

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, OCTOBER 2, 2019**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 2, 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
Don Gross, Vice Chairman	Joe St. Henry, Secretary
John Steimel, BOT Rep to PC	Scott Reynolds, Commissioner
Todd Garris, Commissioner	

**PLANNING COMMISSION MEMBERS ABSENT:**

None

**1. OPEN MEETING**

Chairman Dunaskiss opened the meeting at 7:00pm.

**2. ROLL CALL**

As noted

**BOARD OF TRUSTEE MEMBERS PRESENT:**

Chris Barnett, Township Supervisor	Mike Flood, Trustee
Donni Steele, Treasurer	Julia Dalrymple, Trustee
John Steimel, Trustee	Brian Birney, Trustee
Penny Shults, Township Clerk	

**BOARD OF TRUSTEE MEMBERS ABSENT:**

None

**CONSULTANTS PRESENT:**

Marguerite Novak (Township Planner) of OHM  
Mark Landis (Township Engineer) of OHM  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**

Matt Schwanitz	Cheryl Jackson	Kirk Stagner
Nancy Standish	Russ Jackson	
Linda Giordano	Debora Boyd	
Joe Giordano	Patrick Boyd	
Beth Bevis	Tanya Gurne	
Jack Heal	Cheryl Gray	
Bard Hazen	Tom Rypina	
David Sornig	Christopher Stanek	
Darlene Janulis	Jowersa Ahmed (sp?)	
Karen DeCoster	Peter Gray	
Cindy Kossajda	Donna Woodward	
David Kossajda	M.L. Woodward	
Thomas Campbell	Jenny LaChance	
Gene McNabb	Gabe Antypas	
Robert Milos	Jeff Jocsak	
Katy McGlone	James Witham	
Matt Skoda	Linda Davis	
Valerie Skoda	Dalrare Mohi (sp?)	

### **3. MINUTES**

#### **A. 9-18-19, Planning Commission Regular Meeting Minutes**

Moved by Vice Chairman Gross, seconded by Commissioner Walker to **approve** the above 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

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Chairman Dunaskiss recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:05pm for case PC-2019-47, Lavender Ridge Planned Unit Development (PUD), located on vacant parcel on the southeast corner of Silverbell and Squirrel Roads (parcel #09-36-226-001). The applicant, Jacobson Mocerri Orion LLC, is proposing to rezone the property from Suburban Farms (SF) to Planned Unit Development (PUD) to construct a luxury townhome community consisting of 260 residences.

Chairman Dunaskiss closed the PC-2019-47 Joint Public Hearing at 8:36pm.

Supervisor Barnet explained the process of at (PUD).

Moved by Trustee Flood, seconded by Trustee Birney to close the special meeting of the Township Board at 8:39pm. **Motion Carried**

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### **7. NEW BUSINESS**

#### **A. PC-2018-31, Brown Road Hyatt House Site Plan Extension, located at 95 Brown Road, 4978 Huston, 101 Brown Rd. and 115 Brown Rd. (parcels 09-32-378-022, 09-32-378-023, 09-32-378-069, -070, -073)**

Planning & Zoning Director Girling stated that the applicant was not present but was notified.

Planning & Zoning Director Girling gave an overview of the project. They have made it all the way through engineering and have been in constant contact with them. The next step is to set up a pre-construction meeting, they need to pay their fees, and pull their soil erosion permit and they will meet the commitment of the Site Plan.

Trustee Steimel noted that it sounded like they were close. With the site plan extension, they must start moving dirt before it expires, they need to pull the permits. Now it is October and didn't feel they would do anything in the fall. He felt that a 6-month extension would get them into the spring in case something happens, and if they couldn't get a permit, they wouldn't get started this fall.

Moved by Commissioner Reynolds seconded by Trustee Steimel, that the Planning Commission **approves** site plan extension request for PC-2018-31, Brown Road Hyatt House Hotel Site Plan for six (6) months; this approval is based on the following findings: that they are working

through final engineering and have made efforts towards adhering all the site plan approval requirements.

**Roll call vote was as follows:** Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Garris, yes; Dunaskiss, yes. **Motion carried 7-0**

B. PC-2017-14, Orion Commons PUD – Commercial Site Plan Extension, located at vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel 09-23-100-004).

Mr. Kirk Stagner represented the developer Kirco and Lormax Stern, presented.

Mr. Stagner stated that they are continuing to market the property as approved under the PUD. They have not been able to secure tenants at this point enough to proceed any further, but they would like an extension to continue marketing and hopefully develop the property.

Chairman Dunaskiss questioned if there were any further updates from actual tenants or movement or is the market just soft?

Mr. Stagner replied that he was aware that they had talks and tentative deals but that have not gone through.

Chairman Dunaskiss stated that one of the things they look for with the extensions if it is so long then they question if the plan going to work. They do want to give them enough time as it makes sense for the site.

Vice Chairman Gross asked if there were any changes in the ordinances that would affect this plan?

Planning & Zoning Director Girling replied no.

Vice Chairman Gross questioned if there were any changes to a proposed development, they would have to come back to them as a new site plan?

Planning & Zoning Director Girling answered that it is a PUD, she didn't think that they would have to come back for a whole other site plan, they possibly could just amend the PUD agreement. It would come to PC but didn't think it would have to go back through the PUD process, but possibly consider it a minor PUD amendment to entertain the change in the ordinance if there was any. With a PUD they have excepted a plan with what those criteria were so she did not think that any change in the ordinance would impact this because they have accepted that plan with those criteria's and setbacks and everything that was approved on the plan.

Secretary St. Henry asked didn't they come before them a year ago and make an amendment to the PUD?

Planning & Zoning Director replied no; they came back for an extension.

Secretary St. Henry thought they had changed up the types of developments that they were looking at?

Trustee Steimel stated that the original PUD just basically showed this as a commercial property up front so then for this one it came as an amendment as to what they are going to put in.

Planning & Zoning Director replied that piece is the piece they are asking the extension on. They have seen it since it came in as one major PUD with the residential and commercial strip. Then it came in a major PUD with a public hearing with two drive through establishments and two buildings and that is the one that is an approved plan it is an approved modification of the PUD but it expires if they don't pull a building permit and that is the extension they are seeking.

Trustee Steimel said he was ok with it if they don't build a drive through restaurant there that is not going to filled. He is ok with the extension; he doesn't foresee it changing for a while.

Chairman Dunaskiss wanted discussion on the time frame extension.

Vice Chairman Gross thought that another year would be appropriate.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **approves** the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for one (1) year. This approval is based on the following findings: they are continuing to market the property in accordance with the approved plan.

**Roll call vote was as follows:** Reynolds, yes; Gross, yes; Garris, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 7-0**

C. PC-2019-47, Lavender Ridge Planned United Development (PUD) Concept Plan, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (parcel 09-36-226-001).

Mr. Mocerri thanked the professional consultants. He stated that they have been working diligently on this for over a half of a year just with the concept plan and years prior to this. There is a lot of science behind this and they will see that they dedicated a lot of research in advance of just a concept. They have almost a full set of engineering plans minus the profiles, so they have done an exhausting amount of prework on this, so it is not just happenstance it is advanced.

Planner Novak read through their review date stamped September 26, 2019.

Engineer Landis read through their review date stamped September 20, 2019.

Trustee Steimel questioned if they were to utilize the sewer connection going south to Auburn Hills, he felt that it was a negotiated intergovernmental agreement about how much of the sewer can go from Orion Township. He thought that is already taken up by the developments that have happen there. Would that have to be renegotiated?

Engineer Landis replied yes; the agreement would have to be revised. There are some conservative estimates as far as the sewage goes. The County has recently revised their REU factor as far as the flow. If they use the newer figure this development may have the ability to flow south into Auburn Hills. The older figures were so conservative that there is some compacity, but that would have to be studied and agreed to by all parties.

Trustee Steimel stated that at this moment it is not necessarily a big concern, it looks like one way or another they would be able to solve the services somehow, the question is which way do they go and whether they agree that is the way the Township wants to go or not. That is really for later, what they are looking at now is somehow it could be worked out for the sewer the

water is already there. He felt that the stubs that went in were good sized already anticipating future development in this area.

Engineer Landis noted that there was a 10" stub for the sewer on Catalina to accommodate future development. There is an 8" watermain on Catalina and an 8" watermain on the west side of Squirrel. They have looked at those using the Townships computer model and confirmed that there is adequate capacity for this development both from a water and sewer standpoint.

Vice Chairman Gross said that he doesn't have an issue with the townhouse development, what he did have a problem with was the density credit. Under the underlining zoning of (SF) they are looking at a density of ten (10) times of what would be allowed. Under the ultranet plan that they submitted under the (R-3) zoning which would be comparable to what is in the surrounding residential subdivisions it is about two (2) times the density of what is in those in the area. He thought that the density credit needs to be addressed and looked at more closely to be more in tuned to the surrounding areas. The difference between 260 and 165 is substantial and was a concern that he had.

Vice Chairman Gross questioned this is going to be available to empty nesters; are any of the units being proposed as one story or ranch type units?

Commissioner Walker stated that he has never had a developer come in and say their development is going to make the traffic worse than it is now, it has been his experience that it is true. He was doing some math about the number of units they are proposing verses the number of units that would be available under (SF), using the number they gave about 2.1 people verses 3.7 people and the number of cars and the number of trips, and it seemed evened up to him or their traffic would generate a little more traffic than it would be the other way. He questioned if there would be additional traffic study done?

Mr. Mocerri replied that he first wanted to address Trustee Steimel concerns regarding the sanitary sewer. Mr. Mocerri asked Engineer Landis if he could provide to the Board of Trustees and the Planning Commission a letter from the DEQ dated March 15, 2018 and it was specifically addressed to Mr. Prince and it is from the MDEQ and Mr. Prince is with the Oakland County Drain Commission. The Clinton Oakland interceptor which is part of the Clinton Oakland system it very specifically stated that for Clinton Oakland it went from 3.5 or 350 gallons per RAU to now it is 2.44 that is mandate it is not negotiable, so they have purchased capacity with the city of Auburn Hills. It still must go through the Board but there is an increase of 30% of their purchased capacity of the contract that they made with city of Auburn Hills by this DEQ letter dated March 15, 2018. Mr. Mocerri questioned if Engineer Landis had that letter and if he could make it available?

Engineer Landis replied that yes; they have a copy of the newest study for the published REU.

Mr. Mocerri replied so they purchased flow therefore the flow per unit has been decreased for single family equivalent REU from 3.5 to 2.44. Now a townhome is 6/10 of a RAU so it is not 244 gallons for a townhouse it would be 60% of that. To address Commissioner Walker's concern, he was correct there is more traffic in a 24-hour period versus a 124-unit development if it were (R-3). It is exponentially greater than if it was (SF) they are not hiding that fact. What is important and what they want to measure is the effective impact from (R-3) to their proposal. He is not be condescending to the fact regarding (SF) but he truly believed that in the entire area nothing has been developed in the last 25-years to that standard, even though there are some larger parcels along Silverbell Rd. At a 24-hour period using the Institute of Traffic Engineers there is more traffic generated from Lavender Ridge's proposal then if it was a single-

family 124 homes. What really matters is at the peak hours if there are ten (10) more cars between the periods of 9:30a-4pm they are not going to feel that impact, there will be more cars, but what is the impact of the vehicles at peak hours in the A.M. and the P.M. hours and that is in their traffic study. He felt what needed to be amplified in the traffic study is where if anywhere at any of the intersections do they affect more than 5% of the current base level of traffic, if their base level of traffic impacts an intersection by more than 5% then they are out of formula but they are less than that 5% they are in the 3-4% range they are well below that. What is their effective total traffic as with the baseline traffic is right now, and it comes to under 2% so what impact are they adding to the traffic; yes, they are adding traffic, but what is the baseline what is the current level of traffic the current number of trips on Silverbell and Squirrel and in the intersection's. The added traffic is in less than 2% range, they will explain that further, what was part of the next step of PUD process and they will amplify those statistics. They are working closely with the Townships traffic consultant together with their traffic consultant and addressing those what maybe further understood. Commissioners Gross had mentioned the density and density bonus. He understood that the gross numbers are double units, but he went through this exercise in Oakland Township, they were so focused on units and not impact when they did their senior housing community. Aunt Jennie who lives in a 1,000-ft. residence verses a 3,000-5,000-sq. ft. residence down the street; what is the additional impact, what is she adding to the stress and the services of the community? If they look at just the architectural impact, if they took 124 homes and took the average, if they are colonial the roof measurements are going to be approximately 2,200-sq. ft. plus the garage and today they are three (3) car garages there are no more two (2) car garages being built in this market for salability. If they added up the roof dimension the impervious condition plus the driveways of those 124 homes and they take the impervious condition of their 39 buildings and which they have attached garages underneath the dwelling residences, they don't have any more square footage so there is no more impact. He understood the density bonus, but they must look at impact, what are they really looking at regarding the two. If they were looking to build single-family in a PUD there is apropos bonus that they would receive, access open space. If he had 124 base plan unit single family for 70-ft. lots and he wanted to come in and do 60-ft. lots and have 20-acres of open space and he could get a density bonus of 20% in the PUD, 20% of 120 so he would get an additional 24 units, he would get 160 residential units, however, if he was to measure that impact of that bonus verses what they are proposing here they would have less traffic impact as compared to that. The ratio for single-family whether it is a 60-80 ft. lot, it is the same traffic counts in the ITE manual they don't reduce or give credit whether it is a 60 or 100 ft. lot the traffic impact is the same. With the density bonus if this was a single-family PUD using 156 dwelling units and using their traffic impact of 260 townhomes, they would be significantly below those traffic counts at peak hour. They would probably be closer at the 24-hour period, but traffic at 3:00am or 9:00pm is not where the complaints come from. They want to look at the density bonus as it pertains from single-family to single-family and traditional PUD this is a leap of faith and science regarding 260 residents of townhomes verse 124 residents as a single-family, they must look at the impact.

Vice Chairman Gross noted it is still over 100 units.

Mr. Mocerri asked what is the impact?

Vice Chairman Gross said he understood the math on the roof.

Mr. Mocerri replied as a factual professional in this area who has built more homes than anyone in the state of Michigan as a private developer except for Pulte. They have empirical data; these are the square footage of the homes that would be in demand today and they would be three car garages and the first floor would be 2,000 sq. ft. and then they would have a 1,200-

1,500 sq. ft. upstairs so it would be approximately 3,200 sq. ft. plus a three car garage, those are the facts.

Mr. Kianicky stated that they did a density study that he thought that it would be helpful. He distributed the density study to the Planning Commission.

Mr. Kianicky wanted to talk about Planner Novak's pointing out that the project is not in accordance with the Master Plan. In that same review the planner wrote that the Board shall consider reasons from deviating from the Master Plan which include the following: changes in surrounding land use or zoning; if you look at the zoning completely surrounding their site, the zoning is all special circumstances, there is no clear zoning classifications that meet the Township ordinances they are all special circumstances, consent judgement; the changes in the infrastructure such as roads or sewers, they have talked about that, all of the subdivisions developing around them brought in sewers and utilities. They talked about community benefits and design excellence. What he felt was the most fare for this infill parcel is that it is compatible with the densities that are surrounding them. It would not be fare for this one to be 2 ½ area lots it doesn't make sense, there would be a donut hole surrounded by completely different kinds of developments. What they did when they designed this was, they took a careful look at those densities, and as they pointed out they can't use units per acre as densities when they have a different type of a product. What he handed out gives them the actual real densities people per acre, and they are compatible with all the uses around them, they are considerably less than Stonegate West and South.

Trustee Steimel said that this whole area according to the Master Plan was supposed to be (SF) and a lot of it was they didn't have water or sewer they couldn't support it so they needed larger acreage lots and they had no plan on extending it themselves. There was a development that went in at first on the northwest corner of Silverbell and Dutton and they were going in with big homes with big lots, they built two of them and as part of that they had to improve the Dutton and Squirrel intersection and pave a little bit of Squirrel. Then another group came in and formed an LLC and came back with some stuff and basically went to court and it became a consent judgement and for that they got multi-family in that corner and then they got basically what they have now all this high-density. The northwest corner came in later and they said they didn't want to build multi-family, so they built single-family homes, but it was dense. They kept getting multi-family wanting to come into this parcel for whatever reason. Their reason is not to look at that this is what everyone wants, they try to stick to the bigger plan, but he did say that the bigger plan is indefensible and some of the other proposals that have gone and wanted to come in there, were horrendous, and obviously they didn't get the best. The traffic there is horrendous, driving that every day, at the peak time when it is basically stop and go almost all the way to Silverbell there are not that many cars coming out on the east side and trying to turn left and the few that are is because it is stop and go they are pretty much letting them in. There is a lot of traffic coming from the east, coming across Silverbell, because that left-hand turn lane to turn south from Squirrel it gets backed up. How much more are they going to add to that it is hard to say. The only way to not have much impact on the traffic is to do nothing there, they can't do that. The minute they build anything it is going to have more problems with the traffic; they still have the right to the certain amount they are just showing that their impact is not substantially greater, that is what they are trying to point out, what they could do. He really doesn't like those developments, he hates looking at the backs of those homes and he was hoping that something would come in that would help that, he doesn't want an extension of that, it looks bad. They are right about Remington, that was a joint decision between the Township and the people of there they must maintain that road there was an agreement between them. If they extended the traffic study, there may be something at the intersections of Squirrel and Silverbell as far as traffic signally there they may need.

Engineer Landis said that the traffic study does need to be revised and resubmitted because it needs to study those two intersections that they are talking about. It is possible that those intersections are operating at a level of service "D" right now and this may be the straw that breaks the camels back and puts them into an "E" which then would warrant some mitigation but they have to study that and show them what that may be. It is possible there may be some improvements warranted at both those intersections.

Commissioner Reynolds said that zoning is a tool to push development of property in the Township and surrounding areas in a direction that they see positive and a good fit for their community. Within that toolset he felt there are sub tools to utilize for properties to make them be a recognizable benefit and he felt that one of those tools is some of the zoning whether it be in densities that are existing, don't allow for all of the greatest benefits to be proposed based on how they have had it zoned for years. When they look at a PUD development as a toolset to bring forth kind of the greatest recognizable benefit for the community he felt like there are some key attributes of this project that bring forth with those benefits in regards to density credit and understanding that they are proposing "more dense development" than what could go there under (SF). Looking at the compatibility of adjacent uses it is not far off what is there. He asked the planning staff to bring forth some of the development and discussion of how some of these other properties adjacent, specific to a lot of people that came out tonight for public comment those were (SF) developments that were converted through many iterations to consent judgements and had much higher densities proposed. The criteria of providing a density credit of allowing for greater open land to be maintained, this property and this development is maintaining at least 20% they are providing more like 40% or greater. There are significant transitions that wouldn't be proposed in a (SF) development or something that they see in a single-family development which is directly adjacent to the south and to the west. Those are recognizable benefits and not to mention that whether it is a Township preserve or a private preserve that is a great use of the tool of PUD and especially if they need some additional density to get to that standpoint. He agreed that there are some concerns with the traffic and if they may or may not need to address that intersection as part of this development but thought that they are providing significant setbacks to all the adjacent properties. There are large berms there is significant planning. When they completed their Site Walk they recognized there was a significant grade change through the site, through the sections that they are proposing through concept they are acknowledging that that stepping which is something that isn't the most cost effective development tool to use a lot of other developers that they have seen come in they level the land to get the most amount of houses out of it, it doesn't seem like they are doing that here even though there is greater density being proposed in this parcel over other comparisons that they may make. He thought that from the standpoint of recognizable community benefit just from the preservation of open space is something that he always go back to and why they would utilize a PUD, he question however if they develop this parcel whether it be something as dense as (SF) or more dense than (SF) that they wouldn't lose and wouldn't necessarily preserve all of those natural features that they see here preserved in this plan. The Master Plan even though it does outline some separate comments as Trustee Steimel outlined previous development that they have kind of lost that game, but the Master Plan does recognize and encourages various densities and various types that would be a benefit to the community. In some of the other development especially those that have been proposed by this developer in Orion Township and adjacent communities is a product type that does hit some of those points in the Master Plan.

Secretary St. Henry stated that while he did agree that there is a shortage of single-family homes whether new or previously built in this community there is a shortage and people do want to move here and there is not enough homes for them. There is also a shortage of these transitional type of residences such as these townhomes for not just empty nesters, but there is a growing population of younger people that do not want traditional homes. If they are truly a



community that is inclusive, and they do want to keep folks of various age groups in their community they have to accommodate them for a housing prospective. This is not the first time they have wrestled with (SF) zoning and questioned if it was realistic or not. They as a Planning Commission have not done their homework when it comes to the Master Plan and reviewing the Future Land Use map and looking at these pockets that are still around Orion Township that are not realistic for (SF), there are very few pieces of property in Orion Township anymore that are available that make any sense for (SF), it is just a different time compared to 30-40 years ago when building on those pieces of property was affordable. Part of their job involves compromise and they have seen this repeatedly. He was surprised when he looked at the background materials of how many consent judgements took place to build many of these neighborhoods in this area of the Township. He wasn't interested in going to a consent judgement and he didn't assume that Mocerri would even consider that, but he wasn't interested in going there, when they can sit back and find some compromise because they all know that this piece of property, if it wasn't owned by Kelly for all these years it probably would have been sold years ago to another homebuilder. He felt it was incumbent on all the parties involved to possibly find some compromise. He agreed that the density was compatible or better than the adjacent communities, but this is also a different type of development and so maybe there is some room for some adjustments on that front. He agreed that they can't just look at density they do have to look at realistic impact on a community. He felt no matter what you put there, there will be traffic increases, they can go back and forth with different traffic experts on what those real impacts will be. This property will be developed, this does seem like the nature of the development is reasonable and needed and with some tweaks he felt they could find common ground that everybody will be comfortable with.

Commissioner Reynolds stated regarding a traffic study, if a motion was to be made tonight that would be one point of concern to him, so they are covering the adjacent intersections and there would be some discussion point of it either coming back or there be a trigger point if there were major concerns raised with the impact of this development.

Secretary St. Henry agreed with Commission Reynolds. He was surprised that the original traffic study did not include a review of those intersections, those intersections are bottlenecks.

Mr. Mocerri replied that they did, Nancy Standish, the Chief Engineer for this project and they did look at that. One comment he made regarding Trustee Steimel, traffic traveling from east going west the reason for that is because of Van Hoosen Junior High, if those kids took the bus, they wouldn't have two trips going in and out. It is not because of Adams High School because the high school kids drive their car and they park, and they go inside the building. To watch the row of cars coming in and coming out and generating two trips and the roads were never designed for this because there are buses and the buses are empty.

Mr. Mocerri stated that they do have many ranch designed residences throughout the community. People have freedom to choose where they want to live, and we want to accommodate that freedom of choose. Orion Township has considered themselves inclusive and they have designed Lavender Ridge to be part of that exclusively, including ADA sidewalks throughout the entire community. When it comes to the (R3) and the 124 and when it comes to studying those intersections if he was to come in with a (R3) proposal of 124 homes they have less stress at those intersections at peak hour with their proposal. If they had homes butted up against the rear end of these homes on Squirrel Rd. and then pushing all the way to the open space to the north corner of the property then he would have to cross the wetlands going to that open space the 35 acres he would have to build a road there across that and then add another intersection onto Silverbell Rd. and those rear end of those homes would be against Silverbell Rd. They are going to have world class architecture fronting Squirrel Rd. and landscape features that they would never experience otherwise if these were single-family homes. This is

going to be comparative to Adams Rd. and to the south of the property boarding Stonegate communities they had this huge berm and its separation verses rear-end to rear-end tunnel of 70-ft. homes.

Ms. Nancy Standish, Giffels Webster Traffic Consultant, stated that they did look at the adjacent intersections and the level of service that is currently there. There was some additional detail that the Township Engineer has asked for such as crash data which since the report was done they did get some crash data on the intersections and they are double checking their timing permits but as the reports stood the level of service at specifically Dutton and Squirrel was poor and it might have been at the boarder level of poor and very poor, so this development kind of pushed it over to very poor. It didn't go from a level of service "A" is the best and "E" is the worst, it didn't go from a "C" or a "B" all the way down to an "E", it was on the boarder line to begin with. This development does produce less traffic than single-family and that is because of the demographics and the less population. Young professionals a lot of them either are working off hours or are working from home. They have seniors that don't have to travel during peak hours. They are refining the information at the intersections but nothing in their original study did anything stand out at those intersections that caused any alarm worse than it is.

Commissioner Walker questioned if they would be willing to work with them on their request, or are the things they presented to them what they want?

Mr. Mocerri replied that as far as the site is concerned, he wanted to be very careful in that he doesn't want to reduce the level of residences for the need and the demand. There are some things because at the same time the economy is a scale for these community facilities if they could constrict the number of residences down, they don't get the same quality as the economy of scale regarding the landscape and the buffering that they have done, they have mitigated that sustainably. There are some things regarding road and traffic, there are some things that they would listen to in regards to things they have done in other communities including what they worked out with Heron Springs as that contributions for an intersection fund, contributions for other mitigation circumstances whether it pedestrian or vehicular. There are certain things that they cannot construct because they have the Road Commission, Township and a boarding community in Auburn Hills, but they would subject themselves if they had to contribute to an impact fee fund for a specific intersection improvements that need be in the future is studied and determined by the Township Engineer and the Road Commission. Squirrel Rd. when they improved it became quite compromised when Ann Doyle who was on the City Council said they cannot take down that tree and they had to narrow it down from a boulevard to a very narrow road section. He didn't see Auburn Hills go in there and condemn the land to the west to shift the road over and make wide so there wouldn't be that problem at Dutton and Squirrel, it pinches there and it that pinch should not have occurred. There may be some long-term conversations with Auburn Hills to "ok you didn't want the tree to come down, but you didn't offer the widening in front of your house". They had a city council person that wanted to save the tree and he felt yes, it should have been saved, but they could have shifted the road to the west, and they could have made the lanes wider. In regards to reduction in the number of units is not in the cards but to contribute to what are some of the key concerns to reduce the impact of what they are presenting, they are game for, and that includes a left hand turn lane all the way from the second entrance and all the way to Silverbell Road. They are open for making their plan better, safer and mitigating the traffic. They have future residences; they will not be able to occupy a single residence in there if all they hear about is traffic. They are going to have the same amount of traffic at peak hour if it was single-family and they wouldn't have all these open spaces and all these other architectural benefits that they have presented. Through the next step they can work with the Townships consultants and take in some thoughts from themselves and include those into the plan. Mr. Jacobson with his experience would not be where he is and be as successful if he had his arms folded, we must work with the community.

Commissioner Walker questioned they will not consider a reduction of the number of units?

Mr. Mocerri replied that they may increase the number of ranch units but that is a topographical constraint. There is a certain breaking point by which then they reduce the number of persons that they are going to serve and at the same time reduce the allowable benefits of this intense landscape feature. If he was to take 10 units out, so he has reduced the traffic by nothing but what it has done was reduced his ability to operate as efficient and the clubhouse and the number of amenities. The plan is not going to look any different as far as the surface and from the viewshed of the people driving by there, that exercise has been asked over and over again and what it comes down to is they have to look at the sustainability when he is gone what can be maintained in 30 years and how can this be sustained and maintained at a reduced number of residences that contribute to the ability to maintain such a beautiful landscaped area. When it comes to mitigating traffic and other things, they will look at that.

Vice Chairman Gross said that he had a tough time justifying that amount of increase in density. Eligibility he thought he could see all the rational for the eligibility.

Commissioner Reynolds commented regarding the number of units and general densities is that they are also looking at 700-1400 sq. ft. units, everything is under 2,000 sq. ft. When you compare some of these numbers square foot to square foot range it is not necessarily a one to one comparison, yes, there is definitely a density credit being asked for but for him the general density of it as it relates to preserving the open space and look favorably on the density more so than looking at it singularly on a unit basis, they were looking at a small unit type that is market driven verses if they were a single-family home they were looking at a 2,400 sq. ft. home or if they are looking at (SF) those homes could be 5,000-6000 sq. ft. If that whole entire property was developed (SF) they probably would have half the square footage of building area, but they would not have preservation of open space like they do in this plan. He doesn't look as difficult on the density credit being asked for.

Moved by Commissioner Reynolds, seconded by Commissioner Garris, that the Planning Commission forward a recommendation to the Township Board to **approve** PC-2019-47, Lavender Ridge Planned Unit Development (PUD) Concept plan, located at a vacant parcel on the southeast corner of Silverbell and Squirrel Roads (09-36-226-001) for plans date stamped received September 3, 2019. This recommendation to approve is based on the following findings of facts: In regards to the Density Credit the applicant has demonstrated design excellence in the PUD and has address at least two of the following elements: 1) the high level of clustered development preserves at least 20% of the PUD usable open space 2) significant perimeter transition greenbelts are provided 3) preservation and design that preserve natural features has been proposed 4) there is a donation and contribution of land amenities that represent a significant community benefit. In regards to Eligibility for PUD: The applicant has met the following eligibility requirement of Section 30.03(B) of the Township Zoning Ordinance and has met the intent of the (PUD) as stated in 30.03(A) of the Township Ordinance: seeing that 35 of the 76 acres are maintained the Master Plan encourages a variety of densities within developments within the Township and encourages the preservation and protection of open land and extensive landscaping, berms and natural topography has been used in the development; high quality architectural design features are presented; multi-family use that is presented is compatible with the adjacent single-family homes; privately maintained onsite maintenances is provide. With this recommendation to approve is subject to the following conditions: Fire Marshal comments be addressed; engineering plans as his review submitted tonight; Planners recommendations to address end to end deficiencies between units be addressed, which may include the reduction of units being proposed; all of the OHM comments to be addressed specifically those and would like to give them a chance to rereview the traffic

study and if there is any designation that would kick the proposed development in regards to traffic that there would be concerns with the adjacent intersections or traffic along Squirrel or Silverbell Road that it would come back to them for review.

Discussion on the Motion:

Engineer Landis clarified that on the end to end comment it was his understanding that the analysis review was done with respect to the multi-family requirements, however, within the PUD Ordinance under the multi-family section there is allowance in a minimum that, that be maintained at 20-ft. which is what the applicant is meeting. It is something to consider, not sure that they want to hold them to 30-ft. when the PUD Ordinance does allow them to go down to 20-ft.

Commissioner Reynolds amended the motion, Commissioner Garris re-supported, to remove the 30-ft. end to end setback being maintained.

Planning & Zoning Director Girling wanted clarification if something is found in the traffic study are, they speaking before it goes to the Township Board or after? Is she holding to not send this to the Township Board until after they receive the revised and it is rereview by OHM or is she sending it to Board and then it must come back after the Board?

Commissioner Reynolds replied that if they justify improvements to that intersection as the applicant has mentioned regarding a contribution towards the impact of the development, he would be fine with it going to the Board with that motion as something that they review in the future.

Secretary St. Henry questioned if they had included in the motion an avenue for discussion on a compromise or some agreements regarding traffic flow and contributing to funds, is that built into the motion?

Mr. Mocerri stated that they would concur with that if they wanted to add that to the motion.

Commissioner Reynolds said that he was fine with it going to the Township Board if there is a review of the traffic study that there is a significant negative impact to the adjacent roads and the intersection and that would require improvements or would justify improvements that they would ask the applicant to contribute towards, that would be a clarification of the motion that is on the table.

Trustee Steimel noted that it sounds like it was more between concept and final, this going to come up in final.

Commissioner Reynolds felt that there were still other things to sort out here.

**Roll call vote was as follows:** Gross, no; St. Henry, yes; Garris, yes; Walker, no; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 5-2**

## **8. UNFINISHED BUSINESS**

None

## **9. PUBLIC COMMENTS**

Christopher Stanek, 4669 Ottawa Dr., stated he knew the topic was over, but he wanted to let them know his disappointment in their disregard of the public's opinion and of their already documented Master Plan.

Tom Rypina, 1293 Irene Ct., said it was a very educational experience being there and going through this. He came in with a firm no on this and now he can see they believe this is inevitable based on in the court they would be forced to rezone this. He concurred with Commissioner Walker definitely work with them to get as much out of this as possible to get some relief, and then figure out what they can do to address Squirrel in the future, work with Auburn Hills, it is not sustainable, separate problem.

Vice Chairman Gross wanted to qualify his no vote by saying it is relative to density only.

Secretary St. Henry commented that these all can't go to consent judgments they have to find a way to find some compromise. If they look at all the adjacent communities around that he could see where they would have very little legs to stand on. From that perspective if they are not happy with everything but some or a lot of it, that is how they must make these decisions.

#### **10. COMMUNICATIONS**

None

#### **11. PLANNERS REPORTS**

None

#### **12. COMMITTEE REPORTS**

Site Walk Report for PC-2019-47, Lavender Ridge

#### **13. PUBLIC HEARINGS**

PC-2019-48, Cottages at Gregory Meadows, October 16, 2019 at 7:05pm.

#### **14. CHAIRMAN'S COMMENTS**

None

#### **15. COMMISSIONERS' COMMENTS**

Commissioner Reynolds said they are coming up on their review of the Master Plan, and taking a look at some of these areas that as they have developed along the way there is a lot of history and why sites are the way they are or developers rolling along but spaces that are spot zoned or do they still have that intent and he thought it was important with this Master Plan discussion to get people involved in some of these discussions long before a project shows up. Their job is not just one night on one Wednesday a month, but they are there continuously year-round and utilizing their staff and the planning and engineering consultants to have these discussions and have some forethought into what motions they are making tonight.

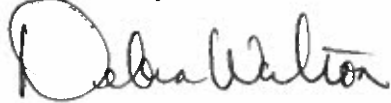
Trustee Steimel asked if you go on UTube, you can look at the movie, Into the Storm, and it was filmed on those properties that are Stonegate.

Secretary St. Henry stated that when they do go through the Master Plan again it would be great if the Planner could provide them with a list of all of the pieces of property like this, that they really need to take a close look at and figure out if they need to switch some things up, because this is pretty obvious that this is not going to be developed as a (SF) development.

#### **16. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, to adjourn the meeting at 10:12pm. **Motion carried.**

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

October 16, 2019  
Planning Commission Approval Date