The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, April 21, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360 and also simultaneously VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285. (Meeting was conducted both in-person and via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

The Planning Commission Members Present:
- Scott Reynolds, Chairman
- Jessica Gingell, Commissioner
- Don Gross, Vice-Chairman
- Joe St. Henry, Secretary
- Garrett Hoffman, Commissioner
- Don Walker, PC Rep to ZBA
- Kim Urbanowski, BOT Rep to PC

The Planning Commission Members Absent: None

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:03 pm.

2. ROLL CALL
As noted

3. MINUTES
A. 04-07-21, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve the minutes as amended.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported, that the motion was changed to postpone the approval of minutes for two weeks for clarification of the intent of a motion for PC-2018-49, Hills of Woodbridge. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to approve the agenda as presented. Motion carried

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI), at 7:17 pm and closed the public hearing at 7:24 pm.
Chairman Reynolds then opened the public hearing for PC-2021-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment equaling 90,000-sq. ft. located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008), at 7:24 pm and closed the public hearing at 7:29 pm.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2019-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment and Site Plan, located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001.

Chairman Reynolds asked if the applicant would like to make an additional presentation before they turn it over to their professional consultants?

Mr. Jason Vander Kodde, Civil Engineer Project Manager with Fishbeck, 1515 Arboretum Dr., Grand Rapids, MI presented.

Mr. Vander Kodde said that their presentation tonight is in support of the Special Land Use application. He said he had four things to talk about with them, obviously the introduction to Meijer Grocery, which Ashley had just provided, and then going to review the Master Plan, present the Site Plan as proposed, review the Special Land Use criteria, and then open it up for questions.

Mr. Vander Kodde showed them slides from his presentation. He said he was going to jump right into the Master Plan, the parcel is zoned for General Business (GB), it is also Master Planned for General Business (GB). He said that General Business (GB) as part of the Master Plan allows for retail uses including large format department stores and uses consistent with Meijer. He stated that this proposal is in full alignment with the Master Plan.

Mr. Vander Kodde presented the Site Plan as it related to the Special Land Use. The Site Plan is in part of the Special Land Use they are requesting for a large retail in excess of 55,000-sq. ft. and they are asking for 90,000-sq. ft. To secure the Special Land Use, the Site Plan is an integral of how they put together and they wanted to share with them how they planned that.

Mr. Vander Kodde stated he was going to cover six items, location, neighbors, driveways, access, utilities, and buffering. He said that there are 7.55 acres on the SE quadrant of S. Lapper Road and East Clarkston Rd. Their immediate neighbors are Planet Fitness to the north, Oxford Bank to the south, Burger King to the south, and they are going to have the proposed Ponds of Orion 13.5 acres site multi-family to the east. He stated that the site is accessed via five driveways, those driveways are currently proposed to remain unchanged. The primary driveway is the signalized intersection at the southbound crossover. The secondary driveway from Lapeer Rd. is in front of Planet Fitness, which is a right in right out. The third driveway is a full access driveway onto E. Clarkston Rd. The fourth driveway is a cross-access easement with a Burger King. The fifth driveway is a cross-access connection with the Oxford Bank. He added that with these driveways are to remain, they are proposing to
provide easements for ingress and egress to benefit those existing businesses and neighbors, as well as to benefit Meijer.

Mr. Vander Kodde said that they also have several utilities on the site to pay attention to. There is a storm sewer that goes to a detention pond, just to the east of the site. There is an existing sanitary sewer main that runs through the front of the site and serves Burger King, and the neighbors to the south. There is an existing water main loop around the site that benefits the Township and the adjacent neighbors. There is also an existing berm, and a 30-ft. easement to the east, south, and southwest of the existing Kmart building.

Mr. Vander Kodde stated that they have ample adequate site features to work around with their planning process for a large format retail.

Mr. Vander Kodde said he was going to present how they have proposed to accomplish that, hopefully, together with them. Their site planning includes their customers because Meijer is a customer-based family-owned business. Then they want to provide access for the neighbors and themselves. They want to continue to provide utility service, and provide screening and buffering according to the Township Zoning Ordinance and planning ideals.

Mr. Vander Kodde showed the Board the upper right end of the site as their front entrance, and that is accessed by their primary parking lot, and then they have a secondary parking lot just to the north of the entrance. To the left side of the building is their pharmacy drive-up window, which is right behind the Oxford Bank. The right side of the building is the online order pick-up area. Behind the building on the left is the employee parking lot, and then on the northeast corner is the shipping/receiving area. These are coordinated with their access easements with their neighbors and their existing driveways.

Mr. Vander Kodde said that the proposed store location also accommodates the existing utilities, the sanitary sewer is in the same location, the water main loop also goes around the building, and then the storm sewer connects to the existing storm sewer lines that were historically serving the Kmart building. They are re-routing and reusing those existing utilities. He added that there was also a DTE powerline that runs along the south southeast and east property lines, which will also be maintained. He said that is their site planning, they accommodate customers, access, utilities, and screening.

Mr. Vander Kodde said next he would like to talk about the Site Plan waivers they are requesting. As their planning processes unfolded with the Township staff, they realized that this particular site with its existing conditions is a perfect fit for their proposal and it fits well to the site, however, some of the zoning ordinance requirements are going to require a little flexibility, if they are going to work together, so they are looking for their help on several items. They are trying to balance several things in the zoning ordinance on this site. The first thing is the parking space count. The ordinance requires five parking spaces per thousand square feet in the building, and they are at 3.2 parking spaces per thousand. They have submitted a parking study as part of their application packet supporting that request with their anticipated parking for the business. Because they are looking for a reduction in parking, they are also looking for a reduction in landscaping, they are trying to balance the need for as much parking as possible, with the need for as much landscaping as possible, on a very small existing site, that they thought was a perfect fit for a new Meijer store. The circulation patterns, the green space, and buffering areas are specifically designed to be as big as possible for both parking and landscaping needs. He added that the Township Planner can support the fact that they have provided as much parking and landscaping as they can within the site constraints and they still fall short of both parking and landscaping. If they are to increase the landscaping, they fall even further short in parking. If they decrease landscaping to increase parking, they fall further short.
in landscaping. With the 7.55 acres site, there is simply not enough real estate for them to accomplish everything the ordinance asked them to do. Those are the waivers they are asking for tonight. He was happy to talk about any of them in detail but wanted to start with a high-level conversation for them.

Mr. Vander Kodde said they are also looking at the Special Land Use criteria. They are compatible with the adjacent uses and the Master Plan. They are reusing their existing public services, impact on traffic patterns, and they are not creating detrimental effects, they are enhancing the surrounding environment with improved landscaping, and circulation and they are not isolating any existing land uses. They felt that they meet the Special Land Use criteria.

Planner Fazzini read through his review date stamped April 9, 2021.

Engineer Landis read through his review date stamped April 7, 2021.

Chairman Reynolds stated that the Fire Marshal had some comments in regards to the east drive requiring no parking signage, and the Fire Department connection is being on the northeast side of the building. They don't have any comments from RCOC, but they did complete a preliminary review. There were no additional comments or concerns on their Public Services review. There was a site walk done by the site walk committee, himself, Vice-Chairman Gross, and Secretary St. Henry were present.

Vice-Chairman Gross said that the cross-access agreement with the property to the north the formal written agreement, the bank, and Burger King that was kind of a handshake. Ms. Ashely Mack said that Burger is documented, and then the bank is historical so they are going to leave everything as is. Vice-Chairman Gross asked if they are formal agreements? Ms. Mack replied that since it has been there for so long, they are not going to touch it. Vice-Chairman Gross asked if they wanted to they could close it off? Ms. Mack replied they could but she didn’t think it would be beneficial to them.

Vice-Chairman Gross asked what was the net use of the store? Ms. Mack replied that the entire store will be 90,000 sq. ft. Vice-Chairman asked what the sales floor area they didn’t lock that down. Vice-Chairman Gross said basically 10% of 20%, backroom? Ms. Mack said probably closer to 10%. Chairman Gross asked that would reduce the amount of parking that would be required under the ordinance by about another 50 parking spaces or so.

Vice-Chairman Gross asked what the status of the Ponds of Orion? Planning & Zoning Director Girling replied that they have a soil erosion permit that has occurred. She added that the developer is active in the community in other developments so it is not a matter of them being gone, they just haven’t proceeded past the soil erosion, and the soil erosion stops the expiration of the site plan. Vice-Chairman Gross asked if they are moving forward or not? Planning & Zoning Director Girling replied that she has no reason to believe they are not.

Vice-Chairman Gross stated that one of the reports said that the Ponds of Orion will be installing a 6-ft. concrete along the rear property line between their properties. Mr. Vander Kodde replied yes there is a 6-ft. concrete on the approved engineer drawings for the Ponds of Orion on their side of the property line. Vice-Chairman Gross asked if their plans could reflect that 6-ft. wall that would be by others, he thought that would be helpful because right now there is just a chain-link fence back there. Mr. Vander Kodde replied absolutely.

Vice-Chairman Gross asked about the retention pond? Engineering Landis replied that is an existing pond that the Ponds of Orion are proposing to enlarge to accommodate their development. As it stands now that pond serves the existing building, so they are allowing them
Vice-Chairman Gross asked if Engineer Landis was ok with that under the current plan? Engineer Landis replied yes.

Vice-Chairman Gross asked if their trash is going to be with a compactor inside the store? Mr. Vander Kodde said that the compactor is inside and the trash receptacle is outside, but it is an enclosed receptacle.

Vice-Chairman Gross said relative to the parking he saw a logical request to reduce the amount of parking. They are dealing now with online purchases which are going to reduce the amount of instore traffic, hopefully, and the same with the pharmacy so people will not be parking their car and going into the store and taking up parking spaces.

Vice-Chairman Gross thought that their report was very well done, in terms of addressing all of the issues regarding the standards and requirements of the Special Land Use.

Vice-Chairman Gross questioned the other Board Members if there are some items that require Zoning Board of Appeals waivers, and asked if they were in the position of denying the site plan because of the deficiency in the setbacks, or approving subject to the waivers? Planning & Zoning Director Girling said if they look at the suggested motions, she has incorporated them into the postponement which could be carried to any of the other motions. She did have a conversation with the Township Attorney and based on the complexity of it and discussion on the ability to go to the Zoning Board of Appeals prior to a concrete answer at the Planning Commission is appropriate. It would be whatever their motion is, deny these features that require a variance to allow the ability to go to the Zoning Board of Appeals. She added that if they are ok with what is on the plan, and they are giving a Conditional Approval, the suggested motion would be technically denied, however, if they get their variances they are approved, which they are used to doing. If they don’t feel that everything is on the plan that they need to see, then that is the motion that she provided to them which is a motion to postpone, however, they are denied on the aspects that it requires a variance to allow them to go the Zoning Board of Appeals before they come back to the Planning Commission. All of that was verified with the Township Attorney.

Mr. Vander Kodde asked Planning & Zoning Director Girling that he thought it was referring to the Site Plan component of it, that all the Special Land Use component. Planning & Zoning Director replied correct, the Special Land Use can be decided, the waivers can be decided tonight if they so choose, and then recommend approve or recommend approve with conditions, postponed whatever they choose on the Site Plan.

Chairman Reynolds said that there are a number of items for this approval, some waivers that they can grant, and the same variances that they will need to seek. He asked if they were looking for feedback on the general open items and to come back with a revised Site Plan with them or are they seeking full approval tonight with conditions? Mr. Vander Kodde replied that in the reviews that they received from the professional consultants there is nothing in there that was concerning to them. They are able to accommodate all of those requests, however, they are more than happy to bring back a revised Site Plan if that is what the Planning Commission desires.

Vice-Chairman Gross thought it was a good reuse of the property. It makes sense that a retail building going to a retail building. The requested waivers he thought were justified based upon the surrounding circumstances with the adjoining properties. He thought that the parking count was justifiable. He felt it would be a disservice to deny the plan and then have it wait another
month to have it come back to them for final approval. He said he didn’t see a formal landscape plan. Mr. Vander Kodde said that there was a landscape plan on sheet C600. He did not have the species of the trees called out but had the locations of the plantings and the number of trees and bushes called out. Mr. Vander Kodde said that they have provided the evergreen and the deciduous ornamental, shade tree, plantings beds, and shrubs locations. They just haven’t spent the time to detail out the species and calibers at this point. He added with the inquire of if they are satisfied with the layout, and if they are, then they will dive into that detail and present it to the consultants.

Chairman Reynolds stated that he agreed with Vice-Chairman Gross’s comments he thought it was a very comprehensive package, there is a handful of items that need a little additional detail or clarification he thought for the record. He didn’t think there were major items there, it was not an extensive list, he thought it was a number of detailed items that in many cases they establish in final engineering it is a very large package there is a lot of foot print here.

Chairman Reynolds asked where was the intent for the dumpster enclosure then, and if it was a standard size dumpster enclosure? Mr. Vander Kodde said that just to the east of the word Meijer there is a bump-out on the building just to the east of that bump-out area are two thick strips those thick strips are heavy-duty concrete for the Dumpster enclosure to run on when it gets offloaded and loaded onto the semi-truck. Chairman Reynolds asked if it was recessed or screened? Mr. Vander Kodde replied that it is recessed, it is four feet down. He added that if they look at the side elevation of the building, they will see that there is an opening there for the compactor.

Chairman Reynolds asked if there were any issues with addressing that the east drive would not be utilized for no parking signage, essentially Fire Marshal comments. Mr. Vander Kodde replied no issue.

Chairman Reynolds asked if they had an idea of how many square feet is the building that is being removed? Mr. Vander Kodde replied approximately 86,900-sq. ft.

Chairman Reynolds asked if they are keeping a similar parking count? There are modifications to the lot, but is it a similar parking count are we at? Mr. Vander Kodde said that they would be reducing the parking count because the entire south lot on the building was also used for parking so that south lot parking is going to be essentially reduced to the employee parking space, the area of the north front entry there will be a reduction in parking from the existing count to the proposed count. Order to increase the landscaping and allow the online order pick-up area. Chairman Reynolds asked in the general sense of the western portion of parking is that parking count give or take similar to what was provided? Meaning the primary retail parking of the previous facility was similar square footage, and they are dealing with similar numbers here. Mr. Vander Kodde replied that the main lot is going to be similar, he hasn’t done a per space count.

Secretary St. Henry asked if they know what the overflow parking is roughly? If Meijer customers did encroach into the rest of the parking area, do they have a general idea of how many spots are there in front of Planet Fitness and the smaller retail outlets? Mr. Vander Kodde replied that he didn’t have that number this evening. He said being out there onsite during rush hour, that the parking lot was less than half full.

Vice-Chairman Gross asked if they had rights for cross-parking as well as access drive? Mr. Vander Kodde replied that they do not have cross-parking rights, they only have cross-access rights.
Board Member Walker said he wanted to compliment them. He has been doing this for some time, and theirs was one of the best presentations that he had ever seen. He added that this was like the angels lifting Kmart out of there and putting them in there. He thought that everything just seems to fit. He said that when he first looked at this, he thought that they wanted a bunch of waivers, and then he began thinking, how did Kmart get this without those waivers? Did the ordinance change? They are going in there and they are becoming Kmart as he can see it. He stated that they didn’t tell them how wonderful it is going to be for Orion Township, they said none of those things, he was so happy to hear that. They are here to make some money, he gets it, it is wonderful and it is the way it is supposed to be. He congratulated them on the presentation and couldn’t see why they wouldn’t deny any of these waivers provided that they do everything the consultants suggest that they do.

Secretary St. Henry said that when that original Kmart went in, in the early 70s who knows what ordinances were out here then. He said that this building has sat empty for at least 2 years, the community has their ideas of what should go in there and what shouldn’t go in there. The fact that a known, large state entity wants to move in there and take down the old building and put up a brand-new building, there is a dearth of grocery shopping on this end of town, he lives close by. He saw no reason to not grant them the waivers, and then to work with Meijer wholeheartedly. This is the Township’s center or close to it, the thousands of people drive by it every day, and he thought it was important that they develop it the right way and this is a known entity with a strong plan.

Chairman Reynolds agreed, they have been in need of a use like this for quite a while. He was familiar with some of Meijer’s boutique products that are responsive to current markets, market trends, and needs. There is less of foot on the ground, going through the store, there is a lot of delivery options. He looked favorably on the reduced parking. He thought as a Master Plan component they want to avoid seas of underutilized parking and didn’t see a major issue with that. He thought the restrictions of the existing site are generating a lot of the requested waivers and concerns. There are a few such as heights and things that are variance-based, in his perspective are acceptable variances, but they are not there to grant those at this level. He felt that there was a lot of good, and it being a right-sized development for their area. This being a similar footprint in size to the existing Kmart maintaining similar parking, he looked favorably on that, they are not looking to propose a 200,000-sq. ft. store. He added that he thought that the motion needs to incorporate some re-reviews by their professional consultants to address some of the open items and items that have been agreed to here, or in reviews.

Chairman Reynolds asked about the drive that would be the light at the turnaround, is there any concern with traffic generation that would modify that light or anything, or is that strictly out of their hands, and a review that needs to occur elsewhere? He knew that it works right now it is a single access point, he is just making sure that they don’t need to look into that further. Engineer Landis said that it would be an RCOC call, but given the fact that the anticipated trips are approximately the same, he can’t see that changing, but it would be an RCOC call.

Secretary St. Henry asked so the anticipated trips from Kmart to Meijer are the same? Engineer Landis replied approximately the same yes. The Meijer is only about 3,000-sq. ft. larger than the existing Kmart, and the trips generated by that additional 3,000-sq. ft. is minimal. Secretary St. Henry said that is what is on paper, but he could tell them that this Meijer will be much busier than Kmart has been in the last 15 years, there will be a lot more traffic, they will have to address it. He said they can’t look at what the last two years have been with Kmart closed and Planet Fitness dealing with COVID and everything else. Engineer Landis replied understood. He said it is not necessarily looking back at how busy or not busy Kmart has been it is based on industry-standard criteria for a store of that proposed use, so they are comparing apples to
apples. Mr. Vander Kodde said that the results of a traffic impact study are going to tell them the mitigation measures that they will need to take to accommodate the traffic, and those measures are already established on this site. Chairman Reynolds said that that data is pretty much remaining the same that they are not going to look at whether it was a thriving or failing store to generate modifications to traffic.

Chairman Reynolds asked if there was any discussion, he knew that they were dividing the parcel, but what about maintaining the existing elevations to that existing structure? He would like there to be some sort of comment that it is going to be continued on, the structure to the north. He knew they were splitting this off and it goes back to a requirement of an adjacent parcel so it makes things complicated but it is originally an existing parcel. They get the intent of that north edge of the building or that south edge of the north building, being modified kind of getting lopped off. He asked if there was any discussion or agreement right now? Planning & Zoning Director Girling said if she is not mistaken, the parcels are already correct because there is a parcel number for the rest of the buildings, there is a parcel number for the existing Kmart including the parking that it has, that is why on the agenda it says one sandwiched, so it is technically already a tax parceled I.D.’d separate. Before it was one site that was the piece sandwiched, the Kmart building, and the remaining buildings with their parking. She asked if their sale of it was truly as the tax parcel exists right now, what was there to divide? Chairman Reynolds agreed, he said it was not so much the division as the aesthetic of that north side of the building that now will have a new south façade. He didn’t know if that has been discussed, it is not Meijer but this project is generating that. He asked if there was any discussion to addressing that façade in any way. Mr. Vander Kodde replied yes there has been. He said he wasn’t sure how much detail he was looking for but the existing wall between the two buildings is a shared wall, and that shared wall will remain.

Chairman Reynolds said his deal is that it is not just going to be just a blank unfinished façade, there is only so much they would require but he asked that it be an item that gets reviewed. It is an existing façade technically speaking they are getting into the gray area of their ordinance. He just wanted to make sure that it is maintained esthetically. Mr. Vander Kodde said in his case as an applicant it is an existing wall on someone else’s property. Chairman Reynolds agreed. Mr. Vander Kodde said that they will pull a demolition permit for removing the Kmart building. The shared wall between Planet Fitness and Kmart will remain in place. Planner Fazzini said that they could review the details on what is to remain, painted cinderblock, or something like that. Chairman Reynolds stated that he didn’t review the drawings close enough to understand if the line was the middle of the party wall. Mr. Vander Kodde stated that the lot line is actually in the Planet Fitness and there is a two-ft. easement to accommodate their wall on their property. Chairman Reynolds said if they could just speak to the record of that being a concern to be addressed he knew that there were limited ordinance items and it was existing and façade modifications are allowable without Site Plan approval too.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approve PC-2021-37, Meijer-ORI, Ordinance #78, Section 30.02, the Special Land Use request for a large-scale retail establishment, located at 1025 S. Lapeer Rd. (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008) for plans date stamped received March 24, 2021. This Special Land Use approval is based on the following findings of facts: that the proposed use is compatible with the adjacent uses which are currently existing; it is compatible with the Master Plan: which shows this as a general business area; the public services are adequate since they are currently in existence; the impact on traffic has been demonstrated as not being adverse to this request; there will be no detrimental effects due to the construction of this project on the property; this will be an enhancement of the surrounding environment, and there will be no isolation of existing land use as a result of this development.
Roll call vote was as follows:  Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Hoffman, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking calculation waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following:  that the area of the building as originally calculated was at the gross building area, the net building area would reflect a substantial reduction in the required parking; the parking study submitted by the applicant which identifies the time, days, and seasons for substantial parking has justified this waiver; the proposal does identify that there are new standards being provided in this development with the online purchases and pick-up reducing the long-term parking in the parking lot for both grocery as well as drive-up pharmacy; there is a shared access agreement for access to the adjoining properties to the north and the south.

Roll call vote was as follows:  Walker, yes; St. Henry, yes; Gross, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking area/drive setback waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following:  this does provide adequate landscaping and the parking is located as such as to provide sufficient parking on the site.

Roll call vote was as follows:  St. Henry, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission **approve** a greenbelt width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(D), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following:  the landscape greenbelt waiver being provided is an excess of what currently exists on the site and an increase waiver would further reduce the amount of parking on the site.

Roll call vote was as follows:  Urbanowski, yes; Hoffman, yes; St Henry, yes; Gingell, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking lot landscape adjacent to the road width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 27.05(A)(4), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following:  the existing landscape is consistent with the landscaping adjacent to the road further to the north.

Roll call vote was as follows:  Gross, yes; Urbanowski, yes; Hoffman, yes; Gingell, yes; St. Henry, yes; Walker, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **grant site plan approval** for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 30.01), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021. This approval is based on
the following conditions: that the plan identified the no parking fire lane signs as required by the Fire Department; that the plan complies with all the OHM conditions #1-11 of their report of April 7, 2021; that the plans show a 6-ft. wall screen adjacent to the residential property to the east as a plan by others; that the landscape plan be completed showing the details of the plant materials; the photometric plan be submitted and complete; the dumpster profile to be shown in the detail; cut sheets submitted for the project; further, subject to waivers being obtained from the Zoning Board of Appeals for the rear, being the east, setback waiver, the rear façade being greater than 100-ft. in length, the loading dock setback of 50-ft. be revised to 40-ft.

Discussion on the motion:

Chairman Reynolds thought one thing to add was, and he felt he had addressed the setback variance of 63.9-ft in his motion. He asked if that was the intent? He said essentially all variances that are required by the site plan are to be requested by the Zoning Board of Appeals.

Chairman Reynolds said that the second one he would say he did have a comment about the dumpster being shown on the plans or indicated on the plans. He wanted to clarify if that was a requirement they would like to make? He said, maybe the applicant can just clarify that it looks like the dumpster is going to be recessed but not screened, he asked if it would be happy to provide some screening in top of that wall as well if it would be helpful. Chairman Reynolds thought it would be appropriate to screen the dumpster or modify that detail to a solid instead of an opaque wall. Eric Fazzini said that the ordinance requirement is a masonry brick type wall; Chairman Reynolds said that as long as the enclosure meets the ordinance standards potentially. Mr. Vander Kodde said that they will provide that detail to a solid wall for the length of the dumpster. Chairman Reynolds said that all of the variances be requested and received in order to receive approval, and the dumpster is to be screened per the ordinance requirement.

Vice-Chairman Gross amended his motion, Commissioner Hoffman re-supported, that all of the variances be requested and received in order to receive approval, the dumpster is to be screened per the ordinance requirement, and that the plans be re-reviewed by the professional consultants.

Roll call vote was as follows: Walker, yes; Gross, yes; Urbanowski, yes; Hoffman, yes; St. Henry, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.

B. PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI).

Chairman Reynolds reminded the Commissioners that this is a rezone request they are not getting into site plan approval items.

Chairman Reynolds asked if the applicant had anything that he wanted to add? Mr. Gary Quesda replied not if the commission doesn’t have any questions.
Planning Fazzini read through his review date stamped March 31, 2021.

Chairman Reynolds stated that he didn’t see any major conflict or issue with the rezone. He thought it was a minor expansion to the existing zoning, it is not creating any spot zoning conditions, and didn’t have any major issues with the proposal as long as it’s essentially in substantial completion, meets all of their criteria, and they have everything documented on record adequately.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-39, Lake Orion Community Schools Rezone Request, to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1155 Joslyn Road from Suburban Farms (SF) to Limited Industrial (LI) for the application date stamped received 3/15/2021. This recommendation to approve is based on the following findings of facts: that the objectives are consistent with the Master Plan; the existing and proposed use of the property within the general area and the question is consistent with the zoning and Master Plan; the proposed rezoning is appropriate if combined with the property to the east and made it part of that general area of development; the zoning is consistent with the trend of development of the general area of the property in question; the approval is conditioned upon the approval of a boundary adjustment and new legal description being provided for the subject properties; this rezoning does not approve the site plan and a site plan would be before them at a later date, and they would review it relative to its zoning ordinance requirements at that time.

Discussion on the Motion:

Chairman Reynolds asked if the idea of it being combined with the adjacent parcel a condition or is it a finding of fact? Vice-Chairman Gross replied a finding of fact.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.

8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds said he was excited for some new developments rolling into town.
15. COMMISSIONERS’ COMMENTS
Trustee Urbanowski regarding the Master Plan meeting they had earlier, and thought that they do need to get the word out regarding the Master Plan. She thought that if they share it with everybody and do what they can, social media, send an email, they can get a good turnout. Chairman Reynolds stated that they don’t have to be professional, Planning Commissioner, to come out to these things, they are just normal people, and they all come from different backgrounds. Hopefully, they can present tools that help that discussion.

Commissioner Hoffman said he was excited as well. He liked the date of the 16th being further out, he has a baby coming right at the end of May.

16. ADJOURNMENT
Moved by Commissioner Hoffman, seconded by Trustee Urbanowski, to adjourn the meeting at 8:47 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, April 21, 2021, at 7:17pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360, and simultaneously via “GoToMeeting” #599-669-285.

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC
Joe St. Henry, Secretary
Garrett Hoffman, Commissioner
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None.

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Gary Quesada
Tom Boutrous
Jason Vander Kodde
Ashley Mack

PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI)

Mr. Gary Quesada from Royal Oak, MI and he was representing Ken Zmijewski who is the authorized representative of the school districts regarding this petition.

Mr. Quesada said back on February 18, 2021, the petitioner brought a Site Plan for 1761 Clarkston and there was a discussion of the site plan at the time but one of the things that were pending and had to be resolved was this petition which is a petition to rezone. He stated that the school district submitted an application authorized them to represent them, however, that application did not include some information, the reviewer made a staff report the other day, yesterday they submitted some additional information, he didn’t know if they had time to look at it, he was happy to walk through it, if they haven’t. He said the additional information was to address the concerns raised by the plan reviewer regarding the rezoning.

Mr. Quesada gave some background their engineer has addressed the issues to the extent that they can for the site plan as well. They can talk about that later if they wanted or in the next meeting but right now, he wanted to talk about the responses to the planner’s review.

Mr. Quesada said the first thing was the plot plan that was submitted was not in conformance and they have submitted their engineering site plan with some adjustments, some editing, that he thought conforms with the intent of the application requirements. On their original they didn’t have the applicant’s name, they had the authorized representative’s name, they have added that. The scale is on these plans, north direction, zoning classification, those things are on the plans, including the easement to the center of Clarkston Rd., and tax parcel i.d., all of those things are listed. Their site is really the issue, not the school district site. The school district is just finishing its building. The plot plan that they gave them was the plot plan for 1761 Clarkston with the strip the 40X694-ft. strip is what the actual measurement is and that is also on the plan. They have clarified all those things on the plot plan if there are any questions about that. Chairman Reynolds stated that they will get into some of those comments later on, and just wanted to
address the public comment portion at this point. They will dig into that deeper and will respond with their professional consultants later on under 7B.

Mr. Quesada said that the other aspect of this is the findings of fact that the commission has to make. They didn’t address those in their original application, this time they did. They think that this rezoning is in conformance with the Master Plan, provided as the current and future land use maps. This is a light industrial area, they are talking about a very small strip just to allow for this development which is planned to be public outdoor storage, not outdoor storage like boats, it is not conditioned space, it is for private units. That use is light industrial use, it is very low impact, some of the future land use around this is designated as medium density housing, should there be medium density housing, that would be one of the things that drive the need for public storage facilities in the first place, that is something that would be in conformance. They thought this was very much in conformance with the direction. The current development right now has been stable, the same business has been there for some time but if new housing is going to go in, this is a need and it is in the Light Industrial (LI) zone anyway. This will not be spot zoning and thought it was a very suitable purpose. He included a photo survey, if they haven’t been out to the site, one of the things about it is that there are high voltage wires are going right over part of the site. He thought that the trend of this area was going to stay with light industrial. He added that perhaps there is some possible mixed use that could come in but generally speaking it is less attractive to put housing under high-voltage. He thought it was the right type of facility.

Mr. Quesada thought that another thing that was important is that the school district has already developed to the north end of their property, the area next to their development will be left natural. They are going to have a much-improved facility, right now it is an open-air facility, there is an old wood fence, they will put up some decorative fencing, landscaping on both sides, the buildings will not be a bright orange like some of these public storages, it will be a more subtly colored it will not be calling out attention. It will be an unintrusive appropriate use for this site, and it is just this 40-ft. strip.

Chairman Reynolds asked if there were any public comments? There were not.

Chairman Reynolds asked if there were any comments from the Commissioners? There were not.

Chairman Reynolds closed the public hearing at 7:24 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
MOST CURRENT AERIAL IMAGE:

- Areas to be left natural
- New School Building (Being completed)
APPLICATION FOR REZONING

Case Number PC-2681 - 39

*PROOF OF OWNERSHIP MUST BE INCLUDED IN THE APPLICATION*
(Acceptable documentation includes: Warranty Deed, Quit Claim Deed, Land Contract, and Option to Purchase with a Copy of the Warranty Deed. If the applicant is not the property owner, then written authorization from the property owner must be included.)

NOTICE TO APPLICANT

The following application must be completed (incomplete applications will be returned to the petitioner) and filed with the Township at least four (4) weeks prior to a scheduled Planning Commission meeting in order to initiate a request for Rezoning Approval. Regular meetings of the Planning Commission are held on the first and third Wednesday of each month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion.

Date: February 26, 2021 Project Name: LOCS and Orion Investment Group Rezoning

Applicants Name: Lake Orion Community Schools

Applicants Address: 315 N. Lapeer Street

City: Lake Orion State: Michigan Zip Code: 48362

Phone#: 248-693-5415 Fax #: 248-693-5464 E-Mail: John.Fitzgerald@lok12.org

Property Owner Name: Lake Orion Community Schools

Property Owner Address: 315 N. Lapeer Street, Lake Orion, MI 48362

Phone#: 248-693-5415 Fax #: 248-693-5464 E-Mail: John.Fitzgerald@lok12.org

Please attach an additional sheet, if there are two or more property owners.

Name of Firm/Individual who Prepared the plan: Contact person is: Ken Zmijewski

Address: 1761 Clarkston Rd, Lake Orion, MI 48362

Phone#: 248-364-3900 Cell#: 248-425-3448 E-Mail_____________________

*Please Indicate Above The Contact Person For The Proposed Rezoning*

Property Description:
Location or Address of the Property: Portion of 1255 Joslyn Road, Lake Orion, MI 48360

Side of Street__________Nearest Cross Streets: Joslyn and Clarkston Roads
Sidwell Number(s): 09-16-200-002

Total Acreage: Est. existing 43.944 acres. Selling about 2/3s of one acre.

Subdivision Name (if applicable)

Frontage (in feet): _______ Depth (in feet): _______

*Please Attach to the Application a Complete Legal Description of the Subject Property

Current Zoning Classification:
Subject Property: Suburban Farms

Adjacent Properties:
North: Clarkston Road South: Suburban Farms
East: Limited Industrial West: Suburban Farms

Requested Zoning Classification:
Subject Property: Limited Industrial

Existing Use of Property: Public school campus

Proposed Use of Property: Portion to be sold is proposed to be Industrial (self-storage).

Statement of Purpose: On a separate sheet of paper attach to the application the reasons why: 1. The rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership; 2. The existing zoning classification is no longer appropriate, and, 3. The rezoning will not be detrimental to surrounding properties.

***10 Sets Of The Plot Plan And The Rezoning Application Prepared In Accordance With The Orion Township Zoning Ordinance #78, Section 30.04 And One 8x11 Map Showing The Subject Area, Acreage, Current And Proposed Zoning Designations Are Required When Submitting For A Rezoning Request. All Applicable Fees Must Also Be Included As Part Of The Rezoning Request. Please See Ordinance #41 For The Planning Commission Review Fees***

I hereby submit this application for Rezoning, pursuant to the provisions of the Orion Township Zoning Ordinance, Ordinance #78, Section 30.04 and any other applicable Township Ordinance requirements. In support of the permit application, I hereby certify that the information provided herein is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application) and on behalf of all owners of this property, I hereby grant the Planning Commission members and Township Building Department staff permission to perform a site walk on the property, without prior notification, as is deemed necessary.

Signature of Applicant: __________________________

Date: 3/12/2021

Signature of Applicant: __________________________

Date: __________________________
March 31, 2021
Planning Commission
Orion Township
2525 Joslyn Road
Lake Orion, MI, 48360

Rezoning Review
Request: from SF to LI (part)

Case No: PC-2021-39
Site: Orion Oaks Elementary School (part)
Applicant: John D. Fitzgerald, LO Community Schools
Plan Date: 03/15/2021
Zoning: SF Suburban Farms
Parcel ID: 09-16-200-002

Dear Planning Commission Members:

We have completed a review of the request for rezoning referenced above and a summary of our findings is below. Items in bold require specific action. Items in italics can be addressed administratively. A summary of the requested Planning Commission action is provided on the next page.
30.04 Amendments to the Zoning Ordinance

Findings of Fact and Recommendation of the Planning Commission. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

a. The objectives of the Township’s Master Plan.

b. Existing uses of property within the general area of the property in question.

c. The zoning classification of property within the general area of the property in question.

d. The suitability of the property in question to the uses permitted under the existing zoning classification.

e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

SUMMARY OF FINDINGS

Existing Conditions

1. Site. The site consists of a 40-foot wide by 700-foot deep area in the northeast corner of a large existing parcel that contains Orion Oaks Elementary School. The site has 40 feet of frontage along the south side of Clarkston Road and is included within the development area of PC-2019-04, Orion Storage, a site plan review for a mini-storage and warehousing development. This case was postponed by the Planning Commission in February due to the lack of proper zoning along the west boundary of the development. This rezoning application has been submitted to provide proper LI zoning for the west boundary of the Orion Storage development as the 40-foot by 700-foot rezoning area corresponds with the 40-foot by 694.90-foot area indicated on the Orion Storage site plan.
2. **Application.** Zoning Ordinance Section 30.04 B.2. states that a plot plan shall accompany a rezoning application and shall include the following. If any of the items listed are not applicable to a particular plot plan, the applicant shall specify on the plot plan which items do not apply, and furthermore, why the items are not applicable.

a. Applicant's name, address, and telephone number.
b. Scale of plot plan, north point, and dates of submission and revisions.
c. Zoning classification of petitioner's parcel and all abutting parcels.
d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site. Aerial imagery or photographs with parcel data/or property lines should be submitted.
e. Existing use of the property.
f. Right-of-way widths of all abutting streets and alleys.
g. Tax parcel identification number and/or legal description with acreage calculation.
h. Listing of all existing street addresses within the property.

The applicant has submitted a scaled Oakland County GIS parcel map as their plot plan. This GIS map includes some of the information listed in a. through h. above but does not include detailed information that would normally be indicated on a rezoning plot plan or site plan. The Planning Commission should determine if any additional information listed above should be submitted at this time. At a minimum, the submitted GIS map should be amended to specify which items in a. through h. do not apply and why as this is a requirement of the Zoning Ordinance.

The area requested for rezoning should exactly match the area needed for the Orion Storage development. The Orion Storage site plan indicates an area that is 694.90 feet deep, while the rezoning application indicates an area that is 700 feet. The rezoning applicant should work with the Orion Storage applicant to ensure there are no discrepancies between these two areas if approved.

3. **Adjacent zoning & land uses (from rezoning strip area).**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LI</td>
<td>Industrial (multiple)</td>
</tr>
<tr>
<td>East</td>
<td>LI</td>
<td>Industrial (Orion Storage)</td>
</tr>
<tr>
<td>South</td>
<td>SF</td>
<td>Elementary School</td>
</tr>
<tr>
<td>West</td>
<td>SF</td>
<td>Elementary School</td>
</tr>
</tbody>
</table>
4. **FLU Map.** The Future Land Use Map classifies the site as Institutional. This classification surrounds the site to the east (Orion Storage), south, and west. Across Clarkston Road to the north is classified Single Family Medium Density. The Future Land Use Classification for Institutional is as follows:

“Institutional is located where existing schools, churches, public buildings and cemeteries are currently in operation within the Township. Because such uses are permitted in a variety of zoning districts, the correlating zoning classifications are too numerous to mention. Institutional uses are permitted within nearly any zoning district within the Township.”

---

**Future Land Use Map Boundaries**

In general, and for most communities, future land use map boundaries are not typically intended to be precise related to the boundaries of individual parcels as master plans have a long-range focus. Related to this, the Orion Township Master Plan states that:

“It should be remembered that the Master Plan is just the best estimate of what would be the desirable land use configuration of the community in the future, from a point in time at the present. As time moves on, this concept of a desirable community may change, so the Plan must be flexible in order to accommodate that change.”

www.giffelswebster.com
Planner Comments: The existing 2015 FLU Map does not account for existing industrial uses and zoning within the area surrounding the intersection of Clarkston Road and the Polly Ann Trail, likely due to the historic presence of the rail line now occupied by the trail. It is unclear if this lack of an industrial classification for this area was intentional to phase out industrial uses within this area over time, or if this was an oversight in accounting for established industrial uses and zoning.

As part of the Master Plan Update, we will likely encourage the Planning Commission to consider an industrial classification for the Orion Storage site and surrounding industrial sites to ensure that the new FLU Map does not conflict with existing industrial uses and zoning. If the Orion Storage site is ultimately classified as industrial, this rezoning request could then be viewed as a minor expansion of an established industrial use and zone. We have no objection to this rezoning request proceeding at this time, prior to the Master Plan Update being completed, due to the apparent conflict between the established industrial use and zoning in this area, and the FLU classification.

5. **Master Plan Text.** The 2015 Master Plan text, including the Objectives, also provide guidance related to this request. Below are several sections that broadly relate to this rezoning request, including highlighted goals and objectives/policies that may relate to the proposed development of the adjacent and related Orion Storage site including the strip area subject to this rezoning request.

I. Economic Development

Goal B: To provide economically sustainable developments.

Objective I: To provide developments that can serve multiple purposes and reuse the existing buildings within the township.

Policy 2: Monitor a business development, retention, and expansion plan.

Goal C: To streamline the development review process.

Objective I: To assist with economic development, continue the development review procedure to encourage development providing it complies with the characteristics and needs of the community.

Policy 1: Adjust zoning districts in a manner which is consistent with established development patterns.

II. Community Facilities

Goal B: To provide for adequate sanitary sewer, public water, and stormwater management service in a manner consistent with the developed policies of the township.

Objective II: To ensure that new development will occur where adequate services are provided and proposed.

Goal C: To provide for the maintenance of storm drainage systems along roadways and within developments.

Objective I: To protect the quality of the existing storm drainage system which flows into abutting lakes, streams and wetlands.

III. Recreation Facilities

Goal C: Continue to develop and maintain the township-side non-motorized transportation system.

www.giffelswebster.com
Objective/Policy 2: Continue to coordinate with the Polly Ann Trail, Paint Creek Trail, Road Commission for Oakland County, railroad companies, adjacent communities and other stakeholders

IV. Environmental Resources
Goal A: To preserve the natural resources of Orion Township.
   Objective II: To utilize the Township Stormwater Management and Erosion Control Ordinance to ensure that development will not adversely impact natural resources and surrounding property.

VI. Transportation and Thoroughfares
Goal A: To provide a traffic circulation system that safely and efficiently services residents and businesses located within the township.
   Objective I: To obtain needed right-of-way dedications and traffic safety improvements.
   Objective IV: To encourage improved roadway aesthetics.
   Policy 1: Roadways should be visually pleasing to motorists, pedestrians, and persons who view the roads from adjoining land.
   Objective V: To discourage development within future road rights-of-way as depicted on the Right-of-Way Plan.

Goal B: To Develop a system of pedestrian/bicycle safety paths to link residential areas with schools, recreation areas, commercial districts and other destinations.
   Objective III: To support development and maintenance of the proposed Polly Ann Trail and Paint Creek Trailway.

XI. Industrial Areas
Goal A: To provide for industrial development in a manner that increases the community’s tax base, results in proper land use relationships, and does not negatively impact the environment.
   Objective II: To minimize the negative impacts of industrial areas on non-industrial areas and on the environment.
   Policy 1: Concentrate industrial uses in suitable locations to protect residential uses.
   Policy 2: Other land uses should be physically and visually protected from the intrusion of industrial land use.

   Objective III: to provide a balanced industrial development strategy to achieve environmental compatibility and maintain the semi-rural character of the township
   Policy 6: Future industrial development should be permitted only in accordance with the ability to provide required utilities and public services, including public water and sanitary sewer services, adequate road construction and maintenance, police and fire protection and a tax base to allow for adequate general municipal administrative and regulatory services.

Goal B: To strive for high standards of design for industrial development in the township.
   Objective I: To create industrial areas which are well served by infrastructure, are efficiently served by transportation facilities and are as attractive as can be attained in an industrial district.
CONCLUSION

1. **Application.**
   a. The Planning Commission should determine if any additional information listed in Section 30.04 B.2. a. through h. should be submitted at this time.
   b. At a minimum, the submitted GIS map should be amended to specify which items in a. through h. do not apply and why as this is a requirement of the Zoning Ordinance.
   c. The rezoning applicant should work with the Orion Storage applicant to ensure there are no discrepancies between these two site plan and rezoning map areas if approved.

2. **FLU Map.** As part of the Master Plan Update, we will likely encourage the Planning Commission to consider an industrial classification for the Orion Storage site and surrounding industrial sites to ensure that the new FLU Map does not conflict with existing industrial uses and zoning.

3. **Master Plan Text.** Review item #5 contains several sections that broadly relate to this rezoning request, including highlighted goals and objectives/policies that may relate to the proposed development of the adjacent and related Orion Storage site including the strip area subject to this rezoning request.

Respectfully,

Giffels Webster

Eric Fazzini, AICP & CNU-A
Senior Planner

www.giffelswebster.com
April 20, 2021

Ms. Tammy Girling
Planning & Zoning Director
Orion Township
tgirling@oriontownship.org
(248) 391-0304, ext. 5000

RE: PC-2021-39
Lake Orion Community School, Rezone Request
Responses to Rezoning Review, dated March 31, 2021

Our clients: Ken Zmijewski

Dear Ms. Girling-

We are respectfully requesting the Department accept this correspondence and attachments as additional information, in response to the questions raised in the Rezoning Review dated March 31, 2021.

Attachments:

Please find attached a site plan sealed by Sujak Engineering as our Plot Plan in conformance with the application requirements, along with a landscape plan and photometric map.

Also find attached the most current available aerial photo, current zoning map, future land use map and a photo survey of the adjacent properties.

Plot Plan Information:

The reviewer noted missing information on the submitted plot plan.

a. Applicant's name, address & phone – shown on plan, along with applicant's authorized representative.

b. Scale, north point, dates of submission & revisions – shown on plan, latest revision is entitled "Layout Updates" and dated 1/20/2021.
c. Zoning classification of petitioner’s parcel and all abutting parcels – shown on plans or in other attachments.

d. Existing lot lines, building lines, structures, parking areas, driveways etc. – The applicant’s property is not being improved. The plan depicts the planned improvements to the property at 1761 Clarkston Road, which will be acquiring the subject strip of land being re-zoned. Therefore, the plan does not show the entire property owned by the School District.

The most Current Aerial image is attached, which shows the surrounding parcels, and notes the areas on the District’s property to remain natural.

e. The existing use of the property is shown in the photo survey attached.

f. Right of way widths of all abutting street and alleys – shown on plan (33 ft from centerline of Clarkston Road).

g. Tax Parcel Identification Number and/or legal description with acreage calculation – 1761 Clarkston Tax ID #, legal description and acreage calculation shown on plan.

The School District’s parcel ID # is 09-16-200-02. The strip being re-zoned is measured at 694.90 feet x 40 feet which is 27,796 sq ft, or .64 acres.

h. Listing of all existing street addresses within the property – Not applicable.

Finding of Facts for Recommendation to Township Board:

a. Objectives of the Master Plan – The area to be rezoned would be a minor adjustment to the future land use map, simply enlarging an existing, permitted use by .64 of an acre.

The future land use map maintains a Limited Industrial Zone at the 1761 Clarkston Road property. As noted by the reviewer, the FLU Map does not reflect the current limited industrial uses of the properties to the north and east, but designates these as “Single Family Medium Density.” However, there are practical restraints on residential developments in either direction. The high-voltage wires that cross over the properties and run along the Poly Ann trail reduce the attractiveness for development of homes. It is more likely the Limited Industrial uses now present will continue into the future.

If there are medium density developments in the area in the future, these developments are naturally the types of developments that drive demand for public storage facilities. Either way, maintaining 1761 Clarkston for this planned Limited Industrial use is in conformance with the goals of the Master Plan.
b. Existing uses of Property within the general area – See above and attachments. The requested re-zoning will be similar and compatible to adjacent uses.

c. Zoning Classification of property within the general area - See above and attachments. The requested re-zoning matches the existing adjacent zones, and will not create a "spot-zone."

d. The suitability of the property to the uses permitted, under the existing zoning classification - The property at 1761 is currently used as a storage facility in conformance with low-impact uses permitted in a Limited Industrial Zone. The re-zoning would allow an upgrade to enclosed self-storage units, and would remain low-impact.

e. The trend of development in the general area of the property – The trend in the immediate vicinity has been stable, maintaining current uses. The Township’s Master Plan and FLU Map indicate the desire to respond to demand for medium-density housing. As noted above, medium and high-density housing drives demand for public storage.

f. Any additional findings of fact – The improvements contemplated to 1761 Clarkston will be an improvement to the area and serve a market need. The facility will benefit the neighboring property owners. The new Orion Storage facility will be built with quality materials and color selection will be subtle, not bright orange or other color that will attract inappropriate attention. The grounds will be well-landscaped, maintained with an irrigation system and lighting will be studied and directed only on site (See photometric map attached).

The School District property to the west that abuts the planned new facility will be left natural, so the planned improvements will have no detrimental impact whatsoever.

The Poly Ann Trail to the east will view shrubs and landscaping which will be an improvement over the current standard wood privacy fence.

We hope the foregoing is fully responsive to the Planning Commission, Department and Reviewer’s questions. We will be prepared to answer any additional questions at the hearing on April 21, 2021 at 7:00 PM. We thank you for your consideration.

Sincerely,

Gary D. Quesada

cc: Client
Lake Orion Community Schools (specifically Orion Oaks Elementary) is requesting to rezone a 40-foot wide by 694.90 feet long area in the north east corner of their parcel. The intent is to rezone the parcel from Suburban Farms (SF) to Limited Industrial (LI) in order to do a boundary adjustment and sell the 40-foot strip to the adjacent property owner who is zoned LI. Lake Orion Community Schools has given written permission for the adjacent property owner to appear on their behalf for the re-zone application.

The Planning Commission held a Public Hearing on April 21, 2021 and later that evening at the regularly scheduled Planning Commission meeting, the following motion was passed:

 Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-39, Lake Orion Community Schools Rezone Request, to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1155 Joslyn Road from Suburban Farms (SF) to Limited Industrial (LI) for the application date stamped received 3/15/2021. This recommendation to approve is based on the following findings of facts: that the objectives are consistent with the Master Plan; the existing and proposed use of the property within the general area and the question is consistent with the zoning and Master Plan; the proposed rezoning is appropriate if combined with the property to the east and made it part of that general area of development; the zoning is consistent with the trend of development of the general area of the property in question; the approval is conditioned upon the approval of a boundary adjustment and new legal description being provided for the subject properties; this rezoning does not approve the site plan and a site plan would be before them at a later date, and they would review it relative to its zoning ordinance requirements at that time.

Discussion on the Motion:

Chairman Reynolds asked if the idea of it being combined with the adjacent parcel a condition or is it a finding of fact? Vice-Chairman Gross replied a finding of fact.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0.
Included in your packet is the Rezoning Application, the planning consultant’s review, the Public Hearing Minutes and the Planning Commission minutes from April 21, 2021, and supplemental application documents received. If you have any questions, please feel free to contact me at (248) 391-0304 x 5000.
CURRENT ZONING MAP:

Legend

- Suburban Farms
- Suburban Estates
- Suburban Ranch
- Single-Family Residential (14,000 sq. ft.)
- Single-Family Residential (10,800 sq. ft.)
- Single-Family Residential (8,400 sq. ft.)
- Multiple Family Residential
- Mobile Home Park
- Office & Professional
- Restricted Business
- General Business
- Limited Industrial
- Industrial Park
- Industrial Complex
- Railroad Freight Yard
- Special Purpose 1
- Special Purpose 2
- Planned Unit Development
- Recreation 1
FUTURE LAND USE MAP:

- Single Family Low Density
- Single Family Medium Low Density
- Single Family Medium Density
- Village Center
- Industrial/Commercial/Residential Mixed Use
- Research/Light Industrial
1761 Clarkston Road – Current use is Outdoor Storage; Zoned LIMITED INDUSTRIAL:

East property line abuts the Poly Ann Trail and is partially beneath high voltage electric wires:
Property to the east is also Zoned LIMITED INDUSTRIAL and engaged in Outdoor Storage:
Property to the north across Clarkston Road is also Zoned and currently used LIMITED INDUSTRIAL (Company designs, manufactures and installs automated paint circulation systems):

High voltage wires continue north over the Complete Company property and along Poly Ann Trail:
Property to the west is Zoned Suburban Farms and is a public school. The District is currently completing a new school building:

The area to the east of the new asphalt road will be left NATURAL: