1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 3-2-22, Planning Commission Regular Meeting Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2022-09, Grand Square of Orion, Special Land Use request for a drive-thru restaurant, located on a vacant parcel, west of 637 Brown Rd. (Sidwell #09-32-400-099) and an Amended Site Plan, located west of 637 Brown Rd. (09-32-400-099), 4999 Grand Ave. (09-32-400-098), and 631 Brown Rd. (Sidwell #09-32-400-097).

8. UNFINISHED BUSINESS
   A. PC-2021-07, 5-Year Master Plan Update
   B. PC-2022-12, PC By-Laws Amendment

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS
   A. 04-06-22 at 7:05 p.m., PC-2022-10, The River Church, Special Land Use Request for a church, located at 3900 S. Baldwin Road (parcel 09-29-301-029), 3910 S. Baldwin Road (parcel 09-29-301-034), and 3920 S. Baldwin Road (parcel 09-29-301-038).
   B. 04-06-22 PC-2022-11 (immediately following the PC-2022-10 public hearing at 7:05 p.m.), CSB Investment, LLC, Rezone Request to rezone approx. 1.7 acres of 1050 W. Silverbell Road, Parcel 09-27-301-050 from Limited Industrial (LI) to Industrial Park (IP).

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, March 2, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

PLANNING COMMISSION MEMBERS ABSENT:
Jessica Gingell, Commissioner
Derek Brackon, Commissioner

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:00 p.m.

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Michael Balian

3. MINUTES
A. 2-16-22, Planning Commission Regular Meeting Minutes
B. 2-16-22, Planning Commission Workshop Meeting Minutes.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve both sets minutes as presented. Motion carried

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

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

6. CONSENT AGENDA
None.

7. NEW BUSINESS

Chairman Reynolds disclosed a potential conflict of interest. He does have active projects with Cunningham-Limp, they are not involved in this project but wanted to disclose that. None of the Planning Commissioners thought that it was a conflict of interest.

Chairman Reynolds asked the applicant to introduce himself and state his name for the record.
Mr. Jim Butler with PEA Group 2430 Rochester Ct. Suite 100 Troy, MI the applicant presented.

Mr. Butler stated that they were asking for site plan approval for a parking lot expansion to the existing Wally Edgar Chevrolet. He added that it was a 15.3-acre site. Last year the northern portion of this undeveloped portion of the site was in front of them for a rezoning. The site is zoned (GB) General Business. This project proposes to add approximately 344 new inventory spaces, predominately on the north and west side of the site. Also, this project proposes the installation and construction of a 2,496-sq. ft. building onto the main dealership that is for an oil change, and tire rotation services. Also, with this project, there is a 3,880-sq. ft. building addition, that building would be for storage and a car wash just for the dealership only it is not for the public. This project also adds a new drive approach onto Lapeer Rd., it adds new landscaping and lighting. The existing detain basin that was on the site will be relocated. The majority of the new stormwater will be on the development to the north, they have an agreement with The Hills of Woodbridge to provide stormwater storage on that site. It is not all of the stormwater management but it is the bulk of it. There is an existing detention basin that will remain. The project does not contain any regulated woodlands or wetlands, no protected trees will be removed. There are four landmark trees that are on the site but they will replace those as part of their landscape plan. They have a robust landscape plan with island landscaping.

Mr. Butler said that they have reviewed all of the consultant’s review letters. They do have a couple of items that they would like to talk about but would like to address those after they have had their opportunity to talk. He added that with him was a representer from the contractor, Cunningham-Limp, and from Wally Edgar if there are any questions for them.

Planner Arroyo read through his review date stamped February 23, 2022.

Engineer Landis read through his review date stamped February 23, 2022.

Chairman Reynolds stated that there was a review completed by the Fire Marshal recommending approval without additional comments. Also, the Director of Public Services has reviewed the project and does not have any comments at this point and time. He added that there was a Site Walk completed by Vice-Chairman Gross, and there was a formal response letter from Cunningham-Limp in their packets.

Mr. Butler stated that related to Planner Arroyo’s comments the landscaping will be irrigated, and they will show that on the plan. The light poles, just for clarity purposes, the existing parking field is 30-ft. those poles are 30-ft. they have no issues dropping those poles down to 20-ft. and adjusting the light levels accordingly. The existing lot will be 30-ft., and the new lot will be 20-ft.

Mr. Butler said regarding OHM’s comments, they did receive some additional information, they did submit a FOIA request for some historical information regarding all of the work that has been done on the Edger site over the years. The calculations and additional information they have no problem providing related to the stormwater. One of the comments in OHM’s letter is related to the addition of walkway connections from the existing pathway along Lapeer Rd. to the dealership and to the used car. Given the nature of this business, they don’t know if that is appropriate for this? They don’t see any value in that. It is a car dealership he didn’t see anyone walking down Lapeer Rd. wanting to go and buy a car. That was just for a point of discussion. All of the items they don’t have an issue with. He did have the opportunity yesterday to talk to Engineer Landis about a few of these items, he thought they had clarity on that.
Vice-Chairman Gross stated that he thought that the loading and unloading of vehicles will take place on the site and not on Lapeer Rd. Mr. Butler replied that is correct. He added that that is one of the reasons they are having the second drive installed that will occur on-site versus on Lapeer Rd. Vice-Chairman Gross said he thought that he has seen cars loaded and unloaded on Lapeer Rd. and so that will be eliminated then. Mr. Butler said because of that driveway they will have the ability to do it onsite.

Vice-Chairman Gross said that he noticed that drainage soil in front will be eliminated and new landscaping will be installed along Lapeer Rd. Looking at the landscape plan it does look like it is being designed with some security landscaping measures taking place to protect the vehicles from exiting other than through the driveways. Mr. Butler replied that it is by design.

Vice-Chairman Gross noted that the letter from Cunningham-Limp seemed to indicate that the plans will be revised in accordance with the recommendations of the Planner and the Engineer. Mr. Buter replied that is correct.

Chairman Reynolds asked for a discussion on the safety path. He said that is an ordinance requirement they are not able to waive that here it is more of a decision from the safety path committee and usually there is a contribution in lieu of was his understanding.

Planner Arroyo commented that to keep in mind there is a PUD that is going north of here and there is a retail component. It wouldn’t be unreasonable for employees of this particular establishment to want to walk up to have lunch and felt that connection being used potentially given the fact that they will have walkable retail nearby.

Secretary St. Henry questioned other car dealerships that have gone up in the area over the last 10-15 years, referring to the Milosch Dealership, do they have safety paths across their entire development connecting? Vice-Chairman Gross said that the safety path was already there on Lapeer Rd.

Chairman Reynolds asked for thoughts on the internal connection. In his perspective, the goal of safety paths is obviously to create safe pedestrian walkways, and was something that they have asked everyone to do. He didn’t foresee that being something that they would look to move away from this from his perspective. At least some sort of way to manage the site or get into it.

Secretary St. Henry said right now if somebody was walking down Lapeer Rd. on the safety path it is there if they wanted to take a peek at the cars or go into the showroom they would just walk up through the main driveway.

Chairman Reynolds thought it was a requirement that they have asked for across the board and is not unreasonable. Trustee Urbanowski didn’t think it was unreasonable.

Vice-Chairman Gross said he didn’t see the need for the connection from the safety path to the building and didn’t think that served a real purpose.

Commissioner Walker said they mentioned that they would replace the landmark trees, he asked what are they going to replace them with? Mr. Butler replied landscaping, they are going to incorporate it into their landscape plan. Commissioner Walker said a landmark tree is a landmark tree they are not going to put another landmark tree in? Mr. Butler said there is a requirement within the ordinance for the replacement. There is some upsizing of those trees it is not just one for one there are a certain value or a certain number of trees.
Mr. Butler added that predominately he would think that it would go to the dealership he wouldn’t see the value in the used car having a connection. The building sits back there is significant parking in front of it. He wasn’t sure there was a route, there was a cleaner route to the front door of the dealership where they thought they would have more employees.

Trustee Urbanowski asked if it could be shown on the plans where it could be? She thought she needed to see where it was. Mr. Butler showed them where it was located. Chairman Reynolds said that there were two buildings on the site, just adding parking at this point and time but the southern building is easier to see in the image. There is a handful of rows back from M-24 that the dealership itself, new car sales, is closer.

Vice-Chairman Gross said once they get on the site they are on the site, and then they are going to be walking all over the place.

Secretary St. Henry said putting a 10-ft. or less sidewalk he didn’t see the real value in it when they can go right up the road and walk through the main drive onto the site and then they go from there. That would just be one more thing that would have to be cleared.

Trustee Urbanowski asked if they can do a compromise and do one from the main walkway? She didn’t want to not address it at all since it is here but didn’t necessarily see the need for the two of them.

Secretary St. Henry said there would be one that would be servicing the used car lot, and then one further north that would go in place for the expanded new car lot. Chairman Reynolds said pedestrian access to the buildings is what is being recommended. He thought that it would be suggested that they would need to go from the safety path to the used car, and the safety path to the new car. He thought that the whole point of their safety path network for promoting they want it to be connected they want to have pedestrian safety. He didn’t think that there was a need to have it at both locations but to safely get on that site would be his feeling. At least a short leg over to at least get them onto the parcel not on the main drive off of M-24. Somewhere near the frontage of the new/existing car building.

Mr. Butler didn’t think of the context of the employees going to the development to the north or to the new gas station to the south. He was thinking of someone walking down the street.

Chairman Reynolds said that the letter dated February 28, 2022, from Cunningham-Limp felt like they have acknowledged or at least addressed how those comments will be readdressed in a revision. He thought it was clear at least if they agree to that to admit that into the record with a potential motion that they might be making.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2022-07, Edgar Development Site Plan Modification, located at 3805 S. Lapeer Rd. (Sidwell #09-26-451-005) for the plans date stamped received February 9, 2022, based on the following findings of facts: that the letter from Cunningham-Limp dated February 28, 2022, acknowledging the issues raised by the Township Planner and OHM are being adequately satisfied with the exception of a walkway connection from the safety path through the new car parking lot to the existing dealership be constructed and shown on the site plan as it will be revised.

Roll call vote was as follows Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes; Reynolds, yes. Motion carried 5-0 (Brackon & Gingell absent)
B. PC-2022-08, Peninsula Development LLC., Site Plan, located on a vacant parcel located east of 210 W. Silverbell Rd. (Sidwell #09-26-300-014).

Chairman Reynolds said he had a direct conflict of interest with this case and asked to be recused.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that they recuse Chairman Reynolds from this case. **Motion carried**

Acting Chairman Gross said this parcel is directly across the street from the previous plan that they had on their agenda. He asked the petitioner to make a presentation regarding his request.

Mr. Brad Klein with Auger Klein Aller Architects, the applicant presented.

Mr. Klein said he was there to present the Peninsula Developments proposed Provisioning Center located along Silverbell just west of Lapeer Rd.

Mr. Klein stated he was there with Don Milosch of Peninsula Developments, along with Jim Sharpe of Sharpe Engineering the civil engineer on the project.

Mr. Klein said he will do a brief overview of the project and then when appropriate they are prepared to respond to a number of the items in both the consultants and the department review letters. He knew that the number of items may be more than typically encountered when they are presenting or they are hearing a particular project but thought it was important to be on the agenda to get direct input from the Planning Commission on at least a few of the items that require their consideration such as the Lapeer Overlay District Standards and Traffic Impact requirements, things like that. Essentially, they just want to have a clear direction moving forward so they can move this project forward as efficiently as possible through this process and get Peninsula Development on their way to constructing.

Mr. Klein said that the site is along Silverbell just SW of the Milosch Palace Dealership and it is adjacent to Peninsula Developments cultivation facility which phase two is currently under construction. He showed the plans to the Planning Commission members.

Mr. Klein said that the proposed building is two stories just under 7,000-sq. ft. What they are proposing is two one-way drives in order to create circulation around the site for both the instore retail customers, as well as, those who take advantage of curbside pickup, and to get the fire emergency vehicle access around the site. The eastern drive would be ingress and then the curbside is along the rear of the building and there is ample space for the Fire Departments’ emergency vehicles to get around the site as well. The spots to the west of the building are for staff parking and then there is a secure delivery area so when they are receiving the product, the small van or small box truck can back into the space and could be secured with a gate, or a fence to deter anybody trying any unfortunate activities.

Mr. Klein stated that one of the comments in both the Planner and Engineers reviews was the potential conflict with the curbside pick-up queuing lines which they can get into more detail later.

Mr. Klein said as far as the building itself is approximately 7,000-sq. ft. just under. The west side of the building is the retail portion of the building so there is an entrance lobby check-in area and then they would go into the sales retail area. All the areas in the grey are limited access or the back of the house, or the business functions. They have the fulfillment room
where orders are put together and then either pass it to the retail floor or a runner will take it out to the curbside pickup. There is a vault along with the support office breakroom, restroom spaces for staff.

Mr. Klein stated that the second story right now will be for future administrative offices for the Peninsula Developments operation.

Mr. Klein said moving to the elevations he felt that they met the intent of the Lapeer Overlay District choosing high-quality materials and a variation of materials. They are utilizing masonry block, brick, and pre-finish engineered metal siding on the two-story, and providing some color accents. Along the east side of the building, he knew another item in the review was related to planters. For added security measures they were placing security bollards along the west side and the north side along the actual provisioning area where the product will be. Then they thought that the concrete planters would help break up the long series of bollards to give it a little more visual interest. He showed the Commissioners the elevations.

Mr. Klein stated on the photometric plan that was provided there was a mixture of wall-mounted and pole-mounted site lighting. Essentially all of the fixtures, wall-mounted and the two pole-mounted fixtures to the west of the building will be maintained for security. The other four fixtures located more in the retail or the customer parking lot at the drives can be dimmable or off when it is non-business hours.

Planner Arroyo read through his review date stamped February 24, 2022.

Engineering Landis read through his review date stamped February 24, 2022.

Acting-Chairman Gross said they also have correspondence from the Fire Marshal, from the Director of Public Services, a Site Walk Committee report, and a letter from the Kelly Firm regarding the question of pick-up operations.

Acting-Chairman Gross stated that this facility is related to the growth facility to the northwest. He asked if there should be some form of connection between the two so that there is a direct relationship as opposed to having to go out onto Lapeer Rd. to gain access to the facility. Mr. Klein replied ideally yes; in this case, there is the wetland that separates the two parcels or buffers the two parcels from each other. There is potential in the future to see how maybe they can create a connection that way but the typical way that this is handled is anytime, obviously, the product is moved from one licensed facility to another it requires a licensed transport. In this case, if they are moving stuff from the cultivation facility to the dispensary it will be a licensed transport.

Acting-Chairman Gross asked if a two-story building requires handicap access with some sort of elevator? Mr. Klein replied that in this case there are provisions in the building code, the footprint is less than 3,000-sq. ft. and there isn’t a use up there that is not provided below so an elevator is not required.

Acting-Chairman Gross said apparently, they are expecting a lot of traffic with two one-way two-lane systems to gain access into and to exit the site. Mr. Klein said part of the thought behind this concept was to try to isolate curb-side pick-up traffic from walk-in traffic so that those entering the store there are not cars crisscrossing going for curb-side pick-up. Also, again to allow adequate or ease of emergency vehicles circulating around the site. The width of the drive isles themselves, with the concern of the width and that, may lend itself to people going two ways, they kept them that wide to at least meet the 26-ft. wide requirement from the Fire Department for access drives so they just maintained that around the site for the ease of those
vehicles getting around. They also created a wider drive isle in between the front two bays of parking so that an emergency vehicle or fire truck could pull up right to the south of the building.

Acting-Chairman Gross said with that kind of traffic may be a traffic study is needed to really take a look at the site plan to see how it flows and the entrancing and exiting of the site seems kind of confusing to have two different systems to get into and out of the site. Mr. Klein said starting out with some general trips or traffic along Silverbell. It is a little outdated from the 2018 Road Commission count along Silverbell between Giddings and Lapeer they counted just shy of 8,300-trips. Looking at the resources available online from the SE Michigan Council of Governments Traffic Volume Map their map indicates the average annual daily traffic, so they average across the year of what the daily trip-count is and their number is a little higher at 14,300. Silverbell Rd. if they go by the highway compacity manuals 6th addition, four-lane road with a left turn lane typically has a capacity that likely exceeds 36,000 vehicles a day, just over. Based on these numbers the current use of Silverbell is somewhere between 23-39% of its capacity right now of its use. If they look at the Institute of Traffic Engineers trip generation estimate for retail uses of similar size, they start at 38 trips per day or 4.2 for peak hours. Based on traffic volumes that they see at other similar provisioning centers in the SE Michigan area that number might be a little low, more likely that could be 2-3 times that amount, however, it is still somewhat negligible because they will be under 100-trips/day and there looks to be a capacity of another at least 15-20,000-vehicles along Silverbell based on its size and posted speed limits.

Secretary St. Henry said he would imagine that Silverbell would become much busier once the Road Commission redoes the Brown Rd. in front of the GM Plant. A lot of people avoid that stretch of the road because of that unless they have to work down that direction.

Commissioner Walker said that 9 out of 10 complaints that he hears from residents are the increased amount of traffic and an increased amount of people. His concern when they are talking about a two-lane ingress and egress, he was in a turnaround today over by Woodward and Square Lake and there was another car in that turnaround. When there are two cars at the turnaround it is difficult to tell, especially if the car is to the right if they are in the lefthand land if there is traffic coming. He could see the issue coming if they do end up doing it this way is to cause confusion in those exiting drivers if they are next to another car and are they both turning left, or right. He was concerned about that. Mr. Klein said that maybe an option would be to choke down the width at the actual driveway going to Silverbell and they created one lane so they don’t have two cars side by side but one car in one car out at each driveway. That is a potential possibility to alleviate that concern.

Trustee Urbanowski said she wanted to bring up their attorney’s letter. To her, it looks like they are really not supposed to be approving a drive-thru operation as it is. Two lanes in or two lanes out don’t really matter if they are looking at something they are not supposed to be approving because it is not allowed.

Secretary St. Henry said that there are other provisioning centers in the metro Detroit area and across the state. He asked if the majority of them have curbside pick-ups set up this way? Mr. Klein replied that quite a number do have queuing lines just because they are finding that at least half the business just wants curbside pick-up. When COVID hit that is when the state allowed curbside pick-up and everybody took advantage. Especially regular customers that know what they want they come and prefer to just go through a curbside have it brought out to them.
Secretary St. Henry asked if they order it in advance and then it is brought out to them? Mr. Klein said they can order in advance, place the order, and then when they are there and their order is ready there is a runner that brings it out and makes the transaction.

Trustee Urbanowski asked how many delivery drivers do they think will be taking advantage of the drive-thru option? Are they going to be servicing delivery drivers as well? Mr. Klein noted that if anything is delivered there are some provisioning centers that offer delivery service that is its own license or it has to be approved by the state. That would come directly from the Peninsula Developments Provisioning Center itself it would not be a third party that picks up a bunch of orders and then delivers them. It would be delivered directly from Peninsula Developments it would be a driver of theirs.

Trustee Urbanowski said that the letter says that the emergency orders facilitated driving up for provisioning centers but those orders are not in effect anymore. She wasn’t sure that they should even be having a conversation about a drive-thru when at this moment it is not technically allowed.

Mr. Klein stated that he wasn’t sure about the emergency of the curbside. He knew that most dispensaries in the area still offer it, they have other clients that it hasn’t been something that has been discontinued, as of right now. Certainly, that is one component of this overall provisioning center, the curbside pick-up, there is still the traditional retail component of it, which is one of the amenities.

Acting-Chairman Gross said it would have to be a finding that they would have to make as to whether or not that was acceptable or not under their ordinances. Secretary St. Henry said under our ordinances, it appears that Attorney Kelly ruled that it is not.

Secretary St. Henry was curious about the rational or the legal opinion in other locations where they do have curbside. Hazel Park had curbside pick-up in at least one of the provisioning centers. He asked what was their take on this administrative rule?

Commissioner Walker said that this might not be the forum for this discussion. They have an opinion that says one thing in black and white, and he thought it was inappropriate that they discuss that opinion as it stands and moves on from there.

Trustee Urbanowski said she was of the mindset that this is their council this is what they have said and she agreed with it.

Acting-Chairman Gross said that they have a number of options. They can deny the site plan because it does not comply with the ordinance, they can postpone because there were a number of concerns that the Engineer has raised and need to be addressed, they can discuss at some future date whether or not they want to consider pick-up. They could approve the site plan as submitted but didn’t think that they had that option.

Trustee Urbanowski asked if they could talk about a couple of the issues that they can give some input if they wanted to say postpone something to take care of the drive-thru part like the Overlay stuff? Acting-Chairman Gross replied of course.

Trustee Urbanowski asked if they could explain the issue with the planter boxes? Planner Arroyo said that their ordinance states that plantings near the foundation of the building have to be set 10-ft. from the building and that planting is closer so that would be a waiver they could grant.
Trustee Urbanowski asked for the reason that the planter was closer to the building? Mr. Klein replied that it was a substitution for addition security bollards. So, a way to break up instead of having this long series of less appealing bollards with something that was a little more aesthetic.

Acting-Chairman Gross asked if there were any thoughts on that? Secretary St. Henry said rather than having 25 bollards going across the back of the building, as long as the plants inside the planters are kept up and look nice. It does look better than the 25 bollards. He understood the need for security.

Acting-Chairman Gross said that the access drive entrance and exit was a big concern that they have all expressed. Mr. Klein said where the drives either come off Silverbell or exit onto Silverbell were reduced down at the road so that a single vehicle, could have side by side vehicles two at once. Acting-Chairman Gross said or if there is a need for two drives, as opposed to a boulevard entrance.

Trustee Urbanowski said to still maintain that drive around but still have one in and out but it wasn’t a double. Planner Arroyo said it doesn’t have to be 26-ft. all the way around that is not a requirement of the Fire Code. Trustee Urbanowski asked if it would still be too close to have two on that 50-miles per hour road? Engineer Landis said that the ordinance that he brought up speaks to that separation if the driveways are both two-way, in this instance, they are not so technically it doesn’t apply but they still have concerns about drivers obeying some signage and seeing the wide drive approaches and being confused. They can still maintain the onsite circulation by eliminating one of the driveways, eliminating the westerly drive, keeping the eastern one, or making it central would be his preference.

Mr. Klein stated that they also reached out to the OCRC to see their standard and with one-way drives their design standards allow two commercial driveways of their one-way to be as close as 70-ft. center to center. What they are proposing is 164-ft. Trustee Urbanowski said that it would still be one-way in one way out, so, the concern would still be there with the people viewing signage. Engineer Landis said given the current geometry they are very wide which is a concern. If they are going to keep two, he recommends that they be narrowed.

Secretary St. Henry said if they went with one lane in one lane out then that eliminates that issue to a large extent people assuming it is an in and out. There will be some people that miss the sign it happens every day everywhere.

Acting-Chairman Gross asked if there was any concern about the elevation design of the building meeting the Overlay District?

Mr. Don Milosch of Peninsula said back to the one-way drives again. It confuses him a little bit only because they have so many one-way drives in the Township already and they seem to work very well at all the fast-food restaurants, the Starbucks, and that is done for traffic flow. He wondered why the difference would not work here?

Commissioner Walker said that no matter what they do tonight here, this site plan he believed is not going to get approved, as is, by this Board right now. He suggested a postponement so they can discuss it with the Planner and the Engineer to see if some of these bumps can be worked out. It seems to him that people don’t want to wait anymore they want stuff done right away, not just here in the building but everywhere. This might be a bit premature because there is the legal issue that they have here, they are not going to discuss the ordinance, it is not their place.
Mr. Milosch asked if it actually states in the ordinance, no drive-thru? Trustee Urbanowski said it is the law according to Michigan law. Mr. Milosch said for a dispensary no drive-thru? Trustee Urbanowski replied correct.

Mr. Klein said it is a reminisce of a drive-thru but it doesn’t have a drive-thru window it is still curbside pick-up. Trustee Urbanowski said that the understanding that they have from the information they have been given from their attorney is that it does qualify and that they should not be allowing it. She didn’t even feel comfortable considering that, she didn’t think that was her place.

Secretary St. Henry said the literal definition of a drive-thru in the dictionary states that it is any sort of operation where the customer does not have to leave their car. In this particular case, they are not leaving the car, that is what they are working off of.

Secretary St. Henry stated that they have to work with what they have been given and this is a legal opinion from the Township Attorney. He agreed with Commissioner Walker that they can talk in general terms about some of these other issues but the bigger issue is this drive-thru and it could kibosh this design of the site. He stated that Commissioner Walker is being prudent in saying step back and take that into consideration go look up the State Administrative Rules themselves and they will see exactly what they are working with and see if there was any sort of compromise.

Acting-Chairman Gross thought that the appropriate option would be to postpone since the site plan does not comply with the ordinance in a number of ways. One of them being the pick-up area, the other being a concern relative to the access drives, and some of the issues that have been raised by the Engineer relative to some of the engineering requirements and standards. He thought there were a number of issues that the applicant could go back and take a look at to see if they wanted to eliminate the pick-up area or proceed and see where it goes but probably a postponement at this juncture would be appropriate action unless someone wants to deny. He didn’t think they had the opportunity to approve.

Secretary St. Henry didn’t think that a denial was appropriate at this point. Trustee Urbanowski agreed. Secretary St. Henry thought that they should have the opportunity to go back and reconsider their site plan.

Trustee Urbanowski asked if they wanted to talk about the design standards of the Lapeer Overlay and how everyone feels about the design? She thought that was a major one they don’t want to change anything on that.

Secretary St. Henry questioned about the Fire Marshal having a concern about the turning radius and the curbside pick-up, which could be a mute-point but wanted to make sure that he understood it correctly. He asked if there was a concern there if that back area is loaded up with cars they can’t get around if they had to get around? Engineer Landis said that was the concern in the plans that were presented the turning movements seem to be in conflict with the queuing that was shown on the architectural plans in the set. There were plan sheets showing the cars queuing and thought it was being superimposed on this plan in red. In the previous plan, it showed the Firetruck sweeping a little bit closer to the building and clipping those cars or in conflict with them.

Trustee Urbanowski said that there is no guarantee that there is only going to be 10 cars there, there could be more.
Secretary St. Henry asked how much of their business do they expect if the curbside was to be approved, how much of their business do their Provisioning Centers have curbside these days? Mr. Milosch stated that the few he has been to and studied their traffic flows it seemed to be certain times of the day it is heavy and other times of the day it is not. Of their total business, it is usually around 35% is curbside.

Secretary St. Henry said that this particular development is not a lot different than others they have looked at commercial developments where they are restaurants or drive-thrus and depending on how it is laid out. They have had concerns in the past about traffic flows and queuing lines, traffic onto the main roads, and traffic inside the footprint of the parking lot. This is a pretty common concern it doesn’t matter what is being done there.

Mr. Milosch stated that it is difficult and this time to tell them what the traffic will be only from the standpoint that it is a relatively new business in the state. There isn’t a lot of history to go off of. At this time there are going to be six in the Township and the Village at some point. It is not like it is going to be a standalone business. He understood that Oxford has approved somewhere upwards of six on M24. He didn’t think it is going to be as much as he thought it was going to be based on the number of dispensaries that are going to be in the area. He felt that they are adequately done with this design here to compensate for that. They have always worked with the Township whether it is their body shop with the grow, phase one, phase two, and as far back as the Palace. They are willing to work with everybody, they are not there to fight with anybody they are there to move forward as fast as possibly can.

Secretary St. Henry said to Commissioner Walkers point, the Kelly Firm’s opinion they have to adhere to. Mr. Milosch thought that the drive-up was legal he has seen it at every dispensary that he has been to in Michigan. It is still going on it has since day one.

Secretary St. Henry asked Planning & Zoning Director Girling how do they address this issue with the attorney? Do they postpone because there are some open issues? Planning & Zoning Director Girling replied that they could say that they want further clarification. There could be a motion seeking further clarification if further clarification is needed.

Planner Arroyo said that he thought that they had identified several issues that are a concern and thought they could postpone subject to those being resolved, as well as, clarifying with the Township Attorney the opinion. Then that gives them the opportunity to explore that and come back to them with the revised plans.

Secretary St. Henry stated that the fact that there are other Provisioning Centers that have some sort of curbside pickup whether they are abiding by the law or breaking the law is up for discussion but he wanted their attorney to at least think that through.

Moved by Commissioner Walker, seconded by Trustee Urbanowski, that the Planning Commission postpones site plan approval for PC-2022-08, Peninsula Development Site Plan located at the vacant parcel located east of 210 W. Silverbell Rd., (Sidwell #09-26-300-014) for plans date stamped received 02/09/2022 based on the following reasons: there are a number of issues that they need to address from the Planner, Fire Marshal, and from the Engineers review; most importantly they have received information from Council that indicates that they are not to proceed with this matter, for those reasons he moves that they postpone so that all parties can sit down and figure out what is what.

Discussion on the motion:
Mr. Klein asked if they could get some direction on a couple of items? One is the traffic impact study if that is something that the Commission is going to require them to do? Or if the information that he stated earlier which they would certainly submit as part of any revised documentation would be sufficient without a full-blown traffic impact study? Commissioner Walker stated that he would like to see a traffic impact study because he can’t abide by a 2018 report in 2022 seeing what he has seen in his 33 years of living here. He would like to see an official traffic impact study. Trustee Urbanowski said especially given what Acting-Chairman Gross said earlier about once they fix the roads what would the traffic be like after that.

Trustee Urbanowski said that there was a question about the 50% parking in the front of the building. She thought she would rather have the building back a little further off of the main road and have the parking in the front. This is industrial and right across the street from it, she didn’t have a problem with the parking being the way that it is.

Secretary St. Henry said based on this site plan he didn’t think they would want parking anywhere near the back.

Trustee Urbanowski thought it may be a safety issue also just to have where customers are moving around to be more towards the front. Mr. Klein said that they want to have one entry into this secured establishment so they could try to maintain traditional retail, there is not going to be a backdoor entry.

Secretary St. Henry said they walk into this building and their IDs are checked and so forth and recorded and then they wait. He asked if it is typically a limited number of people actually go into the retail or the showroom end of it? Mr. Klein replied that typically they keep a one-to-one ratio staff to customers in the retail area.

Acting-Chairman Gross asked if there was an age requirement for recreational marihuana? How do they handle that with drop-offs when the people don’t come into the store? Mr. Klein replied that their ID is checked it is the same process.

Secretary St. Henry thought it was highly regulated.

Mr. Milosch said they were just audited by the MRA on their grow and they 100% passed.

Secretary St. Henry asked if that was open now? Mr. Milosch replied that they have had seven rooms harvested already. Secretary St. Henry asked if all of the marihuana products that have been sold in the dispensary are only coming from their grow facility? Mr. Milosch said it will come from others too.

Acting-Chairman Gross asked how that was delivered, what types of vehicles? Mr. Klein stated that the delivery is a licensed function so there are separate licenses, there is a grow license process, retail, and then delivery the transport. Any product coming here is with someone who is licensed to transport.

Acting-Chairman Gross asked if it was a large vehicle? Mr. Klein replied typically to dispensaries vans, maybe an occasional box truck but typically delivery vans. Everything comes all packaged in boxes or smaller type carriable things.

Roll call vote was as follows: Walker, yes; Gross, yes; Urbanowski, yes; St. Henry
Motion carried 4-0 (Brackon & Gingell Absent, Reynolds recused)
8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS
None.

12. COMMITTEE REPORTS
None.

13. PUBLIC HEARINGS
A. 3-16-2022, at 7:05 p.m., PC-2022-09, Grand Square of Orion, Special Land Use Request for a drive-thru restaurant, located on a vacant parcel, west of 637 Brown Rd., (Sidwell #09-32-400-099).

14. CHAIRMAN’S COMMENTS
None.

15. COMMISSIONERS’ COMMENTS
Trustee Urbanowski said that last year they did a PUD amendment for Orion Grill where they approved outdoor seating for them. Then also the signs used to be Iris Café so they have closed down and done their remodeling and rebranding now they are officially Orion Grill and there will be a ribbon-cutting tomorrow there at 4:30 p.m. hosted by the Chamber of Commerce.

Chairman Reynolds said that there is the March 16th seminar for drafting ordinances by the MTA. If they are interested, please reach out to Planning & Zoning Director Girling or the Planning staff. Planning & Zoning Director Girling said that they did buy the entire Township package from the MTA and that everything is already paid for.

Secretary St. Henry stated that there are a number of other establishments that have grand openings and he saw them online and would like to check those out if they could be officially notified when they are. Trustee Urbanowski said typically ribbon-cuttings are Thursdays from 4:30-5:30 p.m. through the Orion Chamber. Chairman Reynolds said he thought that they could get on their general email list and they are pretty good at upcoming events.

Commissioner Walker said he is anti-fence. At the ZBA they had a case regarding a fence and it was difficult.

Secretary St. Henry stated that the Fence Committee was meeting on Thursday, March 10, 2022, at 3 p.m.
16. **ADJOURNMENT**
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to adjourn the meeting at 8:31 p.m. **Motion carried.**

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, Planning & Zoning Director
DATE: March 9, 2022
RE: PC-2022-09, Grand Square SLU & Site Plan Amendment

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.

**Special Land Use (Ord. No. 78, Section 30.02)**

**Motion 1:** I move that the Planning Commission **approve/deny** PC-2022-09, Grand Square of Orion, Special Land Use for a drive-thru, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099) for plans date stamped received February 17, 2022. This approval/denial is based on the following finding of facts:

- a. Compatibility with Adjacent Uses (Insert any findings of facts),
- b. Compatibility with Master Plan (Insert findings of facts),
- c. Adequate Public Services (Insert findings of facts),
- d. Impact on Traffic (Insert findings of facts),
- e. Detrimental Effects (Insert findings of facts),
- f. Enhancement of Surrounding Environment (Insert findings of facts),
- g. Isolation of Existing Land Use (Insert findings of facts).

**If Approved:**

This approval is subject to the following conditions (insert any additional conditions such as hours of operation, times of year, etc.)

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

**Motion 2:** I move that the Planning Commission grants site plan **approval** for PC-2022-09, Grand Square of Orion Site Plan Amendment, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099), 631 Brown Rd. (Sidwell #09-32-400-097), and 4999 Grand Ave. (Sidwell #09-32-400-098), for plans date stamped received February 17, 2022 based on the following findings of facts (motion make to insert findings of facts).

This **approval** is based on the following conditions:

- (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)
• (Motion maker to list any additional conditions).

Or
I move that the Planning Commission **denies** site plan approval for PC-2022-09, Grand Square of Orion Site Plan Amendment, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099), 631 Brown Rd. (Sidwell #09-32-400-097), and 4999 Grand Ave. (Sidwell #09-32-400-098), for plans date stamped received February 17, 2022. 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-2022-09, Grand Square of Orion Site Plan amendment, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099), 631 Brown Rd. (Sidwell #09-32-400-097), and 4999 Grand Ave. (Sidwell #09-32-400-098), for plans date stamped received February 17, 2022 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)).
March 2, 2022

Orion Township Planning Commission
2525 Joslyn Road
Lake Orion, MI, 48360

Site Plan Revision: SLU review no. 1
Grand Square of Orion

Case Number: PC-2022-09
Address: 595 Brown Road / 4979 Grand Ave
Parcel ID: 09-32-400-099
Area: 13.26 AC
Applicant: Ronald A. Chiesa

Plan Date: 02/16/2022
Zoning: Brown Road Innovation Zone (BIZ)
Reviewer: Matt Wojciechowski
Rod Arroyo

Dear Planning Commission Members:

We have reviewed the above application and site plan, landscape plan, and tree survey and a summary of our findings is below. Items in **bold** require specific action by the Planning Commission. Items in *italics* can be addressed administratively.
Project Summary
The applicant is requesting to amend their previously approved site plan dated 02/17/21, which featured five buildings including:

A. Restaurant A (east side): 8,000 sq. ft., 1-story. Now proposed: 4,449 sq.-ft. 1-story with drive-thru
B. Restaurant B (west side): 8,000 sq. ft., 1-story
C. Hotel 1 (east side) Hilton Garden Inn: 63,348 sq. ft. with 114 rooms, 4-story
D. Hotel 2 (west side) Fairfield Inn: 54,822 sq. ft. with 103 rooms, 4-story
E. Hotel 3 (north end) Residence Inn: 86,556 sq. ft. with 120 rooms, 4-story

The proposal to amend the plan involves restaurant A, the 8,000 sq.-ft. restaurant on the east side of the site. The proposal is to replace that building with a smaller, 4,449 sq.-ft restaurant with a drive through use. Drive-thru uses are ancillary Type C uses, which require special land use approval.

SUMMARY OF REVIEW

Revisions & Additional Information

1. The applicant shall conform the maximum decibel (db.) level of the drive thru speaker (60 db. max)

2. The applicant should review the circulation pattern of the proposed drive thru, as the three left turn arrows create a traffic conflict. This should be discussed with the Township engineer to ensure a safe circulation pattern is marked on site

3. The sidewalks west of the drive though lane are proposed to be 3’ wide; these should be widened to a minimum of 5’. Wheel stops should be added to adjacent spaces so vehicle overhang does not block sidewalk.

Planning Commission Waivers & Discussion

4. Wheel stops are not proposed (not included on previous plan)

5. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard has been met shall be made by the Planning Commission during site plan review.
Zoning Ordinance Compliance Tables

6. **BIZ District Standards.** Retail uses consisting of less than 55,000 square feet are considered Type C ancillary uses in the BIZ district. The table below indicates compliance or required waivers with respect to the applicable standards for this site and proposed use within the BIZ district.

The Planning Commission is permitted to waive or modify the standards of Section 34.03 (required conditions) based upon the economic impact, quality of architectural design, and overall compatibility with the District

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>34.01 Uses Permitted</td>
<td>Ancillary/Stand-alone uses allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size. This standard is met.</td>
</tr>
<tr>
<td>34.02 Ancillary Uses Requiring Special Land Use Approval</td>
<td>Ancillary commercial only permitted after primary permitted Development Agreement. Required.</td>
</tr>
</tbody>
</table>

### Brown Road Innovation Zone (Article XXXIV)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>All drive-thru canopies and speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. This standard is met.</td>
<td></td>
</tr>
<tr>
<td>Associated parking lots, maneuvering lanes, and drive-thru lanes shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels. This standard is met.</td>
<td></td>
</tr>
<tr>
<td>Any noise associated with a drive-thru use shall not exceed sixty (60) decibels when measured at the property line. Applicant shall confirm.</td>
<td></td>
</tr>
</tbody>
</table>

The applicant should review the circulation pattern of the proposed drive thru, as the three left turn arrows create a traffic conflict. This should be discussed with the Township engineer to ensure a safe circulation pattern is marked on site.

### Table 34-3 Schedule of Mixed-Use Regulations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>40,000 sq. ft. No Change; Compliant</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>N/A 23’</td>
</tr>
</tbody>
</table>

### E. Off Street parking

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) parking space per one hundred (100) square feet of gross floor area for restaurants. 4,449 / 100 = 45 spaces required 66 provided within lot area; compliant</td>
<td></td>
</tr>
</tbody>
</table>

### General Design

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
</table>

### F. Off-street parking shall be located predominantly within the side or rear yard areas, unless waived by the Planning Commission. Appears similar/complaint with previously approved parking lot layout |

www.GiffelsWebster.com
5. Pedestrian Pathways and Sidewalks. Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and connects mixed use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement by means of safety paths within the development.

The sidewalks west of the drive through lane are proposed to be 3’ wide; these should be widened to a minimum of 5’. Wheel stops should be added for adjacent parking spaces so vehicle overhang does not block sidewalk.

7. Specific Site Design/Aesthetic Guidelines for properties fronting Brown Road

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>f.</td>
<td>Architectural interest shall be provided through the use of repetitive patterns of color, texture and material modules, at least one of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet. Plain 8” x 16” concrete masonry units shall be avoided. Clay brick, stone and/or textured, split face or patterned masonry units shall be used.</td>
</tr>
<tr>
<td></td>
<td>The predominantly brick façade with fiber cement siding appear to meet the intent of this standard. Planning Commission to confirm with new building.</td>
</tr>
<tr>
<td>d.</td>
<td>Primary building entrances should be clearly defined and recessed, or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter.</td>
</tr>
<tr>
<td></td>
<td>Aluminum canopies and canvas awnings are proposed at entryways.</td>
</tr>
</tbody>
</table>

7. General Provisions. The standards in the table below are a summary of the applicable Zoning Ordinance standards in Article XXVI; please refer to the individual sections referenced herein for the full Zoning Ordinance text.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.04 Parking &amp; loading</td>
<td>A.1.c. Additional parking allowed</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>A.3.f. Wheel stops required</td>
<td>Not provided</td>
</tr>
<tr>
<td></td>
<td>B.2.a Location of loading zone</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>B.2.b. Loading zone size</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>B.2.c. Loading zone access</td>
<td>PC shall discuss</td>
</tr>
<tr>
<td>27.05 Landscaping</td>
<td>A.4.a. One tree per 30’ road frontage required</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>A.4.b. 30” screening required</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>A.4.f Sight Distance</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>A.6. Internal landscaping</td>
<td>Appears compliant</td>
</tr>
<tr>
<td>27.06 Access</td>
<td>F. Safety Pathway required</td>
<td>Appears compliant</td>
</tr>
<tr>
<td>27.12 Tree &amp; Woodland</td>
<td>C.1. Requirements</td>
<td>Remains Compliant</td>
</tr>
<tr>
<td>27.14 Access Management</td>
<td>F. Driveway Standards</td>
<td>Engineer Confirmation</td>
</tr>
</tbody>
</table>

www.GiffelsWebster.com
Staff will be available to discuss this review at the next Planning Commission meeting

Respectfully,

Giffels Webster

Rodney L. Arroyo, AICP
Partner

Matt Wojciechowski, AICP
Senior Planner
March 3, 2022

Scott Reynolds, Planning Commission Chairperson
CHARTER TOWNSHIP OF ORION
2323 Joslyn Road
Lake Orion, MI 48360

RE: Grand Square of Orion - Amended, PC-2022-09
Site Plan Review #1

Received: February 17, 2022 by Orion Township

Dear Mr. Reynolds:

We have completed our review of Grand Square of Orion Amended plan set. The plans were prepared by R.A. Chiesa Architects, P.C. and Designhaus Architecture 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 595 Brown Rd. in the southeast quadrant within Section 32 of the Charter Township of Orion. The site is zoned Brown Rd. Innovation Zone (BIZ) and bound by parcels to the north of the property zoned Single Family Residential (R-1), and parcels to the east and west of the property zoned Brown Rd. Innovation Zone (BIZ). Parcels on the south side of Brown Rd. are located within the City of Auburn Hills and zoned General Business, (B-2).

The existing site is made up of Lot 3 through Lot 8 of the Highland Farms Subdivision Plat. The site consists of two single-story buildings and a shed. There are multiple wetlands in and adjacent to the site. The applicant has identified Wetlands A through H on the ALTA/NSPS Land Title Survey. The site ranges in elevation from approximately 1055 in the north of the site to 1007 on the south side. There are many trees throughout the site, with the highest concentration located in the northwest and southeast of the site adjacent the larger wetlands. The remaining site area consists primarily of drivable gravel surface. Consumers Energy and Detroit Edison Company both appear to have easements/utilities that run through the property and are identified on the ALTA Survey. Relocation of these easements and utilities appears necessary to facilitate construction for this project.

The Amended Site Plan reflects changes made to the eastern restaurant, Building A. The building is now proposed to be a Culver’s restaurant, and revisions to the parking lot, drive aisles, building leads, and storm sewer network have been proposed to facilitate the change.

WATER MAIN AND SANITARY SEWER:
The Amended Site Plan includes slight changes to the water main leads as well as a hydrant location. The changes appear acceptable based on Orion Township Engineering Standards. The FDC is shown on the east face of the building and appears to be close enough to the relocated hydrant. We defer further comment on the FDC and hydrant locations to the Orion Township Fire Department.
The sanitary sewer lead for Building A has changed to reflect the new location that the lead will extend from the proposed Culver’s restaurant. A grease separator and monitoring manhole were included on the sanitary sewer lead and appear acceptable.

A preliminary basis of design calculation has been provided for the site and appears to need revisions. Firstly, the calculations appear to identify the restaurant buildings as Buildings D and E, although the restaurants are shown as Buildings A and B on other sheets. Please ensure buildings are labeled consistently throughout the plans. Additionally, please ensure that the calculations are updated to match the proposed Culver’s floor plan.

**STORMWATER MANAGEMENT:**
The Amended Site Plan shows catch basins have been slightly relocated to capture the drainage areas generated by the Culver’s parking lot and drive through aisle. However, no preliminary grading plan for the proposed parking lot was included in the Amended Site Plan, and the locations of the catch basins cannot be assessed. Rim grades and a general grading plan shall be included in the set for Site Plan review.

**PAVING & GRADING:**
The grading sheets and pavement slopes were not provided in the Amended Site Plan. Pavement slopes are to remain between 1% and 6% for drive areas, and between 1% and 4% for parking areas. Preliminary pavement slopes are required at site plan, and more detailed grading information will be required at engineering to fully assess pavement grades. Detailed grades will be required to assess newly proposed sidewalk and ramp grades for ADA compliance.

Any changes to the proposed retaining walls shall be revised and resubmitted in the previously approved retaining wall package at engineering. No changes to the walls have been indicated in the Amended Site Plan.

**TRAFFIC AND CIRCULATION:**
Circulation around the site is generally proposed as 2-way with the exception of the drive-thru. We have concerns with the proposed three (3) lanes passed the drive-thru as all 3 lanes are left turn only. This may result in confusion and congested and/or conflicting turning movements. It is therefore our recommendation that a single lane of parallel parking spaces wrap around the front/south side of the building at the end of the drive-thru lane, with a second pass-thru lane around the outside only, thereby eliminating the 3rd lane. This would require the elimination/relocation of the four (4) parking spaces on the south side of the building. This proposed configuration is similar to other Culver’s restaurants recently constructed in neighboring communities.

The sidewalk located west of the drive-thru aisle needs to be widened to 7 feet to account for the vehicle overhang. 3-foot wide sidewalk is not acceptable in this location.

A swept path turning template plan for the Orion Township Fire Apparatus was included in the plan set and appears acceptable.

**NATURAL FEATURES:**
**WETLANDS**
No changes to the wetland impacts are proposed as a part of the Amended Site Plan.

**WOODLANDS**
A tree survey was not included as the site is already under construction and tree removals were previously approved.

**LANDSCAPING:**
Proposed trees are located along the perimeter green space and interior parking lot islands. Trees shall be kept out of proposed utility easements wherever possible. Trees shall not be located directly over any water main or sanitary sewer in any circumstance.
CONCLUSION:
In our opinion, the site plan as submitted is not in substantial compliance with the Township's ordinances and engineering standards. We ask that the following items be addressed:

1. Provide grading plans and pavement cross-sections in the Site Plan as required by ordinance.
2. Increase the 3-foot-wide sidewalk adjacent the head in parking spaces to the west of the proposed Culver's to be 7 feet wide to account for vehicle overhang.
3. The plans should be revised to provide a single lane of parallel parking spaces wrapping around the front/south side of the building at the end of the drive-thru lane and a second pass-thru lane around the outside only, thereby eliminating the 3rd lane.
4. Update the preliminary basis of design to reflect the Culver's floor plan, and to correctly identify the restaurants as Buildings A and B.

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 Burnett, Township Supervisor
     David Goodloe, Building Official
     Jeff Stout, Director of Public Services
     Tammy Girling, Director of Planning and Zoning
     Lynn Harrison, Planning and Zoning Coordinator
     Jeff Williams, Township Fire Marshal
     Bill Basikow, Water and Sewer Superintendent
     Jason Kishnish, Grand Management and Development
     Ronald Chiara, RA Chiara Architects
     Joseph Dartilo, Designhaus
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2022-09, Grand Square of Orion, SLU and Amended Site Plan  
Date: 3/3/2022

The Orion Township Fire Department has completed its review of Application PC-2022-09 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:

X Approved
   Approved with Comments (See below)
   Not approved

Comments: NONE

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 at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

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,

The Department of Public Services has reviewed the above-mentioned project. We have ample capacity to meet the needs of this expansion.

If you have any questions, please contact me.

Respectfully Submitted,

Jeffery T. Stout
Director
Department of Public Services
Debra Walton

From: Scott Reynolds
Sent: Tuesday, March 8, 2022 4:24 PM
To: Debra Walton
Cc: Donald Gross; Joe St. Henry; Tammy Girling
Subject: Site Walk-PC-2022-09 Grand Square Special Land Use

Site Walk-PC-2022-09 Grand Square Special Land Use

A site walk was completed March 7th at approximately 5:00pm for PC-2022-09 Grand Square Special Land Use Request for a Drive-thru.

A site walk has previously been completed on July 20th 2020 for the larger development that includes the proposed drive through.

The currently unoccupied parcels will be developed into two restaurants and three hotels. There is a small existing industrial style structure on the property that appears to be removed in the future plans. It is unclear at the time of the site walk, what trees will remain on the parcel or if any of the existing trees are landmark trees.

The proposed drive through will be along the recently widened Brown Road. Other drive throughs are existing along Brown road including Checkers, a bank and Panda Express on the south side of Brown Road. Multi-Family Residential uses occupy parcel further west of the proposed development. Single family parcels are directly adjacent to north property line of the larger project development and are located at a much higher elevation than the areas adjacent to Brown Road.

Scott Reynolds, Planning Commissioner
Charter Township of Orion
sreynolds@oriontownship.org
Charter Township of Orion Planning Commission
Special Land Use Approval Application

**A. Intent:** Special land use procedures and standards are instituted to provide consistent and uniform guidelines for the Planning Commission to follow in arriving at any special land use decision over which it has jurisdiction. Special land uses are uses that may be permitted in a district, but only if certain specified conditions are met, and only after review and approval by the Planning Commission. The review procedures which are conditions for approval are intended to provide protection for adjacent uses and ensure full compliance with the standards contained within Zoning Ordinance 78 and other applicable local ordinances and State and Federal laws.

**Project Name:** MAUND SQUARE OF ORION TOWNSHIP

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Name: RA CHIEVA ARCHITECTS, RONALD A. CHIEVA</th>
<th>Address: 1000 OLDFIELD RD, CLINTON TWP, MI 48038</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Phone: (586) 263-5574, Cell: Fax:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:ra@chievaarchitects.com">ra@chievaarchitects.com</a>, <a href="mailto:arnoldh@chievaarchitects.com">arnoldh@chievaarchitects.com</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>*Property Owner(s)</th>
<th>Name: MAUND MANAGEMENT, JASON KICHMICH</th>
<th>Address: 108 ORCHARD LN B, ARMINTHILL, MI 48334</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Phone: (248) 594-5989, Cell: (248) 219-1234, Fax:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:jkichmich@grandmd.com">jkichmich@grandmd.com</a></td>
<td></td>
</tr>
</tbody>
</table>

*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.

<table>
<thead>
<tr>
<th>Plan Preparer Firm/Person</th>
<th>Name: RA CHIEVA ARCHITECTS, RONALD A. CHIEVA</th>
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<td>Email: <a href="mailto:ra@chievaarchitects.com">ra@chievaarchitects.com</a>, <a href="mailto:arnoldh@chievaarchitects.com">arnoldh@chievaarchitects.com</a></td>
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<tr>
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<th>Name: JASON KICHMICH</th>
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</tr>
<tr>
<td></td>
<td>Phone: Fax: Email:</td>
</tr>
</tbody>
</table>

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12-1-2021
Sidewell Number(s): ON PLAN

Location or Address of Property: EAGLE BROWN RD.

Side of Street: NORTH Nearest Intersection: W. OF JOULTH & BROWN

Acreage: 19.26 Current Use of Property: VAUANT/UNDER DEVELOPMENT

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


Give a detailed description of the proposed use:

PREVIOUSLY APPROVED SITE BY HOTELS(2) & 2 RESTAURANTS TO HAVE A CHANGE TO RESTAURANT BODY 'A'. NEW RESTAURANT USER NEEDS A DRIVE-THRU IN ADDITION TO COTTON DINING.

Pursuant to Zoning Ordinance 78, Section 30.02(B), a copy of this application must be submitted to the each of the following agencies: Please provide the Township with a copy of each transmittal and proof of delivery.

<table>
<thead>
<tr>
<th>AT&amp;T</th>
<th>Consumers Power Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>54 Mill St.</td>
<td>530 W. Willow Rd.</td>
</tr>
<tr>
<td>Pontiac, MI 48342</td>
<td>Lansing, MI 48906</td>
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<th>DTE Energy Co.</th>
<th>Oakland County Health Department</th>
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<td>ATTENTION: NW Planning &amp; Design</td>
<td>Building 34 East</td>
</tr>
<tr>
<td>1970 Orchard Lake Rd.</td>
<td>1200 N. Telegraph Rd.</td>
</tr>
<tr>
<td>Sylvan Lake, MI 48320</td>
<td>Pontiac, MI 48341</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Oakland County Water Resources Commission (To be submitted by the Township)</th>
<th>Road Commission of Oakland County (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:ssinkowski@rcoc.org">ssinkowski@rcoc.org</a> (Electronic submittal only)</td>
<td></td>
</tr>
</tbody>
</table>

| Michigan Department of Transportation (If applicable) | |
|--------------------------------------------------------| |
| 800 Vanguard Dr. | |
| Pontiac, MI 48341 | |
The proposed special land use shall be designed, constructed, operated, and maintained so as to be compatible with uses of adjacent land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, please describe the consideration given to the following:

**Location and screening of vehicular circulation and parking areas in relation to surrounding development**

- The sit down dining restaurant use (4,449.0 SF) is compatible with the site use & adjacent B1z zoning. The vehicular circulation is controlled on site with screening (landscapes & berms) & parking is shaped.
- Location and screening of outdoor storage, outdoor activity or work areas and mechanical equipment, in relation to surrounding development: The dumpster & loading area is located internally to the site design with landscape screening. Visual impact is similar to the A1 restaurant.

The hours of operation of the proposed use:

- The business hours are 10 AM - 11 PM 7 days a week.

The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses:

- The building design features durable materials – concrete & fiber cement that are similar to the materials to be used on the building already approved for the site.
- The footprint features many variations for interest.

Describe how the proposed special land use is compatible with and in accordance with the general principles and objectives of the Orion Township Master Plan and how it promotes the intent and purpose of Zoning Ordinance 78.

- The drive-thru use for a restaurant is an approved use for the B1z zoning type A/L W a special land use.

Describe how the proposed special land use is located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools.

- The new proposed restaurant is a smaller restaurant than previously approved. The original use was 9,400 SF. The new use is less impactful.
The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use on surrounding uses. Describe the consideration given to the following:

Proximity and access to major thoroughfares: **The proposed restaurant is located in the same area as the larger restaurant previously approved.**

Estimated traffic generated by the proposed use:

**The traffic generated should be no greater than the previously approved 2,000 of rent.**

Proximity and relation to intersections:

**The use will not alter the already approved site access or circulation.**

Adequacy of sight distances:

**Light distances are typical & unchanged from previous user.**

Location of and access to off-street parking:

**No changes to off-street parking access or control from previous user.**

Required vehicular turning movements:

**All vehicular circulation for the new restaurant is similar to previous plan approval.**

Provision for pedestrian traffic:

**Vehicular circulation for pedestrian circulation movement throughout development is maintained.**

The proposed special land use shall not involve any activities, processes, materials, equipment or conditions of operation, and shall not be so located or designed, as to be detrimental to public health, safety, and welfare. Describe the consideration given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light:

**The proposed use is not detrimental to public health, welfare or safety. The off-street parking is controlled internally. Drive-through attacking is controlled internally & order windows are 12" from row.**

The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. Describe how consideration was given to:

Landscaping & other amenities: **The use is a smaller restaurant than previous user. No additional green areas are provided.**

The bulk placement and materials of construction of proposed structures in relation to surrounding uses:

**All located in similar question on page 3.**

The architectural use of materials is similar & consistent.
Explain how the location of the proposed special land use does not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed special land use does not result in a small non-residential area being substantially surrounded by incompatible uses:

**THE SPECIAL LAND USE REQUEST IS CONSISTENT & COMPATIBLE W THE EXISTING Biz DEVELOPMENT & ADJACENT PROPERTIES.**

Pursuant to Zoning Ordinance 78, Section 30.02(D) a sign indicating the requested special land use shall be installed on the parcel(s) no less than 15 days prior to the scheduled public hearing. Please check one:

- [ ] I will install the sign(s) as required (see below for specifications).
- [x] I would like to lease signage from the Township (including installation).

(please complete attached Sign Request Form).

I/we, the undersigned, do hereby submit this application for Special Land Use, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance No. 78, Section 30.02 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:**  
(must be original ink signature)  
**Ronald A. Chiers**  
**Date:** 2/16/22

**Print Name:**  
**Ronald A. Chiers**

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:**  
(must be original ink signature)  
**Date:** 2/16/22

**Print Name:**  
**Joseph Kuphmic**

*If the deed of ownership does not show an individual, ie a corporation, partnership, etc., documentation must be provided showing the individual signing this application has signing rights for the entity.

---

As per Ordinance 78, Section 30.02(D), Special Land Procedures and Standards, a sign shall be installed 15 days prior to the required public hearing. Please see the Ordinance for additional specifications.

The sign shall have the following wording:

**SPECIAL LAND USE PROPOSED**

For more information call:  
Charter Township of Orion  
Planning and Zoning Department  
248-391-0304 ext. 5002

- (min 8" high letters)
- (min 3" high letters)
- (min 4" high letters)
- (min 4" high letters)

*Please note, the Township does offer the ability to rent the required signage (see attached form). Please contact the Planning and Zoning Department with any questions.
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 Ordinances 78, and other applicable local ordinances and State and Federal laws.

Project Name: **AHRD VARENE OF ORION TOWNSHIP**

Name of Development If applicable:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA CHIEVA ARCHITECTS/ RONALD A. CHIEVA</td>
<td>BROWN RD RE-HOMING, Eagle Place #3, LLC</td>
</tr>
<tr>
<td>Phone: (248) 594-5929</td>
<td>Phone: (248) 594-5830</td>
</tr>
<tr>
<td>Cell: (248) 594-5929</td>
<td>Cell: (248) 594-5830</td>
</tr>
<tr>
<td>Email: <a href="mailto:rchieva@chievaarchitecture.com">rchieva@chievaarchitecture.com</a></td>
<td>Email: <a href="mailto:jkischmich@grandhm.com">jkischmich@grandhm.com</a></td>
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<tr>
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<th>Project Contact Person</th>
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<tr>
<td>RA CHIEVA ARCHITECTS/ RONALD A. CHIEVA</td>
<td>JASON KISCHMICH</td>
</tr>
<tr>
<td>49800 MARFIELD RD, City: CLINTON TWP, State: MI Zip: 48336</td>
<td>(NAME AS OWNER)</td>
</tr>
<tr>
<td>Phone: (248) 217-1224</td>
<td>Phone:</td>
</tr>
<tr>
<td>Cell:</td>
<td>Cell:</td>
</tr>
<tr>
<td>Email: <a href="mailto:rchieva@chievaarchitecture.com">rchieva@chievaarchitecture.com</a></td>
<td>Email:</td>
</tr>
</tbody>
</table>

Version 12/1/21
Sidewell Number(s): ON PLANO
Location or Address of Property: 566 BROWN RD.
Side of Street: NORTH Nearest Intersection: W. OF SOUTH & BROWN
Acreage: 13.26 Current Use of Property: VACANT/UNDER DEVELOPMENT

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

Subject Property Zoning: BYZ (A,D,P)
Adjacent Zoning: N. R-1 S. E. BYZ W. BYZ

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. PREVIOUS APPROVED DEVELOPMENT BACK FOR UPA ON A RESTAURANT CHANGE AT RESTAURANT X.

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 each of the following agencies. Please provide the Township with a copy of each transmittal as proof of delivery.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T</td>
<td>54 Mill St. Pontiac, MI 48342</td>
</tr>
<tr>
<td>DTE Energy Co.</td>
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<tr>
<td>Michigan Department of Transportation (if applicable)</td>
<td>Road Commission of Oakland County (if applicable)</td>
</tr>
<tr>
<td>800 Vanguard Dr.</td>
<td><a href="mailto:ssintkowski@rcoc.org">ssintkowski@rcoc.org</a></td>
</tr>
<tr>
<td>Pontiac, MI 48341</td>
<td>(electronic submittal only)</td>
</tr>
<tr>
<td>Oakland County Water Resources</td>
<td>To Be Submitted by the Township</td>
</tr>
</tbody>
</table>

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: Ronald A. Chavez
Date: 2/15/22
Print Name: Ronald A. Chavez

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 (if the deed of ownership does not show an individual, ie is a corporation, partnership, etc., documentation must be provided showing the individual signing this application has signing rights for the entity):

Date: 2/15/22
Print Name: Jason Kligman

Version 12/1/21
ARTICLE 1.

The name of this Commission shall be the Charter Township of Orion Planning Commission.

ARTICLE 2.

The general purpose of the Charter Township of Orion Planning Commission shall be to guide and promote the efficient, coordinated development of this Township in a manner which will best promote the health, safety, and general welfare of its people.

ARTICLE 3.

SECTION 1. CREATION

The Planning Commission was created pursuant to resolution of the Orion Township Board as authorized by Act 168, Michigan Public Act of 1959, as amended, and as confirmed by Act 33 of 2008, as amended.

SECTION 2. MEMBERSHIP

The Commission shall consist of seven (7) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational, and social development. To the extent possible, membership shall be representative of the entire geography of the Township. One member of the Township Board shall serve as an ex officio member of the Commission, with all voting rights, whose term shall expire with his or her term on the Township Board or if the Township Board appoints a new ex officio member.

SECTION 3. TERM OF OFFICE

The term of each member, other than the ex officio member, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all Commission members will expire each year. Members, other than the ex officio member, shall be appointed by the Township Supervisor, subject to the approval by a majority vote of the Township Board. Should a Commissioner be unable to complete a full three-year term, the Township Supervisor, with the approval of the Township Board, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.

ARTICLE 4.

SECTION 1. OFFICERS

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.
ARTICLE 4.

SECTION 1. OFFICERS

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

SECTION 2. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all resolutions of the Commission. An ex officio member of the Commission shall not serve as Chairperson.

SECTION 3. VICE-CHAIRPERSON

The Vice-Chairperson shall preside in the absence of the Chairperson.

SECTION 4. SECRETARY

The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission. Such duties may be performed by an employed Recording Secretary when delegated by the Commission.

SECTION 5. ZBA PLANNING COMMISSION REPRESENTATIVE

The Planning Commission shall recommend to the Township Board one of its members to serve as its representative on the Zoning Board of Appeals. The member shall not be the Township Board representative of the Planning Commission.

ARTICLE 5.

SECTION 1. MEETINGS

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions will be conducted. Regular meetings will be held on the first and third Wednesday of each month at 7:00 p.m. and ending at 10:30 p.m., unless another date and time becomes necessary, or unless no meeting is necessary due to lack of agenda items. The Planning Commission shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Planning Commissioners present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the Planning Commission, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda of the regular meeting of the Planning Commission.
A. REGULAR MEETINGS

The purpose of the regular meetings will be to make decisions on pending business matters, except no business will be transacted in the absence of a quorum. Regular meetings of the coming year shall be approved by the Commission at one of the regular December meetings. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township’s website.

For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the legal unit of government not less than fifteen (15) days before the date of the hearing. The planning commission shall also submit notice of the public hearing in the manner provided under the Planning Enabling Act in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41. Notice shall also be given to the owner(s) of property subject of the request and all persons to whom real property is assessed within 500 feet of the property that is the subject of the request and to the occupant(s) of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
B. SPECIAL MEETINGS

The purpose of special meetings will be to review business matters that cannot wait for the regular meeting date. The special meetings may be called by the Chairperson or the Vice-Chairperson of the Commission at such time and place deemed necessary. Prior notice of 48 hours is required to each Commissioner stating the time, place, and nature of business. A public notice shall be posted at least eighteen (18) hours prior to the meeting.

C. COMMITTEE MEETINGS

The purpose of the committee meetings shall be to prepare items for presentation to the full membership of the Planning Commission. The committees shall be advisory bodies only and shall in no instance take action on any item. Items being considered for action shall be placed on the “Unfinished Business” portion of the agenda of a regular or special meeting. The committees may give progress reports and ask for direction from the full Planning Commission under the “Committee Reports” section of the agenda, but no action may be taken on any item during the agenda.

1. Committees whose appointed membership constitutes a quorum of the full Planning Commission shall hold their meetings only during the “Unfinished Business” portion of a regular meeting or special meeting. The committee meetings shall be included as an item on the agenda and shall be published as prescribed by law.

2. Committees whose appointed membership does not constitute a quorum of the full Planning Commission may schedule meetings outside of the regular or special meetings. The meetings, committee meetings shall be open to the public and shall be published as prescribed by law.

3. Members of the Planning Commission who are not appointed members of a committee may attend the committee meetings, provided that they notify the committee in time to comply with the requirements of the Open Meetings Act.

4. Should the attendance of Commission members who are not appointed to the committee cause a quorum of the full Planning Commission to be present, the committee meetings shall not be considered a special meeting. In no instance shall action be taken on any item, and the Commissioners shall not be entitled to the compensation normally due for attendance at a special meeting.

5. Commissioners who are present at a committee meeting but who are not appointed as members of the committee shall not be entitled to any compensation due to the appointed members.
SECTION 2. AGENDA

The agenda shall consist of business matters to be acted upon by the Planning Commission. In the event an item lacks sufficient information to take action, the Commission shall table postpone the matter until such time the required information has been submitted. Such time shall not exceed sixty (60) ninetynull (90) days from the original request appearance of the business matter on the agenda. At the expiration of this time limit, if such information has not been submitted, the matter shall be removed from the agenda. The Planning Commission may deny approval of the matter based upon lack of progress or for any other reason.

SECTION 3. PUBLIC PARTICIPATION

As provided by statute, all meetings, including special meetings and committee meetings shall be open to the public.

During debate on motions, which deal with new or unfinished business, the Planning Commission members shall first have the opportunity to discuss the motion, then to hear and question petitioners and/or other interested parties who have requested statements from persons who request recognition to speak on the specified motion.

Public comments on agenda and non-agenda items shall be taken only at the time cited under Article VIII, Section 4 of these By-Laws.

The time allotted for the public to be heard on any separate agenda item and/or non-agenda item shall be limited to a time of three (3) minutes per item, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission in writing, addressed to the Planning Commission Chairman, at the Township Offices.

The Commission shall keep a public record of its resolutions, transactions, findings, and determinations in the Office of the Township Clerk and/or the Planning and Zoning Director.

SECTION 4. CANCELLATION OF MEETING DUE TO HOLIDAY

In the event a scheduled meeting falls upon a holiday, such meeting may be cancelled, and items of that agenda carried forward to the next appropriate meeting date.

SECTION 5. REMOVAL OF COMMISSIONERS - CONFLICT OF INTEREST

The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the Commission.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall 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.

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 shall 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 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.

SECTION 6. ORDER

Meeting procedures and conduct shall comply be generally consistent with Robert’s Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these amended by Planning Commission By-Laws.

During a meeting, the following rules of procedure shall apply to consideration of any item on the Planning Commission agenda:

1) The Chairperson will introduce the subject.
2) The applicant will present his/her case.
3) Consultant Reviews
4) Board member questions and comments, if any.
5) Applicant response.
6) Motion made and seconded by Planning Commission members.
7) Chairperson restates the motion and allows for discussion by PLANNING COMMISSION members.
108) The motion may be revised or amended following discussion by the PLANNING COMMISSION.
9) Public comment, if any
129) Once the PLANNING COMMISSION members indicated they are ready for the question, whether by positive response to the Chairperson or voting to close debate, the Chairperson asks for the roll to be called.
130) The Secretary will then poll each PLANNING COMMISSION member for their vote on the item under consideration.
ARTICLE 6.

SECTION 1. ELECTION OF OFFICERS

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of Planning Commission members by the Township Board.

A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of Planning Commission members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

ARTICLE 7.

SECTION 1. APPOINTMENT TO COMMITTEES

The Chair may create or dissolve the committee at any time. Appointments and re-appointments to the committees shall be made by the Chair at the time the committees are created, and the terms shall expire concurrently with the appointment or re-appointment of Planning Commission members by the Township Board.

SECTION 2. ADVISORS

The Chair may appoint persons who are not members of the Planning Commission as advisors to the committees. Terms of the advisors will normally be for one (1) year and shall expire and be re-appointed in the same manner as the members appointed from the Planning Commission.

ARTICLE 8.

SECTION 1. RULES

A quorum consists of four (4) or more members.

SECTION 2. VOTING

A minimum of four (4) votes in favor is necessary to pass any motion. Provided a quorum of four (4) or more members are present, a vote of at least four (4) of those members present shall be necessary to approve any motion, resolution, recommendation, or adoption of the Master Plan. Should the absence of one or more members of the Planning Commission result in the
inability of the Commission to achieve four (4) votes in favor of a motion, no action shall be
deemed taken, and the item shall be placed on the agenda of the next regular or special meeting.

SECTION 3. REPORT TO TOWNSHIP BOARD

A report shall be prepared annually and approved by a majority vote of the Planning Commission.
The report shall be prepared by the Recording Secretary and submitted to the Planning
Commission no later than the second regular meeting in February of each year. After review by
the Planning Commission, the report shall be submitted to the Township Board for their review.

SECTION 4.

Conduct of a regular meeting shall require the following order of business:

1. Open meeting and state if it is a regular or special meeting. (If special, dispense
   with Items 3, 4, 5, 6, 7 and 10.)
2. Roll Call
3. Minutes
4. Agenda Review and Approval
5. Brief Public Comment - Non-Agenda Items Only
6. Consent Agenda
7. New Business
8. Unfinished Business
9. Public Comments
10. Communications/Committee Reports
11. Planner’s Report/Education
12. Future Public Hearings
13. Chairman’s Comments
14. Commissioners’ Comments
15. Adjournment
SECTION 5. AMENDMENT TO BY-LAWS

The by-laws may be amended at any regular meeting by a majority vote of the members of the Commission, providing the proposed changes have been read at a preceding meeting, and subject to approval by the Township Board of Trustees.

Adopted this 7th day of February 1979
Amended August 25, 1982 (Section 3)
Amended November 17, 1982 (Article 4, Section 2)
Amended October 2, 1985 (Article 1; Article 2; Article 3, Section 2; Article 4, Sections 2, 5, & 6; Article 5, Sections 1 A., 2, & 3; Article 7, Sections 1, 2, 3, & 4)
Amended February 19, 1995 (Article 3, Sections 2 & 3; Article 5, Section J.C., 1, 2, 3, 4, & 5; Article 6, Section 1; Article 7, Sections 1, 2, & 3; Article 8, Sections 1, 2, 3, & 4)
Amended December 29, 1997 (Article 3, Section 2; Article 8, Sections 1 & 2)
Amended February 6, 2002 (Article 4, Section 5; Article 6, Section 1; Article 7, Sections 1, 2, & 3)
Amended December 4, 2002 (Article 5, Section 1)
Amended October 1, 2008 (Article 3, Sections 2 & 3; Article 5, Sections 1, 5, & 6)
Amended February/March, 2022 (Article 5, Sections 1, 2, 3, 5, & 6; Article 8, Section 5)
CHARTER TOWNSHIP OF ORION
PLANNING COMMISSION BY-LAWS
OAKLAND COUNTY, MICHIGAN
ADOPTED __________, 2022

ARTICLE 1.

The name of this Commission shall be the Charter Township of Orion Planning Commission.

ARTICLE 2.

The general purpose of the Charter Township of Orion Planning Commission shall be to guide and promote the efficient, coordinated development of this Township in a manner which will best promote the health, safety, and general welfare of its people.

ARTICLE 3.

SECTION 1. CREATION

The Planning Commission was created pursuant to resolution of the Orion Township Board as authorized by Act 168, Michigan Public Act of 1959, as amended, and as confirmed by Act 33 of 2008, as amended.

SECTION 2. MEMBERSHIP

The Commission shall consist of seven (7) members, representing, insofar as it is possible, important segments of the community such as economic, governmental, educational, and social development. To the extent possible, membership shall be representative of the entire geography of the Township. One member of the Township Board shall serve as an ex officio member of the Commission, with all voting rights, whose term shall expire with his or her term on the Township Board or if the Township Board appoints a new ex officio member.

SECTION 3. TERM OF OFFICE

The term of each member, other than the ex officio member, shall be three (3) years. Insofar as possible, terms shall be staggered so that the terms of 1/3 of all Commission members will expire each year. Members, other than the ex officio member, shall be appointed by the Township Supervisor, subject to the approval by a majority vote of the Township Board. Should a Commissioner be unable to complete a full three-year term, the Township Supervisor, with the approval of the Township Board, shall appoint a new member to fill the remainder of the term. A member shall, to the extent possible, serve until a successor has been appointed and qualified.
ARTICLE 4.

SECTION 1. OFFICERS

The Commission shall have a Chairperson, Vice-Chairperson, and a Secretary.

SECTION 2. CHAIRPERSON

The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary, and perform such duties as may be delegated by the Commission. The Chairperson shall have a vote on all resolutions of the Commission. An ex officio member of the Commission shall not serve as Chairperson.

SECTION 3. VICE-CHAIRPERSON

The Vice-Chairperson shall preside in the absence of the Chairperson.

SECTION 4. SECRETARY

The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the Commission. Such duties may be performed by an employed Recording Secretary when delegated by the Commission.

SECTION 5. PLANNING COMMISSION REPRESENTATIVE

The Planning Commission shall recommend to the Township Board one of its members to serve as its representative on the Zoning Board of Appeals. The member shall not be the Township Board representative of the Planning Commission.

ARTICLE 5.

SECTION 1. MEETINGS

All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions will be conducted. Regular meetings will be held on the first and third Wednesday of each month at 7:00 p.m. and ending at 10:30 p.m., unless another date and time becomes necessary, or unless no meeting is necessary due to lack of agenda items. The Planning Commission shall not begin discussion or take action on a new agenda item after 10:30 p.m. except by a majority vote of the Planning Commissioners present. Meetings shall not extend beyond 11:00 p.m. except to complete whatever item of the agenda is under discussion at that time. However, the Planning Commission, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda of the regular meeting of the Planning Commission.
A. REGULAR MEETINGS

The purpose of the regular meetings will be to make decisions on pending business matters, and to approve minutes of previous meetings. Notice of the regular meetings for the coming year shall be approved by the Commission at one of the regular December meetings. Such notice shall then be posted in the Township Hall, 2323 Joslyn Road, Lake Orion, Michigan and/or on the Township’s website.

For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing. The planning commission shall also submit notice of the public hearing in the manner provided under the Planning Enabling Act in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41. Notice shall also be given to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

B. SPECIAL MEETINGS

The purpose of special meetings will be to review business matters that cannot wait for the regular meeting date. The special meetings may be called by the Chairperson or the Vice-Chairperson of the Commission at such time and place deemed necessary. Prior notice of 48 hours is required to each Commissioner stating the time, place, and nature of business. A public notice shall be posted at least eighteen (18) hours prior to the meeting.

C. COMMITTEE MEETINGS

The purpose of the committee meetings shall be to prepare items for presentation to the full membership of the Planning Commission. The committees shall be advisory bodies only and shall in no instance take action on any item. Items being considered for action shall be placed on the “Unfinished Business” portion of the agenda of a regular or special meeting. The committees may give progress reports and ask for direction from the full Planning Commission under the “Committee Reports” section of the agenda, but no action may be taken on any item during the agenda.
1. Committees whose appointed membership constitutes a quorum of the full Planning Commission shall hold their meetings only during the “Unfinished Business” portion of a regular meeting or special meeting. The committee meetings shall be included as an item on the agenda and shall be published as prescribed by law.

2. Committees whose appointed membership does not constitute a quorum of the full Planning Commission may schedule meetings outside of the regular or special meetings.

3. Members of the Planning Commission who are not appointed members of a committee shall not attend committee meetings.

SECTION 2. AGENDA

The agenda shall consist of business matters to be acted upon by the Planning Commission. In the event an item lacks sufficient information to take action, the Commission shall postpone the matter until such time the required information has been submitted. Such time shall not exceed ninety (90) days from the original appearance of the business matter on the agenda. The Planning Commission may deny approval of the matter based upon lack of progress or for any other reason.

SECTION 3. PUBLIC PARTICIPATION

As provided by statute, all meetings, including special meetings and committee meetings shall be open to the public.

Public comments on agenda and non-agenda items shall be taken only at the time cited under Article VIII, Section 4 of these By-Laws. The time allotted for the public to be heard on any agenda item and/or non-agenda item shall be limited to a time of three (3) minutes per item unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission in writing, addressed to the Planning Commission Chairman, at the Township Offices.

The Commission shall keep a public record of its resolutions, transactions, findings, and determinations in the Office of the Township Clerk and/or the with the Planning and Zoning Director.

SECTION 4. CANCELLATION OF MEETING DUE TO HOLIDAY

In the event a scheduled meeting falls upon a holiday, such meeting may be cancelled, and items of that agenda carried forward to the next appropriate meeting date.
SECTION 5. REMOVAL OF COMMISSIONERS - CONFLICT OF INTEREST

The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the Commission.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall 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.

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Amended March ____, 2022 (Article 5, Sections 1., 2., 3., 5, &6; Article 8, Section 5)