CHARTER TOWNSHIP OF ORION
CHARTER TOWNSHIP OF ORION PLANNING COMMISSION REGULAR MEETING AGENDA
WEDNESDAY, MARCH 17, 2021 - 7:00 PM
VIA VIDEO CONFERENCE
GOTOMEETING ACCESS CODE ID: 599-669-285
PHONE IN ACCESS CODE: 1-571-317-3122

VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285

or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285
(Meeting being conducted via video/telephone conference due to the health concern of COVID-19
and the Governor's Executive Order 2020-75)

| 1. OPEN MEETING | 2 |
| 2. ROLL CALL |
| 3. MINUTES |
| A. 02-17-21, Planning Commission Workshop Meeting Minutes |
| B. 02-17-21, Planning Commission Regular Meeting Minutes |
| C. 02-17-21, Planning Commission Public Hearing Minutes for PC-2021-05, C&A Group |
| 4. AGENDA REVIEW AND APPROVAL |
| 5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY |
| 6. CONSENT AGENDA |
| 7. NEW BUSINESS |
| A. PC-2019-47, Lavender Ridge PUD Site Plan extension, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001). |
| B. PC-2020-01, Orion Classic Car Club Site Plan extension, located at 3030 Lapeer Rd. (parcel 09-26-101-015) and an unaddressed parcel at the NW corner of Lapeer & Waldon Roads (parcel 09-26-101-009) |
| 8. UNFINISHED BUSINESS |
| A. PC-2021-36, Township Initiated Text Amendment - Woodland Protection |
| B. PC-2021-07, 5 Year Master Plan Update |
| 9. PUBLIC COMMENTS |
| 10. COMMUNICATIONS |
| A. RRC Virtual Academy |
| 11. PLANNERS REPORT/EDUCATION |
| 12. COMMITTEE REPORTS |
| 13. FUTURE PUBLIC HEARINGS |
| 14. CHAIRMAN'S COMMENTS |
| 15. COMMISSIONERS' COMMENTS |
| 16. ADJOURNMENT |

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Planning Commission will be held virtually only on Wednesday, March 17, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

1. OPEN MEETING

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4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2019-47, Lavender Ridge Final PUD Site Plan Extension Request, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001).
   B. PC-2020-01, Orion Classic Car Club Site Plan Extension Request, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021).

8. UNFINISHED BUSINESS
   A. PC-2021-36, Township Initiated Text Amendment – Woodland Protection
   B. PC-2021-07, 5 Year Master Plan Update

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    A. RRC Virtual Academy

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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 workshop meeting on Wednesday, February 17, 2021, at 6:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted 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 (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.)  Scott Reynolds, Chairman (Orion Twp.)
Kim Urbanowski, BOT Rep to PC (Orion Twp.)  Don Gross, Vice-Chairman (Orion Twp.)
Joe St. Henry, Secretary (Orion Twp.)  Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner

1. OPEN MEETING
Chairman Reynolds opened the workshop meeting at 6:00 pm.

2. ROLL CALL
As noted

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

OTHERS PRESENT:
Annette Battaglia  Sofija Kalaj
Jason Wisniewski  Ken Zmijewski
Penny Shults

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

4. NEW BUSINESS
A. Discussion of Mater Plan 2021

Planner Arroyo said that they kicked off the Master Plan. He said that the first study session they had a few months ago, where they got the Planning Commission, Township Board, and the CIA got together for a joint meeting. They are now getting into the work of the actual Master Plan. They have been working hard over the last couple of months. He stated that they want to meet with the Planning Commission, the second meeting of the month.

Planner Arroyo added that he wanted to make sure that everyone’s aware of the public input opportunities that are out there now for members of the public to participate. He asked that they invite friends, colleagues, and businesses to participate. Whether they are a resident of the township or they work in the Township, he wanted people that have an interest in the community to participate.
Planner Arroyo stated that one of the opportunities is called “PictureThis!TM”. He added that if they go to the Orion Township website, they will find all of the links. PictureThis!TM is a way to upload pictures and provide comments. He said to click on it to participate, and they will have the opportunity to tell people what they think about the community by uploading a photo and then describing that photo. He showed them the steps to take via GoToMeeting. If there was something that needs improvement, or something they saw in another community that would be a great idea to have here. He added there is an online survey, and it is tied specifically to the market assessment http://www.surveymonkey.com/r/ORIONRES21. They have received over 300 responses so far.

Planner Arroyo stated that the Open House they are looking to schedule in April 2021.

Planner Arroyo noted that they brought together Orion Township Staff who work day-to-day in different departments working on different tasks. They talked about strengths, weaknesses, opportunities, and threats. They also asked them to identify emerging trends from their perspective.

Planner Arroyo went through the transmittal of the first draft of the Master Plan.

Chairman Reynolds noted that this is the first Master Plan that many of the Planning Commission members are going through. He was looking for a roadmap that they are going to be tackling over the next number of weeks that might be helpful. Planner Arroyo replied that was what he was going to talk about next.

Planner Arroyo said that building the existing conditions information is important, but really what is important is the plan itself. The first major public input process, where they can start to test some of their planning theories, and ideas that they may be interested in getting some information on, is the Open House. They are hoping it will be in person, if not it can be done through a virtual forum. They are targeting it for April 2021 but will move it to May 2021 if it enables it to be in person. He said that in an open house setting they establish stations, they are land use, environment, economy, transportation, and housing. They provide documentation that shows what the existing conditions are, and then they have the opportunity to ask folks who are attending, questions about what they believe, or what their opinion is about certain ideas that the Planning Commission wants to explore. He knew that residential density was a significant topic in this community. He thought that they could have boards up that shows density at different levels from a visual perspective, and get people to say, ok in this part of the Township, and how they felt about what existing development pattern, and if it were to change according to the Master Plan, and if they were thinking about different housing types.

Planner Arroyo said some other ideas that they may want to test is, a 10 or 15-minute neighborhood. That is the idea where, they may look to an area that they could ride a bike from the center of that neighborhood out in 15-minutes and then from that core, maybe that would be an area where they might have a community center or a small retail area, or some type of core to draw them into that kind of focal point of that neighborhood. Then around that, they can either walk, bike, or go by car, and start to create neighborhoods that have some connectivity and a focal point. Is that important in this community, and is it something that they want to explore? Do they want to test that with the public, through the Open House, process, and show some examples of that?

Planner Arroyo asked regarding the rural areas within the township, how do they see those areas evolving? Because some development will occur there particularly in the northern part of the township. For example, that residential developments be set back from the roadway, and that way they maintain the rural look along the roadway as much as possible. In exchange, they
would have a greater setback and maybe have a little bit of exchange of lot size to encourage that open space on the roadway. He added that these are the types of planning concepts that they might float at an open house and get public input on, and then that would help them in their decision, in terms of what the actual Master Plan recommendations are going to include. They are going to come to them with some ideas in March, and then they want to hear their ideas.

Planner Arroyo said that the other thing they want them to start looking at is the existing Future Land Use Map. What they will do is, between now and the next meeting, put out another packet that shows them what the current plan says. They are also going to try to get some information about developments that have been approved and what type of density, and what type of pattern they had, and how that relates to the land use plan. They have had a lot of Plan Unit Developments, and they have not all closely matched the Master Plan. He added that they want to look at what is happening with the developments that they have within the community or is being proposed, and what the marketing is telling them is desirable in the community and then compare that to what they would have planned before.

Planner Arroyo stated the next steps would be developing goals and objectives. The goals and objectives is the policy statement that are going to guide the plan. From there, they are going to get into the plans, and as they will be working with them and bringing those back to them, as they test new concepts.

Secretary St. Henry asked if they will have access to the survey feedback, in real-time? For example, is there a way that they can access the respondent, the 300 that have come in, so far? Will they have a chance to review that information before the Open House? Planner Arroyo replied that they would not see it until the surveys are closed out. They try not to give them the results until it is over because they don’t want to influence decisions and survey responses. They are trying to get an honest assessment. He added that the surveys will likely be closing in the next two to three weeks. He said he is hoping, by the time they get to the Open House, they have some preliminary findings from the market assessment. Then they can start to share exactly how much additional retail can this community support. What type of housing market is out there for different types of housing units? What is the demand for office, industrial, and technology uses? Typically, the market assessment is only going to go out about 10-years, because that is about realistically as far as they can go out with it, with a market assessment, after that the data starts to get pretty weak.

Planner Arroyo asked them to start thinking about public input for the Open House, and they will be sending them a link to the current Future Land Use Map.

Chairman Reynolds asked what is the best way to compile and collect that data? Planner Arroyo replied that if they want to share some thoughts and information to do that through Tammy, and then she can forward that to them. Planning & Zoning Director Girling asked the new members not to send their ideas to all of the Planning Commissioner’s because that would be considered a quorum, and it is not allowed. She added that if they want to send anything to the Planning Commission members that they need to send them in sets of three, and not to send more than three members at a time so that there is not deliberation on anything.

Secretary St. Henry asked looking at southeast Michigan are there any communities that kind of mirror of Orion Township, in terms of their history or their growth in the last 20 to 25-years, that they would not necessarily emulate or mimic, but a least draw some comparisons and just get a feel for maybe they are doing something that they should consider here? What came to his mind is with his experience working with the school district as well as Oakland County, and Lake Orion is often compared to South Lyon. He wondered if there is any value in drawing any type of those comparisons as they move forward? Planner Arroyo replied that they are never going
to find a perfect comparison, but there are certainly some communities that are facing the same types of issues. He said they will give some thought to that, and maybe they will come back with some additional information.

Secretary St. Henry thought that they would be remiss if they don’t draw the relationship between the Township and the school district. He added that they do surveys and they continually see that people move to this area because of the quality school district. He knew that they didn’t have any influence over the school district operationally, but there is a relationship between the attractiveness of the Township and the school district. He wanted to make sure that it is at least captured in this document somehow. Planner Arroyo replied that they will do that. Planner Fazzini stated that if they have any school district planning documents or studies that they are aware of that might mention land use or the Township, send those to Tammy, they like to cross-reference current plans or good plans that are outside of the Master Plan to make people aware of those things.

Vice-Chairman Gross asked when the 2020 census data is going to be coming out, so they can get more current, accurate, as accurate as it can be because the census, is so screwed up? At least the updated census information. Planner Arroyo replied that they will check. He added that they have heard delay after delay but will get the latest information for the next meeting when they expect to get the latest information.

Planner Fazzini said from a physical standpoint, you will see in the history section that the Lake Orion, Orion Township relationship, is similar to Rochester, Rochester Hills, where they have the village in the northeast corner, they have a major north-south corridor, Rochester Rd. and Lapeer Rd. They will see that there is a relationship with that historic transit, between Rochester and Orion, not looking at demographics from a layout standpoint, he thought they could compare it with Rochester Hills, Rochester.

Planner Arroyo said that they could add Milford Township, and Lyon Township. He stated that there are a lot of different communities that have some similarities, in terms of having the township with the village, and then having a major corridor going through.

Chairman Reynolds asked what the agenda looked like for the next meeting in March? Planner Arroyo stated that the primary focus of the March meeting will be a game plan for the April Open House. They will be providing them some additional information related to existing conditions that were not in the draft that they received before this meeting. They will be updating that every meeting. Then they start to lay the framework for the future land use plan, and starting to think about goals and objectives because that is their next key task after they are done with the public input. He said that they might also want to do is review the goals, and objectives from the last plan. They will make sure that they forward the future land use map from the 2015 plan, the goals and objects, and then their development analysis to them so, that they have that available for the next meeting.

Secretary St. Henry said that the review and evaluation of the future land use plan are going to be huge. He thought that he was a little lax in staying up with the future land use plan and making sure that it is still relevant over the last several years, and that it still made sense. He thought that they needed to take a close look at certain areas around the Township and just make sure that the zoning and the future use plans still make sense. He added that their communities have changed a lot in the last five years, let alone the last 10, 15 years.

Planner Fazzini stated that for the future land use analysis, they plan to go section by section and then have the Township broken up into the bottom third, middle third, upper third and then group a couple of sections and look at those areas together. In some communities, it makes
more sense to look at intersections but with the amount of development that they have experienced, he thought they needed to look at, the entire Township section by section and then just check what has been developed since 2015, what is in the works, what PUD’s have been approved. They will have housing density and other information that is part of that to make a good future land use plan that is accurate.

Secretary St. Henry said he was hoping that this new report, when it comes out, explains that somehow. He thought that they needed to capture the essence of the PUD process and why developers pursue it, why townships work with developers in PUD situations. He thought there had been a lot of controversy over PUD’s over the last several years, that they need to spell out where PUD’s fit in the big picture of their Master Plan.

Planning & Zoning Director Girling said the current Master Plan has a ton of goals. She asked if they foresee having that numerous amount of goals? As a Planning Commission they don’t necessarily have them in front of them as they should, but even going back and looking at the ones they have right now there is a lot there. She asked at this point, or in their experience, is there overkill on what they currently have, and do they envision something lesser? Planner Arroyo replied that they like to keep the number of goals down to the bare minimum. He thought a lot of times, they see if they have 20 or 30 goals for a community like this, that is probably more than they need because they are supposed to be generalized statements. He thought that they could boil it down to a much smaller number and then use the objectives which are taking it to the next level. He added that they will likely come to them at some point and reorganize, if they like the general direction of their current goals and objectives, they would probably totally reformat them and restructure them in a way that they think works better and is easier to work with. He was sure that they were going to get that modified as they go through the process.

Vice-Chairman Gross said he liked the approach. He thought it was ready, aim, shoot as opposed to ready, shoot, aim approach. He liked the fact that they are going to get into looking at the areas as opposed to coming up with conclusions first.

5. ADJOURNMENT
Moved by Commissioner Gross, seconded by Trustee Urbanowski to adjourn the meeting at 6:47 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 regular meeting on Wednesday, February 17, 2021, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted 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 (Commissioner location):
Don Walker, PC Rep to ZBA (Orion Twp.)  Scott Reynolds, Chairman (Orion Twp.)
Kim Urbanowski, BOT Rep to PC (Orion Twp.)  Don Gross, Vice-Chairman (Orion Twp.)
Joe St. Henry, Secretary (Orion Twp.)  Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner (Orion Twp.)

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:
Annette Battaglia  Sofija Kalaj
Jason Wisniewski  Ken Zmijewski
Martin Kalaj

3. MINUTES
A. 02-03-21, Planning Commission Regular Meeting Minutes
 Moved by Vice-Chairman Gross, seconded by Secretary St. Henry to approve the minutes, as submitted. Motion Carried 6-0 (Hoffman absent)

4. AGENDA REVIEW AND APPROVAL
 Moved by Trustee Urbanowski, seconded by Commissioner Walker, to approve the agenda as amended, to remove agenda items, 7.R. PC-2021-24, 7.S. PC-2021-25, 7.T. PC-2021-26, 7.U. PC-2021-27, 7.V. PC-2021-28, 7.W. PC-2021-29, 7.X. PC-2021-30, 7.Y. PC-2021-31, 7.Z. PC-2021-32, 7.AA. PC-2021-33, 7.BB. PC-2021-34, 7.CC. PC-2021-35, Tycoon I Operations LLC, Ord. 154 Applications, located at 180 Premier Dr. due to a resolution that was passed last night at the Board of Trustees meeting. Motion Carried 6-0 (Hoffman absent)

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
 None
Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2021-05, C & A Group, Request to Conditionally rezone 512 E. Silverbell road, parcel #09-35-200-023, from Single Family Residential (R-1) to Office Professional (OP) with conditions at 7:05 pm.

Chairman Reynolds closed the Public Hearing for PC-2021-05 at 7:13 pm and reconvened the regular Planning Commission Meeting.

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2021-05, C & A Group, Request to Conditionally Rezone 512 E. Silverbell Road, parcel #09-35-200-023, from Single Family Residential (R-1) to Office Professional (OP) with conditions.

Chairman Reynolds asked if the applicant wanted to add anything. She did not.

Planner Fazzini read through his review date stamped February 3, 2021.

Chairman Reynolds said that with it being a Conditional Rezone application with conditions, there is not a review from OHM, so he turned it over to the Planning Commissioners for questions for the applicant.

Vice-Chairman Gross said that this request appeared to be reasonable. It is consistent with the objectives of the Master Plan. The existing land uses in the area would not be adversely affected with the church to the east, and the condos to the west along Silverbell Rd. He thought it was important to identify the uses that are being excluded from the proposal. Conditional Rezoning would prohibit any veterinary clinics, hospitals, pilot research, and design centers, private clubs and lodges, which could have extended hours of operations, pet grooming, and daycare, and it would prohibit any Planned Unit Developments (PUDs). The proposal would not include a site plan at this point. They would have to come back with a site plan, to review the specific details. He considered it to be something very consistent with the Master Plan, and in the development in the area.

Chairman Reynolds said one of his concerns is the fact that they are still potentially allowing financial or insurance services that would include or not include a drive-thru. He thought that was something to consider here with traffic patterns on a road like that. Most of the other uses that have been stricken from the proposed zoning or rezone addressed a lot of his other concerns. He thought that there is a place for it but questioned if there doesn’t need to be a couple of additional conditions, and obviously, that is brought forth by the applicant.

Commissioner Walker agreed with Vice-Chairman Gross’s analysis of this. He felt it fit the Master Plan, except for the drive-thru aspect, he liked it.

Vice-Chairman Gross stated that the drive-thru was something that they cannot regulate at this point. That would be something they could impose upon this Conditional Rezoning. They have to take the conditions as submitted, by the applicant, based upon their information.
Commissioner Reynolds said that one of the questions that Giffels Webster had for the applicant with the plan that was submitted is if it was intended to be an exhibit as part of a condition or is just an example of potential development? Ms. Battaglia replied it was an example. Commissioner Reynolds stated that the plan submitted was just an example, it is not an exhibit. So, they are not limiting themselves to that development, there is a number of things that could still fit within that Conditional Rezone.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Board of Trustees to approve PC-2021-05, C & A Group Conditional Rezoning Request, a request to rezone 512 E. Silverbell Rd., parcel #09-35-200-023, from Single-Family Residential (R-1) to Office Professional (OP) with conditions as outlined in the applicants Conditionally Rezoning request. This recommendation to approve is based on the following findings of facts: that it is consistent with the objectives of the Master Plan; the Conditionally Rezoning is compatible with the existing uses of property, within the general area of the property, with the existing church to the east and the condos to the west, which would not be adversely affected; the rezoning classifications of the property within the general area of the property in question is not inconsistent with the proposed use; the trend of the development in the general area of the property, including any changes that have taken place in the area, is consistent with the proposal; the request is compatible with the policies and uses designated for the land and area in the Master Plan and is compatible with the offered conditions with other uses in the surrounding areas, considering the area as a whole, and the overall development goals, character, and needs of the Township: public services and facilities are available, and adequate to service this property; recommendation to approve is based on the following conditions: that the applicant and the Township enter into a Conditional Rezone agreement specifying the conditions of the project that the applicant has agreed upon in their applications; in addition, this motion does not include any site plan approval and further approval would be required on that behalf.

**Roll call vote was as follows:** Urbanowski, yes; St. Henry, yes; Gingell, yes; Walker, yes; Gross; yes Reynolds, no. **Motion carried 5-1** (Hoffman absent).

B. **PC-2021-06, Orion Village Crossing Minor PUD Amendment for Orion Grill, located at 3667 S. Baldwin Road, (parcel #09-29-326-042) for an additional wall sign & outdoor patio.**

Chairman Reynolds asked if the applicant was present?

Mr. Martin Kalaj and Mrs. Sofija Kalaj 3667 S. Baldwin Rd. were present, via the GoToMeeting app.

Mr. Kalaj stated that the application was for a revision on the sign. They want to add an extra sign on the south corner of the plaza. With the new construction on S. Baldwin Rd., they think it would be vital for their growth. Customers coming northbound on Baldwin Rd. and seeing a sign on the south end, as well as, coming southbound on a divided street to see the north sign or the sign facing the west, they thought it would be vital for the growth of their business in the future.

Chairman Reynolds asked if he would give a brief overview of the outdoor patio that is also proposed. Mr. Kalaj said yes; he thought it was the plan of the plaza for that particular location on the south end. They would like to make it a nice comfortable setting for people to have coffee, have a bit to eat in the morning, lunch, or even in the evening. The area is 15X60-ft. patio area and they would like to utilize it for the residents of Orion and make it a go-to location for the locals and possibly others from abroad.
Planner Fazzini read through his review date stamped February 10, 2021.

Chairman Reynolds stated that there was a review from the Fire Marshal, and he had no issues.

Vice-Chairman Gross asked if this was a new operation with the restaurant, will it be different than Iris Café? Mr. Kalaj replied yes.

Trustee Urbanowski stated that she was looking at the building, it is a large strip area and it is one of the keystone units on the building. She saw a need for putting in the two signs. She asked if the signs that they are proposing are too big in total if there were two of them?

Planner Fazzini that corner feature is 180-sq. ft. on each side that has a sign. He believed that they could stretch that façade to include their entire façade that contains the restaurant, which would be a much larger number and then would likely, be enough area to allow the area that they are proposing for each sign. Either way, they’re approving what is being proposed as part of the PUD modifications, so they can either request that the applicant provides the exact façade area so they know the percentage or they can just accept the signs as proposed without knowing what the full façade area is. He added that the revision modification process gives them the flexibility to approve the two wall signs, and then the area proposed without additional information, but that is something they pointed out, that they are kind of discounting the area that they have to work with. They have a larger area, potentially for a sign.

Mr. Kalaj stated that he misunderstood the vast area, when they did the application, he was looking at the smaller part. He learned the area is much bigger, and they made the mistake on the proposal on the size, it is much bigger. Ms. Kalaj said that Tammy explained it right, that they should measure from the whole upper part. Mr. Kalaj said that the whole upper part was around 25x7. They are looking to put just a 10x10-ft. sign on each side. Chairman Reynolds stated that there are some discrepancies here of items that might work in their favor with a couple of these items. That is an opportunity to have conditions on the motions, whether it is in support or against, but some items that could be potentially administratively reviewed with some amendments.

Planning & Zoning Director Girling said that they have two components to this. They have the size of the sign and the fact that the ordinance says one sign. What they are asking for is two things, to be allowed two wall signs, and looking at the size of it, but it looks like they calculated it wrong, so it sounds like just the number of signs.

Chairman Reynolds stated that this is a minor PUD amendment, they are not just talking about a signage application that they typically wouldn’t see. They are coming back for additional signage along the secondary façade.

Commissioner Walker asked if the petitioner would clarify the additional seating. It seemed to him that the Planner had indicated that it exceeds the amount allowable. Is this something that is negotiable with them now with us? Mr. Kalaj replied yes. Commissioner Walker said if they conditioned the motion to fit in what the Planner said in his memo, that would be ok? Mr. Kalaj replied absolutely, yes. Chairman Reynolds asked Planner Fazzini if that was just because the data of the interior square footage was not submitted because it cannot exceed 25% of that? Planner Fazzini replied right. He added that there was a sketch provided that was a rough dimension of the area of the interior, but they need the exact restaurant gross floor area to make sure that it is under that 25%. That is something that the applicant should be able to provide easily. He didn’t think they would object to it, but just the checkoff that it meets the outdoor patio use definition.
Secretary St. Henry said the applicant proposed a certain size sign based on what they thought were the requirements, but they could increase the size if they wanted to. Are they keeping it the originally proposed size? Planner Fazzini said that the application before them is what they would be allowed to get permits under. He didn’t believe that they would be able to increase the area of the sign. He thought their consideration is specific to what is presented tonight since it is a PUD.

Secretary St. Henry said looking at the renderings, and he assumed they are proportional, and understood the need for double signage because it is a very congested area. He thought the signage looked very appealing.

Trustee Urbanowski said regarding the sidewalk she wanted to make sure that there is a 5-ft. path instead of the 4.5-ft. path. She asked if there was any additional parking needed? Mrs. Kalaj replied, correct. Trustee Urbanowski asked if there would be any fences around the patio? Mrs. Kalaj replied no need. Trustee Urbanowski wanted to verify that the type of lighting that they are going to be putting up that there will be no external building-mounted light fixtures, correct? Mr. Kalaj replied that the existing sign that is up there is a big neon sign that says Iris Café Restaurant, it is actually bigger than the proposed sign that they are planning on putting there. This one is lit up like a neon sign. The type of sign he was going to put up there was like a wooden metal sign. He was hoping to have a little-lights that angle and shine on it without reflecting out into the public. Mrs. Kalaj said it has to have some sort of lighting. Mr. Kalaj added that it has to have some sort of lighting because they have got lighting there already.

Planner Fazzini stated that the Lapeer Overlay District requires that light fixtures for signs be shielded to reduce glare and then there is an illumination requirement of 15-foot candles. It is up to the Planning Commission if they want to see the details on the proposed lighting as part of their consideration, or if they would be ok with that being an administrative conditional of approval. If they propose lighting, it is that it will be required to meet the ordinance, so there are no waivers that are granted here, they just didn’t have those fixtures indicated so it wasn’t reviewed.

Chairman Reynolds stated that he thought there were some ways to address this with the information that they have in front of them, that can potentially be administratively addressed or addressed in the motion.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approves PC-2021-06, Orion Village Crossing PUD Minor Amendment for Orion Grill (formerly Iris’s Café), requesting an additional wall sign over the existing (1) one wall sign and to add an outdoor patio area, located at 3667 S. Baldwin Rd. (Sidwell #09-29-326-042), for plans date stamped received January 22, 2021. This approval is based on the following conditions: that the revisions would be a benefit to the future users of the project and community by promoting a pedestrian-friendly environment consistent with the Gingellville Master Plan; the public services that are in the area will not be negatively impacted; the revision will not place an unreasonable burden upon the existing PUD or the surrounding property owners; the revisions are keeping within the existing PUD within the intent and spirit of the Master Plan; the second sign is in recognition of the fact that the building is a corner building use so that there is one sign which is facing Baldwin Rd. and the other one facing into the parking lot to the south; the sign area is based on the façade of the revisions and is consistent with the overall sign area within the sign ordinance for the sign area of the building; the seating capacity and the site plan in terms of the five-ft. sidewalk, maintaining pedestrian access to be given a final review by the Planner; it is a favorable approval recommendation.
Roll call vote was as follows: Gross, yes; Urbanowski, yes; Gingell, yes; St. Henry, yes; Walker yes; Reynolds, yes. Motion carried 6-0 (Hoffman absent)

C. PC-2019-04, Orion Storage Site Plan, 1761 W. Clarkston Rd. 09-16-226-001

Chairman Reynolds asked if the applicant was present?

Mr. Ken Zmijewski 150 Tiffany, Royal Oak, the applicant presented, via the GoToMeeting app. He noted that he had lived in Lake Orion for 20-years prior to last year.

Mr. Zmijewski stated that they are proposing a single-story, drive-up, self-storage facility. In the area itself, they currently own it and have owned the land for 28 years. He believed he bought the land from Mr. Walker? He added that it is five buildings. When you enter off of Clarkston Rd., pull in, there is a side parking lot, and then a parking lot for the office. When they enter, they enter through the automatic gates and they pull in down the main island. They separated the building so that they can address the water concerns behind the building to the east. Basically, they have two buildings and three additional buildings. They are in the process of purchasing some land from the school. They tried to purchase this land awhile back, but the school didn’t know what they were going to do with the land. Since they finally decided to put up the Childhood Education Center, they found that they could afford to sell them 40-ft. of land, and they have tried to take advantage of that.

Mr. Zmijewski showed the plans via the GoToMeeting app. He stated that the presentation (plans) is different than the one that they submitted two years ago, which, at that point he had a partner, and with COVID, and a number of other things, unfortunately, delayed them from resubmitting. One of them is dealing with his partner, and then the process of purchasing this land.

Mr. Zmijewski said it is going to be a low-key development, with smaller storage spaces, 10ft. doors, 10x10, 10X20, 10X5, 10x40. Right now, they are doing an analysis of the self-storage facilities in the area, to see what the best break-down for them would be.

Mr. Zmijewski thought that there was a need. The nearest self-storage facility is the one on Waldon Blvd. and they are over 90% full. The next closest self-storage facility is in downtown Lake Orion, they are over 90% full as well.

Mr. Zmijewski stated that they currently provide outside storage. This particular plan doesn’t include any outside storage, it will be all inside storage.

Mr. Zmijewski said that he is a design-builder, maintenance contractor, high-end landscapes, everything they do is very esthetic. This will not be orange or red buildings it will be a very nice classy self-storage facility. Somewhere where people want to put their stuff.

Mr. Zmijewski stated that the consultants had critiqued this and have some things to say and hopefully answer some of their questions.

Planner Pietsch read through the site plan date stamped February 10, 2021.

Planner Pietsch said regarding landscaping, they are asking for a tree survey, which should be provided.

Engineer Landis read through his review date stamped February 5, 2021.
Chairman Reynolds said that there was approval with requirements from the Fire Marshal. He added that the review said there was a concern in regards to the truck turning template overlay for truck access, along with some fire hydrant markings. Also, any gates that would be installed would need to comply with the International Fire Code.

Chairman Reynolds said there is a review from RCOC the Road Commission with some general comments for what engineering will have to apply some general right away comments.

Chairman Reynolds stated that there was a site walk completed for this project back on March 16, 2019.

Commissioner Walker stated that he did not sell the property to the petitioner.

Commissioner Walker said he liked the concept, but there is a lot of stuff here that needs doing and he is not comfortable passing something that they have to say, we will pass it, but they have to do these 15 things. He was not comfortable with it, and then possibly some changes in zoning.

Vice-Chairman Gross said he didn’t think that they could act on this because the property is not zoned properly. He thought that the first step is to have the property owners rezone in accordance with the proposed use, and then they could move forward with the site plan. There are a number of issues that may have to go to the Zoning Board of Appeals, and if the Zoning Board of Appeals doesn’t act on those, then the site plan would be invalid. He thought it was premature to be acting on the site plan.

Secretary St. Henry thought there were too many outstanding issues that needed to be addressed before he could make a recommendation on that, starting with the zoning issues. He thought that once those are handled, he thought it was a quality development that is needed.

Chairman Reynolds agreed with the concerns that were spoken. He thought that there were some major issues, the additional 40-ft. and not being zoned adequately to propose the site plan. There is obviously a number of ZBA requests which there is a need for a motion to deny in order to approve with conditions for the ZBA items for setbacks. He believed there is some thought or concern about maybe proceeding with the land acquisition or this rezoning based on what their intent of the use of the land is, but he thought there were also some items there to just proceed from basic zoning purposes that he would like to see addressed. His comments specific to the site plan, as it is proposed right now, he was concerned even with the additional 40-ft. of land, the lot coverage that is proposed. He thought that there was a lack of justification between the lot coverage and the setbacks that were being proposed. He added that there is a number of comments just across the board, from site access, emergency access, and things that need to be addressed before he would be comfortable proceeding.

Trustee Urbanowski agreed with all of the comments. She thought that regarding the rezoning, she didn’t see how they could even begin to do anything if this isn’t even zoned correctly.

Chairman Reynolds asked Planner Pietsch what the process that they should be proceeding with? Planner Pietsch replied that it was his understanding that the rezoning would have to happen first, then the application would come back once the zoning was approved, then come back to this body, and then potentially, if there are still variances, that would be required would have to before the ZBA.

Chairman Reynolds said just to be clear, they are only referencing a small portion of the property that is improperly zoned. He stated that he would like to see the rezone before they
make any motions on the site plan. He added that even with the additional square footage, it still seemed like there might be some concerns that will require additional variances from the ZBA for lot coverage and setbacks.

Mr. Zmijewski said as they have identified, there is a number of things that still have to happen. The school is the one that has to request the rezoning, and they are hoping to have that in before the end of the week. He thought that it was probably a 10-week process. They have to send it out to people to let them know. With that 10-week process, they also have a need to get some plan, and basic elements of what they are trying to accomplish are there. He was hoping that they would be able to at least give him the ability to go to the Zoning Board of Appeals and see what kind of variances they were able to get and not get, and then come back to the Planning Commission for approval after that. He added that if fundamentally, they are ok with the building layout and some of the variances like the Greenbelt setback, and he had a list as well, that he had to go for. If there was any way that he didn’t know if the was an approval, or what might be able to allow him to take these plans and submit them to the ZBA, that is going to be a 30 to 60-day process as well, he gets them back and revises whatever he needs to and then at that point, when he revises them, he will be able to know what variances they are able to get from the Zoning Board of Appeals, as well at that point, he was sure that they will have a short timeline on owning that piece of land.

Chairman Reynolds said he understood his concerns as an applicant. He knew these things took time, they want to be on his side as far as being pro-development and encourage new land uses and utilize his properties.

Chairman Reynolds wanted to clarify the first thing is the rezoning of the property, for them to approve a site plan, has to be based on the underlying zoning, that is either a Special Land Use or zoning by right, that is the first item. The second is a motion to deny the project at this level for them to have a just cause to go to the ZBA to seek the variance. They still have to agree with the intent of the project and there are some discussion points here. The justification of the lack of parking, the significant lot coverage, the setbacks, all of those things. Is there a rhyme or reason for those proposals, why it is being proposed, or limitation of the site? Because even proceeding just for seeking a variance that isn’t just a feeling, it is based on that they can or being limited to the use of their property based on what is being proposed here. He asked the applicant if he could speak to any of the items that they are seeking a variance on, or why there are seeking those variances versus going by right or seeking just a general standard? Mr. Zmijewski replied that it is an extremely challenging property. It is only a couple hundred feet wide. He thought that if all of the setbacks will conform, he probably could put a driveway down the middle, so there is some relief in order to make that a viable piece of property, he was looking for some relief. He added that a number of items like the unloading, and the loading, happen all along the entire storage facility. There is no one specific area, there is a 1,500-ft. of loading and unloading and it is not unlike any other self-storage facility that they have even in the Township itself. The parking as well, there is nobody in those buildings at all because they have one person on site and is all that plans on being in there. It is not an industrial site it is like a commercial complex on an industrial site. Even with the fire loop that are all speaking towards an industrial site where there is chemicals, manufacturing, hazardous material, and waste. There might be a mattress fire, a worst-case scenario, and the little stuff in the self-storage facility. He was thinking that the situation that he has could lend itself to getting some relief to some of the consultant’s issues.

Chairman Reynolds didn’t think there was a favorable opportunity for a motion but he had the opportunity to postpone. He thought that the rezoning was one item that is the main point of contention for them. He encouraged him to review their ordinances closely and seeking a large number of variances is not always the case, that they approve on projects. There is obviously
an understanding that they have with the challenging and limited sites. They also understand different uses and what might bring forth as an applicant to challenges, and how they are actually being utilized. He thought that would be helpful in a future application is to clarify and provide justification with things like parking. There are some of these basic requirements that they look for in all of their projects in the Township, whether it is a storage facility, education, or a residential complex. He challenged them to take a look at that in order to seek approvals in the future.

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, that the Planning Commission postpones site plan approval for PC-2019-04, Orion Storage Site Plan, located at 1761 W. Clarkston Rd. (parcel 09-19-226-001) for plans date stamped received 01/27/2021 for the following reasons: the zoning is insufficient to the site plan; the site coverage and not wanting an overdeveloped site; there have been comments that have been made by the Planner, the Fire Marshal, and Engineers relative to some of these specific site plan considerations.

Discussion on the motion:

Mr. Zmijewski asked if the next feasible time for him to submit this is going to be once he has ownership of the property? He said he would like to purchase it contingent upon getting site plan approval because otherwise, it doesn’t make any sense. He didn’t want to put the horse before the carriage. He is trying to come up with something that makes sense. He asked when can he come back with, a piece of paper or an agreement with them and the school that says this is all in order? Chairman Reynolds replied that they are always willing to work with the applicant. They like to provide as much information as possible and make it as workable as they can. Their concern is the rezone concern, and the number of concerns that have been brought forward by their professional consultants. The fact that they have a number of concerns from their Fire Marshal about safety access, the significant number of variances that are being requested that don’t meet the ordinance, such as lot coverage, setback, greenbelt, just to name a few.

Chairman Reynolds asked if the Planner if he could clarify for them if they were to look favorably on a site plan, could it be contingent upon receiving a rezoning? Planner Fazzini said he would defer to Planning & Zoning Direct Girling on what they have done locally, or if there is a precedent for that or not. He added that in some cases, in other communities, he has seen where they would take off any improvements from that area that doesn’t have zoning so that 40-ft. strip would basically just be grass or nothing. Then they would come back later, once they have zoning to amend the site plan to then show those improvements. He hasn’t done it site plan conditioned on zoning being granted, because they don’t know if that it is going to be successful or not.

Planner Fazzini thought something else that should be addressed is the issue of if the applicant has to own the property to be rezoned. Most jurisdictions allow an agent to submit a rezoning application, might want to check with Planning & Zoning Director Girling on that, if they need to own that school property, or if that can be part of the purchase agreement where they don’t have to buy the property before you have the zoning they need. That is typically how it works is that they can do that kind of contingency.

Planning & Zoning Director Girling said that the current property owner of the 40-ft. strip would have to be the applicant, but then the applicant can authorize somebody else to appear on their behalf. The rezoning would have to be the current owner and then it
would have the authorization, she assumed, because they probably don’t want to pay, and they don’t want to come to the meeting to request that 40-ft. strip.

Planning & Zoning Director Girling added that they haven’t had a portion of a property that was zoned wrong that was owned by another owner. There has not been any that she could look back on and say, in this particular case, they had a site plan that 95% of it is owned correctly, and this small section is not, and it is owned by someone else. She couldn’t say that they have handled it one way or another in the past. She thought perhaps, it is a legal question? If he started down the path of the rezone, and maybe there is a point a public hearing is held with a recommendation by the Planning Commission, maybe it is to the point for successful first reading because it is a conundrum in that the school doesn’t want a strip that is zone Limited Industrial (LI). So, when they are agreeing to apply to rezone on their property, there has to be a point that he has purchased it, even if this doesn’t go through because the school is not going to want a 40-ft. strip that is zoned industrial. She said she could reach out to the attorney and see his legal opinion of: is there a point that they would feel comfortable that a conditional if they get all the other issues resolved, the conditional approval, conditioned upon all the way to the finish line of the rezone occurring if they make it to a certain point?

Chairman Reynolds said he understood that they are not under full ownership of the parcel. It is increasing the opportunity for site plan approval. He agreed with the intent of the proposed project. He didn’t have any issues with the potential rezoning of an adjacent parcel to make this enlarged. What he didn’t support currently essentially the intent of the site plan, as is proposed with the amount of density in the setbacks, the layout, and the number of concerns that are present from a site plan approval and how it adheres to the ordinance.

Chairman Reynolds asked the motion makers if there was a timeline proposed on that motion? Vice-Chairman Gross said no, it is all contingent upon approval.

Mr. Zmijewski asked what the next steps were? Chairman Reynolds said that there is no clear decision that they can give them at this point and time, about the best process. There are two major concerns here that they have, one being the rezone. It sounds like there might be an opportunity for the Township to clarify with the professional consultants about a better process in order to maybe mitigate some of the risk or some of the concerns that they have about acquiring a parcel prior to rezoning, and then obviously with its current owner. The second part of that, he thought he did have some control over, is the number of items that are concerns that they have spoken to tonight, that their professional consultants have brought up specific to the site plan. He encouraged them to go back to those and understand whether they really want to bring forth all of those conditions again, one way, or the other with the rezoning request or not. His personal take was, the rezone was not his issue it was the density, the coverage, and the setbacks.

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


Chairman Reynolds stated that there was a potential conflict of interest on items 7D – 7Q of the agenda. His firm has done a number of the architectural plans for the project being proposed at
180 Premier Dr. Although he could not prove the direct correlation to the ownership and the application for licensure, he thought with the potential conflict it was better for him to be recused from the topics 7D – 7Q.

Moved by Commissioner Walker, seconded by Trustee Urbanowski, that the Planning Commission recuse Chairman Reynolds from the aforementioned items on the agenda.

**Motion carried 5-0** (Hoffman absent)

Acting Chairman Gross said that these next items under New Business, items 7D – 7Q are all items related to the marijuana location requirements under Ordinance 154. It is very similar to the items that they had at their last meeting. He asked Planning & Zoning Director Girling to give a brief overview as to what her review consisted of and if they can combine these motions. Planning & Zoning Director Girling said that she did get the opinion that they can group them together by their uses.

Planning & Zoning Director Girling said they have seen this location before. All of those location requirements were met with this review. It is demonstrated in the suggested motion, all of those criteria of the location were met, and that there is really only one condition, and that is also within the motion, the standard language related to meeting the rest of the Township and the state regulations related to marijuana.

Acting Chairman Gross stated that 7D – 7K are for Medical Class C Growing Facilities. As it was indicated, they can handle those through a single motion which identifies the location requirements within the zoning district, the distance requirements, ingress and egress, and the fact that it is not served by service through any residential property. He said they would entertain a motion for 7D – 7K for Medical Class C Growing Facilities under Ordinance 154.

Planning & Zoning Director Girling stated that when she consulted the attorney about the motions being grouped, he did request that each of the PC numbers be within the motion.

Moved by Secretary St. Henry, seconded by Trustee Urbanowski, that the Planning Commission **grant** approval of the application, as required per Ord. #154 for PC-2021-10, PC-2021-11, PC-2021-12, PC-2021-13, PC-2021-14, PC-2021-15, PC-2021-16, PC-2021-17, Tycoon I Operations LLC, for Medical Class “C” growing facility, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the findings of facts that the operation does meet the following location requirements: it is located in an IP zoning district; it is located in a building that meets all the distance requirements shown in Ord. 154; is located in a building that has an ingress/egress road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning; this motion is made conditioned upon the following: the applicant meets all applicable Township Ordinances and promulgated standards of the Township and prior to opening shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board.

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


Moved by Trustee Urbanowski, seconded by Secretary St. Henry, that the Planning Commission **grant** approval of the application, as required per Ord. #154, for PC-2021-18, PC-
2021-19, PC-2021-20, PC-2021-21, PC-2021-22, and PC-2021-23, Tycoon I Operations, LLC, for an Excess Grow facility, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the finds of fact that the operation does meet the following location requirements: is located in the IP Zoning District; is located in a building that meets all the distance requirements show in Ord. #154; is located in a building that has an ingress/egress road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not serve as a road that also serves for residential zoning; this motion is conditioned upon: the applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board.

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

**8. UNFINISHED BUSINESS**

A. PC-2021-07, 5-year Master Plan Update
Planner Fazzini said he had nothing to add. They had the presentation at 6 pm so they will bring that up again at the second meeting in March.

Chairman Reynolds stated that they do want public input, they have some links on the Township website and encouraged everyone’s involvement.

Planning & Zoning Director Girling said the Master Plan Workshop will be before the second meeting every month at 6 pm, not every meeting. She put this on the agenda in case they ran out of time, and needed to wrap it up.

Secretary St. Henry thought that the public Open House was in April 2021? Chairman Reynolds replied yes.

B. PC-2021-36, Township Initiated Text Amendment, Tree & Woodland Protection
Chairman Reynolds stated that they started their discussion last week and asked everyone to do a little bit of homework here to review their tree ordinance and understand some of the intent and moving forward with some modifications. Chairman Reynolds asked if there were any discussion points, she would like to add? Planning & Zoning Director Girling replied no. She added that the Ordinance is very confusing. They can fix it but how do they want it to read? Do they want to look at what is inside the building envelope, or not look at what is inside the building envelope?

Chairman Reynolds thought that the deviation of only four-inches is a little aggressive. A lot of other communities are six to eight inches. His intent with essentially the ordinance allowing them to justify part of the parcel being left as woodland or an untouched area. He didn’t think that they needed to be requiring a survey for those portions of the project. He did think that they needed to start taking a look at is tree replacements of what sorts within the building footprint or development area. Right now, there is a lot of liberal factors within the ordinance that kind of allows them to select the building footprint and development area. Anything outside of that is some unit of measure, but within it, there is some freedom other than, historic or legacy trees, which would potentially be a discussion point. He wasn’t a fan of going crazy with this. He thought that there was a happy balance between, the trees and keeping them. Maybe there is a middle ground? He thought there were some adjacent communities that look to this as if they were putting an addition on or looking at a building based on a certain criterion, that those trees do have to be replaced or contributed to in a fund. He said they are getting more and more challenging sites that are taking up the woodland areas. He wants to give people the freedom to develop but he thought that there was a balance with some tree ordinances, maybe defining
that intent. He thought that everyone, can take a look at it, read it, and get their general gist and feelings, and if there are some sections that strongly disagree with or strongly support it, he thought that would be helpful for staff to proceed with. He wanted them to make this a priority and asked them to devote some time to it.

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None

13. FUTURE PUBLIC HEARINGS
None

14. CHAIRMAN’S COMMENTS
Chairman Reynolds said he encouraged everyone to make sure that they are partaking in reviewing packets and included in discussions. He understood that it was hard, especially while they are remote.

15. COMMISSIONERS’ COMMENTS
Planning & Zoning Director Girling said that the Township did pay for MTA the ability to take unlimited classes. She noted that they can take them from their home, on their computer, and at their leisure. They are all members of the Michigan Association of Planning (MAP).

16. ADJOURNMENT
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski to adjourn the meeting at 8:54 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, February 17, 2021, at 7:05 pm via “GoToMeeting” #599-669-285.

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

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Annette Battaglia
Sofija Kalaj
Jason Wisniewski
Ken Zmijewski
Tony Battaglia

PC-2021-05, C & A Group, Request to Conditionally Rezone 512 E. Silverbell Road, parcel #09-35-200-023, from Single Family Residential (R-1) to Office Professional (OP) with conditions.

Chairman Reynolds asked if the applicant was present?

Ms. Annette Battaglia the applicant presented via the GoToMeeting app.

Mr. Battaglia stated that she has been a resident in Lake Orion since 1987. She said she was there to talk about a parcel that is located at 512 E. Silverbell Rd. It is a piece of land located right at Silverbell and Bald Mountain Rd. She said that her father, Tony Battaglia, was on the phone. She said he has helped to oversee the steps that go into the purchase and the possibility of rezoning, this parcel. They are looking to conditionally rezone, so they are limiting some of the options that could fall under (OP) Office Professional, on that land. Currently, there is a single-family home on the property that has been abandoned for a long time, doesn’t look very attractive. The land has been vacant, she assumed because it would be expensive to go and tear down the home, clear out the site, put a home or two there. It doesn’t justify the dollar amount of that cost, just sitting there. It serves no value at this point in her opinion. Getting it rezoned will justify spending the money on tearing down the house, getting the land set up, and putting a building there. They are proposing to put a professional building on the site, with some conditions on there. They want to clean it up, put a nice building there, and, hopefully, welcome some new people that can offer services to the people in the community. They are moving forward with this process and have taken into consideration as if she lived in the neighborhood, they want to make sure that the building is attractive. With the special conditions that they put on there, they are making sure that it is not two-story, it is not a service that is going to be a lot of activity that could cause a lot of traffic in the area. They have taken all that into consideration as they went through this process. She understood that they have a Master Plan that gets reviewed, and she thought that review was coming up in the next year or two. In the surrounding area, she could see a variety of things from recreational to residential in the area, and she felt that the request that they were looking for would be good for the area, and not harmful in any way. She said she supplied them with some drawings to give them an idea of the type of building, very simple, but yet attractive.
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 7:13 p.m.

Ms. Battaglia commented that one of her father’s signature buildings is right down the road called Palazzo Di Bocce. She felt that he brought a lot of resources and knowledge to the table to ensure a nice quality good looking facility in the area.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

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

TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning and Zoning Director

DATE: March 10, 2021

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

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

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

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

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

Or

I move that the Planning Commission denies the Final PUD Plan extension request for PC-2019-47, Lavender Ridge Final PUD Plan. This denial is based on the following findings of facts: (insert findings of facts).
From: Manny Kianicky <mklanicky@srj.com>
Sent: Tuesday, February 23, 2021 3:41 PM
To: Tammy Girling <tgingling@oriontownship.org>
Subject: RE: Lavender Ridge Final PUD Site Plan Approval

OK. We would like to ask for a 1-year extension.

Manny Kianicky, P.E.
Vice President, S.R. Jacobson Development Corp.
32400 Telegraph Road, Suite 200 A
Bingham Farms, MI 48025
(248) 642-4700 ext. 237
mklanicky@SRJ.com
Cell (248) 535-2404
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning and Zoning Director
DATE: March 10, 2021
RE: PC-2020-01, Orion Classic Car Club Site Plan Extension

On April 15, 2020, the Planning Commission approved PC-2020-01, Orion Classic Car Club Site Plan. The applicant is requesting an extension to the expiration of the site plan. As of today's date, the site plan has been stamped approved but they have not yet applied for their engineering review of the approved plans. Attached please find the minutes from the 4/15/2020 PC meeting, the petitioner's request for the extension, and a 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 Commissions 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-2020-01, Orion Classic Car Club 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-2020-01, Orion Classic Car Club Site Plan. This denial is based on the following findings of facts: (insert findings of facts).
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.
paved parking lot, and upgraded utility systems. The development is currently planned to be reconstructed in one (1) general phase. The land has been acquired and is to be developed by Dr. Canine, a lifelong Orion resident and businessman.

Planner Fazzini read through his review date stamped March 12, 2020.

Engineer Landis read through his review date stamped March 12, 2020.

Mr. Rush said regarding the Planners review he wanted to clarify a few points. The retaining wall fences along the southern and eastern property lines would be 42-inches high and would be a decorative type aluminum with a wrought iron look to them. That hasn't been selected but they would update the plan to show that. Secondly, the header over the top of the building windows would be a soldier course of brick a different color, a buff color, as opposed to the red brick that they would like to use on the general façade. That is going to be consistent with the rest of the brickwork on the building. The pilasters on the sides of the building are decorative, they only stick out four (4) inches from the face of the blockwork that is there now, and they are made of the same material. It is to break the long expanse of the decorative blockwork along the sides of the building. There are two loading zones, one in the back of the car club building, and one on what he considered the side of the restaurant. They positioned the restaurant in such a way that the dining room and entrance would be in view of the pond. They didn't want to have the loading zone in that position. If they put the dining room on that end of the building then the kitchen would go on the east end of the building. It just made sense that the loading zones would be located there.

Chairman Dunaskiss asked if they were considering that the side of the building, on the east side of the restaurant? Does that still need a waiver because it is facing the road?

Planner Fazzini replied that it would still need a waiver. He added that this site is tough because it is a corner lot. There isn’t a good spot with the layout of the building and the parking to put the loading area where it wouldn’t be visible. They did note in the review that they are providing two (2) layers of landscaping, the street landscaping, as well as, landscaping around the loading area that will help screen it. Also noted was that they could propose a loading area that is not a physically designated loading area. There may be another alternative elsewhere on the site if a waiver is not approved. They have that option still because the restaurant building is small, they can do the loading area alternatives. He commented that it sounded like the applicant had requested a waiver.

Chairman Dunaskiss asked if the restaurant was going to be developed in one (1) phase? Mr. Rush replied that the car club building would proceed first, but the restaurant would be under the same phase of construction.

Vice-Chairman Reynolds said he wanted to add one thing on the loading zone. He didn’t have any major issues with it, that it is in the front yard, seeing they would need a waiver. He stated that being part of the Site Walk Committee, they did walk the site. He noted that there was a significant grade change to that corner of the parcel and thought that the way it would grade out it would be partially hidden, just from the grade of the road versus the grade of the building. He also wanted to say that he was okay with the safety path being within the site for that same reason. He questioned if the wetland was the entire site, and what the current wetland setback that is being proposed if they are not maintaining the 25-feet?

Engineer Landis replied that the wetland on the site is the pond and the drains on either side of it. They are proposing to relocate the easterly drain on the south side of the site. As far as, what the buffers are; is that what the question is? Vice-Chairman Reynolds replied yes; he
thought that there was a 25-ft. wetland setback. Engineer Landis replied that is correct. Planner Fazzini stated that their note was from the east curve of the pond, not the man-made portion inlet, that goes to the east, that is where they measured it. So, just the west edge of the improvements, the parking area north of the restaurant. The restaurant building itself, that area is where that gets within the 25-ft. from that pond. Engineer Landis added that on his review they had approximately .04 acres of wetland buffer impact that were outside of, above and beyond the proposed wetland fill operations.

Commissioner Ryan said that under the parking lot screening, what is proposed is Canadian hemlocks along the western border of the property. She felt that the green giant arborvitae performed better because they were deer resistant. She added that the hemlocks are very large and the green giant arborvitae do not get that tall. She recommended that they look into that.

Moved by Trustee Steimel, seconded by Commissioner Gross, that the Planning Commission approves the wetland permit for PC-2020-01, Orion Classic Car Club, 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) for plans date stamped received 2/26/2020. This approval is based on the following findings of facts: that the action or use is likely to not pollute, impair, or destroy the wetlands; there are no feasible or prudent alternatives to the proposed actions; the proposed plans are the least impactful; the approval is consistent with the public interests in light of the stated purpose of the ordinances for the wetland permit, with no other conditions.

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

Moved by Secretary St. Henry, seconded by Vice-Chairman Reynolds, that the Planning Commission grants a waiver to the loading and unloading requirements because it has been demonstrated that the proposed use will require infrequent deliveries and/or deliveries will be usually made by automobile, van or small truck; and it appears based on the topography of the site, and the plans for the building, the unloading and loading area will be sufficiently screened from public view.

Discussion on the motion:

Trustee Steimel said they are meeting the loading and unloading requirements for the restaurant. They are just granting a waiver allowing it to be on the east side which is technically the front. Is that correct? They are not having a loading and unloading zone for the larger building, or the north building? Planner Fazzini replied correct. It is the location requirement for the restaurant. The loading for the car club is internal to the building.

Mr. Rush said that the plan does show the loading is a 10-ft x 50-ft. loading and unloading zone in the rear of the car club building, as well as one (1), separate one for the restaurant.

Secretary St. Henry stated that it was his understanding that this motion just refers to the restaurant loading zone? Planner Fazzini replied yes.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Ryan, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. Motion carried 7-0
Moved by Commissioner Gross, seconded by Trustee Steimel that the Planning Commission grants a Wetland Setback Waiver for PC-2020-01, Orion Classic Car Club, 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) for plans date stamped received 2/26/20 based on the findings: that the setback waiver is insignificant, and there is a demonstrated water quality preservation that will be taken place.

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

Commissioner Gross asked for some clarification on screening on the west property line adjacent to the residential if it is appropriate, or advisable to change the type of evergreen screening.

Mr. Rush replied that they would be happy to change the screening to the arborvitae as recommended.

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission grants site plan approval for PC-2020-01, Orion Classic Car Club 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) for plans date stamped received 2/26/2020 based on the following findings of facts and considerations: that approval is based upon the condition that the adoption of the text amendment to the Zoning Ordinance #78 allowing a second story building in (GB) General Business be approved which is currently in process; the parcels be combined into a single development parcel; that the site plan incorporates the screening on the west boundary to be changed from hemlocks to green giant arborvitae evergreen; the location of the loading zone has been previously approved by motion; and that the location of the safety path outside of the right-of-way and on private property, be approved to maintain the existing tree-line along Waldon Rd.; and that the architectural feature of the decorative walls on the window header be improved to represent the brick as outlined by the petitioner.

Discussion on the Motion:

Vice-Chairman Reynolds stated that they wanted to clarify that the decorative fencing was a decorative metal fencing versus a chain-link fence.

Commissioner Gross amended the motion, re-supported by Trustee Steimel, to clarify that it will be a decorative metal fencing versus a chain-link fence along the board walls and that the decorative fence will be 42-inches high.

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

C. PC-2020-06 Peninsula Agriculture LLC Site Plan located on a vacant parcel on the north side of Silverbell Road west of Lapeer (parcel 09-26-300-012)

Chairman Dunaskiss noted that before they get into this matter, he wanted to disclose that there is a potential conflict of interest as his firm has worked with this potential applicant and their plans. He has not directly worked on the plans but stated that his firm has, and asked to be recused.

Moved by Secretary St. Henry, seconded by Commissioner Gross, to excuse Chairman Dunaskiss from deliberations and discussions on this case due to the conflict of interest.
From: John Canine <jdcanine@comcast.net>
Sent: Thursday, March 4, 2021 11:15 AM
To: Tammy Girling <tgirling@oriontownship.org>
Cc: 'Roger Jason Berent' <rogerberent@gmail.com>
Subject:

Hi Tammy,

Please put me on the agenda for the PC meeting March 17, 2021, to request an extension...thank you....John

John  D. Canine, Ed.D., Ph.D.
Maximum Living Consultants, Inc.
Office: 248-814-0706
Fax: 248-814-0710
Cell: 248-396-4793
17) Landscape plan, including location and type of shrubs, trees, and other live plant material.

18) Location, sizes, and types of existing trees that are four (4) inches or greater in caliper, measured from the ground to the base of the trunk, except that trees listed as Prohibited Plant Material need be shown only if they measure twelve (12) inches or greater in caliper. Only trees that measure twelve (12) inches or greater in caliper need be shown in wooded areas, clusters, or hedgerows, provided that the boundaries and predominant species of such area, are indicated.

19) All existing and proposed easements.

20) Designation of fire lanes.

c. Building and structure details, including (amended 05.04.20):

1) Location, height, and outside dimensions of all proposed buildings or structures, including all mechanical equipment placed on the roof. (amended 08.06.07)

2) Building floor plans.

3) Total floor area.

4) Obscuring walls or berm locations with cross sections, where required.

5) Building elevations, drawn to a scale of one (1) inch equals four (4) feet, or to another scale approved by the Enforcement Officer and adequate to determine compliance with the requirements of this Ordinance.

6) Sections, elevations/ color perspective drawings/photos or other visual aids showing architectural quality. Drawings shall also indicate final color schemes for exterior surfaces. (added 01.02.07)

7) Information on building materials, and complimentary color schemes. This shall include presentation of material sample boards. Material sample boards shall be presented at the time of consideration by the Planning Commission. (added 01.02.07)

8) Details of windows, recesses, roof over hangs, awnings, gables, soffitt, roof design and roofing materials. (added 01.02.07)

9) Location and screening of roof mounted or ground mounted mechanical equipment or transformers and methods/materials used for screening. All such equipment shall be screened to minimize its visibility from adjacent roadways and abutting property lines. Screening shall be at least one (1) foot above the height of the mechanical equipment or transformers. The screening material shall be compatible with the building material and general architecture. Landscape materials or other screening structures shall not interfere with ventilation or access for maintenance. (added 01.02.07, amended 08.06.07)

10) Information on masonry materials, siding or other materials, and patterns used for building exterior. (added 01.02.07)

d. Information concerning utilities, drainage, and related matters, including:

1) Location of sanitary sewers and septic systems, existing and proposed.

2) Location and size of watermains, well sites, and building service, existing and proposed.

3) Location of hydrants, existing and proposed.

4) Location of storm sewers, existing and proposed.
Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Building Department for administrative approval, together with adequate information to ensure compliance with the Zoning Ordinance, which must be received prior to substitution.

**Section 27.12 – Tree and Woodlands Protection (amended 05.03.00)**

A. Declaration and Purposes.

1. Declaration.

   Uncontrolled development of the Township could result in an unregulated and, in many cases, unnecessary removal of trees and related resources, and other forms of vegetation and natural resources and processes. Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational, and economic assets for both present and future generations. Specifically, it is found that:

   a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.

   b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.

   c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.

   d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.

   e. Trees and woodlands increase the economic value of land for most uses.

2. Purposes.

   The purposes of this Section are as follows, to be applied throughout the Township:

   a. To prohibit the unnecessary removal of trees on undeveloped land.

   b. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land.

   c. To provide for the protection, preservation, proper maintenance, and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.

   d. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance.

   e. To provide for the paramount public concern for these natural resources in the interest of the health, safety, and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

B. Definitions.

   The following definitions shall apply in the interpretation of this Section:
1. **Bona Fide Agricultural Use.** Agricultural use means land devoted as the principal use for the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is not an agricultural use under this act.

2. **Building Envelope.** The area of a building enclosed or to be enclosed by the exterior walls of the principal building on the property, and any other area designated in this Ordinance as such.

3. **Clear-cutting.** The removal within any five (5) year period of more than twenty percent (20%) of the total number of protected trees located on a parcel of land without a tree removal permit.

4. **Commercial Nursery.** A licensed plant or tree nursery in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale to the general public in the ordinary course of the licensee’s business.

5. **Diameter Breast Height (d.b.h.).** A tree’s diameter in inches measured by diameter tape at four and one-half (4 1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

6. **Drip Line.** An imaginary vertical line extending downward from the outermost tips of the tree branch to the ground.

7. **Landmark Tree.** Shall mean any tree which stands apart from neighboring trees due to the size, form, species or historic significance. Criteria pertaining to the size of landmark trees is listed in Section L of these regulations.

8. **Parcel.** All contiguous land situated in a lot or plot of land owned by a person.

9. **Person.** An individual, partnership, corporation, association, or other legal entity. For the purposes of this definition, an individual or entity shall mean and include all individuals in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest.

10. **Protected Tree.** Any tree having a diameter breast height (d.b.h.) of four (4) inches or greater and subject to the regulations of this Ordinance.

11. **Remove or Removal.** The act of removing or terminating the life of a tree by digging up or cutting down, or the effective removal through damage that would reasonably be expected to ultimately terminate the life of a tree.

12. **Transplant.** The relocation of a tree from one place to another on the same property.

13. **Tree.** Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.

14. **Tree Survey.** A scaled drawing (one (1) inch shall not exceed one hundred (100) feet) which provides the following information: location of all protected trees (i.e., trees having four (4) inches or greater d.b.h.) plotted by accurate techniques, and the common or botanical name of those trees and their d.b.h.

15. **Undeveloped.** A parcel of land that has not been improved. With respect to land which is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvements(s) shall be considered undeveloped.

16. **Woodland.** A stand of trees identified on the Township’s Woodland Area Map.

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

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

3. Site Development Standards. In addition to other requirements of this Section, compliance with the following standards is required in all developments:

   a. Structures. The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.

   b. Building Sites. For each building site in a development, the applicant shall designate the "building envelope," which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be re-allocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.

   c. Activities Within Building Envelope. A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.

   d. Activities Outside Building Envelope. Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.

   e. Minimum Preservation Requirement. For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.

D. Exceptions.

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

1. Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5 acres. For the purpose of calculating the size of a parcel, all contiguous land owned in common by one (1) owner, shall be included in determining total acreage. The term "one owner" in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. (amended 11.15.01)
2. **Activities Within Building Envelope or Building Site.** No tree removal permit shall be required for construction of structures or other activities within a building envelope or building site. This shall include roads, road rights-of-way, driveways, essential utilities, retention/detention ponds, or septic fields.

3. **Bona Fide Agricultural Use.** Tree removal or transplanting occurring during use of land for bona fide agricultural operations. In determining whether the land has a bona fide agricultural operation, the nature of the use, the duration of its operation, and other relevant factors shall be considered.

4. **Commercial Nursery.** Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has previously been in operation on the property for three (3) years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.

5. **Emergencies.** Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or to restore order, and where it would be contrary to the interest of the public, or to the health or safety of one (1) or more persons to defer cutting pending submission and processing of a permit application. Unless life and property would be threatened, this exception shall not apply unless and until the Township Supervisor, or the Supervisor’s designee, has approved the removal.

6. **Governmental Agencies.** Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities, Road Commission or agencies to the limited extent necessary to achieve authorized objectives of the entities or agencies.

7. **Public Utilities.** Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees to the limited extent necessary to achieve authorized objectives of the utility.

8. **Dead or Damaged Trees.** Removal or trimming of dead or damaged trees, provided the Township has first confirmed in writing the dead or damaged condition upon request of the property owner.

9. **Nominal Activity.** Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one (1) year period, and is not related to the development of a parcel or construction of a building or structure.

10. **Tree Management.** Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional who is qualified to prepare such a plan is submitted to and approved by the Building Official or designee, who may confer with the Township expert at his or her discretion, tree cutting may occur in accordance with the plan without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-related recreational activities, including but not limited to hunting; and for other similarly acceptable silvicultural practices. The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees. The person seeking approval and exemption under this provision may be required to establish an escrow with the Building Official for the purpose of covering the costs of the Township’s expert.

**E. Application for Tree Removal Permit.**

1. **Application and Fee.** A person seeking a Tree Removal Permit must submit a written application to the Township Clerk and pay the permit application fee as established by resolution of the Township Board.

2. **Time of Application.** Application for a Tree Removal Permit shall be made before removing, cutting, or transplanting trees. Where the site is proposed for development necessitating site plan, site condominium or plat review, application for a Tree Removal Permit shall be made prior to or concurrent with site plan or final preliminary plat submittal. Where development of one (1) single-family home is proposed (on parcels of five
(5) acres or more), application for tree removal permit shall be made prior to or concurrent with the building permit application.

3. One (1) Single-Family Building Site. For one (1) single-family building site on parcels of five (5) acres or more, the permit application shall include four (4) copies of a plan drawn to scale containing the following information:
   a. Property Dimensions. The boundaries and dimensions of the property, and the location of any existing and proposed structure or improvement, and a statement identifying the type of structure or improvement.
   b. Inventory of Trees. Location of all existing protected trees identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be so designated. The Building Official or designee may waive detailed tree inventory requirements for those areas of the site where proposed development will not impact regulated trees.
   c. Tree Protection. A statement describing how trees intended to remain will be protected during development.
   d. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by the Zoning Ordinance.
   e. Grade Changes. Designation and description of grade changes proposed for the property.
   f. Intended Tree Replacement. A cost estimate for any proposed tree replacement program, with a detailed explanation including the number, size, and species.
   g. Tree Identification. A statement that all trees being retained will be identified by some method such as painting, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.
   h. Structures, Building Envelope, Utilities, and Driveway. The plan shall show the structures, building envelope, utilities, and driveway as existing and/or proposed on the property.

4. Other Developments. For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one (1) single-family building site, and the following additional information:
   a. Plan. A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.
   b. Tree Survey. A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.
   c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.

5. For All Developments. For all developments, any proposed tree relocation or replacement, consistent with Paragraph H, below, shall be specified in the application, including a drawing and detailed explanation of the proposal.

F. Application Review Procedure.

1. Staff Review. The Building Official or designee shall review the submitted Tree Removal Permit application to verify that the applicant has provided all required information. Completed applications shall be referred to the appropriate consultants. Upon request of either the applicant or the Township, the Township may conduct
a field inspection or review meeting. The Township personnel involved in the review shall submit their reports and recommendations to the Building Official, who shall forward them to the Planning Commission or Township Board, as appropriate, for further review.

2. **Reviewing Authority.** Where the site is proposed for development necessitating site plan review, site condominium or plat approval by the Township Planning Commission, the Planning Commission shall be responsible for granting or denying the application for a Tree Removal Permit (subject to affirmation, reversal, or modification by the Township Board, with respect to plat approvals). Where site plan review or plat approval by the Planning Commission is not required by ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Building Official or designee, following the right and opportunity of the Building Official or designee to confer with consultants. Where the use of a consultant is reasonably required, the property owner shall establish an escrow in an amount determined by Township Board resolution establishing fees, out of which the consultant’s fee shall be paid. The decision to grant or deny a permit shall be governed by the review standards enumerated in Paragraph G, below.

3. **Denial of Tree Removal Permit.** Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. If such decision is made by the Planning Commission or Township Board, it shall be a part of the minutes of the meeting at which action on a site plan, site condominium or plat review was taken. Denial of a tree removal permit may be appealed to the Zoning Board of Appeals, in accordance with the provisions of this Ordinance.

4. **Tree Removal Permit.** Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:

   a. **Conditions.** Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.

   b. **Completion of Operations.** Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.

   c. **Security.** Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. *(amended 08.15.16)*

   d. **Term of Permit.** A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time, not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.

5. **Time for Decision.** Where a single, one-family home on a parcel five (5) acres or more is proposed, or where a site plan, site condominium, or plat review is required, the Township's decision on the application shall be issued within sixty (60) days of the date of the Township's receipt of a complete application for a Tree Removal Permit or from the time that the application is considered administratively complete; or if the application under this Section is being considered in conjunction with a companion application for development approval involving the same property, the Township's decision on the application under this Section shall be made concurrent with the decision on the other development proposal.
Article XXVII

27.12 Tree and Woodlands Protection

G. Application Review Standards.

The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. Limitation. Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:

   a. Necessary for Construction. Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or

   b. Disease, Damage, Etc. The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.

2. Minimum Preservation Requirements. Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.

3. Preservation and Conservation. Tree preservation and conservation shall be of paramount concern and importance; provided, however, that an application shall not be denied solely because of the presence of trees on the site.

4. Developmental Alternatives. Preservation and conservation of wooded areas, trees, woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures, or other site improvements.

5. Diversity of Species. A diversity of tree species shall be maintained where feasible.

6. Clear-Cutting. Where the proposed activity consists of land clearing, or clear-cutting, it shall be limited to areas to be improved for roadways, sidewalks, drainage, and utilities and areas necessary for the construction of buildings, structures, or other site improvements as shown on an approved site plan, site condominium or subdivision plat. Clear-cutting of more than twenty percent (20%) of a site (excluding areas essential for development such as roads, drainage utilities, buildings etc.) shall be prohibited.

7. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Paragraph H, and tree protection, in accordance with Paragraph I.

H. Tree Relocation or Replacement.

1. Requirement Established. For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed by permit granted under this Section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.

2. Replacement Tree Requirements.

   a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years. An agreement together with appropriate security (cash or letter of credit) in a form approved by the Township, shall be provided in connection with such guaranty.

   b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.
c. For deciduous trees, replacement shall be on a one-for-one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a d.b.h. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.

d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.

e. Trees listed in Section 27.05 (E) shall not be permitted as replacement trees.

f. The Planning Commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform with this Section, and the applicant proposes a contribution to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

3. Replacement Tree Location.

   a. **Township Approval Required.** The Township shall approve tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.

   b. **Relocation or Replacement Off-Site.** Where it is not feasible and desirable to relocate or replace trees on site, as determined by the Township decision-maker under this Section, relocation or replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

I. Tree Protection During Construction.

   1. **Placing Materials Near Tree.** No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.

   2. **Attachments to Trees.** During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.

   3. **Protective Barrier.** Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

      a. **Rights-of-Way and Easements.** Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.

      b. **Large, Separate Areas.** Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.

J. **Display of Permit: Stop Work. Certificate of Occupancy.**

   1. **Display of Permit.** The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter
and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. **Stop Work: Withholding Certificate of Occupancy.** The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.

3. **Pursuit of Court Relief.** In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

K. **Historic or Landmark Trees.**

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.

2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:

   a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.

   b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)

   c. The tree has gained prominence due to unusual form or botanical characteristics.

   d. The tree has some historical significance to the Township.

3. The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.

4. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48" landmark tree shall be replaced by 24 two-inch trees. This replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.
L. Landmark Trees.

1. The following landmark trees shall be protected under this Section:

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>SIZE D.B.H.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Trees</td>
<td>--------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Arborvitae</td>
<td>Thuja</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Beech, American</td>
<td>Fagus grandifolia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Birch</td>
<td>Betula</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>Juglans nigra</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue Ash</td>
<td>Fraxinus quadrangulata</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue-Beech</td>
<td>Carpinus caroliniana</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Chestnut</td>
<td>Castanea</td>
<td>10&quot;</td>
</tr>
<tr>
<td>Crabapple/Hawthorne</td>
<td>Malus/Prunus</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Dogwood, Flowering</td>
<td>Cornus florida</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
<td>Juniperus virginiana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Fir</td>
<td>Abies</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Ginkgo</td>
<td>Ginkgo</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Hemlock</td>
<td>Tsuga</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hickory</td>
<td>Carya</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hop-Hornbeam</td>
<td>Ostrya virginiana</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Kentucky Coffeetree</td>
<td>Gymnocalyx dioicus</td>
<td>20&quot;</td>
</tr>
<tr>
<td>Larch/Tamarack</td>
<td>Larix</td>
<td>18&quot;</td>
</tr>
<tr>
<td>London Planetree/Sycamore</td>
<td>Platanus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>Acer rubrum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Silver)</td>
<td>Acer saccharinum</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Maple (Sugar)</td>
<td>Acer saccharum</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Norway)</td>
<td>Acer platanoides</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Maple (Amur)</td>
<td>Acer ginnallia</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Maple (Box Elder)</td>
<td>Acer negundo</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Oak (All species)</td>
<td>Quercus</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Pine (All species)</td>
<td>Pinus</td>
<td>30&quot;</td>
</tr>
<tr>
<td>Poplar</td>
<td>Populus</td>
<td>36&quot;</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Sassafras</td>
<td>Sassafras albidurn</td>
<td>15&quot;</td>
</tr>
<tr>
<td>Serviceberry</td>
<td>Amelanchier</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Spruce</td>
<td>Picea</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Sweetgum</td>
<td>Liquidambar styraciiflua</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Tulip Poplar</td>
<td>Liriodendron tulipfera</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Wild Cherry</td>
<td>Serotina</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Witch-Hazel</td>
<td>Hammamelis virginiana</td>
<td>6&quot;</td>
</tr>
</tbody>
</table>

M. Tree Fund.

1. A Tree Fund is hereby created as the depository for all monies proposed to be paid by applicants in lieu of tree replacement or relocation, as provided in this Section.

2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonably feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.

Section 27.13 – Regulated Uses (added 03.04.02)

A. Intent and Purpose.
### Section 27.12 – Tree and Woodlands Protection

<table>
<thead>
<tr>
<th>C. Tree Removal Permit Required.</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, &quot;Exceptions&quot;.</td>
<td></td>
</tr>
<tr>
<td>2. Plat or Site Plan Approval. A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit.</td>
<td></td>
</tr>
<tr>
<td>3. Site Development Standards. In addition to other requirements of this Section, compliance with the following standards is required in all developments:</td>
<td></td>
</tr>
<tr>
<td>a. Structures. The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.</td>
<td></td>
</tr>
<tr>
<td>b. Building Sites. For each building site in a development, the applicant shall designate the &quot;building envelope,&quot; which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be reallocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.</td>
<td></td>
</tr>
<tr>
<td>c. Activities Within Building Envelope. A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.</td>
<td></td>
</tr>
<tr>
<td>d. Activities Outside Building Envelope. Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.</td>
<td></td>
</tr>
<tr>
<td>e. Minimum Preservation Requirement. For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.</td>
<td></td>
</tr>
</tbody>
</table>

### D. Exceptions.

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

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

Application for Removal Permit

1. Application for the removal of any of the following:
   - Trees
   - Shrubs
   - Vines

2. The removal of any of the above shall be for the purpose of:
   - Access or utility
   - Construction of a building
   - Other approved purposes

3. The removal of any of the above shall be accomplished in a manner that:
   - Maintains the health and viability of the remaining vegetation
   - Ensures the safety of the public

4. All removals shall be done in accordance with the latest approved plans and specifications.

5. The removal of trees shall be performed by a certified arborist.

6. The removal of shrubs and vines shall be performed by a qualified landscaper.

7. All materials removed shall be disposed of in accordance with local regulations.

8. The removal of any of the above shall be approved by the city or county where the property is located.

9. The application for removal shall be reviewed by the appropriate agency.

10. The decision to grant or deny the application shall be based on the following:
    - Environmental impact
    - Public interest
    - Local regulations

11. The applicant shall be responsible for any and all costs associated with the removal process.

12. The decision of the reviewing agency shall be final.

13. Any appeals shall be made in accordance with the local zoning and planning regulations.

14. The removal of any of the above shall be performed in a manner that ensures the safety of the public.

15. The applicant shall be responsible for the maintenance of the property during and after the removal process.

16. The removal of any of the above shall be performed in a manner that maintains the health and viability of the remaining vegetation.

17. The removal of any of the above shall be approved by the city or county where the property is located.

18. The decision to grant or deny the application shall be based on the following:
    - Environmental impact
    - Public interest
    - Local regulations

19. The applicant shall be responsible for any and all costs associated with the removal process.

20. The decision of the reviewing agency shall be final.

21. Any appeals shall be made in accordance with the local zoning and planning regulations.

22. The removal of any of the above shall be performed in a manner that ensures the safety of the public.

23. The applicant shall be responsible for the maintenance of the property during and after the removal process.

24. The removal of any of the above shall be performed in a manner that maintains the health and viability of the remaining vegetation.

25. The removal of any of the above shall be approved by the city or county where the property is located.

26. The decision to grant or deny the application shall be based on the following:
    - Environmental impact
    - Public interest
    - Local regulations

27. The applicant shall be responsible for any and all costs associated with the removal process.

28. The decision of the reviewing agency shall be final.

29. Any appeals shall be made in accordance with the local zoning and planning regulations.

30. The removal of any of the above shall be performed in a manner that ensures the safety of the public.

31. The applicant shall be responsible for the maintenance of the property during and after the removal process.

32. The removal of any of the above shall be performed in a manner that maintains the health and viability of the remaining vegetation.

33. The removal of any of the above shall be approved by the city or county where the property is located.

34. The decision to grant or deny the application shall be based on the following:
    - Environmental impact
    - Public interest
    - Local regulations

35. The applicant shall be responsible for any and all costs associated with the removal process.

36. The decision of the reviewing agency shall be final.

37. Any appeals shall be made in accordance with the local zoning and planning regulations.
a. Plan. A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.

b. Tree Survey. A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.

c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.

F. Application Review Procedure.

4. Tree Removal Permit. Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:

a. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.

b. Completion of Operations. Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.

c. Security. Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. (amended 08.15.16)

d. Term of Permit. A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time, not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.

G. Application Review Standards.

The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. Limitation. Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:

a. Necessary for Construction. Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or

b. Disease, Damage, Etc. The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.

2. Minimum Preservation Requirements. Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.
<table>
<thead>
<tr>
<th>Section</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Replacement Tree Requirements.</td>
</tr>
<tr>
<td>B.</td>
<td>Trees shall have shade potential and/or other characteristics comparable to the trees of the neighborhood.</td>
</tr>
<tr>
<td>C.</td>
<td>Trees shall be selected and planted in accordance with the approved plan.</td>
</tr>
<tr>
<td>D.</td>
<td>Trees shall be planted on the same property as the replaced tree.</td>
</tr>
<tr>
<td>E.</td>
<td>Trees shall be planted at least two years prior to the replacement of the original tree.</td>
</tr>
<tr>
<td>F.</td>
<td>Trees shall be at least six inches in diameter at breast height (d.b.h.).</td>
</tr>
<tr>
<td>G.</td>
<td>Trees shall be at least six inches in diameter at breast height (d.b.h.).</td>
</tr>
<tr>
<td>H. Tree Relocation or Replacement.</td>
<td>Trees replaced under this Section shall be replaced according to the tree relocation or replacement requirements outlined in Paragraph H.</td>
</tr>
</tbody>
</table>

**Paragraph H.**

- Requirement: For each protected tree required to be preserved under the terms of this Section, the applicant shall replace or relocate trees according to the tree replacement or relocation requirements set forth below.

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
</tr>
<tr>
<td>B.</td>
</tr>
<tr>
<td>C.</td>
</tr>
<tr>
<td>D.</td>
</tr>
<tr>
<td>E.</td>
</tr>
</tbody>
</table>

**TreeNode 27.05**

- Requirement: Trees listed in Section 27.05 shall not be permitted to be replaced under this Section.

**TreeNode 27.05.1**

- Requirement: The Township shall approve the proposed tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.
replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

I. Tree Protection During Construction.

1. Placing Materials Near Tree. No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.

2. Attachments to Trees. During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.

3. Protective Barrier. Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

   a. Rights-of-Way and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.

   b. Large, Separate Areas. Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.


1. Display of Permit. The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. Stop Work: Withholding Certificate of Occupancy. The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.

3. Pursuit of Court Relief. In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

K. Historic or Landmark Trees.

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.

2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:

   a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.

   b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>BOTANICAL NAME</th>
<th>SIZE D.B.H.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Trees</td>
<td></td>
<td>12&quot; or greater</td>
</tr>
<tr>
<td>Beech, American</td>
<td>Fagus grandifolia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Birch, White</td>
<td>Betula papyrifera</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Black &amp; Yellow Birch</td>
<td>Betula lenta</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Blue Oak</td>
<td>Quercus incana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Chestnut</td>
<td>Castanea dentata</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Chinkapin Oak</td>
<td>Quercus muehlenbergii</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Eastern Red Oak</td>
<td>Quercus rubra</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Fagus</td>
<td>Fagus grandifolia</td>
<td>24&quot;</td>
</tr>
<tr>
<td>Hophornbeam</td>
<td>Ostrya virginiana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Kentucky Coffeef</td>
<td>Gymnocladus dioica</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Linden</td>
<td>Tilia americana</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Maple (Red)</td>
<td>Acer rubrum</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Maple (Silver)</td>
<td>Acer saccharinum</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Maple (Aqua)</td>
<td>Acer aquamarina</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Maple (Upright)</td>
<td>Acer platanoides</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Oak (All Species)</td>
<td>Quercus sp.</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Poplar</td>
<td>Populus tremuloides</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Sassafras</td>
<td>Sassafras albidum</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Tulip Tree</td>
<td>Liriodendron tulipifera</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Walnut</td>
<td>Juglans nigra</td>
<td>12&quot;</td>
</tr>
<tr>
<td>White Oak</td>
<td>Quercus alba</td>
<td>12&quot;</td>
</tr>
<tr>
<td>White pine</td>
<td>Pinus strobus</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Wild Rose</td>
<td>Rosa canina</td>
<td>12&quot;</td>
</tr>
<tr>
<td>White Hazel</td>
<td>Hamamelis virginiana</td>
<td>12&quot;</td>
</tr>
</tbody>
</table>

**1. The following landmark trees shall be protected under this Section:**

- All Trees
- Beech, American
- Birch, White
- Black & Yellow Birch
- Blue Oak
- Chestnut
- Chinkapin Oak
- Eastern Red Oak
- Fagus
- Hophornbeam
- Kentucky Coffee
- Linden
- Maple (Red)
- Maple (Silver)
- Maple (Aqua)
- Maple (Upright)
- Oak (All Species)
- Poplar
- Redbud
- Sassafras
- Tulip Tree
- Walnut
- White Oak
- White pine
- Wild Rose
- White Hazel

**2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonable feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.**

**3. The Township Board, with the advice of the Township retired forester and other experts as deemed appropriate by the Township Board, shall determine the species, number, and size of trees to be planted in the Township.**

**4. Each permit shall be required to remove any landmark or historic tree. Any landmark tree shall be replaced by two-inch trees. This replacement requirement may be waived if, in the opinion of the planning commission and after review by the Township consultant, the health condition of the tree is such that it should not be counted.**
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