1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 11-17-21, Planning Commission Regular Meeting Minutes
   B. 11-17-21, Planning Commission Workshop Meeting Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2019-47, Lavender Ridge PUD, Site plan extension, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001).
   B. PC-2021-95, Lifted Investment II, LLC, Ord. 154 Application – Adult Processing, located at 4611 Liberty Dr. S. 09-34-300-018.

8. UNFINISHED BUSINESS
   A. PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033.
   B. PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.).
   C. PC-2021-07, 5-Year Master Plan Update.

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION
    A. Giffels Webster - Safety and Site Design Training
    B. Winter 2022 Citizen Planner Flyer

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, November 17, 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 Walker, PC Rep to ZBA
Don Gross, Vice-Chairman Kim Urbanowski, BOT Rep to PC
Joe St. Henry, Secretary Derek Brackon, Commission
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None.

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

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
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:
Ryon Barker Dave Duggan
David Steuer Bill McNabb
Pam McNabb Chris Kryster
Jim Butler Alec Harris
Amy Keyzer

3. MINUTES
A. 11-03-21, Planning Commission Regular Meeting Minutes
Moved by Commissioner Brackon, seconded by Commissioner Gingell, to approve the November 3, 2021 meeting minutes, as submitted. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve the agenda as amended. Motion carried (Moved 8A to 7B)

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

6. CONSENT AGENDA
None
7. NEW BUSINESS
A. PC-2019-06, Silverbell Pointe PUD Site Plan Extension, located on 4 vacant parcels south of Silverbell Rd. on the east side of Joslyn Rd. (Sidwell #s 09-33-201-001, 09-33-128-001, 09-28-379-001, 09-28-451-001).

Chairman Reynolds asked if the applicant or representative was present?

Mr. John Thompson with PEA Group representing Franklin Ridge Homes.

Mr. Thompson stated that they also had the applicant with him if there were any questions from him, David Steuer.

Mr. Thompson stated that Silverbell Pointe is located on Joslyn Rd. south of Silverbell Rd. The total site is 74-acres. They have proposed to develop only 28-acres for a single-family 46-unit community. Back in late 2020, the Board of Trustees approved their second reading the final PUD for the site. There were some items that were contingent on that approval. Since the approval, they have immediately started working on construction drawings and pursuing the permits necessary for construction. The major permits that were involved in this project besides the Township Engineering approval were Road Commission approval for designing an extended lane on Joslyn Rd., trying to obtain a vehicle assessment from CN Railroad, and DEQ permitting. In short, they have been diligently trying to obtain those permits, they have received RCOC’s permit and they have received an initial permit from DEQ which they are still in the process of getting that final. The CN Railroad access has been denied, that took besides the fact that things were slowed down due to COVID that took months and months to try to get CN to respond let alone get anything further from them. They have had several meetings with CN they have involved the Supervisor he has had several meetings with CN. So, the end result of that and just recently CN has finally indicated that they will not give them a crossing for the railroad. They are in the process of finalizing their drawings they are going to use a fire sprinkling for each one of the homes, and they expect that they should be back within the final month or so for final engineering approval with the understanding that construction would start in the spring. With that, they are requesting an extension to their site plan.

Chairman Reynolds asked what the extension duration would be? Mr. Thompson replied one year.

Chairman Reynold thought that the project was moving along. He did some backlog research and that was a condition, they needed that agreement essentially to provide access to the site. Either it needs to be two means of access and if not, it needs to be suppressed. He spoke with Planning & Zoning Director Girling and her team today and they have been moving along with the project on other fronts and the logistics of working with outside entities and influencers.

Commissioner Brackon asked if this was the first request? Chairman Reynolds replied yes.

Trustee Urbanowski asked what was happening with CN? Mr. Thompson replied that they had petitioned CN Rail to put a driveway across the existing railroad. That location was adjacent to the pond, so it would connect Joslyn across CN and then into the subdivision near the detention pond. The end result from CN was that they were requiring 2-3 closings of roads in order to get one. They said they need to close their access to Silverbell and whatever the next street down is. They said they wanted a 2 for 1 ratio, they give them 1 they take away 2. They said they can’t control anything except their property. That is why they talked to Supervisor Barnett and asked if there was something they could help them out with. They talked to the County to see if there was anything they could do along the CN crossings and road structures throughout, and no one would close down a road for them.
Chairman Reynolds said it was a fire code issue, essentially there needs to be two access means or fire suppression provided.

Mr. Thompson said that they actually closed the door on that and they are going to use fire suppression. But they also have to have the railroad redesign for the expansion for Joslyn Rd. and that is still outstanding.

Chairman Reynolds thought there was plenty of wheels in motion, he would be in favor of a year extension just based on everything that he put together with this. They are not in a stall where they are actively seeking solutions to the problems that are withholding the site plan.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approves the site plan extension request for PC-2019-06, Silverbell Pointe PUD for a one-year period. This approval is based on the findings of fact: that the applicant is moving forward with the project, there are some delays that are not a result of their problem but some external problems and the one year should assist them in resolving those issues.

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

B. 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).

Mr. John Thompson with PEA Group, representing Orion Commons LLC.

Mr. Thompson stated that some of the commissioners hadn’t seen the layout before, and he showed them a PowerPoint of the plans.

Mr. Thompson said that Orion Commons Commercial North units one and two were originally approved in 2017. It has been extended three times now, 2018, 2019, and 2020. They are there to request one additional extension for one year. At the October 6, 2021 PC Meeting they had a 3-3 decision that decision failed due to the tie, so he was there before them with a full house of 7 to again request that extension.

Mr. Thompson said that generally, the retail in the industry has not rebounded post-COVID. New developments particularly ones that involve small tenants are still at a standstill. Lormax who is the parent company to Orion Commons, LLC has been working diligently trying to find a tenant, however, most of their effort has really been on the focus of keeping existing tenants. From their perspective for trying to find a new tenant having an approved site plan is a huge advantage to try to, over the competition when a tenant is trying to find a space. They got it approved they can go with it immediately they don’t have to wait for 6-months to a year for that final approval. Over the last two years, they have had multiple concept plans with various tenants including a hardware store, restaurants, small retail, they even tried an apartment complex. Two months ago, they had a national coffee vendor look at the property as well. However, to date, they have not been able to lease the site. It is their feeling, and from some of the resent petitioners that they have seen, there is going to be a rebound starting soon. They talked about that at the last meeting and Commissioner Walker said he was hearing that it could last a whole year and they are hoping that it doesn’t but they would like to have a shot with an approved site plan to continue to pursue these things.
Mr. Thompson said he knew as a general rule that they don’t like plans sitting around forever, and they want to move things forward or get them out. They think that they have effectively lost the last two years due to COVID. It shut down the industry and they are hoping that they see a rebound in the next year. He suggested the following findings of facts such as they are not setting precedence. Firstly, this is a PUD so any changes to the site plan would require a major amendment. Second, since the original site plan was approved there have not been a lot of changes in the requirements of the community. So, there should not be any non-compliance situations. Finally, the development has stalled because of COVID.

Chairman Reynolds said he knew that they were somewhat divided, previously the applicant gave a good overview. He knew from his personal experience there has been some good faith in trying to bring tenants to the space and he agreed that it is a (PUD) so there would have to be a major amendment if anything significant changed in the ordinance, and in general supports what they are seeing here as the initial concepts.

Commissioner Walker said he is not an economist when he made that statement, he has no training as an economist. He asked what was different from their proposal today than it was on October 6th? What is going to convince him to change his vote? Mr. Thompson said that he has no additional information. He said in the last two months there hasn’t been any movement so there is nothing additional that he can offer.

Secretary St. Henry asked if they could give them an idea of what some of the challenges have been or some of the pushback that they received from different potential companies that have looked at this property. Mr. Thompson said that he didn’t think there was anything specific to the property that is an issue. He thought it was just a matter of being able to tenant it at the right price, the right solution, with the right group of people. So, the details behind why the deals didn’t go through specifically he didn’t have. For whatever the case they haven’t been able to make the deal to move it forward.

Secretary St. Henry asked from 2017 till now how is their thinking changed on the type of tenant that they are looking for in this space, or are they just wide open now because it has been sitting so long. Mr. Thompson said it has been wide open from day one and continues to be wide open.

Secretary St. Henry said that there is the possibility that they would try to put drive-throughs in there for example if, it was mentioned that a coffee company, he assumed it was on the right side of the road and a coffee company.

Planning & Zoning Director Girling said that they have pre-apps on a regular basis, there have been some discussions on this and the Township has held firm based on the minutes from the Planning Commission when this was approved that it is a soft casual drive-through and that it was one that would not have a large amount of stacking and was not one that would have a peak hour. Those types of things show that they are following what the approval was but that does make it difficult on some of the tenants that they might have that have an interest. The discussion on this site was it was approved for one drive-through but it shouldn’t be the typical golden “M” drive-through that it was described as being soft-casual which would be 60% sit down 40% drive-through or vise versa. Based on that it does make the number of people that come in and use that drive-through limited.

Secretary St. Henry said the reason he brings up the drive-through is that they see backup drive-throughs as a major issue traffic-wise on Lapeer Rd. They are dropping this potential site for a drive-through would be in what he considers and he thought a lot of them do at the most congested intersection in the Township along Lapeer Rd. Planning & Zoning Director Girling
said that it had been their point when they were against a drive-through in the first place and then based on the description of what the drive-through would be they said they would try the one maybe they would talk about the second after the first one, but that was the main point, that the traffic and the congestion in this area a typical drive-through that has a peak hour and a large stacking would not work here. Secretary St. Henry said yet they were entertaining a coffee company. Planning & Zoning Director Girling said if they have someone interested, they have a discussion and then you go back to the minutes and see that.

Commissioner Brackon said his concern was this is the 5th request it has been going on since 2017. He agreed with Commissioner Walker that the economic outlook is dismal, the traffic concerns, and he thought it was time to start from scratch on this.

Chairman Reynolds said he would beg to differ that it is part of a bigger (PUD) development that was looked at. They are looking at one component to this. He didn’t know if starting from scratch was the right answer from his perspective. He understood that it is frustrating to be back here for the 4th extension. His perspective is they have lost a year with COVID, let’s ride course this is the last and final extension that they are going to give, and potentially over that year, they need to rethink what is going here or change some parameters or at least reduce density to address drive-through or something along those lines. He didn’t know if starting over is the right answer either just the way that that (PUD) was developed in that vision that was there for those present at that time.

Trustee Urbanowski said that was her opinion too. Because it is part of the (PUD) it would have to be changed anyway. She thought having an actual site plan is easier to try and sell than having no site plan. She did initially say that she would be ok with one more year. But in that time be thinking of other alternatives if it doesn’t look like it is working out.

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, that the Planning Commission approve the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for one year. This approval is based on the following findings of facts: they are still attempting to market this place and they have spoken to businesses; COVID was difficult; it is part of a PUD and would still have to come back here regardless of site plan approval.

Discussion on the Motion:

Chairman Reynolds said when he looks at this he still sees and desires retail whether it needs to be reconfigured in a way on the (PUD), what other uses are going to go there. Retail has been a difficult market. He was hit or miss on a drive-through, obviously, he would agree in the bigger picture comments that it needs to be the right fit.

Secretary St. Henry said four years ago in 2017 a lot of the issues that they are bringing up today were brought up then. There were concerns about the size, depth of the lots of a traditional commercial development including the retail. They also talked about Office Professional and what else could go there, then soon afterward they did see the daycare center go in and that seemed to work out to be an ideal fit. There have been significant changes to that portion of the Township since then. They just approved a commercial development at Stadium and Lapeer Rd. that will have another drive-through and that is up in the air right now because the developer realized just how heavy that traffic is, they made some miss calculations, they admitted to it. That is within a half of a mile or less of this existing spot. That is going to happen eventually and more traffic on Lapeer Rd. now with the school, than ever. He agreed with Commissioner Brackon that maybe it is
time for someone else to give it a shot because this developer has had four years to come up with something that works. They brought them all these issues four years ago and they haven’t been able to do anything with it.

Chairman Reynolds said this is a motion to grant a one-year extension for PC-2017-14 Orion Commons Commercial PUD amendment for the site plan. The movement that is occurring and desire to obtain additional tenants, and also that the economic atmosphere of COVID is present.

Roll call vote was as follows: Urbanowski, yes; Gross, no; Gingell, yes; Walker, yes; Brackon, no; St. Henry, no; Reynolds, yes. **Motion carried 4-3**

C. PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel 09-35-200-035).

Chairman Reynolds asked if the applicant was present?

Chairman Reynolds said that the applicant Mr. Sam Ashley and him are currently engaged in business he was on the construction side, he is an architect, he has no interest in this project, he just wanted to disclose the relationship. He didn’t believe there was any potential conflict but if anyone feels there is he was happy to recuse himself. He wanted to disclose that they have done business together. There were no issues.

Mr. Sam Ashley with Cunningham-Limp, 28970 Cabot Dr. Suite 100 Novi, MI presented.

Mr. Ashley said they were there on behalf of KPMF USA. He had representatives from the business present, as well as their civil engineer from PEA was there as well to address questions.

Mr. Ashley said that they submitted this and had the opportunity to pole their Planning Commission up to this meeting, they did that. They were receiving comments from consultants as soon as yesterday. They did submit a full response point by point, as well as some supplemental information last night. He totally understood if that hadn’t been able to be fully read and digests but wanted to disclose that for the group.

Mr. Ashley noted that this site specifically is zoned Industrial Park (IP). The existing building that is on this property right now is just over 36,000-sq. ft. it is a manufacturing use, that was constructed in 2014. As of 2019, there was a site plan proposal that was extended through 2019 and into 2020. Since that time frame that site plan approval has expired, there have also been some substantial changes for the benefit of the business. There was a change in ownership of the business itself which has allowed them to reevaluate the business plan of what the intended initial site plan approval request was to properly outfit is based on the business plan and really right size the footprint. This is why they took a fresh start at this and a brand-new submittal for what they are going to see before them today.

Mr. Ashley said that the proposed business itself is just over 84,000-sq. ft. there are 92 additional parking spots being located on the west on the front of the building, between the building and Lapeer Rd. They received comments from all of the consultants and in the letter, they did address those from a point-by-point standpoint. He added that if they haven’t read the letter, he asked them to do so. But really the comments that were addressed were accepting of all of them. There are two points specifically that he wanted to clarify for Planning Commission and was sure that they can come to a consensus on how they will address those in a revised submittal packet that they bring before them.
Mr. Ashley said from a site plan standpoint a few of the comments were a safety path connecting the proposed additional sidewalk to the existing safety path which is in the right-of-way of Lapeer Rd. The existing safety path doesn’t show up well in the drawings because it is a very light line weight but they will add the connective safety path to connect the sidewalk to the existing safety path. In their initial submittal, it was a void of a photometric plan and light fixture specs those were submitted in that packet that they set over just recently. The photometric plan when they look at it, they are a zero-light reading on three points of the property line. The south property line there is above the standard but it should be noted that the same owner owns the building to the south, as well as, this building and they are complementary businesses owned by the same entity and they share resources back and forth.

Mr. Ashely said there was a note to add wheel stops they will add those into the drawing and into the plan, as well as, adding turning movements for fire apparatus throughout the site plan. There were two points on the fire access drive, the drive that is on the north of the building, so it runs east/west it is at the top side of the building, initially right now it is a fire lane so it has an approximate 18-ft. width and its existing condition. They did widen it to 22-ft. to allow for two-way traffic on that fire lane. When they look at the plan it is a little deceiving the darker shading on that drive is the new proposed asphalt that goes in there. When they look to the leg of that drive that is adjacent to the existing building, they will see the lighter part that is existing, that it narrows down, it actually continues but they are preserving some of that existing drive. There was also another comment from the Fire Marshal as it relates to the drive pathway fire lane through the parking lot on the west side of the building to widening that to 26-ft. They will do that they have enough green space to shift the lot out to pick up the additional width required to meet the Fire Marshal’s request.

Mr. Ashley stated that going into the façade he thought it would be helpful. They did read through the comments from Giffels Webster. Just from a comparative standpoint, the approved site plan is from 2019 it was primarily all-metal panel very narrow strip windows on what would appear to be the second floor, as well as, the ground level floor. He would say it was a very simple streamlined façade in comparison to what they are proposing and bringing before the Planning Commission tonight. He showed the Planning Commission the front façade in a PowerPoint presentation.

Mr. Ashley said that this is approximately 41-ft. tall high based structure that is being constructed as a result of the equipment and process that take place inside the building. When they have that height of a building and they bring into it a two-story office component, typical two-story offices are about 30-ft. or 15-ft. floor to floor. So, in doing so, in setting this up to adjust through the massing they do have decorative architectural metal, there is masonry that is happening on the wings off to the sides of where the office profile is, as well as, there is a narrow masonry sill wall that goes underneath the office profile. It is really an upgraded architectural metal panel that fills the field of where the two-story office is and then the window ways. There was also a comment as it related to canopies, both of the main entrances, the employee entrance, and the main entrance have canopies over them, as well as, the primary main entrance. He understood the requirements of the Lapeer Rd. Overlay District that is there. This does have a combination of those materials, there is some deviation in plane when they look at it from the office component to the high bay component that is there.

Mr. Ashley said on the end of where the two-story office is it is actually not building between that it is behind the wall panel there that is actually an extending screen wall to screen the operating equipment that goes into this. It is a large custom oxidizer that gets placed there. Very similar to what is at the existing building and again they wanted to make sure that they overly screen that so they carried that profile across.
Mr. Ashley said if anyone has gone out and looked at the existing façade that is there that faces to the west and Lapeer Rd. it is as basic as it gets. This was built in 2014 with the intent to add onto it, that was really the primary reason so it siding the grade that is there today. Again, they feel that what is being proposed today is well above and beyond what was proposed and approved back in 2019 and certainly an upgrade to what is currently there in place.

Mr. Ashley showed them a graphic of the different materials that will be used on the various facades. Both facades on the north and south of the building based on building code setbacks will be constructed as three-hour rated walls. This is consistent with the original construction that was done in 2014. Because of that wall assembly, they are limited to the types of materials because they do have to make sure that they meet that three-hour rated wall condition.

Mr. Ashely said the existing wall was to the right there is a demising wall that will separate that existing operation from the addition that takes place. This is an integrated addition and process that complements the existing process. Things such as waste removal, dumpsters, will utilize the existing trash compactor that is already there. They have already evaluated for capacity and scheduled that, it has enough space and capacity to handle the new load. He showed them the two linear equipment lines really are the heart of the operation, they can see the oxidizer that feeds that operation to the bottom of the page south of the building. The open primary high based base is really filled with a vertical rack spooling system, it is an unoccupied equipment mezzanine where that product is stored and cycled as it feeds through their process line.

Mr. Ashley said that they do have a small office on the first floor, and a small occupied mezzanine that goes above that as they walk in, but the primary use of this is for their manufacturing process.

Mr. Ashley said as soon as they got their last comment letter from the Fire Marshal at 5 o’clock they finalized their letter and set it over so it could be recorded into it. They are accepting all of the conditions that have been pointed out, there is no discussion there. They would like to continue with the façade that they have proposed. From a traffic study standpoint, they have provided the calculations to outline that their counts are well below the requirements to require a traffic study. Their ask is at a minimum if it would be entertained to have a conditional approval knowing that they will submit with these items, the submitted that they will do that into the record but will respect the decision that was made tonight.

Planner Wojciechowski read through their review date stamped November 11, 2021.

Engineer Landis read through his review date stamped November 10, 2021.

Chairman Reynolds said they did have additional reviews one from Public Services Director that was just reiterating asking for the items to be corrected per OHM review before any further approvals are given.

Chairman Reynolds said there was a review from the Water Resource Commission just a general overview of asking for specific permitting.

Chairman Reynolds said that a site walk was completed by the Site Walk Committee.

Chairman Reynolds said that the Fire Marshal is not recommending approval at this point pertaining to the turning radius overlay and also the increase of drive aisle widths.
Planning & Zoning Director Girling stated that the application for this was received one day after
the application deadline to be on this meeting. They were going to have to cancel this meeting
they had no items they have three on the next one with the joint public hearing. She reached
out to the applicant and they said would they agree to being on tonight's meeting to try to make
the workload less. He got his reviews and the consultants did a wonderful job of getting them
for us a day shorter than it should be but unfortunately, the Fire Marshal was on vacation and so
his did just come in. Thanks to the Fire Marshal for doing that quickly upon his return but that is
what he was alluding to on agreeing to move meeting dates.

Chairman Reynolds said that there was some correspondence received and uploaded in their
packet within the day. Agreeing to what was verbally said here for changes to be provided.

Trustee Urbanowski asked if the façade fit in the Overlay Standards? Or do they still need to
provide a waiver for that? Planner Wojciechowski said that the tricky part is that they require
façade colors, he hasn't seen any color elevations so it was hard for him to comment on that.
He didn't know if he had seen enough detail here tonight. He didn't think that anything has
changed in that regard since they have seen it. He would say that it is probably a little deficient
of what the Lapeer Overlay requires. It certainly is more than what was previously approved but
that doesn't mean it meets the current standards.

Trustee Urbanowski said that in 2019 it was a different approval that has now expired but it was
another owner, and now this is a new owner. Mr. Ashley said in 2019 and it went through a
series of site plan approval extensions, this was the final version of what was extended in 2019
and carried through. It was a different owner, a different individual’s vision for the building and
how dollars are invested. What he can say from a cost, professional, and investment standpoint
what is being proposed today is of far more value from a dollar standpoint, and in their opinion is
a much better representation of what should be done to have a roadside face.

Chairman Reynolds asked if they could go over the façade materials that were proposed, and is
that proposed to match existing materials or adjacent buildings? He had mentioned that there
was an interaction between the two. Mr. Ashley said that the building to the south, and the
addition that is before everyone tonight, and there is a comprehensive Master Plan based on
the new ownership. Certainly, they are not going into details on the existing building to the
south but the goal is to make them in harmony with their corporate brand standards for the
parent companies Orafol USA that is headquartered out of Georgia then reports back to Orafol
Corporate which is in Germany. There are corporate brand standards that they are bringing into
this. Given the fact that they have an existing building with a gray tone to this, they will be
carrying that tone through on the siding and it will have more of a timeless look to it, so it will be
in the grayish palette of what is there. The masonry that will be applied to it will be a darker
tone masonry product. They are still looking at the final assembly of the ACM panels that will
take the field for the façade but those would be in an accent color but complementary to a gray
tone to it. It will have a more tech image to it but more of a timeless appearance to it.

Commissioner Brackon said he wasn’t sure that the color issue was addressed. It says to follow
KMPF corporate branding standards. Mr. Ashley said they would be happy to submit that in
what they resubmit. They know that they are going to have to make a resubmittal to address
these comments that go through and they would be happy to incorporate that with color
renderings with a color pallet and samples as well.

Commissioner Brackon stated that there was a comment about the greenbelt is not going to be
proposed there will just be hedges. Mr. Ashley said that in the comments from Giffels Webster
there was an either-or scenario they are committed to doing a hedgerow along that area as it
has been outlined as a suggestion.
Commissioner Brackon asked why the hedgerow as opposed to the greenbelt? Mr. Ashley said if they look at the site plan, they have forebay and post bay detention ponds that go in and many of the plantings will have to be outside of that area, and they will just run into a condition where there may not be enough greenbelt space to address those accommodations.

Planner Wojciechowski stated that there is significant landscaping in the front yard between the parking lot and the Lapeer Rd. front yard line. There is the detention pond, and then they made the note about the powerlines overhead, so there is sort of a conflict there. The greenbelt would incorporate the powerlines and they would be really close. Given that they have a significant amount of trees in the front yard they thought that putting a wall there would really kind of not flow naturally with the way the pond and the landscaping are set up. That is why they looked at the purpose and the intent of what the ordinance was trying to do which is to screen the cars from Lapeer Rd. passing traffic. One of the options is to construct a low hedgerow and thought that was an appropriate suggestion.

Secretary St. Henry asked if the landscaping flow with the existing landscaping. Mr. Ashley replied correct. Secretary St. Henry asked if he was doing it for consistency purposes as much as anything, the existing building has been there for 25-years. Mr. Ashley replied correct.

Commissioner Brackon asked why no traffic study? Mr. Ashley replied that for the proposed addition based on the ITE trip generation land use is manufacturing, land use code is 140 based on the building expansion area of 84,300-sq. ft. AM peak is 40 in, 12 out, a total of 52 that is below the criteria. PM peak 18 in 39 out is 57 again below the criteria total workday trips at 445 and he believed that the ordinance is 750 or 770 to justify a traffic study for it. Again, they can revise this to include the existing building as well.

Commissioner Brackon said this is kind of what they talked about the center of the congestion on Lapeer Rd.

Secretary St. Henry said Lapeer Rd. in general is congested but if Commission Brackon is referring to the last case it is a couple of miles away.

Mr. Ashley said that there is no exiting traffic from this site onto Lapeer Rd., everything is exited onto Kay Industrial Dr. which either has the opportunity to immediately exit onto Lapeer Rd. or loop south through Kay Industrial to the next road further south back onto 24.

Secretary St. Henry said the shift changes, some of them have been to that site before and have been inside with the last expansion. There are people there but it is not 8a-5p. He has driven by there many times and he barely sees any traffic coming out of there, he thought because the shifts and hours are different.

Mr. Ashley stated that part of the reason why, if they look at their parking counts, they are substantially overparked. Part of the reason to do so is to make sure that they are mitigating issues during shift change with having an abundance of parking. They have several parking spots existing already to the east and then the addition of 92 spots to the west.

Mr. Dave Duggan with Kay Automotive Graphics and KPMF USA, 57 Kay Industrial Dr. stated that they do run on three shifts for their hourly staff, they are staggered shifts compared to their salaried staff. They have the heaviest shift would be the daytime shift for the hourly and they would be getting out around 3 p.m. till 3:40 p.m., where the office staff would be departing the building between 4 p.m. and 5:30 p.m. That is where the heaviest headcount would be within in the building, they staggered it for primarily that purpose.
Chairman Reynolds asked if there were additional thoughts. He said that there is obviously a handful of conditions and items to be addressed and review letters. In his general overview, the Lapeer Overlay Standards there is some design discretion there that he personally has struggled with on both sides of the fence here. They are expanding an existing building, he thought that the goal here was not to end up with just one huge square box. They have two buildings that are adjacent to one another. The primary façade that they are going to see to the west has the office addition where it steps down, there are some windows breaking that up. The one item it would be nice to see some pilasters or things but a lot of times that is faux and is inspired by the structure type, so he was indifferent about that. There are some canopies being proposed and he agreed that the current proposal is a nice improvement to what was previously approved. Photometrics, it seems like some of the other comments just in general were at least agreed to be addressed so he would be open to moving forward with this with a condition seeing that it would be approved by their consultants just to adhere that all those comments are addressed per to essentially the satisfaction of the ordinance.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grants a façade & exterior wall design waiver, with an Overlay District façade as presented this evening, and that it be approved as part of the overall site plan since the design proposed is consistent with the parent building to the south with the plan of PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel #09-35-200-035). This does reflect the existing development of a major business and a major employer within the community and the standards that are have been presented are reasonable for the site and the existing site design including the architectural parking driveways are placed in a matter that makes the applications of the standards practical with the fact that it is a companion to the property to the south.

Discussion on the Motion:

Planning & Zoning Director Girling asked if the motion waived all of the ones that were within the review as being deficient? She wasn’t sure that she could pull that from the motion? She believed that it was exterior wall design, building entrance design, and material and color. Vice-Chairman Gross said as presented this evening.

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

Vice-Chairman Gross said there have been a lot of discussions relative to the planners and the engineer’s reports and the applicant has responded to the fact that all of the issues that have been presented have been or will be appropriately revised in a revised site plan.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission grants site plan approval PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel 09-35-200-035) for new plans to be submitted following the discussion this evening, and those plans would meet all zoning ordinance requirements and as presented this evening the plans to be revised, submitted, and reviewed accordingly by the planner and engineer for compliance with the respective reviews of the November 10 & 11 letters.

Discussion on the Motion:

Chairman Reynolds asked if it is intended that all of the Fire Marshal’s comments would be addressed also? Vice-Chairman Gross replied yes.
Roll call vote was as follows: Walker, yes; Brackon, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

D. PC-2021-78, The Woodlands Planned Unit Development (PUD) Concept, located on a vacant parcel located east of 310 Waldon Rd., Sidwell #09-23-351-024.

Chairman Reynolds asked if the applicant was present tonight? He knew that they submitted a letter for the record of what their intentions were this evening.

Mr. Michael Wayne 3300 Auburn Rd., Auburn Hills presented.

Mr. Wayne said they were there tonight recognizing that they have a little bit of work to do in terms of revising the plan that they have seen to date. They saw this as an opportunity to come in front of the Planning Commission tonight to let them know that they are still very excited about this project and look forward to getting to their deliberation period. When they realized that some revisions needed to be made it created a timeline that put them roughly around the December 15th meeting for deliberation and they have a resubmission for their project coming up next Tuesday. The opportunity presented itself and he requested to be on the agenda tonight because while they had the public hearing, they didn’t have a chance to elicit a significant amount of feedback from them, and that is certainly something that they very much value, and while they still have the time to incorporate that into their resubmission, they would love to hear some comments from them regarding their project.

Mr. Wayne said he wanted to refresh everyone’s memory of what they presented during the public hearing. The Woodlands is a 190-unit multi-family development located at the corner Waldon and Lapeer Rd. Some basic project specs on it, it sits on 21-acres they would build on about 8-acres of those, and they would preserve about 13 of those acres to be conserved as a natural landscape for the rest of their residents to enjoy. It is a mix of one, two-, and three-bedroom units. He thought it was important to iterate that The Woodlands is a one-of-a-kind multi-family community, the intention is that it is unique, it is amenity-rich, and that it is an extremely desirable place to live. They expect that their residents will be working professionals perhaps empty-nesters looking to downsize and overall contributing members to the community. As they mentioned they got some comments and so he just wanted to overview what they were and how they are attending to them in case it sparks any thoughts for them to share with them after.

Mr. Wayne said that the planners mentioned that they needed to provide some cross-sections of the transition areas including the north, east and south areas, and then also some of the proposed grade changes. They are prepared to do that, they recognize that it is important and he thought what they will highlight is that they are making a strong effort to ensure that they are preserving the views of the neighboring properties he knew how important that was to those property owners and also for the overall community, and they certainly are going to do that. There are a number of comments regarding the pathways both on Waldon Rd. and then the internal pathway, as well as, the public pathway and how it connects to the Orion Car Club development. Those are all items that are very easy for them to adjust on the plans and those have been included in the next revision.

Mr. Wayne said a lot of public comments and also some comments from the engineers regarding the way stormwater will be managed. They are happy to provide these details both in the next revision and also in some of the more detailed ones during the final PUD session. He was happy to provide these details both in the next revision and then also some of the more detailed ones during the final PUD session. He thought that the most important thing to mention
about stormwater is that as the site exists today it is a natural virgin landscape. The typical
grade change from north to south slopes toward the south and so there is a lot of concern from
members of the public regarding, will this development cause flooding in their backyards, or how
will the stormwater be managed. They fully commit that the stormwater following the
construction of this project will be managed more effectively than it does today in its native
environment due to the stormwater infrastructure which will be beneath the parking lot. In
addition to that, there are a couple of comments regarding their density plan, this is the plan that
shows what is permitted under the existing zoning and so a couple of items that they need to
add to that they can certainly do so.

Mr. Wayne said there was a question about a wetland delineation report, they have not
conducted a wetland delineation report, and they will do so if it is deemed necessary during the
final PUD. The line share of their projects really is nowhere near the wetland and the wetland is
mostly butting the nature area but if the Planning Commission deems it necessary, they will
certainly do that.

Mr. Wayne said a couple of clerical issues they need to show the pond and wetlands south of
the site and the river that crosses they can add that.

Mr. Wayne said in respect to the traffic study that is a concern that has been mentioned by the
public and they understand that it is important particularly given this intersection. That is the
specific need to extend their timetable because that is currently being revised and resubmitted
based on some comments that were shared by OHM. That will be included in the next revision
and they look forward to getting that to them.

Mr. Wayne stated that there was a question about the materials to be used on the wooded path.
They wanted to keep this as preserved as possible so the intention would be to utilize
woodchips in this area for that nature area. A preliminary woodlands assessment was also
requested they thought their landscape architect would do so, and he had some information
later on that he will show them as it pertains to that. They are certainly going to do a tree survey
that would be provided in the final (PUD).

Mr. Wayne said that they had unified control of both of these parcels both the 21-acre parcel
and also the 7-acre parcel adjacent to it, and he will explain it more in a moment about what the
connection is between those two sites but they have provided that and thought they could get
that over to the engineers.

Mr. Wayne stated that there were some questions regarding elevations, materials, material
detail, and recognizing that they have a need for density credit here. They understand that
high-quality architectural design is a component of that and so they fully intend to provide as
much detail as possible at this stage of the project. The challenge is as the project develops
over time and morphs the interior floorplan gets finalized it does influence the exterior so they
can certainly provide sort of inspiration and sample materials but sort of a final building elevation
would be something that is really not feasible to present at this stage but certainly something a
little bit more robust at the final stage.

Mr. Wayne said that the legal descriptions they would be happy to provide.

Mr. Wayne said there was a question regarding the proposed zoning category and suggested
that they didn’t recommend one and hoped to get some clarity on this tonight from them or the
planning consultants because their intent is that this be zoned as a (PUD) and that is how they
intend to permit the project.
Mr. Wayne said that there were also a couple of items that they asked that they provide commentary to, or that they address. One of them was any existing trees surrounding the individual proposed buildings that are intended to be preserved. He showed a PowerPoint presentation showing red lines are areas of the site that contain not only a lot of trees but also the oldest and largest trees. The intent is any tree that is within any of these red boxes is intended to be persevered. It is really their intention throughout the whole project to preserve as many trees as possible, it is called The Woodlands for a reason.

Mr. Wayne stated that next, it was asking how the east property would be incorporated into the proposed (PUD) with respect to the existing conditional rezoning, so he recognized this was a little confusing, there are two parcels here they are proposing a (PUD) on one of them. For clarity the reason that they are purchasing that and in fact, one of the core reasons that they are purchasing that is simply to provide access to the site. In order to control that and ensure that they can have that Lapeer Rd. access they made a commitment to purchase that site. Also, with making an investment on the back parcel to produce the residential community it is important that they have influence and are comfortable with what ends up getting built on the front site. Certainly, the car club and restaurant proposal that is currently conditionally rezoned is something that they support and Dr. Canine has shared with him that is still something that he wishes to do but it has been put on pause while they go through this process. That front parcel would certainly be something in the commercial realm, they would like to see the car club and restaurant, or perhaps something else that is conducive to the area. He knew that one of the public comments suggested that there weren’t many places to eat in this area, so he thought a restaurant or some semblance of retail on that corner would be beneficial to the community and that is the avenue that they intend to go. They simply proposed the (PUD) on the 21-acres because there is an existing conditional rezone and it wasn’t clear at that time what the future of that was and so they wanted to get the apartment process started. He hoped that helped add a little clarity to that situation.

Mr. Wayne showed them a sample of how their drive aisle can connect into the existing conditional rezone on that front parcel. It would require modification to the approved site plan. This is just to exemplify that it is possible to connect through that site and work on the confines of modification to the underlining site plan approval.

Mr. Wayne said that they asked that they address how the project was designed and minimize the impact of traffic generated by the proposed development on the surrounding uses. They are purchasing that front parcel solely for that access. That is critical to traffic generation because it provides two means of accessing the site. One that outlets to Lapeer Rd., and then of course one that outlets to Waldon. Naturally, they feel anyone that is heading to the west might choose to go west straight out unto Waldon and avoid Lapeer Rd. altogether, and then certainly someone going south on Lapeer is not going to congest Waldon Rd. unnecessarily and they instead would exit using the Lapeer Rd. exit. When asking how the project was designed to minimize the impact of traffic the answer is entirely because they recognize how important that component is to this project.

Mr. Wayne stated regarding setbacks and buffering to the existing residential uses to the north, south, and southwest, there is a comment that they are not robust for such significant changes in density. They are making every effort to provide as much buffering, screening, and setback as possible. Obviously, working within the confines of parking requirements setback codes, and such. They have done what they feel is the best they can at this point. They want to explore other options but the critical thing to understand is the areas that are within the residential landscape are going to have a significant amount of existing natural trees to remain, as well as, the buffers and the landscaping features that they add to the site.
Mr. Wayne said lot coverage is about 60% lower than what would be required. The front setback is almost 8 times larger than what is required. Side setback again about 6 times and rear setback about 2 times. In regard to height, they mentioned this in the previous meeting but in order for them to be able to provide the nature area it does require that they go to a third story on the residential side. In exchange for that third story, it unlocks the potential for them to provide this large nature preserve for residents and for the other community members.

Mr. Wayne said that the intent is that there will be a study included with the next submission that explores significant and plant habitats evident on the site and the results of that study where there were no significant animal habitats, there were some landmark trees, those exist predominately on the property lines. He showed them a 1940’s illustration that showed that this property was mostly agricultural fields and therefore the tree lines grew right on the property lines. And therefore, the largest and most significant are there on those lines and thus would be able to be preserved in most cases.

Mr. Wayne said it was asked that they comment on how the site was designed in relation to the potential impacts on the adjacent residential uses to the north and east of the site. This site was designed completely with the Summerfield Condominium complex in mind, as well as, some of the other neighboring properties. It is important to note that if they proposed two-story garden-style apartments those would completely absorb that nature area and be built basically completely surrounding that other end of the Summerfield Condo complex. In this way, they have been able to mitigate that and keep that nature preserved in perpetuity. It was designed specifically around that aspect and with the adjacent property owners in mind.

Mr. Wayne appreciated them letting him go through that, he wanted to share those comments so as to perhaps any thoughts that they may have that they would like to share. They understand that they are not there to be deliberated on and certainly the intent was not to waste anyone’s time. They just wanted to appear in front of them to allow them an opportunity to share any feedback that they have with them while there is still time for them to incorporate that into their resubmission and they look forward to that deliberation about a month from now.

Chairman Reynolds thanked them for the in-depth overview and for walking through some of the comments. As previously mentioned, to hear some comments from the Planning Commission after having had public comment from our public hearing a few back now. The project was submitted and formally reviewed by their consultants to receive feedback.

Planner Wojciechowski read through their review date stamped 11/17/2021.

Engineer Landis read through his review date stamped 11/17/2021.

Chairman Reynolds said that there were also reviews from their Fire Marshal and Public Service Director just a general overview of what was submitted at the time. There are a least no immediate concerns same thing goes for public service there is some information to be woven into the plans as the applicant has readily kind of provided and spoken their developing but looking for some feedback here from the Commission.

Chairman Reynolds noted that they have received additional letters after the public hearing that are in all of their packets. There was a site walk completed so their in-depth review of their projects as their typical kind of standards. The applicant is looking for some general discussion points and feedback on the project to kind of keep moving forward and tweaking and improving the plan.
Trustee Urbanowski said they were talking about the underlying zoning what it is now and what it would be these 17 lots on the one spot or just the one area? Engineer Landis replied on their density plan. Trustee Urbanowski said just includes the part with the apartments they are not talking about the whole. Engineer Landis said their parallel density plan that is included that basically shows how many lots they could get under the existing zoning.

Trustee Urbanowski asked if they were including the preserved part? Engineer Landis replied it does. Chairman Reynolds said that the density plan would include, Engineer Landis’s comments are regarding, does the density plan include the realistic wetlands that wouldn’t be developable that would potentially reduce the number of good lots.

Mr. Wayne said in their revised plan they are going to feature wetland lines they are getting a couple of recommendations from the engineering consultant as to where to show that from and will be represented in the update.

Chairman Reynolds said it is a tool in their ordinance that essentially parallels to help understand density that would be possible on the parcel. Or another iteration, some people have brought forth (R-1) zoning when they are at a higher density or things like that. It is essentially a graphic representation of what would be possible on that parcel with the zoning that they are choosing to represent.

Vice-Chairman Gross stated that the traffic study is being revised or supposedly being revised. He asked if that takes into account existing traffic counts on Waldon that would be analyzed so that they can determine what the traffic impact on Waldon is with the new developments? So, they would be expecting to see traffic counters on Waldon then to see the traffic counts by the time of the day? That was a big discussion at the last meeting was the traffic count on Waldon and he thought that they needed to get that clarified as to how much traffic is actually on Waldon currently. Engineer Landis replied yes, Waldon Rd. is the scope of review.

Vice-Chairman Gross said that the planner’s report indicated that this project would not be permitted in any other residential zoning district in the Township because of the density.

Vice-Chairman Gross said the proposal is for a three-story development, three-story is not permitted within any of their residential zoning districts. The maximum building length in apartments is 200-ft., this building he believed was proposed at 380-ft. The architecture would come at a later point and time.

Vice-Chairman Gross stated not getting into the details of the setbacks, the grading, the applicant has indicated they will be providing that information.

Vice-Chairman Gross said that the intent of the Planned Unit Development Ord. is to allow flexibility and the strict application of certain provisions of the Zoning Ord. It does not in his opinion give the authority to the Planning Commission to waive some provisions of the Zoning Ord. For example, they can grant density above existing zoning proposed density is above any existing zoning, or the Master Plan designation. There is a three-story height limitation and the building’s length of 200-ft. for an apartment building. He didn’t believe that the Planning Commission has the authority to waive those provisions of the Zoning Ordinance. He added
that they can submit a plan but didn’t think that they had the authority to approve it. He didn’t believe that they can make those waivers.

Commission Brackon stated aside from what has already been said, and he thought that OHM addressed it, one of the various concerns he has heard from various people in the letters and emails sent are with regards to the stormwater, and the ponds. He thought that the overall reference to the parking lot and the drains will take care of it he thought was insufficient to handle the concern. So, if they are looking for advice as to how to present it, he thought that was an area that needs to be addressed with charts, graphs, whatever OHM requires, using statistics from this past summer rain and the totals. And whether or not those drains and the storm drains and how, where they are going to drain using this past summer statistics. Whether what they propose will actually do that and not necessarily by just them saying it will, by experts saying it will. Mr. Wayne replied understood. He said he spoke with his civil engineer on this topic and he was going to present a preliminary analysis that would contain some of the figures that they are referring to with regard to the full story water management system. That is something that is very time-intensive to produce in terms of what the final design would look like. What they can do is show them numbers on vacant land in terms of drain capacity compared to what a proposed system like this would require. The intent would be just what would automatically be required by the ordinance as far as stormwater management is concerned. His thought process is that that should probably already exceed or be an improvement upon what is existing but certainly whatever accommodations that they need make in that respect they understand the importance. They can provide a preliminary analysis but the more in-depth calculations are something that would be near a final PUD. He thought the overall sentiment from them is that they recognize stormwater as an important management and they are going to propose a system and the Township Engineers are going to have to approve the system that they all feel is sufficient to handle it but they are not proposing that they flood people’s back yards.

Commissioner Brackon said he didn’t think sufficient was enough was what he was trying to tell him.

Secretary St. Henry said he knew at the last meeting that there were several people from the community that they already have some drainage issues, and they were concerned about what this development do so; to sit there to say sufficient to take care of their development he didn’t see that as a benefit to the area because they are already struggling with drainage issues. He thought to Commissioner Brackens’ point, there is a good possibility that they are going to see a lot more rainstorms like they saw this summer and moving forward and they have to be able to address that. They saw that this Township was grossly deficient in being able to handle a lot of that water in some of the developments that have gone up in the last few years. In some of the cases, the systems were inadequate and in other cases, it was just a once in a million-year rainstorm. Rather than just providing just a preliminary study he thought they wanted to see exactly what they propose and if it cost you money to do that so be it, if they want this development to prove to them that they have a viable system to handle the drainage in the area, to him that is a deal-breaker. If they have to spend money to do it, so be it.

Chairman Reynolds said a (PUD) is a complex and in-depth process that involves a lot of entities and this is a challenging parcel there is a lot going on here. They are proposing a concept that obviously has some density, height, it is challenging the area in some ways. With the idea of (PUD), he would like to go back to their initial criteria of why they go down the (PUD) path. Yes, there are technical items that get figured out through the process, there are multiple stages that exist in the (PUD) process but community benefit. Recognizing all of those things, understanding in the bigger picture of their Master Plan some of their goals. They have been meeting monthly here if not more than that discussing and one of the items that have been
discussed in the past is a (PUD) is a creative zoning tool not as a tool just to gain ways around the ordinance. They are very aware of that as an item when (PUD)’s come about, he also recognized that they have a site that is challenging in a lot of ways has a lot of natural features that make things challenging to where if it was straight zoned and they were limited to minimum lot widths and a lot of those items it would be undevelopable, hence why (PUDs) exists. He thought that the surrounding neighbors have brought up some very valid concerns and he thought moving forward in the initial stages of the (PUD) understanding a (PUD) in a concept there are some things that are hanging out there that are going to be as Secretary St. Henry mentioned some make or break items that need to maybe be front-loaded and be considered as a viable or proactive solution to what they know they are going to embark on in future phases of the (PUD) process. He thought that the idea of the development and concept amenities are appealing, he is a young professional, he has lived in Orion the better part of his life with a gap of going to get higher education and coming back. He recognized that there are things in other communities that he has lived in that don’t exist here and that is great but they also have to recognize where these things are being proposed, what the adjacent zoning is, (PUD)’s in the Zoning Ordinance also recognizes transitional areas and things, he thought they were aware of those items. He thought there needs to be a very robust conversation and entertain some of those things. When they come in and they say they are proposing so only a higher density but also higher heights. An earlier comment that he wrote in his notes was elevations, he is an architect he gets it, it is going to change, the architect is going to change eight times just to humor himself. The point is what are they doing to proactively address those concerns in height. He thinks in some ways their ordinance limits a quality solution from a height perspective and he didn’t mean that a project isn’t possible via the zoning, but understanding based on certain design criteria that they are putting forth that they might challenge those ordinance items. If they are challenging it, why, and how are they doing that? Are they saying that the overall height is taller but they are kind of hiding the height in a story and a half design? In his experience that has been (PUD)’s as they have existed to say look, we need density to make this development happen but it is still fitting in the neighborhood because the upper level has gable dormers or things but it is still occupiable so that story isn’t really visible except an architectural perspective. He did think that some of those items are going to be important to bring forth as the discussion.

Chairman Reynolds said he would also like to challenge, and he understood that the connector through the parcel that borders Waldon and Lapeer Rd. because of the importance of the access from Lapeer Rd. When he looks at this plan, he still recognizes that access as even though he knows M-24 is the primary access way as Waldon has a boulevard and some other features and things. He would challenge and potentially ask to say, so what are you doing what measures are you taking to make that Lapeer Rd. entrance the primary and the other one the secondary? To mitigate some of those concerns of traffic on Waldon Rd. that residents and neighbors have brought forth.

Chairman Reynolds said there is a great start to speaking to some of the buffers and he appreciated the 3-D imagery. He thought that some of the comments that have come up are correct. It is one thing to say they intend to if they prove it and they say here are the measures and what are we doing. A (PUD) is a complex process and therefore should be a very thoughtful kind of a puzzle being brought together and it isn’t just about relying on our professional consultants to agree, it is about leading the way to say there is a challenge here, they are all recognizing that and this is how they are going to find a viable solution for this parcel.

Secretary St. Henry said that most people on this commission as well as many people in the community recognize that there is a need for this type of housing in our community. They want to attract future generations of residents and keep some of our current residents, their children,
and even perhaps their parents in the area. Not everyone wants to live in a 2,000-5,000-sq. ft. home. This development as presented to this point is very attractive and it probably will sell very well. They know that there is demand for it. He is concerned about the location of it he thought there may be other more viable places for this in their Township that would be a lot easier to work through and approve. If the applicant is dead set on this particular location, he hopes that they take all of these considerations and the ideas that were brought up today, so when they do meet again and start looking at specific plans and so forth that at the very least, they know that everyone is making a good faith effort to try to accommodate. Whether it is the drainage issue the height issue which is very real, the density issue is probably the biggest issue with these types of developments. The density issue is like a domino effect with all the things that they are talking about. He hoped that they take that into serious consideration. He totally agreed with Chairman Reynolds that a (PUD) is not an end-around for a developer to come in and try to build something in any community. It is a creative way for reasonable changes when it comes to their zoning.

Trustee Urbanowski said she agreed that the density is what was eating at her, it is a lot of units, way above anything they would be able to get for a straight rezone. She is not a fan of the density of it especially in that area it felt very off to her to be stuck in the middle of those homes that are nowhere near that style. She did think that they have purposely put plans in place in other places in the Township that this would fit in better in her opinion. She was having a hard time with the density. Some of the eligibility criteria in a (PUD) it’s going completely the opposite, improvements and public safety or welfare. They are adding 190 units that are potentially going to put a strain on their public services. Mr. Wayne said that the questions on density are natural and he certainly understands them. It is important to recognize that they are adding to the public infrastructure usage but they are also contributing. In terms of a per household contribution apartments can be higher than single-family homes in certain instances in terms of quantity of taxes paid per unit, in most cases are. Certainly, they utilize the public infrastructure but at the exact same token, it is going to create significant tax revenue that is going to contribute back to those resources.

Mr. Wayne said it was stated that this amount of density is not permitted in any zoning district within the Township, but he did read about the BIZ zoning and the 12-units per acre that are permitted. He wasn’t sure if he was misunderstanding that but he wanted the Planner to clarify what that permits in terms of units per acre. Planner Wojciechowski said it was based on form-based zoning when they look at the Master Plan the density, the vision, and the future land use of 9-units per acre are the highest and the density. Mr. Wayne asked if the BIZ added to that scenario? Planner Wojciechowski said that would be something for them to provide when they are suggesting the underlying zoning, he didn’t compare this to the BIZ standards. But as far as the actual density outlined in the Townships Master Plan it is not a vision anything planned.

Secretary St. Henry said he wanted to caution him on bringing up tax issues. If that was their number one concern is how much tax revenue a development commercial residential could bring into our Township, they would have skyscrapers everywhere there wouldn’t be any green space in Orion Township. They understand that, and he thought that the residents understand that because they have seen a lot of infrastructure changes and amenities come into their Township over the last 30-years that perhaps would not have been possible given if there wasn’t a lot of the development that went on. He didn’t think it was in his best interest to bring that up as a selling point. They know what that is all about but they also know that they live in this community and the character of the community is just as important to the residents of Orion Township as how many amenities they have, how big our Fire Department can be, how much wider they can make the roads, the schools, just keep that in mind. Mr. Wayne replied that he wanted to clarify that he is not necessarily suggesting that that is a justification as opposed to just highlighting the fact that while they are utilizing public infrastructure, they are also
contributing back to it, paying the far share, was the point he was trying to make as opposed to seeing that as a benefit.

Chairman Reynolds said that density is one thing and it is one thing to say where they allow it in the Township, he thought it was another to transition the conversation from its current zoning to essentially the densest. That to him is one of those things to kind of help paint the story and help them understand why they are getting to that point beyond just economics, and what else are you doing in order to achieve that or in lieu of that. They have seen other projects they can go through their minutes and other experiences they have mentioned to early today about projects that have said “Hey here is some nature preserve” and the Township is aware that they have some of these challenging wetlands and areas that are undevelopable components. He thought that community benefit isn’t always just that we are locking a hand full of acres. He thought it needs to be a very robust and thoughtful presentation, not that it hasn’t been to date. He appreciates the information that he brought forth but there are going to be some things that need to be frontloaded and proactive in order, he thought to move this project through at concept PUD approval, and in order to even go through final.

Planning & Zoning Director Girling wanted some clarification on Vice-Chairman Gross’s comments when she heard the word authority she was concerned. Was there something that they wanted a legal opinion on? If they are going out and making a revised plan and they are being rereviewed if they have a concern that there is something that the PC doesn’t have the authority to do on whether the Planning Commission would like to get a legal opinion on something specific. Vice-Chairman Gross replied that he knew there was some prevision on the PUD Ordinance where the Planning Commission and the Township Board can make some adjustments to some of the regulations of the Zoning Ordinance but he didn’t believe it was the intent of the writers of that Ordinance that it would unilaterally be ignoring the Zoning Ordinance requirements. That is his opinion, it may not be the opinion of the rest of the Commission. He just sees that there are too many factors too many things that do not meet ordinance requirements either under existing zoning or another zoning district are in noncompliance.

Chairman Reynolds asked if this was something they would like an opinion on just to clarify? Secretary St. Henry said he thought that would help. They are looking at substantial variances here. He thought that any legal opinions that would help them one way or the other feel comfortable making those decisions would help them move forward in this. He asked Vice-Chairman Gross that the nature of these variance requests was so significant given this development, that is where he is uncomfortable? Vice-Chairman Gross replied yes, they are not minor adjustments to the ordinance.

Secretary St. Henry asked if they could get a legal opinion on that? Chairman Reynolds said specifically to the eligibility of a PUD.

Commissioner Walker said he can’t believe that this discussion is occurring here. He has been on this board and other boards for a long time he has never seen an applicant come in just for a Q & A with the board. He didn’t know if that serves any useful purpose. He hears the questioning back and forth and the different opinions that they have. He purposely didn’t ask any questions he wasn’t going to ask any question because he doesn’t think that is his job, he thinks that is his job to acquire information, the applicant, and does a great job, he does his professional job of presenting stuff as he has ever seen around here. But at the same time, he has the information from the planner, and the engineer, he has all that stuff. Now he is asking them to give him thoughts and ideas to finish his project he didn’t think that was his job. He didn’t think they should get a legal opinion he didn’t think that this panel should be discussing legal opinions in the first place, they have a lawyer for that.
Vice-Chairman Gross said he didn’t have a problem getting an opinion from our legal counsel. Chairman Reynolds said he didn’t either, he was not looking to do it because he is looking to push the limits, he thought it was reiterating the idea of some of the PUDs if some other people are not agreeing to that he was open to that just as a discussion point of the potential approved criteria but if the majority is against it, then he is also ok with that.

Secretary St. Henry said that the applicant wants some initial feedback from them based on their presentation from a couple of weeks ago, the presentation again tonight, what they heard from the public a couple of weeks ago, now the Planner and OHM, are giving them feedback and initial thoughts. He is not saying they are tipping their hat either way, if anything he thought that they come away with the idea that there are a number of serious concerns and they have to be addressed or this rezoning will not happen.

Trustee Urbanowski said she understood his point. She thought he was right there are a couple of things in this that are just vastly beyond what regular zoning would allow and she didn’t think there was anything wrong with just asking. If they are ok with making decisions that are outside of that scope.

Chairman Reynolds asked to go around and get a verbal just so everyone is on the same page.

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that the Planning Commission requests to get an opinion from the Township Attorney on the abilities that they have as a Commission via a (PUD) granting approvals potentially those that exceed the requirements or regulations that are set forth in their standard ordinance.

Roll call vote was as follows: St. Henry, yes; Urbanowski, yes; Brackon, no; Walker, no; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 5-2

Mr. Wayne said that they understand that this is “A” typical this doesn’t happen all the time when they come forth before a deliberation period. Their intent isn’t to dot the i’s and cross the t’s for them, the intent is they are the ones that will make the decision ultimately whether this project moves forward or not, and understanding the concerns many of which they have shared tonight are enormously helpful for them as they consider what else they can do all be it design, research, and due diligence. He thanked them and said they were satisfied at this point, certainly if there is any other feedback, they will gladly take it but they understand that they have more on the agenda and they respect their time.

Trustee Urbanowski said just be a good neighbor.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission postpones PC-2021-78, The Woodlands preservation Planned Unit Development to a future date.

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

E. 2022 Planning Commission Meeting Dates

Chairman Reynolds said per their Open Meeting Acts they have to post the dates on which they intend to meet. Just to clarify our meetings that will start in 2022 to abide by the Public Meeting Act and our zoning regulations they meet on the first and third Wednesdays of each month starting on January 5, 2022, and terminating on December 21, 2022. These meetings will be held at 7 p.m. and will be held at the new Township Hall location at 2323 Joslyn Rd.
Moved by Trustee Urbanowski, seconded by Commissioner Brackon, that the Planning Commission approves the 2022 PC Meeting Dates Resolution as presented and forwards to the Board of Trustees for adoption.

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

8. UNFINISHED BUSINESS
PC-2021-07, 5-Year Master Plan Update

Chairman Reynolds said their Workshops are once a month at their second meeting. They are rounding out the process so dually that they entertain public involvement and also there will be our final Open House occurring here in the near future and then adoption of that. The timeline was mentioned at their previous Workshop meeting at 6 p.m.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
A. Village of Lake Orion Master Plan Update Amendment

Chairman Reynolds asked that everyone takes a look at this, it is important and does influence them, there are a number of areas that they are recognizing as changed areas. There is a term they are using areas of influence or change just recognizing some of their opportunities. There is a handful of their own development that is going including some projects on the table for the Ehman Center PUD that has been conceptually approved by their Planning Commission.

Planning & Zoning Director Girling said she didn't believe that they ever received notice of this. They didn't know until they received the review by the Coordinated Zoning Committee through the County which is a step that has to occur. She says that because comments are due by the 29th. It is fine to go home and look at it and say hey Tammy as a Planning Commission member wants to forward this comment that is fine, she didn't think it had to come as speaking as a Commission.

Moved by Chairman Reynolds, seconded by Vice-Chairman Reynolds to receive and file the Village of Lake Orion Master Plan Update Amendment. Motion carried.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
A. 12-02-2021 at 7:05 p.m., PC-2021-90, Ridgewood Planned Unit Development (PUD), located at 625 W. Clarkston Rd. (Sidwell #09-15-226-007), the vacant parcel west of 625 W. Clarkston Rd. (Sidwell #09-15-226-006), and the vacant parcel east of 625 W. Clarkston Rd. (Sidwell #09-15-226-008), requesting to rezone the properties from Single Family Residential-1 (R-1) to Planned Unit Development (PUD).

14. CHAIRMAN’S COMMENTS
Chairman Reynolds said now that they are rounding out their Master Plan update let’s try and rally up some of the community involvement for that kind of termination and some of those other comments that they discussed early today. He thought it is a very important tool as they see a lot of (PUDs) and it is their road map and are they on the right track. It is not just about saying hey how do they make development happen it can also be about preserving the character and about essentially establishing a commitment to other zoning types. He thought it was a great tool and people shouldn’t just be showing up for when the (PUD) shows up in their backyard.

15. COMMISSIONERS’ COMMENTS
Commissioner Brackon stated that the Lake Orion Hockey team has a game tomorrow night at 6 p.m. Detroit Skating Club against a very good Canton Team, and Saturday at 3 p.m. against a very good Marquette team that is coming down to play them and Brother Rice and CC only, they chose Lake Orion as one of the teams to play.

Trustee Urbanowski said that the marching band won 3rd place in the state finals.

Secretary St. Henry said businesses out in Lake Orion the County has just launched a new program called advantage of apprenticeships. They have $625,000 to fund 250 apprentices at various employers over a couple of years. They have to have a registered apprenticeship program to participate. This is well beyond your traditional apprenticeship employers in the skilled trades, it involves advanced manufacturing, information technology, health care, and a variety of other industries. This is one of the things that the County is doing to help address the long-term future worker shortage needs. If they are interested go to the County website under workforce development.

Commissioner Walker stated that the Friends of the Orion Library silent auction holiday basket ends on Saturday at 2 p.m. If they haven’t been there to bid on a basket or two you still have a few days.

Commissioner Gingell said that they have 6 basketball games this weekend.

Planning & Zoning Director Girling said in regards to the Future Public Hearing although Township staff will be moved to the new Township Hall by that date, that public hearing will still be conducted at the Orion Center.

ADJOURNMENT
Moved by Commission Gingell, seconded by Trustee Urbanowski to adjourn the meeting at 9:17 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approve Date
The Charter Township of Orion Planning Commission held a workshop meeting in person at the Orion Center, 1335 Joslyn Road on Wednesday, November 17, 2021, at 6 p.m.

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

**PLANNING COMMISSION MEMBERS ABSENT:**
- Joe St. Henry, Secretary

**1. OPEN MEETING**
Chairman Reynolds opened the workshop meeting at 6:00 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:**
None

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

**4. NEW BUSINESS/UNFINISHED BUSINESS**

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

Planner Arroyo said they are actually starting to get towards the end. They have documents up to 124 pages.

Planner Arroyo stated that he wanted to show them a few things to see if there was any discussion. They have seen the Future Land Use Map they haven’t made any changes since the last time. Just to review this is the updated Future Land Use Map and what they have that is new that is parallel to that is now the Density Map. The Density Map reflects those densities in those categories but it is now shown just as a pure Density Map. One of the key differences between the two is that for those types of areas such as golf courses, and public places like schools, that are planned for public or recreation use they are going to have a density number associated with that parcel in the event that that use goes away. So, it makes it easier, they are kind of planning for the future based upon what the surrounding area is. That is one of the key differences between the Density Map and the Future Land Use Map. It is reflecting what the Future Land Use Map says but it covers a slightly wider area because it is picking up some of those parcels that are really planned for uses that they think might not go away. They never thought that golf courses would never go away when they were building them all the time and now, they are going away. Schools, the same thing, as the population gets older and all of a
sudden, they don’t need as many schools, they close schools all of a sudden people want to build residential subdivisions where they had schools before. This way they will have a density number already associated with those areas.

Planner Arroyo said for the mixed-use areas like the BIZ and the Village Center areas those just don’t have a specific number density because the thought there is that the density is really going to be controlled by the zoning and form regulations. Just like in the BIZ District if they allow some residential but there is not a density cap there, it is based on how many stories, how many stores, how many floors, all of that. There is really no need, he thought, to have a density number so they identify that in a note that it varies and it is based on building form, and it is really the zoning regulations that ultimately control that. He added that it is nice to know when they look at the map that these areas could potentially have some residential, they just don’t know the full extent until development occurs because it could happen in a mixed-use.

Planner Arroyo stated that they have gone over the Economic Development Plan but now they see it in the format that it goes into the documents so they have their specific strategies and there are ten of them. Then they go through the specific redevelopment area as well, so that is all kind of formatting getting a feel for what it is going to look like, he thought it reads pretty nice. They have some photographs and some graphics to go along with that as well.

Planner Arroyo said they are getting the housing chapter put together so they have a whole section on obtainable housing which he thought was very fascinating looking at between 80-120% of the area median income and what can those folks afford in that range, and seeing how that compares to what the trends are in the metro area. What they find is that it is not all that bad but prices are going up and the thought here is that they are helping this situation by planning for a wide variety of housing types. They are going to have some areas that are dense where the units will be smaller, they will be more affordable and they will have others that are going to be larger with large lots and those are going to be expensive and they are not going to be affordable. The whole idea here is that, and it says right here in the Master Plan, addresses obtainable housing by targeting a wide range of housing options that go beyond single-family detached, and that includes the multiples, manufacturing housing, missing middle-housing types, and all of those, serve to expand what is available within the Township. He thought they were providing for a range of options, which is important.

Planner Arroyo stated that the next area is they are filling in the transportation area, it has been known as the safety path plan. They are calling it the complete streets/safety path plan, just to modernize the term a little bit. There are not really any changes here, what they did is they did an evaluation, the current plan holds up really well, they were looking at those four 15-minute neighborhoods and looking at how the pathways are heading into those, to feed those, so if they wanted to ride a bike or they wanted to walk to reach those. Really, with some of the changes that have been made over the last few years since the Master Plan, they have made some at the Safety Path Committee to add some new roadways and it is really kind of filled out the network. The only thing they did which is kind of a minor tweak was along Silverbell it wasn’t showing the completion of the path along the south side. A lot of this is starting to fill in some of it is in place and there are only a few gaps. Because they have got one of the 15-minute neighborhoods and they have Jesse Decker Park, and Herron Springs, they thought it would make sense to actually have that pathway filled out on both sides of Silverbell because there really isn’t that much more to do to get all of those pieces in place.

Planner Arroyo said that the other one that they wanted to talk to them about is whether or not it would make some sense to go part-way down Bald Mountain to the frontage in front of Herron Springs. They have two public resources here and then they have the 15-minute neighborhood core, he asked if it would make sense to make it easier for people, he knew it wasn’t a paved
road right now, but one day it might be, would it make sense at some point to at least plan in the future for a path on one side of Bald Mountain at least along that frontage. He realizes that Herron Springs is much more of a natural area but there are paths that people may want to traverse through there and seemed like connecting that might make some sense given the location. He wanted to get their input on that, and then also see if they think there are any other gaps here that should be added or anything that is missing from this non-motorized plan.

Chairman Reynolds said his comments pertaining to Bald Mountain Rd., he was very familiar with the area. He said it brings up a bigger discussion point of Jesse Decker Park faces Squirrel Rd. and Herron Springs kind of faces Silverbell. There are not tons of connections even to Jesse Decker Park except through the backside of the that, and they are traversing through private property. He thought that it was important to maybe bring up how they address the public access to some of these areas just because Herron Spring and potentially Lavender Ridge down the way, everyone saying they are going to give them some acreage for engagement. He didn’t know if Bald Mountain at this point makes tons of sense but thought at least promoting those interconnections of how do they get from one to the other. Right now, that paved road that they are going to get to which would be Roxbury there is no connection through Jesse Decker, so they would have to go out to Silverbell and back around. Maybe it is bringing up a point of just saying how else do they connect those community benefits down the road.

Planner Arroyo said last time they did talk about some of the corridors, particularly on Lapeer Rd. They are going to develop a little concept for trying to get some frontage there to give it some identity. They are working on a corridor section right now, and they are going to focus on the Baldwin Corridor, the Lapeer Corridor, the Brown Rd. Corridor, and then looking at the more natural ones like the Indianwood and the ones that have that character. Those are really going to be the primary focus of that section. Talking about what the expectation and the vision are for those corridors and then ultimately, they are probably going to want to a little bit of zoning ordinance adjustments to implement some of those recommendations, that is something that they are working on.

Planner Arroyo stated that another thing they as they start to get close to pulling the final document together is they wanted to talk a little about, now that they have heard a lot of the different ideas, and they have looked at some of these plans, he asked if there were any other specific action items that they would like to include in the plan? They are going to have a section on implementation that they are starting to pull together now, and that is going to include action strategies. A lot of those will flow from the plan, they will be able to extract those but they also wanted to see if they have some specific ideas about action items that they would like them to include in the action strategies. Even if they just wanted to raise a crazy subject, that is fine, it is kind of an open discussion on action items to see if they have any thoughts on those, and he was looking for some input if they had any ideas.

Vice-Chairman Gross asked if that would include things like Conditional Zoning and PUDs? Planner Arroyo replied if they want to develop something related to those he certainly can. He asked if he was trying to encourage them, discourage them, or have certain characteristics. A Conditional Rezoning, they can’t do much about it because it is 100% applicant-driven, but PUDs they can. Vice-Chairman Gross said just a definition of what it means. He understood that it was development-driven. Planner Arroyo said that they could certainly include something like that and talk about some of those alternative ways that development might occur in some of the challenges and issues that might come up with those.

Chairman Reynolds said he had two thoughts, one is recognizing that PUD strategy and maybe outlining how they are talking about forward thinking with the garbage dump and what do they
do with that down the road, are there other areas that they envision greater opportunity than what exists right now, similar to what they did with Brown Rd. and the (BIZ) District, and Baldwin Rd. and that whole street improvement. He thought that there was a handful of maybe of not that grand of scale everywhere but are there areas. He was thinking of Clarkston Rd. and Baldwin and they have a couple of those intersections where they kind of have a little bit of Village Center or a Hamlet effect but then there are other areas especially they know that is not an easy site on the southwest corner to develop, is there something that they can guide as a vision to say that this would be great especially if it means checking some of those boxes of those missing pieces that they have talked about, entry-level housing, are there stores that are missing in those districts. He thought that maybe tying into what Vice-Chairman Gross was saying the visionary for a couple of points so they can outline what they are envisioning with PUDs, it should be a creative zoning type because it can be “spot zone” and it can have a mixture of uses. That would be one thing he would love to explore and maybe that is just jotting down some ideas and doing a little bit of a brainstorm session on two or three sites so if anyone else has any thoughts on that he would love to get their own backyard or however. He thought that communities change because of that forward-thinking and that vision. They are saying there is a Master Plan but they have struggled along the way of PUDs saying they just want a density bonus. Their tool is that they get it, they are at Silverbell and there is a train track and there is everything that is a little complex there but let’s make the fabric of the community flow and still connect.

Chairman Reynolds said that the second one and it was within their packet, would be, do they want to consider how they engage, transition or have that fringe zoning as it relates to the Village of Lake Orion. Right now, they pretty much say they are the Township and then there is a big white box and that is the Village. Maybe in the same light as the first point, there are a couple of properties along there that maybe crucial to the transition from the Township to the Village or they are open to a joint PUD, or just a bigger vision that might happen there. What they are doing south of the Village of M-24 exactly what needs to happen or should there be a secondary transition on that Lapeer Corridor that might exist. Those were his two what-ifs do they add or talk about here because he thought they are issues that they have had and they know that they run into and it is not a harsh line when they drive down the road from the Village to the Township. He thought that there should be some thinking there to say do they allow something different there.

Commissioner Brackon asked what did he mean by density bonus? Chairman Reynolds said meaning a PUD is a tool that says that alright what you have here doesn’t fit so let me tell you what can. Sometimes developers are coming in here with a PUD because isn’t necessarily a straight zoning slam dunk, it has to have creative thinking. They are asking for more than just the density, they get that density might be a thickened corridor of trees and a big landscape buffer and because of that, that concept that they developed along Baldwin Rd. that kind of checking all of the boxes of great planning, yes, it is pretty dense, but it is really a well thought out solution that also happens to be dense not just there are 365 homes going into that undeveloped parcel. They use the most out of a PUD, they always ask for a community benefit, all of those 10 criteria items, and he didn’t know if always in their eyes they are A+ answers they think they are just an answer. Let’s show them what they want to see and what might guide that tool so they can say here is an example of why they are allowing PUDs.

Planner Arroyo said they are hoping, if all goes well, that the next study session in a month, they are going to have a pretty complete first draft. They have a lot of it here but a few things to fill in but they hope to have that implementation section to them and then have some of those other pieces that he talked about filling in, and at that point, then he thought they could start to talk about the final Open House. Remember that was what they were going to do before they actually start the process of going through approval and sending it out for comments, they
thought about having another Open House. They might want to start thinking about, based on where they are now maybe it is something like February. Once that is done the next step would be they would make a formal request to the Township Board to release the plan for comments, just like they did with the Lake Orion Village just sent theirs out for comments, they would have to go and ask the Township Board for permission according to State law, and then they say yes, they can release it then it gets released and then they go through a 63-day review period. Nothing happens for 63 days, and then once that happens, they can hold their public hearing and then actually go through the approval and adoption process. If they had the Open House in February and then they ask the Township Board and they released it, then potentially they could be looking at a May public hearing and approval. The Master Plan is funny how they have State law now because of the way they baked in the review period. They go, go, go, go, go, and then they sit and wait for over two months, and then they go back to it, so it is kind of an odd process. That is the likely schedule, it could move a month or two here or there but they are definitely getting to the end here. He thought it was looking pretty good and thought they had some good ideas in here and look forward to bringing the next version next month.

Chairman Reynolds asked if they are going to get The Woodlands features map and those kinds of things? He knew that there were some drafts and some natural features that were in the packet. Planner Arroyo said that there was Wetland and Woodlands maps in their packet based on GIS, they are in the draft. He knew that they did refer to some of those. They use those as guides when development comes in, they are not definitive that they absolutely have wetland or a wooded area that is of significance. It is a way of giving them a “hey you need to check this site out to see if in fact there is something to be concerned about. They do have these maps and he knew they were important because they reference them in other documents. This one combines the wetlands, the surface water, and their flood hazard areas, which is another helpful map to see where certain threats are to development, and where certain natural features may be there that are important.

Planner Arroyo said he knew there were a lot of pages here so between now and next month look it all over and then they will get some more coming their way, and they will talk again next month.

Chairman Reynolds said he would like to circle back on the added items that they are potentially talking about and just wanted to have a quick discussion here. Reiterate where they were talking about projects, they want to see but that may also include corridors or areas they want to maintain. There has been a lot of changes in the community over the past few years, what is working well, what is missing in some of those corridors. They talk about Brown Rd. and they have had recent projects talking about berms, trees, and different design standards do they find that some of those are working well, not working well. Some of those guides back into an ordinance change but in a bigger vision are they creating what they thought they wanted. He knew that all of them were not necessarily part of that discussion initially but are they doing what they set out to do. This is our road map so he thought that was an important discussion to have to say what else could we do or what else do they want to throw the breaks on.

Vice-Chairman asked what were the missing elements of the Land Use that came out of the survey? Where there anything that stood out as being a missing element? Planner Arroyos replied missing he felt that there was support for those 15-minute neighborhood core areas, places people could walk to. He felt that there was support for some of those missing middle housing types that don’t really exist. Those things come to his mind as key things that were identified.

Planner Arroyo said some of the weaknesses that were identified were congestion, road stuff, pedestrian mass transit, no adult sports beer leagues, future business, unknown to the big
developer, grocery store options, affordability, lack of multi-family housing, urban/city mix, ugly industrial, and landfill. They have really addressed a lot of these in a plan. They also had their housing styles preferred there was a lot of that duplex side-by-side courtyard. Widening certain roadways there was support for that. More crosswalks, mobility enhancements, bike lanes, a lot of support for that, 15-minute neighborhoods, and what they would like to see. A lot of things that they would expect are restaurants, dog parks, pedestrian areas, basic needs.

Chairman Reynolds said one of the other things would be natural features. They have some of the development areas that they have seen, what is their stab on trees, and grades, things like that when they have a project that comes in is that important to them. He knows that all of them on paper would love it but is it something that as they have guiding principles in the future to maintain more wooded areas, and natural features and things. Is that something that some people get bonuses on or things that we’re encouraged as looked at as a community benefit versus going in and leveling out a site and saying that this is the maximum homes that they can get in there.

Commissioner Walker said that there are no weaknesses in what Planner Arroyo has done. He thought that Planner Arroyo has laid it out very succinctly for them it is all there. He thought the question has now become which way do they want to go? It is not a bindery proposition tonight, yes or a no, it is over a large landscape, and they have to decide. His own personal thoughts are they have gone too far in development already, he thought so. He thinks that he has been clear on that all the time that he has been there. They do not hold the developer’s feet to the fire enough. They cave in too quickly on much of it. He thought that they should have more trees. They hear the citizenry when they come up when they quote “where living is a vacation”. Well, he gets that, and he has been here a long time, and he is lucky where he lives it is still a vacation but he can’t get there because the traffic is too bad. That is what he thinks they should do is they have to decide which way they should go he is just one thought on here, and then on to the BOT and that is where the ultimate decisions lay. He thought it was all laid and it is up to them to decide what to do.

Commissioner Brackon asked if the Township had the ability to purchase privately owned land for preservation purposes. Chairman Reynolds said that he knows that municipalities have acquired parcels he thought that they could acquire them to zone them and have them locked in a land trust. Where the president is sent or how the funding comes about, anything is possible, raise a park’s milage that supports acquisition for public land. Planner Arroyo said some communities are using crowdfunding sources to do that. They are saying that they want a park or this and the municipality doesn’t have the money to do it and they are going on, and there are a lot of tools now available and they can donate, there are grants. Open space can be part of that so they can have open space as part of the park it doesn’t all have to be active.

Chairman Reynolds said he has been part of communities that have acquired parcels or buildings and things to say that this is a catalyst to where they need to go. Their firm was actively engaged in let’s talk about that vision let’s develop it and then they are going to put it out to bid and have a developer essentially take it from there forward. It was reconfiguring a downtown that was killed through essentially urban renewal. They shut off the downtown they kind of killed it, it was Fenton. The city was directly involved the DDA was involved so there were a couple of other entities at play that are slightly different than the Township but the bigger volume was, they have to get this started. So, it kind of sparks the new interest of a core, a hamlet, whatever it might have been. That is what he is saying from their Master Plan vision is there something that is missing that they envision could be a key pivot point for some of those areas. Or something in a land trust that they need to say this should be an extension of what is there or something new to set the tone of that is not developed or that is an area to maintain that natural aesthetic.
Planner Arroyo said the Township could buy a fairly small piece of property in the Decker Hamlet Area and turn it into a small square. Just put some basic improvements sidewalks running through, a few trees, and some benches. Then see if that could spark some new developments, maybe a few restaurants that would flank it that could then take advantage of that they could look over the park while they dine outside. Those are little things like that that could turn out to be catalysts for creating the type of pattern that they are looking for.

Chairman Reynolds said things like PUDs and a community benefit and someone says that they will give you this piece of land is that in our framework is that something they want to see. Yes, it is part of a bigger discussion with the BOT but is the value adequate to say sure, that is a great contribution to our community based on what they are doing here and giving back. Some of those are fitting into that pocket park, there is one close by the Fire Station, and then there is the other that is by La-Z-Boy, and it was because they had the vision of Baldwin and then the pocket park fit into that.

Planning & Zoning Director Girling said when that division came through that large area that they committed to leaving natural there was discussion if the Township wanted it, they didn’t because they get into the insurance and any maintenance on it. They asked them to restrict it so that it always remains natural but they don’t want it.

Chairman Reynolds said ownership is just one piece of it, it doesn’t mean that there couldn’t be a designation or a deed restriction. Just their safety path framework says alright we will invest in private property for this, maybe it is not paved but just something to create a connector through the developments from Silverbell Rd. or something like that.

Vice-Chairman Gross asked if there was an opportunity to create a partnership with either the County or the State on some of the property that they have that could assist in promoting what they are trying to do? Clarkston and Joslyn, the dog park, is there something that they could create there? His point is that there is an opportunity to get partnerships with other government agencies too.

Chairman Reynolds said that is what is happening just south of them at the new Township Hall property. That investment there was to create utilities and a drive and yes, a new Township Hall, but it ultimately kind of engaged 77.6 acres of land that was there and undeveloped but it also maintained and is going to return the existing Township Hall, all of that area is being improved to be additional park area. That was a swap there isn’t just anything that can go on that parcel meaning the new parcel, it’s specifically for government use and for parks and recreation. There was a vision for a new Township building and that was one opportunity just based on discussions and came about and said let’s do it and that is where the investment wants to go.

5. ADJOURNMENT
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to adjourn the meeting at 6:38 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
Charter Township of Orion
Planning & Zoning Department
2323 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 and Zoning Director

DATE: December 9, 2021

RE: PC-2019-47, Lavender Ridge Final PUD Plan Extension

On February 3, 2020, the Board of Trustees conditionally approved PC-2019-47, Final PUD Plan for Lavender Ridge. On March 17, 2021 the PC granted a 1-year extension until 2/3/22. The applicant is again requesting an extension to the expiration of the plan. As of today’s date, the PUD Agreement Amendment has been signed but the applicant has not applied for engineering review of the approved plans. Attached please find, the petitioner’s request for the extension and a section of the approved plan for your reference.

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.

Final PUD Plan Extension (Ord. 78, Article XXX, Section 30.03,H,2)

Motion 1: I move that the Planning Commission approves the Final PUD Plan extension request for PC-2019-47, Lavender Ridge Final PUD Plan for _________ (insert time frame). This approval is based on the following findings of facts: (insert findings of facts).

Or

I move that the Planning Commission denies the Final PUD Plan extension request for PC-2019-47, Lavender Ridge Final PUD Plan. This denial is based on the following findings of facts: (insert findings of facts).
From: Manny Kianicky <mkianicky@srj.com>
Sent: Friday, December 3, 2021 11:43 AM
To: Tammy Girling <tgirling@orientownship.org>
Cc: Scott Jacobson <sjacobson@srj.com>; Dominic J. Moceri <Dominic@moceri.com>; Nancy Standish <nstandish@giffelswebster.com>; Matt Schwanitz <mschwanitz@giffelswebster.com>

Subject: Lavender Ridge Final PUD Plan Extension

Tammy:

I am happy to report that Lavender Ridge is now at full speed ahead with engineering and architecture in preparation. However, we will need an extension of our Final PUD Site Plan which expires in February 2022 per the attached letter. Can you please put us on the agenda for extension and let us know what you will need from us for this purpose.

Thanks, Tammy.

Manny Kianicky, P.E.
Vice President, S.R. Jacobson Development Corp.
32400 Telegraph Road, Suite 200 A
Bingham Farms, MI 48025
(248) 642-4700 ext. 237
mkianicky@SRJ.com
Cell (248) 535-2404
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: December 9, 2021
RE: PC-2021-95 Lifted Investments II, LLC, Ordinance 154 Application-Processing

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

Ordinance #154 – Adult Processing

I move to grant/not grant approval of the application, as required per Ord. #154, for PC-2021-95, Lifted Investment II, LLC for an Adult Processing located at 4611 Liberty S. (parcel 09-34-300-018) based on the finds of fact that the operation does/does not meet the following location requirements:
• Is located in and IP zoning district
• Is located in a building that meets all the distance requirements shown in Ord. 154
• Is located in a building that has an ingress/egress road with less than 6,000 vehicles/day.
• Is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning.

If motion is grant approval - conditioned upon:

1. The applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marihuana Regulatory Agency (MRA).
CHARACTER TOWNSHIP OF ORION
ORDINANCE No. 154 APPLICATION REVIEW

Planning Commission Case: PC-2021-95
Parcel Number: 09-34-300-018
Property Address: 4611 Liberty S.
Applicant: Lifted Investments II, LLC
Request: Adult Processing
Date: November 18, 2021

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

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

Article V, 2 – The Facility cannot be within one thousand five hundred (1,500) feet of a “church” in the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 1,500 feet. Using GIS, a measurement was taken from the edge of the property where the building will be located (for simplicity vs. from edge of building which is further) to the edge of the closest church property line and it was over 6,600 feet.
Article VI, 3 – The Facility cannot be within two thousand (1,000) feet of a residence located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 1,000 feet. Using GIS, a measurement was taken from the edge of the property where the building will be located (for simplicity vs. from edge of building which is further) to the edge of the closest residential building and it was 2,000 feet.

![Image of GIS measurement result showing 2,004.8 feet]

Article VI, 4 – The Facility cannot be within two thousand five hundred (2,500) feet of a registered “school” within the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,500 feet. Using GIS, a measurement was taken from the edge of the property where the building will be located (for simplicity vs. from edge of building which is further) to the edge of the closest school property line and it was over 6,800 feet.

![Image of GIS measurement result showing 6,848.1 feet]
Article VI, 5 – The Facility shall not have an ingress or egress on a street or road that has an average traffic volume in excess of six thousand (6,000) vehicles per day, as calculated by averaging the three (3) most recent Average Annual Daily Traffic (AADT) counts (as available), as reported by Southeast Michigan Council of Governments (SEMCOG). The building has ingress and egress off of Liberty Drive. SEMCOG’s website does not contain any traffic count reports for Liberty Dr.

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

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

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

Article VI, 9 – It is the Township’s intention that Growers, Processors, Safety Compliance Facilities and Secured Transporters may operate within the same building under the following conditions: each licensed entity remains distinct and separate within different working area and separate record keeping systems. A Provisioning Center may not operate within the same building as any other Licenses Facility, except for a Processor associated with Medical Marihuana Provisioning Center.: The applicant is requesting an Adult Processing facility. The Building Official reviews if separate operations are proposed and met.

Article VI, 10 – The location shall meet all applicable Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board:

ITEMS TO BE ADDRESSED: These items are unknown at this time. It is recommended that any approval be conditioned upon this requirement.
Article VI, 11 – The Facility location shall conform to all standards of the zoning district in which it is located – The site plan for the location has been approved.

Article VI, 12 – If the Facility location is currently vacant land, the Applicant must submit a site plan and building plans with the Application: The site plan for the location has been approved.

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

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

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

Tammy Girling
Planning & Zoning Director
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshall  
Re: PC-2021-95 Lifted Ord 154 Application – Adult Processing  
Date: 11/16/2021

The Orion Township Fire Department has completed its review of Medical Marihuana Application PC-2021-95 for the limited purpose of compliance with Charter Township of Orion Ordinance Number 154 Article VI(g).

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

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

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

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

Sincerely,

Jeff Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
To: Planning Commission
From: David Goodloe, Building Official
Re: Medical Marijuana Applications ORD 154 LICENSE PPC-21-95
Date: 12/09/2021

The application for PC case 2021-95 has been reviewed by the Building Department for compliance with The Charter Township of Orion Ordinance number 154 Article VI application procedure for the purposes of compliance with Ordinance 154 only, the Building Department has the following recommendation:

☑ Approved
  o Approved with conditions (See below)
  o Not approved

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

Sincerely,

David Goodloe
David Goodloe
Building Official
Orion Township Building Dept.
Charter Township of Orion  
Planning & Zoning Department  
2323 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: December 9, 2021  
RE: PC-2021-51, Kay Industrial Site Plan, 09-35-400-033

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

**Lapeer Overlay Design Standards Waiver (Ord. No. 78, Section 35.04D)**  
**Motion 1:** I move that the Planning Commission *grants/does not grant* a facade & exterior wall design waiver, a building entrance design waiver for PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033 for plans date stamped received 11/10/2021 based on the following findings of facts (motion maker to insert findings of facts).

The applicant *has/has not* demonstrated that:
- The standards required would prevent reasonable use of the site
- The existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.
- Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirement.

**Site Plan (Ord. No. 78, Section 30.01)**  
**Motion 2:** I move that the Planning Commission grants site plan *approval* for PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033 for plans date stamped received 11/10/2021 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-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033 for plans date stamped received 11/10/2021. 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-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033 for plans date stamped received 11/10/2021 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). Case to resubmit to Township within (insert time frame).
Site Plan Review no. 2
Kay Industrial Park (2 Separate Development Parcels)

<table>
<thead>
<tr>
<th></th>
<th>West Development Parcel -033</th>
<th>East Development Parcel -044</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case No:</strong></td>
<td>PC-2021-51</td>
<td>PC-2021-52</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>50 Kay Industrial Drive</td>
<td>Unassigned</td>
</tr>
<tr>
<td><strong>Acreage:</strong></td>
<td>3.12 acres</td>
<td>4.39 acres</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Kay Industrial Land, LLC</td>
<td>Kay Industrial Land, LLC</td>
</tr>
<tr>
<td><strong>Plan Date:</strong></td>
<td>11/17/2021</td>
<td>11/17/2021</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
</tr>
<tr>
<td><strong>Parcel ID:</strong></td>
<td>09-35-400-033</td>
<td>09-35-400-044</td>
</tr>
<tr>
<td><strong>Reviewer:</strong></td>
<td>Rod Arroyo, Partner &amp; Eric Pietsch, Senior Planner</td>
<td></td>
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</table>

Dear Planning Commission Members:

We have reviewed the above application and site plan, landscape plan, and tree survey and a summary of our findings is below. Items in **bold** require specific action by the Planning Commission. Items in *italics* can be addressed administratively.
SUMMARY OF REVIEW

West Building (Lapeer Road frontage). Parcel -033

Variances Granted July 12, 2021:
1) South side sideyard/greenbelt of 10 feet.
2) South side parking setback of 10 feet.
3) East side sideyard/greenbelt of 10 feet.
4) East side parking setback of 10 feet.
5) North side building setback of 20 feet.
6) Dumpster in side yard.

Comment Summary

1. **Use.** The second floor above the first-floor office space is a proposed mezzanine level, as defined by the ordinance. The applicant shall seek the proper permits if the use of the second level mezzanine is ever proposed to change. Additional parking spaces may be required.

2. **Pedestrian Circulation.** Internal pedestrian sidewalk connections are provided as required and appear to comply with the 5’ width standard. The site plan should label the dimension of the internal sidewalk between the building and safety path along the street.

3. **Design Standards.** The proposed building does not meet the standards for facades & exterior walls or building entrance design (Lapeer Rd. Overlay standards). Revisions are necessary to meet the standards, or the applicant may request waivers or modifications from the Planning Commission.

4. **Parking Lot Landscaping Adjacent to Roads.** The required landscape greenbelt and screenwall is not proposed. A hedge row (e.g. boxwoods) placed along the west and north edges of the parking lots would appropriately satisfy this requirement. This should be added to the plan for administrative review.

5. **Lighting.** Some areas around the periphery are labeled less than the 0.3 foot-candles required. Photometric plan requires revision.

6. **Tree and Woodland. A tree removal permit is required** for sites that are 5 acres in size or more. The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Combined, the total acreage is 7.51. Planning Commission should discuss as the majority of the site is proposed to be converted to impervious surfaces.

See Page 9 for comment summary of East Site.

**Project Summary**

7. The applicant is proposing to construct a 45,060 sq.-ft. industrial spec building with 5,400 square feet of office space on the first floor and 5,400 square feet of mezzanine above the office. The subject site is located at 50 Kay Industrial Drive, at the southeast intersection with S. Lapeer Road. The site is
within the Lapeer Road Overlay District and the proposed building is oriented with a front entrance facing S. Lapeer Road. The amount of off-street parking spaces provided is sufficient for the office and spec industrial use, with approximately 14 spaces additional. The development proposes to expand and connect the existing safety path network and provide internal pedestrian connections to the main entrance.

**Existing Conditions**

8. **Zoning.** The vacant site is currently zoned IP, Industrial Park and is located within the Lapeer Road Overlay District.

**Zoning Ordinance Compliance Tables**

9. Industrial Park District Required Conditions (See table below).
10. Lapeer Road Overlay District Standards (See table below).

**WEST SITE ANALYSIS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.01 Uses Permitted</td>
<td>Industrial, Research, and Technology Uses</td>
<td>Proposal is industrial spec building with an office component.</td>
</tr>
<tr>
<td>C.</td>
<td>Off Street Parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Industrial Use: One (1) parking space per one thousand (1000) square feet of gross floor area</td>
<td>Required (including mezzanine): 45 sp. Provided: 86 spaces</td>
</tr>
<tr>
<td></td>
<td>2. Office Use (per Lapeer Overlay): One (1) parking space per two hundred (200) square ft of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.</td>
<td>Required: 27 spaces Provided: 86 spaces 14 extra spaces provided</td>
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<tr>
<td></td>
<td>3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line.</td>
<td>Variances granted to allow a 10’ parking setback along the east &amp; south property lines.</td>
</tr>
<tr>
<td>D.</td>
<td>Landscaping</td>
<td></td>
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<tr>
<td></td>
<td>2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located</td>
<td>Variances granted to allow a 10’ green belt along the east and south property lines.</td>
</tr>
<tr>
<td>I.</td>
<td>Covered Trash Areas</td>
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<td></td>
<td>Covered trash receptacles, 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>Variance granted to allow the covered trash receptacle within the (east) side yard.</td>
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www.GiffelsWebster.com
### Lapeer Road Overlay District (Article XXXV)

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td><strong>M. Safety paths</strong></td>
<td>See 27.06</td>
<td></td>
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<tr>
<td><strong>N. Tree Preservation</strong></td>
<td>See 27.12</td>
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<tr>
<th><strong>35.04 Development Standards</strong></th>
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<tbody>
<tr>
<td><strong>A. Site Design</strong></td>
<td></td>
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<tr>
<td><strong>3. Pedestrian Circulation</strong></td>
<td></td>
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<tr>
<td><strong>b.</strong> Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
<td><strong>Internal sidewalks provided. Dimension and label the 5’ min. width of the pr. concrete pedestrian walk between the building &amp; Kay Ind. Dr.</strong></td>
</tr>
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<tr>
<th><strong>4. Parking</strong></th>
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</table>
| **a.** One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc. | **Required: 27 spaces**
| **b.** One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses (includes mezzanine level). | **Required: 45 spaces**
| **c.** Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission. | **Front: 27 (31%)**
| **8. Landscaping** | **Total: 86**
| **b.** A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located. | **Compliant**
| **c.** Interior parking lot landscaping shall comply with Section 27.05.A.6 | |

<table>
<thead>
<tr>
<th><strong>1. Facades and exterior walls</strong></th>
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</table>
| **a.** Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet. | **Not provided; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.**
| **b.** Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length. | **West façade (Lapeer Rd.):**
| | **Compliant**
| | **North façade (Kay Ind.):**
| | **Not compliant; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.** |
### 2. Building Entrances

Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:
- Canopies, porticos, or overhangs;
- Recesses/projections;
- Raised, corniced parapets above the door;
- Peaked roof forms;
- Display windows;
- Integrated tile work and moldings;
- Integral planters;
- Pavement/material changes for pedestrian crosswalks

An overhead architectural canopy was added to the west-facing building entrance, otherwise minimal projection at doorways shown; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.

### 3. Roofs

Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall

Rooftop equipment has not been indicated at this time for review. Applicant should confirm compliance with requirement.

### 4. Materials and Colors

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

Predominant front façade material is brick veneer. A materials chart has been provided.

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

A materials chart has been provided.

Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

Predominant front façade material is brick veneer. A materials chart has been provided.

The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site
## 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.

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<thead>
<tr>
<th>Section</th>
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<tr>
<td>2. General Requirements</td>
<td>Location. Unless otherwise specified in the regulations for each district, a minimum setback of twenty (20) feet shall be maintained between any off-street parking area and adjacent property lines.</td>
</tr>
<tr>
<td>27.04 A. Parking</td>
<td>Variance granted to allow a 10' parking setback along the east and south property lines.</td>
</tr>
<tr>
<td>a.</td>
<td>Family dwellings, all parking lots shall be provided with fixed stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.</td>
</tr>
<tr>
<td>3. Layout and Construction</td>
<td>None shown; applicant shall provide.</td>
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<td>f.</td>
<td>Wheel Stop. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.</td>
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<td>27.04 B. Loading &amp; Unloading</td>
<td>Location. No permitted or required loading berth shall be located within thirty (30) feet of the nearest intersection of any two (2) streets. Loading and unloading facilities shall not be so located as to interfere with ingress or egress or off-street parking.</td>
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<tr>
<td>2. General Requirements</td>
<td>2 additional, 20' long loading areas are shown along the east side of the building.</td>
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<td>A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of twenty (20) feet in width and minimally landscaped as follows:</td>
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<td>cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) lineal feet of masonry wall on the street side of the wall.</td>
<td>facing edges of these parking lots would appropriately satisfy this requirement.</td>
</tr>
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<td>d. The Planning Commission may at their discretion waive or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.</td>
<td>The PC may wish to waive some standards if they determine one or more of these apply.</td>
</tr>
<tr>
<td>D. Lighting Plan Submittal Requirements.</td>
<td></td>
</tr>
<tr>
<td>1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)</td>
<td>Compliant.</td>
</tr>
<tr>
<td>3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>4. Use of the fixture proposed.</td>
<td></td>
</tr>
<tr>
<td>E. Non-Residential Lighting Standards</td>
<td></td>
</tr>
<tr>
<td>27.11 Lighting</td>
<td></td>
</tr>
<tr>
<td>1. Free-standing Pole Lighting. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure.</td>
<td>Compliant. Max foot candles, per photometric plan: 15.7.</td>
</tr>
<tr>
<td>2. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.</td>
<td>Max. 1.0 foot-candle: Compliant. Min. 0.3 foot-candle: Some areas around the periphery are labeled less than 0.3 foot-candles. Photometric plan to be revised to comply.</td>
</tr>
<tr>
<td>a. Parking Lot Lighting. Medium-sized parking lot (11-99 spaces) illumination shall average .6-foot candles minimum over the entire area, measured five (5) feet above the surface.</td>
<td></td>
</tr>
<tr>
<td>b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>d. The maximum height of pole fixtures shall be twenty (20) ft., or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) ft. above ground.</td>
<td>Compliant. We note a 25 degree tilt on some fixtures. Applicant should explain and confirm that luminaires are parallel to the ground surface.</td>
</tr>
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<td></td>
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<tr>
<td></td>
<td>The Planning Commission may permit a max height of thirty (30) ft. in an industrial district where fixtures are no closer than two hundred (200) ft. to any residential district.</td>
</tr>
<tr>
<td>e.</td>
<td>Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial &amp; office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, &amp; repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>2.</td>
<td>Building-Mounted Lighting</td>
</tr>
<tr>
<td>a.</td>
<td>Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines. <strong>Compliant, per product specs on Sheet 9 of 10.</strong></td>
</tr>
<tr>
<td>C.</td>
<td>Tree Removal Permit Required</td>
</tr>
<tr>
<td>1.</td>
<td>Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, &quot;Exceptions&quot;. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>2.</td>
<td>Plat or Site Plan Approval. A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>27.12</td>
<td>Tree &amp; Woodland</td>
</tr>
<tr>
<td>D.</td>
<td>Exceptions</td>
</tr>
<tr>
<td></td>
<td>Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, <strong>all contiguous land owned in common by one (1) owner, shall be included in determining total acreage.</strong> The term &quot;one owner&quot; in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. <strong>The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Planning Commission should discuss, as the vast majority of site is proposed to be impervious surfaces.</strong></td>
</tr>
</tbody>
</table>
East Building (Kay Industrial Drive frontage). Parcel -044

Variance Granted July 12, 2021:
1) South side sideyard/greenbelt of 12 feet.
2) South side parking setback of 12 feet.

Comment Summary

1. Pedestrian Circulation. Internal pedestrian sidewalk connections are provided as required and appear to comply with the 5' width standard. The site plan should label the dimension of the internal sidewalk between the building and safety path along the street.

2. Design Standards. The proposed building does not meet the standards for facades & exterior walls or building entrance design (Lapeer Rd. Overlay standards). Revisions are necessary to meet the standards, or the applicant may request waivers or modifications from the Planning Commission.

3. Parking Lot Landscaping Adjacent to Roads. A 12" high & 18" high berm is proposed along the parking lot abutting, and parallel to, Kay Industrial Drive. A hedge row of unidentified height and species appears to be proposed on the berms. The height of the berms does not meet the 30" minimum for screening. **The combination of berm and hedgerow may be used to meet standards, but more information is needed. The applicant should identify the height, species, spacing and quantity of the hedge row plantings.**

4. Lighting. Maximum foot-candle observed along a property line is 1.3. Some areas within the west parking lot are labeled less than 0.3 foot-candles. The applicant may request standards to be waived or modified by the Planning Commission.

5. Tree and Woodland. A tree removal permit is required for sites that are 5 acres in size or more. The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Combined, the total acreage is 7.51. Planning Commission should discuss as the majority of the site is proposed to be converted to impervious surfaces.

Project Summary

6. The applicant is proposing to construct a 66,955 sq.-ft. industrial spec building with 6,000 square feet of office space on the first floor and 6,000 square feet of office space above. The subject site is not currently addressed and is located along the west side of Kay Industrial Drive and north of Northpointe Drive, within the Lapeer Road Overlay District. The proposed building is oriented with a front entrance facing east, away from Lapeer Road, however the west property line abuts the western parcel of the overall development. The amount of off-street parking spaces provided meets the minimum requirements of the ordinance and is sufficient for the office and spec industrial use. No additional spaces are proposed. The development proposes to expand and connect the existing safety path network and provide internal pedestrian connections to the main entrance of the building.
Existing Conditions

7. **Zoning.** The vacant site is currently zoned IP, Industrial Park and is located within the Lapeer Road Overlay District.

Zoning Ordinance Compliance Tables

8. Industrial Park District Required Conditions (See table below).
9. Lapeer Road Overlay District Standards (See table below).

EAST SITE ANALYSIS

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>18.01 Uses Permitted</td>
<td>Industrial, Research, and Technology Uses</td>
<td>Proposal is industrial spec building with an office component.</td>
</tr>
<tr>
<td>C.</td>
<td>Off Street Parking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Industrial Use: One (1) parking space per one thousand (1000) square feet of gross floor area</td>
<td>Required: 61 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>2. Office Use (per Lapeer Overlay): One (1) parking space per two hundred (200) square ft of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.</td>
<td>Required: 60 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line.</td>
<td>Variance granted to allow a 12’ parking setback along the south property line.</td>
</tr>
<tr>
<td>18.03 Required Conditions</td>
<td>Landscaping</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located</td>
<td>Variance granted to allow a 12’ green belt along the south property line.</td>
</tr>
<tr>
<td>I.</td>
<td>Covered Trash Areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Covered trash receptacles, 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>Compliant.</td>
</tr>
<tr>
<td>K.</td>
<td>Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed</td>
<td>Required.</td>
</tr>
<tr>
<td>M.</td>
<td>Safety paths</td>
<td>See 27.06</td>
</tr>
<tr>
<td>N.</td>
<td>Tree Preservation</td>
<td>See 27.12</td>
</tr>
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<tr>
<td>---------</td>
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<td>3. Pedestrian Circulation</td>
<td>b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
<td>Internal sidewalks provided. Dimension and label the 5’ min. width of the pr. concrete pedestrian walk between the building &amp; Kay Ind. Dr.</td>
</tr>
<tr>
<td>4. Parking</td>
<td>a. 1) One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.</td>
<td>Required: 60 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>b. 3) One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses (includes mezzanine level).</td>
<td>Required: 61 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>c. Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission.</td>
<td>Front: 36 (30%) Total: 121 Compliant.</td>
</tr>
<tr>
<td>6. Loading and Unloading</td>
<td></td>
<td>See 27.04</td>
</tr>
<tr>
<td>8. Landscaping</td>
<td>a. A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located.</td>
<td>Variance granted to allow a 12’ green belt along the south property line.</td>
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<tr>
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<td>b. Interior parking lot landscaping shall comply with Section 27.05.A.6</td>
<td>Compliant.</td>
</tr>
<tr>
<td>1. Facades and exterior walls</td>
<td>a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.</td>
<td>Not provided; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</td>
</tr>
<tr>
<td></td>
<td>b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.</td>
<td>East façade (Kay Industrial Drive) Compliant.</td>
</tr>
<tr>
<td></td>
<td>c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).</td>
<td>Not provided. Plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</td>
</tr>
<tr>
<td>2. Building Entrances</td>
<td></td>
<td></td>
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Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:
- Canopies, porticos, or overhangs;
- Recesses/projections;
- Raised, corniced parapets above the door;
- Peaked roof forms;
- Display windows;
- Integrated tile work and moldings;
- Integral planters;
- Pavement/material changes for pedestrian crosswalks.

The main entry area includes an overhead architectural canopy and limestone piers, otherwise minimal features are shown. The applicant may request standards to be waived or modified by the PC.

3. Roofs

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<tr>
<th>Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall</th>
<th>Rooftop equipment has not been indicated at this time for review. Applicant should confirm compliance</th>
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4. Materials and Colors

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<th>Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.</th>
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<td>Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.</td>
<td>Compliant. A materials chart has been provided.</td>
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<td>Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.</td>
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<td>Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.</td>
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The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

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

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10. **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.

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<td>Variance granted to allow a 12’ parking setback along the south property line.</td>
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<td>3. Layout and Construction</td>
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<tr>
<td>f. Wheel Stops. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.</td>
<td>None shown; applicant shall provide.</td>
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<td></td>
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<tr>
<td>27.04 B. Loading &amp; Unloading</td>
<td>Location. No permitted or required loading berth shall be located within thirty (30) feet of the nearest intersection of any two (2) streets. Loading and unloading facilities shall not be so located as to interfere with ingress or egress or off-street parking.</td>
<td>Compliant. Required: 2 loading berths. Provided: 5 loading berths along the west side of the building.</td>
</tr>
<tr>
<td>4. Parking Lot Landscaping Adjacent to Roads</td>
<td>A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of twenty (20) feet in width and minimally landscaped as follows:</td>
<td>Compliant along Kay Industrial Drive (east property line).</td>
</tr>
<tr>
<td>a. One (1) tree for each thirty (30) linear feet, or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area.</td>
<td>Compliant along Kay Industrial Drive.</td>
<td></td>
</tr>
<tr>
<td>b. In addition, a 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. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) linear feet of masonry wall on the street side of the wall.</td>
<td>A 12” high &amp; 18” high berm is proposed along the parking lot, abutting, and parallel to, Kay Industrial Drive. More information needed regarding hedge row of unidentified height on the berms.</td>
<td></td>
</tr>
<tr>
<td>The Planning Commission may at their discretion waive or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.</td>
<td>The PC may wish to waive some standards if they determine one or more of these apply.</td>
<td></td>
</tr>
<tr>
<td>D. Lighting Plan Submittal Requirements.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 27.11 Lighting

<table>
<thead>
<tr>
<th>1.</th>
<th>Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.</th>
<th>Compliant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)</td>
<td>Compliant.</td>
</tr>
<tr>
<td>3.</td>
<td>Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.</td>
<td>Compliant.</td>
</tr>
<tr>
<td>4.</td>
<td>Use of the fixture proposed.</td>
<td></td>
</tr>
</tbody>
</table>

#### E. Non-Residential Lighting Standards

<table>
<thead>
<tr>
<th>1.</th>
<th>Free-standing Pole Lighting. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure.</th>
<th>Compliant. Max foot candles, per photometric plan: 12.9.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.</td>
<td>Max. foot-candle observed along a property line is 1.3. Min. 0.3 foot-candle: Some areas within the west parking lot are labeled less than 0.3 foot-candles. Revised photometric plan to conform.</td>
</tr>
<tr>
<td>b.</td>
<td>Parking Lot Lighting. Large-sized parking lot (100+ spaces) illumination shall average .9-foot candles minimum over the entire area, measured five (5) feet above the surface.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.</td>
<td>Applicant to confirm compliance.</td>
</tr>
<tr>
<td>d.</td>
<td>The maximum height of pole fixtures shall be twenty (20) ft., or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) ft. above ground level. The Planning Commission may permit a max height of thirty (30) ft. in an industrial district where fixtures are no closer than two hundred (200) ft. to any residential district.</td>
<td>Applicant to confirm compliance.</td>
</tr>
<tr>
<td>e.</td>
<td>Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial &amp; office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and</td>
<td>Applicant to confirm compliance.</td>
</tr>
<tr>
<td>2. Building-Mounted Lighting</td>
<td>Compliant, per product specs on Sheet 10 of 11.</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Tree Removal Permit Required</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, &quot;Exceptions&quot;.</td>
<td>Applicant to confirm compliance.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>D. Exceptions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, <strong>all contiguous land owned in common by one (1) owner, shall be included in determining total acreage</strong>. The term &quot;one owner&quot; in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions.</td>
<td>The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures.</td>
</tr>
</tbody>
</table>
Maps

1. Adjacent Zoning.

[Map of West Development Parcel -033 and East Development Parcel -044 showing the subject site.]

2. Wetlands (none apparent).

[Map of West Development Parcel -033 and East Development Parcel -044 showing the subject site.]
3. **Safety Paths (existing in area).**

![Maps of West and East Development Parcels with Subject Site and Safety Path highlighted.](image)

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

Respectfully,

Giffels Webster

Rodney L. Arroyo, AICP  
Partner

Eric Pietsch  
Senior Planner
November 23, 2021

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

RE: Kay Industrial - 033, PC-2021-51
Site Plan Review #2

Received: November 10th, 2021 by Orion Township

Dear Mr. Reynolds:

We have completed our review of Kay Industrial - 033 plan set. The plans were prepared by Fenn & Associates Inc. and were reviewed with respect to the Township’s Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township’s Engineering Standards.

EXISTING SITE CONDITIONS:
The site is located at the southeast corner of M-24 and Kay Industrial Dr. within the northeast quadrant of Section 35 of the Charter Township of Orion. The site is zoned Industrial Park (IP) and bound by parcels on all sides zoned Industrial Park (IP).

The existing site is Lot 8 in the Kay Industrial Subdivision. No further development appears to have taken place since the original construction of the industrial park. The site is 3.12 acres with very mild slopes. There are four major easements located within the parcel, including a public utilities easement along the southern border, a detention easement on the west side of the site, a sanitary and water supply easement in the northwest corner, and a pathway easement along the western site border. The applicant is proposing to construct a 45,060 sqft building with parking and drive aisles around the perimeter. There are two proposed approaches on Kay Industrial Dr., as well as one cross-access point to the abutting parcel at the southeast corner of the site for future development.

The applicant shall include a written description of the proposed land use on the cover sheet of the plans. Building floor plans and total floor area should be included in the site plan.

WATER MAIN AND SANITARY SEWER:
There is existing 16-inch water main located along the east side of M-24, and 12-inch main located along the north side of Kay Industrial Dr. There is also 8-inch water main located along the east side of the site that appears to be attributed to Lot 7. The water main located in Lot 7 appears to be public and a 20-foot water main easement was included on the plans for this location. The applicant is proposing to extend 8-inch water main with a 12-foot-wide water main easement along the southern border of the site from the 16-inch main on M-24. The proposed water main ends at a dead-end hydrant located in green space on the south side of the proposed building. The applicant is proposing to loop the water main by extending water main southeast across the cross-access location to the water main on that site (Parcel I.D. #09-35-400-044).
The applicant shall address the recommendations from the Fire Marshal regarding the dumpster location in reference to the FDC. We recommend aligning the dumpster pad with a drive aisle to facilitate easier turning motions for the garbage trucks.

There is an existing sanitary manhole at the corner of M-24 and Kay Industrial Dr. 10-inch sanitary sewer extends east into the Kay Industrial Park and north along the east side of M-24. The existing sanitary sewer easement on this parcel is proposed to be amended to include all portions of the lot which are within a 10-foot horizontal separation from the sanitary sewer. The applicant is proposing to extend a sanitary service lead from the north face of the building to the existing 10-inch sewer located along the south side of Kay Industrial Dr. At engineering, please label the Inspection Manhole as a Monitoring Manhole in plan and profile view. Proposed light pole locations should be shown on the site plans to avoid conflicts with utilities.

STORMWATER MANAGEMENT:
The existing Kay Industrial Park has an existing storm management system in place for the lots included in the subdivision. A description to the originally approved detention storm sewer agreement for this lot is provided from the original Kay Industrial Park. The applicant has proposed a storm sewer network throughout the paved area within the site and shows an outlet to the existing detention basin. The applicant calculated the proposed C-value for the site and confirmed that the proposed conditions are within the acceptable limit originally proposed for the Kay Industrial Park Development. Offsite drainage coming from the parcel to the south was accounted for in the stormwater management plan. A mechanical pretreatment device is proposed prior to discharging to the existing detention basin as it appears a forebay was not part of the original design. Details and design calculations for the mechanical pretreatment structure will be required at engineering. Roof conduits appear to be included in the plan set and connected to the storm sewer system. An oil/water separator is proposed for the truck dock.

PAVING/GRADING:
There are no existing approaches for this site. The applicant is proposing to construct two concrete approaches on Kay Industrial Dr. with asphalt drive aisles internal to the site. A cross-access approach appears to be proposed between this site and the parcel to the southeast (Parcel ID. #09-35-400-044), which is also undergoing the site plan review process. A cross-access easement is proposed extending from where the parcels meet to the eastern approach onto Premier Dr.

It appears pavement sections were provided in the plan set for the concrete approaches (9 inches concrete atop 6 inches aggregate), internal drive aisles (9 inches HMA atop 8 inches aggregate), concrete dumpster pad (8 inches concrete atop 6 inches aggregate), concrete garage pads (8 inches concrete atop 6 inches aggregate), internal sidewalk (4 inches concrete), and the public pathway (3 inches HMA atop 3 inches aggregate) that is proposed along the south side of Kay Industrial Dr. The applicant shall indicate a minimum of 4 inches of aggregate for the internal sidewalk pavement section. Regarding the onsite asphalt pavement detail, the maximum recommended lift for HMA 2C is only 4.5 inches.

Existing grades are provided via contours and spot grades throughout the site. Proposed pavement grades are provided via spot grades and slope arrows, and contours were provided around the detention basin. The slope arrows indicate pavement slopes that are acceptable based on the Township Engineering Standards. More grading information will be required at engineering. The applicant should show the project’s limits of disturbance and where it “matches existing” grades at either the limits of disturbance or site borders. More detailed pathway and sidewalk grades must be provided at engineering so that they may be assessed for ADA compliance.

A retaining wall is proposed along part of the southern portion of the parking lot. Design details and computations shall be submitted at engineering for all retaining walls greater than 3 feet in height. Additionally, any face of a retaining wall shall be a minimum of 5 feet from the nearest property line to provide adequate space for maintenance.
and potential drainage swales if required. If this requirement cannot be met, a temporary grading easement and a permanent maintenance easement must be provided for maintenance of the wall.

TRAFFIC & CIRCULATION:
Drive aisles are a minimum of 24-feet wide edge-of-metal to edge-of-metal, with the smallest width being on the south side of the building. Approach radii should be dimensioned on the plans. The site appears to accommodate the turning motions of the Orion Township Fire Truck.

A receiving ramp is proposed to be added to the safety path just east of the west approach to align with the existing ramp form the north.

LANDSCAPING:
A landscaping plan was included in the plans. A tree is proposed within the sanitary easement near the northwest corner of the building and should be relocated. The applicant should coordinate with the overhead utility companies to ensure that the tree located within the overhead public utility easement on the south side of the site will not cause any issues.

NATURAL FEATURES:
Wetlands:
There do not appear to be any existing wetlands on site. No wetland permit from EGLE or the Township will be required for this work.

Woodlands:
A tree inventory was not provided for this site, and it is our understanding that one is required at site plan. The tree inventory shall identify landmark trees and quantify the number of trees that need to be removed to facilitate construction.

CONCLUSION:
In our opinion, the site plan as submitted is not in substantial compliance with the Township’s ordinances and engineering standards. We ask that the applicant address the following comments:

1. The retaining wall must be relocated to be 5 feet from the southern parcel boundary, or the necessary easements must be provided.
2. Show project limits of disturbance and where it matches existing grades on the South and West ends of the project.
3. Show proposed exterior light pole locations on the site plan.
4. Add written description of proposed land use to the cover sheet.
5. An aggregate base shall be added to the internal sidewalk pavement section.
6. It is our understanding that a tree survey shall be provided per ordinance.

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

**OHM Advisors**

Joe Lehman  
Project Engineer

cc:  
Chris Barnett, Township Supervisor  
David Goodloe, Building Official  
Jeff Stout, Director of Public Services  
Tammy Girling, Director of Planning and Zoning  
Lynn Harrison, Planning and Zoning Coordinator  
Jeff Williams, Township Fire Marshal  
Bill Basiglow, Water and Sewer Superintendent  
Sara D’Agostini, Kay Industrial Land, LLC  
Jeff Rizzo, Fenn & Associates, Inc.

Mark Landis, P.E.  
Project Manager

File
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-51, Kay Industrial Sidwell # 09-35-400-033, 2nd submittal  
Date: 11/23/2021

The Orion Township Fire Department has completed its review of Application PC-2021-51 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
Not approved

Approved with Recommendations (See below)

Recommendations:
- It is the Fire Departments recommendation that the dumpster enclosure located near the fire department connection be relocated to a different area on site. Per International Fire Code the FDC is required to be visible from street side. The proposed dumpster enclosure causes a visual obstruction and could lead to items being stored in front of the FDC in the future.

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
November 8, 2021

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

Re: Site Plan Application – Resubmission – 50 Kay Industrial Drive

Dear Orion Township Planning Commission,

Since our last appearance before you, the ZBA has granted us the desired variances for the greenbelts, off-street parking setbacks, front yard setback and dumpster location for the project to be located at 50 Kay Industrial Drive, Orion Township, MI 48359. We therefore resubmit to you revised plans for site plan approval for a 45,060 square foot speculative industrial facility on the 3.12-acre parcel. Exhibit A attached hereto provides a list of the material changes to the plans since our last submission.

To accompany this resubmission, we would like to address certain of the Planner’s comments noted in its initial review dated June 15, 2021 with respect to (i) Section 18.03 (Tree Preservation) and (ii) Section 35.04 (Development Standards). Our comments are as follows:

- **Section 18.03 Tree Preservation** – We interpret Section 27.12 of the Ordinance to require a tree removal permit (and any tree inventory & survey) if the parcel is over 5 acres. The parcel for 50 Kay Industrial Drive is only 3.12 acres. If this interpretation is incorrect, we request that the Planning Commission waive any tree removal permit (and any tree inventory and survey) that may be required. We believe such waiver is appropriate for the following reasons:
  - As mentioned above, the 3.12-acre parcel falls below the 5-acre threshold mentioned throughout the ordinance;
  - With the granted variances, the area that falls outside of the parking, driveway, and building envelope is de minimis;
  - The previous owner cleared the parcel several times over the last 25+ years; and
  - The parcel does not fall within the “Woodlands” identified by the Township Ordinance.

- **Section 35.04 (Development Standards)** – Exhibit A identifies design changes that were made since the last submission. We ask that any remaining waivers required by the PC be granted. We believe the proposed building design meets or exceeds that of surrounding buildings, especially those in Kay Industrial Park.
Lastly, we again note that because this facility is speculative, certain design features remain unknown until the end user is identified. Accordingly, the mechanical locations and screening requirements are not included in this submission. These will be forthcoming when a user is identified.

We appreciate your thoughtful consideration and look forward to the continued partnership with Orion Township.

Very truly yours,

[Signature]

Sara D’Agostini

Enclosures
EXHIBIT A
List of Material Changes Since Last Submission

SITE PLAN REVISIONS PER PLANNER REVIEW DATED 6/15/21

- removed optional second floor office; it is now an optional mezzanine
- added parking count requirements for second floor mezzanine
- added a receiving ramp to safety path and internal walkway
- revised elevation to include architectural canopy
- revised north and south elevation, extending brick and glass area approximately 15’
- added lighting/photometric plans
- added material plan

SITE PLAN REVISIONS PER OHM DATED 6/10/21

- added preliminary grades
- added a stormwater pretreatment structure
- showed detention calculations
- showed weighted C calculations
- added pavement sections
- added an easement over the existing sanitary sewer
- loomed watermain
- added cover sheet
- added cross-access easement
- added a receiving ramp to safety path

SITE PLAN REVISIONS PER FIRE DEPARTMENT DATED 6/4/21

- relocated proposed fire hydrants
- moved FCD
- increased west drive isle width to 26’
- added truck turning template
- added no parking fire lane signs

SITE PLAN REVISIONS PER RCOC DATED 6/8/21

- added RCOC notes
Charter Township of Orion Planning Commission 

Site Plan Approval Application

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

Project Name: Kay Industrial

Name: Kay Industrial Land, LLC
Address: 38700 Van Dyke, Ste 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640
Cell: NA
Fax: 586-977-8640
Email: NA

Name: Kay Industrial Development, LLC
Address: 5585 Orchard Ridge Drive
City: Rochester
State: MI
Zip: 48306
Phone: 248-377-3826
Cell: NA
Fax: 248-650-7856
Email: NA

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

Name: Fenn & Associates, Inc.
Address: 14933 Commercial Drive
City: Shelby Township
State: MI
Zip: 48315
Phone: 586-254-9577
Cell: 586-254-9020
Fax: 586-254-9020
Email: jeff@fennsurveying.com

Name: Sara D’Agostini
Address: 38700 Van Dyke, Ste 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640
Cell: 586-405-4143
Fax: 586-977-7946
Email: sdagostini@dagostini.net

Version 10/19/18
Page 1 of 3
Sidwell Number(s): 09-35-400-033

Location or Address of Property: 50 Kay Industrial Drive

Side of Street: South Nearest Intersection: Lapeer Road & Kay Industrial Drive

Acreage: 3.12 Current Use of Property: Vacant

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

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

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

Front yard building set back of 20 FT. South and east side parking set back of 10 FT. South and east landscape greenbelt of 10 FT.

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed. 45,060 SF speculative industrial facility that includes 5,400 SF of first floor office, with the ability to add an additional 5,400 SF of second floor office.

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

AT&T
54 Mill St.
Pontiac, MI 48342

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

DTE Energy
37849 Intercchange Dr.
Farmington Hills, MI 48335

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

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

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

Road Commission of Oakland County (if applicable)
2420 Pontiac Lake Rd.
Waterford, MI 48328

I, 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: Kay Industrial Land, LLC
Print Name: P. Rogers
Manager
Date: 5-25-2021

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: Kay Industrial Development, L.L.C.
Print Name: Joseph F. Kawalczyk
Date: 5-24-21

Version 10/19/18
dynamic and economy right now, they are looking for, for-sale townhouses, priced very close to what they see Pulte selling in the Breckenridge community which is $375,000-$425,000. He said he could tell them for certainty that they don't do low-income houses they never have in the 100-years they have been in business and he didn't know how to do it. It is not part of their business plan and he doesn't know anything about it.

Chairman Reynolds stated that there will be an opportunity during the site plan approval phase to review these projects more in-depth, so this is just strictly the zoning.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Reynolds, yes. Motion carried 5-0. (Hoffman & Gingell absent)

B. PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033.
Chairman Reynolds asked if the applicant was present?

Ms. Sara D’Agostini 38700 Van Dyke, Sterling Heights, presented.

Ms. D’Agostini stated that she was there on behalf of Kay Industrial Land LLC, the applicant.

Ms. D’Agostini said that the first site they were there to talk about is 50 Kay Industrial Dr. It is a vacant parcel in Kay Industrial Park. It is 3.12 acres, on the southeast corner of Lapeer and Kay Industrial Dr.

Ms. D’Agostini said that they are a speculative industrial builder, on this particular site they are under contract to purchase from the current owner. Their plan is to build an approximately 45,000-sq. ft. industrial facility. They may have seen the cover letter in their application, in order for this to be a viable site for them they do need to go for a variance and they are asking for certain waivers that the Planner has set forth in the packet provided to them. The idea here is to ask for a conditional approval and from here they will go to the ZBA for a variance request.

Ms. D’Agostini showed the Commissioner’s the site plan. It is a 45,060-sq. ft. facility and it has 5,400-sq. ft. of first-floor office. They are proposing to build in the opportunity for an additional mezzanine of 5,400-sq. ft. of office in order to do this. The Planner pointed out the Overlay District parking requirements will require them to get a waiver for 8 additional spaces, they are asking for that flexibility.

Ms. D’Agostini showed the Commissioner’s the elevation of the facility. She showed them a building that they have done that they will mirror. The one exception is being that at the left corner will be the entrance points which are shown on the elevation. She added that the Planner pointed out there are certain things that they are designed that doesn't strictly meet the ordinance, however, they believe it is a class “A” building that meets, hopeful, something that they would be proud of also and meets the theme of the industrial park that it will be a part of.

Ms. D’Agostini said it is a 45,060-sq. ft. building. They look forward to building speculatively in the market and their community. They are hoping they feel the same and that they will grant them the waivers needed and conditional approval.

Engineer Landis read through his review dated June 10, 2021.

Chairman Reynolds said that there was a review from the Fire Marshal. He said that he was approving with requirements, there is a number of fire hydrant locations to be revised, there is an FDC or Fire Department Connection that needs to be located on the southeast corner of the building, and parking is not allowed in front of this spot. The drive on the west side of the
building needs to be increased to 26-ft. per the ordinance. They need a truck overlay template, and some fire signage was his comment.

Chairman Reynolds said that there was a review from their Public Services Director. There was a general review of the project but since there is a number of outstanding comments that need to be addressed there is not a formal letter being submitted until those comments are addressed per the Public Service Director.

Planner Fazzini read through his review date stamped June 16, 2021.

Ms. D’Agostini said that their intention is to fully comply and satisfy all the comments. With respect to the Planners comments, acknowledge that the trees inventory and the lighting plan were not provided. They acknowledge and if they are granted the variances, they will move forward with the project, and they will provide those, so they are asking for conditional approval on that. The parking, the design, and the sidewalk they are asking for a waiver of those requirements. The facility does match in its design the facilities throughout the park and ask for consideration.

Commissioner Walker thought that they grant conditional approval sometimes when they shouldn’t. As he was checking off both the engineering and the planner’s requests for additional information he was overwhelmed. It was his view that this is not ready, as far as he was concerned, for a vote for a conditional approval, even though he was sure at the right time and place it will be just fine.

Chairman Reynolds said he was in favor of the development he didn’t think that there was anything crazy here. He thought that there were a few items to address that could influence the overall design. He in general, is in favor of conditional approvals, but obviously, there are a number of items here to be addressed, he thought some were minor, but some might have a bigger influence. He was torn here with the number of outstanding issues here to just approve as they see it here tonight.

Mr. Eugene D’Agostini 38700 Van Dyke, Sterling Heights, MI, presented.

Mr. D’Agostini stated that he respected their concerns about these conditional approvals. They have a chicken and an egg situation. In order for them to design a complete project, they have to know what they are doing and so they are asking for the variance, and to get the variance they have to go to the Zoning Board of Appeals. Their approach was let’s give all the information that they think is necessary short of stuff that they are going to have to do twice if they are successful in getting the variance. Another issue that they had is they have a limited amount of time because they have not closed on the property and the closing is subject to them getting approvals, obviously, so they are trying to jam all this in, in a relatively short period of time. He would have preferred giving them a complete set of plans because that is the way they like to do it so that there are no unknowns. In order to do that they would have to draw something that may be scrapped if they don’t get the variances. They are hoping that they gave them enough that those additional pieces of information can be approved administratively because conceptually the thing is wholesome.

Chairman Reynolds said that he understood that the scenario development and the situation they are in with materials, supplies, and construction windows, and things. Some of these in his eyes his biggest issue with having some outstanding comments on widths and then asking for a waiver on parking setbacks is something from their perspective that could once again change or influence when they are in compliance with mandatory items. He stated that there are always things in his perspective that are workable in conditional approval items but was torn to kind of
go out there and speak to so many items being conditional just because they are seeking a variance. His general sense is he is in favor of the project but of substantial compliance with their ordinance for site plan approval that is what he is getting hung up on here.

Commissioner Urbanowski agreed with that. There are so many outstanding things that she didn’t want anything to fall by the wayside if it is all conditional. Honestly, they know them, they have seen their work and they know what they are about but from this perspective, they want to make sure that they are dotting all the “i’s” and crossing all the “t’s” as well, and there are so many things here.

Mr. D’Agostini said that they do fully intend to meet all of the criteria short of those items that they have asked for a waiver on. He said that he has a history with Orion Township, he has built four of the buildings in that development some years ago. He developed part of that sub the part that is not Kay Industrial, the part that is south of Kay Industrial. He is fully familiar with the Township they have had a long history. They do a lot of industrial development, he has been building industrial for 50-years, it is what they love and they have a passion for. It is their intent to fully comply with all of the requirements. Do they do a tree survey before they know that they are going to get a variance? Do they do all the detail in engineering that they know that they have to do and will they fully satisfy their professionals? It was kind of a chicken and an egg because they design something and it all is going to change if they don’t get a variance or if they do.

Chairman Reynolds said he understood. He noted that they were in a tough spot because if they conditionally approve this item its is a long list. His issue isn’t so much the conditional item as much as the conditional items that may influence things. He wasn’t worried necessarily about an open parcel for trees. He saw the photo of the project that is proposed but there are some elevations in here just speaking to the Lapeer Overlay District and some of those asks, so they are asking for those to be waived, or are they saying they are going to meet those criteria for architectural features. There are a lot of question marks here. He entrusts in his professionals and know their consultants that there are a number of engineering items that they can work through but there are some of them that there seems to be a lot of push and pull here. He was not in favor of turning down the project personally but would love to see more information before they make that movement towards a Conditional Rezone if they knock out some of these bigger items and comments on the list.

Vice-Chairman Gross asked if they had made an application to the Board of Appeals yet? Ms. D’Agostini replied that they were waiting for the Planners official comments on what variances would be required, they received those this afternoon, so the application is prepped it will need a little bit of tweaking but it will go, they were trying to get it in this week. It will be in no later than Monday of next week.

Chairman Reynolds asked Planner Fazzini what happens if the project is denied here tonight based on the findings of facts, that they don’t have their variances and they don’t meet certain criteria of the ordinance, doesn’t that then give them the opportunity to go for their variance and then also come back to address their site plan approval comments? Planner Fazzini replied yes. He added that the Township policy is that they have to have a denial in order to go to the ZBA. That denial could be a straight denial or it could be a denial that is an approval if the variances are obtained. There are two options with the denial. Another option would be to require certain items to come back before them like the lighting plan, or tree plan. It is sort of an administrative review but it is an administrative review that comes before them and before staff. He didn’t know if that was something that they have done a whole lot with and would want the Planning & Zoning Director Girling’s input on that. Or like the building design, they could request that the
building design comes back before them, the site plan is approved but the building details are going to be discussed again, so, other options like that they may have.

Chairman Reynolds said that it gives them the opportunity where they could at least go to and appear in front of the ZBA but it doesn't give them the waivers and all of the criteria would have to come back if it doesn't meet it, then they would have to come back. Planner Fazzini said if it is a straight denial then they could still go to the ZBA but the site plan comes back.

Planning & Zoning Director Girling said she thinks that they want to be careful with a straight denial because a straight denial is a denial. Perhaps it is denied because of the need for the variances, however, if the variances are received then that is where they add their conditions. They come back for the site plan again with the conditions that are missing, they come back just for photometric, they come back just for the elevations, but a straight denial is a straight denial and she would say that they have denied the site plan and it is dead in the water. She thought they should be cautious with a straight denial.

Chairman Reynolds said that was his intent, is essentially the denial for the sake of full approval.

Mr. D’Agostini questioned if they could table it until the ZBA has met? Chairman Reynolds said that the only issue with that is that the postponement does not give them the opportunity to go seek the variance. He felt they needed a motion to approve if the variances are received. It is effectively denied until they get the variance. If it is denied it would be based on conditions being addressed. Planning & Zoning Director Girling thought that they could give components of it. She added that the plan is denied in aspects of setbacks, and a dumpster, all the ones that variances are needed. This is not a denial of the entire plan they are postponing the deliberation on the site plan as a whole. After they go to the ZBA they are required to come back with the missing conditions.

Mr. D’Agostini said from his perspective he would like to have a conditional approval because again they have a time crunch with the seller, a conditional approval subject to the variance and subject to them meeting the loose ends criteria that they are very confident, they are just loose ends that they need to address, and they intend to and they are confident that they can. They didn’t think they should be doing them if they don't know if they are getting the variance. Do they design something that may not get approved or that is going to change if they get a variance? Chairman Reynolds said he is trying to get creative just in the sense of the opportunity to go seek the variances but not have a full site plan approval. He said it was up to his fellow Planning Commissioner's comfort level or thoughts.

Secretary St. Henry asked if the issue they are afraid that they can't get the variances in time to move forward with the project in lieu of what the sellers? Mr. D’Agostini replied that they are based upon the dates that they have for the ZBA they are only going to have like a weeks' time before closing. They are compressing this all, and they want to do the project, they feel good about the project, he thought it was a great project and they are going to do both buildings and they are going to spec them. He has been doing this for 50-years, he built his first building 50-years ago this year, he was a fairly young man. What he learned in this business if they don’t build them, they miss a lot of the deals and the reason is that the supply base, which is the bulk of the users in the industrial market today, most of the time they don’t plan far enough ahead because their commitments are geared to the P.O.'s and they don't get the P.O.'s until the last minute. It gives them the competitive edge to build these things, that is why they are there to spec these buildings. These buildings and these variances are based upon their knowledge and experience of what these buildings need to look like physically and the shapes and dimensions. These sites that they are dealing with have been undeveloped for a reason and it
is because they are challenging sites. The one site is very long and narrow, and most users don’t want that long skinny building, they want their people to be fairly close in, manageable facility. They are trying to deal with all that.

Chairman Reynolds said his comments would be a motion to approve subject to them rereviewing parking, architectural features, and addressing the comments in their reviewers, letter, but it is denied subject to receiving the variances at this point, so at least they get the chance to re-review it but they can go seek variances. Planning & Zoning Director Girling said usually what it has been that they are denied, however, if they receive the variances then they will return to the Planning Commission with the missing items, or they are denied in order to go for the variances and if they meet everything else in the ordinance, they don't have to come back except they want to see elevations, they want to see lighting. That way they are 99% there if he gets his variances, he is comfortable with the purchase of the property, he knows he is going to be able to meet the photometric. If they look at the landscape again and he is short 5 trees, he knows he has to plant five to meet it. So, they have a component of it coming back but it is enough that he gets to the point of his purchase. The big thing is the denial to go to the ZBA but it is not a denial of a project as a whole because pieces can come back. They can say they want to do a landscape review separately they want to do lighting separately. They are approved, however, if those are not successfully approved by them then their approval is no longer valid.

Chairman Reynolds said he would be in support of the project coming back for a review of some of the items that he had mentioned, addressing the comments, and essentially reviewing the project as a whole. He said looking at it in a sense of a PUD he approved the concept and the logistics of it being addressed moving forward still need to be proven but a least that provides an opportunity to seek the variances, and them to insure at their level and not just on their professional consultants to ensure those conditions are met.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, for PC-2021-51, Kay Industrial, Sidwell #09-35-400-033, that since there is some consensus that he believed relative to the concept of the site plan as submitted, however, since there are variances required by the Zoning Board of Appeals that they do not have control over he would deny the site plan as submitted due to the fact that there are variances required by the Zoning Board of Appeals. If the Zoning Board of Appeals approves the variances the plan will return to the Planning Commission for certification of the completion of the items of the OHM report of 6/10/2021, the Fire Department request of 6/3/2021, and the Giffels Webster report of 6/15/2021. In that, if they could get the items back on the Planning Commission agenda as soon as possible after the Zoning Board of Appeals to review these items.

Discussion on the motion:

Chairman Reynolds said he would be in favor of the motion on the table but he would request a friendly amendment to also require the review and approval by their Public Works Director. Right now, there is kind of a non-review subject to having a large number of outstanding comments. Approve in the sense that they need to come back to address all comments after a variance is granted if a variance is granted.

Vice-Chairman Gross thought that was covered in the OHM report of 6/10/2021 since Public Service Director Stout's report indicates that he has reviewed the letter of 6/10/2021 which has several recommendations that will need to be addressed and thought it had already been covered.
Planning & Zoning Director Girling said that his motion said the Planners review dated 6/15/2021, there was a revised one dated 6/16/2021.

Chairman Reynolds said so the latest Giffels Webster review for clarification purposes.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 5-0** (Hoffman & Gingell absent).

C. PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

Ms. D’Agostini said they are proposing an approximate 67,000-sq. ft. speculative industrial facility. Variances are required because this is a very narrow long piece and impractical for most users in their market. In order to be viable, they need to go to the ZBA to get variances.

Chairman Reynolds asked if there was anything in addition that the Planner would like to add?

Planner Fazzini read through his review date stamped June 16, 2021.

Engineer Landis read through his review date stamped June 10, 2021.

Chairman Reynolds stated that the Fire Marshal had similar comments about fire hydrant locations, the need for turning templates to be added, and fire lane signage. The Public Service Director had similar comments deferring to outstanding items on the Engineers review before no additional comments being provided. He added that he didn’t previously mention but there was a site walk completed by the site walk committee on both of these projects.

Vice-Chairman Gross asked if the side yard greenbelt was that a waiver that they can grant or is that a requirement of the ZBA? Planner Fazzini replied that in their opinion there is a variance needed for that because the site doesn’t have an existing parking lot. There are some qualifications to granting waivers for that so in this case, they are going to the ZBA anyway, they feel that should be a variance. Vice-Chairman Gross asked so that would require a ZBA action? Planner Fazzini replied yes to the south property line.

Chairman Reynolds added that the landscape requirements seem easy going but he thought that the assessment of the trees making sure that there are no legacy trees that are there that effect that replacement is what they are looking for. He looks at this one similar to the other generally he is displeased with the amount of content that was presented to them tonight but with the understanding that there is an opportunity to essentially come back and address those comments for a rereview and the final approval he would be subject to a similar motion to the previous project so variances can be sought and then final comments can be addressed.

Secretary St. Henry said this is pretty straightforward from the standpoint that it is very similar to the previous project that they just reviewed. There are a number of outstanding issues that have to be addressed. It has to go before the ZBA again, he agreed that they should mirror it very similar to the previous motion and go from there. The fact that this developer has been building with the Kay Industrial buildings for a long time and has a lot of experience he felt more comfortable if it was somebody else building. On a speculative basis, they know the market and agreed to move forward in the same way.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that consistent with the action on their previous request of PC-2021-51, by the same applicant with very similar circumstances, I move that the Planning Commission deny the site plan for PC-2021-52, for the
The granting of this variance will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

Roll call vote was as follows: Durham, yes; Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.

H. AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 6 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)
1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).
2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).

Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)
3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).
4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).

Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)
5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.

Article XVIII, Section 18.04
6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

Ms. Sara D'Agostini explained the variances requested. She explained because of the on-site detention requirements, it has geometrical challenges. She provided an electronic presentation providing detail about the variances requested.

Trustee Flood asked where the trash would go in the back.

Ms. D'Agostini showed where it would go and explained why this would be the ideal spot.

Vice-Chairman Cook asked why they wouldn't put the dumpster straight back so the truck would not have to make a 90 degree turn.

Mr. D'Agostini stated that there is a utility easement that might interfere with that.

Vice-Chairman Cook suggested moving the building to eliminate one of the variance requests.

Ms. D'Agostini stated that they would have to “eat” into the building layout and it reduces the coverage ratio and makes it impractical.

Vice-Chairman Cook stated that he is concerned about site distance and he has safety concerns.

Mr. D'Agostini stated that they are far from Lapeer Road because of the required detention.

Ms. D'Agostini stated that it is a 150 feet from Lapeer.
Trustee Flood commented on the review from Ms. Harrison.

Vice-Chairman Cook moved, Trustee Flood supported, in the case of AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033 to grant the petitioner’s request for the following 6 variances from Zoning Ordinance #78 – Zoned IP are approved: Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d) for a 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east) and a 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south); Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b) for a 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east) and a 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south); Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a) for a variance for a covered trash area to be in a side yard (east) instead of the required rear yard and Article XVIII, Section 18.04 for 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive) because the petitioner did demonstrate the following standards for variance have been met in this case and that they set forth facts which show:

1. The petitioner does show the following practical difficulty; the uniqueness of the property and the fact that it has a retention pond in front of it, along with also having an easement for a water main which also influences some of these variances that have been requested.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: the unique shape of the property and the fact that it does have an easement through the rear of the property.

3. The variances are also necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zone or vicinity based on the following findings of fact: many of the buildings within that industrial park do also have variances that were granted and are in place due to the various challenges of developing that piece of property.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following: the petitioner is taking a piece of property that has been undeveloped and they are going to put in a building that will increase the number of industrial residents within the industrial park zoning area.

5. Based on the following findings of fact, granting these variances would not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to unreasonably diminish or impair established property values within the surrounding area. The granting of this variance will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

Roll call vote was as follows: Durham, yes; Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.

6. PUBLIC COMMENTS
None

7. COMMUNICATIONS

A. Date Certain Memo
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: December 9, 2021
RE: PC-2021-52, Kay Industrial Site Plan, 09-35-400-044

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

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

**Motion 1:** I move that the Planning Commission **grants/does not grant** a facade & exterior wall design waiver, a building entrance design waiver for PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) for plans date stamped received 11/10/2021, based on the following findings of facts (motion maker to insert findings of facts).

The applicant **has/has not** demonstrated that:

- The standards required would prevent reasonable use of the site
- The existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.
- Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirement.

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

**Motion 2:** I move that the Planning Commission grants site plan **approval** for PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) for plans date stamped received 11/10/2021 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-2021-52, Kay
Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) for plans date stamped received 11/10/2021. 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-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) for plans date stamped received 11/10/2021 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). Case to resubmit to Township within (insert time frame.)
November 23, 2021

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

Site Plan Review no. 2
Kay Industrial Park (2 Separate Development Parcels)

<table>
<thead>
<tr>
<th>West Development Parcel -033</th>
<th>East Development Parcel -044</th>
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<tbody>
<tr>
<td>Case No.: PC-2021-51</td>
<td>PC-2021-52</td>
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<tr>
<td>Address: 50 Kay Industrial Drive</td>
<td>Unassigned</td>
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<td>Acreage: 3.12 acres</td>
<td>4.39 acres</td>
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<td>Applicant: Kay Industrial Land, LLC</td>
<td>Kay Industrial Land, LLC</td>
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<td>Plan Date: 11/17/2021</td>
<td>11/17/2021</td>
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<td>Zoning: IP Industrial Park &amp; Lapeer Overlay District</td>
<td>IP Industrial Park &amp; Lapeer Overlay District</td>
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<td>Parcel ID: 09-35-400-033</td>
<td>09-35-400-044</td>
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<td>Reviewer: Rod Arroyo, Partner &amp; Eric Pietsch, Senior Planner</td>
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Dear Planning Commission Members:

We have reviewed the above application and site plan, landscape plan, and tree survey and a summary of our findings is below. Items in **bold** require specific action by the Planning Commission. Items in *italics* can be addressed administratively.

![Site Plan Review Diagram](image-url)
SUMMARY OF REVIEW

West Building (Lapeer Road frontage). Parcel -033

Variances Granted July 12, 2021:
1) South side sideyard/greenbelt of 10 feet.
2) South side parking setback of 10 feet.
3) East side sideyard/greenbelt of 10 feet.
4) East side parking setback of 10 feet.
5) North side building setback of 20 feet.
6) Dumpster in side yard.

Comment Summary

1. Use. The second floor above the first-floor office space is a proposed mezzanine level, as defined by the ordinance. The applicant shall seek the proper permits if the use of the second level mezzanine is ever proposed to change. Additional parking spaces may be required.

2. Pedestrian Circulation. Internal pedestrian sidewalk connections are provided as required and appear to comply with the 5' width standard. The site plan should label the dimension of the internal sidewalk between the building and safety path along the street.

3. Design Standards. The proposed building does not meet the standards for facades & exterior walls or building entrance design (Lapeer Rd. Overlay standards). Revisions are necessary to meet the standards, or the applicant may request waivers or modifications from the Planning Commission.

4. Parking Lot Landscaping Adjacent to Roads. The required landscape greenbelt and screenwall is not proposed. A hedge row (e.g. boxwoods) placed along the west and north edges of the parking lots would appropriately satisfy this requirement. This should be added to the plan for administrative review.

5. Lighting. Some areas around the periphery are labeled less than the 0.3 foot-candles required. Photometric plan requires revision.

6. Tree and Woodland. A tree removal permit is required for sites that are 5 acres in size or more. The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Combined, the total acreage is 7.51. Planning Commission should discuss as the majority of the site is proposed to be converted to impervious surfaces.

See Page 9 for comment summary of East Site.

Project Summary

7. The applicant is proposing to construct a 45,060 sq.-ft. industrial spec building with 5,400 square feet of office space on the first floor and 5,400 square feet of mezzanine above the office. The subject site is located at 50 Kay Industrial Drive, at the southeast intersection with S. Lapeer Road. The site is
within the Lapeer Road Overlay District and the proposed building is oriented with a front entrance facing S. Lapeer Road. The amount of off-street parking spaces provided is sufficient for the office and spec industrial use, with approximately 14 spaces additional. The development proposes to expand and connect the existing safety path network and provide internal pedestrian connections to the main entrance.

**Existing Conditions**

8. **Zoning.** The vacant site is currently zoned IP, Industrial Park and is located within the Lapeer Road Overlay District.

**Zoning Ordinance Compliance Tables**

9. Industrial Park District Required Conditions (See table below).
10. Lapeer Road Overlay District Standards (See table below).

## WEST SITE ANALYSIS

<table>
<thead>
<tr>
<th><strong>Industrial Park District (Article XVIII)</strong></th>
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<td><strong>Section</strong></td>
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<td>18.01 Uses Permitted</td>
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### Lapeer Road Overlay District (Article XXXV)

#### Section 35.04 Development Standards

##### 3. Pedestrian Circulation

- **b.** Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings. 
  
  *Internal sidewalks provided. Dimension and label the 5’ min. width of the pr. concrete pedestrian walk between the building & Kay Ind. Dr.*

##### 4. Parking

- **a.** One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.
  
  *Required: 27 spaces Provided: 86 spaces*

- **b.** One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses (includes mezzanine level).
  
  *Required: 45 spaces Provided: 86 spaces 14 extra spaces provided*

- **c.** Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission.
  
  *Front: 27 (31%) Total: 86 Compliant*

##### 6. Loading and Unloading

*See 27.04*

##### 8. Landscaping

- **b.** A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located.
  
  *Variance granted to allow a 10’ green belt along the east and south property lines. A hedgerow is required along west edge of west parking lot and north edges of parking lots Compliant*

- **c.** Interior parking lot landscaping shall comply with Section 27.05.A.6
  
  *Compliant*

### 1. Facades and exterior walls

- **a.** Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
  
  *Not provided; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.*

- **b.** Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.
  
  *West façade (Lapeer Rd.): Compliant North façade (Kay Ind.): Not compliant; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.*
<table>
<thead>
<tr>
<th></th>
<th>Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).</th>
<th>Not provided. Plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</th>
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<td><strong>2. Building Entrances</strong></td>
<td>Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as: a. Canopies, porticos, or overhangs; b. Recesses/projections; c. Raised, corniced parapets above the door; d. Peaked roof forms; e. Display windows; f. Integrated tile work and moldings; g. Integral planters; h. Pavement/material changes for pedestrian crosswalks</td>
<td>An overhead architectural canopy was added to the west-facing building entrance, otherwise minimal projection at doorways shown; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</td>
</tr>
<tr>
<td><strong>3. Roofs</strong></td>
<td>Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall</td>
<td>Rooftop equipment has not been indicated at this time for review. Applicant should confirm compliance with requirement.</td>
</tr>
<tr>
<td><strong>4. Materials and Colors</strong></td>
<td>Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.</td>
<td>Compliant. Predominant front façade material is brick veneer. A materials chart has been provided.</td>
</tr>
<tr>
<td>a.</td>
<td>Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.</td>
<td>Compliant. A materials chart has been provided.</td>
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<td>b.</td>
<td>Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.</td>
<td></td>
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<td>c.</td>
<td>Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.</td>
<td>Compliant. Predominant front façade material is brick veneer. A materials chart has been provided.</td>
</tr>
</tbody>
</table>

The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.
2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.

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

<table>
<thead>
<tr>
<th>General Provisions (Article 27)</th>
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<tr>
<td><strong>Section</strong></td>
</tr>
<tr>
<td>2. General Requirements</td>
</tr>
<tr>
<td>27.04 A. Parking</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>27.04 B. Loading &amp; Unloading</td>
</tr>
<tr>
<td>4. Parking Lot Landscaping Adjacent to Roads</td>
</tr>
<tr>
<td>27.05 Landscaping</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
### D. Lighting Plan Submittal Requirements.

1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations. **Compliant.**

2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.) **Compliant.**

3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding. **Compliant.**

4. Use of the fixture proposed. **Compliant.**

### E. Non-Residential Lighting Standards

#### 27.11 Lighting

1. Free-standing Pole Lighting: Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure. **Compliant.**

2. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. **Max. 1.0 foot-candle: Compliant. Min. 0.3 foot-candle: Some areas around the periphery are labeled less than 0.3 foot-candles. Photometric plan to be revised to comply.**

3. Parking Lot Lighting. Medium-sized parking lot (11-99 spaces) illumination shall average .6-foot candles minimum over the entire area, measured five (5) feet above the surface. **Compliant.**

4. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses. **Compliant.**

5. The maximum height of pole fixtures shall be twenty (20) ft., or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) ft. above ground. **Compliant. We note a 25 degree tilt on some fixtures. Applicant should explain and confirm that luminaires are parallel to the ground surface.**
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tr>
<td>e.</td>
<td>Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial &amp; office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, &amp; repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>2.</td>
<td>Building-Mounted Lighting</td>
</tr>
<tr>
<td>a.</td>
<td>Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines. <strong>Compliant, per product specs on Sheet 9 of 10.</strong></td>
</tr>
<tr>
<td>C.</td>
<td>Tree Removal Permit Required</td>
</tr>
<tr>
<td>1.</td>
<td>Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, &quot;Exceptions&quot;. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>2.</td>
<td>Plat or Site Plan Approval. A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit. <strong>Applicant to confirm compliance.</strong></td>
</tr>
<tr>
<td>27.12</td>
<td>Tree &amp; Woodland</td>
</tr>
<tr>
<td>D.</td>
<td>Exceptions</td>
</tr>
<tr>
<td></td>
<td>Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, <strong>all contiguous land owned in common by one (1) owner, shall be included in determining total acreage.</strong> The term &quot;one owner&quot; in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. <strong>The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Planning Commission should discuss, as the vast majority of site is proposed to be impervious surfaces.</strong></td>
</tr>
</tbody>
</table>
East Building (Kay Industrial Drive frontage). Parcel -044

Variances Granted July 12, 2021:
1) South side sideyard/greenbelt of 12 feet.
2) South side parking setback of 12 feet.

Comment Summary

1. Pedestrian Circulation. Internal pedestrian sidewalk connections are provided as required and appear to comply with the 5' width standard. The site plan should label the dimension of the internal sidewalk between the building and safety path along the street.

2. Design Standards. The proposed building does not meet the standards for facades & exterior walls or building entrance design (Lapeer Rd. Overlay standards). Revisions are necessary to meet the standards, or the applicant may request waivers or modifications from the Planning Commission.

3. Parking Lot Landscaping Adjacent to Roads. A 12” high & 18” high berm is proposed along the parking lot abutting, and parallel to, Kay Industrial Drive. A hedge row of unidentified height and species appears to be proposed on the berms. The height of the berms does not meet the 30” minimum for screening. The combination of berm and hedgerow may be used to meet standards, but more information is needed. The applicant should identify the height, species, spacing and quantity of the hedge row plantings.

4. Lighting. Maximum foot-candle observed along a property line is 1.3. Some areas within the west parking lot are labeled less than 0.3 foot-candles. The applicant may request standards to be waived or modified by the Planning Commission.

5. Tree and Woodland. A tree removal permit is required for sites that are 5 acres in size or more. The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures. Combined, the total acreage is 7.51. Planning Commission should discuss as the majority of the site is proposed to be converted to impervious surfaces.

Project Summary

6. The applicant is proposing to construct a 66,955 sq.-ft. industrial spec building with 6,000 square feet of office space on the first floor and 6,000 square feet of office space above. The subject site is not currently addressed and is located along the west side of Kay Industrial Drive and north of Northpointe Drive, within the Lapeer Road Overlay District. The proposed building is oriented with a front entrance facing east, away from Lapeer Road, however the west property line abuts the western parcel of the overall development. The amount of off-street parking spaces provided meets the minimum requirements of the ordinance and is sufficient for the office and spec industrial use. No additional spaces are proposed. The development proposes to expand and connect the existing safety path network and provide internal pedestrian connections to the main entrance of the building.
Existing Conditions

7. **Zoning.** The vacant site is currently zoned IP, Industrial Park and is located within the Lapeer Road Overlay District.

Zoning Ordinance Compliance Tables

8. Industrial Park District Required Conditions (See table below).
9. Lapeer Road Overlay District Standards (See table below).

**EAST SITE ANALYSIS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. 18.01 Uses Permitted</td>
<td>Off Street Parking&lt;br&gt;1. Industrial Use: One (1) parking space per one thousand (1000) square feet of gross floor area&lt;br&gt;2. Office Use (per Lapeer Overlay): One (1) parking space per two hundred (200) square ft of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.&lt;br&gt;3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line.</td>
<td>Required: 61 spaces Provided: 121 spaces&lt;br&gt;Required: 60 spaces Provided: 121 spaces&lt;br&gt;Variance granted to allow a 12′ parking setback along the south property line.</td>
</tr>
<tr>
<td>D. 18.03 Required Conditions</td>
<td>Landscaping&lt;br&gt;2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located</td>
<td>Variance granted to allow a 12′ green belt along the south property line.</td>
</tr>
<tr>
<td>I. Covered Trash Areas</td>
<td>Covered trash receptacles, 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>Compliant.</td>
</tr>
<tr>
<td>K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed</td>
<td>Required.</td>
<td></td>
</tr>
<tr>
<td>M. Safety paths</td>
<td>See 27.06</td>
<td></td>
</tr>
<tr>
<td>N. Tree Preservation</td>
<td>See 27.12</td>
<td></td>
</tr>
</tbody>
</table>
## Lapeer Road Overlay District (Article XXXV)

<table>
<thead>
<tr>
<th>Section</th>
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<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Pedestrian Circulation</strong></td>
<td>Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
<td>Internal sidewalks provided. Dimension and label the 5’ min. width of the pr. concrete pedestrian walk between the building &amp; Kay Ind. Dr.</td>
</tr>
<tr>
<td><strong>4. Parking</strong></td>
<td>1) One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc</td>
<td>Required: 60 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>3) One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses (includes mezzanine level).</td>
<td>Required: 61 spaces Provided: 121 spaces</td>
</tr>
<tr>
<td></td>
<td>A. Site Design</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission.</td>
<td>Front: 36 (30%) Total: 121 Compliant.</td>
</tr>
<tr>
<td></td>
<td>6. Loading and Unloading</td>
<td>See 27.04</td>
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<td></td>
<td>8. Landscaping</td>
<td></td>
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<tr>
<td></td>
<td>A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located.</td>
<td>Variance granted to allow a 12‘ green belt along the south property line.</td>
</tr>
<tr>
<td></td>
<td>1) Facades and exterior walls</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.</td>
<td>Not provided; plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</td>
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<td>b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.</td>
<td>East façade (Kay Industrial Drive) Compliant.</td>
</tr>
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<td>c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).</td>
<td>Not provided. Plans should be revised to comply, or applicant may request standards to be waived or modified by the PC.</td>
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<td>2. Building Entrances</td>
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Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:
- Canopies, porticos, or overhangs;
- Recesses/projections;
- Raised, corniced parapets above the door;
- Peaked roof forms;
- Display windows;
- Integrated tile work and moldings;
- Integral planters;
- Pavement/material changes for pedestrian crosswalks

The main entry area includes an overhead architectural canopy and limestone piers, otherwise minimal features are shown. The applicant may request standards to be waived or modified by the PC.

3. Roofs

<table>
<thead>
<tr>
<th>a. Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall</th>
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<td>Rooftop equipment has not been indicated at this time for review. Applicant should confirm compliance</td>
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4. Materials and Colors

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<th>a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.</th>
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<td>Compliant. Predominant front façade material is brick veneer. A materials chart has been provided.</td>
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<td>b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.</td>
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<tr>
<td>Compliant. A materials chart has been provided.</td>
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<td>c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.</td>
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<tr>
<td>Compliant. Predominant front façade material is brick veneer. A materials chart has been provided.</td>
</tr>
<tr>
<td>d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.</td>
</tr>
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The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site
2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical
3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
10. **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.

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</tr>
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<td></td>
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<tr>
<td>27.05 Landscaping</td>
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<tr>
<td>d. In addition, a 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. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) lineal feet of masonry wall on the street side of the wall.</td>
</tr>
<tr>
<td>d. The Planning Commission may at their discretion waive or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.</td>
</tr>
<tr>
<td>D. Lighting Plan Submittal Requirements.</td>
</tr>
</tbody>
</table>
## 27.11 Lighting

### 1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.
- **Compliant.**

### 2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)
- **Compliant.**

### 3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.
- **Compliant.**

### 4. Use of the fixture proposed.

### E. Non-Residential Lighting Standards

#### 1. Free-standing Pole Lighting.
- Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure.
- **Max. foot candles, per photometric plan: 12.9.**

#### a. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.

#### Parking Lot Lighting.
- Large-sized parking lot (100+ spaces) illumination shall average .9-foot candles minimum over the entire area, measured five (5) feet above the surface.
- **Revised photometric plan to conform.**

#### b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.
- **Applicant to confirm compliance.**

#### d. The maximum height of pole fixtures shall be twenty (20) ft., or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) ft. above ground level. The Planning Commission may permit a max height of thirty (30) ft. in an industrial district where fixtures are no closer than two hundred (200) ft. to any residential district.
- **Applicant to confirm compliance.**

#### e. Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial & office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and

*Applicant to confirm compliance.*
<table>
<thead>
<tr>
<th>2. Building-Mounted Lighting</th>
<th>Compliant, per product specs on Sheet 10 of 11.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines.</td>
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**C. Tree Removal Permit Required**

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

** Applicant to confirm compliance.**

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

** Applicant to confirm compliance.**

**D. Exceptions**

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

The west parcel (50 Kay Industrial Drive) and the subject site are contiguous and will be under common ownership upon applying for building permits for the proposed structures.
Maps

1. **Adjacent Zoning.**

![Adjacent Zoning Diagram](image1)

2. **Wetlands (none apparent).**

![Wetlands Diagram](image2)

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

Respectfully,

Giffels Webster

Rodney L. Arroyo, AICP
Partner

Eric Pietsch
Senior Planner
November 23, 2021

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

RE: Kay Industrial - 044, PC-2021-52
Site Plan Review #2

Received: November 10, 2021 by Orion Township

Dear Mr. Reynolds:

We have completed our review of Kay Industrial - 044 plan set. The plans were prepared by Fenn & Associates Inc. 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 Kay Industrial Dr. north of Northpointe Dr. within the southeast quadrant of Section 35 of the Charter Township of Orion. The site is zoned Industrial Park (IP) and surrounded by parcels on all sides zoned Industrial Park (IP) with the exception of one parcel on the west side which is zoned Limited Industrial (LI).

The existing site is 4.39 acres of land south of the Kay Industrial Park subdivision. There are five existing easements on site, including a sanitary sewer easement along the south side of the site, a Consumers Gas easement along the north side of the site, two storm sewer easements on the west side of the site, and a water main easement that is called out but not shown on the west side of the site. The existing storm sewer easements do not appear to be aligned properly based on existing storm sewer. The applicant shall verify the location of the existing easements on site. There appears to be existing sanitary sewer that extends to the northern parcel along the western property border which is not within an existing sanitary sewer easement. The applicant shall either verify that the sewer is intended for a private lead for future connection or provide sanitary easement for this run of sewer. The applicant is proposing a 60,955 sqft building with parking and drive aisles around the south, east, and west sides.

Since it appears the site was not part of either the Kay Industrial Subdivision or the Northpointe Industrial Park No. 1, a maintenance agreement and shared use agreement should be provided for the roads, storm sewer and detention basins.

The applicant shall include a written description of the proposed land use on the cover sheet of the plans. Building floor plans and total floor area should be included in the site plan.

WATER MAIN AND SANITARY SEWER:
There is existing 8-inch water main located along the border within the adjacent parcels to the north and south of the site. There is 12-inch on the east side of Kay Industrial Dr. and on southern parcel on the eastern border of the
site. The applicant is proposing to extend water main across the south side of the site from the 12-inch main on the west to the 12-inch main on the east. The applicant intends to loop the water main through the site by connecting to an existing stub located at the western border of the site and connect to the water main on Parcel #09-35-400-033 within the proposed cross-access easement. Three hydrants are proposed on site, and a 12-foot easement is provided along the entirety of the proposed main. This easement appears to conflict with the existing sanitary sewer. New water main easements shall be exclusive from existing easements and may not overlap for long stretches of parallel installation. The water main alignment shall be adjusted so that the water main easement is free from obstruction by moving the water main tee in the southwest corner further east. An FDC is now shown on the south side of the building.

There is existing 8-inch sanitary sewer located along the south side of the site which extends from the 10-inch sanitary sewer located along the west side of Kay Industrial Dr. The existing sanitary sewer easement that extends north into the proposed building is proposed to be vacated and rewritten to include the stub to the west. The size of the existing 8-inch sanitary should be verified, as it changes from 8\" to 10\" and back to 8\" along the south side of the site. The applicant is proposing to extend a 6-inch sanitary sewer lead from the 10-inch sanitary on the west side of Kay Industrial Dr. to the eastern face of the building. A monitoring manhole prior to entering public sanitary sewer has been added per OCWRC requirement. At engineering, please identify the Inspection Manhole as a Monitoring Manhole in plan and profile. Proposed light pole locations should be shown to avoid conflicts with utilities. A photometric plan was also included per ordinance.

**STORMWATER MANAGEMENT:**

The applicant has proposed a storm sewer network throughout the paved area within the site and shows two separate connection points to existing storm manholes which ultimately outlet into the existing detention system on the east side of Kay Industrial Dr. Some background information has been added as to how the detention from the site is accounted for in the existing detention pond directly east of Kay Industrial Dr. The applicant calculated the proposed C-value for the site and confirmed that the proposed conditions are within the acceptable limit originally proposed on the east side of Kay Industrial Park Dr. A mechanical pretreatment device shall be added to the plan prior to discharging to the existing detention basin as it appears a forebay was not part of the original design. Two roof conductors are included in the site plan and connected to the storm sewer system. An oil/water separator has been added for the truck dock at engineering. An additional catch basin appears to be necessary near the southwest corner of the parking lot to provide adequate coverage.

**PAVING/GRADING:**

The site has no existing entrances or approaches. The applicant is proposing one concrete approach on the west side of Kay Industrial Dr. and a cross-connection to the parcel northwest of the site (Parcel I.D. #09-35-400-033) which is also currently undergoing the site plan review process. A cross-access easement is shown proposed on the plans.

Some pavement grades were provided, and pavement slopes appear to be within the allowable limits per Orion Township Engineering Standards. It appears pavement sections were provided in the plan set for the concrete approaches (9 inches of concrete atop 6 inches aggregate), internal drive aisles (9 inches HMA atop 8 inches aggregate), concrete dumpster pad (8 inches concrete atop 6 inches aggregate), concrete garage pads (8 inches concrete atop 6 inches aggregate), internal sidewalk (4 inches of concrete), and the public pathway (3 inches HMA atop 4 inches aggregate) that is proposed along the south side of Kay Industrial Dr. An aggregate base should be shown for the internal sidewalk detail. Regarding the onsite asphalt pavement detail, the maximum recommended lift for HMA 2C is only 4.5 inches.

Existing grades are provided via contours and spot grades throughout the site. Proposed grades appear to have been provided via contours in the green space and spot grades throughout the pavement areas. More detailed pathway grades must be provided at engineering so that it may be assessed for ADA compliance.
No retaining walls are proposed for this project.

**TRAFFIC & CIRCULATION:**
Drive aisles appear to be a minimum of 28 feet in width. Approach radii appear to be 25 feet. The applicant has provided truck turning templates for the entrance radii to ensure that the anticipated delivery vehicles will be able to access the site appropriately. The site appears to adequately support the turning motions of the Orion Township Fire Truck.

Additional pavement has been added to the north of the east bank of parking spaces to provide an adequate t-turnaround.

**LANDSCAPING:**
There appear to be numerous trees within existing and proposed easements. The trees must be kept as far away from the centerline of the sanitary sewer and water main as feasibly possible.

**NATURAL FEATURES:**

**Wetlands:**
There do not appear to be any existing wetlands on site. No wetland permit from EGLE or the Township will be required for this work.

**Woodlands:**
A tree inventory was not provided for this site, and it is our understanding that one is required at site plan. The tree inventory shall identify landmark trees and quantify the number of trees that need to be removed to facilitate construction.

**CONCLUSION:**
In our opinion, the site plan as submitted is not in substantial compliance with the Township’s ordinances and engineering standards. We ask that the applicant address the following comments:

1. The proposed 8” water main tee in the southwest corner of the site should be moved further east to avoid the sanitary easement overlap as much as possible.
2. A mechanical pretreatment device shall be added to the plan prior to discharging to the existing detention basin as it appears a forebay was not part of the original design.
3. It is our understanding that a tree survey shall be provided per ordinance.
4. Verify the existing sanitary sewer size on the south side of the site (switches from 8 inch to 10 inch and back to 8 inch).
5. An additional catch basin may be necessary in the southwest portion of the parking lot.
6. Since it appears the site was not part of either the Kay Industrial Subdivision or the Northpointe Industrial Park No. 1, a maintenance agreement and shared use agreement should be provided for the roads, storm sewer and detention basins.
7. Add written description of proposed land use to the cover sheet.
8. Building floor plans and total floor area should be provided.

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

**OHM Advisors**

Joe Lehman  
Project Engineer

cc:  
- Chris Burnett, Township Supervisor  
- David Goodloe, Building Official  
- Jeff Stout, Director of Public Services  
- Tammy Girling, Director of Planning and Zoning  
- Lynn Harrison, Planning and Zoning Coordinator  
- Jeff Williams, Township Fire Marshal  
- Bill Basigkow, Water and Sewer Superintendent  
- Sara D'Agostini, Kay Industrial Land, LLC  
- Jeff Rizzo, Fenn & Associates, Inc.  
- File

Mark Landis, P.E.  
Project Manager
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-52, Kay Industrial Sidwell # 09-35-400-044, 2nd submittal  
Date: 11/23/2021

The Orion Township Fire Department has completed its review of Application PC-2021-52 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

Requirements: No other at this time

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

**RECEIVED**  
**NOV 23, 2021**  
Orion Township Planning & Zoning
November 8, 2021

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

Re: Site Plan Application – Resubmission – Address TBD Kay Industrial Drive – Parcel ID 09-35-400-044

Dear Orion Township Planning Commission,

Since our last appearance before you, the ZBA has granted us the desired variances for the greenbelts and off-street parking setbacks for the project to be located at (Address TBD) Kay Industrial Drive (Parcel ID 09-35-400-044), Orion Township, MI 48359. We therefore resubmit to you revised plans for site plan approval for a 66,955 square foot speculative industrial facility on the 4.39-acre parcel. Exhibit A attached hereto provides a list of the material changes to the plans since our last submission.

To accompany this resubmission, we would like to address certain of the Planner’s comments noted in its initial review dated June 15, 2021 with respect to (i) Section 18.03 (Tree Preservation) and (ii) Section 35.04 (Development Standards). Our comments are as follows:

- Section 18.03 Tree Preservation – We interpret Section 27.12 of the Ordinance to require a tree removal permit (and any tree inventory & survey) if the parcel is over 5 acres. The parcel for our project on Kay Industrial Drive is only 4.39 acres. If this interpretation is incorrect, we request that the Planning Commission waive any tree removal permit (and any tree inventory and survey) that may be required. We believe such waiver is appropriate for the following reasons:
  - As mentioned above, the 4.39-acre parcel falls below the 5-acre threshold mentioned throughout the ordinance;
  - With the granted variances, the area that falls outside of the parking, driveway, and building envelope is de minimis;
  - The previous owner cleared the parcel several times over the last 25+ years; and
  - The parcel does not fall within the “Woodlands” identified by the Township Ordinance.

- Section 35.04 (Development Standards) – Exhibit A identifies design changes that were made since the last submission. We ask that any remaining waivers required by the PC be granted. We believe the proposed building design meets or exceeds that of surrounding buildings, especially those in Kay Industrial Park.
Lastly, we again note that because this facility is speculative, certain design features remain unknown until the end user is identified. Accordingly, the mechanical locations and screening requirements are not included in this submission. These will be forthcoming when a user is identified.

We appreciate your thoughtful consideration and look forward to the continued partnership with Orion Township.

Very truly yours,

Sara D’Agostini

Enclosures
EXHIBIT A
List of Material Changes Since Last Submission

SITE PLAN REVISIONS PER PLANNER REVIEW DATED 6/15/21
- revised parking count to accommodate optional second floor office
- added internal walkways
- revised elevation to include architectural canopy for East elevation only
- revised north and south elevation, extending brick and glass area approximately 15’
- added lighting/photometric plans
- added material plan

SITE PLAN REVISIONS PER OHM DATED 6/10/21
- added preliminary grades
- showed detention calculations
- showed weighted C calculations
- added pavement sections
- noted to vacate existing sanitary sewer easement
- looped watermain
- added cover sheet
- added cross-access easement
- revised parking in front of building
- moved proposed trees as needed

SITE PLAN REVISIONS PER FIRE DEPARTMENT DATED 6/4/21
- relocated proposed fire hydrants
- added truck turning template
- added no parking fire lane signs

SITE PLAN REVISIONS PER RCOC DATED 6/8/21
- added RCOC notes
Charter Township of Orion Planning Commission
Site Plan Approval Application

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

Project Name: Kay Industrial

Name of Development if applicable: Kay Industrial Park

Applicant

Name: Kay Industrial Land, LLC
Address: 38700 Van Dyke, Ste 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640
Cell: NA
Fax: 586-977-8640
Email: NA

Name: Kay Industrial Development, LLC
Address: 5585 Orchard Ridge Drive
City: Rochester
State: MI
Zip: 48306
Phone: 248-377-3826
Cell: NA
Fax: 248-650-7856
Email: NA

* 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: Fenn & Associates, Inc.
Address: 14933 Commercial Drive
City: Shelby Township
State: MI
Zip: 48315
Phone: 586-254-9577
Cell: NA
Fax: 586-254-9020
Email: jeff@fennsurveying.com

Project Contact Person

Name: Sara D'Agostini
Address: 38700 Van Dyke, Ste 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640
Cell: 586-405-4143
Fax: 586-977-7946
Email: sdagostini@dagostini.net
Sidwell Number(s): 09-35-400-044

Location or Address of Property: Address TBD; West side of Kay Industrial Drive just north of Northpointe Dr

Side of Street: West Nearest Intersection: Kay Industrial Drive & Northpointe Drive

Acreage: 4.39 Current Use of Property: Vacant

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

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

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

South Landscape Greenbelt 12 FT; South Parking Setback 12 FT

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

66,955 SF speculative industrial facility that includes 6,000 SF of first floor office, with the with the ability to add an additional 6,000 SF of second floor office

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

AT&T
54 Mill St.
Pontiac, MI 48342

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

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

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

DTE Energy
37849 Interchange Dr.
Farmington Hills, MI 48335

Road Commission of Oakland County (if applicable)
2420 Pontiac Lake Rd.
Waterford, MI 48328

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

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: Kay Industrial Land, LLC
Print Name: P. Eugene D'Agostino, its Manager
Date: 5-25-2021

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: Kay Industrial Development, LLC
Print Name: Joseph J. Kowalczyk
Date: 5-24-2021

Version 10/19/18
Planning & Zoning Director Girling said that his motion said the Planners review dated 6/15/2021, there was a revised one dated 6/16/2021.

Chairman Reynolds said so the latest Giffels Webster review for clarification purposes.

Roll call vote was as follows: Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Reynolds, yes. Motion carried 5-0 (Hoffman & Gingell absent).

C. PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

Ms. D'Agostini said they are proposing an approximate 67,000-sq. ft. speculative industrial facility. Variances are required because this is a very narrow long piece and impractical for most users in their market. In order to be viable, they need to go to the ZBA to get variances.

Chairman Reynolds asked if there was anything in addition that the Planner would like to add?

Planner Fazzini read through his review date stamped June 16, 2021.

Engineer Landis read through his review date stamped June 10, 2021.

Chairman Reynolds stated that the Fire Marshal had similar comments about fire hydrant locations, the need for turning templates to be added, and fire lane signage. The Public Service Director had similar comments deferring to outstanding items on the Engineers review before no additional comments being provided. He added that he didn't previously mention but there was a site walk completed by the site walk committee on both of these projects.

Vice-Chairman Gross asked if the side yard greenbelt was that a waiver that they can grant or is that a requirement of the ZBA? Planner Fazzini replied that in their opinion there is a variance needed for that because the site doesn’t have an existing parking lot. There are some qualifications to granting waivers for that so in this case, they are going to the ZBA anyway, they feel that should be a variance. Vice-Chairman Gross asked so that would require a ZBA action? Planner Fazzini replied yes to the south property line.

Chairman Reynolds added that the landscape requirements seem easy going but he thought that the assessment of the trees making sure that there are no legacy trees that are there that effect that replacement is that something they are looking for. He looks at this one similar to the other generally he is displeased with the amount of content that was presented to them tonight but with the understanding that there is an opportunity to essentially come back and address those comments for a rereview and the final approval he would be subject to a similar motion to the previous project so variances can be sought and then final comments can be addressed.

Secretary St. Henry said this is pretty straightforward from the standpoint that it is very similar to the previous project that they just reviewed. There are a number of outstanding issues that have to be addressed. It has to go before the ZBA again, he agreed that they should mirror it very similar to the previous motion and go from there. The fact that this developer has been building with the Kay Industrial buildings for a long time and has a lot of experience he felt more comfortable if it was somebody else building. On a speculative basis, they know the market and agreed to move forward in the same way.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that consistent with the action on their previous request of PC-2021-51, by the same applicant with very similar circumstances, I move that the Planning Commission deny the site plan for PC-2021-52, for the
unaddressed parcel of 09-35-400-044, for the plans date stamped and received 5/26/2021. Due to the fact that minimal variances are required by the ZBA, if the ZBA approves the variance the plan will be returned to the Planning Commission for completion of the review of the OHM report of June 10, 2021, items 1-13, the Fire Marshal report of June 4, 2021, and the Giffels Webster report of June 15, 2021.

**Roll call vote was as follows:** St. Henry, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 5-0** (Hoffman & Gingell absent)

8. **UNFINISHED BUSINESS**

A. PC-2019-04, Orion Storage Site Plan, located at 1761 W. Clarkston Rd., parcel 09-16-226-001

Chairman Reynolds asked if the applicant was present?

Mr. Gary Casada 226 E. La Salle, Royal Oak, MI represented Orion Investments Group presented.

Mr. Casada said he was there with the owner/applicant Ken Zmijewski and they were there to address a couple of issues. They have seen them before and they hope they are ready to get site plan approval here by addressing a couple of more.

Chairman Reynolds asked if it was the main presentation that they were looking to go through here? Mr. Casada replied that his understanding was that based on a couple of site reviews that they are at the point where they are going to address the parking issue, the amount of off-street parking they would like a waiver on. They are going to present evidence of a more reasonable standard. He thought they were also going to request permission to go to the Zoning Board of Appeals, but wasn’t sure if they just approved it contingent upon the ZBA approving their variances.

Chairman Reynolds said if they wanted to give an overview of the project, then they will turn it over to the reviewers to give their input on what is outstanding and how they want to address it. He asked him to walk them through the project as a whole and then they will do the reviews, then they will address processes, items, and motions that may be addressed here tonight.

Mr. Casada stated that this was at 1761 W. Clarkston Rd., it is just to the west of the Poly Ann trail on one side and just to the east of School property on the other, it is just south of Clarkston Rd. It is in the area that is currently zoned Limited Industrial (LI), Future Land Use is Industrial Commercial mixed-use. What it currently is and has been for many years, Mr. Zmijewski or his company has owned this property since 1993 and throughout that time it has been used for both public and private storage, for landscaping, and also for public open storage. They are at the point and Mr. Zmijewski would like to improve the property, turn it into a public or mini-storage facility with a one-story unit, they are not interior they are not conditioned units, they are non-conditioned units. They are proposing to put five buildings on the site, and one small office space that would be attended by an employee, and it is not a residential office, it is just a 380-ft office. The property will have stormwater detention at the south end. They have submitted a landscaping plan and what they are intending to do is have the total amount of the square footage of the storage would be about 56,909-sq. ft. and probably 350-400 units, that haven’t been designated yet, but that is about the order magnitude of this property.

Planner Pietsch read through his review date stamped June 10, 2021.

Engineer Landis read through his review date stamped June 1, 2021.
Mr. Quesada agreed with waiting for the attorney’s opinion. He commented on the historical zoning decisions.

Ms. Moran asked if they have a variance with the greenbelt, has ITC been consulted and she explained the requirements.

Petitioner stated that they have approval from ITC.

Board member Walker stated that everyone wants this to happen.

Mr. Quesada indicated that in the interim while they are getting the legal opinion, he will explore discussions with Polly Ann representatives.

Board member Flood, supported by Board Member Dunaskiss, in case AB-2021-41, Orion Storage, 1761 W. Clarkston Rd., 09-16-226-001, & .648 acres of 09-16-200-002 moved to postpone until the August 9, 2021 ZBA meeting at the petitioner’s request for Township Attorney opinion of item #7, Interpretation of Zoning Ordinance #78, Section 16.03(D)(2), what width of greenbelt applies when adjacent to REC-2, if any?

Roll call vote was as follows: Durham, yes; Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.

G. AB-2021-43, Kay Industrial, unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)

1. An 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south), Article XVIII & Article XXXV

2. Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(5)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt with to be 12-ft.

Ms. Sara D’Agostini introduced herself to the Board and explained the variance request.

Mr. Eugene D’Agostini introduced himself to the Board. The Township is anxious to get a good industrial development and he described his history in building industrial buildings. These parcels are odd because they are very long and narrow and when you figure in the width to depth ratios, it is challenging.

Ms. D’Agostini stated that they are under contract to buy these parcels seeing if they are going to get the variances first.

Trustee Flood stated that if these variances are granted, the variances will stay with the land.

Building Official Goodloe agreed but stated that variances cancel if nothing is done in a year.

Trustee Flood stated that they do not grant variances based on money. They look for practical difficulty and the property shape needs to be taken into account.

Building Official Goodloe stated that the variance is for a year but then once it is built, it stays with the property.
Vice-Chairman Cook asked about the variance along M-24. Would this put the building in line or would it be sticking out further?

Mr. D’Agostini stated that they are not seeking a variance in relation to M-24; they are seeking a variance to the north and the south. He described the shaped of K Industrial Drive. He stated that they are going to invest about 8 million dollars in these two sites.

Vice-Chairman Cook asked where the building was going to be.

Ms. D’Agostini provided a site aerial displayed and explained where it would be.

Vice-Chairman Cook asked the distance between Lapeer Road and the building.

Ms. D’Agostini replied, 95 feet.

Mr. D’Agostini stated that the building right across from them has a 30 foot variance on the front of their building.

Ms. D’Agostini stated that they tried to stake it out but it is heavily wooded.

Vice-Chairman Cook moved, Board member Walker supported, in the matter of ZBA case AB-2021-43, Kay Industrial, unaddRESSED parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned IP, Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d) for an 8-ft. off-street parking setback variance, from the required 20-ft., for parking to be 12-ft. from the property line (south)., Article XVII & Article XXXV and from Section 18.03(D)(2), an 8-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 12-ft. (south) & Section 35.04(A)(8)(6), a 3-ft. greenbelt width variance, from the required 15-ft., (Lapeer Road Overlay District), for the greenbelt width to be 12-ft be granted because the petitioner did demonstrate the following standards of variance have been met in this case and they set forth fact that show that in this case:

1. The petitioner does show the following practical difficulty; that due to the varying widths on the site and the fact that it is a narrow piece of property, this presents challenges to build a building that would be practical and sellable and usable based upon industrial standards.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: this is one of the last parcels that has remained undeveloped primarily due to these challenges in terms of ordinances and space.

3. The variances are also necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following findings of fact: in order to move forward and develop this property to get it on the tax rolls, these variances would be necessary.

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following: the greenbelt is still going to be there. It is not abutting to a recreational piece of property; this is an industrial park area. This would allow the building to be built in a manner that meets with today’s standards.

5. Based on the following findings of fact, granting these variances would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger of the public safety, and is not going to reasonably diminish or impair established property values within the surrounding area.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – July 12, 2021

The granting of this variance will not impair public health, safety, comfort, morals or welfare of the inhabitants of the Township.

Roll call vote was as follows: Durham, yes; Dunaskiss, yes; Cook, yes; Flood, yes; Walker, yes. Motion carried 5-0.

H. AB-2021-44, Kay Industrial, 50 Kay Industrial Dr., 09-35-400-033

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 6 variances from Zoning Ordinance #78 – Zoned IP

Article XVIII, Section 18.03(C)(3) & Article XXXV, Section 35.04(A)(4)(d)
1. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (east).
2. A 10-ft. off-street parking setback variance, from the required 20-ft., for parking to be 10-ft. from the property line (south).

Article XVIII, Section 18.03(D)(2) & Article XXXV, Section 35.04(A)(8)(b)
3. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (east).
4. A 10-ft. greenbelt width variance, from the required 20-ft., for the greenbelt width to be 10-ft. (south).

Article XVIII, Section 18.03(I)(1) & Article XXXV, Section 35.04(B)(5)(a)
5. Seeking a variance, for a covered trash area to be in a side yard (east) instead of the required rear yard.

Article XVIII, Section 18.04
6. A 30-ft. front yard setback variance, from the required 50-ft., for a building to be 20-ft. from the front property line (Kay Industrial Drive).

Ms. Sara D’Agostini explained the variances requested. She explained because of the on-site detention requirements, it has geometrical challenges. She provided an electronic presentation providing detail about the variances requested.

Trustee Flood asked where the trash would go in the back.

Ms. D’Agostini showed where it would go and explained why this would be the ideal spot.

Vice-Chairman Cook asked why they wouldn’t put the dumpster straight back so the truck would not have to make a 90 degree turn.

Mr. D’Agostini stated that there is a utility easement that might interfere with that.

Vice-Chairman Cook suggested moving the building to eliminate one of the variance requests.

Ms. D’Agostini stated that they would have to “eat” into the building layout and it reduces the coverage ratio and makes it impractical.

Vice-Chairman Cook stated that he is concerned about site distance and he has safety concerns.

Mr. D’Agostini stated that they are far from Lapeer Road because of the required detention.

Ms. D’Agostini stated that it is a 150 feet from Lapeer.
There are many approaches to promoting a safe community, from improving and supporting law enforcement to addressing root causes of crime such as social issues, poverty and access to quality education. One important strategy is by building safer places that combine crime prevention design and programs. This overview focuses on the built environment and its impact on crime.

Background.
In the 1970’s one significant movement was developed to address the crime/design issue around housing. Known as Crime Prevention Through Environmental Design (CPTED), it is a multi-disciplinary approach of crime prevention that continues to be used today. It is built upon the idea that urban and architectural design and the management of built and natural environments impact safety. According to the International CPTED Association, “strategies aim to reduce victimization, deter offender decisions that precede criminal acts, and build a sense of community among inhabitants so they can gain territorial control of areas, reduce crime, and minimize fear of crime. CPTED is pronounced ‘sep-ted’ and it is also known around the world as Designing Out Crime, defensible space, and other similar terms.” CPTED now recognizes the importance of positive social cohesion in a community that is strengthened by community culture and connectivity between neighborhoods, civic and commercial areas. It is helpful for planning commissioners to understand the foundation of CPTED as development projects, master plans and zoning ordinances are reviewed.

Key Issues.
There are several key issues that form the foundation for safer site design. They focus on public and semi-public places and aim to put more “eyes on the street,” encourage positive social interaction, and create safe and comfortable environments. This means increasing visibility of people in spaces, directing/controlling access to spaces, and promoting a shared sense of ownership of spaces. Some of the ways address these strategies include:

- **Provide appropriate lighting.** Public places that are used at night need to be illuminated at a proper level. The Illumination Engineering Society of North America suggests a minimum illumination of 0.2 foot candles for parking lots and 0.3 foot candles for walkways. Lighting can increase the level of perception of safety by pedestrians. More lighting isn’t always better; too much lighting can actually limit visibility by creating contrast between well-lit areas and poorly lit areas. The eye may not adjust well between the two, making the poorly lit area even more susceptible to inappropriate activity or other safety hazards. The color of light (Kelvin temperature) is also important. Lights that cast an orange glow make it more difficult to accurately describe the color of clothes and objects.

  ![The parking lot above has “hot” spots of light in some areas and is dark in others.](https://www.leduniverse.com)

  ![In contrast, this parking lot is evenly lit with warm light. Note that places that may be used by people at night, such as sidewalks and building entrances are also well-lit.](https://www.schafer-electric.com)

...Continued on page 2
- **Maintain sight-lines.** Walls, berms, fences, columns, etc. can impact the ability to see ahead along a route. There is a fine balance between appropriate screening and inappropriate “visual permeability.” In general, landscaping and design elements near building entrances should be maintained to provide an open view to adjacent streets and public areas. Where building corners restrict view, convex mirrors can be used to open the view around the corner. Sightlines for pedestrian approaches to intersections need to be maintained. Parks, plazas and similar open spaces should be designed to be open to other public use areas such as roadways, employment centers (office building or retail storefront), residential units (homes, apartments, etc.), and similar areas.

- **Avoid entrapment spots.** Entrapments spots are small areas that are shielded from view by three sides from an adjacent public way. Examples include elevators, stairwells, etc. Some are avoidable through re-design. Those that are not avoidable need to be augmented with lighting, nearby activity areas, and/or other design elements.

- **Other Issues.** Ample building windows at ground floors and upper levels encourage more “eyes on the street.” Maintenance of lighting, landscaping, and buildings can have a significant impact on the perception of an area and its vulnerability to crime. Spaces that appear well-maintained suggest people are present and care about the areas.

The above information is intended start a discussion about how site design impacts aesthetics, function and safety. It is clear that municipalities must balance many competing interests to craft zoning regulations and establish site plan review practices that meet the community’s vision.
Winter 2022 Citizen Planner via Zoom
A Land Use Training and Certificate Course for Community Land Use Decision-Makers

Begins Tuesday,
February 15, 2022
6:00—9:00 PM
Classes held via Zoom
February 15, 22, March 1,8,15 and 22
Classes will be delivered remotely via Zoom video conference. This is the Citizen Planner classroom program simply offered in a video conference (i.e. live webinar) format consistent with social distancing policies. Participants will need an internet connection, computer or mobile device not smaller than an iPad or tablet, speakers/headset or phone for audio. Participant materials will be mailed. Registration deadline is Jan. 28, 2022.

Citizen Planner is a time-tested educational program proven to be comprehensive without being overwhelming. The program is delivered "locally" to provide a convenient way for busy community leaders to obtain the latest technical knowledge and the proficiency they need to perform their duties more effectively and responsibly.

Winter 2022 Citizen Planner LIVE via Zoom
Citizen Planner instructors include MSU Faculty, MSU Extension educators, planners and attorneys. The classroom program consists of six sessions:

• Understanding the Planning and Zoning Context – Learn the legal sources and limitations of planning and zoning authority, and explore your understanding of ethical decision-making.

• Planning for the Future of Your Community – Recognize the function and importance of a master plan, know the process for developing one and its relationship to zoning.

• Implementing the Plan with Zoning – Discover the importance of zoning, learn how zoning is administered and gain confidence in your zoning reviews, including site plans.

• Making Zoning Decisions – Learn how to adopt and amend a zoning ordinance, understand the role of the zoning board of appeals and obtain skills in basic property development methods.

• Using Innovative Planning and Zoning – Strategize with placemaking and design-based solutions for local and regional success in the New Economy.

• Successfully Fulfilling Your Role – Strengthen your ethical decision-making skills, apply standards to your decision-making and know when to ask for help.

Contact
Kara Kelly - Citizen Planner Coordinator
Email: cplanner@msu.edu
Visit: http://citizenplanner.msu.edu
Classes start Tuesday, February 15, 2022

Understanding the Planning and Zoning Context
Tuesday, February 15, 2022
6 p.m. – 9 p.m.

Planning for the Future or Your Community
Tuesday, February 22, 2022
6 p.m. – 9 p.m.

Implementing the Plan with Zoning
Tuesday, March 1, 2022
6 p.m. – 9 p.m.

Making Zoning Decisions
Tuesday, March 8, 2022
6 p.m. – 9 p.m.

Using Innovative Planning and Zoning
Tuesday, March 15, 2022
6 p.m. – 9 p.m.

Successfully Fulfilling Your Role
Tuesday, March 2, 2022
6 p.m. – 9 p.m.

Course Location
Connection information to be provided upon registration.

Alternate Contact
Mary Reilly - MSU Extension
reillym8@msu.edu

Course Fee
The course fee is $250 per participant for the complete core program. Group discounts ($225/person), are available for four (4) or more participants from the same organization or unit of government. The fee covers registration and course materials. Participants that complete all six sessions will receive a certificate of completion.

How to Register
Online registration is available at: https://events.anr.msu.edu/Winter22CPZoom/.
Payment can be made by credit card, check, or invoiced for payment. Group registration is also available online. The registration deadline is one and a half weeks, Jan. 28, 2022, prior to the first class. Cancellations after Jan. 28, 2022 will be assessed a $45 cancellation fee.

Grants/Scholarships
A grant program, Risk Reduction Grant Program (RRGP), may be available from your community’s liability insurance provider. Michigan Township Participating Plan offers to its municipal members one per community, which covers the complete registration cost for participation in the Michigan Citizen Planner Program. For more information, please visit us on the web at www.theparplan.com. For member governments of the Michigan Municipal Risk Management Authority (MMRMA), contact Cara Ceci at 800-243-1324 for more information regarding grants for education and training through the Risk Avoidance Program (RAP). For municipalities obtaining insurance through Nickel & Saph, Inc. Insurance Agency contact Stephen R. Saph, Jr. at 586-463-4573 or stevenjr@nickelsaph.com. Contact your local community liability risk insurance carrier to see if similar grants or scholarships are available.

Persons with Disabilities
Persons with disabilities may request accommodations by emailing Kara Kelly at cplanner@msu.edu two weeks prior to the event to ensure sufficient time to make arrangements. Request made less than two weeks prior to the event will be met if possible.