

Green Oak Charter Township  
Planning Commission  
Regular Meeting Minutes  
July 20, 2017

Approved: \_\_\_\_\_

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

Roll Call: Tim Keyser  
Keith Lee  
Michael Sedlak  
Sarah Pearsall  
Deborah Sellis  
Lamberto Smigliani  
Michelle Stock

Also Present: Debra McKenzie, Zoning Administrator  
Paul Montagno, Carlisle Wortman

Guests: 5

**APPROVAL OF AGENDA**

**Motion by Pearsall, second by Stock  
To approve the agenda as presented.**

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

**MOTION APPROVED**

**Approval of the June 1, 2017 Regular Meeting Minutes**

**Motion by Pearsall, second by Stock  
To approve the minutes of June 1, 2017 as presented.**

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

**MOTION APPROVED**

**CALL TO THE PUBLIC – None**

**BUSINESS ITEMS**

- 1. Introduction Zander Industrial, SP04-2017 Warehouse addition at 10762 Hi-Tech Dr., Whitmore Lake, MI 48189. Parcel #4716-30-400-012 & 4716-30-200-001.**

50 Mr. Montagno referenced the Carlisle Wortman memo dated June 8, 2017. He noted the  
51 proposed plan is generally acceptable though there are a number of issues identified  
52 within our review. He recommended the applicant submit revised plans to address the  
53 following outstanding items:

- 54
- 55 1. Add front yard setback line to the site plan.
- 56 2. Remove parking from the front yard setback.
- 57 3. Lot coverage and impervious surface calculations must be added to the plan.
- 58 4. Provide truck turning diagrams that demonstrate there is adequate space for onsite  
59 maneuvering.
- 60 5. Install curbed islands and the ends of parking bays where there is only striping  
61 currently being proposed.
- 62 6. The fire marshal must provide approval for the proposed fire lane.
- 63 7. Provide parking calculations.
- 64 8. Remove parking spaces from the front yard setback.
- 65 9. Consider adding deferred parking to the north or south of the building.
- 66 10. Provide roadway landscaping per Section 38-177(c)(2)
- 67 11. Provide a lighting plan that demonstrate compliance with Section 38-364 of the  
68 Zoning Ordinance.
- 69

70 Representing Zander Industrial: James Barnwell, Desine, Inc.  
71 Nick Zander

72

73 Mr. Barnwell explained he is aware there are some issues and they understand the need  
74 to pave the rear fire lane, there should not be any traffic or limited traffic on the west side  
75 of the building. The front setback is on M-36. He does not anticipate splitting this up.  
76 Regarding the parking, there is an office component so some parking was added for that  
77 and felt that the amount was appropriate. They can provide truck moving information and  
78 they could add some parking along the driveway. They are not opposed to adding  
79 additional landscaping. Regarding CES there are items to address as they proceed into  
80 final engineering. The Engineering Standards does allow for occasional 1 on 3 slopes in  
81 certain areas, they are asking for consideration on those since there are existing ditches.  
82 They have to get the septic and well permits. There are a few ADA parking spaces that  
83 they will make sure have the correct slope. He felt they are going in the right direction.

84

85 The front yard setback was briefly discussed. Mr. Montagno explained setbacks are taken  
86 from road right of ways or private roads. For typical developments like this, the intent of  
87 the ordinance would be the setback would be taken from the private road right of way  
88 edge. The would continue to recommend the applicant show the 50' setback and get the  
89 parking spaces out of there and add landscaping. Mr. Zander confirmed there could be  
90 a variety of trucks and truck sizes coming into the site. Mr. Montagno stated they would  
91 ask the applicant's engineers to make sure the turning radius works. Mr. Zander stated  
92 that they want to make this work correctly as well and will do whatever it takes to make  
93 sure it does.

94

95 Mr. Smigliani stated that they want to get closer to the 50' buffer, the overall intent is to  
96 have the nice buffer in the front. Mr. Zander stated it is still an industrial site and there is  
97 plenty of green space.

98

99 Mr. Montagno stated it is a substantial size building, two items weren't noted on the plan  
100 which are lot coverage and impervious surface. Mr. Barnwell explained this is an  
101 industrial park with multiple buildings with a significant buffer area going towards the west.  
102

103 Mr. Lee questioned if they make the assumptions that it is all one site and if it comes that  
104 someone wants to sell it how is it held that way. Mr. Smigliani stated there is a lot tied to  
105 it because the septic fields and detention basins are also areas that have to be  
106 considered. If they wanted to start to parcel it off they would have to look at individual  
107 sites and see if they meet lot coverages and site amenities. Mr. Montagno explained  
108 when they did the review they did it as one standalone site.  
109

110 Curbing was briefly discussed. Mr. Montagno stated that the parking lot should be large  
111 enough to make the turning radius and the curbing is there to define the areas such as  
112 the parking bays.  
113

114 Mr. Smigliani explained the applicant should look at the truck turning radius, reduce some  
115 pavement, and some of the parking must be reduced. He suggested putting the parking  
116 on the south side and label it as future parking which would ease some things up to the  
117 front. The closer they can get to 50' will be helpful. This is very contiguous with what is  
118 there they just want to get the most of out of it.  
119

120 The applicant was directed to keep working with the planner.  
121

122 **2. Legacy Park Residential Planned Unit Development, PUD 01-2014 #4716-20-**  
123 **100-001 PUD 121.75 acres**  
124

125 Representing Legacy Park Residential: Chris. Cousino  
126 Brent LeVanway  
127

128 Mr. Montagno referenced the Carlisle Wortman memo dated July 16, 2017. He explained  
129 in general the site plan is consistent with the concept and layout of the approved PUD  
130 area plan. However, there are several outstanding items and questions that must be  
131 addressed. He recommended that the applicant revise and resubmit plans to address  
132 the following items:  
133

- 134 1. The Planning Commission must determine that the applicant's method for  
135 calculating woodland replacement trees is acceptable.
- 136 2. The Planning Commission must determine if the applicant's proposal for woodland  
137 and landmark tree replacement is acceptable.
- 138 3. The applicant may seek relief from the Planning Commission in the form of a  
139 contribution to the Township's Environmental Trust Fund or seek a waiver of these  
140 requirements from the Planning Commission.
- 141 4. Provide evidence of approval for wetland impacts from the MDEQ.
- 142 5. The applicant must identify how wetland encroachment into lots or building  
143 envelopes will be addressed.
- 144 6. The Planning Commission must also approve, disapprove, or conditionally  
145 approve a site investigation report.
- 146 7. The applicant must demonstrate how proposed deviations are designed to  
147 preserve natural features, minimize grading or allow for clustering.

- 148 8. The Planning Commission must evaluate and approve proposed deviations.
- 149 9. The applicant must provide front and rear setback dimensions for the proposed
- 150 multi-family residential building to demonstrate compliances with the requirements
- 151 of the zoning ordinance.
- 152 10. Include maximum height limitations on the site plan table.
- 153 11. The applicant must provide for a minimum of 50% side or rear entry garages in the
- 154 single family residential areas.
- 155 12. Front doors on buildings 1A through 4B should face the internal roadway.
- 156 13. The Planning Commission should review architectural design as purposed in the
- 157 building elevations submitted with the site plan.
- 158 14. The applicant must confirm that all multi-family units are bedroom units.
- 159 15. Provide approvals from LCRC for the 4 access points onto public roads.
- 160 16. Site access and circulation proposed on the site plan is subject to review by the
- 161 LCRC, Township Engineer, and Township Fire Marshal.
- 162 17. Provide enhanced pedestrian crossings at the boulevards.
- 163 18. Non-motorized perimeter pathways must be 10 feet wide.
- 164 19. Details should indicate safety improvements where pathways cross entrance
- 165 roads.
- 166 20. Continue coordination with the Township and Livingston County Road
- 167 Commission in the execution of the Traffic Improvement Plan.
- 168 21. As noted previously, the Planning Commission must determine if the applicant's
- 169 proposal for woodland and landmark tree replacement is acceptable.
- 170 22. The applicant may seek relief from the Planning Commission in the form of a
- 171 contribution to the Township's Environmental Trust Fund.
- 172 23. Provide a lighting plan for street lights throughout the development.
- 173 24. All essential services are subject to the requirements of the draft Legacy Park
- 174 Residential PUD Agreement and review and approval by the Township Engineer,
- 175 Township Fire Marshal, Livingston County Drain Commissioners, Livingston
- 176 County Water Authority, Livingston County Health Department, Livingston County
- 177 Road commission, and any other outside agencies, such as the Michigan
- 178 Department of Environmental Quality.
- 179 25. Review and approval of the connection the wastewater treatment facility by the
- 180 Township Engineer, Township Fire Marshal, the Livingston County Health
- 181 Department and the MDEQ must be provided prior to recommendation of approval
- 182 to the Township Board by the Planning Commission.
- 183 26. The applicant must provide a true phasing plan that demonstrates compliance with
- 184 Section 38-240, or all infrastructure must be constructed in the first phase.
- 185

186 Mr. Cousino explained this has been an ongoing project and they did incorporate many  
187 of the features for Village Mixed Use.

188  
189 Mr. LeVanway gave a brief overview of the project. The overall acreage is 150 acres.  
190 There is a multi-family component with 4 different products. Single family components  
191 have 90' lots, 80 lots and 60' lots. The multi-family consist of 386 units and equates to the  
192 maximum density permitted under the PUD. Open space is required as part of the PUD  
193 and they have 28% of the 150 acres is open space, which equates to 42 acres. There  
194 are both active and passive recreation areas. Safety paths run along Winans Lake Road  
195 and Whitmore Lake Road as well as all the recreation opportunities on the north side.  
196 They contributed 5 acres and an additional 1.5 acres to the Township. The road

197 improvements that will be made along with a financial contribution and the extension of  
198 public sewer.

199  
200 Mr. Cousino provided an overview of the types of home products proposed. All would  
201 meet the new 32' requirement except for the Cascade where he would ask for a 38'  
202 variance. Designed to meet all price points and demands.

203  
204 Mr. LeVanway stated they agree with most of the comments. The woodlands have been  
205 discussed previously. Mr. LeVanway explained how they determined the tree  
206 replacements. As far as the landscape plan and tree replacement they are planting almost  
207 1700 trees on this site and in addition they have offered up a co-op to harvest any  
208 vegetation they choose as an opportunity to utilize the site.

209  
210 Mr. LeVanway continued regarding the wetland encroachment, they have 11 lots in the  
211 southwest corner, that either have wetlands encroaching or just buffer. They would  
212 propose putting an established post at the buffer line stating, "wetland buffer no  
213 encroachment permitted".

214  
215 Regarding the site lighting, they want to limit the lighting on the site recognizing it's a  
216 higher density area and keep the night sky lighting. They are suggesting coach lighting  
217 on photo cells for the multi-family and no proposed lighting in the single family component.  
218 Lighting at the entrances is proposed.

219  
220 The CES items are focused on construction plans and the recognize those items need to  
221 be addressed in the future.

222  
223 Mr. Lee stated he would like to see the minutes that eliminates the side entry garages it  
224 seems counterintuitive of what they have been doing in other R-1 zoning. Mr. Smigliani  
225 noted some of the previous discussions were to try and keep the natural topography of  
226 the grades from house to house with front facing garages.

227  
228 Mr. Lee confirmed all the multi-family units are 2 bedrooms. He felt the applicant needs  
229 to demonstrate why they need the deviations from the setbacks. He didn't understand  
230 why it needs to be that way and why it's so tight.

231  
232 Mr. LeVanway stated the R-1 district is a bigger lot size and having the reductions is  
233 giving them somewhat of the same building envelope, it allows them to build the same  
234 home on a smaller lot. Mr. Lee understood that but didn't agree with it. You don't reduce  
235 the lot size and reduce the setbacks and say they meet the density. He does not agree  
236 with the compromises on the lot sizes and the setbacks. Mr. Cousino confirmed the  
237 spacing between units is 15'. There was brief discussion regarding the setbacks.

238  
239 Mr. Montagno stated it's indicated in the PUD agreement the allowance for the deviations  
240 would be based on preservation of open space. They want to see the open space as  
241 preserving natural features or providing usable open space and if they wanted to evaluate  
242 the features of the site and weigh those against the deviations.

243  
244 Ms. Sellis stated she didn't see any open space besides the pocket parks and she felt it  
245 is too tight. Mr. LeVanway also explained there is 100 acres of recreation to the north.

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Mr. Smigliani he was ok with the 28% open space but he didn't think it was in line with reducing the lot size requirements. He is ok with the rear yards going from 40' to 35' but he is very uncomfortable with the side yard setbacks, it is a visual detriment. He is struggling with the side yard setbacks.

Clerk Sedlak stated he cannot see how a commercial development across the street can be open space, it's not, it's a for profit commercial development. Also, 15' between houses is a 25% reduction. Regarding the CES letter regarding drainage to the south, the development will raise the wetlands to the south over a foot, have they spoken with the residents regarding that. Mr. LeVanway sated they will not raise the wetland at all, they are sending less water to that wetland. He briefly explained what CES required them to add.

Ms. Stock questioned if they reduce the side yard setbacks they are cutting off the green space and it looks like a dense development. There are opportunities to spread it out and make it look more visually appealing. She suggested removing lot 39 and open it up so people can see the wetlands and make it a more approachable natural element.

Mr. Smigliani asked if they have looked at alternate plans where they used a 10' side yard setback. Mr. Cousino stated he didn't because he didn't think it would be a highly contested issue. They are under the requirements, they are at 2 units per acre, their thought was to reduce the lot size. For them, a building envelop is 40-45'. More of the empty nesters are their buyers and they don't want the big lots, these sizes are typical for a 60' building lot.

Mr. Lee asked how many of the lots would meet the setback requirements of the single-family dwellings. Mr. Cousino stated they would be asking it for all the houses. There are some that are 60' wide lots and put in the 40'-45' building. Mr. Lee stated the building itself is bigger than what really fits, so the space density becomes smaller and coverage becomes greater. Mr. Montagno stated it's not uncommon folks are interested in a larger house and smaller yard, this can be made up in communal open space. There are opportunities to create view sheds or rearranging lots so everyone is enjoying that. He felt if the park was opened up everyone could enjoy it.

Mr. Smigliani stated the overall density is in line but there are some options that could be done to open it up and stretch it out some.

Clerk Sedlak stated he didn't see the home sizes as empty nester products since some of them are very large.

Mr. LeVanway stated the larger lots are single family and in large part is where the open space is focused. There are sidewalks on both sides throughout the development. All sidewalks are 5' and pathways are 10'. The roads are proposed to be 27' back to back then a 9' greenbelt and then a 5' sidewalk. Parking will be allowed on one side of the road only.

Mr. LeVanway stated he would look at the side yard setbacks and the open space and see what they can do.

295 Ms. Stock questioned not providing lighting in the single-family area. Mr. LeVanway  
296 explained this is a transition area, and everyone has the lights on the garages, their  
297 thought is to bring the rural element in and preserve the night sky. Mr. Smigliani stated  
298 he felt depending on the type of structure, when you get to the higher 3 story units, the  
299 lighting density will need to be higher. He suggested intersection lighting. Mr. Montagno  
300 stated if they are talking about boulevard lighting, Coach lighting is in control of the  
301 homeowner, most people, if you don't have street lighting people tend to flip it on. If it's  
302 public lighting it's more consistent and designed so the light is thrown down. The lighting  
303 can be pedestrian scale, in the intersections, it doesn't have to look like a commercial  
304 strip mall. Ms. Stock stated if they are intending this to be this dense there needs to be  
305 some lighting at the corners or intersections. Mr. Cousino stated they can look at that.

306  
307 Mr. Smigliani stated he understood there was about 3800 trees of the mitigation count  
308 with 1700 going back on the site. If there is not enough space to put in all the trees they  
309 can look for another public place to plant the trees and if that didn't work then they would  
310 place the funds in the tree mitigation fund.

311  
312 Mr. Lee explained he sees a very tight subdivision. He would like to see it less dense  
313 and plant more trees, at least replace the landmark trees. We are making a lot of  
314 compromises, we need to do what's best for the future of Green Oak Township.

315  
316 Mr. LeVanway stated they must be careful about overplanting as well, they have planted  
317 where they can.

318  
319 Regarding phasing, Mr. Cousino explained they will introduce a few products in phase  
320 one and build it out sporadically. Everything will be planned and permitted at one time.  
321 Build out time for single family is 24-30 units per year, probably 5 years. And 5-6 years  
322 for the multiple family component.

323  
324 Clerk Sedlak explained there is not going to be any major redo at M-36 because of the  
325 way it exists today, it would need to be completely restructured and start over.

326  
327 Due to discussion length, the Planning Commission felt it was a good idea to extend the  
328 ending time of the meeting to have sufficient time to complete the agenda.

329  
330 **Motion by Lee, second by Pearsall**  
331 **To extend the Planning Commission meeting to 10:15 p.m.**

332  
333 **Voice Vote: Ayes: Unanimous**  
334 **Nays: None**

335  
336 **MOTION APPROVED**

337  
338 The applicants felt they had appropriate direction.

339  
340 **Motion by Pearsall, second by Lee**  
341 **To postpone action on Legacy Park Residential Planned Unit Development,**  
342 **PUD 01-2014 final site plan and direct the applicant to submit updated plans**  
343 **that:**

- 344 1. Address the comments in the Township Planners report dated July 16, 2017.  
345 2. Address the comments in the Township Engineers reported dated July 12,  
346 2017.  
347 3. Address all comments made by the Planning Commission at tonight's  
348 meeting regarding lighting, tree meditation, roads and setbacks.

349  
350 **Voice Vote: Ayes: Unanimous**  
351 **Nays: None**

352  
353 **MOTION APPROVED**

354  
355 Mr. Smigliani called for a short recess at 9:39 p.m. The meeting was reconvened at 9:48  
356 p.m.

357  
358 **4. Public Hearing on OA02-2017 Text Amendment to 38-199 Wireless**  
359 **Communication Facilities**

360  
361 Mr. Montagno explained there are no changes since the last time it was discussed and is  
362 now in adoption format.

363  
364 Mr. Smigliani opened the public hearing at 9:49 p.m. and closed it due to no one wishing  
365 to speak.

366  
367 **Motion by Lee, second by Stock**  
368 **To recommend to the Township Board approval of Text Amendment to 38-**  
369 **199 Wireless Communication Facilities.**

370  
371 **Roll Call Vote: Ayes: Unanimous**  
372 **Nays: None**

373  
374 **MOTION APPROVED**

375  
376 **REPORTS**

377  
378 **Chairman** – None

379 **Township Board Representative** – Clerk Sedlak provided an update regarding the last  
380 Township Board meeting.

381 **ZBA Representative-** Ms. Pearsall provided an update regarding the last Zoning Board  
382 of Appeals meeting.

383 **Planning Consultant** –. Mr. Montagno reported the area wide traffic study is continuing  
384 to move forward.

385  
386 **Correspondence** – None

387  
388 **CALL TO THE PUBLIC** - None

389  
390 **ADJOURNMENT**

391  
392 Mr. Smigliani adjourned the Regular Planning Commission meeting at 9:54 p.m. due to



393 no further business.

394

395

396 Respectfully Submitted,

397

398 *Kellie Angelosanto*

399

400 Kellie Angelosanto

401 Recording Secretary

402