

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, JUNE 19, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 19, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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

Joe St. Henry, Secretary
Todd Garris, Commissioner
Scott Reynolds, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Don Gross, Vice Chairman with notice

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, of Orchard, Hiltz, and McCliment, Inc., Township Engineer
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Debra Walton
John Smith
Jenn Zielinski

Chris Marcus
James Rutkowski

3. MINUTES

- A. 5-15-19, PC-2019-20 Orion Classic Car Club Conditional Rezone Minutes.
- B. 6-5-19, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to **approve** the minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Trustee Steimel, 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

Chairman Dunaskiss recessed the regular meeting and opened the public hearing for PC-2019-24, St. Joseph Catholic Church & School, Special Land Use request for a scoreboard on a baseball field, located at unaddressed parcels west of 118 Indianwood Rd. (09-02-176-003 & 09-02-176-015) & 703 N. Lapeer Rd. (09-02-176-001).

Chairman Dunaskiss closed the public hearing for PC-2019-24 at 7:14pm.

Chairman Dunaskiss opened the public hearing for PC-2019-25 at 7:14pm. Silver Bell Bio Tech Conditional Rezone Request, Request to Conditionally Rezone 8.703 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Roads (09-26-300-011) from Office Professional (OP) to Industrial Park (IP) with conditions.

Chairman Dunaskiss closed the public hearing for PC-2019-25 at 7:28pm.

Chairman Dunaskiss opened the public hearing for PC-2019-26 at 7:28pm., Silverbell Retail Rezone Request, Request to Rezone 7.75 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Roads (09-26-300-011) from Office Professional (OP) to Industrial Park (IP) with conditions.

Chairman Dunaskiss closed the public hearing for PC-2019-26 at 7:36 pm and reconvened the regular meeting.

7. NEW BUSINESS

A. PC-2019-24, St. Joseph Catholic Church & School, Special Land use request for a scoreboard on a baseball field & Site Plan, located at unaddressed parcels west of 118 Indianwood Rd. (09-02-176-003 & 09-02-176-015) & 703 N. Lapeer Rd. (09-02-176-001).

Commissioner Reynolds disclosed a potential conflict of interest, his office did prepare the site plan approval drawings, so he has asked to be, recused by his fellow Planning Commissioners.

Moved by Trustee Steimel and seconded by Commissioner Walker to recuse Commissioner Reynolds, all were in favor.

Chairman Dunaskiss asked the petitioner if he had anything additional to add, if not they would bring the deliberation up to the Board.

Mr. John Smith replied no further comment.

Planner Lewan gave an overview of his review dated June 10, 2019.

Engineer Landis gave an overview of his review dated June 5, 2019.

Chairman Dunaskiss said that the petitioner's representative had some discussion and it sounds like there are no objections to the basic meeting of the engineering side of it. Given where the billboard is placed, he feels it is very tasteful for the site and non-impactful scoreboard for that lite use there.

Trustee Steimel asked where is the power switch going to be, is it going to be somewhere on the board?

Mr. Smith replied the power will come from the northwest corner of the school building, underground and then it comes up one of the steel eyebeams and that will be where the shutoff will be. They will have a licensed electrician install it all and it will be installed to code.

Trustee Steimel stated the other thing that they will need is a little bit of a cement pad there from a safety standpoint.

Mr. Smith answered the steel beams that support this have very deep footings.

Trustee Steimel said that when they operate that switch, they will need a non-conductive surface when they go to touch that switch. He does not want anyone to get hurt out there especially since it is a low area and it is going to be wet sometimes.

Mr. Smith stated that it will be installed by a licensed electrician and if that is a requirement that will be met.

Trustee Steimel stated that they do not want someone to get hurt like a volunteer.

Mr. Smith said that the footings are going to be 3-ft. diameter and he was just going off the manufacturer's drawings.

Trustee Steimel noted that even if they go out in their parks, wherever the shut-offs are there is a little pad and it is not a pad to support it, it is that they stand on and then they are not standing on wet ground when they are touching that switch.

Trustee Steimel asked there are no fireworks coming out the top?

Mr. Smith replied this is a school.

Commissioner Walker questioned the lights that they show in the schematic those are going to be lit for innings, runs, hits that kind of stuff?

Mr. Smith answered correct.

Commissioner Walker asked that is the only lighting that is going to be on that scoreboard?

Mr. Smith replied correct.

Commissioner Walker inquired are they contemplating putting lighting on the fields at all?

Mr. Smith replied no there is absolutely no discussion.

Commissioner Walker asked if they had a loudspeaker system?

Mr. Smith answered no they do not.

Commissioner Walker asked if there was any intention of that?

Mr. Smith said that no one has made him aware of it, the league play has been that way for years.

Commissioner Walker questioned and it runs from April until June?

Mr. Smith answered correct.

Secretary St. Henry asked if they had been approached by either the community baseball or softball leagues about renting out that facility in the summer?

Mr. Smith replied that they have been approached from time to time about the possibility of renting it out, they make it a general rule that they do not rent it for leagues. The only rentals that have occurred have been for the community baseball team practice, it has only happen 4 times in the last 5 years and again because of the policies of the Catholic Church they don't allow activities on Sunday, there is no lighting so it can't be after hours. It was not for league play it was just practice for the Lake Orion Wildcats or one of the teams. There are no facilities there, when they run their games the school is open for facilities and everything, so they are not situated for that type of activity.

Moved by Secretary St. Henry, seconded by Commissioner Garris, that the Planning Commission **approve** PC-2019-24, St. Joseph Catholic Church and School Special Land Use request for a scoreboard on a baseball field, located at unaddressed parcels west of 118 Indianwood Rd. (09-02-176-003 and 09-02-176-015) and 703 N. Lapeer Rd. (09-02-176-001) for plans date stamped received May 21, 2019. This approval is based on the following finding of facts:

- that the scoreboard would be compatible with the current use of the property as a baseball and softball diamond in conjunction with the elementary school with the church;
- the church and school have been there for many decades, the baseball facility has been there a long time it is compatible with the Master Plan;
- there are adequate public services;
- there will be a minimal impact on any additional traffic to the facility;
- there are no detrimental effects, the scoreboard is 200-ft. out in center field and the lighting from the scoreboard the digital component of the scoreboard will not cause any detrimental effects to the adjacent areas;
- it is an enhancement to the current baseball and softball facility;
- it is not isolated as part of the long-standing St. Joe's property.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Garris, yes; Walker, yes; Dunaskiss, yes. **Motion carried 5-0**

Moved by Secretary St. Henry, seconded by Commissioner Walker, that the Planning Commission **grants** site plan approval for PC-2019-24, St. Joseph Catholic Church & School, located at unaddressed parcels west of 118 Indianwood Rd. (09-02-176-003 & 09-02-176-015) & 703 N. Lapeer Rd. (09-02-176-001) for plans date stamped received May 21, 2019. This approval is based on the following conditions:

- that the site plan meets all the requirements from the Township Planners and that any issues that have been brought up by the Township Engineering department can be addressed.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Steimel, yes; Garris, yes; Dunaskiss, yes. **Motion carried 5-0**

B. PC-2019-25, Silver Bell Bio Tech Conditional Rezone Request, Request to Conditionally Rezone 8.703 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Road (09-26-300-011) from Office Professional (OP) to Industrial Park (IP) with conditions.

Chairman Dunaskiss requested to be recused from this matter as his firm is working with applicant on this project and on the next matter he has asked to be recused.

Moved by Trustee Steimel seconded by Commissioner Reynolds to recuse Chairman Dunaskiss, all were in favor.

Commissioner Reynolds stated that he too also has a potential conflict of interest, tonight the applicant had mentioned the interest in pursuing architectural services from Auger Klein Aller Architects, he said that they didn't have any service agreements currently in place and they haven't proceeded with anything in the Conditional Rezone and haven't been involved with the case but wanted to disclose that.

Commissioner Garris stated he does not feel that he needed to recuse himself.

Commissioner Reynolds said that prior to tonight there was not any discussion of them proceeding with site plan approval drawings. They have completed drawings with the Palace in the past but nothing as it relates to the rezone here tonight. It was not something that he is expecting this evening.

Trustee Steimel stated that he appreciated the potential conflict he does not think it constitutes conflict at this time when they are talking about Conditional Rezoning.

Secretary St. Henry asked if the applicant have anything additional to add to this discussion beyond what was covered in the public hearing?

Mr. Brian Milosch said he was sure that the Board had some questions for him. He would just like to get the property developed, he has spent a ton of money on taxes since they bought it and get part of it sold and part of it developed. The CBD thing he thinks would be a cool thing.

Trustee Steimel said he wanted clarification, this is a Conditional Rezone and they went on about a building and what might be in there, but they are not proposing that as far as the conditions, the conditions were just recusing certain things for the Conditional Rezoning, that was what is in the application. All the other stuff they normally do not look at that on a rezone.

Mr. Milosch said he just wanted to throw it all out there, so they know what their plan is. He has never done anything underhanded or behind the scenes he just wanted to throw it out and let them know what he plans to do. Before they do any lot splits, he just wanted to get the zoning under wraps and before they have bids on architectural and stuff like that, he just did not want to spend any money if he cannot get the zoning.

Trustee Steimel replied that is fine, they are just looking at a Conditional Rezone they are looking at the property and does it make sense to take that property from (OP) to (IP) basically and go from there.

Planner Lewan went over his review dated June 11, 2019.

Engineer Landis stated that they did not have a formal review on the rezoning, he offered some insight that he does not foresee traffic being an impact going from (OP) to (IP), there might be an increase in truck traffic but overall it shouldn't have a negative impact.

Secretary St. Henry asked if for some reason the hemp manufacturing does not pan out and this is designated (IP) what else besides what they said won't be in the Conditional Rezone, what could it be?

Mr. Milosch answered it would be a parts warehouse. They are already stretched down at the collision center; he has parts piled in every corner. The Fire Marshal is always coming in and

screaming at him. He is going to have to do something there someday so it might even become a dual use facility. The CBD where they make the stuff it is an easy operation, they are high-pressure presses, he does not foresee a problem with that.

Ms. Zielinski added with regards to a parts warehousing facility that they have also considered for this site development, Office Professional (OP) does not allow for accessory buildings or outdoor storage which might be required for such a facility, so that was also the consideration for (IP) in this situation.

Moved by Trustee Steimel, seconded by Commissioner Garris, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2019-25, Silver Bell Bio Tech, Request to Conditionally Rezone 8.703 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Roads from Office Professional (OP) to Industrial Park (IP) with conditions based on the following findings of facts:

- the proposed (IP) district is generally consistent with the Future Land Use map in the area; it is also consistent with the adjacent land uses with the land fill to the west, which is not going to go away anytime, soon. (GB) to the east to have this little portion to be (IP) he does not see a problem with most of the uses in there and even more so with the uses they are conditionally removing from potential on that property. He does not think that any other uses being a problem that are in (IP) that are still allowed.
- with the size of this and the entrance he does not see a big traffic problem by making it go (IP) on this piece.
- they have services in the area that can service it.
- the lot split must happen as part of the whole rezone process.

Discussion on the Motion:

Ms. Zielinski said that she apologizes that she did not mention that in the presentation that was submitted 2 ½ to 3 weeks ago so it is currently under administrative review right now.

Trustee Steimel stated he thinks that they should make a recommendation to let that little narrow piece be (IP).

Roll call vote was as follows: Steimel, yes; Reynolds, yes; St. Henry, yes; Garris, yes; Walker yes; **Motion carried 5-0**

C. PC-2019-26, Silver Bell Retail Rezone Request, Request Rezone 7.75 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Road (09-26-300-011) from Office Professional (OP) to General Business (GB).

Secretary St. Henry stated that the applicants are present.

Secretary St. Henry asked if the applicants had anything else to add that was not covered in the public hearing?

Mr. Milosch noted that the big thing is just what they have heard from people looking at the property, everyone that has looked at it said that they would have to come in and try to get it rezoned; some did not want to deal with it; some said they might, they made low-ball offers. He thinks that if they had it zoned General Business it would make it marketable, he thinks that is what it is going to be one day, it will be a Taco Bell and a gas station or something with access to Silverbell, or maybe a CVS will maybe take the whole 3 acres. Then they will have that back

piece being (GB) maybe they will do something with someday. He does not want to do a strip-mall, there are empty strip-malls up and down the street that is just a waste of money.

Planner Lewan read through his review dated June 11, 2019.

Engineer Landis did not have a formal review but stated that going from Office Professional (OP) to General Business (GB) has a good potential to increase the traffic the ordinance does allow them to request a traffic study at this time to take that into consideration for the rezone or they can choose to wait and deal with that at site plans.

Trustee Steimel stated that this one is tougher for him; this is one that he would have preferred been a Conditional. There were a lot of things that he thinks do not go there; a big strip-mall he is not that excited about giving them more land so someone can build another strip-mall that they really do not need, they have a lot of empty space. Everyone always looks at Lapeer, all that traffic and that is what they want to build and as they can see it is kind of maxed out on M24. It is reasonably sized for a big box store that again, he does not think they right now, it seems like the market is going away from that. There are other things in (GB) that probably would work there. At one time even their dealership was going to expand and that would have probably been a nice continuation.

Mr. Milosch replied that is why they bought the property originally.

Trustee Steimel said that he would really hate it if it goes (GB) and you sell it and Skalnek or another dealership goes in right next to them. He is not that excited about it, he wished he had a little more control, all that stuff could go in there. This one he is on the fence; he had always hoped it would kind of go as a (PD) so they would have a little control to make sure they fix up the corner, and the sight distances maintained; it is a straight Rezone.

Mr. Milosch stated that the traffic on Silverbell, there is not that much traffic on Silverbell, it is a wide open road, except for the dump trucks coming through for dirt and garbage otherwise it is fairly open, he takes that way everyday in the morning, they may have 10 cars making a right on M24 going south on Silverbell. He feels the road is way under used and he thinks there is all sorts of room there is nothing going on there most of the day.

Ms. Zielinski added that SEMCOGs count for west Silverbell she thinks is roughly 5,000 cars a day right now, in either direction on west Silverbell Rd. so the count there compared to what they have on Lapeer is significantly less. Relative to the idea of a retail strip-mall or plaza development she does know with the discussion with her client Mr. Milosch that is not something that they want to see south of their dealership so given whatever terms of the purchase that they may be presented with that could be something that they would require consideration of as of what is going to be developed to the south of their property. These big box stores they are seeing less and less development, so she feels in the market stability that they have right now with online sales they are seeing far less development of these bigger box stores. They have seen Kmart close recently, they have seen Sears, JC Penney and they are starting to see the market fall on these big box stores even Meijer's is suffering. She does not know with that size lot is going to be attractive to one of these larger scale big box stores. The corner for that type of store also need to be considered with the implications of traffic. The size of the lot and the lot size she feels comfortable that Walmart is not going to look at it. Might they have somebody that propose a strip-mall, her client has the control of that, hopefully, within the purchase agreement to be able to know what development is going south of his property.

Mr. Milosch said that his goal is to have a gas station there, because they are filling up how many cars a day for safety factors, it would a great spot for that and even a little drive through and even for lunch for the guys. Tim Hortons and a gas station would be perfect.

Trustee Steimel stated that sounds familiar a Tim Hortons and a gas station across the street.

Mr. Milosch noted that Tim Hortons did approach them they wanted to move out of Lake Orion he thought, he was not supposed to know it was them.

Trustee Steimel said that his what is going in across the street.

Mr. Milosch replied oh is it?

Trustee Steimel replied on the northeast corner.

Mr. Milosch stated he did not know that. That is the wrong side of the road for them, they need to be the south side.

Trustee Steimel said that is the one they wanted to put in and they were putting another retail building on the northern part of the property.

Mr. Milosch said that Amazon is killing the strip malls right now there has been multiple articles written about that, that strip-malls they are going to start mowing them down, because with Amazon and everyone with Amazon Prime those little retail outlets are days are gone.

Commissioner Reynolds said that he tends to agree there is definitely some reservations of some of the (GB) uses there he knows it is consistent with the dealership to the north and he can see the compatibility of the surrounding area so he can not see a real solid reason to disagree with it but at the same time, they are opening up the use group some.

Mr. Milosch added that it will be something to get them more taxes, and it would not be a strip-mall as long as he is here and he is the one that controls all the property, it is something that is going to complement his dealership. It could be another dealership; another dealership complements dealerships. If someone wanted to put a Subaru store there, a small dealership.

Commissioner Walker said just for the record he is not sitting there trying to make money for the Township. He is there to try to balance the needs of the Township versus the residents of the Township and try to come up with a reasonable approach to all these problems.

Secretary St. Henry noted that this piece of property is in an area that is underdeveloped, and this is where they want business commercial development on the edges of the Township. They have the large dealership there they have a gas station across the street with the potential of expansion, they have been comfortable with that. If there is going to be expansion of (GB) development in this Township, in his opinion that is where it should be on the south end right off Lapeer Road. They must take their word for it that they would not have a strip-mall put in there or some other type of business that would not be compatible. Milosch has been in this part of this community for a long time they have a vested interest in that property and making sure that it, with the exception of a dealership, he would agree that is something compatible they want that, a small dealership going in there, they have Kia across the street they have the Chrysler-Jeep Dodge Dealership, if that is what ended there or another automotive relative service business is not a bad location.

Commissioner Garris said he likes the (GB) he thinks it is right.

Commissioner Reynolds stated that he agrees with the vested interest of Milosch but the big thing about the Conditional Rezone is they must consider all the uses there.

Secretary St. Henry asked if he had the list of uses in front of him?

Commissioner Reynolds replied yes.

Secretary St. Henry asked if someone could read it out-loud.

Commission Reynolds stated that there is about 100 uses on there.

Secretary St. Henry said for the public if this is on TV, he feels that the public deserves to get an idea of the type of uses that they are talking about under (GB).

Commissioner Reynolds read the uses of (GB).

Mr. Milosch said that is one of the reasons they are going for it because it is a tough piece to sell. Like he said if they go out there on a hot summer day and a west wind there is a good chance that guy is not going to buy.

Secretary St. Henry stated that they are very familiar with what goes on at that corner with Eagle Valley. Are there any other reasons why that is a unique piece of property besides the landfill next to it?

Mr. Milosch replied he thinks there is lots of traffic opportunities on Silverbell he thinks it is an excellent if a business does come in that wants to have high traffic, just because there is no traffic on the road.

Ms. Zielinski stated that Office Professional (OP) uses, those that do overlap into General Business (GB) are the ones that would like to have high visibility, high traffic areas for signage and so forth. Those Office Professional (OP) developments that do not overlap with General Business (GB) are traditionally much larger facilities that do not require necessarily retail frontage and passer byer traffic for signage. Given the lot size as well they are limited with the type of opportunity for either General Business (GB) and or Office Professional (OP) just given the size of the lot and the availability for parking.

Secretary St. Henry said that is kind of what he was alluding to is the actual configuration of the lot that may limit a lot of different (GB) type business.

Ms. Zielinski noted that they are right at about 7 acres. That is not a significantly huge lot for a large establishment.

Commissioner Reynolds added that the parcel is the Lapeer Overlay district, correct?

Ms. Zielinski replied correct.

Commissioner Reynolds said there are Special Land Uses that are permitted that are automobile related, restaurants including drive through restaurants, general retail, showroom, so there are some cross references because the (OP) parcels in the Lapeer Overlay district.

Trustee Steimel noted the fact that they already approved and parceled off part of the property to (IP) in some ways helps in a way because now the lot became smaller. Realistically even limits some of the (GB) uses that could go in there. At one time they even talked about an

indoor recreational facility there, that was kind of the whole thing they would have needed that whole piece.

Mr. Milosch said that is back where he is going to put the industrial back there on that little piece.

Moved by Commissioner Walker, seconded by Commissioner Garris, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2019-26, Silver Bell Retail Rezone Request, Request to Rezone 7.75 acres of unaddressed parcel at the northwest corner of Lapeer and Silverbell Roads (09-26-300-011) from Office Professional (OP) to General Business (GB). This recommendation to approve is based on the following findings of facts:

- this meets the objectives of the Master Plan with the motion that they just passed for the parcel prior to this dovetails into the entire matter.
- existing uses of property within the general area fits into that
- along with the zoning classification of the property within the general area.
- the suitability of the property in question is also existing the zoning classification
- this motion to recommend approval suggested that it be conditioned upon the recommendation from the Township consultants

Roll call vote was as follows: St. Henry, yes; Walker, yes; Reynolds, yes; Garris, yes; Steimel, no. **Motion carried 4-1**

D. PC-2017-02, The Preserve at Baldwin PUD Final Plan, located on vacant parcels on the east side of Baldwin, south of Indianwood Rd. (parcels 09-08-100-002, 09-07-226-002 & 09-07-226-009).

Chairman Dunaskiss asked the applicant to give an overview of the request for the final PUD plan which they had seen quite a while ago.

Mr. Chris Marcus 699 Central, and he is one of the three owners of the property, presented; one of the other owners is also an Orion resident, the other from Ortonville.

Mr. Marcus stated that it is pretty easy what they are doing there tonight they actually just wanted to give an update on where they are at with the current application, explain to them what the found and how the plans were working out and really just looking for an outcome of just continuation for another few months maybe up to 6 months of the application so they can resolve some of the issues that they have uncovered. To date, what they have done is taken the Site Plan that was presented, try to meet all of the DEQ and other items that have come up, costed out those plans, it was an exhausting process it took quite a while to get their pricing together. What they have determined is the plan is not financially viable at this point so what they would look to do is reduce the amount of lots that they have in the plan maybe rework the entrances, but it is going to take some time to do that and that is the time they are looking for so they can keep it short and simple if that is enough. He has Jim Rutkowski who has been their representation on this, if they would like to hear from him and he can go into details further.

Chairman Dunaskiss replied sure if there is anything that he would like to add before they deliberate on this.

Mr. Jim Rutkowski said just to reiterate that the engineers have been working a lot with the DEQ on the back areas of the lot where there is quite a bit of crossing issues and cost that are related to that. That was part of the process that has been going on over the time that they have been

trying to resolve those issues and there is a lot of high cost in producing some of the lots that are back there. As Chris has said it has become an issue with the amount of cost within the structure that would have to go in with the ductile iron, the handling of waste, the acceleration lanes, so forth. They are asking for that amount of time to reconvene with the consultants and members of Orion Township to see if they can come up with a way to do this, so it is viable.

Chairman Dunaskiss noted that some market forces some economic issues and so forth so essentially they want instead of diving into the plans that was resubmitted with quite a bit to still work on that they get a time frame here to get other things in order and come back with more presentable plan one that has come to fruition essentially in the market place.

Mr. Marcus replied that was a great summary. If they do not through this exploration find a way to make it viable, they would drop and then look at other alternatives.

Trustee Steimel said it has been a long time they are talking another 6 months, that will be 3 years between when they did concept approval and final, that is a long time. If anything he sees costs going up right now he is not really sure if that is a reason for them to worry about it, it is not something they do that long, and there is a reason, a lot of things change over that time, even the group they are dealing with they do not exist anymore the DEQ it is now the Eagle. It seems a lot of inactivity to have to wait another 6 months and there is no promise it is going to be done then, he is not real keen on it he really does not like stretching these things out too long. Not saying he wants to go back to square one, but it seems like they should come to some fruition a lot quicker somehow.

Mr. Marcus stated that they are comfortable putting a deadline on it.

Commissioner Garris stated that it is a tough piece of property, he is comfortable with another 6 months, he thinks they need it, to find out what to do. He lives right there it is a hard piece of property.

Mr. Marcus said it is and to meet the requirements they had to drop the quantity of lots which changes the financial model. He lives near there as well and it is important to him to do something that is nice for the community. They want to do it right and if they can not do it right, they will not do it.

Secretary St. Henry commented that he remembers when they presented, and it was a buttoned-up plan it was impressive especially with some of the other developments they had looked at around that time. He understands that they may be reducing the number of lots, but are they changing the nature and the feel of the development at all, because that is what they were most impressed with.

Mr. Marcus replied the next steps are to take out the major cost factor, so what they are driven to was two entrances only to support now that several lots had to be removed due to the wetland issues, the two entrances are expensive there is not enough lots to distribute those costs. The requirements for not having an individual waste system at each home, but rather a pumphouse or a single building that they would have to erect to support the neighborhood. Again, as they reduce those lots it has become an issue. Those are the major factors, their thought is that they reduce a few more lots they get it down to one lot size they center that entrance and make it work then propose back; of course they would want to talk that through upfront and make sure they head down the right path. Look at the numbers on that see if that works and if it does not work then they would probably go back to the drawing board and see what would be beneficial for the community. They are not motivated to build some big

subdivision there; they really liked the plan that they had they wish they could make it work financially but nobody is going to sign up to partner with them to lose money.

Mr. Rutkowski added to further that the nature and the feel of the types of the buildings and the preserve and the preserve name that was presented a long time ago, that is what they are trying to hold is the nature of that. They want to keep that it is just how do you balance keeping it; the last thing they want is lots they must sell for a price that is here and they just sit vacant.

Mr. Marcus stated that all the research that they have done just says that if they try to do \$700,000 homes there, they just will not sell.

Commissioner Reynolds questioned are they talking about there might be changes, his first question would be to Doug; at what point does it prompt that the concept is no longer? The second question is after reading through some dates, if the initial recommendation for the concept approval happened in February, 2017 they granted an extension in January for a 6 month extension and then back almost a year ago now that was the last submittal so now they are at the point where they are a 1 ½ years past that existing concept approval so they are 2 ½ years out here so it worries him that they are changing things and then they haven't pushed the case out but at the same time technically speaking they do not have an extension active right now, so if he is following the record and maybe Tammy as the Director can clarify this for them but it seems like a request was not occurred to create an extension but rather there is a lack of drawings or movement on the project so they forced this as an agenda item, is that correct?

Ms. Tammy Girling Planning & Zoning Director clarified that they had an extension, they have a year after concept to submit for final. They came before them and said they need beyond that year to turn in that final plan, and they granted them that extension. The plans came in and when the plans came in there were a number of issues so it was pulled from the agenda and then it sat again and then that is when she reached out to them and said they have been sitting idle for too long, she needs to put them before the Planning Commission or she needs additional plans, they submitted additional plans and those are the ones that they have in front of them. Again, there were several consultant issues, typically the number that is on there she would have not put it on their agenda, but it became apparent to her that she needed them to guide her of what they want this case to do. They are not working without an extension because they were giving plans it is probably an absent area in the ordinance on what they do if they are given plans and the plans are not getting to the point where they can be presented.

Commissioner Reynolds stated he did not want to make an inaccurate statement, reading the history of this. He asked again about the changes to concept, does that even prompt as an extension as a moot point?

Planner Lewan replied that it very well could, if the final PUD plan is substantially different the approved concept plan then they are back to drawing board. They will have to see what they come up with, but they could end up back at concept.

Mr. Marcus said that is understood, if it is dramatically different, he does not anticipate that it will be.

Chairman Dunaskiss said that it has been hanging out there quite a bit, it has had some changes, economic signs of it, any further questions for the applicant or comments or thoughts on the time frame, 6 months or less time?

Commissioner Garris said that he is good with 6 months.

Secretary St. Henry replied that this has been on the table for a couple year's now, he does not really see a big difference between 3 months and 6 months. He did like the original plan if they do not deviate from that plan and sometimes it takes longer and economics change.

Commissioner Reynolds stated that he would like to be workable, but would like the to clarify what are they expecting what kind of action do they want, just resubmission or do they want it to be in front of them after that period, not to be tough just saying it is hard when a project is hanging out there for 2 ½ to 3 years.

Secretary St. Henry asked what are their options then if they come back 6 months from now, they figured it out and they got a new site plan, does Doug tell us that this has to start from scratch or do they make that decision, what are the options?

Planner Lewan replied that they would probably head that off at the pass before it got to them, between Tammy and himself they would make a determination if this is one of their valid concept approval, he would hope they would make that determination along with applicant, he would not want to appear in front of the Planning Commission and have to have that debate; and if this has to go back to square one, they are going to want to know that early on.

Mr. Marcus said that 6 months covers what they don't know, he would gladly agree to 3 months, but based on the responses of certain things and elements that have come up, they seen that things take longer than they expect, so he feels it wise to ask for 6 months. They are not motivated to wait 6 months to get going with something or at least change their direction and potentially sell the land to someone that has other ideas. 6 months is not their goal, but he thinks it is a necessary amount of time. They will clearly be at a decision of where they are going to be whether they want to get this thing approved or just drop it within 6 months.

Chairman Dunaskiss asked so then do they want to have full final site plans by then unless it takes an exit stage left or not no longer conceptual from what the original conceptual was?

Commissioner Reynolds said he thinks technically speaking they are looking for a final PUD, correct?

Planner Lewan replied yes.

Commissioner Reynolds said that his opinion would be is to see final PUD plans submitted for deliberation within that period.

Commissioner Walker added that if it is not submitted, they will never vote for a 20-minute extension again.

Mr. Marcus stated they need to within 3 months have a plan in front of the planning team just to look at it to see if it constitutes a resubmittal or not, so they know the direction so they would be happy to do that inside of 3 months, but to have a full site approval is a different story.

Mr. Rutkowski said that another issue is they would like to possibly meet with some of the members as he has said, either consultants or fire department, key individuals to say ok here is where we are at what can we do before they go off and tell the engineers to make up a plan, it would be good to sit down with some key individuals and say what latitude do we have to make some changes in this direction or that direction.

Chairman Dunaskiss said that he thinks that the Township, they have seen their willingness to get feedback as well as the outside consultants are available to make sure, they are not looking

to waste peoples time energy and money, so they are not trying to lead them astray. They have their work cut out for them and let's see if they can pull it together in the next couple of months so they can make their deadline then, but they will have to clarify that in a motion, if there is no further deliberation or discussion on it. They should be looking at the final PUD plan today, is it a postponement?

Trustee Steimel said it is a postponement otherwise they are voting on what they have in front tonight.

Moved by Secretary St. Henry, seconded by Commissioner Garris, that the Planning Commission postpone action on PC-2017-02, The Preserve at Baldwin, Final PUD Plan, located on vacant parcels on the east side of Baldwin, south of Indianwood Rd. (parcels 09-08-100-002, 09-07-226-002, & 09-07-226-009) for plans date stamped received May 15, 2019 for the following reasons:

- the applicant has presented facts that due to economics and other development issues this progress on this development has been delayed, they are assuring them that 6 months extension would be the last and that if they do not have closure on this property at that point, the discussions will be over and their new plans for the development the planning consultants will make a determination if they have to resubmit for review before the Planning Commission.
- The applicant must submit his revised plans for review by November 6, 2019 with the intension of being in front of the Planning Commission by December 4, 2019.

Discussion on the Motion:

Trustee Steimel said ok it is 6 more months it is going on 3 years, what is really going on here it should not have taken this long to find out that there were issues with what they were trying to propose or something. Are they really going to do something in this time-period? He has a real problem because they are pushing this out a long way. So why this time, convince them why this time given another 6 months which is pushing it 3 years, that they are going to act on this versus to him it seems like they have been sitting on it and not really working it. It is almost like they are doing this because they are trying to wait for a better financial market, and he does not think that is their job. Give him a little more convince him something is going happen in this one, why should he give them another extension?

Mr. Marcus replied he thought they were past that?

Trustee Steimel said he really did not hear them say that they really are.

Mr. Rutkowski replied that the discovery period with the DEQ back and forth took a lot of time and then the quest out there to try to find if there is an applicable market after you really can't find where the applicable market is until they find from the DEQ what they are going to accept, and then they did that and found the reduction in lots and then they did the research after research with different people as to is there a builder that would buy what is the price they would buy trying to put numbers back and forth, they draw a conclusion as it sits as a plan it is not feasible. They are at a point what they would like to do different than before is they would like to schedule a meeting with consultants and key people from Orion and say this is where we are at how in the world can they do something that is going to be more contusive. They want to work with them right out of the shoot here so they are not going to be vacant until November 6, 2019 and they are not going to hear from them, they are going to be working with the consultants as soon as they can have a meeting and start working on the feasibility of this.

Mr. Marcus said he thinks the Motion is clear if they do not submit plan by the date it is done.

Planning & Zoning Director Girling asked if the Motion passes and it is postponed the ordinance does say that the Planning Commission can waive the need for the rezone sign, it has been up there for 3 years, she is asking that it can come down during that 6 month interim and it goes back up as soon as the plans are submitted.

Chairman Dunaskiss said he gives her authority to take it down.

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

Moved by Commissioner Reynolds, seconded by Secretary St. Henry, that the Planning & Zoning Department has authority to remove the plan and zoning related change of use sign on the property until plans are submitted, all agreed.

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

Audrey Zielinski 2455 Browning Dr. spoke about her family history of the St. Joseph Church & School baseball field.

10. COMMUNICATIONS

Planning & Zoning Director Tammy Girling stated that that there will be no cases for July 3, 2019, it was confirmed after the agenda was final so they will put up a cancellation.

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Secretary St. Henry commented on the Mothers Wish Golf Outing on Saturday August 3rd at Indianwood.

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Trustee Steimel to adjourn the meeting at 9:03pm. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

7/17/19

Planning Commission Approval Date