

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, DECEMBER 21, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 21, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Walker, PC Rep to ZBA	Scott Reynolds, Chairman
Don Gross, Vice Chairman	Joe St. Henry, Secretary
Kim Urbanowski, BOT Rep to PC	Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Derek Brackon, Commissioner

1. OPEN MEETING

Chairman Reynolds opened the meeting at 7:00 p.m.

2. ROLL CALL

As noted above.

CONSULTANTS PRESENT:

Eric Pietsch (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Joseph Lehman (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Daniel Johnson

3. MINUTES

A. 12-07-22, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell to **approve the minutes** as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Trustee Urbanowski, seconded by Secretary St. Henry, to **approve the agenda** as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

None.

7. NEW BUSINESS

A. PC-21-90, Ridgewood Final PUD, located at 625 W. Clarkston Rd., (Sidwell #09-15-226-007), the vacant parcel west of 625 W. Clarkston Rd. (Sidwell #09-15-226-006), and the vacant parcel east of 625 W. Clarkston Rd. (Sidwell #09-15-226-008).

Chairman Reynolds asked the applicant to give their name and address for the record.

Mr. Daniel Johnson with IN-SITE, LLC presented.

Mr. Johnson stated that they were here almost a year ago in January for the earlier project version. They made some revisions to the project and came back in June, received their approval, and then received the Board of Trustees' approval in August.

Mr. Johnson said with respect to the final PUD process they did their submission in late November, and they are here tonight December 21st.

Mr. Johnson stated they came back with revising the project from a townhouse unit approach of 50 units to a duplex approach which has 30 units. A significant reduction in density, traffic, etc. Part of their approval had certain conditions that were articulated, number one had to do with the setback from Clarkston Road. They made an adjustment from what was 35 ft. to 40 ft. which corresponded to a front yard setback. Being sensitive to the street vista comment that was raised during that meeting.

Mr. Johnson said that as far as unified control the project is going to have an HOA and they submitted Master Deed documents as part of their submittal this past November.

Mr. Johnson stated that there was a unit design comment about pallet colors, they have addressed that topic as well.

Mr. Johnson said that one of the things they wanted to talk about specifically had to do with the Clarkston Rd. vista landscaping. One of the comments had to do with addressing this topic and looking at it more closely from their standpoint. They felt that being able to take the approach of deferring on the pathway and making a contribution to the fund was equivalent to the cost of that pathway, there was an estimate in their package. It allowed them to really preserve many existing trees. He added that they are trying to be sensitive to the landscaping considerations, and the existing trees in that location are unique to this part of the street.

Mr. Johnson stated as far as density they felt that they reduced the project by 40%. They felt it demonstrated consistency with the Master Plan and the objective of addressing the missing middle housing needs. This project would promote new construction for the building in comparison to a new single-family project. They have attempted to address the planner's comments from the correspondence of May 20th as well.

Mr. Johnson showed the Board the updated site plan showing it looking south on the property where the majority of the units will be located. He showed them that there was no pathway depicted along Clarkston Rd.

Mr. Johnson said there were 15 buildings, 30 units duplex units approximately 1,800-sq. ft. and they have two bedrooms with a flex room.

Mr. Johnson stated to illustrate the pallet discussion they had last time they put together a couple of illustrations that would do that and will expand on that topic.

Mr. Johnson said with keeping the same open space design amenities that they had talked about last time in terms of the pathway system and the south part of the property and he showed the Board the gazebo element for the community.

Mr. Johnson stated that as far as the metrics are concerned, they really don't change that much from the last submission as far as less than two units per acre.

Mr. Johnson said as far as environmental sustainability initiatives the tree counts are slightly different given the number associated with this proposal on Clarkston Rd, a number of features that would address environmental sustainability.

Mr. Johnson stated he felt the EV connection for each of the duplex units is a big one in terms of looking for and supporting that type of housing, the project, and the density from the previous Master Plan. Looking at the current Master Plan in terms of areas located in the subject areas as a single-family high-density area. There is a commercial property about a quarter mile east. That area would indicate 3-5 units per acre which they are less than.

Mr. Johnson said a reference from their recently adopted Master Plan and the missing middle housing which he thought a lot of communities are looking for, duplex units are at the low end of the density range. With respect to their Ordinance, he thought they were doing something that is an alternative to traditional subdivisions.

Mr. Johnson stated that as far as community benefits, they summarized them last time, and felt were providing housing options for the Township, a lot of open space, creating jobs and expanding the community tax basin, and responding to the need for housing in the area.

Mr. Johnson said they had a couple of special topics that he wanted to discuss at some point and felt that could be part of the questions and answers, that is the pathway discussion and the left-hand turn discussion that was referenced in the OHM review.

Planner Pietsch read through his review date stamped December 14, 2022.

Engineer Landis read through his review date stamped December 7, 2022.

Chairman Reynolds stated that the Fire Marshal provided a review of recommendations that the Fire Department access roads 20-26 ft. wide shall be posted with no parking fire lane on both sides. There was a Public Services review completed, along with an RCOC communication that he felt OHM touched base on.

Chairman Reynolds said that there seems that there is a long list from OHM. He asked Engineer Landis if these are things that are less impactful to plan changes or did, he think that would influence plan changes. Engineer Landis replied that there are a few that are going to impact plan changes. Certainly, the landscaping plan is going to need to be changed. Channel protection and stormwater could have some impacts on the plan. Those are the big things from a layout standpoint.

Chairman Reynolds stated he would bring that up as the first topic of discussion of comfort level on the long list of OHM Engineering comments on proceeding with any action or not.

Trustee Urbanowski said in regard to the OHM review, number one, that one could potentially upset the plan itself. Also, the passing lane, she would like that to be considered as part of this, she thought it was important, and thought that would also affect the plan. They would have to have a discussion with RCOC first. Engineer Landis said they wouldn't necessarily have to have a discussion they could include that on the plan. Obviously, RCOC would review and approve that as they move through engineering, it is something that is offsite it is not going to affect the onsite layout. They were just throwing that out there as a recommendation for them to include in their plans since this is a PUD. Trustee Urbanowski thought it belonged there.

Chairman Reynolds said he concurred. He said the clarification there would be if it is something they want, it is an engineer review, and that RCOC might not come to the same conclusion. It

has to be in conjunction with but if they are pushing that matter, obviously, that is different than RCOC requiring it. If it is something they want to see per their recommendation it is just the way they are framing that he tends to agree with the general conditions and the traffic and density they are adding to the area, and he was in support of that.

Chairman Reynolds added that it seems like there are some things that influence so he wanted to get a general temperature read. He felt there were some other discussion items to maybe give some feedback on but a comfort level of just a general sense of moving forward with the list versus seeing a revised plan. Trustee Urbanowski said it is a long list with some items that she thought should be done.

Vice-Chairman Gross said in general he thought this plan pretty much complies with their original approval in June of this year and the Townships Board's approval relative to the PUD concept. It does leave some outstanding issues though that as the engineer indicated could affect the overall design elements of the plan. If they could get some clarification on those before they move forward, he thought would help them a lot in terms of moving forward with the plan.

Chairman Reynolds said as much as they would love to see a project move forward, typically they are not administratively approving a list of 13 items especially ones that might impact the plan. He would suggest one way or the other that they still go through and talk about some of these items on the list because he thought they would further influence the discussion. Since they are already on the topic of the maneuvering lane, further support on or supporting that request from OHM's engineer review.

Secretary St. Henry stated that part of Clarkston Rd. absolutely needs some traffic mitigation measures. He thought that a passing lane, at the very least, is needed there. He thought they had mentioned a dedicated left turn lane that RCOC didn't think was necessary. Engineer Landis said that based on the traffic volume and the number of anticipated turns. Secretary St. Henry said they know that area is in play anyways as being sensitive and Clarkston Rd. is just a busy road. New developments are scrutinized carefully and not always favorably. He did agree that this addresses some of their Township Master Plan issues and enhancements such as a passing lane just to make it more palatable to the general population. He felt they should absolutely request that.

Commissioner Walker said he would agree with that and felt something has to be done. The traffic there is an issue on Clarkston Rd. It is always jammed up there, and it is not going to get any better, and the addition of this project will make it worse. They can hire a Traffic Consultant to say it is not going to make it worse but that is what they hire people to say, it will make it worse. He thought the least they need is a way for ingress and egress into the subdivision when it is built.

Chairman Reynolds asked their thoughts on the pathway right now. There is no pathway proposed except a connector to the opposite side of Clarkston. He understood the thought process of maintaining that buffer but thought that long term they are kind of punting the solution down the road with that. Maintaining existing trees and they are asking for developments to have a safety path. If there is a pay-in-lieu of, those trees could be ripped out in the future to install that.

Trustee Urbanowski said in general she thought it was the goal to connect the community as much as possible. Since this is a development where people will be living eventually it should be connected somehow.

Chairman Reynolds asked if the connector across was enough, or maybe a connector that goes across the front of Clarkston Rd. Trustee Urbanowski said to her this is still a problem because there is still a lot of traffic. They had this conversation with another property further down that was a business and she thought it was back and forth. She thought they needed to stick with the plan for the Township to be connected as much as possible. Seeing that this is a new build on this side she would like to see the safety path on the property.

Secretary St. Henry said the whole notion of connecting the community with safety paths he thought in this particular instance supersedes the concerns regarding the buffer and the setbacks. Long term he thought that taking care of the safety path is important and just do it.

Chairman Reynolds asked about the trees that would be removed in the right-of-way, do they count toward replacement trees, and whether they can be replanted in a right-of-way. If they remove those trees because essentially, they are arguing to preserve the trees. Planning & Zoning Director Girling said it would have to be the trees on site. The road right-of-way is not their property, unless, in some cases, the property line can go to the middle of the road, in which case, even though there is a road right-of-way easement it is still within their property. She asked if their property goes to the middle of the road. Chairman Reynolds said that the applicant believes it is to the center of the road with the right-of-way easement.

Commissioner Gingell said just going up and down Clarkston Rd. the safety path across the street is complete from Lapeer Rd. to Joslyn, there is none on the other side. It would just be a safety path just in front of this one community to nowhere. She said regarding the left turn lane it is going to push it into the one property more and then there is going to be a safety path and then they are basically at the condos so there is not going to be room for a buffer. Then they will be staring at the back of the condos.

Vice-Chairman Gross said he was not a fan of having a crosswalk on Clarkston Rd. in an uncontrolled location. The volumes and the speed are such that it would be a problem.

Chairman Reynolds said he tends to agree because there have been projects in the past, whether they have come in front of the Planning Commission, or projects that he has worked on personally. The only way to get it to connect is to get people to install the safety path, that is the hard part. He thought a lot of these parcels up and down Clarkston Rd. here, it is required, so they will eventually connect as things are improved. The north side is a little different story because it existed and there were some grant dollars to connect Michigan Bell and so he struggled with this of both sides, but they are only going to get there when they require it. His biggest deterrent is the crosswalk. If they were to have the Safety Path Committee weigh in that is the required process and at this point, they are a recommending body, they could provide the opportunity for it to be presented to the Safety Path Committee, and then ultimately the Board of Trustees would approve it, essentially approving it in lieu of installing a contribution to the Safety Path Fund. That is how that would work, where they can't necessarily make that decision here.

Chairman Reynolds thought that the majority was in favor of requiring the safety path. He asked if they wanted to propose the opportunity for them to go to the Safety Path Committee. Trustee Urbanowski replied that she said yes to that one. Vice-Chairman Gross said he thought it made sense. Planning & Zoning Director Girling said they still have to have a motion one way or the other. If they are going to construct it, then they don't have to go to the Safety Path Committee but if they are going to want to accept in lieu of it then there has to be a motion. Chairman Reynolds said it is going to be their motion to approve if a variance is granted in a way if just for clarification purposes. They would require it unless the Safety Path Committee would allow otherwise a contribution.

Chairman Reynolds said that another topic here is one of the public benefits is a contribution to the Tree Fund. He was not a big fan of the contribution to the Tree Fund. He thought if the trees are not able to be planted on the property, and that is his question with the applicant, would they entertain other contributions like a monetary contribution toward public amenities via parks and recreation? Fill them in on why they want to contribute to the Tree Fund versus planting trees. Mr. Johnson stated that they understood that if they couldn't get all of the trees on the property that was an appropriate protocol for dealing with the trees. Chairman Reynolds asked if there was an opportunity to plant those additional trees on the property or do they not fit. Mr. Johnson said in a discussion with their landscape consultant the answer is no; taking into account easements and other kinds of things that need to be conserved. Chairman Reynolds asked if the Planning Commission were to ask for a public benefit other than a contribution to the Tree Fund would they be open to that? Mr. Johnson replied sure.

Chairman Reynolds said there is a Tree Fund contribution being proposed they historically don't really do that. PUDs have had other public contribution benefits that have been proposed like the parks along Baldwin Rd. and things, and then, therefore, if there were to be an opportunity for a path, a trail, or trees, then it could be spent as such.

Commissioner Walker stated that he would rather they see them plant trees someplace else if they can't plant them on their own property. He doesn't mean planting seedlings, whatever they are taking out, he would like a good-faith effort of replacing that with something else even if it is somewhere else in the Township.

Chairman Reynolds said that was kind of his thought with the contribution towards outdoor green space amenities via Parks and Rec. Historically they haven't really exercised their Tree Fund. Obviously, Parks and Rec acquires property and improves public amenities and thought that was a little more fitting even if they earmark that towards the ask of green space. Commissioner Walker said he personally would like to see a tree for a tree rather than a tree for a dollar.

Trustee Urbanowski said that there were plans looked at at the Board of Trustees level the other day for that property on Pasadena Rd. and planting trees it would be nice to have a contribution towards that. Chairman Reynolds said it could be a monetary contribution towards green space and public amenities. Trustee Urbanowski said she was just trying to say that those things are actually being planned.

Chairman Reynolds recessed the meeting at 7:42 p.m. and reconvened the meeting at 7:47 p.m. due to technical difficulties.

Trustee Urbanowski said there are some plans for things in the Township that revolve around planting natural trees and greenery.

Chairman Reynolds said the opportunity that they could have, is an additional contribution to the Safety Path Fund depending on our support of trees or something else.

Vice-Chairman Gross asked how they determine the amount or the formula for the contribution. Chairman Reynolds replied that they haven't exercised the Tree Fund so he thought if they were to come up with one it would be something equal to the trees which is a deviation on the plan. A monetary contribution equal to the trees that would have been planted.

Chairman Reynolds said the fourth item on his list was if there were any thoughts or concerns over, this being zoned R-1 but inherently kind of a residential multi-family and they require a 100-ft. setback there. He asked if there was a concern about that. Vice-Chairman Gross said he thought improving the setback from 35 to 40-ft. is consistent with the R-1 district. These are not apartments, they are attached, single-family units. They are basically single-family type dwellings and didn't see a problem with the setback being a problem.

Chairman Reynolds said this is a PUD that has essentially chosen to run parallel to R-1 versus RM which is what they normally see but could be looked at either way.

Chairman Reynolds asked if there were any other topics of discussion items that they wanted to speak to.

Mr. Johnson said he would like to talk about the passing lane topic a little further. Subsequent to the package they submitted, they had some dialog with OHM, and he had a handout to give to the Planning Commissioners regarding that.

Mr. Johnson said historically going back to the May review letter they were deferred to the left-turn passing lane and a warrant analysis during Final PUD. What they did was communicate with the Road Commission and subsequently, they said that the left-hand turn analysis wasn't warranted given the small size of the project and the traffic locations to that. They got an email from them indicating that on July 26th. Fast forward to the final PUD submission they included copies of all that communication in their packet and then the review letter comes out and says that they are recommending a passing lane. Then they communicated with their traffic engineer Fleis & VandenBrink and the second page of the handout is a warrant for a left-hand turn passing lane. It is really not required given the size and distribution of the traffic. The third page is a similar analysis and thought the most important thing in the discussion just to bring it to their attention is on the last page there is a diagram that comes out of the Road Commissions specifications. The bottom image on that diagram would be what they are talking about at the west entrance the road Farley would go down across from their entrance. What the Traffic Engineer was telling them is that that is really not recommended for safety reasons because the flare can be interpreted as a right-hand turn lane going north and would cause confusion to people passing by or bypassing the passing lane geometrics. They communicated to them was a traffic safety concern in doing that. That would also apply to the east entrance where they have driveways across the road. There are some safety reasons to bring it to their attention, obviously, it is their decision.

Mr. Johnson said with respect to the OHM review letter comments, in general, they have no issues with any of these comments. They felt that they were more in part with final engineering submission not submission at this point and time. They have included some data on the soils that they had which is really a third-party exercise that they go through to do infiltration testing. Many of these are discussions with their engineer and thought that they could be handled in a final engineering package.

Mr. Johnson thought that the big decision was on the pathway, a decision in terms of how that relates to them going forward. If they have the opportunity to either discuss it with the Safety Pathway Committee or a chance to reconsider a different configuration of that pathway on the site, that is how they would request that they give them that opportunity.

Chairman Reynolds asked Engineer Landis if any of this data influence his thoughts. Engineer Landis replied not at this time, he is fully aware of a lot of this. Just to clarify, a lot of this information is related to a dedicated left-hand turn lane, which obviously is different than a passing lane. A left hand turn lane would require that safety lane for someone turning left into

the site to get out of the travel lane and wait for traffic to clear to turn left, a passing lane is simply for the vehicles behind someone turning left to veer around and proceed on their traveled route. The warrants for a dedicated left-hand turn lane are not warranted but given that this was a PUD it was their recommendation that it would be something they could ask for as far as a passing lane. He added that he did have discussions with the Road Commission and Traffic Safety Engineer and based on those discussions he felt like they would be in support of that and wouldn't have any objections.

Chairman Reynolds asked for them to remind him of how they settled on the safety path discussion. Vice-Chairman Gross said to refer it to the Safety Path Committee for a determination as to yes or no.

Chairman Reynolds said it seems that they have discussed a lot of the topics this evening and there was an earlier discussion about a motion to postpone addressing the engineer comments that were at large for resubmission and rereview. There is obviously some feedback on the safety path as an open-ended item and that would be something that could be a condition in the motion as it would proceed beyond them.

Trustee Urbanowski said regarding the requirement that the Fire Department's access road 20-26 feet shall be posted with no parking fire lane signage on both sides.

Moved by Chairman Reynolds, seconded by Commissioner Walker, that the Planning Commission **postpone** action on PC-21-90, Ridgewood Final PUD, located at 625 W. Clarkston Rd., (Sidwell #09-15-226-007), the vacant parcel west of 625 W. Clarkston Rd. (Sidwell #09-15-226-006), and the vacant parcel east of 625 W. Clarkston Rd. (Sidwell #09-15-226-008) for plans date stamped received November 21, 2022, for the following reasons: to allow for time for the applicant to revise and resubmit plans to incorporate the OHM review comments 1-13 and to incorporate the Fire Marshal review to add comments for the adequate width and signage to be posted; general comments on the motion would also include discussions in lieu of a contribution to their Tree Fund there be a monetary contribution towards green plantings throughout the Township via Parks and Recreation.

Discussion on the motion:

Trustee Urbanowski asked if they wanted to say something about the safety path. Chairman Reynolds said he was trying to provide a little feedback that they are not in support of the Tree Fund contribution but rather a monetary contribution that equals the deviation of 79 trees.

Trustee Urbanowski said her question was about the safety path and going in front of the Safety Path Committee. Chairman Reynolds said he thought that would be following their recommendation to approve or deny, and that would be a condition of that motion. They are saying that they support the opportunity for the safety path to weigh in at a future time for a lack of safety path in front of the proposed development as a clarification of the motion.

Planning & Zoning Director Girling stated that you are doing nothing on it because it is being postponed, when it comes back, they will redetermine whether they are sending a recommendation to the Safety Path Committee or not. Chairman Reynolds replied correct; is it able to proceed at this point with a postponement. Planning & Zoning Director Girling replied that she would think not. Chairman Reynolds said that is how he would understand it that is why he poised it that way as just feedback on the Tree Fund

and the Safety Path but actually picking up the Planner comments that don't pertain to those two items.

Planning & Zoning Director Girling asked if the path was reflected on the plan in spite of them asking to contribute in lieu of? The ordinance does say that even if they are asking to contribute in lieu of it they still show the path on the plan. She asked Engineer Landis if he recalled what was actually depicted on the plan. If they are coming back, it should at least be depicted even if they are going to ask to contribute in lieu of. Engineering Landis replied that right now it does not show the pathway along the entire frontage it is dashed in there.

Planning & Zoning Director Girling asked if there was a timeframe. Chairman Reynolds replied not to exceed six months.

Chairman Reynolds amended the motion, Commissioner Walker re-supported that that postponement is not to exceed 6 months.

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

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

Chairman Reynolds said Merry Christmas and Happy New Year.

15. COMMISSIONERS' COMMENTS

Trustee Urbanowski said Happy Hanukkah, Merry Christmas, Happy New Year, and see you next year.

Secretary St. Henry said he is looking forward to 2023.

Commissioner Walker said God bless us, everyone.

16. ADJOURNMENT

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, to adjourn the meeting at 8:05 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton

PC/ZBA Recording Secretary
Charter Township of Orion

January 18, 2023

Planning Commission Approval Date