

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, MARCH 16, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 16, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Scott Reynolds, Chairman	Don Walker, PC Rep to ZBA
Don Gross, Vice Chairman	Joe St. Henry, Secretary
Kim Urbanowski, BOT Rep to PC	Jessica Gingell, Commissioner
Derek Brackon, Commissioner	

PLANNING COMMISSION MEMBERS ABSENT:

None

1. OPEN MEETING

Chairman Reynolds opened the meeting at 7:00 p.m.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Scott Gabriel

3. MINUTES

A. 3-2-22, Planning Commission Regular Meeting Minutes

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

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

None

Chairman Reynolds recessed the regular meeting at 7:03 p.m. and opened the Public Hearing at 7:05 p.m. for case PC-2022-09, Grand Square of Orion, Special Land Use Request for a drive-thru restaurant, located on a vacant parcel, west of 637 Brown Rd. (Sidwell #09-32-400-099).

Chairman Reynolds closed the PC-2022-09 Public Hearing at 7:16 p.m. and reconvened the regular Planning Commission meeting at 7:16 p.m.

7. NEW BUSINESS

A. PC-2022-09, Grand Square of Orion, Special Land Use request for a drive-thru restaurant, located on a vacant parcel, west of 637 Brown Rd. (Sidwell #09-32-400-099) and an Amended Site Plan, located west of 637 Brown Rd. (09-32-400-099), 4999 Grand Ave. (09-32-400-098), and 631 Brown Rd. (Sidwell #09-32-400-097).

Chairman Reynolds asked the applicant if they would like to add anything to their presentation?

Mr. Chiesa said there were a few things that he would like to point out. Based on how they designed this, 160-ft. from the east property line and over 200-ft. from the road, plus they will have the road noise which would be louder than the speaker for the order station, they should have no issues with meeting their requirement.

Mr. Chiesa stated that the pedestrian walkway they have widened, they had a 3-ft. walk that extended adjacent to this property to the west. They wanted to create a greenbelt, but they were ok with making that all concrete, so it is concrete from curb to curb. They went with 7-ft. if a car overhangs 2-ft. that still leaves 5-ft. for a pedestrian to walk. They improved that aspect of the site. The loading area as he mentioned earlier is screened, it is behind the building, which is on the north side of the building, it is not visible from the road. If they look through the documents that they provided in blue, it shows the wheel pattern of what it takes for a truck to get into there. They went through that whole thing.

Mr. Chiesa noted that the loading was shown it works that was one of the first things that they always check out when they do a project is to make sure that the fire trucks can get around, so there is no issue with that.

Mr. Chiesa said one of the things that he did want to point out that was unique to how Culvers operates today is this has a single lane that goes to the window where they pay. Most people are familiar with it, that would be where they get their food. That is not the case here, they pull forward staff directs them where to park, and staff will bring out the food, and they direct the cars to move around. That is why they have this "Y" shaped three lanes. He showed them a Culvers at 23 and Hayes Rd. in Shelby Township. They have the three lanes they have the two lanes, outermost, for customers to wait for their food to be brought out. They also have parking spaces in the front which are for online orders. That is very similar to what they have. This location was not as user-friendly as far as vehicles because they have directional parking and then they cut through the drive-thru lane, the drive-thru lane could also block people when they leave. This was an earlier generation of this concept. He showed them the Wixom Culvers location as far as the diagonal parking on the order and drive-thru egress points. It is a "Y" shaped they are splitting it they have a couple of cars up against where the building curb-line is, cars on the opposite side with a lane going through. That is to allow cars to either pull out and get around existing vehicles, again this is all controlled by staff out there, this is not freewheeling. It is much the same as the Chick-Fil-A's today they have staff outside and they are directing people. This is the concept they didn't particularly care for this and working with Joe on the design of this they wanted a dedicated drive-thru, so they avoid this cross-conflict that they see on both the examples that he had shown them. There is an example of that on Culver's Corporate website they have this as their prototypical site plan to use in some way, shape, or form applicable to every location. They have the exact same thing that they have got for this location, the stacking at the top and bottom, a dedicated drive-thru lane through the middle so anyone can pull out and they have a road on the perimeter which is conducive for traffic around the site. They have isolated the drive-thru as a separate entity so this concept that they have works.

Mr. Chiesa stated that dealing with some other businesses everyone that has a fast-casual type business is looking for creative ways to do a drive-thru because with COVID and people just wanting to pull up and order and leave for convenience this is not a bad way of doing it. That is their corporate method and wanted to make that clear that that is really what they have done. Their plan was submitted to corporate for approval, they liked it. He wanted to clarify any confusion regarding how that system works.

Mr. Chiesa said that the comments after their reviews that is why they did the 7-ft. walk on their site. He knew that engineering was working with OHM regarding what they needed to do to satisfy the community regarding the civil aspects. With that, they are looking for their approval to keep this project moving.

Planning Wojciechowski read through his review date stamped March 4, 2022.

Engineering Landis read through his review date stamped March 3, 2022.

Chairman Reynolds said that they did have a review from their Fire Marshal who recommends approval without any additional comments at this time. The same goes for the Public Services review by the Director of Public Services. There was a site walk completed by the Site Walk Committee and the report was written by Chairman Reynolds. This is the second report of this property that is currently undeveloped. There was a previous site walk completed prior when it was not a drive-thru that was proposed.

Trustee Urbanowski said they talked about this a little bit when this plan initially came in with the hotels because they have corporate standards and things they have to abide by. She thought they have seen Culver's color schemes and the way that their buildings are put together, and she was ok with the façade. It is a corporate standard, and it fits, and she thought the other Culvers were beautiful buildings and she was sure this one would be too.

Trustee Urbanowski stated that she was concerned about the three lanes as well. She has never been through a Chick-fil-A drive-thru and wasn't sure how that goes. She asked if there will be people outside physically all the time directing traffic even in the wintertime? She understood the concept of it she saw where they were going with it but the three left turns when there is two-way traffic that is a little scary. She asked him to explain that a little bit more.

Mr. Chiesa replied basically the cars are pulling up they are waiting for their food to be brought out to them. Once their food is brought out to them then the cars are leaving the site they are directed by staff, this is what happens at every Culvers. The two examples that he gave them are the exact same scenario that they have here. They put the left turn lane only as a means of controlling that traffic so everyone is going in one direction. They are not all getting their food at the exact same time, when they are pulling out, they are not trying to merge with the next person, they are coming from a stopped position. He stated that this is not a road that has three cars that are making a left turn at the same time. If they, had it where they could go any direction without a directional arrow that would be more of a conflict because the people that are getting their orders are not moving from the left or the right on their own, they are being dictated by the staff where they should go. If the person in car "A" is directed to the far-right lane they may want to make a left turn, car "B" that is in the closest curb line to the building may want to go right, well now they are forced to make a left, so they don't have this cross-traffic. People are not moving they are stopping, and they are proceeding. This is done at the two locations that he had shown them, that is the nature of how that works. It is something that they want it is their corporate method of doing it in that order. It is important that they maintain as well as, their corporate architecture, their corporate policies regarding how they operate. He thought if they looked at today's McDonald's where they are incorporating the double drive order position and it

is all merging into one and it is coming around and a lot of times that is blocking traffic, or their loading zone is blocking these order positions, and cars have to merge back. They cleaned that up here, they have a long drive-thru lane, it has a singular purpose, not everyone is getting their food brought out at the same time. Staff is out there to direct this. This is not anything new that is starting at this facility. He showed them two examples because they were trying to show them that this is out there and that is what they do. The plan that he showed them as a concept plan is direct from Culver's website, that is the method that they would like to see this operate. Personally, an architect looking at traffic flow on a site would rather see everyone going left that was their idea, they didn't want to have people where they might want to cross and start going the other direction, so it is better to keep them internal on-site. They have two-lane traffic both of those buildings that he showed them also had two-way traffic that those three lanes came out into. This is proven, the Shelby Township one is by his home, he has never heard or seen of an accident with this functioning method that they have.

Mr. Jason Kishmish thought what was very important for them to understand is that not all of these cars are going to be pulling out all at the same time because their food is delivered to them individually. There is usually one staff member out there and they are never going to see six cars stacking unless they are busy. During lunchtime and dinner time they do get filled up, but it is very important to note that they would rather control the way the traffic is going to flow than give people the free-for-all to make whatever direction that they want. A lot of times they are better off controlling that than allowing people to make rights and lefts. If there are four cars queuing, one car gets his delivery, by the time the employee goes back and gets the next order that car has already pulled out. They don't have a situation where they have four cars both looking to exit at the same time making the left. They thought here the left was probably better because if they turn right then they are crossing into the Texas Roadhouse customers and whatever else is going on there. They want the path from when they exit to when they get out of the site to be the closest and cross the least amount of pedestrian traffic or other traffic that they can avoid. This drive-thru lane is prepped for 12-cars, but the reality is they will probably add another 12-cars before they get to Brown Rd. because this is all internal, this site is all circulating internal to the pad, in addition to the pad, there is an access drive that comes off of Brown Rd. into the whole development. If Mr. Zimmer has got that much traffic going on he has to charge him more rent but there is a lot of capacity the way this was designed. When they sent this to corporate, they didn't come back with one change, it was a well-thought-out plan. It is organized and they have enough capacity to handle a high volume. He thought another thing to keep in mind this design was meant for their corporate brand standards, these are sites in Florida, and California where the volumes are sometimes double what they would see in a midwestern Culvers. He doubted that they would ever outgrow the capacity that they are affording them at this site. The middle lane in that stacking is designed for cars to be able, if the car in the back gets their order first, it is designed so that cars can pull out and get out of the way. This design is not for all three that are trying to make a left at the same time, it won't happen with the way the restaurant operates.

Mr. Chiesa said the other thing to keep in mind is this is a site internal to a larger development versus a stand-alone site where Culver's has their own property, and they can design it with a one-way traffic pattern around. They need to have circulation for emergency vehicles, delivery vehicles heading both ways. To restrict traffic, they hardly ever do any diagonal parking in a one-way direction because it causes confusion and traffic issues. The only place that it works is if they have a McDonald's or something like that, it is all freestanding they can circulate around the building everyone is going the same direction. Here they could have people coming from the west approach to get into this site, work their way around the drive-thru. They have to have two-way traffic and again he firmly believes in having the left turn only and it is controlled by staff, because they are bringing the food out, so they are directing what is going on. When they did this design after meeting with the owner, they told them what they would be looking for and

corporate did not have any changes. What they did the first time it went through; it went through every level of their approval process. They wouldn't do something if they didn't think it worked.

Trustee Urbanowski wanted to clarify something about the decibels. She asked if it is the decibels that they can perceive at a certain distance? Planner Wojciechowski said that the standard is any noise associated with a drive-thru shall not exceed 60-decibels when measured at the property line.

Trustee Urbanowski questioned that they said it was 80-decibels coming out of there? Mr. Chiesa said that at the speaker, they are 60-decibels in this Boardroom. Trustee Urbanowski asked if there was a formula that they could show where they were at? Mr. Chiesa said it comes from the manufacturer, their preset is in an 80-84 dB range. He added that 16-ft. away from those speakers they are already down to 60-ft.

Chairman Reynolds said that is usually a clause that they put in and then if they have an issue then obviously then if there is a complaint or if they are acknowledging that it is louder than that at the property line, that is their measure that is their mark it can't be louder than that. It is usually just a condition of the Special Land Use.

Secretary St. Henry said when they talk about traffic control in the parking lot, he has been in Culver's and other fast-food places where they tell you to pull into space "A" or space "4" or whatever, and then the folks come out and bring your food and then they back out and it is typically staggered. He asked if they would have someone in the parking lot directing traffic? Mr. Kishmish replied that is usually how it is done, yes.

Secretary St. Henry said they probably do it when it is super busy. He knew that Mr. Zimmer's other Culver's can be very crowded. He has never been there where he has seen people directing traffic into the waiting slots.

Mr. Joe Zimmer the owner of Culvers. He said that when a customer places their order at the window they will tell them where to go based upon that person's experience the one where the cars are located. For instance, if lane one is full, they will ask that person to pull into that third lane and to keep that center lane available. He has worked in quite a few Culvers and the setup that corporate has given them and the design that Ron has put together is awesome. It is usually the person that works the window is who will tell them because they want to keep that line moving. They deliver the drinks, and the dessert at the window where they have three people, one is just doing the drinks and the custard. They get that as soon as they cash or tender out, they leave the window and go to their designated spot. They have a good system, they give a number to the car and actually put it on the car so that the people will run the food out when it is ready. Everything is made to order so a cod dinner could take five minutes and a butter burger could take three minutes, so it doesn't all come out at once, he thought it was a great system.

Chairman Reynolds said he didn't have any explicit issue with essentially the other comments that got brought up. Obviously, they would like those other items that are required by their ordinance to be provided and verified by their professional consultants. If 7-ft. wide sidewalks are provided he thought, they were fine without wheel-stops since that typically is no greater than a 2-ft. overhang.

Chairman Reynolds said that he sees where his consultants are coming from, and it has been a large topic of discussion with other drive-thrus. He questioned would if the center lane was going to be clearly marked as "through traffic only"? His other question was if the western drive was kind of the second opportunity to have vehicles stacking post order, is there any restriction

to essentially guiding that lane back into the through traffic lane so they only have two left-turn lanes? He thought that the issue that they have been observing here was three lanes of traffic turning left into two-way traffic. If it was reduced from three to two that would potentially be a step towards elevating those three lanes all turning left. He understands the process, he was familiar with Culver's he has been to Culver's with worse stacking situations than this but there is a very good likelihood here at this location, especially a Culver's in this location to be busy, both sides of the window. He knows that they did a great job of moving the traffic through but that was his opportunity to essentially improve this traffic flow, can that most outermost stacking or post-order wait be merged back into the thru-traffic lane to then be prompted for a left-turn.

Mr. Chiesa thought that by letting lanes go in different directions they are just creating more problems. Chairman Reynolds said he is not talking about different directions he was talking about still having a left turn, but they would go from one to three and have that planned south lane be merged back into the through traffic lane, to only have the through traffic lane or the stacking lane be turning left. Mr. Chiesa asked if he was talking about only having two access points where they are all exiting versus having three? Chairman Reynolds replied correct, but still having three lanes to provide service so they would essentially have the eastern lane be able to turn left, the center lane is through traffic, and the second if he was understanding this correctly, to be secondary overflow to essentially just merge back into that through left lane. They still have the width of three and they have those two left turns there. He didn't want to speak from a traffic study standpoint, but he thought it was the three lanes all turning and the potential for multiple traffic. Mr. Chiesa said the issue, if he was understanding correctly what he is asking, they would have to provide basically an angled curb line to have the people in the western line get into the centerline, with doing that they are also pushing the cars back then further, which could cause a little bit of a bottleneck at the pay window, where right now there is no bottleneck based on how this is setup. This is not a site where it is one way around and they have constant traffic he didn't think they would have a high volume of traffic in the front of this it is no different than any drive-thru where they have to wait and merge to go left or right. They have some sites that they have designed, and they have put the arrows down and people are doing their own thing. If they allow any other type of treatment than what they have, where someone can just pull out again Joe Zimmer has people out there, they are bringing their food and those people are clear to go. It is now up to that individual driver to wait for traffic to clear just like you would at any aisle that they are going down.

Chairman Reynolds asked if the center lane was going to be through traffic only and was it possible for that to still maintain the corporate standard and merge back in? Mr. Kishmish said that he remembers a discussion about this at one time, the issue with that was if the far lane and they want to give them the ability to only merge into the center lane is, the car behind that one that is ready to merge gets there first, how do you then get them to merge? They have to keep it open. The intent here is for everyone to merge into that middle lane to get out of the site. If the front car got there first, they would make a left out, but if the car behind it got its food first it is going to have to merge into that center lane in order to make the left, to get out. If they put a curb line and they force that far lane to merge and if the car behind it got its food first it is going to stay, there until the car in front of has moved out. That was a conversation they had with Culvers and that is why they said "ok, they have to do it this way to give people enough flexibility to merge into that middle lane" so if they are not the first car out, they have a way out.

Mr. Chiesa said that if corporate sees that this doesn't work, this is not going to prolong something, this is what they do on their webpage, and he showed them two other examples. And those locations had no destination whether they could go right or left they just let them decide and they are trying to simplify it by making everyone goes left.

Mr. Kishmish said that they just did a Krispy Kream an experiment of a future store. These drive-thru designs are going to evolve, when they get them, it is going to tell them right on their phone where to go, they are not even going to interact with human beings. That is kind of what these designs are evolving too. When they get their order and it is going to be a mobile order, they might not even see a person it is going to tell them to queue in lane 3 or queue in lane 4. At Krispy Kream they almost designed it like a racetrack, there were 4 lanes, and that is where this fast-casual business is going, people are not sitting in these restaurants as much anymore.

Commissioner Walker said when he read this stuff he was impressed, and he was the one up here that normally says, "I'm not going to conditionally approve anything because it should be worked out before they get here". So, reviewing this material before he got here today, he said "this is great" because there is not a lot for the people that they pay money that they make sure that they do things the right way, are differing from them. He totally agreed with Engineering Landis that the three lanes bother him. He said they can't figure out some way to just angle that third lane so that there are not three lanes. He was stunned by the whole thing, he thought that they would be done already. He would have voted to give them the conditional approval of this, and he was stunned because they are nitpicking over things from a safety point of view. He is not talking corporate Culver's, Mr. Zimmer, or them but they have their experts saying he was concerned, and they are saying it is not a concern. When Engineer Landis says there is a concern, he thinks that there is a concern.

Secretary St. Henry asked Mr. Zimmer what other Culvers do; do they have a three-lane design? Mr. Chiesa said it was a single site use design.

Mr. Zimmer said there is a difference there. There are three lanes, the first lane will stay next to the building usually 4-5 cars, and then they have parallel parking there which is not a real good idea because they have to pull into the right, and then when they back out, he delivers the food a lot to the customers, so he knows he always directs them to back up. The center lane which in his case would be the drive-thru lane all the time pulls forward and proceeds to the left in this case to the east. They do have three lanes, but it is because of the way the site was designed and where it would fit. Every site is different, and they have to try to complement it the best that they can. In that case, they have parallel parking to the right which would be bad because they would be backing up. In the second lane, the middle lane, everything is to the left. They even have a one-way only sign, so when they come in, they can't turn right so there wouldn't be a head-on collision. It is very important that their drive-thru person, instruct them where to go. They can't go left at his existing store because if they did, they would be in the swamp. He agreed with Mr. Kishmish and Mr. Chiesa that if that third lane did go right, they are going to be going into another restaurant parking lot and it could be an issue. They are thinking if they go to the left and the person taking out the food indicates to them this is their way out, it won't be an issue. That center lane must be kept open at all times so that the person in the front of the line is holding everything up because their order was too long, the cars behind it are going to be sitting there not really happy. That is why they have the center lane so they can pull out and go into the center lane and turn left. Most of their traffic is going to be going left.

Mr. Kishmish said if that customer is only custard or a drink they will be stuck there waiting if they don't have a lane that directly gets out of the site. They are not going to queue that food until it is delivered at the drive-thru window.

Mr. Zimmer said he thought they would have a worse problem if that third lane turned right than if it turned left.

Mr. Chiesa said what they are looking for is if it angles in so that they would have to merge to the middle lane. What the problem with what that does is it limits the number of cars that can be

in that right lane which now they are going to back up the cars because of the window where they pay. So, they need to have an area where cars can keep moving so they are probably only going to have two at the most that would be looking to go out simultaneously and they would have to look at one another and hopefully one will let the other person go. They can't control how people drive but that is the idea if they are already going from a single lane flared out into two waiting lanes if they put another angled green area at the right side of the west lane, they are going to limit how many cars can go over to that side which now will start blocking the cars leaving the window and they are just going to create a cluster internally. Again, no disrespect to Engineer Landis and his opinion on it but this is corporate that they look at this and study this and they see how this works they would not approve this if they knew that it caused problems.

Vice-Chairman Gross said he thought that they answered all of his questions. He said it made sense and didn't have a problem with the three lanes. Especially if there was some onsite control over where the cars are going and how they are exiting. He thought that they did a good job of trying to address the issues and provide a good solution.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **approve** PC-2022-09, Grand Square of Orion Special Land Use for a drive-thru, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099) for plans date stamped received February 17, 2022. This approval is based on the following findings of facts: this is compatible with adjacent uses there are other drive-thru facilities in the area consisting of a car wash, a bank, Checkers, Panda Express, so there are other drive-thru facilities within the area; it is compatible with the Master Plan reflecting combined with other uses for a mixed-use development in the (BIZ) District; adequate public services are available; there is adequate stacking on the site so as to not interfere with any backup onto Brown Rd.; he saw no detrimental effects that this would have on any of the surrounding properties, and therefore would recommend approval of the Special Land Use in accordance with the ordinance.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Brackon, yes; Gross, yes; Gingell, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grants site plan **approval** for PC-2022-09, Grand Square of Orion Site Plan Amendment, located on a vacant parcel west of 637 Brown Rd. (Sidwell #09-32-400-099), 631 Brown Rd. (Sidwell #09-32-400-097), and 4999 Grand Ave. (Sidwell #09-32-400-098), for plans date stamped received February 17, 2022. This approval is based upon the following conditions: the revisions of the Township Engineer of his letter of March 3, 2022, items in his conclusion items 1, 2, and 4 being the grading plans, increasing the sidewalk width to 7-ft. and the provision of the floor plans for the Culvers. He believed that the applicant had provided adequate information relative to the ingress and egress from the drive-thru area, and the plan does comply with all the other ordinance requirements.

Discussion on the motion:

Secretary St. Henry asked if for whatever reason the store opens up, they have the three-left turn lane traffic flow, and for whatever reason, it is not working, will there be an opportunity, given the design to make changes if necessary? Mr. Kishmish said anything that doesn't function whether it's a municipal requirement or a corporate requirement, to hell with the corporate wants at the end of the day, if it doesn't work, they have to change it.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Gingell, yes; Walker, no; Brackon, yes; St. Henry, yes; Reynolds, yes. **Motion carried 6-1**

8. UNFINISHED BUSINESS

A. PC-2021-07, 5-Year Master Plan Update

Planning & Zoning Director Girling said this item was put on the agenda because if they recall at the last Planning Commission meeting it was sent to the Board of Trustees for them to authorize the release for review by the necessary agencies and surrounding communities. When it was sent to the Board because it was a complete overhaul of the Master Plan, they wanted more time to look it over. At that meeting, they were given the Master Plan to look at and they are going to forward any comments or questions they had, and then when they are satisfied it would be authorized to release. At the Board meeting, they did ask that all comments be into her by Monday, so she went ahead and put it on for a discussion of the comments, but they all didn't come in. She has nothing else to add, no discussion, she thought that this line item was an update.

Secretary St. Henry asked Planning & Zoning Director Girling that based on their comments and questions, and let's say the plan has changed, will they be notified of the changes that the Trustees want? Planning & Zoning Director Girling replied that she would assume that the comments that come in will come back for the Planning Commission to say, thanks for your comments, not interested, so it would make a trip back to them before it was put back on the Board agenda unless no comments come in. If no comments come in, then it would go forth as it was directed originally.

B. PC-2022-12, PC By-Laws Amendment

Chairman Reynolds asked Planning & Zoning Director Girling to give a brief overview. They have their memo, the red line, and then the clean version. It seems fairly straight forward but if they could just fill them in a little bit of where this originated from.

Planning & Zoning Director Girling said that it actually originated at the Zoning Board of Appeals. It was discovered that the ZBA By-Laws had not even been amended when the Zoning Enabling Act had been modified so the by-laws did not follow the law. They were asked to have the Township Attorney look at it. It could have been a short fix just for that one deficiency, but these hadn't been looked at with the Planning Commission either. Plus, there were discussions of maybe they should have a little bit of uniformity on how the by-laws for the ZBA look compared to the PC. Not saying that necessarily they have the same by-laws but if the by-laws of the Zoning Board of Appeals gave what an agenda looks like and what order they do it in then why doesn't the Planning Commission or vice versa. They looked at them both at the same time, she wrote her recommendations things that she saw and forwarded them to the Township Attorney, and then she worked on it. Anything within here is based on her comments and the legal opinion of the Township Attorney, but of course, these are their by-laws so if there is something that was changed that they have an issue with, this was their starting point. The existing by-laws in addition to the proposed by-laws say for them to adopt it they have to first have a meeting before they say that they want to approve them they have to read the changes. If they think they are close enough and realize because they have to have that one meeting, they would not be approving tonight anyway to give them time. She would ask what they were provided with, and she did check with the Township Attorney, that they can just say the sections that changed they do not have to read the actual changes. She would ask that this evening they would at least do that, read the changes, which would take care of the one meeting prior to being read. If by some chance they look at them and there are big changes then they will look at whether they have to read the changes.

Chairman Reynolds said that he read the by-laws and felt comfortable with the proposed changes. If there is agreeance to that they could make that statement here tonight, if there is a discussion or proposed changes that they would like to make, obviously, this is not their one and only but to start the notification process. Does anyone object to that? No one objected.

Chairman Reynolds read into the record that on their regular Planning Commission meeting of Wednesday, March 16, 2022, under PC case #PC-2022-12 they are proposing to amend their by-laws specifically Article 5, Section 1A, Section 1C, Section 2, 3, & 6, and under Article 8, Section 1, 2, 4, & 5. This would be placed on a future meeting for the formal discussion and to essentially post the amendment and move forward on the process. More than likely if there are any additional comments but more than likely at one of their following meetings in April.

Planning & Zoning Director Girling said she would be shooting for the first meeting in April. They can put it on if they have a discussion that is taking too long, they can have a motion to bring it to the next meeting but if there is no discussion let's get it done. She added that there is approval by the Planning Commission, but it is ultimately the Board of the Trustees that approve it also. They would have one more step after the Planning Commission says that they are good with it.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

A. 04-06-22 at 7:05 p.m., PC-2022-10, The River Church, Special Land Use Request for a church, located at 3900 S. Baldwin Road (parcel 09-29-301-029), 3910 S. Baldwin Road (parcel 09-29-301-034), and 3920 S. Baldwin Road (Parcel 09-29-301-038).

B. 04-06-22 PC-2022-11 (immediately following the PC-2022-10 public hearing at 7:05 p.m.), CSB Investment LLC, rezone Request to rezone approx. 1.7-acres of 1050 W. Silverbell Road, Parcel #09-27-301-050 from Limited Industrial (LI) to Industrial Park (IP)

14. CHAIRMAN'S COMMENTS

None

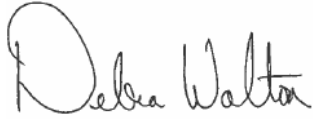
15. COMMISSIONERS' COMMENTS

None

16. ADJOURNMENT

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, to adjourn the meeting at 8:14 p.m. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

April 6, 2022

Planning Commission Approval Date