The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 3, 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.)
Garrett Hoffman, Commissioner (Orion Twp.) Jessica Gingell, Commissioner (Orion Twp.)

PLANNING COMMISSION MEMBERS ABSENT:
Joe St. Henry, Secretary

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

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
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:
Lindon Ivezaj Timothy Brodoski

3. MINUTES
A. 01-20-21, Planning Commission Regular Meeting Minutes
B. 01-20-21, Planning Commission Public Hearing Minutes for Milosch Project Rezone

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, to approve both sets of minutes for January 20, 2021, as submitted.

4. AGENDA REVIEW AND APPROVAL
Vice-Chairman Gross asked to move item 8.A. under Unfinished Business, PC-2021-01, Dutton Park Site Plan to item 7.J. and item 7.J. Discussion on Tree and Woodland Protection Section of Ord. #78 to 7.K.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve the agenda as amended.

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

6. CONSENT AGENDA
Chairman Reynolds asked if there were any comments or questions regarding the report.
There were not.

Moved by Vice-Chairman Gross, seconded by Secretary Hoffman, to receive and file the report and to forward a copy to the Township Board. **Motion Carried**

Chairman Reynolds disclosed a potential conflict of interest. He stated that the applicant, even though not in the same form as Pure Green, LLC, he and his firm had worked on this Class “C” grow facility located at the same address. He asked to be recused for modifying, the 154 applications. He added that the previous motions that were made for the applicant were when they were not present as an architect and now have since replaced the previous architect. He asked that he be recused for items 7.A. through 7.I.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to recuse Chairman Reynolds for items 7.A. through 7.I. **Motion Carried.**

**7. NEW BUSINESS**


Acting Chairman Gross stated that items 7.A. through 7.G. are items that they had previously acted upon back in November of 2020. He added that they are existing marijuana facilities located on Premier Dr. They have under item 7.A. through 7.G., they are existing applications that have been approved. Items 7.A. through 7.E., are items that are asking for an amendment to the initial application to be from a Class “C” Grower permit to a Class “C” Grower Facility – Adult Use permit.

Acting Chairman Gross said that they had a memo from the Township Attorney indicated that a new hearing was not necessary, that the application could be amended by the Planning Commission. None of the conditions relative to meeting the requirements of the ordinance have changed, everything is the same except for the type of application that this is. It was his understanding that they could, under a single motion, adopt a resolution for item 7.A. through 7.E., which is amending the applications from a Class “C” Grower facility to the Adult Use facility.

Moved by Commissioner Walker, seconded by Commissioner Urbanowski, that the Planning Commission **grant** approval of the amendment to the licensed marijuana facility applications PC-2020-31 through PC-2020-35 submitted by Pure Green, LLC, and approved by the Planning Commission on November 18, 2020, with such amendment providing for a replacement of the approved “Class C Grower Permit” with a “Class C Grow Facility – Adult Use” permit with approval of the amendment conditioned upon the Licensed Marijuana Facilities applications provided by the applicant to the Township otherwise remaining consistent with the identical to the original application presented and approved by the Planning Commission on November 18, 2020.

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

F. – G. PC-2020-36 – 37, Pure Green, LLC, Modification to the Ord. 154 application (Excess Grower), located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)

Acting Chairman Gross stated that the original application was approved for a Class “C” Grow permit, and the amendment is for an Excess Grower permit. He added that this was approved
by the Planning Commission on November 18, 2020, and there have been no changes to the ordinance or the application other than the type of permit.

Moved by Trustee Urbanowski, seconded by Commissioner Hoffman, that the Planning Commission grant approval of the amendment to the licensed marijuana facility applications PC-2020-36 and PC-2020-37 submitted by Pure green, LLC, and approved by the Planning Commission on November 18, 2020, with such amendment providing for a replacement of the approved “Class C Grower Permit” with an “Excess Grower” permit with approval of the amendment condition upon the Licensed Marijuana Facilities Applications provided by the applicant to the Township otherwise remaining consistent with the identical to the original application presented and approved by the Planning Commission on November 18, 2020.

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

H. PC-2021-08. Pure Green, LLC, Ord. 154 application (Class “C” Grower-medical) located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002)

Acting Chairman Gross asked, Planning & Zoning Director Girling if there was anything that she would like to provide them with on the application. Planning & Zoning Director Girling replied that she did a review of the application, as it relates to location requirements. She added that for this particular one, it is the same as the amended applications, they are within the same building. She said she did a review, and they demonstrated that the requirements were met. She said it was within the same zoning of (IP) Industrial Park, and is not closer to a church, residential, or school, than, the ordinance allows. It is not on a road that has traffic higher than the ordinance allows. It does not ingress or egress from a road that also serves as residential. The distance from the closest school, church, and residential were done from buildings edge to building edge, and they did not need to seek any variances on those distances. They are allowed to do the type of use that they are requesting per ordinance and have met all of the location requirements. She recommended the approval with the one suggested requirement that was within her review.

Acting Chairman Gross asked if there were any questions from the Commissioners. There were not.

Moved by Trustee Urbanowski, seconded by Commissioner Hoffman, that the Planning Commission grant approval of the application, as required per Ord. #154, for PC-2021-08, Pure Green, LLC, for a Class “C” Grower Facility – Medical, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the findings of fact that the operation **does** meet the following location requirements: is located in the (IP) Industrial Park District; is located in a building that meets all the distance requirements shown in Ord. 154; is located in a building that has an ingress/egress road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning; this is conditioned upon: that 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 Marijuana Regulatory Agency (MRA).

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

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Acting Chairman Gross asked, Planning & Zoning Director Girling if there was any additional information? Planning & Zoning Director Girling stated that it is identical, except for the use that they are seeking, but it is the same location, so all requirements are met.

Moved by Trustee Urbanowski, seconded by Commissioner Hoffman, that the Planning Commission grant approval of the application, as required per Ord. #154, for PC-2021-09, Pure Green, LLC, for an Excess Grower Facility, located at 180 Premier Dr., (parcel 09-35-477-001 & 09-35-477-002) based on the findings of fact that the operation does meet the following location requirements: is located in the (IP) Industrial Park zoning district; is located in a building that meets all the distance requirements shown in Ord. 154; is located in a building that has an ingress/egress road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning; this 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 Marijuana Regulatory Agency (MRA).

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

Chairman Reynolds stated that they had previously heard this case this year. He asked if the applicant was present? Mr. Lindon Ivezaj was present via GoToMeeting.

Mr. Ivezaj stated that they had addressed many of the comments with staff on their recent submittal package. They felt that the application as it stands was complete. The site plan he thought the intent and the use were the same. They are looking for roughly two 10,000-ft. retail buildings, speculative, for building material sales. He stated that the Planners letter showed a lot of informative comments. There were some questions on the actual elevation. He wanted his architect Tim Brodoski to go over the elevation and how they intend on meeting the ordinance and the intent. Mr. Ivezaj said they wanted the buildings, to look as attractive as possible from all road frontages for everyone. He added that they are looking for a front yard parking waiver with the application as well.

Mr. Tim Brodoski stated that he was responding to the building design comments found in Giffels Webster site plan review #2. Starting with item number 13a, speaking to the ground floor facades that face public streets, they met that with revising or expanding the amount of textured material, display windows, the entry area, awnings, things like that were added to the plan or expanded to the plan. 13b on the review speaks to the overall texture and façade. He understood that it gets more challenging to present the materials, and what the actual samples are like, via these virtual meetings. He added that the plans provided photographs on the left side, of each of the plans depicting desired materials that they thought met the township ordinances, as well as, satisfying the overall look. He said that a lot of the materials that are, in their opinion, are modern or attractive colors, that they see on buildings these days, with the gray, darker grays, lights grays, a lot of wood tones, some of the brick being more of a traditional brick color is demonstrated in some of the photos. They will adhere to all the ordinance requirement for neutral type colors and things they don’t find offensive. Their goal is to put the nicest façade materials on that they can accommodate. He said that there was a comment about the additional window bay, the owner was ok with doing that, he thought that...
they could offer more natural light, on more sides of the building. He added that unfortunately, that comment was made after the submittal was made but was an option and will be considered and included in the submittal for the building permit eventually.

Mr. Brodoski said the next section, the flat roofs, and the parapets, and the screening that was not described in the initial submittal, but they did go back and add the screening material that would be an architectural louver type of material more than likely a vertical louver that allows air and the necessary ventilation to the mechanical material and screening it from view. He said that the other comment that they did include on there is that the equipment would be more centered in the building to limit the visibility from the ground or the road and not create an issue with that. Ultimately, a parapet is also an option, it could easily be figured out to include a parapet all around the perimeter if that is easier than pursuing a waiver.

Mr. Brodoski stated that item 14b that all mechanical equipment shall be screened and they would move forward with. Item 15, the materials and colors, the example materials are shown in the resubmittal, mostly a neutral color, the material will not be black or metallic. They did comment that most likely the canopy material that would surround the building would be black, but a low reflectance, a matte black would be the preferred option there. He added that the overall use of high quality, high-grade type materials, to meet all of the requirements of the ordinance and to satisfy the owner and put forth the best building that they can. He thought that they addressed items 15 c. & d., no neon tubing on any of the building elevations. Also, expanding the amount of textured material shown to at least address over 50% of the building’s façade was covered on each of the buildings.

Chairman Reynolds said that they were going to turn it over to the consultants to go through their reviews. He added that it sounded like there were several items that they are willing to conform or address. If there are still open items, they will make sure that it is incorporated into the motion, so they can move forward.

Planner Fazzini read through his review date stamped January 28, 2021.

Engineer Landis read through his review date stamped January 27, 2021.

Chairman Reynolds noted that the Fire Marshal was not present but wanted to speak to a couple of the review letters that they had. He added that there was a review from the Fire Marshal on the revised submittal, approved with requirements, speaking to some of the requirements about the Fire Department connections being addressed along with clearances minimum unobstructed width of 26-ft. to be provided along with the inspection of methane gas collection system on-site during construction.

Chairman Reynolds said that there were no issues with the Public Service Director.

Chairman Reynolds stated that several items were discussed by the applicant. He wanted to turn it over to the Commissioners for any comments or questions that they have before they go through and address some of the open items.

Vice-Chairman Gross said that at the last meeting they had a slue of issues that were presented by the Planner and the Engineer. They indicated that these could probably be handled administratively or internally, but they felt it was more appropriate that the plans be revised to reflect the changes. The applicant has done that, provided some new plans with, most or all of the items being addressed, at least to his satisfaction. He was pleased with the results of their additions to the design characteristics of the proposal. He thought it helps a lot in terms of
breaking up the facades of the buildings. He thought the applicant came a long way on this application.

Chairman Reynolds agreed, he wanted to make sure they make their way through a couple of the items that were presented as still open concerns. He thought that they had quite a bit of progress that had been made. One of the open items that he had written down was the elevations, as presented, as it relates to the Lapeer Overlay District, and specific to flat roofs without parapets. He didn’t have any major issue with the building, as proposed. He might consider adding a couple of comments that the applicant did speak to, just for clarification. There was a response letter that was submitted in their packet, but he thought they should incorporate some of those items, just to be clear for anything administrative that might be addressed. He wanted to speak to a couple of those items, architecturally the Lapeer Overly Design Standards parapet screening, decorative lighting, any comments or concerns on that? He said it seemed like they might need to speak to a couple of motions on those, just to be clear with the ordinance.

Chairman Reynolds stated that one of the items that he thought also needed to be addressed were some of the open landscaping requirements as it relates to the ordinance, looks like a lot of that has been addressed, but he wanted to make sure that administratively, moving forward there were no issues and concerns there with anyone.

Chairman Reynolds said that they briefly discussed parking, based on the orientation of the building, in relationship to the site, that 25% of the parking being in the front yard wasn’t really, previously an issue. He didn’t think it was a drastic change with the proposed plan. He thought some of the comments that they received from Construction by Design was received on the 13th, he thought they were in response to or, agreeing to open items, so maybe that is a good point of reference if what the applicant presented that they should make sure they incorporate any open items into their motion.

Planning & Zoning Director Girling stated that she believed that the response letter was the response from the changes from the first plan to this one, versus responses to what the consultants currently have in their reviews. Chairman Reynolds thanked her for the clarification.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission grants a Lapeer Overlay Design Standard waiver for building orientation, connectivity, and front yard parking, for PC-2021-01, Dutton Park, for plans date stamped received 01/13/21 based on consideration of the following and the following findings of facts: the standards of this section would prevent reasonable use of the site: it doesn’t face Lapeer Rd. only Dutton, and is further away from Lapeer; existing site design including architecture, parking, driveways, etc. are placed in a manner which makes the application of standard impractical; limited lot area and the arrangement of existing feature provide inadequate space to accommodate design requirements.

**Roll call vote was as follows:** Walker, yes; Gross, yes; Urbanowski, yes; Hoffman, yes; Gingell, yes; Reynolds, yes. **Motion carried 6-0.**

Chairman Reynolds asked if there were any other discussion points? There were none.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission grant site plan approval for PC-2021-01, Dutton Park Site Plan, located at vacant parcels 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N. for plans date stamped received 01/13/21 based on the following findings of facts: that the revised plans have been reviewed by the Planner, the Engineer, and the Fire
Marshal, and the comments that they had previously submitted have been incorporated into the revised plans, and the site plan, therefore, meets the ordinance requirements.

Discussion on the motion:

Chairman Reynolds had a couple of questions for the motion makers. He stated from his understanding, there were some open comments from OHM, and the Fire Marshal, that still needed to be addressed or at least that they make sure they are addressed moving forward, and along with anything that they don’t believe have been submitted according to Giffels Webster. He thought that landscaping was one of them. He thought if there were any comments per building materials and anything that was presented, that they wanted to incorporate, to present those items, as discussion points.

Vice-Chairman Gross amended the motion, Commissioner Hoffman re-supported to indicate the specific reference to the OHM review, would be to provide a pavement section for the public pathways to meet the Township requirements; that the Fire Marshal’s request for the FDC be unobstructed by the dumpster location; and that the landscaping provided on the landscape plan complies with the conditions of the site plan. The parapet, he believed, was sufficient based upon the fact that the rooftop equipment should be set back sufficient from the edge of the building, so as not to adversely affect the visibility; the decorative light fixtures that are proposed are consistent with the architecture of the building; he believed the other issues were covered in the initial waiver on the previous motion.

Chairman Reynolds stated that he believed that a flat roof will require mechanical screening. He said the motion included a parapet wall to screen the mechanical units. He asked the applicant if that was acceptable, or did they prefer the flat roof solution? Mr. Brodoski said that he anticipated a parapet, and thought that the overall height of the building and the specific items on the floor, could certainly accommodate a 3 to 4-ft. parapet easily around the perimeter of the building. He said in the event if there is some sort of issue, and the equipment and its placement would still be visible from the road, they would screen it. He said that they could consider the criteria during the design, to ensure that the parapets would suffice.

Chairman Reynolds wanted to get clarification because they were speaking to the parapet, as a solution. He added that it was not shown on the drawing and wanted to clarify that comment. He thought it was a good way to hide mechanical units and not have a concern about where things might end up in future design phases.

Engineer Landis stated that the second comment on their letter spoke to the need for a traffic study to be provided to show that the traffic study or trip generation data be provided to show that the traffic study is not needed. He asked if there were any thoughts on that? Chairman Reynolds said it sounded like they could either generate a traffic report or a letter that justifies their trip counts being underneath the threshold. Trustee Urbanowski said that if it is a request from OHM, they should address that and make it part of the motion, that it happens. Chairman Reynolds said he didn’t think that a trip traffic study was needed but some supporting documentation to justify that, he would be ok with.

Vice-Chairman amended the motion, Commissioner Hoffman re-supported, that they provide documentation that trip generations would not require a traffic study, would be sufficient. He thought that the size of the building is relatively insignificant relative to other industrial uses. He thought if they could provide them with the documentation of what the trip generation is expected to be so, that a traffic study would not be required, would be sufficient.
K. Discussion on Tree and Woodland Protection Section of Ord. 78

Planning & Zoning Director Girling stated there are always sections of the ordinance that they get frequent questions on, and this is one is that. She stated that she has read it several times, and it can be a very confusingly written section of the ordinance. A text amendment was something that they could work on to make the language clearer, however, what is it they are looking to make clear? She was not looking for an elaborate discussion, just kind of teeing it up and getting their feelings on it. She asked them if they had the same feelings? And then it comes down to the question of reading the declaration of purpose. Is this ordinance with that purpose, doing what the purpose is, and is that what they want as a Township? It is regulating, so they are not clear-cutting, but then it has exemptions for those that don’t have to follow it. There is a certain way that it was followed for years, and it is very confusing to her but followed it as it had been done. When they started with Giffels Webster, they read it a different way, and she respected that, it brought it even more to the forefront, that they could read it several ways. She added that it was twofold, how do they get this rewritten, so it is clear? Also, what way do they want it written? If they read it and they can’t come up with a decision, maybe they should send it to the ZBA to interpret it. She thought that a text amendment at times can take longer than they want if they start getting busy. She wanted to come up with a clear path, at least in the meantime, because this comes up with every case, so they know what they are doing as they work through the text amendment.

Planner Arroyo said that they realize that there is a lot of confusion in terms of how this is interpreted. He added that they would like to find out what the Planning Commission’s desire.

Planner Fazzini said something they could consider is how it applies and he felt the way it is written now, it applied broadly. A subdivision, PUD, commercial site, and industrial are all under the same ordinance, so they could think about maybe certain types or sizes of projects that could be exempt from it. That could be potentially their starting point for looking at an amendment, is focusing on how they want it to apply it when they want to make it a requirement or when they don’t require it where it doesn’t make sense.

Planning & Zoning Director Girling stated that the way they have been done, again, she didn’t expect anything besides yeah go ahead and create a PC number, they agree that they need to talk about this. She didn’t expect much more but to give them something to go back with and digest. Looking at the packet they received, there is a check sheet that Giffels Webster uses when they are doing a review which gives all the different criteria that they use when they are looking at the tree section in the woodlands. She said going back to how this had been interpreted and used in the past was, yes, they have all of this out there so somebody doesn’t just go clear a site, however, if they are coming in with a site plan, and they show on their site plan, their trees and then overlay where the building is going to be, sewer and utility lines are going to be, where the parking lot is going to be, they don’t have to replace the trees that are within there. If they start demolishing trees that are outside of those categories she stated, then those have to be replaced. They have never run into anybody ever having to give money for it, because they have a requirement of greenbelt buffers and so many trees per linear feet, and they never ran into a case where somebody had more trees than they demolishing outside of the building envelop, that what they were proposing per ordinance to put in under the landscaping requirements. She is not saying one is right and one is wrong, she just wanted them to have both ways that it was looked at.
Planning & Zoning Director Girling added that she found it kind of unusual, and she did attach another section of the ordinance of what is required at site plan, they need to have a tree survey, was her understanding. She thought several developers have given her a dollar amount, she never wrote them down but remembered thinking, “Wow, that is a lot of money for a tree survey”, especially if it is heavily wooded. If they are reading it the old way, that they don’t have to replace any trees that are in the building envelope, then why are they making them spend so much money on a tree survey if we are not going to make them replace them? She said that it goes in several directions and with that little bit of history, read back through it, but it still comes down to even if they say they read it this way, they read it that way, and the other person reads it the other way. What is our intent? What do we as a Township want this tree protection section to say? Do they want to preserve trees, or make them have to replace trees if they are being removed from the building envelope?

Commissioner Walker asked the Planners if that would be something to be considered under the new Master Plan? Could they solve the problem that way? Planner Arroyo replied that in a general way, with the Master Plan, they do talk about natural features, preservation, and they also could be looking at identifying some implementation strategies. It is not the place for a detailed discussion of an ordinance, but certainly, a philosophy of how they want to treat existing wooded areas and treed locations could be discussed. He added that he thought it is probably more effective to discuss it at this level unless they feel like there is not a consensus on the direction at all, and then maybe they wait till it goes through the Master Plan, and see what comes out of that.

Planning & Zoning Director Girling said she noticed because they had an issue with a site recently where they challenged this section of the ordinance and they looked at it, and under definitions and mention of the term woodlands, she found that the Master Plan before the current Master Plan had a woodlands map. The current Master Plan that they are getting ready to update, that is the active one, that map was removed. So, within the definitions, talking about protecting per the woodland maps, that is something, a component, that they should list, that they need to work on for this Master Plan, and that they no longer have an active woodlands map.

Chairman Reynolds thought that this has been an ordinance section that seems to be needing some love for quite a while. A lack of some definition, a lack of clarity, there are some open to interpretation, what they have done over the past 30-years versus Giffels Webster bringing forward to them and interpreting their way, neither one is necessarily wrong. It is the fact that there is some wiggle room in here and thought that the goal for tonight was, for everyone to read that section. He would support at least getting into this text amendment because he believed there are some points to incorporate, or hear feedback in this Master Plan process about what they believe of their general intent, and give them some viewpoint on that. He thought the reality was that, even if they change nothing about their approach, the definitions, procedurally are very confusing. It leaves for a lack of confusion and what their goals are as a Township. There are several projects that they have reviewed that seem to be a discussion point on what is in the development area? Is it not accepted to be an area that they have to be concerned about trees? They are developing a lot of PUD related sites and Conditional Rezones that are those wooded areas. Do they want to consider a requirement for a sized project that, is a heavily wooded site? Right now, if they call it the development area, and they are within the setback, those trees unless they are landmark, or historic, or greater so much in size are allowed to be removed and don’t have to be replaced. He added that he thought there are those items where they can leave it to their staff and the professionals to kind of weigh in on some of that, but he thought the census was more about the approach. If there are sections of this that they feel passionate about maintaining or beefing up, he thought those are the direction items that they need to prepare. He stated that the other component here that was open to
interpretation in regards to when a tree survey is or isn’t required and really what is required in
the tree survey. He found from personal experience, it is a costly endeavor, not to say that it
isn’t a required or an important endeavor with certain sites. He thought they needed to look on
the first or second page in the packet adjust the caliper diameter of trees that are being
measured. He said they have a lot of what they would define as potentially not important, right?
That is a discussion point of a lot of other places that require 6-8 inches versus 4 inches. What
are they defining as their baseline? He didn’t think they were making any decision tonight, but
mainly pointing out as a weakness in the ordinance that they kind of commit some time to, so
they can clarify with projects moving forward.

Vice-Chairman Gross said that some of his concerns that he had relative to clear-cutting. Some
of the recent developments that they approved, resulted in basically clear-cutting, and the
ordinance says they can’t clear cut more than 20%. He thought that they need to look at that as
well because he thought some of the projects on Gregory Road were destroyed in terms of
clear-cutting the property. He thought that there was, a different situation with residential and
commercial types of developments in terms of how they are going to preserve property and
preserve trees.

Chairman Reynolds agreed and said that there is a balance between allowing people to
develop, and then also, there might be another measure or based on a circumstance, a way to
approach that. He knew there were other languages out there the speak to it.

Commissioner Hoffman thought it was something that they should talk further about, especially,
with some of the existing neighborhoods that still have lots. There are some HOA’s and the size
of their diameter is more around 6-8 inches.

Chairman Reynolds asked the other Commissioner’s to read through this more. He thought that
they would find that, if they are not a professional or an expert, they might find some circles on
there, and that is exactly what they want to get rid of. He asked them to highlight some things
that are important to them, things that they don’t agree with, so they can have some
constructive discussion with, potentially, an amendment soon.

Planning & Zoning Girling stated that she couldn’t remember what was on the next agenda, but
didn’t think it was immensely crowded. She was going to create a PC number and have
discussions again. In their packet, they will see it on the agenda, and it will be attached again,
with the minutes to see the few comments that they had. She didn’t want to set this aside and
let it become an issue and wanted to get it resolved soon. He asked them to read it to see how
confusing it was.

Planning & Zoning Girling wanted to make sure that they didn’t want it to go to the Zoning Board
of Appeals to get their interpretation? Chairman Reynolds replied no because they didn’t know
what they were sending yet.

8. UNFINISHED BUSINESS
None (moved to 7J)

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
A. Giffels Webster Motions PC Training Series

Planner Arroyo read through the training series on motions. He said that regarding the roll call vote, per the Open Meetings Act, two-thirds roll call vote, required the membership to call a closed section. The Planning Commission rarely has closed session. The Open Meeting Act requires either a roll call, a show of hands, or some other method that informs the public of the vote. If there is a motion, generally everybody is voting in favor of it, if you don’t say anything on the voice vote, it is assumed that they are voting in favor of the motion, so they need to speak up if they are voting against and voting for. Otherwise, there may be an interpretation that they voting in favor of the motion.

Planner Arroyo said in terms of roll call votes, for ordinances and Master Plans, other important documents, it is good practice to take a roll call vote. Some communities do that, regardless, they just always do it on plans and ordinances.

Planner Arroyo stated that additions to motions, typically they can attach reasonable conditions to most motions. On a rezoning, it depends. They do have the concept of a Conditional Rezoning that does have a developer offer conditions. The ability to attach other conditions to rezoning is deemed generally very limited. For text, Special Land Use, site plan, PUD, all of those, they can attach reasonable conditions.

Planner Arroyo noted that one of the things that are also important to consider is the concept of a quorum and communications. They must not have communication, that would constitute a quorum outside of the public meeting. Not to use email, and social media to contact other Planning Commissioners outside of a meeting. It has been deemed to be the equivalent of deliberating in certain instances and is not appropriate. So, sending out an email to every Planning Commissioner saying that they didn’t like the site plan, is not a good idea. They need to wait until they get to the meeting and express their concerns and not to do that outside of the meeting.

Chairman Reynolds asked regarding inserting the findings of fact, or items in motions. A lot of times, they are doing that. Why is that good? Why is that used? Is it a good practice to incorporate that? Planner Arroyo replied that the finding of facts is very helpful when they are crafting a motion because they establish the basis for the decision that they are making. It is particularly important if you are voting to deny, if they are voting to deny a project, it is important that they have findings of fact and they are stating why they are denying. That should be very clear in the motion and should be tied, if possible, to an ordinance provision to say that they are denying the site plan because it doesn’t meet section 2711.2 of the ordinance, and they didn’t provide the appropriate landscape, or whatever the case may be. So, findings of facts, are teeing up the reasons why you are making the decision that they are making, so if it ends up in court and there are some questions about their decision, it will be a lot easier to explain to the judge and the jury why that decision was made.

Planner Arroyo said he wanted to give a brief update on the Master Plan. He stated that they are working hard on getting the first set of information. They are planning on discussing with them at their next meeting, the second meeting in February, at 6 p.m. before the Planning Commission meeting. They would like to schedule that type of work session for the second meeting of the month for the remainder of the year. They would be flexible with holidays. They would like to be able to have an hour going over a particular section or topic related to the Master Plan. If they need to do more than that they will.

Chairman Reynolds asked the Planning Commissioners if they would be able to meet at 6 p.m. instead of 7 p.m. on the second meeting of the month to discuss Master Plan?
Planning & Zoning Director Girling said that any meeting is an open meeting. The next meeting in February will be virtual. They would use the same meeting number at 6 p.m.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
02-17-21 at 7:05 p.m. 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.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds said for everyone to do their homework on the text amendments

15. COMMISSIONERS’ COMMENTS
Trustee Urbanowski thanked Giffels Webster for getting them ready for the Master Plan.

Commissioner Gingell said that she heard it was a great time to start on the Planning Commission when they are starting the Master Plan.

Planning & Zoning Director Girling said to check out the Orion Township website, on the main page they can find information on the Master Plan. There are two links, one is a survey and asked to get all the citizens, friends, family to look into and complete that survey. There is also something called picture this, it gives them the ability to insert a picture and then drop in on the map, what they like and dislike.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Hoffman to adjourn the meeting at 8:29 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

February 17, 2021
Planning Commission Approval Date