

**CHARTER TOWNSHIP OF ORION
PC REGULAR MEETING AGENDA
WEDNESDAY, JULY 7, 2021 - 7:00 PM
ORION COMMUNITY CENTER
1335 JOSLYN ROAD
LAKE ORION, MI 48360**

Public Hearing at 7:05pm: PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78, Assemblies, Articles 2, 5, 6, 7, 9, 11 and 14 providing for repeal of conflicting ordinances and portions thereof; and, providing an effective date.

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

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
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1. OPEN MEETING

2. ROLL CALL

3. MINUTES

- A. 06-16-21, Planning Commission Regular Meeting Minutes
- B. 06-16-21, PC-2021-49, M-24 Rezone Request Public Hearing Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS

- A. PC-2021-54, Palazzo Di Bocce Garage located at 4291 South Lapeer Road, (parcel 09-35-200-034), Amendment to Site Plan
- B. PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78, Assemblies, Articles 2, 5, 6, 7, 9, 11 and 14
- C. Discussion on Fences

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CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, JUNE 16, 2021

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 16, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

PLANNING COMMISSION MEMBERS PRESENT

Scott Reynolds, Chairman Kim Urbanowski, BOT Rep to PC
Joe St. Henry, Secretary Don Walker, PC Rep to ZBA
Don Gross, Vice-Chairman

PLANNING COMMISSION MEMBERS ABSENT:

Garrett Hoffman, Commissioner
Jessica Gingell, Commissioner

1. OPEN MEETING

Chairman Reynolds opened the meeting at 7:00 pm.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Thomas Naughton Sara D'Agostini
Gene D'Agostini John Ackerman
David Stollman Ed Weglarz
Mike Weglarz Wendel Thames
Isabel Raposo Ken Zmijewski

3. MINUTES

A. 06-02-21, Planning Commission Regular Meeting Minutes

B. 06-02-21, PC-2021-47, Orion Village Center Special Land Use Public Hearing Minutes.

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

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-49, M-24 Rezone Request, the request is to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from

Office Professional (OP) to Multiple Family-2 (RM-2) at 7:05 pm and closed the public hearing at 7:18 pm.

7. NEW BUSINESS

A. PC-2021-49, M-24 Rezone Request, the request is to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from Office Professional (OP) to Multiple Family-2 (RM-2).

Chairman Reynolds asked if the applicant had anything more to add? They did not.

Planner Fazzini read through his review date stamped June 8, 2021.

Vice-Chairman Gross said that the application for rezoning appears to make sense. It is a transitional zoning and is in compliance with the Master Plan. He said it would not be detrimental to any of the surrounding properties. Some of the issues that have been addressed tonight can be handled during the site plan review stage. He felt that the proposal does have some merit and would recommend it at the appropriate time.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **forwards a recommendation to the Township Board** to approve PC-2021-49, M-24 rezoning request to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from Office Professional (OP) to Multiple Family -2 (RM-2) as depicted on the plan date stamped received 5/19/2021. This recommendation to approve is based on the following findings of facts: that the proposal maintains transitional zoning and development between the Home Depot property to the south and the Planned Unit Development (PUD) – residential development to the north; the request is consistent with the residential development and the goals and objectives of the Master Plan; the proposal rezoning from Office to residential will have less of a traffic generation than the current (OP) zoning; further, this recommendation is that the parcels be combined into a single development site so that there will be a single 16-acre site as opposed to 3 separate parcels.

Discussion on the motion:

Mr. David Spiers, 2386 Monte Vista Ct., asked how far can this rezoning go? They have it going to RM-2 does that include low-income housing as well as the old people's home? What kind of range of subjects can go in there? He knew that there was nothing definite at this stage but the last thing he wanted there was low-income housing or public housing. He asked how far can this rezoning go? Chairman Reynolds stated that he didn't know the RM district right off the top of his head, it is a straight rezone so it would be subject to the zoning ordinance RM. Anything that is allowed in that zoning district would be allowed on this parcel, from setbacks, density requirements, and height requirements. He didn't remember how they speak to low-income housing and senior housing. Planner Fazzini stated that low-income housing isn't a zoning term, it is multiple-family housing is the term. They might want to direct that to the applicant as far as who their target resident would be or how they intend to market the property. What would be permitted is 8 units per acre, so, 127 units. Mr. Spiers said his concern is they are the ones controlling the rezoning, if they don't like that kind of building on that property, now is the time to speak. He didn't think they wanted to wait until the end when they come along and say they are going to bulldoze it and go from there. His concern is they need to act here, that is why he was there, he was not happy with small low-income housing in that zone. Mr. Stollman said as to the question as to who the target market would be, at the moment, and obviously, things can change with the

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, hopefully, 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 tree 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 conceptionally 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 waist side 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 they will 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 at least that provides an opportunity to seek the variances, and then 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 that is 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.

Chairman Reynolds stated that there was also a review from the Fire Marshal he is recommending approval with no additional comments. The Public Service Director Stout had no additional comments.

Chairman Reynolds said there was a citizen's letter from Linda Moran of the Polly Ann Trail Manager and represents the management council of the Polly Ann Trail and they are owners of the property to the east of the proposed rezoning area, and they have several concerns that they would like to have addressed. The fence needs to be removed and replaced as part of the proposed project; they would like to have a copy of the certified survey of the property, they believe the fence is on their property and would like this to be verified and corrected as part of the project.

Vice-Chairman Gross said he thought that a development of this nature would be an improvement over the existing condition of the site. He thought it was heading in the right direction. He added regarding the site plan, his first concern is the excess lot coverage it is at 37.2%, the ordinance requires only 30%. If his calculations are correct if the west building was to be eliminated, which is 9,400-sq. ft. that would take the lot coverage down to 29.7% to meet the ordinance requirements with some slight plan modifications with the elimination of that building, the requirement for waivers for inadequate east and west side yard setbacks with 5-ft. being provided and 25-ft. being required, that would be eliminated having to go to the Zoning Board of Appeals, as well. The landscape greenbelt could also be accommodated with the elimination of one building. In effect, this project could proceed without any waivers being required by the Zoning Board of Appeals. He did believe that the development of this nature would be an improvement. He believed that the determination of the parking calculation based upon the type of uses would be appropriate as submitted. But relative to the other items he believed the plan has to be denied.

Chairman Reynolds stated that he agreed with Vice-Chairman Gross, they have seen this project a few times, he was in favor of development there. He understood that a long narrow parcel is difficult to develop but thought that they were trying to put a lot in there. They have setbacks and general lot coverages for a reason. He wasn't crazy about all the variances requested to make it work especially when it seems like it is out of undue hardship but a necessity for the economy.

Commissioner Walker said that he would like the petitioner to address the letter from the Polly Ann Trail. Mr. Casada said that they don't have the survey in the short time they had, but if the fence is on their property of course they will accommodate.

Mr. Ken Zmijewski, the owner of Orion Investment Group, 150 Tiffany, Royal Oak, MI, stated that there was a small section, perhaps it was there when he bought it, but there is a small section maybe 10-15-ft., and it might just be a foot on there it has been there forever, to never realize that it was on there until the Polly Ann Trail people came and said that their fence was on their property. He assured them that during the development he would certainly take the fence off, it is not a large encroachment. He thought that the fence had been up for 20 years.

Chairman Reynolds said that the lot coverage and setback variances requested, versus removing various components to meet those criteria. Mr. Casada said yes. He said he wanted to address that, in fact, he mentioned they have setbacks for a reason. He said that they purchased the extra 40-ft. on the west side so that that they could expand the project to make it more viable, that is the reason they invested the money in the 40-ft. because it was a very narrow site. Adding the 40-ft. allowed them to add an extra building, and to make the project more viable. Mr. Zmijewski said it also allowed them to have a full-time person on-site to

manage the project as well. In a self-storage facility by the time, they add everything up that is questionable as to be large enough to make sense to put a full-time manager on. Mr. Casada said that is why they purchased the 40-ft. strip. He added that the other reason for the setbacks and why they would like to go to the Zoning Board of Appeals, and the reason for the setbacks is the relationship with the other properties, the neighbors, and in the future with neighboring properties. In this case, this is sort of a unique situation, on the northside Clarkston Rd., no neighbors there, on the east side, not only is the Polly Ann Trail there but there is a high-tension wire running along the property line, nobody is going to build there. Everyone loves the Polly Ann Trail, it is not going to get built on, on the west side the people who sold us the 40-ft. strip they just redeveloped, there is a brand-new building out there, they have done a completely new plan out there. All the areas to the south and west of their building are going to be left natural, that is their plan. As far as the purpose of the rule of the setbacks it really doesn't have much application here, it doesn't give them the benefit that the community intended when they wrote the zoning ordinance. They want to have a setback so they have a green space and space between them and the neighboring property. In this case, there is never going to be a neighboring property with any development on it, there is not going to be any houses or businesses there, and really never will be. So, in this case, the zoning ordinance which they support the purposes of the zoning ordinance and the setbacks but for their property that benefit isn't realized, and so they think that is a reason to ask for the variances, they thought they may get the variances and it allows them to do the project. They asked them to let them make that pitch to the Zoning Board of Appeals.

Vice-Chairman Gross asked if they needed a motion for the Parking Calculation Waiver? Chairman Reynolds replied yes, they do need a Parking Calculation Waiver. He added that they stated that they were going to present some facts with that. Mr. Casada stated that their project is 56,909-sq. ft. and it is in the Limited Industrial (LI), the zoning ordinance it says one parking for a 1,000-sq. ft. that is where the 57 comes from. The zoning ordinance doesn't specifically address mini-storage, self-storage, or self-service storage however, this is self-storage. They don't address that precisely instead they are applying the overall general application industrial parking requirement. What they did is they went around and surveyed some of the other Lake Orion storage facilities to see how they were doing, and also, they looked at four other communities in the area that have similarities to Orion Township, they looked at Troy, Oxford, Shelby Township, and Rochester Hills. The three that he wanted to mention that was Lake Orion or Orion Township facilities, U-Store at 180 W. Church St., is 40,000-sq. ft. but 3,000-sq. ft. of office space and they have 12 parking spaces. There is Storage Rental of America at 1007 Brown Rd., in Orion Township that is 49,000-sq. ft. and 900-sq. ft. of office spaces, they only have 6 parking spaces. There is CubeSmart at 1745 Waldon Rd., Lake Orion, they have 76,000-sq. ft. they don't have an office and they only have three spaces. They have 8-spaces for 56,000-sq. ft. with a 380-sq. ft. office. What he thought was more constructive, because the evidence is a more reasonable standard. Other communities that have specifically addressed mini storage in their ordinance, Shelby Township they have one space per 50-sq. ft. of floor area used for office purposes, so that would only be applying to the office, which is only 380-ft. in their case, they don't factor in the storage. Some of the ordinances define parking based on useable square feet, and those definitions don't include storage or corridors. Troy, they have mini-storages one space for 100 storage units, they don't even go by the square foot, just by units. They would comply with all of these. Rochester Hills, they have one per employee or one for 200 storage units. If that were to apply to them, they are only going to have 400 storage units, they would only need 3 spaces. For Oxford, they don't even consider the storage area they just say 3 spaces plus one per employee. Again, any one of these four communities would be with 8 spaces for 56,000-sq. ft. they would be well within the requirements. He thought that the reasonableness here is where they have other communities that did address this, not that there is anything wrong with the ordinance here in Orion Township but they don't address this specifically. This is a case where the general application rule, maybe someday, they would like

to amend. When people do look at it specifically, they adjust their standard to the type of business.

Chairman Reynolds said understood. He wanted to clarify for the record, he is saying their use is similar to those other examples. Mr. Casada replied yes.

Chairman Reynolds said that they do allow variance calculation waivers so they are just looking for findings of fact. At the end of the day, it is they don't believe they need that many parking spots. Mr. Casada replied yes.

Commissioner Walker asked how many units are they going to have? Mr. Casada replied 350-400.

Chairman Reynolds said they had some justification for the parking waiver.

Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, that the Planning Commission approve a Parking Calculation Waiver for PC-2019-04, Orion Storage Site Plan for plans date stamped and received May 26, 2021, based on the following: that the applicant does not think that the required number of spots is necessary for adequate operation of their business, and that is based on anecdotal evidence from a number of Orion Township storage companies as well as those that are outside of the Township in adjacent communities and the numbers that are required there based on normal operations of their business.

Discussion on the motion:

Ms. Linda Moran the Polly Ann Trail Manager in Oakland County, and she represents the Polly Ann Trail Management Council. She stated that this afternoon the applicant did come to their council meeting and has asked for an easement across the Polly Ann Trail to loop the water main for his project. It is the policy of the Polly Ann Trail to deny all easements if other easements are available to him. Their question is, is there an alternative easement available to them to loop the water main for their building purposes? Either through the school water main or across the street on Clarkston Rd. Engineer Landis stated that the two options would be to either loop the water main as shown to Rhodes Rd., there was a stub left there intentionally for an extension to that main. They could approach the school and see if they could connect to their main, they recently extended into their site and he wasn't sure if that would disturb the recent construction but would be a possibility but the easiest route would be to make the connection to the public road which would require them to cross the Polly Ann Trail.

Ms. Moran said that basically what they would need is a letter from the Commission stating that fact, so they can take it to their council. They do not have a council meeting again until August to address this issue. The issue is denied unless they can get proof that there is an actual need. They do welcome the site they think that the improvements are great and thought it would enhance the property vastly and they are not opposed to the actual building site just the particulars. The destruction of the trail is of great concern to them. Engineer Landis said as part of the site plan review there are subsequent engineering plans prepared followed by oversight of the inspection by OHM on behalf of the Township. It would be their objective to have the pathway restored to its current condition. Ms. Moran asked if it would have to follow the specifications of the DNR? The DNR has a set format that they use for restorations. Engineer Landis said that they would make sure that those are included as part of the engineering plans.

Chairman Reynolds said that he believed that their initial request of clarification is there another easement opportunity available he believed that can be clarified through their administrative team and either an email or letter of sort and then to the point of the final engineering review there would be an additional review and restoration requirements for any disturbance that would occur.

Trustee Donni Steele 262 Kirksway and is on the Polly Ann Trail Commission. She said that they didn't necessarily deny them they tabled it until the next meeting. She asked if they will have an actual easement with a legal description of the easement which is 16-ft. of the left latitude that is a part of this and if it is written that the Poly Ann Trail would enter into an easement agreement with the owner, does it go into that depth or is it just an easement? Engineer Landis stated that it is part of the construction for closeout the developer would be required to prepare an easement to the benefit of the Township before they were to take ownership of the water main. So, they would have to get an easement from the Polly Ann Trail that portion of the easement. Trustee Steele said that they just created a policy to say for easements moving forward these are the requirements, so then he would have to get it from them and then give it back to them to give their final to be able to get approval to be able to do it.

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

Vice-Chairman Gross stated that this matter cannot be approved by the Planning Commission because there are deficiencies in the plan with the Zoning Ordinance.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **deny** site plan approval PC-2019-04, Orion Storage Site Plan, located at 1761 W. Clarkston Rd., 09-19-226-001 for the plans date stamped and received 5/26/2021. This denial is based on the following reasons: 1) is that the site plan shows a lot coverage in excess of the maximum allowed by the ordinance, the ordinance allows 30% lot coverage the proposal is for 37.2% lot coverage; 2) there is inadequate east and west side yard setback with 5-ft. on the east and 12.48-ft. on the west being provided and 25-ft. is being required; 3) an inadequate landscape greenbelt on the east with 5-ft. being proposed and 20-ft. is required. There are possibilities that the plan could be modified to eliminate all these waivers by the elimination of the west building which would take the lot coverage down to 29.7% and would provide for some modifications of the site plan to meet the setback requirements.

Discussion on the Motion:

Chairman Reynolds asked does this not give them the opportunity to go for a variance, is that the intent? Vice-Chairman Gross said no they can go for a variance but they can't go without a denial. Chairman Reynolds said a straight denial is a straight denial, so it would be a denial subject to receiving the variances from the ZBA. Right now, it is a denial with re-findings of facts for the denial. Vice-Chairman Gross said right. Chairman Reynolds said so it is a straight denial no opportunity for approval if they receive their variances. Vice-Chairman Gross said if they receive their variances then they can come back. He added that they can't deny them the right to go to the Zoning Board of Appeals. Chairman Reynolds asked if it was straight site plan denial, or is it a denial based on not receiving variances? He said the formality is if it is a denial, it is dead, if it is a denial subject to conditions of receiving variances then they go and have the opportunity to seek variances. If it is a step like the other one then they are asking them to come back based on receiving their variances for additional review and a review of

what? Vice-Chairman Gross said if they receive the variances then they can come back with a revised site plan.

Planning & Zoning Director Girling said what they have done in the past, has been denied, however, if the variances are granted, they are deemed approved. So, looking at what is still outstanding she didn't think that there was anything outstanding, they had one waiver they granted, and the only other items that are missing were the variances. If they get the variances, do they really want to see them back because those are the only outstanding items? Vice-Chairman Gross said if they get the variances, he doesn't need to see it come back.

Chairman Reynolds stated a request for clarification that it is a request to deny based on not having the setback requirements and needing variance requests. If those variance requests are received the site plan is approved. Per all of his conditions, they get confusing verbiage sometimes but denial they treat here as a straight forth denial.

Commissioner Walker asked what the difference was between the last petitioner and this petitioner? Vice-Chairman Gross said that there were some outstanding items that needed to be addressed. Chairman Reynolds said he was all for it if they wanted to see the plans back before the final site plan approval. Commissioner Walker said he was good with not seeing them again.

Trustee Urbanowski asked what exactly are they saying here? Chairman Reynolds asked Vice-Chairman Gross to clarify the intent of the motion.

Trustee Steele asked if they could repeat the one variance. She asked if the setback was on the east side of the landscape variance of only 5-ft. or if it on the west side? Vice-Chairman Gross replied on the east side. Trustee Steele made a comment that it didn't leave a lot of buffers for the trail, the parking lot, and the green space over there. She said she was sure that she was going to have to make the comment at the variance level which she would not want to sit through a whole other meeting. She wanted to make her objection noted that it is way too close. Chairman Reynolds said dually noted for record purposes he believed that the motion was to deny based on the not approving and having to go to the ZBA.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the motion was for denial because of the non-compliance with those three zoning ordinance requirements. There were no other concerns or stipulations based upon the Planners or the Engineers reports. If they are successful in receiving those variances from the Zoning Board of Appeals then the plans would be approved and they could proceed.

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

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS/EDUCATION

A. Planned Unit Development Article

Planning & Zoning Director Girling stated that as she was going through different sites that are training opportunities if she sees an article that appears that might be intriguing, she passes it on. This is an article that is several years old but she knows that they are always talking about PUD's so she threw it in their packet for their reading enjoyment.

12. COMMITTEE REPORTS

None.

13. FUTURE PUBLIC HEARINGS

A. 7-7-21 at 7:05 p.m., PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78, Assemblies.

14. CHAIRMAN'S COMMENTS

Chairman Reynolds asked for a little bit of review and effectiveness between them receiving drawings and then also receiving reviews. Getting a review here 13-14 days, he gets it, it might have been submitted past the deadline based on what was brought forth tonight but that is still 13-15 business days, and then to not have it say revised, work with us, please. They have most applicants submitting electronically he didn't see why they are taking every bit of 10 days if not more like 13.

He appreciated everyone that came out to the Master Plan Workshop. There is still the opportunity to weigh in on some of that feedback. He believed that there was a link he wasn't sure if the board was going to be posted on the website? Planner Fazzini said it is called the story map and it will recreate the posters online, that was one of the QR codes that were available, and then there will be a link also. Chairman Reynolds said that there will also be additional information posted in the near future about future opportunities to partake and appreciated everyone that came and provided their feedback. They represent the public so they always appreciate that involvement.

15. COMMISSIONERS' COMMENTS

Commissioner Walker said he thought that as personified by tonight's meeting, he didn't want to say help the petitioners more than they should, but he thought that they should stick to what the ordinance says. They should do what the ordinance says, and they are more than gracious to most of them, maybe all of them. He said not the last case but the one before that, he thought it was way too much. He was ready to say to go back, and they are always talking about they have to do this, they have to buy the property, do that before they come there. He understands it is like gambling, and he understands business, that is how it is, it put them in a difficult position to say go ahead and what if they don't, what happens then, they come back for an extension and another and they give them those. He thought they should pay attention more to the letter of the law in the ordinance and hold the petitioners closer to that.

Chairman Reynolds said it is a rock and a hard place. It is a struggle because they want to support business and they don't want to kill a project. He said they are very workable as a Planning Commission. There are a lot of communities that he does projects in that will not ever entertain conditional approval. Or those that will have them rereview a project three times over three months before they allow them to fully appear, whether it is for a variance or a condition. He didn't think that some of their expectations are unrealistic or their comments are unrealistic he thought it was something that they should bring up in the balance between promoting economic development and all of their Boards and staff, and then also them at the PC level. They have their upcoming Joint Meeting they should speak to those comments. To be clear it is

not about shooting down projects it is about fulfilling their requirements to meet the ordinance which is what they are there to do.

Secretary St. Henry said he appreciated the 25 people that came out to express their opinions and see the process and include comments on and their vision. What was disappointing is there are 38,000 people in our Township and they had 25 show-up. This Open House was published in more than one location, multiple marketing channels around the Township. There was plenty of discussion about it online. The Master Plan should not be developed in a vacuum by seven people and a Planner consultant and the Board of Trustees. This Master Plan and changes need to be addressed and discussed with the community but the only way that can happen is if they get involved. There are a couple more opportunities for the community to get involved and he hoped that they take advantage of those opportunities because this is very important. This community has changed a lot in the last 25-30 years. Some of it for the good, some of it maybe not, it was up to people's opinions, but they have to hear those opinions to make educated and knowledgeable decisions about the Master Plan and how they go forward with it. He was hoping that in the future when they have another Open House, and there are other opportunities to comment and provide feedback on some of the things they are proposing and decisions they are making that people take advantage of it and they don't just resort to Facebook to vent.

Trustee Urbanowski stated that they were asking people what they want to see in the Township and she had mentioned to a couple of people that she has some family members who want to move up here from Ohio and it is difficult for them to even think about coming here to live in Orion because everything is either unavailable or too expensive. She had a child that moved away from Orion because there is no affordable housing. If they want to call it low income that is fine, she prefers not to say low-income housing because she didn't think what they were proposing tonight looked at all like it was going to be any kind of low-income housing but she did think that there is a gap in what they are offering for people. They want to keep young people here or invite them to come in then they have to give them a shot, they have to give them a place to live because she doesn't want that to be in her basement when her kids come back from school. She felt very strongly that they have to start looking at some kind of housing for people that can't afford \$300,000 townhouses. If it is a \$200,000 townhouse and that is low-income, she didn't like the way it sounded to her. She thought they should give people a shot and move here. If they are making walkable communities and they want all this cool stuff then they have to make it assessable for people that don't make a ton of money or are young and just starting out.

Secretary St. Henry agreed. He said they are great here in Orion Township and Oakland County in general about providing a variety of different jobs, and industries, well-paying jobs, but that is only $\frac{1}{2}$ of the equation when they are talking to young people and young families. The other half of the equation is the quality of life, and where they and their kids are going to go to school, the cultural and community amenities available. That is where a lot of our villages and towns fail. The middle-level housing is dead on. Young families can't afford or don't necessarily want to move into a $\frac{1}{2}$ million-dollar house, but they may want to move into a couple of hundred-thousand-dollar townhouse to start out and get acclimated into their community. If they don't do things like that and make those decisions now in 20-years there is going to be a generation gone for good if they don't address some of those issues when it comes to housing.

Planning & Zoning Director Girling said that they should have received 3 emails trying to set the dates for the Joint meeting. Please check the Township emails, there was another one as soon as yesterday, they have sent up some dates and a number of them were nights of ZBA which wouldn't work, so they have added some dates well into the end of August. She thought that it was imperative they need to have this Joint Meeting have some really important discussion so it

is imperative that they get as many people there and they can't set a date until they get everyone responding to that doodle-pole.

16. ADJOURNMENT

Moved by Trustee Urbanowski, seconded by Commissioner Walker, to adjourn the meeting at 9:08 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 COMMISSION MINUTES
PC-2021-49
M-24 REZONE REQUEST
PUBLIC HEARING – WEDNESDAY, JUNE 16, 2021

The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, June 16, 2021, at 7:05pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC
Joe St. Henry, Secretary

Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Garrett Hoffman, Commissioner
Jessica Gingell, Commissioner

CONSULTANTS PRESENT:

Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Thomas Naughton	Sara D'Agostini
Gene D'Agostini	John Ackerman
David Stollman	Ed Weglarz
Mike Weglarz	Wendel Thames
Isabel Raposo	Ken Zmijewski

PC-2021-49, M-24 Rezone Request, the request is to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from Office Professional (OP) to Multiple Family-2 (RM-2).

Chairman Reynolds asked if the applicant was present?

Mr. David Stollman 736 S. Pleasant, Royal Oak, MI presented.

Mr. Stollman said that he was the President of Evernest Development, LLC, the petitioner for the zoning request. He stated that he was there with John Ackerman their Civil Engineer who represents the Atwell firm.

Mr. Stollman said as background the subject property, which is undeveloped, consists of three parcels totaling 15.95 acres. The northerly parcel is owned by DEI Orion, LLC, and consists of 9.31 acres. The southerly two parcels are owned by Dan & Jan Clark, LLC, and have a total of 6.64 acres. The DEI Orion northerly parcel is Master Planned multi-family residential low density which corresponds to the RM-1 Multiple Family Residential Zoning District. This parcel has been zoned Office & Professional (OP) or similar office classifications since the 1980s. The Dan & Jan Clark southerly parcels are Master Planned General Office which corresponds to the Office & Professional Zoning District. These southerly parcels were rezoned by the Township from (GB-2) General Business 2 to Office & Professional (OP) in 2006. They are requesting a rezoning of all three of these properties to (RM-2). He wanted to speak briefly in support of this zoning request and outline several of the important factors in understanding the basis of their request. First, as to the existing (OP) zoning, there have been no viable proposals to develop the subject property for office and professional uses in over 20 years. The properties have been listed for sale with commercial brokers since the early 2000's but not a single office developer has had an interest. Based on current market conditions combined with the pandemic the demand is extremely limited for any new (OP) uses, and without a rezoning, this property could remain undeveloped for decades in the future.

He noted that there was interest in the property over the last 20-years but not for office use. For example, in 2006 the owner's petition for rezoning of that property for (OP) to (GB-2). The stated purpose of the (GB-2) rezoning request was to allow the development of a Target store, that rezoning petition was denied. In contrast to the (OP) zoning, the (RM-2) zoning will satisfy a clear market demand and allow the subject property to be developed in the immediate future. Second, they believe that the (OP) zoning is no longer an appropriate use given changes in the immediate area. In 2014 & 2015, the Parkview PUD which is immediately to the north of the subject property was developed as a single-family and attached multi-family community. The subject property abuts the Parkview PUD multi-family component to the north. They believe that (RM-2) is a much more appropriate less intense use transitioning from the big-box Home Depot to the south, to the Parkview attached residential community to the north. Third, they believe that the proposed (RM-2) zoning will not be detrimental to any of the surrounding properties. In fact, they believe that development under (RM-2) will provide a better buffer and transition to adjacent residential properties, than development under the (OP) zoning. Please keep in mind that rezoning from (OP) to (RM-2) is typically viewed as downzoning. (OP) zoning on the subject property allows for intense development up to 208,000-sq. ft. of office space or R&D space. Traffic impacts from an (OP) use would be over double the traffic impact of an (RM-2) use. Fourth, the (RM-2) rezoning is consistent with the Orion Township zoning ordinance which provides that multiple-family residential districts are typically mapped to provide a transition between non-residential districts and nearby single-family residential districts. These districts should have direct access to an existing or proposed major thoroughfare. Fifth and finally, the (RM-2) zoning allows for a more flexible less intense development of the property. The massing and intensity of the permissible use are allowed under the current Office & Professional zoning designation typically restricts the ability for the preservation of natural features on a parcel. Multi-family development however does not, it allows for the ability of preservation of some of the natural features and requires the provision of open space.

Mr. Stollman said in summary that the proposed (RM-2) rezoning request allows for development for the subject property in a manner consistent with the intent of the zoning ordinance and the Master Plan, that transitional use buffers are established between general business uses and residential uses. In establishing a transitional use buffer, they believe that (RM-2) is a more appropriate use than (OP), particularly since the Parkview PUD was developed. Moreover, rezoning from (OP) to (RM-2) is typically viewed as downzoning as related to the intensity of use. In conclusion, the proposed rezoning request will provide a logical transition between the existing large box retailer, Home Depot, adjacent to the south and the attached duplex multi-family units of Parkview directly to the north. The request would also not have a detrimental impact on Lapeer Rd. as trip generation would be significantly reduced with the proposed uses in the multi-family residential district.

Chairman Reynolds asked if there were any members of the public that would like to speak, please state your name and address?

Mr. Thomas Naughton, 2375 Monte Vista Ct. He said that couldn't speak for his but they generally share the same interest that they are concerned about the amount of wooded area facing the Parkview development, he asked if that would be left uncut? Will the homes facing the wooded area be able to still view the trees? Right now, the whole area is treed in and that was their basic concern, interest, or question.

Mr. Wendel Thames, 2398 Monte Vista Ct. He stated that he has the same issues, when he bought his condo the reason for buying that particular spot was for privacy. His understanding now, even last week, he was not even aware that someone came through and starting knocking down trees, he wasn't sure if they were aware of that or not. His thing is if anything is going to be developed the neighborhood needs to know what is going on to a certain extent. Also, he would prefer the woods to stay. If there is anything else then maybe residents can come in and do something. He would like for, he wasn't sure how many feet, whatever the case may be, but he would still like some privacy between what has been developed there. He added that he wasn't sure based on if any trees are being knocked down, or whoever is

responsible for that if it hit his property, would it be for his insurance to pay for it or whether it would be for the company that is coming in that would be paying for it because there are dead trees within that area.

Secretary St. Henry read a citizen's letter from Guy Potok 2315 Monte Vista Ct., said he was in favor of using this property for new residential uses. He was unable to attend the Planning Commission meeting but had some questions. What is the plan to retain the old-growth trees that border the property adjacent to Parkview? Can they retain a 30-ft. buffer of the existing trees? Many residents selected these lots because of the trees. What is the plan for new utility services specifically can they use this as an opportunity to bury the existing electrical lines along Lapeer Rd.? Can the existing transformers be relocated along with the new ones that will be required to ground level at the rear of the property where they won't be seen? He favored the rezoning of the property for residential purposes.

Chairman Reynolds asked if there were any comments from the Commissioners?

Vice-Chairman Gross asked if it was the applicant's intent to develop the property or are they going to market it? Mr. Stollman replied that it was their intent to develop the property. They are a large-scale residential developer. Vice-Chairman Gross asked if they would maintain the development rights? Mr. Stollman replied that he couldn't tell him for certain, they don't build the homes, so they will find a builder and it will depend on how that deal works out. They have been the largest residential land developer for over 100 years and they will follow through with any obligations that are made.

Chairman Reynolds asked the applicant to address the comments made about trees. He knew it was a rezone request but just general questions on trees and buffers. Mr. Stollman said that obviously they haven't gone deeply into the site planning and this is just a rezoning but there is a required setback about the perimeter of the site. He thought it was 50-ft. and they would do everything to stay out of the setback. They don't have a history of being a clear-cutter, they understand the value of keeping as many trees as they can, and will make a good effort in doing that. He imagined that most of the trees in the setback will all be left undisturbed.

Chairman Reynolds asked regarding the electrical about powerlines and things? Mr. Stollman said that was something he couldn't answer. At some point, they would reach out to the various franchise utility companies and usually they dictate what they can and can't do. That would be sometime down the road in site planning.

Chairman Reynolds closed the public hearing at 7:18 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: July 1, 2021
RE: PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan

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

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

Motion 1: (if applicable)

I move that the Planning Commission **grants/denies** a Lapeer Overlay Design Standard waiver for *building facades (repeating 12' width), and *Façade colors and trim for PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan, located at 4291 S. Lapeer Road (parcel 09-35-200-034) for plans date stamped received 06/18/2021 based on consideration of the following and the following findings of facts:

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

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

Motion 2: I move that the Planning Commission grants site plan **approval** for PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan, located at 4291 S. Lapeer Road (parcel 09-35-200-034) for plans date stamped received 06/18/2021 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-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan, located at 4291 S. Lapeer Road (parcel 09-35-200-034) for plans date stamped received 06/18/2021. This **denial** is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission **postpones** site plan PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan, located at 4291 S. Lapeer Road (parcel 09-35-200-034) for plans date stamped received 06/18/2021 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).

July 1, 2021

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

Site Plan Review #1

Palazzo di Bocce Garage

RECEIVED
JUL 01 2021
Orion Township
Planning & Zoning

Case No: PC-2021-54
Address: 4291 S. Lapeer Road
Acreage: 7.43 acres
Applicant: Anthony Battaglia
Plan Date: 06/18/2021 (Stamped)
Zoning: LI Limited Industrial, SC Special Circumstances, & Lapeer Overlay District
Parcel ID: 09-35-200-034



Project Summary

The applicant is proposing a 3,087 sq. ft. maintenance building off the rear (east) end of the existing main parking area associated with the Palazzo di Bocce restaurant and bocce ball venue. The addition of the building would not require the removal of any striped parking spaces as it would be located primarily within a grassed area on the west end of an existing detention basin. Four existing 11-inch Red Maple trees are

indicated to be removed in the area of the proposed building. No other improvements are proposed for the remainder of the site. The LI district permits accessory buildings and uses customarily incidental to the main permitted use, in this case the proposed building would be accessory to the restaurant venue.

Building

The proposed building is 94 feet wide by 34 feet deep with a 19-foot, 8-inch height to the top of the roof. Building facades would be constructed with two colors (to be determined) of 12-inch split face concrete masonry units (CMU). A pre-finished metal mansard-style roof is proposed. The front of the building would face the main parking area and rear of the restaurant building and includes four overhead garage doors and two doors for pedestrians. Each pedestrian door would have an awning and each overhead door includes an emergency wall pack light above. A cut sheet (detail) of the proposed wall packs has not been provided. The floor plan indicates that the interior of the building would include storage, garage, and car wash bays, and would include one restroom and one mechanical room.

SUMMARY OF REVIEW

- 16.01 Use Matrix (LI).** The floor plan indicates one car wash bay in the proposed building. The applicant should verify that the car wash would only be used for the maintenance of vehicles and equipment owned by the proprietor or lessee of the storage building in accordance with Section 16.02 G. as public “automobile wash establishments” are not listed as a permitted use in the LI district.
- 16.03 D. Landscaping.** Four existing 11-inch Red Maple trees are indicated to be removed in the area of the proposed building. It is likely that these trees were required or counted towards landscaping considered as part of previous site plan approvals. In order to ensure that the removal of these four trees do not create a compliance issue with previous approvals, we recommend that the applicant either replace these four trees elsewhere on the site or verify that they were not required trees.
- 16.03 E. Lighting.** The LI District requires that exterior site lighting be fully shielded and directed downward to prevent off-site glare. Four emergency wall pack lights are proposed above each door. Cut sheet details should be provided to verify that the proposed fixtures would be fully shielded.
- 16.03 O. Wetland Setbacks.** Section 27.17 B. requires that all buildings be setback a minimum of 25 feet from wetlands. The Topographic Survey does not indicate wetlands on the site. However, wetlands may be present in the rear of the site as indicated on the map provided in this review. The applicant should verify if wetlands are present on the site and if the 25-foot wetland setback is required.
- 16.04 Maximum Lot Coverage.** The LI District limits sites to a maximum lot coverage of 30% for all buildings and structures, including accessory buildings. As the existing lot coverage percentage would increase with the proposed building, the updated percentage should be provided on the site plan.
- 35.04 B. Design Standards (Lapeer Road Overlay District).** Buildings within the Overlay District shall comply with the requirements indicated in the below table. Items in bold text in the Proposed column should be addressed by the applicant. Additional information is needed to verify Overlay compliance.

35.04 – Development Standards	Proposed
B. Design Standards.	
1. Facades & 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.	N/A (100' exactly)

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.	N/A (does not face a public street)
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).	Not provided
2. Building Entrances	
a. Each <u>principal building</u> shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features...	N/A (accessory bldg.)
3. Roofs	
a.1. 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.	Applicant should verify no rooftop equipment
4. Materials & Colors	
a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.	Met (CMU)
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.	Façade and trim colors not provided for review
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.	
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.	Met (split face CMU)
D. 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.	

Respectfully,

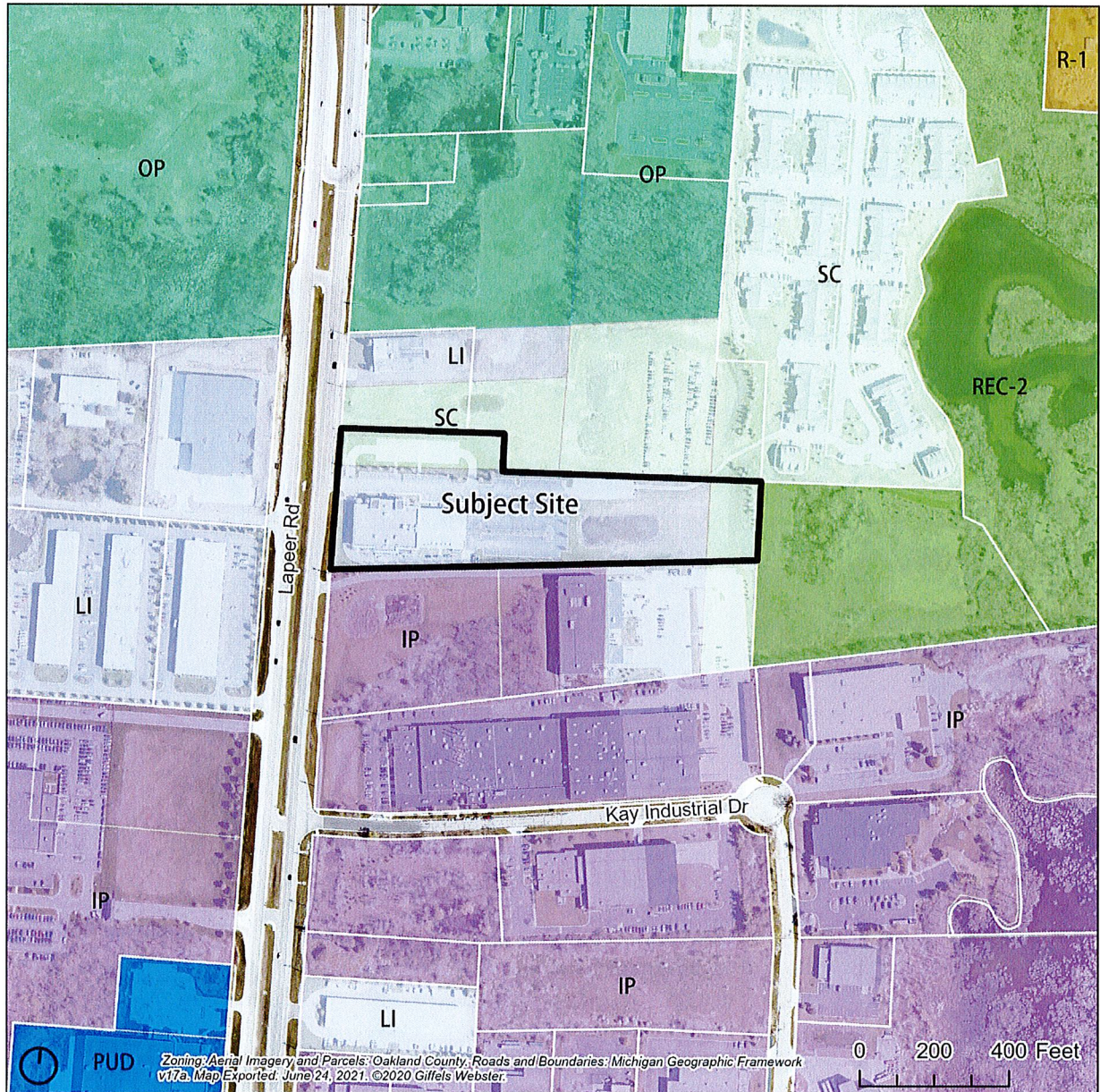
Giffels Webster



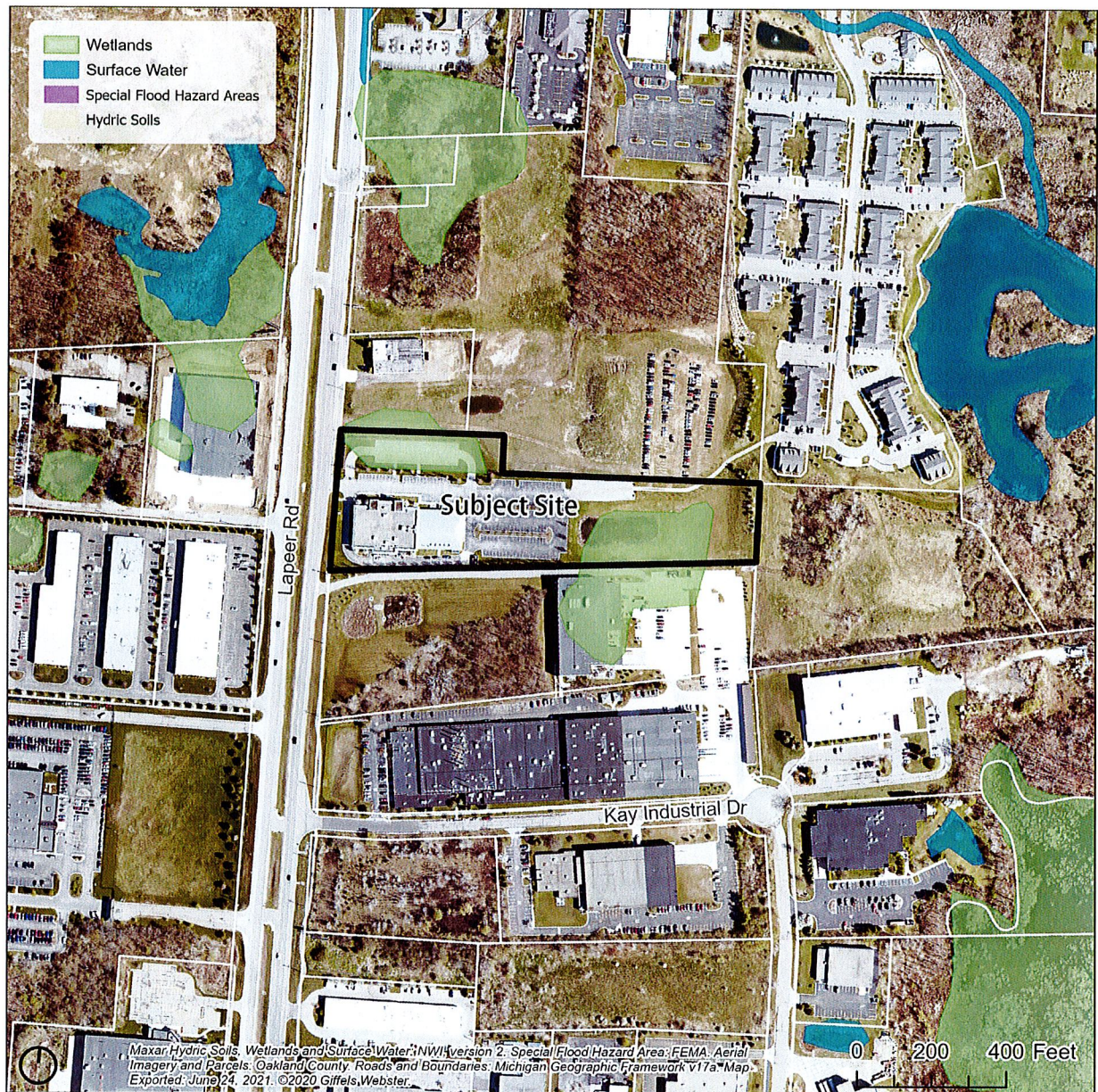
Eric Fazzini, AICP, CNU-A
Senior Planner

Maps

1. Adjacent Zoning.



2. Wetlands.



3. Safety Paths (existing along Lapeer Rd).





July 2, 2021

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

RECEIVED

JUL 02 2021

**Orion Township
Planning & Zoning**

RE: Palazzo Di Bocce Garage, PC-2021-54
Site Plan Review #1

Received: June 21, 2021 by Orion Township

Dear Mr. Reynolds:

We have completed our review of Palazzo Di Bocce Garage plan set. The plans were prepared by PEA and were reviewed with respect to the Township's Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township's Engineering Standards.

EXISTING SITE CONDITIONS:

The site is located on the east side of M-24 north of Kay Industrial Dr. within the northeast quadrant of Section 35 of the Charter Township of Orion. The site is zoned Light Industrial (LI) and bound by parcels to the north and east zoned Special Conditions (SC), parcels to the west zoned Light Industrial (LI), and parcels to the south zoned Industrial Park, (IP).

The existing site is home to Palazzo Di Bocce large restaurant facility that also houses several bocce ball courts. The site includes multiple parking bays, existing utility networks, and detention.

The applicant is proposing to add a garage facility on the east end of the existing parking lot directly adjacent to the existing detention pond.

WATER MAIN AND SANITARY SEWER:

The existing water main on site is 12-inches and reaches the north end of the proposed work area. The applicant shows the existing water main but does not call out the size. The existing gate well and hydrant are proposed to be protected throughout construction of the proposed maintenance garage. A single one-inch tap with a type 'K' copper lead is proposed on the water main to serve the building. No water main easement was shown in the plans. At engineering, a 12-foot-wide easement shall be provided over the existing main if an easement of record does not exist.

The existing sanitary sewer lead is located just north of this water main and is 6-inches in diameter. The applicant is proposing to extend a 6-inch sanitary lead to the end of the existing sanitary sewer which is located in the northeast corner of the existing parking lot. The applicant has proposed a clean out prior to connecting to the existing sewer. A basis of design for the building should be included in the plans.

STORMWATER MANAGEMENT:

OHM Advisors

1827 NORTH SQUIRREL ROAD
AUBURN HILLS, MICHIGAN 48326

T 248.751.3100
F 248.364.3001

OHM-31sors.com



The site has an existing storm sewer network and detention basin. The water is detained on the east side of the site and outlets to the north at a restricted rate. The majority of garage will be located within existing parking area resulting in very little additional impervious area. No additional detention will be required for this negligible increase. The proposed garage is shown to be located outside of the existing 100-yr storage area and the required freeboard.

PAVING/GRADING:

There are no proposed changes to site access. The maintenance garage will be located on the far east end of the parking lot and accessible from there. The only proposed paving is a roughly 8-foot-wide section directly adjacent to the garage and newly proposed curb. Fourteen (14) parking spaces are proposed to be removed to facilitate construction of the building. We defer review of the parking requirements to the Township Planner.

Pavement slopes associated with the garage appear to be acceptable. Pavement slopes are to remain between 1% and 6% for drive areas, and between 1% and 4% for parking areas. The proposed cross-section for this area is 6-inches of concrete atop 6-inches of aggregate. The required pavement section for a site of this zoning is 8-inches of concrete atop an approved base. Given the proposed commercial usage of the area being paved, the proposed pavement section is acceptable.

Proposed grades are provided via spot grades at building and pavement corners. The proposed grades appear to divert stormwater runoff away from the proposed building and toward storm sewer structures in the pavement area and toward the detention basin in unpaved areas.

LANDSCAPING:

Landscaping improvements appear to be limited to minimal restoration around the building and the proposed curb. Four trees are proposed for removal to facilitate the proposed building. We defer to the Township Planner if replacement trees should be provided.

NATURAL FEATURES:

Wetlands & Woodlands:

No wetlands are proposed to be affected by this project. There are no woodlands within the project area.


CONCLUSION:

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

1. The engineering plan, designed in accordance with Zoning Ordinance No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township's Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

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

Sincerely,
OHM Advisors



Joe Lehman
Project Engineer

Mark Landis, P.E.
Project Manager

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 Basigkow, Water and Sewer Superintendent
Eric Fazzini, Township Planner
Jim Butler, PEA Group
Anthony Battaglia, Palazzo Di Bocce
File

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Charter Township of Orion

3365 Gregory Rd., Lake Orion MI 48359
www.oriontownship.org

Fire Department

Phone: (248) 391-0304, ext. 2000
Fax: (248) 309-6993

To: Planning Commission/Planning & Zoning Director
From: Jeff Williams, Fire Marshal
Re: PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan
Date: 07/02/2021

The Orion Township Fire Department has completed its review of Application PC-2021-54 for the limited purpose of compliance with Charter Township of Orion Ordinance's, Michigan Building Code, and all applicable Fire Codes.

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

☒ Approved
☐ Approved with Comments (See below)
☐ Not approved

Comments: NONE

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

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

Sincerely,

Jeffrey Williams

Jeff Williams, Fire Marshal
Orion Township Fire Department

RECEIVED

JUL 02 2021

Orion Township
Planning & Zoning

Courtney Keisman

Subject: FW: PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan

From: Elizabeth Guzanek <eguzanek@oriontownship.org>

Sent: Friday, July 2, 2021 9:14 AM

To: Tammy Girling <tgirling@oriontownship.org>

Cc: William Basigkow <wbasigkow@oriontownship.org>; Jeff Stout <jstout@oriontownship.org>

Subject: RE: PC-2021-54, Palazzo Di Bocce Garage, Amendment to Site Plan

Tammy,

After reviewing the plans submitted, adequate water and sewer is available for the proposed garage at 4291 S Lapeer Road.

When the building application is submitted, the water and sewer connection fees will be calculated and those fees are required to be paid when the building permit is issued.

If you have any other questions, please contact our department.

Thank You,



Elizabeth Guzanek

Office Coordinator

Department of Public Services

Water & Sewer Division

2525 Joslyn Road Lake Orion, MI 48360

O: 248.391.0304, ext. 8504 F: 248.393.6842

www.oriontownship.org

A site walk was completed June 29th, 2021 for PC-2021-54 Palazzo Di Bocce Garage, Amendment to Site Plan.

The Proposed Amendment is proposed on the eastern portion of the property.

The site is currently developed and occupied by Palazzo Di Bocce with paved parking supplementing the existing use.

The adjacent parcel to the north is undeveloped, the adjacent parcel to the northeast is multi-family residential. An emergency access road connects to the eastern portion of the subject parcel and supplements the adjacent multi-family development. Industrial buildings are adjacent to the south.

The proposed maintenance building will replace 10-12 existing spaces and will require the removal of 4 trees. It also appears that the existing storm detention basin will need to be modified to provide an adequate setback to the newly proposed structure.

No legacy trees appear to be affected, but tree replacement calculations along with parking calculations should be verified.

Scott Reynolds, Planning Commissioner
Charter Township of Orion
sreynolds@oriontownship.org

RECEIVED



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

JUN 18 2021

Orion Township
 Planning & Zoning

Case # - PC-2021-54
 Meeting Date: - July 7, 2021

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: Palazzo Di Bocce Garage

Name of Development if applicable: Palazzo Di Bocce

Applicant	Name: <u>Anthony Battaglia</u> Address: <u>4291 South Lapeer Road</u> City: <u>Lake Orion</u> State: <u>MI</u> Zip: <u>48359</u> Phone: <u>(248) 371-9987</u> Cell: <u>248-977-0985</u> Fax: _____ Email: <u>avbatt@aol.com</u>
Property Owner(s)	Name: <u>Same As Applicant</u> Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Cell: _____ Fax: _____ Email: _____ <p style="font-size: small;"> 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.</p>
Plan Preparer Firm/Person	Name: <u>PEA Group (James P. Butler, PE)</u> Address: <u>2430 Rochester Court, S-100</u> City: <u>Troy</u> State: <u>MI</u> Zip: <u>48083</u> Phone: <u>248-689-90960</u> Cell: <u>248-821-4841</u> Fax: _____ Email: <u>jbutler@peagroup.com</u>
Project Contact Person	Name: <u>Same As Applicant</u> Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Cell: _____ Fax: _____ Email: _____

Property Description	Sidwell Number(s):	09-35-200-034		
	Location or Address of Property:	4291 South Lapeer Road		
	Side of Street:	East	Nearest Intersection:	Silverbell Road
	Acreage:		Current Use of Property:	Restaurant and Bocce Ball Facility
Project Information	Is the complete legal description printed on the site plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no please attach to the application)			
	Subject Property Zoning:	LI and SC	Adjacent Zoning:	N. SC S. IP/LI E. SC W. LI
	List any known variances needed (subject to change based on Township consultant's review) None			
	Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed Construction of an accessory building for storage			
Submittal to Outside Agencies	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. <u>Please provide the Township with a copy of each transmittal as proof of delivery.</u>			
	AT&T 54 Mill St. Pontiac, MI 48342		Consumers Power Company 530 W. Willow St. Lansing, MI 48906	
	DTE Energy Co. ATTENTION: NW Planning & Design 1970 Orchard Lake Rd. Sylvan Lake, MI 48320		Oakland County Health Department Building 34 East 1200 N. Telegraph Rd. Pontiac, MI 48341	
	Michigan Department of Transportation (if applicable) 800 Vanguard Dr. Pontiac, MI 48341		Road Commission of Oakland County (if applicable) sintkowski@rcoc.org (electronic submittal only)	
	Oakland County Water Resources wrcpermitting@oakgov.com (electronic submittal only)			

38

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

Signature of Applicant:

(must be original ink signature)

Date:

Print Name:

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

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

(must be original ink signature)

Date:

Print Name:



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name Palazzo Di Bocce


PC# _____ Parcel#(s) _____

Please select an option below:

☐ **Permission to Post on Web Site**

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

39


Signature of Applicant

6-16-21
Date

ANTHONY V. BATTAGLIN
Printed Name of Applicant

☐ **Do not want plans posted on Web Site**

PRELIMINARY SITE PLANS

PALAZZO di BOCCE

4291 S LAPEER RD, LAKE ORION, MI 48359

ORION TOWNSHIP, OAKLAND COUNTY, MICHIGAN

40

PERMIT / APPROVAL SUMMARY		
DATE SUBMITTED	DATE APPROVED	PERMIT / APPROVAL



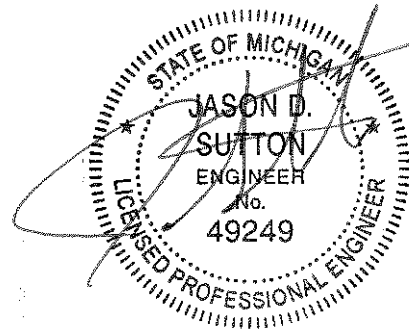
INDEX OF DRAWINGS	
NUMBER	TITLE
	COVER SHEET
C-1.0	TOPOGRAPHIC SURVEY
C-3.0	PRELIMINARY OVERALL SITE PLAN
C-4.0	PRELIMINARY ENGINEERING PLAN
	ARCHITECTURE PLANS
A-101	FLOOR PLAN
A-201	BUILDING ELEVATIONS

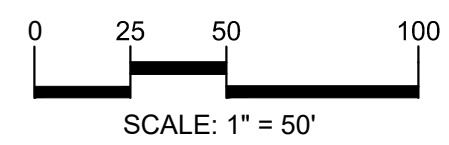
DESIGN TEAM

OWNER/APPLICANT/DEVELOPER	CIVIL ENGINEER
AVB PROPOERTIES, LLC. 2700 GUNN ROAD ROCHESTER, MI 48306 CONTACT: ANTHONY V. BATTAGLIA PHONE: 248.977.0965 EMAIL: AVBATT@AOL.COM	PEA GROUP 2430 ROCHESTER COURT, STE. 100 TROY, MI 48063-1872 CONTACT: JASON SUTTON, PE PHONE: 844.813.2949 EMAIL: JSUTTON@PEAGROUP.COM
ARCHITECT	
FAUDI ARCHITECTURE 28261 EVERGREEN ROAD, SUITE 123 SOUTHFIELD, MI 48076 CONTACT: ALDEN L. FAUDIE JR., AIA PHONE: 248.619.2354 EXT. 1 EMAIL: CFAUDIE@FAUDIEARCHITECTURE.COM	



REVISIONS	
DESCRIPTION	DATE
ORIGINAL ISSUE DATE	6/17/2021





CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CLIENT
**AVB
PROPERTIES, LLC**
2700 GUNN ROAD
ROCHESTER, MICHIGAN 48306

PROJECT TITLE
**PALAZZO di
BOCCE**
4291 S LAPEER RD, LAKE
ORION, MI 48359
ORION TOWNSHIP, OAKLAND
COUNTY, MICHIGAN




[illegible]

ORIGINAL ISSUE DATE:
JUNE 17, 2021

DRAWING TITLE
**TOPOGRAPHIC
SURVEY**

PEA JOB NO.	2020-0118
P.M.	JPB
DN.	JKS
DES.	JDS
DRAWING NUMBER:	

C-1.0

 IRON FOUND
 BRASS PLUG SET
 SEC. CORNER FOUND
 IRON SET
 MONUMENT FOUND
 R RECORDED
 NAIL FOUND
  MONUMENT SET
 M MEASURED
 NAIL & CAP SET
 C CALCULATED

09-35-200-034
(Per PEA, Inc.)

A Parcel of land in the Northeast 1/4 of Section 35, Town 4 North, Range 10 East, Iron Township, Oakland County, Michigan, said parcel being more particularly described as:

thence (L) 108°08'28"W (recorded S) S01°34'11"W, 102.21 feet; thence along the North line of said Section 35, N88°38'02"W, 106.21 feet to the North 1/8 corner of said Northeast 1/4 (as calculated by others);

thence (L) S02°44'28"W, 958.48 feet;

thence (L37) N86°06'44"W, 1.16 feet;

thence (L38) S02°04'14"W (recorded S) S01°34'11"W, 113.30 feet;

thence (L39) S89°29'31"E (recorded S) N89°20'22"E, 135.01 feet;

thence (L40) S01°42'24"W (recorded S) S00°04'17"W, 319.72 feet to the POINT OF BEGINNING;

thence (L41) S00°04'17"W, 211.52 feet;

thence (L55) S87°06°57"W (recorded T) S87°15°00"W, 1141.43 feet to the Easterly Right-of-Way line of Loper Road;

thence along said Easterly Right-of-Way line, (L56) N02°31'42"E (recorded T) N02°48'00"E and (S) N01°03'35"E, 95.43 feet;






















thence continuing along said Easterly Right-of-Way line, (L57) N02°31'42"E (recorded as T) N02°48'00"E and (S) N01°38'16"E, 283.72 feet;

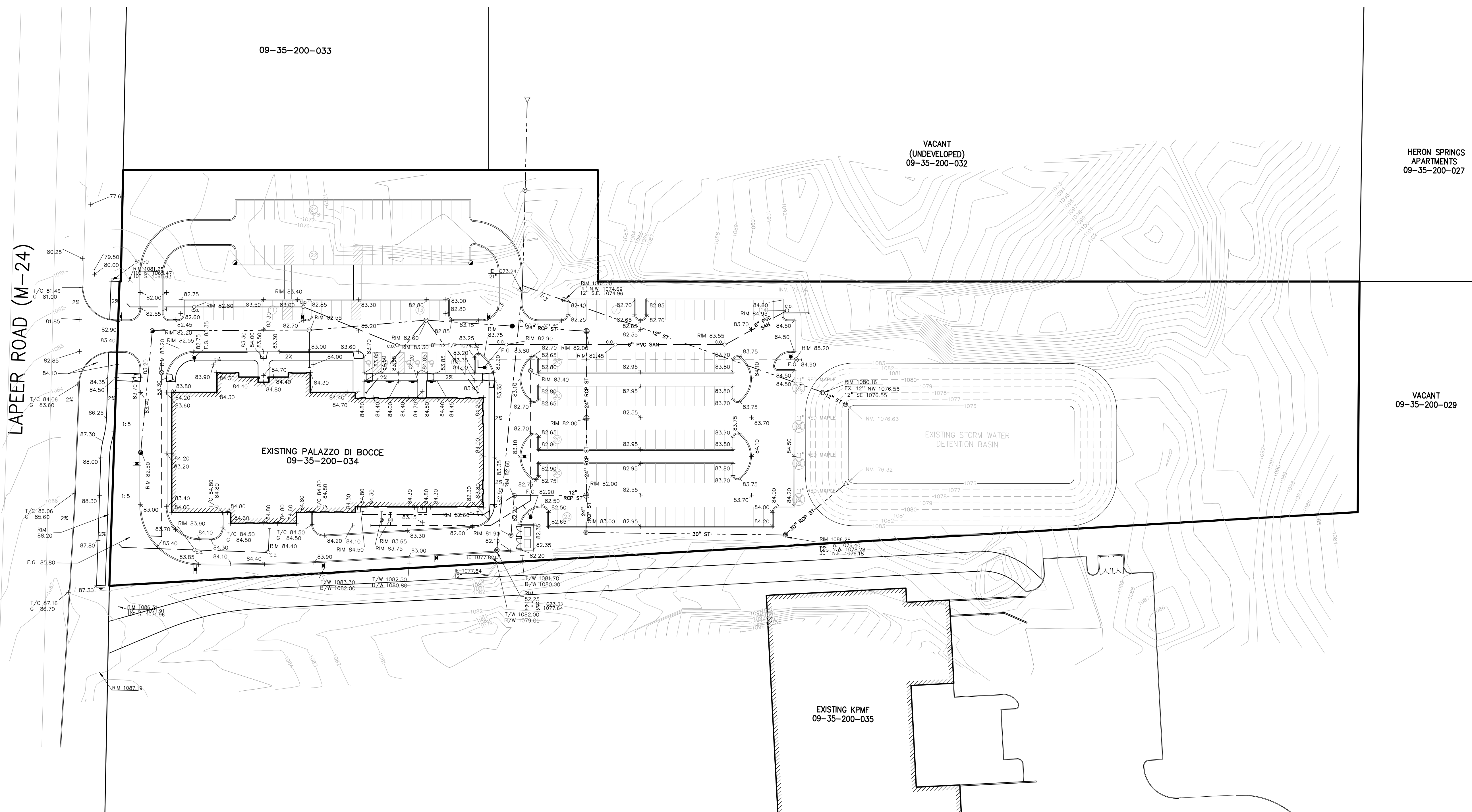
thence (L58) S89°46'45"E, 435.00 feet;

thence (L59) S00°30'29"W, 102.01 feet;

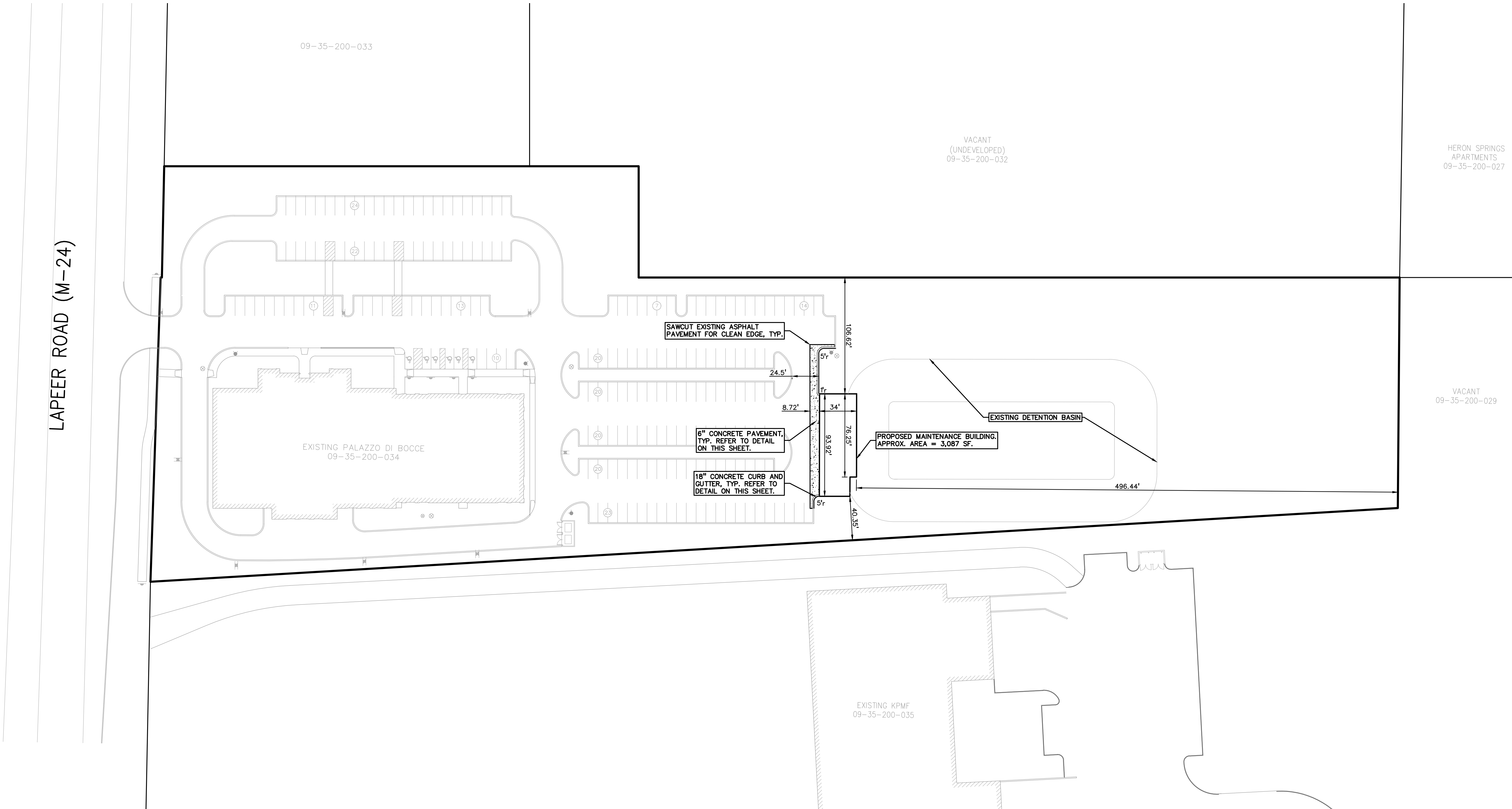
thence (L60) S01°34'11"W (recorded as T) S89°29'31"E and (S) N89°20'22"E, 692.89 feet to the POINT OF BEGINNING.

Containing 2.740 acres of land.

EXISTING	
—OH—ELEC.—CABLE	ELEC. PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
—UG—CATV—	UNDERGROUND CABLE TV, CATV PEDESTAL
—UG—PHONE—	TELEPHONE UG. CABLE, PEDESTAL & MANHOLE
—UG—ELEC.—CABLE	ELECTRIC UG. CABLE, MANHOLE, METER & HANDHOLE
	GAS MAN. VALVE & GAS LINE MARKER
	WATERMAN. HYD. GATE VALVE, TAPPING SLEEVE & VALVE
	SANITARY SEWER CLEANOUT & MANHOLE
	STORM SEWER CLEANOUT & MANHOLE
	COMBINED SEWER & MANHOLE
	SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN
	POST INDICATOR VALVE
	WATER VALVE BOX/HAND TRIM VALVE BOX, SERVICE SHUTOFF
	MANHOLE, TRANSFORMER, IRRIGATION CONTROL, VALVE
	UNIDENTIFIABLE STRUCTURE
	SPOT ELEVATION
	CONTOUR LINE
	FENCE
	GUARD RAIL
	STREET LIGHT
	SIGN
	CONCRETE
	ASPHALT
	GRAVEL
	GRAVEL SHOULDER
	WETLAND



NOT FOR CONSTRUCTION



LEGAL DESCRIPTION
95-209-030-034
 (Per Parcel, Inc.)

A Parcel of land in the Northeast 1/4 of Section 35, Town 4 North, Range 10 East, Iron Township, Oakland County, Michigan, said parcel being more particularly described as:

Commencing at the Northeast Corner of said Section 35; thence (L39) 50°00'00" North line of said Section 35, N88°30'02"W 1062.11 feet to the North 1/8 corner of said Northeast 1/4 (as calculated by others);

thence S02°48'26"W, 958.48 feet;

thence (L37) N86°06'44"E, 1.16 feet;

thence (L38) 50°24'18"W (recorded (S) S01°34'11"W, 113.30 feet;

thence (L39) S89°29'31"E (recorded (S) N89°20'22"E), 135.01 feet;

thence (L40) S01°14'24"W (recorded (S) S00°04'17"W, 319.72 feet to the **POINT OF BEGINNING**;

thence continuing (L54) S01°14'24"W (recorded (S) S00°04'17"W, 211.52 feet;

thence (L55) S87°06'57"W (recorded (T) S87°51'00"W), 1141.43 feet to the Eastern Right-of-Way line of Lapeer Road (M-24, variable width);

thence along said Eastern Right-of-Way line, (L56) N02°31'42"E (recorded (T) N02°48'00"E and (S) N01°03'35"E), 95.45 feet;

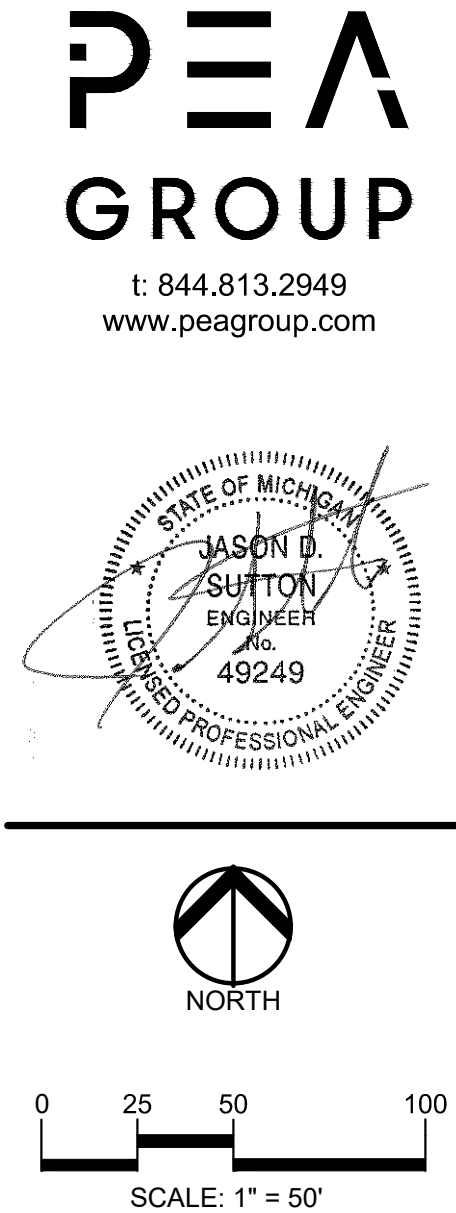
thence continuing along said Eastern Right-of-Way line, (L57) N02°48'23"E (recorded as (T) N02°48'00"E and (S) N01°38'16"E), 283.72 feet;

thence (L58) S89°46'45"E, 435.00 feet;

thence (L59) S02°00'00"E, 102.01 feet;

thence (L60) S88°29'31"E (recorded as (T) S89°22'00"E and (S) N89°20'22"E), 692.89 feet to the **POINT OF BEGINNING**.

Containing 107.42 acres of land.



CLIENT
**AVB
PROPERTIES, LLC**
2700 GUNN ROAD
ROCHESTER, MICHIGAN 48306

PROJECT TITLE
**PALAZZO di
BOCCE**
4291 S LAPEER RD, LAKE
ORION, MI 48359
ORION TOWNSHIP, OAKLAND
COUNTY, MICHIGAN

[illegible]

ORIGINAL ISSUE DATE:
JUNE 17, 2021

DRAWING TITLE

**PRELIMINARY
OVERALL SITE
PLAN**

PEA JOB NO.	2020-0118
P.M.	JPB
DN.	JKS
DES.	JDS

DRAWING NUMBER:

NOT FOR CONSTRUCTION

C-3.0

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT:

1. ALL MATERIAL TO BE REMOVED, WHETHER SPECIFICALLY NOTED IN THE PLANS OR NOT, SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED OF OFF-SITE IN A LEGAL MANNER. NO ON-SITE BURY OR BURN PITS SHALL BE ALLOWED.
2. ALL DEMOLITION WORK SHALL CONFORM TO ALL LOCAL CODES AND ORDINANCES.
3. STAGING/PHASING OF DEMOLITION AND CONSTRUCTION IS TO BE COORDINATED WITH THE OWNER AND THE CONTRACTOR PRIOR TO CONSTRUCTION.
4. SPECIFIC DEMOLITION ITEMS HAVE BEEN INDICATED ON THE PLANS AS A GUIDE TO THE GENERAL SCOPE OF THE WORK. IT IS THE INTENT THAT THESE ITEMS SHALL BE COMPLETELY REMOVED BY THE CONTRACTOR ABOVE AND AROUND, UNLESS SPECIFICALLY NOTED OTHERWISE, AND THAT DEMOLITION WILL INCLUDE BUT WILL NOT NECESSARILY BE LIMITED TO THESE ITEMS. CONTRACTOR SHALL VISIT SITE TO VERIFY EXISTING CONDITIONS AND EXTENTS OF THE DEMOLITION THAT WILL BE REQUIRED PRIOR TO SUBMITTING A BID.
5. REMOVE ALL STRUCTURES DESIGNATED FOR REMOVAL ACCORDING TO THE DEMOLITION PLAN. THIS INCLUDES FOUNDATIONS, FOOTINGS, FOUNDATION WALLS, FLOOR SLABS, UNDERGROUND UTILITIES, CONCRETE, ASPHALT, TREES, ETC.
6. THE CONTRACTOR SHALL, AS A MINIMUM, PROVIDE TREE PROTECTION FENCING AROUND EXISTING TREES TO BE SAVED THAT ARE WITHIN 15 FEET OF CONSTRUCTION ACTIVITIES AND AS INDICATED IN THE PLANS OR PER LOCAL AGENCY REQUIREMENTS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEAN UP, NOISE, DUST CONTROL, STREET SWEEPING AND HOURS OF OPERATION IN ACCORDANCE WITH THE LOCAL CODES.
8. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADES, SIGNAGE, MARKINGS, LIGHTS AND OTHER TRAFFIC CONTROL DEVICES TO PROTECT THE WORK ZONE AND SAFELY MAINTAIN TRAFFIC PER AGENCY REQUIREMENTS AND IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
9. THE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES TO CONFIRM THAT UTILITY LEADS HAVE BEEN TAKEN OUT OF SERVICE PRIOR TO DEMOLITION.
10. ALL BUILDING GAS LEADS, METERS AND ASSOCIATED EQUIPMENT SHALL BE REMOVED AS SHOWN ON THE PLANS. COORDINATE ALL ASSOCIATED WORK WITH THE APPROPRIATE UTILITY COMPANY.
11. REMOVE ALL OVERHEAD AND UNDERGROUND ELECTRICAL LINES WITHIN THE AREA OF CONSTRUCTION AS SHOWN ON THE PLANS. COORDINATE SHUTDOWNS AND REMOVALS WITH ELECTRICAL SERVICE PROVIDER OR THE APPROPRIATE UTILITY COMPANY. (NOTE: PHONE AND CABLE T.V. SERVICES MAY ALSO BE LOCATED ON OVERHEAD LINES.)
12. THE CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL AND REPLACEMENT OF SIGNS AND SUPPORTS WITHIN THE WORK AREA, AS NECESSARY TO FACILITATE CONSTRUCTION. SIGNS SHALL BE PROTECTED OR STOCKPILED FOR REUSE AS SPECIFIED IN THE PLANS OR AS REQUIRED BY THE AGENCY OF JURISDICTION. THE CONTRACTOR SHALL REPLACE ANY DAMAGED SIGNS AND SUPPORTS AT NO ADDITIONAL COST TO THE OWNER.
13. THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE 811/ONE CALL UTILITY LOCATING CENTER, THE CITY ENGINEER AND/OR THE AUTHORITY HAVING JURISDICTION 3 BUSINESS DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.

ITEM TO BE PROTECTED
CURB/FENCE REMOVAL
AREA OR ITEMS TO BE REMOVED
ASPHALT REMOVAL
TREE REMOVAL
SAWCUT LINE

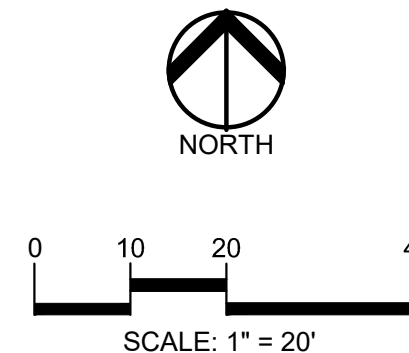
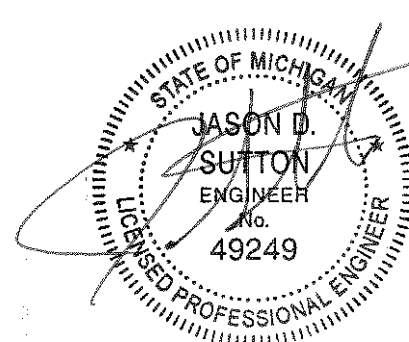
PROPOSED SPOT ELEVATION:
TYPICALLY TOP OF PAVEMENT IN PAVED
AREAS, GUTTER GRADE IN CURB LINES.

ABBREVIATIONS:
T/C = TOP OF CURB
G = GUTTER GRADE
T/P = TOP OF PAVEMENT
T/S = TOP OF SIDEWALK
T/W = TOP OF WALL
B/W = BOTTOM OF WALL
F.G. = FINISH GRADE
RIM = RIM ELEVATION

TOP OF WALL (T/W) AND BOTTOM OF WALL (B/W)
GRADES ARE THE FINISH GRADE AT THE TOP AND
BOTTOM OF THE RETAINING WALL, NOT ACTUAL TOP
AND BOTTOM OF THE WALL STRUCTURE.

(Per PEA, Inc.)

A Parcel of land in the Northeast 1/4 of Section 35, Town 4 North, Range 10 East, Iron Township, Oakland County, Michigan, said parcel being more particularly described as: Commence at East Corner of said Section 35; thence along the North line of said Section 35, N88°38'02"W, 1062.11 feet to the North 1/4 corner of said Section 1/4 (as calculated by others); thence S02°48'21"W, 358.18 feet; thence (L37) N86°06'44"E, 1.16 feet; thence S02°44'18"W, 1.36 feet; (S) S01°34'11"W, 113.30 feet; thence (L39) S89°29'31"E (S) N89°20'22"E, 135.01 feet; thence (L40) S01°14'24"W (recorded S) S00°04'17"W, 319.72 feet to the **POINT OF BEGINNING**; thence continuing along said S01°14'24"W (recorded S) S00°04'17"W, 211.52 feet; thence (L55) S87°06'57"W (recorded T) S87°15'00"W, 1141.43 feet to the Easterly Right-of-Way line of Lapeer River (M, and, recorded as T) S87°15'00"W, 1141.43 feet along the Easterly Right-of-Way line, (L56) N02°13'42"E (recorded T) N02°48'00"E and (S) N01°03'35"E, 95.43 feet; thence continuing along said Easterly Right-of-Way line, (L57) N02°48'00"E (recorded as T) N02°48'00"E and (S) N01°38'16"E, 283.72 feet; thence (L58) S89°46'45"E, 435.00 feet; thence (L59) S00°30'29"W, 102.01 feet; thence (L60) S89°29'31"E (S) S89°20'22"E and (S) N89°20'22"E, 692.89 feet to the **POINT OF BEGINNING**. Containing 2.74 acres of land.

[illegible]

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CLIENT
**AVB
PROPERTIES, LLC**
2700 GUNN ROAD
ROCHESTER, MICHIGAN 48306

PROJECT TITLE
**PALAZZO di
BOCCE**
4291 S LAPEER RD, LAKE
ORION, MI 48359
ORION TOWNSHIP, OAKLAND
COUNTY, MICHIGAN

REVISIONS

ORIGINAL ISSUE DATE:
JUNE 17, 2021

DRAWING TITLE

**PRELIMINARY
ENGINEERING
PLAN**

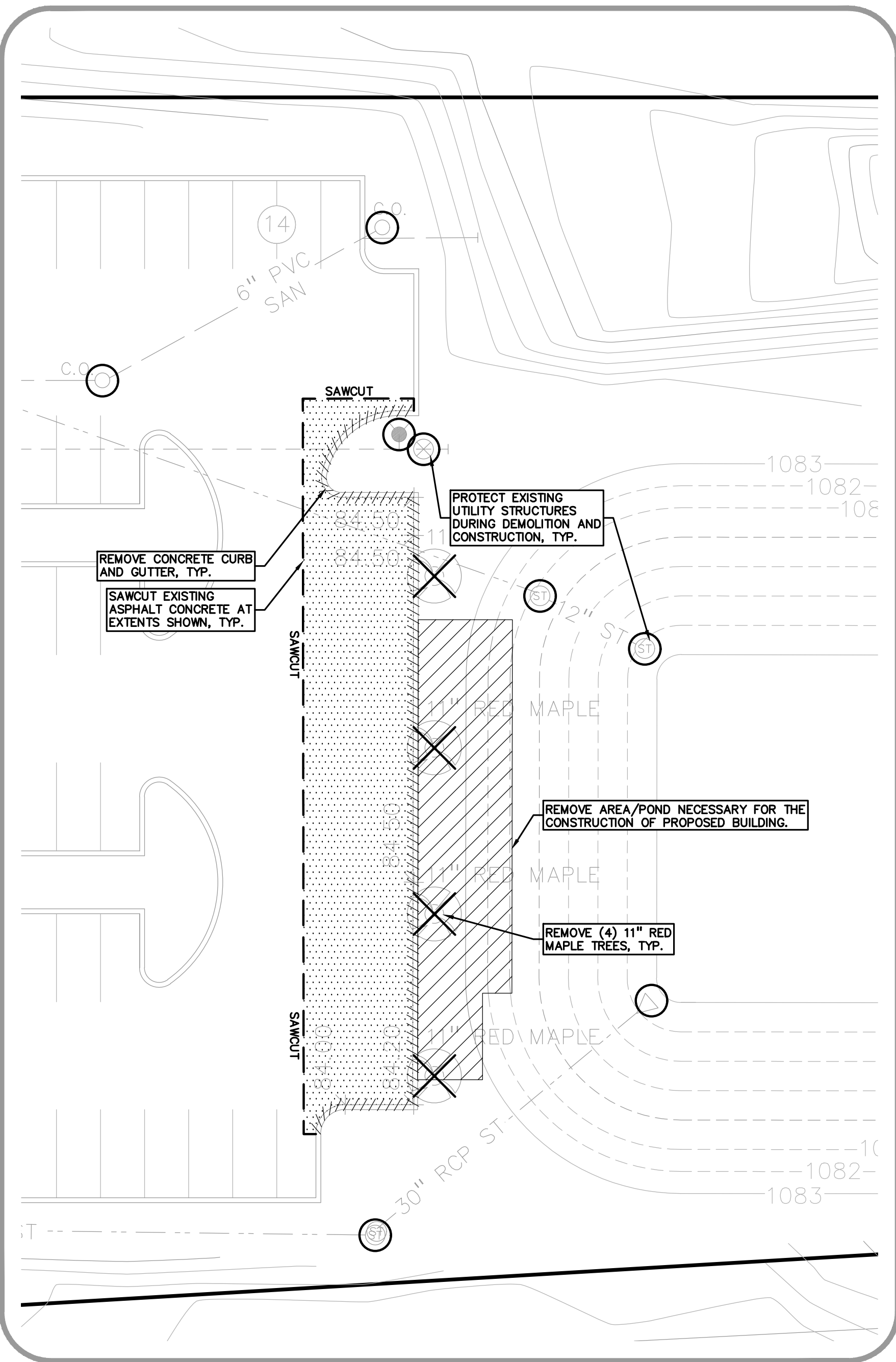
PEA IOR NO 2020 01

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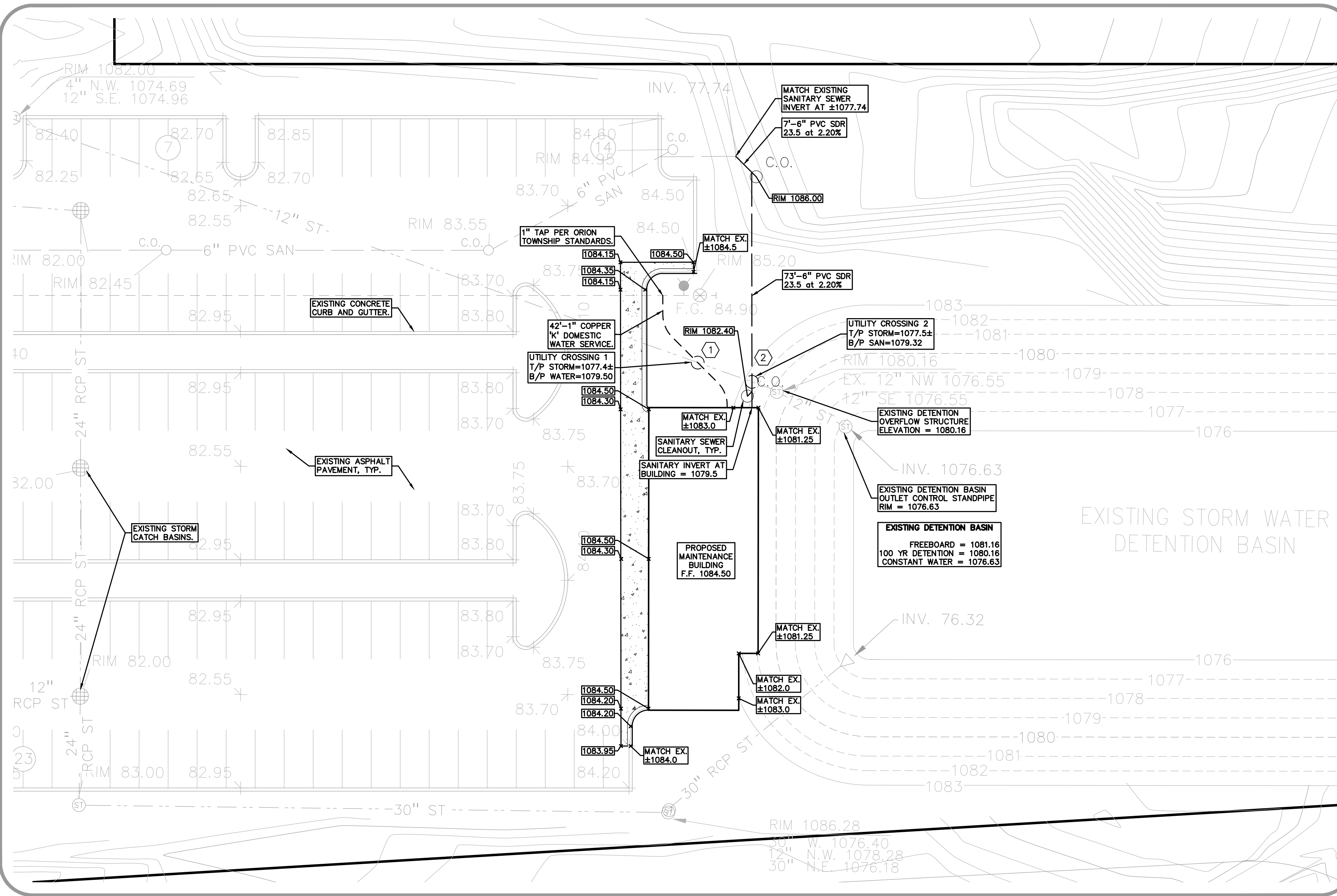
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DES |

DRAWING NUMBER:

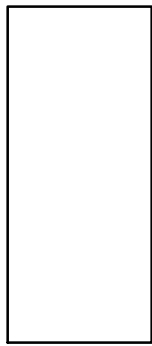


DEMOLITION PLAN
SCALE: 1" = 20'-0"

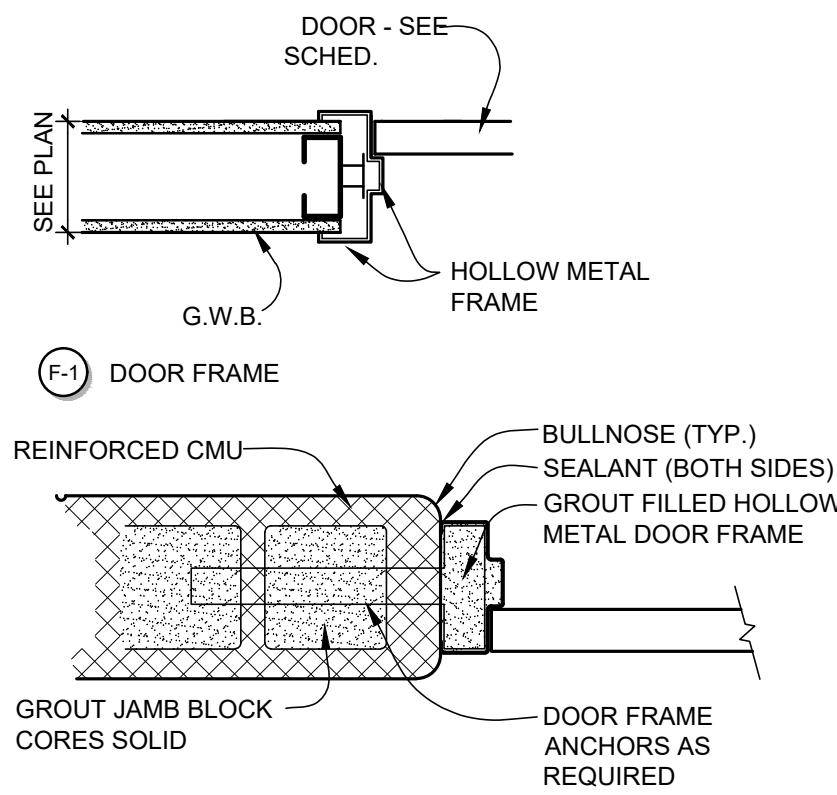


GRADING AND UTILITY PLAN
SCALE: 1" = 20'-0"

FLUSH



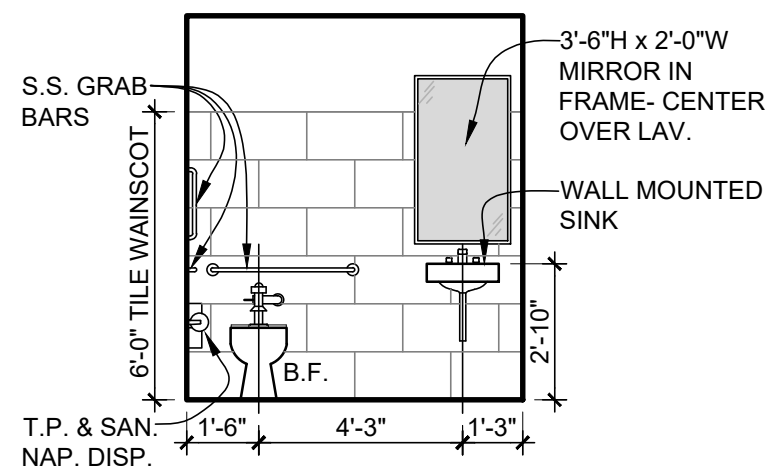
(D-1)



PROVIDE HOLLOW METAL FLUSH (D-1) 3'-0"x7'-0" DOORS. DOORS TO HAVE THE FOLLOWING HARDWARE: 1½" PAIRS HEAVY WEIGHT BUTTS, KEYED LOCKED SET, CLOSER, ALUMINUM THRESHOLD, WEATHER STRIPPING (PACKAGE TO BE CONSISTENT OF FULL PERIMETER SEALS AND A SILL SEALER OR SWEEP), AND KICK PLATE.

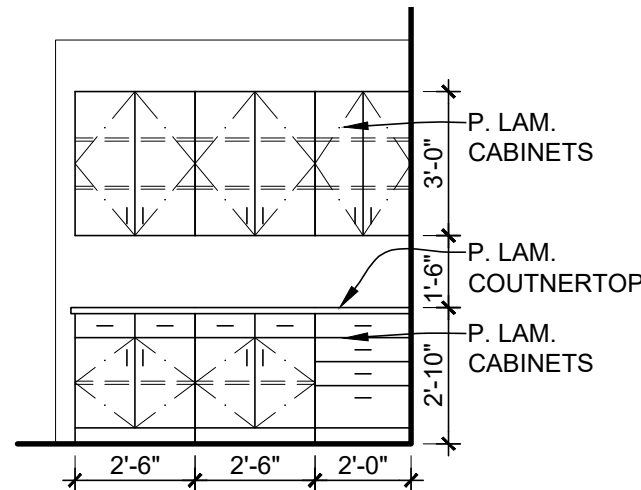
102 PROVIDE HOLLOW METAL FLUSH (D-1) 3'-0"x7'-0" DOORS. DOORS TO HAVE THE FOLLOWING HARDWARE: 1½" PAIRS HEAVY WEIGHT BUTTS, PRIVACY LATCH SET, WALL STOP, AND KICK PLATE.

104A PROVIDE HOLLOW METAL FLUSH (D-1) 3'-0"x7'-0" DOORS. DOORS TO HAVE THE
105 FOLLOWING HARDWARE: 1½" PAIRS HEAVY WEIGHT BUTTS, PASSAGE LATCH SET
CLOSER, AND KICK PLATE.



SCALE: 1/4" = 1'-0"

A-101



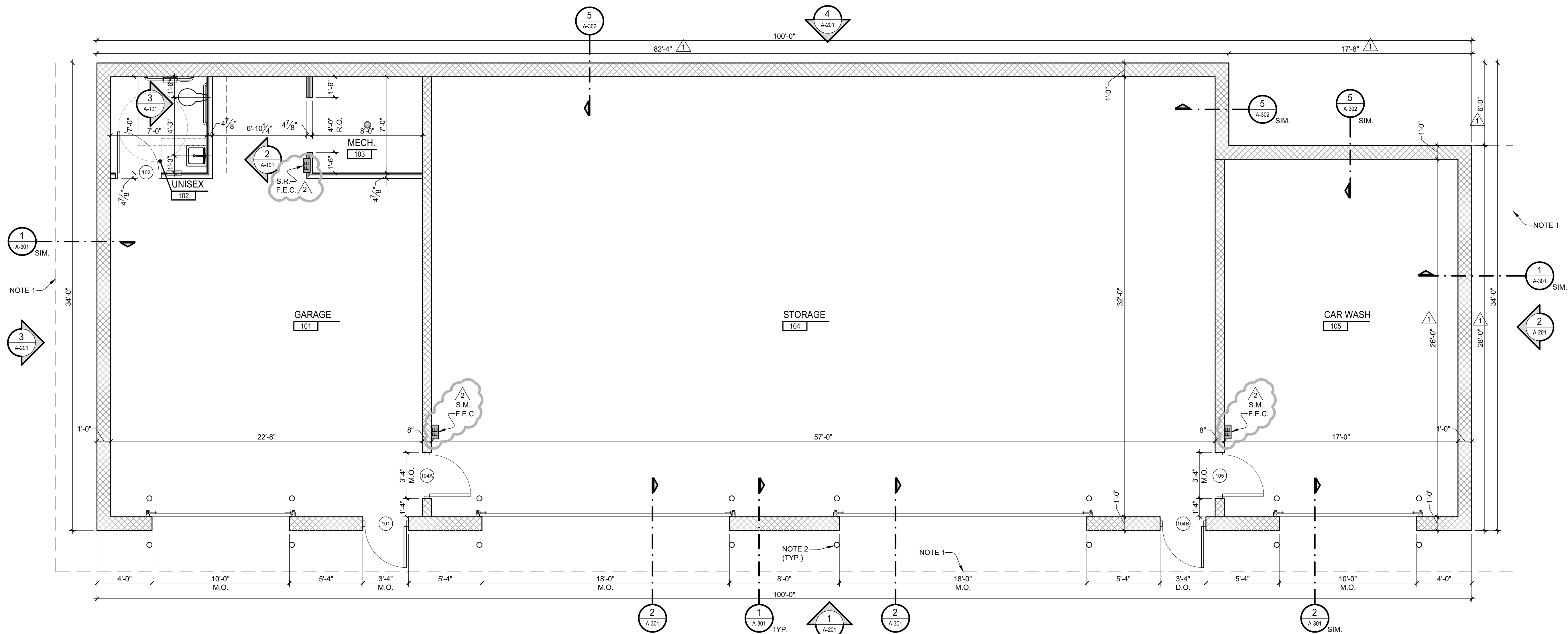
SCALE: 1/4" = 1'-0"

A-101

- A. CONTRACTOR SHALL VERIFY ALL EXISTING FIELD CONDITIONS AND DIMENSIONS WITH RESPECT TO THE WORK DESCRIBED IN THESE DOCUMENTS. REPORT ANY INCONSISTENCIES TO THE ARCHITECT PRIOR TO BEGINNING ANY WORK OR FABRICATION
- B. CONTRACTOR SHALL PROVIDE ALL NECESSARY LABOR MATERIALS AND EQUIPMENT FOR THE WORK DESCRIBED IN THESE DOCUMENTS UNLESS CLEARLY NOTED "NOT IN CONTRACT" (N.I.C.). EXISTING WORK ADJACENT TO, OR IN THE AREA OF NEW WORK SHALL BE PROTECTED BY ALL SUITABLE MEANS NECESSARY TO PREVENT OR MINIMIZE DAMAGE. WHERE EXISTING WORK IS TO BE REMOVED OR ALTERED, RESTORE ADJACENT FINISH TO ORIGINAL CONDITION. EXTEND/REFINISH ALL FRAMES, BASE AND TRIM WHERE CUTTING HAS EXPOSED ANY UNFINISHED SURFACES. REPAIR ANY DAMAGE TO EXISTING WORK AND RESTORE TO ORIGINAL CONDITION.
- C. THE BUILDING OWNER SHALL HAVE THE "RIGHT OF FIRST REFUSAL" OF ANY SALVAGED ITEMS. IF THE OWNER DOES NOT EXERCISE THAT RIGHT THEN DISPOSE OF ALL DISCARDED ITEMS IN A LEGAL, OFF SITE, MANNER.
- D. CONTRACTORS SHALL KEEP WORK AREAS AND ADJACENT PUBLIC CORRIDORS AND FACILITIES FREE OF DEBRIS. MATERIALS STORED ON SITE ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE STORED IN A LOCATION APPROVED BY THE LANDLORD. NO PERSONAL RADIOS SHALL BE ALLOWED IN OCCUPIED BUILDINGS.
- E. CONTRACTOR TO PROVIDE PROPER CONSTRUCTION WORK DUST CONTROL IN ALL AREAS OF CONSTRUCTION.
- F. ACUSTICAL CONTRACTOR SHALL PROVIDE AND INSTALL HANGER WIRES AT EACH EXISTING, NEW AND RELOCATED 2x2 AND 2x4 FLUORESCENT LIGHT FIXTURE PER APPLICABLE CODE (TYPICAL THROUGHOUT)
- G. CONTRACTOR TO PROVIDE FIRE ALARM & FIRE PROTECTION DESIGN DRAWINGS & ASSOCIATED WORK TO MEET BUILDING AND LOCAL CODE REQUIREMENTS.
- H. MECHANICAL AND ELECTRICAL DESIGN AND CONSTRUCTION SHALL CONFORM TO ALL MUNICIPAL CODE REQUIREMENTS AND TO THE STANDARDS AND RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR CONDITIONING ENGINEERS (ASHRAE). SHEET METAL AND AIR CONDITIONING CONTRACTOR'S NATIONAL ASSOCIATION, NATIONAL SANITATION FOUNDATION, NATIONAL FIRE PROTECTION ASSOCIATION, THE NATIONAL ELECTRIC CODE, AND UNDERWRITERS LABS.


DENOTES STANDARD BLOCK WALL:
8" SMOOTH FACE C.M.U. WITH BULLNOSE CORNERS WHERE
EXPOSED. FILL CORES w/ 'CORE-FILL 500' SPRAY-FOAM
INSULATION OR APPROVED EQUAL

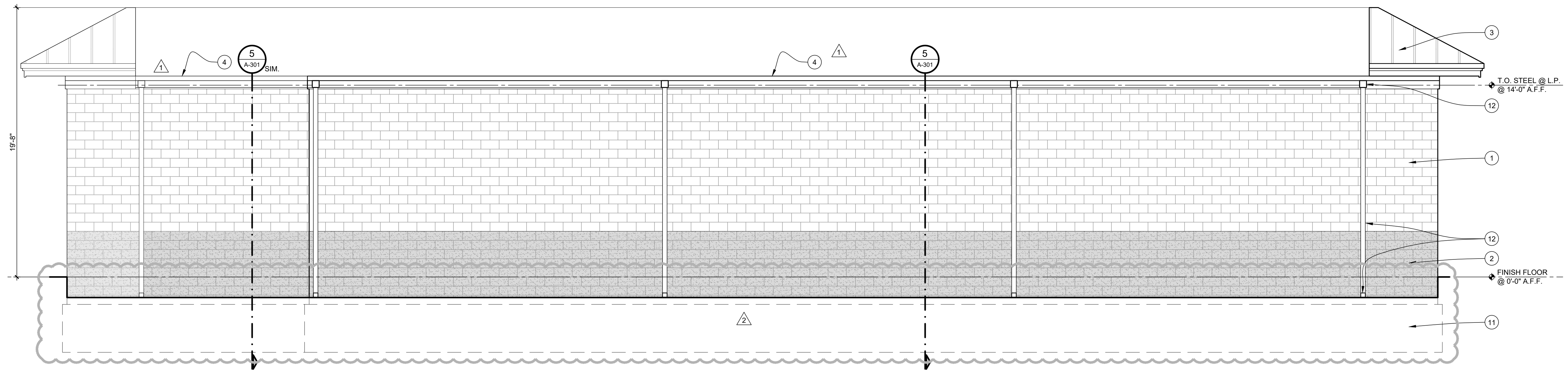

DENOTES STANDARD INTERIOR PARTITION:
1 LAYER OF 5/8" G.W.B. EA. SIDE OF 25ga. METAL STUDS AT 16"
O.C. REFER TO PLAN FOR WALL THICKNESS.



SCALE: 1/4" = 1'-0"



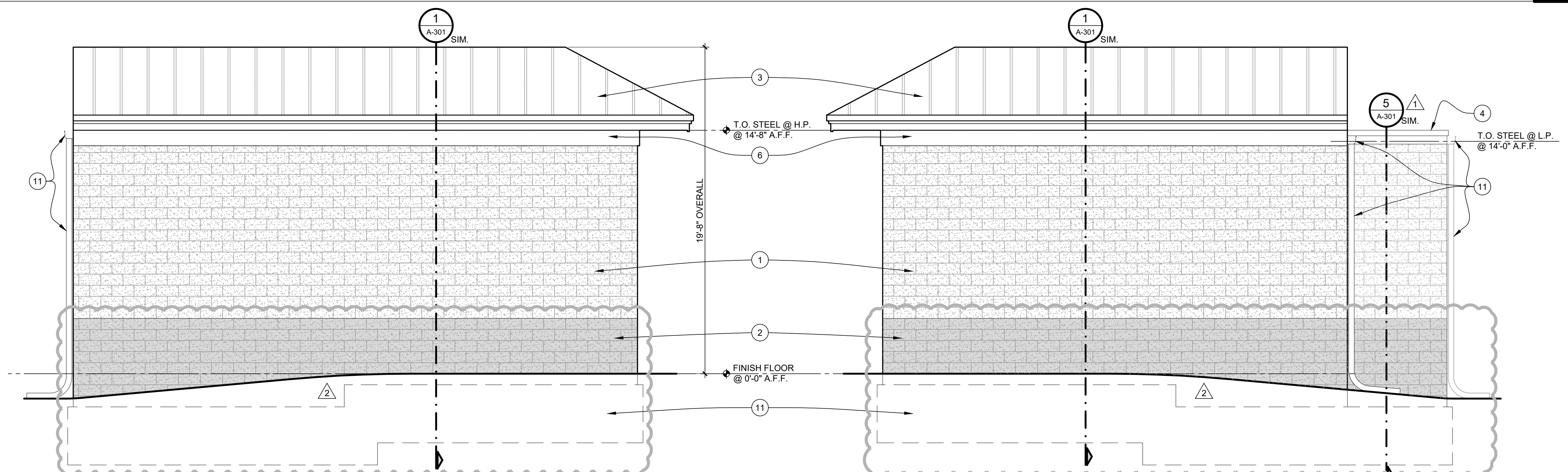
1



EAST ELEVATION
SCALE: 1/4" = 1'-0"

4

EXTERIOR MATERIAL SCHEDULE	
1	12" SPLIT FACE CMU: FIELD COLOR: TBD
2	12" SPLIT FACE CMU: ACCENT COLOR: TBD
3	CORRUGATED METAL ROOF PANEL.
4	PRE-FINISHED METAL COPING
5	8" PRE-FINISHED FASCIA ACCENT BAND
6	12" PRE-FINISHED FASCIA ACCENT BAND
7	3'x7' H.M. DOOR AND FRAME PAINTED TO MATCH ADJACENT WALL COLOR.
8	10'x10' SECTIONAL INSULATED OVERHEAD GRADE DOOR w/ MOTOR OPERATED OPENER & INSULATED
9	18'x10' SECTIONAL INSULATED OVERHEAD GRADE DOOR w/ MOTOR OPERATED OPENER & INSULATED
10	6" DIA. CONC. FILLED STEEL GUARD POSTS
11	CONC. TRENCH FOOTING BELOW
12	GUTTER AND DOWNSPOUT.
13	PRE-MANUFACTURED AWNING BY OWNER

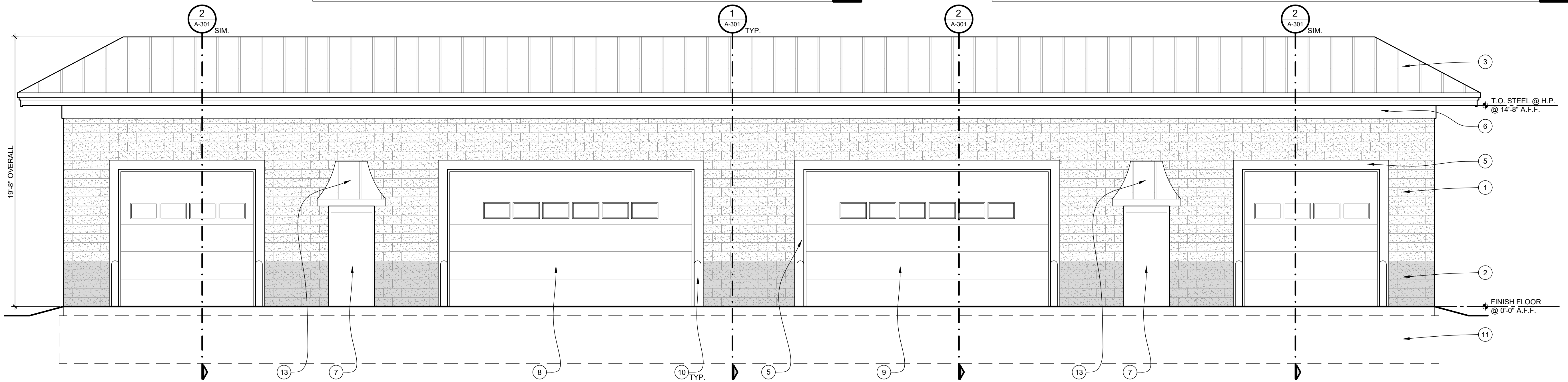


NORTH ELEVATION
SCALE: 1/4" = 1'-0"

3

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

2



WEST ELEVATION
SCALE: 1/4" = 1'-0"

1

FAUDIE ARCHITECTURE

Design to Inspire

26261 Evergreen Road, Suite #123
Southfield, MI 48076 | 248.619.2354
www.faudiearchitecture.com

PALAZZO
di BOCCIE

PROJECT NAME:
PALAZZO di BOCCIE GARAGE
4291 S LAPEER ROAD
LAKE ORION, MI 48359

REV #	ISSUED FOR:	DATE	PROGRESS SET	OWNER REVISIONS	OWNER REVISIONS
1	PROGRESS SET	3-16-20			
2	OWNER REVISIONS	3-23-20			
3	OWNER REVISIONS	4-28-20			
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

SHEET TITLE:
BUILDING ELEVATIONS

DRAWN BY: NAC
CHECKED BY: ALL
DRAWING DATE: 4-28-20

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PROJECT NUMBER:
19105

SHEET NUMBER:
A-201



Charter Township of Orion

Planning & Zoning Department

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TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: July 1, 2021

RE: PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78,
Assemblies

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions findings of facts.

Amendments to Zoning Ordinance No. 78

Motion 1: I move that that the Planning Commission forwards a recommendation to the Township Board to **approve and adopt** PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance No.78, Assemblies, Articles 2,5,6,7,9,11 and 14 providing for repeal of conflicting ordinances and portions thereof; and, providing an effective date with the changes discussed this evening (if any), for the following reasons: **(insert any findings of facts).**

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or portions thereof;
- D. A piece of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Parking Space: An area of definite length and width designated for parking an automobile or motor vehicles, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Personal Wireless Service Antennae: Antennae used to send or receive PWS signals. *(amended 08.21.97)*

Personal Wireless Service (PWS) Facilities: As initially defined by the Telecommunication Act of 1996 to include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services and intended to include telecommunications by Cellular, Personal Communication Service (PCS) or Specialized Mobile Radio (SAR) methods. *(amended 08.21.97)*

Personal Wireless Service Support Structure: A structure used to support PWS antennae. *(amended 08.21.97)*

Personal Wireless Service Tower: A freestanding structure, attached to the ground and used to support PWS antennae. *(amended 08.21.97)*

Planned Unit Development: A planned unit development (PUD) may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches. *(amended 04.10.86)*

Planning Commission: The Planning Commission of the Charter Township of Orion.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: See Street, Private.

Public Service Facilities: These include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility: Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing to the public under governmental regulations, electricity, gas, steam, communications, telegraph, transportation, water services, sewers or sewage treatment.

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of reduction in the degree of nonconformity of a nonconforming use or structure.

Recreational Vehicle: These uses shall be defined as follows: *(added 11.15.10)*

- A. Boats and Boat Trailers. Includes boats, jet skis, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- B. Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.

Place of worship. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

LAND USE <small>(added 07.16.18, amended 05.04.20)</small>		Zoning District	Footnotes
P = Permitted by Right S = Special Use		SF, SE, SR	
Land Use			
Single family detached dwellings.		P	
Agriculture and farming use including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar agricultural enterprises or use of land and structure.		P	C, J
Mobile homes		P	K
Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.		P	
Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.		P	
Publicly owned and operated municipal buildings, libraries, parks, parkways and recreational facilities.		S	
Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.		S	
Churches Places of worship		S	D
Cemeteries		S	E
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (but not including service or storage yards), when operating requirements necessitate the location of such facilities within the district in order to serve the immediate vicinity.		S	
Convalescent homes not to exceed a height of three (3) stories		S	F
Day care centers		S	G
Bed and breakfasts		S	H
Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes		S	I
Accessory Land Use			
Accessory buildings, structures and uses, customarily incidental to any of the principal uses, when located on the same property and not involving any business, profession, trade or occupation other than provided for in the SF, SE, or SR districts.		P	J
A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence.		P	A
Farm buildings and greenhouses.		P	J
Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or use of land and structure.		P	
Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.		P	
Tree and shrub nurseries.		P	
Within SF District only. Agribusiness uses for sale of fruit, vegetables, eggs, etc. such as but not limited to farm markets, fruit and vegetable stands. Such uses shall be part of a farm on which the product to be sold is raised or grown.		P	B
Private stables		P	C, J
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.		P	
Accessory buildings, structures and uses customarily incidental to any of the special land uses listed above when located on the same property and not involving any business, profession, trade or occupation other than provided for in the Suburban Farms, Suburban Estate, or Suburban Ranch Zoning District.		S	J

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Number of Animals	Minimum Parcel Size
1	2.5 Acres
2 or more	1 additional acre for each animal

1. Private stables shall not be closer to any property line than seventy (70) feet; provided further, that the tethering and pasturing of animals shall be confined and fenced entirely in the rear yard area and shall in no instance be closer than seventy (70) feet to any dwelling unit.
 2. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.
 3. Animals shall be provided with a covered and enclosed shelter of adequate size to accommodate all animals kept on the premises and subject to setbacks.
- D. Subject to the following:
- See Attached Exhibit A
1. Minimum site size of two (2) acres and a maximum of five (5) acres for a church site; a minimum of five (5) acres if proposed use includes a church school.
 2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
 3. No building shall be closer than forty (40) feet to any property line.
 4. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.
 5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
- E. Subject to the following:
1. The minimum site area shall be not less than twenty-five (25) acres and shall not be located within two hundred (200) feet of a residential dwelling unit.
 2. All sides of the cemetery shall be adequately screened from any residential zoning district or use by an earth berm at least six (6) feet in height or by a masonry wall at least six (6) feet in height.
 3. Approval by the Planning Commission shall not be given until a satisfactory drainage plan has been approved by the Township Engineer.
 4. Minimum side, front, and rear yard setback on all improvements shall be at least fifty (50) feet.
- F. When the following conditions are met:
1. The site shall be developed to create a lot area-to-bed space ratio of at least fifteen hundred (1,500) square feet of parcel area per each one (1) bed in the convalescent home. This minimum fifteen hundred (1,500) square foot per bed requirement is over and above the principal building coverage area. However, this requirement space may contain service drives, off-street parking, loading area, yard requirements, landscaping and/or accessory uses.
 2. No building shall be closer than forty (40) feet to any property line.
 3. A site of at least five (5) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.

Exhibit A

D. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following:

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a place of worship site; a minimum of five (5) acres if the proposed use includes a place of worship school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet to any property line.
4. Off-street parking shall be provided on the site in a ratio of one space for each three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future expected traffic.

LAND USE <small>(added 07.16.18, amended 05.04.20)</small>	Zoning District	Footnotes
P = Permitted by Right S = Special Use	R-1, R-2, R-3	
Land Use		
Single family detached buildings.	P	
Agriculture & farming use, including livestock and poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or use of land or structures.	P	C, O
Mobile homes	P	A
Planned Unit Development, subject to standards & approval requirements set forth in Section 30.03.	P	
Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.	P	
Publicly owned & operated municipal buildings, libraries, parks, parkways, & recreational facilities.	S	
Public, parochial and private elementary, intermediate and/or high schools offering courses in general education.	S	D
Churches Places of worship	S	E
Cemeteries	S	F
Public utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.	S	
Publicly owned swimming and/or bathing beaches, as a principal use or an accessory use.	S	G
Land may be used for privately owned and operated parks, picnic groves or similar facilities for outdoor recreation which shall not be operated for profit, provided that such use does not impair the natural appearance of such land or tend to produce unreasonable noise or annoyance to surrounding properties, and provided further, that no use shall be made of any open land or water for boat liveries or commercial bathing beaches.	S	
Swimming pool clubs	S	H
Convalescent homes	S	I
Day care centers	S	J
Bed and breakfasts	S	K
Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes	S	L
Accessory Land Uses		
Accessory buildings, structures and uses, customarily incidental to any of the special land uses listed above when located on the same property and not involving any business, profession, trade or occupation other than provided for in R-1, R-2, and R-3 Single Family Residential Districts.	S	O
A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence.	P	B
Private stables	P	C, O
Accessory buildings, structures and uses, customarily incidental to any of the principal uses, when located on the same property and not involving any business, profession, trade or occupation other than provided for in the R-1, R-2, and R-3 Single Family Residential Zoning District.	P	O
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.	P	
Poultry, rabbits, sheep and goats may be kept as an accessory use on a non-commercial basis for use on the premises	S	M
Private swimming pools, except those located within a principal use	P	N

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2. The commercial vehicle is not a dump truck, stake truck, flatbed truck, wrecker, septic tank pumper, semi-tractor, tanker truck, well-drilling rig, welding truck, semi-trailer or any type of commercial or construction equipment. Construction equipment is further defined in Article II of this Ordinance.
3. No part of the vehicle shall exceed nine (9) feet in overall height measured from the ground, nor shall the vehicle exceed twenty-one (21) feet in length.
4. The vehicle has no exposed outside storage of lumber, tools, pipes, glass or building material.
5. The vehicle has no more than one (1) rear axle and it does not exceed a three (3) ton pay load capacity.

However, the parking or storage of commercial vehicles or commercial equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles and agricultural vehicles are also exempt from these provisions.

- C. Private stables shall be permitted provided that they are designed, maintained, and used in a manner that does not create a nuisance for adjoining residents or the community at large, and provided further, that the following lot area requirements are complied with:

Number of Animals	Minimum Parcel Size
1	2.5 Acres
2 or more	1 Additional acre for each animal

1. Private stables shall not be closer to any property line than seventy (70) feet; provided further, that the tethering & pasturing of animals shall be confined & fenced entirely in the rear yard area & shall in no instance be closer than seventy (70) feet to any dwelling unit.
 2. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.
 3. Animals shall be provided with a covered and enclosed shelter of adequate size to accommodate all animals kept on the premises and subject to setbacks.
- D. Subject to the following conditions:
1. No building shall be closer than one hundred (100) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
 2. Minimum site size of five (5) acres shall be required.

- E. Subject to the following:

See Attached Exhibit B

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a church site; a minimum of five (5) acres if proposed use includes a church school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet to any property line.
4. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.
5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.

Exhibit B

E. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following:

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a place of worship site; a minimum of five (5) acres if the proposed use includes a place of worship school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet to any property line.
4. Off-street parking shall be provided on the site in a ratio of one space for each three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future expected traffic.

Section 7.00 – Preamble *(amended 03.02.00)*

The Multiple Family Residential Districts are intended to provide locations for a variety of residential land uses to meet the housing needs of people who cannot or choose not to live in single-family residences. These multiple family districts provide locations for garden apartments, townhouses, duplex, triplex, and quad-plex units, and in a medium-low to medium-high density context.

Multiple Family Residential Districts are typically mapped so as to provide a transition between non-residential districts and nearby single-family residential districts. These districts should have direct access onto an existing or proposed major thoroughfare.

Section 7.01 – Use Matrix *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

LAND USE <i>(added 07.16.18)</i>	Zoning District	Footnotes
P = Permitted by Right S = Special Use	RM-1 RM-2	
Land Use		
Multi-family dwellings such as, but not limited to, apartments, townhouses, 2-, 3-, and 4-plex units.	P	
Single-family detached dwellings, subject to the area and bulk requirements of the R-2 Single Family Residential District.	P	
Agricultural & farming use, including livestock & poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or uses of land or structures.	P	
Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.	P	
Publicly-owned and -operated municipal buildings, libraries, parks, parkways, and recreational facilities.	S	
Public, parochial, and private elementary, intermediate, and/or high schools, offering courses in general education.	S	
Churches Places of worship	S	C
General hospital	S	D
Dependent housing	S	E
Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards), when operating requirements necessitate locating within the district in order to serve the immediate vicinity.	S	
Assisted living facilities	S	F
Day care centers	S	G
Accessory Land Uses		
Accessory buildings, structures, and uses customarily incidental to the principal use when they are located on the same property, and not involving any business, profession, trade, or occupation other than provided for in the Multiple Family Districts.	P	
General services building, containing recreational facilities and other services for use of the residents of the multi-family development.	P	
Recreational vehicle storage area for the storage of camping trailers, boats, boat trailers, snowmobiles, and similar items.	P	A
Farm buildings and greenhouses	P	

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LAND USE <i>(added 07.16.18)</i>	Zoning District	Footnotes
P = Permitted by Right S = Special Use	RM-1 RM-2	
Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or uses of land and structure.	P	
Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.	P	
Tree and shrub nurseries.	P	
Agribusiness uses for sale of fruits, vegetables, eggs, etc. such as, but not limited to, farm markets and fruit and vegetable stands. Such uses shall be a part of a farm on which the product to be sold is raised or grown. Sales of all produce raised on farms which an individual operates within the Township is permitted from one location	P	B
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.	P	
Outdoor Storage (in accordance with the provisions in 27.19)	P, S	
Uses Not Permitted		
Facilities where activities of a commercial nature are conducted. This provision does not apply to vending machines that dispense food, drink, cigarettes, or laundry products and which are solely for the use of the residents of the development.		
Facilities for the treatment or boarding of animals of any type.		

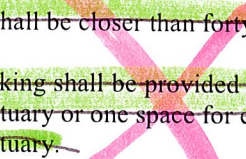
Section 7.02 – Footnotes to Use Matrix *(added 07.16.18)*

- A. Such storage area shall be fenced, hard-surfaced, and contain at least one hundred (100) square feet of parking area per dwelling unit.
- B. Subject to the following requirements:
 1. The maximum floor area of any building used for agribusiness sales shall be eight hundred (800) square feet.
 2. All buildings shall have a front setback of at least fifty (50) feet from the edge of the proposed road right-of-way as designated on the Township Master Plan.
 3. A twenty-five (25) foot wide greenbelt shall be provided along any side lot line where the adjoining lot is used for residential purposes.
 4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
 5. All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the proposed right-of-way lines.
 6. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers.

C. Subject to the following:

See attached Exhibit C

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a church site; a minimum of five (5) acres, if proposed use includes a church school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.

- 
- ~~3. No building shall be closer than forty (40) feet from any property line.~~
 - ~~4. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.~~

D. When the following conditions are met:

1. Hospitals shall be constructed only on sites containing at least twenty (20) acres.
2. The site shall have at least one property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed. All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other users of the facilities, shall be directly from the major thoroughfare.
3. All two (2) story main or accessory buildings shall be provided with front, rear, and side yard setbacks of at least one hundred (100) feet, measured from bounding lot lines or street right-of-way lines. For every two (2) stories above two (2), the minimum yard distance shall be increased by twenty (20) feet.
4. Ambulance and delivery areas shall be obscured from residential view with a wall six (6) feet in height and constructed of the same materials as the principal building.
5. Ingress and egress to said ambulance and delivery areas shall be directly from an existing or proposed major thoroughfare of at least one hundred fifty (150) feet of right-of-way.
6. Off-street parking shall be provided on the site, at least in the amount equal to one (1) space for each hospital bed, and one (1) space for each employee and doctor on the largest working shift.

E. When the following conditions are met:

1. All dependent housing shall be constructed on parcels of at least five (5) acres.
2. Dependent housing shall be provided for in a multiple-family housing form, with central dining facilities provided as a basic service. A community center shall also be provided to support recreational and social activities.
3. The following minimum requirements shall be provided for dependent housing:
 - a. Density. The number of units permitted shall be as permitted and regulated in the RM-1, Multiple Family Residential District.
 - b. Minimum Usable Floor Area: One bedroom - 350 square feet Two bedroom - 450 square feet
 - c. Building Heights and Setbacks. The building heights and setbacks shall be as permitted and regulated in the RM-1, Multiple Family Residential District.
 - d. Off-Street Parking: Residents - 1.00 space/unit; Guest - 0.25 space/unit
 - e. Maximum Coverage: Building - 30%; Parking – 15%; Parking – 15%
 - f. Proposed dependent housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office, and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities, and transportation services to these facilities.
 - g. At the Special Land Use hearing, the burden of proof is on the petitioner to prove that the proposed location is viable.

Exhibit C

C. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following:

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a place of worship site; a minimum of five (5) acres if the proposed use includes a place of worship school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet to any property line.
4. Off-street parking shall be provided on the site in a ratio of one space for each three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future expected traffic.

LAND USE <i>(amended 07.16.18)</i>	Zoning District	Footnotes
P = Permitted by Right S = Special Use S* = Special Use permitted within Lapeer Road Overlay District	OP	
Public service and government facilities	P	
Private clubs, fraternal organizations, and lodge halls, <i>Places of worship</i>	S P	
Churches	S*	J
Retail and Service		
<u>Automobile-Related Uses</u>		
Automotive retail and service facilities	S*	J
Automotive repair, paint and body shop, collision shop	S*	J
Automotive dealership, repair, service center, and used car facilities	S*	J
Equipment repair and sales	S*	J
<u>Eating and Drinking Establishments</u>		
Restaurants, including drive-through restaurants	S*	J
<u>General Retail</u>		
Retail and Service uses incidental to the primary office/research and development uses.	S	
Showrooms for retail activities associated with fabrication, assembly processing, or wholesaling.	S*	J
<u>General Service</u>		
Financial and insurance service (banks, credit unions - with or without drive-thru)	P	
Real estate/property management services	P	
Travel/ticket agencies	P	
Pet grooming/daycare	P	B
Hotels/Motels	S*	J
Residential		
Assisted living facilities	S	I
Accessory Land Uses		
Accessory buildings and accessory uses customarily incidental to the permitted uses in this section, in accordance with Section 27.02.	P	
Pharmacies (incidental to primary use)	P	H
Medical supply stores (incidental to primary use)	P	H
Other Uses		
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
Prohibited Uses		
Outdoor storage of materials, supplies, vehicles, equipment, or similar items		

Section 9.02 – Footnotes to the Use Matrix *(added 02.01.16)*

- A. General hospitals and extended hour medical facilities, when the following conditions are met. However, hospitals for criminals or those primarily intended for the treatment of persons who are mentally ill are not permitted. *(amended 02.21.06)*
- Hospitals shall be constructed only on sites containing at least twenty (20) acres.
 - The site shall have at least one property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed. All ingress and egress to the off-street parking area for

2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting, and similar uses.
3. Automotive repair, paint and body shop, collision shop.
4. Automobile dealership, repair, service center and used car facilities.
5. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, and construction equipment.
6. Mini-storage and warehousing.
7. Restaurants, including drive-through restaurants.
8. Churches.
9. Hotels and motels.
10. Uses similar to the above, in accordance with Section 27.02(E), and which will not create adverse impacts to surrounding uses.

Section 9.03 – Required Conditions *(amended 02.01.16, 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be twenty thousand (20,000) square feet.
- C. Off-Street Parking.
 1. All principal and accessory uses shall be contained within a building or combination of buildings that have a common parking lot.
 2. Parking requirements shall be based upon the following schedule *(amended 08.06.07)*:
 - a. One (1) parking space per five hundred (500) square feet of gross floor area for office/research/design facilities.
 - b. One (1) parking space per three hundred (300) square feet of gross floor area for general office.
 - c. One (1) parking space per two hundred fifty (250) square feet of gross floor area for medical office.
 - d. See attached Exhibit D*
 - e. yd.* Parking requirements for all other uses in the OP district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
 3. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
 4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially zoned or used property. However, when the parcel abuts commercial/office or industrially

Exhibit D

- d. One parking space for each three (3) persons as designated in the maximum occupancy load of the building for Private clubs, fraternal organizations, lodge halls, and places of worship.

LAND USE <i>(amended 07.16.18)</i>	Zoning District	Footnotes
P = Permitted by Right S = Special Use	RB	
Extended hour uses	S	A
Office		
Emergency or extended hour medical clinics	S	A
Professional and medical offices	P	
Veterinary clinics and hospitals	P	E
Civic and Institutional		
Schools for music, dance, business or trade	P	
Private clubs, fraternal organizations, and lodge halls, Places of worship	S P	
Accessory Land Uses		
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.	P	G
Other Uses		
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
Prohibited Uses		
Outside storage of materials, supplies, vehicles, equipment or similar items		

Section 11.02 – Footnotes to the Use Matrix *(added 02.01.16, amended 07.16.18)*

- A. The special use shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals.
1. Setback. All buildings, drive-thru canopies, or speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, drive-thru lanes (if applicable) shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels.
 2. Buffering. All parcel perimeters which abut a single family zoned and/or used parcel shall have no less than a six (6) foot continuous buffer. The buffer may consist of a solid fence or wall, a double staggered row of evergreens and/or a combination of each.
 3. Noise. Any noise associated with an extended hour use shall not exceed sixty (60) decibels when measured at the property line. The noise shall also not be intermittent in nature, high frequency, or that which causes vibration.
 4. Lighting. Any operation or activity which produced glare shall not cause illumination in excess of 0.3 foot-candles when measured along the lot line of a single family zoned and/or used parcel. Between dusk and dawn the light levels shall be further reduced to 0.0 foot-candles when measured at the same property lines.
- B. Restaurant with an outdoor café subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, with the exception that no site plan will be required unless requested by the Planning Commission, and subject to:
1. Seasonal use restrictions.

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be nine-thousand (9,000) square feet.
- C. Off-Street Parking.
1. All principal uses shall be contained within a building or combination of buildings that have a common parking lot.
 2. Parking requirements shall be based upon the following schedule:
 - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personnel services, banks, etc.
 - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
 - c. *see attached Exhibit E*
 - d. *a* Parking requirements for all other uses in the RB district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
 3. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
 4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89, 08.06.98)*
 5. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
 6. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance; provided, however, that when there are conflicts between that section and this, the provisions of this Section shall apply.
 7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
 2. A landscaped greenbelt 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 RB District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 09.14.89, 08.06.98)*
 3. The off-street parking area and driveway access to said parking area shall be screened from view from any adjoining residential property.

Exhibit E

- c. One parking space for each three (3) persons as designated in the maximum occupancy load of the building for Private clubs, fraternal organizations, lodge halls, and places of worship.

LAND USE <i>(amended 07.16.18)</i>	Zoning District	Footnotes
P = Permitted by Right S = Special Use	GB	
S* = Special Use permitted within Lapeer Road Overlay District		
Home improvement/hardware store (less than 55,000 square feet)	P	
Large scale retail establishments (greater than 55,000 square feet)	S	F
Lumber yard	P	
Neighborhood convenience store (no gasoline sales)	P	
Pharmacy/drugstore (with or without drive-thru pharmacy)	P	A, I
Specialty food store	P	
Outdoor display areas	P	G
Showrooms of a plumber, electrician or building contractor	P	
Showrooms with on-site fabrication processing or wholesaling	S*	J
General Service		
Dry cleaning/laundromats	P	
Hotel/motel	S	
Printing and publishing establishments (less than 10,000 square feet)	P	
Printing, copying, or shipping stores	P	
General appliance repair/service	P	
Financial and insurance service (banks, credit unions, etc. with or without drive-thru)	P	A, I
Personal service	P	
Tattoo and body art/piercing establishments	S	
Pet grooming/daycare	P	H
Overnight boarding for pets/kennels	S	
Real estate/property management services	P	
Travel/ticket agencies	P	
Office		
Emergency or extended hour medical clinics	S	A
Professional and medical offices	P	
Veterinary clinics and hospitals	P	H
Civic and Institutional		
Educational Services		
Schools for music, dance, business or trade	P	
Private schools for profit	P	
Public service and government facilities	P	
Private clubs, fraternal organizations, and lodge halls	S*	
Organizational meeting facilities or banquet halls	S*	
Churches	S*	J
Public transportation facilities	P	
Other Uses		
Mini-storage and warehousing	S*	J
Extended hour uses	S	A
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
Accessory Uses		
Outdoor storage in accordance with Section 27.19.	P	
Accessory outdoor uses customarily incidental to the permitted uses in this Section. Total area of the outdoor area not to exceed 25% of the area occupied by the principal use, building, or structure.	P	

Version 7/1/21

- F. All large scale retail establishments must comply with the requirements outlined in Section 27.16 – Large Scale Retail Establishments.
- G. Outdoor Display and Sales area, subject to the following *(amended 07.16.18)*:
1. Outdoor display and sales shall not exceed ten percent (10%) of the building or one thousand (1,000) square feet, whichever is less.
 2. Outdoor display and sales area shall adhere to all setback requirements, shall not encroach upon a parking lot, driveway, or public right-of-way, and shall maintain at least five (5) feet of clear pedestrian passage on sidewalk areas. Materials shall be displayed no closer than ten (10) feet from building entrance doors.
 3. Bulk storage or stockpiles of unpackaged mulch, soil, gravel, building supplies, or similar materials shall be prohibited. Flammable products shall be located away from structures to prevent a fire hazard.
 4. Outdoor display and sales areas shall be subject to administrative review and permitting by the Building Department.
- H. Pet grooming facilities, pet daycare for small household pets or veterinary clinics, provided that:
1. All activities are conducted within a totally enclosed building.
 2. The facility has no outdoor runs or kennels.
 3. Inside boarding facilities are confined to use during the day by animals being groomed.
 4. The applicant makes provisions to deal with pet litter and potential conflict between pets, pedestrians, and vehicular traffic. Such provisions may include locating in the end unit in a shopping center, and/or providing a grassy area or garden adjacent to the clinic for use by pets, and/or designating a special parking area close to the clinic.
- I. Drive thru facilities as permitted in this Section shall be subject to the landscaping and screening wall requirements of Section 27.05
- J. Uses as listed below are allowed as a special land use on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the General Business zoning district, and may include such uses as:
1. Showrooms for kitchen, bath, household fixtures, household furniture, with on-site fabrication processing or wholesaling.
 2. Mini-storage and warehousing.
 - ~~3. Churches.~~

Section 14.03 – Required Conditions *(amended 01.30.86, 09.20.90, 02.01.16, 07.16.18, 05.04.20)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be twelve thousand (12,000) square feet.
- C. Off-Street Parking.

1. Parking requirements shall be based upon the following schedule *(amended 08.06.07)*:
 - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, etc.
 - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
 - c. One (1) parking space per three (3) seats for theatres, performing arts centers, etc.
 - d. *see attached exhibit F*
 - e. *X* Parking requirements for all other uses in the GB district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 07.06.87)*
4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of a GB District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 07.06.87)*
3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93, 04.05.10)*

Exhibit F

- d. One parking space for each three (3) persons as designated in the maximum occupancy load of the building for Private clubs, fraternal organizations, lodge halls, and places of worship.



Charter Township of Orion

Planning & Zoning Department

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: July 2, 2021

RE: Fences

In 2019 the ZBA heard 11 cases requesting a deviation from the Zoning Ordinance for a fence 6' tall on a property line vs. the requirement of meeting setbacks for a 6' fence (usually 10 or 20'). Of those 11, 10 were granted. In 2020 there were 8 of which 8 were granted. 2021 (to date) the numbers are 11 and 11 (one additional pending on an upcoming agenda). Based on these numbers it was felt a discussion of a possible text amendment was appropriate.

I have not had the opportunity to draft a specific change to Orion's language. However, I wanted to provide what other communities allow to have a brief discussion and receive directive from the Planning Commission whether they are in favor of something similar to other communities.

Please feel free to contact me with any questions or comments.

Sec. 40-781. - Fences and screening structures.

Unless otherwise provided for herein, the following provisions shall apply to fences and screening structures:

- (1) No fence or other screening structure shall exceed six feet in height in a side or rear yard within a residential district.
- (2) No fence or other screening structure shall exceed three feet in height in a required front yard within a residential district.
- (3) On lakefront lots within a residential district, fences and screening other structures which are located between the main building and the ordinary high-water mark shall be an open air type, permitting visibility through at least 80 percent of its area.
- (4) A fence or other screening structure that is intended to provide privacy to a deck or patio that is either structurally attached or adjacent to the principal residence and is located within a rear yard shall not exceed a height of eight feet above the finished floor of a deck or finished grade of a patio. No such structure shall be located in any required side yard.
- (5) Notwithstanding the provisions of subsections (3) and (4) of this section, fences around swimming pools shall be permitted, so long as they conform to applicable provisions of the state construction code as may be amended, modified, or superseded from time to time in the future.
- (6) Fences or other screening structures shall consist of materials commonly used in conventional construction, including, but not limited to, wood, metal, vinyl, masonry brick or natural stone. If, because of the design or construction, one side of the fence or other screening structure has a more finished appearance than the other, the side of the fence or other screening structure with the more finished appearance shall face the exterior of the lot.
- (7) Fences or other screening structures shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.
- (8) Retaining walls shall be designed and constructed in accordance with applicable standards and code requirements.
- (9) Entranceway structures, including but not limited to walls, columns, and gates may be permitted and may be located in a required yard, except as provided in section 40-636, obstruction to visibility, provided that such entranceway structures shall comply with all codes and ordinances of the township.

- D. Proposed groundcover in all unpaved areas of the site.
- E. Location of all existing trees exceeding 18 inches DBH on the site.
- F. Proposed topographical contour lines.
- G. Berm cross-sections, if proposed.
- H. Planting details.
- I. Irrigation details sufficient to demonstrate that adequate irrigation will be provided to all landscaped areas.
- J. Details of any proposed structures, such as retaining walls, gazebos, arbors, fences, etc.

7.10 Fence and Wall Standards.

- A. General Requirements. It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within the Charter Township of Oxford, including land zoned or used for single-family residential purposes, except in accordance with these regulations.
- B. Location Of Fences and Walls.
 - 1. All fences and walls shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly install a fence on the common property line.
 - 2. No fence or wall shall be located within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the public utility responsible.
 - 3. No fence or wall shall be established or maintained on any parcel that will cause a traffic hazard by obstructing the view of drivers. All fences and walls shall be installed in accordance with the requirements for intersection visibility under Section 8.2.
- C. Height Regulations.
 - 1. Fences and walls located on property zoned or used for residential purposes shall comply with the following regulations:
 - a. Fences and walls located in a required front setback adjoining a public or private road shall not exceed three (3) feet in height, with the exception of walls or fences that are associated with a decorative entrance feature of a multi-unit

residential development, which may measure up to six (6) feet in height.

- b. Fences and walls located in any required side setback not adjoining a street, or in any required rear setback, shall not exceed six (6) feet in height.

2. Fences and walls on property zoned or used for commercial or office purposes shall not exceed six (6) feet in height, unless waived by the Planning Commission. Fences in a required front setback shall not be permitted except where required by the Planning Commission.
3. Fences and walls on any industrial lot shall not exceed eight (8) feet in height.
4. Fences enclosing land used for agricultural purposes shall be exempt from the regulations of this subsection.
5. In determining the height of a fence or wall that separates two adjoining lots and that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.

D. Safety.

1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence or wall below the height of eight (8) feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
2. Fences shall not contain any electric charge or current, except fences that enclose land used for agricultural purposes, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.
3. Fences and walls may be constructed of woven wire, metal, wood, plastic, or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or forty-two (42) inches. Posts or anchoring devices for all other fences shall be placed at a depth of not less than thirty (30) inches.

- E. Retaining Walls. A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.

SECTION 1903. BASEMENT RESIDENCY:

Basement residency is expressly prohibited in the City of Auburn Hills.

SECTION 1904. FENCES, HEDGES, BERMS, AND WALLS IN RESIDENTIAL DISTRICTS:

1. **Front Yard.** Opaque fences, hedges, berms, or walls not more than two and one-half (2½) feet in height and non-opaque fences not more than four (4) feet in height may be constructed within a required front yard, e.g., along the property line.
2. **Rear and Side Yard.** Fences, hedges, berms, or walls of not more than six (6) feet in height, either opaque or non-opaque, may be constructed in residential districts within a required rear or side yard.
3. **Visual Clearance Triangle.** No fence, hedge, berm, or wall may be permitted within the triangle area located at a corner or intersection that is required for proper visibility from a motorized vehicle or by a pedestrian as defined in Section 1902.
4. **Height Measurement.** Height shall be determined by measuring the vertical distance from the average surrounding grade, not including a berm, to the highest point of a fence, hedge, berm, or wall. A berm may be used in combination with a fence, hedge, or wall provided the highest point of the combination does not exceed the height permitted in this Section.

(Amended: 12-18-06 per Ordinance No. 794)

SECTION 1905. BUILDING MECHANICAL EQUIPMENT:

For all uses, except residential uses, heating, ventilation and air conditioning mechanical equipment located on the exterior of the building(s) shall be screened from adjacent public or private streets and adjacent properties. If the equipment is mounted on the building, it shall be screened at least the height of the equipment in a manner that is architecturally compatible with the building design. If the equipment is ground-mounted, it shall be screened in a similar manner and/or with evergreen plant materials. The method of screening shall be approved by the City Council or official approving the site plan.

Other types of mechanical equipment located on the exterior of the building such as dust collectors, hoppers, stacks, and similar equipment, that cannot reasonably be screened, shall be designed, located and/or painted to minimize any adverse visual impact.

SECTION 1906. ESSENTIAL SERVICES AND QUASI-PUBLIC FACILITIES:

For essential services and quasi-public services such as substations, communication towers, monopoles and the like, where strict adherence to the requirements of Section 1815, Site Plan Review may pose a hardship or practical difficulty to development or continued services, the Building Department Manager may waive paved parking and drives, loading and unloading areas, with the inclusion of screening landscaping, and the Building Department Manager may waive a full site plan and require only a schematic site plan. The Planning Commission shall be notified of any such occurrence.

In addition, wireless communication facilities may be allowed on City property, except for all City park property, exclusive of the Civic Center park property, in any zoning district in accordance with the following standards and requirements:

- A. The facilities shall not be demonstrably injurious to the adjacent area or otherwise detrimental to the public health, safety and welfare.
- B. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial and/or other business center.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Other specifically identified reasons creating facility needs.
 6. Topography.
- C. The facility shall be located and designed to be harmonious with the surrounding area.

Rochester

Sec. 2125. - Fence standards.

The requirements of this section are intended to promote, enhance and maintain the visual appearance, aesthetics and character of the city as well as the safety of the residents and visitors of the city. Fences are permitted in the city, subject to the following standards:

- (1) *Permits.* No fence exceeding the height of 18 inches shall hereafter be erected or altered without first obtaining a permit from the city building inspector. A fee shall be paid for each permit applied for, which shall be set by resolution of the city council.
- (2) *Restriction on fence construction.*
 - a. All fences located on property zoned for residential use of either a one-family, two-family or multifamily district shall be not more than six feet in height in any part and shall be subject to the approval of the city building inspector.
 - b. Fences six feet in height or less may be constructed of a solid material and may be fully obscuring. No sharp spikes, nails or other sharp points or barbed, razor or concertina wire shall be placed on top of any fence.
 - c. Fences four feet in height or less may be constructed of chainlink. No sharp spikes, nails or other sharp points or barbed, razor or concertina wire shall be placed on top of any fence.
 - d. No fence over 18 inches in height shall be constructed nearer to the street than the front building lines as established by the zoning ordinance. However, for purposes of this section, corner lots shall have only one front building line, that being the side where the front door is located.
 - e. Except where a higher height is permitted where a screen wall is required under section 2804, fences located on property zoned O-1 Limited Office, O-2 Restricted Office, CBD, Central Business District, and B-1, General Business shall not exceed six feet in height, shall be decorative in nature, and shall be shown on a site plan for approval by the planning commission. No sharp spikes, nails or other sharp points or barbed, razor or concertina wire shall be placed on top of any fence.
 - f. Fences constructed on property zoned I-1, Industrial 1; I-2, Industrial 2; or RP, Research Park may be solidly constructed not to exceed eight feet in height, and shall be shown on a site plan for approval by the planning commission. Barbed wire may be installed on the top of such fences or arms or supports projecting over the private property side of the fence and when used shall be at least seven feet above the adjacent grade. Exception: Property adjacent to a public playground or park may be higher with permission of the zoning board of appeals.
 - g. Fences used in conjunction with outdoor dining are subject to the height, material, color and other requirements and conditions as approved by the planning

ARTICLE III. - STANDARDS AND REQUIRED IMPROVEMENTS

Sec. 28-63. - Fencing.

- (a) All mining sites shall be fenced prior to the commencement of extractive operations and prior to the placement on the site of machinery or buildings.
- (b) The fence shall completely surround the borders of the subject property; provided, however, for good cause shown in relation to the protection of public safety in view of the operations conducted, the township board may, in its discretion, modify the precise location of fencing.
- (c) The minimum specifications for the fencing shall be as follows:
 - (1) A six-foot high farm-type fence of #9-gauge top wire, #12-gauge bottom wire, #14-gauge stays and intermediate wires and spacing of six inches vertically by 12 inches horizontally;
 - (2) All stays shall be of #14-gauge wire; and
 - (3) Support posts shall be spaced on 16-foot centers, or less.

(Code 1982, § 12-36; Ord. No. 59, § 8.1, 7-15-1980; Ord. of 7-6-1982, § 8.1)

Sec. 28-64. - Perimeter of mining site to be posted with warning signs.

The perimeter of any mining site shall be conspicuously and adequately posted with signs sufficient to indicate the danger of trespassing in the area. In no event shall such signs be more than 200 feet apart, and the same shall be constructed of a weather resistant rigid and sturdy material, and shall be maintained and replaced as needed.

(Code 1982, § 12-37; Ord. No. 59, § 8.2, 7-15-1980; Ord. of 7-6-1982, § 8.2)

Sec. 28-65. - Visual screening.

All active excavations and mining operations shall be visually screened from view from all adjacent public highways and residentially used parcels. Any of the following methods shall be used for such screening, as determined by the township board, following recommendation of the planning commission:

- (1) *Berms.*
 - a. *Construction.* Construction of a raised earth berm along the boundary lines of the premises where such lines abut a public highway, abut privately owned property which is improved and occupied for residential purposes, and at such places as are necessary to screen processing equipment from the view of a person standing at

- C. **Patios.** Patios may be located in any rear or side yard, provided that a 5-foot setback is maintained from any property line.

Section 138-10.106 **Gazebos**

Gazebos are permitted in the RE, R-1, R-2, R-3, R-4, R-5, RCD, RM-1 and RMH districts, subject to the following limitations:

- A. **Area.** Gazebos shall not exceed 180 square feet in floor area. However, the floor area of gazebos shall not count toward the maximum allowable floor area for accessory structures.
- B. **Height.** Gazebos shall not exceed one story or 16 feet in height. If the gazebo is part of a deck attached to the main building, the height shall be measured as the vertical distance from the usable floor surface of the main building to the highest point of the gazebo roof.
- C. **Setbacks.** Gazebos shall comply with the yard and setback regulations applicable to detached accessory structures.

Section 138-10.107 **Fences**

A. **Applicability**

1. The standards for fences contained in subsections B and C below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection 2 below.
2. This article shall not apply to the following fences installed or replaced:
 - a. In accordance with an approved site plan; or
 - b. Swimming pool enclosures as specified in the state construction code.

B. **In General**

1. Fences shall be installed and maintained free from defects, safety hazards and collapse and shall be kept in good repair.
2. No signs, words, letters, images or illustrations, except for those signs required in subsection C.5 of this section, may be painted or otherwise affixed to fences.

C. **Residential Fences**

1. Residential fences may be located along a property line if the other provisions of this section are met.
2. Fences that are located along the side and rear lot lines shall be a maximum of six (6) feet in height and may not extend closer to the front lot line than the front of the dwelling or the minimum front setback, whichever is less, unless otherwise provided for in this ordinance. In no instance shall an obscuring fence over three (3) feet high be placed between the front of a residence and minimum front setback line, unless otherwise provided for in this ordinance. Fences on corner lots shall meet the standards for corner lots as provided in Section 138-10.103.
3. Fences not to exceed three (3) feet in height shall be permitted within a required front yard setback or a side street yard setback; provided, however, that corner clearance as provided in Section 138-5.204 has been met.
4. Materials used shall be wood, metal, brick, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type

1 Administration & Enforcement	materials are not permitted. Wire fences, barbed or razor wire, spikes, nails or any other sharp pointed instruments of any kind are prohibited.
2 Admin. Org & Procedures	5. Electrically charged fences are prohibited, except that the building department may approve electric fences for the purposed of retaining animals under the following circumstances: <ul style="list-style-type: none">a. Sufficient proof has been presented that the fence will not be hazardous to persons or animals.b. The power source shall be obtained from a listed electric fence controller; andc. Signs shall be conspicuously located on the fence warning that the fence is electrified.
3 Nonconformities	
4 Zoning Dist. & Permitted Uses	D. Non-Residential Fences. Fences in non-residential districts shall comply with the following: <ul style="list-style-type: none">1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to the fence conforming to the requirements of the zoning district in which it is located and to the requirements of this section.2. The maximum height for all fences shall be eight (8) feet, unless otherwise provided for in this Ordinance. Security fences made of anodized aluminum or other approved ornamental material may be permitted to a maximum height of ten (10) feet at the discretion of the Planning Commission. Barbed wire cradles that face inward may be permitted, at the discretion of the Planning Commission and City Council.3. Materials used shall be wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted. Open wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slates or similar devices placed through the wire fences shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.
5 Schedule of Regulations	
6 Supplemental Dist. Standards	
7 Planned Unit Development	
8 Flex Business Overlay Districts	
9 Natural Features	
10 General Provisions	
11 Parking & Loading	
12 Landscaping & Screening	
13 Definitions	



Charter Township of Orion

Planning Division

2525 Joslyn Rd., Lake Orion MI 48360

P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: Planning Commission & ZBA Members

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: June 28, 2021

SUBJECT: Joint Meeting between the Township Board, Planning Commission, ZBA & CIA (Corridor Improvement Authority)

Please be advised that a Joint Meeting has been scheduled for Thursday, July 29th, at 12:00pm and should conclude about 2:00pm. The meeting will be held at the Orion Center and a lunch will be provided.

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

The Charter Township of Orion Planning Commission will hold a Public Hearing on Wednesday, July 21, 2021 at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360, on the following matter:

Public Hearing At 7:05 p.m: PC-2021-55, Lava Mountain Location Rezone
Request, the request is to rezone 1472, 1480, and 1488 S. Lapeer Rd (parcel 09-14-100-074) from Restricted Business (RB) to General Business (GB).

If you are not able to attend, you may send correspondence to the Orion Township Hall, 2525 Joslyn Rd. addressed to the Planning Commission to express your concerns and comments. A copy of the proposed Rezone is on file in the Planning & Zoning Department office and the Township Clerk's office and may be examined during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday until the date of the public hearing.

Orion Township will provide necessary and reasonable auxiliary aids, and services for individuals with disabilities at the public hearing upon advance notice by writing or calling Penny S. Shults, Township Clerk, 2525 Joslyn Road, Lake Orion, Michigan 48360; (248) 391-0304, ext. 4001. Please contact the Clerk's office at least 72 hours in advance of the public hearing.

Scott Reynolds
Planning Commission

Penny S. Shults
Township Clerk

