The Charter Township of Orion Planning Commission will be held virtually only on Wednesday, February 3, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 01-20-21, Planning Commission Regular Meeting Minutes
   B. 01-20-21, Planning Commission Public Hearing Minutes for Milosch Project Rezone
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
7. NEW BUSINESS
   A. PC-2020-31, Pure Green, LLC, Modification to the Ord. 154 application (Class “C” Grow Facility – Adult Use), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   B. PC-2020-32, Pure Green, LLC, Modification to the Ord. 154 application (Class “C” Grow Facility- Adult Use), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   C. PC-2020-33, Pure Green, LLC, Modification to the Ord. 154 application (Class “C” Grow Facility - Adult Use), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   D. PC-2020-34, Pure Green, LLC, Modification to the Ord. 154 application (Class “C” Grow Facility – Adult Use), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   E. PC-2020-35, Pure Green, LLC, Modification to the Ord. 154 application (Class “C” Grow Facility – Adult Use), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   F. PC-2020-36, Pure Green, LLC, Modification to the Ord. 154 application (Excess Grower), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   G. PC-2020-37, Pure Green, LLC, Modification to the Ord. 154 application (Excess Grower), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   H. PC-2021-08 Pure Green LLC Ord 154 application (Class “C” Grower- medical) located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   I. PC-2021-09 Pure Green LLC Ord 154 application (Excess Grower) located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)
   J. Discussion on Tree and Woodlands Protection Section of Ord 78.
8. UNFINISHED BUSINESS
   A. PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. 1 parcel east of Interpark N
9. PUBLIC COMMENTS
10. COMMUNICATIONS
11. PLANNERS REPORT/EDUCATION
   A. Giffels Webster Motions PC Training Series

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS
02-17-21 at 7:05pm PC-2021-05, C & A Group, Request to Conditionally Rezone 512 E. Silverbell Road, parcel #09-35-200-023, from Single Family Residential (R-1) to Office Professional (OP) with conditions.

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Township at least seventy-two hours in advance of the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, January 20, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285
(Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.) - 7:07 pm Scott Reynolds, Chairman (Orion Twp.)
Kim Urbanowski, BOT Rep to PC (Orion Twp.) Don Gross, Vice-Chairman (Orion Twp.)
Garrett Hoffman, Commissioner (Orion Twp.) Joe St. Henry, Secretary (Orion Twp.)
Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
None.

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:01 pm.

2. ROLL CALL
As noted

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

OTHERS PRESENT:
Jim Fields Jim Sharp

3. MINUTES
A. 01-06-21, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, to approve the minutes for January 6, 2020, as presented.

Vice-Chairman Gross amended the motion, re-supported by Secretary St. Henry, that the date should be January 6, 2021.

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

Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2021-02, Milosch Project Rezone Request at 7:05 pm.

Chairman Reynolds closed the Public Hearing for PC-2021-02 at 7:09 pm and reconvened the regular Planning Commission Meeting

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

7. NEW BUSINESS
A. PC-2021-02, Milosch Project Rezone, a request to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located at the NW corner of Silverbell and Lapeer Roads.

Chairman Reynolds disclosed a potential conflict of interest. He stated that he has done projects with both Mr. Sharpe and the Milosch business on an adjacent parcel, but not part of this rezoning request. There was some previous relationship but no current relationship. There was no concern from the Planning Commissioners.

Chairman Reynolds asked if the applicant would like to add anything? Mr. Sharpe replied he did not.

Planner Fazzini read through his review date stamped January 7, 2021.

Commissioner Walker asked what the petitioner intended to do with this? Mr. Sharpe replied that he couldn’t speak on Mr. Milosch’s behalf on what exactly he is proposing. He knew that the property to the west was recently zoned to (IP) zoning as well, but couldn’t speak on behalf of that. They prepared the plan on behalf of Mr. Milosch as to how he wanted to split the property and was unsure of the exact reasoning behind the (GB) and the (IP) zoning.

Vice-Chairman Gross said after reviewing the surrounding area he thought that it was consistent with the industrial zoning. There is industrial zoning development to the west and it certainly would not be an adverse impact on those properties. There are no residential properties surrounding this to have any negative impact. He didn’t see any reason why they should delay the rezoning request.

Chairman Reynolds agreed that there was (IP) to the west. He noted that one piece that he was hung up on was the grounds for further requests, per ordinance requirements of; why does it work and, how it ties into the Master Plan? He added that it is inching (IP) closer and closer to the M24 corridor versus, some corridors of M24, it is in the Lapeer Overlay District, so there are those requirements. He was more or less looking at the (IP) venturing closer to M24 and the possibilities that that presents. He wished there was more information presented.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-02, Milosch Project Rezone Request. Requesting to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located west of the NW corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP). This recommendation to approve is based upon the fact that the proposed rezoning, to (IP) is reasonable and consistent with the goals of the Master Plan; the proposed rezoning to (IP) is consistent with the surrounding land uses and will not have an adverse impact on the development in the area; the retention of (GB) zoning at the immediate intersection of Lapeer and Silverbell, maintains the commercial designation and future development along Lapeer Road. This recommendation is based upon the condition that a lot split would be submitted, reflecting the legal descriptions of the zoning classifications.

Chairman Reynolds asked if there were any public comments? There were none.

Roll call vote was as follows: Walker, no; Urbanowski, yes; St. Henry, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 6-1.
B. PC-2021-03, Village Square Minor PUD Amendment (Walgreens sign addition), located at 3520 S. Baldwin Rd. (09-29-301-082)

Chairman Reynold asked if the applicant was present?

Mr. Jim Fields at 33650 Giftos Dr., Clinton Twp., MI presented.

Mr. Fields stated that Walgreens is wanting to identify their added clinic services inside the pharmacy, by adding a small 18-inch by roughly 6-ft. letters clinic on the north and east elevations for a total of 9.5-sq. ft. per elevation.

Planner Fazzini read through his review date stamped January 13, 2021.

Chairman Reynolds said he read into the report about the illumination of the sign. He asked for clarification from the applicant because he thought that there may be some glare or overly-lit photometric concerns. He was not strongly opposed to a second sign, just based on the size and scale, and Walgreens being on a corner and the sign being minimal, he was open to a secondary sign. He thought that his findings of fact, he would just want to be grounded in something specific to the site if they were to support the amended PUD.

Vice-Chairman Gross stated the size of 9.5-sq. ft. per side is still below the maximum required for the zoning district. He said it was just a matter of two signs versus one. He added that since these signs are on opposite sides of the building, they cannot be seen simultaneously. He stated that identifying this as having a clinic within the building, could almost be considered a public service sign indicating that there is an additional opportunity for health services within the building.

Secretary St. Henry said that regarding the lighting concerns, as long as those can be addressed and as long as the lighting for the clinic sign is on par with the regular Walgreen sign, he thought that was more than acceptable. He agreed with Vice-Chairman Gross, that this is a public service providing this type of clinic in the Gingellville area on Baldwin. He was in support of it.

Chairman Reynolds asked the Planner if there was a way to administratively address some of the concerns that the fixture would be shielded or the illumination levels essentially adhere to the lighting standards? He questioned if that would be a good way to look forward to addressing these concerns with the signage backlighting? Planner Fazzini replied yes. They will review the submittal again as part of permitting. They could have the applicant just verify that the statement tonight that there are no external light fixtures proposed as part of this. Mr. Fields replied that is correct, there is no external lighting. The plank letters will be consistent with the facia and the way the Walgreens letters are lit.

Planning & Zoning Director Girling stated that they do have an actual light level that signs can emit. If they had within the motion that they have to meet ordinance then they will be covered by that incase Ordinance Enforcement had to go out they wouldn’t have to question whether at the PC they allowed them to exceed it, so, something referencing the ordinance criteria.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approves PC-2021-03, Village Square PUD Minor Amendment, requesting two additional wall signs over the existing two wall signs for Walgreens, located at 3520 S. Baldwin Rd. (Sidwell #09-29-301-082), for plans date stamped received December 28, 2020. This approval is based on the following facts: that the overall sign size does not exceed the area
required for signage within the subject district, and the addition of the new sign at 9.5-sq. ft. is not excessive to the façade signs; the sign ordinance is on a corner site, and consequently, the signs cannot be seen simultaneously by any driver; the clinic sign does provide a public service by identifying the service within an existing building; this approval is contingent upon the compliance with the lighting requirements of the ordinance for internal illumination.

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

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS

Chairman Reynolds stated that there were plans submitted by the Haley Law Firm. The memo read that the existing tower did not increase its height for the cell tower located at 467 E. Scripps Rd., and that the structural analysis was provided so the tower could withstand the weight of the additional equipment. This met the criteria for Administrative Review per Ord. #78 section 27.07. According to the review it was addressed and administratively approved.

11. PLANNERS REPORTS
Planner Fazzini stated that they would like to have the 2nd PC meeting in February starting at 6 pm - 7 pm for the first study session for the Master Plan update.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds stated he looked forward to getting into the Master Plan.

15. COMMISSIONERS’ COMMENTS
Commissioner Hoffman stated that he is still trying to get a handle on this, but was enjoying it so far.

Commissioner Walker welcomed Commissioner Gingell.

Commissioner Gross welcomed Commissioner Gingell.

Trustee Urbanowski congratulated Commissioner Gingell and welcomed her to the team.

Secretary St. Henry welcomed Commissioner Gingell and looked forward to working with her.

Commissioner Gingell said she was looking forward to getting involved in the process.
16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross to adjourn the meeting at 7:37 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, January 20, 2021, at 7:05 pm via “GoToMeeting” #599-669-285.

PLANNING COMMISSION MEMBERS PRESENT (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.) - 7:07 pm  
Kim Urbanowski, BOT Rep to PC (Orion Twp.)  
Joe St. Henry, Secretary (Orion Twp.)  
Jessica Gingell, Commissioner (Orion Twp.)  
Scott Reynolds, Chairman (Orion Twp.)  
Don Gross, Vice-Chairman (Orion Twp.)  
Garrett Hoffman, Commissioner (Orion Twp.)

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

OTHERS PRESENT:
Jim Fields  
Jim Sharp

PC-2021-02, Milosch Project Rezone, a request to rezone the western 4.293 acres of the unaddressed parcel (09-26-300-013) located at the NW corner of Silverbell and Lapeer Roads from General Business (GB) to Industrial Park (IP).

Acting Chairman Reynolds asked if the applicant was present?

Mr. Jim Sharp with Sharp Engineering presented.

Mr. Sharp stated that they have a piece of property that is on the northwest corner of Silverbell and M24. The applicant is looking to split the property currently zoned (GB) and they are looking to split a portion of it to be (GB) and a portion of it to be rezoned to (IP). He thought that they met all of the requirements as far as the areas and things of that nature. They did have an opportunity to run through the Planners review and other than maybe a suggestion as to what Mr. Milosch would like to rezone the (IP) property for, and not just keep it (GB), he didn’t think there were any other comments.

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 7:09 p.m.

Respectfully submitted,

Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion  
Planning Commission Approval Date
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: January 27, 2021
RE: 2020 Planning Commission Annual Report

SUGGESTED MOTION:
Move receive and file the 2020 Planning Commission Annual Report and forward a copy to the Board of Trustees.
Number of Meetings Held
17 – Regular Meetings
1 – Special Meetings
6 – Public Hearings
8 – Site Walks

Number of Cases
3 – Text Amendments to Zoning Ord. No. 78
2 – Special Land Uses
6 – Wetland Permits
10 – Site Plans
11 – Administrative Reviews
2 – Rezone Requests
1 – Conditional Rezone Requests
3 – Planned Unit Developments
2 – Miscellaneous
1 – Planned Unit Development Minor Amendments
11 – Ordinance 154 Applications
5 – Site Plan Extensions
1 – Use Determination

Planning Commissioners
Justin Dunaskiss, Chairman .................................................................12-31-22 (resigned 2021)
Scott Reynolds, Vice Chairman .........................................................12-31-23
Joseph St. Henry, Secretary ................................................................12-31-21
John Steimel, Board of Trustee (BOT) Representative to the PC ..........12-31-20
Donald Walker, PC Representative to the Zoning Board of Appeals (ZBA)...........................................12-31-23
Donald Gross...........................................................................................12-31-21
Judy Ryan .................................................................................................Stepped down
Kim Urbanowski......................................................................................12-31-21

Township Consultants
Township Planner: Rodney Arroyo, Eric Fazzini, and Eric Pietsch, of Giffels-Webster
Township Engineer: James Stevens, and Mark Landis of Orchard, Hiltz & McCliment, Inc.
Township Attorney: Dan Kelly and Brittney Kimball of The Kelly Firm, PPC

Building Official
David Goodloe

Zoning/Planning Director
Tamara Girling

Coordinator Planning/Zoning
Lynn Harrison

PC/ZBA Clerk
Debra Walton & Courtney Keisman
# ZONING ORDINANCE NUMBER 78 TEXT AMENDMENTS

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
<th>Applicant</th>
<th>Date Rec</th>
<th>Location</th>
<th>Sidwell /Acreage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2019-38</td>
<td>Text amendment to Ord. #78 Articles 2, 5, 6, 14, 24, 27, 30, &amp; 34</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>02/05/2020 Motion carried to proceed to Public Hearing.</td>
</tr>
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<td></td>
<td>03/04/2020 Public Hearing held; motion carried to forward a recommendation to the Board of Trustees to approve and adopt.</td>
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<td>03/16/2020 Board of Trustees approved first reading.</td>
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<td>05/04/2020 Board of Trustees approved and adopted, as amended.</td>
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<tr>
<td>PC-2019-51</td>
<td>Text Amendment to Ord. #78 RM1 &amp; RM2</td>
<td></td>
<td></td>
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<td>02/19/2020 Motion carried to proceed to Public Hearing.</td>
</tr>
<tr>
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<td>05/06/2020 Public Hearing held; motion carried to forward and recommend to the Board of Trustees to approve and adopt.</td>
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<tr>
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<td>05/18/2020 Board of Trustees held first reading.</td>
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<td>06/15/2020 Board of Trustees approved and adopted, as amended.</td>
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<tr>
<td>PC-2020-05</td>
<td>Text Amendment to Ord. #78 RM1 &amp; RM2</td>
<td></td>
<td></td>
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<td></td>
<td>03/04/2020 Discussion only.</td>
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</tbody>
</table>

## SPECIAL LAND USE

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
<th>Applicant</th>
<th>Date Rec</th>
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<th>Sidwell /Acreage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-22</td>
<td>Salon Blue</td>
<td>Mirela Dedivanaj</td>
<td>9/30/2020</td>
<td>1164 S. Lapeer</td>
<td>09-14-201-022</td>
<td>10/21/2020 Public Hearing held; motion carried to approve Special Land Use for microblading (tattooing).</td>
</tr>
</tbody>
</table>
### SITE PLANS

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
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<td></td>
<td>04/15/2020 Motion carried to grant loading &amp; unloading requirements waiver; to approve the site plan with conditions.</td>
</tr>
<tr>
<td>PC-2020-03</td>
<td>LaZBoy Site Plan Modification</td>
<td>Georgia Investors</td>
<td>1/15/2020</td>
<td>4829 S. Baldwin Rd.</td>
<td>09-32-377-073</td>
<td>02/05/2020 Motion carried to grant parking lot waiver, and approve site plan.</td>
</tr>
<tr>
<td>PC-2020-06</td>
<td>Peninsula Agriculture, LLC</td>
<td>Don, Brian &amp; Mark Milosch</td>
<td>4/6/2020</td>
<td>N. of Silverbell &amp; W. of Lapeer Rd.</td>
<td>09-26-300-012</td>
<td>04/15/2020 Motion carried to grant Lapeer Overlay Design Standards waiver; to grant parking lot landscaping waiver; to approve site plan with conditions.</td>
</tr>
<tr>
<td>PC-2020-07</td>
<td>Oakland Busines Park Building B, Amended Site Plan</td>
<td>Premier Dr. LLC/Shauk Houck (owners rep)</td>
<td>3/11/2020</td>
<td>163, 180 &amp; 187 Premier Dr.</td>
<td>09-35-477-003 09-35-476-002 09-35-477-002 09-35-476-003 09-35-476-001 09-35-477-001 part of 09-35-400-048</td>
<td>04/15/2020 Motion carried to grant parking lot landscaping waiver; to approve site plan.</td>
</tr>
<tr>
<td>PC-2020-11</td>
<td>Grand Square of Orion</td>
<td>Ronald A. Chiesa</td>
<td>9/14/2020</td>
<td>595, 611, &amp; 631 Brown Rd.</td>
<td>09-32-400-076 09-32-400-070 09-32-400-069 09-32-400-077 09-32-400-071</td>
<td>10/07/2020 Motion carried to waive setback for the site monument structure, parking calculation, parking setback waiver, greenbelt width, parking spot dimensions, entry area improvements, dumpster locations, loading &amp; unloading, road width, &amp; design standards; to grant site plan approval with conditions.</td>
</tr>
<tr>
<td>PC-2020-12</td>
<td>Baldwin Square Site Plan Modification</td>
<td>Pristine Properties</td>
<td>5/13/2020</td>
<td>4709 Club House Dr.</td>
<td>09-32-376-003</td>
<td>06/03/2020 Motion carried to approve the site plan modifications with conditions.</td>
</tr>
</tbody>
</table>
PC-2020-17  Lake Orion Self-Storage Site Plan Amendment  Oliver Architecture  7/10/2020  1007 Brown Rd.  09-33-378-009  08/19/2020 Motion carried to grant parking calculation waiver; to grant a 15-ft. waiver from the 20-ft. driveway to the property line setback; to grant waivers for general requirements - pre-engineered metal siding & knee wall; to grant a waiver from the landscape requirement; to grant a waiver from the general landscape requirement, and to grant site plan approval.

PC-2020-18  Leggera Technologies, LLC  Nathan Sanko  7/29/2020  87 Northpointe Dr.  09-35-401-003  08/19/2020 Motion carried to grant an outdoor storage screening waiver; to grant site plan approval with conditions.

PC-2020-24  Firestone Complete Auto Care Site Plan  Zaremba Group  10/7/2020  545 N. Lapeer Rd. 25 Indianwood Rd.  09-02-177-014  09-02-177-013  11/4/2020 Motion carried to grant site plan approval with conditions.

PC-2020-39  Lifted Industrial  Lifted Industrial Partners, LLC  11/23/2020  W of 4610 Liberty Dr. S.  09-34-300-018  12/16/2020 Motion carried to grant site plan approval with conditions.

### SITE PLAN EXTENSIONS

<table>
<thead>
<tr>
<th>PC#</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2017-14</td>
<td>Orion Commons</td>
<td>David Walters</td>
<td>5/25/2017</td>
<td>S. of Scripps &amp; N. of Gunnison</td>
<td>09-23-100-004</td>
<td>10/21/2020 Motion carried to approve site plan extension for one-year.</td>
</tr>
<tr>
<td>PC-2018-15</td>
<td>Stadium Ridge Residential</td>
<td>MJC Stadium Ridge LLC</td>
<td>3/18/2018</td>
<td>East of Lapeer &amp; North of Stadium</td>
<td>09-14-400-026</td>
<td>08/19/2020 Motion carried to approve site plan extension for one-year.</td>
</tr>
<tr>
<td>PC-2018-27</td>
<td>Baldwin Medical, Village Square</td>
<td>Baldwin Medical, LLC</td>
<td>7/2/2018</td>
<td>South of 3520 S. Baldwin</td>
<td>09-29-301-085 09-29-301-084</td>
<td>11/4/2020 Motion carried to approve site</td>
</tr>
<tr>
<td>PC-2018-31</td>
<td>Brown Road Hyatt House</td>
<td>Kalabat Engineering/Iden Kalabat</td>
<td>7/25/2018</td>
<td>95 Brown Rd., 4978 Huston, 101 &amp; 115 Brown Rd.</td>
<td>09-32-378-069 09-32-378-070 09-32-378-073 09-32-378-022 09-32-378-023</td>
<td>04/15/2020 Motion carried to approve site plan extension for 6 months if homes had not been demolished, and one-year if the houses have been demolished.</td>
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<tr>
<td>PC-2019-10</td>
<td>Stadium Ridge Commercial</td>
<td>MJC Stadium Ridge LLC</td>
<td>3/20/2019</td>
<td>NE corner of Stadium and Lapeer</td>
<td>09-14-400-025</td>
<td>08/19/2020 Motion carried to approve site plan extension for one-year.</td>
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</tbody>
</table>
### PLANNED UNIT DEVELOPMENTS (PUD)

<table>
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<tr>
<th>PC#</th>
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<tbody>
<tr>
<td>PC-2018-49</td>
<td>Hills of Woodbridge</td>
<td>Hills of Woodbridge, LLC</td>
<td>11/12/2020</td>
<td>Vacant Land N. of 3805 Lapeer Rd.</td>
<td>09-26-451-004 09-26-402-020 09-26-402-021</td>
<td>12/2/2020 Motion carried that the plan does not alter the concept plan approval; motion carried to postpone to 05/06/2020 to forward a recommendation to the Board of Trustees to approve PUD Final Plan and agreement with conditions. 08/17/2020 Board of Trustees held first reading. 09/21/2020 Board of Trustees approved the PUD final plan with conditions.</td>
</tr>
<tr>
<td>PC-2019-48</td>
<td>Cottages at Gregory Meadows</td>
<td>Pulte Homes</td>
<td>9/3/2019</td>
<td>3537 &amp; 3595 Gregory</td>
<td>09-31-200-006 09-31-200-008</td>
<td>01/15/2020 Motion carried to forward a recommendation to the Board of Trustees to approve the concept plan with conditions. 02/03/2020 Board of Trustees conditionally approved concept plan conditioned upon an acceptable PUD agreement. 10/21/2020 Motion carried to postpone action for 90 days. 12/03/2020 Motion carried to forward a recommendation to the Board of Trustees to approve PUD final plan with conditions.</td>
</tr>
</tbody>
</table>

### PLANNED UNIT DEVELOPMENTS (MINOR AMENDMENTS)

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
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<th>Sidwell /Acreage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-21</td>
<td>Orion Village Crossing PUD</td>
<td>JPMorgan Chase</td>
<td>9/16/2020</td>
<td>3515 S. Baldwin</td>
<td>09-29-326-041</td>
<td>10/07/2020 Motion carried to approve signage.</td>
</tr>
</tbody>
</table>

### ORDINANCE 154 APPLICATIONS

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
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</tr>
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<tbody>
<tr>
<td>PC-2020-28</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC#</td>
<td>Project</td>
<td>Applicant</td>
<td>Date Rec</td>
<td>Location</td>
<td>Sidwell /Acreage</td>
<td>Comments</td>
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</tr>
<tr>
<td>PC-2020-29</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-30</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-31</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-32</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-33</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-34</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-35</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-36</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-37</td>
<td>Pure Green</td>
<td>Pure Green</td>
<td>10/28/2020</td>
<td>180 Premier Dr.</td>
<td>09-35-477-001 &amp; 09-35-477-002</td>
<td>11/18/2020 Motion carried to grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
<tr>
<td>PC-2020-40</td>
<td>Lifted Investments LLC</td>
<td>Lifted Investments, Inc.</td>
<td>11/23/2020</td>
<td>4601 Liberty Dr. S.</td>
<td>09-34-300-018</td>
<td>12/16/2020 Motion carried grant approval for a Class &quot;C&quot; growing facility with conditions.</td>
</tr>
</tbody>
</table>

**ADMINISTRATIVE REVIEWS**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>PC-2020-04</td>
<td>Breckenridge/Flagpole</td>
<td>Pulte Homes of Michigan</td>
<td>1/22/2020</td>
<td>S. of S. Baldwin &amp; N. of Brown</td>
<td>09-32-401-001</td>
<td>02/20/2020 Administratively approved by</td>
</tr>
</tbody>
</table>
**USE DETERMINATION**

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
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<th>Sidwell /Acreage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-02</td>
<td>Pet Passages</td>
<td>Chris Mires Pres. Of Mayzie, Inc.</td>
<td>12/19/2019</td>
<td>4577 S. Lapeer Rd.</td>
<td>09-35-400-001</td>
<td>02/05/2020 Motion carried that uses are appropriate in Limited Industrial (LI).</td>
</tr>
</tbody>
</table>

**MISCELLANEOUS**

<table>
<thead>
<tr>
<th>PC#</th>
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</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-20</td>
<td>F &amp; D Silverbell Co., LLC</td>
<td>Sara D’Agostini &amp; Mike Lukosavich</td>
<td>8/12/2020</td>
<td>South of W. Silverbell &amp; W. of Lapeer Rd.</td>
<td>09-35-100-019</td>
<td>09/02/2020 Motion carried to grant a tree inventory cases.</td>
</tr>
<tr>
<td>PC#</td>
<td>Project</td>
<td>Applicant</td>
<td>Date Rec</td>
<td>Location</td>
<td>Sidwell /Acreage</td>
<td>Comments</td>
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</tr>
<tr>
<td>PC-2020-26</td>
<td>WOW! Gas Station</td>
<td>Iven Sharrak</td>
<td>11/6/2020</td>
<td>3865 S. Baldwin</td>
<td>09-29-326-016</td>
<td>12/16/2020 Motion carried to allow administrative review of landscape change.</td>
</tr>
<tr>
<td>PC-2020-16</td>
<td>Judah Rd. and Parcel #09-33-301-004</td>
<td>David Dedvukaj</td>
<td>7/8/2020</td>
<td>2401 Judah Rd.</td>
<td>09-33-301-004</td>
<td>08/05/2020 Applicant changed from a straight rezone to a conditional rezone.</td>
</tr>
<tr>
<td>PC-2020-38</td>
<td>Edgar Development Rezone Application</td>
<td>Jeffrey Edgar</td>
<td>11/12/2020</td>
<td>3805 S. Lapeer</td>
<td>09-26-451-005</td>
<td>12/16/2020 Public Hearing held; motion carried to forward a recommendation to the Board of Trustees to approve the rezone from Restricted Business (RB) to General Business (GB).</td>
</tr>
</tbody>
</table>

**REZONE**

**CONDITIONAL REZONE**

<table>
<thead>
<tr>
<th>PC#</th>
<th>Project</th>
<th>Applicant</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-16</td>
<td>Judah Rd. and Parcel #09-33-301-004</td>
<td>David Dedvukaj</td>
<td>7/8/2020</td>
<td>2401 Judah Rd.</td>
<td>09-33-301-004</td>
<td>08/05/2020 Public Hearing held; motion carried to forward a recommendation to the Board of Trustees to deny the conditional rezone request from Single-Family Residential (R-1) to Brown Road Innovation Zone (BIZ). 09/21/2020 Board of Trustees held first reading. 10/19/2020 Board of Trustees approved to conditionally rezone part of 2401 Judah Rd. and part of parcel 09-33-301-004 from Single Family Residential (R-1) to Brown Road Innovation Zone use groups A&amp;B, with conditions.</td>
</tr>
</tbody>
</table>

**WETLAND PERMIT**

<table>
<thead>
<tr>
<th>PC#</th>
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<th>Applicant</th>
<th>Date Rec</th>
<th>Location</th>
<th>Sidwell /Acreage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC-2020-01</td>
<td>Orion Classic Car Club</td>
<td>Daniel E. Rush</td>
<td>1/9/2020</td>
<td>3030 Lapeer Rd.</td>
<td>09-26-101-015</td>
<td>09-26-101-009 04/15/2020 Motion carried to grant wetland setback waiver; to approve wetland permit.</td>
</tr>
<tr>
<td>PC-2020-06</td>
<td>Peninsula Agriculture, LLC</td>
<td>Don, Brian &amp; Mark Milosch</td>
<td>6/24/2020</td>
<td>N. Side of Silverbell &amp; W. of Lapper Rd.</td>
<td>09-26-300-012 04/15/2020 Motion carried to grant wetland setback waiver. 07/15/2020 Motion carried to approve</td>
<td></td>
</tr>
<tr>
<td>PC-2020-08</td>
<td>Lavender Ridge</td>
<td>Jacobson Moceri Orion, LLC Manny Kianicky</td>
<td>5/5/2020</td>
<td>SE corner of Silverbell &amp; Squirrel Rd.</td>
<td>09-36-226-001 06/03/2020 Motion carried to approve wetland permit.</td>
<td></td>
</tr>
</tbody>
</table>
| PC-2020-11 | Grand Square of Orion | Ronald A. Chiesa | 9/14/2020 | 595, 611, 631 Brown Rd. | 09-32-400-077 09-32-400-076 09-32-400-070 09-32-400-069 09-32-400-071 | 09/02/2020 Motion carried to approve wetland permit.  
11/18/2020 Motion carried to conditionally approve wetland permit. |
|-------------|----------------------|------------------|-----------|-------------------------|------------------------------------------------------------------|
| PC-2020-20  | F&D Silverbell Company LLC | Sara D’Agostini & Mike Lukosavich | 8/12/2020 | S. of W. Silverbell & W. of Lapeer | 09-35-100-019 | 09/02/2020 Motion carried to recommend to the Board of Trustees to approve wetland permit.  
09/08/2020 Board of Trustees approved |
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: January 29, 2021
RE: PC-2020-31 – PC-2020-35, Pure Green, LLC, Ordinance 154 Amended Application

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions findings of facts for the project. Any additional findings of facts should be added to the motion below.

PLEASE NOTE: THIS SUGGESTED MOTION CAN BE USED FOR PC-2020-31 THROUGH PC-2020-35.

Ordinance #154

I move to **grant/not grant** approval of the amendment to the licensed marijuana facility applications PC-2020-31 and PC-2020-35 submitted by Pure Green LLC and approved by the Planning Commission on November 18, 2020, with such amendment providing for a replacement of the approved “Class C Grower Permit” with a “Class C Grow Facility – Adult Use” permit with approval of the amendment conditioned upon the Licensed Marrhuana Facilities Applications provided by the applicant to the Township otherwise remaining consistent with and identical to the original application presented and approved by the PC on November 18, 2020.
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: January 27, 2021
RE: PC-2020-31 through PC-2020-37

PC-2020-31 through PC-2020-37 were conditionally approved on November 18, 2020 as Ordinance 154 Class C Grow facilities. However, there was an error made on the type of approval these cases were seeking and granted. As a result, these cases are on the 2/3/21 agenda as an amended request. Nothing within my reviews have changed except the type of approval being sought. They are in the same location and all location requirements, as previously presented, have been met.

If you have any questions, please feel free to contact me.
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: January 29, 2021
RE: PC-2020-36 – PC-2020-37, Pure Green, LLC, Ordinance 154 Amended Application

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions findings of facts for the project. Any additional findings of facts should be added to the motion below.

PLEASE NOTE: THIS SUGGESTED MOTION CAN BE USED FOR PC-2020-36 THROUGH PC-2020-37.

Ordinance #154

I move to **grant/not grant** approval of the amendment to the licensed marijuana facility applications PC-2020-36 and PC-2020-37 submitted by Pure Green LLC and approved by the Planning Commission on November 18, 2020, with such amendment providing for a replacement of the approved “Class C Grower Permit” with a “Excess Grower” permit with approval of the amendment conditioned upon the Licensed Marijuana Facilities Applications provided by the applicant to the Township otherwise remaining consistent with and identical to the original application presented and approved by the PC on November 18, 2020.
As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions findings of facts for the project. Any additional findings of facts should be added to the motion below.

Ordinance #154

I move to **grant/not grant** approval of the application, as required per Ord. #154, for PC-2021-08, Pure Green, LLC, for a Class “C” Grower facility - Medical, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the findings of fact that the operation **does/doe**s not meeting the following location requirements:

- Is located in and IP zoning district
- Is located in a building that meets all the distance requirements shown in Ord. 154
- Is located in a building that has an ingress/egress road with less than 6,000 vehicles/day.
- Is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning.

**If motion is grant approval - conditioned upon:**

The applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Mariujana Regulatory Agency (MRA).
To: Planning Commission/Planning Coordinator  
From: Jeff Williams, Fire Marshall  
Re: PC-2021-08, Pure Green LLC, Ordinance #154 -- Class C Grower (Medical)  
Date: 1/29/2021

The Orion Township Fire Department has completed its review of Medical Marijuana Application PC-2021-08 for the limited purpose of compliance with Charter Township of Orion Ordinance Number 154 Article VI(g).

Based upon the application and documentation provided, the Fire Department has the following recommendation as to issues concerning the Medical Marijuana Facility’s specific location and impact on the health and safety of Township residents:

- X Approved
- [ ] Approved with conditions (See below)
- [ ] Not approved

Conditions:
This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information, data or documents, confirming full compliance with all applicable fire codes, Township Ordinances and State law. Furthermore, the Fire Department’s approval is limited to the issuing of a Medical Marijuana Facilities Permit under Ordinance 154 and does not constitute a waiver of any additional requirement for site plan approval or as otherwise required by any applicable code, ordinance or law; including, the Fire Department’s review and approval of a final site plan, security plan, fire suppression system, emergency ingress/egress, or other matters which represent a fire or emergency response concern.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2003.

Sincerely,

Jeffrey Williams
Jeff Williams, Fire Marshal
Orion Township Fire Department
To: Planning Commission  
From: David Goodloe, Building Official  
Re: Medical Marijuana Applications PC-2021-08  
Date: 2/1/2021

The application for PC case 2021-08 has been reviewed by the Building Department for compliance with The Charter Township of Orion Ordinance number 154 Article VI application procedure for the purposes of compliance with Ordinance 154 only, the Building Department has the following recommendation:

- Approved
  - Approved with conditions (See below)
  - Not approved

If you have any questions feel free to contact me at 248-391-0304. X6001

Sincerely,

David Goodloe

David Goodloe  
Building Official  
Orion Township Building Dept.
Planning Commission Case:  PC-2021-08
Parcel Number: 09-35-477-001 & 09-35-477-002
Property Address: 180 Premier Drive
Applicant: Pure Green
Request: Class “C” Grower - Medical
Date: January 29, 2021

The aforementioned application was reviewed for compliance with the location requirements of Article VI of Ordinance No. 154 and the finds are detailed below:

Article V, 1. — The Facility must be located in the Township’s IP (Industrial Park) district: The parcels are zoned IP (Industrial Park) as required.

Article V, 2 – The Facility cannot be within one thousand five hundred (1,500) feet of a “church” in the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 1,500 feet. Using GIS, a measurement was taken from the edge of the property where the building is located (for simplicity vs. from edge of building which is further) to the edge of the closest church and it was over 1,600 feet.

Article VI, 3 – The Facility cannot be within two thousand (2,000) feet of a residence located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,000 feet. Using GIS, a measurement was taken from the edge of the property where the building is located (for simplicity vs. from edge of building which is further) to the edge of the closest residential property line (for simplicity) and it was 2,500 feet.

Article VI, 4 – The Facility cannot be within two thousand five hundred (2,500) feet of a registered “school” within the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,500 feet. The closest school is over 2 miles from the parcel. (Scripps and Stadium Rds.)
Article VI, 5 – The Facility shall not have an ingress or egress on a street or road that has an average traffic volume in excess of six thousand (6,000) vehicles per day, as calculated by averaging the three (3) most recent Average Annual Daily Traffic (AADT) counts (as available), as reported by Southeast Michigan Council of Governments (SEMCOG). The building has ingress and egress off of Premier Drive. SEMCOG’s website does not contain any traffic count reports for Premier Dr.

Article VI, 6- The Facility shall not have an ingress or egress on a street or road that directly also serves as an ingress or egress to a residential road or property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district. The building has both ingress or egress off of Premier Dr. Premier Dr. does not serve as an ingress and/or egress to any property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district.

Article VI, 7 - Distances specified in this Ordinance shall be measured from building edge to building edge. The measurements, unless noted differently, were measured from building edge to proposed building edge.

Article VI, 8 – If the Facility shall need a variance from what is set forth in Article VI Sections one (1) through six (6) above, the Applicant may submit a formal request for a variance to the Zoning Board of Appeals (“ZBA”). The ZBA shall only consider a variance request that is no more than fifteen percent (15%) out of compliance with the above location regulations: The applicant is not requesting any variances from the ZBA.

Article VI, 9 – It is the Township’s intention that Growers, Processors, Safety Compliance Facilities and Secured Transporters may operate within the same building under the following conditions: each licensed entity remains distinct and separate within different working area and separate record keeping systems: The applicant is requesting a Class “C” Grow - Medical facility only.

Article VI, 10 – The location shall meet all applicable Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA):

ITEMS TO BE ADDRESSED: These items are unknown at this time. It is recommended that any approval be conditioned upon this requirement.

Article VI, 11 – The Facility location shall conform to all standards of the zoning district in which it is located: This condition has been met. The building itself has received site plan approval.
Article VI, 12 – If the Facility location is currently vacant land, the applicant must submit a site plan and building plans with the Application: The application is for an improved parcel that has received site plan approval.

Article VI, 14 – Based upon an application for or amendment of a Conditional Rezoning, PUD, or other use Development Agreement of sufficient specificity, it is within the sole discretion and judgment of the Township Board of Trustees to consider and waive any or all of the Location Requirements of this Article VI based upon any or all of 3 factors listed in Article VI 14 a,b, and c.: The applicant is not requesting any waivers.

Summary: I have reviewed the application as it relates to Ordinance No. 154 Article VI – Location Requirements. I am agreeable with the recommendation to approve this application with the conditions that:

1. The applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Mariujana Regulatory Agency (MRA).

Tamara Girling
Planning & Zoning Director

[Signature]
Penny Shults  
Clerk of the Charter Township of Orion  
2525 Joslyn Rd  
Lake Orion, Michigan 48360

Re: Marihuana Facility Permit Application; Pure Green, LLC  
180 Premier Drive, Orion Charter Township, MI 48339  
(1) Medical Class C Grow Permit

Dear Madam Clerk:

Please find attached the Marihuana Facility Permit Application and all exhibits for a Medical Class C Grow permit to operate at 180 Premier Drive, Orion Charter Township, MI 48339.

If the Township believes any additional information or materials are required for this filing, please do not hesitate to contact us.

Kindly direct all communications regarding this application to Aaron Fogleman either by phone at 248.920.8770 or by email at licensing@gloriousscanna.com.

We look forward to contributing significantly to the Township through economic development, training and employment, education and outreach, and to becoming a valuable community partner.

Thank you for your consideration.

Most Sincerely,

Stephen Goldner  
Owner
The aforementioned application was reviewed for compliance with the location requirements of Article VI of Ordinance No. 154 and the finds are detailed below:

Article V, 1. - The Facility must be located in the Township’s IP (Industrial Park) district: The parcels are zoned IP (Industrial Park) as required.

Article V, 2 - The Facility cannot be within one thousand five hundred (1,500) feet of a "church" in the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 1,500 feet. Using GIS, a measurement was taken from the edge of the property where the building is located (for simplicity vs. from edge of building which is further) to the edge of the closest church and it was over 1,600 feet.

Article VI, 3 - The Facility cannot be within two thousand (2,000) feet of a residence located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,000 feet. Using GIS, a measurement was taken from the edge of the property where the building is located (for simplicity vs. from edge of building which is further) to the edge of the closest residential property line (for simplicity) and it was 2,500 feet.

Article VI, 4 - The Facility cannot be within two thousand five hundred (2,500) feet of a registered “school” within the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,500 feet. The closest school is over 2 miles from the parcel. (Scripps and Stadium Rds.)
Article VI, 5 – The Facility shall not have an ingress or egress on a street or road that has an average traffic volume in excess of six thousand (6,000) vehicles per day, as calculated by averaging the three (3) most recent Average Annual Daily Traffic (AADT) counts (as available), as reported by Southeast Michigan Council of Governments (SEMCOG). The building has ingress and egress off of Premier Drive. SEMCOG’s website does not contain any traffic count reports for Premier Dr.

Article VI, 6- The Facility shall not have an ingress or egress on a street or road that directly also serves as an ingress or egress to a residential road or property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district. The building has both ingress or egress off of Premier Dr. Premier Dr. does not serve as an ingress and/or egress to any property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district.

Article VI, 7 - Distances specified in this Ordinance shall be measured from building edge to building edge. The measurements, unless noted differently, were measured from building edge to proposed building edge.

Article VI, 8 – If the Facility shall need a variance from what is set forth in Article VI Sections one (1) through six (6) above, the Applicant may submit a formal request for a variance to the Zoning Board of Appeals (“ZBA”). The ZBA shall only consider a variance request that is no more than fifteen percent (15%) out of compliance with the above location regulations: The applicant is not requesting any variances from the ZBA.

Article VI, 9 – It is the Township’s intention that Growers, Processors, Safety Compliance Facilities and Secured Transporters may operate within the same building under the following conditions: each licensed entity remains distinct and separate within different working area and separate record keeping systems: The applicant is requesting an Excess Grow facility only.

Article VI, 10 –The location shall meet all applicable Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuna Regulatory Agency (MRA):

ITEMS TO BE ADDRESSED: These items are unknown at this time. It is recommended that any approval be conditioned upon this requirement.

Article VI, 11 – The Facility location shall conform to all standards of the zoning district in which it is located: This condition has been met. The building itself has received site plan approval.
Article VI, 12 – If the Facility location is currently vacant land, the applicant must submit a site plan and building plans with the Application: The application is for an improved parcel that has received site plan approval.

Article VI, 14 – Based upon an application for or amendment of a Conditional Rezoning, PUD, or other use Development Agreement of sufficient specificity, it is within the sole discretion and judgment of the Township Board of Trustees to consider and waive any or all of the Location Requirements of this Article VI based upon any or all of 3 factors listed in Article VI 14 a,b, and c.: The applicant is not requesting any waivers.

Summary: I have reviewed the application as it relates to Ordinance No. 154 Article VI – Location Requirements. I am agreeable with the recommendation to approve this application with the conditions that:

1. The applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Mariujana Regulatory Agency (MRA).

Tamara Girling
Planning & Zoning Director

[Signature]
To: Planning Commission/Planning Coordinator  
From: Jeff Williams, Fire Marshall  
Re: PC-2021-09, Pure Green LLC, Ordinance #154 – Excess Grow (Medical)  
Date: 1/29/2021

The Orion Township Fire Department has completed its review of Medical Marihuana Application PC-2021-09 for the limited purpose of compliance with Charter Township of Orion Ordinance Number 154 Article VI(g).

Based upon the application and documentation provided, the Fire Department has the following recommendation as to issues concerning the Medical Marihuana Facility’s specific location and impact on the health and safety of Township residents:

☐ Approved  
☐ Approved with conditions (See below)  
☐ Not approved

Conditions:
This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information, data or documents, confirming full compliance with all applicable fire codes, Township Ordinances and State law. Furthermore, the Fire Department’s approval is limited to the issuing of a Medical Marihuana Facilities Permit under Ordinance 154 and does not constitute a waiver of any additional requirement for site plan approval or as otherwise required by any applicable code, ordinance or law; including, the Fire Department’s review and approval of a final site plan, security plan, fire suppression system, emergency ingress/egress, or other matters which represent a fire or emergency response concern.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2003.

Sincerely,

Jeffrey Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
To: Planning Commission
From: David Goodloe, Building Official
Re: Medical Marijuana Applications PC-2021-09
Date: 2/1/2021

The application for PC case 2021-09 has been reviewed by the Building Department for compliance with The Charter Township of Orion Ordinance number 154 Article VI application procedure for the purposes of compliance with Ordinance 154 only, the Building Department has the following recommendation:

- Approved
  - Approved with conditions (See below)
  - Not approved

If you have any questions feel free to contact me at 248-391-0304. X6001

Sincerely,

David Goodloe
David Goodloe
Building Official
Orion Township Building Dept.
As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Ordinance #154**

I move to **grant/not grant** approval of the application, as required per Ord. #154, for PC-2021-09, Pure Green, LLC, for a Excess Grower facility, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the findings of fact that the operation **does/does not** meeting the following location requirements:

- Is located in and IP zoning district
- Is located in a building that meets all the distance requirements shown in Ord. 154
- Is located in a building that has an ingress/egress road with less than 6,000 vehicles/day.
- Is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning.

**If motion is grant approval - conditioned upon:**

The applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Mariujana Regulatory Agency (MRA).
Penny Shults  
Clerk of the Charter Township of Orion  
2525 Joslyn Rd  
Lake Orion, Michigan 48360

Re: Marihuana Facility Permit Application; Pure Green, LLC  
180 Premier Drive, Orion Charter Township, MI 48359  
(1) Excess Grow Permit

Dear Madam Clerk:

Please find attached the Marihuana Facility Permit Application and all exhibits for an Excess Grow permit to operate at 180 Premier Drive, Orion Charter Township, MI 48359.

If the Township believes any additional information or materials are required for this filing, please do not hesitate to contact us.

Kindly direct all communications regarding this application to Aaron Fogleman either by phone at 248.920.8770 or by email at licensing@glorioscanna.com.

We look forward to contributing significantly to the Township through economic development, training and employment, education and outreach, and to becoming a valuable community partner.

Thank you for your consideration.

Most Sincerely,

Stephen Goldner

Stephen Goldner  
Owner
TO: The Charter Township of Orion Planning Commission

FROM: Tammy GIRLING, Planning & Zoning Director

DATE: January 27, 2021

RE: Tree and Woodland Protection section of Zoning Ordinance

I have attached the aforementioned section of the ordinance. It is a section of the Zoning Ordinance that I receive many questions on from developers. Reading the entire attached, I believe you might see it is a bit confusing. I would like to discuss the Planning Commission’s feelings on this section of the Ordinance. It appears it can be read a couple different ways. I would like to work on a text amendment to re-word this section. However, I need a discussion on what the Planning Commission wants the intent of this section to be.

Please familiarize yourself with this text to aid in the discussion at the meeting. I, at this point, am not necessarily looking for proposed text, more discussion on what the PC feels the intent of this section is or should be.

Also attached is the review check sheet the Planner uses when reviewing site plans related to this section.

If you have any questions, please feel free to contact me.
Article XXX  

Administrative Procedures & Standards  

30.01 Site Plan Review Procedures, Standards & Condominium Requirements  

17) Landscape plan, including location and type of shrubs, trees, and other live plant material.  

18) Location, sizes, and types of existing trees that are four (4) inches or greater in caliper, measured twelve (12) inches above grade, except that trees listed as Prohibited Plant Material need be shown only if they measure twelve (12) inches or greater in caliper. Only trees that measure twelve (12) inches or greater in caliper need be shown in wooded areas, clusters, or hedgerows, provided that the boundaries and predominant species of such area, are indicated.  

19) All existing and proposed easements.  

20) Designation of fire lanes.  

c. Building and structure details, including (amended 05.04.20):  

1) Location, height, and outside dimensions of all proposed buildings or structures, including all mechanical equipment placed on the roof. (amended 08.06.07)  

2) Building floor plans.  

3) Total floor area.  

4) Obscuring walls or berm locations with cross sections, where required.  

5) Building elevations, drawn to a scale of one (1) inch equals four (4) feet, or to another scale approved by the Enforcement Officer and adequate to determine compliance with the requirements of this Ordinance.  

6) Sections, elevations/color perspective drawings/photos or other visual aids showing architectural quality. Drawings shall also indicate final color schemes for exterior surfaces. (added 01.02.07)  

7) Information on building materials, and complimentary color schemes. This shall include presentation of material sample boards. Material sample boards shall be presented at the time of consideration by the Planning Commission. (added 01.02.07)  

8) Details of windows, recesses, roof over hangs, awnings, gables, soffitt, roof design and roofing materials. (added 01.02.07)  

9) Location and screening of roof mounted or ground mounted mechanical equipment or transformers and methods/materials used for screening. All such equipment shall be screened to minimize its visibility from adjacent roadways and abutting property lines. Screening shall be at least one (1) foot above the height of the mechanical equipment or transformers. The screening material shall be compatible with the building material and general architecture. Landscape materials or other screening structures shall not interfere with ventilation or access for maintenance. (added 01.02.07 amended 08.06.07)  

10) Information on masonry materials, siding or other materials, and patterns used for building exterior. (added 01.02.07)  

d. Information concerning utilities, drainage, and related matters, including:  

1) Location of sanitary sewers and septic systems, existing and proposed.  

2) Location and size of watermains, well sites, and building service, existing and proposed.  

3) Location of hydrants, existing and proposed.  

4) Location of storm sewers, existing and proposed.
Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Building Department for administrative approval, together with adequate information to ensure compliance with the Zoning Ordinance, which must be received prior to substitution.

Section 27.12 – Tree and Woodlands Protection (amended 08.03.00)

A. Declaration and Purposes.

1. Declaration.

Uncontrolled development of the Township could result in an unregulated and, in many cases, unnecessary removal of trees and related resources, and other forms of vegetation and natural resources and processes. Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational, and economic assets for both present and future generations. Specifically, it is found that:

a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.

b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.

c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.

d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.

e. Trees and woodlands increase the economic value of land for most uses.

2. Purposes.

The purposes of this Section are as follows, to be applied throughout the Township:

a. To prohibit the unnecessary removal of trees on undeveloped land.

b. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land.

c. To provide for the protection, preservation, proper maintenance, and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.

d. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance.

e. To provide for the paramount public concern for these natural resources in the interest of the health, safety, and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

B. Definitions.

The following definitions shall apply in the interpretation of this Section:
1. **Bona Fide Agricultural Use.** Agricultural use means land devoted as the principal use for the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is not an agricultural use under this act.

2. **Building Envelope.** The area of a building enclosed or to be enclosed by the exterior walls of the principal building on the property, and any other area designated in this Ordinance as such.

3. **Clear-cutting.** The removal within any five (5) year period of more than twenty percent (20%) of the total number of protected trees located on a parcel of land without a tree removal permit.

4. **Commercial Nursery.** A licensed plant or tree nursery in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale to the general public in the ordinary course of the licensee’s business.

5. **Diameter Breast Height (d.b.h.).** A tree's diameter in inches measured by diameter tape at four and one-half (4 1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

6. **Drip Line.** An imaginary vertical line extending downward from the outermost tips of the tree branch to the ground.

7. **Landmark Tree.** Shall mean any tree which stands apart from neighboring trees due to the size, form, species or historic significance. Criteria pertaining to the size of landmark trees is listed in Section L of these regulations.

8. **Parcel.** All contiguous land situated in a lot or plot of land owned by a person.

9. **Person.** An individual, partnership, corporation, association, or other legal entity. For the purposes of this definition, an individual or entity shall mean and include all individuals in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest.

10. **Protected Tree.** Any tree having a diameter breast height (d.b.h.) of four (4) inches or greater and subject to the regulations of this Ordinance.

11. **Remove or Removal.** The act of removing or terminating the life of a tree by digging up or cutting down, or the effective removal through damage that would reasonably be expected to ultimately terminate the life of a tree.

12. **Transplant.** The relocation of a tree from one place to another on the same property.

13. **Tree.** Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.

14. **Tree Survey.** A scaled drawing (one (1) inch shall not exceed one hundred (100) feet) which provides the following information: location of all protected trees (i.e., trees having four (4) inches or greater d.b.h.) plotted by accurate techniques, and the common or botanical name of those trees and their d.b.h.

15. **Undeveloped.** A parcel of land that has not been improved. With respect to land which is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvements(s) shall be considered undeveloped.

16. **Woodland.** A stand of trees identified on the Township’s Woodland Area Map.

C. Tree Removal Permit Required.

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**Charter Township of Orion Zoning Ordinance 78**

*Revised 05/21/20*
1. **Requirements.** A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, "Exceptions".

2. **Plat or Site Plan Approval.** A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit.

3. **Site Development Standards.** In addition to other requirements of this Section, compliance with the following standards is required in all developments:
   
a. **Structures.** The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.

b. **Building Sites.** For each building site in a development, the applicant shall designate the "building envelope," which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be re-allocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.

c. **Activities Within Building Envelope.** A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.

d. **Activities Outside Building Envelope.** Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.

e. **Minimum Preservation Requirement.** For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.

D. **Exceptions.**

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

1. **Parcels Less Than Five Acres.** Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, all contiguous land owned in common by one (1) owner, shall be included in determining total acreage. The term "one owner" in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. *(amended 11 15.01)*
2. **Activities Within Building Envelope or Building Site.** No tree removal permit shall be required for construction of structures or other activities within a building envelope or building site. This shall include roads, road rights-of-way, driveways, essential utilities, retention/detention ponds, or septic fields.

3. **Bona Fide Agricultural Use.** Tree removal or transplanting occurring during use of land for bona fide agricultural operations. In determining whether the land has a bona fide agricultural operation, the nature of the use, the duration of its operation, and other relevant factors shall be considered.

4. **Commercial Nursery.** Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has previously been in operation on the property for three (3) years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.

5. **Emergencies.** Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one (1) or more persons to defer cutting pending submission and processing of a permit application. Unless life and property would be threatened, this exception shall not apply unless and until the Township Supervisor, or the Supervisor’s designee, has approved the removal.

6. **Governmental Agencies.** Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities, Road Commission or agencies to the limited extent necessary to achieve authorized objectives of the entities or agencies.

7. **Public Utilities.** Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees to the limited extent necessary to achieve authorized objectives of the utility.

8. **Dead or Damaged Trees.** Removal or trimming of dead or damaged trees, provided the Township has first confirmed in writing the dead or damaged condition upon request of the property owner.

9. **Nominal Activity.** Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one (1) year period, and is not related to the development of a parcel or construction of a building or structure.

10. **Tree Management.** Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional who is qualified to prepare such a plan is submitted to and approved by the Building Official or designee, who may confer with the Township expert at his or her discretion, tree cutting may occur in accordance with the plan without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-related recreational activities, including but not limited to hunting; and for other similarly acceptable silvicultural practices. The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees. The person seeking approval and exemption under this provision may be required to establish an escrow with the Building Official for the purpose of covering the costs of the Township’s expert.

E. Application for Tree Removal Permit.

1. **Application and Fee.** A person seeking a Tree Removal Permit must submit a written application to the Township Clerk and pay the permit application fee as established by resolution of the Township Board.

2. **Time of Application.** Application for a Tree Removal Permit shall be made before removing, cutting, or transplanting trees. Where the site is proposed for development necessitating site plan, site condominium or plat review, application for a Tree Removal Permit shall be made prior to or concurrent with site plan or final preliminary plat submittal. Where development of one (1) single-family home is proposed (on parcels of five
27.12 Tree and Woodlands Protection

(5) acres or more), application for tree removal permit shall be made prior to or concurrent with the building permit application.

3. One (1) Single-Family Building Site. For one (1) single-family building site on parcels of five (5) acres or more, the permit application shall include four (4) copies of a plan drawn to scale containing the following information:

a. **Property Dimensions.** The boundaries and dimensions of the property, and the location of any existing and proposed structure or improvement, and a statement identifying the type of structure or improvement.

b. **Inventory of Trees.** Location of all existing protected trees identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be so designated. The Building Official or designee may waive detailed tree inventory requirements for those areas of the site where proposed development will not impact regulated trees.

c. **Tree Protection.** A statement describing how trees intended to remain will be protected during development.

d. **Easements and Setbacks.** Location and dimension of existing and proposed easements, as well as all setbacks required by the Zoning Ordinance.

e. **Grade Changes.** Designation and description of grade changes proposed for the property.

f. **Intended Tree Replacement.** A cost estimate for any proposed tree replacement program, with a detailed explanation including the number, size, and species.

g. **Tree Identification.** A statement that all trees being retained will be identified by some method such as painting, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.

h. **Structures, Building Envelope, Utilities, and Driveway.** The plan shall show the structures, building envelope, utilities, and driveway as existing and/or proposed on the property.

4. **Other Developments.** For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one (1) single-family building site, and the following additional information:

a. **Plan.** A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.

b. **Tree Survey.** A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.

c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.

5. **For All Developments.** For all developments, any proposed tree relocation or replacement, consistent with Paragraph H, below, shall be specified in the application, including a drawing and detailed explanation of the proposal.

F. Application Review Procedure.

1. **Staff Review.** The Building Official or designee shall review the submitted Tree Removal Permit application to verify that the applicant has provided all required information. Completed applications shall be referred to the appropriate consultants. Upon request of either the applicant or the Township, the Township may conduct
2. **Reviewing Authority.** Where the site is proposed for development necessitating site plan review, site condominium or plat approval by the Township Planning Commission, the Planning Commission shall be responsible for granting or denying the application for a Tree Removal Permit (subject to affirmation, reversal, or modification by the Township Board, with respect to plat approvals). Where site plan review or plat approval by the Planning Commission is not required by ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Building Official or designee, following the right and opportunity of the Building Official or designee to confer with consultants. Where the use of a consultant is reasonably required, the property owner shall establish an escrow in an amount determined by Township Board resolution establishing fees, out of which the consultant’s fee shall be paid. The decision to grant or deny a permit shall be governed by the review standards enumerated in Paragraph G, below.

3. **Denial of Tree Removal Permit.** Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. If such decision is made by the Planning Commission or Township Board, it shall be a part of the minutes of the meeting at which action on a site plan, site condominium or plat review was taken. Denial of a tree removal permit may be appealed to the Zoning Board of Appeals, in accordance with the provisions of this Ordinance.

4. **Tree Removal Permit.** Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:

a. **Conditions.** Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.

b. **Completion of Operations.** Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.

c. **Security.** Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. *(amended 08.15.16)*

d. **Term of Permit.** A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time, not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.

5. **Time for Decision.** Where a single, one-family home on a parcel five (5) acres or more is proposed, or where a site plan, site condominium, or plat review is required, the Township's decision on the application shall be issued within sixty (60) days of the date of the Township's receipt of a complete application for a Tree Removal Permit or from the time that the application is considered administratively complete; or if the application under this Section is being considered in conjunction with a companion application for development approval involving the same property, the Township's decision on the application under this Section shall be made concurrent with the decision on the other development proposal.
The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. **Limitation.** Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:
   
a. **Necessary for Construction.** Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or

b. **Disease, Damage, Etc.** The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.

2. **Minimum Preservation Requirements.** Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.

3. **Preservation and Conservation.** Tree preservation and conservation shall be of paramount concern and importance; provided, however, that an application shall not be denied solely because of the presence of trees on the site.

4. **Developmental Alternatives.** Preservation and conservation of wooded areas, trees, woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures, or other site improvements.

5. **Diversity of Species.** A diversity of tree species shall be maintained where feasible.

6. **Clear-Cutting.** Where the proposed activity consists of land clearing, or clear-cutting, it shall be limited to areas to be improved for roadways, sidewalks, drainage, and utilities and areas necessary for the construction of buildings, structures, or other site improvements as shown on an approved site plan, site condominium or subdivision plat. Clear-cutting of more than twenty percent (20%) of a site (excluding areas essential for development such as roads, drainage utilities, buildings etc.) shall be prohibited.

7. **Relocation or Replacement.** The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Paragraph H, and tree protection, in accordance with Paragraph I.

H. **Tree Relocation or Replacement.**

1. **Requirement Established.** For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed by permit granted under this Section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.

2. **Replacement Tree Requirements.**

   a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years. An agreement together with appropriate security (cash or letter of credit) in a form approved by the Township, shall be provided in connection with such guaranty.

   b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.
Article XXVII  General Provisions
27.12 Tree and Woodlands Protection

c. For deciduous trees, replacement shall be on a one-for-one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a d.b.h. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.

d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.

e. Trees listed in Section 27.05 (E) shall not be permitted as replacement trees.

f. The Planning Commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform with this Section, and the applicant proposes a contribution to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

3. Replacement Tree Location.

a. **Township Approval Required.** The Township shall approve tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.

b. **Relocation or Replacement Off-Site.** Where it is not feasible and desirable to relocate or replace trees on site, as determined by the Township decision-maker under this Section, relocation or replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

I. Tree Protection During Construction.

1. **Placing Materials Near Tree.** No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.

2. **Attachments to Trees.** During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.

3. **Protective Barrier.** Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

a. **Rights-of-Way and Easements.** Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.

b. **Large, Separate Areas.** Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.


1. **Display of Permit.** The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter
and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. **Stop Work: Withholding Certificate of Occupancy.** The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.

3. **Pursuit of Court Relief.** In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

K. **Historic or Landmark Trees.**

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.

2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:

   a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.

   b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)

   c. The tree has gained prominence due to unusual form or botanical characteristics.

   d. The tree has some historical significance to the Township.

3. The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.

4. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48" landmark tree shall be replaced by 24 two-inch trees. This replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.
L. Landmark Trees.

1. The following landmark trees shall be protected under this Section:

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>SIZE D.B.H.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Trees</td>
<td>------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Arborvitae</td>
<td>Thuja</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Beech, American</td>
<td>Fagus grandifolia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Birch</td>
<td>Betula</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>Juglans nigra</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Fraxinus quadrangulata</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue-Beech</td>
<td>Carpinus caroliniana</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Chestnut</td>
<td>Castanea</td>
<td>10&quot;</td>
</tr>
<tr>
<td>Crabapple/Hawthorne</td>
<td>Mahos/Pratagelus</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Dogwood, Flowering</td>
<td>Cornus florida</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
<td>Juniperus virginiana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Fir</td>
<td>Abies</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Ginkgo</td>
<td>Ginkgo</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Hemlock</td>
<td>Tsuga</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hickory</td>
<td>Carya</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hop-Hornbeam</td>
<td>Ostrya virginiana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td>Gymnocalix dioicus</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Larch/Tamarack</td>
<td>Larix</td>
<td>18&quot;</td>
</tr>
<tr>
<td>London Planetree/Sycamore</td>
<td>Platanus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>Acer rubrum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Silver)</td>
<td>Acer saccharinum</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Maple (Sugar)</td>
<td>Acer saccharum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Norway)</td>
<td>Acer planatoides</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Amur)</td>
<td>Acer ginnala</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Maple (Box Elder)</td>
<td>Acer negundo</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Oak (All species)</td>
<td>Quercus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Pine (All species)</td>
<td>Pinus</td>
<td>30&quot;</td>
</tr>
<tr>
<td>Poplar</td>
<td>Populus</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Sassafras</td>
<td>Sassafras albidurn</td>
<td>15&quot;</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>Amelanchier</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Spruce</td>
<td>Picea</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Sweetgum</td>
<td>Liquidamber styraciflua</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Tulip Poplar</td>
<td>Liriodendron tulipifera</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Wild Cherry</td>
<td>Serotina</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Witch-Hazel</td>
<td>Hammamelis virginiana</td>
<td>6&quot;</td>
</tr>
</tbody>
</table>

M. Tree Fund.

1. A Tree Fund is hereby created as the depository for all monies proposed to be paid by applicants in lieu of tree replacement or relocation, as provided in this Section.

2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonably feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.

Section 27.13 – Regulated Uses

A. Intent and Purpose.
## Section 27.12 - Tree and Woodlands Protection

### C. Tree Removal Permit Required.

<table>
<thead>
<tr>
<th>Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, &quot;Exceptions&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plt or Site Plan Approval. A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Site Development Standards. In addition to other requirements of this Section, compliance with the following standards is required in all developments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Structures. The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.</td>
</tr>
<tr>
<td>b. Building Sites. For each building site in a development, the applicant shall designate the &quot;building envelope,&quot; which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be reallocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.</td>
</tr>
<tr>
<td>c. Activities Within Building Envelope. A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.</td>
</tr>
<tr>
<td>d. Activities Outside Building Envelope. Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.</td>
</tr>
<tr>
<td>e. Minimum Preservation Requirement. For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.</td>
</tr>
</tbody>
</table>

### D. Exceptions.

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

| 1. Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, all contiguous land owned in common by one (1) owner, shall be included in determining total acreage. The term "one owner" in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms |
of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. (amended 11.15.01)

2. Activities Within Building Envelope or Building Site. No tree removal permit shall be required for construction of structures or other activities within a building envelope or building site. This shall include roads, road rights-of-way, driveways, essential utilities, retention/detention ponds, or septic fields.

3. Bona Fide Agricultural Use. Tree removal or transplanting occurring during use of land for bona fide agricultural operations. In determining whether the land has a bona fide agricultural operation, the nature of the use, the duration of its operation, and other relevant factors shall be considered.

4. Commercial Nursery. Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has previously been in operation on the property for three (3) years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.

5. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one (1) or more persons to defer cutting pending submission and processing of a permit application. Unless life and property would be threatened, this exception shall not apply unless and until the Township Supervisor, or the Supervisor's designee, has approved the removal.

6. Governmental Agencies. Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities, Road Commission or agencies to the limited extent necessary to achieve authorized objectives of the entities or agencies.

7. Public Utilities. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees to the limited extent necessary to achieve authorized objectives of the utility.

8. Dead or Damaged Trees. Removal or trimming of dead or damaged trees, provided the Township has first confirmed in writing the dead or damaged condition upon request of the property owner.

9. Nominal Activity. Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one (1) year period, and is not related to the development of a parcel or construction of a building or structure.

10. Tree Management. Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional who is qualified to prepare such a plan is submitted to and approved by the Building Official or designee, who may confer with the Township expert at his or her discretion, tree cutting may occur in accordance with the plan without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-related recreational activities, including but not limited to hunting; and for otherwise acceptable silvicultural practices. The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees. The person seeking approval and exemption under this provision may be required to establish an escrow with the Building Official for the purpose of covering the costs of the Township's expert.

**E. Application for Tree Removal Permit.**

4. Other Developments. For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one (1) single-family building site, and the following additional information:
a. Plan. A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.

b. Tree Survey. A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.

c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.

F. Application Review Procedure.

4. Tree Removal Permit. Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:

a. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.

b. Completion of Operations. Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.

c. Security. Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. (amended 08.15.16)

d. Term of Permit. A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time, not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.

G. Application Review Standards.

The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. Limitation. Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:

a. Necessary for Construction. Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or

b. Disease, Damage, Etc. The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.

2. Minimum Preservation Requirements. Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.
3. Preservation and Conservation. Tree preservation and conservation shall be of paramount concern and importance; provided, however, that an application shall not be denied solely because of the presence of trees on the site.

4. Developmental Alternatives. Preservation and conservation of wooded areas, trees, woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures, or other site improvements.

5. Diversity of Species. A diversity of tree species shall be maintained where feasible.

6. Clear-Cutting. Where the proposed activity consists of land clearing, or clear-cutting, it shall be limited to areas to be improved for roadways, sidewalks, drainage, and utilities and areas necessary for the construction of buildings, structures, or other site improvements as shown on an approved site plan, site condominium or subdivision plat. Clear-cutting of more than twenty percent (20%) of a site (excluding areas essential for development such as roads, drainage utilities, buildings etc.) shall be prohibited.

7. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Paragraph H, and tree protection, in accordance with Paragraph I.

H. Tree Relocation or Replacement.

1. Requirement Established. For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed by permit granted under this Section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.

2. Replacement Tree Requirements.

a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years. An agreement together with appropriate security (cash or letter of credit) in a form approved by the Township, shall be provided in connection with such guaranty.

b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.

c. For deciduous trees, replacement shall be on a one-for-one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a d.b.h. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.

d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.

e. Trees listed in Section 27.05 (E) shall not be permitted as replacement trees.

f. The Planning Commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform with this Section, and the applicant proposes a contribution to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

3. Replacement Tree Location.

a. Township Approval Required. The Township shall approve tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.

b. Relocation or Replacement Off-Site. Where it is not feasible and desirable to relocate or replace trees on site, as determined by the Township decision-maker under this Section, relocation or
replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

I. Tree Protection During Construction.

1. Placing Materials Near Tree. No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.

2. Attachments to Trees. During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.

3. Protective Barrier. Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

   a. Rights-of-Way and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.

   b. Large, Separate Areas. Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.


1. Display of Permit. The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. Stop Work: Withholding Certificate of Occupancy. The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.

3. Pursuit of Court Relief. In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

K. Historic or Landmark Trees.

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.

2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:

   a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.

   b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
c. The tree has gained prominence due to unusual form or botanical characteristics.
d. The tree has some historical significance to the Township.

3. The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.

4. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48" landmark tree shall be replaced by 24 two-inch trees. This replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.

L. Landmark Trees.

1. The following landmark trees shall be protected under this Section:

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>SIZE D.B.H.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Trees</td>
<td></td>
<td>36&quot; or greater</td>
</tr>
<tr>
<td>Arborvita</td>
<td>Thuja</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Beech, American</td>
<td>Fagus grandifolia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Birch</td>
<td>Betula</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>Juglans nigra</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Fraxinus quadrangulata</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue Beech</td>
<td>Cephalanthus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Chestnut</td>
<td>Castanea</td>
<td>10&quot;</td>
</tr>
<tr>
<td>Crabapple/Hawthorne</td>
<td>Malus/Crasaeus</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Dogwood, Flowering</td>
<td>Cornus floridana</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
<td>Juniperus virginiana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Fir</td>
<td>Abies</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Ginkgo</td>
<td>Ginkgo</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Hemlock</td>
<td>Tsuga</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hickory</td>
<td>Carvina</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hop-Hornbeam</td>
<td>Osyra virginiana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td>Gynoecidus dioicus</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Larch/Thumback</td>
<td>Larix</td>
<td>18&quot;</td>
</tr>
<tr>
<td>London Plane/Sycamore</td>
<td>Platanus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>Acer rubrum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Silver)</td>
<td>Acer saccharum</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Maple (Sugar)</td>
<td>Acer saccharum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Navy)</td>
<td>Acer platanoides</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Amur)</td>
<td>Acer camalda</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Maple (Box Elder)</td>
<td>Acer negundo</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Oak (All species)</td>
<td>Quercus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Pine (All species)</td>
<td>Pinus</td>
<td>30&quot;</td>
</tr>
<tr>
<td>Poplar</td>
<td>Populus</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Redbud</td>
<td>Ceris canadensis</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Sassafras</td>
<td>Sassafras albidum</td>
<td>15&quot;</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>Amelanchier</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Spruce</td>
<td>Picta</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Sweetgum</td>
<td>Liquidambar styaciflua</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Tulp Popenai</td>
<td>Lirodendron tulipifera</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Wild Cherry</td>
<td>Sertonia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Witch Hazel</td>
<td>Hamamelis virginiana</td>
<td>6&quot;</td>
</tr>
</tbody>
</table>

M. Tree Fund.

1. A Tree Fund is hereby created as the depository for all monies proposed to be paid by applicants in lieu of tree replacement or relocation, as provided in this Section.

2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonably feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.
As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Lapeer Overlay Design Standards (Ord. No. 78, Section 35.04, B)**

**Motion 1:** I move that the Planning Commission grants/denies a Lapeer Overlay Design Standard waiver for *building orientation, *Connectivity, and *Front Yard Parking, for PC-2021-01, Dutton Park, for plans date stamped received 01/13/21 based on consideration of the following and the following findings of facts:

a. The standards of this Section would prevent reasonable use of the site (insert findings).

b. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical (insert findings).

c. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements (insert findings).

**Site Plan (Ord. No. 78, Section 30.01)**

**Motion 2:** I move that the Planning Commission grants site plan approval for PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N. for plans date stamped received 01/13/21 based on the following findings of facts (motion make to insert findings of facts).

This approval is based on the following conditions:

a. Resubmittal of the plans and re-review to the satisfaction of the consultants, containing all of the issues listed in the Planner, Engineer, and Fire Marshal reviews. Specifically (motion maker to insert specifics for each consultant review as listed below).

- (Motion maker to list any unresolved issues related to the Township Planner’s review letter).
• (Motion maker to list any unresolved issues related to the Township Engineer’s review letter).
• (Motion maker to list any unresolved issues related to the Fire Marshall’s review letter)
  b. (Motion maker to list any additional conditions).

Or
I move that the Planning Commission **denies** site plan approval for PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N. for plans date stamped received 01/13/21. This **denial** is based on the following reasons (insert findings of facts).

Or
I move that the Planning Commission **postpones** site plan approval for PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N. for plans date stamped received 01/13/21 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s, Fire Marshall’s, or Engineer’s review letter(s)).
January 28, 2021

Charter Township of Orion
Planning Commission
2424 Joslyn Road
Lake Orion, MI 48360

Site Plan Review #2
Dutton Park

Site: North side of Dutton Road, west of Bald Mountain Road
Case No: PC-2021-01
Applicant: Lindon Ivezaj
Plan Date: 12/16/2020
Zoning: IP (Industrial Park) & Lapeer Road Overlay
Parcel ID: 09-35-400-048 & 09-35-477-003

Dear Planning Commissioners:

We have completed a review of the application, site plan, and landscape plan referenced above and a summary of our findings is below. Items in **bold** require specific action. Items in *italics* can be addressed administratively. A brief summary of all items within this review is provided on the next page.
SUMMARY OF REVIEW

1. **Interpark Drive.** We recommend the extended Interpark Drive 41-foot wide easement be widened to 60 feet at this time in order to provide space for the required public right-of-way in the future in order to minimize potential zoning compliance issues with this standard at that time.

2. **Retail Use.** The only “retail, entertainment and service” use permitted by right in the IP district is “building material sales”. Should the proposed use of each building alter in any way in the future, additional approvals will likely be necessary given that the site is within the IP district.

3. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures. We have no objection to the proposed fixtures subject to the applicant verifying no off-site glare would result from these fixtures.

4. **Exit door wall packs.** One exit door wall pack is indicated for each building. Cutsheets should be submitted to verify that this light fixture will be full-cutoff in order to prevent glare.

5. **Performance Guarantee.** Compliance with the performance guarantee requirement will be verified prior to permitting as typical.

6. **Landscaping & Tree Preservation.**
   a. The Tree Preservation Plan should list all trees to be removed. A Tree Removal Permit may be required for protected and Landmark trees.
   b. The plans should identify the three Landmark Trees proposed to be removed and provide for the required mitigation.
   c. The Landscape Plans should verify compliance of that visibility triangles at intersections of streets or driveways are not obstructed.

**Lapeer Road Overlay District**

7. **Building Orientation.** We do not believe this section strictly applies as the site does not have frontage on Lapeer Road and is separated from Lapeer Road by several hundred feet.

8. **Connectivity.** The Planning Commission may request the applicant address the feasibility of direct connections from each site to the large undeveloped area internal to both sites.

9. **Internal Sidewalks.** At such time Interpark Drive is extended in the future, sidewalks will likely be required at that time as part of the development of the interior of the site.

10. **Front Yard Parking.** The applicant states a waiver is requested to deviate from this standard. Approximately 25% of parking is provided within the front yard of Dutton Road.

11. **Facades and Exterior Walls.** The applicant should discuss with the Planning Commission the proposed repeating façade patterns or bays for consideration. The Planning Commission could consider requiring additional architectural features.

12. **Flat Roofs.**
   a. As a parapet wall has not been proposed, we believe a waiver request is necessary to accept the proposed screen panels instead of a parapet.
   b. The applicant should verify that the proposed panels described above would be at least one foot above the height of the rooftop mechanical equipment.

13. **Building Materials and Colors.**
   a. The applicant should discuss the proposed building materials in detail with the Planning Commission and how the design provides high quality building materials for each building.
b. Detailed building material colors have not been submitted for consideration. The applicant should verify no prohibited colors listed above are proposed for either building.

**Project Summary**

The applicant is proposing a development consisting of two 10,000 sq. ft., two-story retail/office buildings. Each building would be on a separate parcel but would have a similar use, design, and layout. The application form states that the specific use of each building would be speculative “building material sales retail buildings”. A large undeveloped area would remain between the two sites, likely to be developed as industrial at a future date as indicated at the October 21, 2020, pre-application meeting. An 8-foot wide asphalt path is proposed along the entire Dutton Road frontage and also along Bald Mountain Road.

**West Building**
The west building is proposed in the southwest corner of the site along Dutton Road and would be accessed only from a proposed extension of Interpark Drive, which is a 41-foot wide private road easement that currently dead ends at the west boundary of the site. A 26-foot wide access drive would extend south from Interpark Drive to provide access to 50 surface parking spaces that encircle the building. No access from Dutton Road, is proposed. A dumpster enclosure is indicated in the northwest corner of the building, adjacent to a designated 57-foot long loading berth along the north (rear) side of the building. The proposed building is 38 feet in height to the peak of the roof. On the floor plans, the front of the building is indicated as a retail sales area and the rear designated as office and storage areas.

**East Building**
The east building would have a similar layout and design as the west building. It is located at the southeast corner of the site, on a separate parcel, at the intersection of Dutton and Bald Mountain Roads. Access would be provided from the existing Premier Drive, which cuts across the north portion of the parcel, as well as a new driveway proposed onto Bald Mountain Road. Again, 50 parking spaces encircling the building are proposed. A dumpster enclosure is provided at the northwest corner of the building and a 57-foot long loading berth is located along the west side of the building.

**Existing Conditions**

1. **Existing site.** The site consists of two parcels which are part of the southeast ¼ of Section 35, Town 4 North, Range 10 East, and together total 26.236 acres of undeveloped land. The site is bound by Dutton Road to the south, Bald Mountain Road to the east, and Premier Road to the north. Interpark Drive currently stubs into the western property line which provides for the ability to extend access into the subject site. Premier Drive currently cuts through the east parcel at Bald Mountain Road, then runs away to the north of the site into an adjacent industrial park development to the north.

2. **Zoning.** The site is zoned IP (Industrial Park) and is also located within the Lapeer Road Overlay District. As discussed at the October 21, 2020, pre-application meeting, we would like to emphasize that the only “retail, entertainment and service” use permitted by right in the IP district is “building material sales”, which is the speculative use proposed for each building. The IP district specifically prohibits “facilities where activities of a retail nature, except for building material sales and parcel delivery services, are conducted. Should the proposed use of each building alter in any way in the future, additional approvals will likely be necessary given that the site is within the IP district.
### 3. Adjacent zoning & land uses.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IP -- Industrial Park-Lapeer Road Overlay</td>
<td>Warehouse</td>
</tr>
<tr>
<td>South</td>
<td>P-PUD Overlay (Auburn Hills)</td>
<td>Vacant/Office</td>
</tr>
<tr>
<td>East</td>
<td>SP-2 -- Special Purpose 2</td>
<td>Ajax Paving: Industrial/Extraction</td>
</tr>
<tr>
<td>West</td>
<td>PUD -- Lapeer Road Overlay</td>
<td>Hotel/Restaurant/Vacant</td>
</tr>
</tbody>
</table>
Zoning Ordinance Compliance

4. IP district area & bulk requirements.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Parcel Size (west parcel) Industrial park as a whole Individual lots</td>
<td>20 acres</td>
<td>23.87 acres - met</td>
</tr>
<tr>
<td></td>
<td>2 acres</td>
<td></td>
</tr>
<tr>
<td>Minimum Parcel (Lot) Size (east parcel)</td>
<td>2 acres</td>
<td>2.37/1.98 acres - Discrepancy with Site Data Net &amp; Gross Acres (SP-8)</td>
</tr>
<tr>
<td>Front Yard Setback (Dutton Rd)</td>
<td>50 ft.</td>
<td>Met (applies to both bldgs.)</td>
</tr>
<tr>
<td>Front Yard Setback (Bald Mountain Rd)</td>
<td>50 ft.</td>
<td>Met (applies to E bldg.)</td>
</tr>
<tr>
<td>Front Yard Setback (Premier Dr)</td>
<td>50 ft.</td>
<td>Met (applies to W bldg.)</td>
</tr>
<tr>
<td>Front/Rear Yard Setback (to north)</td>
<td>50 ft.</td>
<td>Met (applies to both bldgs.)</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>20 ft.</td>
<td>Met (applies to both bldgs.)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>West building: 0.48% East building: 5.80%</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>40 ft / 50 ft Overlay</td>
<td>38 ft. each building - met</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>15 ft.</td>
<td>Defer to Fire Dept. Review</td>
</tr>
<tr>
<td>Parking &amp; Driveways Setback</td>
<td>20 ft.</td>
<td>20 ft. - met</td>
</tr>
<tr>
<td>Landscaped Greenbelt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Setbacks</td>
<td>25 ft.</td>
<td>No wetlands apparent</td>
</tr>
<tr>
<td>Off-Street Parking (Overlay supersedes)</td>
<td>50 spaces (1 spc / 200 sf GFA)</td>
<td>50 spaces each building - met</td>
</tr>
</tbody>
</table>

5. Continuous Curbs. Section 18.03 C.5. states that all internal roadways and driveways in the front yard area shall be continuously curbed. Additionally, all roadways, driveways and parking areas shall consist of hard-surfaced concrete, blacktop or equivalent, as approved by the Planning Commission. Continuous curbs are proposed around the entire paved areas of both sites within all yards. Asphalt pavement is proposed as the hard surface for each site. No action is needed.

6. Lighting. Section 18.03 F. states that exterior site lighting shall be fully shielded and directed downward to prevent off-site glare, and that site illumination shall not exceed 1.0 foot-candle along the property lines, which are non-residential. Exterior site-mounted lighting is in compliance with these standards. The proposed building elevations indicate two types of light fixtures that are not indicated on the photometric plan.

   i. Decorative light fixtures. Several decorative light fixtures are proposed around the front and sides of each building. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site. We have no objection to the proposed fixtures as they are decorative and complement the building, subject to the applicant verifying no off-site glare would result from these fixtures.

   ii. Exit door wall packs. One exit door wall pack is indicated for each building. Cutsheets should be submitted to verify that this light fixture will be full-cutoff in order to prevent glare.

7. Public Road Access. Section 18.03 G. states that any industrial park developed or proposed in the IP district shall have an internal public road having a minimum right-of-way of at least 60 feet. This internal public road shall have direct access onto an existing or proposed major thoroughfare having a right-of-way of at least 120 feet. This section does not strictly apply at this time as an industrial
park development is not proposed. However, the applicant should be aware that if/when the large undeveloped interior portion of the site is proposed for development, the extended Interpark Drive 41-foot wide easement would not be in compliance with this standard for providing a 60-foot wide public right-of-way. Therefore, we recommend this 41-foot easement be widened to 60 feet at this time in order to provide space for the required 60-foot public right-of-way in the future in order to minimize potential zoning compliance issues with this standard at that time.

8. Performance guarantee. Section 18.03 K. states that the Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with Section 30.09 to ensure that necessary and required improvements proposed on the site plan will be completed. Compliance with the performance guarantee requirement will be verified prior to permitting as typical.

**Lapeer Road Overlay District**

The Planning Commission shall have the authority to waive or modify the standards of Section 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.
2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.
3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
4. Other design constraints and considerations as defined by the Planning Commission.

**Site Design**

9. Building Orientation. Section 35.04 A1. requires that buildings with customer entrances be oriented towards Lapeer Road; and that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas, and other service functions not be visible from Lapeer Road. As the site does not have frontage on Lapeer Road, each building has been oriented and designed in relation to its access drive as follows:

a. The west building is oriented towards Lapeer Road to the west and Dutton Road to the south, with service functions to the north of the building towards the north access drive.

b. The east building is oriented towards Premier Drive to the north, with service functions to the west of the building facing the large undeveloped area between the two sites.

We do not believe this section strictly applies as the site does not have frontage on Lapeer Road and is separated from Lapeer Road by several hundred feet. It is unlikely that the intent of this section is to require buildings and sites that do not have frontage on Lapeer Road to be oriented and designed as if they do have frontage on Lapeer Road. However, the Planning Commission may request that the applicant address building orientation if it feels that the site should respect its proximity to Lapeer Road. No waiver is needed if the Planning Commission accepts the proposed orientation of each building as we believe this section is not intended to apply to sites that do not front on Lapeer Road.

10. Connectivity. Section 35.04 A2. states that site design must provide direct connections to adjacent land uses. Where feasible, secondary access roads or driveway connections shall be provided. For the west building, access would be provided from an extended Interpark Drive, which appears to function as a secondary access road from Dutton Road. For the east building, access would be provided directly from Bald Mountain Road and Premier Drive. We find that both sites would provide connections to adjacent land uses utilizing existing roads. However, the Planning Commission may request the
applicants address the feasibility of direct connections from each site to the large undeveloped area internal to both sites. Should this large undeveloped interior area be developed as industrial in the future, connecting the extended Interpark Drive to Premier Drive may be considered at that time.

11. Pedestrian Circulation
   a. Safety paths shall be provided in accordance with the Safety Path Ordinance No. 97. An 8-foot wide safety path is proposed to tie into an existing safety path along Dutton Road to the south of the developments and will extend east to the intersection with Bald Mountain Road. An 8-foot wide safety path is also proposed along Bald Mountain Road and will tie into the extended Dutton Road safety path at the southeast corner. Five-foot wide pedestrian paths are proposed to connect the safety paths with each building’s front door. At such time Interpark Drive is extended, sidewalks will likely be required at that time as part of the development of the interior of the site.
   b. Internal sidewalks of no less than five feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than 10 feet shall exist between the building façade and the planting bed for foundation plantings. The revised site plan provides 5-foot internal sidewalks connecting the front entrance of the buildings to the proposed 8-foot safety paths along Dutton and Bald Mountain Roads.

12. Front Yard Parking. Section 35.04 A.4.c. states that the number of parking spaces located within the front yard shall be limited to a maximum of 50% of the total parking provided for the site unless modified by the Planning Commission. Parking should be located to the rear or side of the building to the greatest extent possible.
   a. Waiver. The applicant states a waiver is requested to deviate from this standard. The percentage of parking provided within all front yards of each building has not been provided for comparison with the 50% standard. Approximately 25% of each site’s parking is provided within the front yard of Dutton Road, which is the main road as far as the visibility of each site from the public.

Building Design

13. Facades and Exterior Walls
   a. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50% of their horizontal length. Met-see notes on each elevation sheet.
   b. Building facades must include repeating patterns of color, texture, and architectural or structural bays of 12 inches in width (i.e. offsets, reveals or projecting ribs). The applicant should discuss with the Planning Commission the proposed repeating façade patterns or bays for consideration. We believe it would be appropriate to consider vertical window bays provided on some facades as an acceptable architectural bay. The Planning Commission could consider requiring additional architectural features on the side or rear facades that do not include three window bays as proposed for the front of each building if there are concerns with the design.

14. Flat Roofs.
   a. Section 35.04 B.3.a. states that parapets should be incorporated to conceal rooftop equipment from public view, with the height of the parapet not exceeding one-third of the height of the supporting wall.
   i. Waiver. The applicant has proposed screen panels to match the building façade as noted on the revised building elevation sheets. As a parapet wall has not been proposed, we believe a waiver request is necessary to accept the proposed screen panels instead of a parapet. The
elevations sheet notes that the mechanical equipment and panels would be centered on each roof to reduce visibility from surrounding areas and would not be as visible as appears.

b. Section 30.01 E.2.c.10 states that all mechanical equipment (ground or roof) shall be screened to minimize its visibility from adjacent roadways and abutting property lines. Screening shall be at least one foot above the height of the mechanical equipment or transformers. The screening material shall be compatible with the building material and general architecture.

i. The applicant should verify that the proposed panels described above would be at least one foot above the height of the rooftop mechanical equipment. This will also be verified during construction and inspection if approved.

ii. For the ground-mounted transformers proposed next to each dumpster enclosure, the applicant is proposing landscaping screening and no structural wall or other screening. We have no objections to this design. However, the Planning Commission may require a structural wall or other screening under this section if there are concerns with the proposed screening.

15. Materials and Colors

a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.

a. Since the previous Planning Commission meeting, the applicant has slightly revised the design of each building. The applicant should discuss the proposed building materials in detail with the Planning Commission and how the revised design provides high quality building materials for each building.

b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

a. Detailed building material colors have not been submitted for consideration. The applicant should verify no prohibited colors listed above are proposed for either building. The steel canopy is the only building material that would be metallic; we have no objection to this.

b. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas. **Metal tubing is not** acceptable in the revised design.

c. Exterior building materials shall provide texture on at least 50% of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels. **The revised building elevations indicate that texture would be provided on at least 50% of all facades for each building.** If the Planning Commission accepts the proposed building materials under item a. above, no action is needed related to providing texture on the facades.

**Landscaping Requirements**

16. Landscaping & Tree Preservation. Section 18.03 requires the following landscaping for the IP district:

1. A landscape plan for each use in the Industrial Park shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan. The landscape plan for Site A (Dutton at Bald Mountain Rds) can be found on Sheet L. The landscape plan for Site B (Dutton Rd. at Interpark Dr.) can be found on Sheet L6.

2. A landscaped greenbelt at least 20 feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially
zoned property, the landscaped greenbelt shall be at least 50 feet in width, except where ingress or egress drives are located. *This standard appears to be met for both developments as the parking lots are dimensioned to be no less than 20' to the nearest property lines. Landscaping is provided within these areas.*

3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission. *N/A- the parcel is not adjacent to any residential property.*

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition. In addition, an underground lawn irrigation system shall be required in any landscaped area located in the front yard. *Compliant – Maintenance and irrigation notes are included in the General Landscape Notes on the landscape plans.*

Section 27.05: General Provisions – Landscaping, Fences, and Walls.

A.3. Landscaping Design Standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

a. General Landscaping. (amended 11.14.85) All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated, with Planning Commission approval. *The Landscape Plan indicates all perimeter yard beds shall be hydroseed and mulch on minimum 3" topsoil. Compliance should be verified during construction and inspection.*

ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 3,000 square feet, or portion thereof, of landscaped open-space area. *The west development is required 13 trees and is providing 13 existing trees within the 38,789 square feet of landscaped open-space area. The east development is required 22 trees and is providing 67 existing trees within the 63,774 square feet of landscaped open-space area.*

iv. All landscaped areas shall have an underground irrigation system or shall be provided with a readily available and acceptable water supply with at least one hose bib within 100 feet of all planted material to be maintained. *The Landscape Planting Plan General Note #19 indicates that an automatic underground irrigation system will be provided.*

v. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

vi. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen,
provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 27.05.

A.4. Parking Lot Landscaping Adjacent to Roads Excluding Single Family Residential Uses. A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of 20 feet in width and minimally landscaped as follows and as illustrated in the following:

a. One tree for each 30 lineal feet, or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area. The west development complies and requires 9 trees along Dutton Road, based on the lineal frontage; 14 Bowhall Red Maple trees are provided. The east development requires 5 trees along Bald Mountain Road and provides 5 Tuliptrees within the greenbelt, demonstrating compliance. The lineal distance of the east site along Dutton Road is approximately 204 feet, which requires 7 trees within the greenbelt. 9 Imperial Honey Locust trees are provided on the landscape plan to meet this requirement.

b. In addition, a hedge, wall, decorative metal fence, or berm, or other landscape elements with a vertical rise of at least 30 inches shall be developed within said separation zone. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. The west development provides a Ward’s Yew screening hedge for the length of the surface parking along Dutton Road. The east development provides a Ward’s Yew screening hedge for the length of the surface parking along Bald Mountain Road and a retaining wall, intended to meet the screening requirements of this section, along Dutton Road.

c. The remainder of the required landscape separation area shall be landscaped with grass, ground cover or other landscape treatment, excluding paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving. Complies – Sodded lawns are proposed.

d. The Planning Commission may at their discretion waive or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.

e. The Landscaping of Right-of-Way and Other Adjacent Public Open Space Areas. Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts. The applicant should demonstrate compliance of this requirement and may do so as part of the permitting and inspection process if approved.

f. Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way or intersection of interior driveways, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. The applicant should demonstrate compliance of this requirement and may do so as part of the permitting and inspection process if approved.

A.5. Screening for Conflicting Land Uses. Where non-residential uses abut residential uses or where multi-family uses abut single family uses, the Planning Commission may require a greenbelt buffer, berm or obscuring wall or combination of the aforementioned methods of screening. N/A
A.6. Interior Parking Lot Landscaping. Off-street parking areas shall be landscaped as follows:

a. Off-street parking areas containing greater than 20 spaces shall be provided with at least 20 square feet of interior landscaping per parking space. *West and east developments: 50 spaces x 20 = 1,000 square feet required. 1,000+ square feet of landscape area provided and called out on the landscape plans.*

A minimum of one-third of the trees required in Section 27.05 (A)(5) shall be placed on the interior of the parking area and the remaining may be placed surrounding the perimeter parking lot within 10 feet. *Complies.*

b. A minimum of one tree shall be planted per 200 square feet or fraction thereof of interior parking lot landscaping. *West and east developments: 5 trees required; 5+ trees provided (Red Rage Tupelo and Armstrong Maple trees).*

At least 50% of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Interior parking lot shrubs and trees shall permit unobstructed visibility and maintain clear vision between a height of 30 inches to eight feet. *All areas surrounding the internal parking are identified with approved landscaping materials such as typical sod, hydrosed, and mulch lawns, as well as additional tree, shrub, and ground cover species.*

c. Interior parking lot landscaping islands shall be no less than 10 feet in any single dimension and no less than 100 square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas. *This standard appears to be met.*

d. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping. *Complies.*

e. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

f. Interior parking lot landscaping and/or landscape islands shall be dispersed throughout the parking lot in order to break up large expanses of pavement. *Complies.*

g. The Planning Commission may, at their discretion, waive or modify the requirement for interior landscaping in cases where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped or where existing off-street parking drives and/or structures are located on the parcel.

27.05 B. Materials Standards and Specifications. Except as otherwise specified in the general requirements for each zoning district, all plant and non-plant material shall be installed in accordance with the following standards:

4. Required Plant Material Specifications. The following specifications shall apply to all plant material required by this section. The applicant shall demonstrate compliance with the following:

a. Deciduous shade trees shall be a minimum of two inches in caliper measured 12 inches above grade with the first branch a minimum of four 4 feet above grade when planted. *The Plant Schedules for both development locations indicate compliance.*
b. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted. Applicant shall demonstrate compliance, where applicable.

c. Evergreen trees shall be a minimum of five (5) feet in height when planted, except that juniper, yew and arborvitae species shall be a minimum of three (3) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade. The Plant Schedules for both developments indicate compliance of evergreen tree and shrub species within this criterion.

d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of fifteen (15) inches when planted.

e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting.

f. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet required physical buffer requirements.


g. Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

h. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion-reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. No swales or detention areas are indicated on the site.

i. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep and installed in a manner as to present a finished appearance. Also, straw or other mulch shall be used to protect newly seeded areas. The landscape plan for both developments label the mulched areas where proposed.

27.12 Tree and Woodlands Protection.

C.1. Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, "exceptions". A Tree Removal Permit will be required for this development in accordance with Section 27.12, which is reviewed as part of this site plan review. A Tree Preservation Plan is provided on Sheet L1 and indicates proposed tree removal from both the west and east development sites. The Tree Preservation Summary on Sheet L1 indicates that 198 protected trees and 3 landmark trees are proposed to be removed from the overall site, and 230 trees are to be preserved. A tree survey has been provided on Sheets SP-5 and SP-6 which identifies each tree by species, tag number, caliper size, and condition. The table should provide a column identifying the 198 trees proposed to be removed. Once the to-be-removed trees are identified, they should accurately correspond with the Planting Plans on Sheets L2 and L3. It is difficult to
determine which of the existing trees shown on the Planting Plans are to be removed and which are to be preserved. The three landmark trees to be removed should also be identified on the Tree Preservation Plan. The number of protected trees to be removed from each development site should be identified.

Zoning Ordinance Section 27.12 E.4 Application for Tree Removal Permit
For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one single-family building site, and the following additional information:

a. Plan. A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.

b. Tree Survey. A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.

c. For larger sites over ten (10) acres in size containing more than 100 regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.

Zoning Ordinance Section 27.12 K.4 Historic or Landmark Trees. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48” landmark tree shall be replaced by 24 two-inch trees. This replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township’s consultant, the health/condition of the tree is such that it should not be counted. The three landmark trees to be removed should be identified on the Tree Preservation Plan and mitigated according to the requirements stated above.

We are available to answer questions.

Respectfully,

Giffels Webster

Rod Arroyo, AICP
Partner

Eric Fazzini, AICP, CNU-A
Senior Planner

Eric Pietsch
Senior Planner

www.GiffelsWebster.com
January 26, 2021

Scott Reynolds, Planning Commission Chairperson
CHARTER TOWNSHIP OF ORION
2525 Joslyn Road
Lake Orion, MI 48360

RE:  Dutton Park, PC-2021-01
      Site Plan Review #2

Received:  January 13, 2020 by Orion Township

Dear Mr. Reynolds:

We have completed our review of the Dutton Park plan set. The plans were prepared by Nowak and Fraus Engineers and were reviewed with respect to the Township's Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township's Engineering Standards.

EXISTING SITE CONDITIONS:
The site is located at the southwest intersection of Bald Mountain Rd. and Premier Dr. within Section 35 of the Charter Township of Orion. The site is zoned Industrial Park (IP) and bound by parcels to the north and west zoned Industrial Park (IP), and to parcels on the east zoned Special Purpose 2 (SP-2). To the south is the southern border of Orion Township.

The existing site is comprised of two undeveloped parcels totaling 26.2 acres. Both parcels are located between Dutton Rd. and Premier Dr. The site is made up of sprawling hills with sharp slopes around the perimeter and a low flat spot near the center of the parcel. There are several trees on site and a small culvert located at the low point on the eastern half of Parcel 1. The applicant has submitted plans showing development on Parcel 2 and the southwest corner of Parcel 1. The two buildings that are currently proposed are both 2-story 5,000 square-foot office/retail buildings.

There appear to be several monitoring wells located on site and the underlying soils on site may require special consideration and stabilization for the proposed work. It is our understanding the property has buried refuse on site. The limits of refuse and associated leachate collection system appear to be shown on the plans. We recommend consulting with a geotechnical engineer and an environmental engineer to ensure that the infrastructure on site is protected from any issues related to the questionable ground conditions and a review of required permits for construction be discussed with appropriate regulating agencies.

WATER MAIN AND SANITARY SEWER:
There is existing 12-inch water main located along the north side of Dutton Rd., 12-inch water main along the west side of Bald Mountain Road as well as 8-inch water main located north of the parcel along the south side of the recent Oakland Business Park development. The existing 12-inch along Dutton Rd. extends north into the Dutton Retail Centre west of Parcel 1. The applicant appears to be proposing separate fire and domestic services from the
12-inch on Dutton Rd. to the building on Parcel 2. Two (2) additional hydrants are proposed around this building. Both extend from the main on Bald Mountain Rd. and are located in the northwest and southeast corners of the building. The leads for the building in Parcel 1 also extend from the 12-inch main on Dutton Rd. along with two (2) additional hydrants located at the southeast and northwest corners of the parking lot. Water service shut-off valves will be required at engineering and should be located within the right-of-way or water main easement. Along with the hydrant and building lead extensions, the applicant is proposing to extend 12-inch main into the site from Dutton Retail Centre. The main extension appears to be for the future development of Parcel 1. Hydrants appear adequately spaced for both buildings and FDC's were shown on the plans. The dumpster pads appear to obstruct visibility of the FDC's and may need to be moved per Fire Marshal review. Water main easements appear to be included and acceptable. Please show the approximate water main connections for Parcel 2.

There is existing 12-inch sanitary sewer located along Premier Dr. that ends at a manhole located northwest of Parcel 2 which ultimately flows into the Orion Business Park. The applicant is proposing to connect to this manhole by installing three (3) additional manholes, 100 feet of sanitary lead and approximately 500 feet of sanitary sewer. The sanitary connection for the building on Parcel 1 appears to extend from an existing 10-inch sanitary sewer stub located near the northwestern corner of the site. A 20-foot easement is required for all public sanitary sewer and appears to be shown correctly in the plans.

It appears the sanitary sewer pump station constructed as part of the Dutton Retail Centre included Parcel 1 in the basis of design. It appears the sanitary sewer constructed for the Orion Business Park development has sufficient capacity to handle the additional flow from Parcel 2. The preliminary basis of design for both parcels has been included in the plans. The preliminary basis of design for parcel 1 should include consideration for future phases to show the pump station will have capacity for the ultimate build out.

**STORMWATER MANAGEMENT:**

The site as it exists drains to the center of the site where there is a large low point. The two proposed buildings are on opposite sides of the site, far from this point. Both buildings have a small storm network that collect drainage via catch basins before existing the site and discharging into an existing storm structure. The building on Parcel 2 is shown connecting to an existing basin on Dutton Rd. and the building on parcel 1 is shown connecting to an existing basin located in the plaza to the west.

Parcel 1 appears to be included in the drainage area map for the Dutton Corporate Centre development from 2003. Approximately half of Parcel 1 (10.06 acres) drains toward the Dutton Retail Centre and is accounted for in their conveyance calculations and overall storm network. The eastern half of Parcel 1 is meant to drain southeast and connect to the storm network that extends down Technology Ct.

Parcel 2 was also accounted for in the Dutton Corporate Centre but is referred to as 'off-site' drainage area. Per the drainage area map from the Dutton Corporate Centre development, Parcel 2 is to drain south and ultimately enter the Dutton Corporate Centre detention system. The section of storm sewer that crosses Dutton Rd. should be shown on the plans in future submittals.

C-value calculations were provided for both parcels and appear acceptable. A new C-value calculation will be required for the entirety of Parcel 1 should the rest of the site be developed in the future.

The existing 20-foot-wide storm sewer easement located on the storm sewer west of Parcel 1 was shown accurately in the plans. Please show existing easements differently in future submittals to avoid any potential confusion.

**PAVING:**

The existing sites contain no drive entrances. Parcel 2 has frontage along Dutton Rd., Bald Mountain Rd. and Premier
Dr. The applicant is proposing to add an entrance on Premier Dr. to access Parcel 2. Parcel 1 only has frontage along Dutton Rd. and the stub of the internal drive for the Dutton Retail Centre (Interpark Dr.) which was constructed for development of Parcel 1. The applicant is proposing to connect and remove the existing tee-turnaround and extend a 35-foot-wide drive into the site that is stubbed east for the possibility of future development. On the south side of this stub is a 26-foot-wide drive aisle that serves the building proposed on Parcel 1. Minimum drive aisle width around both buildings is 22 feet and appears to accommodate the Orion Township Firetruck Turning Template.

It is our understanding that Premier Drive is a private road. The applicant will need to obtain approval from the owner for the proposed improvements in the private road easement.

Pavement slopes appear to be acceptable. Entrance drive slopes for both buildings appear to be under 4%. Pavement grading will be reviewed in greater detail at engineering. Pavement slopes are to remain between 1% and 6% for drive areas, and between 1% and 4% for parking areas. Multiple pavement sections have been included for the buildings. There is an asphalt pavement section that is 9 inches of HMA atop 8 inches of aggregate, and a concrete pavement section that is 8 inches of concrete atop 6 inches of aggregate. There is also a concrete sidewalk section that is 4 inches of concrete atop 4 inches of aggregate. These pavement sections are acceptable based on the Industrial zoning requirements. However, a pavement section is required for the public pathway along Dutton Rd. This pavement section should be a minimum of 3 inches of HMA atop 4 inches of aggregate. Parking stalls appear to be 9-feet wide by 19-feet deep which is acceptable.

**GRADING:**
The existing grades are provided via 1-foot contours and spot grades. The existing site has a perimeter of steep slopes with the highest elevation in the southeast on Parcel 2 at about 1137. The lowest elevation on site is in the center of the site. The elevation is approximately 1052.

A retaining wall is proposed along the south and west borders of the parking lot in Parcel 2. A retaining wall submittal package containing details and calculations will be required at engineering for this wall. General top-of-wall and bottom-of-wall grades were included in the site plan submittal.

Due to the existing topography from the previous landfilling/mining operations, grading is proposed outside of the building limits to flatten the steep slopes to a maximum slope of 1:3. Proposed contours were provided to the limits of both parcels and appear acceptable to maintain this requirement. It appears the easterly portion of Parcel 1 where tree preservation is proposed has existing slopes of approximately 1:5 and would therefore not be impacted.

**TRAFFIC:**
A traffic impact study shall be required for a site plan when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day. The applicant should provide TIS or proposed trip generation data under separate cover showing that the thresholds are not exceeded to warrant a study.

The site plan extends the existing Interpark Drive to provide access to the proposed building on parcel 1. As part of the extension the existing pavement provided for the T-turn around is proposed to be removed. A new T-turn around is shown provided at the eastern limits to avoid the building’s driveway and parking area being used for these maneuvers.

The proposed site plan includes pedestrian facilities along Dutton Rd. and up Bald Mountain Rd. across the frontage of both parcels. 8-foot public pathway is proposed within the ROCC right-of-way and approval will be required for this paving. Proposed grades along the pathway will be required to assess longitudinal slope and cross slope to ensure
ADA compliance.

**NATURAL FEATURES:**

**WOODLANDS:**
There do not appear to be any wetlands currently on site, however there is significant tree coverage. A tree survey appears to have been conducted and included in the plans. A tree replacement calculation has been provided including the landmark trees.

**LANDSCAPING:**
A Landscape Plan was included in the set and does not appear to conflict with any utility locations for either building. The tree plantings on Parcel 2 appear to be spaced such that there is no structural threat to the retaining wall due to proximity of tree and root growth from the plantings. Tree plantings may need to be readdressed should the existing water main along Bald Mountain Rd. be closer to the parcel border than originally anticipated.

**CONCLUSION:**
In our opinion, the site plan as submitted is in substantial compliance as noted below with the Township’s ordinances and engineering standards. We ask that any approval include the following:

1. Provide a pavement section for the public pathway that matches Township requirements.
2. Provide a traffic impact study (TIS) or proposed trip generation calculations showing the development is under the threshold per ordinance.

Please feel free to contact us with any questions at (248) 751-3100 or mark.landis@ohm-advisors.com.

Sincerely,

**OHM Advisors**

Joe Lehman  
Project Engineer

Mark Landis, P.E.  
Project Manager

cc:  Chris Barnett, Township Supervisor  
David Goodhue, Building Official  
Jeff Stout, Director of Public Services  
Tammy Girling, Director of Planning and Zoning  
Lynn Harmsen, Planning and Zoning Coordinator  
Jeff Williams, Township Fire Marshal  
Bill Basikiewicz, Water and Sewer Superintendent  
Pat Williams, Nowak and Frazus  
File
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-01, Dutton Park Site Plan Revised per PC Motion  
Date: 12/26/2021

The Orion Township Fire Department has completed its review of Application PC-2021-01 for the limited purpose of compliance with Charter Township of Orion Ordinance's, Michigan Building Code, and all applicable Fire Codes.

Based upon the application and documentation provided, the Fire Department has the following recommendation:

- Approved
- X Approved with Requirements (See below)
- Not approved

Requirements:

**Fire Department Connections**  
- Fire Department Connections shall be located on the street side of building, fully visible and recognizable from the street or nearest point of fire department vehicle access. The fire department has concern regarding the proposed FDC locations on both buildings and how they may be visually obstructed by the dumpster locations.

**Aerial Fire Apparatus Access Roads**  
- Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet. All fire department access drives that circumference the buildings shall be increased to 26 feet.

**Methane Gas Detection**  
- Per the Orion Township Building Official the Methane Gas collection system that is located on site will be reviewed and inspected by the building department at time of construction.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2004.

Sincerely,

Jeffrey Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
Dear Tammy,

We have reviewed the revisions and have no issues or concerns at this time.

If you have any questions, please feel free to contact me.

Respectfully Submitted,

Jeffery T. Stout
Director
Department of Public Services

RECEIVED
JAN 27 2021
Orion Township
Planning & Zoning
LEGAL DESCRIPTION - PARCEL 1

TOWNSHIP, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the northwest corner of the south half of the south half of Section 35, Town 4 North, Range 10 East, called the southwest corner of the Subdivision of Orion Business Park No. 1, at a distance of 467.77 feet along the west line of Section 35; thence south 87 degrees 53 minutes 58 seconds west, 204.29 feet along the centerline of a road following three courses: 1) south 81 degrees 11 minutes 15 seconds west, 118.90 feet along the arc of a curve to the left, radius of 1015.00 feet, central angle of 15 degrees 25 minutes 55 seconds, chord bearing of south 39 degrees 38 minutes 18 seconds east, 331.27 feet; 2) south 87 degrees 53 minutes 58 seconds west, 96.96 feet along the arc of a curve to the right, radius of 895.00 feet, central angle of 06 degrees 42 minutes 43 seconds, chord bearing of south 368.95 feet, central of 53 degrees 21 minutes 00 seconds, chord bearing of south 65 degrees 30 minutes 09 seconds east, 96.67 feet; 3) south 42 degrees 46 minutes 53 seconds west, 167.16 feet; thence along the centerline following three courses: 1) south 87 degrees 53 minutes 58 seconds west, 37.29 feet along the arc of a curve to the right, radius of 895.00 feet, central angle of 02 degrees 23 minutes 15 seconds, chord bearing of south 89 degrees 05 minutes 58 seconds west, also being along the south line of said Section 35, 414.00 feet; 2) south 31 degrees 47 minutes 56 seconds east, 24.00 feet; 3) north 87 degrees 41 minutes 04 seconds east, 43.17 feet to the south line of said Dutton Road, containing 1,039,619.62 square feet or 23.87 acres of land.

LEGAL DESCRIPTION - PARCEL 2

TOWNSHIP, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the northwest corner of the southeast 1/4 of the southeast 1/4 of Section 35, Town 4 North, Range 10 East, called the southwest corner of the Subdivision of Orion Business Park No. 1, at a distance of 467.77 feet along the west line of Section 35; thence south 87 degrees 53 minutes 58 seconds west, 204.29 feet along the centerline of a road following three courses: 1) south 81 degrees 11 minutes 15 seconds west, 118.90 feet along the arc of a curve to the left, radius of 1015.00 feet, central angle of 15 degrees 25 minutes 55 seconds, chord bearing of south 39 degrees 38 minutes 18 seconds east, 331.27 feet; 2) south 87 degrees 53 minutes 58 seconds west, 96.96 feet along the arc of a curve to the right, radius of 895.00 feet, central angle of 06 degrees 42 minutes 43 seconds, chord bearing of south 368.95 feet, central of 53 degrees 21 minutes 00 seconds, chord bearing of south 65 degrees 30 minutes 09 seconds east, 96.67 feet; 3) south 42 degrees 46 minutes 53 seconds west, 167.16 feet; thence along the centerline following three courses: 1) south 87 degrees 53 minutes 58 seconds west, 37.29 feet along the arc of a curve to the right, radius of 895.00 feet, central angle of 02 degrees 23 minutes 15 seconds, chord bearing of south 89 degrees 05 minutes 58 seconds west, also being along the south line of said Section 35, 414.00 feet; 2) south 31 degrees 47 minutes 56 seconds east, 24.00 feet; 3) north 87 degrees 41 minutes 04 seconds east, 43.17 feet to the south line of said Dutton Road, containing 1,039,619.62 square feet or 23.87 acres of land.
## List of Surveyed Trees

### SPR-5 Scale

**Part of the Southeast 1/4 of Section 35 T. 4 North, R. 10 East Orion Township, Oakland County, Michigan**

- **Know what's below**
- **Call before you dig.**

### Henry Yandt Construction LLC

- **Contact:** Lindon Ivezaj
- **Ph:** (734) 347-8200
- **Dutton Road - Vacant Land**
- **Orion Twp., MI**

### NOWAK & FRAUS ENGINEERS

- **Civil Engineers**
- **Land Surveyors**
- **Land Planners**

### SEAL

- **December 15, 2020**

### PROJECT

- **CLIENT**

### PROJECT LOCATION

- **Sheet no.:** L998

### DRAWN BY:

- **DESIGNED BY:**

### APPROVED BY:

- **DATE:**

### NOWAK & FRAUS ENGINEERS

- **NOWAK & FRAUS ENGINEERS**
- **46777 Woodward Ave.**
- **Pontiac, MI 48342-5032**
- **Tel. (248) 332-7931**
- **Fax. (248) 332-8257**
- **WWW.NOWAKFRAUS.COM**

### REVISED:

- **PER TWP. REVIEW**

### NOWAK & FRAUS ENGINEERS

- **NOWAK & FRAUS ENGINEERS**
- **NOWAK & FRAUS ENGINEERS**
- **NOWAK & FRAUS ENGINEERS**

### N.T.S.

- **A. Emberger**

### N.T.S.

- **P. Williams**

### SHEET NO. 5

<table>
<thead>
<tr>
<th>Tree</th>
<th>Species</th>
<th>Size</th>
<th>Condition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>501</td>
<td>Pine</td>
<td>12</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td>502</td>
<td>Oak</td>
<td>17</td>
<td>Fair</td>
<td></td>
</tr>
<tr>
<td>503</td>
<td>Maple</td>
<td>10</td>
<td>Poor</td>
<td></td>
</tr>
<tr>
<td>504</td>
<td>Elm</td>
<td>8</td>
<td>Excellent</td>
<td></td>
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</table>

... (more trees listed)
### List of Surveyed Trees

<table>
<thead>
<tr>
<th>Lot</th>
<th>Street Address</th>
<th>Number of Trees</th>
<th>Tree Type</th>
<th>Diameter (in)</th>
<th>Height (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dutton Rd.</td>
<td>5</td>
<td>Oak</td>
<td>12</td>
<td>60</td>
</tr>
<tr>
<td>2</td>
<td>Dutton Rd.</td>
<td>7</td>
<td>Maple</td>
<td>8</td>
<td>30</td>
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<tr>
<td>3</td>
<td>Dutton Rd.</td>
<td>3</td>
<td>Cherry</td>
<td>10</td>
<td>40</td>
</tr>
</tbody>
</table>

**Scale:** Part of the Southeast 1/4 of Section 35

**Location:** Orion Township, Oakland County, Michigan

**Project:** Dutton Road - Vacant Land

**Contact:** Lindon Ivezaj
Ph: (734) 347-8200

**Issue Date:** December 15, 2020

**Drawn By:**

**Designed By:**

**Approved By:**

**Client:** Henry Yandt Construction LLC

**Project Number:** 1999-00000000

**Civil Engineers:**

**Land Surveyors:**

**Land Planners:**

**Website:** [www.nowakfraus.com](http://www.nowakfraus.com)
CAUTION!!

PROPOSED TWO STORY 5,000 S.F. FOOTPRINT RETAIL BUILDING

Dimensional Site Plan A

SCALE: 1" = 30'

Site Location Map

PART OF THE SOUTHEAST 1/4 OF SECTION 18
T. 4 NORTH, R. 10 EAST
ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN

Know what's below Call before you dig.

Henry Yandt Construction LLC
Contact: Lindon Ivezaj
Ph: (734) 347-8200

Dutton Road - Vacant Land
Orion Twp., MI

NOWAK & FRAUS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
46777 Woodward Ave.
Pontiac, MI 48342-5032
Tel. (248) 332-7931
Fax. (248) 332-8257
WWW.NOWAKFRAUS.COM

PROJECT
CLIENT
PROJECT LOCATION
SHEET
DATE            ISSUED/REVISED
DRAWN BY:
DESIGNED BY:
APPROVED BY:
DATE:

NF ENGINEERS
NOWAK & FRAUS
engineers

SP-8

PAVING LEGEND

COVID-19 PANDEMIC CONDITION

SITE DATA
CAUTION!!

PROPOSED TWO STORY
5,000 S.F. FOOTPRINT
RETAIL BUILDING

BENCHMARK

Engineering Site Plan A

SCALE: 1" = 30'
1. General Tree Protection Notes:
   - No tree protection fencing shall be installed outside the limits of grading line.
   - Tree protection fencing shall be placed at least 1' outside the limits of grading line or tree dripline.
   - Tree protection fencing shall be removed upon completion of construction activities and shall remain in place until the tree is removed.
   - Tree protection fencing shall be placed at the limits of grading line.

2. Where groupings of trees are to remain, tree fencing shall be placed at the limits of grading line.

3. All undergrowth vegetation within the limits of protective fencing shall be removed, by the landscape architect or forester, only as directed.

4. During construction, no person shall attach any device or wire into ground, typical snow fence, or approved equal.

5. SWALES SHALL BE ROUTED TO AVOID THE AREA WITHIN THE DRIPLINES OF

6. Tree Preserving Summary:
   - Total replacement trees provided: [number]
   - Total replacement trees required: [number]
   - Total number of trees to remain (L2): [number]
   - Total number of trees to remain (L1): [number]
   - Total number of trees to be removed (L2): [number]

7. Contact: Lindon Ivezaj
   Tel. (734) 437-3280

8. 811 Call before you dig.
GENERAL SEED NOTE:
UNTIL ESTABLISHED. BLANKET AND STAKED UNTIL ESTABLISHED. ALL SEED SHALL BE APPLIED OVER A SPECIFIED BLENDS, AND STABILIZED WITH WOOD CELLULOSE FIBER MULCH. ALL LAWN AREAS DESIGNATED TO BE SEEDED, SHALL BE HYDRO-SEEDED SPRING: APRIL 1 TO JUNE 1. SEEDING INSTALLATION SHALL OCCUR ONLY:

8" TREE

RELATION TO FINISH GRADE
DO NOT PRUNE TERMINAL LEADER.
LANDSCAPE ARCHITECT FOR HEAVY HIGHER THAN FINISH GRADE UP TO 6" ABOVE GRADE, IF DIRECTED BY CLAY SOILS TREE SHALL BEAR SAME FROM TREE TO STAKE OPPOSITE. PLASTIC STRAPS. CONNECT WIDE BELT-LIKE NYLON OR HARDWOOD BARK. MULCH SHALL BE MATERIALS FROM THE ROOTBALL. SCARIFY SUBGRADE AND PLANTING SITE CONDITIONS AND REQUIREMENTS. MOUND TO FORM 3" EARTH SAUCER TO A DEPTH OF 18" BELOW SOIL 6-8" OUTSIDE ROOTBALL. ROOTBALL CUT DOWN WIRE BASKET AND FOLD MATERIALS FROM THE ROOTBALL. PLANTING MIX TO BE AMENDED PER NATURAL IN COLOR. LEAVE 3" CLEAR (1) YEAR. WIRE OR ROPE THROUGH ARROUND BASE OF TREE. CAUTION!!

ROOTBALL

CUT DOWN WIRE BASKET AND FOLD MATERIALS FROM THE ROOTBALL. PLANTING MIX TO BE AMENDED PER NATURAL IN COLOR. LEAVE 3" CLEAR (1) YEAR. WIRE OR ROPE THROUGH ARROUND BASE OF TREE. CAUTION!!

BENCHMARK
**TOWNSHIP NOTES:**

 bottoms of planter boxes to allow excess watering to drain away from the trees.

 All planting shall be done with the soil moisture content approximately 25% of its field capacity. 

 All plants shall be held up to the desired height of the planting berm. 

 All plantings to be done with a one-year guarantee. 

 All plants shall be watered daily for the first 60 days after planting. 

 All site plantings shall be staked with the proper stake and placed in an approved staking material. 

 All site plantings shall be backfilled in a manner to maintain the proper root ball. 

 All site plantings shall be mulched with the proper mulch material. 

 All site plantings shall be pruned as necessary to maintain the proper shape and size. 

 All site plantings shall be protected from weather and pests. 

 All site plantings shall be protected from vehicular traffic. 

 All site plantings shall be protected from unauthorized use. 

 All site plantings shall be protected from damage by unauthorized persons. 

 All site plantings shall be protected from damage by unauthorized animals. 

 All site plantings shall be protected from damage by unauthorized vehicles. 

 All site plantings shall be protected from damage by unauthorized equipment. 

 All site plantings shall be protected from damage by unauthorized materials. 

 All site plantings shall be protected from damage by unauthorized chemicals. 

 All site plantings shall be protected from damage by unauthorized water. 

 All site plantings shall be protected from damage by unauthorized electricity. 

 All site plantings shall be protected from damage by unauthorized gas. 

 All site plantings shall be protected from damage by unauthorized air. 

 All site plantings shall be protected from damage by unauthorized dust. 

 All site plantings shall be protected from damage by unauthorized noise. 

 All site plantings shall be protected from damage by unauthorized vibration. 

 All site plantings shall be protected from damage by unauthorized odors. 

 All site plantings shall be protected from damage by unauthorized temperature. 

 All site plantings shall be protected from damage by unauthorized humidity. 

 All site plantings shall be protected from damage by unauthorized light. 

 All site plantings shall be protected from damage by unauthorized wind. 

 All site plantings shall be protected from damage by unauthorized snow. 

 All site plantings shall be protected from damage by unauthorized rain. 

 All site plantings shall be protected from damage by unauthorized sleet. 

 All site plantings shall be protected from damage by unauthorized hail. 

 All site plantings shall be protected from damage by unauthorized ice. 

 All site plantings shall be protected from damage by unauthorized lightning. 

 All site plantings shall be protected from damage by unauthorized fungi. 

 All site plantings shall be protected from damage by unauthorized bacteria. 

 All site plantings shall be protected from damage by unauthorized viruses. 

 All site plantings shall be protected from damage by unauthorized protists. 

 All site plantings shall be protected from damage by unauthorized archaea. 

 All site plantings shall be protected from damage by unauthorized eukaryotes. 

 All site plantings shall be protected from damage by unauthorized prokaryotes. 

 All site plantings shall be protected from damage by unauthorized molecules. 

 All site plantings shall be protected from damage by unauthorized atoms. 

 All site plantings shall be protected from damage by unauthorized particles. 

 All site plantings shall be protected from damage by unauthorized energy.

 All site plantings shall be protected from damage by unauthorized time.

 All site plantings shall be protected from damage by unauthorized space.
Plan View

Scale: 1" = 40ft

Mounting Height Note
MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE WEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS BASE HEIGHT.

General Note
1. SEE SCHEDULE FOR LUMINARE MOUNTING HEIGHT.
2. CALCULATIONS ARE ShOWN IN FOOTNOTES AT 0'-8".

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS - THIS LAYOUT REPRESENTS ILLUMINATION USBLE CALculated FROM ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURED LUMINARE MAY VARY DUE TO VARIATION IN ELECTRONIC, MATERIALS, TOLERANCES IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDIcATED ARE FROM GRADE AND/OR FLOOR UP.

THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE FOR REVIEW FOR MECHANICAL CODE AND LIGHTING QUALITY COMPLIANCE.


Ordering Note
OUR BID PRICE CONTACT GAE MULLER AT quote@balmers.com OR 714.366.6705.

Alternation Note
THE ABOVE FIXTURE ALTERNATIVE MUST BE RESUBMITTED TO THE CITY FOR APPROVAL.
PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" 5,000 SF

ENTRY AREA

RETAIL

LIFT/STAIR

MECH./ELEC. ROOM

STORAGE

OFFICE

OFFICE

STORAGE

FIRE DEPARTMENT CONNECTION TO BE COORDINATED w/ ORION TOWNSHIP FIRE MARSHAL - LOCATE ON NORTH or WEST WALL of EACH BUILDING.
PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0" 3,720 SF

ENTRY / WAITING AREA BELOW

UNISEX LAV.

OFFICE

BREAK ROOM

STORAGE AREA (2,140 SF)

14'-0" 28'-10" 7'-0" 7'-0" 11'-4"

28'-10" 34'-8"

NORTH W SW S SE E NE N NW

80'-0" 62'-6"

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

IT/DATA ROOM

J.C.

STORAGE

STORAGE

STORAGE

11'-4" 9'-0" 9'-1"

4'-0" 8'-0" 10'-3" 10'-0" 10'-0"

8'-2"

60'-6"

OFFICE AREA (1,580 SF)
BUILDING HEIGHT (138'-0")

FACADES & EXTERIOR WALLS:

GROUND FLOOR FACADES THAT FACE PUBLIC STREETS SHALL HAVE ARCADES, DISPLAY WINDOWS, ENTRY AREAS, AWNINGS OR OTHER SUCH FEATURES ALONG NO LESS THAN 50% OF THEIR HORIZONTAL LENGTH.

OVERALL GROUND FLOOR HORIZONTAL LENGTH ALONG A PUBLIC ROAD TO HAVE 50% OF PROPOSED LENGTH OF AWNINGS / ENTRY AREAS /.-- SIDE (BALD MOUNTAIN ROAD): 22'-6" x (2) = 45'-0" of 80'-0" or 56.3%-- REAR (DUTTON ROAD): 12'-9" x (3) = 38'-3" of 62'-6" or 61.2%

PROPOSED FACADE MATERIALS:

<table>
<thead>
<tr>
<th>FACADE MATERIAL</th>
<th>TEXTURED</th>
<th>SMOOTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>8&quot; x 16&quot; LIMESTONE PANEL (TEXTURED)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VERTICAL SMOOTH WOOD SIDING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STEEL CANOPY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STEEL CANOPY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CULTURED STONE MATERIAL (TEXTURED)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HORIZONTAL SMOOTH WOOD SIDING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HORIZONTAL SMOOTH WOOD SIDING</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TRIM AND ACCENT AREAS: BRIGHTER COLORS, INCLUDING PRIMARY COLORS, BUT NEON TUBING SHALL NOT BE INCLUDED FOR BUILDING TRIM OR ACCENT AREAS.

PROPOSED REAR ELEVATION 2.0 (EAST BUILDING FACING DUTTON ROAD)

ACREAGE: 1,504 SF

624 (41.5%) 880 (58.5%)

PROPOSED SIDE ELEVATION: B (EAST BUILDING FACING BALD MOUNTAIN ROAD)

ACREAGE: 1,162 SF

1,110 (48.9%) 1,016 (38.0%)

1,659 (62.0%) 1,398 (51.0%)

1,248 (41.5%) 1,398 (51.0%)

2,768 SF

1,162 (51.1%)

2,272 SF

1,016 (38.0%) 1,162 (51.1%)

1,110 (48.9%)
MATERIALS & COLORS:

PREDOMINANT EXTERIOR BUILDING MATERIALS SHALL BE HIGH QUALITY MATERIAL, INCLUDING BUT NOT LIMITED TO BRICK, STONE, AND INTEGRALLY TINTED/TEXTURED CONCRETE MASONRY UNITS.

FACADE COLORS SHALL BE LOW REFLACTANCE, SUBTLE, NEUTRAL, or EARTH TONES. THE USE OF HIGH INTENSITY COLORS, METALLIC COLORS, BLACK or FLUORESCENT COLORS WILL NOT BE USED.

CEILING (134'-0") BUILDING TRIM AND ACCENT AREAS MAY FEATURE BRIGHTER COLORS, INCLUDING PRIMARY COLORS, BUT NEON TUBING SHALL NOT BE INCLUDED FOR BUILDING TRIP OR ACCENT AREAS.

EXTERIOR BUILDING MATERIALS SHALL PROVIDE TEXTURE ON AT LEAST 50% OF THE FACADE, BUT SHALL NOT COMPLETELY CONSIST OF SMOOTH-FACED CONCRETE BLOCK, TILT UP CONCRETE PANELS, OR PREFABRICATED STEEL PANELS.

ANY ROOFTOP MECHANICAL EQUIPMENT WILL BE SCREENED W/ PANELS SIMILAR TO THE BUILDING FACADE (TYPICAL). NOTE THAT THE EQUIPMENT WILL BE CENTERED IN THE BUILDING AND ALL SCREENING WILL BE DIFFICULT TO SEE FROM THE ROAD/GROUND AND NOT AS PROMINENT AS SHOWN IN ELEVATIONS.
OHM Review letter dated 12/29/2020

Conclusion comment 6.) Both buildings will have fire suppression and the FDC will be shown at the building as required and per Fire Marshal review letter/comment.

Conclusion comment 12.) Loading zones/areas for each building to be coordinated with the architectural plans.

Orion Township Fire Marshal Review dated 12/30/2020

Parcel #1, bullet point 1) The building will be equipped with fire suppression and the FDC will be located at the north/west corner of the structure.

Parcel #2, bullet point 1) The building will have a second means of access to comply with D104.1.

Parcel #2, bullet point 2) The building will be equipped with fire suppression and the FDC will be located at the north/west corner of the structure.

Giffels Webster Site Plan Review #1 dated 12/29/2020

Summary of Review, Site Design, comment 9.) Based on the proximity of the East building to Lapeer road, we did not orient the building to face Lapeer Road.

Summary of Review, Design Standards, comment 13.) Facades and Exterior Walls-The elevations have been revised to address item e. of the review letter. We have added awnings or display windows to at least 50% of all ground floor elevations that face public roads.

Summary of Review, Design Standards, comment 14.) Flat Roofs-Any rooftop equipment will include the necessary screening material to prevent the equipment from being seen from the surrounding areas to comply with Township requirements. This screening has been added to the elevations.

Summary of Review, Design Standards, comment 15.) Building Materials and Colors-The design of both buildings will comply with the Design Standards included in Zoning Ordinance 78 for the Lapeer Road Overlay District. Building facades will include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals, or projecting ribs). The note regarding ‘All materials subject to change / final selection by Owner’ has been removed from the plans.

Summary of Review, Design Standards, comment 15.) Materials and Colors-All façade materials to comply with items g., h., i., and j. as noted in the review letter. Specifically, we have revised the elevations to take into account the textured façade requirement for all building facades (per item j. of the review letter). Of the material shown on each elevation, there is greater than 50% of it that contains a texture versus the other material that is smooth.
Site Plan Review Responses – Prepared by Nowak and Fraus Engineers

Site Plan Review – OHM

1) Grading for the site has been revised for all slopes to be 1:3 or less. An additional sheet (SP-11) has been added that shows regrading of all areas on site that were not compliant with the requirement.

2) The existing pathway along Dutton Rd. is proposed to be extended along the frontage of the site. A proposed path has been added along Bald Mountain Road. Exact locations will be coordinated with the City as Construction drawings are produced. Pedestrian connections have been added from the Dutton Rd. and Bald Mountain Rd. pathway to the internal site sidewalk. A sidewalk connection has also been added from the western site to the Interpark Drive sidewalk.

3) Limits of refuse and associated leachate collection system are depicted on the supplemental drawings included.

4) The existing tee-turnaround is to be removed from existing drive and a new turnaround is proposed at the new drive stub (Sheet SP-9 and SP-9a).

5) At this time, the owner has no plans for future phases of Parcel 1.

6) The proposed buildings will be fire suppressed and FDC’s are shown near the northwest corner of each building (Sheets SP-8a and SP-9a).

7) Proposed sanitary sewer easements (10’ on either side of pipe) and 12’ wide water main easements are shown in all areas not included within the right-of-way on Sheets SP-8a, SP-8b and SP-9a.

8) Exiting easements (storm, water, road extension) are shown on the plans per record (Sheets SP-8a, SP-8b, and SP-9a).

9) The sanitary sewer connection for Parcel 1 is shown on Sheet SP-9a.

10) Contouring has been added for both sites (Sheets SP-8a and SP-9a). All grading slopes are 1:3 or less. An additional sheet (SP-11) has been added that shows regrading of all areas on site that were not compliant with the requirement.

11) Top and bottom of wall grades have been added to the retaining wall on Parcel 2 (Sheet SP-8a).

12) Loading area callouts and striping have been added (Sheet SP-8 and SP-9).

13) A “Deep Strength Asphalt Section” has been added to Sheets SP-8a and SP-9a.

14) C calculations have been revised to include the entire area of each parcel (Sheets SP-8a and SP-9a).

15) At this time, the owner has no plans for future phases of Parcel 1. Current C calculations show the proposed C-value below the 0.8 threshold.

16) Supplemental drawings have been included which include drainage reference plans.

17) Tree plantings between the on-site curb and retaining wall have been relocated to alleviate any concerns of retaining wall impact.
A preliminary Sanitary Basis of Design has been added to Sheets SP-8a and SP-9a. Currently, the owner has no plans for future phases of Parcel 1.

Per ITE Traffic Manual, the route sees less than 750 vehicles/day and less than 100 vehicles/peak hour. Therefore, no traffic study is required.

Site Plan Review – Giffels Webster

Summary of Review

1) At this time, a 41’ wide easement is shown for the construction of the extension of Interpark Drive (Sheet SP-9a).

2) Acknowledged

3) Site data table has been revised to show required information.

4) A revised photometric plan is included based on site changes mentioned throughout the review. No building-mounted lighting is proposed at this time.

5) It is noted that compliance with the performance guarantee requirement will be verified prior to permitting.

6) See landscape section for review responses.

Lapeer Road Overlay District

7) It is noted that the Planning Commission may request the applicant to address building orientation.

8) It is noted that the Planning Commission may request the applicant to address feasibility of direct connections from each site to the undeveloped area.

9) A proposed safety path has been added along Dutton Road. This path is proposed to connect to the existing path west of the site. A proposed safety path has also been added along Bald Mountain Road. A proposed sidewalk has been added from Interpark Drive to the west site. The City Engineer has noted that these are sufficient for compliance with Ordinance No. 97. Internal sidewalks have been revised to provide a connection form the building entrance to the public sidewalks (Sheets SP-8 and SP-9).

10) Internal sidewalks have been revised to provide a connection form the building entrance to the public sidewalks (Sheets SP-8 and SP-9).

11) Waivers are requested

12) Architect to address comments related to facades and exterior walls.

13) Architect to address comments related to flat roof and rooftop equipment.

14) Architect to address comments related to building materials and colors.
15) Trash enclosure detail has been added to Sheets SP-8 and SP-9.

**Landscape Review – Giffels Webster**

2) However, the 20' greenbelts should be indicated and dimensioned on the landscape plans. The 20' wide greenbelt has been shown and dimensioned on the plan.

A.3-a-iii) The applicant should identify the existing trees to remain and the existing trees to be removed, as it is difficult to verify the number of required trees on the planting plans. The scale of the tree preservation plan has been enlarged and correspond to the specific sites to be developed.

A.4-a) The lineal distance of the east site along Dutton Road is approximately 204 feet, which requires 7 trees within the greenbelt. 4 Imperial Honey Locust trees and 1 American Sentry Linden tree are provided. Two additional trees are required in the greenbelt, west of the surface parking lot in order to satisfy this requirement. Additional trees were added along Dutton.

5) The table should provide a column identifying the 198 trees proposed to be removed. Once the to-be-removed trees are identified, they should accurately correspond with the Planting Plans on Sheets L2 and L3. It is difficult to determine which of the existing trees on the Planting Plans are to be removed and which are to be preserved. The three landmark trees to be removed should also be identified on the Tree Preservation Plan. The number of protected trees to be removed from each development site should be identified. A revised tree list has been added to the plans which provides a separate column which identifies if the tree is to be removed.

**Orion Twp. - Department of Public Services**

The proposed site currently has water mains bordering it to the south and east. The developer will need to extend sewer piping to the site. Water main and sewer are proposed to extend to each site.

**Fire Marshal**

**Parcel #1 - West**

- The 2-story building is proposed to be equipped with a fire suppression system. The Fire Department Connection shall be located in the north/west corner of the structure. Proposed FDC is shown on Sheet SP-9a, along the north wall, near the west corner.

- Fire Hydrant locations on site shall be relocated to the following areas:
  A. North/west corner of building inside of the curbed island
  B. South/east corner of the building inside of the curbed island
  Hydrants have been relocated as noted and are shown on Sheet SP-9a.

- This site is required to have an aerial fire apparatus access drive that has a minimum unobstructed width of not less than 26 feet. It is the fire departments recommendation that all roads on this site be increased to not less than 26 feet in width. **(D105.1)** Access drive has been revised to be 26' wide (Sheet SP-9).
- Fire Department access roads 20 to 26 feet wide shall be posted with NO PARKING FIRE LANE signage on both sides of the apparatus access road. (D103.6.1) Access roads are 22' wide and "No Parking-Fire Lane signage has been proposed on both sides of roads, where there is no adjacent parking (Sheet SP-9).

- The Orion Township Fire Department turning template overlay shall be shown on the plan set to ensure emergency vehicles are able to circulate through the site. A Fire Truck Maneuvering Plan is provided as Sheet SP-10.

**Parcel #2 - East**
- The building on parcel #2 exceeds International Fire Codes 30-foot requirement and due to the number of overhead utilities located in the area the site will be required to have 2 separate and approved means of access. (D104.1) A second, 26' wide access drive has been added near the southeast corner of the site (Sheet SP-8).

- The 2-story building is proposed to be equipped with a fire suppression system. The Fire Department Connection shall be located in the north/west corner of the structure. Proposed FDC is shown on Sheet SP-8a, along the west wall, near the north corner.

- Fire Hydrant locations on site shall be relocated to the following areas:
  C. North/west corner of building inside of the curbed island
  D. South/east corner of the building inside of the curbed island

  Hydrants have been relocated as noted and are shown on Sheet SP-8a.

- This site is required to have an aerial fire apparatus access drive that has a minimum unobstructed width of not less than 26 feet. (D105.1) Access drive has been revised to be 26' wide (Sheet SP-8).

- Fire Department access roads 20 to 26 feet wide shall be posted with NO PARKING FIRE LANE signage on both sides of the apparatus access road. (D103.6.1) Access roads are 22' wide and "No Parking-Fire Lane signage has been proposed on both sides of roads, where there is no adjacent parking (Sheet SP-9).

- The Orion Township Fire Department turning template overlay shall be shown on the plan set to ensure emergency vehicles are able to circulate through the site. A Fire Truck Maneuvering Plan is provided as Sheet SP-10.

**General Site Comments**

- It is the Fire Departments understanding that a Methane Gas collection system is located on site. The Fire Department is requesting further information / documentation that explains these site details and requirements. Architect/Owner to address
Charter Township of Orion Planning Commission
Site Plan Approval Application

30.01 A. Intent: The site plan review procedures and standards are intended to provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so as to achieve maximum utilization of land with minimum adverse effects on adjoining property. Furthermore, it is the intent of these procedures and standards to allow for review of site plans by the Planning Commission, to provide a consistent and uniform method of review, and to ensure full compliance with the standards contained within Zoning Ordinance 78, and other applicable local ordinances and State and Federal laws.

**Project Name:** DUTTON PARK

**Name of Development if applicable:**

**Applicant:** Premier Devco LLC

Name: Premier Devco LLC
Address: 1615 S. Telegraph Rd, Bloomfield Hills, MI 48302
Phone: Cell: 734-332-7931 Fax:
Email: 

**Property Owner(s):**

Name: Premier Devco LLC
Address: 1615 S. Telegraph Rd, Bloomfield Hills, MI 48302
Phone: Cell: Fax:
Email: 

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

**Plan Preparer Firm/Person:**

Name: NOWAK & FLAUS, PAT WILLIAMS
Address: 46777 Woodward, Pontiac, MI 48342
Phone: 248-332-7931, Fax: 248-332-8257
Email: williams@nte-engr.com

**Project Contact Person:**

Name: Livezaji
Address: 1615 S. Telegraph Rd, Bloomfield Hills, MI 48302
Phone: Cell: 734-332-8200 Fax:
Email: Livezaji@AonProp.com

Version 10/19/18
Sidwell Number(s): 09-35-400-048 & 09-35-477-003
Location or Address of Property: Northwest Corner of Dutton & Bald Mountain
Side of Street: Nearest Intersection:
Acreage: 26.24 Current Use of Property: Vacant

is the complete legal description printed on the site plan? 

Subject Property Zoning: IP  Adjacent Zoning: N IP s PUD E SP-La W PUD
List any known variances needed (subject to change based on Township consultant's review) [none]

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed. 2 B I N N I N G  M A T E R I A L  S T A T I O N  B U I L D I N G S

Pursuant to Zoning Ordinance 78, Section 30.01 C, a copy of this application and two copies of the site plan must be submitted to the each of the following agencies. Please provide the Township with a copy of each transmit and proof of delivery.

AT&T
54 Mill St.
Pontiac, MI 48342
Consumers Power Company
530 W. Willow St.
Holly, MI 48442
DTE Energy
37849 Interchange Dr.
Farmington Hills, MI 48335
Michigan Department of Transportation (if applicable)
800 Vanguard Dr.
Pontiac, MI 48341

Oakland County Water Resources Commission
wrrcpermitting@oakgov.com
(electronic submittal only)
Oakland County Health Department
Building 34 East
1200 N. Telegraph Rd.
Pontiac, MI 48341
Road Commission of Oakland County (if applicable)
2420 Pontiac Lake Rd.
Waterford, MI 48328

I/We, the undersigned, do hereby submit this application for Site Plan Approval, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.01 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: [signature]
Print Name: [print name]
Date: 12/16/10

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner: [signature]
Print Name: [print name]
Date: 12/16/10
Sidwell Number(s): 09-35-400-048 & 09-35-479-003

Location or Address of Property: Northwest Corner of Dutton & Bald Mountain

Side of Street: Nearest Intersection:

Acreage: 26.24 Current Use of Property: Vacant

Is the complete legal description printed on the site plan? Yes No (If no please attach to the application)

Subject Property Zoning: IP Adjacent Zoning: N. IP S. PUD E. SP-2 W. PUD

List any known variances needed (subject to change based on Township consultant's review)

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed

Pursuant to Zoning Ordinance 78, Section 30.01 C. a copy of this application and two copies of the site plan must be submitted to the each of the following agencies. Please provide the Township with a copy of each transmittal and proof of delivery.

ACFR
54 Mill St.
Pontiac, MI 48342

Consumers Power Company
530 W. Willow St.
Holly, MI 48442

DTE Energy
37849 Interchange Dr.
Farmington Hills, MI 48335

Michigan Department of Transportation (if applicable)
800 Vanguard Dr.
Pontiac, MI 48341

Oakland County Water Resources Commission wrpermitting@oakgov.com (electronic submittal only)

Oakland County Health Department
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Signature of Applicant:

Print Name: [Signature]

Date: 12/15/20

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner:

Print Name: [Signature]

Date: 

Print Name: 

Version 10/19/18
Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, to reappoint Commissioner Walker as the representative from the Planning Commission to the Zoning Board of Appeals for 2021. No one contested.

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

Moved by Chairman Reynolds, seconded by Commissioner Walker, to reappoint Vice-Chairman Gross, Secretary St. Henry, and Chairman Reynolds to serve as the Site Walk Committee for 2021.

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

**4. MINUTES**


B. PC-2020-26, WOW Gas Station, Special Land Use Request Public Hearing Minutes.


Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve the three sets of minutes as presented.

**5. AGENDA REVIEW AND APPROVAL**

Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, to approve the agenda as presented.

**6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None

**7. CONSENT AGENDA**

None

**8. NEW BUSINESS**

A. PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N.

Mr. Lindon Ivezaj representing the applicant presented.

Mr. Ivezaj showed the Board the site plans. He stated what they were proposing at the corner of Dutton and Bald Mountain Road, two speculative retail buildings with the intent of building material sales use only. That is their only intended use, and they will be providing ample parking on the entire site. He said they are looking for a 50% parking waiver requirement along road frontages. He added that the hardship for the waiver would be that they have three sides of the building facing a road, making it impossible to accommodate that requirement. The rest of the site plan, they believe, after discussions with staff and with the consultants, he felt that all the comments could be addressed. They have no reservations in providing additional information or working with staff, too, with all their comments, as far as the site plan goes.

Planner Fazzini read through his site plan review dated December 29, 2020.

Planner Pietsch read through his landscape review date stamped January 5, 2021.
Engineer Landis read through his review dated December 29, 2020.

Fire Marshal Williams read through his review dated December 30, 2020.

Chairman Reynolds noted that a site walk was completed by Vice-Chairman Gross and it was verified on an individual basis and by himself. He added that the Site Walk Committee did review the parcel.

Chairman Reynolds said that he would turn it back to the applicant. He added that there were some discussion points. He asked if they could speak to the future development of the parcel, the public roads and access that is being requested by the reviewers, and safety paths.

Mr. Ivezaj stated that he would start off with the comments from the Planner. He said that the entrance coming off of, or near the Culver’s site, there is an existing shared-use agreement in place that they could provide staff with, and the easement is already there. He said that the future phases, as far as the concept goes, they don’t currently have an additional concept plan they are planning on using on the site. The current, existing conform uses would be the building material sales retail buildings that they are proposing and is all they have for the entire site plan. Once they get something else in place, they would be glad to provide to the city, but at this point, all they are proposing is the two retail buildings. He said that they have no issue providing pedestrian paths connectivity between their site and Dutton Road.

Mr. Ivezaj said regarding the Fire Marshal comments, as far as the site goes, they are in very close contact with EGLE. There has been a long history with this entire intersection corner. They are very well aware of any of the environmental impacts on the site. The methane gas is definitely being taken into account. There are currently some vents on the site that were placed there, for good reason. All the buildings, once they come in for building plan review will definitely have a methane detection and a passive mitigation system involved. The secondary access to the eastern property, their engineer Pat Williams, which was also with them, has been in contact with the Fire Department and they didn’t have any issues providing secondary access, especially in order to accommodate the fire apparatus of the city and felt that safety was very important.

Mr. Ivezaj added that as far as engineering goes, the excessive grades on site are definitely accounted for, they are on the northern part of the property along the adjacent site. They will provide more grade lines to make sure that they are within 1 on 3 and stabilized on the site.

Mr. Ivezaj stated that as far as the traffic study, and a couple of the engineering points, he wanted to turn it over to Pat Williams to explain and summarize the traffic, and also address a few more of the engineering comments.

Mr. Pat Williams with Nowak and Fraus Engineers presented.

Mr. Williams said regarding the traffic they have got a few preliminary numbers, and the trip generation data shows that it will be underneath the threshold for needing a traffic impact study, and they were happy to provide the data. The overall C coefficients that have been requested and they were happy to provide that for the development that they are currently proposing but they don’t have any way of providing an overall C coefficient for the future build-on until they know what it is going to be. He stated that it will be built within the parameters of the existing detention and under the C value of 0.8. Until they have a plan for that future development that is really all the information they have. He said that loading zones have been provided they just made a mistake and didn’t label them on the drawing. With the additional grading that they are asking for, they will have no problem providing it. The building will be fire suppressed. The Fire
Department has indicated where they want the FDC and the hydrants and were happy to comply with those exact requirements. They are happy to provide the pathways on all the frontages as requested.

Chairman Reynolds asked about the loading zones, the storm easements, the future easements, and the storm easements that already exist on the parcel? Mr. Williams replied that the proposed easements for the new utilities, they will provide. He said regarding any existing easements, he assumed they were talking about an easement that is on the adjacent property, and stated that they would have to pull that off some of the reference drawings or they will have a title search pulled on the adjacent property. They only have the information for what is on their property and were happy to dig up that information add that information to their drawings, but didn't have that information readily available. He added that all of the proposed utilities will definitely have the easements, as required by the Township, they didn't have that depicted on the drawing. He stated that the loading zones are there, they are shown next to the dumpsters, they just didn't label them on the drawing for the loading zone, but they are there and they have been provided, they just didn't label them on the drawing by mistake.

Vice-Chairman Gross said that it was a difficult site. The two parcels are separated by a valley, and so, it is difficult to combine the two sites and make them into one. Topo is probably a grade change of 20 to 40-ft. between parcels. He asked relative to the site plan, is there barrier-free access required of the second floor of the two-story building, or an elevator, or some form of means of gaining access for handicapped to the second floor? He said the building height is at 38-ft., which is equivalent to a four-story building with the first floor being 20-ft. in height, the second floor being 18-ft. in height. He didn't know if it impacts access to the fire department or not? But it is in effect a two-story building and four-story height. As a result of that, the elevations that are shown for the rear and the side are basically flat with little relief on the smooth wood siding and that is a lot of flat wall space without any relief on it.

Vice-Chairman Gross stated that Engineer Landis listed almost 20 items on his report. Most of them appear to be items that can be reflected, in terms of modifications to the site plan, without impacting the integrity of the development. He asked if this was something that could be done on a resubmittal, with those conditions being imposed on a subsequent site plan, or should it be returned to them with all of those items identified? Engineer Landis replied that there are a number of comments, but he thought Vice-Chairman Gross was correct it wouldn't impact the buildings, setbacks, or parking. He thought that they could handle all of those comments in a straight review if they wanted him to make that a condition of approval.

Chairman Reynolds stated he agreed with Vice-Chairman Gross's comments about the concern of the overall height of the building and their architectural standards. They have some pretty flat renderings and wanted to get more of a description or thoughts on the proposed look of the building as that is part of the Lapeer Overlay District. He asked if there were any comments from the applicant on that topic? Also, is the second floor handicapped accessible via an elevator? Mr. Ivezaj stated that he would answer the questions in order and then he will turn it over to their architect, Tim Brodowski (sp?). He said as far as ADA accessibility to the building, going through the building process, if it is a building code requirement, they would definitely work on providing the ADA access. He added that it is basically a spillover office space within the unit and they will have ample offices on the first floor. This is something they will definitely visit during the building plan review process. If accessibility is required, they will definitely provide it. The height of the building itself is within the permitted height requirements within both districts for (IP) and the Lapeer Overlay District and felt that the height was within a permitted use. He said as far as elevations go, he will turn that over to Tim Brodowski, he will break that out for them, as far as his design. They do want all four sides of the building, especially since three of them are going to be visible from the roadways, to be attractive, and
they want a nice building there. They want a beautiful interior with some glass high ceilings and they want it to look nice.

Mr. Tim Brodowski the Architect for the project stated that that direction was provided initially where they sat down and went through somewhat of a trendy, or modern building facades, with a lot of glass, smooth siding, the steel canopies that are indicated. He understood that the facade size didn't offer much as far as projections or variations in the building itself, but the front elevation of some of the buildings have a steel canopy detail, which could be translated around the sides as well if that makes more sense to comply with the standards. The comments on the initial review letters about those materials and the zoning requirements, they would absolutely meet. He knew that there was a note on there that could easily be removed about all materials are subject to change and final selection by the owner, that can definitely be removed as well. He added that he was an Orion resident and has lived there for about 12 years. He wants to not only design a nice building, but obviously, make it attractive and something that everyone can be proud of.

Chairman Reynolds asked if there were any plans for mechanical to be located on the flat roof, and what the plans were for that? Mr. Brodowski replied yes, as the design would be developed further, they would anticipate having equipment which would be screened with a metal material of some sort that matches the building facade or whatever would make that the least visible as possible. They do anticipate roof modern equipment up there.

Commissioner Urbanowski stated that there were still a couple of things from the Planners review that hadn’t been touched on. They might be minor, but there was nothing said about the lighting and resubmitting the photometric plan for the light fixtures on the building. She added that there was something about the covered trash areas that are not included. She thought that there was so much stuff that concerned her, because if they don't get it all in the motion, even if it is conditioned upon, there is just so much that needs to be address, there are 19 items on the engineering report. She knew that Engineer Landis said it could be handled with a resubmittal, but thought it was a lot and was concerned that they will miss something. She added that there was a separate memo about landscaping. She asked if they have to have a discussion about tree preservation? She questioned if that review was from Giffels Webster? Chairman Reynolds replied yes, the landscape review came from Giffels Webster.

Commissioner Walker agreed with Commissioner Urbanowski. He wondered why these things are not resolved before it comes to the Planning Commission. He knew it was the site plan, but there is just a ton of stuff. He said he was somewhat reluctant to give carte blanche even conditionally because it is so hard to keep track of every one of those things.

Chairman Reynolds agreed with Commissioner Walker. He stated that it is always difficult, he tends to be pro-development with projects when they meet their criteria, especially when the applicants are willing to meet all the items. His specific concerns are in regards to some of the standards, of the Lapeer Overlay District. He questioned how they are actually meeting that criteria for the Lapeer Overlay District, with some of the comments regarding landscaping and grading? He knew they could work through it and understood where OHM was going with even the “C” calculations for the overall development. He understood that some of those items were kind of a stab in the dark but thought that their efforts here are that they are developing two parts of this parcel and there is going to be a connection, they know there is going to have to be fire safety provided in the future when a development comes. He stated that they want to have some thought that at least there is some forethought of what is going to come in and that it is all going to be worked out even if it is to be revised in the future based on a separate development there. He echoed the same concerns of some issues and felt more comfortable with potentially another submittal review before they move forward with the approval or denial of the project.
Commissioner Urbanowski said that there are two motions for this case, one of them is the waiver for some of the Lapeer Road Overlay items. She asked if it was feasible for them to go ahead, for example, the front yard parking, and the building orientation. She said it felt like the whole project might be going in a different way for the moment. She questioned, in order to get those things out of the way, can they do that part of the motion, then work on the other, or does it not make sense? Chairman Reynolds replied absolutely. He said that it does make sense to address the design standards and waivers and things on an individual basis as they move to the approval of the site plan. His only caution with that would be with the number of items that are open and concerns that they have of potential changes that could be brought forth with a revision or incorporation and that his personal stance is to provide some feedback on some of the waivers. He did not have a problem with providing a waiver on the parking location, the front yard, or the 50% rule. He thought that some of the architectural standards, do have some large facades that are pretty flat. He said some of those things in the Lapeer Overlay District might be things that they want to discuss further with the recommendation for a site plan approval. Commissioner Urbanowski said she wasn't talking about the site plan approval part she was talking about motion #1, which just grants the waiver for certain things. She questioned if they could do that motion to get it out of the way? Commissioner Reynolds replied specifically to the building orientation and connectivity in front yard parking, yes, they could grant that waiver. His only thing with the Lapeer Overlay District design standards is that that does apply to the building esthetics in the big picture, too. Planning & Zoning Director Girling said to clarify the three items that are listed under the waivers are ones that they are not meeting at all. The design criteria are really at their discretion whether what they are proposing is meeting the design standards, so that is more of a subjective versus the others, they don't have it. That is why the waiver is asking for the ones they clearly don't meet versus the others that they will determine whether they do or not. She understood what Commissioner Urbanowski was saying and that is totally at the discretion of the Planning Commission. She added that the Chair is saying that if those waivers are given and then they have to move something around related to the other things, then maybe the waiver wouldn't have been appropriate. She said if she is asking could it be done even if they were choosing to postpone it, yes, they could have a motion that was made and passing at this meeting in spite of postponing the case itself.

Secretary St. Henry said that he was surprised at how many outstanding issues were out there presented by both the engineer and by the planners. He stated that he would be much more comfortable getting the majority of those outstanding issues resolved. He thought that they should hold off on making any approval on each one of the potential motions because he did agree that 19 or so outstanding issues that could impact the overlay direction in some of the decision made there.

Chairman Reynolds stated to the applicant if they had some general thoughts and feedback from the Commissioners and thought that they seemed fairly workable. He thought it sounded like there was a little bit of lack of comfort from the extensive list and not being present on the drawings. He asked what the applicant's thoughts were? Mr. Ivezaj said they definitely take into account and respected all their comments, and felt they were all very good concerns, and thought they were definitely doing their jobs being Planning Commissioners. He said if he could alleviate some of those concerns, he will do his best. He said he knew there were some concerns about the photometric plan and the trash enclosure. He added that the photometric plan, as it is right now, the revision that they are looking at doing where if they ended up adding additional lights onto the building, which they don't plan on doing at this point, and most certainly if they do add building lighting onto the site, they would definitely amend the photometric plan and resubmit it for approval. The trash enclosure itself they are missing a detail. The enclosure is actually on the plan itself right now, they are looking for further detail on
the trash enclosure for review, which they can provide in the next submittal. As far as engineering concerns, the site itself, right now, and he didn't know if they went into too much detail on it, but there is actually already been allocated some stormwater detention across the Dutton Road on the prior development, as Engineer Landis was explaining earlier. He added that the C coefficient that he is asking for is to double-check that there is enough capacity on the site. As it is right now, in their current site plan and their current submittal, they are actually submitting for these two buildings alone. The runoff coming off of these two buildings alone does not impact anything over what is permitted within that regional basin or that regional detention. He said if they move forward with an additional site plan in the future, that will definitely be a concern and would be something to take into account at that point but as of right now, it shouldn't be a concern with these two sites going in, because the only plan they are going for is these two retail buildings. They are not applying for any additional industrial buildings, or a park, or anything else at this point, nothing else has been accounted for. From their viewpoint, they are not looking at it as they are missing all this information, they are just not sure what they are doing with the rest of the development. It is within their option at this point, and if they do move forward, obviously, they will account for any additional stormwater detention or any additional site requirements. He added that as Engineer Landis has said, he believes with their contact and communications with staff, they believe they can address all these comments within another administrative approval process. He said he wouldn't be coming in front of them tonight, with a number of comments that could not be addressed, or that he was not comfortable after talking with the staff, that could be addressed in the future. He thought it was for both of their benefits. He believed a lot of the other comments that are out there, he was more than willing, and he respected the opinions and the outlook but would love to clarify any additional comments off of that list that concerns any of the members before they make a vote. They are extremely confident after speaking to staff, it is not just necessarily a don't worry we will take care of it later, it is more of, they have looked through the list, they have had a meeting on it, and they are extremely comfortable with these comments and addressing them.

Chairman Reynolds said that their concerns are mainly an extensive list, that would potentially influence the project, and that is not at the discretion of their reviewers, but at their discretion, and thought that there needed to be some comfort level. He knew that some of the items could be worked out with them, and they entrust in their professional consultants and they meet with them on a frequent basis. The big picture of grading not being proposed, and some items that could be addressed administratively, but there is only so far that comfort level is going to take them. He knew a couple of feedback items here that would bring some more comfort to them, is more clarification on them meeting or exceeding the architectural standards through the Lapeer Overlay District. He added that they didn't address the comment about the mechanical being screened, dumpster enclosure, those details being added for them. They had a good discussion about the parking location being located in the front or street frontage, they mentioned safety paths, they were in support of adding per their reviewer's comments. There are a number of general landscape review items to be addressed and the building photometric to be revised to their comments. He thought one of the larger items that would kind of check off some things is in regards to how the future parcel would be developed and maintaining access and proving to them that the stormwater detention could be addressed in the future, with a future development, along with addressing both the future storm easements and also the existing easements. He thought that there were a couple of items with the incorporation of either to accept or deny how the Dutton Corporation Center and Retail Development would be addressed. There were a couple of comments from the Fire Marshal. He thought that there needed to be some revisions brought forth to them to address those concerns. He thought that they were comfortable moving forward.

Commissioner Reynolds felt that they could have a brief discussion on the parking, if the Planning Commissioners were in support of the current layout of parking, being Lapeer Road
Overlay and asking for a waiver on that. Vice-Chairman Gross stated that he didn’t see that as being a major issue relative to this particular site because of the constraints of the site, location, and boundaries of it. He thought that there were a lot of things that the applicant has indicated that could be taken care of, so it shouldn’t be a long delay if they can revise the plans and get them back to them, reflecting that. He added but the engineer has 19 or 20 issues, the planner has 5 or 6, and the Fire Marshal has 5 or 6 issues.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, to postpone this case to allow the applicant to incorporate the reports of the engineer of December 29, 2020, the planner report of December 29, 2020, and the Fire Marshal report of December 30, 2020, so that they can get everything on one plan before them, and then other comments that they talked about, relative to the architectural features of part of the building and the barrier-free access if it is not going to be, just take it off the plans, take the floor plans off altogether because they don’t want to deal with building department issues and building codes.

Discussion on the motion:

Chairman Reynolds wanted clarification from the motion maker of the timeframe included with the motion to postpone? Vice-Chairman Gross replied as soon as they can get it back to them.

Mr. Ivezaj thanked the Commissioner for their feedback and time.

Commissioner Urbanowski thought that there should be a timeframe. At least before 90 days from today.

Vice-Chairman Gross amended the motion, Commissioner Hoffman re-supported, that the applicant is to come back to the Planning Commission within 90 days.

Planner Fazzini asked if they would like to see the rooftop mechanical equipment on the renderings for the next meeting, or is that something that doesn’t need to be provided? Chairman Reynolds thought that a rendering, or a note that addressed the comment that the mechanical would be screened, per the zoning ordinance or a rendering that proves that, would be helpful.

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

9. UNFINISHED BUSINESS
None

10. PUBLIC COMMENTS
None

11. COMMUNICATIONS
None

12. PLANNERS REPORTS
A. Community Planning Update Winter 2020 Issue

Planner Arroyo read through the Community Planning Update – Winter 2020 Issue.
MOTIONS. Motions are the key element in clearly documenting action(s) taken by the planning commission. Motions are the detailed statements of action that specify the final determinations of the planning commission. With this in mind, it is essential that all motions be carefully considered and worded so that the intent and resulting action(s) are clear.

Conditions may be imposed on most Planning Commission motions. However, the nature and focus of conditions is dependent on the type of zoning issue and action the Commission is taking. The following guidelines give more specific detail regarding the appropriate use of conditions in various zoning decisions.

ALL MOTIONS MUST INCLUDE

- Who made the motion
- Who seconded (supported) the motion
- A description of the request
- The action taken (approve, approve with conditions, deny, table etc.)
- Any conditions attached to the motion (including who will verify that they are met)
- Reasons for the action taken (the basis for the action, such as applicable standards etc.)

SUGGESTIONS FOR MAKING BETTER MOTIONS

- Word conditions carefully. The motion recorded in the record will be the basis for any future actions regarding the case or issue. It is vital that the motion include all conditions exactly as you intended - don't leave it to the recording secretary to decipher what is meant.
- Understand Before Acting. Take the time to make sure that everyone understands the motion and all conditions.
- Make References. It is advisable to reference the ordinance standard(s) which are the basis for any conditions.
- Double Check. It is always a good idea to verify that the recording secretary has the motion and all conditions documented clearly for the minutes before proceeding to the next agenda item.

ROLL CALL VOTES

- A 2/3 roll call vote of the membership is required to call a closed session.
- The Open Meetings Act requires either a roll call, show of hands or other method that informs the public of the vote. Note: Silence suggests consent for the motion.
- For votes on ordinances and plans, it is good practice to take a roll call vote if the voice vote results in other than a unanimous vote.
- Roll call votes may also be required by local charter or bylaws.
- Consider alternating the first member called for roll call votes.

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<th>Type Of Action</th>
<th>Can Conditions Be Placed On Motions?</th>
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<td>Rezoning - Map</td>
<td>DEPENDS*</td>
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<td>Zoning Text Amendment</td>
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<td>Special Land Use</td>
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* see Conditional Rezoning on next page
ALL CONDITIONS MUST BE

- Reasonable
- Related to standards in the ordinance
- Intended to achieve compliance with the applicable standards in the zoning ordinance
- Specifically included in the motion

CONDITIONAL REZONING

For a zoning map amendment, the applicant may voluntarily offer conditions if it is in accordance with the Michigan Zoning Enabling Act and the local zoning ordinance.

VOTING / QUORUM

The Michigan Court of Appeals ruled that email deliberations among a quorum of public body members violates the Open Meetings Act (OMA). The unpublished opinion was issued in the case of Markui v Mackley, which involved the Oakland Township Parks & Recreation Commission.

Section 3 of the Michigan Open Meetings Act, PA 267 of 1976, as amended (OMA), requires that:

“All meetings of a public body shall be open to the public and shall be held in a place available to the general public,” and

“All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public.”

Based on the above, using other forms of communication such as text messaging or social media messaging is not in keeping with the concept of taking place “at a meeting open to the public.”

VOTING / CONFLICTS

A member shall disclose any possible conflict of interest before a vote on a matter. Failure to disclose a conflict of interest may constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission. Reference local bylaws.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A planning commissioner should declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency or association;
3. The planning commission member owns or has a financial interest in neighboring property. For purposes of this section it shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance; or
4. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.

A member with a conflict of interest should leave the dias where the matter is discussed and acted upon by the Planning Commission. Preferably the member should also leave the room while the item is under consideration and return only after the Planning Commission is on the next agenda item.

For more information please call us at 866.271.9663 and visit www.giffeswebster.com