

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, MAY 1, 2024

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 1, 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
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Jim Butler
Nick Baldwin
Kenny Koza

3. MINUTES

- A. 4-17-24, Planning Commission Regular Meeting Minutes
- B. 4-17-24, PC-24-11, 1465 Brown Rd. Conditional Rezone, Public Hearing Meeting Minutes
- C. 4-17-24, PC-24-12, 825 Joslyn Rd. Orion Township Public Library, Public Hearing Meeting Minutes

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

4. AGENDA REVIEW AND APPROVAL

Moved by Liaison Urbanowski seconded by Secretary St. Henry to approve the agenda as presented. **Motion carried.**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

Moved by Liaison Urbanowski, seconded by Commissioner Walker to approve the consent agenda as presented.

Chairman Reynolds adjourned the regular meeting at 7:05 p.m. and opened the public hearing at 7:05 p.m. for PC-24-16, 1115 S. Lapeer Rd. Rezone, the request is to rezone 1115 S. Lapeer Rd. (parcel #09-14-226-004), from Office and Professional (OP) to General Business (GB).

Chairman Reynolds closed the public hearing for PC-24-16 at 7:07 p.m. and reconvened the regular Planning Commission meeting.

7. NEW BUSINESS

A. PC-24-16, 1115 S. Lapeer Rd. Rezone, located at 1115 S. Lapeer Rd. (parcel #09-14-226-004) from Office and Professional (OP) to General Business (GB).

Chairman Reynolds asked if the applicant had anything else to add. Mr. Butler stated he did want to go over one more slide.

Mr. Butler said in their Zoning Ordinance there were five criteria located in that. He thought that the Township Planner would go through it. Number one was the objectives of the Master Plan, this amendment is consistent with the Master Plan, showing that it is general/commercial. Number two, the existing property in the general area in question and the uses are primarily commercial in nature and the proposed would be consistent with those uses. Number three is the zoning classification of the property within the general area, in question the property, except for the existing dental office, everything in that area is General Business, and the rezoning would be compatible with the adjacent classifications. Number four the suitability of the property in question for permitted uses under the existing zoning classifications – the property has frontage on Lapeer Rd. the width exceeds the requirements for General Business. The parcel is located along Lapeer Rd. which is a primary commercial corridor within the area and the site can be utilized for a variety of general business uses. Number five, the trend in the area is generally in question, including changes that have recently taken place in the zoning. The subject Master Plan is Master Plan general/commercial, as are all the adjacent properties, the Master Plan and Future Land Use plan depict the Lapeer corridor to be developed in a commercial manner. They feel they meet all those criteria.

Planner Enos read through his review date stamped April 24, 2024.

Chairman Reynolds said there was also a review from the Fire Marshal, and also the Director of Public Services with no major comments.

Chairman Reynolds added that for any rezoning request, they are a recommending body, so the Board of Trustees is also involved in this process.

Moved by Secretary St. Henry, seconded by Liaison Urbanowski, that the Planning Commission forward a recommendation to the Board of Trustees to **approve** PC-24-16, 1115 S. Lapeer Rd., rezone request, requesting to rezone 1115 S. Lapeer Rd. (parcel 09-14-226-004), from Office and Professional (OP) to General Business (GB) for the application date stamped received April 4, 2024. This recommendation to approve is based on the following findings of facts: this request meets the objectives of the Master Plan; it is aligned with both their current zoning as well as the future land use; the existing uses of property within the general area of the property in question are consistent and is surrounded by General Business (GB) and General Business (GB) zoning and this would make this conform to that; the zoning classification of property within the general area of the property in question, this piece of property is surrounded by other commercial developments with the exception of the doctor's office just south of it; the suitability of the property in questions to the uses permitted under the existing zoning classification, it meets all the proper frontage requirements for this type of development; this request to rezone

from (OP) to (GB) is consistent with all of the developments surrounding it and it is a major commercial thoroughfare.

Discussion on the motion:

Vice-Chairman Gross said there is currently access to the north to the Meijers site, he asked if that is going to remain. Mr. Butler replied yes, that will remain.

Vice-Chairman Gross asked if there were any intended use of the subject property, he knew it was early. Mr. Butler replied what they are proposing is to demolish the building, it is currently owned by Oxford Bank, the applicant is buying the parcel from the Bank, and is going to be constructing a single-story building that will house the bank and other retail and restaurant uses.

Vice-Chairman Gross said he was curious if this was a candidate for a cannabis location. Mr. Butler replied he didn't think so.

Chairman Reynolds said he agreed with all of the items in the motion, he appreciated that the applicant hit not one but all five of their criteria for a rezone. They tend to see some that hang their hat on just one item and think that it should be a slam dunk, which is not always the case. He was in support of it and thought it was consistent with the area.

Liaison Urbanowski said she was wondering about the Oxford Bank as well, as they take tax payments to that bank. She liked the idea of not having to move that.

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

8. UNFINISHED BUSINESS

PC-24-10, Township Initiated Text Amendment – Tree Preservation

Planner Enos said they were in the process of amending this language as discussed in their last meeting. Their plans are to have this draft language to them and be comfortable with it for the May 15, 2024, Planning Commission meeting, at least in a form that they can share with the Township Attorney so that they can give them the go-ahead to move it forward. He knew that Planning & Zoning Director Girling's team had done a great job of putting together a couple of flow charts for clear-cutting and tree permitting. Their engineer made some good comments in regards to whether they are going to get much more strict they perhaps want to be prepared for that not only from a Township consulting standpoint, but also to maybe take a look, and he will incorporate this into the language, that would give them some different incentives to protect trees rather than just paying into the tree fund and they will incorporate those into the language. He thought they had good comments last time talking with Sally who is their tree expert. She is making those changes and making it stricter than the one they provided and also added some flexibility as they had suggested depending on the site.

Chairman Reynolds said there was a letter in their packet from Engineer Landis of OHM just general feedback. Generally, in support of toughing up some parameters but thoughts on toughing them up and incentivizing working around trees versus it just being translated towards – hey we want money to replant trees. If they were to button up their tree ordinance, they might need to consider review times, and general parameters of what that means in scope. He thought that was a valid concern and thought that some of the discussion from the last meeting was about do they lower some requirements especially residentially and raise others because a survey costs "x" and a survey with trees cost quite a bit more. Just real impacts to projects and

things but thought overall that fine balance of protecting their trees but also being reasonable with applicants and residents.

Commissioner Walker said he would like to combine the ZBA issues of fencing with this issue. One of his neighbors across the street from where he lives is stuck on Indianwood Rd. close to the property line about 10 6-ft. arborvitaes just planted it makes his heart sing. It is a fence, but it is not a fence, it is green things growing and they can't see through them to see its house. He thought if everyone did that, look how great it would be around here.

Liaison Urbanowski said he was sorry she wasn't here at the last meeting for this conversation, but she did listen to it. She agreed with Commissioner Walker that they have gone from overlooking it a little bit to strengthening what they are saying, and she was proud of them doing that too. She thought that some of the things that Engineer Landis said were great points, incentivized rather than penalized. They do have an arborist. Planning & Zoning Director Girling said they do, but he works for Parks and Rec, if they are talking about the time to go out and check a site that is a full-time arborist for Planning & Zoning. Again, they have the consultants that have someone to look at the plans but if somebody is going out to a single-family home and they want to do this who is going to look at it?

Chairman Reynolds said he agreed with the concern, but it wasn't much other than the research they do with how accurate a civil plan is or things along those measures. They entrust through some of that and obviously, if there are errors, there are actions they can take. He felt they had enough resources where they were meeting the spirit or the intent of what is there, aerial images or Site Walk Committee various components. He thought they all could agree where – hey this is a pretty heavily wooded lot. Maybe for the Commission and for the Site Walk Committee that is where OHM arborists, when they do have something, can walk them through some of the parameters of things to look for, a 20-minute training component if there is something there. They are kind of visually validating what they are going to see in their packet.

Planning & Zoning Director Girling said what she would like to do is to reach out to Auburn Hills since they used that as a specific example of all of the things that were a fallout of a more intense ordinance and just talk to them. Whether they can send her an email regarding did you think of this and that. She wasn't saying the direction they were going she was opposed to; she was just saying that hearing him bring it up from his exposure with Auburn Hills are a number of things that she thought they could consciously say – yep, we know it. Again, is it an increase in staff, is it her staff is it paying a consultant, all of those things?

Planner Enos said some communities do use an arborist. He knew in Northville, if they cut down an arborist had to go look at that tree, just a single tree in Northville has to be okayed. They are not that far yet, they are not going to be that strict. In Canton Township tree removal is reviewed by a forester or an arborist and they have to give a report back to the community as part of a site plan or part of an overall project.

Chairman Reynolds asked if that could be a parameter if they did run into someone clearing the property where they would prompt that and say – hey they need to have their thoughts on this. Planner Enos said absolutely. Chairman Reynolds said that may be an action where they beef up that review and that consultant. Looking at a 77-acre site, they want to make sure they agree with the general gist. He thought food for thought down the road he was sure they would come up with a good ordinance. Planner Enos said they will.

Planner Enos said in regard to Commissioner Walker's question on fencing he thought that kind of dovetails on what will be the next phase will be updating their landscaping section and those kinds of things will be tied into that.

Vice-Chairman Gross asked if they would be getting some comments or reviews from some developers as to the impact of the ordinance just to see the other side of the fence. Chairman Reynolds replied that he doesn't oppose it, to not create these in a vacuum. He was sure there would be the other end of the perspective but at the same time, he thought that was valid to see and understand. They did see a couple recently here where they have applicants, and property owners that are willing to work with them, but they need some further guidance and he thought that would help. The what ifs or hey have they considered; but he was sure there would be some upturn on some of their thoughts.

Vice-Chairman Gross said it would be nice to get some of that before the public hearing.

Planner Enos thought that their biggest issue if they do share that with them is going to be no longer treating the stormwater, utilities, and the infrastructure areas – the development area.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

None heard.

15. COMMISSIONERS' COMMENTS

Commissioner Walker said in three weeks there is a library book sale. He thought it was around May 15th.

Secretary St. Henry wanted to thank Planning & Zoning Director Girling for setting up the Planning & Zoning Essentials Workshop on Monday, he found it very useful, and a nice refresher, good material.

Vice-Chairman Gross said he would like to give accolades to the Planning staff and to the Chairman for following the best practices that were outlined at the training session. He thought it showed them that they were doing things in a sound very practical way.

Planning & Zoning Director Girling spoke about the recent conference and the need for giving a narrative at the next Planning Commission meeting.

Chairman Reynolds said they really do have the best Planning & Zoning Department in Oakland County. He doesn't just say that, but after doing work in a lot of Townships and municipalities, they go above and beyond to the point that they are trying to figure out their problems on their behalf too much. They do a really great job of pushing projects through. There are very few commissions that meet for three hours twice a month on a regular basis. Kudos to everyone

here who makes the commitment to read their packets and be here because it is a crappy job sometimes.

16. ADJOURNMENT

Moved by Chairman Reynolds, seconded by Commissioner Walker, to adjourn the meeting at 7:28 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton
PC/ZBA Clerk
Charter Township of Orion

May 15, 2024

Planning Commission Approval Date