| 1. OPEN MEETING |
| 2. ROLL CALL |
| 3. MINUTES |
| | A. 05-19-21, Planning Commission Regular Meeting Minutes |
| | B. 05-19-21, PC-2021-45, Mountain Substation SLU Public Hearing Minutes |
| 4. AGENDA REVIEW AND APPROVAL |
| 5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY |
| 6. CONSENT AGENDA |
| 7. NEW BUSINESS |
| | B. PC-2021-47, Orion Village Center, Special Land Use request for an outdoor cafe and amendment to Site Plan, located at 600 S. Lapeer Road, 09-11-428-015. |
| | C. PC-2021-48, Kohls/Sephora Minor PUD Modification (sign addition), located at 4872 Baldwin Road, 09-32-351-020. |
| | D. PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78 - Assemblies. |
| 8. UNFINISHED BUSINESS |
| | A. PC-2021-07, Master Plan Update |
| 9. PUBLIC COMMENTS |
| 10. COMMUNICATIONS |
| 11. PLANNERS REPORT/EDUCATION |
| | A. Community Planning Update Spring 2021 Issue |
| 12. COMMITTEE REPORTS |
| 13. FUTURE PUBLIC HEARINGS |
| 14. CHAIRMAN'S COMMENTS |
| 15. COMMISSIONERS' COMMENTS |
| 16. ADJOURNMENT |
Public Hearing at 7:05 pm: PC-2021-47, Orion Village Center, Special Land Use request for an outdoor café, located at 600 S. Lapeer Road, parcel number 09-11-428-015.

1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 05-19-21, Planning Commission Regular Meeting Minutes
   B. 05-19-21, PC-2021-45, Mountain Substation SLU Public Hearing Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2018-31, Brown Road Hyatt House Site Plan Extension, located at an unaddressed parcel #09-32-378-075 just south of 4930 Huston Dr.
   B. PC-2021-47, Orion Village Center, Special Land Use request for an outdoor café and amendment to Site Plan, located at 600 S. Lapeer Road, 09-11-428-015.
   C. PC-2021-48, Kohls/Sephora Minor PUD Modification (sign addition), located at 4872 Baldwin Road, 09-32-351-020.
   D. PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78, Assemblies

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

9. PUBLIC COMMENTS

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11. PLANNERS REPORT/EDUCATION
   A. Community Planning Update Spring 2021 Issue

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the Township at least seventy-two hours in advance of the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 19, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360, and also simultaneously VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting was conducted both in-person and via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

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

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, 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 Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
James Butler             Mario Izzi
Jennifer Whittleaker  Thomas Phillips
Priyanka Mahajan        Irene Lynn
Neal Sklarzck

3. MINUTES
A. 05-05-21, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve the minutes as submitted. Motion carried

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

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

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-45, Mountain Substation, Special Land Use request for an electrical substation and Site Plan, located at unaddressed parcel 09-36-300-004 (a parcel north of 4879 Bald Mountain Road) at 7:05 pm and closed the public hearing at 7:16 pm.
6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2018-15, Stadium Ridge Site Plan Extension – Residential, located at unaddressed parcel 09-14-400-026, on the Northside of stadium Drive, West of Lake Orion High School

Chairman Reynolds asked if the applicant was present?

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

Mr. Izzi said that it has been about a year since they have been in front of them, and he believed that they got an extension the last time dealing with the pandemic. They have made a lot of progress, they are close to having all their permits, they don’t have all of them yet. They recently crossed the threshold of having enough engineering review and approval, to be able to go forward with mass grading and tree clearing. They have had a pre-construction meeting with the Township, they have paid their inspection fees, at least for grading and tree clearing. They have sent in drafts for their irrevocable letter of credits, their bonds, and unfortunately the original instruments have not arrived yet from the bank, so they are there before them to ask for a small extension. They would like their permission to move forward with this project, they still feel comfortable with the project, they believe in it, they just need their permission for moving forward. He noted that goes for both projects, both A & B, the residential and the commercial, but would speak to the other one if they would like him to. Chairman said to go ahead and speak, they will have to do separate motions on both but thought both were tied together. Mr. Izzi said the same applies for both. He noted that the commercial project was approved prior to the residential. They didn’t feel comfortable moving forward with one without the other from a perspective of tree clearing and mass grading, there is an economy of scale there, so they would like to do both projects at the same time. They have gotten to that point and Engineer Landis and his team were kind enough to work with them through the pandemic putting in the extra time and hours to review their plans, and they felt comfortable, he thought that Engineer Landis felt comfortable going forward with the grading and the tree clearing thus far. A little work left to do with the retaining wall, he thought that they owned Engineering Landis some information on that. They are still waiting on their state sewer permit but are just about there. With their approval, they would like to move forward with both projects.

Chairman Reynolds asked what length of extension are they looking for? Mr. Izzi said he would like to get a 6-month extension, please.

Chairman Reynolds that the case that was being referred to in the discussion was PC-2019-10, Stadium Ridge Site Plan Extension – Commercial, located at unaddressed parcel 09-14-400-025, at the NE corner of Stadium Dr. and Lapeer Rd.

Chairman Reynolds said he believed the last time they requested an extension they were working on some permitting. He asked if it was with the wetlands? He questioned if that had all been rectified and received at this point? Mr. Izzi replied yes, they have their state wetland permit, there is one outstanding issue they have to finish their conservation easement to hand over to EGLE, they are waiting for that. Their off-site mitigation has been purchased, the permit has been issued, they just have to give them the conservation easement description for really the mass majority of this property, the north property that they are not developing that they are going to place into a conservation easement with the state.

Secretary St. Henry asked if the applicant could provide them with an idea of what they hope to get done during this summer construction season? Mr. Izzi said that their tree clearing
contractor has given them a preliminary schedule, obviously, they cannot start until the original letters of credit are in the hands of the Township. That will make their soil erosion permits bonified and then they can start work. If they are able to start tree clearing at the beginning of June, and then that is about a month to a month and a half process, they want to start mass grading. Because this project has another complication to it there is a large retaining wall that they have to install on this site adjacent to the school property. Their retaining wall contractor has to work with their mass grading contractor, which is probably about two and a half to three months’ worth of work, weather permitting. He would like to have the tree clearing done, all the soil erosion control measures in place, the mass balancing done with the retaining wall. He said he wouldn’t get into material costs and what they are dealing with, with pipe. He has other jobs that are sitting with pipe on site but they don’t have fittings, or they have fittings on site but they don’t have pipe. There are jobs that they can’t go to work on. Hopefully, they don’t get to that point with this one, he didn’t want to be so bold as to say they are going to have all their underground in this year. Mass Balancing with the retaining wall system he thought would be a good jump on the progress of the site.

Secretary St. Henry said that when they originally approved moving ahead on this project, a couple of years ago, one of the stipulations, something that they offered was to add an extra lane on Stadium Dr. leading up to the boundary of the school district because there were concerns about traffic. He said it was his understanding that was going to be completed in advance of the upcoming school year. He asked if that was still the plan? He knew that COVID has disrupted everything. He asked if they are still planning on adding that lane as part of their initial work or with the ongoing work with that development? Mr. Izzi said that the initial plan was to put the lane in, they can’t complete that work without the MDOT permit that goes out to Lapeer Rd., there is some signalization work that has to be done. He added that what he didn’t want to do was put that lane in and keep the traffic control there because they can’t open the lane because he doesn’t have a permit from MDOT. He thought it would invite issues with young drivers. He thought that the school could help a little bit with some of the traffic and maybe not persuade their young drives to go onto Stadium Dr. and maybe put them on Scripps Rd. Secretary St. Henry asked if they are planning on engaging the school district again about those issues? Mr. Izzi replied yes, they didn’t realize how much traffic Stadium Dr. was taking to try to elevate the young drivers on Scripps Rd. The school was there first but he thought that Scripps Rd. is better designed to take that amount of volume traffic at the peak hours. Secretary St. Henry suggested that they engage the school district as soon as possible and also the Township because there is a large neighborhood right next door that takes the brunt of that traffic off of Scripps. There are some speed limit issues on Scripps. The sooner they can get that resolved or come up with a solution that is compatible with everybody the better. He wasn’t surprised that they discovered how much traffic was on Stadium Dr. Mr. Izzi said that he remembers the last time he was pushing a little bit because they wanted to get the lane widening done, and they were talking about the MDOT permit, and someone looked at him and rolled their eyes thinking that they are not going to get the MDOT permit as fast as they think. He thought they were close, and Engineer Landis has been involved in some of the conversations, they haven’t gone his way but they are still trying to work through some solutions, and that is what MDOT and the Road Commission are there for and Engineer Landis to help come up with a safe solution and a fair solution for everybody so they are still working through that.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission approve the Site Plan Extension request for PC-2018-15, Stadium Ridge Residential Site Plan for Six Months from today. This approval is based on the following findings of facts: that they have moved forward with some of the things that they had concerns with, and that they are following up with their Engineers and continuing the process from a year ago.
Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 6-0. (Hoffman absent)

B. PC-2019-10, Stadium Ridge Site Plan Extension – Commercial, located at unaddressed parcel 09-14-400-026, on the Northside of Stadium Drive, West of Lake Orion High School.

Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross, that the Planning Commission approve the Site Plan Extension for PC-2019-10, Stadium Ridge Commercial Site Plan for 6 months from today. This approval is based on the following findings of fact: they are moving forward with some of the issues that they had had last year when they extended this initially and they are working with our Engineers to get to the endpoint.

Discussion on the motion:

Secretary St. Henry asked the applicant regarding the commercial part of the project, is their plan still to only have entrance/exits off of Stadium Dr.? Mr. Izzi replied currently yes. Secretary St. Henry asked if there was any discussion with MDOT about changing the initial plans and putting in any entrances or exits of Lapeer Rd.? Mr. Izzi replied that there has been as recently as late last week they had a conference call with MDOT to go through some of the remedies that they feel are far on Lapeer Rd. He said he proposed to them the possibility of putting a curb-cut from the commercial only out onto Lapeer Rd. MDOT said that they would entertain that, it wasn’t a yes or no. Earlier this afternoon their engineer was working on a preliminary design sketch to illustrate what that might look like. The building geometry pretty much stays the same, they have some setbacks that they have to abide by, the 100-ft. because of the church to the north, he believed there was a 100-ft. setback for the building and a 50-ft. setback for the parking lot areas. If MDOT would entertain a curb-cut on Lapeer Rd. he thought that they would ask them to eliminate one of the curb cuts on Stadium Dr. to reduce the amount of commercial traffic. He believed that the Planning Commission early on had concerns about the traffic generation from the commercial and people going out onto Stadium Dr. and mixing with the student drivers. He thought that if MDOT gave them a curb-cut on Lapeer Rd. that would solve a lot of these issues because it would allow traffic to not only come into the commercial project but also people patronizing the businesses to leave directly onto Lapeer Rd., they wouldn’t have to go onto Stadium Dr. at that point, and thought it would be a lot safer. Secretary St. Henry appreciated that fact that they are looking into that, and to do what they can to get MDOT to move forward with that possibility. Engineer Landis said as the applicant has indicated they had a conference call with MDOT on Monday and that was discussed. One of the things that they brought up was concerns with queuing from drive-throughs that they are experiencing some backups on the thoroughfares. They are trying to work on some guidelines as far as distances and whatnot. He trusts that they will work with the applicant to try to incorporate that to elevate that concern. Secretary St. Henry said this is another reason why the sooner they reengage with the school district the better, now they all have a better picture of what really goes on there. Mr. Izzi said that the sketch that he saw today, he was excited to bring it back to them. He thought that they were going to like it a lot better, obviously, they have to show it to the Planning & Zoning Director Girling, the Planning Consultant, and the Engineer as well. He thought this will be a much safer environment for everybody concerned if they are able to do this, they just need some cooperation from MDOT.

Commissioner Walker said that Mr. Izzi said something that struck a bell with him when he said that “he didn’t understand the dynamics of Scripps versus Stadium Rd. and the
traffic flow”. But they get that all the time from developers not from their community. They come in and seem to think they no more about what goes on than they do. They say fancy words and fancy things that sound really good but they know that it is not going to fly. The fact that they even alluded to that he appreciated that. Mr. Izzi said to be more specific about his comment, he didn’t understand that the school was trying to persuade the drivers to avoid Scripps Rd. and put that traffic out on Stadium Dr. and make an insufficiently designed road burdened and make that situation worse when they have Scripps Rd. that is designed for that. He understood the residents that are there he was sympathetic with them, the speeding, the noise, and everything that goes along with it. That was his ignorance at the time and he apologized for that he didn’t come here thinking he knew better than anybody, this is their backyard. He added that if he gave the perception he apologized, he was just trying to make the point that it didn’t make sense to him that they have both roads why wouldn’t they allow them to use both, and they are not. Secretary St. Henry said that this is one of the largest High Schools in the state, pre COVID they are talking 500-600 drivers every day and it has been a challenge since the school opened in 1998 for not just the Township with Scripps and Stadium and the schools that are in that complex but also a couple of large neighborhoods. They as a community have been wrestling with this for a long time and that is why they are overly sensitive to it. He asked them to please engage the district and whoever else they have to so they can find some middle ground to do everything they can to make this work.

Chairman Reynolds said that if there were to be modifications, those come back as a site plan modification anyway so, hopefully, as they asked for, maybe those work in their favor and they come back and they can talk about it a little bit more.

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

C. PC-2021-45, Mountain Substation, Special Land Use request for an electrical substation and Site Plan, located at unaddressed parcel 09-36-300-004 (a parcel north of 4879 Bald Mountain Road).

Chairman Reynolds asked the applicant if there was any additional information? Ms. Lynn said she thought that they presented what they thought they needed to. They were happy to answer any questions.

Planner Fazzini read through his review date stamped May 6, 2021.

Engineer Landis read through his review date stamped May 5, 2021.

Chairman Reynolds stated that they did have a review from the Fire Marshall he had approved with some requirements. He requested that a Knox Box be located near or on the card reader machine that will allow for the Fire Department to gain access past the slide gate in the event of an emergency.

Chairman Reynolds said that they have no comments or concerns from their Public Services review.

Chairman Reynolds noted that a site walk was completed this past week. He wrote the site walk report with Vice-Chairman Gross. It is a heavily wooded area the applicant did a nice overview of its proximity to the adjacent parcels. There shouldn’t be much detrimental impact to any of the surrounding neighbors specifically the residential which is usually their primary
concern and it seemed to fit right in with the Ajax facilities and some of the other industrial issues adjacent to it.

Chairman Reynolds said that there were a couple of discussion points from their Planner for landscaping, noise concerns, which were somewhat addressed in the review, fencing details, and also the concerns with dust. He thought that the applicant could give a brief overview just on a couple of those items, they touched on noise but if they could clarify any dust that might be created and also what fencing is proposed too.

Mr. Neal Sklarzck 1 Energy Plaza, Detroit, MI presented.

Mr. Sklarzck said regarding the dust, this is an unmanned substation, they don’t really have anyone there permanently, there is just routine maintenance once to twice a month just to make sure that the equipment is operating fine, and then they will leave. There shouldn’t be any specific work going on there that would create dust at all times of the day, it would just be during construction.

Mr. Sklarzck said regarding the landscaping, what they try to do for public safety, they like to keep all their landscaping at least 20-ft. away from their fence line. They don’t want the public going in there climbing up a tree and hopping over the fence line. That is how they laid out their landscaping. They did try to fit as much landscaping as they could on the north side, they can look at maybe trying to plug a couple more trees in along there, he knew that was the area of concern because of the possible future development. That is something they can look at. With their buffer, it is something that they try to maintain and that is more of a corporate safety thing for their company. They can look into additional landscaping along the north and possibly along the south side. He knew that they had a swale cutting through there so they didn’t want to put a lot of landscaping in the swale.

Chairman Reynolds asked if there was a minimum D.B.H. (Diameter Breast Height) that they are proposing or mature trees? Mr. Sklarzck said what they are calling out on the plan is they are planting them at that maturity, so for the spruces, he believed it was like an 8-10-ft. height, they will be planting them and then the crabbing trees is like a 2” caliber, so that is at planting.

Chairman Reynolds looked for clarification on the fencing material. Mr. Sklarzck said that their fencing is an aluminum security fence 6-ft. tall with 1-ft. of barbed wire 6-strands. That is also for public protection. He added that if there are no specific details on the plan, he was more than willing to provide any specs.

Commissioner Walker questioned if they needed this substation at this point, it is not a requirement, this is for growth? Mr. Sklarzck said that there are two parts to this substation, one part is what they are building now which is the class “T” setup which is essentially feeding the two industrial customers in the area. What they are planning on doing is they have developed the site for the future so when they have a larger residential growth or whatever kind of growth, they can build a new setup on the other side of the site, bring in the new equipment and they can decommission the other side and service a larger area out of the same substation.

Vice-Chairman Gross asked if this takes the relief off of the other substation for the cannabis buildings that are going in? Mr. Sklarzck replied yes. Vice-Chairman Gross asked if this will assist in avoiding any energy outages? Mr. Sklarzck replied that is the hope with all of this. Better power quality reliability in the area.

Secretary St. Henry asked why do they originally approve this site and development several years ago, why wasn’t this enhanced substation discussed and constructed then? Chairman
Reynolds said being part of that development and understanding the draw of that, it is always discussed and how it is handled is not always an immediate reaction through Consumers Energy or DTE. There were temporary measures that were put in place that essentially, they knew down the road there would be infrastructure improvements that would be proposed that would not only benefit that side of the electrical grid but also supplement the temporary setup for some of those facilities.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approve PC-2021-45, Mountain Substation, Special Land Use request for an electrical substation, located at the unaddressed parcel, 09-36-300-004 (a parcel north of 4879 Bald Mountain Road) for plans date stamped received April 21, 2021. This approval is based on the following findings of facts: the Special Land Use is an essential service and is compatible with and in fact benefits adjacent uses within the area; it is compatible with the Master Plan; the request does have adequate public services to service this, in fact, it is expanding some of the public services to service other properties; since this is an unmanned station there will be no impact relative to the traffic considerations in the area; this will enhance the surrounding environment by assisting in avoiding electrical outages in the area and improve the service to the existing industrial facilities within the location; this approval is based upon the following conditions: that the applicant comply with the OHM conditions #1-3 of their letter of May 5th, being the 25-ft. wetland buffer, retaining wall submitted with the final engineering plans, and that the engineering plans are designed in accordance with Zoning Ordinance #78, and storm water management, and soil erosion plan, also that the applicant includes a Knox Box be located near or on the card reader sanction for the Fire Department access.

Discussion on the motion:

Mr. Sklarzck said that they will be preparing a formal response with the people internally, DTE that handles their fire. They can forward that to them. DTE kind of handles their own fire suppression because they have special trained personal that handle this. They can’t fight electrical fire with water essentially. They have their own standards and practices that they do when there is a substation fire of how they go about it. They were more than willing to share that with the Fire Department. He knew that when the site is energized there is a lot of coordination back and forth with the Fire Department just making sure that they are aware of everything that is going on in the site and how the process would be.

Chairman Reynolds suggested that the Fire Marshal can coordinate that there is something on record and coordinate with DTE to address his concerns.

Vice-Chairman Gross amended the motion, Trustee Urbanowski re-supported, that the applicant review with the Fire Department the various fire suppression techniques that are available in lieu of the Knox Box.

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

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grants site plan approval for PC-2021-45, Mountain Substation, located at the unaddressed parcel, 09-36-300-004 (a parcel north of 4879 Bald Mountain Road) for plans date stamped received April 21, 2021, for the reasons as outlined in the Special Land Use request and conditions set forth within that approval.
Roll call vote was as follows: Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Gingell, yes; Reynolds, yes. Motion carried 6-0 (Hoffman absent)

7. PC-2021-42, FedEx Ground Parking Expansion, Site Plan Amendment, located at 1601 Brown Road (parcel 09-34-300-030) and vacant parcels, parcel 09-34-300-019, 09-34-300-020, 09-34-300-021, and 09-34-300-024 (parcels north of 1601 Brown Rd.)

Chairman Reynolds asked if the applicant was present?

Mr. Jim Butler with PEA Group 2430 Rochester Ct. Suite 200, Troy, MI 48083.

Mr. Butler said they were there for site plan approval for an expansion for Federal Express Brown. They are located on Giddings Rd. This project has been going on for quite some time. It started in about 2003, the initial building was built in 2005, they expanded in 2013. In 2013, they added additional parking in the Liberty Tech development. They took 3 lots from that development, removed the existing cul-de-sac to the north, and they had to go through an applied vacation process with the State of Michigan. Now they have a need for more trailer storage, more auto and van parking, so they are in the process right now of going through a vacation of the plot furtherly, approximately four lots will be taken out of Liberty Tech Park again. They are proposing right now 197 trailer spaces, and 137 spaces for cars, and vans. Also, with their request inside the existing Federal Express lot, they will be adding another 40 parking spaces for employees. He added that Federal Express since COVID has gone up significantly and they are in need of this additional parking for their operations.

Mr. Butler said he had read the reviews from Giffels Webster, and from OHM, and had no issue with them. The one item related to the setback they have a notation of 16.5-ft. that can easily be corrected they can move that to the north and resolve that. He did talk to Engineer Landis and his colleagues at OHM and he thought that they had a solution for a pathway in the right-of-way.

Planner Fazzini read through his review date stamped May 13, 2021.

Engineer Landis read through his review date stamped May 12, 2021.

Chairman Reynolds said that the Fire Marshal has a recommendation to approve with requirements that there is a siren-activated feature on the gate that shall comply with the International Fire Code.

Chairman Reynolds stated that there were not Public Service concerns.

Chairman Reynolds said that there were some general comments from RCOC.

Chairman Reynolds noted that there was a site walk review completed by Vice-Chairman Gross.

Chairman Reynolds said regarding the variance on the buffer, the setback waiver, and he believed that the applicant said that he would modify plans to address that 20-ft. Mr. Butler replied yes. He added that the plat has not been completed, so, they can just push that cul-de-sac, that right-of-way line, north to make sure that they have 20-ft. Chairman Reynolds said 20-ft. can be met without the need for a variance.

Secretary St. Henry stated that this is the third expansion of this since he has been on the Planning Commission, of the FedEx site. He thought it was great that business was booming.
They have the cannabis facility there, it is under construction, they have the expanded FedEx facility. He was curious from the Planner's and the Engineer's perspective, is that development, given the size of what FedEx is doing, and the expansion of the cannabis facility and knowing the property and the heavy tree lines, is there still room for further expansion without tearing down big sloths of woodlands? Is it still a viable option? Because they are doing the Master Plan right now, they are looking at future land use and so forth. Chairman Reynolds asked if he was speaking to their Woodland Protection? Secretary St. Henry said that his question is that FedEx has come back 3 times for an expansion, they may come back again down the road, is that piece of property viable for further expansion for large operations, given the wooden areas? Planner Fazzini said just from a user standpoint, smaller individual sites with buildings and smaller parking areas will probably be better suited to preserve more trees versus a parking use or a truck parking use, just in general, with the style and the form of development. He added that most of the trees in this area are along the west side of Liberty Dr. There are also possibly some wetland constraints and other constraints that would help preserve trees where these wouldn’t be suitable areas for development anyways. The applicant is preserving a significant portion of the west boundary of the site, for this site which definitely helps meet those requirements. He thought that the medical marihuana versus the FedEx or other types of users may be an interesting discussion to look at with this area being a medical marihuana focus area, how could that look when it is fully built out, between FedEx at the bottom of the cult-a-sac and some other new users at the top. He agreed that it has been a stagnate industrial park for some time but is starting to see some development activity.

Chairman Reynolds thought that circled back to their tree ordinance and they do have sections in there that speak to their woodlands map which hasn’t been updated in a long time. There are vehicles within that he thought that speak to tree protection and thought that is where they have some discussion, he thought a few months back about how they want to approach some of these and give some intent moving forward about mass grading, tree clearing, and footprints. He agreed that the Master Plan is going to have some input on that one, and then ultimately restructuring their tree ordinance that speaks to some items that are important to them.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grant site plan approval for PC-2021-42, FedEx Site Plan Amendment, located at 1601 Brown Road (parcel 09-34-300-030) and vacant parcels, parcels 09-34-300-019, 09-34-300-020, 09-34-300-021, and 09-34-300-024 (parcels north of 1601 Brown Road) for plans date stamped received 4/26/21 based on the following findings of fact: that there will be a modification relative to revising the plans to incorporate the 20-ft. perimeter landscaping for the Planning consultants review; that the applicant include a duel overhead truss gate for an emergency siren-activation feature to comply with the IFC code UL 325 & ASTM F2200 per the Fire Marshal; that the approval of the OHM conditions of their letter of May 12, 2021 be incorporated relative to the approval; that the approval is also subject to the lots being vacated from Liberty Tech Park the plat; and the RCOC approval of the respective changes per their letter of March 25, 2021; this represents a major expansion to an existing facility within the Township.

Discussion on the motion:

Chairman Reynolds wanted to clarify from the motion maker, the approval of the combination of parcels is that included? Vice-Chairman Gross said yes, the approval and combination of the various parcels.

Roll call vote was as follows: St. Henry, yes; Urbanowski, yes; Walker; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 6-0 (Hoffman absent).
CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING, May 19, 2021

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grant a waiver of the required dumpster location due to the fact that this is used exclusively for the parking of vehicles and there is no other facility; the trash is handled on the neighboring parent site.

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

8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
6-2-21 at 7:05 p.m., PC-2021-47, Orion Village Center, Special Land Use Request for an outdoor café, located at 600 S. Lapeer Road, parcel number 09-11-428-015.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds said to enjoy the nice weather.

15. COMMISSIONERS’ COMMENTS
Vice-Chairman Gross asked if they had identified when the Open House’s are for the Master Plan? Planner Fazzini replied 6/16/21 at 4:00-6:30p.m.

Secretary St. Henry said he hopes that the Planner provides the Planning Commission and others with some sort of summary of the public survey results both quantitative and qualitative feedback before that meeting because they need that information before going into this Open House. Even if they have 10 people, he wants to know in advance what the survey is all about. He also said that he would really appreciate if they could get some sort of feedback from Supervisor Barnett and maybe some of the other Board of Trustees in regard to their thoughts and vision for the Township as it relates to the current Master Plan, and he wanted that information upfront going into this Open House just so he feels like he has a really good feel for what the leadership of this Township is thinking in terms of the next five years and development in their community. He thought it was incumbent that they have that information beforehand, both the public survey info and what the Supervisor and his team are thinking. They should not develop this in a vacuum and they need that information as early as possible.

Commissioner Walker seconded what Secretary St. Henry said. He thought it was a good idea.

Commissioner Gingell said she is excited to see what everyone has to say at the Open House.

Planning & Zoning Director Girling said that the results from the Workshop were a handout that they had received previously, so those are there, from when they had the Township staff,
Directors, Supervisor Barnett. They had been provided in one of the handouts that the Planner had given. She asked if anyone will be watching this will be the last virtual meeting, all meetings in June going forward will be in person without the dual of GoToMeeting.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Chairman Reynolds, to adjourn the meeting at 8:21 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, May 19, 2021, at 7:05pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360, and simultaneously via “GoToMeeting” #599-669-285.

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

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner

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

OTHERS PRESENT:
James Butler  Mario Iazzi
Jennifer Whitteaker  Thomas Phillips
Priyanka Mahajan  Irene Lynn
Neal Sklarzck

PC-2021-56, Mountain Substation, Special Land Use request for an electrical substation, located at an unaddressed parcel, 09-36-300-004 (a parcel north of 4879 Bald Mountain Road).


Ms. Whitteaker said she was the government affairs liaison for DTE for all of Oakland County.

Ms. Whitteaker stated that she was there with her team members to discuss their request for their new substation mountain. With her was their Project Manager Priyanka Mahajan, Tom Phillips and Neal Sklarzck their engineers, and also Irene Lynn their engineer, who will be giving the presentation.

Ms. Whitteaker wanted to thank everyone in advance of their presentation. They also thanked Planning & Zoning Director Girling for helping them with the application process.

Ms. Irene Lynn DTE Energy, 1 Energy Plaza, Detroit, MI.

Ms. Lynn showed the Board the plans.

Ms. Lynn said that the increase in traffic will only increase during construction of the substation. After the construction is completed, it is an unmanned site, so they do not station an employee on the site. The only time they have folks on site is for maintenance. When they do show up on site they will park inside of the fence, so there is no parking that they need outside of the fenced in area. Pedestrian traffic does not apply because they do not want the public accessing the electric substation for their safety as well as for ours as the equipment is high-voltage and requires special training in order for even a DTE employee to enter.
Ms. Lynn said that the noise from the equipment will not affect the neighboring properties. They usually have a substation operator once a month for a few hours, so they are usually driving a pick-up truck. There is no heavy equipment coming in and out after construction is complete.

Ms. Lynn said that there is no smoke, fumes, odors, glares, or lights. It is an unmanned site with equipment to provide electric capacity, they are not actually constructing anything on the site after they build the equipment and install it.

Ms. Lynn stated that the enhancement of the surrounding area, they do have a landscaping plan in the area to provide visual barriers between the property and the residential areas to the north. Placement of all materials will be kept within the property boundaries and will not be blocking traffic.

Ms. Lynn said that anything that may require traffic assistance would obviously have to come back through the community for proper approvals and permits during construction.

Ms. Lynn stated that isolation of the existing land use, this proposed site is located near their industrial load area. It does not break up any residential areas. Currently they are at 1,500-ft. away from existing residential neighborhoods. She said that it is in the SE corner of the township, Bald Mountain and Dutton Rd. It is also near Lapeer and Dutton, so just north of the Ajax Pavement facility. She said that they are 2,400-ft. from Lapeer Rd., and 1,400-ft. from Dutton Rd.

Ms. Lynn showed the Board a survey that was done of the exact parcel that they purchased from Ajax, it is the northwestern territory so they are roughly 400x200-ft., enough space specifically for the substation. It is north of the consumers gas line. If they are driving through there, they will see a swath with no trees and that is the consumer pipe gas line.

Ms. Lynn asked what does this mean to Orion Township? Ms. Lynn said what it does is allows for new load coming into that industrial area, specifically Premier Dr., LLC. They are bringing in about 15MBA, that is about how much load they are bringing in. All of that will be served from Mountain once it is constructed. To give them an idea of how much load that customer is asking, they have their own industrial sub at 20MBA. Putting in this general purpose allows for other customers coming in the area they could easily upgrade the equipment to serve that increased capacity without having to purchase an additional piece of property in the area to do that.

Ms. Lynn said that the distribution circuits, that is what comes out of the substation fence in order to feed the customer, so it is the poles and the wires that they typically see. They will leave the substation facility underground and then they will use the existing overhead leads in the area to establish the new circuits. On the northern side of building “B” which is one of the Premier Dr. buildings, that is their existing overhead lead as well as the ITC lead. So, they would be leveraging that to create a circuit to the north to provide service to building “B”. The lead is also on the east side of Bald Mountain, so they would be installing two cable poles there to establish the new circuits and it comes south in the existing lead and follows allow Dutton Rd. where they already have existing poles and wires to feed building “C” & “A”. They are not adding new poles and new leads they are using what is already existing.

Ms. Lynn stated that if they were looking to the north at the southern direction at the property, landscaping is planned in the area to create that visual barrier between the substation and the northern property. It is part of the plan and it is something that they do for all their locations in all communities.

Ms. Lynn showed them an aerial view of the landscaping plan. They also have plans for drainage. They are trying to be as accommodating as they can to the community to make sure that they don’t know it is there. The capacity is there and the electricity is there but they don’t that it is there.

Ms. Lynn said that the closest neighboring area is where there is actually a building or someone residing there, to the north they are about 17,000-ft. from the residential community to the north, and about 2,000-
ft. to the east of that residential, and 500-ft. to the light industrial property across the street. She said if they were at about 200-ft. away, it is essentially like a light whisper. It is very minimal and it is very much on the lower end, and they are in the green zone of the decibels that they would see in the area.

Chairman Reynolds asked if there were any public comments? There were not.

Chairman Reynolds asked if there were any comments from the Commissioners? There were not.

Chairman Reynolds closed the public hearing at 7:16 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: May 26, 2021
RE: PC-2018-31, Brown Road Hyatt House Hotel Site Plan Extension

On September 5, 2018 the Planning Commission denied the site plan for Brown Rd. Hyatt House due to the need for a variance. On October 8, 2018 the Zoning Board of Appeals granted the necessary variance needed and the site plan was considered approved. On October 2, 2019 the Planning Commission granted a 6-month site plan extension. On April 15, 2020 the Planning Commission granted a 6-month site plan extension unless the houses were demolished, then it would be a 12-month extension. The applicant is now requested an additional extension to the expiration of the site plan. As of today's date, the applicant has demolished the houses, they have approval of their engineering plans, and we are only waiting on the submission of the necessary fees and a pre-construction meeting. Attached please find the minutes from the 9/5/18, 10/2/19, and 4/15/20 PC meeting, and a small section of the approved site plan for your reference.

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

**Site Plan Extension (Ord. 78, Article XXX, Section 30.01,C,11)**

**Motion 1:** I move that the Planning Commission approves the site plan extension request for PC-2018-31, Brown Road Hyatt House Hotel Site Plan for ___________ (insert time frame). This approval is based on the following findings of facts: (insert findings of facts).

Or

I move that the Planning Commission denies the site plan extension request for PC-2018-31, Brown Road Hyatt House Hotel Site Plan Extension. This denial is based on the following findings of facts: (insert findings of facts).
Moved by Vice Chairman Gross, seconded by Commissioner Walker, to adjourn the regular meeting and open the Public Hearing at 7:05pm. **Motion Carried**

Chairman Dunaskiss recessed the regular meeting and opened the Public Hearing for PC-2018-35, Grace Premier Senior Living, Special Land Use request for a Senior Assisted Living and Memory Care Facility located at 985 N. Lapeer Rd. (parcel 09-02-126-007) at 7:05pm

Chairman Dunaskiss closed the Public Hearing at 7:10pm and reconvened the regular meeting.

### 7. **NEW BUSINESS**


Mr. Iden Kalabat with Kalabat Engineering, on behalf of the owners, Orion Hospitality Group LLC.; presented. They are seeking site plan approval for a Hyatt House Hotel at 95 Brown Road, encompassing the 5 parcels as mentioned. The project is located on Brown Road on the north side, just east of Baldwin Road. The project is currently zoned BIZ and is surrounded by other BIZ zoned properties.

Mr. Kalabat noted they submitted two rounds of plans. The Planning Commission has before them tonight the revised second round of plans which he believes adequately addresses the concerns of the Township Planner and Township Engineer. There are a few items outlined in the reviews provided by both the Planner and Engineer that are minor and he believes can be handled administratively and during the engineering phase.

Mr. Kalabat commented there are several waivers needed from the Planning Commission, most of which have to do with the parking lot setback requirement. The physical constraints on this site, the property dimensions and size, resulted in them downsizing the hotel from the prototype to make it fit on this site. They are requesting waivers from the front yard parking setback along Brown Road and the side yard setback along Huston. He noted in addition to the setback waiver along Huston, they are proposing 4 parallel parking spaces adjacent to the right-of-way width. Mr. Kalabat noted they also need side and rear yard parking setbacks waivers.

Mr. Kalabat explained that most of the waivers they are asking for from a parking perspective, they are compensating with denser landscaping - more trees and plant materials that are larger and spaced closer together. Along with some landscape retaining walls to accommodate some of the grading issues that were outlined in the packets. As an overview, there is approximately a 30 ft. grade difference from the northeast corner to the southwest corner of the site. They are proposing a two-tier landscape retaining wall in the north end of the site to bring the grades down to an acceptable, manageable level. They also, then, can slope from the north end of the site to the south end of the site without everything being on a steep hill. The landscape retaining walls will help screen the adjacent properties which are, however, predominantly of a residential use. Because of those existing homes, although the district is zoned for commercial use and intended for future commercial development, they have taken care and effort to provide proper and appropriate screening using a combination of a vinyl fence and dense landscaping along pretty much of the entire perimeter of the site.

Mr. Kalabat explained they are proposing a 4-story building. The first floor is split between public amenities, hotel amenities and guest rooms. There is also an indoor pool proposed. The
second, third and fourth floors contain consistent guest rooms with common elevator shafts at the center of the building and appropriate fire egress stairwells at each end – a typical design.

Mr. Kalabat displayed several PowerPoint slides to give the Commissioner a realistic view of the site from every angle. He reiterated that the spacing of the trees is a lot less than what the Ordinance calls for. He then played a brief video showing what the traffic flow would look like - vehicles would enter off Brown Road and there is the potential for vehicles to utilize Huston to enter. The southern drive on Huston is actually an egress drive only. There was a suggestion to close that drive but through discussion with the Fire Marshal and reviewing the site circulation, that drive would be vital for egress means to allow, especially for fire trucks, to access the site. The fire trucks would pull into the site from Brown Road, make a right turn, and pull up along the parking spaces there to access both the Fire Department Connection and the fire hydrant per their request.

Mr. Kalabat concluded his presentation by showing a video circulating the site and proposed building.

Chairman Dunaskiss asked Planner Lewan to go over Carlisle Wortman’s review dated August 31, 2018.

Planner Lewan noted this is their second review of the plan. The applicant did a good job addressing a number of their comments from the first review. He went over the review and in the review’s summary it noted that the plan is generally consistent with the Township Zoning Ordinance and the intent of the Brown Road Innovation Zone. The following were items the Planning Commission need to have addressed prior to a final site plan approval:

- Replacement trees required only for landmark tree removal as noted on page 2 of the review.
- Regarding the Huston road setback – The requirement is 40 ft. and the applicant is proposing 19 ft. A variance will be required.
- Waiver consideration of parking lot setbacks subject to landscaping and screening. Details were outlined in the review on page 3. As was mentioned by the applicant, they are proposing some additional landscaping and screen walls to help offset the setbacks.
- The applicant needs to provide an explanation of the loading area and loading activities. The applicant did provide a truck turning template and it appears that it will work, however there was concern that huge trucks might have to back-up onto Huston.
- Increase the width of handicap spaces as noted; the handicap spot and the space next to the handicap spot.
- Township Engineer approval of the stormwater management and on-site utilities.
- Add the canopy to site plan.
- Revise knee wall detail to match Figure 34.3 of the Zoning Ordinance.
- Consider waiver of screening buffer width as noted.
- Planner Lewan commented that a lighting plan was provided and the lighting locations were shown. The lighting levels appear acceptable, the lighting fixture details appear to be acceptable but the lighting fixture details don’t correspond - the notation on the cut sheet doesn’t correspond to the notation on the site plan. The applicant needs to clarify fixture type location - notations between site plan and cut sheet should be consistent.
Planner Lewan noted that the applicant did provide signage information however that will be reviewed by the Planning & Zoning Department separately.

Engineer Landis went over OHM’s review dated August 31, 2018.

He noted that in Brown Road there is a 16” watermain to service the site and the applicant is proposing to extend an 8” watermain about 400 ft. along Huston.

Fire hydrant locations appear to provide adequate coverage.

The nearest sanitary sewer is on the west side of Georgia Road and the applicant is proposing to extend 8” sewer to about the middle of their site along Brown Road. From there they are going to extend an easement to their eastern property line to facilitate a future extension of that main. The concern he had was that there is a proposed knee wall placed within the sanitary sewer easement. If the knee wall can’t be moved, he suggests the Township request a Hold Harmless letter to protect the Township from costs that maybe incurred if and when the sewer is extended or maintenance is required.

The applicant is proposing to pave approximately 300 ft. of Huston north of Brown to a point just past their entrance.

Engineer Landis continued to go over their review and, in their opinion, the site plan is in substantial compliance with Township Ordinances and engineering standards. However, they ask that site plan approval acknowledge the following:

- Relocate the proposed loading zone since it is partially obstructing the northern driveway to Huston.
- The applicant is proposing a pathway long Brown Road as well as a connection to the building - they are recommending the pathway be extended north along Huston to provide the users of the proposed on-street parking with a paved route to the building.
- Revise the grading on site to the maximum allowable slope of 1:3 which can be addressed during engineering.
- The Township should consider requesting a Hold Harmless Agreement for the knee wall that is proposed within the sanitary sewer easement.
- Regarding the traffic study, OHM’s traffic department took a second look at it and still had some concerns. It was Engineer Landis’s opinion that the revisions would not result in any changes to the site plan, it is just a good idea to have a proper Traffic Impact Study on file. The applicant should revise their Traffic Impact Study and resubmit it to address the comments in the review.

Chairman Dunaskiss noted the review from the Fire Marshal dated August 31, 2018 which he approved 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.

Chairman Dunaskiss also noted reviews from the Public Services Department, the Road Commission, and the Site Walk Report from the Site Walk Committee.

Secretary St. Henry commented on the site walk. He noted that the applicant’s video depicts what the Committee envisioned when they visited the property. The parcels that have homes on them now to the east and to the north along Huston are for sale. The two parcels to the west,
which the applicant did acknowledge have single family homes on them, are part of the business district and most likely will eventually become commercial. The only concern he had was along Huston pertaining to the 3 or 4 parallel parking spaces. There is not a lot of room there but maybe there can be some kind of compromise.

Chairman Dunaskiss asked the applicant if there was anything he would like to address as far as the comments from the Township consultants?

− Regarding the parallel parking concern – Mr. Kalabat said the spaces are 8 ft. from the property line wide. There is about an extra 3 to 4 feet between the property line and the actual back of curb proposed along Huston. That should offer a little more additional buffer. The need for on-street parking, the parallel parking spaces, is driven from the parking requirements for the site. They would be open to a discussion on whether or not those 4 spaces are warranted for the parking counts. They are basing their count on a fully occupied hotel which does not happen very often. Even under that situation, very rarely does every single room have a vehicle that needs parking. Now with advancements in transportation companies like Uber and Lift, a lot of hotels are seeing a decrease in the need for parking. He noted, however, those 4 spaces would also be subjective to the approval by the Road Commission.

− Regarding the consultant comments about the loading zone – the intent for the operation of that drive is as follows: there is a 33 ft. wide driveway opening there, the first 10 ft. of that would be dedicated for loading and unloading and access for those vehicles. There is then a remaining 22 ft. wide drive opening where vehicles can go in and out of the site. The drive does allow for two-way traffic beyond the 10 ft. width of the loading and unloading zone.

− As far as hours of operation – because of the nature of this business, they have a tight control of when deliveries happen. They are scheduled by the operation managers. Deliveries would be scheduled during off-peak hours early in the morning or late in the evenings. Deliver drivers would have two options - they could pull forward onto Huston, past the northern driveway entrance, and back into the loading zone. The loading zone is situated such that it is in close proximity to the “back of house” portion of the hotel. Mr. Kalabat said there are no other appropriate locations to place the loading and unloading zone that would not interfere with day-to-day operations. He concurred that it is in a less than ideal place but one they feel will work. The other alternative would be for the vehicle to pull in forward up to the dumpster enclosure, off load their goods and then there should be significant room - they are proposing 50 ft. of striping for the loading zone area and there is another 22 ft. behind it where trucks could potentially back up without getting into the road right-of-way. They can then make a right turn and circumnavigate the site to exit onto Brown Road. Mr. Kalabat added they do not anticipate large semi-tractor trailer truck deliveries; a lot of the deliveries will be box truck style - although the turning movements they showed were for a 54 ft. tractor trailer. They would have the space to accommodate one but don’t anticipate that type of traffic.

− Mr. Kalabat then said he believed that most of the remaining comments and concerns could be handled administratively – revisions to the calculations for landscape replacements and the addition of the hotel canopy on the site plan.

− With respect to the handicap parking spaces – Mr. Kalabat disagreed with Planner Lewan’s findings. The Ordinance requires 13 ft. wide spaces which is made up of an 8 ft. wide parking space plus a 5 ft. wide access lane that is striped off. For van
accessibility, the space needs to be 16 ft. - space is inclusive of the parking stall and the striped area adjacent to it. Currently they are showing all 16 ft. wide spaces – 8 ft. wide parking stalls and 8 ft. wide striped areas adjacent to them.

- Revisions to the landscape knee wall. The way it is currently planned, the building materials match that of the actual building. Mr. Kalabat said he does, however, understand the concern from the Township for uniformity along Brown Road. They could revise the plans so that the knee wall meets Township specifications which he believes can be administratively for approved.

- Regarding the Engineer’s suggestion about a pedestrian pathway from the 4 parallel parking spaces, they would be able to provide that and bring it down to the other proposed sidewalk.

- About the grading and revisions to the traffic study – Mr. Kalabat concurred with Engineer Landis that revisions to the Traffic Impact Study would not result in a different conclusion. The applicant reviewed the traffic study performed for Menards and the volumes they predicted and projected were actually very close to what they ended up with in their latest revision for the background conditions. They conducted their counts during the road construction of Baldwin and adjusted that by adding a 25% mark up and believed that when that is compared to the resulting background condition, it was very close – they are off about 10 or 12 vehicles.

Commissioner Porter commented that he would like to see Huston extended to the north property line; there will be development there and someone will have to pave it.

Vice Chairman Gross said relative to the 4 on-street parking spaces on Huston - Huston has a right-of-way of only 30 ft. which is smaller than a residential street and the paving proposed is only 20 ft. which in effect is making the 4 spaces on Huston on-street parking. He isn’t aware of any location in the Township where that occurs. He would be inclined to waive those 4 spaces and maintain that as landscaping. If not, the Planning Commission has to take a strong look at what is going to happen to the north on Huston relative to development and the philosophy they want to see happen there; a more urban setting. He commented that he likes the plan as a whole but has strong concerns about the 4 parking spaces on Huston.

Chairman Dunaskiss asked about the safety path, would the applicant continue it on Huston if the 4 spaces were eliminated? Mr. Kalabat replied, yes. Engineer Landis said his comment regarding adding a safety path there was for the safety of people who would park in those 4 spots. Chairman Dunaskiss said he was looking for a benefit or more landscaping if the applicant is going to eliminate those parking spots. He concurred with the applicant that Uber and Lift are providing more and more transportation.

Secretary St. Henry asked what the Ordinance says about parking spaces? He believed that the applicant was over parked. Commissioner Reynolds agreed that it is narrow there (along Huston) even with it being paved and they don’t usually see parallel parking spaces in other conditions similar to this in the Township. If the applicant was ok with moving those 4 spaces, he would rather see it remain as part of the right-of-way especially not knowing what other developments might bring. It doesn’t appear there are any entrances or egress components on that easterly facade anyway. Commissioner Reynolds said he would be in support of removing the 4 spaces.
Engineer Landis said looking a little closer at the grading plan, it does not appear that there would be adequate room to extend the pathway north along Huston as Chairman Dunaskiss asked about, beyond what OHM was suggesting if the 4 parking spaces were to remain. There is some difficult grading to contend with at the north end - a tiered retaining wall almost up against the property line.

Chairman Dunaskiss clarified that the applicant has no issue with the replacement trees. It was noted, however, that the Planner’s comment was more to adding a notation on the plans.

Chairman Dunaskiss also clarified that the applicant plans on adding the canopy to the site plan that they saw on the PowerPoint renderings tonight. Mr. Kalabat said, yes, and that it is shown as such on the floor plan. They can “turn that on” easily and resubmit that; and it does have a clearance of 14 ft.

Mr. Kalabat commented they do exceed the Township requirement for parking. The aim was to try and accommodate what the hotel franchise would like to see parking at. They have already spoken to the hotel chain about those 4 spaces and they understand putting them there is a bit of a stretch and understands the Planning Commission’s concerns. It was noted that eliminating those spaces and replacing the area with added landscaping would enhance that portion of the site significantly.

Chairman Dunaskiss asked what is the average customer stay? Mr. Kalabat explained that the hotel is a combination of traditional and extended stay; he deferred to the question to one of the owners. Mr. Jamal Kalabat, an owner of the development, responded 1 week to 2 weeks for extended stays and probably 30 to 35% of their business is normal transit.

Trustee Steimel asked Engineer Landis exactly were the knee wall intrudes into the sewer easement? Engineer Landis answered their sewer right now as proposed, goes basically up the driveway and in lieu of extending it further east, they are providing a 10 ft. wide easement inside of the right-of-way. The knee wall would be right on it. Mr. Kalabat explained why the easement for the sanitary sewer was placed where it was and believed there wouldn’t be an issue with the applicant providing a Hold Harmless letter for the Township in the event maintenance is ever needed - the Township would not be liable for any damages to the knee wall.

Trustee Steimel clarified, however, that everything they need now will be installed. Engineer Landis said the properties between Huston and Estes will need to be serviced by this sanitary sewer when development occurs - the sewer will need to be extended. Currently it is on the west side of Georgia and the applicant is proposing to extend it approximately half way along their frontage, up to the main drive off Brown Rd. Mr. Kalabat said that if the sewer needed to be extended, it would not have to cross the driveway approach. He also noted there is another sanitary sewer on the east side of Estes that they had some discussions on whether or not that sewer could service the block between Huston and Estes. He believed that the determination was that the property would be serviced by the sanitary sewer servicing the hotel.

Trustee Steimel said he would be ok with a Hold Harmless Agreement and then asked how likely is it that the sewer will need to be extended east? Engineer Landis responded, reasonable likely and explained why. Trustee Steimel then asked if it would make sense to have the contractor just extend the sewer further at the same time they are extending to the site? Mr. Kalabat replied, another thing to consider is that in the event the sewer did need to be extended for future development, it would be the responsibility of that developer, not the responsibility of the Township.
Commissioner Reynolds asked Planner Lewan for clarification on the knee wall materials. Was his review comment that the materials the applicant was proposing to use did not blend with what the Township calls? Planner Lewan said yes, what is on their plan shows the knee wall matching the hotel; there are specific standards in the Ordinance so that all the knee walls along the Brown Road corridor match.

Planner Lewan commented there still may be an issue with the size of the handicap spaces. He re-read the Ordinance and van accessible spaces are supposed to be 16 ft. wide, which have, and non-van accessible are supposed to be 13 ft. wide. How the applicant has it is they have 3 van-accessible and 2 non-van-accessible. The two non-van accessible are only 9 ft. wide not 13. He said he did miss the total width in his calculation however the non-van accessible would have to be widened a little and it can be done.

Commissioner Walker asked if 5 handicap spaces are satisfactory under the Ordinance? Planner Lewan said, yes.

Commissioner Reynolds commented he believes the developer made a good effort towards addressing a difficult site. Overall the parking has been met and he was not concerned about the setbacks especially with increased plantings and more mature trees being utilized. The setback for Huston is also sufficient. If the Planner’s and Engineer’s comments can be addressed, he is in favor of the project.

Trustee Steimel inquired that if the 4 parallel spaces are eliminated, would that take away the need for the setback waiver for the east side? Planner Lewan said it helps, but it will still be needed. Along Huston towards Brown, the edge of the parking is about 14 ft.

Trustee Steimel asked about the screening buffer width and where was it a problem? Planner Lewan said that was an issue on the north and the west. It was Trustee Steimel’s opinion that they compensated for that with the wall and with the tiered wall on the north; they did what they can. He was ok with granting the waiver for that, on the north and to the west.

There was discussion on the knee wall material proposed. Mr. Kalabat said the applicant will match the Township standards in the Ordinance.

Regarding the need for a variance – Mr. Kalabat said it is needed because this is a corner lot subjected two front yard setbacks.

Trustee Steimel clarified the site plan will have to be denied based on the need for the variance but they still need to make motions for parking lot setbacks and the buffer and a motion regarding eliminating the 4 parallel parking spaces noting they will still meet parking requirements. It was his opinion that the site plan did not need to come back to the Planning Commission if they receive the variance. The denial should be conditioned upon them getting the variance and then the site plan would be considered approved with conditions.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, to grant a 7-foot waiver from the 20-foot driveway to property line setback on the north and a 11.37-foot waiver on the west property line for PC-2018-31, for plans with the cover sheet date stamped received 8/30/18 for the following reasons:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:
− Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
− parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
− the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, the findings of fact that the added features create a superior plan with better isolation of surrounding property.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Walker, yes; Porter, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

Commissioner Porter asked the applicant how they feel about extending the paving on Huston to the property line as suggested by the Road Commission? Mr. Kalabat said that ultimately the determination will be made by the Road Commission. They feel there are significant examples, especially Huntington Bank on Georgia Drive where they paved Georgia Drive just past their driveway approach and no further; precedent was set. It was his opinion that what is proposed is adequate for the current operation and further development can then extend and pave as needed – but, ultimately, they would be subject to what the Road Commission wants. Given the amount of public improvements the developer is incurring already on this site: the extension of the sanitary sewer, extension of the water main all the way to the property line; they are trying to minimize costs in order to save the feasibility of the development. Vice Chairman Gross noted that it would be about 120 ft. of additional paving, in his opinion, minimal. Commissioner Porter added that the Planning Commission is granting several waivers to allow this big building on this little parcel. Trustee Steimel commented this issue is not a show stopper for him and not extending the pavement would discourage people from turning left out of the site and going up Huston.

Mr. Jamal Kalabat responded that as far as extending the paving to the property line, normally in every development, when a development comes in, they pave the road up to the driveway that falls on that road. He gave the example of the road to the west of their property. He feels they have accommodated what has been required of them. They are also extending the water line all the way to the end of the road so it can eventually be extended.

Commissioner Reynolds said he was ok with the road being paved as shown on the plans.

Vice Chairman Gross said he would prefer to see it extended.

Secretary St. Henry said he would prefer to see it extended but it is not, it would not be a deal breaker on the overall development.

Commissioner Walker said he was ambivalent – he would like to see it extended but the applicant has done a lot of negotiating and would hate to see everything fall apart over 120 ft. of road.

Mr. Jamal Kalabat spoke to the comment he made about the sanitary sewer line. He said he knows for a fact that the sanitary sewer line is going to serve only their property. It is not going
to extend across Huston because that is where the peak of the road is. There is another manhole on the east side of their property that is down stream and the sanitary sewer is down stream from there. In his opinion those two will never be connected, there is no need for them to be connected. They were supposed to bring the sanitary line up to the property line and then take a lead to their building, they agreed to extend that sanitary sewer line almost half way in. In his opinion it would just be spending money, he would rather spend that money for something better for public works – extending the road instead of extending a sanitary line, that would be more beneficial to public works and for the benefit of the public. He noted that the property to the east is for sale and already under contract. The development of this hotel is the first in the “gateway”, the property to the east would get the benefit of that road more than they would. They are bringing a first-class development, a global corporation and brand name, to this community. A great gateway for future development and they are asking the Planning Commission’s help to make that happen.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, to grant a 12.21-ft. waiver from the 20-foot required greenbelt adjacent to Brown Road and 20-foot waiver from the 20-foot required greenbelt adjacent to Huston for plans with the cover sheet date stamped received 8/30/18 for the following reasons:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:
  - topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
  - parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
  - the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, due to the following findings of fact: the applicant has made significant improvements to the base landscape requirements by providing additional landscaping and more mature plantings.

Chairman Dunaskiss asked if there was any discussion on the motion?

Planner Lewan commented that if the Planning Commissioners are planning on eliminating the 4 parallel parking spaces, the greenbelt waiver would be less along Huston - instead of a 20-ft. waiver it would be a 6 ft. waiver.

Commissioner Reynolds amended the motion, Trustee Steimel re-supported, to change the Landscape Adjacent to Roads Greenbelt waiver along Huston from a 20-ft. waiver to a 6 ft. waiver.

Chairman Dunaskiss asked if there was anyone from the pubic that would like to make a comment about the motion? There was not.

**Roll call vote was as follows:** Reynolds, yes; Porter, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**
Moved by Commissioner Porter, seconded by Vice Chairman Gross, to eliminate the four (4) parallel parking spaces on the east side of the parcel and to consider the parking requirements met, and that landscaping is to be added where the parking spaces were.

Chairman Dunaskiss asked if there was any discussion on the motion?

Commissioner Porter clarified that there is still some parallel parking on the property—sometimes customers or contractors come in with trailers and they can’t fit into any other parking space. It was noted that there was.

Chairman Dunaskiss asked if there were any public comment on the motion? There was not.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Gross, yes; Porter, yes; Reynolds, yes; Walker, yes; Dunaskiss, yes. Motion carried 7-0

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to grant a 17-foot waiver from the screening width between uses along the north property line and a 21.37-foot waiver from the screening width between uses along the west property line for PC-2018-31, for plans with cover sheet date stamped received 8/30/18 based on the applicant meeting the following conditions:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:
  - topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
  - parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
  - the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, due to the findings of fact: the applicant has provided additional landscaping and mature landscaping in their proposed plans.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment? There was not.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Porter, yes; Dunaskiss, yes. Motion carried 7-0

Commissioner Reynolds asked if the Commissioner were ok with the loading requirements? The consensus was, yes.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission denies site plan approval for PC-2018-31, Brown Road Hyatt House Hotel site plan, located at 101 Brown Rd., 115 Brown Rd., 4978 Huston, and 95 Brown Road (parcels 09-32-378-069, 09-32-378-070, 09-32-378-073, 09-32-378-022, and 09-32-378-023), for plans with cover sheet date stamped received 8/30/18; this denial is due to a setback deficiency from Huston which requires a variance approval from the Zoning Board of Appeals; if the variance is granted, the site plan will be deemed approved as revised this evening relative to the four (4)
parking spaces on Huston being eliminated; further, the approval will be based on the following conditions:

- the combination of all parcels involved,
- the knee wall revision to be consistent with the Zoning Ordinance,
- the light fixtures notated on the site plan to be corrected and consistent.

Vice Chairman Gross amended the motion, Commissioner Porter re-supported, to include in the conditions:

- any unresolved issues from the Planner’s review letter dated August 31, 2018:
  - to revise the tree replacement noting that only landmark trees are required to be replaced;
  - add the canopy to the site plan;
  - revise the knee wall per figure 34.3 in Zoning Ordinance #78;
  - clarify the fixture cut sheets provided on the plan are labeled correctly on the lighting photometric plan;

- any unresolved issues from the Engineer’s review letter dated August 31, 2018:
  - revise grading to a maximum slope of 1:3;
  - provide a Hold Harmless Improvement Agreement to the Township;
  - that the engineering plan is designed in accordance with Zoning Ordinance #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.
  - correct the width of the non-van accessible handicap spaces.

Discussion on the motion:

Planning & Zoning Director Girling clarified the motion denies the site plan approval, however, if the variance is granted from the ZBA and the conditions of the motion are met, the applicant does not need to come back to the Planning Commission. Vice Chairman Gross concurred.

Vice Chairman Gross further amended the motion, Commissioner Porter re-supported, to include the clarification that the motion is to deny site plan approval, however, if the setback variance is granted by the Zoning Board of Appeals and the conditions of the motion are met, the applicant does not need to come back to the Planning Commission. Vice Chairman Gross concurred.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Porter, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. Motion carried 7-0

B. PC-2018-35, Grace Premier Senior Living Special Land Use and Site Plan, located at 985 N. Lapeer Rd. (parcel 09-02-126-007)

Mr. Butler, PEA, 2430 Rochester Court, Ste. 100, Troy; reiterated they are seeking Special Land Use approval and site plan approval for Grace Premier Senior Living. It is a 63-unit, memory care and assisted living facility located on the west side of Lapeer Road, south of Manitou Lane.
3. MINUTES
A. 9-18-19, Planning Commission Regular Meeting Minutes

Moved by Vice Chairman Gross, seconded by Commissioner Walker to approve the above minutes as presented. Motion carried

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

Chairman Dunaskiss recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:05 pm for case PC-2019-47, Lavender Ridge Planned Unit Development (PUD), located on vacant parcel on the southeast corner of Silverbell and Squirrel Roads (parcel #09-36-226-001). The applicant, Jacobson Moceri Orion LLC, is proposing to rezone the property from Suburban Farms (SF) to Planned Unit Development (PUD) to construct a luxury townhome community consisting of 260 residences.

Chairman Dunaskiss closed the PC-2019-47 Joint Public Hearing at 8:36 pm.

Supervisor Barnett explained the process of at (PUD).

Moved by Trustee Flood, seconded by Trustee Birney to close the special meeting of the Township Board at 8:39 pm. Motion Carried

7. NEW BUSINESS

Planning & Zoning Director Girling stated that the applicant was not present but was notified.

Planning & Zoning Director Girling gave an overview of the project. They have made it all the way through engineering and have been in constant contact with them. The next step is to set up a pre-construction meeting, they need to pay their fees, and pull their soil erosion permit and they will meet the commitment of the Site Plan.

Trustee Steimel noted that it sounded like they were close. With the site plan extension, they must start moving dirt before it expires, they need to pull the permits. Now it is October and didn't feel they would do anything in the fall. He felt that a 6-month extension would get them into the spring in case something happens, and if they couldn't get a permit, they wouldn't get started this fall.

Moved by Commissioner Reynolds seconded by Trustee Steimel, that the Planning Commission approves site plan extension request for PC-2018-31, Brown Road Hyatt House Hotel Site Plan for six (6) months; this approval is based on the following findings: that they are working
through final engineering and have made efforts towards adhering all the site plan approval requirements.

**Roll call vote was as follows:** Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Garris, yes; Dunaskiss, yes. **Motion carried 7-0**

B. PC-2017-14, Orion Commons PUD – Commercial Site Plan Extension, located at vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel 09-23-100-004).

Mr. Kirk Stagner represented the developer Kirco and Lormax Stern, presented.

Mr. Stagner stated that they are continuing to market the property as approved under the PUD. They have not been able to secure tenants at this point enough to proceed any further, but they would like an extension to continue marketing and hopefully develop the property.

Chairman Dunaskiss questioned if there were any further updates from actual tenants or movement or is the market just soft?

Mr. Stagner replied that he was aware that they had talks and tentative deals but that have not gone through.

Chairman Dunaskiss stated that one of the things they look for with the extensions if it is so long then they question if the plan going to work. They do want to give them enough time as it makes sense for the site.

Vice Chairman Gross asked if there were any changes in the ordinances that would affect this plan?

Planning & Zoning Director Girling replied no.

Vice Chairman Gross questioned if there were any changes to a proposed development, they would have to come back to them as a new site plan?

Planning & Zoning Director Girling answered that it is a PUD, she didn't think that they would have to come back for a whole other site plan, they possibly could just amend the PUD agreement. It would come to PC but didn't think it would have to go back through the PUD process, but possibly consider it a minor PUD amendment to entertain the change in the ordinance if there was any. With a PUD they have excepted a plan with what those criteria were so she did not think that any change in the ordinance would impact this because they have accepted that plan with those criteria’s and setbacks and everything that was approved on the plan.

Secretary St. Henry asked didn't they come before them a year ago and make an amendment to the PUD?

Planning & Zoning Director replied no; they came back for an extension.

Secretary St. Henry thought they had changed up the types of developments that they were looking at?

Trustee Steimel stated that the original PUD just basically showed this as a commercial property up front so then for this one it came as an amendment as to what they are going to put in.
Roll call vote was as follows: Reynolds, yes; Ryan, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel yes; Dunaskiss, yes. Motion carried 7-0

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

6. CONSENT AGENDA
   None

7. NEW BUSINESS

   Chairman Dunaskiss asked the petitioner to give an overview for their request of the site plan extension.

   Mr. Iden Kalabat with Kalabat Engineering, 31333 Southfield Rd., Suite 250, Beverly Hills, MI presented.

   Mr. Kalabat stated that the site plan request was due to a couple of different reasons. Originally, they requested the March Planning Commission meeting, because they were coming up on the April 2020 expiration of the site plan. They were at the closing stages of the financing portion of this project. They had not received a closing date from the lender at the time. They put in the request to the Township early, in the event the closing had not scheduled before the April deadline. Since then with the COVID19 outbreak, the lender has put the application on hold. They are at a point where they have all of the necessary permits for construction to start. He has been working with Engineer Landis, and they were dealing with some final sanitary sewer permitting issues and felt he gave EGLE the items that they had requested. He thought they had a permit from EGLE as well. They are at a stage where they are trying to close out and secure financing and start construction. He stated that the extension request is for a one (1) year extension to allow the COVID19 pandemic to come to some resolution and resume working with the lender to try to get this loan closed out for the project.

   Engineer Landis said that Mr. Kalabat is correct. The only thing that he thought was outstanding was receiving the sanitary sewer permit from EGLE. They had some very minor comments that have been addressed, and they are just awaiting approval from EGLE. The review process is taking a little longer but felt that they would be receiving the permit soon.

   Chairman Dunaskiss asked the Planning Commissioners for their comments.

   Vice-Chairman Reynolds stated that he did not have a problem with the one (1) year extension based on the social, and economic situation of the project.

   Trustee Steimel asked regarding the dates, they are talking about a one (1) year extension from when? Currently, they have an extension in place until he thought May of this year. Are they talking about another year from that or a year from today?

   Planning & Zoning Director Girling replied whenever there is an extension, she will always take it from whatever the original approval date was. When they receive multiple extensions, she will always go from what the original approval date was.
Chairman Dunaskiss asked the applicant if that was what his thinking was based on the date of the original approval?

Mr. Kalabat said he believed that would suffice. He thought that the date of the original approval was October 2019. He said he had understood that he was getting a one (1) year approval until April 2021.

Planning & Zoning Director Girling said that according to her records, they did apply well before the expiration date, but due to not conducting two (2) meetings they had to be pushed out. It was early April, based on the original approval dates.

Vice-Chairman Reynolds said six (6) months from October 2019.

Commissioner Walker asked the petitioner if the houses on the property were still there? Mr. Kalabat replied that the houses were still there. He knew that there was a concern with getting them removed as quickly as possible. One of the reasons that they did not do that was because the lenders they were working with did not want any activity on the property. Before the loan closing, there was concern from the title agency, and the closing agency, of anyone that performs work might become a priority lienholder, in case, they had not been paid. The lender specifically asked us not to do any work. They can pull a permit and demo those houses after the executive order is lifted. They will remove those existing homes before, beginning with the lender again, so that it is no longer be an issue with the lender. He knew that was a concern for the Township and they would also like to get those houses removed.

Trustee Steimel thought that the dates should be specified.

Mr. Kalabat asked Planning & Zoning Director Girling if he could request that they extended the date until April 2021? Planning & Zoning Director Girling replied that he can request anything they want, but didn’t feel that they could get more than a one (1) year extension at once. She noted that the last extension that they received expired on April 8, 2020. If they are wishing to give him a one (1) year extension she noted it would be April 8, 2021.

Moved by Vice-Chairman Reynolds, seconded by Commissioner Gross that for case PC-2018-31 Brown Rd. Hyatt House Hotel Site Plan Extension, approve the Site Plan Extension for one (1) year which would bring it to April 8, 2021, based on the current social and economic impacts of COVID-19.

Discussion on the motion:

Township Code Enforcement Officer Daisley said that the problem that they are having with those houses along Brown Rd. is it is an eyesore. If they extend this for one (1) year are they going to have these eyesores here for another year? He thought that they should come down immediately. The Building Department and Code Enforcement have been getting nothing but excuses for why they haven’t taken these buildings down, over these last several years. He thought that they should have some kind of date or timeline, that says, these buildings will be down by this date.

Commissioner Walker asked the petitioner if he would consider a six (6) month extension rather than a one (1) year extension? Mr. Kalabat said that he would prefer a one (1) year extension to allow them ample time. They are not sure when the end of the COVID19 situation will come about. He said he could provide the Building Department and the Township that as soon as, the stay at home order is lifted concerning the construction, that they could expect a demolition permit for those homes within 30 days,
and the demolition of that to follow promptly. He asked if they had a suggestion as to a comfortable timeline that they would like from them for the demolition of those homes. They certainly understand and appreciate the patience, thus far, and understanding why they haven’t demolished those yet. They will get the houses demolished as soon as the order is lifted and agreed that they should come down as soon as possible. He requested that the one (1) year be the extension granted with the condition that they get a demolition permit submitted within 30 days of the executive order being lifted; if they were comfortable with that.

Planning & Zoning Director Girling asked if the site plan is extended, and that is a condition and it doesn’t happen within 30 days, does that mean that the site plan is automatically expired? That type of condition creates a problem unless they state what happens if they don’t adhere to what the applicant had offered.

Chairman Dunaskiss asked if they pull the demolition permit, how long will the permit be open? How much lead time would that give them?

Planning & Zoning Director Girling replied she did not know. She stated, what the PC is responsible for is the site plan. If the applicant doesn’t pull the permit within 30 days what is their action? Is it automatically that the site plan is expired? What have they accomplished that he would have to go back through the same thing that he has gone through?

Chairman Dunaskiss asked instead of pulling it, can the stipulation be that he has to come back to the Planning Commission, to give a reason?

Vice-Chairman Reynolds stated that he was going to amend the motion to grant a six (6) month extension unless those houses are demolished, and then it would be a 12-month extension until April 8, 2021.

Vice-Chairman Reynolds amended the motion, re-supported by Commissioner Gross to extend the site plan for six (6) months. If the homes are demolished on the property then that is a 12-month extension until April 8, 2021.

Roll call vote was as follows: St. Henry, yes; Steimel, yes; Walker, yes; Gross, yes; Ryan, yes; Reynolds, yes; Dunaskiss, yes. Motion carried 7-0

B. PC-2020-01, Orion Classic Car Club Wetland and Site Plan, located at 3030 Lapeer Rd. (parcel 09-26-101-015) and an unaddressed parcel at the NW corner of Lapeer and Waldon Roads (parcel 09-26-101-009)

Mr. Daniel Rush of Construction Design Service 2867 Glenwood Ct., presented.

Mr. Rush stated that the proposed project is the Orion Classic Car Club and Restaurant located on the 7-acre parcel of land located at the NW corner of Lapeer and Waldon Rd. The eastern portion of the site is zoned (GB) General Business, and the western portion is zoned (R-2) Residential. The purpose of the project is to redevelop an existing seven (7) acre vacant, idle residential/commercial property into an economically beneficial, esthetically pleasing, new commercial use, geared towards automobile enthusiasts. The proposed site plan proposed was developed with the intent to create a high-quality classic car collection and social facility with associated tenants, office space, and a related theme-based restaurant. In addition to their construction of a two-story 26,000 square foot warehouse/office business, and a 4,000 sq. ft. restaurant building, other improvements include an upgraded stormwater system, a 170-ft.
No. Revision Date

Sheet Number:

Road Paint Markings

Site Plan

Ground Sign (See Detail) 01 EA

Dumpster Enclosure (See Detail) 01 EA

Accessible Parking Signs 03 EA

Setback (See Detail Sheet C3.1)

Front Yard Length - 170'

8' Asphalt Sidewalk

6" Dia. 4' High Bollard 02 EA

12'-6" PR. Parking

30" Knee Wall (See Detail on Sheet C3.1)

Area Stripping 1,145 S.F.

Line Stripping 1,870 L.F.

Pavement Markings (See Detail on Sheet C3.1)

125'

10'-6" Wall

8" Concrete Paving (Load Areas, Huston Dr. Drive)

4" Concrete Sidewalks/Ramps 4,406 S.F.

Concrete Curb & Gutter (3" MDOT 13A HMA on 4" MDOT 21AA Agg. Base)

20' - 20'5" Sanitary (Including Pool & Front Patio)

22' X 24' Drive

8' - 10' Sidewalk (Ex. Conc., Building Setback Line)

19'-4" PR. Building

19'-4" Ex. House

13'-5" Ex. Well

19'-4" PR. Curb Ramp

42" High Handrail

Effect. Side Yard 53'-5" (Var. Req.)

Effect. Rear Yard (Lot 67 Side) 30'76"

Effect. Side Yard (Lot 78-83 Side) 20'53'-5"

Standard Duty Asphalt (Parking Lot) 38,413 S.F.

Asphalt Paving (Huston Dr. Drive) 6,073 S.F.

Building Foot Print 21,443 S.F.

Total Floor Area 72,174 S.F.

Proposed Use: 116 Room Hotel

Proposed Use Group: Type C - Regional Commercial

Proposed Zoning: BIZ - Brown Road Innovation Zone

Current Zoning: BIZ - Brown Road Innovation Zone

Lot Area: 2.07 Acres

Building Elevation: 19'-4" (One Space Per Room)

No. of Handicap Spaces: 55

Notes:

Legend:

Ink Drawn: I. Kalabat

Drawn By: I. Kalabat

Checked By: I. Kalabat

Copyright 2016 - Kalabat Engineering Inc.
As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

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

**Motion 1:** I move that the Planning Commission *approve/deny* PC-2021-47, Orion Village Center Renovation, Special Land Use request for an outdoor café, located at 600 S. Lapeer Rd., parcel 09-11-428-015 for plans date stamped received May 4, 2021. This *approval/denial* is based on the following finding of facts:

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

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

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

**Motion 2:** I move that the Planning Commission grants site plan *approval* for PC-2021-47 Orion Village Center Amended Site Plan, located at 600 S. Lapeer Road (Sidwell #09-11-428-015) for plans date stamped received May 4, 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 additional conditions).

Or

I move that the Planning Commission **denies** site plan approval for PC-2021-47 Orion Village Center Amended Site Plan, located at 600 S. Lapeer Road (Sidwell #09-11-428-015) for plans date stamped received May 4, 2021. This **denial** is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission **postpones** site plan approval PC-2021-47 Orion Village Center Amended Site Plan, located at 600 S. Lapeer Road (Sidwell #09-11-428-015) for plans date stamped received May 4, 2021, for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s or Engineer’s review letter(s)).
memorandum

DATE: May 20, 2021
TO: Orion Township Planning Commission
FROM: Giffels Webster
SUBJECT: 600 S. Lapeer Road – SPR for Orion Village Center – SLU for Opa Food & Spirits Restaurant

SUMMARY OF REVIEW

1. The Special Land Use standards are mentioned at the end of this review.
2. Site Plan. A site plan is provided for the proposed restaurant outdoor seating Special Land Use request. The intended use of the patio should be confirmed as an “outdoor café” or “outdoor patio” as defined by the ordinance.
3. Use. The applicant should state if the outdoor seating area is intended to be an outdoor patio or outdoor café; and specify if the serving of alcohol, or any other applicable criteria, is what makes the intended use an outdoor café.
4. Sidewalk. The sketch plan should be revised to call out and dimension the required 5-foot wide clear sidewalk area along the entire length of the front of the building. This standard appears to be met (§ 14.02.G.).
5. Parking. The Planning Commission may accept that the addition of outdoor patio seating does not affect seating capacity as it relates to Zoning Ordinance parking requirements. Three parking spaces in front of the restaurant are being relocated to the southwest corner of the site. The site plan should include the dimensions of the three newly striped parking stalls.
6. Lighting. The applicant stated that new wall lighting will be provided. The plans should identify detailed information pertaining to any lighting outlined in the ordinance.
7. Fences. The Planning Commission may consider the type of proposed pedestrian barrier fencing surrounding the outdoor seating area as there are no ordinance requirements pertaining to this item.

Project Summary
The applicant is requesting site plan approval for renovation improvements to an existing strip center, as well as special land use approval for an outdoor restaurant patio addition to the existing Opa Food and Spirits Restaurant. The restaurant occupies the northernmost tenant space within the Orion Village Center development.

Proposed Site and Special Land Use Improvements
1. Addition of a covered patio for permanent, outdoor restaurant seating (SLU).
2. Addition of a new, 10’-4” deep overhang along the front of the restaurant tenant space.
3. Relocation of 3 off-street parking spaces to accommodate widening the strip center’s sidewalk; by 8’ wide in front of the restaurant and by 3’ wide along the remaining building. The 3 relocated spaces will be striped along the southeast property line of the site.
Outdoor Patios in GB District
Outdoor patios are a permitted use in the GB District, which the site is zoned under the Eating and Drinking category of the Retail, Entertainment, and Service land use classification. Restaurant uses may include an outdoor patio subject to an administrative review by the Building Department. (§ 14.02 E.)

Outdoor Patio vs. Outdoor Café
The Zoning Ordinance provides the following definitions that distinguish between an outdoor café and an outdoor patio. The main difference between the two is that patios are limited in area and do not include any entertainment or alcoholic beverages service.

**Outdoor Café:** An outdoor area adjoining a restaurant consisting of tables, chairs, plantings, and related decorations, where one or more of the following is provided: live music, amplified music, dancing, staged entertainment, or service of alcoholic beverages.

**Outdoor Patio:** An outdoor area adjoining a restaurant consisting of tables and chairs, and which is limited to a size which is not greater than 25% of the gross floor area (GFA) of the restaurant that does not included live music, amplified music, dancing, stage entertainment or service of alcoholic beverages.

The applicant has not indicated that the permanent, covered, outdoor seating area will contain live or amplified music, dancing, stage entertainment, or service of alcoholic beverages to constitute the need for a Special Land Use permit application. The applicant should confirm which of the outdoor café criteria are proposed with the Special Land Use application prior to approval of this application.

Outdoor Cafés in GB District (§ 14.02 D.)
The following requirements apply to outdoor cafés, which are a special use in the GB District. While these standards do not strictly apply to outdoor patios, they should be considered by the Planning Commission as part of this request as these two restaurant-related uses are similar:

1. Seasonal use restrictions. *May be considered as part of Planning Commission discussion.*
2. Hours of operation. *May be considered as part of Planning Commission discussion.*
3. Sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers. A sketch plan and metal barrier fencing detail has been submitted. The Planning Commission may consider the type of proposed pedestrian barrier fencing surrounding the outdoor seating area as there are no ordinance requirements pertaining to this item.
4. Compliance with Michigan Liquor Control Commission. *The applicant should obtain and provide the proper documentation from the MLCC if the intent is to serve alcoholic beverages on the outdoor seating area.*
5. Compliance with Township Noise Regulations (Ord. 135). *No speakers or entertainment areas are indicated. The Planning Commission may request verification of compliance with this ordinance. This will be an ongoing compliance measure if no additional information is requested at this time.*

6. Other conditions as required by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.

**Parking**

Section 27.04 A.1.a.ii. requires that if the intensity of any building or premises is increased through the addition of gross floor area or seating capacity, additional off-street parking shall be provided for such increase in intensity of use. *It is our understanding that the Fire Department does not consider the addition of outdoor seating as increasing the overall seating capacity of any restaurant use. The Planning Commission may accept this determination that the addition of outdoor seating does not affect seating capacity as it relates to Zoning Ordinance parking requirements. No action is needed.*

To accommodate the width expansion of the pedestrian sidewalk in front of the restaurant, three surface parking spaces are proposed to be removed and relocated to the southwest corner of the existing, paved parking lot. *The striping of these three spaces should be dimensioned on the site plan to confirm compliance of ordinance standards.*

**Lighting**

New building-mounted lighting is proposed and is to comply with the non-residential lighting requirements of Section 27.11.E.2. Building-Mounted Lighting.

a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines.

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

c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.

d. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands or external lighting directed on buildings, where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

Section 27.11.E.3. Canopy Lighting *(amended 07.16.18).* *The applicant should confirm if lighting is included in with the proposed canopy, which shall comply with the following:*

a. All internally lit translucent or fabric awnings shall be prohibited within any zoning district, unless the Building Official or his or her designee determines that the following conditions are met *(amended 08.06.07):*

i. Fluorescent tubes are not visible from the right-of-way.

ii. Light levels comply with other ordinance provisions and are not offensive to the adjoining neighbors.

iii. Any proposed signage on the translucent or fabric awning shall comply with Orion Township Sign Ordinance No. 153 requirements. *(amended 02.21.06)*
30.02. Special Land Use Procedures and Standards.

8. **Planning Commission Determination.** The Planning Commission shall make the final determination on the application for special land use approval. Such determination shall be based on the requirements and standards of this Ordinance. In making the final determination, the Planning Commission shall consider the reports and recommendations from the Enforcement Officer, Water and Sewer Department, Township Planner, Township Engineer, Township Fire Chief, the Road Commission for Oakland County, the Oakland County Health Department, the Oakland County Drain Commission, appropriate utility companies, and the Michigan Department of Transportation, where applicable. The Planning Commission is authorized to approve, approve with conditions, or deny a request for a special land use, as follows:

a. Approval. Upon determination of the Planning Commission that a special land use approval request is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted and a site plan application may be considered in accordance with Section 30.01. (amended 10.01.07)

b. Approval with Conditions. The Planning Commission may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2) Be related to the valid exercise of the police power, and purpose which are affected by the proposed use or activity.

3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards. The conditions imposed shall be recorded in the record of approved action and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. The conditions imposed shall be noted on an accompanying site plan. (amended 10.01.07)

c. Denial. Upon determination of the Planning Commission that a special land use request does not comply with standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare and orderly development of the Township, a special land use request shall be denied. In this case, "Denied" shall be written on the special land use plan and the reasons for denial shall be indicated, and one copy shall be provided to the applicant.

d. The decision of the Planning Commission on a special land use application shall be incorporated into a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-47, Orion Village Center, SLU Request for an Outdoor Café and Amendment to Site Plan  
Date: 5/25/2021  

The Orion Township Fire Department has completed its review of Application PC-2021-47 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

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

X Approved
Approved with Comments (See below)
Not approved

Comments: NONE

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

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

Sincerely,

Jeffrey Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
To: Tammy Girling  
Planning & Zoning Director

From: Jeffery T. Stout  
Director, Department of Public Services

Date: May 25, 2021

Re: PC-2021-47 Orion Village Center, SLU Request for an Outdoor Cafe

Dear Tammy,

Department of Public Services has no objections or concerns on the above-mentioned project.

If you have any questions, please contact me.

Respectfully Submitted,

Jeffery T. Stout  
Director  
Department of Public Services
PC-2021-47  Orion Village Center

Site Walk was conducted on May 12, 2021.

Site is the Orion Village Center located on the west side of Lapeer Road north of Clarkston Road. The applicant is OPA's Restaurant.
The restaurant is a tenant in the Orion Village Center along with other tenants including an auto part sales store, a fireplace store, a vacant store (previously occupied by a bike shop) and a vacated cleaners which OPA's is expanding into. OPA's currently has some limited outdoor seating which is separated from the parking and driveway with a low fence barrier.
With the expansion into the adjoining retail space OPA's it is the proposal to extend the outdoor seating into the new area. The adjoining drive is wider than normal (in excess of 24 feet) and the proposal is to extend the sidewalk into the drive for additional space for table distancing.
A view of existing operating hours for the adjacent fireplace states Monday - Saturday from 9:00 AM to 5:30 PM which should not conflict with peek operating times with OPA's. There has not been a demonstrated parking problem within the entire center as there is sufficient parking for all existing uses and the vacant store.

Respectfully submitted

Donald Gross, Planning Commissioner
Charter Township of Orion
2525 Joslyn Rd., Lake Orion MI 48360
dgross@oriontownship.org
http://www.oriontownship.org
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: **Orion Village Center Renovation**

**Name of Development if applicable:**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner(s)</th>
<th>Plan Preparer Firm/Person</th>
<th>Project Contact Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Tracey Rubin</td>
<td>Name: 600 South Lapeer LLC / Rubin Investments</td>
<td>Name: Micah Wiersma - Auger Klein Aller Architects</td>
<td>Name:</td>
</tr>
<tr>
<td>Address: 3348 Ann Arbor-Saline Rd</td>
<td>Address: 2000 Pebbleview Dr</td>
<td>Address: 303 E 3rd St. #100</td>
<td>Address:</td>
</tr>
<tr>
<td>City: Ann Arbor</td>
<td>City: Ann Arbor</td>
<td>City: Rochester</td>
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<td>Zip: 48103</td>
<td>Zip: 48108</td>
<td>Zip: 48307</td>
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</tbody>
</table>

Email: traceyrubin@spcglobal.com (temporary address) | Email: | Email: | Email: |
|       |       |       |       |

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.
Sidwell Number(s): 09-11-428-015

Location or Address of Property: 600 South Lapeer

Side of Street: S Lapeer Rd Nearest Intersection: __________________________

Acreage: 3 Acres Current Use of Property: General Retail / Restaurant

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

Subject Property Zoning: GB  Adjacent Zoning: N. GB  S. GB / RB  E. GB  W. RM-1

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

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

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

| AT&T | Oakland County Water Resources |
| 54 Mill St. | wrppermitting@oakgov.com  |
| Pontiac, MI 48342 | (electronic submittal only) |

| Consumers Power Company | Oakland County Health Department |
| 530 W. Willow St. | Building 34 East |
| Lansing, MI 48906 | 1200 N. Telegraph Rd. |
| Pontiac, MI 48341 |

| DTE Energy | Road Commission of Oakland County (if applicable) |
| 37849 Interchange Dr. | 2420 Pontiac Lake Rd. |
| Farmington Hills, MI 48335 | Waterford, MI 48328 |

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: 4-1-21

Print Name:  Tracey Rubin

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: 4-1-21

Print Name:  Tracey Rubin

Version 12/7/20  Page 2 of 3
Charter Township of Orion Planning Commission
Special Land Use Approval Application

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

Project Name: Orion Village Center Renovation

Name of Development/Business if applicable: Orion Village Center

Applicant

Name: Tracey Rubin
Address: 3348 Ann Arbor - Saline Rd. City: Ann Arbor State: MI Zip: 48103
Phone: ________________________ Cell: 734-216-6775 Fax: ________________________
Email: traceyrubin@sbglobal.net

* 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.

Property Owner(s)

Name: 600 South Lapeer LLC / Rubin Investments
Address: 2000 Pebbleview Dr. City: Ann Arbor State: MI Zip: 48108
Phone: ________________________ Cell: ________________________ Fax: ________________________
Email: ________________________

Plan Preparer Firm/Person

Name: Micah Wiersma - Auger Klein Aller Architects
Address: 303 E 3rd St. #100 City: Rochester State: MI Zip: 48307
Phone: 248-814-9160 Cell: ________________________ Fax: ________________________
Email: m.wiersma@aka-architects.net

Project Contact Person

Name: ________________________
Address: ________________________ City: ________________________ State: Zip: ______
Phone: ________________________ Cell: ________________________ Fax: ________________________
Email: ________________________

Version 10-19-2018
Sidwell Number(s): 09-11-428-015

Location or Address of Property: 600 South Lapeer

Side of Street: S Lapeer Rd Nearest Intersection:

Acreage: 3 Acres Current Use of Property: General Retail / Restaurant

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

Subject Property Zoning: GB Adjacent Zoning: N. GB S. GB / RB E. GB W. RM-1

Give a detailed description of the proposed use, if applicable please indicate the number and size of the buildings or units being proposed. Proposing a permanent 420 sf seating area for the existing 4,760 sf Opa Food & Spirits Restaurant. Minor modifications to the sidewalk and adjacent parking are also proposed to promote pedestrian safety.

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

AT&T
54 Mill St.
Pontiac, MI 48342

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

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

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

DTE Energy
37849 Interchange Dr.
Farmington Hills, MI 48335

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

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

Location and screening of vehicular circulation and parking areas in relation to surrounding development. **Existing Vehicle circulation remains largely unchanged with existing screening to remain.**

Location and screening of outdoor storage, outdoor activity or work areas and mechanical equipment, in relation to surrounding development. **No changes proposed to outdoor storage, trash receptacles, loading docks, and mechanical equipment.**

The hours of operation of the proposed use. **Restaurant hours are 10 A.M. - 2 A.M. Daily operation of the permanent seating area shall be seasonal and weather dependent.**

The bulk, placement and materials of construction of the proposed use in relation to surrounding uses. **Restaurant hours are 10 A.M. - 2 A.M. Daily operation of the permanent seating area shall be seasonal and weather dependent.**

Describe how the proposed special land use is compatible with and in accordance with the general principles and objectives of the Orion Township Master Plan and how it promotes the intent and purpose of Zoning Ordinance 78. **The proposed special land use promotes better pedestrian safety and access to existing amenities on-site through expanded walkways. The outdoor seating area allows for seasonal enjoyment of natural features of the township.**

Describe how the proposed special land use is located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools. **Existing Vehicle circulation & street access remains largely the same. Other services are unchanged. Fire lanes at the front of the building are expanded.**
### Impact on Traffic

- **Proximity and access to major thoroughfares**: Existing vehicle circulation remains largely the same and does not change access to major thoroughfares.
- **Estimated traffic generated by the proposed use**: Minimal traffic impacts will be seen, since occupancy loads do not significantly increase with the proposed outdoor seating.
- **Proximity and relation to intersections**: No major change.
- **Adequacy of sight distances**: No major change.
- **Location of and access to off-street parking**: No major change.
- **Required vehicular turning movements**: Minor changes to turning movements are proposed to increase pedestrian safety.
- **Provision for pedestrian traffic**: Pedestrian access and safety is improved/maintained.

### Detrimental Effects

- **Outdoor seating and facade lighting changes**: Expected to have a minimal impact on the noise and lighting glare of the surrounding area, mitigated by the location's adjacency to a major thoroughfare. Lighting is to be building-mounted & adhere to section 27.11.E Non-Residential Lighting Standards.
- **The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be so located or designed, as to be detrimental to public health, safety, and welfare. Describe the consideration given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light**: Outdoor seating and facade lighting changes are expected to have a minimal impact on the noise and lighting glare of the surrounding area, mitigated by the location's adjacency to a major thoroughfare. Lighting is to be building-mounted & adhere to section 27.11.E Non-Residential Lighting Standards.

### Enhancement of Surrounding Environment

- **Landscaping & other amenities**: No changes proposed.

### N/A - None proposed.

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*The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use on surrounding uses. Describe the consideration given to the following:

- Proximity and access to major thoroughfares
- Estimated traffic generated by the proposed use
- Proximity and relation to intersections
- Adequacy of sight distances
- Location of and access to off-street parking
- Required vehicular turning movements
- Provision for pedestrian traffic

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

Outdoor seating and facade lighting changes are expected to have a minimal impact on the noise and lighting glare of the surrounding area, mitigated by the location's adjacency to a major thoroughfare. Lighting is to be building-mounted & adhere to section 27.11.E Non-Residential Lighting Standards.

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

- Landscaping & other amenities

The bulk placement and materials of construction of proposed structures in relation to surrounding uses.*
Explain how the location of the proposed special land use does not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed special land use does not result in a small non-residential area being substantially surrounded by incompatible uses: The special use is located on the opposite side of the building from residential uses and facing other commercial developments.

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

☐ I have reviewed Section 30.02 D and will install the sign(s) as required.
☒ I would like to lease signage from the Township and for it to be installed as required (please complete attached Sign Request Form).

I/We, the undersigned, do hereby submit this application for Special Land Use, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.02 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: [Signature]
(must be original ink signature) Date: 5-6-21
Print Name: [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: [Signature]
(must be original ink signature) Date: 5-6-21
Print Name: [Print Name]

Version 3/2/17
420 SF Permanent Seating Area
18 Seats

Project: Orion Village Center
Project No: 2037
Date Issued: 03/11/21
Drawn by: Micah Wiersma

Sketch Number: SKA-1-03.11.21
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning & Zoning Director
DATE: May 26, 2021
RE: PC-2021-48, Kohl’s/Sephora PUD, Minor PUD Amendment – Signage Kohl/Sephora

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 Commission’s findings of facts for the project. Any additional findings of facts should be added to the motion below.

**PUD Minor Amendment – (Ord. No. 78, Section 30.03)**

I move that the Planning Commission approves/denies PC-2021-48, Kohl’s/Sephora PUD Minor Amendment, requesting 1 additional wall sign, located at 4872 Baldwin Rd. (Sidwell #09-29-351-020), for plans date stamped received May 12, 2021. This approval/denial is based on the following findings of facts:

a. How will the revision be a benefit to the future users of the project and community (Insert findings of facts),

b. How will the revision result in a material increase in the use of public services, facilities and utilities as compared to the existing PUD (Insert findings of facts),

c. Will the revision place an unreasonable burden upon the existing PUD or the surrounding property owners and/or the natural environment (Insert findings of facts),

d. Will the revision keep the existing PUD within the intent and spirit of the Master Plan (Insert findings of facts),

e. Will the revision result in an unreasonable negative economic impact upon the surrounding properties (Insert findings of facts),

f. Does the revision maintain the existing approved open space requirement for the PUD (Insert findings of facts),

g. Does this revision require any waivers from the design standards of this PUD (Insert findings of facts),

h. Will this revision allow the PUD to continue to promote the preservation of any natural resources and features that were in the original PUD (Insert findings of facts).

If motion is to approve:
*Motion maker to add any additional conditions.

Or

**Motion 2:** I move that the Planning Commission postpone action on PC-2021-48, Kohl’s/Sephora PUD Minor Amendment, requesting 1 additional wall sign, located at 4872 S. Baldwin Rd. (Sidwell #09-29-351-020), for plans date stamped received May 12, 2021, for the following reasons (insert findings of facts).
DATE: May 27, 2021
TO: Orion Township Planning Commission
FROM: Giffels Webster

SUBJECT: 4872 Baldwin Road — Kohl’s Sephora – PUD Minor Modification

An application has been submitted to add a wall sign and replace an existing freestanding sign panel within Auburn Hills to indicate Sephora related to the existing Kohl’s store within the Baldwin Commons PUD. This request is being considered as a PUD Minor Modification as signage for PUD’s are approved as part of the PUD approval. Additionally, a condition of approval placed on the PUD requires all signs be submitted for review to the Planning Commission, including those located in Auburn Hills (freestanding sign). As the proposal includes two new signs, one being within Auburn Hills, the PUD conditions of approval also require these signs to be reviewed by the Planning Commission as part of this application. We are not aware of any conditions from the PUD approval that would prevent approval of this request.

Sephora Wall Sign
The applicant is proposing a 22.17 sq. ft. wall sign on the east façade facing Baldwin Road. This sign would constitute a second wall sign as there is an existing Kohl’s sign on the building. The GB district standards for wall signs are as follows:

- Number of signs: 1 wall sign per establishment
  - Not met (2 wall signs with addition of Sephora), PUD modification may be approved

- Sign area: 10% of façade area or 200 sq. ft., whichever is less
  - Compliance with this standard could not be verified as the width of the Kohl’s sign is illegible on the plan and the square foot area of this sign and the façade has not been provided.
  - The applicant should provide the total proposed area of signage for both the Kohl’s and Sephora signs, and the percentage of this area related to the façade area to determine if this sign area is permitted by-right or if a PUD modification would be required

Kohl’s & Sephora Multi-tenant Pylon Sign
The Sign Ordinance permits a panel or wording on a sign to be changed periodically within the same space on the sign. As no other changes are proposed to the freestanding sign structure and it has not been abandoned or vacated, replacement of the existing sign panel at the top of the structure is permitted without a review of compliance for the entire freestanding sign related to the Sign Ordinance. Due to the condition of approval placed on the PUD, this sign is still required to be considered by the Planning Commission even though it is only a sign panel change and not a change to the sign structure.
**PROPOSED**

- 30' EXISTING KOHL'S LETTER SET TO REMAIN AS IS
- 13' 3 5/8"
- 20'

**EXISTING**

- 17'

---

**Kieffer | Starlite**

National Sign Manufacturers and Consultants
Dallas/Ft. Worth | Chicago | Shreveport | Charlotte

---

**KS2100536**

For Contact information visit us at www.kesigngroup.com
Proposed wall sign = 22.17\"
Face Change = 51.9 °

EXISTING FACES WILL BE REMOVED AND REPLACED AS SHOWN/NOTED.

NOTE: Piano hinge required on top of face to match existing.

.080 thick FLAT aluminum faces (PER SURVEY) to be painted as shown/noted. Copy is routed and backed with white acrylic.

COLOR SPECIFICATIONS
- paint to match SW9990 (Caviar)
- #7328 White back up acrylic
- painted face border to match existing - EXACT COLOR TBD

Kieffer | Starlite
National Sign Manufacturers and Consultants

KS2100536B
APPLICATION FOR PLANNED UNIT DEVELOPMENT
REVISION

Case Number PC- _____ - _____

*PROOF OF OWNERSHIP MUST BE INCLUDED IN THE APPLICATION*
(Acceptable documentation includes: Warranty Deed, Quit Claim Deed, Land Contract, and Option to Purchase with a Copy of the
Warranty Deed. If the applicant is not the property owner, then written authorization from the property owner must be included)

NOTICE TO APPLICANT
The following application must be completed (incomplete applications will be returned
to the petitioner) and filed with the Township at least four (4) weeks prior to a scheduled
Planning Commission meeting in order to initiate a request for PUD Revision. Regular
meetings of the Planning Commission are held on the first and third Wednesday of each
month at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion.

Date 5/3/21 Project Name Kohl's + Sephora signs

Applicants Name Metro Detroit Signs

Applicants Address 11444 Kaltz Ave

City Warren State MI Zip Code 48089

Phone# 586-759-2700 Fax # 586-759-2703 E-Mail kdeters@metrossai.com

Property Owner Name Shelby Creek LLC

Property Owner Address 101 W Big Beaver Rd, ste 200 Troy, MI 48084

Phone# 248-705-3759 Fax # E-Mail

Name of Firm/Individual who Prepared the plan Kevin Deters at Metro Detroit Signs

Address 11444 Kaltz Ave Warren, MI 48089

Phone# 586-759-2700 Fax # 586-759-2703 E-Mail kdeters@metrossai.com

*Please Indicate Above The Contact Person *
Property Description:

Location or Address of the Property: 4872 Baldwin Rd

Side of Street West Nearest Cross Streets: Just north of I-75

Sidewell Number(s) Total Acreage

Subdivision Name (if applicable)

Frontage (in feet) 308 feet Depth (in feet) 298 feet

*Please Attach to the Application a Complete Legal Description of the Subject Property

Zoning Classification:
Subject Property PUD

Adjacent Properties:

North Party City South DSW

East Men's Warehouse West N/A

Current Use of Property: Kohl's + Sephora

Describe The Proposed Revision To The PUD Request to install a wall sign for Sephora at 1'-8" x 13' 3.625" (22.17 sq feet) and also to change the face on the existing multi-tenant pylon sign to Kohl's + Sephora at 4'-4" x 12' (51.9 sq feet)

Please answer the following questions on a separate sheet of paper and attach to the application.

1. How will the revision be a benefit to the future users of the project and the community?

2. How will the revision result in a material increase in the use of public services, facilities and utilities as compared to the existing PUD?

3. Will the revision place an unreasonable burden upon the existing PUD or the surrounding property owners and/or the natural environment?

4. Will the revision keep the existing PUD within the intent and spirit of the Master Plan?

5. Will the revision result in an unreasonable negative economic impact upon the surrounding properties?

6. Does the revision maintain the existing approved open space requirement for the PUD?
7. Does this revision require any waivers from the design standards of this PUD?

8. Will this revision allow the PUD to continue to promote the preservation of any natural resources and natural features that were in the original PUD?

****7 Sets of the Site/PUD Plan Prepared in Accordance with the Orion Township Zoning Ordinance #78, Section 30.03, Section 30.01 and any other Applicable Township Ordinance Requirements Must be Included as Part of the Application. Planning Commission Review Fees Included In Ordinance #41 Are Also Required When Submitting For A PUD Revision****

I hereby submit this application for Site Plan Approval, pursuant to the provisions of the Orion Township Zoning Ordinance, Ordinance #78, Section 30.03 and 30.01 and any other applicable Township Ordinance requirements. In support of the application, I hereby certify that the information provided herein is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application) and on behalf of all owners of this property, I hereby grant the Planning Commission members and Township Building Department staff permission to perform a site walk on the property, without prior notification, as is deemed necessary.

[Signature]

Date: 5/3/21

Signature of Applicant
Answers to questions

1. Sephora is not a separate tenant from Kohl’s. Kohl’s + Sephora have merged and formed a partnership. Therefore, it is necessary for them to have signage that identifies them as Kohl’s + Sephora. If this signage is granted, it will inform their customers of this new merger.

2. This signage is intended to advertise the merger of Kohl’s + Sephora.

3. This revision, if granted, will not cause any burden. The pylon face change will be the exact same size, and the proposed Sephora wall sign is small (22.17 sq feet).

4. This revision, if granted, will remain in the spirit of the master plan in that the proposed signage is merely intended to advertise the existing tenant.

5. The proposed signage would not have any negative impact on the surrounding properties.

6. The space and size of the storefront and tenant space is not changing.

7. The proposed signage is consistent with the existing design standards (white letters on a brown background).

8. The proposed signage will not alter any natural resources or features.
Commissioner Porter stated he agrees with the petitioner that if the hours are restricted too much then they won't be able to compete especially with the other shopping center going in across the street. If the Commission is too restrictive, then they are going to create a lot of empty buildings.

Commissioner Soroka asked if something could be added to allow for holiday hours?

There was a discussion regarding holiday and special promotional hours.

Commissioner Vickers moved that the hours of operation in the case of PC-96-55, Baldwin Commons are subject to periodic change for holidays and promotional sales by the leasor with the hours of 12:01 a.m. to 5:59 a.m. being excluded. Supported by Commissioner Soroka. Ayes: Vickers, Papin, Soroka, Porter, Kilbourne. Nays: Loop, Milford, Dyl, Harrison. 5-4 vote. MOTION CARRIED.

Commissioner Dyl moved to approve in the case of PC-96-55, Baldwin Commons PUD Revised Final Plan with the following conditions:

1) A note be placed on the plans stating that all signs including those in Auburn Hills will be submitted for review to the Planning Commission.
2) The note on the plans regarding the Brown Road Watermain be removed.
3) Conditioned upon approval by the Township Board of all contracts regarding the Water and Sewer including the ones between Auburn Hills and Orion Township, and Orion Township and Detroit Water and Sewer.
4) The developer grant preservation easements on all remaining wetlands including wetlands used for detention purposes.

Supported by Commissioner Porter. Ayes: Milford, Vickers, Dyl, Harrison, Papin, Soroka, Porter, Loop, Kilbourne. Nays: None. 9-0 vote. MOTION CARRIED.
Article II

Construction of Language & Definitions

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)


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 11.15.16)

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 (added 07/16/18, amended 03/04/20)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = Permitted by Right  S = Special Use</td>
<td>SF, SE, SR</td>
<td></td>
</tr>
</tbody>
</table>

### Land Use

- Single family detached dwellings.
- Agriculture and farming use including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar agricultural enterprises or use of land and structure.
- Mobile homes
- Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.
- Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.
- Publicly owned and operated municipal buildings, libraries, parks, parkways and recreational facilities.
- Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.
- Churches, Places of Worship
- Cemeteries
- 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.
- Convalescent homes not to exceed a height of three (3) stories
- Day care centers
- Bed and breakfasts
- Adult group day care homes, adult foster care small group homes, adult foster care large homes, child group day care homes

### 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.
- 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.
- Farm buildings and greenhouses.
- Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or use of land and structure.
- Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
- Tree and shrub nurseries.
- 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.
- Private stables
- 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.
- 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.
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:

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.
### Article VI  Single Family Residential: R-1, R-2 & R-3

<table>
<thead>
<tr>
<th>LAND USE (added 07/16/18, amended 05/04/20)</th>
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<th>Footnotes</th>
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<tr>
<td><strong>Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single family detached buildings.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Agriculture &amp; farming use, including livestock and poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or use of land or structures.</td>
<td>P</td>
<td>C. O</td>
</tr>
<tr>
<td>Mobile homes</td>
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<td>A</td>
</tr>
<tr>
<td>Planned Unit Development, subject to standards &amp; approval requirements set forth in Section 30.03.</td>
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<tr>
<td>Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.</td>
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</tr>
<tr>
<td>Publicly owned &amp; operated municipal buildings, libraries, parks, parkways, &amp; recreational facilities.</td>
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<tr>
<td>Public, parochial and private elementary, intermediate and/or high schools offering courses in general education.</td>
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<tr>
<td><strong>Churches</strong></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td><strong>Cemeteries</strong></td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Public utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Publicly owned swimming and/or bathing beaches, as a principal use or an accessory use.</td>
<td>S</td>
<td>G</td>
</tr>
<tr>
<td>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.</td>
<td>S</td>
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</tr>
<tr>
<td>Swimming pool clubs</td>
<td>S</td>
<td>H</td>
</tr>
<tr>
<td>Convalescent homes</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Day care centers</td>
<td>S</td>
<td>I</td>
</tr>
<tr>
<td>Bed and breakfasts</td>
<td>S</td>
<td>J</td>
</tr>
<tr>
<td>Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes</td>
<td>S</td>
<td>L</td>
</tr>
</tbody>
</table>

### 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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Charter Township of Orion Zoning Ordinance 78

Revised 05/21/20  Page 6 - 2
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 payload 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:

<table>
<thead>
<tr>
<th>Number of Animals</th>
<th>Minimum Parcel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.5 Acres</td>
</tr>
<tr>
<td>2 or more</td>
<td>1 Additional acre for each animal</td>
</tr>
</tbody>
</table>

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:

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 floor length in the main sanctuary or one space for each three (3) persons designated in the maximum occupancy load of the main sanctuary.
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 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.

<table>
<thead>
<tr>
<th>LAND USE (added 07.16.18)</th>
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<td><strong>RM-1</strong></td>
</tr>
<tr>
<td>Land Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-family dwellings such as, but not limited to, apartments, townhouses, 2-, 3-, and 4-plex units.</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Single-family detached dwellings, subject to the area and bulk requirements of the R-2 Single Family Residential District.</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Agricultural &amp; farming use, including livestock &amp; poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or uses of land or structures.</td>
<td></td>
<td>P</td>
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<tr>
<td>Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.</td>
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<td>Publicly-owned and -operated municipal buildings, libraries, parks, parkways, and recreational facilities.</td>
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<td>Public, parochial, and private elementary, intermediate, and/or high schools, offering courses in general education.</td>
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<tr>
<td>General hospital</td>
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<td>S</td>
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<td>Dependent housing</td>
<td></td>
<td>S</td>
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<td>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.</td>
<td></td>
<td>S</td>
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<tr>
<td>Assisted living facilities</td>
<td></td>
<td>S</td>
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<tr>
<td>Day care centers</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td><strong>Accessory Land Uses</strong></td>
<td></td>
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</tr>
<tr>
<td>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.</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>General services building, containing recreational facilities and other services for use of the residents of the multi-family development.</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Recreational vehicle storage area for the storage of camping trailers, boats, boat trailers, snowmobiles, and similar items.</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Farm buildings and greenhouses</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>
### Article VII
Multiple Family Residential Districts, RM-1 & RM-2

<table>
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<td>RM-1</td>
<td>RM-2</td>
</tr>
<tr>
<td>Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or uses of land and structure.</td>
<td>P</td>
<td></td>
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<tr>
<td>Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tree and shrub nurseries.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td>B</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage (in accordance with the provisions in 27.19)</td>
<td>P, S</td>
<td></td>
</tr>
</tbody>
</table>

### 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:

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.
## LAND USE (amended 07.16.18)

<table>
<thead>
<tr>
<th>P = Permitted by Right</th>
<th>S = Special Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>S* = Special Use permitted within Lapeer Road Overlay District</td>
<td></td>
</tr>
</tbody>
</table>

| Public service and government facilities | P |
| Private clubs, fraternal organizations, and lodge halls | P |
| Churches | S* |

### Retail and Service

#### Automobile-Related Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automotive retail and service facilities</td>
<td>S*</td>
</tr>
<tr>
<td>Automotive repair, paint and body shop, collision shop</td>
<td>S*</td>
</tr>
<tr>
<td>Automotive dealership, repair, service center, and used car facilities</td>
<td>S*</td>
</tr>
<tr>
<td>Equipment repair and sales</td>
<td>S*</td>
</tr>
</tbody>
</table>

#### Eating and Drinking Establishments

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants, including drive-through restaurants</td>
<td>S*</td>
</tr>
</tbody>
</table>

#### General Retail

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail and Service uses incidental to the primary office/research and development uses</td>
<td>S</td>
</tr>
<tr>
<td>Showrooms for retail activities associated with fabrication, assembly processing, or wholesaling</td>
<td>S*</td>
</tr>
</tbody>
</table>

#### General Service

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial and insurance service (banks, credit unions - with or without drive-thru)</td>
<td>P</td>
</tr>
<tr>
<td>Real estate/property management services</td>
<td>P</td>
</tr>
<tr>
<td>Travel/ticket agencies</td>
<td>P</td>
</tr>
<tr>
<td>Pet grooming/daycare</td>
<td>P</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td>S*</td>
</tr>
</tbody>
</table>

### Residential

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted living facilities</td>
<td>S</td>
</tr>
</tbody>
</table>

### Accessory Land Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings and accessory uses customarily incidental to the permitted uses in this section, in accordance with Section 27.02.</td>
<td>P</td>
</tr>
<tr>
<td>Pharmacies (incidental to primary use)</td>
<td>P</td>
</tr>
<tr>
<td>Medical supply stores (incidental to primary use)</td>
<td>P</td>
</tr>
</tbody>
</table>

### Other Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned Unit Development, subject to the standards and approval requirements of Section 30.03</td>
<td>P</td>
</tr>
</tbody>
</table>

### 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)

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...
### 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.
### Article XIV

<table>
<thead>
<tr>
<th>LAND USE (amended 07/16/18)</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by Right  S = Special Use</strong></td>
<td>GB</td>
<td></td>
</tr>
<tr>
<td><strong>S</strong> = Special Use permitted within Lapeer Road Overlay District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home improvement/hardware store (less than 55,000 square feet)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large scale retail establishments (greater than 55,000 square feet)</td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Lumber yard</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Neighborhood convenience store (no gasoline sales)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Pharmacy/drugstore (with or without drive-thru pharmacy)</td>
<td>P</td>
<td>A, I</td>
</tr>
<tr>
<td>Specialty food store</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor display areas</td>
<td>P</td>
<td>G</td>
</tr>
<tr>
<td>Showrooms of a plumber, electrician or building contractor</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Showrooms with on-site fabrication processing or wholesaling</td>
<td>S*</td>
<td>J</td>
</tr>
</tbody>
</table>

**General Service**

| | GB | |
| 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**

| | GB | |
| Emergency or extended hour medical clinics | S | A |
| Professional and medical offices | P | |
| Veterinary clinics and hospitals | P | H |

**Civic and Institutional**

**Educational Services**

| | GB | |
| 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 | P | |
| Organizational meeting facilities or banquet halls | P | |

**Churches**

| | GB | |
| Public transportation facilities | P | |

**Other Uses**

| | GB | |
| 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**

| | GB | |
| 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.

Revised 05/21/20

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Page 14 - 2
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.

Section 14.03 – Required Conditions (amended 01.30.86, 09.29.90, 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.
Tiny Homes

Tiny homes are growing in popularity, thanks to tv shows like “Tiny House, Big Living,” “Tiny House Builders,” and even “Extreme Homes.” While the US Census currently does not track tiny homes, it is estimated that tiny home sales accounted for 1% of 2012 real estate sales, and that new sales range from 2,000 to 5,000 units per year (iProperty Management, 2020). Given the growing awareness of and interest in tiny homes, along with the rising prices of single-family homes, it is important that local jurisdictions consider whether there may be a need or desire for tiny homes in their community, where tiny homes can be located, design requirements, and procedures for approval of tiny homes.

Defining Tiny Homes and Villages

Defining the terms “tiny home” and “dwelling” is crucial to establishing how and where tiny homes are permitted. Tiny homes are hard to define because of the variety of characteristics they may have:

- Located on rented or owned property
- Various shapes and sizes (100-500 square feet is typical)
- Made from virgin or recycled materials, including shipping containers and pods
- Constructed on-site by certified builders, or assembled on-site with prefabricated or modular components, or created from do-it-yourself kits
- On wheels or on a permanent foundation
Benefits of Tiny Homes
Tiny homes are attractive to people seeking to simplify, own their own home, live closer to nature and/or live in a community with like-minded people. Tiny homes can serve a community in many ways, including:

- Smaller household sizes
- Housing costs
- Utility costs

Challenges of Tiny Homes
The variety of tiny house types and the lack of a specific definition of “tiny house” in many jurisdictions causes a range of legal questions and issues yet to be resolved. Currently, many jurisdictions do not have land-use and development regulations that allow for tiny homes.

- Construction/Building Codes
• Zoning Codes

**Continue Reading**

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**A Checklist of Zoning Considerations for Tiny Houses**

Given the increase in popularity of tiny homes, local jurisdictions should consider how they may or may not accommodate them in their communities. The following checklist can be used to guide the integration of tiny homes into any community.

- Determine the reason(s) your community is considering tiny homes and what you hope to gain by allowing them...
- Compare tiny houses with existing housing types allowed in the community...

**Continue Reading**

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