

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, JUNE 15, 2022**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 15, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

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

**PLANNING COMMISSION MEMBERS ABSENT:**

None.

**1. OPEN MEETING**

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

**2. ROLL CALL**

As noted above.

**CONSULTANTS PRESENT:**

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

**OTHERS PRESENT:**

Alan Hall            Josh Yates

**3. MINUTES**

A. 6-01-22, Planning Commission Regular Meeting Minutes

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

**4. AGENDA REVIEW AND APPROVAL**

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

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

None.

**6. CONSENT AGENDA**

None.

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Chairman Reynolds recessed the regular meeting and opened the Public Hearing at 7:05 p.m. for case PPC-2022-22, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Complex, Articles 19 and 27.

Chairman Reynolds closed the PPC-2022-22 Public Hearing at 7:08 p.m. and reconvened the regular Planning Commission meeting at 7:08 p.m.

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**7. NEW BUSINESS**

A. PPC-22-23, BACA Systems Site Plan Modification, located at 101 Premier Dr., (Sidwell #09-35-451-001).

Chairman Reynolds asked the applicant to state his name and address for the record and to give a brief overview of their presentation.

Mr. Andrew Russo representing BACA Systems 101 Premier Dr. the applicant presented.

Mr. Russo stated that they have been in the building since 2018 and they have outgrown the building. They had dumpsters outside since they have been there, and with the compactors, since they moved into the building. They slowly took over more and more of the building and now with the dumpsters outside, they found out that the site plan did not have it originally. They have outgrown the building to where they have to store some stuff outside, they are looking at moving buildings. They have purchased land in Orion Township to build a new manufacturing building of approximately 100,000-sq. ft. on Brown Rd. So, for the time being, until they are able to build that building, they are looking to get a site plan modification to allow the dumpsters on the side as well as some outdoor storage.

Planner Wojciechowski read through his review date stamped June 3, 2022.

Engineer Landis read through his review date stamped June 6, 2022.

Chairman Reynolds said there was a review from the Fire Marshal with no explicit comments. He added that they received a Public Service review, WRC, and they also had a site walk done.

Vice-Chairman Gross asked why on the side yard and not in the rear yard? Mr. Russo replied that if they look at the actual building there is 49-ft. on the rear there is no way to actually have a truck, like a garbage truck, to put a dumpster in the back, or even access the side. It is 49-ft., and it is an embankment that goes up because there is a hill where it is going in. The next building above is about a 20-ft. elevation increase over that 49-ft. There is no actual way to put a dumpster in the back.

Vice-Chairman Gross asked about the outdoor storage on the side as opposed to in the rear? Mr. Russo replied said they need to have forklift access to the outdoor storage, so there is no way to put that in the back without trying to go through a bunch of earth moving and wasn't sure exactly if that was possible because there is a utility easement back there. There are a lot of high-transmission powerlines that run along the rear of the building.

Chairman Reynolds said he did the site walk on this, keep in mind it is on a corner lot too, so by definition they technically have that side yard to side yard condition. It is technically the rear to Lapeer, but their address is Premier, so it is the side yard.

Chairman Reynolds said he didn't have any major comments on this, obviously, it is a thriving business in their community, and trying to make something right. He asked if there were any issues with addressing their ordinance as it relates to trash enclosures, and gates, all the comments that their professional consultants came up with? Mr. Russo replied that they were looking for it to be Dura-Crete precast walls, they are located in Warren, and they actually make them. They were going to do that rather than trying to do mason walls from the ground up because this doesn't impact waterflow because they can have them raised off of the ground so water can flow naturally. He added that he believed the gate they were going to do is going to be galvanized metal and then a Trex type of composite wood privacy gates, those are what they had quoted from them.

Vice-Chairman Gross stated procedurally since this requires a variance, he believed they had to deny this site plan and then it goes to the Zoning Board of Appeals, and if the Zoning Board of Appeals approves it, it in effect approves the site plan. Chairman Reynolds said correct.

Mr. Russo asked if this lives with the building, then in perpetuity of the site plan change? Chairman Reynolds replied yes.

Mr. Russo stated they were planning on moving within a year and a half, but they are getting a site plan change, and questioned if that lives with it infinitely? Chairman Reynold replied correct, so in order to break the ordinance requirement they have to seek a site plan modification, and because it doesn't adhere to the ordinance that is why they are going to the Zoning Board of Appeals.

Mr. Russo said they are trying to leave the building to move to build another building on Brown Rd.

Chairman Reynolds said that if they were to go back to the way it was before that still is also allowed. What they are applying for is the ability to have storage outside, their dumpster enclosures, and their technical side yard.

Mr. Russo stated that the dumpsters have been there for five years, so if they were to forgo any outside storage. They were trying to move into a bigger building in the same Township.

Planning & Zoning Director Girling said that this whole issue came up with a fire inspection. So, it was the Fire Marshal that had an issue with the configuration out there. If the applicant is asking to withdraw his request for outdoor storage and everything that he wants to do meets the ordinance and doesn't necessitate a change in site plan that is fine but what was there before and they say five years he didn't know, she is not ordinance enforcement or the Fire Department that visited. What was there if it didn't meet the ordinance, they cannot let them continue on. What is in the plan here is exactly what it looks like today if they go there. They are approving what is in the plan but didn't like what it was today. Chairman Reynolds replied no, it doesn't follow the ordinance as it sits right now. What they are applying for is to gain permission to actually do what was done there previously. It doesn't mean that it can't go back to anything in the side yard but to have a dumpster enclosure and outdoor storage specifically, that needs to seek a variance. They are not the only ones whom this occurred that they have been asked to come back and get legitimate approval for.

Mr. Russo asked if they could apply to not have to put the enclosure around it because this is a lot of money, it is \$45,000 for an enclosure. When they leave the building, the enclosure still stays there, and the new tenant may or may not need a compactor and a roll-off and now they have infinitely long mason walls installed. That is the bigger thing, for \$45,000 they can put better landscaping on Brown Rd., there are a lot of things that they can do with \$45,000.

Planning & Zoning Director Girling stated that if they are already going to the Zoning Board of Appeals an additional variance could be sought to ask to not screen the outdoor storage. She stated that no one has ever asked, and she had no idea their success rate.

Chairman Reynolds said that their ordinance whether it is in the side yard or not asks for trash to be provided within an enclosure. Whether they seek an additional variance from ZBA that is up to them.

Mr. Russo asked if it was possible to get a temporary variance? Chairman Reynolds replied no, there isn't a temporary one. There could be a request made to the ZBA to not have a trash

enclosure. He asked if they need to make that within their motion. They are asking if they get approval for outdoor storage and a dumpster in the side yard, they are also asking in addition to what they have seen this evening, no enclosure. They would have to make that part of the motion, correct? Planning & Zoning Director Girling believed that their motion would be to be denied, go to the ZBA for XYZ, and if those are granted then perhaps the plans are approved with the few things that are missing. If they go to the ZBA for XYZ and only get X & Y they might have to come back with the plan reflecting on how they are going to put in Y. Because if he is asking for a variance to not screen it and the ZBA says no they can have their dumpster in the side yard and they will not give them variance to not screen their outdoor storage then they have no choice but to come back and show the screening. Their plan is not going to add any screening to it because that was a requirement that they are not showing.

Mr. Russo asked if the building already had a variance for it in the side yard as it stands today because the enclosure that was on the original site plan was built which was still in the side yard. He didn't know if there was a variance that it could be on the side yard and that covers the side yard as a whole. Planning & Zoning Director Girling said she could research it, she felt that they would have researched it to this point but will double-check that. If there is already a variance that has been granted on this property allowing a dumpster on the side, and it depends on the motion, if it was a dumpster in the side located "right here" is different than a dumpster, anywhere on the side.

Mr. Russo stated that the site plan originally has it there and this site plan was approved when the building was built. Planning & Zoning Director Girling said it could be a different ordinance the ordinance could have been amended since that time but would research it for him. Mr. Russo said he was just wondering because he didn't know how it works. They could say it is the side yard and covers the side yard or if it was a variance for the exact location.

Chairman Reynolds said that the Planning staff would be happy to look back at historical records to give them the findings of the motion when it was made.

Planner Wojciechowski stated that the plan up there was not the plan that they reviewed. This plan shows a chain-link fence with slats, the plans they have shows a proposed pre-cast mason wall. He didn't know what else was different. Typically, they would like to know if the site plan was going to change.

Mr. Alan Panley 3835 Buckingham Ave. Berkley, MI. He stated that the only difference is the chain-link fence is replaced with a pre-cast masonry wall.

Chairman Reynolds said that with the submitted plan, obviously, there is some discrepancies or suggestion that the plan they are seeing up on the screen is slightly different. They are going to go with the plan that was reviewed.

Planner Wojciechowski said that obviously they would have come a little more prepared if they would have known that they were going to be changing. The Planning Commission does have the ability to waive screening for outdoor storage, but that ordinance envisions it being in the rear yard. He would have to look a little deeper into if the ZBA is granting a variance for outdoor storage do they know it is in the side yard does that then come back to the Planning Commission. He didn't have the answer for that right now, they only reviewed the plans that were submitted.

Chairman Reynolds stated that they are looking for outdoor storage and a dumpster enclosure in the side yard. He asked if they are also asking if that enclosure can be permitted and not be screened? Mr. Russo said he would like to have four things, the dumpster on the side, outdoor

storage on the side, no enclosure on the outside storage, and no enclosure on the dumpster. If there are four separate things then if one gets shot down, then they have to build an enclosure around the one.

Chairman Reynolds stated that he would be comfortable with no enclosure if it was just a small period of time, temporary.

Secretary St. Henry said these are extenuating circumstances, their plans are to move to a larger facility, they are a longtime Orion corporate entity. He has no problem with granting, or at least being comfortable with no enclosures on either of them, for a year and a half, if that is how long they can get the facility up and running, more power to them.

Mr. Russo stated that they signed on the land in April and as soon as they can get plans through, actually the same group, to get plans submitted and approved to build the other building they want to move out. It is tight when they don't have space to move around, they are as eager to move as they can be.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission denies the site plan approval for PPC-22-23, BACA Systems Site Plan Amendment, located at 101 Premier Dr., parcel number 09-35-451-001 for plans date stamped received May 20, 2022. This denial is for, 1) the outdoor storage in a side yard is in violation of the Zoning Ordinance requirements; 2) a dumpster location in the side yard; 3) the dumpster screening as a requirement by the ordinance; 4) screening around the outdoor storage. This denial recognizes that this is a modification to a previously approved site plan and the constructed building was in accordance with that approval; the proposed outdoor storage although it is in a side yard is in violation of Section 28.19. Because this is a unique situation with a parcel that has two fronts and this could in effect be considered almost a rear yard but it is still in violation of the ordinance and therefore requires a Zoning Board of Appeals approval on those four items, and if those four items are deemed approved by the Zoning Board with waivers that this would not have to come back before the Planning Commission and the site plan would be considered approved as revised.

Discussion on the motion:

Chairman Reynolds asked if it was intended that the no screening would be a temporary item or permanent? Vice-Chairman Gross replied that it would be up to the Zoning Board of Appeals.

Chairman Reynolds asked if there is a condition or motion by the ZBA to approve will the applicant be required to address the comments per the Planner for plans submitted? Vice-Chairman Gross replied yes.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the temporary screening would be up to the ZBA and that the applicant will be required to address the comments per the Planners review for plans submitted.

Planning & Zoning Director Girling asked what if only a few of the variances are granted? Chairman Reynolds asked if there was a scenario in which if only some of the variances are granted that there would still be a conditional approval? Chairman Reynolds said if they are not provided with the screening requirement is there still a conditional approval on the plan? Vice-Chairman Gross replied then they would be required that they screen it. Chairman Reynolds said as a clarification of the motion if

there isn't a variance granted for the screening would have to be provided and therefore would still be a conditional approval, correct? Vice-Chairman Gross replied correct.

Commissioner Walker said when they come in front of the ZBA he could see pitfalls in this matter. He is on the ZBA, but he only has one vote on the ZBA. He thought it would be very important that they make sure that the other members of the Board understand their unique situation. Without their unique situation, this has no chance of passing. He thought they might have a good chance to get that passed. When they prepare for that meeting make sure that they explain the timing of this whole thing. It is not that they are leaving the building and they are moving to someplace in Tennessee.

Mr. Russo stated that they would like to stay in Orion Township, it has been awesome, they used to be Macomb County, then Auburn Hills, and now in Orion Township.

Secretary St. Henry said to be very clear that they are staying in the same complex. Mr. Russo said they are actually moving to the property right next to Esys on Brown Rd. so they will be building a 100,000 plus sq.-ft. building there. Secretary St. Henry said to make sure that they spell all that, so they know what their situation is.

Planning & Zoning Director Girling said if they go to the ZBA, and so this is denied unless they get the variances. If there is something besides the screening that they don't get the dumpster screening or the dumpster location, they have a site plan that is denied, so she would think that the motion might have something saying if one of those is denied they have to see it back? Do they not want to see it back? Do they not want to see a plan that contains these things?

Secretary St. Henry asked what would they see different on a site plan if it came back to them? Sounds like the enclosures are the issue.

Chairman Reynolds said the other issue is when plans come back, and they don't ask for their consultant to review it it's purely on Planning & Zoning Director Girling to acknowledge that the changes exist and that the plan is still adequate for their approval.

Secretary St. Henry stated that if it is clearly just this enclosure issue, he would trust that Planning & Zoning Director Girling would be able to handle that and make sure it is done the right way versus going through the whole process again and having the Planners review it again, schedule it and get it before them. Chairman Reynolds said that it doesn't have anything to do with necessarily appearing back here it is more or less just checking the boxes. Their plan reviewer is Giffels Webster, so the point is the plan reviewer is not Planning & Zoning Director Girling is their coordinator. Secretary St. Henry thought that Planning & Zoning Director Girling could coordinate that with the Planner. It is not very efficient to go through this whole process again for something as simple as those if they are denied by the ZBA. Chairman Reynolds said in his statement he said that he would like it to go to the Planner and Planning & Zoning Director Girling to coordinate that but not come back here. Secretary St. Henry said yes, that is his opinion, he didn't think it was an efficient use of their time.

Commissioner Walker asked Planning & Zoning Director Girling how would she prefer to handle it? Planning & Zoning Director Girling replied that if they do not want to see it back, she preferred that the directive is to have the consultants rereview it. They are already having to look at it for the criteria that they are missing in their review, so looking for those plus he does the review. If they have one set of eyes that have done it the entire time versus somebody different, she doesn't do the reviews the planner does.

Chairman Reynolds suggested on the motion that the administrative review include being reviewed by their professional consultants.

Vice-Chairman Gross amended the motion, Commission Walker re-supported that the administrative review includes being reviewed by their professional consultants.

Chairman Reynolds said it is a motion to deny based on the following findings of fact: the outdoor storage and the screening of outdoor storage, the outdoor dumpster enclosure, and the screening of the outdoor dumpster enclosure being in the side yard with the condition that it would be approved if the variances are sought if essentially the enclosure requirements are not granted that they would still be approved and the applicant would have to provide the screening of those enclosures. The condition of their approval would be that it would be an administrative approval with a review from their professional consultants, and the applicant is required to address the concerns in the Planners review.

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

## **8. UNFINISHED BUSINESS**

**A. PC-2022-10, The River Church Site Plan & Special Land Use Request for a church, located at 3900 S. Baldwin Road (parcel 09-29-301-029), 3910 S. Baldwin Road (parcel 09-29-301-034), and 3920 S. Baldwin Road (parcel 09-29-301-038).**

Chairman Reynolds asked the applicant to give a brief overview of their application.

Mr. Alan Hall with Architectural Planners Incorporated (API), at 5101 Williams Lake Rd. Waterford, MI. They also had Pastor Yates from The River Church that could ask any questions based on the Church.

Mr. Hall said that The River Church has recently acquired the existing church that has been there for a while.

Mr. Hall said that The River Church has eight locations in the state of Michigan. Their headquarters are in Holly, MI and the newly acquired facility is in Orion Township at 3920 S. Baldwin Rd. The project is on the NW corner of Gregory and Baldwin Rd. He showed them an older aerial to show them the original Baldwin Rd. and there were two existing buildings right at the corner that have been demolished. The church is the brown-roofed building right to the north of that. The property is three separate parcels that combine into one that is approximately 5.5-acres. The existing church used to be Gingelville Community Church, they have been in the community for over 70 years, and it is still acting as a church, and they are still worshipping and doing the same thing that Gingelville Community Church did in the past. The only change in the church itself was the administration.

Mr. Hall stated that The River Church now has possession of it. They already have a permit to do the façade improvements of the building. He showed them the construction pictures right on Baldwin Rd. They may have seen some of the improvements as they go up and down Baldwin Rd. They have a building permit for all four facades right now. Architecturally they were instructed to take a look at the property and basically solve two separate items, one was to wayfinding the site and the other is the handicap accessibility issues inside the church and on the site. He showed them an up-to-date aerial, it shows a round-a-bout at Gregory at Baldwin and the configuration of Baldwin Rd. The main entrance is right off Baldwin through a boulevard-type entrance. The church is very close to Baldwin Rd. now and so they are now

making it look modern. There is an existing egress access corridor that goes from the parking lot to Gregory Rd. This was an item on the Fire Department letter that says they are approving the plan, based conditional upon the church having permission to use that access road. They have since then got the easement, and they looked at it and the church wasn't listed properly on the easement. So, that now is at Oakland County Road Commission at their legal department, and they haven't given them a sway either way but didn't see why they would deny it at this point.

Mr. Hall said that the addition that they are presenting today is in the back of the building and is pretty much blocked by the existing building from Gregory Rd. and Baldwin Rd. They really can't see the addition from either road.

Mr. Hall said they are trying to solve the problem of wayfinding the site. Currently, on the site, it is difficult to see where the front door is. This plan will give them an entry that everyone can see, and it will be at the lower level so it will be an easy handicap accessible on the lower floor, and the elevator that goes to the second floor.

Mr. Hall stated that on the floor plan the only additions are stairs and an elevator. The stairs are a little bit wider than what is existing right now, and the elevator is large enough to have a casket in it because the sanctuary is on the second floor. Right now, they can't enter the fellowship hall directly from the outside without going through a ramp, so now they can go right through the front door right to the fellowship hall on the same level. They are also adding unisex ADA restrooms on that level.

Mr. Hall showed them the second floor with the elevator and the stairs and then directly into the narthex. To the right is where the existing sanctuary is, and it can hold a maximum of 300 people. To the left is a kid's area that has seven new unisex type ADA restrooms.

Mr. Halls said that the addition is basically a split-faced block, very modern looking with metal facia, and it is 26-ft. 8-inches tall. There was a comment on the Planners review about the roof pitch, the ordinance states that it has to be a 4/12 pitch or greater in the area. They are asking for a waiver on this for a flat roof because they can't see it from any direction from the public except on the site itself. They are trying to screen their RTU units that are on the roof, so they won't be able to see the RTUs.

Mr. Hall said that the site plan itself the gray area of the parking lot is what is being adjusted. In the perimeter of the parking lot, there are gray areas that are to get to the isles in the existing parking lot to meet the ordinance. The gray area in the center is being modified to have handicap parking and to get the entrance so it is active with the cars and the grades are all situated that way.

Mr. Hall said there is future ground-mounted units side discharge, into the building that will be screened by a screen wall that is part of their landscaping now they will put the units in later and put the screen walls there.

Mr. Halls stated that the Fire Department when they had their review, they wanted the building to be sprinkled which it is, it is fully suppressed. The existing right now is not, so that is a major cost to get it suppressed. Being that the water service is coming from Baldwin Rd. and the Fire Department is requesting that that be transferred to the west side of the building, that is going to remove a parking space. Right now, they have 101 parking spaces on the property, and they have 300 people in the sanctuary, so they are only required to have 100 so by losing that one space they are still within the tolerance of the ordinance.



Mr. Hall said that right now there are two existing Detroit Edison power poles on the property, they have lights on them. The one to the north they put a green island around there and some landscaping to make that safer because right now they could hit it. The other pole to the south they modified to make it safer with the grades. They are also adding retaining walls, the highest part of the retaining wall for grade differences of 30-inches or less so there is no need for any guardrails.

Mr. Hall noted that the Fire Department also asked if their pumper truck could make it to the entrance. Their civil engineer did this before the meeting so it is not in their packet, but they wanted to show them that it does meet so it can get around there through the entrance and back out again.

Mr. Halls stated that they are putting in seven pole lights to make the existing parking lot brighter. Then they do have more lighting on the canopy.

Mr. Hall said on the landscape plan they are showing six new trees in the parking lot in the back, and they have three new trees by Baldwin. When the road was put in and the existing church was there, there is just no room so there is a drain in there, and the way the boulevard entrance is there is not a lot of room to do anything, so they are asking for some waivers on some of the planning comments. They did bring the sidewalks down from either side of the south and north sidewalks to connect to the public sidewalk. There is a grade differential there because of what the road is now, so there are steps being added.

Planner Wojciechowski read through his review date stamped June 7, 2022.

Engineer Landis read through his review date stamped June 8, 2022.

Chairman Reynolds stated that the Public Services did review without any major comment, similar to OHM's overview. Their Fire Marshal did have a number of comments, the pumper truck overlay template was something to be reviewed which was shown here this evening. They were also talking about the Fire Department connection being located at the SW corner of the existing structure near the secondary access drive that leads to the site. Department access is similar to what was mentioned in the review that the existing alley is critical because the 30-ft. in height, or three stories high structure shall not have fewer than two means of Fire Department access for each structure. Without that alleyway, the site plan should not be approved. The fourth item was access roads being marked per their ordinance at 20 to 26 feet being posted with NO PARKING FIRE LANE on both sides, and if it is greater than 26-ft. at least one side posted.

Commissioner Brackon asked if that easement is ultimately not granted which means that the whole thing has to be denied? Chairman Reynolds replied that per the Fire Marshal and the fire code he was guessing that the latest that they have adopted does require two means of access.

Planning & Zoning Director Girling stated that if everything else is rectified it could be a condition of the approval. That they are approved conditioned upon getting granted an easement or a party to the existing easement, allowing them access off of Gregory.

Chairman Reynolds said that if the easement wasn't provided, no, they can't grant site plan approval per their adopted fire code. If they go down that road maybe they can address other opportunities or talk through what the solution would be, at least the way they see it in front of them right now.

Chairman Reynolds said obviously Special Land Use to him doesn't seem to be a major issue it is a church that has been around for over 50 years. Gingellville Overlay Standards he felt that the thought that one area doesn't have a roof pitch to him inherently the building as a whole meets that criterion, so he was ok with that. Specifically, the addition going after the screening of mechanical units and that the pitch as it relates to the existing building would exceed their allowable height. The sign amenities he was ok with, the church is the closest if not one of the closest structures to the Baldwin corridor per its improvements, and site lighting and everything like that he didn't have any major issues because of the finding that it is an existing structure. He would like to make sure that the Fire Marshal's comments get addressed which is echoed by the engineer.

Commissioner Walker asked if there were any questions about any safety aspect of the one section of the roof being flat as opposed to a non-flat roof? Chairman Reynolds replied from his experience as an architect, no.

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, that the Planning Commission approve PC-2022-10, The River Church Special Land Use request for a church located at 3900 S. Baldwin Rd. (parcel 09-29-301-029), 3910 S. Baldwin (parcel 09-29-301-034) and 3920 S. Baldwin Rd. (parcel 09-29-301-038) for plans date stamped received May 24, 2022. This approval is based on the following findings of facts: that this represents an expansion of an existing church that has been at this location an excess of 50 years, and it is therefore compatible with the adjacent uses and it is also compatible with the Master Plan; there are adequate public services available demonstrated by the fact that the church has been using the facilities and is relocating some of the public services to accommodate fire, and the engineer's request. Since the sanctuary is not being expanded there will be no additional impact on traffic in the area; the enhancement of the surrounding environment is improved by the architectural and aesthetic appearance of the facility as demonstrated by the new construction.

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

Moved by Vice-Chairman Gross, seconded by Commissioner Brackon, that the Planning Commission approve the waivers from the Gingellville Village Center overlay standards because the applicant has demonstrated that the site is limited to the recent expansion of Baldwin Rd. and resulting in the building being on the property line adjacent to Baldwin Rd. has restricted the expansion capabilities of the site; the current standards would prevent reasonable use of the site; the waivers of the roof pitch recognizing that this is an expansion in the rear of the building, and is an addition to the roof pitch of the primary building that the roof pitch being a flat roof would be acceptable; the fact that the site is limited in terms of its ability to add additional site public amenities is waived; and the fact that the building is basically on the Baldwin Rd. lot line; site lighting has been demonstrated to be sufficient; and the parking in the rear of the site the parking lot screening is not necessary.

Discussion on the motion:

Chairman Reynolds said to clarify they have a motion to approve the waivers for the Gingellville Village Center overlay standards and the applicant did demonstrate the following finding of fact.

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

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approve waivers from the landscape required adjacent to roads based on: limited parcel depth, existing vegetation on the site would limit the practical application of landscaping standards.

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

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2022-10, The River Church located at 3900 S. Baldwin Rd. (parcel 09-29-301-029), 3910 S. Baldwin Rd. (parcel 09-29-301-034) and 3920 S. Baldwin Rd. (parcel 09-29-301-038) for plans date stamped received May 24, 2022, based on the following findings of facts: that there be a condition for the easement for emergency vehicle access across the property to the south and connecting to Gregory Rd. be apart of the approval; that the Township Engineers review letter comments of June 8, 2022, be incorporated into the final approval.

Discussion on the motion:

Chairman Reynolds asked if they could include all of the Fire Marshal's comments as it relates to the overlay template, and the signage is provided. The access agreement was a double-dip between the two but thought they were valid concerns.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the Fire Marshal's comments regarding the overlay template and signage be provided.

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

B. PPC-2022-22, Township Initiated Text Amendment to Zoning Ordinance #78, Articles 19 (Industrial Complex-IC) and 27 (General Provisions)

Chairman stated that they are forwarding a recommendation to the Township Board to approve and adopt if they see fit for the intended text amendment.

Chairman Reynolds asked if there was any discussion. There was not.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission forward a recommendation to the Township Board to approve and adopt PPC-2022-22, Township Initiated Text Amendment to Zoning Ordinance No. & 78, Industrial Complex (IC), Article XIX, as presented this evening by the Planner at their public hearing on June 15, 2022, that draft being considered. The reason that this proposed text amendment to the Industrial Complex Zone has been prepared is to reflect the necessary improvements to accommodate the retention and expansion of the property and a major employer within the Township. The ordinance addresses the promotion and protection of the health, safety, and welfare of the existing and proposed use as well as the impact and protection of the Township as a whole.

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

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

Chairman Reynolds said in their packets this evening there was the item on their goals charts. It was provided to them previously if anyone has any questions or comments.

Vice-Chairman Gross asked that in case he missed it when reviewing this do they need a definition of what the S & L means in the charts? Chairman Reynolds thought that would be a comment for the bigger picture of the Master Plan during its final resolution and it could just have a little key legend. Planner Wojciechowski said he will make a note it might be on the page before he wasn't sure but will note that.

D. Discussion on Fences

Chairman Reynolds said at the joint meeting they had earlier this year it was brought up and formed some sub-committees one of which was a committee on fences. Because the ZBA was hearing a number of cases there was discussion on potential amendments.

Planning & Zoning Director Girling stated that they had a few meetings they were very staggered with COVID surges, sickness, and schedules. If they recall it was first discussed at the Planning Commission because it was brought forward from their ZBA rep that they were hearing numerous fence cases. They discussed it here and as they discussed it, they didn't feel there was any need to change it, they didn't want to be Fort Knox was a comment that was heard. ZBA continued to see a surge in cases so when they had the joint meeting with the Board of Trustees, and the ZBA a committee was formed. As they had their different meetings most of the attendees had their own little flavor on it. It didn't ever come here as our recommendation. They haven't disbanded, they decided to kick it back to the PC with some of their thoughts to see if they have any input that they would like to offer. There are a few limited ones, are they happy with those few limited ones, or do they feel they should go back and try to tackle more? They can go over the individual pages, she had previously given them all of the pages encouraging them to prep for this very evening. One of the attachments is dated April 6, 2022, and she thought those comments were created by JoAnn Van Tassel. There was a comment about making the good side of the fence facing out. On the second page were some comments from Trustee Flood, and some talking points that he felt should be discussed. None of these are enormous changes. One of them involves requiring a neighbor's permission if they are going to put it up, recording something with the Register of Deeds. She didn't know what direction they wanted to go, she knew that the Planning Commission prefers for her to present them with a proposed text, and she got that message strongly. Since the Planning Commission had requested that it comes back, and then they said whatever comments there are from the Planning Commission they want to see them back again. She didn't know if they had any initial thoughts from what they have read here, strongly opposed to anything they have to say. She was looking for their comments to direct back to them.

Chairman Reynolds asked for the Planning Commissioner's thoughts.

Commissioner Walker stated that he learned a long time ago not to be critical of the work someone else is doing because then they will want you to help do it. He has probably more exposed to this fence stuff than the rest of them because of the ZBA, and it is really a pain in the neck. Not much came out of those meetings that they had but he wasn't sure what could be done. Trustee Flood at the ZBA meeting on Monday brought up again the arborvitae kinds of replacement things but he didn't know if they wanted to do that to make that part of the ordinance to say that one of the options that they have is to put live trees on instead of a fence. He thought that would be much better for everybody. Is that something that they want to legislate?

Commissioner Brackon asked if they needed approval from anybody to put live trees in?

Commissioner Walker replied he didn't think so, but they are trying to convince them that it is a better idea than a fence, that is the issue. The latest occurred on Baldwin with a bunch of fences on Baldwin and part of the Board gave them the first fence and then it snowballed and suddenly there were like ten fences or eleven fences all there, and then some of them never put the fences in. It is an issue, but he still wanted to stress the trees as an alternative somehow. He thought trying to keep it to a four-foot fence is still the best idea because they can have the four-foot fence right on the lot line.

Secretary St. Henry stated that there were no easy answers, and the couple of meetings that he sat in did go round and round. He was probably the one that brought up the Fort Knox comment back when they had the joint meeting. Talking about the Baldwin Keatington area there. He is 100% adamant about not appearing to be Fort Knox, the entire perimeter of the neighborhood is fenced off just because of traffic issues. He thought that the 4-ft. fence is reasonable, and he did agree with Commissioner Walker that somehow it would be so much nicer and accomplish the same goals with trees or landscaping to provide privacy, and shade or a barrier from traffic lights. He just wished there was a way that they could strongly encourage that.

Planning & Zoning Director Girling said that one of the first attachments they had heard over and over was how many cases in the last year the ZBA had heard on fences. She wanted to clarify and didn't remember the number that Trustee Flood had quoted. When they researched it that was counting the number of variances, so if they had a home that wanted it and it impacted the rear setback and their side setback that counted as three. There were truly only 24 cases involving fences versus a very elevated number that each one of these cases might have had three variances so take that number times three and that is why it seemed very elevated. The chart also shows that because there was discussion of if they don't want to look like Fort Knox from the road in passing perhaps the ordinance would allow the 6-ft. on the property when it is internal. So, this chart is saying whether it is an internal or main road, and so it would say this is a main road on Baldwin, Joslyn, and Waldon. Then below, ones that were all internal their fence that they were requesting was within a subdivision versus a main thoroughfare which cuts the number of cases in half. As she has been talking through this she has been saying, just from her exposure over the years coordinating the ZBA doesn't matter what you give someone always wants more. As far as, the landscape working as a fence her feelings were if someone is saying they want a fence because of a dog or a child, would have an ordinance that is implying a tree instead of a fence she would have to check with the attorney. Would that set up a life safety thing that a tree cannot necessarily enclose and hold in a neighboring vicious dog or a wandering child?

Trustee Urbanowski asked on the second page was it not from JoAnn Van Tassel? Planning & Zoning Director Girling replied that JoAnn's was the one with the red at the bottom and then the Orion Township Fence Ad Hoc Committee formed July 29, 2021, is a two-page document signed by Trustee Flood.

Trustee Urbanowski said a couple of the comments seemed interesting to her. She thought requiring a gate those kinds of things are important. She asked if it is a 6-ft. fence and it shall not extend past the front of the house foundation, so they are just talking about the side yard fences? Planning & Zoning Director Girling stated that a 4-ft. fence can be on the property line all the way around, so they can completely enclose, obviously they have to have their driveway, but it can go around the entire property. The ordinance says they can have a 4-ft. on the property line. This proposal is saying if they are going to allow a 6-ft. on a property line that it is never in their front yard and front yard is defined as once they don't have a house anymore. So, they have the back, side, and front of the house, and the road, and between the corner of the house and the road is the front yard. They were saying it would not go past that front corner of

the house. Now, if the ordinance says they have to meet setbacks in order to put a 6-ft. fence a house should meet the front yard setback, so they would never have a fence further than where the front of the house was unless the house itself got a variance to be closer to the road than the front yard setback requirement.

Trustee Urbanowski said she just wanted to pull out these talking points to see how everyone felt about them. No fence shall be attached or placed adjacent to an existing fence on the lot line, like butting up right next to each other. Planning & Zoning Director Girling said then they get the maintenance in between. She thought that is why this ordinance was written the way it was written, she pictures a 4-ft. fence they are able to use a weedwhacker and reach over and do some type of maintenance on the other side without going on an adjacent property. If they are 6-ft. and it is enclosing, it and its wood they can't do that. If they don't have a setback of a least 10-ft., how are they going on that side of the fence to maintain grass that grows. In SE, SR, and SF, they have a 20-ft. side yard, and she thought the 20-ft. might be too much and maybe the ordinance would just say the 10-ft. which gives them the ability to maintain it. The back-to-back fence is the same thing if it is not butted up then they get the growth, weeds, and the inability to maintain it.

Chairman Reynolds stated that he is not a huge fan of fences in general. He does understand that there needs to be a division between property owners, separate uses, and privacy created in certain circumstances. He encouraged the committee to consider saying the natural forms or reiterate that. If there is a safety access concern that maybe it is a combination of, and one of those thoughts of the combination of is if it were along a primary roadway and they are not putting it on the property line between two owners that there is landscaping required. Maybe 10-ft. or 6-ft. or landscaping where they could do some arborvitaes to be where the fence itself is shielded from view. He would be in favor that they need the fence for the dog that likes to jump over the fence, but the rest of the public is not essentially having to look at that. He would be open to the fact that it doesn't just have to be a wall of arborvitaes, but it could be 70% landscaping or only 30% in view of something like that. He didn't think what has occurred along Baldwin Rd. is favorable to the look of their community and specifically to this vision of the Master Plan that they have about the importance of corridors too. He thought that there were some rules for him that could be added here but wanted to strongly encourage the natural buffers. He agreed with Trustee Urbanowski in the sense of access, that would be important for him. If anything, if they are going to ask for this then let's raise the bar a little bit versus just slapping a 6-ft. fence up on the property line. He was in favor of not needing a survey if they are in agreement with the two. These things are going to be requested but he thought that they need to have some parameters to it.

Trustee Urbanowski said under number seven fence specification is crossed out. Then it says fences constructed of chain-link, wood, vinyl, or similar materials are crossed out and it only leaves it as constructed of man-made materials are permitted. She would like to see some very specific. She felt they should be very specific about what is allowed so that someone doesn't construct concrete with bottles in it, that are man-made. She was in favor of being very specific about what is allowed as opposed to just free forming it.

Chairman Reynolds agreed with that comment, he thought that man-made was a bit too open-ended. He thought that the idea of the good side out, that is a typical requirement in a lot of cities. He felt the good side out was a great comment. He thought additional talking points of yes to number one, and not past the front of the house, the ordinance supports that. Utility meters he would go either way on that, a gate or fire access or at least a means of access to be provided if they are getting over a solid fence. No double fences he agrees with that.

Trustee Urbanowski said registering with Oakland County too. She asked if that was a thing that they do. Planning & Zoning Director Girling replied that they can have a document recorded at the Register of Deeds. If it is an agreement between two property owners related to giving permission, then that is a document that can be registered.

Chairman Reynold asked if that was to avoid a survey? Planning & Zoning Director Girling replied that was their idea to avoid a survey. If they are going to let them do this, then you get your neighbor's permission and it stays with the land so that when someone is going to buy the property and they search the deeds and the history of it they are going to see this document that has been recorded saying there is a fence and the fence has to stay and has all the information contained in it.

Chairman Reynolds said if there isn't a survey provided, he would be in support of that. A survey a lot of times can rectify that to prove that it is on their own property but that is \$1,500 - \$4,500 that everyone isn't always willing to spend.

Trustee Urbanowski said she appreciated the committee coming together to do that, taking their personal time.

Chairman Reynolds said his biggest takeaway would be encouraging the natural buffer for fences and can they even do a hybrid, can they do a mix of something to where like Baldwin Rd. require in a certain corridor that there is 5-ft. of landscaping to where they don't just have a wall of everything.

Commissioner Walker said that Trustee Flood had suggested perhaps having the Township put some natural vegetation along the Community Center's drive as an example, they would have that to show them how that looks.

Planning & Zoning Director Girling said that Tony Cook on the ZBA had come to her months ago in between one of the meetings with that suggestion. He had suggested it here and she told him that they had the formal landscape done and she would reach out to if the committee wanted, Aaron the Park and Rec Director. She thought of Jesse Decker because they do have the adjacent residential right there. Mr. Cook didn't favor that he thought it should be here so that the minute they walked to the counter they could send them out there. She discussed with him if they say this is what buildings are supposed to look like they don't necessarily have that visual she suggested a handout with some different types that work that same way as a buffer. That is just an item to follow up on. She also said that if they create that it has to be maintained and he felt that a group of volunteers could do that. It is something that they could look into, but she thought that a park that was actually adjacent to residential to prove how it serves as that buffer. She didn't think of the Orion Center and how it is up against a school which is a type of residential.

Chairman Reynolds said he was either way on a physical example. He thought that if they had a nice kind of encouragement of an article or a couple of examples. Like the landscape buffers that are proposed at Lavender Ridge. Some of these other examples of good ideas, encourage people to say they have solutions that are not just going for a variance and ask for your fence.

Secretary St. Henry said they mentioned the internal fence issue and internal streets. Are people trying to get around HOA, or their by-laws? Planning & Zoning Director Girling said they can't police the by-laws. When somebody comes in, they tell them to check with their HOAs. When they go to the ZBA it asks on the application if there is an HOA. She believed that the ZBA usually asks if they have HOA. She thought it was more that people with the way the world is wanting to barricade themselves in. Secretary St. Henry asked so they don't care if there is

an HOA by-law in the neighborhood. Planning & Zoning Director Girling said if it is a real active one, she thinks they are warned, she didn't think they were going against the HOAs. She thought that they know enough and didn't think that was their purpose.

Secretary St. Henry said he thought most HOAs if there are any by-laws a fence would be one that they enforce as much as possible. Planning & Zoning Director Girling said or an Architectural Committee and whoever is sitting on it, those three people, it depends on what the flavor is at the time.

#### **9. PUBLIC COMMENTS**

None.

#### **10. COMMUNICATIONS**

None.

#### **11. PLANNERS REPORTS**

##### **A. Solar Farms on Closed Landfills Article**

Planning & Zoning Director Girling stated that it was an article that Planner Arroyo provided.

Chairman Reynolds said as the Master Plan outlines some of those forward-thinking items as it relates to what to do with properties as their use is being closed out, specifically landfills.

Secretary St. Henry asked if they found out when their landfill in their Township is going to be at least contractually closed out? Commissioner Brackon thought it was 2042.

#### **12. COMMITTEE REPORTS**

None.

#### **13. PUBLIC HEARINGS**

**A. 07-06-22 at 7:05 p.m. PPC-22-18, 3850 Joslyn Rd., Special Land use for a Gas Station with a Drive-Thru, located at 3850 Joslyn Rd. (parcel 09-28-376-031).**

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

None.

#### **15. COMMISSIONERS' COMMENTS**

Commissioner Gingell said she was excited to see the Gingellville Community Church transform into The River Church to grow and stay a church.

Secretary St. Henry said he would like to see the applicants get some sort of guide before they start talking about Gingellville and to call it how it is supposed to be called.

Trustee Urbanowski said if anyone likes to golf the Orion Chamber of Commerce has a golf outing on Monday, July 18<sup>th</sup> and they are still taking golfers.

#### **16. ADJOURNMENT**

Moved by Chairman Reynolds, seconded by Vice-Chairman Gross, to adjourn the meeting at 8:35 p.m. **Motion carried.**

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

July 6, 2022

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Planning Commission Approval Date