Joint Public Hearing with the Board of Trustees at 7:05pm: for PC-2021-78, The Woodlands Planned Unit Development (PUD), located on a vacant parcel located east of 310 Waldon Road, Sidwell #09-23-351-024. The applicant, Detroit Riverside Capital, is proposing to rezone the property from Suburban Estates (SE) & Single Family Residential-2 (R-2) to Planned Unit Development (PUD) to construct a 190 multi-family unit development.

Public Hearing (immediately following PC-2021-78 Public Hearing): PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP), Article18, Section 18.01 – Land Uses.

1. OPEN MEETING

2. ROLL CALL/PLEDGE OF ALLEGIANCE

3. MINUTES
   A. 10-06-2021, Planning Commission Regular Meeting Minutes
   B. 10-06-2021 - PC-2021-70, Grandview Rezone Public Hearing Minutes
   C. 10-06-2021 - PC-2021-71, F & D Silverbell Rezone Public Hearing Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2021-79, Lifted Industrial Site Plan Modification, located at 4611 Liberty Dr., (parcel 09-34-300-018).

8. UNFINISHED BUSINESS
   B. PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP), Article 18, Section 18.01 – Land Uses
   C. PC-2021-07, 5-Year Master Plan Update

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Township at least seventy-two hours in advance of the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 6, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

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

PLANNING COMMISSION MEMBERS ABSENT:
Jessica Gingell, Commissioner

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

2. ROLL CALL/PLEDGE OF ALLEGIANCE
As noted

CONSULTANTS PRESENT:
Rod Arroyo, (Township Planner) of Giffels Webster
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Sara D’Agostini     Adam Ossipove     Danny Plantus
Joseph Salone III  Joseph Salome IV   Ken Mihelich
Michael Rich       Gene D’Agostini    Kelly Mihelich
Mary Ann Ryan      Wendy Ryan-Borga   M. Wany (sp?)
Jerry Lilly         Richard Bondar     Tracy Deuman
Chris Krystek      Dawn Krystek

3. MINUTES
A. 09-15-21, Planning Commission Regular Meeting Minutes
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski to approve both sets of minutes as submitted. Motion carried

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

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

6. CONSENT AGENDA
None
Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB) at 7:05 p.m. and closed the public hearing at 7:15 p.m.

Chairman Reynolds opened the public hearing for PC-2021-71, at 7:15 p.m. F & D Silverbell Rezone Request, the request is to rezone approx. 23.05 acres of vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB).

Chairman Reynolds closed the public hearings and reconvened the regular meeting of the Planning Commission at 7:20 p.m.

7. NEW BUSINESS
A. PC-2017-14, Orion Commons PUD Commercial, requesting site plan extension, located at the vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel #09-23-100-004).

Chairman Reynolds asked the applicant to state their name and address for the record.

Mr. John Thompson with PEA representing Orion Commons LLC. presented.

Chairman Reynolds said just a general overview of the request, the reason for the request so they have some background.

Mr. Thompson said that Orion Commons Commercial North Unit #1 & 2, the site plans before them was originally approved June 21, 2017. It was extended into 2018, 2019, and 2020. The plan itself consists of approx. 5 acres located at Gunnison and M-24. It is zoned (PUD) general business overlay. The two standalone buildings consist of a retail/restaurant development totaling approximately 12,000-sq. ft. This includes a vast casual drive-thru as one of the options.

Mr. Thompson said that they were there to request another 1-year extension. Generally speaking, the commercial real estate market has not recovered after Covid. New development particularly ones with small tenants is still at a standstill. They have already heard comments from the public about retail spaces with vacant doors as it is. Trying to build a new development just has not been feasible. Dave Walters who is the applicant was double-booked today and he apologized for not being there. Dave Walters with Lormax said that their main focus has been trying to continue to maintain existing tenants, they haven’t been able to get the new developments off the ground. Having an approved site plan is a huge advantage over their competition when the tenants are trying to find space versus developments that is just raw land. It is a huge thing for them to maintain this site plan approval.

Mr. Thompson said over the last couple of years they have prepared multiple concept plans they have had multiple possible tenants. They have looked at hardware stores, restaurants, other small retail developments, they even laid out apartments on the property trying to look at
other options or possibilities. As recent as last month they had a coffee user come into the Township and looked at that as a possibility, however, they dropped the site too. They understand as a general rule the Township doesn’t want site plans sitting around forever. They have effectively lost the last two years due to Covid. Right now, it still hasn’t come back, they are hoping that it will soon. He didn’t want to set a precedence for multiple extensions but under the same findings of facts for the previous approval, he just wanted to mention a few things: this is a PUD so any changes that would come before them on the site plan would be required through a major or minor amendment of the PUD so if there were anything that they wanted to change with respect to the site plan versus maintaining the existing site plan they do have those stopgaps. Since the site plan was originally approved there have not been a lot of changes in the requirements. So that moving forward they would not have a non-compliant situation. Again, the development has been stalled because of Covid. With that, they are asking for a one-year extension.

Vice-Chairman Gross said that it was unfortunate that the pandemic has been a partial problem to this situation but there hasn’t been any movement on this site for 5-years, since 2017. Since that time, they have had at least 3 new Planning Commissioners that have not even seen the plans. They have a new Planning consultant that has never seen the plan. They have a residential community immediately to the west that is now totally developed that has never seen the plan. They are in the process of revising their Master Plan. They have been patient for 5-years. He thought it was time to reevaluate the plan, the plan that was submitted as the applicant indicated was pretty much for a specific use and that specific use has not materialized. He appreciated the fact that they are continuing to market it as such but his opinion was it was time for them to give all the Planning Commissioners a chance to review the plan and to reevaluate where they are going. He said he would not be able to support an extension.

Trustee Urbanowski asked Planner Arroyo, it has been a few years, she asked what are the problems with continuing to extend these plans? They are going through the Master Plan they are updating things. She asked what if things change? What are the bad and good of extending this long? Planner Arroyo said that some of the factors they look at are, the Master Plan the long-range vision obviously they are in the process of working on that. If they have a project that was approved and does not get built and they are looking for extensions then they should look at changes within the community and changes within policies, and land-use policies that they may have established. Typically, if all things are equal and they haven’t amended the ordinances and things have pretty much stayed the same then a lot of time extensions are granted because there is really no good purpose in saying this project is over, they have to start over again. The pandemic is certainly an issue, as the applicant has indicated, there have been many instances where projects are delayed. But clearly, this has gone beyond that because it has been 5-years so that is also a factor for consideration. This is also a PUD with that there are very unique circumstances associated with that. For those that participated in that original review, that would be one thing he would ask is that they look at that and see how they felt at that time and what the conditions were and how those conditions have changed and what impact that would have on their decision where or not to extend this. Those are just some things that come to his mind with some of the factors that they would typically look at.

Trustee Urbanowski asked what happens if hypothetically there is no extension, what is the next step? Planner Arroyo replied if they don’t do anything by the time it expires, it expires, and there is no approval, and if they wanted to build something they would have to submit new plans and go through the approval process, whether it would be for a site plan or a PUD whatever they ask for they would have to reconsider it.

Chairman Reynolds said that he agreed with the initial comments that they have been patient with the development. There has been ample opportunity to create something. The past couple
of years have been pretty crazy. A development even if they said go today is difficult to occur even within a year window. When he takes a step back and looks at the underlying zoning, that hasn’t changed significantly. There have been efforts to bring forth projects to this site and he thought that there was some advantage to the development saying that it is going to be built to suit or a fitting development versus just building the retail to put it up to have it sit vacantly. He thought there were some pluses and some good faith effort as time has proceeded. He personally based on Covid and everything that they are sitting in he didn’t think that if they kicked it back, they are going to see something significantly occur in a year window. In his perspective, he doesn’t see the huge benefit of not at least extending it one last time. Looking at it that way it is a PUD at this point and time they don’t have anything on the table that significantly changes that underlying zoning and even if it did it is a PUD so those conditions are set forth, they are not talking about the zoning district is going to change. His personal effort is to give it a chance to come forth and see if something doesn’t work out. Potentially one of the things that would be nice to see with development right now there really isn’t a whole lot that has been done with it, so if it was maintained or just spruced up landscaping, some of those other things that would potentially sweeten the deal for it sitting vacant but be extended, even the lawn mowed. He understood if it was any other year, he would agree he would hold firm on, they have kept extending but Covid has been a wild ride for the past 2 ½ years. That is one of his challenging thoughts here that he would present.

Secretary St. Henry said that a couple of them were there in 2017 and the original proposals were given, it was a PUD with residential development in the back and the commercial development upfront. He thought that he could speak for the Planning Commission back in the day that they were comfortable with the residential development. There were some serious concerns with the commercial development with the traffic issues along M-24 as well as the nature of the site plan because there were very shallow lots and there was some concern about how viable these pieces of commercial property really were. They had some concerns about drive-thru issues and so forth. In subsequent years when they have given extensions and listened to the applicants and the developer talk about drive-thrus and the fact of the matter was they didn’t approve a drive-thru to being with back in the day when this development was originally proposed. The whole issue began with Covid, Covid started in March of 2020, this property was started to be developed in 2017, they had a few years to find applicants. Since then, they have a development going in a significant development right down the road at Stadium and M-24. Including potential entrances off of M-24 entrances off Stadium, they all know what goes on that corner that is within a ¼ mile of this development. They know what the traffic is like there the situation has changed significantly. He lives across the street from this development and drives by it every day, he was not worried about the grass not being mowed. He wondered what exactly the status of the development has been for the last several years. The daycare that went in there went in pretty quickly, it seemed to be the ideal development there. He would not be in favor of extending this because of the changing development along M24 in that area. This is a very difficult piece of property as it is site planned and how the original development was proposed.

Commissioner Brackon said his concern was more of the presidential effect. They know that if people don’t like their decisions, then it ends up in Circuit Court. When applications get made and briefs get submitted to Circuit Court all of the other examples such as this one will get attached as an exhibit to someone else who did or didn’t get approved, whichever way they are going for and depending on how they vote. So, letting this go on for 2017 and even extending it more could potentially affect that and those decisions in Circuit Court. He said he wasn’t here in 2017 but it has gone on for so long he felt it would potentially harm other issues that may arise in the Circuit Court matter.
Chairman Reynolds said he understood the concern. He thought here inserting findings of fact to potentially speak to the current environment, Covid, and things, that is why there are findings of fact. He didn’t think he was worried about setting a precedence of a few extensions of a project setting it elsewhere with others in the Township because they typically do look at it, case by case.

Trustee Urbanowski said that they had a question before on a completely different case and scenario that they had questions about setting precedence and they were informed that they shouldn’t be overly concerned about setting precedence because each property is different. If they have good reasons for making the decisions that they are making and explain themselves then they should be good.

Planning & Zoning Director Girling stated that this is zoned PUD that doesn't go away. When the PUD was approved it was for the residential in the back and for a 150-ft. strip across the entire front of Lapeer Rd., that would be either commercial or office. If this plan is not renewed it is still a PUD and it still has the right to be office or commercial. The question is really the plan that they came in with to get approved whether that plan that currently has an approval on it will expire. She wanted everyone to understand it will still be zoned PUD.

Secretary St. Henry stated that Planner Arroyo said that if they reject the extension the developer would have to come forward with a new plan down the line.

Planning & Zoning Director Girling said that the way the ordinance reads, and they made it clear when this one was approved, that any use that came in on that front commercial would have to come in as a major PUD amendment. So, they came in as a major PUD amendment when they had a plan that they wanted approved, so, the two choices are, this one stay’s there, and that is what they build if they extend the approved plan. If they don’t anything that they come in for, any alterations to it, they would have to come in as a major PUD amendment anyway. Because it is a strip it didn’t have a future plan it was just a commercial or office. They have a plan that they either build or if they find a different user they are back for another public hearing and another site plan. They can’t proceed with anything besides what they have or if it expires or they find a different user. If they don’t find a user that fits into the plan that is already approved, which they committed to a soft-casual drive-thru and a second building without a drive-thru they would have to come back to them anyways, as a major PUD amendment, with a joint public hearing.

Commissioner Walker said he was not an Engineer, Planner, or Architect when he discusses these things. He is also not an economist but from what he has seen in the business reports the next year is going to be dreadfully dismal just like the last couple of years have been. There seems to be no recovery on the horizon for businesses of any kind. What bothers him is that it is five years and he doesn’t believe they have had anybody else, they review all these individually, but he didn’t think that they have had another plan come back five times, Covid or no Covid. It bothers him that they are still here talking 5 years later. He understands that there have been issues but everybody has had issues and no one has asked for an extension of this magnitude that he was aware of.

Moved by Vice-Chairman Gross, seconded by Commissioner Brackon, that the Planning Commission deny the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan. This denial is based on the following facts: that this would be the 5th extension of the site plan; any modifications to the existing site plan would require that the plan come back before them in any event; the initial plan that was approved was before a previous Planning Commission, there are at least three new sitting Planning Commissioners that have not seen the existing plan; there is a new planning consultant that has not had the
opportunity to review and comment on the site plan; the residential behind the project has been fully developed and they have not had the opportunity to see the plan; he thought it was time to reevaluate the site plan; it is unfortunate that they are confronted with a pandemic situation and some of the delays that it has caused; this property has been sitting this way since 2017.

Discussion on the motion:

Mr. Thompson stated that he hoped that Commissioner Walker is wrong he hoped what he read was wrong. They are optimistic that there is going to be some movement in this next year. They just had a user come in last month for a pre-app on this project. They hope that they are going to see some changes. They see some proposed rezoning to (GB) along M-24 really close to the site, there are of the same nature, they are going to be looking for (GB) type zoning. He thought that there was potential that they can get users next year. He added as far as the residents of the Orion Commons site they were aware as part of the purchase when they bought the houses that there was an existing site plan in place, so, it is not new to them. What was proposed was proposed and approved before they moved in, so they knew the potential was there.

Mr. Thompson said they don’t like to use the word precedence but he has been here several times to obtain extensions on projects and one of the things they have done historically was approved an extension with the specific notion that this was the last one. They hope to be able to develop this next year, so, his desire would be to give him that caveat give him one more year tell him this is the last one and it won’t come back.

Trustee Urbanowski said it is a PUD if anything is going to change, they have to approve it anyway.

Chairman Reynolds said agreed, the biggest thing is if they strongly feel that, it is zoned, ultimately that is what the zoning is. It is kind of a difficult discussion to have because it is not just a standard site plan it is a PUD zoning amendment. He understood that they have been talking about this for a while but there is not a ton of movement here that would or wouldn’t occur. His knee-jerk reaction is the market alto because of Covid and that is a decent finding of fact in his perspective to feel one way or the other. He would strongly agree that this is not something that he wanted to set precedence for and strongly consider. He thought that one last extension is allowable in his eyes.

Trustee Urbanowski felt the same way. She had sat in one of those pre-apps so he knew what he was talking about. It has been a couple of years since the original and she heard it might be this or that but it seemed like they were working on it. She thought it had been a long time but didn’t see the point in not extending it one more time because it is not really going to move anything one way or the other.

Chairman Reynolds said as it sits right now, they have a motion to deny with the following findings of facts that it is the fifth extension, modifications would need to come back to them, and it was before a previous Planning Commission, they have a new planning consultant, and the residents haven’t been part of this input since it was completed afterward there was some clarification to that.

Planning & Zoning Director Girling said she wanted to point before rollcall that the motion is to deny so if you vote yes that means they don’t get the extension.

Roll call vote was as follows: Walker, no; Brackon, yes; St. Henry, yes; Gross, yes; Urbanowski, no, Reynolds, no. Motion failed 3-3. (Gingell absent)
Planning & Zoning Director Girling said in bylaws actually say that they can postpone it until they have a vote that can carry. She knew there was a timeframe on it, however, they were heard within the timeframe so if they had to be at a meeting where they had seven members if they can’t come up with a vote that carries.

Trustee Urbanowski asked if they were allowed to say this is the last extension? Chairman Reynolds thought that they could put that as a condition and a finding of fact. Whatever they want to state with the case it is going to be admitted to the minutes just like it was here tonight with previous extensions that were awarded.

Commissioner Brackon asked if it was binding? Planner Arroyo thought that they could always ask for another extension. Chairman Reynolds said they can always ask but in the findings of fact and in the conditions of the motion obviously their intent is heard clearly and obviously that would be up to the Commission at that point and time which is hearing the condition request.

Moved by Commissioner Brackon, seconded by Commissioner Walker, that the Planning Commission postpone the site plan extension for PC-20217-14, Orion Commons Commercial PUD Amendment Site Plan until they have an uneven number of individuals to cast a vote.

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

B. PC-2018-27, Baldwin Medical/Village Square PUD, requesting site plan extension, located on 2 vacant parcels (09-29-301-084 & 09-29-301-085) south of 3520 S. Baldwin.

Mr. Michael Rich 26020 Radcliff Place, Oak Park, MI, representing Baldwin Medical presented.

Mr. Rich said they are asking for an extension of their site plan. He said that Covid has dealt them a blow. They had to amend an existing PUD and tracking down the other owners due to multiple changes of ownership, they spent almost 10 months and 2019 and into early 2020 getting the PUD amended before they could move even further along. Of course, they got the last signed approval in early March of 2020, about 10 days before Covid disrupted the world. They still had to get the engineering review approved, everything was shut down for the second and third quarters of 2020. He was here a year ago and asked for the extension, they had been negotiating with the engineer to get the engineering review finalized and he said at the time he thought they were very close, they were by the end of 2020 they had the engineering review and approval and that was done. All they had to do was start paying the permit fees and put shovel in the dirt. They had a letter of understanding with a health care system that they were going to build the building for. As they are aware of what has happened with everything in this world but the health care systems between the lack of workers and people not being able to hospitals, etc. they froze everything. They have not moved forward they still expect that they are going to sign an agreement with a health care system to be the sole user/occupant of the building and will be able to go forward. Until they get that they just haven’t broken ground and paid the fees. He added that he can’t guarantee anything. 18 months ago, he would have guaranteed that they wouldn’t be shutting down the entire world for 18 months. He did expect that they would get it signed and be able to move forward. Again, it is a PUD they did go through getting it changed for this purpose to build a medical office building, that is the intent. They do believe that it is the highest and best use, and that is what they expect to incur.

Chairman Reynolds asked what the length of the request was? Mr. Rich replied a one-year extension. He hoped it wouldn’t take that long.
Commissioner Brackon said he was reading the minutes from last year where they talk about that they thought it was very close “he added that once they approve that there were a few more fees to be paid it would be determined by the final engineering and then pre-construction and soil permits would be pulled”. He asked if that happened? Mr. Rich replied that they got the final engineering completed which was not completed when they were there a year ago. The amount of the permits and fees were stated but they did not pull the permits and do the soil because they are waiting to try to sign the final agreement with the user.

Commissioner Brackon asked if that happened when the statements were made that the pre-construction and the soil permits will be pulled. Mr. Rich replied that there was a letter of understanding but not a final agreement. Commissioner Brackon asked what happened then, it didn’t materialize? Mr. Rich replied it got frozen essentially with the user. Commissioner Brackon asked what that meant? Mr. Rich replied that they wouldn’t proceed to sign the final agreement they keep saying they are waiting for their world to move forward, the health care area. They are not expanding they had anticipated having another building to expand into and they are just not ready to do that at this time. They have not signed the final agreement they keep putting them off. Commissioner Brackon asked if the letter of understanding was still valid? Mr. Rich replied that it would have expired at this time. They are still in discussion with them but the letter of understanding has expired.

Planning & Zoning Director Girling stated that indeed they did proceed to the engineering review which is quite costly, got approval. What stops the clock on the expiration of a site plan is pulling one of those permits. Between the approval of the engineering and pulling the permit is a requirement that the Township has currently, it is called a Performance Guarantee which is 50% of the cost of the infrastructure to go in. What would have stopped the clock is if they would have signed and that would have paid these fees, they would have a soil erosion and they wouldn’t be before them because it wouldn’t expire. Mr. Rich stated that the amount of the permits of $250,000. Planning & Zoning Director Girling said that kind of money during Covid is a factor. She wanted to make sure they understood the Performance Guarantee and the commitment from someone tying up those dollars. It is truly either an irrevocable letter of credit or cash, they don’t take bonds.

Secretary St. Henry asked how many extensions have they been granted? Planning & Zoning Director Girling said that their plan was good for a year, so, at the point that that year was expiring, they came in last year and got it, so they have got one extension, this would be the second extension.

Trustee Urbanowski asked regarding the letter of understanding, they were waiting for them to sign the contract, and then Covid hit? Mr. Rich said that Covid hit before the letter of understanding was signed. That is why they expected everything to move forward. When push came to shove to sign the final agreement, they said they are freezing everything right now.

Trustee Urbanowski asked if they were still talking to them? Mr. Rich replied yes. He said the people they are talking to there are essentially saying it is going to happen. He let them know that they have deadlines.

Trustee Urbanowski asked what kind of medical facility is this? Mr. Rich replied said it would be affiliated with one of the hospital systems.

Secretary St. Henry asked if it would be an ambulatory surgical center where they do elective surgeries? Mr. Rich said that any surgeries would be outpatient-type surgeries. Secretary St. Henry said so it would be elective surgeries. Mr. Rich said it would be more just medical offices but will do some lab work there.
Secretary St. Henry said that is why they are gun shy because with Covid elective surgeries have been impacted, off and on, for the last 1½. Mr. Rich said their world got frozen.

Secretary St. Henry said he is a little more optimistic about the economic recovery after Covid, this is a health crisis this is not a financial market crisis like it was back during the recession during 2008/2009. He thought that the hospitals are wanting to see this pandemic head in the right direction and felt that business development will accelerate but there is just too much uncertainty out there at this point.

Chairman Reynolds said that he was in support of providing an extension. They are obviously moving forward with due diligence and if they are at final engineering and they are essentially able to grant that that is pretty far in the process. Mr. Rich said that final engineering was granted that was finalized.

Chairman Reynolds said that there has been plenty of due diligence and especially with the crazy year that they have had he would be in favor of it.

Vice-Chairman Gross agreed. He said in contrast with the previous request that they had this applicant has been in negotiations with the tenant, they have had engineering, they have expended large amounts of money relative to having this project proceed and he agreed that an extension of this would be appropriate.

Moved my Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approve the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD amendment Site Plan for one year until October 16, 2022. This approval is based on the following findings of facts: that the applicant is in current negotiations with a tenant that needs to be finalized; the applicant has conductive extensive engineering and received engineering approval, the Township just requires paying fees.

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

C. PC-2021-70, Grandview – Lapeer Road Rezone Request, located at 3120 S. Lapeer Road (parcel #09-26-151-019 from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and from Recreation 2 (Rec-2) to General Business (GB).

Chairman Reynolds asked if they would like to add anything from their previous presentation if not, he would turn it over to our professional consultants. Mr. Salone replied that he didn't have anything to add other than thanking them for considering their request.

Planner Arroyo read through his review date stamped September 20, 2021.

Chairman Reynolds said that they did have a review from Public Services that there were no additional comments at this time with the rezone request on this parcel.

Commissioner Brackon said he thought that he understood what Planner Arroyo meant by spot zoned and asked if he could define that or explain that? Planner Arroyo said that typically the guidance is they ask three questions, is the rezoning consistent with the Master Plan? Here it is not consistent with the Master Plan but once again they could argue that the mixed-use is directly to the south and if this property had not been historically used as private recreation it might have that mixed-use classification. He thought that they had to take that into consideration. Is the proposed zoning district a logical extension of an existing zoning district in
the area? When they look at zoning, they have (OP) to the north, and (OP) to the south, and (R-2) to the west. There really isn’t from what they are asking for they are not extending necessarily an existing zoning classification that would go to this site, it is primarily an office designation along the west side, that is how it has been zoned, even though the Master Plan would allow for consideration for other uses. The final element is, would approving the request grant a special benefit to the property owner or developer. That is typically one of the things that they look at with a spot zoning is that they are looking at a relatively small piece of property and basically singling this out as a favor to one property owner that other property owners wouldn’t enjoy. If the answer to that is yes, then typically that could be considered a spot zone. This site is a little complicated because of the previous use and because of the mixed-use classification to the south on the Master Plan Future Land Use Map. Those are some of the issues.

Mr. Salone said that the property was previously zoned what they are requesting prior to the existing use. It does have the unique challenge in that it has the ITC corridor on the site, so it is going to limit what uses can be used, what might be appealing there. He thought the other thing to keep in mind was that they are not going to be impacting Waldon in any way, and he thought that some of the residents were concerned about it. He added that the use currently is not viable economically and that is why the seller is selling.

Vice-Chairman Gross asked why are they requesting RM-2 versus RM-1. Mr. Salone said that to make it viable financially with the challenge of the ITC corridor they would need the additional density to make it work. Vice-Chairman Gross said so it is density? Mr. Salone replied yes. He added that there is no other piece available (RM-2) there is nothing else.

Vice-Chairman Gross said that they heard the comments from some of the public earlier as to what might go on the property. He asked if it was their intention to sell the property or to develop it. Mr. Salone replied that it was their intention to develop it. He added that he is a real estate developer and he has built in the community recently, he is building in Auburn Hills similar uses now and it would be his intention to come back before them in the, not too distant future after they complete their studies if they are granted, the rezoning and request of a use consistent with hopefully the rezoning but it would be by him. He is not going out to outside sources for financing or users.

Commissioner Brackon asked what their intention was to build there? Mr. Salone replied multi-family in the back. He said there is really no way to work retail here. Mr. Salone said he lives in the area too and he drives by the site every day and there is really no way to make it work. From a retailer’s perspective, he looks at that on his way home which would be northbound on Lapeer from I-75 and they all know what that is like. The way to work would be southbound and he felt it was underserved, there is nothing there. He thought it would be a good viable location for retail along Lapeer.

Chairman Reynolds said he understood it was a tricky site and that rec was not necessarily a viable use moving forward especially from a private entity. He personally doesn’t have a huge issue with the (GB) along M-24 he thought that was consistent, what he was struggling with was the density that was allowable just by a permitted use since this is just a straight rezone and nothing conditions of an (RM-2) of being proposed on the rest of the site. Even with some of the multi-family in the area none of which are (RM-2). So that is some of his reservation as is the zoning designation of (RM-2) over (RM-1). Some of that thinking process is just the large lots and existing zoning that would be to the west, some of those are larger parcels and how those are Master Planned right now he was just looking at how that use transitions and how some of that property that abuts and is adjacent to the rear yards of some of those is something to consider.
Vice-Chairman Gross said he was concerned about inserting an (RM-2) density into that site, recognizing what’s surrounding it.

Trustee Urbanowski said she felt the same way. They have just been going through these maps and talking about transitions and making sure that things are matching. She was ok with the front portion of it that makes sense but the high density (RM-2) didn’t make sense to her in that area.

Secretary St. Henry said that there is no (RM-2) anywhere along M-24. There are apartment developments on M-24, Indian Village. Chairman Reynolds said that is designated (RM-1) so the multi-family that is along M-24 most of them are (RM-1), there is multi-family along M-24.

Secretary St. Henry said there were a few condos developments within a mile of this location. Indian Village is (RM-1).

Mr. Salone said for whatever it is worth looking at it as he has and looking at this at length, he wanted to remind them that there is a landfill to the southwest, there is no residential home adjacent to this site, and there is a huge powerline running through this site. He didn’t see how this becomes viable for anything other than what he is proposing for it. He didn’t see what other viable use it has. That was why he thought it would make sense, he would never request rezoning and he never has, and he has been doing this for 25-years and he thought was not consistent with what made sense for the site. He really believed because of the ITC wires that that more intense, and because it is not adjacent to any single-family home. All of the traffic would be coming in and out off of Lapeer Rd. which is a state highway. He didn’t see any other sensible use. That ITC powerline is a challenge. Commissioner Brackon asked why? Mr. Salone replied because it is not as desirable to develop it. Commissioner Brackon asked from a person wanting to live there or from a developer’s standpoint? Mr. Salone said from many other uses standpoint.

Commissioner Brackon asked if it was difficult the develop a property because of the lines or is it less desirable from a consumer’s standpoint to want to live there because of the lines? Mr. Salone replied that he thought that it was his hope to not go towards this end of the discussion but didn’t have a problem doing it. He thought that it is more suitable for rent type of use than for sale type of use because of the powerlines, and the location, and because it is not adjacent to any existing homes. There isn’t a concern about transitions, the kennel is to the north, and the property was zoned (RM-2) previously, he thought something that could be considered in favor of going this direction. The property to the south is General Business (GB), he didn’t see how it made sense to do something else with the site but maybe that is self-serving.

Commissioner Walker said that he seems to be saying that he would not consider changing his request to the less dense version. He asked if that was correct? Mr. Salone said it was not viable for them to go with the lower density. Commissioner Walker asked if that was an, no? Mr. Salone replied if that is where they were at, he would ask to be tabled and let him consider it. He thought he would not be able to develop it.

Chairman Reynolds said that aside from what it is going to be and not going to be, for rent, for ownership, however, it is not necessarily on the table right now, they are talking about a rezone and about what is allowable as a straight zoned parcel. For him, it is the concern about the density and the (RM-2) not being in that area and not being friendly to the Master Plan or what is consistent or transitionally in that area. He agreed that it was a troubling parcel in some ways because they are stuck but thought that the (GB) use along M-24 makes sense but was
struggling with the density purely. It doesn’t matter if it is apartments, condos, for rent, high-rise however to him he is just looking at that density.

Vice-Chairman Gross said that apartments are appropriate on that site. It is a question of the density, the number of units.

Secretary St. Henry said the fact that it was zoned (RM-2) in the 1980s is almost irrelevant from the standpoint that this area over the last 30-40 years is completely different than what it looked like in the 1980s. Up and down M-24 and Waldon everywhere. The fact that the property is zoned recreation that was because the previous owner set up the driving range that way. If people know the history of the property the original owner wanted to sell that property and build out big-box stores all up and down M-24. The (RM-2) designation might have fit 30-40 years ago he wasn’t sure it fit today.

Commissioner Brackon asked if it was a packed deal on the General Business (GB)?

Mr. Salone asked what the (RM-1) density allowed? Planner Arroyo replied that it allows 6 dwelling units per acre versus 8 dwelling units per acre. Mr. Salone asked if that was a critical difference to the Planning Commission? Chairman Reynolds replied that he thought it was a point of consideration. He thought that some of their general thoughts are when they look at a rezone especially a straight rezone not conditional, they are looking at what the zoning district allows, density is one of them, where the Master Plan outlines, all of those things that were outlined in their planning review. He thought that they were trying to have an open discussion here to see where they are coming from and understanding where they are coming from also.

Mr. Salone said that there was a similar site just recently went in for a rezone under the same circumstances and he thought it was a little less challenging site due to the ITC corridor and that was given the (RM-2) just north of Home Depot in June. It is the same size as the (RM-2) portion that they are proposing without the challenge of the corridor or the landfill.

Secretary St. Henry said that the difference is they have historical homesites behind the driving range that have been there for a long time. He asked if (RM-1) to (RM-2) is truly just a financial issue on their end, which is their call. Mr. Salone said he would hate to reduce it to that but it does make a difference, the challenge of the powerlines makes a big difference.

Mr. Ossipove said that they lose some efficiencies of scale in the south half of the site, the total site maybe 17 acres but not all useable because of those powerlines running through there. He added that they will address the concerns here today.

Secretary St. Henry said this is a rezone request versus a site plan review.

Chairman Reynolds said correct, with no conditions just straight what they layout in the (RM-2) district.

Chairman Reynolds asked if there were additional thoughts or questions, thoughts on the opinions of comparing it to the rezoning of 2410 S. Lapeer Rd.? Secretary St. Henry said it is right down the road, they don’t have the ITC corridor there but other challenges private property someone is trying to sell it.

Planner Arroyo said if they are going to start to compare with the one across the street, it looks like over 50% of the property on the west side that was rezoned (RM-2) was actually Master Planned for multiple-family, not (RM-2) density necessarily but it was planned for multiple-family, and it is adjacent to a big-box retail store, so there are some differences. He was not
prepared to go into a deep analysis between the two different sites but that other site was partially planned for multiple-family and was adjacent to big-box retail stores.

Secretary St. Henry thought at the time they looked at that as a buffer between the single-family homes, (RM-2), and commercial.

Trustee Urbanowski said that is the transition that she was saying does it flow, does it make sense.

Mr. Salone said it was worth it to reiterate that 40% of this site is unusable because of the ITC corridor. If they had an opportunity to spread out more it might make a difference but they don’t. He thought that it also is not sending a precedent for any future applicant because this site has the extenuating circumstance of the corridor.

Planner Arroyo said that there are single-family homes subdivisions that are being built next to ITC corridors all over. He did not agree that that is an overlying factor that would force them into a position where they have to put in multiple-family zoning. There are single-family developments that go in throughout the region and they have in their own community that are in that situation. Is it a factor that they are going to look but it doesn’t mean that they have to rezone it to multiple-family.

Chairman Reynolds asked regarding the dwelling units per acre configuration even at 40% as an easement such as that they are still talking the same dwelling unit that doesn’t factor into the acres and what they can compute dwelling units, correct? Whether it is on 60% of the parcel or all of the parcel it is still the parcel per the density requirement. Planner Arroyo replied that he would have to look at if that is a true easement or if that is what the ownership situation is in terms of how it is going to be treated. The parent parcel would have to be determined in terms of what qualifies to apply that density to and they are not at that point where they have that detailed information.

Chairman Reynolds said he hears the argument for the northern parcel of (RM-2) but to him, it is a different situation in the sense that there is the larger big box (GB) and then it is also adjacent to the PUD. When it is consistent with the Master Plan when there are clearly some thoughts that fit that that is a huge factor for him. When he sees (RM-1) across the street, up and down M-24, and directly adjacent to this parcel that is where he struggles with his initial discussion points.

Vice-Chairman Gross said that they have another request coming indirectly across Waldon on this side at their next meeting. He would like to look at them at the same time and get a real good understanding of what they are talking about rather than piece mailing it. Rather than taking a real hard stance on this and saying yes or no he would like to table it for an opportunity to look at this in the entire area, or at least this section.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission table PC-2021-70, Grandview – Lapeer Road Rezone Request, an opportunity to review this request in conjunction with other requests in the area.

Discussion on the motion:

Mr. Salone said he would prefer to avoid adjoining them with the concerns that they are going to have because that site is completely different it does not have the frontage on Lapeer Rd. He said he respectfully request that they request (RM-1) and the commercial zoning on Lapeer Rd. if that is an option at this point.
Chairman Reynolds said a no vote would make the motion null and void and a yes vote would move forward with tabling the motion.

**Roll call vote as follows:** Gross, no; St. Henry, no; Urbanowski, no; Walker, no; Brackon, no; Reynolds, no. **Motion failed 0-6.** (Gingell absent)

Chairman Reynolds said based upon a comment brought forth by the applicant there is a consideration to transition from (RM-2) to (RM-1).

Mr. Salone said that he would like to respectfully request that they consider the portion that they are requesting to be rezoned to (RM-2) the 17-acres would they consider that to be rezoned to (RM-1) and leave the commercial frontage as requested. Vice-Chairman Gross said that he felt that the request as modified has some merit. The property can support an (RM-1) type development in the commercial zoning on Lapeer Rd. of 4.2 acres is also appropriate being adjacent to the (OP) zoning immediately to the north of it. He would accept the applicant’s amendment to his request.

Secretary St. Henry said that this is just a process, exercise, compromise, and negotiation back and forth. He thought that was a reasonable, good faith option to consider. It is consistent with the rest of the M-24 similar developments.

Chairman Reynolds said it was advertised as the more intensive use so, there isn’t an issue here for a potential motion? Planner Arroyo said you can go more intense you can go less intense.

Chairman Reynolds said he doesn’t have many issues with the (GB) zoning along M-24 that is obviously consistent it was the density of (RM-2) not the sake of the residential multi-family zoning that exists adjacent and around that.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission forward a recommendation to the Township Board to approve PC-2021-70, Grandview – Lapeer Road Rezone Request as amended, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-1), and approx. 4.21 acres from (Rec-2) to General Business (GB). This recommendation to approve is based on the following findings of facts: that the subject parcel is suitable for the proposed rezoning with multiple family and the majority of the property being (RM-1) and a small portion of (GB) being adjacent to existing (OP) zoning to the north; the property does have some restrictions on it relative the powerline which traverses the property which would assist in making the (RM-1) zoning reasonable; due to the trend of development in the area that has taken place is consistent with the zoning classifications as requested.

**Roll call vote as follows:** Walker, no; St. Henry, yes; Gross, yes; Brackon, no; Urbanowski, yes; Reynolds, yes. **Motion carried 4-2.** (Gingell absent)

**D. PC-2021-71, F & D Silverbell Rezone Request, located at vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP) and from Office Professional (OP) to General Business (GB).**

Chairman Reynolds asked if the applicant had anything they would like to add, otherwise they will turn it over to their professional consultants? Ms. D’Agostini said she had nothing more to add.
Planner Arroyo read through his review date stamped September 20, 2021.

Chairman Reynolds said that he didn't have any issues with the rezone request. He thought that there had been some adequate due diligence provided in the past. The Master Plan supports it and it is also consistent with the adjacent uses not to mention the zoning that is directly to the north on the other side of this intersection the NW corner of M-24.

Vice-Chairman Gross said his only disappointment with this is the fact that the site was cleared prior to any proposal being submitted to the Township. He is hoping that when a site plan comes forward that there will be some recognition of the fact that the site was totally stripped and it needs to be reflected in the landscaping plan of the new site.

Ms. D'Agostini stated that Commissioner Gross if you recall the whole reason, they wanted to clear the site is to generate marketing they heard a lot of feedback that just nothing has happened with the site. They were very successful with that effort and they have in about a year have worked on four deals that they have done iterations for layouts which they couldn’t move forward because they were all very different. It did in fact achieve what it was supposed to achieve in their intent is to move forward on a speculative basis if they have to, to get activity to the site. They will make right any wrong you perceive.

Chairman Reynolds said that it was a discussion point and they did pull a land clearing permit that is allowable by their Woodland and Tree Ordinance. When they go to look at that ordinance is that something that they do or don’t want to allow. It was fully admissible by the current code in zoning.

Vice-Chairman Gross said that the site is covered under their Lapeer Overlay District so that they have some control and review over the esthetics of the property.

Commissioner Brackon said from a historical standpoint he thought that this was the original site plan of the Meijer that ultimately ended up in Auburn Hills? Chairman Reynolds said he was not sure. Commissioner Brackon stated that a historical member of the ZBA that was familiar with those things told him that story a few months ago.

Mr. Eugene D’Agostini one of the Principals in F & D Development. They are sensitive to the Tree Ordinances and preservation of vegetation and trees, they truly are. They try to preserve when they can. The challenge with this site and he thought that they made a presentation at one time, this site had been partially mined for sand and gravel and there was 20-ft. of grade variation on this site, there were hills and valleys that were created as part of the mining process. There were mountains of topsoil that had been stripped so it was pillaged to some extent. There were trees left but the problem and the challenges are when they are developing a site like this, they have to wind up with a flat piece of property to build these industrial facilities some of them are a million square feet. In order to get a flat piece of property they have to do land balancing well they can’t do that if there are trees on the site. They did evaluate the timber that was there, it was very low quality. They did work with the Township officials to figure that out. He added that when they do evaluate their ordinance, he thought that flexibility and careful granular analysis is something that they want to preserve rather than throw out. They want to be able to do those things when they have these challenging sites.

Secretary St. Henry said when they come back with the site plan that it is really landscaped nice. Mr. D’Agostini said they take pride in their projects, they have examples of some of the product they have done, and he felt they would be pleased.
Moved by Commissioner Walker, seconded by Commissioner Brackon, that the Planning Commission forward a recommendation to the Board of trustees to approve PC-2021-71, F & D Silverbell Request, the request is to rezone approx. 23.05 acres of vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB). This recommendation to approve is based on the following findings of facts: the objectives of the Master Plan are met pursuant to the report by the Planner; the existing uses of the property in the general area coincide with this.

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

E. PC-2021-58, MPD Welding Site Plan Modification, adding an addition to an existing building, located at 4200 S. Lapeer Rd., 09-35-100-010.

Chairman Reynolds asked the applicant to state their name and address and to give a brief overview of the project.

Mr. Danny Plantus Project Manager for Kemp Building and Development 275 W. Gerard Madison Heights, MI. He was there representing Mr. Lilly and Mr. Bondar the owners of MPD Welding. They are the design-build company that is bringing this project to them.

Mr. Plantus stated that he was sure that most of the Board were aware of MPD Welding, they have been in this community for 40 years. They treat metal dyes at their facility, they are an industrial operation. Previously they brought in a site plan for a much larger addition at the beginning of 2015, they asked for a couple of extensions that project never materialized, the founder of the company passed away, and the project was basically tabled. These gentlemen, are back to propose a smaller addition, which is less than half the size of the existing building. Same kind of process they are going to be expanding their existing operation which is metal heating and treating of dyes and repair of dyes. It is a modest addition it will be on the north side of the building at 7,200-sq. ft. There are no other site changes saved for an expansion of the existing parking area to access one overhead door of the new addition and then on the south side, there is an extension of a fire lane to satisfy the Fire Marshal's concerns that will access the side of the building and allow further coverage for hydrant coverage. As well, as they are going to be bringing in a firewater main to provide fire protection to the new addition, and they are going to retrofit the existing building which is currently unprotected with a new fire protection system.

Mr. Plantus said that the construction type, he knew that there were comments in the Planner's reports that he can address because construction type is going to mirror the existing facility which is a conventional steel structure, masonry wainscot, prefab metal siding to match the existing building as close as possible.

Planner Arroyo read through his review date stamped September 29, 2021.

Engineer Landis read through his review date stamped September 28, 2021.

Chairman Reynolds said that they did have a review from the Fire Marshal, it appeared that there was a second submittal and a revised review that recommends approval without any additional comments.

Chairman Reynolds said that there was a Public Services review without any immediate concerns.
Chairman Reynolds said that there was a Water Resources Commissioner’s review that speaks to just a general overview of responsibilities and he thought built upon the Engineering review and just some statements of fact for required permits if certain sizes were to be addressed.

Chairman Reynolds stated that there was a site walk completed by the Site Walk Committee, the report was done by Vice-Chairman Gross. Both himself and Secretary St. Henry were present. If there is anything they would like to speak to on that otherwise it was just a general overview of the project.

Chairman Reynolds said that a couple of takeaways from a few of the reviews was thoughts on Lapeer Overlay Road Standards, building upon the architectural aesthetic of what is existing. There was a question about the trash enclosure, lighting seems to be limited but just clarification on that, and then the same thing with there is minimal landscaping proposed but those were four items of big picture thoughts.

Chairman Reynolds said his opinion was the Lapeer Overlay Standards he thought with it being an existing building there wasn’t anything that he saw at the site walk that was alarming to him. Seeing how the addition doesn’t propose much, as long as there was a blanket statement of lighting and things like that to meet the ordinance if it were to be provided.

Chairman Reynolds asked how is trash handled? Are they not handling that in an enclosure, is that handled indoors? Mr. Plantus replied that currently there is a trash receptacle, they don’t generate a lot of waste from this facility there is not a ton of employees there. For economic reasons, if there is any way to avoid building another structure for a trash enclosure, they would like to avoid that. There is really nobody back there it is a dead-end street, there are neighbors, they would ask for a waiver on that if that is possible.

Chairman Reynolds asked if the trash was within the building or outside of the building? Mr. Plantus replied it was outside.

Secretary St. Henry asked if it would be more than adequate for handling any additional waste? Mr. Plantus replied correct. There is a new piece of equipment in the addition and that is basically it.

Chairman Reynolds said his concern is where trash is proposed is it going to be an enclosed or shielded area? Mr. Plantus replied yes, in a receptacle. Chairman Reynolds asked within an enclosed area per our ordinance? Mr. Plantus said not currently if they have an option to keep it inside. Chairman Reynolds said so there would still be a waiver but granted based on the condition that it is kept indoors otherwise provide an enclosure. They want to see that shielded, he understood that they are on a dead-end street it is just a basic requirement that they ask everyone to adhere to. So, if it is outside, they want it to be in a shielded enclosed area.

Mr. Plantus said some of the waivers that they would like to take advantage of for the record, the sidewalk won’t be required, additional landscaping because it said that they would have to ask for a waiver he believed, versus it coming up in engineering they will have to address that.

Chairman Reynolds stated that he didn’t believe that those items because it is a site plan review it is not a waiver. Planner Arroyo said that the site is currently deficient in terms of landscaping. The question becomes are they going to accept that. Most of the pavement is for access to the trucking area. That in and of itself typically doesn’t trigger landscaping when there are other areas that are currently deficient, if it was being built new it would different. Any project that comes in for an expansion they have the ability to take a look at what is reasonable to bring it up
to current standards. He wouldn’t necessarily call it a waiver but are they going to accept the current existing nonconforming landscaping components and not require them to bring them up to the Board of Trustees.

Commissioner Brackon asked if they were talking about the sidewalk and building façade waiver? Planner Arroyo replied that the sidewalk is the connection from the actual building, there is already a sidewalk on Lapeer, but it would be the connection from the building to the sidewalk. Obviously, this goes through an industrial drive it doesn’t have a sidewalk, so that would be one that they would be waiving because typically they would require that if it was reasonable, but in this case, it is not really functional to ask for that.

Chairman Reynolds asked about the comfort level of landscaping as proposed? Needing to bring the site up to standards versus where it currently is. Vice-Chairman Gross said that the existing landscaping area he thought was sufficient for this site. Secretary St. Henry agreed. Chairman Reynolds said the sidewalk is a standard that they would ask for in new development but there were some statements of fact provided by the Planning consultant, thoughts on bringing that up to speed. Vice-Chairman Gross said that was a safety issue in the parking lot that should probably be incorporated into the plan. Chairman Reynolds said so a connection to the safety path is something that you do want to see.

Engineer Landis said that they did look at the requirement for extending the safety path along their road frontage which would be a typical site plan requirement. But the configuration of the site they are basically at the dead-end, the last site on Englewood so there are, really no site frontage along the roadway to where they would put a public pathway on this site. That is why they omitted that from their requirement.

Chairman Reynolds said that there is a safety path along M-24 there are no internal safety paths, it is an industrial office only use. Mr. Plantus stated that there is no path along Englewood whatsoever.

Chairman Reynolds said the Lapeer Overly Standards, the general thoughts on the proximity of the building to M-24, and asking for Lapeer Overly Standards. Secretary St. Henry said that they should get a waiver on that, the building sits of 200-yards off of Lapeer Rd., they don’t even know it is there until they are back there. He added that in terms of any exterior requirements, it is an existing building and they are agreeing to continue the look and feel of it. Chairman Reynolds thought that would be a good condition or statement of fact in the motion.

Chairman Reynolds said he was a little nervous about the trash enclosure statements. He would be fine with granting a waiver if it is agreed to being stored indoors and if it is not then he would ask for an enclosure to be constructed. Mr. Plantus replied that they would agree to that.

Chairman Reynolds said that the site lighting they discussed wasn’t clear but there is an ordinance provided so it wouldn’t hurt to have that as a condition that it meet or exceed ordinance requirements. Mr. Plantus stated that there was a photometric plan provided but was sorry if it was not clear, the intent was to put wall packs on the new addition, fully shielded.

Moved by Secretary St. Henry, seconded by Trustee Urbanowski, that the Planning Commission grants a covered trash area waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts: that the applicant has indicated that the addition will not generate any additional refuse that would require an additional trash enclosure and that all refuse will continue to be contained indoor facility.
Roll call vote was as follows: Urbanowski, yes; Brackon, yes; St. Henry, yes; Walker, yes; Gross, yes; Reynolds, yes. Motion carried 6-0. (Gingell absent)

Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, that the Planning Commission grants an internal sidewalk waiver and building façade waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts: that this is an existing building that sits more than 200-yards from Lapeer Rd., and is hidden behind an existing industrial park; the applicant will simply extend the building façade with the same materials and look as the current building; based on the configuration of the industrial park and where MPD Welding is located and internal sidewalk to Lapeer Rd. does not make sense, and is not needed.

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

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (parcel 09-35-100-010) for the plans date stamped and received September 13, 2021. This approval is based on the following conditions: that the parking and landscaping are considered as pre-existing and therefore nonconforming and shall remain as such; the site plan meets and complies with all other ordinance requirements.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported, to include that the engineering plan would be reviewed.

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

8. UNFINISHED BUSINESS

A. PC-2021-07, 5-Year Master Plan Update

Planner Arroyo said that they are working very hard to get ready for their next meeting which will be two weeks from now when they have their 6 p.m. workshop. They are going to have a Land Use Map to work with. They are working on other various elements including the economic development component and including talking about some redevelopment sites. They are going to have some concept ideas to show them and talk to them about. They are going to have more information on their 15-minute neighborhoods. A lot of material that they are working very hard on and looking forward to sharing that with them.

Planner Arroyo asked them to be thinking, and tonight was a great example with these rezoning requests. They are seeing a lot of pressure for more density along Lapeer Rd., particularly residential density. He wanted them to think about that in terms of whether or not they need to be tweaking the land use plan to recognize that there may be a trend towards that in certain locations. Obviously, they are starting to see some momentum that way and they are going to show them some other locations and they are going to talk about that.

Planner Arroyo also wanted them to be thinking about corridors that they think require special treatment within the community. They have been talking about a couple of them but wanted to get their input on that as well.
Planning & Zoning Director Girling said that she believed that Planner Arroyo had said that it will be a table format. Planner Arroyo replied yes, they are going to have some printed maps to look at and it will be a little bit more of an informal discussion. Planner & Zoning Director Girling said that will be at 6 p.m. like their normal second meeting of the month. She added that a future public hearing that notices went out on it is still debated whether the public hearing will be conducted or not but if it is it is a joint public hearing meaning they have this the Township Board and the public. Their 6 p.m. will be here at the Orion Center but it will be in another room maybe downstairs, she will let them know, or there will be a sign when they come in. Even if they don’t have the joint public hearing she thought for the simplicity of the transition and being at tables she thought that they would be somewhere else. Because the notices went out if they do cancel that joint public hearing there will still be public that might show up and it will be much easier if they are in a different location for 6 p.m.

Secretary St. Henry said that in regards to the rezoning issues, there is no question that is what they are seeing a lot of in the last year or two for multi-family housing. In this particular case what they discussed today if the majority of the corridor of M-24 is (RM-1) it makes it pretty easy for them to draw a line in the sand on that. He thought as a Planning Commission they have to realize that home developments along M-24 are going to be few and far between moving forward just because of what is left, and there is demand for multi-family houses at all ages. He thought it was easy tonight when they got through the whole process of seeing (RM-1) makes sense there given what is there and what has been there for the last 20-years.

Planner Arroyo said that they are going to talk about some of that at the study session in terms of locations of where the density makes sense and will want to get their feedback on that.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
A. Email from a citizen

Chairman Reynolds said that the email from a citizen was dated September 13, 2021. It was an email that the Planning & Zoning Department was cc’d on, Cynthia and Gary Carr of Rochester were dissatisfied by the final pricing that came together out of the Gregory Meadows Cottages in Lake Orion. They were intending to purchase there and are now unable to since the prices were originally advertised as low $300,000 and now, they are high $300,000 to low $400,000.

11. PLANNERS REPORTS/EDUCATION
A. Giffels Webster Sustainability & Resiliency

Planner Arroyo said that this is the first in a two-part series on sustainability & resiliency which are very topical topics. He liked the idea of describing the difference between sustainability and resiliency because he thought that some people get confused. They think of sustainability as being as not doing something now that is going to impact the future in a negative way. If they cut down every tree in the Township it would have a negative impact on the future of the Township because it would change the temperature and the sustainability of wildlife, the value of the community so, that would not be a sustainable item. Resiliency recognizes that they are going as a society and as a community be subject to stresses of a variety of types primarily environment and climate-related, and how they are they going to react to those, how are they building their developments, how are they functioning as a community in a way that allows them to adapt or be resilient to changes that may be coming down the road. The two of those are really interrelated because if they don’t act sustainable, they will likely be going to end up in a position where they are not going to be very resilient to certain things in the future, so there is
an interrelationship. They talk about just some of the changes that they are seeing in their society and around the world, locally the intense storms, the flooding, all of those things, they can react to those. A really good example is they heard about pumping stations where they lost power and places flooding. They could say that the solution to that is they have to get more reliable power to those pumping stations so that they continue to pump and that might help. Really that is part of the problem but the other part of the problem is that the intensity of the storms is increasing and they are getting rain at levels more frequent flooding than they have had and that intensity requires that they have to do something different or their flooding levels are going to continue to increase because the climate conditions are changing so how do they react to those things. These are all things that are important to think about. In the Master Plan, it is important to think about them and also look at vulnerable populations. They have already done some mapping for them in terms of mapping where their seniors live, where those who might be more vulnerable to some of those things and how does that relate to where high-flood probability areas are in retrospect to where some of those vulnerable populations are. Those are things that they can do as part of a Master Plan, as well as, start to implement some policies that might guide them towards being more resilient and more sustainable. They will be talking about that more as they go through the Master Plan but also point out that another option for communities too if they are concerned about sustainability is to take a look at their zoning ordinance and some communities conduct what is called a sustainability audit. Going through the ordinance looking at their requirements and how sustainable are those standards and could they be improved, could they be changing the way they deal with certain factors, could they be encouraging more renewable energy within the community. They have talked about some of these at some of the meetings, they have had those questions come up. This is more of a topic area that he thought was important to address in a Mater Plan, their Master Plan is addressing it and will address it but think about if there are other items that they might want to address as they go through that Master Plan process. Also, October is community planning month so they are trying to celebrate that a little bit, if they go on to some of their social media sights, they will see that they are doing a photo contest. They have different topics this week’s topic is weigh finding signs. They can take a picture of one and tag it and there are some prizes, just to make them think about planning and some of the positive things in their community.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
October 20, 2021, 7:05 p.m., PC-2021-78, The Woodlands (PUD), vacant parcel located east of 310 Waldon Rd., Sidwell #09-23-351-024. The applicant, Detroit Riverside Capital, is proposing to rezone the property from Suburban Estates (SE) & Single Family Residential-2 (R-2) to PUD to construct a 190 multi-family unit development.

Immediately following PC-2021-78 at 7:05 p.m., is their public hearing on the text amendment, PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP), Article 18, to cover the change in land use related to Ordinance #154

14. CHAIRMAN’S COMMENTS
Chairman Reynolds thanked the Planner for jumping and keeping the process going.

15. COMMISSIONERS’ COMMENTS
Planning & Zoning Director Girling said that they have large bins at the Township related to moving for Shed-It, so if any of them are holding stacks of former plans, please while they have the large bins, please get it to them so they can get those shredded properly.
16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross, to adjourn the meeting at 9:41 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, October 6, 2021, at 7:05pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

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

**PLANNING COMMISSION MEMBERS ABSENT:**
Jessica Gingell, Commissioner

**CONSULTANTS PRESENT:**
Rodney Arroyo, (Township Planner) of Giffels Webster  
Matt Wojciechowski, (Township Planner) of Giffels Webster  
Mark Landis (Township Engineer) of OHM Advisors  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Sara D’Agostini  
Adam Ossipove  
Danny Plantus  
Joseph Salone III  
Joseph Salome IV  
Ken Mihelich  
Michael Rich  
Gene D’Agostini  
Kelly Mihelich  
Mary Ann Ryan  
Wendy Ryan-Borga  
M. Wany (sp?)  
Jerry Lilly  
Richard Bondar  
Tracy Deuman  
Chris Krystek  
Dawn Krystek

PC-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB).

Chairman Reynolds asked the applicant to state their name and address for the record.

Mr. Joseph Salone appearing on behalf of Grandview, 2940 W. Buell Road, Oakland Twp.

Mr. Adam Ossipove with Grandview, 16924 Elizabeth St., Beverly Hills.

Mr. Salone said that the current use is operating as a mini-golf and driving range. The owner is retiring and so it is their wish to request rezoning for the rear approx. 17 acres from Recreation 2 (Rec-2) to (RM-2) and the frontage along Lapeer Rd. approx. 4 acres to (GB).

Mr. Salone stated that the request to rezone the 17 acres to (RM-2) and is what it was previously zoned prior to the existing use. The frontage on Lapeer Rd. as well as the rezoning to (RM-2) he thought was consistent with the surrounding uses.

Mr. Salone showed the Board an overview of the existing zoning.

Mr. Salone said that the site with the star is the one they are working on. The ITC corridor is along the south side of the property that is powerlines, and there are no single-family homes adjacent to the site. There is industrial zoning to the south, the landfill southwest, and office uses are to the north and zoned to the south. Mr. Salone added that the historical zoning was (RM-2).

Chairman Reynolds asked if the public had any comments or questions?
Ms. Mary Ann Ryan 301 Waldon Rd. She stated that her property abuts this and was curious to know what exactly is (RM-2)? Chairman Reynolds said that she will hear a little bit more about that in their Planners letter, residential multi-family is the zoning. He added that if she wanted to state all of her comments and questions for the record and they will make sure that they get addressed.

Ms. Ryan said that it seemed an effort by developers buying property in Orion Township to increase residential density as much as possible. There is no regard for infrastructure, access to emergency services, or the availability in schools. It is time for the Zoning Board to encourage sensible development that keeps infrastructure issues in mind. No more apartment complexes please, condos are fine, and so are single-family houses. To add more traffic on M-24, there is already a parking lot after 3 p.m. it is ludicrous. Furthermore, she did not believe that the Township would benefit by adding yet another strip mall that might turn into empty stores as has repeated in other strip malls, especially along M-24.

Ms. Kelly Mihelich 275 Waldon Rd., next door to Mary Ann Ryan.

Ms. Mihelich said that her property is right next door to the vacant property adjacent to the Kennel Club and the Veterinary Center. She agreed with everything that Ms. Ryan said, she couldn’t have said it better herself. Her main concern is not that they would put in condominiums, which to her was fine, houses on larger lots, that was fine, her concern is that they are going to put in apartment buildings. Traffic on Waldon Road, if you try to get out in the morning it is almost impossible. With the high-schoolers trying to get to school, and they don’t have many buses now, for whatever reason, but it is impossible to get out of their driveway to get onto Waldon and then on to M-24, it becomes a parking lot. She didn’t see that that has a proposal where any outlet is going to come on to M-24 but she knew in a meeting next week they are going to be addressing that for another development. Even once they get onto M-24 they are at a standstill all the way down past what used to be the old Palace. Their roads are not equipped to handle all of the traffic and for people to be coming in and wanting to build more and more residential, she thought that condos and single-family homes are fine if they are on larger lots but anything else is going to affect the way that they live their life. They never fought against the Kennel Club or the Orion Veterinary Center, they thought that it was great, they don’t bother their way of life at all even though they are right next door. She is very concerned about all of the noise, additional traffic, and everything else that Ms. Ryan said.

Ms. Tracy Deuman 270 Waldon, right across the street from the vacant land. She agreed with both Ms. Ryan and Ms. Mihelich. Her larger concern is really where are they going with this? She is going to attend the October 20 public hearing about the development behind her house, and she doesn’t understand what the plan is and is very concerned about that, logistics alone. Even with her safety, she is a single woman and lives by herself and there is a lot of development around her, she has lived at her home for a long time and didn’t understand what the plan was. That was her concern along with everything they shared.

Mr. Ken Mihelich 275 Waldon Rd. He asked if the vacant piece of property between them and the dog kennel veterinarian might somehow in the near future, be tied into this development as a side road? They obviously don’t own that piece of property but was curious as to the future use of that because if that was another road it would literally be right on top of them. If that can be addressed at some point, they would love to know what the master plan is.

Mr. Salone said that they don’t have any intention to acquire additional property to the west. They do not intend to propose any kind of entrance or ingress or egress onto Waldon, this site does not touch Waldon Rd.

Chairman Reynolds closed the public hearing at 7:15 p.m.
Respectfully submitted,

Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion  

Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, October 6, 2021, at 7:15pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

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

PLANNING COMMISSION MEMBERS ABSENT:
Jessica Gingell, Commissioner

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Sara D’Agostini Adam Ossipove Danny Plantus
Joseph Salone III Joseph Salome IV Ken Mihelich
Michael Rich Gene D’Agostini Kelly Mihelich
Mary Ann Ryan Wendy Ryan-Borga M. Wany (sp?)
Jerry Lilly Richard Bondar Tracy Deuman
Chris Krystek Dawn Krystek

PC-2021-71, F & D Silverbell Rezone Request, the request is to rezone approx. 23.05 acres of vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB).

Ms. Sara D’Agostini on behalf of F & D Silverbell Co. LLC, with her was Gene D’Agostini as well, both of their addresses are 38700 Van Dyke, Suite 200, Sterling Hts., MI.

Ms. D’Agostini said that F & D Silverbell Company owns the undeveloped parcel on the SW corner of Silverbell and Lapeer Rd. and is approx. 30.087 acres. The parcel is currently zoned Office Professional (OP) and it is Master Planned for mixed-use industrial commercial, and residential. By way of background F & D Silverbell directly and through affiliates have owned this parcel for over 20-years. They have broadly marketed under the (OP) use and went so far as to engineer and design a development that would fall squarely within the (OP) zoning back in 2000. Since that time, they have marketed and have had no success so this evening they are there to request a rezone to Industrial Park (IP) for the 23 acres that are the western portion of the property, and rezone to General Business (GB) for the 7 acres that are along the eastern portion of the property. They believe that it was consistent with the uses that the market demands. By way of background, the parcels to the north are zoned Industrial Park (IP) and General Business (GB) the parcel directly to the north that actually is similarly situated to theirs, so it mirrors the zoning they were requesting tonight. The zoning to the west is Industrial Park (IP) and that use is warehouse space, the zoning to the south is Limited Industrial (LI) and those are manufacturing and warehouse uses. Across Silverbell Rd. to the east, they have (OP) zoning, one vacant parcel, and one on the corner is a credit union. Kitty-corner they have (PUD) zoning with a gas station being developed as they speak. They believe that this rezoning would be consistent with the development around them and those developments have been very successful. They ask that they recommend to the Board of Trustees that they are allowed to rezone to these uses.
Chairman Reynolds asked if there were any citizens that would like to ask questions and provide comments on the public hearing, to state their name and address for the record. There was not.

Chairman Reynolds closed the public hearing at 7:20 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
To: The Charter Township of Orion Planning Commission

From: Tammy Giriing, Planning & Zoning Director

Date: October 14, 2021

Re: PC-2021-79, Lifted Industrial Partners Site Plan Modification

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

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

Motion 1: I move that the Planning Commission grants site plan approval for PC-2021-79, Lifted Industrial Partners, LLC, Site Plan Modification, 4611 Liberty Dr. (parcel 09-34-300-018) for plans date stamped received 9/23/2021 based on the following findings of facts (motion make to insert findings of facts).

This approval is based on the following conditions:

a. (Motion maker to list any unresolved issues related to the Township Planner’s review letter).

b. (Motion maker to list any unresolved issues related to the Township Engineer’s review letter).

c. (Motion maker to list any unresolved issues related to the Fire Marshall’s review letter)

d. (Motion maker to list any additional conditions).

Or

I move that the Planning Commission denies site plan approval for PC-2021-79, Lifted Industrial Partners, LLC, Site Plan Modification, located at 4611 Liberty Drive Dr. (parcel 09-34-300-018) for plans date stamped received 9/23/2021. This denial is based on the following reasons (insert findings of facts).

a. The applicant needs a variance for rear yard setback for the accessory structure. (however, if the Planning Commission wishes, they could state that if the variance is received then the plan is deemed approved, or conditionally approved with any conditions as would be find in the suggested motion of approval above, and does not need to return to the PC)

Or
I move that the Planning Commission postpones site plan approval for PC-2021-79, Lifted Industrial Partners, LLC, Site Plan Modification, located at 4611 Liberty Drive (parcel 09-34-300-018) for plans date stamped received 9/23/2021 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner's, Fire Marshall's, or Engineer's review letter(s)).
October 13, 2021

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

Site Plan Amendment Review
Lifted Industrial

Case Number: PC-2021-79
Address: NW corner of Liberty Drive
South @ Astra Ct.
Parcel ID: 09-34-300-018
Applicant: Jeff Schmitz

Approved Plan: 06/28/2021
Revised Plan: 09/01/2021
Reviewer: Matt Wojciechowski
Rod Arroyo

Summary of PC-2020-39

March 10, 2021 PC Motion Review: Giffels Webster reviewed plans dated 02/18/2021, which were submitted to address comments from the PC motion that were required to be addressed before approval. Those plans were complaint and approval was granted, as all PC conditions were met.

Our responses to each requested revision, based on the letter submitted TDG Architects on 09/21/2021, are as follows:

Summary of site plan review amendments:

1. **Marijuana Facilities.** The applicant stated at the 12/26/2020 PC meeting that the development would be in compliance with all Medical Marijuana location requirements (Ordinance No. 154), which was reviewed and approved by the attorney.

   **Planner Comments:** The applicant has confirmed that none of those conditions have been altered, and the site remains in compliance; this standard is met

2. **Lot coverage.** The total building coverage has been added to the site plan indicating complaint with the 35% maximum (33% provided)

   **Planner Comments:** This standard is met

3. **On-site parking.** Parking space length and widths have been added to confirm angled (one way) parking aisle along the north side of the site is complaint

   **Planner Comments:** The parking spaces are complaint. We also note that one space was removed, and the site remains complaint in regards to required parking (53 required vs. 55 proposed).
4. **Dumpster enclosure.** A dumpster enclosure had been provided outside the building in the northwest corner of the site. The previous plans included an indoor dumpster. The materials, 8” split face block, will match the building materials.

**Planner Comments:** The proposed dumpster enclosure is complaint

5. **Concrete pad.** A 7’-6” x 17’-2” concrete generator pad is proposed in the northwest corner of the parking lot adjacent to the dumpster.

**Planner Comments:** The applicant should provide the dimensions of any equipment proposed on this pad

6. **Concrete pad (2).** A 14’ x 14’ reinforced concrete pad to support an 18’ tall CO2 tank and shroud (19’) is proposed approximately 27’ 6” away from the rear (north) property line.

**Planner Comments:** The location of all accessory structures shall be shown on the site plan submitted to the Planning Commission for approval. **The applicant should add the setback measurement to the proposed structure to the site plan.** The proposed equipment is considered a structure and is required to meet the rear yard setback of 50’. **A dimensional variance is required to permit the structure in the proposed location.**

**Summary**
The proposal to locate the CO2 tank and shroud in the required rear yard require a variance from the ZBA. The dimensions and setbacks of the structure should be added to the site plan.

Respectfully,

**Giffels Webster**

Rodney L. Arroyo, AICP  

Matt Wojciechowski
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-79, Lifted Industrial Partner’s Facility Site Plan Amendment  
Date: 10/06/2021

The Orion Township Fire Department has completed its review of Application PC-2021-79 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

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

X Approved  
Approved with Requirements (See below)  
Not approved

Comments: NONE

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

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

Sincerely,

Jeffrey Williams
Jeff Williams, Fire Marshal
Orion Township Fire Department
Date: 9-21-2021

To: Charter Township of Orion Planning Department

From: Ron Rader - TDG Architects

CC: Jeff Schmitz – Lifted Industrial Partners

TDG Project Name: Lifted Industrial Partner’s Facility

TDG Project #: 20-127

Site Plan Approval Submittal - Revised Narrative for Lifted Industrial Partner’s Cultivation Facility:

The following information provides a secondary, revised overview of the proposed new construction that Lifted Industrial Partners (LIP), LLC is planning for the LIP Brand in Orion Township, Michigan. This uniquely designed building will provide an enhanced cultivation experience for the expanding cannabis/marijuana industry. With consideration of the adaptation of the cultivation facility being integrated into the existing Liberty Industrial Park, this newly constructed facility will further enhance the Charter Township of Orion’s efforts further enhance the associated approved zone and increase the industrial base.

This document will serve as a supplemental submittal to the original Site Plan Approval provided back in February for the Lifted Industrial Partners Project. The Lifted has requested the integration of CON2 Equipment (being provided by Air Gas Systems), along with the relocation of a six-yard dumpster to the northwest corner of the property. The LIP Team would also like to alter a portion of the parking lot to potentially accept a generator system at a later date. A concrete pad is proposed for this alteration.

The collective team supporting the Lifted Industrial Partners Cultivation looks forward to the strong collaboration with the Charter Township of Orion, Fire Marshal, and the associated agencies. We welcome your review and any associated feedback/guidance that the Orion Township Planning can offer.

Associated Conditional SPA Document Enhancements (Resubmittal Dated 9/21/21) include the following:

1. Marihuana Facilities – Conditions of Ordinance 154 Met on Documents – Including: Zoning Compliance, setbacks, drive aisle widths, turning radius for service vehicles, etc.
2. Lot Coverage – Indicated on Site Plan (33% out of possible 35%)
3. Onsite Parking – 55 Spaces Provided, 53 Required (Angled at north based on one way traffic). Continuous curbs have been confirmed within the Civil Package.
4. Dumpster Enclosure shifted to exterior of Building located at Northwest Corner of Site/Drive Area.
5. Concrete pad added to “Future-proof” building with consideration of potential future integration an industrial generator system (Diesel with Belly Tank would be a consideration in the Future)
6. Added 15’ X 15’ concrete pad to accommodate CO2 Tank system and pump apparatus. Bollards and a contractor provided shroud / access gate to be included to extend 1’-0” above tank.
OHM
1. No Action Required

RCOC
1. No Action Required

This included summary covers the modifications to the associated revised SPA package. Enhancements have been provided based on the request from the Lifted Industrial Team. This document will also serve as a sworn statement that no additional modifications other than those outlined in this scope have been included in the revised submittal package. The collective team appreciates the consideration and guidance coming from Orion Township Planning Authorities. The Lifted Industrial Partners Team looks forward to the final administrative approval to move on to the next phase of the project.

Ron Rader
79 Oakland Avenue
Pontiac, Michigan 48342
(248) 874-1420 ext. 222
www.TDGArchitects.com
Charter Township of Orion Planning Commission  
Site Plan Approval Application  

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

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>LIFTED INDUSTRIAL PARTNERS (REVISED)</th>
</tr>
</thead>
</table>

| Name of Development if applicable: |  |

| Applicant |  |
|-----------|  |
| Name: LIFTED INDUSTRIAL PARTNERS LLC |  |
| Address: 155 ROMEO RD | City: ROCHESTER | State: MI | Zip: 48307 |  |
| Phone: 248-450-9830 | Cell: | Fax: |  |
| Email: |  |

| Property Owner(s) |  |
|-------------------|  |
| Name: LIFTED INDUSTRIAL PARTNERS LLC |  |
| Address: 155 ROMEO RD | City: ROCHESTER | State: MI | Zip: 48307 |  |
| Phone: 248-450-9830 | 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: T&D ARCHITECTS |  |
| Address: 79 OAKLAND | City: PONTIAC | State: MI | Zip: 48342 |  |
| Phone: 248-574-1420 | Cell: | Fax: |  |
| Email: |  |

| Project Contact Person |  |
|-----------------------|  |
| Name: BILL SCHMITZ |  |
| Address: 155 ROMEO RD | City: ROCHESTER | State: MI | Zip: 48307 |  |
| Phone: | Cell: | Fax: |  |
| Email: |  |
Sidwell Number(s): 09-36-200-018

Location or Address of Property: 4611 LIBERTY DR.

Side of Street: Nearest Intersection: GOODWIN/LIBERTY

Acreage: Current Use of Property:

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

Subject Property Zoning: Adjacent Zoning: N.  S.  E.  W.

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

NORTH PROPERTY SET BACK

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

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

AT&T
54 Mill St.
Pontiac, MI 48342

Consumers Power Company
530 W. Willow St.
Lansing, MI 48906

DTE Energy Co.
ATTENTION: NW Planning & Design
1970 Orchard Lake Rd.
Sylvan Lake, MI 48320

Oakland County Health Department
Building 34 East
1200 N. Telegraph Rd.
Pontiac, MI 48341

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

Road Commission of Oakland County (if applicable)
ssintkowski@occc.org
(electronic submittal only)

Oakland County Water Resources
To Be Submitted by the Township

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

Signature of Applicant:
(must be original ink signature) ________________________________ Date: 9/23/2021

Print Name: ________________________________

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

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

(must be original ink signature) ________________________________ Date: __________________

Print Name: ________________________________
SOIL EROSION & SEDIMENTATION CONTROL PLAN

SOIL TYPES
- Eroded Soil
- Sediment
- Erosion Control

ESTIMATED QUANTITIES THIS SHEET
- Sheet A
- Sheet B
- Sheet C

SOIL EROSION & SEDIMENTATION CONTROL, CONSTRUCTION & MAINTENANCE SCHEDULE
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: October 14, 2021
RE: PC-2021-67, J.S. Brown Rd., LLC, Site Plan Modification

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

Multi-tenant /10 acre Requirement Waiver (Ord. No. 78, Section 34.01,C)
Motion 1: I move that the Planning Commission grants/does not grant a waiver from the requirement that the ancillary use of a Mattress Retail be developed in conjunction with a larger-scale planned development project having multiple tenants with a total land area of at least 10 acres for the following reasons:

a. The project does/does not promote the economic development goals of the Township.

Modification of the Brown Road Standards (Ord 78, Article 34, section 34.04)
Motion 2: I move that the Planning Commission waives/modifies the following standards of Section 34.03 for PC-2021-67, J.S. Brown Rd. LLC, based on the economic impact, quality of architectural design, and overall compatibility with the District: (motion maker to insert findings of facts for each that are granted)

a. Side yard setback
b. Parking setback waiver – if parcel is to be split and applies to Tommy's also
c. Front yard parking waiver
d. Greenbelt Width
e. Berm/Knee wall waiver

Site Plan (Ord. No. 78, Section 30.01)
Motion 3: I move that the Planning Commission grants site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd. (parcels 09-33-351-020, 09-33-351-021) for plans date stamped received September 27, 2021. This approval is based on the following conditions:
a. (Motion maker to list any unresolved issues).

Or

I move that the Planning Commission **denies** site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd. (parcels 09-33-351-020 & 09-33-351-021) for plans date stamped received September 27, 2021. This **denial** is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission **postpones** site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd. (parcels 09-33-351-020 & 09-33-351-021) for plans date stamped received September 27, 2021 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner's and Engineer's review letter(s)).
October 12, 2021

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

Site Plan Review no. 2
Mattress Firm

Case Number: PC-2021-67
Address: 851 Brown Road
Parcel ID: 09-33-351-020 & -021
Area: 2.02 AC
Applicant: J.S. Brown Rd., LLC

Plan Date: 09/27/2021 (SPA Revised)
Zoning: Brown Road Innovation Zone (BIZ)
Reviewer: Matt Wojciechowski
Rod Arroyo

Dear Planning Commission Members:

We have reviewed the above application and site plan, landscape plan, and tree survey and a summary of our findings is below. Items in *italics* require discussion or specific action by the Planning Commission. Items in **bold** require additional information or plan amendments.
SUMMARY OF REVIEW

Revisions & Additional Information. We find the plan is not in substantial compliance with the Zoning Ordinance and should be revised prior to Planning Commission review. Below is our previous comment with an updated response. The following information should be provided, and the noted revisions should be made to the site plan or landscape plan:

1. Revise the Brown Road Line of 60’ ROW label to correctly reflect the 60’ half ROW
   - This edit was not observed on the site plan submitted. The front setback shall be dimensioned to the centerline of the Brown Road ROW. Also, the landscape plan still shows 40’ ROW.

2. We recommend that applicant explore land banking excess parking. The site proposes 36 spaces above the required minimum
   - The applicant has removed 19 spaces from the original proposal and is now seeking 37 spaces. The number of spaces proposed is closer to the required 22, although it is still excessive.

3. The parking area along the western property line does not meet required 20’ setback. This setback can be met if the excessive drive aisle widths are reduced. Alternatively, a landscape island could be introduced north of the building within the parking lot.
   - The applicant has removed the western row of parking spaces and the lot now meets the required 20’ setback

4. The internal sidewalk network needs to connect to the pathway along Brown Road
   - This has been added to the plan

5. Address the 60% window/awning/arcade standard on south elevations that face Brown Road, as it does not appear to be met
   - The awing on the front now spans 32’ of the 53’ south façade; this standard is now met

6. The front yard Landscape greenbelt does not meet minimum 20’ width. This can be accommodated if the front yard parking is removed
   - Waiver requested in order to accommodate front yard parking

7. Note location of berm (within the front yard greenbelt) intended to screen front yard parking area. Alternatively, a low wall may be used or the parking can be removed from the front yard and no berm or wall would be required.
   - The applicant stated that the landscaping was constructed “per the previously approved plan”; however, the approved plans for Tommy’s car wash showed a berm along the frontage of the site. The PC may wish to discuss how the applicant intends to meet the intent of this standard. See page 10 for details
   - This standard is not met – PC may waive and accept the existing hedgerow as an alternative as part of BIZ overlay

8. Provide details of light fixture “EX G” as shown on photometric plan (page 1 of 2)
   - This has been provided

9. Provide a note to the site plan indicating compliance with underground utility requirement
   - The applicant stated this was added to one of the sheets; defer to Engineering

10. Add details of the enclosed trash area, including the height and materials, to site plan
    - This was provided on sheet C.102 and is compliant

11. Drive aisle widths within the parking area are excessive, we recommend they are reduced to 22’, which is the standard. Excess aisle width could increase vehicular speeds and reduce pedestrian safety
• The drive aisles widths were reduced slightly; however, the aisles are still between 6' and 11' wider than required (28'-33'). The parking area (and building) could be shifted 4' east to alleviate the excessive drive aisles as well as the deficient building setback (see comment no. 19 under PC waivers listed below).

12. If necessary, increase turning radii at end islands and turns to address fire truck circulation.
   • The fire department should review the revised layout to confirm compliance.

13. Wheel stops are required for all parking spaces
   • This has been added to the site plan

14. Light poles details (height) shall be added to site plan
   • Height pole measurements are now shown as 19 feet.

15. Clear vision triangle should be added to landscape plan to demonstrate compliance.
   • This has been added

16. Dimensions and areas of all parking lot landscape islands shall be added to landscape plan
   • The landscape plan was updated to include these measurements. See table on page 9 for comments.

17. Provide the required information for proposed replacement of landmark trees.
   • This was not provided (Landscape plan indicates 15 trees removed with replacement). Planning Commission should determine if additional information is required.

Planning Commission Waivers

18. APPROVED - PC waived 10-acre min. & stand-alone requirements for site (03/27/2019)

19. Setback waiver requested for deficient building setback along west side setback.

20. Setback waiver for deficient parking setback along west property line.
   • This setback is now met

21. If this property is to be split into two, additional deficient parking setback waivers will be necessary for both Mattress Firm and Car Wash sites.

22. Front yard parking spaces are proposed and require planning commission approval and additional screening. Alternatively, they can be removed as they are not required.

23. A berm or knee wall is required to screen front yard parking. Applicant is proposing a hedgerow.

24. Landscape islands deficient in size and accept number of parking lot trees based on required not provided parking area.

25. This would be a second ancillary use permitted prior to a primary use.

Project Summary

1. The applicant is seeking site plan approval to construct a 4,309 sq.-ft. retail structure on the property located on the north side of Brown Road, west of Joslyn Road, within the Brown Road Innovation Zoning (BIZ) district. The project entails developing the western parcel; the parcel to the east was recently approved and developed with a car wash facility. The projects share an access drive and internal circulation drive, which is currently constructed as shown on the proposed site plan.
Zoning Ordinance Compliance Tables

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

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

www.GiffelsWebster.com
# Brown Road Innovation Zone (Article XXXIV)

## 34.01 – Uses Permitted

<table>
<thead>
<tr>
<th>B.</th>
<th>Ancillary/Stand-alone uses allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size</th>
<th>Proposed: 4,309 sq.-ft. standalone Type C ancillary retail</th>
<th>Comment: PC waived 10-acre min. &amp; stand-alone requirements for site (03/27/2019). This would be a second ancillary use permitted prior to a primary use</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.</td>
<td>Ancillary commercial only permitted after primary permitted Development Agreement</td>
<td></td>
<td>Required</td>
</tr>
</tbody>
</table>

## 34.03 – Required Conditions / Flex Zoning

### Table 34-3 Schedule of Mixed-Use Regulations – Group C

<table>
<thead>
<tr>
<th>Min. Lot Area</th>
<th>40,000 sf</th>
<th>88,000 sq.-ft.</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Width</td>
<td>100’</td>
<td>225’</td>
<td>Compliant</td>
</tr>
<tr>
<td>Min. Front Yard</td>
<td>40’</td>
<td>~71’</td>
<td>Change ROW label to reflect 60’ half ROW</td>
</tr>
<tr>
<td>Min. Side Yard</td>
<td>20’</td>
<td>16’</td>
<td>20% setback Waiver requested</td>
</tr>
<tr>
<td>Min. Rear Yard</td>
<td>30’</td>
<td>~243’</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

### Height Limit.

The Brown Road Innovation Zone does not contain a height limit. However, all applications for development shall be reviewed by the PC for height compatibility with adjoining residential areas.

| Compliant: One Story 20’ – 5” |

### Parking.

1. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses
   - Mattress Firm requires 22 spaces \( \frac{4,309}{200} = 21.5 \)
   - 37 proposed
   - Excessive parking still proposed. Consider landbanking extra.

2. Parking area and driveway setback require 20’ when adjacent comm./ind. zone
   - 27’
   - Compliant

3. The required setback for parking may be reduced in width or waived by the PC subject to landscaping or screening requirements
   - B. If this property is to be split into two, additional deficient parking setback waivers will be necessary for both Mattress Firm and Car Wash sites

### Design Standards (See ZO for full text)

1. Design shall be consistent with Master Plan Vision
   - PC Discretion
2. Mix of uses allowed as long as appropriated buffered and sited
   - Located adjacent to car wash
   - PC Discretion
3. Access management
   - Shared Access
   - Complaint
4. The Planning Commission may allow parking in the front yard, subject to traffic safety, visibility, convenience, landscape buffering, or other site factors
   - Five (5) unscreened spaces within front yard
   - Waiver requested
<table>
<thead>
<tr>
<th>5. Pedestrian Pathways and Sidewalks</th>
<th>Provided around buildings</th>
<th>Internal site connection to path provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. General Site Design/Architectural Guidelines. It is the intent of the District to provide an environment of high quality and complementary building architecture and site design.</td>
<td>See site plan</td>
<td>PC Discretion</td>
</tr>
<tr>
<td>7. Brown Road Design/Architectural Guidelines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Architectural interest shall be provided through the use of repetitious patterns of color, texture and material modules, at least one of which shall repeat horizontally. Each module should repeat at intervals of no more than 50 feet. Plain 8” x 16” concrete masonry units shall be avoided. Clay brick, stone and/or textured, split face or patterned masonry units shall be used.</td>
<td>Aluminum panels, brick masonry, metal panels &amp; break metal / coping</td>
<td>Appears compliant subject to PC accepting decorative metal panels</td>
</tr>
<tr>
<td>b. Varying roof lines, projections/recesses etc. are encouraged. Windows, awnings, and arcades must total at least 60% of a façade length abutting a public street.</td>
<td>~60% south façade is window/awning</td>
<td>Compliant</td>
</tr>
<tr>
<td>c. Standardized pre-engineered metal sided industrial buildings shall be prohibited unless approved by the Planning Commission.</td>
<td>Decorative metal panels</td>
<td>This does not apply to decorative metal panels that are proposed.</td>
</tr>
<tr>
<td>d. Primary building entrances should be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.</td>
<td>Awning at entrance</td>
<td>Compliant</td>
</tr>
<tr>
<td>e. Greenbelts for Use Group C shall be 20’ in width.</td>
<td>&lt; 20’ greenbelt</td>
<td>Deficient (See landscaping review)</td>
</tr>
<tr>
<td><strong>Lighting Regulations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Lighting plan required in compliance with 27.11</td>
<td>-</td>
<td>Compliant</td>
</tr>
<tr>
<td>2. Fully shielded and directed downward to prevent off-site glare</td>
<td>-</td>
<td>Compliant</td>
</tr>
<tr>
<td>3. Illumination (max): 1.0 fc along property line</td>
<td>0.1</td>
<td>Compliant</td>
</tr>
<tr>
<td>4. Greenbelt ornamental lighting adj. to Brown Road compatible with DTE North Yorkshire poles and fixtures spaced 125’ apart on the north side of the safety path facing road</td>
<td>Existing Light Poles north of pathway (EX G)</td>
<td>Applicant shall provide details of EX G (acorn) as shown on photometric plan (page 1 of 2)</td>
</tr>
<tr>
<td>5. Lighting fixtures within the interior portion of the BIZ district and not within the greenbelt of Brown, Joslyn or Jordan Roads shall be bronze color, shoebox style LED on a square pole. (added 07.17.17)</td>
<td>Dark Bronze</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td><strong>Knee Wall</strong></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------------</td>
<td>---</td>
</tr>
<tr>
<td>I.</td>
<td>A 30” high knee wall shall be installed located within the greenbelt, parallel to the R.O.W. and adjacent to the entry planting.</td>
<td>None</td>
</tr>
<tr>
<td>K.</td>
<td>All utilities servicing the buildings or structures shall be buried underground</td>
<td>Proposed dumpster enclosure shown in rear yard; materials to match building</td>
</tr>
<tr>
<td>L.</td>
<td>1. Covered trash receptacles shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure</td>
<td>The split face CMU enclosure will match the building and is compliant</td>
</tr>
<tr>
<td></td>
<td>2. The fourth side of the trash enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.</td>
<td></td>
</tr>
<tr>
<td>M.</td>
<td>Loading and Unloading</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district</td>
<td>50’ x 12’ Space located in Rear yard adjacent to building</td>
</tr>
<tr>
<td></td>
<td>2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Provisions 27.04 apply</td>
<td></td>
</tr>
<tr>
<td>N.</td>
<td>Performance Bond</td>
<td>PC Shall require per 30.09</td>
</tr>
<tr>
<td>P.</td>
<td>Safety path</td>
<td>Safety path per 27.06 required</td>
</tr>
<tr>
<td>Q.</td>
<td>Tree Preservation</td>
<td>Require per 27.12</td>
</tr>
</tbody>
</table>

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

27.04 Parking and Loading

2. A. Off Street Parking
   a. Minimum setback of 20' shall be maintained for parking areas
   5' Waiver Requested
   h. Parking for physically handicapped (3 required)
   3 Compliant

3. a. Dimensions of off-street parking facilities
   31' & 27' wide drive isles
   Isle widths are excessive increases impervious surfaces and could present traffic safety concerns. We recommend they are reduced to the 22’ min.

   d. Parking lot lighting cannot exceed 3.0 fc at lot line
   0.1 Compliant
   f. Wheel stops required for all space
   Yes Compliant

27.11 Lighting Regulations

1. Free standing pole lighting

E. d. Maximum pole height of 20’
   Not provided Applicant shall identify on plan

Landscape Plan

We have completed a review of the landscape plan and have identified the following on sheet C.101:

Landscaping (Multiple Articles)

34.03. Required Conditions

1. Landscaping adjacent to roads

   a. Where a use type C abuts a public road, a twenty (20) foot greenbelt shall be provided with one (1) shade tree per 30 lineal feet, and one (1) shrub per ten (10) lineal feet (Figure 34.6). **A 24”-30” berm or 30” high knee wall shall be required to screen parking areas fronting on public roadways.** The berm or knee wall shall be required to block headlight glare and screen parking lot areas.

   c. Landscaping of street trees and ornamental trees shall be comprised of the varieties or other species in Table 34-4 as approved by the Township.

   Entryway landscaping

   7 trees proposed within greenbelt per previous site plan approval (car wash); No screenwall is proposed for front yard parking

   Street trees approved and installed with adjacent development (berm not installed)

   Any dead landscaping shall be replaced to comply with previous site plan approval

PC Waivers:
1. Greenbelt does not meet 20’ minimum width;
2. Applicant has requested waiver from screenwall/berm requirement (hedgerow provided)
<table>
<thead>
<tr>
<th>2. Screening Between uses</th>
<th>13 Shawnee Brave Bald Cypress trees (ornamental) are provided within the west greenbelt</th>
<th>Greenbelt is deficient in width (-15'); parking lot isles can be reduced (from 35' to 22') to meet this standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. For screening between any other uses (C), a twenty (20) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, and a combination of shrubs at one (1) shrub per ten (10) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.9).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 27.05 Landscape, Fences and Walls                               |                                                                                        |                                                                                                |
| 3. Landscape Design Standards                                  |                                                                                        |                                                                                                |
| i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material | Four new canopy trees provided in rear open space area | Landscape area (sq ft) not provided – applicant shall provide |
| ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area. |                                                                                        |                                                                                                |
| iv. Irrigation system required                                  |                                                                                        | Landscape plan note no. 19 states underground irrigation provided |

| 4. Parking lot landscaping adjacent to Roads                   |                                                                                        |                                                                                                |
| A. 20' wide greenbelt required between ROW and parking are     |                                                                                        |                                                                                                |
| a. One tree per 30' frontage required (200' frontage = 7 trees required) | 7 trees | Compliant |
| b. Hedge, wall, decorative metal fence, or berm, or other landscape elements with a vertical rise of at least thirty (30) inches shall be developed within said separation zone and shall have the effect of reducing the visual effect of parked cars | 30" HT berm | Waiver requested |
| f. Clear vision triangle to remain unobstructed               |                                                                                        | Provided |

| 6. Interior Parking Lot Landscaping                            |                                                                                        |                                                                                                |
| a. 20 sf landscaping per space                               | 1,684 | Compliant |
| 37 spaces x 20 = 740 sf required                             |                                                                                        |                                                                                                |
| b. One tree required per 200 sf landscaping                 | 5 within islands* | Deficient three parking lot trees based on island sf provided |
| 1,517/200 = 8                                                |                                                                                        |                                                                                                |
| c. Landscape islands min. 200 sf and no less than 10' in any dimension | Not provided | *167 sq.-ft. island does not meet area and width requirement |

The four compliant landscaped islands exceed the minimum requirements for the 37-space parking lot; however, the number of trees provided (5) is not consistent with the square footage provided. The Planning Commission may wish to accept this, as the number of trees provided meets the requirement based on the minimum required landscaped island square footage (740/200 = 4 trees required).
27.12 Tree and Woodlands Protection

2. Replacement Trees Required

<table>
<thead>
<tr>
<th></th>
<th>d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.</th>
<th>15 landmark trees removed; 15 replacements proposed</th>
<th>The applicant has stated no landmark trees are being removed; however, the landscape plan indicates 15</th>
</tr>
</thead>
</table>

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

Respectfully,
Giffels Webster

Rodney L. Arroyo, AICP
Partner

Approved plans (02/27/2019) showing berm

Site Condition October 2021
October 12, 2021

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

RE: Mattress Firm, PC-2021-67
    Site Plan Review #2

Received: September 27, 2021, by Orion Township

Dear Mr. Reynolds:

We have completed our review of Mattress Firm plan set. The plans were prepared by Krieger Klatt Architects and were reviewed with respect to the Township’s Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township’s Engineering Standards.

EXISTING SITE CONDITIONS:
The site is located on the north side of Brown Rd. west of Joslyn Rd. within the southwest quadrant Section 33 of the Charter Township of Orion. The site is zoned Brown Road Innovation Zone (BIZ) and bound by parcels to the north, east, and west zoned Brown Road Innovation Zone (BI) and to the south of the property is the border between Orion Township and the City of Auburn Hills.

The existing site currently shares a parcel with the recent Tommy’s Car Wash development. The site is located on the west side of the car wash and has been cleared as part of the Tommy’s development. Overall, the combined site is 2.02 acres. The applicant is proposing to split the parcel with the Mattress Firm site resulting in 0.946 acres. The applicant is proposing a 4,309 sqft building as well as associated parking facilities and landscaping to complete the development.

The required reciprocal access easement has been shown on the plans since the main entrance and drive will be used by both Tommy’s Car Wash and the Mattress Firm store. A shared use agreement for the storm network and drainage system will be required at engineering.

The Topographic Survey has been updated to show the existing completed work at Tommy’s Car Wash. The survey needs to include the signature and seal of the professional surveyor. In addition, a second benchmark is typically required for engineering plans. The hydrant used for Benchmark #1 appears to be in a work area that may cause the hydrant to be adjusted during construction. An additional benchmark should be provided for this site to ensure that there is always an elevation reference for grading and inspection purposes.

WATER MAIN AND SANITARY SEWER:
There is existing 16-inch water main along Brown Rd. and 8-inch main was extended north along the east side of the proposed development as part of the Tommy’s Car Wash development. The 8-inch water main was shown in the plans along with the 12-foot water main easement that extends into the site. The 12-foot water main easement
does not appear to be centered over the water main near the southern border of the site. The proposed easement will need to be revised as part of the Tommy’s Car Wash close out prior to recording. It is our understanding the building will not be suppressed. As such an FDC and fire suppression line were not included in the plans. We defer further comment on suppression to the Fire Marshal.

There is existing 10-inch sanitary sewer located along Brown Rd. that is north of the right-of-way and within a 20-foot sanitary sewer easement. The applicant appears to be proposing to connect to an existing sanitary sewer stub that extends northward into the property from the 20-foot sanitary sewer easement. The sanitary service extends to the north face of the building and includes 4 cleanouts along the lead. At engineering, a 4-foot diameter Monitoring Manhole will be required upstream of the connection point to the public main per OCWRC requirements.

**STORMWATER MANAGEMENT:**
The existing collection system includes a series of catch basins, storm sewer, underground detention system and pump station located just north of the proposed Mattress Firm. The system outlets to Brown Rd. The existing storm sewer network and underground storage were included on the Utility and Geometry Plan. A note has been added to the site saying that the site runoff has been accounted for in the underground detention pond per N&F approved plans. The applicant should provide preliminary runoff coefficient calculations to show the final conditions are less than or meet the initial design assumptions.

**PAYING/GRADING:**
Limited proposed grades were provided on the revised grading plan. The grading plan shows the limits of disturbance matching the existing grades at the perimeter. The site grading should be able to meet the Township Engineering Standards and appears acceptable. More detailed grading information shall be provided at engineering. Pavement slopes are to remain between 1% and 6% for drive areas, and between 1% and 4% for parking areas. Paving sections were included for the internal site sidewalk, the public pathway, the asphalt pavement on site, and the concrete pavement for the dumpster pad. The sidewalk section is comprised of 4 inches of concrete atop 4 inches of aggregate. The public pathway pavement section is comprised of 3 inches of HMA atop 4 inches of aggregate. The standard asphalt pavement section is 4 inches of HMA atop an 8-inch aggregate base. The standard concrete pavement section is made up of 8 inches of concrete atop 6 inches of aggregate. The pavement sections provided appear to meet Township requirements and are acceptable.

**TRAFFIC & CIRCULATION:**
Existing site access is provided via a single drive entrance onto Brown Road which allows access to Tommy’s Car Wash as well as the proposed site. Proposed drive aisles appear to provide a minimum width of 22 feet which is acceptable. The drive aisle at the north does not appear to facilitate movement of the Orion Township Fire Truck and will need to be revised.

**LANDSCAPING:**
Landscape trees appear to be proposed around the perimeter of the site and in landscape islands. The tree location appears to be generally acceptable in reference to the location of the site utilities.

**NATURAL FEATURES:**
The site has already been cleared and mass graded. No wetlands or woodlands exist currently on the site.

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

1. Adjust the plan to facilitate the Orion Township Fire Truck through the site.
2. Provide runoff coefficient calculations to indicate the proposed site and as-built adjoining site conditions meet the design assumptions for the storm water detention system.
3. The Topographic Survey should include the signature and seal of the professional surveyor.
4. The engineering plan, designed in accordance with Zoning Ordinance No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township’s Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

The applicant should note the Township may require performance bonds, fees, and/or escrows for a preconstruction meeting and necessary inspections. Please feel free to contact us with any questions at (248) 751-3100 or mark.landis@ohm-advisors.com.

Sincerely,

**OHM Advisors**

[Signature]

Joe Lehman
Project Engineer

cc:  Chris Barnett, Township Supervisor
    David Goodloe, Building Official
    Jeff Stout, Director of Public Services
    Tammy Girting, Director of Planning and Zoning
    Lynn Harrison, Planning and Zoning Coordinator
    Jeff Williams, Township Fire Marshal
    Bill Basigkow, Water and Sewer Superintendent
    Bill Schmitz, JS Brown Rd, LLC.
    Jeff Klatt, Krieger Klatt Architects
    File
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-67, J.S Brown Road Site Plan 2nd Submittal  
Date: 10/07/2021

The Orion Township Fire Department has completed its review of Application PC-2021-67 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

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

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

Requirements:

- Orion Township truck turning template overlay shall be shown on the revised site plan.

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

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

Sincerely,

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

The Department of Public Services has reviewed the above-mentioned project and has no further comments at this time.

If you have any questions, please contact me.

Respectfully Submitted,

Jeffery T. Stout
Director
Department of Public Services
September 8, 2021

Lynn Harrison, Planning & Zoning Coordinator
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd
Lake Orion, MI 48360

Re: Mattress Firm – Preliminary Review
OCWRC Submittal No. 0230-2021
Part of the SE ¼ of Section 33, Orion Township

Dear Ms. Harrison,

This office has received a request for information pertaining to possible public facilities under the jurisdiction of this office for the referenced project. The subject plans were submitted by your office for review.

Our review indicates that the proposed project has no direct involvement with any legally established County Drain, Sanitary Sewer or Water Main under the jurisdiction of this office.

- The construction plans did not propose/indicate any sanitary sewer improvements.

Storm Drainage, Sewage Disposal & Water Main serving this area are under the jurisdiction of the Orion Township and/or Oakland County Health Department. It shall be the responsibility of the local municipality, in their review and approval of the site plan, to ensure compliance with their requirements.

Related earth disruption must conform to applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. Application must be made to Orion Township for any required soil erosion permit.

Please call me at 248-897-2748 with any questions or concerns.

Sincerely,

Mark W. Davis
Senior Engineering Systems Coordinator

c: Chris Barnett, Twp. Supervisor – Orion Township
   Jeff Stout, Twp. DPW Director – Orion Township
   Tammy Girling, Twp. Planning & Zoning Director – Orion Township
   Mark A. Landis, P.E. – OHM Advisors
Charter Township of Orion Planning Commission
Site Plan Approval Application

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

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>J.S. BROWN RD., LLC</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name of Development if applicable:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: J.S. BROWN RD., LLC</td>
</tr>
<tr>
<td>Address: 155 ROMEO RD., SUITE 300</td>
</tr>
<tr>
<td>City: ROCHESTER</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48307</td>
</tr>
<tr>
<td>Phone: 248-650-9850</td>
</tr>
<tr>
<td>Cell:</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:BILL.SCHMITZ@JSCAPITOL.COM">BILL.SCHMITZ@JSCAPITOL.COM</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: JEFF.SCHMITZ</td>
</tr>
<tr>
<td>Address: 155 ROMEO RD.</td>
</tr>
<tr>
<td>City: ROCHESTER</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48307</td>
</tr>
<tr>
<td>Phone: 248-650-9850</td>
</tr>
<tr>
<td>Cell: 248-909-7697</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:JEFF.SCHMITZ@JSCAPITOL.COM">JEFF.SCHMITZ@JSCAPITOL.COM</a></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Plan Preparer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm/Person: Krieger Klatt Architects / Jeff Klatt</td>
</tr>
<tr>
<td>Address: East 11 Mile 2120</td>
</tr>
<tr>
<td>City: Royal Oak</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48237</td>
</tr>
<tr>
<td>Phone: 248-414-9270</td>
</tr>
<tr>
<td>Cell:</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:jeff@kriegerklatt.com">jeff@kriegerklatt.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Contact Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: BILL SCHMITZ</td>
</tr>
<tr>
<td>Address: 155 ROMEO RD., SUITE 300</td>
</tr>
<tr>
<td>City: ROCHESTER</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48307</td>
</tr>
<tr>
<td>Phone: 248-650-9850</td>
</tr>
<tr>
<td>Cell: 248-467-9383</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:BILL.SCHMITZ@JSCAPITOL.COM">BILL.SCHMITZ@JSCAPITOL.COM</a></td>
</tr>
</tbody>
</table>
Sidewell Number(s): 09-33-351-020 Lot #18, 09-33-351-021 Lot #19, 09-33-375-010 Lot #20

Location or Address of Property: 851 Brown Road

Side of Street: Brown Road Nearest Intersection: Brown Road / Joslyn Road

Acreage: 2.02 Current Use of Property: C

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

Subject Property Zoning: I-1, BIZ Adjacent Zoning: N. BIZ S. E. BIZ W. BIZ

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

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

Proposed 4,309 SQFT. building for Mattress Firm to the West of existing Tommy's Car Wash. Proposed site plan includes a new asphalt parking lot and landscape areas.

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

AT&T
54 Mill St.
Pontiac, MI 48342

Consumers Power Company
530 W. Willow St.
Lansing, MI 48906

DTE Energy Co.
ATTENTION: NW Planning & Design
1970 Orchard Lake Rd.
Sylvan Lake, MI 48320

Oakland County Health Department
Building 34 East
1200 N. Telegraph Rd.
Pontiac, MI 48341

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

Road Commission of Oakland County (if applicable)
ssintkowski@rcoc.org
(electronic submittal only)

Oakland County Water Resources
To Be Submitted by the Township

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

Signature of Applicant:
__________________________ Date: 8/17/2021
(must be original ink signature)

Print Name: JEFF SCHMITZ

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

Signature of Owner (if the deed of ownership does not show an individual, ie is a corporation, partnership, etc., documentation must be provided showing the individual signing this application has signing rights for the entity):
__________________________ Date: 8/17/2021
(must be original ink signature)

Print Name: JEFF SCHMITZ

Version 12/7/20

Page 2 of 3
September 27, 2021

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

Re: Site Plan Review #1, Mattress Firm

Thank you for your review of the Mattress Firm project dated 08.23.2021. This letter is to address the following review comments below. Please see the revised plans labeled [redacted] that accompany this response letter.

Revisions & Additional Information

1. Revise the Brown Road Line of 60’ ROW label to correctly reflect the 60’ half ROW.
   The Brown Road Line of 60’ ROW has been adjusted. Please see the revised plan.

2. We recommend that applicant explore land banking excess parking. The site proposes 36 spaces above the required minimum.
   Revised site plan shows removal of previously proposed [19] spaces to provide more landscape area to the West of proposed parking lot.

3. The parking area along the western property line does not meet required 20’ setback. This setback can be met if the excessive drive aisle widths are reduced. Alternatively, a landscape island could be introduced north of the building within the parking lot.
   Please see revised Site Plan C.100. Parking along the West property meets the 20’ setback. Widths of driving aisles have been reduced to.

4. The internal sidewalk network needs to connect to the pathway along Brown Road.
   The internal sidewalk network was modified to show a connection to the public walk along Brown Road. Please see the attached plans for the modification.

5. Address the 60% window/awning/arcade standard on south elevations that face Brown Road, as it does not appear to be met.
   The south elevation was modified to comply with the 60% glazing requirement.

6. The front yard landscape greenbelt does not meet minimum 20’ width. This can be accommodated if the front yard parking is removed.
   We are proposing to maintain the parking area along the south side of the building. The paved area is consistent with the Tommy’s carwash layout on the site. We propose to maintain the plantings that have already been installed.

Krieger Klatt Architects Inc. 2120 East 11 Mile Road Royal Oak MI 48067
P.248.414.9270 F.248.414.9275 www.kriegerklatt.com
7. Note location of berm (within the front yard greenbelt) intended to screen front yard parking area.

Please note that the front yard has already been landscaped per the previously approved plan. A note has been added to the plan to indicate the existing landscaped area. In addition, more landscape screening has been provided to reflect the condition in front of Tommy's.

8. Provide details of light fixture “EX G” as shown on photometric plan (page 1 of 2).

Details for this light fixture have been added.

9. Provide a note to the site plan indicating compliance with underground utility requirement.

A note has been added to the site plan indicating compliance with the underground utility requirement. See drawings from Tri-County Engineering.

10. Add details of the enclosed trash area, including the height and materials, to site plan.

Details for the enclosed trash area have been added to the plans.

11. Drive aisle widths within that parking area are excessive, we recommend they are reduced to 22”, which is the standard. Excess aisle width could increase vehicular speeds and reduce pedestrian safety.

Please see revised site plan C.100. Drive aisle widths have been reduced per comments.

12. If necessary, increase turning radii at end islands and turns to address fire truck circulation.

No adjustments have been made to the turning radii, but we will comply with any engineering or fire department standards. We agree to make any adjustments during the building permit submittal.

13. Wheel stops are required for all parking spaces.

Wheel stops have been added to the plans.

14. Light poles details (height) shall be added to site plan.

Light pole details have been added to the revised plans.

15. Clear vision triangles should be added to landscape plan to demonstrate compliance.

Clear vision triangles have been added to the revised landscape plan to indicate compliance.

16. Dimensions and areas of all parking lot landscape islands shall be added to landscape plan.
All lot landscape islands have been dimensioned on the landscape plans. The area of each island has been identified

17. Provide the required information for proposed replacement of landmark trees.  
   
   We are not proposing to remove any landmark trees on the site

Planning Commission Waivers


2. Setback waiver requested for deficient building setback along west side setback.

3. If this property is to be split into two, additional deficient parking setback waivers will be necessary for both Mattress Firm and Car Wash sites.

4. Front yard parking spaces are proposed and require planning commission approval and additional screening. Alternatively, they can be removed as they are not required.

5. This would be a second ancillary use permitted prior to a primary use.

Please note, the following revisions (not staff review comment related) were made to this submittal package:

If you have any further comments, concerns, or questions; please do not hesitate to contact me.

Thank you,

Jeff Klatt, AIA  
Krieger Klatt Architects, Inc.
Zoning Information (Orion Township)

Parcel I.D. Number: 09-33-351-020, 09-33-351-021
Zoned: Brown Road Innovation Zone, Use Group C
Lot Area: 88,000 SQ. FT.
Lot Coverage (Footprints): 4,300 SQ. FT.
Height: Maximum Building Height: N/A
- Proposed 22' one-story
Setback Information:
1. Front Yard Required: 40.00' - Existing Front Yard Setback to Remain
2. East Side Yard Required: 20.00' - Existing Side Yard to Remain
3. West Side Yard Required: 20.00' - Existing West Side Yard to Remain
4. Rear Yard Required: 30.00' - Existing Rear Yard to Remain
Parking Information:
- Off Street Parking:
  (37) Parking Spaces Provided
Sec. 22-345 - On-Site Parking:
  a. A parking space shall meet the following criteria in order to satisfy the requirements of this section:
     - Minimum length of 19 feet
     - Minimum width of either the width of the existing driveway or nine feet, whichever is less.
IDEAL SHIELD BOLLARD COVERING. REFER TO MANUFACTURER SPECS FOR MORE INFO.

4' - 0" BOLLARD SEE NOTE FOR DEPTH

0' - 4" EQ.

TYPE "A" BOLLARDS:
6" DIA. X 4' - 0" CONC. FILLED GALVANIZED STL. GUARD POSTS (PAINTED) IN 18" DIA. X MIN. 3' - 6" DEEP CONC. FOOTING CONC. SLAB. REFER TO CIVIL DRAWINGS/ LOWER LEVEL FLOOR PLANS

DUMPSTER
6" ∅ BOLLARD - CONC. FILLED 42" DEEP (MIN. BELOW GRADE) 6' - 4" HIGH 7 5/8" C.M.U. (GROUT SOLID) W/ #5 RE - BAR @ 16" O.C. (HORIZ.) & LADDER TYPE REINF. @ 16" O.C. VERT PROVIDE CONC. SLAB 10' - 0" PAST EXTERIOR OF ENCLOSURE 6" THICK CONC. SLAB & APRON W/6X6 - 2.0X2.0 W.W.M. STEEL REINFORCED, OPAQUE, LOCKABLE, WOODEN GATES

CONCRETE FOUNDATION 42" DEEP (MIN. BELOW GRADE) - TYP. 12" WIDE X 42" DEEP (MIN. BELOW GRADE) W/ (2) #5 RE - BAR T&B 3' - 11" 1' - 6" CONC. CAP W/ WASH SPLIT FACED CMU (COLOR TO MATCH BUILDING)

CONCRETE CAP W/ WASH SPLIT FACE CMU (COLOR TO MATCH BUILDING)
11' - 2" 1' - 9" 9"9"
18" WIDE X 42" DEEP (MIN. BELOW GRADE) W/ #4 @ 12" O.C. TOP & BTM. C.J.
CONCRETE CAP W/ WASH SPLIT FACE CMU (COLOR TO MATCH BUILDING) 6" CONC. SLAB W/6X6XW1.4XW1.4 W.W.F. ON 4" COMP. SAND #4 RE - BAR 16" X 42" CONC. TRENCH FOUND. #4 RE - BAR @ 32" O.C. GROUT SOLID
8" SPLITFACED CMU COLOR TO MATCH BUILDING 72" +/- EXPANSION JOINT CONC. CAP W/ WASH SPLIT FACE CMU (COLOR TO MATCH BUILDING) 6' - 4" SEE PLAN 10' - 8" 1" = 1' - 0" Dumpster Bollard Section
1/4" = 1' - 0" Dumpster Floor Plan
1/4" = 1' - 0" Dumpster Floor Plan
1/4" = 1' - 0" Dumpster Wall Section
1/4" = 1' - 0" Dumpster Foundation Plan
1/4" = 1' - 0" Dumpster Side/Rear Elevation
1/4" = 1' - 0" Dumpster Front Elevation
1/4" = 1' - 0" Dumpster Front Elevation
1/4" = 1' - 0" Dumpster Front Elevation

Note:
Do not scale drawings; use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title: Site Plan Approval
Sheet Number: C.102
Project Details
Project Number: 21-064

CJ

North Arrow:

Sheet Title: Site Plan Approval
Sheet Number: C.102
Project Details
Project Number: 21-064

CJ

North Arrow:
Exterior Light Pole Base Detail

1. HOME RUN C/W V.I.F. +/- 2' - 0"
2. ABV. GRADE +/- 6' - 0"
3. 6' - 0" MIN.
4. 24" DIA.
5. HOME RUN C/W 2' - 6"
6. 1" 45° CHAMFERED EDGE
7. BASE COVER
8. 2 - 1/2" X 5" HANDHOLE RIM WITH COVER - POSITION AWAY FROM WALK
9. POLE ID TAG
10. PROJECT ANCHOR BOLTS 3" ABOVE TOP OF BASE. PROVIDE DOUBLE NUTS FOR LEVELING UNIT (ONE ABV. AND ONE BELOW BASED FLANGE.)
11. GROUT VOID BETWEEN FLANGE AND TOP OF CONCRETE W/ NON SHRINK GROUT.
12. HAND FINISH. GROUT COLOR TO BE APPROVED BY LANDSCAPE ARCHITECT
13. 3/4" CONDUIT FOR #12 POWER AND GROUND WIRES
14. FINISH GRADE
15. 4,000 PSI REINFORCED CONCRETE FOOTING
16. ANCHOR BOLTS
17. 3/4" RIGID CONDUIT FOR GROUND WIRE
18. PROVIDE ONE ADDITIONAL CONDUIT FOR FUTURE EXPANSION TO AVOID INTERFERENCE WITH LIGHT BASE. PLACE ALL CONDUIT INSIDE 8" DIA. CIRCLE
19. 1/4" X 1/4" DRAIN GROVE
20. BOLT CIRCLE

Note:
Do not scale drawings; use calculated dimensions only.
Verify leveling conditions in field.

North Arrow:

Sheet Title: Site Details
Sheet Number: C.103
Project Number: 21-044
Show Room: 3540 SF

Men's Restroom: 56 SF

Women's Restroom: 56 SF

Show Room: 3540 SF

Line of Canopy Above: 82' - 0"
**KAD LED**

**LED Area Luminaire**

**Specifications**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length (in)</td>
<td>15.00</td>
</tr>
<tr>
<td>Width (in)</td>
<td>9.50</td>
</tr>
<tr>
<td>Height (in)</td>
<td>8.00</td>
</tr>
<tr>
<td>Finish</td>
<td>Matte Black</td>
</tr>
</tbody>
</table>

**Features & Specifications**

- **UL Listed:** Yes
- **CETL Listed:** Yes
- **CSA Listed:** Yes
- **Class 1, Division 2, Location Code:** Yes

**Ordering Information**

<table>
<thead>
<tr>
<th>Model</th>
<th>Description</th>
<th>Color</th>
<th>Finish</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>KAD-1</td>
<td>15W LED Area Luminaire</td>
<td>White</td>
<td>Matte Black</td>
<td></td>
</tr>
<tr>
<td>KAD-2</td>
<td>30W LED Area Luminaire</td>
<td>White</td>
<td>Matte Black</td>
<td></td>
</tr>
</tbody>
</table>

---

**WPX LED**

**Wall Packs**

**Specifications**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length (in)</td>
<td>15.00</td>
</tr>
<tr>
<td>Width (in)</td>
<td>9.50</td>
</tr>
<tr>
<td>Height (in)</td>
<td>8.00</td>
</tr>
<tr>
<td>Finish</td>
<td>Matte Black</td>
</tr>
</tbody>
</table>

**Features & Specifications**

- **UL Listed:** Yes
- **CETL Listed:** Yes
- **CSA Listed:** Yes
- **Class 1, Division 2, Location Code:** Yes

**Ordering Information**

<table>
<thead>
<tr>
<th>Model</th>
<th>Description</th>
<th>Color</th>
<th>Finish</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>WPX-1</td>
<td>15W LED Wall Pack</td>
<td>White</td>
<td>Matte Black</td>
<td></td>
</tr>
<tr>
<td>WPX-2</td>
<td>30W LED Wall Pack</td>
<td>White</td>
<td>Matte Black</td>
<td></td>
</tr>
</tbody>
</table>

---

**Lithonia Lighting**

**OLLWD & OLLWWU**

**Overview**

The OLLWD & OLLWWU are high-performance LED wall packs, offering energy-efficient, cost-effective, and environmentally friendly solutions for outdoor lighting applications. These fixtures are designed to provide superior illumination with a wide range of features, making them ideal for a variety of architectural and functional settings. The OLLWD & OLLWWU series is available in a range of wattages, ensuring that architects and designers can select the perfect solution for their specific requirements. These fixtures are engineered to meet the highest standards of reliability and durability, ensuring long-term performance and minimal maintenance. The OLLWD & OLLWWU family includes models with a variety of output options, allowing for maximum customization to suit the unique needs of each project.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 15, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360.

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

**PLANNING COMMISSION MEMBERS ABSENT:**
None.

1. **OPEN MEETING**
Chairman Reynolds opened the meeting at 7:00 pm.

2. **ROLL CALL**
As noted

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

**OTHERS PRESENT:**
- Jeff Klatt
- Bill Schmitz
- Allen Eizember
- Dave Murphy
- Jeff Schmitz
- Ashley Hackman
- Tom Beauchamp
- Tom Roth

3. **MINUTES**
   A. [09-01-21, Planning Commission Regular Meeting Minutes](#)
   B. [09-01-21, Planning Commission Public Hearing Minutes, PC-2021-63, Meijer SLU](#)

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

4. **AGENDA REVIEW AND APPROVAL**

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

6. **CONSENT AGENDA**
None

7. **NEW BUSINESS**
   A. [PC-2021-67, J.S. Brown Rd., LLC Site Plan, located at 851, & 861 Brown Rd, (parcel numbers 09-33-351-020 & 09-33-351-021)](#)

Chairman Reynolds asked if the applicant was present?

Mr. Jeff Klatt with Kreger Klatt Architects, 2120 E. 11 Mile Rd., Royal Oak, presented.
Mr. Klatt said he was also there with the developer and owner Jeff Schmitz, and Bill Schmitz as well. He noted that they also own Tommy’s Car Wash which is on the same parcel as the one in question tonight. He stated that they have a brief architectural presentation that they will present. They are also aware that they have not received full approval from the various site plan, comments that they received, and they will address that in their presentation tonight. They are still seeking their approval with a caveat that they will work administratively with the Planning Department, as well, as their consultants to address these items administratively.

Mr. Klatt noted that there were a handful of items that were mentioned in the Giffels Webster letter, he believed that there were five items that were mentioned, that they are looking to gain their approval tonight as well, which they will address in their presentation.

Mr. Klatt said that Planning & Zoning Director Girling and her staff have been very helpful throughout the process, and appreciated their guidance. He said they had a great pre-application meeting which was helpful for their team as well. He thought that the misunderstanding happened because they thought it was a two-part submittal with the heavy engineering taking place at the permit level versus the Planning Commission level.

Mr. Klatt pulled up the presentation for the Commissioners. He stated that the highlighted areas is the property in question, as they are aware this is near the NW corner of Joslyn and Brown Rd. They are adjacent to the Bank of America building as well as Tommy’s Car Wash. The proposed site is about 1.3 acres on the west side near Tommy’s Car Wash. The original plan for Tommy’s Car Wash did suggest a design for the adjacent parcel. It indicated about a 5,000-sq. ft. retail building with the same general and maneuvering lanes that were laid out on the site. The only modification to their plan, the parking is the same, maneuvering lanes are the same, the building footprint decreased a bit, they are about 4,300-sq. ft. as compared to 5,000-sq. ft. In some of the photographs many of the site improvements have been made, there is landscaping in the front right-of-way, site lighting is already in place, a lot of the infrastructure is already in place, a lot of the catch basins are there, some of the landscaping islands are in place as well. The retail use is appropriate in this zoning district. He showed them some of the existing photos, many were shot that day. He said that they could see some of those improvements that he had mentioned, there is the maneuvering lane up the middle, which will be shared for the two uses. They can see the vegetation of the landscape that is already in the front setback. He showed them an existing view to the west looking at the existing sidewalk and some of that landscape that is already in place, and they could see the site lighting. He showed them a picture of one of the curb islands that were already in place.

Mr. Klatt showed the commissioner’s the proposed site plan. He stated that they have made some of the adjustments, they have not submitted formally yet but they had already addressed some of the comments that were in the Giffels Webster write-up. So, #1 this is the actual parcel in question the 1.3-acres highlighted in the yellow, and Tommy’s Car Wash is on the right-hand side. #2 suggests that maneuvering lane which is the blue line up the middle, which will provide access to the Tommy’s Car Wash site, as well as, the Mattress Firm, and that runs right up the center of the site with one access point to Brown Rd. #3 is the proposed building in the darker shade of gray, and #4 is the existing Tommy’s Car Wash Building. #5 is the proposed parking for the Mattress Firm site. They are proposing 56 parking spaces and thought they were over by 36. As they will indicate in the presentation this is a shared site so they thought that the park can be useful for both uses on the site so they are requesting to keep that. #6 is the loading zone; #7 is their new trash area. #8 one important feature, they placed the building here to maintain a consistent building setback, to match the line of the Tommy’s Car Wash building that is in place.
Mr. Klatt showed them the floor plan of the Mattress Firm. The upper right-hand corner is the portion of the building that will face the road, a lot of corner glass a pretty simple layout, 4,300-sq. ft. mostly open space for Mattress Firm. The exterior design is fairly contemporary in nature which is really a play on the Tommy’s aesthetic, straight lines, fairly straightforward, contemporary appearance, one story in height, high-end materials, modular brick with some soldier course accents. They are using a high-quality metal siding which is Longboard replicates wood but of course low-maintenance. They also have some other decorative metals on the buildings for accents. A lot of glazing, which meets the ordinance requirements, was one comment that they adjusted. They had to meet the 60% requirement on Brown Rd., which they did, and there is a canopy as well too.

Mr. Klatt showed them some other views of the building.

Mr. Klatt said in regards to the site plan review letters, one from the WRC, there were no comments that they had to address. They received one from the Fire Department that was approved with no comments. They did receive a letter with various comments from Giffels Webster and they are confident that they can address the majority of them. There are five items that they do need their approval on. From OHM they had nine total comments, and their Tri-County Engineering is confident that they can address all of those requirements. He added that they needed a survey to complete the grading plan, the survey was completed this week, so he is actively working on the grading plan, and they are asking to work administratively with the engineering department on that.

Mr. Klatt said in the Giffels Webster letter there were five waivers that they needed from the Planning Commission. #1 is the setback waiver for deficient building setback along the west side. He thought that there was a 10% discrepancy they meet that. The ordinance is 20-ft. they have a 16-ft. setback and thought that they were in the ground for approval. #2 is a setback waiver for deficient parking setback along the west property line. They feel they need the parking due to the various uses on the site. They have a landscape buffer on the east side of the site, they are simply proposing to match that on the west side for consistency. #3 is the parking in front of the building. They are holding a consistent building line across the front they feel it is beneficial for the customers to have parking close to the building. Paving wraps around the front of the building, and they are holding a consistent landscape frontage in that area which is consistent with Tommy’s and some of the photos that he showed them earlier so they would keep that parking.

Mr. Klatt stated that #4 the property will be split into two lots, and he believed that was the case, they are requesting to split the property. This has to deal with the deficient parking setback, from his understanding, if they split the lot, they may have a setback issue because they are tight to the lot line in each case, but felt it would be awkward to have an internal landscape island up the middle of the site since these are shared uses. #5 is to be an ancillary use permitted prior to a primary use. Those are the five items that they are seeking their approval for this evening.

Mr. Klatt said that a handful of other items suggested land banking some of the parking but they really want to keep the parking as they feel it is great for the shared uses on the site. He added that the front yard greenbelt that has to do with the parking that they have in the front. They feel that they are consistent with what is already in place for Tommy’s, it is attractive and it works, and it helps to shield the view. The last comment is in regard to the drive aisles, they are in excess of 22-ft. which is the minimum standard. During the pre-application the Fire Marshal actually liked the fact that they had wider drives, so they are requesting to keep the drive aisles a bit wider than they have shown here.
Planner Arroyo read through his review date stamped September 8, 2021.

Engineer Landis read through his review date stamped September 9, 2021.

Chairman Reynolds stated that they had the Fire Marshal’s review of the plan and had no additional comments. They also had the Public Service Director that had no issues or further comments at this point and time. There was a site walk completed by the Site Walk Committee. The RCOC had no preliminary comments at this time. WRC had no comments since there was not any storm proposed on the site or on the plans.

Commissioner Brackon asked if they reduce the aisle widths will that get rid of the need for the side yard setback? Planner Arroyo replied yes.

Commissioner Brackon asked what the purpose of the wider aisles?

Mr. Jeff Schmitz at 155 Romeo Rd., Rochester, MI. He is the developer and owner of the site.

Mr. Schmitz said he didn’t know if any of them have been to their new Tommy’s Car Wash site that is open. They are at 22-ft., it is the Township’s minimum requirement, they are at 28-ft., they are talking 6-ft. Those vacuums are busy all the time, the more space the better, they want to keep that buffer, drive aisle, separated. There is a lot of people that walk around their cars, they don’t want the minimum. They are looking at their own personal liability and safety, they are talking about 6-ft., that is for safety. They have a mom and her two kids, she is vacuuming the kid’s run around the outside, and the back of the car.

Mr. Schmitz stated that when he first brought the Tommy’s concept to them there were three houses that were on those three different parcels. Those three houses were in terrible shape, he bought two of them. He came before them, with his Tommy’s presentation, and in good faith, as a developer the Township said that he had to buy the third house because no one would ever do anything with that third house, it would stay there forever. He said, “okay, I will buy that third house”. That third house was $250,000, he has two kids in college, $250,000 is a ton of money. It was under a handshake that he would buy that house and they would make a small development that fit the community there. Such a small facility they had to put in all the infrastructure for that little facility without harming Tommy’s that is already open, and he thought it was a great development. They put in the underground detention system, so all of the stormwater management, storm sewers, catch basins, and the height of the curbs are all there. He respected the Engineer’s saying they don’t have a grading plan but they are just matching what they have there. They will put that on their construction drawings or for permitting they are just matching. He didn’t think that this was going to be super difficult and tedious to get through. To answer the question, yeah, the 22 versus the 28, he personally told his architect he wanted to keep those aisles as wide as possible for exactly what he is saying. If he has a mom and two little kids are running around the outside as she is vacuuming, he wants that space, it is common sense.

Commissioner Brackon asked why does he want the front parking? Mr. Schmitz replied that he thought that the front parking fits there because those curbs were already there, it was already designed in the first plan, it was already approved that way. He asked if he should go and rip out all of those curbs and start over and start with new grades, and new catch basin elevations? He thought the front parking matches, they follow that line. He asked what do they do with that, make it a front yard for grass? It doesn’t fit the retail motel. They are just trying to use some common sense in what their approach is to develop that site. They are not asking for something that is totally crazy.
Commissioner Brackon said what he heard was that the site plan requires A-Z, and they submitted 16 of the 29 requirements that the site plan requires. He was trying to figure out if they know it is A-Z, why turn it in not finished? Mr. Schmitz said that when they are talking about a cut section of a dumpster enclosure, it is a standard detail that is a permitting issue.

Commissioner Brackon asked if there was a legal description? Mr. Schmitz replied that he has the legal description, they actually have the easement it is all ready to go and fill out. He asked why they would spend the money to pay for the easements to change their financing package today, they are just asking for a site plan. Technically a site plan is, do they like the building, does the parking work, does the landscaping work, that is a site plan.

Commissioner Brackon said he thought that was a simplistic view of what OHM said and what they and the Township are requiring. Mr. Schmitz asked, is it? Commissioner Brackon replied in his opinion yes. Commission Brackon asked what the purpose of the parking numbers being so far in excess of the minimum, the 36 extra spaces, what is the thinking behind wanting those extra spaces, as opposed to land banking? Mr. Schmitz replied that the site plan originally for Tommy's has all the catch basins and utilities there for it, it was approved from the original inception. They (the Commissioner's) asked him to buy that property. He didn't want to buy that property. Not only did he buy that property but he put all the improvements to that property. He is trying to understand what is really different than the original design concept that they gave them, other than they didn't show a building on there they showed a dotted line of 5,000-sq. ft.

Commissioner Brackon said his question was what is the purpose of the extra spaces versus land banking? Mr. Schmitz said it was there from the original approval. Commissioner Brackon asked what are they going to be used for? Mr. Schmitz said for a lousy 4,000-sq. ft. they want him to start ripping up storm sewer catch basins?

Chairman Reynolds said they were not there to debate. He said he would like to not have this back and forth. They are there as a Planning Commission to go down a checklist. Even their personal opinions aside they are there to check those off. He said some of these comments are getting lost in a debate that they are looking for factual information. Their ordinance, for example, requires parking based on retail square footage, they are asking for a significant amount of parking spaces beyond that. It is not uncommon for them to grant that but they normally see a, not just a we want it, but they have X number of employees there is a model behind this Mattress store itself that there is more retail traffic, they have heard nothing factual supporting that yet. He would like to keep it to the facts and put the emotion aside if they could. He understood where they were coming from as a developer and the history of this parcel, and many of these people sitting here are not aware of all of those, and he appreciated them bringing that to the counter but at the same time that is not what they are there to debate.

Mr. Schmitz stated that the Mattress Firm has very few employees maybe two, maybe they see 10 customers per day.

Chairman Reynolds said where they are getting after with some of these, there is a need for additional parking spaces if he was understanding him. Is that because of the parking for employees for the car wash? He wanted to have this as a guided discussion. Mr. Schmitz said there is not a need for those parking spaces, his disappointment is, is that under their original design concept, so let's assume that he wasn't buying and creating a separate parcel for myself even though he owns the Tommy's and creating a separate entity. They probably wouldn't be having this discussion because all of those things were already in place based on the original approval, and it was just showing a 5,000-sq. ft. building and they would basically show an elevation and where the water and sewer were coming in. Because of the technicalities of having to form a new entity because they keep every new piece of real estate under a new
entily, they are having to go through that whole gambit again. He was really hoping that they
didn’t have to do that, he is asking for a site plan approval, he would like their approval tonight,
he likes the drive aisle, he likes the parking in the front, it just matches the whole property. The
whole landscape image is like a horseshoe, they just mirror each other. He thought the drive
aisle was important, safety is really important. If they went out there on a sunny day after a rain
the day before, they will know exactly what he is talking about. They will see moms and kids,
dads and kids, and they are all playing around those cars, he thought it was important as far as
that setback. He added that as far as the land banking, he would really hate to have to tear that
out, all that work that he has already put in.

Secretary St. Henry said in terms of the 28-ft. aisle the applicant provided what he thought was
a rational explanation for that, he said other car washes around town, some have plenty of room
for that reason, others don’t have enough and you wonder if you are going to get clipped. He
was comfortable with that because when he did the site walk, he saw that the vacuums were
right there on the side, it makes sense. In terms of the front parking, it is a retail establishment,
people are going to want to see cars in the parking lot. He thought that if they just left that open
something wouldn’t look quite right with the overall development. He said that parking in the
back, he was curious what the spaces are but it is true they approved this site plan a year or two
ago and the parking was in the back, the building was a little bigger, they didn’t know at the time
what it would be if it was a restaurant he didn’t know if they would even question the extra
parking in the back. If they take the applicant’s word that it is needed, if it is going to be needed
for the car wash perhaps employees or whoever, that footprint it there. They are all curious
about the extra space but in his opinion, it is not a dealbreaker. The setbacks on the side,
closing the aisleway a little bit it would adjust the setback on the westside but the need for the
space is a rational need for an additional 6-ft. which means a lot when they got cars coming
through there. He added that perhaps there are other ways to slow cars down if there is a real
concern about the speed going straightaway to the back of the piece of property. It is a
challenging piece of property, when he did the site walk, it is not very wide, and he has a better
feel for what he wants to do now. Overall, he is comfortable with it, assuming that he meets the
other five requirements that were outlined by the Planner that any additional issue with OHM
can be addressed.

Vice-Chairman Gross said that he spent some time looking at the site plan, and he has a
concern as to why a requirement to waive the side yard setback for the building is required, a 4
or 5-ft. variance that is being requested. It is a block warehouse building and there is no reason
why either the building could be setback an additional 4-ft. and if the square-footage is
necessary it be expanded to the north because there is lots of room to the north that it could be
expanded to accommodate the square footage of the building. He found it hard to justify a
waiver of 4-ft. setback for the building.

Vice-Chairman Gross said that he also looked at the front parking, he could see the pluses of
that but he was looking at the traffic conflict between that drive and the exiting drive from the car
wash and the conflict it creates at that intersection right at Brown Rd., and just north of that
where everything comes together. He added that the driveway widths, again, taking a couple of
feet off of a 37-ft. wide driveway and adding that to the landscaping he thought that it is an
acknowledgment of the fact that there is landscaping required along that west property line. He
didn’t see what the monument sign was going to look like, although it does have to be moved
out of the sanitary easement. He thought it would be helpful to see what it looks like and where
it is going to be. Mr. Schmitz stated that there will be no monument sign.

Vice-Chairman Gross said that the parking in the front if there were an entrance at the front it
would make a lot more sense to have parking in the front. Anyone that parks there has to park
has to walk around the side of the building to get into the building.
Chairman Reynolds said that they are always looking to be workable with developers and understand that it is a lot of money and a large endeavor to embark on this journey. There is a lot of open comments some very small in nature but in his perspective, there are some things to be addressed. Before hearing the discussion of the car wash and the vacuums he did the same math of, they are asking for a 4-ft. waiver on the setback which if they went back to even an increased aisle width across the board, they would still be greater than their minimums, they would still be at 23-ft. 3.5-inches. They would also be at 25-ft. 10-inches at the rear, so there is definitely some opportunity and flexibility there. The same thing goes for the parking setback that they have right now, it is a 27-ft. 6-inch drive aisle but they are also asking for a setback from that. Parking he could understand if there are calculations or discussion to support that, that between the joint properties looking at the parking together that it is needed, he as fine with having the additional parking being proposed. Their comment in the past was just to avoid the seas of parking lots that they see in shopping malls. From a visual standpoint, he didn’t have a strong opinion about the parking in the front except for the conflicts if they are really going to talk about flow through the site, minimal accesses, or minimal opportunities of changes in direction. He added that there were a few things just for them on Brown Rd., if there is parking is it going to be screened? Was that something they were willing to add? He was fine with this property as a whole being ancillary use before the primary because it is occurring the way they want it to be from a development perspective. He stated that he was struggling with some of these setback waivers just from a sense of they could be avoided in some way. Could they stretch the building in a different direction? Is that not an opportunity then so be it. It is obviously something how they are looking at it saying, well why couldn’t you take 4-ft. off and make the building a little deeper, one way or the other, especially since they are in excess of parking, would they miss one less parking spot if all of that shifted to the north?

Chairman Reynolds said that some of the stuff is low-lying fruit but it is their standard for Site Plan approval. Even if it is a $100,000 project or $50,000 project, himself, personally, and professionally have been through the process and have been held to the same standard. It is a pain sometimes but it is what they ask of everyone. It doesn’t matter if it is 10-million or 100-thousand, it is their standard for Site Plan.

Secretary St. Henry asked Vice-Chairman Gross’s to describe again his thinking on moving the building, he asked him to repeat that. Vice-Chairman Gross stated that if the size of the building is important then taking 4-ft. off of the west side of the building and adding it to the north side of the building can generate the same amount of square footage. If the square footage isn’t that important, the reduction of 4-ft. of the building, would still accommodate the 20-ft. setback for the west side yard.

Mr. Schmitz said that they would be in breach of their potential lease with Mattress Firm, they need some many feet of front area building, and they are already at their minimum. He stated that they looked at those options but he thought what was first and foremost was protecting their Tommy’s asset, and when it come to the drive aisles it was super important.

Trustee Urbanowski stated they have an access of parking, which is already there. She asked if the parking on the side have to be there? She was fine with leaving it upfront but that side parking if that was eliminated then the whole building would fit. They are not losing parking because they have a lot.

Mr. Schmitz said that this is a retail center, he has developed 30 Rite Aids in his lifetime, they require that parking all the way around. He stated that he can’t get out of it. That was the reason why he was so reluctant to do the Tommy’s deal because he was forced to buy all three houses because he knew this was going to be an issue. He knew from a retail standpoint this
would be an issue. If they put in a restaurant, they looked at several different restaurant chains with this drive-thru, none of those really fit. When they look at retail, they insist on that parking whether it is a Rite-Aid or a Chick-fil-A, it just doesn't work, and that was his hesitancy in spending all the money and the detention system early on because let's face it how do they put a detention system on a one-acre parcel like that that is so long and narrow. They went ahead and he put in the detention system for both lots knowing that this was going to be a very dramatic and difficult project. He was sure they had the tapes of the last Planning Commission meeting where they shot him down on the Tommy's where they required them to buy the third house, and he said he didn't know how to make that work. There was nothing they could do with this. Finally, after 1.5-years of working trying to get something viable here, as they can sense his frustration when they look at the landscaping plan in front of them, that is the landscape plan that was approved. Now they are talking about screen walls in the front, and things like that, he spent so much money on a little house because everyone knew that he had to have it. He noted that he was really flexible, he can get all the engineering and satisfy the engineer requirements, he was looking for a Site Plan approval. He was highly concerned about making that drive aisle smaller. Secretary St. Henry saw it himself, there is a lot of foot traffic around those cars, he is asking for 6-ft. He was told that the side yard setback issue would not be a problem, that the Planning Commission would work with him. When they look at 6-ft. it is not that great.

Chairman Reynolds asked about the aisle width behind the building that is 27-ft. in width, does that need to be 27-ft. in width which is prompting the setback waiver for the additional parking? He said the setback of #2 right now that is governing that buffer, right now it is 27-ft. 6-inches in width. Mr. Schmitz said that they were willing to do that.

Chairman Reynolds said from his perspective, they have a project that comes in and they have a list of not 2 things, they have 25 things, they usually don't appear. They have 5 waivers and there is no push and pull on any of them, and there is no support for some of it either. There has been some discussion here that has come out, arguing life safety, they have a drive aisle at the rear that 31-ft. 10-inches currently for the vacuums, and then at the front they have it and it is 27-ft. 3.5-inches, so both of those are significantly larger specifically the rear one is almost 10-ft. larger. There is not a consistent argument here between some of these. Then when they talk about some of these setbacks, and they say, ok it is narrow they have seen this on Brown Rd., and there are some of these instances including Tommy's where they said there is narrower side yard greenbelt or setback but then they are asking it for across the board and they are deviating from the ordinance not only on the front, but side, rear, and the islands, and all of it. From their perspective, it is asking for a lot. There is not really a supporting factor across the board that says this is why they did it, they have 20-employees rotating every hour with Tommy's Car Wash that supports 20 additional parking spots. They already have the infrastructure in there and there could be peak demand hours of the mattress store that support that. If they are asking for a parking calculation waiver, they ask that across the board with any project. That is some of the struggles that he knows himself, plus other Planning Commissioners are having here tonight, is that there is not a push and pull but there are areas where they are saying it is important for the car wash vacuums but what about the other areas. He gets it that maybe a 20-ft. setback is not possible but right now they are talking minimal to none, and they are also promoting an aisle width that is significantly larger than they typically hold as a standard for the Township. Mr. Schmitz asked how many parking spaces were they over? Chairman Reynolds replied 36. Mr. Schmitz asked if possible, and time is of the essence on this one, it happened fast, it is a project that has to open in June 2022. He was looking for at least a preliminary site plan approval, if he is at 36 spaces over can he say he will reduce it down by 20-spaces and make the purple area landscaping they adjust that in the back, handle that through the engineering process and they compromise. He said that he will rip out all of the catch basins and redo all the catch basins to conform to that.
Vice-Chairman Gross said that if they want to put in an extra 36 spaces from his standpoint, he said he thought that was ok, but why can't they reduce some of the aisle widths by 5-ft. instead of a 10-ft. landscape it's 15-ft., it didn't make sense to him. Mr. Schmitz said that his consultant architect said that they could do that, but he would like not to have to do that where the vacuums are for safety. He said he will adjust those in the back to make them conforming to their ordinances and he would like a recommendation for at least a preliminary site plan approval subject to addressing all the issues from their consulting engineers and go from there.

Mr. Schmitz liked the front parking he did want that approval on the 4-ft. encroachment on the building, only because that is the lease, he said he would provide it if they want it, they have to have so many feet of frontage.

Secretary St. Henry asked how many spaces are they talking in the front? Mr. Klatt replied that there were 19 spaces on the west side and 5 spaces in the front.

Secretary St. Henry asked how many people typically visit this mattress store on a given day? Mr. Schmitz replied that he would say, not including employees, 20. It is not a lot, but the future use is what if the Mattress Firm all go bankrupt, does it become a restaurant, then they need the parking again.

Commissioner Walker said that the representative when he opened up about an hour ago indicated that he wasn't aware that this could be a two-step process. Does that mean he has never applied for a Site Plan approval before? Mr. Schmitz replied that his architect has his engineering firm because of the way the construction industry is right now, and he thought that their consulting engineers will tell them, they had to move around, they have used Nowak & Fraus Engineers on numerous projects. Their consulting engineer who is not there actually represents a dozen municipalities and he was not under the impression because all of the infrastructure were already there. He assumed that everyone knew that they would match grades, use the same cross-section of asphalt, 3-inches of asphalt, 6-inches of stone, he assumed that they would use the same dumpster section, and water and sewer was already permitted there at the site. Commissioner Walker asked if he remembered his question? Mr. Schmitz replied he did, did he not know that it was not a two-step process? Commissioner Walker said that it could be a two-step process? Mr. Schmitz said that he can't speak for him.

Commissioner Walker said that one of his pet peeves when it comes to these site plans is when the applicant comes and asks for things. He thinks that sometimes their two consultants are almost too nice to the applicants. Where he says look if you can't do it now, come back another time after talking, they get a letter from both of their consultants, they explain what they feel their discrepancies are in their application. In spite of that, they are here tonight asking them to grant them a site plan on the if come, assuming that all of the 25 they are going to fix, they will give them the plan, they can go do it but they might come back another couple of times because they didn't do it. He heard from him today, that he is not willing to do some of those things that they asked for in those reports. They hire them to help them make decisions for the citizens of Orion Township, and he for one, likes to listen to them. He has not heard him refute much of what they said in those reports.

Chairman Reynolds asked Engineer Landis, their general fire lane even at our greatest widths, he knew that there was a couple of different standards that get applied, but what is that aisle width that is typically applied to the site? Engineer Landis replied the standard aisle for two-way traffic is 22-ft. His understanding is that the Fire Marshal requires 26-ft. in the vicinity of fire hydrants, where he is anticipating setting up an aerial appropriates, so 26-ft. would be the max. Mr. Schmitz replied that they are 27-ft.
Trustee Urbanowski said that they haven’t said anything about what would happen with the landscaping knee wall berm if the parking stays in the front. She knew that they have existing plants there, she did see that the idea is that they don’t see that parking very much.

Planner Arroyo said that the previously approved plan showed a 30-inch-high berm across the front of this portion of the property for the car wash. It actually showed a berm going across the front but does not appear that it has been constructed. Secretary St. Henry asked in front of the car wash? Planner Arroyo replied no in front of this property.

Trustee Urbanowski said that there is a lot to be resolved. She stated that she understood the point about the 27-ft. aisle between the vacuums. She was not aware that the parking spaces in the back were already there. Mr. Schmitz said that the grading and the catch basins are there. Chairman Reynolds stated that there was underwater storm that had been installed. Mr. Schmitz said that the subgrade is there, they could have paved it. Chairman Reynolds stated that there is an asphalt curb right now that splits that side of the property, some of it is primed and ready to go, but it is a pad site. They are strictly talking about modifying infrastructure. There are some curbs, light poles, and a few things that would be modified down the road.

Trustee Urbanowski said that the reason that all of this information that they are asking for to be put into these plans is to avoid something like this in the future. All plans have to have all of these things because 20-years down the line someone pulls the plans for this and it is not on there they are not going to know to go to the Tommy’s Car Wash original plan set, so they have to be on here.

Chairman Reynolds said when a retail establishment is looking for parking, safety is always an important concern, he would still circle back to, if it is about having a comfortable width in their mind that comfortable width is at the front is 27-ft. and then at the rear it’s 31 or almost 32-ft. it is not a consistent argument. Then they move over to an aisle that is not in front of those, those waivers would change if it was reworked. The 27-ft. aisle that is in the parking that is not across from the parking but rather where the #1 is shown that is worsening. There they have 31-ft. 10-inches, at the front they have 27-ft. 3.5-inches, if they go to the west of this, they have 27-ft. 6-inches. All of these endeavors are adding to some of these waivers.

Mr. Schmitz said aren’t those two separate pieces of property, they are two separate owners. Chairman Reynolds said he is just getting after the sake of they are making a waiver worse by having a nonstandard drive aisle width. He would agree with having a larger aisle width here adjacent to a very active parking spot, but why on the west? If they were to come to him and say hey, here it is wider, here is your minimum, here is slightly wider so they can fit a truck through the site, and here is your minimum, and this is the product, that to him is a reasonable waiver. But here they are asking for additional parking, wider drive aisles, all of these pieces and it is adding up to a difficult puzzle to put together. He thought as a whole from a Planning Commission they are usually pretty workable and understandable from life safety issues and reasonable asks when it comes to the function of a property but there are some of these that are not supported by much. In his opinion, there is a long list here and he would like to see some of these things attempted to be worked out before they make an approval. A list of 30 items is a very long list and rarely if not ever do they grant a conditional approval on 30, or even 25. Especially with waivers that are going to push and pull based on some of these discussions here tonight.

Mr. Schmitz asked if anyone on the Planning Commission has an issue with the elevation? Other than the fact that they have addressed the glass issue in the front. He thought it was important to know now before they come back and address the 25 issues. Chairman Reynolds
said that it was an attractive building if the revised elevation meets that requirement or exceeds it, he didn’t believe their professional consultants have had a chance to look at it but he welcomes retail establishments like this on Brown Rd., and was happy to see them coming. Mr. Schmitz said he said that because coming back next month he would like to make sure they could address all of the comments and if there was something they didn’t like he would like to be able to modify it in the last go around. Chairman Reynolds said that they are happy to be constructive and that is typically what they do as just trying to push projects forward and they are not there to just shoot the thing down for fun.

Secretary St. Henry said when he looked at the original plans and the comments from the Planner, and the Engineer, there are 30 items out there, it was good to hear that some of them have been addressed but there are still plenty of outstanding. His initial reaction was this was going to be postponed just knowing how as a Planning Commission what they think of proposals that have a lot of issues. He thought that a postponement made sense, let’s get them addressed, knocked off, and get everybody on the same page, and move forward from there.

Chairman Reynolds said he would like some constructive conversation as it goes to the last 5 items if they could get some feedback. He didn’t have any issue with the ancillary use before the primary. The screening for the front parking does anyone disagree that is an ordinance requirement that they would like to see maintained if there were parking to be maintained in the front.

Secretary St. Henry asked did they not require any sort of buffer or wall on the Tommy’s side? Planner Arroyo showed them the concept plan came forward and there is a 30-inch-high berm with 1:3 side slopes along the entire frontage on both sides. He also pointed out that there was a lot less parking than that, there was only one aisle with parking severed on either side, which is much less than what is being proposed now, a lot more. There was also a substantial separation of the parking on the side.

Chairman Reynolds asked for some big picture thoughts on waivers for setbacks and buffers. Vice-Chairman Gross thought that there was still the opportunity to maintain the side yard setback on the building, one way or another, either it is shrinking the size of the building, moving the building to the east into the sidewalk area, or expanding the building to the north. He thought that there were some options there that he would like to have some response to. Chairman Reynolds said that if it is not for the building, he appreciated the life safety issue, but thought there was some compromise there. He didn’t think from a drive aisle engineering standpoint that 32-ft. makes sense, it is suggesting three ways of transportation, and would like those brought down. If a fire apparatus is planning on pulling up alongside two cars on either way and having space to operate in 26-ft. he didn’t see why they weren’t closer to standards such as that.

Mr. Schmitz said no, he appreciated it and thought that Jeff Klatt from Kreger Klatt, will handle these issues before the next meeting.

Moved by Secretary St. Henry, seconded by Commissioner Brackon, that the Planning Commission postpones site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd. (09-33-351-020 & 09-33-351-021) for plans date stamped received August 24, 2021, for the following reasons: that there are a number of outstanding issues that have been presented by both the Township Planning Consultant and the Township Engineering Consultant and that the Planning Commission feels need to be addressed, as well as, other comments from the Planning Commission that needs to be taken into consideration as they develop a second version of their Site Plan.
Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Brackon, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

B. PC-2021-68, Dutton Park Site Plan Amendment, located at vacant parcel 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd., 1 parcel east of Interpark N.

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

Mr. Tom Beauchamp with Henry Yandt Construction, 4865 Broomfield Way, Orion Township. He was representing Premier Dr., LLC for the Dutton Park project. He said he had with him his associate Ashley Hackman, their engineer Allen with Nowak and Fraus, and David with DRN Architects if questions come up.

Mr. Beauchamp said that they have been in front of them before on this, and this is an amendment to a site plan that is currently being approved. He showed the plans to the Planning Commissioners. He said the west building increased from a 5,000-sq. ft. footprint to a 10,000-sq. ft. footprint. That is basically what this is about is amending that west building.

Mr. Beauchamp said it has increased the parking from what the initial one was, and if they look at Giffels Webster's review it has side by side comparisons of what has changed, and did a nice job of explaining that, which will hopefully make his job easier in getting through this.

Mr. Beauchamp said that part of that package, a little bit more detail on the building elevations renderings that they have. He did provide them with a summary of the review comments and then their responses too. He didn't know if they were aware of the history to get an explanation of where they are at, other than it is just that the west building is getting bigger, and they are looking to go to the next step with final engineering if this is all acceptable to them.

Chairman Reynolds disclosed that the applicant stated that he is working for Premier Dr., LLC, his firm also works for Premier Dr., LLC, no interest in this property or this proposal here. He has also worked with Mr. Beauchamp before in the past. He wanted to disclose that and didn't think that there was any conflict of interest but if they felt that there is, he would be happy to recuse himself. Commissioner Walker felt that there was no conflict.

Planner Arroyo read through his review date stamped September 9, 2021.

Engineer Landis read through his review date stamped September 9, 2021.

Chairman Reynolds said they had an additional comment from the Fire Marshal. He did recommend approval with comments, specifically referencing the letter that they have in front of them tonight and that was added to their packets, from the applicant in response specific to modifications to the existing gas collection system that there were some discussions and there would still be some pending outcomes and investigations in that progress. Also, that that gas collection system be reviewed and inspected by the Building Department at the time of construction. There was a review by Public Services, no issues there. A site walk was completed by the Site Walk Committee nothing explicatively called out there. The Water Resource Commission did ask that permits be applied for in the future and prior to any start of construction.

Chairman Reynolds said that a couple of things that got brought up was excess parking, drive aisle widths, and also now that they are over square footages recommending a traffic study.
TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: October 14, 2021

RE: PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP)

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.

Amendments to Zoning Ordinance No. 78 (Zoning Ordinance 78, Article XVIII)

Motion 1: I move that that the Planning Commission forwards a recommendation to the Township Board to approve and adopt PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance No.78, Industrial Park (IP), Article XVIII with the changes discussed this evening (if any), for the following reasons: (insert any findings of facts).
### Article XVIII

**Industrial Park (IP)**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by Right</strong></td>
<td><strong>S = Special Use</strong></td>
<td><em><em>S</em> = Special Use permitted within Lapeer Road Overlay District</em>*</td>
</tr>
<tr>
<td>Veterinary clinics and animal boarding</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>Retail, Entertainment and Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Entertainment, Amusement and Recreational Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health clubs and exercise establishments</td>
<td>S</td>
<td>B</td>
</tr>
<tr>
<td>Private indoor recreation facilities (such as batting cages, dance studios, indoor soccer, ice rinks, archery)</td>
<td>S</td>
<td>B</td>
</tr>
<tr>
<td><strong>Automobile-Related Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automotive retail and service facilities</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td>Automotive repair, paint and body shop, collision shop</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td>Equipment repair and sales</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants, including drive-through restaurants</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>General Retail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, assembly processing, or wholesaling.</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>General Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-storage and warehousing</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td>Financial and insurance service (banks, credit unions, etc. with or without drive-through)</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>Civic and Institutional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>S*</td>
<td>D</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development, subject to the standards and approval requirements of Section 30.03</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage as a principle use in accordance with Section 27.19</td>
<td>P/S</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage as an accessory use, in accordance with Section 27.19.</td>
<td>P/S</td>
<td></td>
</tr>
<tr>
<td>Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td><strong>Uses Not Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities where activities of a retail nature, except for building material sales and parcel delivery services, and licensed marijuana facilities that include a retail component as authorized under Ordinance No. 154, are conducted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stand-alone facilities for the sale and/or consumption of food or beverages either on or off-site (except as special land use within the Lapeer Overlay District)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section 18.02 – Footnotes to the Use Matrix** *(added 07.16.18)*

A. See Section 27.19

B. Indoor recreation establishments are subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon Institute of Transportation Engineers (ITE) standards, if required. The Planning Commission may allow a maximum building height of forty (40) feet, subject to the review of adjoining land use and a determination that additional building height for recreation uses will not adversely impact neighboring uses.

Revised 07/26/18

*Charter Township of Orion Zoning Ordinance 78 Page 18 - 2*