The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 21, 2020, 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:
Joe St. Henry, Secretary  
Scott Reynolds, Vice Chairman  
John Steimel, BOT Rep to PC  
Don Walker, PC Rep to ZBA  
Kim Urbanowski, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
Don Gross, Commissioner  
Justin Dunaskiss, Chairman

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

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo (Township Planner) of Giffels Webster (virtually)  
Eric Fazzini (Township Planner) of Giffels Webster  
Mark Landis, (Township Engineer) of OHM Advisors  
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
David Walters  
Mirela Dedivanaj  
Loretta Domgjoni  
J. Haffner  
Pam Omilian

3. MINUTES
A. 10-07-20, Planning Commission Regular Meeting Minutes

Moved by Secretary St. Henry, seconded by Commissioner Walker, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL
Moved by Trustee Steimel, seconded by Commissioner Urbanowski to approve the agenda as presented.

Acting-Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2020-22, Salon Blue, located at 1164 S. Lapeer Rd. (Sidwell #09-14-201-022) Special Land Use request for Microblading (tattooing) at 7:05 pm.

Acting-Chairman Reynolds closed the Public Hearing for PC-2020-16 at 7:07 pm and reconvened the regular Planning Commission meeting.

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

7. NEW BUSINESS
A. PC-2020-22, Salon Blue, Special Land Use request for Microblading (tattooing) located at 1164 S. Lapeer Rd. (Sidwell #09-14-201-022).

Township Planner Fazzini read through his review date-stamped October 16, 2020.

Vice-Chairman Reynolds noted that there was a site walk completed by the Site Walk Committee on October 15, 2020, by Commissioner Gross, Secretary St. Henry, and Vice-Chairman Reynolds. He added that the existing retail center was occupied by Honest to Goodness Bistro, Sherman Williams, and Salon Blue.

Commissioner Urbanowski felt that it was adding another service that is already in line with what they are doing no different than other services they are offering for hair color and all those types of things. She stated that there was no extra storage needed for it and looked pretty simple to her.

Trustee Steimel noted that it was microblading that they were asking for which is like tattooing and that is how they try to compare it. He didn’t know if there were any other standards related to microblading that they should be thinking about? He thought that they were already governed by health codes.

Vice-Chairman Reynolds said he didn’t think it was a big deal to say it was similar to a tattoo parlor it is more of a cosmetic procedure. There are a few items that they could put as stipulations such as they would have to be a licensed operator. He thought that there were a couple of comments in the Planners review that spoke to that, just considerations that they would put forth. He said maybe that is something they consider adding in the motion. He thought that maybe the motion clarifies their understanding of microblading against the standard kind of tattoo.

Commissioner Urbanowski asked if microblading was something other than eyebrows? Ms. Dedivanaj replied that microblading was just for the eyebrows. She added that they were licensed and have permission from LARA and the Health Department.

Commissioner Walker stated that it was rare, after doing this for so many years, to have something brand new in front of them. He didn’t know what microblading was and understood why they didn’t cover it when they updated the Master Plan because there was no reason to think of that. He didn’t think it was unreasonable to him.

Vice-Chairman Reynolds stated that because it was a Special Land Use and this may be something that they will consider as a text amendment in the future but since it is, they can consider the hours of operation and any other conditions that are put forth. He asked if there were any other concerns or a precedent that they want to set with this approval just to clarifying it as microblading over standard tattooing? Commissioner Urbanowski replied yes, it is specifically for this cosmetic service. Commissioner Urbanowski added that it is for eyebrows only so if it was to move to something else like permanent lipliner she thought that they should have to consider it again, and as long as it is being held to exactly what they are saying it is.

Vice-Chairman Reynolds asked the applicant if they had any issues with it being isolated to microblading of eyebrows? Ms. Dedivanaj replied that they were fine with it just the microblading they had no interest in doing any tattooing services besides the microblading.
Moved by Commissioner Urbanowski, seconded by Commissioner Walker, that the Planning Commission approve PC-2020-22, Salon Blue Special Land Use request for microblading (tattooing), located at 1164 S. Lapeer Rd. (Sidwell #09-14-201-022) for the application, date stamped received September 30, 2020. This approval is based on the following finding of facts: it is compatible with adjacent uses and it is not changing anything that they are doing except for adding a small service to their menu that already exists; it is compatible with the Master Plan; there is no impact on traffic; detrimental effects the only thing they might have considered would have been the health part of it but it was determined that it would be licensed and overseen by the Health Department; also making sure that it is just applying to the microblading itself.

Discussion on the motion:

Ms. Dedivanaj confirmed that the microblading would be the same hours as they do any other hair services. Commissioner Walker asked what their hours were currently? Ms. Dedivanaj replied that they are Tuesdays through Saturday, Tuesdays 10a-7p and Saturdays 8a-4p. Commissioner Walker asked if the microblading would be during those business hours? Ms. Dedivanaj replied yes during those open business hours.

Vice-Chairman Reynolds stated that he didn’t have any issues if they decided to change hours as long as they don’t go into late-night activities so maybe the motion could include Monday – Sunday and a reasonable hour range just so they are not limited.

Vice-Chairman Reynolds asked if there were any additional conditions, they spoke to detrimental effects of it would be licensed is that going to be one of the conditions in the motion? Commissioner Urbanowski replied that she didn’t think it needed to be because they had to adhere to the Department of Health.

Roll call vote was as follows: Urbanowski, yes; St. Henry, yes; Walker, yes; Reynolds yes; Steimel, yes. Motion carried 5-0 (Dunaskiss and Gross absent)

B. PC-2017-14, Orion Commons PUD – Commercial Site Plan Extension, located at the vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel #09-23-100-004)

Vice-Chairman Reynolds asked if the applicant was present?

Mr. David Walters 998 Seneca, a member of Lake Orion Commons, LLC presented.

Mr. Walters said that most of them know that this has been an unusual year particularly difficult for commercial real estate. Generally, he would call them a pretty dynamic industry, and this year it has been static. They have stopped all leasing and just tried to maintain tenancy beginning in March and it has been that way until just recently. He stated that it has made it very difficult to do new development, particularly that involves small tenants that have been very heavily hit by the virus. In their industry small developments like this are almost non-existent right now and have been for most of the year which is why they are requesting an extension for an additional year so that when things start to normalize, they may be able to get into a position to be able to get the development underway.

Vice-Chairman Reynolds noted that they have a request to extend the site plan approval for one additional year. It was originally approved on the June 21, 2017, meeting and extending into 2018, 2019, and then also here tonight.
Commissioner Walker stated that it has been a very trying year for all of them, but this initial project they gave approval to in 2017 so they are at three years going on four years. That concerned him somewhat.

Vice-Chairman Reynolds said he shared a similar concern that obviously they don’t want to have site plan approvals just hanging out there. This is for the commercial side; the residential development has proceeded and is almost complete or is complete. He was willing to give some leeway because of COVID and maybe they lost that 3rd year that they approved so he was in favor of granting one more extension with the comment that it is because of COVID but he would not be interested in providing anymore extension beyond that.

Trustee Steimel said that that he concurred; it is not so much granting an extension for this one but it is kind of like the general precedence of what are they setting. As a general rule, they don’t want those site plans sitting out there forever. He thought that if they are going to approve this or deny it, they should do it on maybe some kind of standard. You don’t want a site plan sitting out there too long because #1 a lot of the rules have changed and now, they would almost have to be compliant with something different. #2 is what is happening around there? Have the conditions changed or anything like that that might contend that they might not get a site plan approval again? Those are the kind of things as far as standards they should be looking at. They generally say to avoid those problems they don’t like to grant extensions for very long. One-year extension is pretty typical once and is hard to get a second. It is not saying that due to the conditions it is not unprecedented but thought if they did grant it that they should list some of those things so that they are not setting precedence due to the guidelines that they set and that is what they are basing it on.

Vice-Chairman Reynolds said that was some of his suggested conditions just of finding of fact of why they are extending or certain conditions be imposed on them. Trustee Steimel said right, and what are the current conditions, since this was approved had there been any major revisions in the ordinances that might now apply to this and he thought that standard is, no on this one. And what has happened around there, it hasn’t changed much, not a whole lot, the initial development behind them is already done it was there before they even approved these sites and there hasn’t been a change in the development in that area, it is still on Lapeer. He added that there hasn’t been a lot of activities as far as that that might make this not fit anymore, the chances of granting an extension are not there. It is always hard to tell too because he knew that one of the sub things that they couldn’t find people maybe they should rethink what they are doing but thought, in this case, it was various circumstances of where the market is going right now. People are just trying to maintain what they got let alone build new capacity and thought it was tough right now.

Moved by Trustee Steimel, seconded by Commissioner Walker, that the Planning Commission approves the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for an additional year from the current expiration. This approval is based on the following findings of fact: since this was originally approved there has not been a lot of changes in the requirements of such a facility as far as the ordinance goes so they are not moving into a non-compliance type situation; there hasn’t been much development around here to say that now it maybe it isn’t compatible with what is around it so he didn’t think that was a problem; it is in recognition of the current situation of basically all of this type of development has in essence just stalled because of the COVID. Understandably nobody wants to move on because nobody knows what is going to happen yet. He thought that based on these things they are not setting precedence and it is fine to grant this extension.

Roll call vote was as follows: Urbanowski, yes; Reynolds, yes; Walker, yes; St. Henry, yes; Steimel, yes. Motion carried 5-0 (Dunaskiss and Gross absent)
C. PC-2019-48, Cottages at Gregory Meadows Final PUD, located at 3537 and 3595 Gregory Rd. (Sidwell #09-31-200-006 and 09-31-200-008).

Vice-Chairman Reynolds noted that this is a final PUD, there has been a Public Hearing and a preliminary PUD review. He added that their deliberation will be forwarding on a recommendation to the Board of Trustees.

Vice-Chairman Reynolds asked if the applicant was present?

Mr. Bill Anderson with Atwell at 311 N. Main Ann Arbor the engineer for the project presented.

Mr. Anderson stated that the applicant for the project Joe Skore Vice-President of Pulte Homes of Michigan was with him.

Mr. Anderson noted that they got Concept approval with the details from the Planning Commission and then the Board of Trustees in February 2020. They have since then done engineering and prepared the final PUD, adding about 40 sheets of plans, profiles, and details. The plans didn’t change from their concept, they did a lot of work upfront conceptually, grading, and those things because it is a difficult site. The final PUD is almost identical in layout and content of their preliminary approval. They were hopeful to get final PUD approval from the Planning Commission. They still had to finalize their engineering and permits; they have some changes there but that would be a later final step. They were there to answer any questions on the final PUD.

Planner Fazzini read through his review date stamped October 7, 2020.

Engineer Landis read through his review date stamped October 9, 2020.

Engineer Landis had an additional comment that was not on the original letter that he wanted to add. They noticed that the pathway that is being proposed along Gregory Rd. is going to leave a gap along the Gregory Meadows development and wanted to see that pathway extended along the frontage of Gregory Meadows to connect into the internal sidewalk within that development so they are not left with a gap.

Vice-Chairman Reynolds said that there was concerns from the Fire Marshal about the gate. He knew that it had been a discussion between Peppermill Lane and the development and it was stated that a gate is not an effective way to create a safety access due to maintenance and concerns. There were several comments going back and forth between the developer and the Fire Department regarding the road access can be provided and it could also be gated but it needs to be maintained so there was some discussion and felt that was a topic that they should touch on.

Secretary St. Henry asked the applicant if the original PUD agreement called for a minimum of 50% side entry garages or recessed garages? Mr. Anderson replied that was correct; they did not have side entry they will all be straight in and they will meet the code of 50% recessed per the code and was stipulated in the PUD agreement. Secretary St. Henry asked if they were all front facing garages but are recessed? Mr. Anderson replied they are recessed per the standards, yes.

Mr. Joe Skore with Pulte Homes of Michigan. He thought that the requirement was at least 50% of the garages would be recessed by a minimum of 5-ft. and they intend to comply with that.
requirement. He added that they initially submitted the Bay Port plan and they have agreed to eliminate that plan from the line-up.

Trustee Steimel said that they didn’t get any more assurances from the Concept plan. That is what the purpose is to get those loops closed up. Better renderings so they could say they were good in a PUD. He said if the access to Peppermill Lanes has always been contentious. He understood that they put that stub road at Peppermill Lane it was put in years ago because they knew there should be cross access between developments. His problem was that was developed back when they thought it was going to be connected to an (SE) development. Now this comes in and it is extremely denser and his concern was that Peppermill Lane is not developed in a way that can handle that much extra traffic. He noted that the way that this is getting developed there is no way to loop the roads and they need some kind of secondary access for the Fire Department so they have to have access over there. He said he always said that at least it could be emergency access but of course they are really concerned about that. He didn’t want it to be a regular throughway right now. He said looking at it, because they are providing that access to the east that could become more of the permanent way of looping through the system and having two ways in, and that gate could even be taken down at that point. Just in the temporary time here they don’t know when that other parcel might develop that they have to have secondary access for emergency vehicles the way this is developed. He knew that the Fire Marshal didn’t like it and he agreed that if they put something in it should be one of those siren-activated gates. He didn’t realize that they were going to propose the bollards. They have some of those on some of the paths and is not as easy as they think. Vice-Chairman Reynolds stated that he didn’t believe at this point that the Fire Marshal is even saying that that could be approved. It is not to our standard or to the standards that they have adopted. Trustee Steimel said that they have the same problem on some of the safety paths when there is an emergency out there because usually, they lock them, and then they have to find somebody that has the key and get it unlocked and pull up the bollards, otherwise, they are just down all the time and their current design it kind of sticks up. He added that if they are going to put anything in there, he would rather it be a siren activated gate versus the bollards. These were some of the conditions that they talked about in Concept approval that had to be worked out.

Trustee Steimel said that he didn’t know how they could guarantee 50% of the side entry unless they designate what they are. They don’t designate what it is going to be, that is not the way they operate just as people come in, they can select which house they want to have.

Secretary St. Henry questioned if there were no side entries? Mr. Anderson said that there is no side entry. He noted that the standard was 50% of the homes have to be either side entry or 50% has to be recessed garage. They are proposing 50% recessed garages. He noted that would be tracked and is common with the Building Department and their folks.

Secretary St. Henry questioned and noted that it was stated by the Planner that they are still looking into the final PUD plans or that there were possibly some loose ends? Planner Fazzini replied that there is a PUD agreement which will be an agreement between the Township and the applicant/property owner that typically doesn’t occur until the Township Boards readings of the final PUD. That review has just started but it will need to reflect their approval, such as the 50% recessed garage would need to be in that agreement just as an additional strength to have that. He deferred to Planning & Zoning Director on how that should be tracked that could be done at permitting. It would be a condition if the project builds out and doesn’t meet the 50% that could be a compliance issue down the road. There will be an agreement document that will try to mimic their consideration.
Vice-Chairman asked if it would be a community where they have the choice to pick the lot and plan that they would like to build? Mr. Anderson replied certainly; the PUD agreement that they are going to stipulate they will stipulate that condition and also have the architectural conceptional requirements right in there as an exhibit to that agreement. It will be up to them to monitor and meet that agreement. Planner Fazzini said on the building design that is up to their comfort level as far as if they are fine with that being included in the agreement and up to the Township Board or if they would want to see more detail on building elevations down to the material of the window but was up to their discretion.

Secretary St. Henry asked what were some of the items that should have been included in this latest round? Trustee Steimel replied that it was hard to evaluate based on the information that they have that they are not meeting a lot of the requirements that they normally have for one of these. They talk about the open space, is it useable? It does have a path. They didn’t do a lot to preserve much and some of that was because they didn’t want to designate a lot or a building envelope so they can’t tell what they are doing with the normal tree requirements. It is going to be mass graded and be barren from that point on. A lot of those rules are in place to try to prevent that from happening and try to preserve some of that but the plans currently don’t show that. There is no way, based on what they are presenting to them, that they can say what is happening, and is hard for them to do. A lot of those requirements were because the goal was, they know things have changed but they have to remember when these things were put in a lot of these rules were because what they were trying to promote was families to move into. There are certain requirements that they try to put in there to make this attractive to enticing families that want to be part of the community. That is what they are trying to do through some of these standards is that they build something that attracts more families that are going to invest in the community, and this obviously isn’t that, so it gets tough and then it gets subjective. That is what some of the guidelines are there for and they might have different objectives nowadays. It seemed that there were several things that were missing that they would normally see at that time.

Trustee Steimel offered as a suggestion whether they agree that there should be some kind of emergency access gate on the south side to elevate the concern, and agreed to make it a cut through with this being such a much larger development maybe there should be a section in the PUD agreement about maintaining that area, it needs to be plowed regularly, things should be cut back. That can be in the PUD agreement to make sure that the maintenance is maintained. Vice-Chairman Reynolds noted that one of the items was even the Peppermill Lane side of it, it doesn’t have a “T” it doesn’t have a turn-around and it is maintained by the Road Commission so how does he expect this development to maintain the other side of the gate? Trustee Steimel said here there is a PUD agreement which becomes like the association rules and that can be in there that this area has to be maintained. Vice-Chairman Reynolds asked but what about the other side of the development, that is the hard part about it. Trustee Steimel said their big problem there right now is it is not really any kind of a gate or anything and if they go down there for Peppermill Lane the idea of the T-turn around is so they can get turned around and come back out if they had to go down that dead-end road. He thought that making the edge of the road have an emergency access gate, this idea that this “t” turn around doesn’t keep clear and people are parking there has nothing to do with this unless they are parking right in the road and thought it would be easy to post “no parking fire lane” and then it can be enforced.

Mr. Anderson commented that there was a lot of detail and that there are 5,300 trees surveyed there. There is a philosophy about the building envelopes applies to a large lot development of two to five acre lots where you can go in and cut a road in and site select the home and maybe save a couple of trees on the lot. This development is more of a clustered format where they get meaningful preservation. There is consolidated infrastructure where they have 20-ft. in between these range units and they have to have drainage around it. They have infrastructure
storm in the back and the road in the front. They have the grading there but then they can’t preserve a lot in a front yard or the rear yard of the cluster home area but what they do have is about a four-plus acre woodland preserve in this area. If they just cut this up and just do large lots maybe they could pick and choose and save a tree on some lots with some tree wells or some retaining walls. They have gone through an extensive amount of detail in the plans to show them exactly where they are going to be grading and where they are going to be doing preservation. They have 5,300 trees tagged identified quality on the plans, so they know exactly what their preservation is going to be. That is the difference between a traditional layout putting lots across the whole thing and cluster and do meaning open space and preservation, and that is what this plan is.

Vice-Chairman Reynolds appreciated the effort that has gone into final engineering and the depth of grading, and thought it was a difficult sit. What he was struggling with was there was a lot of things here that are not even being addressed in the presentation for the final PUD to address some of the comments that were put forth from their consultants. If they do have the benefit of it being a cluster development and they are saving and preserving trees, shouldn’t they be able to speak to one of their concerns of is 80% of the trees being preserved and if not the comment of if they expand beyond their development area and that gives some leeway between them and us can’t they speak to that term. They were looking for a recommendation from the Planning Commission to forward this to the Township Board. It didn’t look like they have any additional details with the building plans. They have been promised that at least 50% and they have the same discussion at preliminary and they still have the stock Pulte plans that don’t speak to a 5-ft. recess. He struggled with conditionally consider this as an approval with so many open items and a lack of anything that speaks to some of those concerns and discussion points that they have because they are looking at a presentation from February. He has looked favorably on the development as it has worked through but thought that it was an important development to have some detail and some consideration to the comments put forth by their consultants, and the public when they had the Public Hearing, and also some of the discussions points that they are having once again. Mr. Anderson said that he got these conclusions from their Planner, a lot of them, and he indicated that they are a minor edit for the site plan coversheets. They are going to do another set of plan change’s with engineering and permitting and they acknowledge that. A lot of them are in the PUD agreement which has been submitted and revised and is back to the Township for further review. He said as far as the building details, he wanted to know what level of detail they wanted. Their theory was they were going to get them the architectural information as part of the PUD it is an exhibit “C” to the PUD agreement. They are going to stipulate to the critical matters that the Planning Commission wants, the recessed garage, and they will stipulate to the primary exterior materials and those will be in the agreement. If they want the boards with the materials, they could make those. Vice-Chairman Reynolds agreed that there are comments that are easily addressed and with a conditional approval or administratively addressed, they have that very frequently with large developments. If they were there at the last Planning Commission meeting or read through those meeting minutes there is an extensive number of items that can be administratively approved. His issue was the ordinance lays out explicitly a scale of building elevations of one-inch equals four feet, so there are some of those common things. He didn’t need to see a board, but he is only seeing the sale sheet on a drawing right now. He sees final engineering that speaks to the concerns that his engineers are going to have but architecturally and some of these zoning concerns this is the final PUD review, there is no another step for them to come back to. There is a recommendation to the Township Board and ultimately the Township Board is asking them to vet these items. That was his disconnect here is that some things are lacking and it is hard to decipher some of these concerns with a lack of development from those other items that they had spoken to early at the preliminary PUD till now. Not saying that it would drastically change their thoughts but it is content that they should be seeing from his perspective.
Mr. Anderson asked if they were comfortable with where they were at with the Peppermill connection? He knew it was approved, it was designed and, is going to be cult-a-sac with emergency access that will satisfy their Fire Marshal. Vice-Chairman Reynolds stated that he thought that there should be connections in the Township. They obviously could approve them with gates that are siren-activated and he is not going to die on that hill. They are happy to provide some feedback but was uncomfortable just making a general motion of at least 50% will be recessed or side garages and there haven’t been plans provided that even speak to that. He knew that they said that they will take out this plan but he is looking at it from a flyer sketch and it didn’t look like there is 5-ft. provided with the other plan that is being provided and he questioned whether 5-ft. is being provided in the 3rd plan that is being set forth. It was eluding more questions than answers for him.

Commissioner Walker said that he had eluded to the last meeting and they had many more items on their agenda than they have now. They had fewer agenda items but, in his view, more important agenda items. They were there for the final PUD approval and it seemed that little has changed and their consultants have brought up serious questions that he didn’t believe they had answers to.

Commissioner Urbanowski said regarding the safety path, they haven’t said anything about that. She stated that she wasn’t there for the other meetings but did spend time with her computer watching the videos. She thought it was in the PC motion regarding the discussion concerns, disagreement with the safety path and contribution procedure. She had a sticking point with that and it hasn’t been mentioned at all. She felt that the cover sheet of the plans just says, and she didn’t know if this happens with the attorney, or if they have anything to do with it, cost estimated for the contribution if it can’t be done by them. It has to be built by the Township the contribution would be agreed upon between the developer and the Township Engineering consultant. There was a lot of conversation about it; she believed that it was going to be more like $240,000 if they had to do it? Engineer Landis said that he didn’t recall the exact number but thought it was a lot higher than what was proposed at the time. Commissioner Urbanowski felt that the contribution has seemed to have disappeared in all of the information. She thought if they were talking about the benefits of a PUD to the community that safety path had to be addressed a little bit more. Mr. Anderson replied that it is included as part of this project and has been designed and the plans have been submitted to the Township Engineer for review. He added that they will be meeting the condition that was established with the Planning Commission and later approved by the Board of Trustees and they were prepared to meet those conditions. He thought that the Township before that happened needed to secure the easements. Engineer Landis stated that in addition to the final PUD plans there was a separate set of plans that were submitted for the pathway from the Gregory Meadows development to Baldwin Rd. They did a cursory review of those plans some easements are needed to make that happen. He added that overall, it looked like they were meeting the motion to require the safety path. He said that he noted that in item #6 of his review he asked that they extend that pathway along the frontage of Gregory Meadows to connect to their internal sidewalks so they are not left with a gap. He anticipated the Township moving forward with trying to obtain those easements once the final PUD plans were approved. Planner Fazzini said from a zoning standpoint it would be appropriate to handle that as part of the PUD agreement because that safety path is outside of the boundaries of the PUD site, and the negotiation and the plans for that would be fine to handle with the agreement because that is tied to the development of this but it is kind of another side improvement related to it.

Vice-Chairman Reynolds asked regarding the safety path if that suffices people’s concern to at least maintain their initial agreement for the safety path and if that proceeds, then that should be
a condition? He thought that if that is maintained he would look favorably on that, and he thought it addressed that concern from his perspective.

Vice-Chairman Reynolds questioned if the building plans not being provided to them, should just be addressed with a conditional agreement? What were their thoughts? Secretary St. Henry stated that it was part of the final PUD approval then they should have that in place. They may have seen some earlier versions at concept, but if that is what traditionally is included in a PUD, he thought it should be there, and they should see it. Vice-Chairman Reynolds said that was one of his concerns, not only the setback garages, but if there were basements, and what are some of the plans with those. These are clustered develops, if they are not going to go all at once, these are things that he knew could be handled but it is a PUD, and it should be an open book for them to discuss and talk about. If there are concerns about these items like there is significate grading on the site. What happens when one property gets developed and they don’t hit their 50% recess, or they get stuck because there is significant grading and there are basements going in.

Trustee Steimel stated that the only way that they could do this at that time, because of the way they develop, is to designate certain lots now as being recessed garage and just designate them now. If someone decides to build on one of those lots and not develop one of those, then they say for now there is that many lots designated to be that so they meet the standard then there has to be a tradeoff. If lot 14 is not going to a recessed garage then now lot 15 has to become one and try to keep it that way. It is just the idea that they already acknowledged that a certain percentage has to be like that. That is still just meeting the minimum standard he knew it said side entry or recessed but the real thing of the standard was more side entry so they didn’t go through a development and see nothing but garages, it wasn’t the kind of communities that they wanted to build.

Trustee Steimel added that it was hard if they didn’t want to designate the footprint areas. The idea sometimes is they try to push the envelope to save trees but there is to them the advantage is if they take out trees that are in the envelope those don’t count against them. That is why they are supposed to designate those areas. Maybe they meet the standard and they just say they are not going to get that bonus. If they took out a tree and they got a place that could meet the standard that they are going to replace it because it was not exempt due to the building envelope then maybe that is the way to handle it. If they meet that standard already, which they are saying that they already do, then maybe it is a mute-point. They don’t want to designate the building envelope so they can apply the standard without the bonus of ignoring that. They know that they are going to take out all of these trees, if they apply the standard to every “characteristic tree” that they took out, the goal in the ordinance is to try to preserve them if they can to meet the woodland specifications. It was put in there to elevate this idea of just clearcutting or least try to replace them. If they look at it that way then the standard is met if they don’t get the bonus of the building envelope and then they are ok already, they have enough that they didn’t need that envelope building bonus. The fact that they do not show it now and they can’t evaluate it is maybe a mute-point.

Vice-Chairman Reynolds said that his effort was answering the questions and concerns he would have as a Planner Commissioner. He questioned when they start talking about these other things that elute to. If they are not isolating the natural boundaries of the development and seeing what these units are, what happens if they want to have a deck or a patio, there are some basic requirements that have been outlined in the ordinance that are not being provided to them tonight. Not always are they directly provided to them exactly how their ordinance does, they are flexible on that, but when it comes to grading what about decks, so there is a lot of things being raised here. Trustee Steimel said that is not allowed there by the way they are doing it. He thought what he was talking about is when someone owns the unit then there are
things like that they want to put on a deck or something they don’t own that, this is different. The only thing that the individual owns is the footprint of the house everything outside of the footprint of the house is part of the overall development. That is why they don’t have lot lines. Vice-Chairman Reynolds asked about decks, are there no decks in the community? Mr. Anderson said that the boxes they have shown, 41x72 they include the sunroom and a deck opportunity, so they are the maximum actual vertical element. Vice-Chairman Reynolds stated that was a critical piece of information that they are asking for. Mr. Anderson replied that it was on the layout plan, it shows the dimensions of the homes and what that square represents and it represents the sunroom and the deck, it was on sheet eight of the plans.

Vice-Chairman Reynolds asked about the other items, he said he was struggling because there wasn’t a formal response that they are going to meet it, there was a verbal. There was this discussion that it is going to be addressed in a future agreement that they are working on, this is the final review. Do they have a formal response on some of these? They want to work with them and not looking to stop the project dead in its tracks. Mr. Anderson said that he had the Planners list and he didn’t respond one by one formally on this but thought that 1-4 was minor PUD there is another plan change in front of him, minor stuff, that is needed in engineering and permitting; 5 was the building details, and if they want to see the architectural those haven’t been provided they will be apart of the PUD agreement. Vice-Chairman Reynolds understood that there were a lot of moving parts and he knew that there were a lot of efforts to get them to where they were at. They are not only talking about the PUD just because they have a concept approval doesn’t mean they have automatically bought them a PUD approval and they are just addressing some minor comments. They are still making a motion to the Township Board about their PUD eligibility, about the community contribution, all of those other items. He knew that they could go back and look at those and some of them were familiar with them. They have been addressed in comments but when more things come up as the plans are further developed, there is not one more, it will be yes you are going to the board but that is a recommendation to approve based on a zoning process not because it is coming back to PC after it goes to the Township Board. He hoped there was a little consideration of that is why they are having a discussion. Trustee Steimel said to him where they are here, it hasn’t met the criteria that he would want to make a recommendation to approve it, they are just making a recommendation. They could make a recommendation to deny because they don’t have a lot of this information that they think should be there at this point. He said that they could go before the Township Board and convince them of the same thing and it is just a recommendation and they just say they are going to approve it anyway. He added that if the idea was that they want to come out of the Planning Commission with a recommendation for approval before they go to the Township Board, then he, at this point was not there. He was not comfortable that he had nailed down a lot of this information that he wanted and to explain to him how they think they are meeting this standard, and he wanted to formally see that. The building envelope that they end up developing includes that, he wanted that stated someplace. This is not a typical development that they made it one big condo because they were not dealing with a lot of that stuff. It is hard to figure out building setbacks, but it is not the same because they don’t own that part. It is more like a condo versus a condo site plan, these are true condominiums, the only difference is they picture condos where there are two or three units grouped with a common area around them. Secretary St. Henry said that they don’t have the complete package yet for the final PUD approval. He agreed with Trustee Steimel that he was not ready to approve or deny this. He thought they should come back with a complete package following the direction of the Planners, the Engineers, and what they have discussed and have them come back. They have one shot at this and to make sure that they feel comfortable and if it delays it so be it. He wasn’t too concerned about it being delayed if they don’t have a complete package.
Vice-Chairman Reynolds asked if the applicant had any thoughts on what has been spoken to before a motion is potentially made? Mr. Anderson said he heard the emphasis on these items. There are a couple of items that he didn't necessarily agree with but he could speak to Giffels Webster. The Traffic Study isn’t required based on the volume but it still appears as an item. He thought he got the emphasis on what they wanted. Vice-Chairman Reynolds stated that there are always items that they work through and they are always looking favorably on an administrative item that can be resolved and not hang up the whole project over something simple. His issue that he had was some of the basic items that they ask a PUD for and some are Giffels related and he appreciated the heavy engineering that went in that addresses OHM’s concerns. But a lack of presentation a recap of where they were at not only for them as Planning Commissioners but also just reiterating why PUD, what is the community benefit. It is a PUD and they are looking forward to making a motion to approve or deny based on their findings of what have they outlined in their ordinance for a PUD. There are going to be concerns that they know that could either be deliberated upon, discussed, resolved here at the Planning Commission, or turned over to the consultants because they know it is something that they can handle. He suggested starting with some of the comments, he knew many of the engineering comments have resolved. He agreed with them that there are going to be items that they disagree with them on but the point is there is actual content being presented and that there is something to deliberate with. Right now, he was locking that because he was seeing not only a rendering but he was seeing a rendering with a date of February 3, 2020, and he didn’t feel like he had all the content that he needs to make a competent approval or denial recommendation to the Township Board. He asked if that gave the applicant some feedback and discussion points? Mr. Skore replied yes, he appreciated their comments and he didn’t think it was unreasonable. He noted that there had been a lot of comments and he wanted to distill it down because he knew that there were some insignificant comments that he knew that they could resolve. He thought that they were looking for something more than renderings that were not included and thought it was a fair comment and thought they should be included. He added that relative to the requirement of the 50% recess garages they said it on record in front of the Township Board at the last meeting and here again tonight they will comply with that requirement and it will be 5-ft. as the ordinance requires. In terms of designating which lots he couldn’t do that because it was all based on consumer preference. Some people come in and they want “X” and some people come in and they want “Y” and it very possible that 80% of the consumers may end up with a recessed garage it just depends on what that consumer is looking for. He said that the point being is they would like black-lined architectural drawings included with the package and they will submit that. He knew that there were some questions about the Peppermill Lane connection and what kind of gate, and he thought that was fine and they were open to whatever the Fire Chief would like for safety purposes. He wanted to clarify because they didn’t get to any conclusion, and he was going to let his engineer speak to it because he was more qualified than he was, but when it comes to tree preservation, he understood the comments, this site has significant topo. Just to be able to meet the Townships design standards relative to slopes they have to masquerade the site in terms of the development area. On top of that, they are talking about smaller homes on smaller lots with significant site improvements, with drainage patterns, with swales on sides and the rear, surgical tree preservation on this type of site and that type of lot is not feasible. Putting the topo on top of that and it is not conducive. He didn’t want any misconceptions with regards to specific surgical tree preservation as they might see on a large lot with a custom model home. Vice-Chairman Reynolds said that they have seen development sites that are larger than this one including some up the street that has masqueraded everything. The point is that the ordinance addresses concerns to that about what trees they are preserving. He appreciated that they did a tree survey of 2,500 trees but let’s talk to it. What is the replacement, what is outside of the development area, there is not a whole lot being presented to it as being presented like it is a slam-dunk and to him, it seemed like they need to be able to check that box off. In the comment about mass grading, he agreed that it could be a difficult site but all the more reason that the
ordinance calls out to provide a section beyond an engineered section of what is the relationship to the grade of the house to the adjoining properties. Those were some minor items and as a comfort as the Planning Commission to recommend something he thought would build more concern than comfort. He added that there are things that they are not always 100% on but they are presenting more questions than statements at this point and time from their perspective. Mr. Skore replied he understood.

Secretary St. Henry said that PUD’s are the bane of their existents they are not easy and there are a lot of public concerns about PUD’s. All they are asking beyond the basics for the package let’s be overly cautious let’s provide more than enough evidence to show that they have thought this through all the way, that they have come to the table with a very thought out presentation of what they want to do so there is very little gray area.

Vice-Chairman Reynolds stated that he wanted to circle back to a couple of open comments before they agree that there isn’t going to be a motion on the table but thoughts on the cross-access agreement. There was some deliberation earlier and the Fire Marshal has a concern about that. He asked if they were comfortable with the siren activated gate? The bollards don’t seem to meet his approval, so they can give some direction so when they do come back on some of these open item’s they can hopefully checkboxes. Trustee Steimel was more in favor of a siren activated gate. Secretary St. Henry stated if that was the standard and they see a lot of developments now, then they should have the same feature here. Vice-Chairman Reynolds noted that the standard from the Fire Marshal would be access being provided, which there is the difficulty of that per Trustee Steimel comments earlier. The second would be a siren activated gate so there is still access maintained but closed off access. If there were concerns over one over the other that at least the discussion points were brought forth that we are hearing our Fire Marshal but we still recommend “X”. Secretary St. Henry thought that they were finding the middle ground between the Fire Marshal requests and the request from the community.

Vice-Chairman Reynolds stated that traffic study there was some discussion there, he didn’t recall if they considered this as one of the contributing properties? He questioned if there was a regional traffic study being completed? Engineer Landis replied that there was a regional traffic study being done but it doesn’t extend that far. They took a look at the trip generation estimates and numbers are below the threshold per the ordinance to warrant a traffic study. He knew it was within the ordinance if they want to request a traffic study as part of the PUD they can. He pointed out that the trips proposed are going to be far below what the typical threshold is. Vice-Chairman Reynolds asked if the Planning Commissioners have any thoughts on still requiring a traffic study or that would suffice the requirement. Trustee Steimel wasn’t sure what they would gain off of the traffic study. Gregory Road is going to get a lot more traffic on it than it has now but by the whole standards they are going to go through this whole thing to find out that it was a “B” and now it is a “C”. Sometimes they do that traffic study because out of it there may become recommendations of additional improvements that they have to make like a wider turn lane, he couldn’t see that there. In general, in that neighborhood, they see 50 cars a day going up and down Gregory Rd., once this goes in, they are going to see 120, to him there is a big impact, but from the road, he didn’t anticipate that. He was ok saying that they don’t need a traffic study to tell him that there are no additional improvements required. He thought they were going to get it already in the accel, and decel lanes that are required anyway and that minimum standard that they are going to make them do anyway is going to handle what they have. Commissioner Walker said that of all the issues that he had the traffic study was not high on his list of things to worry about. He agreed that there will be an increase in traffic, no question, but he didn’t know what information they could get from that that would change their view on how this should go. Vice-Chairman Reynolds agreed he was trying to provide feedback
on some of the open items so if and when this postponed that it comes back with productive plans.

Vice-Chairman Reynolds asked about thoughts on the entrance signage structure. His concern goes back to some of the grading and at least see some of those relationships. He did not have an issue with the entrance signage as proposed in the PUD but that was one of the discussion points. Trustee Steimel thought that the signage was good, it was above the minimum.

Vice-Chairman Reynolds noted that he thought there was some feedback there whether condo docs as a draft is provided to address some of these concerns, that has happened in the past, it gives them something that they know that it is written into the by-laws of the development. He thought the intended schedule and some construction detailing of this would be helpful. He wanted some clarification on grading adjacent to decks or basements, some of those footprint items that they are making some blanket statements but if it is written into the by-law and that addresses their concern then that ship has sailed.

Vice-Chairman Reynolds asked the applicant if there was a timeframe in which they would be looking to come back to them? He thought that they might want to address some of these concerns and come back to them? Mr. Skore replied that is correct. Vice-Chairman Reynolds said that they had to have a motion that addressed the timeframe. Mr. Skore said they had black line drawings of their plan’s however, they may have to a modification to achieve the 5-ft. recess and wasn’t sure how long that would take but would be back within 90 days.

Moved by Commissioner Urbanowski, seconded by Trustee Steimel, that the Planning Commission postpone action on PC-2019-48, Cottages at Gregory Meadows Planned Unit Development (PUD) Final Plan/request to rezone the property from Suburban Farms (SF) to Planned Unit Development (PUD), located at 3537 and 3595 Gregory Rd. (Sidwell #09-31-200-006 and 09-31-200-008) for plans date stamped received September 11, 2020 for the following reasons; to allow for the changes that they discussed; no longer than 90 days from today.

Discussion on the motion:

Planning & Zoning Director Girling asked for clarification if it would be 90 days to submit or 90 days appear? Trustee Steimel said 90 days to submit.

Commissioner Urbanowski amended the motion, Trustee Steimel re-supported, to add that it would be 90 days to re-submit.

Vice-Chairman Reynolds asked if there was any public comment on the motion?

Vice-Chairman Reynolds read into the record a letter from the public. Don Hickmont had a couple of questions pertaining to the agenda: 1) the easement to the west of the development they recommended an easement be provided on the west side of the property to facilitate future development; it would appear it could easily be worked into Avery Rd. cult-a-sac, are they willing to include this in the easement? 2) in the safety path drawings, a reference was made to removing the fence necessary but does not indicate that the fence would be replaced, the four-foot woven wire farm fence should be replaced if it is removed; will Pulte note the fence will be replaced? 3) garage setbacks and side entry garages are required under the PUD rules, Pulte appears to make no attempt to accommodate that, although in the second review they verbally agreed that they would comply, do they intend to fix the home sketches to demonstrate their compliance?
Mr. Don Hickmott 3731 Gregory Rd. right next to 32 acres that Pulte is developing. He noted that he had 31 acres and was shaped about the same way that Pulte's is and he has been there 52 years and had no intention of selling or developing it, but his heirs may. He has heard all about the Fire Chief objecting to problems getting their trucks in and out of the Cottages development and his development will look very similar to the Cottages someday, his kid's development will, and it could be obverted a little bit, the first written comment there was putting in a 60-ft. easement off of the Avery cul-de-sac which he thought would be simple to do now. Gregory Meadows put in a 60-ft. easement on the other side of his property without asking but it is only about a third of the way back. Avery would be about halfway back and would help out the Fire Department when they go to look at his development. It seemed like a simple fix now but in 5-20 years from now when he is gone and there is another group of Planning Commissioners there, he suspects that they will be struggling with the same issue that they have with the Cottages. This would make it a little bit easier if they could do that. Giffels Webster recommended that earlier but it dropped out of their file recommendations for some reason. He thought it was very appropriate to do that and not sure why it was not done. He added that his farm is fenced all the way around and he is going to give up some right-of-way just to put that safety path in for free but would like the fence put back up if they are going to take it down and thought it was routine and didn’t know why they indicated just removing it and not replacing it. He thought it was a great idea and he wasn’t not going to use the safety path himself but thought it was a great idea to extend it down to Gregory Meadows. That is why he pushed to get the safety path by his house to Gregory Meadows because they are not going to have access to any of the walkways without getting down there.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Walker, yes; Reynolds, yes; Urbanowski, yes. Motion carried 5-0 (Dunaskiss and Gross absent)

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
A. MTA Online Education

Vice-Chairman Reynolds noted that the Township has signed up for a number of resources for them as Planner Commissioners that are available. There are a lot of great courses, he has looked through a few of them and they were very easy to take and very educational. Planning & Zoning Director Girling said that the Township paid for it, it is free. Those are a list of courses that she quickly looked at that were related to Planning & Zoning. Vice-Chairman Reynolds noted that the MTA which those are hosted through the past couple of events that he has attended he found them to be very practical and geared towards them as a Township versus sometimes some of the other events like the Planning conference is a very wide-ranged gearset.

12. COMMITTEE REPORTS
None

13. FUTURE PUBLIC HEARINGS
None
14. CHAIRMAN’S COMMENTS

Vice-Chairman Reynolds said like the microblading, he is always promoting to take a look at the ordinance. Even the discussion on the tree preservation and all those items, that is an ok part of the ordinance and does speak to some important parts, but they get into these conversations and it could be interpreted in a couple of different ways. He felt like keeping up with the times with things like microblading is important but also addressing things like as basic as the tree ordinance and something that the Master Plan outlines as important to them, they should be keeping up with the times.

15. COMMISSIONERS’ COMMENTS

Commissioner Urbanowski addressed Trustee Steimel and said that she was sad that this will be the first time she has sat next to him at a meeting and the last. She appreciated all of his service. Trustee Steimel said this would not be the last meeting. He stated that he would still be at the first and second meetings of November.

Commissioner Steimel said that he might end up in the audience he could help them with the intent because he was involved with writing a lot of the stuff, he could tell them what the intent was. He thought that the community was not the same community as it was just a few years ago. He thought they should have some very serious discussion about the Master Plan and where they want to be in the near future.

16. ADJOURNMENT

Moved by Trustee Steimel, seconded by Commissioner Walker to adjourn the meeting at 9:01pm. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

November 4, 2020
Planning Commission Approval Date