would have to be a future approval.

Chairman Reynolds stated that if there are other concerns of why they are denying this, that they should include that or at least forward with their recommendation that they can include the idea if they were to disagree that it should come back for review versus just overturning it because there are items that need to be addressed and specifically to phasing, the commercial phase, tree preservation details, some of those are minor in nature but they are obvious items to address. They can include those currently even if it is a motion to deny just to clarify and keep the air clean because it is a messy subject. There is the potential that there is some difference in opinion between themselves as a recommending body, and the Board of Trustees as the final approver.
Vice-Chairman Gross said he would be agreeable to include those, and asked if Chairman Reynolds had a list. Chairman Reynolds said he would like to discuss it a little further, and he had a list that they could speak to.

Mr. Goric asked regarding the double boulevard, was he talking about segregation with plantings in the middle at the entrance? Vice-Chairman Gross replied yes. Mr. Goric said they typically do that and didn’t know why it wasn’t on the plan.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported, that the final approval of the commercial phase is not included in this recommendation, phase one construction is to commence within one year of approval, and tree preservation details and preservation requirements are to be provided and added to the plan. Also, that a temporary paved turn around is plotted at the end of phase one, and that the landscape plan be amended to extend the tree plantings shall be shown outside of the proposed water and sewer easement, and the Fire Marshal that is echoing those concerns. So, for the OHM requirements for the temporary access drive, the comments from the Fire Marshal, tree preservation details, construction schedule, and commercial phase are not included.

**Roll call vote was as follows:** Walker, yes; Gross, yes; Urbanowski, yes; St. Henry, yes; Reynolds, yes. **Motion carried 5-0** (Hoffman & Gingell absent)

9. **PUBLIC COMMENTS**
None

10. **COMMUNICATIONS**
None

11. **PLANNERS REPORTS/EDUCATION**
None

12. **COMMITTEE REPORTS**
None

13. **FUTURE PUBLIC HEARINGS**
A. 4-21-21 at 7:05 p.m., PC-2021-39, Lake Orion Community Schools Rezone Request, to rezone a portion (approx. 648 acres) of parcel #09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI).

B. 4-21-21 PC-2021-37 (immediately following the PC-2021-39 Public Hearing at 7:05 p.m.), Meijer ORI, Special Land Use Request for Large Scale Retail Establishment equaling 90,000-sq. ft. located at 1025 S. Lapeer Rd. (Sidwell #09-14-226-008) & unaddressed parcel #09-14-226-001 (surrounded by parcel #09-14-226-008).

14. **CHAIRMAN’S COMMENTS**
Chairman Reynolds said that he appreciated the discussion points, he knew they have some very difficult projects here in the Township. He thought it was important not only to get in-depth with some of these discussion points but also to bring forth comments about how they are applying some of the ordinances and approaches equally to the projects brought forth to them. He stated that the comment, that just because they didn’t explicitly mention it in the concept, he didn’t agree that it follows suit to final PUD. It was a big discussion point and they are always going to maybe bring up things that are different but thought that was one item.
Chairman Reynolds said that the next meeting is at 6pm, they have their Master Plan special meeting that will be in person starting at 6 pm at the Orion Center.

15. COMMISSIONERS’ COMMENTS
Trustee Urbanowski said that these are really tough, to see the effort and the care that people put into the projects, it is hard sitting here and looking people in the eye and making those decisions. She thanked them for mentoring her through this.

Chairman Reynolds said he thought that is why they have boards and commissions everyone brings insight and a perspective. Even if they are not a professional, with a room full of money being spent on professional consultants, they bring up valid points and he felt supporting their ordinance or their concerns as a resident and they are no less valuable. There is MTA and there are training dollars available to all of them. If they would like to be educated on something those are plenty of training seminars.

Secretary St. Henry said he likes to cut to the chase sometimes. Any organization or municipality compromise wins and as long as they are open to compromise, they are able to accomplish what they need to accomplish as a Planning Commission, as a Township, working with developers.

Commissioner Walker stated that he knew that Trustee Urbanowski was new to the board, but he was very impressed with her analytical skills, and her questions about how this stuff works.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Secretary St. Henry to adjourn the meeting at 9:20 p.m. Motion carried.

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

May 5, 2021
Planning Commission Approve Date