

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, MARCH 20, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 20, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman
Don Gross, Vice Chairman
John Steimel, BOT Rep to PC
Don Walker, PC Rep to ZBA

Joe St. Henry, Secretary
Scott Reynolds, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Todd Garris

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Doug Lewan, (Township Planner) of Carlisle/Wortman Associates, Inc.
Mark Landis (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Ted Farmer	Mike Pizzola	Michelle Tenaglia
Darran Powell	Keith Cook	Raymond Krefski
Sherri Powell	Andy Brunk	Kevin Crocker
Gale Mio	Victoria Butler	Sheri Crocker
George Mio	Thomas Butler	Sandra Dyl
Dean Chambos	Jen Williams	Kenneth Dyl
Julie Meredith	Kurt Stiller	Colleen Lawson
William Bach	Wendy Stiller	Chris Cullen
Conni Guinn	Christy Gearhart	Mike Williams
Joe Dzieciolowski	Lloyd Gearhart	Brian Monahan
Jennifer Dzieciolowski	Barb Tison	Jessica Rico
Katelyn Dzieciolowski	Cliff Messing	Bryan Corning
Mildred Ortiz	Rose Messing	Mike Connolly
Jose L. Ortiz	Jim Stokes	Linda Mills
Cindy Magdaleno	Denise Stokes	David Mills
Phillip Rico	James Weyer	Lynn Harrison
Carrie Mulka	Brenda Willson	Debra Walton
Steven Dow		

3. MINUTES

A. 2-20-19, Planning Commission Regular Meeting Minutes

Moved by Commissioner Reynolds, seconded by Commissioner Walker, to **approve** the 2-20-19 Planning Commission Regular Meeting Minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, to **approve** the agenda as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

PC-2016-04, Ponds of Orion Site Plan Extension Request.

Ted Farmer, Attorney for Contour Development, asked if the PC Commission would grant one more extension for the start of the project. Mr. Farmer stated Contour Development is very eager to begin, is committed and is heavily invested in the project. Mr. Farmer said, they are down to one detail that Mr. Farmer has been working on and wanted to tell them what specifically he has been doing to work on it. Over the back corners, two of their neighbor's parcels, need very small easements for sanitary sewer. They began working on that part of the drawings and started coming together last spring, he started looking at the necessary easements they needed to do that. Mr. Farmer found that the two owners of the parcels that he needed to speak with, the owner of the Amen Can parcel and the Lake Orion Plaza parcel owner the Butrus Companies and started to contact them. They had questions regarding whether this would affect grading and drainage. Mr. Farmer stated they have a detention pond on their property that they will need to maintain too, and that the Lake Orion Plaza uses that too. On June 12th the Butrus Companies contacted him and asked for more information, by July 17th they, had drawings done for both easements and was able to talk more specifically with them and addressed those with them. They wanted to see the Site Plan, Mr. Farmer added he gave them the Site Plan. On July 17th Mr. Farmer reached out and had the easement drawings done. On July 20th Mr. Farmer, got the drawings from Nowack and Fross. Mr. Farmers stated that Paul was with him tonight. They had emailed the drawings to the Lake Orion Plaza., and he asked them to talk with Paul about the Plans. On August 9th Mr. Farmer received, lengthy questions from them. September 6th Mr. Farmer emailed detailed answers to them about those items. Mr. Farmer noted he has been in-touch at this point now also with the Doctor that owns the little building down the street, which is the other parcel. Mr. Farmers said they have not said no, and he has done everything but camp on their doorstep. Mr. Farmer added that with the drawings completed he has worked with the Township Officials and the Township providers. Mr. Farmers commented he has used the Township sanitary sewer easement forms. He has drafted the easements and has got them to them with the drawings and continue to try to get them to agree to them. Mr. Farmer has now directly spoken with Mr. Butrus at Butrus Company about this specifically, they had some questions and concerns, and he has address those. Mr. Farmer just hasn't got them to sign them, and he feels he can get them to agree, he just hasn't got them to do that yet. Mr. Farmer added the project is ready to go. Mr. Farmer knows PC has seen the plans and they are going to be beautiful Condos and is asking for one more chance to let him get this going.

Chairman Dunaskiss asked Mr. Famer if it is ready to go to market? For the public that are not familiar with the Site Plans, are the plans ready to I move forward in this construction season coming up? What is the time frame?

Mr. Farmers stated they are ready to put the shovel in the ground.

Mr. Mike Pizzola from Design House Architecture, the landscape Architect for the project came forward and spoke. Mr. Pizzola noted that aside from the easements, there is also an

engineering review that is pending, based on updating their escrow account, which he stated they will do ASAP. Mr. Pizzola apologized for not showing up for the last meeting, he added that they had a miss communication of sorts. Mr. Pizzola commented he was there to rectify that. Mr. Pizzola said the easements were being worked out and the escrow account will be built back up and they will be getting the engineering finalized. Mr. Pizzola noted other issues that they have been dealing with was through DTE. Some utility poles had wires that were in inappropriate locations and DTE was concerned about grading around the existing utility poles. Mr. Pizzola added he is getting those issued worked out. Mr. Pizzola stated that he has had a lot of issues, with Kmart going away and so there has been flux in the shopping center. The easements are 10' easements crossing the Kmart property and the adjacent dental property. Mr. Pizzola stated the other issues were issues of timing, like holidays. Mr. Pizzola asked for another 6 months and just wants the minimum amount of time to show he is still trying to move the project forward. Mr. Pizzola commented he just needed to get everything in a row, and he is still willing to move forward at an extremely fast pace at this point.

Vice President Don Gross asked if there were any other alternatives other than the easements that are being requested?

Mr. Mike Pizzola replied he just looked at them recently and it seemed like one can be maintained on the Kmart property away from the second dental office. He said they are so far into it that they just need two people to sign off on it.

Mr. Ted Farmer asked if the PC would like to see where they were?

Vice President Don Gross replied no.

Mr. Mike Pizzola added that 5 feet by 5 feet basically crossing the corner of the property.

Commissioner Reynolds noted he is in favor in granting one more 6-month extension to the project. Seeing as how there are other projects and other precedence that has been set in the township. He added, typically we provide 1-year extensions, so this is in tune with that seeing the information that is being presenting tonight and that they are doing their due diligence on the project.

Chairman Dunaskiss asked for a motion to support.

Vice Chairman Gross, supported.

PC Rep Walker added his only concern is that according to their file, we granted and conditionally approved this in February 2016 so now 3 years and seems to be dragging on forever. PC Rep Walker commented he will vote with the motion maker, but this will be his last one, he will not do it again.

Chairman Dunaskiss noted that there have been some changes in professionals on the project and ownership and different things and that it is a difficult site.

Vice Chairman Gross stated for clarification, in 6-months would be until August 15, 2019.

Chairman Dunaskiss asked, house discussion on the motion?

Roll call vote was as follows: Reynolds, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes

Motion carried 6-0 (Garris was absent)

Chairman Dunaskiss closed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:13pm for case PC-2019-06, Silverbell Pointe PUD, located on 4 parcels south of Silverbell Rd. on the east side of Joslyn Rd. (Sidwell #s 09-33-201-001, 09-33-128-001, 0928-379-001, 09-28-451-001).

Chairman Dunaskiss explained that Franklin Homes LLC, is proposing to rezone the properties that are currently zoned Suburban Estates (SE) into the PUD. The unit calls for 54 single family home sites as part of the PUD.

Moved by Trustee Flood, seconded by Trustee Steele to close the special meeting of the Township Board at 9:05pm. **Motion Carried**

Chairman Dunaskiss recessed the meeting at 9:08pm

Chairman Dunaskiss reconvened the meeting at 9:12pm

7b. NEW BUSINESS

PC-2019-06, Silverbell Pointe PUD Concept Plan

Chairman Dunaskiss invited the petitioner back up.

Chairman Dunaskiss asked for the Township Consultants for their review on this PUD plan.

Planner Lewan explained to the residents about a PUD.

Planner Lewan added that the applicant indicates throughout their documentation and throughout their presentations tonight that part of their main benefit is preservation of national features. One of the main duties of the Planning Commission is to talk about the density of the project and if this is acceptable or not acceptable moving forward.

Planner Lewan commented that the applicant has elected to use Master Plan which correlates to the SR zoning district. That zoning district demonstrated 31 parcels, so they are proposing 31 parcels as their density plan. To get up to the number of units they are requesting the Township would have to grant a density bonus. There are provisions to allow a density bonus.

Planner Lewan explained the density plan is supposed to be a plan that could be built if the PUD plan wasn't proposed. There are some criteria for the Planning Commission and the Township Board to use to help determine if the density plan that was provided and the 31-unit plan, would be reasonable on this property. There are a few criteria's and the applicant met most of them, things like minimum lot width, lot area, they have provided all those. There are a few things that the density plan does not meet.

Planner Lewan then added that "all structures streets, roads and driveways must be set back 25 feet from any wetland or boundary". The cult-a-sack on the density plan access to parcels 18-20 and they are found within a wetland, so that does not meet the density plan requirements. "Lots on the density plan shall provide sufficient building envelop size without impacting wetlands". We know that on the density plan there are areas marked wetland fill areas on parcels 3-10, 16, 17 & 21. The wetland fill areas appear to be provided to show **insufficient** building envelop sizes. To address this an adequate building envelop should be demonstrated in each of those density plan parcels. Submerged lands are supposed to be shown on the

density plan and the high-water mark or the edge of Mudd Lake is not shown on the density plan. Mudd Lake should not only be shown on the density plan, but it should be shown on all the plans. There is not a good indication where the edge of the lake is, it is not shown on the plans and is an important element moving forward. The least of issues is the schedule of lot areas. There are some elements that the applicant will have to address, to make the density plan a valid density plan. There are things that could be corrected, but as drawn raise questions on if this density plan is valid density plan, getting up to 31 lots.

Planner Lewan added there is another part of the Master Plan, the first part of the density plan says density plan should be based on the Master Plan. The Master Plan designation is SR. The document that indicates a Master Plan density range of between 1-3 units per acre. While we reference the specific zoning designation, which is a little under an acre per unit, if you go a little further in the Master Plan it allows the Planning Commission to consider a range of densities.

Planner Lewan went over Carlisle Wortman's review dated March 15, 2019, on page 3 he indicates that it is reasonable to assume the range of density from 1-3 units per acre as described in the single family medium density Master Plan designation is to provide the Township some discretion in these kinds of decisions, so if the Planning Commission were to take into consideration, surrounding land uses, surrounding zoning, existing land use, natural features, wetland and woodlands.

Planner Lewan added he thinks there is enough latitude within the current Master Plan is written. The Planning Commission can consider this range of 1-3 units, particularly since they are looking at a PUD and PUD's allow a lot more flexibility. He thinks there are two parts of the density question and these two questions are something that the Planning Commission must come to terms with. First, are we going to be looking at the density plans strictly as the Master Plan corresponding zoning district SR. Or are we going to be looking at the density as the range of density with a 1-3 units, range in density. He added that if we are going to look at that 1-3 units, range, he thinks that the Planning Commission has a discretion to look at where we want to be in that range. The applicant is proposing the upper end of that range. They indicate that they believe that they meet the Master Plan designation, because they are looking the upper end of the range and their calculations at the 3 units per acre. He thinks the Planning Commission has some discretion to determine what that range would be. That is something that he thinks the Planning Commission should discuss in a few moments when we are done with the review part of this process.

Planner Lewan noted if the Planning Commission determines that this project should correspond to the SR zoning district, the applicant can still go forward with the number of homes that they want, however, it would require a density bonus of 23 lots. Under the density credit section of the ordinance a variable density credit may be allowed at the discretion of the Planning Commission and the Township Board upon the demonstration by the applicant of design excellence in the PUD. To prove that design excellence to get a density bonus the applicant needs to do two items in a list. He read the list as follows:

- A.) High level of cluster development where at least 20% of the PUD is common usable space. Their note here is that the applicant provided for 15% open space at the edges of the development, the rest of the project is either wetland or water and it is not useable so this, criteria cannot be met.
- B.) Providing perimeter transitional areas of greenbelts around all sides of the developments of at least 100 feet. Lots 1-10, 29-34 and lots 51 & 54 are all within the 100 ft. transition area. We also know that a portion of the roadway that providing access to parcels 25-29 is planned to be within the 100 ft. transitional these criteria, cannot be met.

- C.) The proposed plan is designed to enhance surface water quality and ground water quality. The Township Engineer will talk about those things in a moment. That will really be more of a final PUD issue, but that is something that if the applicant wants to use that as a, criteria to get a density bonus, they will have to provide us with more information on how they plan to enhance surface water or ground water quality.
- D.) Provisions and design that preserve natural features. This is one of the main elements that the applicant is stating they are trying to preserve natural features. We indicate that the extensive areas of each lot extend into wetlands and possibly water on Mudd Lake. To ensure that this, criteria, has been met, the applicant should explain how the natural features on site will be protected from the encroachment of lots and possible residential use into wetland areas. The applicant should clarify natural features will be preserved. If we are looking at a PUD, we are supposed to be looking at something that is above and beyond what we would normally get. So how is this project going to preserve natural features better than a standard development that we might get. The proof is on the applicant to provide that to us, it is not on us to make that determination. That is something that going forward the applicant should probably provide to us, to verify that.
- E.) Donation or contribution of land or amenities that represent significant community benefit the applicant hasn't address that, so he doesn't think that they are pursuing that criteria.
- F.) Other similar elements as determined by the Planning Commission and Township Board. There are no other elements that have been determined by the Planning Commission and Township Board. There are no other elements that have been determined at this point.

Planner Lewan noted there are criteria's for a density bonus to be granted if the Planning Commission considers SR is the base density, two of those elements must be address and he doesn't see at this point where those two elements have been addressed to get the density bonus and if the project is to go forward the applicant would have to come forward and show how those criteria's could be met.

Planner Lewan said the next part of the review goes into the criteria and information required for PUD. There is a section in the zoning ordinance that outlines 6 criteria for PUD approval. Summarized they are as follows:

- 1.) Recognizable benefit to the community
- 2.) The density impact will not be a negative impact to the Township
- 3.) Conformance to the Township Master Plan
- 4.) The project will not cause economic harm or impacts to the Township.
- 5.) There is guaranteed open space
- 6.) Unified control

Planner Lewan added over the next several pages he goes through the applicant's statements of how they are meeting all, of the criteria. His thoughts and comments as the Township Planner and how they can meet these. A lot of the comments come back to the same thoughts they have with the density bonus. The applicant needs to do a better job of showing how the things they say are the benefits to this project and are above and beyond those things that we would get in a normal development. He added maybe those things can be done? He did suggest that if you have lots extending into wetlands what happens over time. Are people going to start throwing grass clippings or start moving back a play structure. This is a PUD, and a PUD is a very flexible process, so why are the lots extending into the wetlands at all? There is not necessarily a minimum size lot for a PUD and if this is going to be on sewer, we don't need a septic system. He suggested pulling the lots to the greatest extent possible out of the wetlands to leave those wetlands preserved. That would be something unique for this PUD that we would not get under a standard development.

Planner Lewan stated that they provide some general discussion on about residential layout and analysis on page 8 of their review. They mention the deviation that the applicant is proposing they are proposing deviations and required side yard setback as well as rear yard setback deviation and front yard setback deviation. All the setbacks are somewhat less than what would be required in the underlining SE zoning district.

Planner Lewan added in their report they talk a lot about natural resources. He thinks that it is critical that Mudd Lake high water mark show up on the plan. It is not on any plan sheets and that is a critical of the natural features on the site. He thinks some of the concerns raised by the residents might be addressed if the lake is shown more clearly on the site plan, as i.e. how many lots will have access to the lake.

Planner Lewan commented with regards to the site access and circulation he did see there was a Road Commission review in the packet. He thinks they are requiring a center turn lane, perhaps the Township Engineer can go into more detail. There are some sidewalk requirements, there is a safety path and safety path plan shown along Joslyn road that will have to be shown in the plans moving forward.

Planner Lewan noted regarding the essential facilities and services, the only concern is the single point access for the whole property. The Fire Chief does have some comments on that but, that is the obvious concerns with the access on the project.

Planner Lewan landscaping, lighting PUD agreement, fazing of the PUD, those are all final PUD issues.

Planner Lewan stated there are 2 parts to this PUD, this is a concept PUD, but the Planning Commission should look at 2 big topics.

- 1.) Is this piece of property as presented by the applicant, is it eligible, does it qualify to be looked at as a PUD based on the criteria of section 30.03.B., of the zoning ordinance?
- 2.) Consideration of the density as proposed as it relates to the underlining zoning of the Master Plan, or that range of density 1-3 units per acre.

Chairman Dunaskiss turned it over to the Township Engineer, Mark Landis

Engineer Landis stated that his letter from March 7, 2019 is a review of the concept plan. From an engineering standpoint he really doesn't get into the plan until the final PUD, but he will go over some of the initial concerns and findings.

- 1.) Water and sewer are available to service the site, there is an existing watermain along Joslyn and Silverbell Road. Along with sanitary sewer along Joslyn, they both appear to have adequate pressure and depth capacity to service them all. They will look for a second connection of the watermain, currently they are showing just one connection, for fire flow reasons and reliability we will look for a second connection at the final PUD.
- 2.) One of the questions we had was how are they going to provide sanitary sewer service for the 4 detached lots on Silverbell? The applicants already indicated that they intend to extend sewer to those lots.
- 3.) Storm water management, we have done a review of their proposed detention system it does appear to be adequate and meet Township requirements for 100-year basins and they already taken into consideration they are in the Brown Road drainage district, which is a further restricted drainage outlet.

- 4.) As far as traffic is concerned the applicant is proposing a single boulevard entrance off, of Joslyn Road. We are asking, since this is the only entrance that we would like to see the boulevard extended through the first intersection.
- 5.) They have indicated that they are going to make the roads public, which will be under the review and the geometrical requirements of the Road Commission.
- 6.) They are proposing 5 ft. sidewalks on both sides of the road.
- 7.) We were asking that they extend an 8 ft. wide safety path along Joslyn.
- 8.) Due to the potential isolation of the proposed entrance, in the event a train will block both crossings of Joslyn Road, we recommend some improvements be made to the emergency access route along Jamm Road. Trustee Flood indicated the current field conditions appear that they are not being maintained as necessary. He believed that the Fire Marshal also had some concerns.
- 9.) The wetlands we are aware of the need for DEQ permits and Township permits for the wetland impacts, they are proposing. The one thing they did note was there is not a 25% buffer being shown currently, as required by Township ordinance. He believes that is going to have an impact on a lot of the proposed lots and the grading associated with those lots, unless that is waived by the Township.

From an engineering standpoint the concept PUD is in substantial compliance with the Township ordinances and engineering standards, because we had 4 items the plan approval to include and those were, 25 ft. wetland buffer, an 8 ft. wide pathway along Joslyn, an extension of the boulevard through the intersection and improvements to the emergency access along Jamm Road.

Chairman Dunaskiss turned it over to the Planning Commission and invited the applicant at this time to have them answer some questions after we give some further deliberations.

Trustee Steimel replied he first wanted to start with the parallel plan. That is what we base everything off-of, and he is not convinced and can't see everything. He doesn't think they necessarily looked at it. Is what they are showing buildable? They are showing stuff that looks, but it is hard to see, because you can't see the line that clear. You are building in wetlands and we wouldn't normally allow that. That is the start of the basis, and is what they are showing in that plan, that sets the baseline. We also need to consider, and he knows that there is this duality, but would we ever approve this? They didn't go over how it was zoned, that would have been easiest, if they just went with how they are zoned and how many they could put on here. They are making the assuming, that we would approve a rezoning it to an SR, because that is what it says in the Master Plan. That is only one issue in the Master Plan. It is not a guarantee that they would get that rezoning to get to that higher level.

Trustee Steimel added he is not sure he is looking at a density plan that is based on the parallel plan and that it looks buildable, but that is because he can't see all the details. He has some concerns, he doesn't know where the water comes in. Are we blocking that flow? By what they are showing here, how are they are going to disrupt that? Is it feasible, what is being shown, even in the density plan? Even though they say 31 units, plan only shows 30 units. He even questions if the 30 are feasible. He has concerns they are not even looking at the base. Let's go look at what we are doing, are we giving them a bonus? And the questions right now, is it 20 or 30? Is it in the plan that they are showing, is that supposed to be a doable plan? That many lots, he doesn't think that we would allow them to build homes in wetlands, it wouldn't be something that we would approve.

Planner Lewan added that he pointed out 4 items that they had to address, to make that a density plan that he could support. He thinks there is information not provided, information that is not consistent with the density plan and so there are 3 or 4 items he mentioned. Mudd Lake

is not shown. He wanted to make sure that they are not necessarily including water as part of their lots, which we normally don't allow.

Trustee Steimel commented if it was a SE, we can put these many homes on here, but because of the wetlands we don't want to put more homes, but we want to use a smaller lot of criteria. It is still same number of units, that is really a true cluster. We establish the number of units but because of this stuff they don't want to go for a zoning change just to meet the lot size requirements, they want to build smaller lots. That is a more ligament use of the PUD that is what we really want it to be used for is for that. If we use the criteria for the smaller lot size but it is not likely we are increasing the density. He does have a problem right now and doesn't feel like they are starting at the base right. He could get into a whole bunch of things of whether he thinks the benefits he is listing is really deserved.

Trustee Steimel noted it is from the area from Silverbell around Joslyn all the way over to Giddings, that whole area, it is a tough area from a water management standpoint. It is high water and it doesn't take much. If they fill in a few feet of wetland anywhere in there and you are going to have a problem. If they are going to increase the run-off and that is supposedly what they are going to take care of. We need to make sure we don't allow something that is going to create more problems. Even part of the bonus would be if they are somehow helping to mitigate that somehow, we need to look at that, that is a definite benefit, to help the area, but we are not doing that either. He has problems with this. He noted that Doug has some, he is really trying to say that the parallel plan, the base plan is that legit? Without more data I'm looking to you guys, I don't think it is? He doesn't know how to start when he doesn't even have the base to meet what he thinks is legit?

Engineer Landis said that he thinks the plan is lacking the required 25 ft. wetland buffer, let alone, the impact of the wetlands. The buffer that the Township requires is not shown and that would further complicate and put to scrutiny the validity of this parallel plan.

Chairman Dunaskiss stated that certainly in the top two we need to address the interpretation of the Master Plan, the density and parallel plan, and does it meet the basic criteria for eligibility to be considered a PUD.

Trustee Steimel commented that what to use for density it does get confusing. He has always looked at it as show me a plan as zoned and let me start there. If he grants the PUD, he is granting the change in zoning where they can put on there. He realizes there is some strange wording in there. He also noted we can look at that and they can present that, and that is what they are doing, but he has to say is that legit? What you are assuming is that somehow, we would approve an SE to SR, and when you have that here is what you can put on there. In this case he is not sure that is true, just because it meets the Master Plan, although that is one of the heavy hitters on reasons for allowing a rezoning, there are a lot of other considerations. The other considerations way heavy. He is not sure how you could rezone that? He would be concerned that you can't really support that many places there. He is struggling with that point let alone taking it to the next step in a concept approval plan of is he ok with the density boost from there.

Planner Lewan noted that the Planning Commission has a lot of discretion in determining what to use as that base density.

Trustee Steimel replied that his why we ask for the parallel plan, at least that they present something, then what we look for and say that is legit. That base plan is that legit, then go from there.

Vice President Gross noted what is the revision protecting by having the new plan?

Trustee Steimel responded the more common way, when we talk about clustering is just that. He looks at the whole thing, you have 40 acres and have a legit plan out there on how it is zoned. We can we put, 40 homes out there, now what we want to do in the PUD is bring all that down here, that is true clustering. So, from the bigger picture, how it affects everything around, they are not trying to add more units, just wants to use a, different criteria for how big the units are. Then your bonus is that we are going to preserve all this open space. There was benefits to them trying to snake it around and try to extend water and sewer up through this area, but those are a little more legit, especially the effects of what is going on around there.

Chairman Dunaskiss asked if there were any other comments, or do we want to talk about the eligibility for the overall PUD? Or what we think is our points for the density?

Secretary St. Henry wanted to speak more to the topic, the real benefit of presenting this project as a PUD. Although this is in concept form so there are going to be more questions than answers provided at this point and time. He is struggling to find the true benefit of PUD as presented to us tonight. He would echo some of the similar concerns of wetland limits and a couple of these plans, we were discussing the wetland fill limit. What does that mean and then there are questions that would way in by other agencies like the MDEQ? He is struggling with understanding the density base line that we are provided with tonight. He thinks that the PUD can be a useful tool to adverse a difficult site like this one. With the understanding that there is going to be some areas where every property is not the same or cannot fit the typical criteria set for in our zoning ordinance. He would echo the same concerns about drainage on the site and what was brought forth and has full faith that with the professional consultants and the reviews that would occur in the next step that those items would be address or eliminated, based on certain regulations that would come forth. He would also echo the same concerns that Mr. Steimel has brought forth tonight about the density and the number of units that are proposed on this property, it seems like we are bring forth a lot of density and the true benefit that could brought forth on allowing this project a PUD isn't forthright for me at this time.

Vice Chairman Gross noted recognizing this is a submission of a conceptual plan, and there are a lot of things that could be changed over the resubmissions in terms of issues that were raised tonight, issues that have been raised by the Planning Commission. He has a conviction that this is contrary to the principles of what PUD is, which is to provide in residential the clustering of units the diversification of units, to protect open space, wetland and woodland. What we have had presented to us is just a conventional subdivision. It is a 54-lot subdivision as opposed to a PUD. It does not reflect any of the sound principles of what PUD is all about. He doesn't believe that it is far to the developer or the public to proceed much further in this plan to try to get some revisions to a subdivision plot plan.

Commissioner Dunaskiss asked that he believes that if the applicant can speak to this. You were looking for feed-back tonight, you weren't necessarily looking for final deliberation or recommendations tonight? Are you looking for feedback to circle back with us or looking for a recommendation tonight? What are your goals tonight?

Mr. Milia replied he thinks that on the onset, he is looking for a collaborative effort. He recognizes that a lot more work needs to be done on it. The input tonight has been valuable. He would ask to be tabled and not have a ruling tonight, because it is their goal to continue to work with our staff and our consultants, to come up with a plan that does work. He thinks Mr. Lewan did an excellent job in explaining the PUD, the Master Plan. He added that one of the important things about the Master Plan, and he said this in the beginning, and he used the words contradictory, there are two different avenues on how you can use the Master Plan. He

said that Mr. Lewan stated it clearly and it is in his paragraph two that if the 1-3 units per acre were excepted by the Planning Commission no density bonus would be required. The other way to view it, is looking at a parallel, with a density bonus. Subsequent conversation is focused on, does this merit a density bonus. They believe that 67 lots could be developed under the Master Plan and not asking for a density bonus, they are asking for less lots that could be developed under one interpretation. He realizes that the interpretation is subjective, and it is not objective.

Mr. Milia stated that this is 74 acres, assume for a minute that there were no wetlands on the property. Under the Master Plan someone could come in and ask for 210 or 224 whatever that equals. They are focusing on the wetlands, they are protecting the wetlands. 54 lots over 74 acres is not a lot, it is not a big traffic contributor, they are protecting the wetlands. They are focusing on, does this deserve a density bonus?

Mr. Milia commented what is the proper development of this plan. How do they collectively, everyone in the room, Planning Commission, the proper stewards of this property to create something that is a quality for the community. One of the things that Mr. Lewan said was, if we scaled back the lots on the perimeter and added another 10 acres to the common area, that is significant feedback that they are learning tonight. They know that they have more work to do, but they want this viewed not that we are asking for a density bonus. They are asking for a collaborative effort to develop a plan that works and is feasible.

Mr. Milia thinks the PUD is important, and the project is a perfect candidate for a PUD. They don't view this as a traditional subdivision. If they were just coming in with a traditional subdivision to meet the Master Plan, those lot lines would extend all the way to the property edges. All the wetland would be contained within lots, and that would be right under that.

Mr. Milia noted what they are proposing is that a significant amount of the wetland, and they can come back and show more wetlands, go into common area, into a protective conservation easement. He thinks that this is an important consideration.

Mr. Milia added the underline plan is legitimate. They are asking to fill one acre of wetlands, but that would be done under a DEQ permit. That is not significant when they are preserving 50 acres of wetland. They are asking to be tabled to allow them to work with our consultants and staff, and to get more feedback on the density. If they are talking about a density of 30 lots this deal is not feasible and wouldn't work. If we are talking about scaling back to have more preservation of the wetlands, they are here to listen and to incorporate that. All the other issues that we have raised are ligament, they are part of engineering, they can't go and do that work and design all that engineering when they don't have a base understanding on the density.

Chairman Dunaskiss responded we would have to challenge you that we don't see the lake nor the high-water mark on the 25 ft. buffer on the wetlands. It is hard for us to even consider which plan we would like to utilize if we don't exactly what our preferential box is that you are offering up based up on those factors, so we can give you more feedback on the density, based on that. It could dramatically change and all those parcels on the far east may go away or change or modify without that underlining understanding.

Board Rep Walker commented that he is not an architect nor an engineer, he tries to look at the bigger picture. You indicated that under SE that if the proper density is 67, that is not exactly true, that would be the expansive definition under SE. The lesser definition is 22, so it is really 22 to 67. The implication from the public seems to say there are lots of oak trees, but you said they are mostly scrub trees. Another concern is the access to the lakes because if they have 6,

7 or 8 people on this lake and suddenly there are going to be 54 people, he believes that is going to be a big deal.

Mr. Milia replied that he did do a tree survey, the reference he made was they are not tearing down 1,000 oak trees as was represented. They did do a tree survey and it is included that, most of the trees are scrub trees. Part of what they want to do is to preserve as many landmark and specimen trees as they can, but those would be details for further meetings.

Board Rep St. Henry asked how much time are you looking to have to bring forth another plan or a revised plan?

Mr. Milia responded they would like to continue to work with your Planning Consultant and staff and get some further feedback and submit a plan within the next few weeks and be on the next agenda as it qualifies. They have been working on this a long time and spent a lot of money to get this far and would propose they continue the process as fast as they can.

Board Rep St. Henry said he agrees they need more detailed plan. He really wants to see exactly where the boundaries are with the lake and the high-water marks for the lake, and a better feel on how far the development would encroach on the wetlands. He thinks that it should have been in the packet now. The members of the public that are here that have concerns about wetlands are completely legit and need a better explanation on how those wetlands will be protected. He hopes they can give more detail and a better argument for the public benefit for the PUD, because he is not seeing it. The straight 6 criteria for approving a concept PUD, he is not seeing it at this point.

Board Rep Gross the density is a big issue and 1 or 2 units isn't going to make a big difference to him.

Comment from one of the residents

"The 74 acres, please tell me that does not include the lake bottom of Mudd Lake, because you can't tell?"

Mr. Milia replied that a topographic survey was submitted with the plan, so the technical details have been submitted. What might be beneficial for the next meeting, they will do a better job in doing a color illustration to help show the depictions, but the technical details have been submitted.

Chairman Dunaskiss asked if it shows the high-water mark as well as what a 25 ft. buffer would look like?

Mr. Milia believed that it does but since it is a point that needs clarification, let them do a better job of highlighting that area and perhaps use some color to illustrate that.

Board Rep Steimel noted that normally when we get into the final, we would be looking for a full-blown wetland environmental report. Where they delineate the wetland lines.

Mr. Milia added the wetland boundaries here have been delineated by their wetland consultant.

Board Rep Steimel replied here we are trying to get an idea if the concept works.

Mr. Milia stated it has been picked up on the survey, but they can have the wetland consultant put it on their letterhead as well.

Board Rep Steimel commented that if they talk about soils and put into a map, then we can say that they are a legit company.

Mr. Milia responded they will provide that, and it is a wetland consultant that he is sure that both the engineer planner has worked with for the last 20 years.

Board Rep Steimel stated it is not required at this point, but if you already had it done it would be nice to have. He needs to see the flow of water in this area and make sure they are not damming it up. It looks like the road is going to create a dam, it is going to stop that flow. Then there is another factor that is part of the plan, are they going to put a big culvert in underneath that road? Right now, it is hard to tell, because there is a flow through there.

Board Rep St. Henry asked the Chairman Dunaskiss to entertain a motion.

Chairman Dunaskiss answered sure

Board Rep St. Henry motioned to postpone action on PC-2019-06, Silverbell Pointe PUD concept and eligibility plan. Located on 4 vacant parcels south of Silverbell Road on the east side of Joslyn Road, sidwell #09-33-201-001, 09-33-128-001, 09-28-379-001, 09-28-451-001 for plans date stamped received 2/19/19, for the following reason. The applicant itself can incorporate comments from the public hearing heard here tonight for consideration further deliberation at a future Planning Commission date. Is it acceptable to have 60 days?

Mr. Milia stated that his goal is submit it even sooner, but if they would like 90 days?

Board Rep St. Henry amended the motion not to exceed 90 calendar days to appear back in front of us.

Mr. Milia asked that if we could make it 90 days to resubmit?

Board Rep St. Henry stated he would accept that.

Roll call to vote was as follows: Gross, yes; St. Henry, yes; Walker, yes; Steimel, yes; Dunaskiss; yes, Reynolds; yes. **Motion carried 6-0** (Garris absent)

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

None

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

- A. April 3, 2019 at 7:05 p.m. – PC-2019-08, Woodside Vision Foundation, located at 2500 Joslyn Rd. (Unit 2 – parcel 09-21-251-005), Special land Use request for benevolence and Thrift use.
- B. April 17, 2019 at 7:05 p.m. – PC-2019-09, Tommy's Car Wash, located at 851, 861 and 871 Brown Rd. (parcels 09-33-351-020, 09-33-351-021, and 09-33-376-010), Special

Land Use request for a car wash.

13. CHAIRMAN'S COMMENTS

Thanked, Planning Commission for trusting me to be your Chairman again even though he doesn't make some of the meetings. He is looking forward as we continue to have some of advancements.

14. COMMISSIONERS' COMMENTS

Commissioner St. Henry stated that we are told to use the Master Plan as a guide, there is nothing set in stone. He would like to see the applicants, especially when it comes to residential developments. You can look at a Master Plan and the maps and you could say this is what the zoning allows and let's do the math and this is what you allow at this point, but we are trying to come up with less impact. The Master Plan does not pick apart every acre of our Township in detail, with the landscape and what is there. For them to say that someone could build so many homes at this size based on the zoning, but when you look at the piece of property, the parcel that they want to develop is it feasible or not, is it usable or not? Don't try to snow us with ideas that we're are cutting a density in 1/2 or by 2/3 but, we all know that a piece of property it is not legit, step beyond the Master Plan and compare apples to apples with what is really going on with the piece of property.

Commissioner St. Henry commented that he appreciates public comment, they are up there as appointed and or elected officials to lookout for our community, we are human, and we do hear your comments, we appreciate them, please don't look at us an enemy we are an ally. We are following a rule set, just as your property was developed in the past. We are looking out for everyone's interest not just one individual.

15. ADJOURNMENT

Moved by Chairman Dunaskiss, seconded by Commissioner Reynolds to adjourn the meeting at 10:12pm

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion



Planning Commission Approval Date