CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
***** MINUTES *****
REGULAR MEETING, WEDNESDAY, FEBRUARY 17, 2021

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.)  
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 (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  
Jason Wisniewski  
Martin Kalaj  
Sofija Kalaj  
Ken Zmijewski

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 that 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 are 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 25x?. 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. (Sidewell #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 it 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
Discussion on the Planner,
the following reasons:
1. They look for in all of
provide justification
actually being utilize
different uses
an understanding that they have with the
REG
CH
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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 Director 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 he give him 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 re zoning, 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 service 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 of 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

March 17, 2021
Planning Commission Approval Date