

**CHARTER TOWNSHIP OF ORION BOARD OF TRUSTEES MINUTES PC-2017-02,
THE PRESERVE AT BALDWIN PLANNED UNIT DEVELOPMENT (PUD) ELIGIBILITY
AND CONCEPT PLAN JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION
WEDNESDAY, JANUARY 18, 2017**

The Charter Township of Orion Board of Trustees held a Special Joint Meeting with the Planning Commission on Wednesday, January 18, 2017 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360 for the purpose of holding a joint public hearing regarding PC-2017-02, The Preserve at Baldwin Planned Unit Development (PUD).

BOARD MEMBERS PRESENT: Chris Barnett, Penny Shults, Donni Steele, Mike Flood, John Steimel, Brian Birney, Ron Sliwinski.

BOARD MEMBERS ABSENT: none

PLANNING COMMISSION MEMBERS PRESENT: Justin Dunaskiss, Don Walker, John Steimel, Don Walker, Joe St. Henry, Ron Zielinski, Neal Porter

PLANNING COMMISSION MEMBERS ABSENT: none

OTHERS PRESENT:

Doug Lewan	Jim Stevens	Tammy Girling	Lynn Harrison
Cory Mabery	Patricia Ruther	Jim Rutkowski	James Ruther
William Anderson	Lynn Harrison		

Chairman Dunaskiss opened the joint public hearing for PC-2017-02, The Preserves at Baldwin Planned Unit Development (PUD) Eligibility & Concept Plan at 7:05pm and invited the applicant to make a presentation.

Mr. Jim Rutkowski, Prime Consulting, gave opening comments. Mr. Rutkowski showed a short video of the property along with a brief overview. Before the video, Mr. Rutkowski noted that he likes to develop properties without impacting wetlands and the natural balance of the land; that is his trademark.

Mr. Cory Maybery, Davis Land Survey and Engineering said his company is involved with the conceptual layout and design of the project. A PowerPoint presentation was shown providing the project's background and other information. The presentation showed the boundaries of the vacant site. The topography is relatively flat with substantial trees and a significant wetland area. The Hills of Indianwood borders the property to the south and east, and there are two proposed entrances from Baldwin Road. The property is zoned Suburban Estates (SE) and Suburban Ranch (SR) and is bordered by SR to the east and south, SE to the west and Suburban Farms (SF) to the north.

The presentation showed an overlay of the project containing the building envelopes of the proposed 20 building sites. The wetland areas will be developed as part of the upland areas or trail system as shown. The remaining areas are proposed to be a conservation easement limiting the use to its current state. The conservation easement will have walking trails and boardwalks for the use of residents. The existing pond will be used as a natural retention basin for the southern portion of the development.

Mr. Maybery noted that due to the development's location and small size, they believe there will be minimal impact on Baldwin Road. They have, however, provided two entrances to the site per the discussion at the pre-application meeting.

The proposed land use as a Planned Unit Development would consist of 20 building sites. The proposed development is 48.62 acres and the habitat and conservation easement areas are approximately 20 acres. Open space includes 3.61 acres of upland and wooded wetland area with an additional 7.3 acres of accessible area. The total open space is under 11 acres or approximately 15%. The open space, per ordinance, does not include street right-of-ways, lakes, submerged land, setbacks or stormwater areas.

The applicants are requesting a zoning change from SR and SE to PUD. Their intent is to preserve the habitat and surrounding wetlands. The closest density match is the neighboring development to the south and east and their intent to be consistent with surrounding developments. A PUD zoning will provide the ability to preserve the natural habitat while adding home sites with a proven market and value.

Mr. Maybery noted conditions that were part of the application: it will be for residential use only with a maximum of 20 homes on lot sizes from 16,900 sq. ft. to 64,053 sq. ft., each lot will be limited to one detached home with a side entry garage, all homes require high quality building materials and limitations on exterior colors; the minimum house living area is 2,000 sq. ft. for a one-story, 2,500 sq. ft. for a 1½-story and 2,800 sq. ft. for a two-story. They propose an on-site stormwater drainage system for all on-site and off-site drainage that currently drains onto the property. The entrance sign will comply with Township Sign Ordinances, all streets and utilities will require Township engineering approval and construction security and maintenance will comply with Township ordinances. The sanitary sewer collection system will be gravity fed internal to the neighborhood with a single lift station discharging to the sanitary sewer system along Baldwin Road.

Regarding eligibility criteria: As a recognizable benefit, they are proposing the preservation of natural features such as woodlands, tress, open spaces, wetlands and hills; the creation of a pedestrian pathway and trail system; preservation of wetlands and natural habitats via a habitat conservation easement; and high quality architectural design requirements. The applicants consider the preservation of natural features and wetlands as the greatest benefit and a guiding principle in this development. Approximately 20 acres will be dedicated as a permanent habitat with trails provided throughout with several pedestrian amenities such as a gazebo, benches and trails. Density impact was also considered. The plan provided upland areas, and consideration was taken to make sure there would be minimal impact on the surrounding environment.

Regarding the Master Plan: The Future Land Use calls for single family, low density. Considering the gross acreage, 1½ to 2 ½ acre future land use density, that amounts to approximately 19 to 24 homes.

Economic impact: Given the high quality architecture, public amenities, open space preservation; property values should remain stable.

Regarding open space: The proposed development shall contain at least as much open space as would otherwise be required by the existing zoning and the PUD.

Unified control of the proposed development shall be under single ownership and control.

The proposal will preserve the natural habitat and wetlands in a way not possible with the current zoning while keeping density consistent with the area. The proposal meets all eligibility requirements and would be a beautiful addition to the community. Mr. Maybery commented that by requesting a PUD development, they are acknowledging that it is a unique parcel of land where the public may have additional concerns outside of a normal development.

Johanna Barker, 3590 Indianwood Road, said she knew a development would be coming and appreciated the fact the development won't destroy the property. There is so much going on in the community now, she would like to keep it as open as possible. She commented that she has been through that property while walking her dog and it is really beautiful back there. She asked that the applicants promise they will not destroy it all and if they do what they say they are going to do, she is ok with it. She doesn't want to see an obnoxious subdivision where houses are only 5 ft. apart; she wants to keep everything as open as possible.

Trustee Flood noted the Wetland Delineation Report the applicants provided and commented that one thing that is lacking and hasn't been addressed is Ordinance 151, the Phragmites Control Ordinance. It was his opinion that has to be addressed somewhere in the project's documents. He also noted there is already a safety path along Baldwin Road that was paid for by taxpayers; will the applicants consider reimbursing that money or providing some sort of amount to the safety path fund in lieu of putting one in?

Trustee Flood recommended a single trash hauler be used throughout the development and that condition be specified in the PUD documents. He believed that would also be a public benefit, not having a lot of haulers going in and out tearing up the roads.

Trustee Sliwinski asked the applicants if surrounding residents had been contacted for feedback or input regarding traffic and construction concerns.

Clerk Shults asked what the price range for the homes will be and how will they dedicate the preserve area, would it be dedicated to the use of the people in the development only? She commented she is glad they are looking to develop it with fewer homes; she believes 20 parcels is reasonable for that area. She also asked what has been already taking place on the property as it looks like a motor cross track.

Treasurer Steele concurred with Trustee Floods' comments about the safety path. She also had concerns about the name, Preserve at Baldwin. The Township already has a subdivision called the Preserves and it may cause confusion. Treasurer Steele asked if the developer was planning on selling a house and lot as a whole package or selling the lots and people bringing in their own builders. She commented on the roads going out to Baldwin Road and one entrance would be less obtrusive. She asked if the roads will be wide enough to compensate for pathways, sewer lines, utility lines, etc. that have to also cross over the wetlands; something was noted that it might be a little tight.

Supervisor Barnett said he appreciated the applicants listened to the concerns during the pre-application meeting especially adding a second entrance for the fire chief. He explained that ordinance requires anything over 600 ft. has to have two points of ingress and egress. Supervisor Barnett also noted that the applicants have been responsive to maintaining as much of the natural resources as possible.

Secretary St. Henry read an email from Nicole Ocholik, 3648 Park Meadow Drive, she believed it would be inconsistent with the goals and objectives of the Master Plan and surrounding developments.

Mr. Rutkowski and Mr. Maybery addressed the questions from the public and Board members.

In response to Ms. Barker's question – they promise to do what they say they are going to do. He wrote the association documents and wants to provide a higher end subdivision. For legality reasons, they have to stay within the constraints in those documents. A PUD allows more restrictions, or an agreement/contract between the community and the developer, to ensure that what is being proposed and approved gets done.

Mr. Rutkowski responded as to eradicating the phragmites stating he had a conversation with Mr. Maybery and this is something they will take care of. They want the wetland and conservation areas preserved and the homeowners association will continue to do so that. This will be included in the necessary documents.

Mr. Rutkowski said they would consider a pathway contribution. He also concurred with Trustee Flood that having a single trash hauler is a good idea and will add that into the association documents.

Mr. Rutkowski said the price of homes will be \$750,000 and up. The use of conservation areas will be in the association documents, on the plans, in the deed, and will remain that way. He noted the previous owners were using all-terrain vehicles on the property and that is definitely not their intent.

Mr. Rutkowski addressed the project's name and it possible confusion with the other development named The Preserves. He would like to keep the present name as they are "preserving" the property. Clerk Shults recommended changing it to Baldwin Preserves. Mr. Rutkowski said they would work on that.

Regarding selling the lots individually or as a package with lots and home: Mr. Rutkowski stated they will obtain pre-reservations then seek out a builder. The association documents will contain specific high-end building requirements to ensure high quality homes. The last thing he would want to do is sell single lots.

Mr. Maybery replied he did not believe they went around as a team and contacted the neighbors, they relied on this process and the public hearing notification for that.

Regarding the correspondence from Ms. Ocholik: Mr. Maybery said the Master Plan is a guiding document used for zoning and typically for land use in general. Based on their 48 acres, the proposed 20 sites actually falls on the low end of what would be the future land use as a gross acreage. They did look at that, the current zoning, the ordinances that apply to this and eligibility requirements.

Regarding the entrance roads: Mr. Mabery said that was discussed at the pre-application meeting and it was requested that there be two.

It was asked if the open space would be for the general public or just for the development homeowners. Based on input received at the pre-application meeting and how the applicants want this development to be, the internal pathways will be for the homeowners only; this would give them more control who goes in there and limit what is done there.

Seeing there were no other comments. Chairman Dunaskiss closed the PC-2017-02, Preserves at Baldwin Planned Unit Development (PUD) Concept and Eligibility joint public hearing at 7:46pm.

ADJORNMENT: Moved by Trustee Flood, seconded by Treasurer Steele, to adjourn at 7:46 p.m.
MOTION CARRIED

Provided by: Penny S. Shults

Penny S. Shults, Clerk

Chris Barnett, Supervisor
Charter Township of Orion