

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, MAY 17, 2023

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 17, 2023, 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	Jessica Gingell, Commissioner
Kim Urbanowski, BOT Rep to PC	Joe St. Henry, Secretary

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:

Kyle Wrentmore Patrick J. Mahoney

3. MINUTES

A. 5-3-23, Planning Commission Regular Meeting Minutes

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

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

A. PC-2021-09, Natrabis DBS Society C Site Plan, Plans Date Stamped 11-16-21 Approval of Destruction of Documents.

B. PC-2021-01, Dutton Park Site Plan, Plans Date Stamped 1-13-21 & 4-1-21 Approval of Destruction of Documents.

C. PC-2021-90, Ridgewood PUD Concept Site Plan, Plans Date Stamped 11-2-21 & 12-14-21 Approval of Destruction of Documents.

D. PC-2021-68, Dutton Park Site Plan, Plans Date Stamped 8-25-21 & 10-15-21 Approval of Destruction of Documents.

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, to approve the consent agenda as presented. **Motion carried.**

Chairman Reynolds recessed the regular meeting at 7:05 p.m. and opened the public hearing for PC-23-15, Lapeer Road Burger King, Special Land Use Request for a Drive-Through, located at 1155 South Lapeer Road parcel #09-14-226-011.

Chairman Reynolds closed the public hearing for PC-23-15 at 7:10 p.m.

7. NEW BUSINESS

A. PC-23-15, Lapeer Road Burger King, Special Land Use and Site Plan, located at 1155 South Lapeer Road parcel #09-14-226-011.

Chairman Reynolds asked Mr. Nadis if there was anything else he would like to add before he turned it over to their consultants for their review of the project.

Mr. Nadis said that just as there are standards for adopting a Special Land Use permit there are also standards for site plan review. He could recite them to them and have them all spelled out, but the Planner has actually done the same thing and has addressed a lot of the issues that are required for them to consider. Looking at the site, some of the features that they are changing on this site plan contemplate adding the double drives which should help with the backing up of the traffic because there will be two places for people to drive up. They add from the existing site in addition to shrinking the building a bit and reducing some of the parking, which was really overparked. They have added a road in front of the building that will allow for cars that get through the drive-through and realize they forgot their fries and what to get back. It could be any reason but if they needed to get back, they don't have to go all the way out on Lapeer Rd. to do that. Otherwise, the site is essentially what it is today just cleaned up, spiffed up, and with a brand-new building on there.

Mr. Nadis stated what he thought he would instead of addressing those standards specifically get to the Planners and the Engineer's comments and see if he could address some of those first.

Mr. Nadis said he listed a series of items to be addressed in reviewing this plan. The first thing was clarifying what vehicles are going to do when they are coming from the north. There is an access road that leads out towards the Meijer and then down at the northeast end of the site and then it comes back into the site. He thought the Planners' comment was that if someone comes in from the north and wants to use the drive-through when they make their left turn, they could encounter cars that have backed up to that point. He thought that was theoretically true and didn't take issue with it except to say that he thinks that that likelihood is pretty remote. Most people are not going to come to the Burger King from the Meijer, but if they did and they wanted to use the drive-through what they are thinking is that they would make that turn and any cars that were backed up those cars are stopped and what they could do, as the planner suggested, they could add a yield sign to allow cars to come in and make that left turn. That is how they proposed to address that issue. They don't see it as a major issue, something to be considered, but doesn't seem to be something that is likely to create safety issues given the fact that the cars backed up are going to be stopped and they just have to let somebody in.

Mr. Nadis stated there was a question about providing wheelchair access and inclined sidewalk and more detail will be placed on the final plan that is submitted that will address that very issue.

Mr. Nadis said there was a question about whether the asphalt surfaces would remain or be replaced. He wasn't sure if the comment was to put something on the plans that say that or if it was simply a question, and the answer is that all of the surfaces are going to be replaced. They contemplate repaving in one fashion or another all of the current surfaces both along the access areas, the parking areas, and the drive behind the access road. The answer to that is yes and they would be happy to put that on the plan.

Planner Enos said that Mr. Nadis had indicated earlier that they felt they were overparked and typically fast-food restaurants are. The uses are changing, most customers will be using the drive-through. He did have some concerns on the north side, it is unusual to see parallel parking in a fast-food restaurant parking lot. There is a lot of action coming in there whether they are coming in from Meijer, or they are coming out of the drive-through, or just coming out of the restaurant and driving out. He asked if there was a need for those 5 or 6 parallel parking spaces. If they are taking out the asphalt it may be better suited for just additional landscaping if those are not necessary.

Mr. Nadis stated that when he said the site was overparked he was referring to its prior iteration. This plan does not have overparking, in fact, he believes those parking spaces are there to make sure they have sufficient parking. Planner Enos said they did meet the parking ordinance requirements but there is some flexibility depending on how the Planning Commission feels about those kinds of things. Mr. Nadis said he didn't know that there was any desire to have parallel parking there. They are not designed for cars waiting because it is before the window, so it would be an awkward place for cars who have placed an order and need to wait for it. He stated that he was with Kyle Wrentmore with Mannik & Smith Group, who is their engineer, and also Patrick Mahoney who is their architect that helped them get this plan going.

Mr. Nadis said there were some stormwater detention issues that were raised by their engineer. He will address those in a moment.

Mr. Nadis stated that the lighting plan was not submitted mostly because he thought there was a concern that if the layout hadn't yet been finalized there was some moving of the buildings. They do contemplate submitting a lighting plan that is in compliance with the ordinance.

Mr. Nadis said that there was a dumpster enclosure that somehow did not make it into the plan. The dumpster enclosure will be submitted but wasn't part of the submitted plan but will be.

Mr. Nadis stated that in the landscape detail, there was a question about the side and rear greenbelts. He spoke with the landscaping engineer, and they have been assured that first of all the trees that are shown on the side yards are contemplated to be left in place and that when it is all said and done, they will meet the required number of trees under the ordinance.

Mr. Nadis said that there was a suggestion that there be some sort of safety walking area. He talked internally about adding a marked pedestrian walking crosswalk leading to the existing sidewalk. He thought that would address concern but was happy to hear their comments.

Mr. Nadis stated that signage would be added to address the question of the people using the drive-through windows themselves.

Mr. Nadis said the engineer also made a few comments that they wanted to address and that the parallel parking spaces were apparently a couple of feet short, and the next turn of the plans they will be expanded by a couple of feet to address that.

Mr. Nadis stated that there was a question about the landscape plan and how it interrelates with the storm detention system. If they look at the utility plan the idea is to have these pipes underground to store stormwater, that will be the enhancement for this site to make sure there is more stormwater capacity. He showed the Planning Commissioners the landscape plans. The tree in the middle would sit on top of that and the suggestion was, that was not such a great idea, so they are going to move that to somewhere else on the site. That will be in the new plan.

Mr. Nadis said the Monitoring Manhole will be added to the plan as requested.

Mr. Nadis stated that the specifications for the asphalt pavement will be complied with. They apparently didn't have them quite thick enough and it will be.

Mr. Nadis said the detention calculations will be made and submitted as part of the plan.

Mr. Nadis stated that the technical issue of calculations is supposed to limit it to a certain cfs per acre and they will modify it to do that.

Mr. Nadis said that they have addressed the Fire Marshal's concerns about the width of roadways, turning areas, and the like.

Mr. Nadis stated that they were there to answer any questions.

Planner Enos read through his review date stamped received May 2, 2023.

Engineer Landis read through his review date stamped received April 26, 2023.

Chairman Reynolds said he didn't know if they had a chance to take a look at the Fire Marshals review. It wasn't recommending approval at this time but just seemed like aisle widths. The updated plans that they are showing here tonight, do look like from afar like it is starting to address that. He asked if they felt like it was to address the Fire Marshal's comments. It was turning apparatuses, signage, and minimum width, which seem to be addressed. He asked Engineer Landis if he agreed. Engineer Landis replied he would agree, yes. When the plan comes back in, they can double-check it just to make sure.

Chairman Reynolds stated as he previously mentioned there was a review from the Fire Marshal who had some concerns, he was not recommending approval at this time due to minimum apparatus widths. Specifically, there were some areas that were 18 feet instead of the minimum 20 feet, but it looks like the plan in front of them tonight is addressing that. One of the other concerns was signage along with the turning template with the apparatus which is shown here this evening. That addressed some of his comments, so they can circle back to the hot topic of the parallel parking spots. He agreed with the Planner's comments, it seems like the purpose of them, and the use was questionable to him. He wasn't sure if that would allow for greater landscaping or allow for the Fire Marshal concerns to be addressed.

Mr. Tyler Wrentmore with Mannik & Smith said they conversed with Carrol, their client. As far as parking on the north side, they have angled spots that are intended for delayed orders. The parallel spots were just to meet code. They are ok with losing them from an operational standpoint, but from a process standpoint with the Township, they are stuck with the updated setbacks of the 20-foot side setbacks. So, that was just to meet code. They wouldn't want to lose the angled spots so those do have an operational purpose. He asked how that would work as far as getting a variance. Chairman Reynolds said they would just provide a parking waiver based on the discussion; they could add that to the approval. He was not against keeping the angled spots, it was the fact of what is the purpose of the parallel if it was an employee or

something along those lines. He thought the other opportunity is they can always approve it as banked parking.

Mr. Patrick Mahoney with Lauer-Manguso Architects 4080 Ridge Lea Rd. Amherst, NY stated that as time goes on, they see the need for less parking. One of the reasons is the dining room capacity is about half of what is there now. Even though they say 48 seats the likelihood is they will have fewer seats than that. They are enhancing the dining room quite a bit, with higher ceilings, and higher-end finishes to entice people to use the dining room but it is a losing battle. They are not concerned about losing the parking and have no objection to parallel spaces becoming additional landscaping but from their thinking the diagonal spaces and based on their orientation it would be difficult to take that extra 9 feet and put 4.5 of it on the south side because of that. Planner Enos said he was, and the Planning Commission is comfortable with those angled parking spaces it is the parallel. Also, as they get to know Orion the more trees and the more landscaping the better, and that is a good thing. If they are able to widen that and add additional landscaping, he knew they were going to keep the remaining trees there but adding a few, he thought would enhance the project.

Mr. Mahoney said there was one big locust near the front of the site, it has to be a 20-inch caliper tree that they would definitely want to keep. He thought there were maybe three little multi-stem crabs in there, the rest would all be new trees. The extra 9 feet would be a little more spacious.

Chairman Reynolds said the comments are mainly motived on pedestrian safety of a customer or someone parking there and having to fight drive-through traffic. Mr. Mahoney said if it was really required and they bank the parking for future use, they could designate those as employee spaces which would have a very inconsequential turnover. Whatever the Board decides he thought they were fine with.

Chairman Reynolds asked regarding groundwater retention are they able to make those modifications per our engineer's recommendations. Mr. Wrentmore said that he spoke with Engineer Landis and his team a few weeks ago, after reviewing the previous development plans for the original store. There are definitely some mods they can make. He knew their original conversations they were trying to improve it because right now he thought it was all parking lot bonding which is the outdated way of doing things. They are trying to improve that as best they could. They could certainly explore adding some. He wasn't sure if surface ponding above the detention system itself because they have large 48-inch pipes there, they could probably increase some of the underground piping to accommodate that. He did want to clarify; the requirement was to meet the existing volume that was provided. He didn't recall he would have to check back on the numbers if that also met the one cfs per acre on the original calculations, he knew those were outdated standards. The intention was for them, based on their conversation, to meet the current volume but take as much out of the parking lot as they could. Engineering Landis said that they can work with them on that. Mr. Wrentmore said he didn't see an issue with them improving that and providing more pipe storage. Especially in the winter, it is not desired.

Chairman Reynolds stated the dumpster enclosure that was shown here tonight does have a partial roof over it, is that an accurate detail for what the enclosure would be? Mr. Mahoney replied it is dry storage, so it is things like paper products and cups that are in there. It is an unheated area basically.

Chairman Reynolds turned it over to the Planning Commission for their thoughts. They have the consideration for Special Land Use. There are a handful of waivers in front of them and then a site plan.

Vice-Chairman Gross said that they had indicated previously this modification represents an improvement along the Lapeer Rd. corridor consistent with some of the other actions that have taken place previously.

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski that the Planning Commission **approve** PC-23-15, Burger King Special Land Use for a Drive-Thru, located at 1155 S. Lapeer Rd. (parcel 09-14-226-011) for the plan's date stamped received April 11, 2023, to be revised in accordance with the next site plan approval action. This approval is based on the following finding of facts: that it has compatibility with adjacent land uses which are consisting of general business and office uses; this is compatible with the Master Plan which has designated this area for business; there are adequate public services available per the existing use that is on the site; the impact on traffic has been demonstrated by the existing use not to be a problem in this area; there are no detrimental effects on the surrounding properties; this does represent an enhancement of the surrounding area.

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

Chairman Reynolds said there are some considerations about a number of greenbelt items. He asked for clarification if that was in reference to the access drive that they were granting those waivers, or if it was due to the setback to Lapeer Rd. Planning & Zoning Director Girling said that the motion does tell them what side it is on. The driveway setback is the back driveway because it says any driveway or parking setback. The second motion is the landscape within that area. They have two different sections of the ordinance; one talks about a setback the other one talks about the actual greenbelt width.

Chairman Reynolds said that leads them to a number of waivers for consideration if someone would like to make a motion.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission **approve** a driveway setback waiver for PC-23-15, Burger King, located at 1155 S. Lapeer Rd. (parcel 09-14-226-011), for plans date stamped April 11, 2023, due to the fact of the limited site size.

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

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski, relative to the waiver of Ord. No. 78 Section 14.03 D2 that the Planning Commission **approve** a Greenbelt Width Waiver for PC-23-15, Burger King, located at 1155 S. Lapeer Rd. (parcel 09-14-226-011), with the understanding that the six parallel spaces on the north side will be eliminated and will be placed in a parking bank and used for landscaping.

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

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission relative a Landscape Greenbelt Waiver under Ord. No. 78, Section 27.05A be approved. The Landscape Greenbelt Tree Count Waiver on the northeast and south boundaries for PC-23-15, Burger King, located at 1155 S. Lapeer Rd. (parcel 09-14-226-011), for plans date stamped received April 11, 2023, with the understanding that additional

landscaping and trees will be provided on the north side which will reduce the extent of the waiver necessary.

Discussion on the motion:

Chairman Reynolds asked how many trees they are deficient in. Planner Enos didn't know but it wasn't significant, he didn't know the number off hand. Chairman Reynolds just wanted to have action if they were going to get rid of the 6 spaces. Planner Enos said they will keep the existing trees and they were going to add a few. Chairman Reynolds said he would like to know the number of trees.

Mr. Mahoney said the big locust, the dripline extends about 20 feet away from it. It would be tough to put something under it. Where the three crabs are they are multi-stem trees, they are probably no more than 12 feet across. It is in between and definitely, if they have these six spaces to have a whole row of trees would be fairly simple. He did think there was some room for some additional trees. Chairman Reynolds asked if there was the opportunity to avoid the waiver if it is very few, to begin with, and getting rid of those parallel spaces and filling a couple of those spots. They did indicate the existing trees on the plan but there are some openings. Mr. Nadis said that the Planner's review indicated that the requirement was 27 trees. He thought they counted 25 if they counted the ones that are shown on the plan right now, they were only a few short. However, he didn't know if adding that landscape area is going to increase the number of required trees by the ordinance. Planner Enos said it shouldn't add the number of trees they are going to be adding some lawn. They want to know how many trees they had there with the requirement that there are 8 in that area, and it may not be necessary. Mr. Nadis said he didn't see 8 along that side there.

Chairman Reynolds said his concern here with this is if they are talking about a few trees, it seems like they could address it. He knew there were some very mature trees there but on the south side one or two, to kind of infill some of these gaps. Mr. Mahoney said on the backside there was talk about where the brush line was, and it was essentially a foot off the curb line. There was another location where a 24-inch caliper tree that has a 50-foot dripline. It would be difficult to put anything there without taking out mature trees.

Chairman Reynolds said there is a motion on the table to grant a waiver. He said knowing that the findings of fact, a lot of the landscaping can be provided by the existing trees on the site. The applicant discussed or indicated adding 5 additional trees, would that be acceptable? Providing a waiver if it was needed. Planner Enos thought that was fair. They will keep the existing trees and then they will add additional trees to that widened landscape island.

Vice-Chairman Gross amended the motion, Secretary St. Henry re-supported, to include the addition of 5 additional trees along the north area.

Chairman Reynolds said the motion is to provide a greenbelt tree count waiver with the understanding that 5 additional trees would be provided per the discussions here tonight be on the plan's date stamped received April 11, 2023.

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

Vice-Chairman Gross said he had one question about the landscaping in the area where they are taking the orders. Chairman Reynolds said essentially the outward landscaping between the passthrough lane and the second drive-through lane. Vice-Chairman Gross said he was concerned that those shrubs will be there for one year and then after the first snow and the removal with the plowing that will all be gone. He thought it might be more appropriate to put it someplace else on the site that will have more of an effect and chance of survival. Mr. Mahoney stated that Burger King Corporate requires them to put shrubs there, if there is a request from the Township to move them somewhere else or limit them to 4 feet away from the curb, he thought that they would be receptive. Planner Enos asked if those were irrigated. Mr. Mahoney replied typically not. Planner Enos said that it states that irrigation will cover the entire site. Mr. Wrentmore said that it was site by site, he thought half that they do that are irrigated that are required by code, if it is not, and is not brought to their attention sometimes they don't. They can plan for irrigation; it was something they have done on several sites. They can limit the proximity to the curb to account for that irrigation and also extend the life of those if that is requested by the Township. Chairman Reynolds said the plan right now says the landscape contractor is to provide the design and installation of a landscape irrigation system that covers the entire site. Planner Enos reminded the applicant that as a site plan that is kept in the records when they are all gone if they do die or are removed for whatever reason that is an enforcement issue and they would have to be replaced.

Mr. Nadis said that given this discussion in terms of the landscaping ordinance and he wasn't pretending to have studied it carefully but does the landscape ordinance require any of those bushes as part of this plan or is it something that is coming from the applicant? He says that in the event that there is sort of a rethinking maybe in light of what has been suggested that if they are not on the final plan is that a problem for the Township? Planner Enos replied as a special use that they would want that landscaping there. There are a lot of hard surfaces here, they don't have a lot of green spaces except for the front and the sides. If that could be irrigated and cared for, he thought it would make for a better site, overall. Mr. Nadis said that is consistent with the corporate intent, but he just wanted clarification.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that relative to the waiver for Ord. No. 78, Section 27.05A, 5 he would move that the Planning Commission approve the Landscaping Screening for Conflicting Land Use Waiver on the east boundary for PC-23-15, Burger King, located at 11155 S. Lapeer Rd. (Parcel 09-14-226-011), for plan's date stamped received April 11, 2023, based on the applicant demonstrating that the landscaping is in keeping with the intent of the ordinance and that a revised landscape plan will be submitted based upon: this waiver as well as other waivers that have been referenced to in this request. The conflicting land use to the east is an apartment complex that is under construction with a rather large setback in that area.

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

Chairman Reynolds asked if the applicant would like the 6 parking spaces banked. The applicant replied yes.

Moved by Chairman Reynolds, seconded by Commissioner Gingell, that the Planning Commission provide a parking count waiver to PC-23-15, Burger King, located at 1155 S. Lapeer Rd. (parcel 09-14-226-011) for a deficit of 6 parking spaces with the north parallel parking spaces indicated on the plan's date stamped received April 11, 2023, based on the fact that the applicant did demonstrate that the parking count without those 6 additional parallel parking spaces provides adequate parking for the proposed use, and those 6 spaces would be provided as banked parking to be installed at future date if and when needed.

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

Chairman Reynolds said that leads them to the site plan approval. Keep in mind that there are a number of issues that were discussed this evening but indicated by the applicant to be willing to be resolved including the Fire Marshal's current denial of the plans date stamped received but there are plans that should be rereviewed by their consultants that appear to address those comments. They want to make sure that they revise and resubmit with a rereview as provided.

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski, that the Planning Commission grants site plan approval for PC-23-15, Burger King Site Plan, located at 1155 S. Lapeer Rd., parcel 09-14-226-011, for plans date stamped received April 11, 2023, with revisions to be made based upon the Planners review of April 24, 2023, items number 3-11, that the resolved issues concurred by the applicant regarding the Engineers report of April 26, 2023, items 2-7, and that the Fire Marshals review be resolved relative to turning radiuses for his report of April 24, 2023; further, that a revised landscape plan be submitted in accordance with the waivers that have been granted previously this evening, be resubmitted and rereviewed by staff.

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

B. Discussion on Text Amendment

Planner Enos said that Planning & Zoning Director Girling and he have been talking about different things over the course of the last few months as he has gotten more comfortable with the ordinance. One of the things that the Chairman had indicated to him when they first met was the idea that they could take a look at their PUD ordinance as one of the options. What they wanted to do tonight was to just ask the Commission and get some feedback from them in regard to over the course of the last few years and the PUDs that they have reviewed based on the current ordinance language, which in a lot of ways has evolved and that is not unusual for ordinances to change. This PUD is pretty complex, and he has written a number of them for many communities. He tries to simplify things as best he can because he knows zoning text is not the most exciting read for them and try to create a language that moves smoothly along so not only the applicant but the Commissioners and this case the Township Board who ultimately approve a PUD would be comfortable with. There are several things in here that based on the half dozen PUDS that he has looked at, they could talk about, but this is an ongoing process. Some communities would like to have some other example PUD ordinances and see what they like or don't like from those. Some would like to go through it line by line with the current language and they can amend those with their comments and text amendments, boxes, and those kinds of things. He added that this is a rezoning, some communities do look at this as a special use. He was comfortable with it as a rezoning, it goes to the Planning Commission and the Board of Trustees. The thing that he has heard time and time again over the last four or five months is that the PUD is not to be a device for ignoring the ordinance, and it is not a way around the ordinance. They do have the flexibility and they just did tonight they have the deviations, modifications, and waivers that they can do with projects and certainly the PUD is the most affluent type of language that they can do modifications because that is the flexibility of it. Whether it is setbacks, lot coverage, a mixture of uses those kinds of things. He wasn't sure in regard to a couple of things, and he wanted to get some feedback from them, mix this up and bring some ideas and thoughts. For example, the open space minimum, as Orion continues to grow and all the easy sites are gone, they got a 15% open space minimum for residential projects, and a 10% minimum for nonresidential. He didn't think it was too far out of place to

say, with the remaining parcels there is no reason they can't increase that open space minimum. The crafty and experienced developers understand that, and they can cluster those areas to create more open space. Especially preserving the trees and the Tree Ordinance that is a different story but is 15% for residential and 10% for non-residential but if it is exceptional, they can go up to 20%. Is there a reason why they can't go further and have more open space for their future projects and tie that in with their Tree Ordinance as well?

Planner Enos stated that regarding density credit, they do have the ability to get a density credit depending on exceptional use but there isn't a specific number in regard to what that density is, and maybe that is on purpose, maybe it is on a case-by-case basis. Some ordinances do give a density credit of not more than 10 or 20% if it is clustered.

Planner Enos said that 50% of garages need to be side entry. Well, if it is a PUD why can't more than 50% be side entry or rear entries if they are alleys? Again, the developer is gaining the ability to have potentially more uses. The developer is gaining the ability to have, for example, fewer roads, and less infrastructure because it is clustered, which is going to reduce their cost, so there is no reason they can't have a little bit more oomph to their existing ordinance.

Planner Enos said these are some of the things he wanted to run by the Planning Commissioners. He knew it wasn't the most exciting reading but he, and Planning & Zoning Director Girling, wanted to get their feelings and feedback on it. Over the course of the next few weeks or months, they get a chance to take a look through this. Then remember the projects that they have approved not only in plan form but also remember the plans that have been developed and the PUDs that they liked or didn't like about those, and how they incorporate that to make sure that doesn't happen again in the future. They may get to the point where they take the whole ordinance and move it out and bring in some other examples that work and are a little bit easier to maneuver about, or they walk through this and make changes.

Planning & Zoning Director Girling stated that she had something more specific that she has a really hard time with within the current ordinance. Each one of the Planning Commissioners was given a copy of it. On page 30-22 number 4 talks about plan submittal. It says any application for a PUD shall be accompanied by 3 plans. The plan is based on the existing zoning at the time of the application, a density plan prepared in accordance with this section, and a PUD plan. She has never been able to tell the difference between the second and the third. The PUD plan shows the density they are asking for. Then it goes into it further down in 4C they have this chart that is saying underlying zoning and what the zoning requirements are, and what the density plans mean. Suburban Farms (SF) is 2.5 acres in their ordinance everywhere in their ordinance so their density plan should be those 2.5 acres. She is thinking about developers that look at this section and she with the number of years that she has dealt with this section that is her biggest irk on this. The other ones are a little monotonous and maybe a little wordy. When she looks at that and that would be her initial small goal fix versus big goal everything. They have seen a number of plans and they know they have seen the one that shows what could go there, which she would say is the first plan, it is showing what could go there as zoned currently, what is the difference between number 2 and number 3? If they can't think of what the difference is what is it and can they change that?

Chairman Reynolds said as an architect that has submitted stuff against PUD and the Township, their PUD ordinance the intent is there but it is very wordy and can be contradicting in itself. He thought that was one opportunity that they had. He thought they have had a lot of discussion over the last two or three years here with the Master Plan and PUDs coming through to start to refine or clarify what they are getting after with PUDs. Planner Enos touched on that. To him, keep in mind while they are looking at this section specifically because it is something

they are being asked of themselves of a to-do list via the Master Plan. Going back and improving these areas. The comments down the road could easily be talking about additional bonus criteria or the missing middle, or some of those other topics that they have talked about. He thought there were some other sections, for him, like landscaping, landscaped corridors that they talk about with PUDs might kind of go back and forth with it. Initially for his thoughts clarifying and kind of fine-tuning some of the verbiage. They look at page 2 and they talk about recognizable benefits and high-quality architecture, that is a statement and can be applied but is there anything else that they need to add to that component? They talk about the preservation of natural features, they say trees, woodlands, open space, and wetlands, and then they just say hills. He thought one of the other pieces could be natural grading, some of those other components that they are expressing up here when a plan comes in front of them, but it isn't necessarily in the ordinance that they are technically representing and voting against. To him, he thought there were those tweaks that could happen through here. He would support their staff's laundry list of items like what Planning & Zoning Director Girling brought up of item 4 to just make things easier if the applicant is confused, not to mention the staff is confused, there is obviously a tweak that needs to occur there.

Chairman Reynolds said he thought they could look at this a couple of different ways, they can kind of open this up and obviously, they have text amendments in front of them regularly, but they could also talk about maybe whatever future goals they want to incorporate. In his mind, he also needs to maybe have a check-in with the Board of Trustees and their thoughts on PUDs since this is a multi-step process. Then also all the way through to their Building Department and Code Enforcement. They have had some discussions about that lately. He encourages some review of this and sees areas they do or don't disagree with especially the front end of this is big. One of his things with PUDs is he tends to be somewhat indifferent with the 50% side car garage but thought his intent would be a variation of façades or that the garage isn't the most prominent feature because they have seen some that answer that with a side car garage. To him, it isn't as successful as some of the other developments they have seen that show a garage and it might be the front of the elevation but above it looks like a different unit. To him when he drives through a community, he is going to see garages from time to time, but he didn't want to see repetitious units. All of the discussions they have here are also an item that they can take a look at it and provide feedback to Planning & Zoning Director Girling and Planner Enos as comments come about.

Commissioner Walker said he didn't realize it was a 40-page document. When he read it, what this document does is provide fuel and ammunition to the developers because it is so confusing. One page says black is white, and white is black on the next page. He would almost rather throw it away and start all over again. The PUD originally, the concept itself, what does the Township get for allowing this to happen. You can come up with the benefits, but the benefits aren't that the clever people out there don't give them nearly the benefits that they get from the benefits from the PUD. It is not a 50-50 shot he thought it was an 80-20 shot, the developers get 80% and the Township gets 20%. It shouldn't be that way and they are running out of trees. He thought a hard look at this was well overdue.

Vice-Chairman Gross stated one of the things that he thought they have been confronted with on almost every PUD that they have seen is that they automatically come in and ask for density increase or credit. Maybe it is their fault for branding it, but he thought that it is something that they have to have a maximum of what the density credit is, if there is going to be a density credit. He is not a fan of density credit necessarily. He thought there needs to be a clarification in the ordinance on density on a real PUD on a mixed-use development. Is the density calculated on the entire site or in an apartment complex or just in the designated apartment area? If the site is 30 acres and they are using 10 of it for commercial and 20 of it for residential, are they going to get credit for the 30 acres or for the 20 acres for residential? He

doesn't necessarily have a disagreement with providing density on the entire 30 acres using that example but why add an additional bonus on top of that? There has got to be a way to encourage some form of mixed-use in a Planned Unit Development.

Chairman Reynolds said when it says density bonus it is because they have gotten some other significant push and pull. They hang up sometimes on dwelling units per acre and there are some of them that they saw that missing middle housing types that are good and he thought they should consider those sometimes in a different light or give some criteria of that. A quadplex home that looks like a four-square or that is clustered, or it is behind a big berm and tree set that they don't recognize the density behind it he thought those are all things that they would be ok with because there are some trades and that is what a PUD is for. He thought there could be some fine-tuning to that and felt it was the lean towards the major overhaul component and how they address that.

Vice-Chairman Gross said as a Planning Commission they need to be concerned about that when the projects come in for an additional 20% because the ordinance says they can. He didn't think that they necessarily had to say they can. Chairman Reynolds said some criteria to meet or something to provide proof of or findings of fact.

Planner Enos stated that it almost seems like there is a part of the ordinance that talks about provisions for exemplary projects. He thought that every project was exemplary. Maybe they take that out and there is no exemplary project but every project that they get based on the new language becomes exemplary. It comes with increased density, increased preservation of natural resources, and certainly less conflict in terms of red tape. Where they are trying to move around to find this requirement or that requirement is that if this thing is boiled down anybody that wants to do a PUD comes in once it's built by its very nature by their rules it is exemplary. He thought they had that opportunity to do that and thought the people that want to develop in Orion will do that because they know what this community is, they know what they are going to get for the project or rents or whatever the case may be.

Chairman Reynolds said there are some communities that treat their PUD ordinance as special projects, it is just a label but to that point of something that is unique. He wasn't saying that that is a good fit for them here but just food for thought of, again that true balance and creative zoning tools to bring a solution that is a good fit.

Planner Enos said what he could do, and he did want to talk with Planning & Zoning Director Girling some more but maybe just bring them some things that he has seen in other PUD ordinances that call out what they have mentioned tonight, and things that Planning & Zoning Director Girling has said. Not redo the total ordinance but kind of one bite of the apple at a time. He can bring them sections to see how they feel about the language, how they like this paragraph, and how they figured out density, clustering, or bonuses.

Chairman Reynolds stated that he would be in support of that. For him, it is what is the low-hanging fruit that might be a step in the right direction and then what topics or items they really need to have a deeper discussion on for that overhaul. He wasn't saying that he wants to spread this out, but it seems like there is some stuff that would just create a better submission today and then there are other things that might be considered for maybe other avenues or ways they can look at PUDs to create greater successes. Maybe they can look at it in that way of major/minor and then that way if they want to go ahead and proceed with, for the life of their staff, let's clarify that it is 2 instead of 14 random items and then they can proceed with that.

Secretary St. Henry said he tends to agree with Commissioner Walker and Vice-Chairman Gross. If they are going through the trouble of reviewing this PUD ordinance possibly rewriting

it or possibly trashing it and starting over, he didn't want to make it any easier for a developer to come in here and strongarm them and get pretty much what they want with the PUD. He has seen it too many times over the last several years. They have always shied away because they are afraid of the long-term ramifications if they don't get what they want, and they know where they go and what the next steps are. He just thought that they should tighten this up and put limits on density credits and just spell it out, so it is very clear when a developer takes a look at proceeding with a PUD, these are the rules. It is not to say they don't play nice and negotiate a little bit. If this can be confusing to them imagine what it could be like to a developer or worse, yet a developer sees that as an opening. He is done with that because the low-hanging fruit in this community of developable easy pieces of property are gone. Let's not make it easy. If a developer wants to come in here and proceed with a PUD whether it is for a commercial development, residential development, or whatever there is a reason they want to come here. They know that this is a solid quality community that people want to come to. Let's not make it any easier than they have to for them.

Chairman Reynolds stated that there is some directive provided to their Planner obviously some additional discussion items. He plans, as the Chair, to reach out to their supervisor so there can be some discussion with the Board of Trustees, and the same goes for the Building Official so they can spark and let them know that this is a topic of discussion.

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

A. Oakland County Planning, Zoning, and Land Use: Virtual Planners Gathering Session

Chairman Reynolds said on June 14, 2023, from 10-11 a.m. speaking to accessory dwelling units that are not just for granny anymore. That is free to them and let us know if they would like to attend that it is purely virtual. Registration is required so their Zoom link can be provided, and it will also be recorded and available for viewing. He plans to review the video on the back side of it and is something that they have talked about in their Master Plan.

12. COMMITTEE REPORTS

None.

13. FUTURE PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

None.

15. COMMISSIONERS' COMMENTS

Commissioner Walker stated their library book sale is going on and running through Saturday.

16. ADJOURNMENT

Moved by Chairman Reynolds, seconded by Vice-Chairman Gross, to adjourn the meeting at 8:20 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

June 8, 2023

Planning Commission Approval Date