

GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
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Green Oak Charter Township
Planning Commission
Regular Meeting
Thursday, October 17, 2013
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116
810. 231-1333

AGENDA

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Commission
4. Approval of the Agenda
5. Approval of September 19, 2013 Regular Meeting Minutes
6. Call to the Public (Limited to agenda items only)

7. Business Items:
 - A. Lot 115, Estates of Hidden Lake - Unpermitted removal of protected landscape in Natural River Overlay District and proposed Remediation Plan, SP 07-2013
 - B. Discussion on text amendment for RM, Residential Multiple zoning district, OA 05-2013
 - C. Status of Public input process for review of Master Plan
8. Reports
 - A. Chairman
 - B. Township Board Representative
 - C. Zoning Board of Appeals Representative
 - D. Planning Consultant
 - E. Correspondence
9. Call to the Public
10. Adjournment

Posted: October 10, 2013

PLANNING COMMISSION

Robert Moran, Chairperson
Chuck Fellows, Vice Chairperson
Sarah Pearsall, Secretary
Rollin Green, Twp. Board Rep.

Dean Williams
Russell Brooks
Lamberto Smigliani

Green Oak Charter Township
Planning Commission
Regular Meeting Minutes
October 17, 2013

Approved: _____

The meeting was called to order by Mr. Moran at 7:00 p.m.

Roll Call: Russell Brooks
 Chuck Fellows
 Rollin Green
 Robert Moran
 Sarah Pearsall
 Lamberto Smigliani
 Dean Williams

Absent: Sarah Pearsall

Guests: 2

Also Present: Lesa Brookins, Zoning Administrator
 Don Wortman, Carlisle/Wortman

APPROVAL OF AGENDA

**Motion by Fellows, second by Brooks
To approve the agenda as presented.**

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

APPROVAL OF the September 19, 2013 Regular Meeting Minutes

Additional language was added to the minutes.

**Motion by Smigliani, second by Brooks
To approve the September 19, 2013 minutes as amended.**

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

CALL TO THE PUBLIC - None

50 **BUSINESS ITEMS**

51 **A. Lot 115, Estates of Hidden Lake – Un-permitted removal of protected**
52 **landscape in Natural River Overlay District and proposed Remediation**
53 **Plan, SP 07-2013.**

54
55 **Representing the applicant: Steve Solon, Compo Builders Project Manager**
56 **Richard Tuttle, Green Oaks Landscape**
57

58
59 Mr. Moran explained that this is the first true violation of the Natural River Overlay
60 District. Unfortunately, there has been a substantial amount of vegetation destroyed
61 and years of growth. The purpose is to look at the intent of the Natural River Overlay
62 Zone and to come up with a mutual remedy so the applicant can move forward and the
63 Township can feel satisfied that there is an appropriate amount of restoration to the site.
64

65 Mr. Wortman referred to the Carlisle Wortman memo dated October 16, 2013. He
66 explained that a portion of Lot 115 was cleared without permit in the Natural River
67 Overlay and those trees and shrubs are protected. A violation ticket was issued to the
68 applicant. Due to the sensitivity of the slope and the proximity of the Huron River there
69 is a concern about maintaining that slope and establishing it in a form that respects the
70 ecological sensitivity of the slope.
71

72 Mr. Wortman explained that the use of smaller trees would be ideal due to the sensitivity
73 of the slope since smaller trees could be planted without the use of heavy equipment
74 which could damage the slope. They are recommending to keep the stumps in the
75 ground so that the root structure is not damaged which will help with soil erosion. The
76 recommendation is for 16 trees and 17 shrubs to restore the slope in an environmentally
77 sensitive manner. Mr. Wortman explained that there is damage to the culvert system
78 and the Road Commission did look at that and it will need to be repaired. Also, in the
79 right of way, by the ditch, he is recommending a native seed mix. Mr. Wortman
80 explained that it may be better to wait until spring to plant and if that was the course the
81 applicant agreed to he would recommended requiring a cash deposit for security to
82 make sure it is constructed in the recommended way. He explained that the applicant
83 has put down a soil erosion fabric.
84

85 Mr. Moran explained that tree mitigation does not apply to this situation.
86

87 Mr. Fellows commented that he has seen that erosion has begun even with the matting
88 down. He felt that the restoration should take place before more erosion occurs. He felt
89 not doing so could undermine the foundation. Mr. Moran stated that a silt fence could
90 be added to help with the erosion
91

92 Mr. Green stated he is very familiar with the property and he liked the plan that has
93 been presented. He stated that a silt fence or extra bales could go in to stabilize what is
94 there until the plantings could go in. He did not think the plantings should take place
95 until spring.
96

97 Mr. Solon stated planting this fall would be optimal but he didn't know if all of the
98 plantings would be available and it is getting late in the season. Mr. Tuttle stated that

99 the shrubs should be available and they generally plant until November. He felt they
100 could get the shrubs and trees planted in short order and if the seed mix is available he
101 felt there was a chance to get it done.

102
103 Mr. Williams asked why the lot was cleared. Mr. Solon stated he was not involved in
104 that decision, he could speculate that it was done out of ignorance. He did not believe
105 that they were aware of the overlay zone; he did not think it was part of the conditions of
106 the sale.

107
108 Mr. Moran stated that a new permit will need to be filed and they will have to comply
109 with all of the restrictions of the Natural River Overlay District. He explained the
110 expectations of the land in the overlay district.

111
112 Mr. Moran questioned if the Commission felt there is a need to go beyond the
113 recommendations regarding 16 trees and 17 shrubs and if they want to request that the
114 additional diameter of trees be contributed in the form of money to the Township tree
115 fund or to be planted elsewhere within the Township. Mr. Fellows felt that if the intent of
116 the ordinance can be met and it can be restored and the river is protected should be the
117 goal in order to prevent further damage to the area.

118
119 Mr. Tuttle stated that they could stake where the trees would be placed.

120
121 Mr. Moran stated that there has to be a written agreement as to who has the
122 maintenance responsibility for that portion of Lot 115 and that the understanding is that
123 it is not a mown area and it will be left in it's natural state. That has to be recorded with
124 the County so when the owner sells in the future the Township is protected.

125
126 **Motion by Moran, second by Fellows**

127 **Whereas Unit 115, Hidden Lake Estates Condominium is located within a Natural**
128 **Rivers Overlay Zone and subject to the standards of the Overlay Zone.**

129 **Whereas the Planning Commission has determined there are NOT unique or**
130 **unusual natural features of Unit 115, Hidden Lake Estates Condominium that**
131 **would preclude compliance with the requirements of Section 38-50 and Section**
132 **38-361 of the township Zoning Ordinance (Natural Rivers and Tributary Overlay**
133 **Permit and Natural River Overlay Zone, respectively).**

134
135 **Whereas it is the intention of the Natural River Overlay Zone Ordinance "to**
136 **preserve and enhance the recreational, ecological, and aesthetic values of a**
137 **"natural river" area in the interests of future generations.**

138
139 **Whereas an application for a Natural Rivers Overlay Permit was NOT submitted**
140 **by the applicant as required by Section 38-50 or, other township approval**
141 **provided prior to commencing removal of landscape at the area noted above, nor**
142 **was a Soil Erosion and Sedimentation Control Permit obtained from the**
143 **Livingston County Drain Commission and required control devices installed prior**
144 **to the applicant commencing work at this Unit 115.**

145
146 **Whereas a professional onsite visit was made to the area of this Unit 115 where**

47 vegetation was removed and a Review Report was provided by the township
48 Planning Consultant. This Review Report also includes information provided by
49 the applicant on the type and quantity of removed trees and other vegetation.
50

51 Whereas, building permit application(s) for this Unit 115 have been placed on
52 hold pending resolution of the applicant's breach of the township's Zoning
53 Ordinance.
54

55 Whereas the Planning Commission and the applicant desire to agree on a
56 resolution to resolve the applicant's violation of the Natural Rivers Overlay Zone
57 Ordinance. Therefore, it is moved contingent on the voluntary written agreement
58 by the applicant on behalf of the property owner of record for Unit 115 the Estates
59 of Hidden Lake shall be considered to remedy the above Zoning Ordinance
60 violations or a performance guaranty has been deposited with the township as
61 outlined below:

62 1) The applicant, on behalf of the property owner of record for this Unit 115 shall
63 submit a Natural Rivers Overlay Permit Application, pay applicable fees, and
64 comply with all the requirements of Sections 38-50 and 38-361 of the Zoning
65 Ordinance unless otherwise modified as part of this motion.

66 2) The applicant on behalf of the property owner of record of this Unit 115 shall
67 restore the area of this Unit 115 that is a located in the Huron River Natural River
68 Overlay Zone by planting the type, size and total number of trees and other
69 vegetation identified in the Planning Consultant's Review Report dated October
70 16, 2013. The location of trees and scrubs shall be staked and administratively
71 approved by the township prior to planting. In addition, restoration of the
72 Evergreen Road right of way area along entire north-south property boundary
73 shall be accomplished as recommended in the Report. Remediation work within
74 the natural river overlay zone of this Unit 115 shall be inspected by the township
75 and any deficiencies so identified shall be corrected by the applicant within 30
76 days. All required remediation shall be completed no later than June 15, 2014.

77 3) The applicant or property owner of record of this Unit 115 shall deposit with the
78 Township a performance guarantee in the form of cash or certified bank check
79 drawn on a licensed US bank, in the US dollar amount equal to 125% of the
80 amount required to complete the actions herein agreed. The provisions of Section
81 38-47 shall apply to this performance guarantee.

82 4) the completion and township approval of either a.) all remediation actions and
83 compliance with the requirements of Sec 38-50 and 38-361 or, b.) deposit with the
84 Township of the performance guarantee described above, shall be considered by
85 the Planning Commission as completing the remedies for Zoning Ordinance
86 Violations of Sections 38-50 and 38-361as it relates to authorization of other
87 township permit applications for this Unit 115.

88 5) Any future concerns will be handled administratively.
89

90 There was brief discussion regarding the berm/slope.
91

92 **Roll Call Vote: Ayes: 6 (Brooks, Fellows, Green, Moran, Smigliani, Williams)**
93 **Nays: 0**
94 **Absent from Meeting: 1 Pearsall**
95

196 **MOTION APPROVED**

197
198 **B. Discussion on Text Amendment for RM, Residential Multiple Zoning**
199 **District, OA 05-2013**

200
201 Mr. Wortman explained the possible modifications to the RM, Residential Multiple
202 Zoning District in response to inquiries from a property owner on Sandy Bottom Lake
203 that wants to construct a single family home in a Multi-family Zoned District. This will
204 allow greater flexibility and it will lower the density and traffic and the potential
205 minimization of environmental impacts. He felt this will be beneficial to the Township.

206
207 **Motion by Fellows, second by Williams**
208 **To schedule a public hearing for a Text Amendment regarding RM,**
209 **Residential Multiple Zoning District.**

210
211 **Voice Vote: Ayes: Unanimous**
212 **Nays: None**

213
214 **MOTION APPROVED**

215
216 **C. Status of Public input process for review of Master Plan**

217
218 There was brief discussion regarding being locked out of the survey. Mr. Wortman
219 explained that once the survey is opened it has to be completed. Mr. Wortman stated
220 that survey is up and running and he will keep the Commission updated as to the
221 response and data collected.

222
223 Mr. Wortman explained that Public Act 33 requires notification to surrounding
224 communities and he will take care of those notifications. Mr. Wortman also stated he
225 would compile a press release announcing the survey.

226
227 **REPORTS**

- 228
229 A. Chairman – Mr. Moran reported that a pre application meeting was held for a
230 facility that is being proposed within The Legacy Center. It's a type of coffee
231 shop which is consistent with the PUD.
232 B. Township Board Representative - Mr. Green reported that the auditors contract
233 was approved for three years and the Master Plan contract was approved. Ms.
234 Edry resigned her position on the ZBA and Mr. Tuthill was nominated to fulfill Ms.
235 Edry's term as the ZBA Board Representative. An executive session was also
236 held.
237 C. ZBA – None
238 D. Planner – None

239
240 **CORRESPONDENCE – None**

241
242 **CALL TO THE PUBLIC**

145 **ADJOURNMENT**

146 Mr. Moran adjourned the Regular Planning Commission meeting at 8:27 p.m. due to no
147 further business.
148

149
150
151 Respectfully Submitted,

152 *Kellie Angelosanto*

153
154
155 Kellie Angelosanto
156 Recording Secretary
157
158