CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
****** MINUTES *****
REGULAR MEETING, WEDNESDAY, DECEMBER 2, 2020

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 2, 2020, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285
(Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Don Gross, Commissioner
Joe St. Henry, Secretary
Scott Reynolds, Vice Chairman
Kim Urbanowski, Commissioner
Justin Dunaskiss, Chairman

PLANNING COMMISSION MEMBERS ABSENT:
None (one vacancy)

1. OPEN MEETING
Chairman Dunaskiss, 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 OHM Advisors
Jeff Williams, Township Fire Marshal
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Dan Spatafora
Tom Kalas
Joe Skore
Paul Schyck
Dominic Geric
Don Hickmont
William Anderson

3. MINUTES
A. 11-18-2020, Planning Commission Regular Meeting Minutes
Moved by Vice-Chairman Reynolds, seconded by Commissioner Walker, to approve the minutes as presented.

B. 11-12-2020, Board of Trustees, Planning Commission, Zoning Board of Appeals, and Corridor Improvement Authority, Joint Meeting Minutes
Moved by Vice-Chairman Reynolds, seconded by Commissioner Walker, to approve the minute as presented.

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

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

7. NEW BUSINESS
A. PC-2018-49, Hills of Woodbridge Planned Unit Development (PUD) Final Plan, located at vacant land north of 3805 S. Lapeer (Sidwell #09-26-451-004), vacant lot (Sidwell #09-26-402-020), and vacant lot (Sidwell #09-26-402-021).

Mr. Tom Kalas, 31350 Telegraph Rd., Suite 2011, Bingham Farms, MI presented via GoToMeeting on behalf of the applicant and the developer.

Mr. Kalas noted that also present via GoToMeeting was Dominic Geric, the developer and owner of the property, as well as Dan Spatafora, and their engineers.

Mr. Kalas said that they were there to get a final preliminary plan recommendation review from the Planning Commission so that they can get the green light and proceed to the Township Board. He said that one of the issues that had to be determined by the Planning Commission and was raised in Planner Arroyo’s review was whether or not the loss of acreage, approximately 4-acres, that have been deleted from the prior preliminary approved (PUD) plan, and sold to the Wally Edgar’s Chevrolet Dealership, just to the south of them, whether or not the loss of the acreage, which reduces the size of the project, from approximately 32.8-acres to 28.6-acres, constitutes a minor modification under the (PUD) Ordinance section 30.03 section J1, or whether it constitutes a major modification, under that same section 30.03 of the PUD Ordinance.

Mr. Kalas added that he did submit an e-mail to the Planning & Zoning Director Girling asking if she would include it in the Planning Commissioners’ packets for tonight’s meeting. The email was a summary of their position on the fact that they do not consider the reduction of the project’s acreage to be a major modification, in that it is consistent with a minor modification and the criteria that are found in section 30.03. He said they also submitted two plans showing the initial plan that was preliminary approved, versus the current plan that was the revised plan that was submitted for review and consideration. He said that they show an overlay of the 14 units which consist of 7 duplex condominium buildings that are being deleted from the project, along with one of the proposed commercial retail buildings along Lapeer Road. He said as far as the actual modification that was made, and thought it was important to keep in mind that they have been going at this, since 2018, it was in February of last year that they did receive the conceptual preliminary plan approval from the Planning Commission. He said that nothing has really changed from that plan, other than the acreage has been reduced by approximately 4.2-acres. They have reduced the 128 proposed units that they had on the plan before to 114 units. They had 4 proposed commercial retail buildings before, along Lapeer Rd., they now have 3. Those 3 buildings will be subject to separate Site Plan approval, that when a user comes in and wishes to proceed with developing a commercial use along Lapeer Rd. in one of those buildings. He said as far as the residential they are deleting 14 units. The numbers have not changed that much and have changed towards the improvement of the project. The open space has been increased from 22.8% to 23% of the site. The density for the residential condominium units is slightly less than the initial 4.48 units per acre, it is now 4.43 units per acre. The residential units have been reduced from 128 total units. These are duplex condominium buildings of high quality, the floor plans haven’t changed, the building materials haven’t changed, the elevations haven’t changed, everything is pretty much consistent with what it was previously presented and approved. He said it is not the same. The number of units has been reduced from 128 to 114, and the proposed commercial buildings has been reduced from 4 to 3. The entrances off Lapeer Road has been reduced from 3 to 2. The residential acres have gone from 28.5-acres to approximately 25.7-acres. The commercial acreage on the
site has been reduced from 4.23-acres to 2.86-acres. That is a summary of the changes that have been made and were on the plans that were submitted as part of the revised submittal package, and in the overlay plans, that they submitted to give them a visual of the comparison between what was presented before and what was being presented now. He thought that the first determination that they are asking is that the Planning Commission, consider the modification that was made to the site plan, to be a minor modification for the reasons, stated in his email, and for the criteria that are found in section 30.03. He said that the scope of the project, the intensity has been decreased with fewer units, with less ingress and egress traffic, one less commercial building, the actual condominium unit buildings themselves haven’t changed, the floor plans are the same, the elevations are the same, and they are high-quality materials.

Mr. Kalas felt that there was a demand in that area. He said that the market dictates that they will probably be absorbed relatively quickly once they are in the ground constructing, building, and selling them. He added that the project itself, the uses, the concept has not changed. The intent behind the PUD initially remains the same, they are taking property that is currently zoned for office, residential, and restricted business, and providing a much less intense use on their condominium/duplexes and obviously a smaller portion of the commercial, then what they would be allowed if the property, where to be developed as currently zoned. They felt any modifications made with the reductions of the acreage are minor in nature and asked that the Planning Commission approve these changes as minor modifications so that they could proceed with the PUD project to proceed to the Township Board for final approval. He hoped by the time the pandemic has passed, they have all the engineering approved, all permits ready, jurisdictional approvals and they will be ready to commence building this project. He thought it was property situated where it was at and felt at least with respect to the residential units, they would be in much demand immediately.

Vice-Chairman Reynolds suggested that they focus on the first part of the discussion and review whether they feel that the final presentation is in the same parallel as what was presented at concept, and then focus on final provisions if they deem as a commission if it still withholds the same.

Chairman Dunaskiss concurred. He stated that they received a memo from their Planning & Zoning Director as well as some other documents on the matter.

Planning & Zoning Director Girling said that in the email that Mr. Kalas was referencing, it was added to Boardbook. She thought that Mr. Kalas went over all the changes in the numbers that were in the email. She added that if they were not able to find that document that was added to Boardbook, Mr. Kalas could give them the numbers again to note.

Planner Fazzini provided a brief summary of the modification request. He stated that the Zoning Ordinance doesn’t address modification to approved concept PUD plans, which the site has but it doesn’t have final approval. The ordinance addresses modifying a final approved PUD plan. He added that this was a unique situation that they don’t have criteria or specific standards for reviewing concept of PUD modifications. He stated that the criteria were included in the review letter on page 2 but were just for guidance. Those don’t strictly apply since final approval hasn’t been granted but thought they would be helpful to include. He added that really it is how it relates to the concept PUD approval. He said they also understand that the Township Attorney is requesting that they determine if a public hearing is required or not and could be determined tonight.

Planning & Zoning Director Girling stated to keep in mind that concept has been approved if it is determined that this plan, the final plan, is still in the spirit of what was approved at concept,
they proceed on with the final plan that was in front of them. If they were to decide that the plan deviated from how they approved the concept, then it is all the way back to square one with a Joint Public Hearing with the Township Board and reapproval of a new concept plan.

Chairman Dunaskiss stated that they need to talk about if they believe these proposed changes are minor and within their preview, or if they must go through the whole process again.

Commissioner Gross asked regarding the exterior parcel, which is referred to as the Wally Edgar parcel, is that parcel of the PUD now, or is it reverted to its previous zoning? Planning & Zoning Director Girling replied that the piece has not made it all the way through PUD approval yet. That piece has been removed, so it is as it was zoned, and has nothing to do with this project anymore.

Commissioner Gross stated that in terms of the basic plan that was resubmitted, he thought that it was still in compliance, or conformance with the original plan. He did have some questions relative to the plan, but in terms of the overall layout, the reduction in the size of the project, in terms of the number of units, and the amount of retail, he didn’t think it was necessary to start the process over and have another Public Hearing and thought they could proceed with it as an amendment to an originally submitted plan.

Vice-Chairman Reynolds said his only reservation is the component of the Joint Public Hearing, regarding, the concept approval that they have with the Township Board. He thought it wasn’t a significant departure from the concept that was presented. He added that there were some changes to units and square footages but overall, he thought that the density was similar, and it does reduce some of the retail square footage proposed along M-24. He also thought some of the comments were geared towards the final site plan comments more so than the change in the number of units, and if it’s based on the concept or not. He said he was ok with proceeding with final.

Chairman Dunaskiss stated that it essentially took a small percentage of the project away, in his opinion it conceptually hasn’t changed, just got a little smaller, in a sense, that they lost control of one of the parcels. He added in his opinion, they came in, and statistically, reduced the numbers. He thought that they could proceed with the final because it is minor in nature.

Secretary St. Henry concurred.

Moved by Commissioner Urbanowski, seconded by Vice-Chairman Reynolds, that the Planning Commission has made a determination that the final PUD plan, which contains a different boundary and decrease in the proposed uses than the approved Concept plan, is consistent with the intent of the approved concept plan, based on the following finding of fact: it is just a reduction of the amount of the number of units that they have and also the residential units and the commercial units nothing else has changed.

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

Chairman Dunaskiss asked if the applicant if there was anything they wanted to add? Mr. Kalas replied he thought he was good on his end.

Planning & Zoning Director Girling asked that during the deliberation and the reviews, did he want the applicant or herself to get the plans so that they are displayed? Chairman Dunaskiss replied yes, he would appreciate that.
Mr. Dan Spatafora said he was with the applicant assisting Mr. Kalas and Mr. Geric. He asked if Planning & Zoning Director Girling could share the screen, and then they could answer any questions.

Mr. Spatafora shared his screen showing and described what was on page one of the site plan.

Planner Fazzini read through his review date stamped November 25, 2020.

Engineer Landis read through his review date stamped November 20, 2020.

Fire Marshal Williams read through his review date stamped November 19, 2020.

Vice-Chairman Reynolds stated that he felt like there was a very extensive list that has not been addressed. He felt that there were some items that they talked about at concept that are not even addressed. He appreciated some of the improvements, but he thought the removal of a parcel and reduction of the number of units just because a parcel was sold or not incorporated in the development doesn’t give them a means to still proceed with the final PUD approval. He was struggling to understand, concept sure, but a final PUD recommendation; he asked what was the community benefit? Why this development over something else? There were a lot of those fundamental questions that they ask for a PUD that has not been addressed yet. He knew specifically himself that at the concept approval they would be discussing building elevations, as a concept approved it and they said they would see elevations, later, they still don’t see those. He said he had some big concerns about even recommending initial approval. He thought some of the grading and just how some of the footprints are proposed it didn’t look like garage setbacks were addressed. He said he was not looking very favorably at this recommendation.

Chairman Dunaskiss said they have been given the laundry list, what they see in front of them where it is at. He asked if there were any more comments, directions, or questions for the applicant?

Secretary St. Henry said he thought that the overall direction of the project is acceptable. He added that from a community benefit standpoint, he would much rather see residential development like this than a half a mile of asphalt and more storefront along M24. He did agree that there is a list of issues that need to be addressed, per what Vice-Chairman Reynolds mentioned before he feels comfortable signing off on this site plan.

Commissioner Gross said he agreed that there were some things that needed to be addressed relative to the plan. He had some specific issues relative to the fact that this is a PUD and they have seen this in a couple of other instances where the PUD ordinance requires that at least 50% of the units are to be side entrance garages. He added that without seeing the building elevations, it doesn’t appear that this will be a development with any side entry garages. He didn’t know if this was a market-driven issue but if it is not something that they are not going to be serious about, then they probably need to change the ordinance, because it is continually coming before them relative to whether a 5-ft. setback of a garage satisfies the intent of the ordinance of having a diversification of housing types. He thought the plan should reflect that the building envelop should be large enough to support future decks on projects. He said it appears that these types of units end up with some form of patio or deck on the back of the units. To ensure that the homeowners don’t have to come back to get approval the building envelop should incorporate that as a consideration. He agreed with the Fire Marshal’s request for an extension of Brookstone Dr. to Morgan Hills is essential for phase one. Otherwise, it is a long dead-end unit for fire suppression. The submission of elevations of the materials, he believed there were some that were submitted a couple of years ago, but he thought that it
needed to be resubmitted before them before they could proceed further with any other formal action. He was concerned about the approval of side entry garages and it is an ordinance requirement that is being ignored.

Commissioner Walker said that he was hesitant on granting the approval of going ahead because he looked at all the issues that the Fire Marshal, OHM, and that the Planner has brought up and he felt that a lot of them have been there for a long time. They were brought up, and it seemed like the applicant hasn’t done a lot in getting those things resolved. He didn’t even want to consider passing this on some if come promise. He would need to see more results performed before he could be convinced.

Commissioner Urbanowski said that a PUD final plan should be completely polished and have very few questions at all. She wasn’t part of the original meetings but going back and looking at it there still are questions that still haven’t been answered from back then. Removing that piece might seem minor, but like the tree survey, if they are taking stuff out, then the survey that they did is a mute-point, and they should redo it if it was required. She thought it should be more polished.

Chairman Dunaskiss said it sounds like a consensus that the Planning Commission does not want to move forward with the recommendation. He asked if the applicant had any questions for the Planning Commission or with the consultant’s reviews? He wanted to make sure they have direction.

Mr. Dominic Geric the developer for Hills of Woodbridge, said they were more than happy to address these issues. He said it was a short process, they get two weeks for everybody to review. He added that the comments came back last week before they were all prepping for a meeting. He felt it was hard to turn it around and change all these plans all over again and get them resubmitted. He did have plans and elevations and thought that they were submitted a full set of plans and elevations. He didn’t know if they made it in time for the packets, but they are in the packet and in the submittal. They haven’t changed much from the previous plans, the elevations are full brick, a lot of upscale materials. He said he would be happy to sit down with the planners, the Fire Department, and OHM as well and address all these issues because they want to get them resolved one time and then move forward. He did want to address one of the comments about phasing. He said that phase one is 70 some units which is a rather large phase between developing and the build-out is probably a 4-year phase. He added that if they are asking to put the entire project in, he would be concerned, putting 114 units in all at once. What they do in other communities at the end, when they stub the street, they will put a big court temporary turnaround until they come back with the next phase. That was his only comment on the phasing. They would have to put everything in all the way through it, that is 114 units in all at once, that was his concern. He was happy to sit down with all the consultants and address it and come back for final.

Chairman Dunaskiss thought that everyone was fine with them phasing in the overall development but thought that maybe they work with the Fire Chief, and maybe the turnout works but the thought was having the initial main boulevard road developed. He added that he would leave that for offline and they can debate and see what is safe but thought everyone was fine with the phasing, they just must make sure there is clear line delineation that someone isn’t left like the Fire Marshal or someone with the concerned as the phasing approach but was confident it would be worked out.

Planner Fazzini said that the motion would be to postpone, and they request a date certain.
Moved by Commissioner Gross, seconded by Vice-Chairman Reynolds, that the Planning Commission postpone action on 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 at the vacant land north of 3805 S. Lapeer (Sidwell #09-26-451-004), vacant lot (Sidwell #09-26-402-020), and vacant lot (Sidwell #09-26-402-021) for the plans they received and are date stamped received November 12, 2020, for the following reasons: that the detailed plans should be submitted, indicating building elevations, tree survey, the extension of any utilities in phase one, if there are proposed any, or an alternative there too; and that the commercial development is not a part of this approval or of this postponement, that would be at a subsequent review period; and any other comments that were brought up this evening.

Discussion on the motion:

Commissioner Urbanowski said that it didn’t mention phasing and questioned if that should be added? She wondered if they were just saying whatever was addressed in here. Commissioner Gross replied yes, the phasing of the project in terms of phase one, phase two, and the extension of the utilities, if any, are being proposed.

Planning & Zoning Director Girling asked for clarification on the motion. Commissioner Gross mentioned that this postponement does not involve the commercial piece. She added to keep in mind that if they were forwarding this one with a recommendation to approve and the Township Board approved it, ultimately, it’s the entire boundary of the PUD would be rezoned to PUD. They would have to come back with the major amendment to get approval on what would go in the commercial piece, but the commercial is part of the project. She added that she didn’t want the misconception with that wording of it, that piece not being postponed because it is part of the (PUD).

Vice-Chairman Reynolds understood that there are going to be comments on a project, that they must work through. As a Commission, they tend to be workable with items that can be administratively addressed to move the project forward. His concern was more about the lack of items that weren’t addressed right out of the gate, even prior to their consultant’s review, that was discussed at the concept. He said that this is a final PUD review, so therefore it should re-iterate, address, and make sure it checks all the boxes on the PUD application. This is not a straight re-zone this is not something that is simply straightforward. It opens the bar for all of them to look at everything, and they want to make sure that things are crystal clear. So, as a Planning Commission, to be clear to their applicants they are looking for these to be a slam dunk, they don’t have to address every item, but there are items that he didn’t find to be an acceptable amount to have in a final (PUD) that they are recommending or denying approval to the board.

Commissioner Walker said that Commissioner Gross mentioned some of the things that the consultant’s put in their reports. He wanted to make sure all the things that are contained in the consultant’s reports are in this motion. Commissioner Gross replied so intended.

Commissioner Gross amended the motion, Vice-Chairman Reynolds re-supported to include the entire boundary of the (PUD) would be rezoned to (PUD). Any specific development of the commercial piece would have to come back to the Planning Commission.

Roll call vote was as follows: Walker, yes; St. Henry, yes; Reynolds, yes; Urbanowski, yes; Gross, yes; Dunaskiss, yes. Motion carried 6-0. (one vacancy)
8. UNFINISHED BUSINESS

A. 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).

Mr. Bill Anderson with Atwell 311 N. Main, Ann Arbor, MI presented.

Mr. Anderson said he also had with him Joe Skore, Vice-President of Pulte Homes, and Paul Schyck with Pulte Homes.

Mr. Anderson stated that they recently got concept approval from this body in January. They did a bunch of work and got through the final (PUD). They visited them in October, live, and were tabled to get more detail regarding their plan set. He added that what they have done since their October meeting and the plans in front of them, they have added a significant number of architectural details, some pump station details from OHM; refined their Fire Department connection; better defined the preservation details, added some cross-sections, and then did a full response to all the consultant’s questions. They were happy and wanted to go through where they were at.

Mr. Anderson said this is Cottages at Gregory Meadows, looking for final PUD review and approval from the Planning Commission. He added that the site is located off Gregory Rd. just west of Baldwin Rd., a nice commercial corridor with close proximity to I-75. It is surrounded by similar zoning designation there is a village center adjacent, and they have the availability of municipal utilities, public water, and sewer for the property. The existing conditions of the property, it is an oddly shaped parcel it is a long rectangular parcel being 32.7 acres, with a significant amount of topography, a very challenging piece of property. They have about 70-ft. of relief from the center of the property to the south, and then 50-ft. towards Gregory. So, there is a lot of undulation heavily wooded property. They have about 3-acres on the north end, that is Gregory, it is sparse, and then the southern 23-acres of the 32-acres is very densely populated tree sites. They focus on preservation itself, and they have over 5,300 regulated trees on the property. There are two existing homes on the property and the soil is very sandy.

Mr. Anderson added that the big changes from concept to where they are today. They have gone from a 20-page plan set to an 80-page plan set. The primary changes were, they modified the Peppermill Lane connection to be a cul-de-sac and emergency access only. They also provided a roadway easement to the east to the Village Center, a property that will get developed someday, again, it is a Village Center of Baldwin, so that will ultimately be another connection point for the property. They added the safety path contribution on Gregory Rd., they heard that loud and clear at the public hearing and the developer is committed to installing or contributing to the public safety path, on Gregory Rd. He noted that those were some of the big changes that they have worked on between concept and where they are today. The overall project, again, 32.7-acres, steep slopes, a lot of topography, a lot of trees, they are proposing 72 single-story ranch units. So, a real low profile, single-story ranch, for sale, maintenance-free living. This housing product has become very much in demand in all communities across Michigan with a slightly aging demographic. They have a density of about 2.6 units per acre, with about 4-acres of wooden preservation at the southern end of the site. They have about 12-acres of open space, including their ponds, two big retention ponds. They have a lot of open space, over a third. They have nature trails proposed and sidewalks on both sides, so a lot of walking opportunities for their residents.

Mr. Anderson briefly went through their PUD eligibility. They must define recognizable benefits, confirm density impacts, need to look at a Master Plan and economic impact, need to confirm open space and unified control. The recognizable benefits are preserving almost 4-acres of tree preservation in a nice, forested area in the southern third of the property, and over 12-acres of
open space overall on the project. They have multiple connection points their primary entrance is a nice boulevard and entrance off Gregory Rd. and comes down into a cul-de-sac and terminates into a nice, forested area. They have another future access point to the east, and the emergency access to the south side, so they have nice access points both now and in the future proposed.

Mr. Anderson said that they will have unique landscaping as part of this, again, this is going to be a lock and leave type community. The whole community, both the home landscaping and the greater landscaping on the site, will use native plantings and will be professionally maintained by the HOA. These are not 72 people with 72 lawnmowers, this will be all professionally maintained. With their cluster home option, they think they will have a nice balance between preservation and open space, with the environment.

Mr. Anderson stated that the architectural design, is a single-story, ranch design product to meet the growing local demographic in Orion and other surrounding communities. They have multiple housing options to choose from. He felt they have an attractive architectural design and are life tested by Pulte. Pulte Homes is originally a Michigan builder, and all their home products are analyzed by senior leaders, walkthrough, and surveyed with the customer base, so they are constantly updating their floor plans. They have provided a significant amount of great housing products to choose from, and those details have been added to the plan. He felt that it was a great benefit, a different housing product.

Mr. Anderson said that the contribution to the safety path, they have designed it, those plans have been sent out to the consultants, and they are proposing to construct the public safety path along Gregory Rd. that are subject to Township easements. That was from local community feedback, it was something they wanted to see. They have approximately 2,000-ft. of pathway proposed, that is a substantial community benefit, given that it is just 72 units.

Mr. Anderson noted that as far as density goes, this project is near a Village Center, Baldwin Rd., I-75, so the Master Plan with what the Township envisioned here, those single-family, medium to high density 3-5 units per acre. That was kind of the Master Plan for this project. When they first looked at it, on that zoning class, it falls under the R-1, R-2, & R-3 design. They did a plan under the R-3 design to see what that looked like, they yielded 93 units under that scenario. They looked at an R-2 design plan, and that plan had 77 units, where they ended up settling in was more of a clustered unit and the single-story ranch came in with 72 units. He stated that they were significantly under not only the Master Plan designation, at 3-5 units an acre, but some of the practical implied housing options, they are just proposing 72 units. Their density is well within what the Township had envisioned for this property. More on the Township Master Plan, it is a medium to high-density site was what was projected against next adjacent to the Village Center, so they conform with the Township Master Plan.

Mr. Anderson said that the economic impact with new housing provides a tax base and utility connections. About 20% of discretionary income from homes, as proven, is spent locally on food, services, and goods. Putting homes next to retail services will feed that local retail, so there will be a good economic local impact on the development. There is a similar study that talks about 1.1 sustain jobs are added for each new home. Not just the construction folks, long-term sustained projects. That is through the study of the National Home Builders Association.

Mr. Anderson said that the guaranteed open spaces when they look at the site, almost a third of the site is going to be open space. So, they will have nice wooded open space and viewsheds. They have a nice balance between the built and the natural environment. They have the open space well exceeding the PUD requirements.
Mr. Anderson noted as far as unified control, Pulte Homes has secured the property. Pulte Homes is also going to be the developer and the home builder, which is unique, and he thought that it was a very good thing for the Township. Pulte Homes would be first on site, building the roads, putting in the utilities, and they will be the last guys on site, building the last home, and making sure everything was as built. He felt it was a good benefit to have the same guy, so Pulte has control of the site.

Mr. Anderson stated that the building elevation compliance, there was a lot of talk about that in October and they added quite a bit of architectural detail. He said he just wanted to be clear that Pulte plans to comply with the PUD requirements for 50% recess garages, and 6 of the 17 elevations include the recessed garages. They are prepared to meet that requirement. The PUD agreement will require compliance as well as the Master Deed and Bylaws.

Mr. Anderson said regarding woodland preservation they have very significant topography on the site. What they did was a cluster home community, which is a planning tool, you centralize the infrastructure, the homes, roads, drainage, and minimize your natural feature impacts, and provides meaningful open space. That is the design planning technique they used. They maximize the design parameters to minimize impacts as well, from an engineering perspective but they must consider the roads and sidewalks and they maximized the slopes of the roadways and the sidewalks. Obviously, they must consider roadway slopes. Sidewalks must be designed to meet ADA. They considered side slopes, they maximized their side slopes, which are 3:1 side slope. When they are doing the homes, they must have proper drainage around the homes and in the rear yards. When they put all those engineering constraints in there and they have clustered they are confident that they minimize their tree clearing and maximize their preservation. They have preserved 58.5% of the non-exempt trees, not that 80%, so they are requesting a minor waiver for that preservation requirement. He added that their landscape plan is providing 100% of the on-site replacement requirements on the property, in the project site, which is about 520 trees.

Mr. Anderson stated that the Lot Coverage or rear yard projections and what they are talking about really is how do they do deck projections. They are comfortable with the Township Planners’ recommendation that they have a maximum depth projection of 20-ft. off the rear of the building. He thought that was the default ordinance, and they were comfortable with that recommendation that they made. He added that this was unique, it is a condominium that doesn’t have the traditional lots, it is a building, it is a homeownership unit. They thought that the component, language would settle the deck projection matter and supported their thoughts on that.

Planner Fazzini read through his review date stamped November 30, 2020.

Engineer Landis read through his review date stamped November 19, 2020.

Fire Marshal Williams read through his review date stamped November 19, 2020.

Chairman Dunaskiss asked for the Commissioners thoughts on eligibility.

Vice-Chairman Reynolds stated that he thought it was still eligible as a PUD. He thanked the applicant and their team for a comprehensive overview and not assuming that it was staying the same as they have seen previously. To walk through the recognizable community benefits in the project, and the housing types. Some of the stuff they thought was there, but just couldn’t see. He thanked them for being clear and concise. He felt that it was eligible.
Secretary St. Henry stated that thinking back on the meeting from a few weeks ago, he had several concerns and questions and felt that the applicant had addressed them.

Commissioner Walker asked the Fire Marshal if they resolved the issue about if there will be a gate or not a gate? Fire Marshal Williams replied that there had been multiple discussions that had taken place throughout, he thought 3 or 4 different reviews that they completed on the project. He added that there were some other proposals that the applicant came forward with, flexible bollards, things like that. He said that the Fire Department really had no interest in approving those whatsoever. Those are more of a hindrance to them than an emergency gate. He said if the gate is installed, it just needs to be understood that there is a lot of maintenance responsibilities, that come with those, regarding keeping them up and in operation, snow removal, and things of that nature. They just wanted to make sure that all of those are accounted for if the gate is installed, then that is what they are dealt with.

Commissioner Gross said this was the same plan that they saw back in December a year ago, the same plan they saw in September. Basically, it is going to be a clear cut of the site, 88% of the site is going to be totally clear-cut. 4-acres are going to be left as a natural area. In their plans submitted, they took a tree survey, and there were over 5,200 trees on the site, they will all be gone with this development. Clear cutting is going to take care of most of the trees, and there were, identified 486 protected trees on the site and they are probably going to be gone too. The ordinance requires that 50% of the units are to have side entry garages, he knew that there was a provision that if they have a 5-ft. setback on the garage, that qualifies as being an offset, but it did not enhance, in his opinion, the esthetic appearance and minimize the visual impact that they try to accomplish in Planning Unit Develops (PUDs). If they as a Planning Commission and as the Board of Trustees are not concerned about the side entry garages and the visual impact, then let’s quit playing games and let’s change the ordinance and be done with it.

Commission Gross questioned if the access shown to the east if there was any contact made with that property owner as to whether there would be an agreement to make that connection for emergency access?

Commissioner St. Henry stated that in response to Commissioners Gross’s comments about the site entry garages and the 5-ft. recesses, he noted that they did cover this, he said he concurred that in October they did discuss this at length. He thought it was incumbent upon them to look at the ordinance real closely and decide how much of a stickler they are going to be moving forward. He couldn’t fault the applicant for looking at the ordinance and technically adhering to it, he can’t argue with them there. That was the same conversation they had in October. He thought they should look at the ordinance going forward for what is left in Orion Township, it could be developed into a residential housing unit.

Vice-Chairman Reynolds said from the Planners review, he knew that they came up with some language for decks and didn’t disagree with the language that is being proposed. He wanted to confirm with the applicant that they are ok with that and incorporating that into the deed? He noted that they were getting the visual shake of the heads, yes. Vice-Chairman Reynolds questioned, and thought that it was in the language, that the extends does include not just the deck, but also stairs and thought that it was in the definition and wanted that clarified? He added that maybe moving forward using that language, that it does incorporate there are some grade changes with these so the stair or the extents of the deck is included in that and thought that the language read that way but was one of his concerns that he had. He asked if the applicant was fine with just the administrative review, to address kind of the items A-J are addressed in the final submission of the documents or the final approval. He tends to agree with some of the Commissioners', that obviously the language, as the ordinance exists right now
does give some opportunity to interpret the rules for the 5-ft. setback, and it still is a displaced frontage or façade. He agreed with Secretary St. Henry that is obviously an item of language that they need to review as a commission and make sure that the intent of the ordinance is still being met with the language that is being regularly interpreted that way. He added that as it stands right now, he foresees that this applicant does conform to the bylaws, if presented tonight, the presentation that the deed restrictions limit that, at least 50% of those plans are proposed with a setback garage.

Moved by Vice-Chairman Reynolds, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2019-48 Cottages at Gregory Meadows Planned Unit Development (PUD) Final Plan/request to rezone the property from Suburban Farms (SF) to Planner 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 November 6, 2020. This recommendation to approve is based on the following findings of facts: that the PUD concept and the final presentation is in substantial compliance with their PUD requirements; that the proposed zoning and its density is in parallel to the Master Plan; there are no detrimental effects to trafficking the surrounding area; it is compatible with the existing adjacent uses of residential; this following recommendation for approval is based on the following conditions: that the plan reviewer address, the presentation, and the final plan submitted, and future submission to address the concerns A-J in the planners report presented tonight along with the two minor comments presented by OHM; comments from our Fire Marshal be addressed with a siren activated gate and any other safety concerns comply with the fire code and other Township ordinances.

Discussion on the motion:

Planning & Zoning Director Girling said that she had a question on the motion, related to addressing the comments administratively from the reviews. She said that one of the comments was the willingness to have it as a deviation from the ordinance for the tree count. If the Planner is reviewing it, if the Planning Commission hasn’t specifically said that is one of the deviations, then that could leave an open question. She asked if, indeed this motion is saying that the Planning Commission is accepting the trees as they are showing.

Vice-Chairman Reynolds stated that his intent of the motion was that the trees as presented in the plans submitted were ok. He wanted to clarify his motion and incorporate two additional conditional approvals, would be the review and approval of the PUD Agreement by the Township Attorney, and then also a separate review and approval of the condominium documents by the Planner, Engineer, and the Township Attorney.

Commissioner Walker asked if the applicant was going to do something more than they have already decided to do with regards to the trees. Mr. Anderson said that he tried to demonstrate the complexity of the site. He added that it is a very difficult site it comes up 50-ft., back down, 70-ft. With the planning design and the engineering constraints, they have maximized the preservation given all the rules, he guessed, from a design perspective. He said that Pulte asked if there was anything else, they could do. He said that their grading plan was 100% done. They have maximized the preservation of what they could do. He said there was nothing more that they could do for the non-exempt trees. What they have done since the last part, though, is they have ensured that they will replace all the replacement tree requirements on the project site. He said he thought they had 12-acres of open space, and 4-acres of great preservation and thought it was a good cluster of trees, and they were adding a substantial amount of replanting on the
property. All their replacement trees will be one on the property, and that is very expensive. Street trees are easy to do, they are supplementing them across the project, and so that was their proposal, and that is their best effort forward. Commissioner Walker said so the answer to his question was no. Mr. Anderson wished he could say, yes. They were confident with their submittal.

Vice-Chairman Reynolds said that he wanted to clarify the intent of his motion. He thought that they needed to clarify some of these items that are not being governed by the ordinance such as decks. He thought that it would probably be a deed restriction or condo doc item that will pop up and make sure that it is in there because it does not conform to our standard ordinance. He asked the Planner if that was correct? Planner Fazzini replied yes; the HOA would typically regulate open space, general common open space improvements in those areas with this being a condo development. What they are expecting to see, the issue of decks or sheds or things like that addressed as far as what is permitted for future residents. This is in case this is just this kind of a standard zoning item that should be included for the township permitting purposes in the future. Vice-Chairman Reynolds asked if it would be the same for the maintenance for the Fire Marshals concerns with the gate and everything like that, that would be the best place for that? Planner Fazzini replied that he can’t speak to that, but it would be in the PUD agreement. He was not sure if that would need to be in the condo documents.

Vice-Chairman Reynolds said he thought that his intent would be is that that is kind of written into the bylaws of the property and that was part of the maintenance agreement as other standard items will be, just to clarify intent.

Mr. Don Hickmont commented regarding the safety path. He said that the safety path now ends at the edge of Gregory Meadows and doesn’t extend down to the Gregory Meadows driveway. He said if that safety path is ever going to be extended, he thought that they would have to get that on Pulte’s agenda now. There is an example of a problem with them never finishing one of those, and it is over on Maybee Rd., just a half mile north, where the safety path is, and thought that was a Pulte subdivision too built about 30-years ago. He said that the safety path ends at the beginning of a swamp, and it has never been completed and that was 30-years ago. He added that if they ever are going to get the safety pass down to Gregory Meadows, he noted that there were 103 homes going in, 25 have been sold already, now is the time to do it because if you think that Pulte is going to step up and do it voluntarily, he didn’t think that would happen, and felt that they needed to make a commitment to do that. He noted that he lived next door and didn’t plan to use the safety path, but for the sake of the 103 people next door, it seemed like the right thing to happen.

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

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
A. RCOC Chairman’s Report

11. PLANNERS REPORTS
A. Giffels Webster – Our Groove
Planner Arroyo stated that they are working on their standard planning newsletter and it’s almost done, and they will have it for the next meeting. He noted that this was just a shorter communication highlighting a couple of the things that they were working on. He wanted to bring out one thing that’s planning related in terms of what is in there, particularly the Brighton streetscape work that they did for the city of Brighton. They have been working with them on their comprehensive plan update, and they talked in the downtown plan about the need to create their streetscape design plan, that they have been working with them. One of the things that they did there was they were able to conduct a 3D laser scan of the entire Main St. downtown which gives them an accurate ability to create to-scale drawings of the facades. When they were working on their downtown zoning ordinance, which is a form-based code, which had a lot more details like, for example, minimum window percentage of glazing on the lower and upper levels, they were able to use the 3D scanning to calibrate that into the zoning ordinance. He thought it was fascinating how changes in technology are enabling them to do elements of planning that they never thought they would be able to do.

Planner Arroyo said they are also kicking off the Master Plan update. They were working this month on beginning the work that needs to be done in terms of the existing conditions analysis. He added that pretty much all of 2021, they will be coming to them on a regular basis, and they have been talking about maybe meeting the hour before the regular Planning Commission meeting to give them updates. So potentially meeting at 6:00 p.m. before the regular meeting. They will go over where they are with the Master Plan and provide them updates and get feedback on a regular basis as they go through that process. That way they are not creating a new meeting and they are also not giving it to them after a long agenda when everybody’s tired. It may not be every single month, but most months will likely come to them with information related to the Master Plan update. Starting in January 2021, they will have information to talk to them about.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
A. 12-16-20 at 7:05 p.m. PC-2020-26, WOW Gas Station, Special Land Use request to modify an existing gas station to add a driveway off Hidden Timber Dr.
B. 12-16-20 Immediately following the PC-2020-26 Public Hearing at 7:05 p.m.: PC-2020-38, Edgar Development Rezone Request, requesting to rezone a portion of 09-26-451-005 (approximately 4.21 acres), located on the northern portion of 3805 S. Lapeer Rd. from Restricted Business (RB) to General Business (GB).

Public Hearings will be virtual-only.

14. CHAIRMAN’S COMMENTS
Chairman Dunaskiss is looking forward to getting into the Master Plan.

15. COMMISSIONERS’ COMMENTS
Commissioner Urbanowski hoped everyone had a nice Thanksgiving.

Vice-Chairman Reynolds wanted to talk more about language. He felt that they needed to have an ongoing list of something like garage recesses that they bring up on a regular basis. He thought that they needed to set aside some time as an agenda item to tackle some of these items. One of his peeves is the siren activated gate, that he brought it up at the joint meeting. He thought that some of those items need to be a subcommittee of the Planning Commission and the Township Board and some of the Code Enforcement Officers to figure out how they best address those items. He thought it was useful to have those open dialogs on a continuous
basis versus, only when they are stuck over a barrel, and are interpreting the ruling that they have in the code, and they are not, not-conforming, but they don't the intent of the language is necessarily met. He wasn't sure if that should be agenda items or what? He recommended to the Planner that they have bullet points to have that conclusion at the end of their reviews. Planner Fazzini replied yes.

Planning & Zoning Director Girling said that she makes notes and sticks them in a folder and then when they have a bit of a reprieve, then she tries to throw it out on an agenda to have a discussion. They stopped doing it sooner than they normally do because of the elections because the Clerk’s office is involved when they do text amendments. She proposing to take the folder and make a running list and maybe just hand it out as an informational item at the next meeting. If anybody else has anything else that maybe she missed can add it to the list, and then at a slower meeting maybe come up with a priority of it. Some of them might involve Township Board approval because it might involve the Planner and his expertise in the language. Something more minor like correcting something in their opinion of it as they have done in the past, they can do that on a slower meeting without the need to worry about the Township Board approval. She will come up with a list and that will be there kicking off in the new year.

Commissioner Walker told Planning & Zoning Director Girling to put in the folder a piece of paper with the word fences on it. Because not only is that an issue especially at the Zoning Board level. If they are going to be doing the Master Plan, but he has come across the answer to all their problems when it comes to that. He noted that he would share the copy of the article with Planning & Zoning Director Girling and make sure that they all get copies.

Secretary St. Henry said his neighborhood was built by a builder 30-years ago. None of them like clear-cutting and didn’t know if there was a good answer when it comes to builders and developer’s clear-cutting property. When they can drop in 200 homes with minimal grief, those were scooped up 30-years ago. Everything they are looking at now is historical pieces of wooded property. Given the history of how they wrestle with PUD’s and what builders typically force the Township’s hand, when they don’t agree with the density or what they wanted to do with the clear-cutting and tree survey, replanting, they all know what happens. Until this Township basically decides to stick up for themselves occasionally, when it comes to these developments with clear-cutting, and density, that all the builders try to pull, they are going to have this issue. The only saving grace is that he didn’t think there was a whole lot of developable property left in this Township for development. He thought that was something that they should fit into the discussion of the Master Plan over the next year. They are always running into these issues with the developer and Consent Judgements.

16. ADJOURNMENT
Moved by Vice-Chairman Reynolds, seconded by Commissioner Gross to adjourn the meeting at 9:07 pm. **Motion carried.**

Respectfully submitted,

Debra Walton 
PC/ZBA Recording Secretary 
Charter Township of Orion 

December 16, 2020 
Planning Commission Approval Date