

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING, WEDNESDAY, DECEMBER 18, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 18, 2019, at 7:00 pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

### **PLANNING COMMISSION MEMBERS PRESENT:**

Scott Reynolds, Commissioner  
Joe St. Henry, Secretary  
Don Gross, Vice Chairman

Don Walker, PC Rep to ZBA  
John Steimel, BOT Rep to PC  
Judy Ryan, Commissioner

### **PLANNING COMMISSION MEMBERS ABSENT:**

Justin Dunaskiss, Chairman

### **1. OPEN MEETING**

Acting Chairman Gross opened the meeting at 7:00 pm.

### **2. ROLL CALL**

As noted

### **CONSULTANTS PRESENT:**

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

### **OTHERS PRESENT:**

Dominic J. Mocerì                      Manny Kianicky  
Matt Schwanitz                         Scott Jacobson  
Nancy Standish                         Dominic F. Mocerì  
Debra Walton

### **3. MINUTES**

A. 12-04-19, Planning Commission Regular Meeting Minutes

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

### **4. AGENDA REVIEW AND APPROVAL**

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

### **5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None heard

### **6. CONSENT AGENDA**

None

### **7. NEW BUSINESS**

A. PC-2019-47, Lavender Ridge Planned Unit Development (PUD) Final Plan, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001).

Mr. Manny Kianicky with SR Jacobson Development Corporation presented.

Mr. Kianicky stated that on October 2, 2019, the Planning Commission recommended approval for the conceptual plan, eligibility and the density for Lavender Ridge as a Planned Unit Development (PUD). On October 21, 2019, the Township Board conditionally approved the Lavender Ridge (PUD), the concept and the eligibility plan.

Mr. Kianicky said that as part of their submittal they also prepared a draft development agreement for the project and included in that development agreement is their commitment to providing the funds for public benefits. The public benefits consist of improvements to Jesse Decker Park in conjunction with the development of the project. Those improvements include paving of the existing gravel road between Remington Drive and the north parking lot of the park, the construction of restroom facilities just southwest of the existing picnic pavilion, the construction of a firepit off the east end of the sledding hill, the installation of a new 2" crushed limestone gravel surface over the existing south parking lot in the park, and the construction of a new park entrance sign at the northwest corner of Remington Drive and Squirrel Road. As an additional public benefit, they are also adding the development of a pedestrian plaza with benches and landscaping on the southeast corner of Squirrel and Adams Road as an attractive focal point at that corner and a convenient rest stop for bikers and walkers.

Mr. Kianicky stated that over the past couple of weeks they have received the reviews from the Township relating to all the plans and materials that they had submitted, including the Township Planning and Engineering consultants, the Fire Marshal and the Department of Public Works. To clarify and understand some of the comments they received, they recently met with the Township staff and Engineer and at this point, they were able to say with confidence there are no significant outstanding issues related to the Townships review comments and they fully expect to be able to address all of the concerns in the revised final site plan which they will be preparing immediately after receiving any additional comments from the Township Board at the next meeting.

Planner Novak read through her review date stamped on December 12, 2019. Planner Novak added to her review a comment that the Township typically measures setbacks from porches and the applicant had measured from the actual building.

Engineer Landis read through his review date stamped on December 12, 2019.

Secretary St. Henry summarized some resident letters that were received after the October 2, 2019 PC meeting and before the Board of Trustees meeting on October 7, 2019.

Mr. Joe Giordano, 3993 Ridgemont Ct., Oakland Twp., stated that people have said that this project will reduce the value of the surrounding homes, but he did not feel that way. He said that Pulte, with 300 homes, and if they were single-family dwellings, he felt that would affect the property values. Mr. Giordano asked if the open space would be owned by Mocerri or the Township? He didn't think that the Township wanted the open space property? Acting Chairman Gross replied that they would find out.

Mr. Dominic Mocerri with Jacobson Mocerri Orion, LLC, presented. He said that there are 34-acres of open space to the east of their development area. It will be preserved in perpetuity with the conservation easement on there and for open space. The Township Board preferred not to own additional parkland at this time and will be privately owned but for the public use. They will have plenty of insurance on the property, for passive recreation only. The great advantage of that is for the development they will not have additional curb cuts on Silverbell Road.

Mr. Mocerri added that at the south end of Lavender Ridge there is a 10-ft. berm separating the Ravines subdivision and the proposed Lavender Ridge. The distance between their nearest

building and the nearest residents is over 170-ft. versus if they were back to back, they would only be 35-ft. rear yards a total of 70-ft. and that is what they would have if it was conventionally built as a subdivision. There would not be a 10-ft. berm with pine trees anywhere from 10-14-ft. planted from day one. On top of a 10-ft. berm there will not be visible residents from the Stonegate Ravines community to Lavender Ridge. Along Squirrel Road the extensive amounts of landscaping, no rear buildings are facing Squirrel Road, which is a great improvement ecstatically. The setbacks and the architecture they believe is world-class.

Mr. Mocerri presented the material boards to the commissioners showing the materials that they would be using on the Townhomes. He felt their materials were classic and are going to resonate for generations. This is similar to the architecture they did in Oakland Township.

Mr. Mocerri stated regarding the clubhouse, they have supplied, but not for the review time, the dimensions for the clubhouse. There is a dimension plan, and the height, length and all the conditions are within the ordinance limits.

Mr. Mocerri said they have two (2) boulevard entries. They have two (2) signs that would qualify under the ordinance. The third sign is at the corner of Silverbell and Squirrel, they are approximately  $\frac{1}{4}$  of a mile from the corner of Silverbell and Squirrel, so that is why they have a marketing sign there. The marketing signs were submitted with the dimensions, which all meet ordinance. They will have to go through the permitting process with the Building Department to confirm that. They are internally illuminated and are 24-sq. ft. which conforms to the ordinance. They are bronze anodized and would be considered permanent. This is a for-leased community and in a for-leased community approximately 35% of the residences turn over each year. In this instance, they would have over 80 residences which would be accrued to seven (7) residences per month or nearly two (2) per week that they are marketing, so it is consistent marketing not a temporary. Those signs will be intended to be permanent. They recognize that two (2) are permitted, they would consider, they have a sign at each boulevard, the south boulevard sign upon completion of the community they would remove that one and keep the one permanently at the corner of Silverbell and Squirrel and the one at the main north entrance. At the time of completion, they would remove that southern sign at Provence Blvd., that one would be temporary the other two would be permanent.

Trustee Steimel said he did not remember seeing details regarding the signs.

Mr. Mocerri stated that they are double-faced signs but meet the requirements for the ordinance. They do exceed the amount of signage with the third sign, but at the completion, they would remove that sign on the south entrance. The edge of the signs would be the anodized metal and it is self-contained, so there is not any wolmanized wood exposed. They are no lights that shine on it they are internally illuminated. The panels on the signs can be removed seasonally but would have to conform with the Building Departments as they change out those faces.

Secretary St. Henry asked if the signs were 6x4? Mr. Mocerri replied yes; 6x4, 24-sq. ft.

Acting Chairman questioned if it would interfere with traffic visibility coming in or out? Mr. Mocerri replied that would be part of the permit for the sign to make sure the sight distance would not interfere with the entrance or exiting of the property before they are installed.

Commissioner Walker said that it seemed to him from the reviews that neither side thinks that there will be a significant impact in traffic. Commissioner Walker asked Engineer Landis if that was correct? Engineer Landis replied that there would not be a significant impact that would warrant any mitigation. There will be some impact as with any development. It didn't put any of the intersections into a level of service "E" which would be failing and require mitigation.

Commissioner Walker said he was having trouble as a citizen thinking how the traffic patterns are now, as it is in most of the Township, and adding 260 more residences with either one or two cars, and one or two in or outs every day would not be significant.

Engineer Landis stated the results of the study show an increase of about 2 or 3 seconds at most, at each leg of the intersections, additional delay.

Acting Chairman Gross asked if there are adjustments needed, to the timing of the traffic signals; would that be handled through the county? Engineer Landis said that there was not an indication to make any adjustments, but the county could always adjust those at a later date if they feel that the traffic counts warrant it.

Commissioner Ryan asked how close to the limit of where mitigation is required does that move that area? Is it getting close where there would be action required or is it still significantly below that level? Engineer Landis said he wasn't sure he had that answer. He said the worse level of service was a "D". He asked if the applicant had further clarification on that? The study indicates that the worst intersection was level service "D", the northbound leg of Squirrel and Silverbell and northbound Squirrel and Dutton.

Secretary St. Henry said so what you are saying is the traffic is already crappy so it is going to get a just a little crappier? Engineer Landis stated that the traffic is bad, both of those intersections are currently a level service "C". Taken into consideration future background traffic which accounts for population growth and other development, it is projected that both of those intersections will be at a level of service "D". By adding in this development on top of that they are still at a level of service "D". Secretary St. Henry noted that it was not catastrophic.

Commissioner Ryan asked how much closer to a level "E"? Mr. Mocerri replied as compared to the current zoning it is too far to discuss. What would be reasonably developed at this location at the same density and lot sizes as the Ravines? They have demonstrated that they have less traffic at the two peak hours. There is more traffic during the 24-hour period. At peak hours, 7-8 am and 5-6 pm, they generate less traffic. They were asked to do a study to do a standard deviation which means to go to the next level of intensity of development and what is that stress factor if the traffic study that they did was incorrect, and that is in the Township ordinance. When they provided for that there was a very insignificant difference as far as their impact. The background traffic, the new traffic coming in, there are outside influences outside of Lavender Ridge into the future. Whatever is put on this property whether it single-family or Lavender Ridge is going to have an additional impact, but it is insignificant as to the total amount. The total traffic amount added to the current without the background with the Lavender Ridge is less than 2% of the daily traffic at the intersections. They also need to look at what it compares to if it was single-family, and there is virtually no difference.

Mr. Matt Schwanitz, with Giffels Webster, stated that the biggest impact with the traffic over the long haul projected is not their project, it is the growth of the background traffic. What is generally accepted as standard analysis practices for traffic generation they are equal or less than a single-family project, because of the character of the use. The ordinance requires a very conservative approach to add this standard deviation to see if it is a little off, they are virtually at par.

Secretary St. Henry asked comparing a traditional single-family home neighborhood to this development, describe the differences and the type of people that will be living in their development versus a typical single-family home? Mr. Schwanitz replied that they have a lower family count, a lower population per unit. There are several benefits to this, less water is

consumed, less sanitary sewer is generated, the peak hour as it relates to traffic is the biggest difference, there are fewer people that pass the peak hour at par or less than a single-family development. More people exiting per unit in a single-family detached home project than in any kind of an attached product.

Secretary St. Henry asked if they could provide the square footage of these buildings and the general price points? Mr. Mocerri replied that the townhomes are 1,275-1,625 sq. ft. The majority of them are two bedrooms, there are three-bedroom options that they have but what happens is the square footage is the same, the den becomes a bedroom, but for the most part, they are going to be two-bedroom townhomes.

Mr. Mocerri added that the traffic indicators under the Institute of Traffic Engineering (ITE) manual have set for a tremendous amount of studies in the realm of thousands of different communities and they update it every year. The number of trips for a townhome community is approximately 5 trips per day, for a senior community is 2.4 trips per day, a single-family dwelling it is over 10 trips per day. If you do the math regards to the single-family dwelling, which they did a test plan of 125 single-family residences and right now the (ITE) has put that up to 12 trips per day for single-family because of the number of activities that children have at school. Also, with all the deliveries and multiple lawn service companies coming to fulfill the maintenance of these homes. Under the multi-family aspect, one company comes in and mows the lawn once a week, versus multiple companies coming in. They did solve some of the problems with the single hauler pick-up, which they would have a private pick-up, but they had multiple haulers in subdivisions. So, there is a correlation with less traffic per residence and if they do the math there is going to be slightly more traffic with the 24 hour period but there is less traffic leaving in the am hour and coming back in the pm hour. It is at par when they stressed it to the standard deviation so they are slightly more. He felt that it was a good exercise, at first, he was nervous, but it did not have much of an effect at all.

Mr. Mocerri said the price point would be \$1,725 - \$2,400 per month. That relates to more than the mortgage payments of the homes in the Ravines right next door. There is high qualification as to the typical resident in a multi-family community regarding the pre-qualifications their monthly income would have to be three times the rent. The monthly income to qualify to come to Lavender Ridge would be approximately \$68,000 as a minimum. Most of these will be two income earners, but it is higher than the average income of the MSA for Orion Township which is \$58,000 depending on the household, with the new census it is going to approach about \$63,000.

Mr. Schwanitz said that if this was developed as a single-family subdivision, they would have a minimum of one possibly two more cuts on Silverbell Road to handle the isolated upland area that is now being left as parkland if they did conventional single-family lots on that. They would have that consternation too as it relates to traffic patterns on Silverbell, which is not happening now.

Trustee Steimel noted that there are 260 more homes, that is what everyone says, but they have to remember what they would have had if it was developed as single-family homes. So, it is not like it is 260 more units and they have seen the justification of 160 single-family and what they would have had if it was developed as single-family homes, looking at the traffic count, but the impact is what they are trying to show is not that much difference. There are going to be more people on the road, that is the way it is, something is empty now and it gets developed there is going to be more people on the road. There is a certain amount of impact that they are allowed.

Mr. Mocerri stated that if they measure the rooftops, and if these were 125 single-family homes there would be more square footage of rooftops, there would be a more visible impact from an aerial perspective if it were single-family than the square footage of the rooftops of the multi-family. They have calculated that and there are about 15% less impervious conditions on the roof. There is a less impervious condition with roads and driveways, so there is less impact as far as the drainage requirements and the impact on the storm system. Everything is facing forward, there is not a rear elevation. If they look at the joining communities with the rear of the houses backing onto Squirrel Road the esthetic is alarming as compared to how beautiful that they are front-door facing with the berm and the lavender and it is a whole different look, as far as the sightlines and the viewshed. With the (PUD) they would not get this type of level of detail for a conventional subdivision.

Commissioner Reynolds said he wanted to comment on traffic, he is familiar with the some of the other Mocerri developments specifically Mocerri development of Herron Springs, the traffic impact that he has witnessed there is not as bad as what they would think there would have been. Not that there isn't an effect there but seeing some of the data and looking at the traffic patterns and seeing that it is not detrimental it was not one of his major concerns.

Commissioner Reynolds stated that he wanted to talk about the signage. He felt that some of the marketing signage and doing some of the math, the ordinance allows for temporary signage of 32 square feet total for a period not to exceed 30 days. If you take a look at some of the marketing signage if it is going to be permanent, even with the 2-ft. base there is some signage area that is 192-sq. ft. total of signage. With the development, in general, they would be allowed 35-sq. ft. per side for the actual development signage. He wasn't in favor of having five (5) permanent signs throughout the entire development, he would rather see the 70-sq. ft. total at each entranceway and they can do that however they like but did not like the much more impact on the (PUD) for additional signage for the development.

Acting Chairman Gross thought that signage at the intersection of Silverbell and Squirrel would be an appropriate permanent sign to identify the project and then maybe one (1) rental sign at an entrance.

Commissioner Reynolds stated that there would be a significant increase over what they would allow or regulate for any other development. They allow for a banner sign to be 32-sq. ft. total they don't speak to how many, that is probably one (1), even with two (2), it is 32-sq. ft. total with a 4-ft. from grade banner. That is one of the biggest temporary signage but it is not to exceed 30-days. All other residential developments we allow one (1) sign per entrance with 35-sq. ft. per side, so 70-sq. ft. total. We are effectively doubling if not more than that, the signage for this development over others. He is not against them having at least 70-sq. ft. total for the development signage at entranceways but they are talking about a lot more signage with permanent leasing or advertising signage. He is for temporary signage of a larger size, but for the long term, it seems like five signs for the development is a lot.

Acting Chairman Gross questioned where the signs are at? Ms. Nancy Standish, Giffels Webster, replied that the signs are at the boulevard of both entrances.

Commissioner Reynolds said so they would allow 35-sq. ft. per side of that sign times two (2) because they have two (2) entrances.

Trustee Steimel stated that they do not normally have marketing signs at developments. Commissioner Reynolds said correct; they allow two (2) entrance signs and allow temporary signage but beyond that, they are talking about double or more than that for permanent signage for the development. He thought it was excessive, and felt they could do a lot with 35-sq. ft.

One side of their banners right now with the base is 32-sq. ft. per side for the advertising and that is a sign is effectively 4x8.

Secretary St. Henry asked, do they allow the marketing signage up all the time or do they limit it to a certain amount of time when this development is first opening up? Commissioner Reynolds replied both; quantity and period is the discussion. Right now, they want two entrance signs, they can have up to 140-sq. ft. the total between the two entrance ways. They are bringing forth another 192-sq. ft. of additional marketing signage. They would allow this development if it was a standard by right use of 140-sq. ft.

Secretary St. Henry questioned if they have an ordinance call out regarding marketing signage? Commissioner Reynolds replied temporary signage yes. They can't govern what they are saying on the sign it just all comes down to the area. In the temporary signage ordinance for the area, there is a duration of displayed no longer than 30-days in a calendar year.

Mr. Mocerri stated that the south sign that they said that they would put and remove at the end of construction, they will just eliminate that third sign. They are just going to eliminate the sign on the south boulevard and the marketing signs they have will abide by the ordinance. If they have to renew the sign permit after a certain amount of time, they will do that also. They put the signs on the boulevard very low streamlined and a very delicate approach it is not garish it is very low lying, that is the permanent sign. They do need to explain to the public what they are, that is with the marketing sign. Because of the leasing properties, it becomes permanent but if they have to, through the ordinance, or otherwise renew the application they will do so and felt that the Township will be reasonable with recognizing that there is a natural purpose for that.

Mr. Mocerri showed the marketing signs to the Board. The additional 2-ft. normally is not skirted, so that skirt that says SR Jacobson and Mocerri that is a skirt. There is a post in there and normally they would see through that and so they skirted it. If there is some consternation with the Mocerri and Jacobson they could fit that above, so they could leave that skirt blank if that is confusing the matter regarding the total square footage. He wanted to make clear that the bottom banner is a skirt, that skirt is going to be there regardless and did not believe it should be counted in the square footage and will take their logos off if necessary.

Commissioner Ryan asked so they would leave the skirting their but take the names off? Mr. Mocerri said absolutely. Commissioner Ryan thought that would help a lot. Mr. Mocerri said they will take the names off the skirting, he felt they needed to skirt that though.

Commissioner Reynolds said that the minute you put something on the sign it is now part of the signage area. The other sign at the entranceway, they are only counting the Lavender Ridge text portion, the maximum height and width. The rest of the masonry portion of it they are not counting towards that. He also wanted to point out that this is a (PUD) so this can deviate both positively and negatively so they need to lock this in and make sure they are clear on the duration and the amount that they are allowing them to have.

Secretary St. Henry said that these marketing signs are advertisements and the Mocerri name is well known, and he felt that they would want to keep that brand on these signs. It is a (PUD) so they have some flexibility. If they move forward with this development, he would want to make sure that the people are very aware of this development and what it is all about to fill it up with the right people. He would consider putting a time limit on the marketing signs, after a while they will need less marketing and so at that point, if they decide to let them keep the marketing signs up for one (1) year versus a month as part of (PUD) agreement, he would be comfortable with that, but not permanently.

Commissioner Reynolds stated that he looked through the ordinance and they are asking for more than double in area. If they say they can keep the temporary signage for one (1) year it is 12 times longer than what they allow any other temporary signage, the ordinance allows for 30 days.

Secretary St. Henry asked if there were comparable developments like this in Orion Township? Commissioner Reynolds replied Herron Springs down the street. Secretary St. Henry asked what did they do with Herron Springs when that was built 10-15 years ago? Trustee Steimel said that there was a sign like this that ended up going up. There was a lot of back and forth with the Township. What they would normally consider the identification sign ended up being a marketing sign, that is the way Herron Springs is, it is there right now, it is not a temporary thing. Planning & Zoning Director Girling stated that it was not installed initially and it was requested to be installed and they found it was within the consent judgment the exact sign size and so that is how it ended up being put in.

Mr. Schwanitz noted that the Herron Springs sign is larger than the one they are proposing here and is not on the same scale. This is through phasing construction and leasing this is a 4 ½-5-year project it is not all going to be built in the same in the year. Interrupting that period where they have to take out leasing signs and they have additional phases coming in, it is more than an inconvenience, they need a presence through the entire construction and phasing process at a minimum.

Trustee Steimel stated that he is making it seem like a slightly longer-term temporary sign and yet that is not the description he got earlier where they got people moving in and moving out all the time so they wanted the signs there. He did understand, if he goes and looks at other Mocerri developments, that is the way they are. That sign is a marketing sign that's identifying it, it is always there.

Mr. Schwanitz said that he is speaking to the bare minimum, for the project. They will be under construction for that period and leasing it through at least that period is extremely critical. It is also critical throughout the entire project and its entire life.

Trustee Steimel noted that they are trying to understand what they are agreeing to and if they want to agree to it. A temporary marketing sign is one thing, but this was described more like a permanent marketing sign, it is going to be there all the time. They thought that they had already concluded that the one on the south boulevard they don't want, that goes over what could be there. He understands wanting to move one out on the corner. Taking what they could have at the southern boulevard moved it up and thought that they would put the other one at the northern boulevard because that is where their office is at. If they move their name up and keep it off the skirt so they keep the area of the sign closer to what is normally allowed, he would prefer that rather than turning the skirt into part of the sign. They are trying to get it down to what is allowed as far as the height, they don't want to agree to too much bigger and how do they justify that in the future. If they move the name off the bottom of the skirt, he liked the skirt, he doesn't like the empty look underneath unless there is a lot of landscaping around it.

Commissioner Reynolds stated he understands the marketing point of view, it just seems excessive to say we are going to allow five (5) sign opportunities when everyone else would get two (2). There is some give and take on this project, there is more open area, therefore it is further from the corner, you need a marketing opportunity on the corner, so let's allow the third sign. He is just not in favor of allowing five (5) signs tonight, they have eliminated one (1), so they are talking about two (2) development signs and two (2) marketing signs. A banner they allow 32-sq. ft. so if they want to go ahead and part of their two (2) entrance signs that they have, they can't regulate what they say on it, but they have 35-ft., two (2) on each side to play

with at both entrances. He thought there was nothing else without maybe the corner based it being a (PUD) to say this is so special that you get two (2) entrance signs plus two (2) marketing signs and then one (1) on the corner because they are on the corner. If it is a long-term marketing sign, that is something, but that it can either be the entrance sign or the marketing sign.

Commissioner Ryan questioned that the ordinance reads that they should be allowed the two (2) entrance signs that say Lavender Ridge and then technically these other marketing signs would be viewed as temporary? Commissioner Reynolds replied yes; the ordinance allows up to 32-sq. ft., it doesn't say what side it is insinuating a banner as one, so each of these is 24-sq. ft. without the base per side, times that by two (2) and that is 48 x 2. They are more than doubling the signage area, so he felt they all needed to be on the same page because it is a (PUD) about what is being provided here and what they are moving forward as part of the motion. They are the recommending body but just as clarification, initially they were at five (5) now they are down to four (4).

Commissioner Ryan questioned where the signs will be placed? Ms. Standish showed the board where the signs will be located.

Commissioner Ryan asked what the proximity between the Lavender Ridge sign and the marketing sign, are they right at the end of it? Ms. Standish replied that they will be pushed back a little bit so they have a clear vision, for people entering and leaving. They will be more in front of the boulevard.

Commissioner Ryan asked if it makes sense if they are not going to do the sign on the south end then the one on the corner becomes that. Can they somehow make the two be together so that they can be considered one (1) sign each for a total of two instead of four (4)?

Commissioner Reynolds said if they looked at this as any other development, and he understood it was a (PUD) and they are going through this process. Usually, he starts as a baseline as a Straight Zone so to him 35-sq. ft. per area per sign of each entry is a good amount to play with that is more than they are talking about for the marketing sign. If they look at the sign there is not square area provided for the entrance sign, but let's say that is 20 there is another 15-sq. ft. within the ordinance, for them to fill it up as they would like.

Commissioner Ryan asked if it can be two (2) separate physical signs that are just close together and call it one sign? Commissioner Reynolds replied yes; if you read the Sign Ordinance when it has something labeled it is defined as part of the sign area. If you go back to the entrance sign that big stone wall is not "all sign area" it is just the Lavender Ridge by SR Jacobson and so on. There is a lot to play with there. He questioned what they looking for in the community and is it a tasteful approach or, the fact that they are almost tripling the signage area or almost doubling it, is that something they want to see, just because it is a for-rent community.

Trustee Steimel said his problem is the "Final (PUD) Plan" from this subject is unclear. They are showing signs but they don't show where these signs are. They could approve the final (PUD) and then they are going to hash this all out when they come in for sign permits and will do it separately. They may not even be agreeing to it right now, sometimes they say if that is the case take the stuff off of the current plans so they know what we are agreeing to. Sometimes people show on the site plan a sign, but they don't have details of the sign and they say take that off the site plan because they are not saying they are agreeing to it at this point. Either all the information needs to be here now and they are approving it as part of the (PUD),

which they can do, or it is not part of what they are approving tonight and it should be taken off and dealt with later.

Mr. Mocerri stated that traditionally a boulevard entranceway would have two (2) walls, a sign at each wall and they would be spread apart. At both entranceways, they would have two (2) walls and a sign at each wall. They simplified things because they want to make this a softer viewshed by keeping the sign in the middle of the boulevard. They are very specific where those walls and signs are, they are in the landscape plans and they are on the site plan. The signs that they have submitted that did say they would be permanent marking signs; he is willing at this juncture to move forward to remove one (1) of those marketing signs at that south entrance. Consideration for the other two (2) signs that they would make it for five (5) years and then they have to come back to the Planning Commission or the ZBA for the extension for those signs beyond that time. It is a (PUD) one (1) year doesn't work, it is going to take them four and a half (4 ½) years to construct the community. They are going to have to continually release that community and are comfortable with coming back because they believe that the Township would be reasonable in their request to extend the period for those signs. Initially, for the (PUD) they would like to have the period for those signs to be a minimum of five (5) years and then they will come back to renew if necessary. They are asking for two (2) permanent development signs on the median boulevard on those stone walls that will meet the sign ordinance, and two (2) marketing signs one (1) at the corner of Silverbell and Squirrel and one (1) at the north entrance at Lavender Ridge Blvd. to be placed in the boulevard near the wall in the median and it to be five (5) years as part of the (PUD) approval. If they need to come back to extend those periods they will do so. These signs are not the typical plywood signs with the vinyl letters on it with posts, they are very well and professionally done. If the period by which they can keep those signs, they will redesign it to a more economical design.

Mr. Mocerri added that there is a sign that is part of this whole public benefit, they are redoing the sign across the street at Jesse Decker Park. That is a piece of plywood with a bunch of posts, and they are cleaning that up. They want to have a mirror image of high quality at Lavender Ridge and across the street as part of this whole community plan.

Commissioner Ryan felt they were very aware of the way that it looks and it is presented to the community, and would not junk up the property with ugly signs.

Mr. Mocerri said he wanted to move forward and talk about the traffic, density, and the whole landscape plan.

Acting Chairman Gross stated that they could also just move forward with the site plan and have the sign plan come back with a separate approval so they can see it as it relates to the phasing of the project, the sizes, and the locations.

Commissioner Reynolds said this is the review, there isn't site plan again. Acting Chairman Gross said they could make a subject that they come back with the sign plan.

Commissioner Reynolds replied correct; he is willing to move on this and didn't want it stickup the project and understood the understanding of needing a third sign potentially by the road. His point was they already give them a lot for two (2) entrance signs and then potentially one (1) additional sign based on the development, but to say they get a fourth one too, that is his hinge point on this. He would like to see less than that.

Acting Chairman Gross felt they should make it as a separate review, looking at it with the phasing of the project, because both boulevards may not be done at the same time.

Secretary St. Henry said that they are only putting the marketing signs on the north boulevard and then up at the corner; is that correct? Commissioner Ryan replied that is the current proposal.

Planning and Zoning Director Girling said that the ordinance does state that the signage is part of the (PUD) so if they so choose to go with the direction that they are saying later, she asked that they clarify in that motion whether it only comes back to PC or whether it comes back to PC as a recommendation to Board.

Trustee Steimel said that even with the type of developments even (PUD), they already talked about the phasing, he didn't think it was clear what the phasing was. Also, don't they look for all infrastructure improvements usually in the first phase? Putting in all the streets, drainage and all the water, and if they build units over time.

Mr. Schwanitz said as it relates to phasing, phasing is delineated in the plans. Mr. Schwanitz added that as it relates to a phased project like this all the infrastructure is not put in. They put the infrastructure in after mass grading. When they do the first phase, they will grade it, then they will put the utilities in and then they install the roads, they do not put the utilities ahead of mass grading.

Ms. Standish went over with the Board the phases on the plans.

Engineer Landis stated that is why he put on his review that it is a condition of their approval that they see more detail phasing plan that they would have to review and comment on. He did not feel what they had in front of them is adequate and believed that the Fire Marshal will want to have some input on that as well. As the applicant has indicated extend the water from Squirrel to a point, they are going to have to build a sanitary sewer lift station and extend sewer up into phase "A". There is probably going to have to be some temporary turn arounds on the roads. The Fire Marshal may have some consternation over the number of units dead-end. Those kinds of details need to get worked out and thought that those could be done through an administrative review if that is acceptable.

Mr. Schwanitz replied that they concur. Engineer Landis's early comments in his review were dead-on. These were all things that get worked out once they get to the level of detail they are talking about now, that is actual final construction plan details, which they can't do at site plan. These are the things that need to be worked out with the Public Works, Public Safety, Engineering and Planners. Otherwise, they would be submitting a 150-sheet set of final construction drawings for approval here.

Trustee Steimel asked Engineer Landis if he was satisfied? They usually follow it up and usually comes out in engineering and felt that what he read wasn't clear and that is why he was trying to clarify it.

Engineer Landis stated that he didn't think that they have to take it to the level of engineering but thought that they should put a little more thought and have the final (PUD) plans revised for the record to show a little more detail and maybe have some coordination back and forth as to where the phase lines are going to be, how far they are going to extend water and sewer, roads turnarounds, etc. but felt confident that they could work that out administratively.

Mr. Mocerri stated in regards to the water main and public safety, they are going to connect to the stub street at the Ravines development as part of their first phase. Even though their first construction phase for the housing residences are going to be at the north end of the community where the clubhouse is going to be. It will be broken into four quadrants, 260 residences, 130

residences per major phase, but each phase is sub-phased as far as the physical construction. The infrastructure will be put in for 130 residences for the phase, with proper turn arounds for fire apparatuses and no dead ends of that nature. They will be looping the water main through the development at the southeast corner and bring it to the northwest section of the community. The site will be mass graded at one time, but the infrastructure as far as the sanitary sewer will also be coming from the southeast end. Usually, they put all their improvements in the first phase at that south end, but the clubhouse and the amenities and all the things that make it attractive and the quality of life of what they are selling are at the north end. There are a lot of off-site improvements from what would be future phase 2a versus phase 1a. If you have 130 residences per unit that is approximately 65 townhomes per sub-phase, which is with the absorption and the labor shortage it is about as much as you can build in each sub-phase. They are not going to be able to build more than 130 units in a two (2) year time period because of the trade shortage out there, and that is why it is sub-phased and also for financial purposes. All the infrastructure will be done north of the creek or wetland corridor that bisects the property, that will all be installed in phase one (1). They will also be bringing sewer and water connections to that southeast corner. Phase two (2) south of the creek corridor that bisects the property will be done in two (2) construction phases but all the infrastructure will be done as phase two (2). They are not going to do four (4) phases of infrastructure, there are only two (2) phases of infrastructure. The Fire Department may want them to extend some of the roads so they do have apparatus and safety for connection for through traffic. They may have to go all the way to Catalina Rd., but they will not be putting any development units there, it is not part of their marketing phase or residential construction phase. Whatever OHM together with the Fire Marshal determines, they will comply.

Commissioner Reynolds questioned if any improvements being made to the Jesse Decker parking lot? Mr. Mocerri replied that the parking lot in Jesse Decker will be improving it with gravel and not paving it. He felt by paving the parking lot they will not be able to use the parking lot for other uses. The Township may determine later that it should be paved, but right now it is more important to get the pavement up to the north parking lot the south parking lot is paved. He felt that there should be a flex area, because they may need additional soccer fields, and didn't want to put pavement there just to have it ripped out. The gravel is the most expensive part of paving, it is more expensive than the asphalt.

Commissioner Reynolds said it is a (PUD) but landscape interior waiver that they would require from other projects, he did not have any issues with that based on the layout of the project. He thought that with the landscape buffers provided he did not have any issues with landscaping but there is no wetland permit received yet and felt that it was a big item to get addressed. He said the end to end setback is 20-ft. versus 30-ft., and thought that the ordinance required a 30-ft. between buildings.

Trustee Steimel thought that was to cover up the gas mains and did not think that they needed 10-ft. of structure to cover up the gas meters on the side of the building.

Planning & Zoning Director Girling replied that the (PUD) section of the ordinance on multi-family component has a different end to end measurement than the (RM) section of the ordinance. The (PUD) multi-family component section says end to end can be 20-ft.

Trustee Steimel questioned if Parks and Rec been involved in the improvements as far as the location of the bathrooms? Planning & Zoning Director Girling said that they have had conversations; yes.

Mr. Kianicky said that they did want clarifications of what the Townships preferences were for the public benefits. They scheduled a meeting and they had the Public Works, Recreation

Department Director and staff at the meeting. After an hour, they got some clarification of what the preferences were and how this would be set up. They are going to provide for the Capital Improvement Fund. The Capital Improvement Fund is going to be at the direction of the Township as to exactly how it is going to be administered for the benefits that are going to be created. They decided at that meeting that they would define what that money was going to be used for, and that is the list of items that are documented into the development agreement. What they also said is that the funding for the park improvements is going to be \$1,000/per developed unit or \$260,000 for the project. That \$260,000 is going to be put into the Capital Improvement Fund and the Township asked if they would work with the Township when they did their bidding for the work or maybe they could get better prices if they also bid out those public improvements, the client for those public improvements would be the Township and the payment would come out of the fund. They would facilitate and coordinate with their bidding because they probably could get better prices. They will work together to get the maximum amount of benefit from those dollars that are going to be put into the fund.

Commissioner Reynolds said that the tree survey did not cover the entire property, and he was ok with that, it is typical to a site that they are leaving undeveloped. He wanted clarification from the applicant, the reviewer counted 1,028 trees proposed on the open space; is that just within the development area or is that including the entire site? Ms. Standish replied it is only within the development areas. There are two (2) landmark trees to be removed within the development area.

Commissioner Reynolds asked if the proposed landscaping plan address the replacement requirement for those at this point? Ms. Standish replied not the two (2) landmark trees because they are so far over the tree requirements. If the two landmark trees were 24" trees that are 48" worth of trees, and they are substantially over that. They are a few hundred trees over what was required.

Trustee Steimel asked about the photometric plan? Planner Novak replied that a full site photometric plan indicating all proposed lighting on the site will still be required for this.

Mr. Schwanitz said that they agreed to do it, they typically don't have to provide a photometric plan for a project of this nature. An apartment project where there are large parking lots, they provide it. They are going to have intermittent lights at all the gaps in all the buildings. Trustee Steimel said that ever project that happens in the Township a photometric is done.

Trustee Steimel added that in the (PUD) agreement there seem to be pieces that he was used to seeing in the (PUD) agreements that he did not see certain things are articulated. Like a single trash hauler and the phragmites ordinance.

Planning & Zoning Director Girling replied those were the two main things were the phragmites and the unified carrier. They require it when it is submitted to the Commissioners so they can look it over if there is anything significant they see and wanted it to be noted. When it goes to the board between first and second reading, the Township attorney talks to their attorney and they make sure that those two items as a bare minimum are always within the agreement. This is just presented to PC to see their statement but it is a work in progress.

Trustee Steimel said that they are agreeing to stuff and they are leaving a lot open for the Board to review. A lot of times they do try to get a least a good draft of the (PUD) agreement so they can see that some of these items are articulated. This looks like there is going to be a lot more work from the PC to BOT to get to that point.

Planning & Zoning Director Girling stated that if they are so inclined to forward this with a motion of approval one of the conditions could be related to the (PUD) agreement that anything, they see missing is noted as being needed to be added.

Trustee Steimel said at some point so if there is a problem down the road it is all articulated in the agreement.

Mr. Kianicky said that they were given a template for the agreement, he wrote the agreement and included everything that was in the template and added additional things to it that they thought that needed to be there as well. On page four (4) there is a whole paragraph that talks about complying with the Phragmites Ordinance, so that was included in the agreement. If there was anything omitted that was normally in there it was not in the template but would be happy to add it and are flexible.

Commissioner Reynolds stated that based on all the responses he is close to making a motion with some conditions. He felt that a total of three (3) signs for the development, two (2) marketing signs and one (1) entrance sign, or one (1) marketing sign and two (2) entrances. He would put a condition on the marketing signage for a five (5) year period.

Planner Novak added that temporary signage is identified no longer than 30 days in a calendar year so if they do, do the five (5) year, they may choose to view that as permanent. The overall height should be 6-ft. so if they look at the site plan two feet are being called the base plus the 6-ft. so that would exceed the overall height of 6-ft.

Acting Chairman Gross commented that at the concept meeting he voted against this project because of the density that was proposed of 260 units. He thought it was inconsistent with the zoning, that there were too many dwelling units, however, that issue has been addressed by the Township Board and is no longer before them. Although he still disagrees with the density, he does agree that the concept of the (PUD) has merit to maintain the property as residential and to take advantage of the natural features of the property. The developer has submitted a plan that provides an alternative residential environment to the area; it respects the natural features of the site; preserves a large amount of the open space approximately 80%; has conducted a detailed traffic impact study to address potential problems. The developer does have a proven track record in developing quality and attractive projects as provided in the architectural design of the units. The buffering of the project to adjoining properties is more than what conventional residential properties would be. His review of the plans and the development agreement have been very complete and extensive. With the density of 260 units, he would still go along with the approval of the (PUD).

Commissioner Walker stated there are a lot of things that are not answered including the signage issue. It is sad to see so many questions still out there. This is the second time they have been here, they have been in front of the board, they have talked to the consultants, Parks & Recreation, and many of the people in the Planning & Zoning Department and to have this many holes still in the proposal distresses him. Normally, he would have no objection to say yes let's approve it conditionally and go back and have them do all those things, but did not know why it was not here for them to look at initially.

Acting Chairman Gross stated that they did submit signage plans in their project but felt they were confusing and should be detailed out.

Commissioner Ryan asked if they would be amenable to the proposal that Commissioner Reynolds made just having the two (2) development signs and the one marketing sign at the corner of Silverbell and Squirrel. Mr. Mocerri replied; yes.

Commissioner Ryan asked about the height discrepancy of the signage?

Mr. Mocerri said he would just take the base off so that it meets the ordinance. Any signs they include will meet ordinance and will not need a variance. They will need more time on the signage.

Mr. Mocerri added they did not make all the changes to the plans because they said yes. Maybe there was some confusion on their part as to what stage do, they bring on those changes. The tree survey on land that they are going to have as open space. The majority of the trees are junk they are Russian Elm and Ash trees and they are in the decline. There are some significant specimen trees and they have identified those. The landscape plan far exceeds what the replacements would be even if those were quality trees. Some things would have been busywork, and no disrespect to the consultants, there are things that they work through with the consultants and respect their comments and they have said yes to all of them. He understood that they wanted to see those changes, but those changes will and must be made in order of the engineering review and it could be a condition of the motion and the vote in the recommendation to move forward to the Township Board. They are comfortable with that because they have said yes to all of those items. Mr. Mocerri asked Engineer Landis if that was correct? Engineer Landis said he would be comfortable with reviewing an amended final (PUD) plan that addressed the 6 comments that they have in their letter and review that administratively.

Moved by Commissioner Reynolds, seconded by Commissioner Walker, that the Planning Commission forward a recommendation to the Township Board to **approve** PC-2019-47, Lavender Ridge Planned Unit Development (PUD) final plan and agreement, located at the vacant parcel at the southwest corner of Silverbell and Squirrel Roads (09-36-226-001) for plans date stamped received November 26, 2019. The following recommendation to approve is based on the following findings of facts: the project preserves a significant area of open space and provides a diversity of housing types and sustainable development patterns within a walkable network of a development of multi-family homes; the use is compatible with the adjacent single-family residential (R-1) and special circumstances (SC) adjacent to the property; the project does propose improvements to Jesse Decker Park including a \$1,000 contribution per unit towards new signage at Jesse Decker Park, a fire pit, a restroom facility, a paved drive from Remington Dr., a bicycle plaza at the corner of Silverbell and Squirrel and aggregate being added to the unpaved parking lot at Jesse Decker Park. The motion to recommend is based on the following conditions being addressed: 1) that the (PUD) agreement ensure that it addresses the phragmites ordinance and the unified trash carrier; 2) a landmark tree replacement calculation be added to the plan and be verified that no additional trees need to be presented on the plan to address those landmark replacement calculations; 3) a photometric plan be submitted for review by the Township consultants along with the phasing plan that can be reviewed by the Township consultants and the Fire Marshal; 4) this motion also approves two (2) development signs at both entrances of the property and one (1) marking sign not to exceed 6-ft. in height for a duration of no longer than five (5) years with a square area of 24-sq. ft. per side; 5) the plans and comments that need to be addressed from the Fire Marshals comments from the December 11, 2019 review letter be addressed along with all of OHM's engineer's review from the November 26, 2019 letter needs to be addressed, including obtaining a wetland permit approval. All of these conditions should be submitted in an amended plan to be reviewed by the Township consultants and administrative staff.

Commissioner Reynolds amended the motion, Commissioner Walker re-supported, to add to the motion that the memo from the Department of Public Services dated December 13, 2019, with Mr. Stout's suggestions be added.

Discussion on the motion:

Commissioner Reynolds said to Planner Novak he felt the motion addresses most of the concerns that they did not discuss tonight. He thought there were a handful of those items that they don't need a waiver for. Planner Novak replied that is correct.

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

**8. UNFINISHED BUSINESS**

None

**9. PUBLIC COMMENTS**

Mr. Joe Giordano, 3993 Ridgemont Ct., Oakland Township, said that at this point the property would get purchased by the development Mocer. At one point it looked like the open space might end up back with the Township, or it might not? Acting Chairman Gross said it will probably end up as a private conservation agreement.

Mr. Giordano asked if the wetland survey has anything to do with the open space? Engineer Landis replied it would address any impacts they would have on the border of that wetland.

**10. COMMUNICATIONS**

ZBA Minutes for AB-2019-17, Kemp Building & Development/Ajax Bldg. Addition, 4855, 4879, 4881 & 4883 Bald Mountain Rd., 09-36-300-003.

**11. PLANNERS REPORTS**

None

**12. COMMITTEE REPORTS**

None

**13. FUTURE PUBLIC HEARINGS**

None

**14. CHAIRMAN'S COMMENTS**

None

**15. COMMISSIONERS' COMMENTS**

Trustee Steimel commented that it is tough at this stage on how much they try to get done at the PC level. When it comes up at the BOT level he will remember and make sure that all of this is addressed.

**16. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Commissioner Ryan, to adjourn the meeting at 8:58 pm. **Motion carried.**

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

January 15, 2020

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Planning Commission Approval Date