

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

## \*\*\*\*\* MINUTES \*\*\*\*\*

### REGULAR MEETING, WEDNESDAY, MARCH 20, 2024

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 20, 2024, 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  
Kim Urbanowski, BOT Rep to PC

Joe St. Henry, Secretary  
Don Gross, Vice Chairman  
Jack Lovat, Commissioner

#### **PLANNING COMMISSION MEMBERS ABSENT:**

James Cummins, Commissioner

#### **1. OPEN MEETING**

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

#### **2. ROLL CALL**

As noted.

#### **CONSULTANTS PRESENT:**

John Enos, (Township Planner) of Carlisle Wortman Associates, LLC  
Mark Landis, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.  
Tammy Girling, Township Planning & Zoning Director

#### **OTHERS PRESENT:**

Jim Butler  
Scott Gabriel  
Eugenia McDaniel  
Jeff Jenkins  
Tom Tiffany  
Lucy Biggs  
Joanne Benedict  
Sandy Stuart  
Jill Thielen  
Michael Majewski  
Kenneth D Johnson  
Bob Steinheiser

Dr. L Mark Brett  
Stanley Uzelac  
Lisa LaCourciere  
Rob Sampson  
Jill Recker  
Joe Zmikly  
Rev. James Kean  
Denise Murray  
Brian Russell  
Christine Rykinski (Sp?)  
Justin Dunaskiss

Mary Brett  
Joseph McDaniel  
Maria Jenkins  
Mac Hall  
Terry Biggs  
Bill Benedict  
Cherly Grohoski  
Al Murray  
Margy Russell  
H. Griesser  
Sue Bieda

#### **3. MINUTES**

A. 3-06-24, Planning Commission Regular Meeting Minutes

B. 3-06-24, PC-24-03, The Villas at Forest Glen PUC Concept Public Hearing Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski, to approve both sets of minutes as presented. **Motion carried.**

#### **4. AGENDA REVIEW AND APPROVAL**

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

#### **5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

Mr. Scott Gabriel 941 Joslyn stated he was right on Joslyn and was one of the original frontier houses and thought it was from 1827 as near as they could tell. Basically, anyone who came after them, he resented. If they are after the Civil War, he wants them gone, he wants the lake drained and the dam gone, it wasn't there, it should be a natural stream. He wants Bunny Run

and all of those taken away, he wants cow fields. He wants Canterbury gone, which was originally barns and cows, and before that deer. He asked if that sounded silly, maybe but it was as realistic as anybody else's comments that he was sure they would hear today.

## **6. CONSENT AGENDA**

None.

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Chairman Reynolds adjourned the regular meeting at 7:06 p.m. and opened the public hearing at 7:06 p.m. for PC-23-32, The Villages of Orion, request for a proposed amendment to a Consent Judgment, located at 823 N. Lapeer Rd. (parcel #09-02-126-020). The amendment proposes a multi-family development for 108 apartments and 14 townhouses.

Chairman Reynolds closed the public hearing for PC-23-55 at 8:08 p.m.

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Chairman Reynolds opened the public hearing at 8:08 p.m. for PC-24-04, Township Initiated Text Amendment to Zoning Ordinance #78, 2024 Updates to Use Matrixes, Article VII Section 7.01, Article IX Section 9.01, Article XI Section 11.01, Article XIV Section 14.01, Article XVI Section 16.01 and 16.02, Article XVIII Section 18.01 and 18.02, Article XXIII Section 23.01, Article XXIV Section 24.01.

Chairman Reynolds closed the public hearing for PC-24-04 at 8:11 p.m. and reconvened the regular Planning Commission meeting.

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## **7. NEW BUSINESS**

A. PC-2021-90, Ridgewood Final PUD, Plan Extension Request, located at 625 W. Clarkston Rd. (parcel #09-15-226-006, #09-15-226-007, and #09-15-226-008).

Chairman Reynolds said due to a scheduling conflict between staff and the applicant was unable to make it this evening but there was an extension request letter for a period of no greater than 12 months. There has been action provided between the applicant and staff but obviously, the site plan was not able to be granted administratively because it is a PUD, so they have to grant that here as a PC case. Based on the review of the items in their packet he was in support of a one-year extension.

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski, that the Planning Commission **approve** a one-year PUD plan extension request for PC-2021-90, Ridgewood Final PUD Plan from the original expiration date.

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

B. PC-24-05, Ordinance 154 Adult Processing, located at 210 W. Silverbell Rd. (parcel #09-26-300-012).

Moved by Liaison Urbanowski, seconded by Vice-Chairman Gross, that the Planning Commission **grant** approval of the application, as required per Ord. #154, for PC-24-05, Peninsula Agriculture, LLC, for an Adult Processing Facility, located at 210 W Silverbell Rd. (parcel #09-26-300-012) for the following reasons: they meet all the applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meet the rules and regulations promulgated by the State

Medical Marijuana Licensing Board. The Facility location conforms to all standards of the zoning district in which it is located.

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

C. PC-24-06, Ordinance 154 Adult Grower, located at 210 W Silverbell Rd. (parcel #09-26-300-012).

Moved by Liaison Urbanowski, seconded by Vice-Chairman Gross, that the Planning Commission **grant** approval of the application, as required per Ord. #154, for PC-24-06, Peninsula Agriculture, LLC, for an Adult Grower Facility, located at 210 W Silverbell Rd. (parcel #09-26-300-012) for the following reasons: they meet all the applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meet the rules and regulations promulgated by the State Medical Marijuana Licensing Board. The Facility location conforms to all standards of the zoning district in which it is located.

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

D. PC-24-04, Township Initiated Text Amendment to Zoning Ordinance #78, 2024 Updates to Use Matrixes, Article VII Section 7.01, Article IX Section 9.01, Article XI Section 11.01, Article XIV Section 14.01, Article XVI Section 16.01 and 16.02, Article XVIII Section 18.01 and 18.02, Article XXIII Section 23.01, and Article XXIV Section 24.01.

Chairman Reynolds thought they got a good overview during the public hearing. He asked if there were any questions from the Planning Commission. He added that he was in favor of the amendments as proposed in their packet this evening. They are straightforward so they can move these along and forward on a recommendation to adopt and approve by the Township Board.

Moved by Vice-Chairman Gross, seconded by Commission Walker, that the Planning Commission **forwards a recommendation to the Township Board to approve** and adopt PC-24-04, Township Initiated Text Amendment to Zoning Ordinance #78, 2024 Updates to Use Matrixes, Article VII Section 7.01, Article IX Section 9.01, Article XI Section 11.01, Article XIV Section 14.01, Article XVI Section 16.01 and 16.02, Article XVIII Section 18.01 and 18.02, Article XXIII Section 23.01, Article XXIV Section 24.01, for the following reasons: that this clarifies the Zoning Ordinance relative to permitted and special land uses, and allows for an improved administration of the Zoning Ordinance.

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

## **8. UNFINISHED BUSINESS**

A. PC-23-58, PTV Boat & RV Storage Special Land Use request for individually owned recreational vehicle storage units, located on a vacant parcel immediately west of 3020 Indianwood Rd. (parcel #09-05-301-016).

Chairman Reynolds asked the applicant to step up to the podium and to state their name and address for the record.

Mr. Rob Sampson stated that it was an industrial-zoned property. They had come before them about a year ago. They are looking to build five buildings, approximately 105,000 square feet. They are looking at doing 114 storage units. They were there for a couple of items the first one is a special land use determination for a boat and RV storage for sale product. They went through the comments and have had a couple of runs of comments where they have been patient and presented them with their opinions and thoughts. They didn't take any objection to any of those, in fact, they have incorporated a landscape architect that is local to the area to help them understand how Orion Township works best in these projects. They have also worked with an electrical engineer to provide the photometric study that was required. They were here to answer any questions.

Chairman Reynolds said just to clarify they are there for special land uses and site plan. They already had the determination.

Planner Enos read through his review letter dated March 14, 2024.

Engineer Landis read through his review letter dated March 12, 2024.

Chairman Reynolds stated that there was a review by the Fire Marshal recommending approval but with requirements that all gates on site shall meet requirements of the International Fire Code which allows emergency operation and access. There was a review from the Director of Public Services for the Township with no objections at this time.

John Enos said they did a review of the condo documents, and he wasn't sure they were condo documents, they did talk about easements and other things but the typical condominium requirements in the Zoning Enabling Act talk about the Master Deed and other requirements. This really didn't have that. They forwarded it to the Attorney, and they are looking at that. They want to make clear in those Condo Documents some of the requirements that they talked about up to this point whether those are hours of operation, potential nuisances, and those kinds of things. It does need flushing out, it was an unusual set of documents that he wasn't used to seeing.

Planning & Zoning Director Girling stated they have not sent this to the Attorney yet because there were enough things that he had pointed out that required language, plus there might be conditions that the Planning Commission wants to put in related to some restrictions. They didn't want to use the applicant's money at this point knowing it is kind of a work in progress. It is something that would be looked at by the Attorney but not yet based on what might be asked to be added this evening. Chairman Reynolds said preliminary findings essentially deemed that it is not worthy of the review yet of the final review of the Attorney.

Chairman Reynolds stated he wanted to turn it over to the Planning Commissioners for their initial thoughts and questions.

Chairman Reynolds said the review of the condo documents, to him the five items, hours of operation, noise, restriction of occupants based on sleeping, having installations outside of their units like a common rules area, then the restriction of washing the RVs on site. He wanted to discuss the hours of operation. He wanted to be reasonable and understand that this is a property that someone is going to own and wants to have access to. Some of his initial thoughts were just concerns about, and he thought that the condo docs could clarify this as something that could be nonamended to where there is a general rule set. You can utilize your property, but you are not going to be buffing your RV at 11 p.m. at night in a common area. The condo docs which they typically see are a little more developed with a little more information that has those rules stated, those are where they typically see that at that point.

Mr. Sampson said everything that he has said is accurate, and they agree with all of that. Essentially what they provided was a draft document that they have used in some other developments that list all of the restrictions. Everything you said was things we promised they would take care of as part of the previous meetings they had. That was something they would definitely have in there. What they have done is that they have contracted with an attorney that he thought had represented them once here before to help them get those drafted, so they are a Michigan standard. They want to make sure that they are not combative in any way.

Chairman Reynolds said that item number five on Carlisle Wortman's report was, to restrict occupants and washing their RVs on site. Mr. Sampson said there would be no water on this property. If they are bringing it with them, that is a heck of an ordeal.

Chairman Reynolds stated the concern of restricting occupants or users from painting outside their units or installing advertising or signage outside of it, that would all be regulated commonality, correct? Mr. Sampson stated that they agreed with all of those.

Chairman Reynolds said restriction of occupants from sleeping in their units or having parties is all in the future language. Mr. Sampson replied, yes.

Chairman Reynolds asked regarding noise, what language is there at this point, or how that tie into that. That is one thing on moving them forward this evening, those are some critical conditions that he would like to see in their motion, knowing that they agree to that and that it is going to be in a future document.

Mr. Sampson stated that one thing they can do, and he didn't think that the average public even understands is the decibel rating, they can list a decibel rating that says they can't get to a certain level, but one who is going to monitor it. What they have done in other developments or have seen in developments where they have been the designer is they put a clause in their that says a single time is a warning the next time is a fine, and then they can be forced to relinquish their unit or sell their unit at market cost. It is an owed product they have cameras going in and cameras going out they know who it is that is the offender. Because these are not high-use areas they will know if someone was complaining on Sunday at 3 p.m. they will be able to go back and look at the camera and say at 3 p.m. it was only Mr. Johnson they know that Mr. Johnson has had a history this is the third time they are going to tell Mr. Johnson it is time for him to leave.

Chairman Reynolds asked what kind of threshold is there or if there are hours on which they are going to accept that noise or not at all, what are your provisions. Mr. Sampson said he would be honest with them; they want to work with them. In other developments, it was until 10 p.m. Here because they have residential on three sides of them one of them further away than the other if it was till 6 p.m. they were not opposed. They don't expect this to ever be an issue.

Chairman Reynolds said for discussion purposed on the Planning Commission side of this. He didn't have a huge issue with access to the site. If you own a garage, he expects to be able to get in there, no different than if he goes into his garage in the subdivision. There would be his neighbor calling if he was doing a bunch of stuff that there are reasonable operating hours and that is understood for loading/unloading use of your garage. To him, 6 a.m. to 11 p.m. seemed a little vast, again not to try to overly limit the use of this property but at least to kind of guide some parameters where if it were 8 a.m. to 8 p.m., or 8 a.m. to 6 p.m. something along those lines even some further restrictions on the weekends. At least there is a set of parameters to say pulling your RV during these times. There might be one exception but that is not the rule here, and the conditions of doing this. He thought his comment with the concern with the

Condo Docs is typically that where it becomes actually written into the Condo Docs as not amendable. His point and where they have been dancing around this project is not because they don't like the project, but it is where it could go. When it could be voted amongst the owners to say there is a noise ordinance here, they have one in the Township, but they have to keep in mind that becomes an enforcement issue on our side. Everyone including the public that comes out for a case, like they saw earlier this evening, comes and hates on them. They are just trying to find the right balance here.

Planner Enos thought it was a great point. They would like to see these incorporated into the Condo Documents so that the residents of the condo users will understand that. They also want to make sure that because they don't typically regulate or enforce condominium documents. For example, condo documents say no fencing, well they allow fencing in Orion Township. They also want to have these restrictions or whatever they decide on pulled into the special use requirement, that they can enforce.

Chairman Reynolds said it is a condition of the Special Land Use, so they are all on the same page about the use that is going in there. He appreciated their flexibility on that. Are there amended hours that they would like to throw at them or thoughts? He didn't want to speak for everyone.

Liaison Urbanowski stated it was a big part of why they are talking about this because of where it is. That is why it is Special Land Use, that is why they are trying to work through these things. She drives by this all the time, and it is a pretty rural area except for that one industrial building which people walk in and out of the door, that doesn't disturb too much. She was very concerned that it's not partying or any of that that she is worried about it is people that are working on their stuff late at night. These are vehicles, these are big boats, and packing them up can be disturbing to the people around them, and they would like to minimize that as much as possible. Knowing that there are going to be boats or RVs the concern on the weekends is probably the biggest factor. Someone mentioned Firestone earlier and how they kind of whittle away at them and say not to open on a Sunday because they are cars, and it makes a lot of noise and there are people around there. People are going to want to put their boat in the water on a Sunday. What is a reasonable time for somebody to come and get their boat and drive it to the boat launch right down the street, what time does that open? She knows because her oldest child worked at the boat launch and by noon, they were done you couldn't get in there. They have to be reasonable and realistic about this. She thought that 6 a.m. was a little too early. People please don't mow your lawn, people do it they shouldn't, but they do, and it is annoying. She thought the 6 a.m. to 11 p.m. was a little too much. Maybe if they could think about closing one of the days, that is not that big of a deal, but it is the hours, and then the lighting as well. People coming and going or even traffic passing by what is the level of the sensitivity of the lighting at that gate area? Is a raccoon walking by going to set this off? These are things that they want to think about and to be good neighbors.

Mr. Sampson asked if they could share what the Township Noise Ordinance was currently. Chairman Reynolds said they would look that up.

Chairman Reynolds said the comment here is not the fact that they couldn't use the property but guiding towards that framework. If they could say some hours are 9 a.m. to 6 a.m. and the quiet hours are after that or something along those, that is what they are looking for. They might pull your boat out if you load it into your garage, and it is not going to be a big loud thing after that. It doesn't become a post-lake party just because it is sundown and the public boat launch closes.

Mr. Sampson said the point that was made earlier by Liaison Urbanowski said it perfectly because if you don't get out on Memorial Day weekend at the boat launch at 4 a.m. you are not

getting on the lake. There may be, to do everyone justice from a property owners' rights part of it maybe there is some flexibility on the long weekend and maybe there is not. That was just something they could look at that he thought would be favorable for the people who buy.

Secretary St. Henry said if their boat slip owners know what time this facility is open. If they think it is going to be too late in the morning, they are going to pick up their boat the night before loading it up and get out there at the right time because the boat launches fill up or their family gathering starts earlier than they thought. He also wanted to take into consideration that in the summertime it stays light on the lake until at least 9 p.m., in the middle of the summer. If someone is pulling their boat out and is going to put it back away, he understood that as well. If they are going to ok this type of facility, then they have to make it reasonable.

Chairman Reynolds said one of his comments would be the idea of quiet hours. You go grab your boat within those larger timeframes or the acceptance of it being a holiday that doesn't really bug him, you open your door and hook up your boat and you drive away. He thought the major concern here was that they were getting their RV ready for the holiday weekend. It is now 10 p.m. and he has sleeping bags all over the place and that kind of stuff, not to say that would happen. That to him is the concern. A lot of times it is the condo docs that speak to, we heard your concern, here is the framework. They are trying to work with them here to keep this moving along. He thought the key was essentially that common area activity. If it is happening within their unit and it is quiet and they are not exerting noise outside of their unit, fine, you are going in there you forgot your batter tender you have to go run home. It is the activity that they are concerned with. In a rentable unit, you have an active management company, you typically have a passcode that someone is seeing someone coming in there, and there is going to be someone who shows up at their unit when they are unloading all of it at 10 p.m. at night. He said to correct him if he is wrong, there isn't a management company with this because it is ownership. Mr. Sampson said there is a passive HOA.

Chairman Reynolds said he would like to see there some language where it is from 9 a.m. to 8 p.m. that outside of those hours, it is quiet hours. Mr. Sampson said if they could have a certain quiet time specified that would be fantastic and limiting it to 6 a.m. to 10 p.m. and then just have those quiet hours before 8 a.m. and after 8 p.m. he wouldn't have any objections to that at all.

Planning & Zoning Director Girling said it really depends on the level of noise, but pretty much 7 a.m. until 10 p.m. It could be that they just adhere to the Township Noise Ordinance.

Chairman Reynolds said he would like to see that as a condition of their discussion, or any approvals. He would like it to be commonly understood that there would be access by ownership only outside of those hours, that outside of those hours it is understood as quiet, limiting the disturbance. If there isn't a concern with that, they would like to language put forth, not amendable in the condo docs that speak to that. Mr. Sampson thought that was fair.

Chairman Reynolds asked if there were thoughts on active hours would be 7 a.m. to 10 p.m. to meet their township ordinances. You had spoken to issues reprimand of whatever it would be. If there is a complaint and there is no active management company, who enforces the third issue you have to sell. Mr. Sampson said there is an HOA that is going to be active so when the complaints are received either by law enforcement or from somebody in the development there will be an investigation of each.

Chairman Reynolds said he would like there to be something in the condo docs if there is no active management and Code Enforcement shows up and it is the fifth time, and they don't do anything that doesn't do them any good here. He would like there to be those repercussions to .be published.

Liaison Urbanowski said they are not going to be here, they are. She thought that they were starting to see their concerns about it. People are going to say this is mine, I own it and I am going to do what I want with it but they really can't.

Mr. Sampson said the good news is they found these developments and they have done this before; they are very much self-policing because there is ownership, and they want to keep their investment high. Most people buy them with the intent of reselling at some point and they can't resell them for great value if they are not maintained.

Vice-Chairman Gross said it is light until almost 10 p.m. during the summer. The people with the boats are going there at 10 p.m. at night to get it for the next morning, they are not going to wait until the morning to go out and get it. There is going to be activity at night, that is a fact of life.

Chairman Reynolds said he just wants there to be the opportunity where there is a repercussion, it is not managed, they have full faith in the operation, but how do they control it, and they have seen this before where it goes sideways, and they can't do anything about it. In this case, there are rules within the HOA that are irrevocable with noise complaints. He personally would like to see that, so they have a repercussion and everyone that is an owner there therefore gets that collectively, they want to be neighborly.

Mr. Sampson said that with PTV Self Storage they will always have an active member of the HOA. In the event there is something he will give them his cell phone number and they can call him personally to tell him what is wrong.

Chairman Reynolds said regarding the site plan, Liaison Urbanowski brought up some lighting concerns. Issues with photometric or dark hours are another component that they are asking for. Liaison Urbanowski replied to confirm the sensitivity of the motion detector features. She didn't want it to be too sensitive that someone was just driving by.

Chairman Reynolds asked if they had sensors or what lighting approach is it lite all hours, does it go dark after a certain component? Mr. Sampson said it is motion-activated. Chairman Reynolds asked if it was full bore. As part of the Special Land Use if they are going to allow some access is it dimmed is it a 50% component to this? How can they address that? Mr. Sampson said they will keep it localized to the gates and to the access points just for safety and it will be a minimal footcandle outside of that just enough to maintain safety if someone were to walk around their vehicle. Chairman Reynolds asked if it was only when activated. Mr. Sampson said he felt from a code standpoint they need to keep at least one footcandle out there just from a safety standpoint for liability. That will be a consistant for during the nighttime, one footcandle if they were dim lights really low here it would be like his cellphone being on it is not very much. Chairman Reynolds said he had spoken to the idea that the lighting would only really be at the gates. Mr. Sampson said correct, that is where it will be visible.

Liaison Urbanowski said it is pretty rural and wants to make sure they are not shining bright lights across the street. Planner Enos said especially vehicles on Indianwood.

Mr. Sampson stated if you have ever been to the gas station when it is directed the wrong way, and that sliding door opens and closes, that is just as annoying as well.

Chairman Reynolds stated he thought there were technical issues like the calculation of lot coverage, which was calculated he thought from interior walls versus exterior. He didn't think they were exceeding the lot coverage.



Chairman Reynolds said he wanted to talk about the tree plan, he didn't know if they had the last page of their submission that they gave to the Township they did an overlay of the tree survey with some of the landscaping, and he thought there had to be more clarity. In the upper left-hand corner, they had a tree calculation replacement he thought needed to be revised. Some of the trees that are outside of the development areas are not necessarily one for one, they are per inch to be replaced for replacement trees. He asked if those replacements were considered as their buffer landscaping or are those were elsewhere where those replacement trees are going. There are six trees they stated were being replaced. Mr. Sampson said they were going to include those in the buffer. Chairman Reynolds thought those needed to be separate from the buffer so those are some trees to be added. He believed there needed to be some clarity between the staff and themselves of the trees being removed because if they were over a certain amount they are classified, if it is a 30" tree they are giving them 30" of trees back at a minimum of 2". That is something they can work through. He knew the project to the north was adjacent to the residential and felt they could sprinkle some more trees there. He knew there was a buffer but just saying some of that good intent. Then also to kind of break up some of these long elevations and make it a little more welcoming, that would be something to be added. Any additional trees would be great. Some of these trees they are pointing to as replacements need to be clarified of the type and size so that can be verified what is and what is being replaced.

Liaison Urbanowski said in the review that trees 91 and 92 appear to be located on the neighbor's property. Is that something that needs to be clarified on the plans? Planner Enos said 91, 92, and maybe even 93. Chairman Reynolds asked if it was just 93 being replaced or if 91 and 92 were remaining. Mr. Sampson said if it is not on their property, they are not going to take it down and they will clarify that.

Chairman Reynolds said that is where they typically see the overlay plan to understand what is going on and do a strong X over the number of what is going out, they can go to the chart they can understand what is being replaced. There needs to at least be the minimum requirement of replacement with added trees on the north side and would also recommend additional plantings.

Chairman Reynolds said that in building "B" there is a parking space with a room labeled storage. What is that utilized for? Mr. Sampson said it is for the fire alarm and the audiovisual for the cameras/DVRs. Chairman Reynolds said so for the operational equipment so that is not someone's office. Mr. Sampson replied not at all, no shower no restroom.

Liaison Urbanowski asked about the grading within the 25-foot wetland buffer. Engineer Landis said he was sure they had a plan that shows that, he was just asking for them to review that and approve. Mr. Mac Hall stated that they are going to modify the storm pond and take it out. Engineer Landis said they intend to no longer impede the wetland buffer. Mr. Hall replied that it was correct, they would reconfigure the pond and add the wetland buffer.

Chairman Reynolds said they have a special land use and site plan approved so if they want to further deliberate, they can if not they can put some motions on the table to discuss.

Planning & Zoning Director Girling said that the ordinance actually does say that if there are any conditions on the special land use those conditions have to be put on the plan. Chairman Reynolds thought the intention for some of these conditional items was on the plan and then also in the condo docs. Planning & Zoning Director Girling said she can't emphasize enough that they, Ordinance Enforcement, and at least what is in the condo documents. If there are regulations, she understood as Planner Enos said putting in the condo documents so anyone purchasing is aware of the regulations. Anything they are looking for that is meaningful to them

on the special land use has to be conditioned on the special use which is then put on plan and that is what they then can have enforcement enforce.

Moved by Chairman Reynolds, seconded by Commissioner Walker, that the Planning Commission **approve** PC-23-58, PTV Boat & RV Storage Special Land Use Request for Condo Recreation Vehicle Storage, located west of 3020 Indianwood Rd. and east of 3200 Indianwood Rd. (parcel #09-05-301-016) for plans date stamped received February 27, 2024. This approval is based on the following findings of facts: that with the added conditions the proposed use within the (LI) district is compatible with the adjacent uses, there are adequate public services provided, and there is no detrimental effect on the traffic within the surrounding area; with the enhancements to the property there will be no concerns with adjacent uses. This approval is subject to the following conditions: that the hours of general operation are understood to match the township ordinance of 7 a.m. to 10 p.m. with decibel levels to meet the township ordinance, outside of those hours are understood as quiet hours which would limit the use of the property to owners only, and to limit use outside of units, therefore, limiting use to only the inside of the units; noise levels would meet the Township standard and when there would be a concern by Code Enforcement that there would be repercussion as enforced by the HOA to such party making the noise complaint; there is a restriction that there is no sleeping with their units, gathering or having parties; there are restrictions that there is no modification of the exterior of the units including installing signage painting or any other outside improvements of the units; and there is a restriction that occupants or owners cannot wash their RVs at that time. These conditions will be put forth on both the site plan and also within the condo docs which are to be submitted and reviewed by the Township. Additionally, there needs to be resolution of the open site plan issues as identified in their Planner and also by the Township Engineer; the Township Fire Marshals conditions of a previously stated International Fire Code 503.5 and other mentioned codes need to be met; there be a clarification of the tree replacement calculation and trees be replaced as such on the site plan; additional trees be added to the north side of the property; there is also a condition of lighting being no greater than one footcandle amongst the property except at the entrance gate.

Discussion on the motion:

Planning & Zoning Director Girling wanted to make sure those were all related to Special Land Use. She thought he might have crossed into the site plan with some of those components of the plans being updated. Are those truly his conditions of the Special Land Use.

Chairman Reynolds amended the motion, Commissioner Walker re-supported that the trees yes, the amendment of the grading was no, and the lighting yes. That is with the understanding that those conditions will not only be put on the site plan as conditions of the Special Land Use but also within Michigan drafted Condo Documents that can be there, and they cannot be revokable.

Ms. Jill Thielen 100 Schroeder Oaks Lane, her property is west of this development, and she just found out about this today. She had a small concern that their land water runs west to east through that area. She didn't know how deep this project was, but they had had neighbors east of them block the waterway and all of their house's flood. She didn't know if there was any rerouting or addressing the water land behind there because there was a flow of water behind that. She didn't know if that had been addressed, that was her concern.

Chairman Reynolds said the proposed development is on the majority of the eastern half of the parcel and that there is storm detention located on the northwest corner of that

parcel and it is an extension of the storm detention that is on the industrial property to the north. At this time there are no additional modifications of the eastern grading. The development is along Indianwood Rd., the parcel is much deeper than what is being developed. Mr. Hall said they are not going past the woods line. The creek is on the far north side of the property.

Chairman Reynolds said to clarify the concern made by the public was the water runoff which is what their engineering review takes a look at here. That is incorporated as a review item.

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

Chairman Reynolds said there was no requirement for a wetland setback waiver based on the discussion. The wetland setback waiver was for the storm improvements within the wetlands. Engineer Landis said the current plan shows an impact to the wetland buffer, very minor, the applicant has indicated they are going to revise the pond to avoid that impact. They will review the amended plan when it comes in to ensure that.

Chairman Reynolds stated with the understanding that a wetland setback waiver is not required but an amended plan would be is there someone looking to make a site plan motion with conditions.

Moved by Commissioner Walker, seconded by Secretary St. Henry, that the Planning Commission grants site plan approval for PC-23-30, PTV Boat & RV Storage Site Plan located west of 3020 Indianwood Rd. and east of 3200 Indianwood Rd. (parcel #09-05-301-016), for plans date stamped received February 27, 2024, based on the following findings of fact: this approval is based upon the petitioner resolving all the remaining issues in the Planner's review letter, and also resolving all remaining issues from the Engineer's review letter. These findings of facts that the Chairperson indicated in the previous approval be incorporated into this approval.

Discussion on the motion:

Chairman said for clarification the final comment by Commission Walker was to pull forth the Special Land Use conditions. He thought just the fact that the operational condition items that were spoken to and the Special Land Use be provided on the site plan as conditions and understood as such, he thought was an intent here. Also, with the intent that finalized condo documents be reviewed and approved by Township staff are two large items. He will note that there is a review for the Fire Marshal for his conditions of the fire access gate that he didn't think was in his motion.

Planning & Zoning Director Girling said they see a lot of plans that they leave up to the consultants to look at. If they are looking at it, they are giving language that is going to be within the condo documents. What happens when it is something that is not clear? She had a concern with them not seeing them back that they are giving the responsibility to them to interpret what they are looking for those documents to contain.

Planner Enos said if Planning & Zoning Director Girling, he and their attorneys run into issues, and they can't come to an agreement with the applicant perhaps suggest bringing the condo documents back to the Planning Commission.

Chairman Reynolds said they are trying to give the opportunity to move forward. They are empowering their staff but obviously, if there is disagreement between the staff and the applicant it would come back for the discussion of the condo documents.

Planning & Zoning Director Girling said the ordinance does say for condos over certain acreage and number of units an additional level of approval has to be sought by the Board of Trustees.

Chairman Reynolds said they have a motion to grant site plan approval with the conditions of addressing their reviewers' reports, professional consultants addressing the Fire Marshal along with the general conditions of use that were set forth within the Special Land Use, along with the condition that if there are unresolved items within the amended condo docs that it comes back to the Planning Commission.

Commissioner Walker amended the motion, re-supported by Secretary St. Henry that the operational condition items that were spoken to and the Special Land Use be provided on the site plan as conditions. Also, with the intent that the finalized condo documents be reviewed and approved by Township staff. And that the review from the Fire Marshal with his conditions of the fire assess gate. Also, if they run into issues, and they can't come to an agreement with the applicant regarding the condo documents they need to go back to the Planning Commission.

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

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Moved by Chairman Reynolds, second by Liaison Urbanowski, to provide a five-minute recess at 9:12 p.m.

**Motion carried.**

Chairman Reynolds reopened the regular meeting at 9:18 p.m.

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C. PC-23-32, The Villages of Orion, request for a proposed amendment to a consent judgment, and site plan/wetland review, located at 823 N. Lapeer Rd. (parcel #09-02-126-020).

Chairman Reynolds said because this is a consent judgment they are asked as the Planning Commission to determine if the information present is enough to determine site plan approval and this is not by them. Unlike a PUD process or a site plan approval, which was previously granted with the last case, they are not even a recommending body, it is strictly between the consent judgment and the Board of Trustees. They are going to take a look at some of the information and there may be some discussion but just to clarify they are not motion makers in the sense of deliberating or making any recommendations. Earlier this case was in front of them before, it wasn't ever denied it was postponed for the same reasons of not enough information being provided, so that is why it is back to them, so it was not provided to the Board of Trustees. If they choose, if there is enough information, it would be able to have action by the Board of Trustees at a future date.

Chairman Reynolds asked the applicant if there was anything else they would like to add.

Mr. Jim Buter stated that he didn't have much more to add than what they had presented during the public hearing. He would be happy to answer any questions or concerns.

Chairman Reynolds asked if there was enough information present to determine site plan approval. The second thing would be to go through some of the comments they see in the plan just to bring them forth for the record.

Planner Enos read through his review date stamped March 11, 2024.

Engineer Landis read through his reviews date stamped March 14, 2024.

Chairman Reynolds said the reviews have been read, the applicant was able to give a presentation earlier. They are not a deliberating body but what he would recommend is whatever motion they choose this evening, to potentially put that on the table and any comments can be noted within the minutes. Within the Board of Trustees obviously it is not a mention of recommendation or approval or denial but at least just noted for record's sake. He knew he had a couple of comments. If someone is willing to take that suggestion and make a motion they can further deliberate on that motion.

Vice-Chairman Gross said he listened intently to the applicant this evening as well as the residents. He agreed with some of them on both sides. He thought there is an argument that can be made for multi-family and some residential on the site, intending to reserve more open space and could be less traffic than what the current office that is allowed on the property could be. However, as the plan was reviewed and as he has reviewed the plan the applicant acknowledges in the site plan that there are 14 deficiencies from what our current ordinance permits and allows. Ranging from the density is an excess of what the Zoning Ordinance would permit under a multi-family designation. The building lengths are in excess of what the ordinance allows by almost 1/3. Area setbacks to the ordinance are insufficient. The building heights not only requested three stories which is an excess of the two-story limitation but the actual height, and they indicated they wanted to increase it to 36' 10" which is almost 37 feet in height. The access to Iroquois Drive has always confused him, it is a private drive and who has the rights to the drive? One of the other issues that was brought up by the residents was obviously traffic and that came up a number of times. When traveling that area quite often there is not a signal from the intersection at Oxford and Drainer, down almost to the post office turnaround. Any northbound traffic that would want to go into the site would have to get into the crossover and wait and hope for some kind of opening to get into the southbound lane to get into the site. Granted that's an MDOT problem but thought it was something that needed to be addressed globally in terms of how that issue with that access of a mile without a traffic signal without any break into the traffic and how can that be rectified. He found it difficult to give a positive referral to the Board of Trustees with a number of deficiencies that have been identified, not only by their consultant but also by the applicant themselves in their plans as submitted.

Liaison Urbanowski stated she wrote down what an appropriate density for something like this. It is definitely not almost 10 acres per unit, when originally it was not multi-family. They keep talking about these steps and in her brain is where they went. If they cut out that (OP) that happened with the consent judgment they would have gone from these properties that have one house per acre to 10, that is a huge jump. She didn't like the idea of these three-story really long buildings 39-55% longer than they allow, that is the variance that they would need. All of these requests for deviations from the ordinance make her uncomfortable. There was a comment in there about the projection of the decks, they want them to be a certain size but because of the limitations, they can't even be the correct size to be useful enough. She asked if she understood that correctly. She felt like they couldn't put a bigger deck or a proper deck because of the setbacks. The comment was made about multi-family being 47% nationwide and nobody wanting to live in homes anymore, they have heard time and again from other community members for other developments that people do want to buy houses, and she knows that they do. They have a lot of multi-family already approved and adding 1,500 units is a lot of

units to add on to that. There is no demand for offices, that is not true they just approved a brand-new medical office building which is exactly what the original intent of this was to be a dentist's office. They were also talking about a car dealership on Lapeer. Retail is and there are people building retail buildings and people building medical buildings on the same road. When they do their Master Plan or when surrounding communities do their Master Plan, they have to submit it to them, and they have to look at it because they have to be mindful of their neighbors someone said they brought up development in the surrounding areas. She thought they were at this pinch point right now where they have to start thinking about that because what happens in Oxford is going to affect us going down Lapeer and then jamming right into what is happening in the Village which they don't have any control over, but they should be mindful of it. She wrote the words to be mindful, somebody said that, and she appreciated that. They should guide growth in a rational manner, this is the second time someone brought this up to them in a Planning Commission meeting from their own Master Plan, so she appreciated that reminder. Public safety, they have an excellent Fire Department but there will be a point where it is going to be too much, and they need to start thinking about that because of all of the things that are approved and not there yet. She has her notes from the last time and the difficulty of getting off of Manitou onto Lapeer and the kids getting onto the bus, 100 something units conceptually there would be a lot of kids there so how many other bus stops are they adding, nobody mentioned that but that could be a thing as well. She felt like it was the stepsisters trying to put on the glass slipper. It was not for them it was for Cinderella.

Commissioner Walker said he concurs with 97.5% of his fellow commissioners.

Secretary St. Henry stated that while this plan has merit in some respects, if it was proposed 20 years ago it may have flown but a lot has changed in Orion Township in the last 20-25 years and in Oxford Township. Given the fact that they have approved a number of multi-family developments because there is a need for it. He agreed with Liaison Urbanowski that they need to see how all of that plays out, they can't control what is going on in the Village. He didn't think that this development was in the wrong place right now in this community. Perhaps they need to put the breaks on a little bit for this development and see how things play out over the next few years. If this development was located someplace off the main corridor and not north of the Village given everything that is going on in the Village over the next several years, maybe it would work but where this is where it is at right now, he was not convinced that it is an optimal place for it.

Chairman Reynolds said he tends to agree with all of the comments said this evening including that of their professional consultants who take a lot of time to review these plans, and this is not the first time they have seen this. He thanked the public for coming out and spoke to the process even though this one is a little different. He wanted to note that he doesn't see the benefit here of asking for an amendment to the Consent Judgement to go from (OP) to (RM) zoning and then therefore deviating so significantly from (RM) zoning in self-created deviations. If this were to be a PUD, they have spoken to this many times before about PUDs or creative zoning, and although not the same this is something that he looks similarly to, to where it is a tricky property. Hence why there probably was a consent judgment in the first place. It isn't a rule of thumb to just blow out of the water all of the requirements of those sections. He did have concerns about the three stories when they allowed two. He thought the buffers needed some work not to mention the building lengths with these units are far exceeding what their requirements are. Almost 9 dwelling units per acre exceed (RM) let alone the underlying zoning as it sits right now. He did think there was a creative way to come up with a solution for this property and he understood the economics play into every one of these deals. They also have a job beyond just the Master Plan of addressing issues of concern and essentially just because the underlying Master Plan looks at maybe higher densities as they have seen even very recently that is not the sole reason to allow for such strong deviations. They take a lot of pride

in the Master Plan; they spend a lot of time with the Master Plans speaking to PUDs and multi-family and the missing middle. They do and they hear him say this a lot about transitional zoning, so he is well aware of that. He didn't know if inherently the way this project is designed, although multi-family as a general statement as being transitional, he didn't see how the development other than working around the parameters of the site is acknowledging a tasteful transition from a high traffic M24 to large parcels to the west. As Liaison Urbanowski tastefully, a lot of the public comments this evening talking about the idea of leapfrog. However, there is a zoning adjacent to M24 that is likely to adhere to missing middle into multi-family when it starts venturing off of that and they have seen this in locations on the south side of the Township. They have had a lot of discussions and multiple proposals on it, and they have come up with similar conclusions here. He thought there was some significant work here over some of these self-created issues that he thought were proposed. He also thought there was some valid comment this evening just on the fact that although it goes back historically what about some of the underlying zoning before the Consent Judgment was a valid point he thought. The other comment is there are some things here that even with the Consent Judgment there is noted in Planner Enos's review there is a conservation easement. Where does that play into these gracious 2-3 acres that they are being provided, is that required by the Consent Judgment or is that being provided for open space? It kind of realigns the density that they are taking a look at. No offense to the applicant but obviously they have looked at sites like this critically where the property goes far into the wetlands, but it doesn't necessarily mean that they get another 20 dwelling units per acre. Furthermore, they spent a lot of time in the Master Plan talking about multi-family that they would like to see. He thought if it was a PUD or something like this that needs to get a little creative. They know that there are multi-family missing-middle components that tend to be higher dwelling units per acre than even the ordinance allows but they could promote cluster development, or the open area that they are looking for, the cottage style, the 4-plex, the duplexes, those things that they are starting to see in the Township elsewhere. Although somewhat has been proposed in this plan, these large elongated multi-story buildings just kind of go back to the same old multi-family. He thought they laid a lot of groundwork in the discussion here as a Commission that speaks to what they would like to see, and he knew if they had the opportunity to speak to an approval, denial, or recommendation in his opinion would not be favorable with the plan as submitted.

Chairman Reynolds stated that he knew they had the opportunity to discuss here at the Planning Commission but at this point, their job here is not to deliberate or make a recommendation. They have a right to speak on the record but their job here is to determine the amount of information that is present. They have held the requirement not once but twice for the public hearing requirement for the Consent Judgment. The question is is there enough information present for the site plan review by the Board of Trustees and do they want consideration by the Board of Trustees?

Moved by Vice-Chairman Gross seconded by Commissioner Walker, the Planning Commission **refers** the record that was repaired this evening including the presentation by the applicant and the results of the public hearing from the citizenry regarding the amendment of the MARS Consent Judgment dated November 6, 2000; that the Township Board be provided with the site plans as submitted which indicate the deficiencies of their Zoning Ordinance and it is referred back to the Board for consideration for a decision.

Discussion on the motion:

Chairman Reynolds said it would also be the consideration of the wetland permit if required. Allow them to take action and to just clarify beyond just site plan action that they may need to take action on the wetland.

Vice-Chairman Gross amended his motion Commission Walker re-supported that it would also be the consideration of the wetland permit.

Liaison Urbanowski said she wanted to make sure that everyone understands that they have two options, postponing it or referring it back to the Board of Trustees, they can't do anything else. They could keep postponing it or they could send it to the Board of Trustees with everything that they just talked about. Chairman Reynolds said the task that they have been asked to do is essentially to say the information present to review the site plan. If not postponement, if so, forward it to the Board of Trustees.

Ms. Margy Rusell 805 N Lapeer Rd. said she wasn't sure what board they were sending it to. Chairman Reynolds answered the Board of Trustees. Ms. Russell asked if they had public meetings. Chairman Reynolds answered yes; the Board of Trustees, Liaison Urbanowski is our Treasurer, so she is a member of both the Commission and the Board of Trustees. That meeting will not be advertised similarly to the public hearing, but it is available if they reach out to their Planning & Zoning staff, they would be happy to provide them with that date. It is not their job to give everyone the calendar, but they will do their best to make all of that information as easily accessible as possible. They are not taking any action this evening other than saying there is enough information for them to now consider a decision.

Ms. Jill Recker 925 Manitou said she would like to offer up a possible correction to the jurisdiction under EGLE for the wetland protections. She has only done minimal research and referred to Engineer Landis. On the EGLE subsite of Michigan.gov, it does say that Federal oversight of the State Administered 404 Program is primarily under the EPA. Michigan's oversight is granted by the department's 1983 memorandum of agreement with the US EPA that waives federal review of the mass majority of applications under Michigan's 404 Jurisdiction, however, federal agencies must review projects that impact critical environmental areas, or that involve major discharges and major discharges as a definition includes projects affecting one or more acre of wetland. Chairman Reynolds said their staff is pretty aware of what is going to be regulated by EGLE and then also what is regulated by the Township. He thanked her for the comments. Engineer Landis said in their opinion, and it was also the opinion of the applicant's wetland professional but as noted in their letter the ultimate decision is up to EGLE. He added that there are more reviews to come.

Secretary St. Henry asked if they consider the postponement of this does that give the applicant the opportunity to make any changes based on what was discussed tonight? Chairman Reynolds said if they so choose. No different than the last time the project was postponed for some of the deficiencies that were brought forth and that the applicant had the ability to come back and do tonight. The answer would be yes.

Mr. Joseph McDaniel 180 Iroquois said they spent about 45 minutes talking about the boat and RV storage and you expressed concern about the noise and people coming and going. Here they are talking about a few boats or RVs on a daily basis, right now they are talking about a multi-family apartment complex with hundreds of people in the good weather, they are out there barbequing, kids are running around, dogs are barking, people are yelling, they are working on their cars, and they are doing it from whatever the Township ordinance permits 7 a.m. 10 p.m. or 8 a.m. to 10 p.m. everyday all day and they can't escape it, they live there, that is where their homes are. This is where they set down their roots like the one lady said that she was here to start a family. He didn't understand why they don't postpone this to help these developers come back with single-family homes, if they have to have something put in some duplexes don't come



back with multi-family apartment complexes that don't even meet the ordinances. Everything they have offered, and this has been going on for years now has always had something that is a direct violation of Township ordinance, it is like they have a contempt for them, and their ordinances and they don't care. All they want to do is make their millions and get out of town. Please postpone this and make them do it right, put in some single-family homes or duplexes.

Ms. Mary Brett 857 N. Lapeer Rd. said if they refer them to the Board of Trustees will they be able to change the drawing in between that or are they going to have to submit what they currently have? Chairman Reynolds replied to submit what they currently have. He added that this project is very different than what they have seen for years, this is a Consent Judgment. They don't have the ability to say no, they are not a recommending body similar to other cases like a PUD they are strictly here to establish where enough information is presented on the plan that a site review could be completed by the Board of Trustees. The Board of Trustees is the determining maker, and they have the ability to kick it back to them to approve or deny, they don't have action. They are strictly having discussions and reading the review letters into the records so they can also put their comments on the record and hope there might be a change. They echo a lot of the concerns, but this is not a straight up project. Unlike a PUD they don't even approve those they recommend approval. It is a multi-step process unfortunately this is also that it is just a little format due to the Consent Judgement.

Ms. Denise Murray 400 Manitou Lane said they talked about retail they do have needs for daycare centers. There is nothing north of Heights Rd. that substantial as it is south, they need additional daycare. There are no indoor activities, they are all driving their kids to Oxford to the trampoline park. Thank God they bought Great Lakes Athletic Club, but they need something fun. It is so close within walking distance; it could be awesome. She thought there were a lot better opportunities for this land.

Ms. Eugenia McDaniel 180 Iroquois said she believed that single-family homes would match the homes that are already there, and there are a wide variety of big homes, small homes, and older homes, they are all at least 25 years old, she believed, that would be better. If they leave it as is, which is also ok, they will have traffic between 8 a.m. and 6 p.m. however long, doctor offices are open, or childcare centers, you have to pick up your kid by six or you are paying \$50 bucks a minute. That is not going to be 24/7; you put in all those apartments those people are going to be coming and going 24/7. There are a lot more security issues there. She didn't need to repeat the kids at the school, or the kids in her little neighborhood going to school and having to fight the traffic, the traffic will be people coming in and going to the doctor leaving or whatever else is there it won't be as bad, but ideally single-family homes.

Mr. Scott Gabriel 941 Joslyn said they went right past the fact that they don't want to continue the safety path and pay in lieu of. He highly opposed that, that safety path needs to be continuous and go all the way down. In fact, one of their selling points is it is walkable, but how could it be walkable if they don't have a safety path?

Chairman Reynolds said they have a motion to refer the amendment to the MARSA Consent Judgement dated November 6, 2000, to the Board of Trustees for consideration of approval, denial, and further action as previously stated and elaborated in the motion makers motion, it was supported.

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

## **9. PUBLIC COMMENTS**

None.

## **10. COMMUNICATIONS**

None.

## **11. PLANNERS REPORTS**

### **A. Discussion on Tree Ordinance.**

Planner Enos said to just take note of the memo, they are working on the draft and thought they would like what they are coming up with. They have a draft together but let's look at it when they are a little more clearheaded.

## **12. COMMITTEE REPORTS**

None.

## **13. PUBLIC HEARINGS**

**A. 4-3-2024, a 7:05 p.m. PC-24-08, Kroger D649 Retail Fuel Center, request from a Conditional Rezone of one parcel, located at 3111 South Baldwin Rd. (09-29-126-039), from Office and Professional (OP) To General Business (GB) with conditions, in accordance with the concept plan depicting a fueling station with 8 dispensing columns that allow for 16 pumps, a 540 square foot kiosk, and an offer of additional conditions.**

## **14. CHAIRMAN'S COMMENTS**

None heard.

## **15. COMMISSIONERS' COMMENTS**

Liaison Urbanowski said she said no because she is going to have to do her best to explain to the Board what they talked about. Sometimes it is difficult to explain what this group of them is feeling. Commissioner Walker asked if they could play the meeting for the Board so they could see what they said. Liaison Urbanowski said she would bring up everything that she said, and she was hoping that people would show up for that as well. There is something to be said about being in this room and hearing firsthand and really getting into it. It is not that she wanted to postpone it, but she didn't want to refer. Commissioner Walker thought they all would have liked to have more options in this, but they didn't. Chairman Reynolds thought there were some interesting discussion points and some more work. Hopefully, the BOT can understand those discussion points. He thought that the public comments of why not go back to pre-consent, and he didn't know if that was possible. He thought that something would be developed there but the biggest thing is it is multi-family he wasn't against but no different than a PUD it can't just come in and just annihilate all of their ordinance requirements. Secretary St. Henry that the Board of Trustees are going to receive the same information that they received. If they read the minutes or watch the video, they will understand exactly what they were working with. They have to work with just that at this point because nothing can be adjusted. Commissioner Walker said he would volunteer his time to talk to the whole board if she would like. Secretary St. Henry said this is just another case they have looked at over the last two or three years and that they have to take a lot into consideration because there is so much going on in this Township right now. A lot of these developments that they looked at 20 years ago when there was a lot less going on may have flown but they have to take into consideration that things change.

## **16. ADJOURNMENT**

Moved by Chairman Reynolds, seconded by Liaison Urbanowski, to adjourn the meeting at 10:09 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton  
PC/ZBA Clerk  
Charter Township of Orion

April 3, 2024

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Planning Commission Approval Date