

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2019-15, BRECKENRIDGE TOWNHOMES CONDITIONAL REZONE REQUEST
PUBLIC HEARING MEETING - WEDNESDAY, MAY 1, 2018**

The Charter Township of Orion Planning Commission held a Public Hearing Wednesday, May 1, 2018 at 7:05pm 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	Todd Garris, Commissioner
Don Walker, PC Rep to ZBA	

PLANNING COMMISSION MEMBERS ABSENT:

Joe St. Henry, Secretary
Scott Reynolds, Commissioner

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:

Debra Walton	Mike Polecki
Suzan Miller	Misti Siterlet
Susan Stec	Faith Siterlet
Mark Stec	Lauren Kennedy
Megan Spielbusch	Tim Finney
Josh Spielbusch	Lori Soma
Eugene McNabb	Kevin Town
Jack Warren	Terry Moran
Wade Sullivan	Phil Christi
Nick Loper	

PC-2019-15, Breckenridge Townhomes Rezoning, Request to rezone the Southerly +/-200 ft. of parcel 09-32-400-055 & the Southerly +/-150ft. of 09-32-400-057 (unaddressed parcels) from Single Family Residential 1 (R-1) to Brown Road Innovation Zone (BIZ) use groups A, C, & D.

Chairman Dunaskiss invited the applicant to make a presentation.

Mr. Chris Plumb, representing Pulte Homes of Michigan, Director of Land, 150 Bloomfield Hills Parkway, Bloomfield Hills, MI, the applicant presented. This item on the agenda is a pre-cursor for the Site Plan presentation he has later. This is a rezoning proposal for the contiguous 2.75 acres south of the gas pipeline, contiguous to their proposed development. All their proposed development is zoned (BIZ) with the sub classes noted. This is to capture the orphan parcel from the pipeline, because if you look at the parcel boundaries they extend beyond, so there is no way for anything to be connected because of the said pipeline. He didn't have a formal presentation for the rezoning, so he referred to the Commission.

Mr. Chris Plumb added the rezoning impacts the 2.75 acres south of the pipeline. It is part of the two parcels that front Judah Rd., parts of Dan's Excavating project. There is a massive topography swing from north to the south, the pipeline being a part of that as well. There is no real connectivity as it stands today between the rezoning proposals and the parcels that front Judah.

Chairman Dunaskiss invited member from the public to come up and comment.

Ms. Susan Stec, 3084 Judah Road, stated she had several concerns about this rezoning. She didn't believe that this was properly noticed. She is outside of the 300-foot radius that is required by the Zoning

Enabling Act.; however, she saw the big sign so she contacted the Township offices and the information that she was provided shows that the notice only went to the southern side of Judah Rd. and only went to 5 particular properties. Per the Zoning Enabling Act, Section 125.3103, regarding the notice it should be given to all persons whom real property is accessed within 300-ft. of the property. Based on what she was given it looks like it was done from the center of the property and not the property lines, and a significant number of people would have been left out of that notice. Furthermore, a quick search of the online archives show that there is nothing in the Lake Orion Review under their public notices, which she supposed that it was possible that it got missed from the electronic version of the Newspaper, but it would be nice to see if there was an affidavit that accompanies that publication, as there should be. Additional concerns she had was, when concerning rezoning's, they are supposed to look at the other properties, whether or not it is suitable and she wanted to point out that there are 14 other properties that are currently zoned Brown Innovation Zone (BIZ) that are immediately adjacent to this proposed project. It totals out to be approximately 5 acres which is more than what they are requesting. There is approximately 11 units she thinks that could go into this section. There is no reason that it needs to intrude upon the currently residentially zoned district. As your Planner pointed out in the review letter, that it is inconsistent with the Master Plan and the Future Land Use Plan that is outline. Considering the Master Plan is only 4 years old she thinks it is a little early to start giving away the farm in terms of allowing rezoning's that are contrary to the Master Plan. They just did it back in January with a property across from Baldwin Road at Morgan's; she thinks that this is an opportunity for everyone to get back to adhering to the Master Plan or possibly amending your Master Plan if that is the direction that they want to go. One of the things that the planning review letter states is that it talks about how the (BIZ) Brown Innovation Zone district encourages collaboration between adjacent property owners for the purpose of shared parking and access. She believes the spirit of that part of the Ordinance is to encourage shared parking and access between properties that are currently in that (BIZ) zone. Finally, about the findings of the Planner, almost all those findings discussed the (BIZ) district but they neglect to discuss or acknowledge the other properties in the adjacent zoning areas and feels that whole thing needs to be paid attention to.

Mr. Mark Stec, 3084 Judah Road, he wanted to reiterate the importance of verifying, that it was notified and that there should be an affidavit of publication. There should be a list of who received the notifications, because if you make a decision based upon that as you understand it would be a legal decision; as a Board please look into that first. Considering there is a Site Plan that involves this property that is not zoned properly that would not allow for that development to go on. He thinks that it is a bit presumptive for the developer to have included this property prior to getting the property rezoned in a Site Plan that is before them on the same night, and the rezoning will go to Township Commission, so he felt that this is putting the cart before the horse. He wanted to add the importance of the Master Plan, the Master Plan is designed to present to the public, the developers, so they have some certainty and understanding of how the development patterns will occur in their community and the Master Plan clearly has a line that was drawn there along that ridge line to designate that this was all going to remain Single Family. What is happening on Brown Road is great, the development is awesome and is clearly working out greatly for our community, as far as the interest and investment that is going there. His point was, let it go within the Master Plan, don't go against what this community had said in 2015 or 2017 when they did the Master Plan, don't go against the Master Plan. If this Board does want to entertain this rezoning request, he thinks that they should go back and revisit the Master Plan before they rezone property that was Master Plan for Single Family Residential. A major concern of his with this, it is not against the development, his concern is if you approve this rezoning of this property, how are they going to say no to a future rezoning to extend this zoning district further or along any of the adjacent parcels, you will basically be tying your hands to say no. As the Planning Commission you need to uphold the Master Plan, or go back and revisit the Master Plan, so that everybody can look for assurances as to what is occurring in our community and the future. He also emailed letters that were signed, it was a form letter, and was given to the Planning Director as well as the City Clerk, hopefully they have received those letters, he gave 8 more form letters to the Board. This is contrary to the Master Plan to the communities Master Plan which they all rely on to give them assurances as to what is going to occur in their community, please stick to it.

Mr. Eugene McNabb, 2981 Judah, stated he has been at enough meetings that he knows that they are going to do whatever they want, regardless of what the people say. He owns lot #10 and he has a problem back there because he doesn't know how they are going to make a grade. This is residential, both sides, and according to Ordinance #78 or #87 it says it must be a 4:1 grade on residential property. Ordinance #99 says it must be a 4:1 grade. He knows that they gave them extra permission on Menards and cut it down steep. He doesn't know how they are going to make that grade at the corner of his property, on the southwest corner. They can look at it all they want, he has their maps and the maps didn't show the contour lines of the map that he got from the Township, he can't read that, so he doesn't know what the grade is. He does know at one time when they were mining, he was told that they made a mistake and got a little bit onto him, as far as taking his dirt. He didn't have a concern over it at that time because the previous owners had always said that they intend to take the pipeline out and lowering the ground, that has never happened. He has a problem up there if the material was taken off that corner of his property, he doesn't know where the stake is so he can't argue this, or if it is erosion, but regardless of what it was, it should be taken care of. Is there going to be a buffer back there? He doesn't want to walk along his property and have someone out there riding a 4-wheeler and run right off the hill; Menards has a fence. The way they are cutting it down, if there is no kind of buffer it is just going to be a steep grade off his property, and he expects a decent grade off his property.

Suzan Miller, 3066 Judah Road, said she is a Single Family on Judah Road. She felt t-boned by this, this wasn't in the 20-year plan, it wasn't in the 10-year plan; not a lot of them got notices. There is no other plan once they say ok to A, B, C, D, this deal falls through and another one comes up we now compromised our whole little neighborhood. It is not a good plan, it wasn't the Master Plan, and she feels like they are going to get stuck with their bad decisions. You allow tenants in, or apartment complexes, or Pulte goes under, or if something didn't perk properly, they became uninterested in it. Once we rezone it, we're cooked, anything can go in there, and we would have lost what we were promised in the Master Plan and hopes that it would stay Single Family homes. Lots of other things happen when you dump traffic on Judah Rd., they have put up with it for 30 years from the gravel pit and now to have it opening out onto Judah Rd., it is not really fair to them. She just wants them to take that into consideration when they consider rezoning a residential area that they have all loved for many years and want it to stay that way. She feels they should think about that when they entertained the idea of trying to change it to a different plan.

Kevin Town, 3185 Judah Rd., commented his concern was with the gravel-trains going up and down Judah Road they are destroying the road and no matter how much gravel is put down they beat it up pretty good. He asked that they motion to those that are using the gravel pit and the road for traffic, that they take care of the road, and they upkeep it. There is poor drainage on Judah Road, and when the semi's come through there they just wash out any of the soft spots. They have lakes, every 500-ft. they have lakes of puddles and are constantly crossing lanes to avoid the puddles.

Ms. Lori Soma, 3071 Judah Road, noted she wanted to go on record that she does oppose the rezoning change; it was her families farm. It is an emotional thing and doesn't see where making a multiple townhouses 119-120 units is going to benefit the single-family homes.

Chairman Dunaskiss stated that they had 6 form letters of opposition that were received as part of the record as well as there were several more that were received, and they were going to tally them up and get a number.

Chairman Dunaskiss asked the applicant back up to make any comments on what was heard from the public.

Mr. Plumb said the Judah Road traffic concern, there are no connectivity to Judah Road, only on Jordan Road and Brown Road. In terms of the grading, they are grading to standard, there are technical levels that they must meet, so they can look at that when the time comes. Regarding the barrier or fencing, they have a full landscaping plan and are looking at that currently.

A comment from the public, asked how they all could get notified, this affects all of them and they would like to be notified on Judah Road.

Chairman Dunaskiss replied the Planning Department, if you notify them, they can let them know their protocol with regards and how they can keep up to date. If you follow up with the Planning Department regarding the dates and let them know your interest to be notified.

A comment from the public, questioned how comfortable the Planning Department is talking to them individually explaining more of what is going on and feels really disconnected with this whole procedure.

Chairman Dunaskiss, said that this is the Public Hearing portion of the rezoning, as the Planning Commission they are brought these plans once the applicant has submitted them to the Department, sometimes there is pre-planning meetings sometimes there is not. Anyone can submit at any given time then it goes through the process, it is posted in the Ordinance which is online. Before we go into deliberation, he will have one of the consultants give some feedback as well and will have more deliberation on this matter shortly.

A comment from the public, asked how did it get from them submitting an application to it coming in front of the Board without anyone knowing about that? Is that a question for the Building Department?

Chairman Dunaskiss answered they have a standard process for how notices go out, and letters, the signs and how it is posted in the newspapers, you can get copies of who it was sent to.

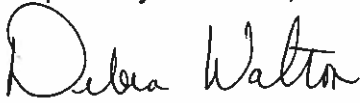
Jack Warren, the owner of the property in question, said the pipeline has a 75-ft easement on each side plus 75-ft where the pipeline is at. Where the pipeline is at from 75-ft is to the bottom of the hill which is included in the acres that they are buying, so they are not actually buying two acres because part of it is the pipeline easement. Nothing can be built once they start their Townhouses from that point back, because there isn't enough clearance there for anything. He doesn't see a problem with it. Going to the west is where they are building the condos at right now, along the pipeline. On the west side of the property is where Menards is at along the pipeline. What this property is in the middle of the two projects that is already going on. This piece here has no effect for the people on Judah Road. The property from Judah Road comes up over the pipeline and stops at the property coming off Brown Road. They just want to extend the property from Brown Road up to the pipeline which 75-ft. of it is the pipeline easement anyway. They are getting screwed because they are buying at 150-ft. of property that they can't use because that is where the pipeline is at.

Mr. Stec, 3084 Judah Rd., added looking at that land and how the develop patterns are occurring, it is much more dense development patterns that can occur in the (BIZ) district including car dealerships. The notification said something about a contract zoning, so he was unclear as to whether the community is looking into a contract zone, and if there was, any terms of that contract zone? If you look at your notification it says Conditional Rezoning. Looking at that where the pipeline is, since the (BIZ) district is right there, from a planning perspective to keep the separation to the high intensity development that is going to occur in the (BIZ) district, from a planning perspective, he doesn't think that there would be anything that could prevent that developer from utilizing that land. They are getting over 100 units in this, there is plenty of money to be made, if they can put that aside to create a green buffer between those properties and that pipeline, since those will be orphan parcels back there. From a planning perspective that would be a great thing for you to consider separating the higher intensity to the much lower intensity development.

Ms. Faith Siterlet, 2956 Judah Road, said she has been there here for 40 years and she would like to keep the Master Plan the way it is and not make changes to it. They have a lot of wildlife and she asks that they don't change it.

There were no other comments from the public. Chairman Dunaskiss closed the Public hearing at 7:30pm.

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

5/15/19
Planning Commission Approval Date