

CHARTER TOWNSHIP OF ORION
PLANNING COMMISSION REGULAR MEETING AGENDA
WEDNESDAY, MARCH 1, 2023 - 7:00 PM
ORION TOWNSHIP MUNICIPAL COMPLEX BOARD ROOM
2323 JOSLYN ROAD
LAKE ORION, MI 48360

Public Hearing at 7:05 p.m. for PC-23-02, Lapeer Rd. & Silverbell Rd. Development, requesting to rezone vacant land north of and surrounding 4285 S. Lapeer (parcel 09-35-200-032) from Office Professional (OP) to Limited Industrial (LI).

Public Hearing (immediately following PC-23-02 Public Hearing): for PC-23-03, Lapeer Road Burger King Rezone, the request is to rezone 1155 S. Lapeer Rd. (parcel #09-14-226-011) from Office Professional (OP) to General Business (GB).

Joint Public Hearing with the Board of Trustees (immediately following PC-23-02 and PC-23-03): for PC-23-04, Orion Ridge Major Planned Unit Development (PUD) Amendment, located on a vacant parcel at the NW corner of Maybee and Baldwin Roads (parcel #s 09-29-104-001, 09-29-104-002, 09-29-104-003, 09-29-104-004, 09-29-104-005, 09-29-104-006, 09-29-104-007, 09-29-104-008, 09-29-104-009, 09-29-104-010, 09-29-104-011, 09-29-104-012, 09-29-104-013, 09-29-104-014, 09-29-104-015, 09-29-104-016, 09-29-104-017, 09-29-104-018, 09-29-104-019, 09-29-104-020, 09-29-104-021, 09-29-104-022, 09-29-104-023, 09-29-104-024, 09-29-104-025, 09-29-104-026, 09-29-104-027, 09-29-104-028, 09-29-104-029, 09-29-104-030, 09-29-104-031, 09-29-104-032, 09-29-104-033, 09-29-104-034, 09-29-104-035, 09-29-104-036, 09-29-104-037, 09-29-104-038, 09-29-104-039, 09-29-104-040, 09-29-104-041, 09-29-104-042, 09-29-104-043, 09-29-104-044, 09-29-104-045, 09-29-104-046, 09-29-104-047, 09-29-104-048, 09-29-104-049, 09-29-104-050, and 09-29-104-051). The applicant, Roger Sherr, is proposing to modify the existing PUD to construct a multi-unit residential development consisting of 156 units in 13 buildings as well as a pool/clubhouse.

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In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.

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CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, FEBRUARY 15, 2023

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 15, 2023, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Walker, PC Rep to ZBA	Scott Reynolds, Chairman
Don Gross, Vice Chairman	Joe St. Henry, Secretary
Kim Urbanowski, BOT Rep to PC	Jessica Gingell, Commissioner
James Cummins, Commissioner	

PLANNING COMMISSION MEMBERS ABSENT:

None

1. OPEN MEETING

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

2. ROLL CALL

As noted above.

CONSULTANTS PRESENT:

John Enos (Township Planner) of Carlisle Wortman Associates, Inc.
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Shamik Tripathi	Mario Izzi
Michele Chirco	Julie Kroll
Mac Hall	Danny White

3. MINUTES

A. 2-1-23, Planning Commission Regular Meeting Minutes.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to **approve** the minutes as presented. **Motion carried.**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Gross, seconded by Commissioner Cummins, to **approve** the agenda as presented. **Motion carried.**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

None.

7. NEW BUSINESS

A. PC-22-37, Stadium Ridge Apartments Site Plan, located at 101 Stadium Dr. (parcel #09-14-400-025) and unaddressed parcel east of 101 Stadium Dr. (parcel #09-14-400-026).

Chairman Reynolds asked the applicant to state their name and address for the record and to give an overview of their project.

Mr. Mario Izzi with MJC Companies 46600 Romeo Plank Rd., Suite #5, Macomb Twp. presented.

Mr. Izzi stated that they have been before this Planning Commission before. He thanked the staff and the Planning Commission for the current site plan that is in place on this project. What they have currently approved on this parcel, is a 43-acre parcel. They have approved a certain amount of commercial and some single-family which is 52 units. This project has been approved for a few years. They proceeded to obtain all the necessary permits and approvals. They started site work, tree clearing has been completed, soil erosion controls were put in, and they are in good standing with OHM as far as the soil erosion control goes. The economy has been a little uncertain. Sometime last year they decided to proceed with abandoning the currently approved site plan with the commercial and single-family and proceed to this site plan that is before them this evening.

Mr. Izzi said that they believe that this site plan is in compliance with the current ordinance. That can be attested to by their consultants as well. The one caveat is that they would be asking the ZBA for some latitude on a front yard setback along Lapeer Rd. from a 100-ft. setback to 87-ft. That may or may not be obtained, at that point they would have to come back to them with an amended site plan, should they see fit to move forward with this site plan as proposed.

Mr. Izzi stated that there are 156 proposed units as apartments. The units range anywhere from 1,400-sq. ft. to 1,600-sq. ft., both two-bedroom and three-bedroom units. This is the flagship building for MJC. They built these buildings in many counties. It is a very successful product for them, both as apartment rentals and for sale units.

Mr. Izzi said that they have their staff present, Michele Chirco their legal counsel, Shamik Tripathi their civil engineer, Julie Kroll their traffic consultant, for any questions they have. He thought that they had a full agenda tonight and will try to keep his presentation to a minimum.

Planner Enos read through his review date stamped received February 10, 2023.

Engineer Lamb read through his review date stamped received February 10, 2023.

Chairman Reynolds said that the Fire Marshal did have a review of the project with a recommendation of approval with comments, specifically about Knox Boxes and fire access, to be addressed during future reviews.

Chairman Reynolds stated that there was a Public Services review along with a review from WRC and there was a site walk completed for the project.

Chairman Reynold said at this time they had some general overview of the project. He wanted to turn it over to the Planning Commission for their initial thoughts, areas of request for clarification, and thoughts on some of the open items that were brought up by the Planner. Any questions for them obviously can be brought back into the mix if they want clarification.

Vice-Chairman Gross said under the previous plan that is on the record right now, he thought a number of them expressed some concerns about retail on Stadium Dr. with the amount of traffic that it gets from the schools. He was pleased to see a revision back to residential from what it was originally zoned. He thought there would be less of an impact on traffic with residential with the previously approved commercial. He noticed that the plan as submitted has just two- and three-bedroom units, there are no one-bedroom units in the complex. That indicates to him that this will be oriented towards more of a family environment as opposed to a singles environment.

He also could see this as a potential advantage as being marketed to some of the new GM employees that may have families coming into the area and would be nice to be located next to an, elementary, middle school, and high school. He thought there was an advantage in terms of marketing and how this could be an advantage to the community. This might also be a possibility for GM to use this for a corporate residential portion of their portfolio where they would have furnished units for people coming in for short periods of time who could actually move into a furnished apartment on a short-term basis. He knows that this has worked in other communities and other projects where corporations have taken over certain portions of a complex.

Vice-Chairman Gross said relative to one of the concerns that the Planner indicated was there was no access to M24. He thought that was an advantage to have the access to Stadium Dr. and therefore take advantage of the traffic signal at Stadium Dr. and Lapeer in terms of ingress and egress for the project and not having to contend with the volume of traffic on Lapeer Rd.

Vice-Chairman Gross said he noticed that the density that is being proposed is 3.5 units per acre which is less than the 6 dwelling units per acre that are allowed under the ordinance. He saw that as being a recognition of maintaining some of the open space and wetland area on the site. He thought that the project was a vast improvement over the previously approved plan.

Commissioner Cummins said there was a mention of the two landmark trees that are on this property but he didn't see a location of where those trees were located, and how they might be able to be retained, saved, or worked around.

Mr. Izzi said while Mr. Tripathi was looking for that information he wanted to respond to one of the comments by the Planner. As far as the wetlands and the conservation easement that is in place, they currently have an EGLE permit from the State of Michigan for the wetland the very minor wetland impact for the previous version and the current version that is on record. They are not proposing any additional impacts on the natural features of the wetland. There is a conservation easement in place that is north of the proposed development approximately 21 acres. That conservation easement has been recorded and is in place with the State of Michigan so there will be no further development that is going to take place there. His understanding was that they do have to communicate with the State of Michigan to let them know that the use has changed but there is no additional impact as far as that goes. Planner Enos said he couldn't tell if there was a trail proposed within the wetland. Mr. Izzi replied no.

Mr. Izzi stated that as far as the garbage goes, they didn't propose the dumpsters. They found in past developments that become a nuisance with ordinance control. If those dumpsters are not maintained sometimes the gates get out of whack, and it becomes more of a problem than not. The little curb carts each individual tenant is responsible for. They keep them in the garage 6 days a week and then on garbage day, they put them outside of the garage. The garbage truck comes through they have the hydraulic lift and they lift it up. That seems to be a better solution and they have less debris that falls out. Planner Enos asked if they contract for that. Mr. Izzi said depending on the municipality they can contract directly with them or they can go through however the tax roll is run. That is how they have handled it either for sale or for rentals, and then their ordinance officer doesn't have to contact them if there is debris on the outside of the dumpster. They should do a good job of keeping it clean anyways but it avoids all of that. Planning & Zoning Director Girling said that the Township does have a unified garbage carrier. Every non-rental home has a garbage receptacle assigned to them. She asked if they ever have a problem in other communities because they are renting that receptacle and staying with the unit as they might have a tenant come and go. Mr. Izzi replied that if by chance a tenant moves out and if they have the urge to steal the cart then they will replace it. That is part of the fee, usually, they have a damage-escrow or damage account with the previous tenant. If

that is something that gets caught that they damage or took with them and it has to be replaced it comes out of their damage deposit. Trustee Urbanowski said she needed to look into that too because nonpayment of trash collection for homeowners goes onto their property tax. Planning & Zoning Director Girling said that they would only have one tax parcel I.D.

Planner Enos said that he had some concerns with building 13 and 14 and making sure that they have access to them. Guest parking for building 14, some of the grading boundaries, and then the conditional rezoning to RM-1, is going to be a Board decision. Mr. Izzi said he thought depending on how the Planning Commission decides to act or not to act tonight he would like to possibly try to have their engineer, and planner communicates with him directly to try to work some of these issues, if a conditional recommendation or approval could be considered this evening. He thought they were in good shape as far as the civil engineering issues go. Maybe there are a few planning issues that have to be worked out. In past projects, they have been able to work through those, with the recommendation of the Planning Commission, if they see fit to do that this evening.

Mr. Izzi said with regards to the landmark trees those trees are in place but they have to remove them. He added the question would be can they work around them? Commissioner Cummins asked if they were in the direct line of construction of one of the buildings or are they were in a parking lot. Mr. Tripathi replied that they believed that they made sure that anything that is within the approved areas is the ones for the road or the building. Mr. Izzi said there wouldn't be the opportunity necessarily to work around those unless they would be possibly in conflict with a retaining wall or something in the periphery of the buildings, parking lots, or driveways. He asked if that was something they could consider during the civil engineering process. Commissioner Cummins said if they could see it could be worked around, how it could be worked around, it is always better.

Trustee Urbanowski said she has spent a lot of time at this school, the high school where it lets out, it lets out onto Stadium. That is a big concern for her because she knows, even on Scripps Rd., she knows someone personally who was in a massive accident on Scripps. This is a chaotic place in the morning and in the afternoon, for football games. Just having entry into Stadium was a concern for her.

Chairman Reynolds asked Engineer Lamb to speak to a couple of the high-level points on the traffic report. Engineer Lamb said that their traffic group reviewed the traffic study and they found that it was acceptable. The site was being proposed and in their opinion was in compliance with the ordinance for the zoning that they would like to revert back to without commercial zoning. Under that, they feel the addition of the left turn lane on Stadium Dr. would help with the traffic congestion there and that it does a good job in the area. Secretary St. Henry asked him to repeat that. Engineer Lamb repeated that they are proposing to add a left turn lane across both entrances on Stadium Dr. and they felt that was a good addition and was in compliance with the ordinance and it would be a benefit to the site. Their traffic study in general they found to be acceptable. Their traffic group approved their traffic study and their models. Mr. Izzi said that their current plan the way it is currently approved they are proposing three curb cuts on Stadium Dr. There are three approved curb cuts through Oakland County Road Commission. They have eliminated one so they are down to only two. They have reduced the impact slightly. To OHM's comment, they still have to get approval and permits from Oakland County Road Commission, or they have to update the permits. They are proposing not only deceleration and taper lanes, almost as if it is a lane widening. Right now, they have one lane going eastbound and one lane going westbound. They have the deceleration and tapers that they have to include as part of the commercial approaches that they are putting in. They call them commercial approaches they are actually residential but are to a commercial standard for the lengths. They are adding the lefthand turn lane into both curb

cuts. That will alleviate a lot of the traffic or the backup that could have occurred had they not added the lefthand turn lane, people coming Stadium Dr. off of Lapeer Rd. They feel that those additional improvements on Stadium Dr. are mostly required by Oakland County Road Commission, but they are embellishing those a little bit adding more than they probably need to just to try to make this a little bit safer. He thought the last time he was in front of the Planning Commission asking for an extension to the site plan they had some dialog about him opening his eyes as to how much traffic actually happens there at rush hour. They have had some communications with the school, and no offense to them but why Scripps Rd. is not allowed to be used to alleviate some of this traffic? He can sympathize with the residents on Scripps Rd., but that intersection is probably better suited to handle the amount of traffic that needs to go in and out of this school property. He believed that they were dissuaded from doing that. That was his understanding. They have asked for some communication and cooperation with the school district for some offsite improvements and they don't feel they have any obligation to do that, which is fine, but they are left with a parcel that is zoned a certain way and they are doing the best they can here, they want to make it safer. The other point that he wanted to elaborate on, he knew the curb cut on Lapeer Rd. was something they talked about quite a bit with the current retail approval. If they were forced to put that curb cut on Lapeer Rd., he thought that it would get a lot of cut through traffic during that rush hour. Kids trying to get off of Stadium Dr. or even parents to try to cut-through and get out onto Lapeer Rd. By avoiding that he thought it makes a little bit safer, it keeps the traffic on Stadium Dr. and it is controlled through the traffic light. Oakland County may require them to get some signalization improvements there, he was not volunteering that but that may have to happen as part of the permit revision process.

Chairman Reynolds said some of his concerns here, just from OHM's standpoint, was making sure that the improvements being made are addressing or mitigating some of the increased traffic on Stadium Dr. and that they are not creating a situation to fail.

Secretary St. Henry said he lives in that neighborhood. Scripps Rd. is just as bad as Stadium Dr. early in the morning and when school lets out because that is the only road that parents can take to get in and out of the middle school, high school, and the CERC building. The fact that the school district was not interested in cooperating with them they already have their hands full with that. It is worse now than it ever has been in the 27 years that he has lived there.

Secretary St. Henry said there were discussions early on about potentially trying to close Stadium Dr. for a while during the construction phase. His understanding from talking to the school district is they had no interest in closing Stadium Dr. down and forcing everyone onto Scripps. He asked what the latest was on those discussions. Mr. Izzi said according to the current plan that they had they were doing a full lane widening along Stadium Dr., they were concerned at the time about the timing of that when it was going to happen during the school year. When they were going to pull the trigger on the project they were going to time it during the summertime, when the traffic is less. Obviously, there is athletic practice, but it is not as concentrated. He thought that was the big focal point at that point in time. They are not doing a full lane widening from one end to the other but it is pretty close. He believed that they would be just as concerned as the Road Commission, the school district, number one safety, timing, and how they control the traffic. They talked about limited work hours 9a-3p, 9a-2:30p, that is something that they will probably have to impose with cooperation with Oakland County Road Commission, and they would have to take the season into account as well. He was not sure how long this permit process was going to take. He was hoping that this permit process would be much more abbreviated than a normal start-out-of-the-gate project. They could be here for 6-9 months trying to get these permits amended. Hopefully, the amending process of these permits is a little more condensed. To answer his question, that is something that has to be of number one priority, something they would talk about at the pre-con. He believed the work like any decel taper lane widening that is done that work can occur without closing the traffic down

for a full day or week. There would be the delivery of materials, and that would have to happen during a certain hour timeframe, which is more advantageous and safer. Flag control and traffic control all have to be instituted here for this. This is still a concern. He understood the sensitivity of this, but they are confident that this can occur under everybody's supervision with the Township, the Road Commission, and them, and they can mitigate any safety issues here.

Chairman Reynolds said one of the things he wanted to talk about is some of the landscaping components. When he reviewed the project specifically buildings 13 and 14 which are closest to M24. Those are where those variances are being requested. They are asking for a variance yet there isn't anything above and beyond more like a standard landscaping approach. He asked for thoughts on the variance that is being requested with the plans as proposed and additional measures. How do they feel about landscaping, interior landscaping, and those kinds of things? His personal concern was that it is a heavily wooded site and where some of these grades are mapped out and where trees are placed, he felt that should be tasteful and didn't want to end up with a retaining wall. He knew he introduced a lot of topics here but they are all kind of tied together. What they see is the trees kind of as a ring with some open area but typically when they see the greatest extent possible because of the restrictions of the site they are going to add additional trees, but they still need a variance.

Vice-Chairman Gross said on the setback issue on buildings 13 and 14 which are the western buildings that are the small appendage to the overall site. The frontage of that property is around 250 ft. and there is an attempt to maintain the setback from the church on the north. Because of the limited depth of the property of 250 ft. the 13 ft. waiver would be on the south side. It was a question of whether would it be better to reduce the setback on the north and keep a larger setback on the south, or divide the two. He didn't think the 13 ft. variance on the south didn't bother him recognizing the limitations of the site being only 250 ft. wide. It could be reduced by putting the buildings further to the north, being closer to the church as a compromise but that would be something that the Zoning Board of Appeals would have to rule on anyways.

Planner Enos said that Vice-Chairman Gross made a very good point. As they know, they are going to go before the Zoning Board of Appeals and talk about a practical difficulty. They are going to ask for this waiver of distance from 100 to 87 and they are going to have to explain to them the fact of what their practical difficulty is. They may be able to explain it based on the narrowness and a variety of other things but what he heard the Chairman say was that those kinds of things that they will pitch to the ZBA will help if they say that they are going to increase and have much more robust landscaping on the main roads to better soften this because they are going to be closer to Stadium Dr. That is not going to be their decision on that but certainly the ZBA, when they are looking at this, are going to want to say, okay why the variance needed just make a smaller building. They are going to have some good reasons.

Secretary St. Henry said that he doesn't have a concern about a 13-ft. waiver setback considering the complexity of the entire project, where that setback is right against M24. That is not a high priority for him, he was ok with that.

Chairman Reynolds asked about the landscaping. He tends to agree that the setback doesn't scare him as much as the buffer which is in place. It seems like there are some spread-out trees there. There isn't an action being proposed that kind of counteracts. They are also looking at some of the parking lot landscaping that is a little light in areas. So, thoughts on the landscaping within the site?

Commissioner Walker said the setback, being a member of the ZBA, he didn't see that small stretch of 13-ft. being an issue. What it is going to look like along the entire property line on the

west side is a concern to him. He didn't think he had enough information to say that is ok with what they are doing so far.

Commissioner Cummins concurred that the buffer of 13 ft. doesn't bother him as much as getting some organized landscaping out there that would hide the fact that it is 13 ft. short. He didn't think they would notice it if they had good, organized landscaping out there.

Mr. Izzi said maybe when they do apply formally to ZBA they can amend the landscape plan to include that so that is something that the ZBA can consider if they are allowed to do that. They still have to show hardship. Chairman Reynolds said technically they are here to review the site plan and the variances just granted by the ZBA. Landscaping was really their realm and he thought that was kind of seeing the holes in the discussion right now. The landscaping and the grading kind of scared him a little bit. Those are the two pieces, he thinks it is workable and there is a resolution there he was not reserved about the project overall as a concept but to him, they are talking about a pretty considerable chunk on a wooded area with some significant grade that he wants to make sure is right. That they are not just land balancing and popping these buildings in he wants it to be a tasteful solution there. He was happy to see the traffic mitigation measures that are being proposed. Making progress in the right direction he just thought there were a couple of things to still resolve. He thought it comes down to whether they feel that that can be resolved with comments and discussions here or if it is something that they are looking for another submission or clarification for those items to be brought back forth to them or they can continue to discuss.

Trustee Urbanowski said they are asking for a waiver which she was personally not in favor of. She thought they would have to see what the plan would look like with a proper amount of landscaping. She thought that was a great point about her comment going back to the entrances on Stadium because she did believe that on that the Scripps side, people do go through those neighborhoods to get around. She noted that she was not in favor of a landscaping waiver so she would like to see it because there are a lot of trees coming out and she would like to see something a little more robust.

Planning & Zoning Director Girling said that she believed there was a discussion that with the current plan on hand they were granted a Township Wetland Permit, and she thought they were hoping to ask the Planning Commission to allow that permit to carry forward to this project. She knew it was discussed but didn't see it in any reviews. She didn't see anything different that it was wanted to be discussed that the Planning Commission would let them use the same Township Wetland Permit as has already been granted with the former project. Mr. Izzi said as long as they are abiding by the Township requirements there is not a net different impact, that is not changing because they are not changing anything for the State Wetland Permit as well. He was not sure that they had to represent OHM from a civil engineering standpoint to make that permit valid. Of course, they would like to use whatever permits are in place at this point but to make them comfortable and make sure they are not doing anything they are not supposed to do he wanted to make sure they were abiding by whatever the ordinance requires, and OHM needs to have the opportunity to confirm that. He asked if they were far enough along in the civil engineering process. He feels comfortable but they have to make that call. To Planning & Zoning Director Girling's point, yes, they are asking as part of this proposal to use the same wetland permit that is currently in place but with the discretion and the latitude to be able to make sure that it is compliant and conforms to the current site plan as far as storm sewer locations, that kind of thing, where those stormwater outlets. They are not adding additional impact, they do not want to go through that process with the State, none of them do. That permit is in place they have the conservation easement in place, and that permit is active. They don't want to go down that road again but he was sensitive to their wetland ordinance and wanted to make sure that all of the t's are crossed and the i's are dotted because they don't

want to get sideways with the Township as far as that permit goes. They do want to use the same permit.

Planning & Zoning Director Girling said the only thing that comes to mind because of the predicament they were in this evening that if they got to the point that this was at the point that it was not coming back perhaps it would be as long as it was approved by the Township Engineers it can and then Engineer Landis would have to reevaluate it. If it was found that anything changed that he felt needed to come back, then they would take a separate little step back here just for the wetland. It would tee it up in case there is no change because their normal application is just a copy of the application that goes to ELGE. If nothing has changed then really the review by OHM of the application hasn't changed other than the use. Mr. Izzi said the uses have to be made clear to the State was his understanding as part of the permit.

Vice-Chairman Gross asked if there was an expiration date on the wetland permit. Planning & Zoning Director Girling replied no there is not, on the Township one.

Chairman Reynolds said that was a layer of information that he would like to make sure are they were still on the right track. He understood what they were talking about here but just the review of impacts in areas and they were not seeing any of that this evening.

Chairman Reynolds asked about thoughts on some of the other open topics and how they want to proceed here this evening. The traffic was discussed briefly, any thoughts on that for the multi-family proposal and how that is being handled or any of the other Planning & Zoning topics that came up?

Vice-Chairman Gross thought it made sense to eliminate the outdoor trash receptacles. They can become a problem.

Commissioner Gingell said she was having trouble talking about the details when they are ignoring the safety problems here. There are five different start times between Stadium, Scripps, Lake Orion Baptist, CERC, and the High School. They are going from 53 units to 156 and those kids are going to have to cross Stadium to walk over to all of those buildings. That scares her. She has a freshman and one going into High School next year, she also went to the High School. That needs to be addressed that crosswalk of all of those kids that are going to be walking to school from this development. She knew it was there, but she didn't see a lot of them stopping at that time. She was having trouble talking about landscaping when they were not talking about the kids crossing the road. Adding a left turn lane but they are tripling the units and the cars. She knew what the traffic study said. She was worried about the walkers.

Vice-Chairman Gross said there is a safety path that they are constructing along the north side of Stadium Dr. the full length. Commissioner Gingell said they will have to cross to go south to the schools. Mr. Izzi said they would be happy to eliminate that crosswalk if they think it is safer. Commissioner Gingell said she didn't know how they would get there. Vice-Chairman Gross said there is going to be a crosswalk identified somewhere. Commissioner Gingell thought there needed to be signaling to send a kindergartener across that street.

Secretary St. Henry said on the other side off of Scripps Rd. they have a crosswalk, and there is a light, a signal, and a guard there every morning. Commissioner Gingell said the difference is staff and parents compared to high schoolers on the other side which is where their traffic is directed, it is actually blocked off they can't go and vice versa, students can't go to the right and parents can't go to the left. Secretary St. Henry said that he couldn't agree with her more, he lives there he has seen it for a long time, but they approved the original plan nobody except for him had concerns at the time. Commissioner Gingell said the difference is 53 units to 156. They

are tripling the traffic and the kids. Secretary St. Henry said he had concerns then all up and down Stadium Dr. and he voted yes on it because of the fact that they agreed to put the extra lane in. He knew the vote was going to pass but that was the compromise, and he believes in compromise, that was with the 52-unit single-family homes. It is different now.

Chairman Reynolds said it reverts to the original zoning. Secretary St. Henry said that his issue with that is if they would have known that this developer was switching gears when they were developing the Master Plan that would have been their opportunity to take a look at the different pieces of property around Orion that they weren't sure they were still zoned the right way. They have had that discussion over the 7-8 years on the Commission. There are pieces of property around Orion that may have been zoned certain ways 20-30 years ago when they didn't have the development they have now, the newer High School was not here. Whoever is on the Planning Commission and the Board of Trustees then should have looked at this piece of property and said maybe this doesn't make sense anymore to put multifamily units there for this very reason, they all saw it coming.

Planning & Zoning Director Girling said she wanted to go over the history of the parcel. This was zoning RM-1 and they came in for the Conditional Rezone to the commercial component and single-family homes. With a Conditional Rezone they have a Conditional Rezone Agreement and within that Conditional Rezone Agreement is a Reverter clause that gives the developer the right to revert it back to its former zoning. If this gets approved, they are going to do that, they don't want to withdraw one until they have the approval of the other. It is a clause that is in there that allows it to go back to the RM-1. She wanted to point out that it takes it back to the zoning of RM-1 which has nothing to do with the Future Land Use, this isn't a rezone where they look at what their Future Land Use distinction is. This goes back to the zoning it was which is RM-1, which has, she didn't want to say nothing to do with the Master Plan because they follow the goals and everything in the Master Plan but the properties, they look at in the Master Plan are their Future Land Use which they use when they are rezoning this. This is not a rezone, this is a reverting back to a zoning that has been on this property for years. The Township doesn't, she shouldn't say never, but they don't rezone people that own a property they don't rezone their property that is nothing that the Township has ever done. They have the Future Land Use to guide decisions to rezone but they don't go and say you own that property, and they are going to take it from multi-family and make it single-family, the Township just doesn't do that.

Chairman Reynolds asked for thoughts on where they go from here based on what the proposal is this evening.

Commissioner Cummins said perhaps they might address some of the items one by one that are important and that the petitioner needs to know or understand that those items need to be addressed either now or administratively with a conditional if they proceed.

Chairman Reynolds asked for thoughts on the list that they have here. Obviously, there are a number of comments that they haven't really gotten into architectural aesthetics or the outdoor space that was proposed. He asked for thoughts on some of the bigger topics being resolved administratively versus as a resubmit.

Commissioner Walker asked the petitioner to expound a little on the safety issue that was just brought up and if they have any corrective measures that they could take. Mr. Izzi said he wanted to revert to back to Secretary St. Henry's comment about the original or the current plan. He hoped there was no thought that they were trying to do something less than honorable here, and he knew they weren't making an accusation, they tried to get that plan some traction unfortunately the commercial never did, they tried. They did have a tenant at their cost they had

to get out of the lease with the tenant for that commercial. He knew they weren't implying that he just wanted to address that they did the best they could with the current plan unfortunately it just doesn't work so they are back to the original zoning. There was no devious intent here at all.

Secretary St. Henry said he was not a big fan of the commercial development for various reasons so the fact that those are not in this plan. He agreed with Vice-Chairman Gross that this is a better plan. He has no ill feelings they are a developer here is a piece of property they are trying to make work, he gets that. If he had shown any frustration tonight it has more to do with Township and that piece of property and how that has evolved over the years more than anything.

Mr. Izzi said safety is obviously the issue to Commissioner Walker's point. As far as the crosswalk that is something they could possibly eliminate to try to dissuade the walkers from crossing, that could work that might not work. They could propose putting the flashing stop signs, they can work with the Road Commission, the planner, and the engineer to try to implement some safety guidelines there. Maybe even add another crosswalk but that could exacerbate the problem. At the end of the day, they have to make the Road Commission happy. They are still faced with a bottleneck at the end of Stadium Dr. when it hits Lapeer Rd. They were in prior communications with MDOT, which is their right-of-way. If they remember they were trying to do the two right-hand turns out onto Lapeer Rd. MDOT didn't want that. Any improvements to the MDOT right-of-way, he thought they were all wasting their time, what they are going to ask for there is almost an impossibility, not for safety's sake. If it was a better way to make this situation safer there is an easy answer there, they would just go ahead and do it. He didn't know how they could try to mitigate any more than they are doing right now to try to make this situation any better than they are making it without unusually large high costs here. He wasn't trying to put a price tag on safety. They are a developer they have to keep economics in mind as well. With the additional units, they do have a little bit of flexibility. This is not a PUD and he wouldn't want to insult them by offering anything to try to mitigate this at this point. This is just a straight site plan, and they have to offer those if they were doing a PUD. He didn't think this was the time or the place. It is a hard question to answer, and he appreciated the question, he didn't want anybody to think that safety is not a priority here, it absolutely is, not only for their workers but for ultimately the residents here. They were open to suggestions and maybe this could be an open dialog between not only the Planning Commission but the Planner and the Engineers as well.

Secretary St. Henry asked if they eliminated the crosswalk then how do kids that may live in the development get across Stadium? He asked what the rules were with the School District in terms of busing because he knew for the elementary school at least if a child has to cross over what they consider a major or significant road they figure out the busing to get the kids there. He knew they were just right across the street, is that the option to get those kids over there safe?

Commissioner Gingell stated that this development is closer to the school than the bus stop is from her house. She has to drive my kids to their bus stop to get on a bus to go. She didn't know what the answer was, there has to be a guard or something and that's a school district thing and not theirs. Trustee Urbanowski said that actually, the Township pays for those crossing guards. It is about \$5,000 a year per crossing guard. Not that it is bad money spent but an additional crossing guard is paid.

Ms. Julie Kroll Fleis & VandenBrink and also an Orion Township resident 4122 Rohr Rd. She stated that she has two children at Lake Orion High School, right now a freshman and a junior. She is very familiar with this. When they were doing the original traffic study, her kids were at

Carpenter when they first started this project. One of the things that were brought up by OHM early on in the process is that this property is in Orion Oaks, the elementary. This doesn't make any sense, so this property right here is zoned for Orion Oaks, so all of the children in elementary would be bused, and they wouldn't be walking across the street. Commissioner Gingell asked if they would be going to Scripps. Ms. Kroll replied that they would all be going to Scripps but wasn't sure that the crossing guard requirements are for Middle Schoolers, she knew they were for elementary schools. They recently put in a Rectangular Rapid Flashing Beacon crossing right at the intersection right on Scripps. They put that in and would be something that they would probably recommend here as well. She would expect the Road Commission would also recommend knowing that there are going to be schoolchildren crossing. They will have at least Middle School kids and the High School kids will be crossing at this location, so similar to what they have at Scripps. They probably wouldn't have the elementary kids crossing if they did this would be one of those locations where they would want to look at having a crossing guard. Trustee Urbanowski thought that they did have crossing guards for middle school because they have one on Waldon Rd. for Waldon Middle School. Ms. Kroll said they added that because they were having issues with children, her kids went to Waldon. They did add that that was not always there, and that crossing there didn't always have the Beacons, they added that at the same time that they added these on Scripps, that might have been a part of the Sinking Fund that they put those in.

Moved by Chairman Reynolds, seconded by Commissioner Cummins, that the Planning Commission **postpones** site plan approval for PC-22-37, Stadium Ridge Apartments, located at 101 Stadium Dr. (Sidwell #09-14-400-025) and on a vacant parcel east of 101 Stadium Dr. (Sidwell #09-14-400-026) for plans date stamped received January 26, 2023, based on the following findings of facts: to make a resubmission to address the Planner, Fire Marshal, and Engineer review letter comments including but not limited to revising grades per our ordinance, adding landscaping to alleviate the request for the internal landscaping waiver, and to address the buffers to adjacent properties; also to see the submission of the review of the wetlands to ensure that the previously approved wetland permit does not have any impact with the current development; and to consider safety improvements along Stadium Dr. with the connection to the safety paths within the proposed development.

Discussion on the motion:

Planning & Zoning Director Girling asked if there was any interest in denial on the setback so they can start the process on the ZBA, or do they just want to wait until they are through? Mr. Izzi replied that he appreciated the suggestion and that they are more than happy to explore these revisions, propose them back to the Township have them reviewed by the consultants, then he thought they could come back to them with these improvements and thought they would look favorably on it.

Chairman Reynolds thought there was some discussion on the setback, and if that is the solution based on the parcel. He thought in his opinion he would like to see some measures being shown or proposed that are justifying that there have been other attempts in lieu of the distances that are being requested as a deviation.

Vice-Chairman Gross asked if they need a denial before they can go to the Zoning Board of Appeals. Chairman Reynold replied yes.

Planning & Zoning Director Girling said what they have found is it is kind of open-ended, they have been told by the attorney that it is the best process, especially considering an applicant might think he knows all the variances that he needs but then when the formal review is done a couple more are found. So, they found that coming to PC first is the

best process for the denial in order to go to the ZBA. If their resubmittal wasn't going to be moving around any buildings that is where she said they probably already know the variances if they wanted to go that direction there might be the ability to push that forward a little bit. If they just want to wait and get through this first before they go, she just wanted to offer it.

Chairman Reynolds said as a reminder it is a motion to postpone addressing the open comments from their reviewers along with some of the discussion items that they had here this evening.

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

B. PC-23-05, Platinum Toy Vault – Lake Orion, Determination of Use/Uses Not Otherwise Included Within a District Request, for the vacant parcel (09-05-301-016) west of 3020 Indianwood Road.

Chairman Reynolds asked if they could give a general overview of how they are looking at this project and why it is here this evening for us.

Planner Enos said that every ordinance has hundreds of uses within it. They could never write an ordinance that would have every potential use that is possible. For example, he is working on a car condo in the city of Howell where they have a track and then they have garages, and condos. Never would have envisioned that in that particular community and they work through it. In their community, they have the opportunity and the requirement based on, first of all, staff and him talking about this and meeting with the applicant. They sat down with them a few weeks ago and they brought out what they first envisioned was a mini/self-storage facility on this Light Industrial (LI) parcel. As they started to explain the uses and the accessory and incidental are secondary, maybe not so incidental because they are directly tied to the use. Planning & Zoning Director Girling and he both felt that this didn't really fit into what would typically be a mini-storage where they pack up their baseball card collection or furniture, this is an unusual use that kind of mixes a garage and a storage facility. This is a very high-end garage but it has some things that are a little different than they would ever see at a storage facility. It has very large high-end units, it is a condominium which is unusual, it has a shower facility, a washing bay facility for the RV's, it has a dump station like you would see at a campground. All of those things got them a little bit concerned that this wasn't exactly a mini-storage facility that would go through the same process of a site plan with the Planning Commission. They have a section in the ordinance that allows them to review this and if they are uncomfortable with this bring this to the Planning Commission for their determination. Their opinion after reviewing this with the many different accessory uses is that this can belong in the Light Industrial District but should be reviewed as a special use because of the differences from a mini-storage.

Mr. Mac Hall with Platinum Toy Vault presented.

Mr. Hall said he was proposing a luxury boat and RV storage facility off Indianwood Rd. It would consist of approximately 112 of what they consider their standard units. They are dry units where there is no water or sewer in them, they are just a large mini storage to store boats and RVs. It will have a 12-ft. wide X 14-ft. tall garage door so they can back their toys in there. There are lights and one or two small outlets for use. Each of those buildings will be metered and paid for by the HOA. Additionally, they have 18 what they call platinum units which are larger units that are 28 ft. wide X 60-65 ft. deep, and the garage doors are 20 ft. wide and 14 ft. tall, and a man door is also provided on those units. Each one of those units is climate controlled and they usually provide water and sewer stub outs to each one of those units. Each

one has a 100-amp service that is individually metered by the meter pack on the side of those units. Some of the amenities that they provide are a dump station, trash enclosure, and a public restroom that is utilized by the facility members. Of course, it is completely gated, with security cameras everywhere, they have a key fobs entry that logs in and out of who comes in and leaves. Also, video cameras are at the entrance too to take a picture of the license plates as they come and go so, they can monitor who comes in and out. That is pretty much their project. The team has done about 3 million square feet throughout the country.

Chairman Reynolds asked if they could point out the difference that they have at least conceptually building letters on them of which units are the ones that are different. Mr. Hall said that G & H are their platinum units, and the remaining ones are their standard units. In their CC&R they limit the uses, for example, no residential use, no maintenance, no hazmat materials, fireworks, explosives, all of the normal stuff that they prohibit and that is all governed in the CC&R. In the platinum units they allow them to do tenant improvements has to be reviewed by the Design Review Committee of the HOA before it presented to the Township for TI improvements. He showed the Planning Commissioners some of the TI improvements that have been made in the past. He added that all of the other ones are standard units. The restrooms are located at the front of the entrance, that is where their maintenance room is also for their security.

Chairman Reynolds asked the units that are being provided with the opportunity to do improvements. If someone has a garage, are there any limitations to how they use it or hours of use? What about parking, that might be required if someone is bringing something in and taking it away. Mr. Hall said they have roughly 55-ft. plus in front of every unit. There is plenty of room to park. These units usually don't have more than one person there at one time. They have seen when they go by, and no one is ever using them. They come on Friday, pick them up and leave, and drop them off on Sunday, and other than that they are never used. He thought the typical person uses their motorhome 10-15 times a year. Boats are probably 22-25 times a year based on national studies. From a parking standpoint, he thought maneuverability is covered by the large drive lanes that they provide. They can provide a couple of parking spots in front of the restrooms just in case someone wants to park.

Chairman Reynolds asked about those restrooms or if that common facility would just be accessed by a code. Mr. Hall said that it is all private, they have to be able to get into the gate to be able to use it. In some places they have actually key coded it with the key fob to get in and out so that people that own in there can use it. That is something they could look at doing in this facility also.

Planner Enos said if the Commissioners are comfortable with the use overall in a Light Industrial District they can make the determination that this is a permitted use or in his opinion a special use. Then if they do make that determination then they go through the special use process. That is going to require a much more detailed site plan, and a public hearing and the neighbors are going to be notified. At that point, because it is a special use, they are going to have the ability, as a community and the Planning Commission, to lay out specific conditions. Those conditions are going to be related to hours of operation, parking, and all of those different things. What they are proposing now, while it is interesting, may change a little bit through the special use process. Mr. Hall said as far as from a use standpoint, he believed that their primary use is storage. Just because they provide larger storage units, he believed still fall under the use of storage. Even though there is water and sewer to the site they still fall under storage.

Chairman Reynolds asked about thoughts from the Planning Commission on what they feel. Obviously, a general overview, it is compatible with the district, do they feel this is the right place

for it? The potential structure of how they would allow a use like this is it permitted by right, a special land use, what are those variables there?

Trustee Urbanowski said she thought it was an interesting concept. She thought there were a number of things in here that make it a little bit above and beyond just normal storage. Particularly the dump station, bathroom, and shower, and probably the ability to construct the inside. They just showed them something that looked like people are going to go there and hang out there. That is a little bit more than mini storage to her. This felt like a special land use to her. Mr. Hall said they can limit the mezzanine aspect is limited to the height of the building. The mezzanine they do those, they just finished up one that had views, had a lake and a river view and they had a balcony off the back with a mezzanine but 90% are buildout with maybe a bathroom in the back or a floor coating.

Vice-Chairman Gross said this would be something that would be built for a special population. He asked if they had done any surveys or market analysis to see if this would be warranted or accepted in this area. Mr. Hall said they have done market analyses throughout the country and a lot of the units they have done, and they have come to realize that it is a special client that will buy these and put their toys in there. With the number of lakes around the area, and a number of boats. Seeing the boats shrink-wrapped out in the field is a market in itself. Also, RVs sitting outside in the cold weather, which is terrible on the seals and everything like that. To have the opportunity of taking the eyesore of being wrapped in a big field put them in a nice climate-controlled environment that was enough market analysis for him.

Vice-Chairman Gross asked if this would be constructed as one phase or multiple. Mr. Hall replied that it would be one phase.

Vice-Chairman Gross asked what a typical unit would cost. He was assuming they were condos. Mr. Hall said their typical business model is they would go in and condo it out, they would sell the airspace, HOA would own the building between the walls, and the price range is between 145 to 200 dollars a square foot. They range from \$145,000 to \$300,000.

Vice-Chairman Gross asked over what period of time. Mr. Hall said they just finished one and it was sold out before it was finished.

Vice-Chairman Gross asked if each unit has a separate unit for water and electricity. Mr. Hall said they provide two meters, each building has a water meter to it and that meter is paid by the HOA. Vice-Chairman Gross asked if that was covered in the cost of the purchase of the unit. Mr. Hall said in the HOA fee. Vice-Chairman Gross asked in addition to the fee to purchase they have to pay an HOA fee. Mr. Hall said because of the concrete, drive aisles, maintenance in all the common areas of the landscaping, and the gates, all that is covered by the HOA fees. He added that platinum units are individually electrically metered. They have a submeter or a meter pack on the end of those units, and conduits run to every single unit for 100-amp service. The standard units are just one meter into the building and the HOA pays because all they have are one or two lights, a 120 plug, and a garage door opener.

Vice-Chairman Gross asked who makes up the HOA. Mr. Hall said the Platinum Toy Vault would be the HOA, but they have a subsidy that they hire an HOA manager that would manage that. The HOA would stay under Platinum Toy Vault. Vice-Chairman asked if there was anyone on site. Mr. Hall replied no they would all be unmanned.

Vice-Chairman Gross asked if the maintenance of the site is someone in Ohio. Mr. Hall replied no it would be local. He added just like they would have to contract for snow removal any kind of maintenance on that would be local contractors. The way the security cameras are set up

they can monitor that from anywhere, they can see what is going on. That is how someone from afar can look at it, but they will have periodic inspections of the site because people are buying these and they are paying a lot of money for them, so they keep them looking really nice.

Vice-Chairman Gross asked if the dump station goes into the septic system. Mr. Hall replied correct, they have had other drain fields that they had to deal with there and have been some concerns about the chemicals that they put in RV's are now environmentally safe. A lot of times they just dump and have as just a holding tank so they can limit the amount of BOD requirements and the strength of the wastewater going into the drain field. There were some that they did in the past like that. He showed the Planning Commission one that was built in 2018. He said they are a nice amenity but are not used that often because most people don't travel with their RVs full, most people dump them before they leave. A lot of this is used when they bring it out for maintenance and they want to flush and clean, that is pretty much what they are used for. They get a random person that comes back and dumps but that is very rare.

Vice-Chairman Gross asked if they had a propane station. Mr. Hall replied no.

Secretary St. Henry said if you are going to buy a couple of hundred thousand dollar motor home, and there are plenty of those out there, he didn't think it would be an issue and will sell them out for the cost of a hundred thousand dollar TriToon that will not be an issue around here. This reminded him a lot of some of the stalls at the M1 Concourse and they are sold out. They are doing the same thing out in Brighton. These are big boy toys, and they take care of them.

Commissioner Walker said he doesn't have an RV. He asked regarding the sewer dump is the waste material from the inside of the RV. Mr. Hall said it is just like when they hook up at a campground that provides water, sewer, and electricity they just hook their sewer hose up running a quick disconnect that goes right onto the dump station.

Commissioner Walker said there is no sewer. It will be septic so it will go into the septic field. Mr. Hall replied correct.

Commissioner Walker asked if they do maintenance on these vehicles. Mr. Hall replied, no there is no maintenance provided on site.

Commissioner Walker asked if the people that own the RVs do maintenance on them in their facility. Mr. Hall replied no, it is prohibited by the CC&R. He said he had an example from another example that he could read. Then they can see what they limit to the uses to be.

Chairman Reynolds said at this point they are looking at a high level. Yes, they are looking at the project as a concept and determining where it fits within their ordinance. He added that was a question he had about maintenance and changes in perspective and opinions about things. Overall, he did think it was the right district and he thought it made sense, it seemed to make sense with the sake of the other storage. He thought they needed to define what this is. He didn't know if they had a definition of what M1 Concourse defines things but some of his thoughts are he agrees it is a special land use. He thought some of his concerns come into consideration when they have a space that could promote social gatherings, those are conditions in place that need to be addressed and obviously could be addressed by a number of things by the bylaw's restriction and rules. Obviously, they are talking about the potential for sound and those are things that they are discussing here would be a primer in which that section of the ordinance would say, yes they allow car condominium storage because it is similar to self-storage but when they add in X, and if it is the chance for it to be a built out garage or custom garage then it is a special land use and therefore there need to be conditions put forth on hours of operation, no maintenance, parking provided, those common elements or

social gatherings. To him, it comes down to these couple other bullet points of whether they all kind of agree on where they get them to the general picture what are some of the other standards or conditions in which they want to make sure they are having here.

Chairman Reynolds said he was trying to determine whether there would never be maintenance or if there were to be maintenance, it needed to be spoken to.

Planner Enos said because this is new to all of them, they would attach it, whether it was in the deed because it is a condo, but didn't think they would write specific ordinance language to put in the Zoning Ordinance. If the Commission feels this is a special use that gives them a lot more flexibility in creating conditions that they attach to it. Because it is a special use permit if they violate those conditions that are attached to by these guys then they are in violation. It becomes if there are complaints from parties, if they go outside of the range of what eventually the Commission would attach to it, they are in violation and that can be revoked. That gives the Commission a chance to think about those, and to go back and redesign this or put in a more detailed site plan if they feel it is a special use. Remember this is out there on Indianwood and it is adjacent to residential, so they are going to have to come strong with their buffering and their greenbelts those things all work together. When and if this plan comes back before them, they will lay out conditions and some of those conditions will be part of what they submit. They get approval and they do everything on those conditions, they are golden. Mr. Hall asked what the typical timeframe for a special use was on that. Planner Enos said it was not much longer than what a site plan would be. Mr. Hall asked if they could run that concurrently. Planning & Zoning Director Girling replied yes; an application for a special land use is four weeks before a Planning Commission meeting, and the site plan is three weeks before. So, you hand them both in at the same time and they are both on the same agenda. They stand the risk that they created a site plan and the cost of creating a site plan and if the special land use is denied, they take that chance. She didn't think she had ever seen one come in for special land use without their site plan concurrently. Mr. Hall asked what defines the special use. Chairman Reynolds replied thought it was storage facilities that may promote temporary occupancy. He didn't know if there was another way to put that but meaning a limited time, they have a mezzanine, and they have the opportunity to have plumbing maybe a restroom. Something that could promote a social gathering or space for hanging out there. If they were going to say that nothing is ever going to be allowed other than put your stuff in like a self-storage those are really the components of this use, similar to other uses in their ordinance where they would say they want to make sure they nail down those additional details. It isn't trying to say it is not a use permitted within the zoning district, it is more or less saying they need some additional details. A drive-through is a prime example of that, they want to make sure that the drive-through flow works, stacking happens and noise is not an issue. He thought to him that is really where this discussion lies. As a big picture, this is very similar to self-storage, he thinks they need to discuss if there are any other standards or conditions. They are saying conceptionally there is 24/7 365 occupancy of this space there are certain elements in which they just want a definition of when those can be used in the special land use. If there were to be a temporary occupancy within that space what other elements in which they would ask for? That could just be quiet hours, it could be parking, lighting, and a number of items. He thought that was the trigger point of the special land use and if those are the concern of just having a storage facility that is going to be used 365 and condomized the perimeters could also be landscaping.

Planning & Zoning Director Girling said the general question she has is initially when they saw this they said this is not as a whole mini-storage. She asked are they now saying it is not a mini-storage and it is given a name. As a whole it is not mini storage, so what is it called? Once they say they are going to call it, storage condominium deluxe, and then when they say it is this name is it a use by right or is it a special land use? The same as any special land use, when it is a special land use in our zoning ordinance versus a use by right, it is not necessarily

that the zoning ordinance says what criteria they are going to look at they could put quite a few criteria. In addition, they could also say because it is a use by right that there is a particular site that even though they say it is (LI) and it is a special land use perhaps they say this one because it is adjacent to residential wouldn't work. She thought if anyone was thinking that they should mention it at this time to them. There is a lot of conversation going on and do they need to get back to the root, have they decided that it is not mini-storage if it is not what are they going to call it, and whatever they call it can it go into (LI) and if it is in (LI) is it a use by right or a special land use.

Commissioner Walker asked why this location. Mr. Hall said when they go look at a piece of property most jurisdictions' municipalities' mini storages are allowed as a permitted use. They wanted to be in Lake Orion as a whole, so they looked through the zoning code and found where mini-storages were permitted by right, that is their first criteria when they look at an area. Then they look to see if it is large enough to accommodate a pretty good facility and they are two miles from the boat ramp, which is a prime spot. That is really what they looked at when they looked at this piece of property. Commissioner Walker asked if they are going to store boats in there also. Mr. Hall replied yes. Commissioner Walker said he can't wait for the public hearing on this. People in this area are fed up with the traffic and the noise and Indianwood Rd. being congested, it will be an exciting meeting.

Mr. Hall said from a mini-storage traffic count the impact is minimal. When they look at what is permitted by right in there, office warehouse, and so forth that traffic impact is 15 times more than this would ever be. If an office warehouse is allowed and they went around and looked at some mini-storage units and they have public restrooms in their facilities. He understood the platinum units and the dump station but the restrooms and all of that, when they go to another mini-storage, and they have a building they can walk in and use the restroom.

Commissioner Cummins asked if they allowed any overnight stays in these units. Mr. Hall replied not at all. Commissioner Cummins said he was familiar with that industry; he has spent a lot of time in a Coach RV. He thought it was a great idea and didn't present a huge amount of traffic. He added that boats will come back and forth, and they would be regular because it is close to the launch. Secretary St. Henry stated that there may be people that just park their boats there in the winter. Mr. Hall said he has friends that live here that take their boats out and shrink-wraps them and puts them in the field. He is going to store them here in the wintertime. He has seen where people take their boats off the lake in the winter, store them, and then the icehouse goes on the lake, then in the summertime, the icehouse goes into the storage unit and the boats go back on the water.

Commissioner Cummins stated that the dump station is normal if they are going to be storing any number of motorhomes they will come in and dump. The ones with the cars are the ones that will come in and they may spend some time there waxing their cars. Mr. Hall said that they will come in and wax and wash it. He added that they provide a wash area and they can back into an enclosed facility and wash their RV and boat in there also, that is another amenity that they provide.

Commissioner Cummins said that the 16 units of that nature are going to be the ones that create the special land use. With the use of the water and the bathrooms that can go inside.

Chairman Reynolds said the parcel for the sake of it being adjacent to uses they are saying Limited Industrial (LI). What about compatibility with adjacent uses? That can be a condition or a standard, which they are talking about here.

Commissioner Cummins stated it would not be much more traffic than a normal industrial facility would. Chairman Reynolds said that the use itself they are saying it could promote another use. Whatever they call it, is this the right spot and are there any other standards or conditions because of it? Commissioner Cummins said personally he would call it a storage condominium.

Vice-Chairman Gross said he would have a hard time calling it mini storage. Maxi storage or vehicle storage, something to that nature. He was leaning towards a special use in the (LI) District gives them and the applicant more flexibility.

Secretary St. Henry asked if sometimes people use these to store snowmobiles, ATVs, side-by-sides, and motorcycles. Mr. Hall said as they go across and develop across the county, HOAs are getting more and more strict about what you can store at your house. You can't park your motorhome or boat, and if you want to park your cars inside all your toys have to come out, and they have no place to go. This is the niche that they have come up with that gives them the opportunity to put their toys into a climate-controlled environment. Their longevity of them increases tremendously.

Chairman Reynolds asked if this evening was to allow them the opportunity to define this district and bring it back. The Planning & Zoning Director Girling replied that they are determining what district is it a use by right or is it a special land use and what are you calling it if they say it, is not self mini storage. Planner Enos said it is almost as if the Zoning Administrator would make an interpretation because it is not in there. In this case, the ordinance allows the Planning Commission to make that same interpretation and then they can drive it forward to them with a site plan and special use. Planning & Zoning Director Girling said it will come with a site plan and a special land use and then they can put whatever criteria they want on it. She added that she wanted to point out also that because it is ownership they will have to have condo documents so there will be condo docs that will be looked at. Based on the ordinance any condo over a certain acreage and number of units has to go to the Board of Trustees for approval also. Those condo docs will be looked at by their engineering and planning consultant and the Township attorney.

Chairman Reynolds asked for thoughts on what this is defined as, condomized vehicle storage.

Commissioner Cummins said this is not just vehicles they can put anything they want in here. Mr. Hall said he has a friend that has six mini-storages. Trustee Urbanowski said that is not mini storage it is medium to large scale.

Planner Enos said he didn't think they would put this in the ordinance, he was wondering if they even come up with a name because it is such an unusual thing but they do treat it as a special use. They do attach conditions if they do ever see another one, they will have that same kind of condition attached to it. Chairman Reynolds asked if they should just say specialty storage and then that way it gives them a category where they can talk. They are speaking about RVs and equipment. Planner Enos said that specialty storage makes sense and if they see something like that in the future they can do something. Planning & Zoning Director Girling thought it should be specialty storage condos because she thought the ownership makes it a different category than rentals. Mr. Hall said that they do a rental product also. He added that they do three products they do a condo, a long-term lease, and a monthly rental product. Planner Enos said if they just call it specialty storage.

Chairman Reynolds said he thought either way whether it was an HOA or a maintenance agreement to him there would be regulations in place. That is what they are seeking here. He asked if anyone had any explicit comments that it needs to be owned versus leased. No one replied.

Chairman Reynolds said it was similar and compatible in the (LI) District. They are saying that the type of use would be a special land use because it is specialty storage. They are not discussing if there are any other conditions or standards here this evening beyond that. Planner Enos stated they will be able to attach, as they think about it, more conditions in the future when they formally submit. He added as a special land use they can attach those conditions when they formally submit.

Planning & Zoning Director Girling and this particular one because it is surrounding residential they could have different criteria on the special land use approval that if somebody else sees this idea and decides to add another one down the street in an (LI) they come in for a special land use they wouldn't necessarily have to have the exact same criteria because it could vary by site.

Chairman Reynolds asked if they need that in the motion. Planning & Zoning Director Girling said that looking at the suggested motion she thought it was pretty straightforward. Chairman Reynolds asked if they need a formal motion on this. Planning & Zoning Director Girling replied that they do need a formal motion on this.

Moved by Chairman Reynolds, seconded by Vice-Chairman Gross, for PC-23-05, requesting a determination that the use described in the application, **is similar in nature to the uses** listed in Ordinance #78, Article XVI, Section 16.01 (LI). They are saying that the use is clearly similar in nature and compatible with the other uses as defined as specialty storage is similar to that use of mini-storage although the specialty storage is determined to be a special land use and the use does have specific characteristics that are similar to the uses expressly permitted in the district such as daily traffic county, types of merchandising as mentioned with the similarities of a mini-storage.

Discussion on the motion:

Mr. Hall asked if they got rid of platinum they would still have to go through a special use permit. Chairman Reynolds replied correct. Mr. Hall asked if it was the size of the facility that is going to dictate that. Chairman Reynolds replied yes. Mr. Hall asked what was that size. Chairman Reynolds said their concern was they were starting to hear these discussions of similar storage. When they go from the idea of mini storage of some boxes and maybe a sports car in one of the storage units to now, it is so big that they have an RV, they start to question these other elements. He thought as a Commission it is not so much the size it is the idea of what could be stored. He is not saying he is against a dumping station, but what if the next guy starts to push those parameters?

Commissioner Cummins said he thought that the dump station wouldn't be a problem but thought there were a lot of people that have motorhomes and pull trailers. They don't have a place to put a motorhome and a trailer inside of the same unit, so this allows them to put them inside by side. He thought that it was different so that makes it a special storage, but it really is no different than any other storage space that somebody would put it in. It is that nobody has built a lot of these yet, at least not in Michigan, more down south.

Chairman Reynolds stated that it starts to raise the question especially if it is owned of what people are going to do with them and how they are going to use them. He thought they wanted to make sure that is clearly defined. That is why it is a special land use.

Mr. Hall said they looked at some of the mini storage around town and he noticed one that had bathrooms, and one had a living space, but in the back was new construction and they were a lot larger. He asked if they came before the Planning Commission. Chairman Reynolds replied yes. Mr. Hall asked how did that go because the back end of that one is what they are building it is a lot larger they let cars in there, and that is mini storage. He was wondering how they clarify what they want to do compared to what they did and how come it is different. Chairman Reynolds said he didn't know exactly which one. He asked if they were speaking to the one that is on Clarkston Rd. Mr. Hall said it is called Storage Rentals of America on Brown Rd. He added that they just did a huge expansion and those are as big as what they are doing in the back. Mr. Enos asked if each of the units has bathrooms. Mr. Hall replied no. Chairman Reynolds said isn't that one all access from the interior. It is a large building, they got rid of their outdoor RV storage and replaced it with an indoor storage facility. That is not garages, it is hallways similar to other storage facilities. Mr. Hall said there is one that has a house attached and they live it called CubeSmart and the units in the back of there have individual doors on them. Chairman said the use from what he is looking at right now they do have outdoor storage and they do have recreation vehicles but inherently the use and the units are closer to what they define as mini storage. When they start to get into these large ones with two cars big enough to fit an RV to him that is when they are in this other realm. He knew that they had a discussion, CubeSmart is not an example that has come back to them in quite a while but the other facility that he mentioned was something that they had great discussions on of how that storage was being handled and moving forward he thought this is how they would address those conditions if they were large units.

Mr. Hall asked if the zoning said mini storage and warehousing. Trustee Urbanowski said to her it is when it starts to become a place where people are going to hang out for a bit. She noted that he had said that they will build it out and customize it however they want it and make it comfortable to her so that becomes a little bit more than storage.

Planner Enos said that the Planning Commission is comfortable with this as a special use. If they come to them as a special use, they will be able to get their platinum units and get for the most part the use that they want. It is not going to be more time than if they said they don't want the platinum units and just come in with mini storage. They are still going to have to go through a site plan review and they will still have residential issues on the side with landscaping.

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

C. PC-23-06, Lifted Investments LLC, Ord. 154 Class C Adult Grow Request, located at 4611 Liberty Dr. S. (parcel #09-34-300-018).

Commissioner Cummins asked regarding these from 7C-7G these are based on their licenses for their Class C licenses they are all in the same building and all under the same ownership, they are not 6 separate entities working in there like caregivers would be. Planning & Zoning Director Girling said they are the same entity in the same building. All of them are adult grow, with the exception that one is a medical grow. They are all the same, it is just they can only have so many plants per license. So they have to apply for multiple licenses and that is what all of these are. They are in the exact same location, and they are a location that is already operating. These are just additional licenses.

Moved by Commissioner Cummins, seconded by Vice-Chairman Gross, that the Planning Commission **approves** PC-23-06, Lifted Investments LLC, with the stipulations the applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA) also known as the Cannabis Regulatory Agency.

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

D. PC-23-07, Lifted Investments LLC, Ord. 154, Class C Adult Grow Request, located at 4611 Liberty Dr. S. (parcel #09-34-300-018).

Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross, that the Planning Commission **approves** the application for PC-23-07, Lifted Investments, LLC Ord. 154, Class C Adult Grow request located at 4611 Liberty Dr. S. (parcel #09-34-300-018) so long as the applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

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

E. PC-23-08, Lifted Investments LLC, Ord. 154, Class C Medical Grow Request, located at 4611 Liberty Dr. S. (parcel #09-34-300-018).

Moved by Vice-Chairman Gross, seconded by Commissioner Cummins, that relative to PC-23-08, Lifted Investments, LLC, Ord. 154, Class C Medical Grow request, located at 4611 Liberty Dr. S. (parcel #09-34-300-018) be **approved** with the condition that the applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

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

F. PC-23-09, Lifted Investments LLC, Ord. 154, Class C Adult Grow Request, located at 4611 Liberty Dr. S. (parcel #09-34-300-18).

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that PC-23-09, Lifted Investments LLC, Ord. 154, Class C Adult Grow request, located at 4611 Liberty Dr. S. (parcel #09-34-300-018) be **approved** with the following conditions: that the applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

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

G. PC-23-10, Lifted Investments LLC, Ord. 154, Class C Adult Grow Request, located at 4611 Liberty Dr., S. (parcel #09-34-300-018).

Moved by Secretary St. Henry, seconded by Commissioner Gingell, that PC-23-10, Lifted Investments LLC, Ord. 154, Class C Adult Grow request, located at 4611 Liberty Dr., S. (parcel #09-34-300-018), that the applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

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

H. PC-23-11, Lifted Investments LLC, Ord. 154, Class C Adult Grow Request, located at 4611 Liberty Dr., S. (parcel #09-34-300-018).

Moved by Commissioner Walker, seconded by Trustee Urbanowski, that for PC-23-11 Lifted Investments LLC, Ord. 154, Class C Adult Grow request, located at 4611 Liberty Dr., S. (parcel #09-34-300-018) he has reviewed the application as it relates to Ord. 154 Article VI location requirements and is agreeable with the recommendation to **approve** this application with the conditions that the applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

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

I. PC-22-28, GM Special Land Use, Wetland & Site Plan, Plans Date Stamped 7-7-2022 Approval of Destruction of Documents.

Chairman Reynolds said that this is something that Planning & Zoning Director Girling gave them an overview on their docket, thankfully some rules and regulations have allowed them to make their life a little easier by getting rid of additional paper copies beyond the hard copy that is marked approved. To do so they need authorization for him as the Chair to sign the Construction Document Reproduction Affidavit. They need formal approval for this in order to get rid of these documents. Planning & Zoning Director Girling has essentially given an overview and the staff has done a number of items to ensure that the electronic copy that they are keeping on record is in accordance with the approved documents. They are still keeping one, but they are not keeping multiple copies.

Planning & Zoning Director Girling said that just this time she put it on pending. After this if they have any questions ask her now it will be under Consent Agenda they vote on the Consent Agenda, it might be one set, it might be six sets. She just did it once within the body in case they had any questions about the process.

Moved by Commissioner Gingell, seconded by Commissioner Cummins, that the Planning Commission **authorizes the Planning Commission Chair to sign** the Construction Document Reproduction Affidavit for PC-22-28, GM Special Land Use, Wetlands & Site Plan for plans date stamped received 7/6/22.

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

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

A. Tech Bits Alert Article

Planning & Zoning Director Girling said that they have heard in the past, usually, Pulte will approve a neighborhood, and then all of a sudden, they will say hurry up and give us our soil erosion they have to cut down the trees before the bats are nesting. There are long-eared bats that the trees have to be removed before a certain pivotal date. She thought it was before April and then after October. This is just an article that she came across saying that they are endangered.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

A. 03-01-23 at 7:05 p.m., PC-23-02, Lapeer Rd. & Silverbell Rd. Development, requesting to rezone vacant land north of and surrounding 4285 S. Lapeer (parcel 09-35-200-032) from Office Professional (OP) to Limited Industrial (LI).

B. 03-01-23 (immediately following PC-23-02 Public hearing at 7:05 p.m.): PC-23-03, Lapeer Road Burger King, the request is to rezone 1155 S. Lapeer Rd. (parcel #09-14-226-011) from Office Professional (OP) to General Business (GB).

C. 03-01-23 (immediately following PC-23-02 and PC-23-03 Public Hearings starting at 7:05 p.m.): Joint Public Hearing for PC-23-04, Orion Ridge Major Planned Unit Development (PUD) Amendment, located on a vacant parcel at the NW corner of Maybee and Baldwin Roads (parcel #s 09-29-104-001 through 09-29-104-051).

14. CHAIRMAN'S COMMENTS

Chairman Reynolds said that they do have their joint meeting coming up on March 22 from 6-8 p.m. which will be held in the Dragon Community Room. If they have any items that they would like to be considered on the agenda or added to the agenda, please let Planning & Zoning Director Girling know as soon as possible.

15. COMMISSIONERS' COMMENTS

Commissioner Walker said that a friend of his is battling breast cancer so they have set up a bowl-a-thon at Collier Lanes. \$50 to donate and you get two games of bowling, shoe rental, and pizza and soda.

16. ADJOURNMENT

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, to adjourn the meeting at 9:11 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton



Charter Township of Orion

2323 Joslyn Rd., Lake Orion MI 48360
www.oriontownship.org

Planning & Zoning Department

Phone: (248) 391-0304, ext. 5000

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: February 23, 2023
RE: PC-23-02, Lapeer Rd. & Silverbell Rd. Development Rezone Request

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions' findings of facts. Any additional findings of facts should be added to the motion below. Please note that it was suggested to me that on matters that involve rezonings, PUD's, Special Land Uses or variances that I provide language indicating that the matter can be **approved or denied**.

Rezone Request (Ord. 78, Section 30.04)

Motion: I move that the Planning Commission forwards a recommendation to the Township Board to **approve/deny** PC-23-02 Lapeer Rd. & Silverbell Rd. Development Rezone Request. The request is to rezone vacant land north of and surrounding 4285 S. Lapeer (parcel 09-35-200-032) from Office Professional (OP) to Limited Industrial (LI) for the application date stamped received 1/31/2023. This recommendation to **approve/deny** is based on the following findings of facts:

- a. The objectives of the Master Plan (Insert findings of facts),
- b. Existing uses of property within the general area of the property in question (Insert findings of facts),
- c. The zoning classification of property within the general area of the property in question (Insert findings of facts),
- d. The suitability of the property in question to the uses permitted, under the existing zoning classification (Insert findings of fact),
- e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification (Insert findings of facts).
- f. Any additional findings of facts.

If the motion is to recommend approval it is suggested that it be conditioned upon:

- a. (insert any additional conditions).

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FEB 14 2023

Orion Township
Planning & Zoning



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

February 14, 2023

Zoning Map Amendment (Rezoning) Review for Orion Township, Michigan

PETITION INTRODUCTION

Case Number: PC-23-02
Project Name: Lapeer Road and Silverbell Road Development
Applicant: Eric Hicks for JDB 12, LLC
Request: Zoning Map Amendment
Location: 4285 S Lapeer
Parcel Number: 09-35-200-033 and 09-35-200-032

PETITION DESCRIPTION

The applicant is requesting a zoning map amendment (*also known as rezoning*) for portions of 2 properties from the OP Office and Professional, LI Limited Industrial, and Special Circumstances districts to the LI Limited Industrial district.

The zoning map amendment is in anticipation of redevelopment of the site for a commercial/industrial use.

This application has not been submitted as a conditional zoning map amendment.

The proposed LI Light Industrial district would increase the number of potential industrial uses and reduce the number of potential general commercial and personal service.

The minimum lot area, maximum building height, and minimum building clear space would be significantly increased. The minimum rear and side setbacks would be slightly reduced. Other developmental standards would remain the same or similar. There would be no change to the developmental standards for the portion of the property that is within the Lapeer Road Overlay district.

For zoning map amendments, the Planning Commission makes a recommendation that is forwarded to the Township Board for final action.

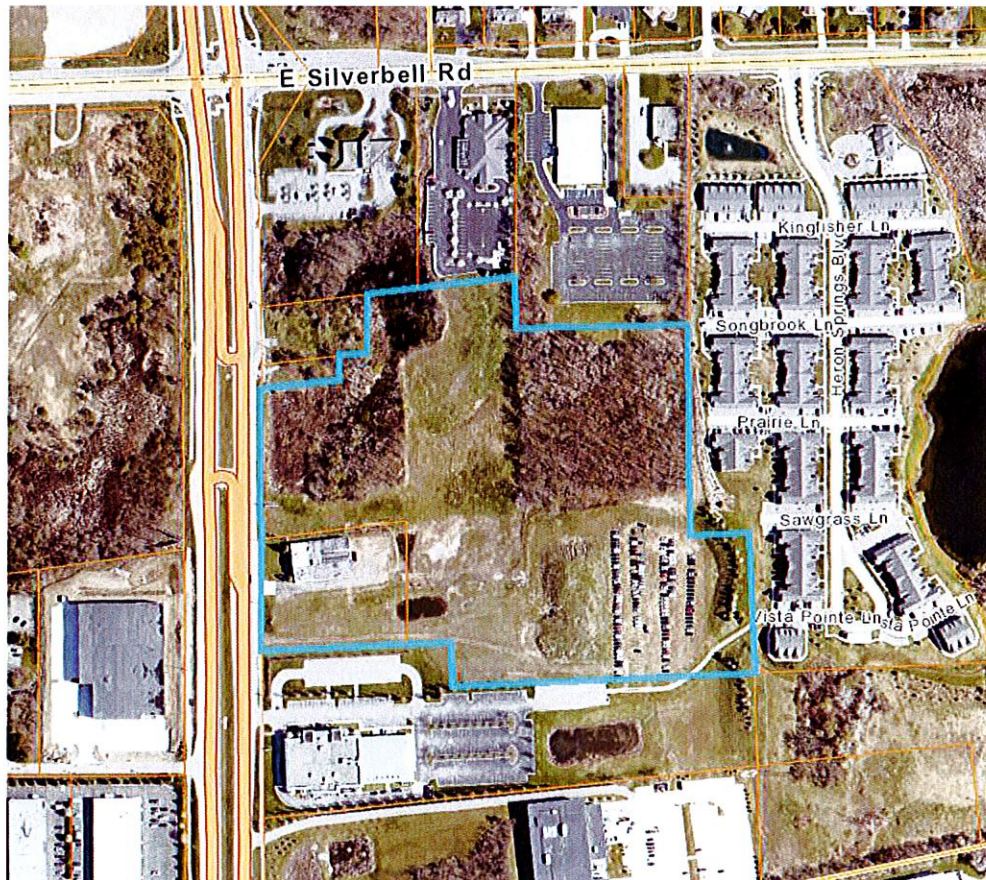
Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

This review focuses on planning and zoning issues related to the requested zoning map amendment. Comments related engineering, transportation, or legal issues (*such as any potential entanglements with the existing amended consent judgement*) are deferred to other agencies and entities.

PROPERTY INFORMATION

Address: 4285 S Lapeer
Location: East side of Lapeer, between Silverbell and Kay Industrial
Parcel Numbers: 09-35-200-033 and 09-35-200-032
Lot Area: 18.62 acres
811,087 square feet
Frontage: 341 feet (*Lapeer/M-24*)
Existing Land Use: Vacant

Aerial of the Site



ZONING DISTRICT INTENT

\$9.00/\$16.00

Summaries of the intent and purpose of the current and proposed zoning districts are below.

The property is currently within several zoning districts and an overlay district. There are no proposed changes to the overlay district, so it is not referenced below.

Maps showing the existing and proposed zoning districts are included later in the "Surrounding Properties" section of this report.

Current Zoning *OP Office and Professional*

The Office and Professional District is intended to provide locations of the office-type professional and administrative services necessary for the normal conduct of a community's activities. This district is also intended to provide locations, when located a considerable distance from residential properties, where activities of a testing, research, prototype planning or development, or a similar nature are permitted. Additionally, this District is intended to provide locations for light assembly as a special land use permit, where provided in conjunction with research and development activities. Community service activities such as training centers, meeting halls, and health clinics are also allowed.

Office and Professional Districts are specifically designed to prohibit retail establishments, manufacturing, or industrial activities other than light assembly, and other business activities that generate heavy traffic or constant visits of the general public. However, a limited range of convenience retail and service businesses are permitted within the Office and Professional District for the benefit of workers and visitors within the district. Any such commercial uses should be designed to complement the predominant office and research and development uses within the district.

All activities in the Office and Professional District must take place in a completely enclosed building in a well landscaped setting. To protect the health, welfare, and safety of the community, the uses permitted in this district are not allowed to generate high noise levels or to use, store, or produce any toxic or hazardous substances. These districts shall have direct access onto an existing or proposed collector or major thoroughfare.

LI Limited Industrial

The Limited Industrial (LI) District is designed so as to primarily accommodate employment centers related to light industrial uses, wholesale activities, warehouses, and limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district and only exert minimal detrimental effects to the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

Special Circumstances

A portion of the property is subject to an amended consent judgement.

Proposed Zoning *LI Limited Industrial*

Employment centers related to light industrial uses, wholesale activities, warehouses, and limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district

and only exert minimal detrimental effects to the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

POTENTIAL USES

\$9.01/\$16.01

If the zoning map amendment is approved, the property could be used for any of the potential permitted uses, special land uses, or accessory uses in the LI Limited Industrial district.

A summary of those uses, taken from §16.01 Use Matrix, is below. A summary of the potential permitted uses, special land uses, and accessory uses in the current OP Office and Professional district, taken from §9.01 Use Matrix, is also included. See the Zoning Ordinance for the complete list of uses.

The Lapeer Road Overlay district does not have specific limitations for uses. It defers to the uses in the underlying zoning district. Some limitations are placed on potential uses that can be incorporated into a planned unit development within the overlay district.

New uses in the proposed zoning district that are not listed in the current zoning district are noted in green. Uses in the current zoning district that are not listed in the proposed zoning district are noted with red.

Permitted Uses	Current OP	Current/ Proposed LI
<i>Animal boarding or kennel</i>	-	P
<i>Building material sales</i>	-	P
<i>Contractor storage yard</i>	-	P/SLU
<i>Indoor recreation facility (small)</i>	-	P
<i>Indoor recreation facility (large)</i>	-	P
<i>Light assembly</i>	SLU	P
<i>Machine shop</i>	-	P
<i>Manufacturing, repair, and processing (light)</i>	-	P
<i>Mini-storage or warehouse</i>	SLU	P
<i>Outdoor storage (principal use)</i>	-	P/SLU
<i>Recreational vehicle storage</i>	-	P/SLU
<i>Veterinary clinic</i>	P	P
<i>Warehousing, wholesale, storage, and transfer</i>	-	P

Special Land Uses	Current OP	Current/ Proposed LI
<i>Automobile sales, repair, or service</i>	SLU	SLU
<i>Automotive paint and body shop</i>	-	SLU
<i>Bank</i>	P	SLU

Lapeer Road and Silverbell Road Development
Zoning Map Amendment Review
February 14, 2023

<i>Equipment repair or sales</i>	<i>SLU</i>	<i>SLU</i>
<i>Health club</i>	<i>-</i>	<i>SLU</i>
<i>Hotel or motel</i>	<i>SLU</i>	<i>SLU</i>
<i>Outdoor cafe</i>	<i>-</i>	<i>SLU</i>
<i>Pet crematorium</i>	<i>-</i>	<i>SLU</i>
<i>Place of worship</i>	<i>P</i>	<i>SLU</i>
<i>Public utility building</i>	<i>-</i>	<i>SLU</i>
<i>Restaurant, sit down</i>	<i>P</i>	<i>SLU</i>
<i>Restaurant (drive-through)</i>	<i>SLU</i>	<i>SLU</i>
<i>Utility transformer or regulator station</i>	<i>-</i>	<i>SLU</i>

Accessory Uses	Current OP	Current/ Proposed LI
<i>Accessory buildings or uses that are customarily incidental to any of the allowed principal uses</i>	<i>P</i>	<i>P</i>
<i>Fabricator showroom</i>	<i>SLU</i>	<i>SLU</i>
<i>Office</i>	<i>P</i>	<i>P</i>
<i>Outdoor patio</i>		<i>P</i>
<i>Outdoor storage (accessory use)</i>		<i>P/SLU</i>

Prohibited Uses	Current OP	Current/ Proposed LI
<i>Assisted living facility</i>	<i>SLU</i>	<i>-</i>
<i>Auto parts sales</i>	<i>SLU</i>	<i>-</i>
<i>Banquet facility</i>	<i>SLU</i>	<i>-</i>
<i>Catering facility</i>	<i>P</i>	<i>-</i>
<i>Data processing or computer center</i>	<i>P</i>	<i>-</i>
<i>Day care center or preschool</i>	<i>SLU</i>	<i>-</i>
<i>Emergency or extend hour medical clinic</i>	<i>SLU</i>	<i>-</i>
<i>Hospital</i>	<i>SLU</i>	<i>-</i>
<i>Medical clinic</i>	<i>P</i>	<i>-</i>
<i>Medical or dental laboratories</i>	<i>P</i>	<i>-</i>
<i>Mortuary establishment</i>	<i>SLU</i>	<i>-</i>
<i>Personal service</i>	<i>P</i>	<i>-</i>
<i>Pet grooming or day care</i>	<i>P</i>	<i>-</i>
<i>Pilot research and design centers</i>	<i>P/SLU</i>	<i>-</i>
<i>Professional and medical offices</i>	<i>P</i>	<i>-</i>
<i>Public service or government facility</i>	<i>P</i>	<i>-</i>
<i>School or studio</i>	<i>P</i>	<i>-</i>

DEVELOPMENTAL STANDARDS

\$9.04/\$16.04

A summary of the developmental standards for the current and proposed zoning districts is below.

A portion of the property is within the Lapeer Road Overlay. There would be no changes to developmental standards of that overlay district as part of the requested zoning map amendment.

The minimum lot area would be significantly larger. Minimum building clear space and maximum building height outside of the Lapeer Overlay would increase slightly. Maximum lot coverage and front setback would remain the same. Minimum side and rear setbacks outside of the Lapeer Overlay would decrease slightly.

	Current OP	Current/Proposed	
		Lapeer	LI
Lot Area- min	20,000 square feet	-	2 acres
Lot Area- max	n/a	-	30 acres
Lot Coverage	30 percent	-	30 percent
Front Setback	50 feet	-	50 feet
Side Setback	30 feet	25 to 35 feet	25 feet
Rear Setback	30 feet	25 to 35 feet	25 feet
Building Height	25 feet	50 feet	40 feet
Building Clear Space	15 feet	-	25 feet

FUTURE LAND USE MAP

The property is located within several areas in the Future Land Use Map, including: Industrial/Commercial/Residential Mixed Use; Research/Light Industrial; and Special Circumstance.

Future Land Use Industrial/Commercial/Residential Mixed Use

Development is planned to provide a mix of industrial, commercial, and residential uses in the area near Brown Road between Baldwin and Joslyn and along Lapeer Road between Brown and Waldon. The intent is a mix of industrial, residential, commercial, medical and office uses and ancillary commercial uses within a well-planned business setting. Large-format retail may be considered along the Brown Rd. frontage. Density will vary in this district and is controlled by height, bulk, and setback regulations in the applicable zoning district. The Township will also promote economic development initiatives for the area. Economic incentives may include Brownfield Redevelopment, Local Development Finance Authority (LDFA), Industrial Facilities Tax Exemption (IFT), Tax Increment Financing (TIF), infrastructure investments and State grant programs. Redevelopment projects will be reviewed by way of a Planned Unit Development for those projects which deviate from the listing of permitted/special uses. Specific

zoning regulations are incorporated within the Light Industrial (LI), Brown Road Innovation Zone (BIZ) and Lapeer Road Overlay zoning districts.

Corresponding Zoning District:

BIZ Brown Road Innovation Zone overlay

Lapeer Road overlay

Research/Light Industrial

Areas intended to provide locations for research, laboratory and light industrial development including scientific research and development, training, and production of prototype products, plans or designs. Accessory commercial and office uses are also encouraged. Such uses are intended to be enclosed within a building and any external effects are not to be experienced beyond the property boundaries. This classification is further intended to encourage the development of a campus type setting; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes; to direct the development of workplaces consistent with the availability of public facilities and services, and to work within the confines of the existing natural features. Correlating zoning classifications include Limited Industrial (LI) and Industrial Park (IP).

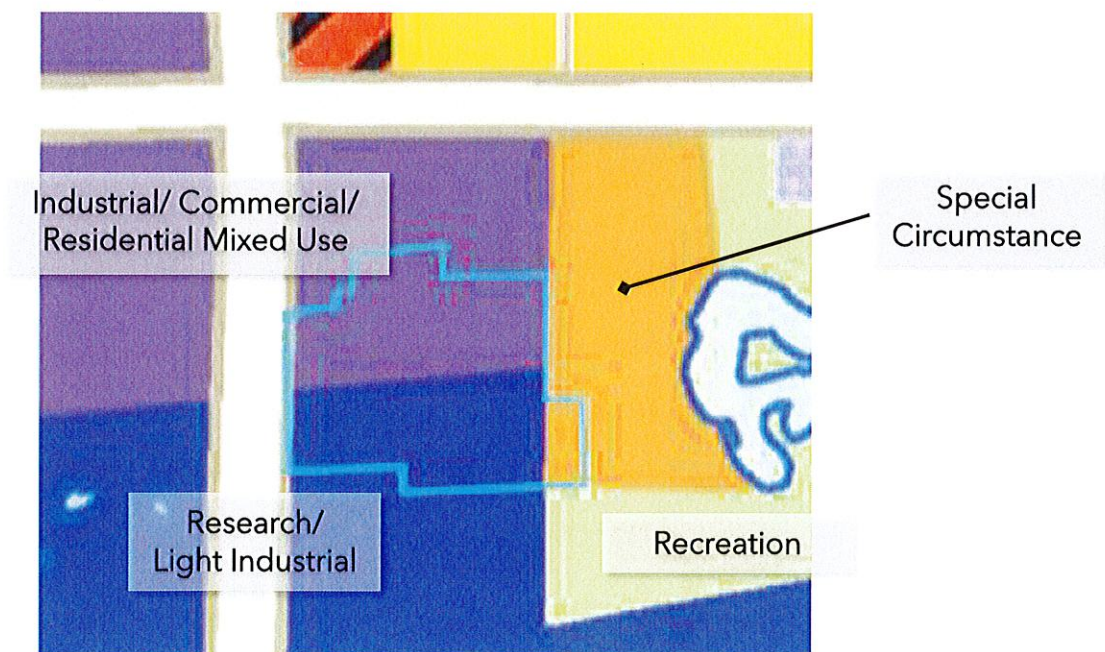
Corresponding Zoning District:

LI Light Industrial

Special Circumstance

Areas that have legal agreements that regulate the density and layout of the subdivision. These areas are typically single family or attached residential in nature. The density map (Map 15) provides the regulated density of the residential developments included in this designation. This category also includes areas that have conditional rezoning agreements in place.

Future Land Use Map



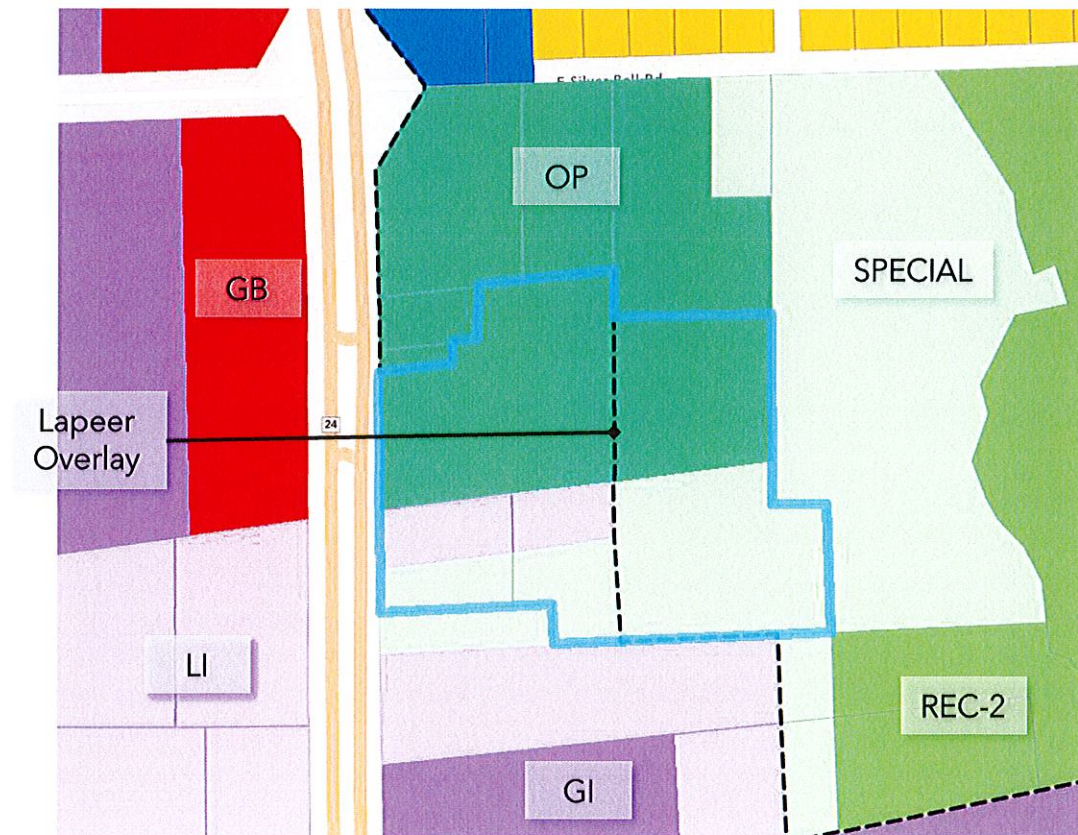
SURROUNDING PROPERTIES

The surrounding properties to the north along Lapeer/M-24 are general commercial uses. The surrounding properties to the south along Lapeer/M-24 are general commercial and light industrial uses. The adjacent property to the east has been developed with multiple-family dwellings.

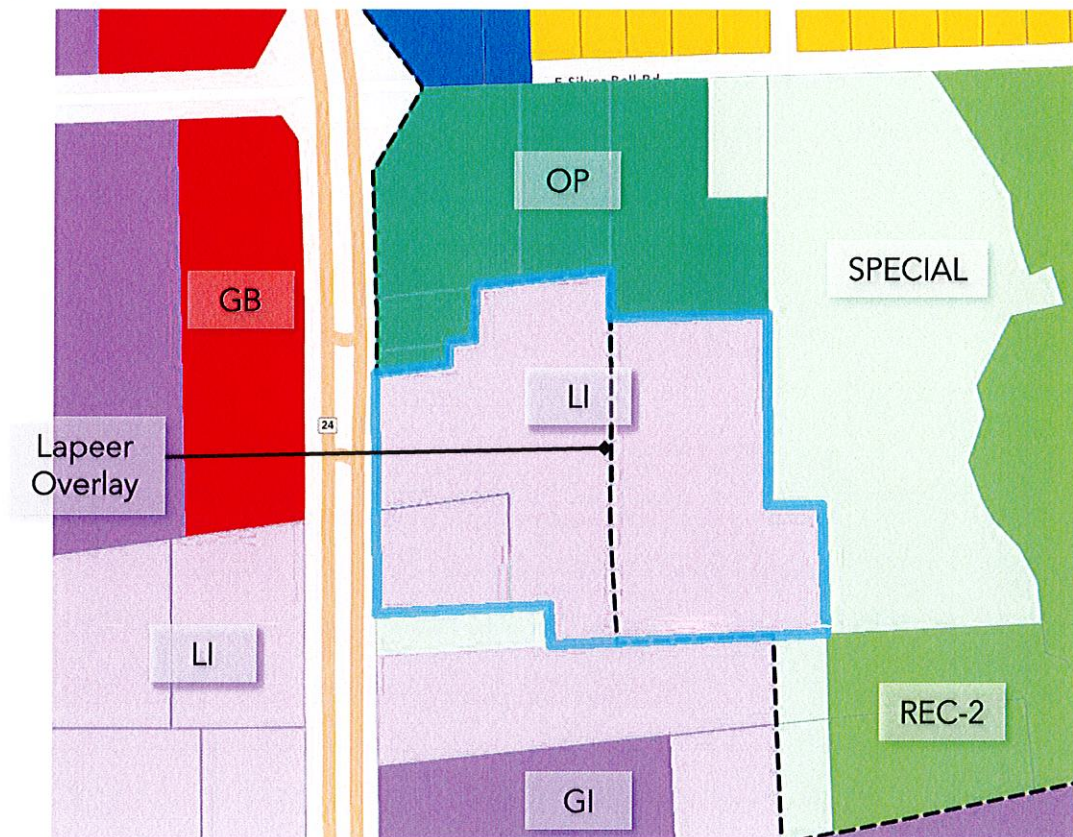
Maps showing the current and proposed zoning districts are below.

	North	East	South	West
Surrounding Zoning	<i>OP Office and Professional</i>	<i>Special Circumstance (multiple-family)</i>	<i>LI Limited Industrial Special Circumstance</i>	<i>GB General Business LI Limited Industrial</i>
Surrounding Land Uses	<i>Bank Funeral home Union hall</i>	<i>Multiple-family dwellings</i>	<i>Indoor recreation and restaurant</i>	<i>Undeveloped</i>
Future Land-Use Map	<i>Industrial/ Commercial/ Residential Mixed Use</i>	<i>Special Circumstance (multiple-family)</i>	<i>Research/ Light Industrial Recreation</i>	<i>Industrial/ Commercial/ Residential Mixed Use</i>

Current Zoning Map



Proposed Zoning Map



APPLICABLE LAND USE STANDARDS

§30.04

The zoning map amendment process is briefly described in MCL 125.3202, which outlines the notice process and provides the authority for local governments to define the manner for changing district boundaries by ordinance.

The processes and criteria for changing the zoning text or zoning map are outlined in §30.04 Amendments to the Zoning Ordinance. The Planning Commission holds a public hearing and makes a recommendation. This recommendation is forwarded to the Township Board for action. *(When a property is adjacent to another community or County-owned property, it is also forwarded to the County for review and comment.)*

The guidelines for zoning map amendments, from §30.04(D)(4), are examined below. Additional information may be shared or discovered at the public hearing.

a) The objectives of the Township's Master.

Comments: The requested zoning map amendment is generally consistent with the Future Land Use Map in the Master Plan, as the proposed LI Limited Industrial district corresponds with the Research/Light Industrial areas in the Master Plan.

There are no proposed changes to the Lapeer Road overlay district, which corresponds with the Industrial/Commercial/Residential Mixed-Use areas in the Master Plan. Development of the site within this overlay area would remain subject to the specific standards of the Lapeer Road Overlay district.

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

Comments: Existing uses of property within the general area along Lapeer/M-24 are a mix of office, entertainment, and light industrial uses, that correspond with either the OP Office and Professional or the LI Light Industrial districts.

It does not appear that the use or development of the site as allowed in the LI Light Industrial district would have a negative impact on the use or development of surrounding properties.

The property to the east has been developed as multiple-family dwellings. The LI Light Industrial may create a greater impact on that property than the current OP Office and Professional district, but the Zoning Ordinance requires specific screening and buffering to mitigate those potential impacts.

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

Comments: The properties to the south along Lapeer/M-24 and to the west across Lapeer/M-24 are currently within either LI Light Industrial or GI General Industrial districts, which is consistent with the requested zoning district.

The properties to the north are within the OP Office and Professional district, which is generally compatible with uses in the requested zoning district.

The Future Land Use Map identifies this property as the transition between industrial areas to the south and mixed-use areas to the north.

The property to the east is subject to an amended consent judgment, that permitted the property to be developed for multiple-family dwellings. This use commonly serves as a buffer or transition from more-intensive commercial or industrial uses to less-intensive residential or public uses.

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

Comment: It appears possible to use the property for many of the permitted or special land uses in the current zoning districts.

The fact that the site is currently within multiple zoning districts, however, makes it difficult to develop or use the site, as different areas are subject to different developmental standards and different permitted uses.

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

Comment: Recent development in the general area of this property, especially to the south along Lapeer/M-24, has tended to be more consistent with uses in the LI Light Industrial or GI General Industrial districts.

SUMMARY AND COMMENTS

The requested zoning map amendment appears to be consistent with the Future Land Use Map, which includes this property and adjacent properties to the south along Lapeer/M-24 within a Research/Light Industrial area, corresponding with the proposed LI Light Industrial zoning district.

There would be an increase in the potential number of industrial uses and a decrease in the potential number of general commercial and personal service uses with the proposed zoning map amendment.


For the portion of the site currently within the OP Office and Professional district, the minimum lot area would increase from 20,000 square feet to 2 acres; the minimum building clearance would increase from 15 feet to 25 feet; the maximum building height would increase from 25 feet to 45 feet; and minimum side and rear setbacks would decrease from 30 feet to 25 feet. There would be no change to maximum lot coverage or minimum front setbacks.

There would be no changes to developmental standards associated with the Lapeer Road Overlay district.

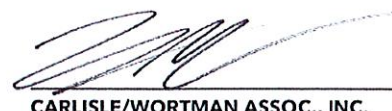
Because this has not been submitted as a conditional zoning map amendment, the Township cannot place any conditions on approval.

The Township Attorney should be consulted to determine if an amendment to the consent judgment for a portion of this property is necessary to accommodate this zoning map amendment.

The Planning Commission's recommendation is forwarded to the Township Board for action.



CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner



Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000

RECEIVED

JAN 31 2023

Orion Township
Planning & Zoning

Case # PC-23-02

Meeting Date: 3/1/2023

Charter Township of Orion Planning Commission Rezoning Application

30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession, or which is specifically enforceable.

Project Name: Lapeer Rd & Silverbell Rd Development

Applicant	Name: <u>Eric Hicks</u>
	Address: <u>37610 Hills Tech Dr.</u> City: <u>Farmington Hills</u> State: <u>MI</u> Zip: <u>48331</u>
	Phone: <u>(248)334-9045</u> Cell: <u>(517)898-6516</u> Fax: _____
	Email: <u>ehicks@jbdonaldson.com</u>
*Property Owner(s)	Name: <u>JBD 12 LLC</u>
	Address: <u>37610 Hills Tech Dr.</u> City: <u>Farmington Hills</u> State: <u>MI</u> Zip: <u>48331</u>
	Phone: <u>(248)334-9045</u> Cell: _____ Fax: _____
	Email: _____
* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.	
Plan Preparer Firm/Person	Name: <u>Steve Sorensen</u>
	Address: <u>1849 Pond Run</u> City: <u>Auburn Hills</u> State: <u>MI</u> Zip: <u>48326</u>
	Phone: <u>(248)689-9090</u> Cell: <u>(586)918-9894</u> Fax: _____
	Email: <u>ssorensen@peagroup.com</u>
Project Contact Person	Name: <u>Eric Hicks / Scott Kreutzer</u>
	Address: <u>37610 Hills Tech Dr.</u> City: <u>Farmington Hills</u> State: <u>MI</u> Zip: <u>48331</u>
	Phone: <u>(248)334-9045</u> Cell: _____ Fax: _____
	Email: <u>skreutzer@jbdonaldson.com, ehicks@jbdonaldson.com</u>

Sidwell Number(s): ~~09-35-200-033~~ & 09-35-200-032

Location or Address of Property: ~~4285 S Lapeer Rd.~~ & Vacant S Lapeer Rd Property

Side of Street: East Nearest Intersection: Lapeer Rd. & Silverbell

Acreage: ~~18.62~~ 16.56 Current Use of Property: Vacant

Frontage (in feet): 341' Depth (in feet): 987'

Subject Property Zoning: Office & Professional, Special Circumstance, Limited Industrial Adjacent Zoning: N. Office & Professional S. Limited Industrial E. Special Circumstance W. General Business

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

Requested Zoning Classification: Limited Industrial

Existing Use of Property: Vacant Proposed Use of Property: Commercial/Industrial

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: Ownership would like to develop these properties as one. With the current properties have three (3) separate zonings this could make development problematic. The complete site zoned as Limited Industrial would allow property ownership to develop a current vacant property with the appropriate use for a Limited Industrial zoning.

Explain why the existing zoning classification is no longer appropriate: Referencing the Master Plan, the sites we are looking to rezone have a Future Land Use of Industrial/Commercial/Residential Mixed Use, as well as, Research/Light Industrial. A rezoning of Limited Industrial fits the Master Plan Future Land Use Map.

Explain why the proposed rezoning will not be detrimental to surrounding properties: A portion of the existing two properties is already limited industrial while the surrounding properties to the South and West are limited Industrial & Industrial zonings. The vacant properties are also located within the Lapeer Rd Overlay District and must follow the design standards as set forth by Orion Township. It is our understanding that rezoning the vacant sites to be developed as one would actually be beneficial to the surrounding properties.

Pursuant to Zoning Ordinance 78, Section 30.04(H), a sign indicating the requested rezone 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).
- ☒ 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 Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance No. 78, Section 30.04 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)



Date: 1/27/23

Print Name: Eric Hicks

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: 1/27/23

Print Name: Clay Thomas

*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 30.04(H), 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:

ZONING CHANGE 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)
- (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.

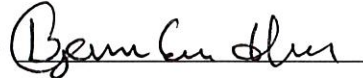
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Signature of Applicant:

(must be original ink signature)



Date:

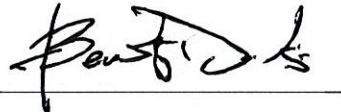
1/26/23

Print Name: Eric Hicks

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:

1/26/23

Print Name: Bennett Donaldson

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Signature of Applicant:

(must be original ink signature)



Date: 1/27/23

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Signature of Owner*:

(must be original ink signature)



Date: 1/27/23

Print Name: Clay Thomas

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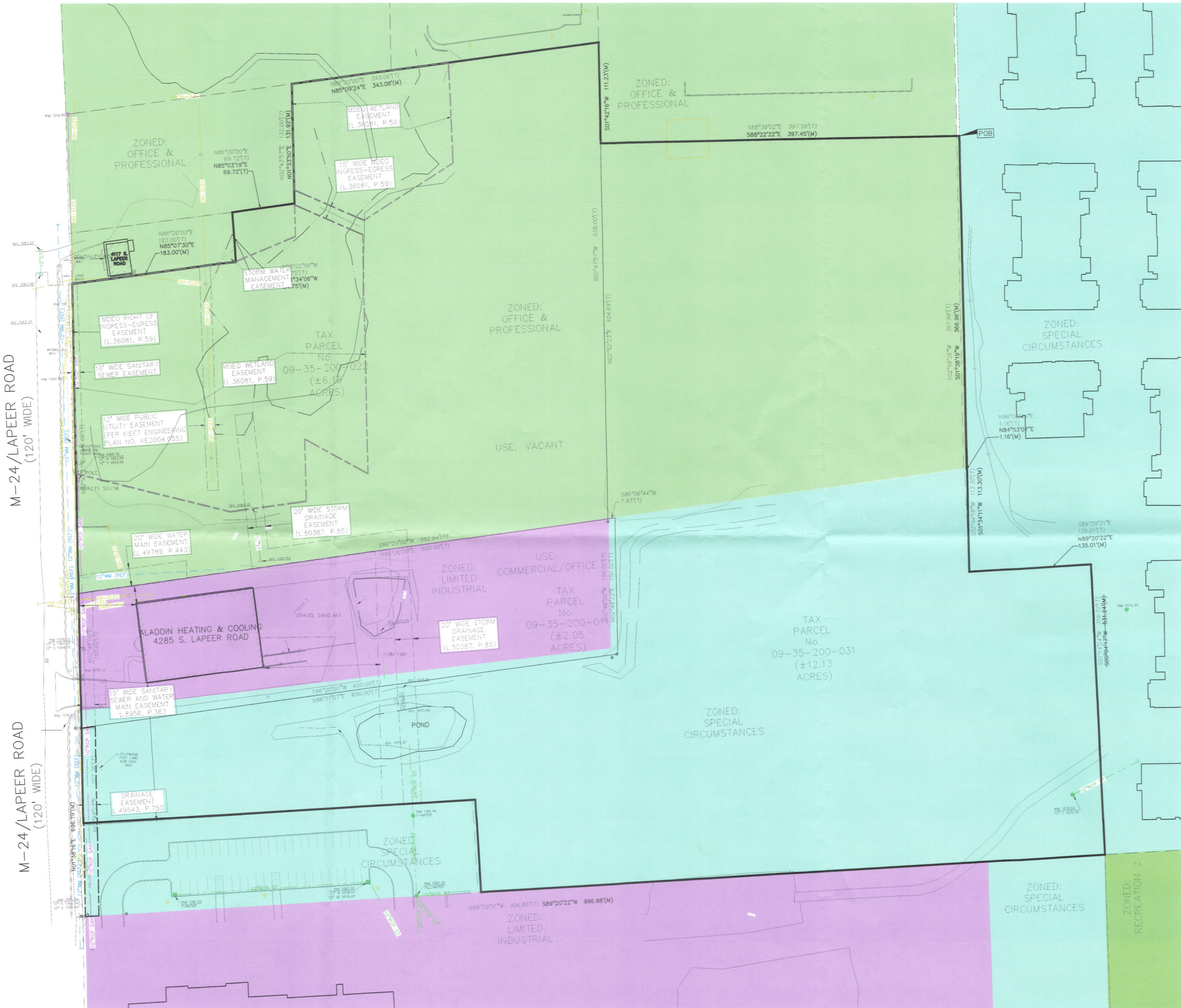
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*Please note, the Township does offer the ability to rent the required signage (see attached form). Please contact the Planning and Zoning Department with any questions.



PEA GROUP
t: 844.813.2949
www.peagroup.com

REFERENCE DRAWINGS
SURVEY: GENERAL PLAN, SILVERBELL LAKE VILLAGE, 22 NET ACRES, & ASSOCIATES JOB NO. 03143, SHEET NO. SP-3, REVISION DATE 07-25-05
GPS/11 PARCEL FEATURES SILVERBELL LAKE VILLAGE, 25 NET ACRES, & ASSOCIATES JOB NO. 7085
SITE PLAN, FOUR EAGLE DEVELOPMENT, KEPT ENGINEERING, P.C., JOB NO. KE 2004-055, DATED 11-3-04

811 Know what's below. Call before you dig.
CAUTION!! THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

LEGAL DESCRIPTIONS:
(Per ATA National Title Group, File No. 63-22843655-SCM, Rev. 1, Dated: August 6, 2022)

Parcel 1:
A parcel of land in the Northeast 1/4 of Section 35, Town 4 North, Range 10 East, Orion Township, Oakland County, Michigan, said parcel being more particularly described as: Commencing at the Northeast corner of said Section 35; thence along the North line of said Section 35, North 88 degrees 38 minutes 02 seconds West, 1062.11 feet to the North 1/8 corner of said Northeast 1/4; thence South 02 degrees 48 minutes 26 seconds West, 958.48 feet; thence North 86 degrees 06 minutes 44 seconds East, 1.16 feet; thence South 02 degrees 44 minutes 18 seconds West, 113.30 feet; thence South 89 degrees 29 minutes 31 seconds East, 135.01 feet; thence South 01 degrees 14 minutes 24 seconds West, 319.72 feet; thence North 89 degrees 29 minutes 31 seconds West, 692.89 feet; thence North 00 degrees 30 minutes 29 seconds East, 102.01 feet; thence North 89 degrees 46 minutes 45 seconds West, 100.00 feet to the point of beginning; thence continuing North 89 degrees 46 minutes 45 seconds West, 335.00 feet to the Easterly right of way line of Lapeer Road (M-24, variable width); thence along said Easterly right of way line, North 02 degrees 48 minutes 23 seconds East, 256.08 feet; thence North 86 degrees 00 minutes 52 seconds East, 335.00 feet; thence South 02 degrees 23 minutes 46 seconds West, 280.59 feet to the point of beginning.

Parcel 2:
A parcel of land in the Northeast 1/4 of Section 35, Town 4 North, Range 10 East, Orion Township, Oakland County, Michigan, said parcel being more particularly described as: Commencing at the Northeast corner of said Section 35; thence along the North line of said Section 35, North 88 degrees 38 minutes 02 seconds West, 1062.11 feet to the North 1/8 corner of said Northeast 1/4; thence South 02 degrees 48 minutes 26 seconds West, 590.50 feet to the point of beginning; thence continuing South 02 degrees 48 minutes 26 seconds West, 367.98 feet; thence North 86 degrees 06 minutes 44 seconds East, 1.16 feet; thence South 02 degrees 44 minutes 18 seconds West, 113.30 feet; thence South 89 degrees 29 minutes 31 seconds East, 135.01 feet; thence South 01 degrees 14 minutes 24 seconds West, 319.72 feet; thence North 89 degrees 29 minutes 31 seconds West, 692.89 feet; thence North 00 degrees 30 minutes 29 seconds East, 102.01 feet; thence North 89 degrees 46 minutes 45 seconds West, 100.00 feet; thence North 02 degrees 23 minutes 46 seconds East, 280.59 feet; thence South 86 degrees 00 minutes 52 seconds West, 335.00 feet to the Easterly right of way line of Lapeer Road (M-24, variable width); thence along said Easterly right of way line, North 02 degrees 48 minutes 23 seconds East, 340.81 feet; thence North 86 degrees 17 minutes 37 seconds East, 183.00 feet; thence North 00 degrees 23 minutes 59 seconds West, 54.75 feet; thence North 86 degrees 13 minutes 26 seconds East, 69.72 feet; thence North 02 degrees 43 minutes 57 seconds East, 131.92 feet; thence North 86 degrees 19 minutes 31 seconds East, 343.08 feet; thence South 02 degrees 52 minutes 23 seconds West, 120.14 feet; thence South 88 degrees 38 minutes 02 seconds East, 397.59 feet to the point of beginning.

LEGEND:	
—O—ELEC—W—G—	EX. OH. ELEC. POLE & GUY WIRE
—UG—CATV—	EX. U.G. CABLE TV & PEDESTAL
—UG—COMM—	EX. U.G. COMMUNICATION LINE, PEDESTAL & MANHOLE
—UG—ELEC—	EX. U.G. ELEC. MANHOLE, METER & HANDHOLE
---	EX. GAS LINE
⊕	EX. GAS VALVE & GAS LINE MARKER
⊕	EX. TRANSFORMER & IRRIGATION VALVE
---	EX. WATER MAIN
⊕	EX. HYDRANT, GATE VALVE & POST INDICATOR VALVE
⊕	EX. WATER VALVE BOX & SHUTOFF
⊕	EX. SANITARY SEWER
⊕	EX. SANITARY CLEANOUT & MANHOLE
⊕	EX. COMBINED SEWER MANHOLE
---	EX. STORM SEWER
⊕	EX. CLEANOUT & MANHOLE
⊕	EX. SQUARE, ROUND, & BEEHIVE CATCH BASIN
⊕	EX. YARD DRAIN & ROOF DRAIN
⊕	EX. UNIDENTIFIED STRUCTURE
⊕	EX. MAILBOX, SIGN & LIGHTPOLE
⊕	EX. FENCE
⊕	EX. GUARD RAIL
⊕	EX. SPOT ELEVATION
⊕	EX. CONTOUR
⊕	EX. WETLAND
⊕	IRON FOUND / SET
⊕	NAIL FOUND / NAIL & CAP SET
⊕	BRASS PLUG SET
⊕	MONUMENT FOUND / SET
⊕	SECTION CORNER FOUND
⊕	RECORDED / MEASURED / CALCULATED

FLOODPLAIN NOTE:
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE 'X', AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP NUMBER 26125C0376F, DATED SEPTEMBER 29, 2006.

SURVEYOR'S NOTES:
Parcel 1 contains ±2.056 Acres
Parcel 2 contains ±16.526 Acres

RECEIVED
January 31, 2023
Orion Township
Planning & Zoning

APPLICANT:
JB DONALDSON COMPANY
37610 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331
PHONE: 248.344.9045

CLIENT
JB DONALDSON
37610 Hills Tech Dr.
Farmington Hills, MI 48331

PROJECT TITLE
JBD LAPEER RD.
4285 S. LAPEER RD.
ORION TOWNSHIP, MI 48369

REVISIONS	

ORIGINAL ISSUE DATE:
OCTOBER 4, 2022

DRAWING TITLE
REZONING
EXHIBIT

PEA JOB NO.	2022-1228
P.M.	DLC
DN.	TJB
DES.	N/A

DRAWING NUMBER:
1



Charter Township of Orion

2323 Joslyn Rd., Lake Orion MI 48360
www.oriontownship.org

Planning & Zoning Department

Phone: (248) 391-0304, ext. 5000

TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Zoning/Planning Director

DATE: February 23, 2023

RE: PC-23-03, Lapeer Rd. Burger King Rezone Request

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions' findings of facts. Any additional findings of facts should be added to the motion below. Please note that it was suggested to me that on matters that involve rezonings, PUD's, Special Land Uses or variances that I provide language indicating that the matter can be **approved or denied**.

Rezone Request (Ord. 78, Section 30.04)

Motion: I move that the Planning Commission forwards a recommendation to the Township Board to **approve/deny** PC-23-03, Lapeer Rd. Burger King Rezone Request. The request is to rezone 1155 S. Lapeer Rd. (parcel #09-14-226-011) from Office Professional (OP) to General Business (GB) for the application date stamped received 1/31/2023. This recommendation to **approve/deny** is based on the following findings of facts:

- a. The objectives of the Master Plan (Insert findings of facts),
- b. Existing uses of property within the general area of the property in question (Insert findings of facts),
- c. The zoning classification of property within the general area of the property in question (Insert findings of facts),
- d. The suitability of the property in question to the uses permitted, under the existing zoning classification (Insert findings of fact),
- e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification (Insert findings of facts).
- f. Any additional findings of facts.

If the motion is to recommend approval it is suggested that it be conditioned upon:

- a. (insert any additional conditions).

RECEIVED

FEB 8 2023

Orion Township
Planning & Zoning



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

February 8, 2023

Zoning Map Amendment (Rezoning) Review for Orion Township, Michigan

PETITION INTRODUCTION

Case Number: PC-23-03
Project Name: Lapeer Road Burger King
Applicant: Ronn Nadis for Carrolls, LLC
Request: Zoning Map Amendment
Location: 1155 S Lapeer
Parcel Number: 09-14-226-011

PETITION DESCRIPTION

The applicant is requesting a zoning map amendment (*also known as rezoning*) of 1 property from the OP Office and Professional district to the GB General Business district.

The zoning map amendment is in anticipation of redevelopment of the site with a new fast-food restaurant with drive-through. A rough site plan and building plans have been submitted, but the application has not been submitted as a conditional zoning map amendment. If the zoning map amendment is approved, the site could be developed with the proposed site plan and use or with another site plan or use.

The proposed GB General Business district would increase the number of potential general business uses (*restaurants, retail, services*) and reduce the number of potential light industrial and institutional uses (*automotive repair, light assembly, hospital*).

The minimum lot area would be reduced significantly. The front and side yard setbacks would be slightly reduced. The minimum building clear space would increase slightly. Other developmental standards would remain the same or similar.

For zoning map amendments, the Planning Commission makes a recommendation that is forwarded to the Township Board for final action.

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

Lapeer Road Burger King
Zoning Map Amendment Review
February 8, 2023

This review focuses on planning and zoning issues related to the requested zoning map amendment. Comments related engineering, transportation, or legal issues are deferred to other agencies and entities.

PROPERTY INFORMATION

Address: 1155 S Lapeer
Location: East side of Lapeer, between Clarkston and Casemer
Parcel Numbers: 09-14-226-011
Lot Area: 1.3 acres
59,390 square feet
Frontage: 200 feet (*Lapeer/M-24*)
Existing Land Use: Fast food restaurant with drive through

Aerial of the Site



ZONING

Summaries of the intent and purpose of the current and proposed zoning districts are below.

Maps showing the existing and proposed zoning districts are included later in the “Surrounding Properties” section of this report.

<p>Current Zoning</p>	<p>OP Office and Professional</p> <p><i>The Office and Professional District is intended to provide locations of the office-type professional and administrative services necessary for the normal conduct of a community’s activities. This district is also intended to provide locations, when located a considerable distance from residential properties, where activities of a testing, research, prototype planning or development, or a similar nature are permitted. Additionally, this District is intended to provide locations for light assembly as a special land use permit, where provided in conjunction with research and development activities. Community service activities such as training centers, meeting halls, and health clinics are also allowed.</i></p> <p><i>Office and Professional Districts are specifically designed to prohibit retail establishments, manufacturing, or industrial activities other than light assembly, and other business activities that generate heavy traffic or constant visits of the general public. However, a limited range of convenience retail and service businesses are permitted within the Office and Professional District for the benefit of workers and visitors within the district. Any such commercial uses should be designed to complement the predominant office and research and development uses within the district.</i></p> <p><i>All activities in the Office and Professional District must take place in a completely enclosed building in a well landscaped setting. To protect the health, welfare, and safety of the community, the uses permitted in this district are not allowed to generate high noise levels or to use, store, or produce any toxic or hazardous substances. These districts shall have direct access onto an existing or proposed collector or major thoroughfare.</i></p>
<p>Proposed Zoning</p>	<p>GB General Business</p> <p><i>The General Business (GB) District is intended to provide locations for individual businesses or a collection of businesses that provide a commodity or service on a regional basis. The zoning district is characterized by higher traffic generation and greater degrees of sight visibility and requires a site design which will not impede the flow of traffic or traffic safety. The GB District is intended to have the necessary restrictions to limit businesses’ impact upon the community. This includes safe and efficient traffic flow, adequate parking, and attractive landscaping. The GB District is further intended to have direct access onto an existing or proposed thoroughfare, but only where optimum egress and regress can be provided.</i></p>

POTENTIAL USES

§9.01/§14.01

If the zoning map amendment is approved, the property could be used for any of the potential permitted uses, special land uses, or accessory uses in the GB General Business district. A summary of those uses, taken from §14.01 Use Matrix, is below. A summary of the potential

Lapeer Road Burger King
Zoning Map Amendment Review
February 8, 2023

permitted uses, special land uses, and accessory uses in the current OP Office and Professional district, taken from §9.01 Use Matrix, is also included. See the Zoning Ordinance for the complete list of uses.

New uses in the proposed zoning district that are not listed in the current zoning district are noted in green. Uses in the current zoning district that are not listed in the proposed zoning district are noted with red.

Permitted Uses	Current OP	Proposed GB
<i>Automobile parts sales</i>	SLU	P
<i>Automobile or recreational vehicle sales</i>	SLU	P
<i>Automobile service center</i>	SLU	P
<i>Bar or lounge</i>	-	P
<i>Bowling alley</i>	-	P
<i>Catering facility</i>	P	P
<i>Contractor showroom</i>	-	P
<i>Convenience store</i>	-	P
<i>General retail, including consumer goods, grocery store, furniture, appliances, nurseries, outdoor garden shops, home improvement (less than 55,000 square feet)</i>	-	P
<i>Health clubs</i>	-	P
<i>Indoor recreation, small</i>	-	P
<i>Lumber yard</i>	-	P
<i>Medical clinic</i>	P	P
<i>Personal service</i>	P	P
<i>Pet grooming or day care</i>	P	P
<i>Professional and medical offices</i>	P	P
<i>Public service or government facility</i>	P	P
<i>Public transportation facility</i>	-	P
<i>Restaurant (no drive-through)</i>	SLU	P
<i>School or studio</i>	P	P
<i>Theater for performing arts or athletic events</i>	-	P
<i>Veterinary clinic or hospital</i>	P	P

Special Land Uses	Current OP	Proposed GB
<i>Banquet facility</i>	SLU	SLU
<i>Emergency or extend hour medical clinic</i>	SLU	SLU
<i>Extended hour uses</i>	-	SLU
<i>Fabricator showroom</i>	SLU	SLU
<i>Fuel service station</i>	-	SLU
<i>General retail, greater than 55,000 square feet</i>	-	SLU
<i>Hotel or motel</i>	SLU	SLU

Lapeer Road Burger King
Zoning Map Amendment Review
February 8, 2023

<i>Indoor recreation, large</i>	-	SLU
<i>Mini-storage or warehousing</i>	SLU	SLU
<i>Outdoor cafe</i>	-	SLU
<i>Overnight boarding or kennel</i>	-	SLU
<i>Place of worship</i>	P	SLU
<i>Restaurant (with drive-through)</i>	SLU	SLU
<i>Tattoo, body art, or piercing establishment</i>	-	SLU

Accessory Uses	Current OP	Proposed GB
<i>Accessory buildings or uses that are customarily incidental to any of the allowed principal uses</i>	PA	PA
<i>Outdoor display areas</i>	-	PA
<i>Outdoor patio</i>	-	PA
<i>Outdoor storage</i>	??	PA

Prohibited Uses	Current OP	Proposed GB
<i>Assisted living facility</i>	SLU	-
<i>Automotive repair</i>	SLU	-
<i>Data processing or computer center</i>	P	-
<i>Day care center or preschool</i>	SLU	-
<i>Equipment repair and sales</i>	SLU	-
<i>Hospital</i>	SLU	-
<i>Light assembly</i>	SLU	-
<i>Medical or dental laboratories</i>	P	-
<i>Mortuary establishment</i>	SLU	-
<i>Pilot research and design centers</i>	P/SLU	-

DEVELOPMENTAL STANDARDS

\$9.04/\$11.04

A summary of the developmental standards for the current and proposed zoning districts is below.

The minimum lot area would be significantly reduced, and the minimum front and side setbacks would be slightly reduced. Maximum lot coverage, rear yard setback, and building height would remain the same. Minimum building clear space would increase slightly.

	Current OP	Proposed GB
Lot Area	20,000 square feet	12,000 square feet
Lot Coverage	30 percent	30 percent

Front Setback	50 feet	30 feet
Side Setback	30 feet	20 feet
Rear Setback	30 feet	30 feet
Building Height	25 feet	25 feet
Building Clear Space	15 feet	20 feet

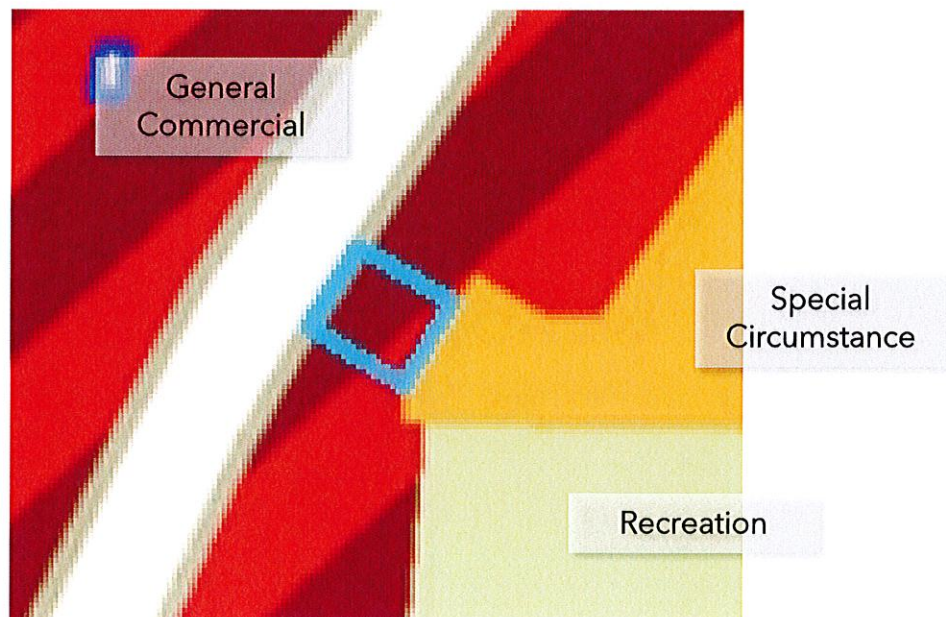
FUTURE LAND USE MAP

The property is located within the General Commercial area.

Future Land Use General Commercial

Use *General Commercial is planned along the Baldwin and Lapeer Road corridors and is intended for commercial uses that supply a larger and more diversified number of goods than those in the Neighborhood Commercial classification. The intended character of these areas is comparable to those permitted within the General Business (GB) zoning districts which includes a wide range of regional commercial uses such as large-format retail, supermarkets and drugstores, discount stores, department stores along with facilities such as automobile dealers, other vehicle related services, and commercial recreation.*

Future Land Use Map



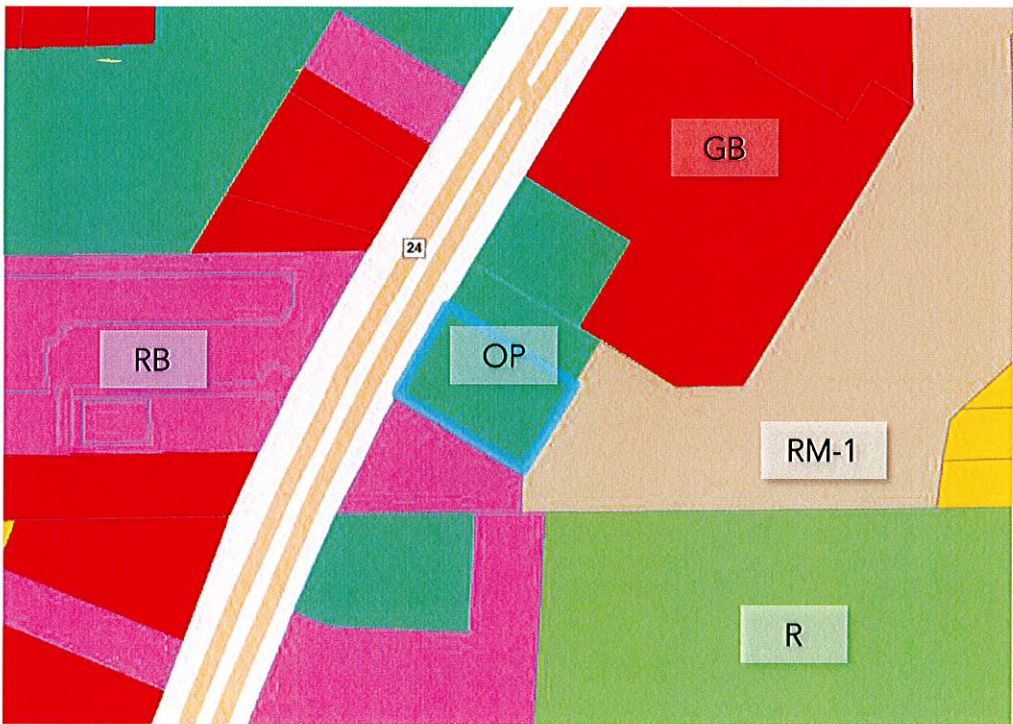
SURROUNDING PROPERTIES

The surrounding properties along Lapeer/M-24 are commercial uses, including offices, retail, and drive-through uses. The property to the east is undeveloped.

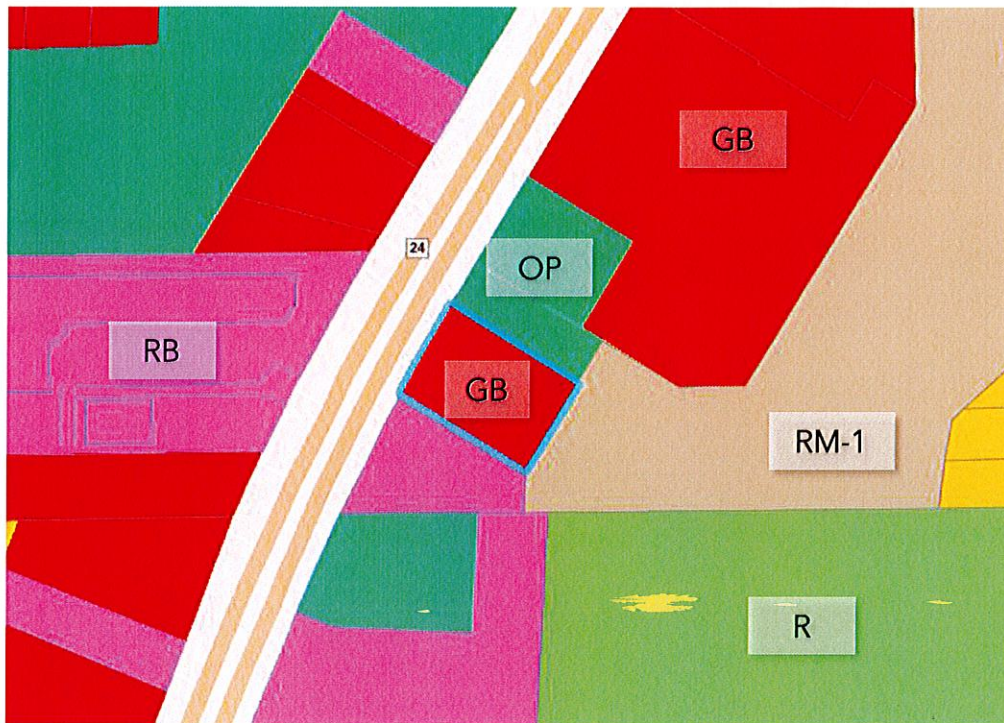
Maps showing the current and proposed zoning districts are below.

	North	East	South	West
Surrounding Zoning	<i>OP Office and Professional</i>	<i>RM-1 Multiple-family Residential</i>	<i>RB Restricted Business</i>	<i>RB Restricted Business</i>
Surrounding Land Uses	<i>Medical offices</i>	<i>Undeveloped woodlands</i>	<i>Bank with drive through</i>	<i>Retail strip mall</i>
Future Land-Use Map	<i>General Commercial</i>	<i>Special Circumstance</i>	<i>General Commercial</i>	<i>General Commercial</i>

Current Zoning Map



Proposed Zoning Map



APPLICABLE LAND USE STANDARDS

§30.04

The zoning map amendment process is described briefly in MCL 125.3202, which outlines the notice process and provides the authority for local governments to define the manner for changing district boundaries by ordinance.

The processes and criteria for changing the zoning text or zoning map are outlined in §30.04 Amendments to the Zoning Ordinance. The Planning Commission holds a public hearing and makes a recommendation. This recommendation is forwarded to the Township Board for action. *(When a property is adjacent to another community or County-owned property, it is also forwarded to the County for review and comment.)*

The guidelines for zoning map amendments, from §30.04(D)(4), are examined below. Additional information may be shared or discovered at the public hearing.

a) The objectives of the Township's Master.

Comments: The requested zoning map amendment is generally consistent with the Future Land Use Map in the Master Plan, as the proposed GB General Business district corresponds with the General Commercial areas in the Master Plan.

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

Comments: Existing uses of property within the general area along Lapeer/M-24 are a mix of office and general retail uses that correspond with either the OP Office and Professional or the GB General Business districts.

It does not appear that the use or development of the site, as allowed in the GB General Business district, would have a negative impact on the use or development of surrounding properties.

The property to the east is currently vacant but is intended for multiple-family dwellings. The redevelopment of the property within the GB General Business district could create a greater impact on that property than the current OP Office and Professional district, but the Zoning Ordinance requires specific screening and buffering to mitigate those potential impacts.

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

Comments: This property would not be contiguous with any other properties in the GB General Business district at this time. It would be adjacent with other commercial districts, including OP Office and Professional and RB Restricted Business.

Based on the Future Land Use Map in the Master Plan, this property and the surrounding properties along Lapeer/M-24 are intended to be within the GB General Business district.

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

Comment: The property has been used as a fast-food restaurant for at least 30 years, which is a special land use in the current zoning district (and a special land use in the proposed zoning district).

It appears possible to use the property for many of the permitted or special land uses in the current zoning district, especially office uses and general services.

It may be difficult to use the property for other more-intensive permitted uses or special land uses, such as light assembly, mini-storage, or automotive uses because of the space required to support those uses.

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

Comment: Recent development in the general area of this property, especially along Lapeer/M-24, has tended to be more consistent with uses in the GB General Business district.

SUMMARY AND COMMENTS

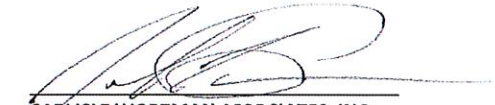
The requested zoning map amendment appears to be consistent with the Future Land Use Map, which includes this property and adjacent properties along Lapeer/M-24 within a General Commercial area, corresponding with the proposed GB General Business zoning district.

There would be an increase in the potential number of general retail and restaurant uses and a decrease in the potential number of light industrial and institutional uses with the proposed zoning map amendment.


The minimum lot area would decrease from 20,000 square feet to 12,000 square feet. The minimum front yard setback would decrease from 50 feet to 30 feet, and the minimum side yard setback would decrease from 30 feet to 20 feet. There would be no change to the minimum rear yard setback, maximum lot coverage, or maximum building height. The minimum building clearance would increase from 15 to 20 feet.

Because this has not been submitted as a conditional zoning map amendment, the Township cannot place any conditions on approval.

The Planning Commission's recommendation is forwarded to the Township Board for action.



CARLISLE WORTMAN ASSOCIATES, INC.
John L. Enos, AICP
Vice President



CARLISLE/WORTMAN ASSOC., INC.
Zach Michels, AICP
Planner



Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000

RECEIVED

JAN 31 2023

Orion Township
Planning & Zoning

Case # 23-03

Meeting Date: - 3/1/2023

Charter Township of Orion Planning Commission Rezoning Application

30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

Project Name: Lapeer Road Burger King Rezoning

Applicant	Name: <u>Carrols, LLC</u> Address: <u>968 James Street, P.O. Box 6969</u> City: <u>Syracuse</u> State: <u>New York</u> Zip: <u>13203</u> Phone: <u>(315) 424-0513</u> Cell: _____ Fax: _____ Email: <u>Contacts@Carrols.com</u>
*Property Owner(s)	Name: <u>Carrols, LLC</u> Address: <u>968 James Street, P.O. Box 6969</u> City: <u>Syracuse</u> State: <u>New York</u> Zip: <u>13203</u> Phone: <u>(315) 424-0513</u> Cell: _____ Fax: _____ Email: <u>Contact@Carrols.com</u> * 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. Name: <u>Ronn Nadis, Esq. at Couzens, Lansky, Fealk, Ellis, Roeder, & Lazar, P.C.</u>
Plan Preparer Firm/Person	Name: _____ Address: <u>39395 West 12 Mile Road</u> City: <u>Farmington Hills</u> State: <u>Michigan</u> Zip: <u>48331</u> Phone: <u>(248) 489-8600, ext. 383</u> Cell: _____ Fax: <u>(248) 324-2492</u> Email: <u>Ronn.Nadis@Couzens.com</u>
Project Contact Person	Name: <u>Ronn Nadis</u> Address: <u>39395 West 12 Mile Road</u> City: <u>Farmington Hills</u> State: <u>Michigan</u> Zip: <u>48331</u> Phone: <u>(248) 489-8600, ext. 383</u> Cell: _____ Fax: <u>(248) 324-2492</u> Email: <u>Ronn.Nadis@Couzens.com</u>

Property Description	Sidwell Number(s): <u>09-14-226-011</u>
	Location or Address of Property: <u>1155 South Lapeer Road, Lake Orion, MI 48360</u>
	Side of Street: <u>East</u> Nearest Intersection: <u>South Lapeer Road and East Clarkston Road</u>
	Acreage: <u>1.365</u> Current Use of Property: <u>Burger King restaurant with drive through</u>
	Frontage (in feet): <u>200.00</u> Depth (in feet): <u>299.93</u>
	Subject Property Zoning: <u>Office & Professional</u> Adjacent Zoning: <u>N. Office & Professional</u> <u>S. Restricted Business</u> <u>E. Multiple Family Residential</u> <u>W. Public Road</u>
	Is the complete legal description printed on the site plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no please attach to the application)
	Requested Zoning Classification: <u>General Business</u>
	Existing Use of Property: <u>Restaurant with drive-through</u> Proposed Use of Property: <u>Restaurant with drive-through</u>
	Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: <u>See Attachment A, item 1.</u>
Requested Rezoning	
	Explain why the existing zoning classification is no longer appropriate: <u>See Attachment A, item 2.</u>
	Explain why the proposed rezoning will not be detrimental to surrounding properties: <u>See Attachment A, item 3.</u>

Required Signage

Pursuant to Zoning Ordinance 78, Section 30.04(H), a sign indicating the requested rezone 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).
- ☒ 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 Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance No. 78, Section 30.04 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.

Carrols, LLC, a Delaware limited liability company

Signature of Applicant:

(must be original ink signature)

Date:

11/27/23

Print Name: Richard G. Cross, Vice President and Director of Real Estate

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.

Carrols, LLC, a Delaware limited liability company

Signature of Owner*:

(must be original ink signature)

Date:

11/27/23

Print Name: Richard G. Cross, Vice President and Director of Real Estate

*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 30.04(H), 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:

ZONING CHANGE 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)
- (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 & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002

Project Name Lapeer Road Burger King Rezoning

PC# _____ Parcel#(s) 09-14-226-011

Please select an option below:

☐ **Permission to Post on Web Site**

By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above-named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

Signature of Applicant

Date

Printed Name of Applicant

☒ **Do not want Posted on Web Site**

Legal Description

Part of the Northeast 1/4 of Section 14, Town 4 North, Range 10 East, Orion Township, Oakland County, Michigan, is more particularly described as beginning at a point on the Easterly right of way line of Lapeer Road (M-24 Highway) located distant North 88 degrees 34 minutes West 738.75 feet along the North line of said Section 14 and South 34 degrees 52 minutes West along the Easterly right of way line of Lapeer Road, a distance of 1113.91 feet and along a curve to the left (radius = 4403.44 feet, long chord bears South 34 degrees 42 minutes 0 seconds West 25.23 feet) a distance of 25.23 feet from the Northeast corner of said Section 14, thence from said point of beginning South 55 degrees 08 minutes East 299.93 feet, thence South 34 degrees 52 minutes West 199.91 feet, thence North 55 degrees 08 minutes West 294.24 feet to a point on the Easterly right of way line of Lapeer Road, thence along a curve to the right (radius = 4403.44 feet, long chord bears North 33 degrees 14 minutes 14 seconds East 199.99 feet) a distance of 200.00 feet to the point of beginning.

Commonly known as 1155 South Lapeer Road, Lake Orion, MI 48360

Tax Identification Number 09-14-226-011

Attachment A

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership:

1. This property is currently, and for more than 30 years has been, used as a Burger King restaurant with a drive-through. When constructed, this use, including the drive-through, was approved by the Township as a proper use under the then-existing zoning of the property. The zoning classification was changed many years ago to "Office & Professional" and the use became non-conforming. Following the reclassification, the Burger King restaurant has been operated in this location as a legal non-conforming use without a special land use permit. The owners wish to redevelop the property which would include fully demolishing the existing structure and building a new Burger King restaurant and new drive-through. This ongoing use is consistent with the Township's recently adopted Master Plan which contemplates that this site would be classified as "General Commercial." Under the current "Office & Professional" classification, a restaurant with a drive-through would not be permitted and the owner would not be able to proceed with its reconstruction/redevelopment plans. If rezoned as "General Business", a drive-through restaurant would be permitted with a special land use permit.

It is in the best interests of the owner to obtain the requested rezoning to facilitate the reconstruction/redevelopment and the continued successful operations at this site and avoid the need to move to an alternative site outside of the Township. It is in the best interests of the Township to allow the requested rezoning and to ultimately approve a special land use permit for a drive-through (a) to bring the years-long use into conformity with the prevailing zoning classification which is consistent with the Township's Master Plan; and (b) to allow the Township to issue a special land use permit under its existing ordinances and avoid the ongoing use to continue without a special land use permit and the review required therefor.

Attachment A

Explain why the existing zoning classification is no longer appropriate:

2. The current zoning classification of "Office & Professional" does not permit a restaurant with a drive-through. This restaurant and drive-through have been operating at this location without incident for more than 30 years but Applicant will not be able to effectuate the reconstruction/redevelopment necessary to create a modern, up-to-date store and site that will allow the franchise to successfully compete in the current marketplace. The desired "General Business" classification allows for a restaurant with a drive-through with a special use permit and the owner intends to apply for the same in connection with a site plan application.

Attachment A

Explain why the proposed rezoning will not be detrimental to surrounding properties:

3. The current restaurant with drive-through has been in place at this site for more than 30 years and has served the surrounding area, including nearby offices, retail establishments, and residential communities, for many years. The proposed reconstruction/redevelopment would not materially or detrimentally change the utilization of the site from its current utilization, nor will it negatively impact the surrounding properties. In fact, it is likely that the redevelopment of the site will improve its utilization as it relates to surrounding properties and result in a significant upgrade of the appearance of the site. This rezoning will not change the nature of the property nor adversely impact its neighbors; the only change will be a new legal classification allowing this property to be used as it has been for many years, but with a modern up-to-date facility. The owners seek to build a new restaurant with a drive-through and intend to take all necessary measures to ensure that it does so in a manner that does not negatively impact (if not improve) traffic flow on the site, as well as access to and from Lapeer Road.

*** * * * * NOTICE OF PUBLIC HEARING * * * * ***

The Charter Township of Orion Planning Commission will hold a Public Hearing on Wednesday, March 15, 2023, at 7:05 p.m., at the Orion Township Municipal Complex Board Room, 2323 Joslyn Rd, Lake Orion, MI 48360 on the following matter:

PC-2021-65, Township Initiated Text Amendment to Zoning Ordinance #78, 2022 Zoning Ordinance Updates, Articles II, III, IX, XI, XIV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXVI, XXVII, XXIX, XXX, XXXIV, and XXXV, providing for repeal of conflicting ordinances and portions thereof; and providing an effective date.

If you are not able to attend, send correspondence to Orion Township Hall, 2323 Joslyn Rd. addressed to the Planning Commission to express your concerns and comments. A copy of the proposed text amendment is on file in the Planning & Zoning Department office and the Township Clerk's office and may be examined during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday until the date of the public hearing.

Orion Township will provide necessary and reasonable auxiliary aids, and services for individuals with disabilities at the public hearing upon advance notice by writing or calling Penny S. Shults, Township Clerk, 2323 Joslyn Road, Lake Orion, Michigan 48360; 248-391-0304, ext. 4001. Please contact the Clerk's office at least 72 hours in advance of the public hearing.

Scott Reynolds
Planning Commission

Penny S. Shults
Township Clerk