The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 16, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

PLANNING COMMISSION MEMBERS PRESENT
Scott Reynolds, Chairman
Kim Urbanowski, BOT Rep to PC
Joe St. Henry, Secretary
Don Walker, PC Rep to ZBA
Don Gross, Vice-Chairman

PLANNING COMMISSION MEMBERS ABSENT:
Garrett Hoffman, Commissioner
Jessica Gingell, Commissioner

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:00 pm.

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Thomas Naughton
Sara D’Agostini
Gene D’Agostini
John Ackerman
David Stollman
Ed Weglarz
Mike Weglarz
Wendel Thames
Isabel Raposo
Ken Zmijewski

3. MINUTES
A. 06-02-21, Planning Commission Regular Meeting Minutes
B. 06-02-21, PC-2021-47, Orion Village Center Special Land Use Public Hearing Minutes.
Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve both sets of minutes as submitted. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to approve the agenda as presented. Motion carried

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-49, M-24 Rezone Request, the request is to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from
Office Professional (OP) to Multiple Family-2 (RM-2) at 7:05 pm and closed the public hearing at 7:18 pm.

7. NEW BUSINESS
A. PC-2021-49, M-24 Rezone Request, the request is to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from Office Professional (OP) to Multiple Family-2 (RM-2).

Chairman Reynolds asked if the applicant had anything more to add? They did not.

Planner Fazzini read through his review date stamped June 8, 2021.

Vice-Chairman Gross said that the application for rezoning appears to make sense. It is a transitional zoning and is in compliance with the Master Plan. He said it would not be detrimental to any of the surrounding properties. Some of the issues that have been addressed tonight can be handled during the site plan review stage. He felt that the proposal does have some merit and would recommend it at the appropriate time.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-49, M-24 rezone request to rezone 2410 S. Lapeer Rd. (parcel 09-23-301-005) and vacant parcels 09-23-301-012 & 09-23-301-013 (both south of 2410 S. Lapeer Rd.) from Office Professional (OP) to Multiple Family-2 (RM-2) as depicted on the plan date stamped received 5/19/2021.

This recommendation to approve is based on the following findings of facts: that the proposal maintains transitional zoning and development between the Home Depot property to the south and the Planned Unit Development (PUD) – residential development to the north; the request is consistent with the residential development and the goals and objectives of the Master Plan; the proposal rezoning from Office to residential will have less of a traffic generation than the current (OP) zoning; further, this recommendation is that the parcels be combined into a single development site so that there will be a single 16-acre site as opposed to 3 separate parcels.

Discussion on the motion:

Mr. David Spiers, 2386 Monte Vista Ct., asked how far can this rezoning go? They have it going to RM-2 does that include low-income housing as well as the old people’s home? What kind of range of subjects can go in there? He knew that there was nothing definite at this stage but the last thing he wanted there was low-income housing or public housing. He asked how far can this rezoning go? Chairman Reynolds stated that he didn’t know the RM district right off the top of his head, it is a straight rezone so it would be subject to the zoning ordinance RM. Anything that is allowed in that zoning district would be allowed on this parcel, from setbacks, density requirements, and height requirements. He didn’t remember how they speak to low-income housing and senior housing. Planner Fazzini stated that low-income housing isn’t a zoning term, it is multiple-family housing is the term. They might want to direct that to the applicant as far as who their target resident would be or how they intend to market the property. What would be permitted is 8 units per acre, so, 127 units. Mr. Spiers said his concern is they are the ones controlling the rezoning, if they don’t like that kind of building on that property, now is the time to speak. He didn’t think they wanted to wait until the end when they come along and say they are going to bulldoze it and go from there. His concern is they need to act here, that is why he was there, he was not happy with small low-income housing in that zone. Mr. Stollman said as to the question as to who the target market would be, at the moment, and obviously, things can change with the
dynamic and economy right now, they are looking for, for-sale townhouses, priced very close to what they see Pulte selling in the Breckenridge community which is $375,000-$425,000. He said he could tell them for certainty that they don’t do low-income houses they never have in the 100-years they have been in business and he didn’t know how to do it. It is not part of their business plan and he doesn’t know anything about it.

Chairman Reynolds stated that there will be an opportunity during the site plan approval phase to review these projects more in-depth, so this is just strictly the zoning.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Reynolds, yes. Motion carried 5-0. (Hoffman & Gingrich absent)

B. PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033. Chairman Reynolds asked if the applicant was present?

Ms. Sara D’Agostini 38700 Van Dyke, Sterling Heights, presented.

Ms. D’Agostini stated that she was there on behalf of Kay Industrial Land LLC, the applicant.

Ms. D’Agostini said that the first site they were there to talk about is 50 Kay Industrial Dr. It is a vacant parcel in Kay Industrial Park. It is 3.12 acres, on the southeast corner of Lapeer and Kay Industrial Dr.

Ms. D’Agostini said that they are a speculative industrial builder, on this particular site they are under contract to purchase from the current owner. Their plan is to build an approximately 45,000-sq. ft. industrial facility. They may have seen the cover letter in their application, in order for this to be a viable site for them they do need to go for a variance and they are asking for certain waivers that the Planner has set forth in the packet provided to them. The idea here is to ask for a conditional approval and from here they will go to the ZBA for a variance request.

Ms. D’Agostini showed the Commissioner’s the site plan. It is a 45,060-sq. ft. facility and it has 5,400-sq. ft. of first-floor office. They are proposing to build in the opportunity for an additional mezzanine of 5,400-sq. ft. of office in order to do this. The Planner pointed out the Overlay District parking requirements will require them to get a waiver for 8 additional spaces, they are asking for that flexibility.

Ms. D’Agostini showed the Commissioner’s the elevation of the facility. She showed them a building that they have done that they will mirror. The one exception is being that at the left corner will be the entrance points which are shown on the elevation. She added that the Planner pointed out there are certain things that they are designed that doesn’t strictly meet the ordinance, however, they believe it is a class “A” building that meets, hopeful, something that they would be proud of also and meets the theme of the industrial park that it will be a part of.

Ms. D’Agostini said it is a 45,060-sq. ft. building. They look forward to building speculatively in the market and their community. They are hoping they feel the same and that they will grant them the waivers needed and conditional approval.

Engineer Landis read through his review dated June 10, 2021.

Chairman Reynolds said that there was a review from the Fire Marshal. He said that he was approving with requirements, there is a number of fire hydrant locations to be revised, there is an FDC or Fire Department Connection that needs to be located on the southeast corner of the building, and parking is not allowed in front of this spot. The drive on the west side of the
building needs to be increased to 26-ft. per the ordinance. They need a truck overlay template, and some fire signage was his comment.

Chairman Reynolds said that there was a review from their Public Services Director. There was a general review of the project but since there is a number of outstanding comments that need to be addressed there is not a formal letter being submitted until those comments are addressed per the Public Service Director.

Planner Fazzini read through his review date stamped June 16, 2021.

Ms. D’Agostini said that their intention is to fully comply and satisfy all the comments. With respect to the Planners comments, acknowledge that the tree inventory and the lighting plan were not provided. They acknowledge and if they are granted the variances, they will move forward with the project, and they will provide those, so they are asking for conditional approval on that. The parking, the design, and the sidewalk they are asking for a waiver of those requirements. The facility does match in its design the facilities throughout the park and ask for consideration.

Commissioner Walker thought that they grant conditional approval sometimes when they shouldn’t. As he was checking off both the engineering and the planner’s requests for additional information he was overwhelmed. It was his view that this is not ready, as far as he was concerned, for a vote for a conditional approval, even though he was sure at the right time and place it will be just fine.

Chairman Reynolds said he was in favor of the development he didn't think that there was anything crazy here. He thought that there were a few items to address that could influence the overall design. He in general, is in favor of conditional approvals, but obviously, there are a number of items here to be addressed, he thought some were minor, but some might have a bigger influence. He was torn here with the number of outstanding issues here to just approve as they see it here tonight.

Mr. Eugene D’Agostini 38700 Van Dyke, Sterling Heights, MI, presented.

Mr. D’Agostini stated that he respected their concerns about these conditional approvals. They have a chicken and an egg situation. In order for them to design a complete project, they have to know what they are doing and so they are asking for the variance, and to get the variance they have to go to the Zoning Board of Appeals. Their approach was let’s give all the information that they think is necessary short of stuff that they are going to have to do twice if they are successful in getting the variance. Another issue that they had is they have a limited amount of time because they have not closed on the property and the closing is subject to them getting approvals, obviously, so they are trying to jam all this in, in a relatively short period of time. He would have preferred giving them a complete set of plans because that is the way they like to do it so that there are no unknowns. In order to do that they would have to draw something that may be scrapped if they don’t get the variances. They are hoping that they gave them enough that those additional pieces of information can be approved administratively because conceptionally the thing is wholesome.

Chairman Reynolds said that he understood that the scenario development and the situation they are in with materials, supplies, and construction windows, and things. Some of these in his eyes his biggest issue with having some outstanding comments on widths and then asking for a waiver on parking setbacks is something from their perspective that could once again change or influence when they are in compliance with mandatory items. He stated that there are always things in his perspective that are workable in conditional approval items but was torn to kind of
go out there and speak to so many items being conditional just because they are seeking a variance. His general sense is he is in favor of the project but of substantial compliance with their ordinance for site plan approval that is what he is getting hung up on here.

Commissioner Urbanowski agreed with that. There are so many outstanding things that she didn’t want anything to fall by the waist side if it is all conditional. Honestly, they know them, they have seen their work and they know what they are about but from this perspective, they want to make sure that they are dotting all the “i”s and crossing all the “t”s as well, and there are so many things here.

Mr. D’Agostini said that they do fully intend to meet all of the criteria short of those items that they have asked for a waiver on. He said that he has a history with Orion Township, he has built four of the buildings in that development some years ago. He developed part of that sub the part that is not Kay Industrial, the part that is south of Kay Industrial. He is fully familiar with the Township they have had a long history. They do a lot of industrial development, he has been building industrial for 50-years, it is what they love and they have a passion for. It is their intent to fully comply with all of the requirements. Do they do a tree survey before they know that they are going to get a variance? Do they do all the detail in engineering that they know that they have to do and they will fully satisfy their professionals? It was kind of a chicken and an egg because they design something and it all is going to change if they don’t get a variance or if they do.

Chairman Reynolds said he understood. He noted that they were in a tough spot because if they conditionally approve this item its is a long list. His issue isn’t so much the conditional item as much as the conditional items that may influence things. He wasn’t worried necessarily about an open parcel for trees. He saw the photo of the project that is proposed but there are some elevations in here just speaking to the Lapeer Overlay District and some of those asks, so they are asking for those to be waived, or are they saying they are going to meet those criteria for architectural features. There are a lot of question marks here. He entrusts in his professionals and know their consultants that there are a number of engineering items that they can work through but there are some of them that there seems to be a lot of push and pull here. He was not in favor of turning down the project personally but would love to see more information before they make that movement towards a Conditional Rezone if they knock out some of these bigger items and comments on the list.

Vice-Chairman Gross asked if they had made an application to the Board of Appeals yet? Ms. D’Agostini replied that they were waiting for the Planners official comments on what variances would be required, they received those this afternoon, so the application is prepped it will need a little bit of tweaking but it will go, they were trying to get it in this week. It will be in no later than Monday of next week.

Chairman Reynolds asked Planner Fazzini what happens if the project is denied here tonight based on the findings of facts, that they don’t have their variances and they don’t meet certain criteria of the ordinance, doesn’t that then give them the opportunity to go for their variance and then also come back to address their site plan approval comments? Planner Fazzini replied yes. He added that the Township policy is that they have to have a denial in order to go to the ZBA. That denial could be a straight denial or it could be a denial that is an approval if the variances are obtained. There are two options with the denial. Another option would be to require certain items to come back before them like the lighting plan, or tree plan. It is sort of an administrative review but it is an administrative review that comes before them and before staff. He didn’t know if that was something that they have done a whole lot with and would want the Planning & Zoning Director Girling’s input on that. Or like the building design, they could request that the
building design comes back before them, the site plan is approved but the building details are going to be discussed again, so, other options like that they may have.

Chairman Reynolds said that it gives them the opportunity where they could at least go to and appear in front of the ZBA but it doesn’t give them the waivers and all of the criteria would have to come back if it doesn’t meet it, then they would have to come back. Planner Fazzini said if it is a straight denial then they could still go to the ZBA but the site plan comes back.

Planning & Zoning Director Girling said she thinks that they want to be careful with a straight denial because a straight denial is a denial. Perhaps it is denied because of the need for the variances, however, if the variances are received then that is where they add their conditions. They come back for the site plan again with the conditions that are missing, they come back just for photometric, they come back just for the elevations, but a straight denial is a straight denial and she would say that they have denied the site plan and it is dead in the water. She thought they should be cautious with a straight denial.

Chairman Reynolds said that was his intent, is essentially the denial for the sake of full approval.

Mr. D’Agostini questioned if they could table it until the ZBA has met? Chairman Reynolds said that the only issue with that is that the postponement does not give them the opportunity to go seek the variance. He felt they needed a motion to approve if the variances are received. It is effectively denied until they get the variance. If it is denied it would be based on conditions being addressed. Planning & Zoning Director Girling thought that they could give components of it. She added that the plan is denied in aspects of setbacks, and a dumpster, all the ones that variances are needed. This is not a denial of the entire plan they are postponing the deliberation on the site plan as a whole. After they go to the ZBA they are required to come back with the missing conditions.

Mr. D’Agostini said from his perspective he would like to have a conditional approval because again they have a time crunch with the seller, a conditional approval subject to the variance and subject to them meeting the loose ends criteria that they are very confident, they are just loose ends that they need to address, and they intend to and they are confident that they can. They didn’t think they should be doing them if they don’t know if they are getting the variance. Do they design something that may not get approved or that is going to change if they get a variance? Chairman Reynolds said he is trying to get creative just in the sense of the opportunity to go seek the variances but not have a full site plan approval. He said it was up to his fellow Planning Commissioner’s comfort level or thoughts.

Secretary St. Henry asked if the issue they are afraid that they can’t get the variances in time to move forward with the project in lieu of what the sellers? Mr. D’Agostini replied that they are based upon the dates that they have for the ZBA they are only going to have like a weeks’ time before closing. They are compressing this all, and they want to do the project, they feel good about the project, he thought it was a great project and they are going to do both buildings and they are going to spec them. He has been doing this for 50-years, he built his first building 50-years ago this year, he was a fairly young man. What he learned in this business if they don’t build them, they miss a lot of the deals and the reason is that the supply base, which is the bulk of the users in the industrial market today, most of the time they don’t plan far enough ahead because their commitments are geared to the P.O.’s and they don’t get the P.O.’s until the last minute. It gives them the competitive edge to build these things, that is why they are there to spec these buildings. These buildings and these variances are based upon their knowledge and experience of what these buildings need to look like physically and the shapes and dimensions. These sites that they are dealing with have been undeveloped for a reason and it
is because they are challenging sites. The one site is very long and narrow, and most users don’t want that long skinny building, they want their people to be fairly close in, manageable facility. They are trying to deal with all that.

Chairman Reynolds said his comments would be a motion to approve subject to them rereviewing parking, architectural features, and addressing the comments in their reviewers letter, but it is denied subject to receiving the variances at this point, so at least they get the chance to re-review it but they can go seek variances. Planning & Zoning Director Girling said usually what it has been that they are denied, however, if they receive the variances then they will return to the Planning Commission with the missing items, or they are denied in order to go for the variances and if they meet everything else in the ordinance, they don’t have to come back except they want to see elevations, they want to see lighting. That way they are 99% there if he gets his variances, he is comfortable with the purchase of the property, he knows he is going to be able to meet the photometric. If they look at the landscape again and he is short 5 trees, he knows he has to plant five to meet it. So, they have a component of it coming back but it is enough that he gets to the point of his purchase. The big thing is the denial to go to the ZBA but it is not a denial of a project as a whole because pieces can come back. They can say they want to do a landscape review separately they want to do lighting separately. They are approved, however, if those are not successfully approved by them then their approval is no longer valid.

Chairman Reynolds said he would be in support of the project coming back for a review of some of the items that he had mentioned, addressing the comments, and essentially reviewing the project as a whole. He said looking at it in a sense of a PUD he approved the concept and the logistics of it being addressed moving forward still need to be proven but at least that provides an opportunity to seek the variances, and them to insure at their level and not just on their professional consultants to ensure those conditions are met.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, for PC-2021-51, Kay Industrial, Sidwell #09-35-400-033, that since there is some consensus that he believed relative to the concept of the site plan as submitted, however, since there are variances required by the Zoning Board of Appeals that they do not have control over he would deny the site plan as submitted due to the fact that there are variances required by the Zoning Board of Appeals. If the Zoning Board of Appeals approves the variances the plan will return to the Planning Commission for certification of the completion of the items of the OHM report of 6/10/2021, the Fire Department request of 6/3/2021, and the Giffels Webster report of 6/15/2021. In that, if they could get the items back on the Planning Commission agenda as soon as possible after the Zoning Board of Appeals to review these items.

Discussion on the motion:

Chairman Reynolds said he would be in favor of the motion on the table but he would request a friendly amendment to also require the review and approval by their Public Works Director. Right now, there is kind of a non-review subject to having a large number of outstanding comments. Approve in the sense that they need to come back to address all comments after a variance is granted if a variance is granted.

Vice-Chairman Gross thought that was covered in the OHM report of 6/10/2021 since Public Service Director Stout’s report indicates that he has reviewed the letter of 6/10/2021 which has several recommendations that will need to be addressed and thought it had already been covered.
Planning & Zoning Director Girling said that his motion said the Planners review dated 6/15/2021, there was a revised one dated 6/16/2021.

Chairman Reynolds said so the latest Giffels Webster review for clarification purposes.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 5-0** (Hoffman & Gingell absent).

C. PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.)

Ms. D’Agostini said they are proposing an approximate 67,000-sq. ft. speculative industrial facility. Variances are required because this is a very narrow long piece and impractical for most users in their market. In order to be viable, they need to go to the ZBA to get variances.

Chairman Reynolds asked if there was anything in addition that the Planner would like to add?

Planner Fazzini read through his review date stamped June 16, 2021.

Engineer Landis read through his review date stamped June 10, 2021.

Chairman Reynolds stated that the Fire Marshal had similar comments about fire hydrant locations, the need for turning templates to be added, and fire lane signage. The Public Service Director had similar comments deferring to outstanding items on the Engineers review before no additional comments being provided. He added that he didn’t previously mention but there was a site walk completed by the site walk committee on both of these projects.

Vice-Chairman Gross asked if the side yard greenbelt was that a waiver that they can grant or is that a requirement of the ZBA? Planner Fazzini replied that in their opinion there is a variance needed for that because the site doesn’t have an existing parking lot. There are some qualifications to granting waivers for that so in this case, they are going to the ZBA anyway, they feel that should be a variance. Vice-Chairman Gross asked so that would require a ZBA action? Planner Fazzini replied yes to the south property line.

Chairman Reynolds added that the landscape requirements seem easy going but he thought that the assessment of the trees making sure that there are no legacy trees that are there that effect that replacement that is something they are looking for. He looks at this one similar to the other generally he is unpleased with the amount of content that was presented to them tonight but with the understanding that there is an opportunity to essentially come back and address those comments for a rereview and the final approval he would be subject to a similar motion to the previous project so variances can be sought and then final comments can be addressed.

Secretary St. Henry said this is pretty straightforward from the standpoint that it is very similar to the previous project that they just reviewed. There are a number of outstanding issues that have to be addressed. It has to go before the ZBA again, he agreed that they should mirror it very similar to the previous motion and go from there. The fact that this developer has been building with the Kay Industrial buildings for a long time and has a lot of experience he felt more comfortable if it was somebody else building. On a speculative basis, they know the market and agreed to move forward in the same way.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that consistent with the action on their previous request of PC-2021-51, by the same applicant with very similar circumstances, I move that the Planning Commission **deny** the site plan for PC-2021-52, for the
unaddressed parcel of 09-35-400-044, for the plans date stamped and received 5/26/2021. Due
to the fact that minimal variances are required by the ZBA, if the ZBA approves the variance the
plan will be returned to the Planning Commission for completion of the review of the OHM report
of June 10, 2021, items 1-13, the Fire Marshal report of June 4, 2021, and the Giffels Webster

Roll call vote was as follows: St. Henry, yes; Urbanowski, yes; Walker, yes; Gross, yes;
Reynolds, yes. Motion carried 5-0 (Hoffman & Gingell absent)

8. UNFINISHED BUSINESS
A. PC-2019-04, Orion Storage Site Plan, located at 1761 W. Clarkston Rd., parcel 09-16-226-
001

Chairman Reynolds asked if the applicant was present?

Mr. Gary Casada 226 E. La Salle, Royal Oak, MI represented Orion Investments Group
presented.

Mr. Casada said he was there with the owner/applicant Ken Zmijewski and they were there to
address a couple of issues. They have seen them before and they hope they are ready to get
site plan approval here by addressing a couple of more.

Chairman Reynolds asked if it was the main presentation that they were looking to go through
here? Mr. Casada replied that his understanding was that based on a couple of site reviews
that they are at the point where they are going to address the parking issue, the amount of off-
street parking they would like a waiver on. They are going to present evidence of a more
reasonable standard. He thought they were also going to request permission to go to the
Zoning Board of Appeals, but wasn’t sure if they just approved it contingent upon the ZBA
approving their variances.

Chairman Reynolds said if they wanted to give an overview of the project, then they will turn it
over to the reviewers to give their input on what is outstanding and how they want to address it.
He asked him to walk them through the project as a whole and then they will do the reviews,
then they will address processes, items, and motions that may be addressed here tonight.

Mr. Casada stated that this was at 1761 W. Clarkston Rd., it is just to the west of the Poly Ann
trail on one side and just to the east of School property on the other, it is just south of Clarkston
Rd. It is in the area that is currently zoned Limited Industrial (LI), Future Land Use is Industrial
Commercial mixed-use. What it currently is and has been for many years, Mr. Zmijewski or his
company has owned this property since 1993 and throughout that time it has been used for both
public and private storage, for landscaping, and also for public open storage. They are at the
point and Mr. Zmijewski would like to improve the property, turn it into a public or mini-storage
facility with a one-story unit, they are not interior they are not conditioned units, they are non-
conditioned units. They are proposing to put five buildings on the site, and one small office
space that would be attended by an employee, and it is not a residential office, it is just a 380-ft.
office. The property will have stormwater detention at the south end. They have submitted a
landscaping plan and what they are intending to do is have the total amount of the square
footage of the storage would be about 56,909-sq. ft. and probably 350-400 units, that haven’t
been designated yet, but that is about the order magnitude of this property.

Planner Pietsch read through his review date stamped June 10, 2021.

Engineer Landis read through his review date stamped June 1, 2021.
Chairman Reynolds stated that there was also a review from the Fire Marshal he is recommending approval with no additional comments. The Public Service Director Stout had no additional comments.

Chairman Reynolds said there was a citizen’s letter from Linda Moran of the Polly Ann Trail Manager and represents the management council of the Polly Ann Trail and they are owners of the property to the east of the proposed rezoning area, and they have several concerns that they would like to have addressed. The fence needs to be removed and replaced as part of the proposed project; they would like to have a copy of the certified survey of the property, they believe the fence is on their property and would like this to be verified and corrected as part of the project.

Vice-Chairman Gross said he thought that a development of this nature would be an improvement over the existing condition of the site. He thought it was heading in the right direction. He added regarding the site plan, his first concern is the excess lot coverage it is at 37.2%, the ordinance requires only 30%. If his calculations are correct if the west building was to be eliminated, which is 9,400-sq. ft. that would take the lot coverage down to 29.7% to meet the ordinance requirements with some slight plan modifications with the elimination of that building, the requirement for waivers for inadequate east and west side yard setbacks with 5-ft. being provided and 25-ft. being required, that would be eliminated having to go to the Zoning Board of Appeals, as well. The landscape greenbelt could also be accommodated with the elimination of one building. In effect, this project could proceed without any waivers being required by the Zoning Board of Appeals. He did believe that the development of this nature would be an improvement. He believed that the determination of the parking calculation based upon the type of uses would be appropriate as submitted. But relative to the other items he believed the plan has to be denied.

Chairman Reynolds stated that he agreed with Vice-Chairman Gross, they have seen this project a few times, he was in favor of development there. He understood that a long narrow parcel is difficult to develop but thought that they were trying to put a lot in there. They have setbacks and general lot coverages for a reason. He wasn’t crazy about all the variances requested to make it work especially when it seems like it is out of undue hardship but a necessity for the economy.

Commissioner Walker said that he would like the petitioner to address the letter from the Polly Ann Trail. Mr. Casada said that they don’t have the survey in the short time they had, but if the fence is on their property of course they will accommodate.

Mr. Ken Zmijewski, the owner of Orion Investment Group, 150 Tiffany, Royal Oak, MI, stated that there was a small section, perhaps it was there when he bought it, but there is a small section maybe 10-15-ft., and it might just be a foot on there it has been there forever, to never realize that it was on there until the Polly Ann Trail people came and said that their fence was on their property. He assured them that during the development he would certainly take the fence off, it is not a large encroachment. He thought that the fence had been up for 20 years.

Chairman Reynolds said that the lot coverage and setback variances requested, versus removing various components to meet those criteria. Mr. Casada said yes. He said he wanted to address that, in fact, he mentioned they have setbacks for a reason. He said that they purchased the extra 40-ft. on the west side so that they could expand the project to make it more viable, that is the reason they invested the money in the 40-ft. because it was a very narrow site. Adding the 40-ft. allowed them to add an extra building, and to make the project more viable. Mr. Zmijewski said it also allowed them to have a full-time person on-site to
manage the project as well. In a self-storage facility by the time, they add everything up that is questionable as to be large enough to make sense to put a full-time manager on. Mr. Casada said that is why they purchased the 40-ft. strip. He added that the other reason for the setbacks and why they would like to go to the Zoning Board of Appeals, and the reason for the setbacks is the relationship with the other properties, the neighbors, and in the future with neighboring properties. In this case, this is sort of a unique situation, on the northside Clarkston Rd., no neighbors there, on the east side, not only is the Polly Ann Trail there but there is a high-tension wire running along the property line, nobody is going to build there. Everyone loves the Polly Ann Trail, it is not going to get built on, on the west side the people who sold us the 40-ft. strip they just redeveloped, there is a brand-new building out there, they have done a completely new plan out there. All the areas to the south and west of their building are going to be left natural, that is their plan. As far as the purpose of the rule of the setbacks it really doesn’t have much application here, it doesn’t give them the benefit that the community intended when they wrote the zoning ordinance. They want to have a setback so they have a green space and space between them and the neighboring property. In this case, there is never going to be a neighboring property with any development on it, there is not going to be any houses or businesses there, and really never will be. So, in this case, the zoning ordinance which they support the purposes of the zoning ordinance and the setbacks but for their property that benefit isn’t realized, and so they think that is a reason to ask for the variances, they thought they may get the variances and it allows them to do the project. They asked them to let them make that pitch to the Zoning Board of Appeals.

Vice-Chairman Gross asked if they needed a motion for the Parking Calculation Waiver? Chairman Reynolds replied yes, they do need a Parking Calculation Waiver. He added that they stated that they were going to present some facts with that. Mr. Casada stated that their project is 56,909-sq. ft. and it is in the Limited Industrial (LI), the zoning ordinance it says one parking for a 1,000-sq. ft. that is where the 57 comes from. The zoning ordinance doesn’t specifically address mini-storage, self-storage, or self-service storage however, this is self-storage. They don’t address that precisely instead they are applying the overall general application industrial parking requirement. What they did is they went around and surveyed some of the other Lake Orion storage facilities to see how they were doing, and also, they looked at four other communities in the area that have similarities to Orion Township, they looked at Troy, Oxford, Shelby Township, and Rochester Hills. The three that he wanted to mention that was Lake Orion or Orion Township facilities, U-Store at 180 W. Church St., is 40,000-sq. ft. but 3,000-sq. ft. of office space and they have 12 parking spaces. There is Storage Rental of America at 1007 Brown Rd., in Orion Township that is 49,000-sq. ft. and 900-sq. ft. of office spaces, they only have 6 parking spaces. There is CubeSmart at 1745 Waldon Rd., Lake Orion, they have 76,000-sq. ft. they don’t have an office and they only have three spaces. They have 8-spaces for 56,000-sq. ft. with a 380-sq. ft. office. What he thought was more constructive, because the evidence is a more reasonable standard. Other communities that have specifically addressed mini storage in their ordinance, Shelby Township they have one space per 50-sq. ft. of floor area used for office purposes, so that would only be applying to the office, which is only 380-ft. in their case, they don’t factor in the storage. Some of the ordinances define parking based on useable square feet, and those definitions don’t include storage or corridors. Troy, they have mini-storages one space for 100 storage units, they don’t even go by the square foot, just by units. They would comply with all of these. Rochester Hills, they have one per employee or one for 200 storage units. If that were to apply to them, they are only going to have 400 storage units, they would only need 3 spaces. For Oxford, they don’t even consider the storage area they just say 3 spaces plus one per employee. Again, any one of these four communities would be with 8 spaces for 56,000-sq. ft. they would be well within the requirements. He thought that the reasonableness here is where they have other communities that did address this, not that there is anything wrong with the ordinance here in Orion Township but they don’t address this specifically. This is a case where the general application rule, maybe someday, they would like.
to amend. When people do look at it specifically, they adjust their standard to the type of business.

Chairman Reynolds said understood. He wanted to clarify for the record, he is saying their use is similar to those other examples. Mr. Casada replied yes.

Chairman Reynolds said that they do allow variance calculation waivers so they are just looking for findings of fact. At the end of the day, it is they don't believe they need that many parking spots. Mr. Casada replied yes.

Commissioner Walker asked how many units are they going to have? Mr. Casada replied 350-400.

Chairman Reynolds said they had some justification for the parking waiver.

Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, that the Planning Commission approve a Parking Calculation Waiver for PC-2019-04, Orion Storage Site Plan for plans date stamped and received May 26, 2021, based on the following: that the applicant does not think that the required number of spots is necessary for adequate operation of their business, and that is based on anecdotal evidence from a number of Orion Township storage companies as well as those that are outside of the Township in adjacent communities and the numbers that are required there based on normal operations of their business.

Discussion on the motion:

Ms. Linda Moran the Polly Ann Trail Manager in Oakland County, and she represents the Polly Ann Trail Management Council. She stated that this afternoon the applicant did come to their council meeting and has asked for an easement across the Polly Ann Trail to loop the water main for his project. It is the policy of the Polly Ann Trail to deny all easements if other easements are available to him. Their question is, is there an alternative easement available to them to loop the water main for their building purposes? Either through the school water main or across the street on Clarkston Rd. Engineer Landis stated that the two options would be to either loop the water main as shown to Rhodes Rd., there was a stub left there intentionally for an extension to that main. They could approach the school and see if they could connect to their main, they recently extended into their site and he wasn't sure if that would disturb the recent construction but would be a possibility but the easiest route would be to make the connection to the public road which would require them to cross the Polly Ann Trail.

Ms. Moran said that basically what they would need is a letter from the Commission stating that fact, so they can take it to their council. They do not have a council meeting again until August to address this issue. The issue is denied unless they can get proof that there is an actual need. They do welcome the site they think that the improvements are great and think it would enhance the property vastly and they are not opposed to the actual building site just the particulars. The destruction of the trail is of great concern to them. Engineer Landis said as part of the site plan review there are subsequent engineering plans prepared followed by oversite of the inspection by OHM on behalf of the Township. It would be their objective to have the pathway restored to its current condition. Ms. Moran asked if it would have to follow the specifications of the DNR? The DNR has a set format that they use for restorations. Engineer Landis said that they would make sure that those are included as part of the engineering plans.
Chairman Reynolds said that he believed that their initial request of clarification is there another easement opportunity available he believed that can be clarified through their administrative team and either an email or letter of sort and then to the point of the final engineering review there would be an additional review and restoration requirements for any disturbance that would occur.

Trustee Donni Steele 262 Kirkway and is on the Polly Ann Trail Commission. She said that they didn’t necessarily deny them they tacked it until the next meeting. She asked if they will have an actual easement with a legal description of the easement which is 16-ft. of the left latitude that is a part of this and if it is written that the Poly Ann Trail would enter into an easement agreement with the owner, does it go into that depth or is it just an easement? Engineer Landis stated that it is part of the construction for closeout the developer would be required to prepare an easement to the benefit of the Township before they were to take ownership of the water main. So, they would have to get an easement from the Polly Ann Trail that portion of the easement. Trustee Steele said that they just created a policy to say for easements moving forward these are the requirements, so then he would have to get it from them and then give it back to them to give their final to be able to get approval to be able to do it.

**Roll call vote was as follows:** Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 5-0** (Garrett & Gingell absent)

Vice-Chairman Gross stated that this matter cannot be approved by the Planning Commission because there are deficiencies in the plan with the Zoning Ordinance.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **deny** site plan approval PC-2019-04, Orion Storage Site Plan, located at 1761 W. Clarkston Rd., 09-19-226-001 for the plans date stamped and received 5/26/2021. This denial is based on the following reasons: 1) is that the site plan shows a lot coverage in excess of the maximum allowed by the ordinance, the ordinance allows 30% lot coverage the proposal is for 37.2% lot coverage; 2) there is inadequate east and west side yard setback with 5-ft. on the east and 12.48-ft. on the west being provided and 25-ft. is being required; 3) an inadequate landscape greenbelt on the east with 5-ft. being proposed and 20-ft. is required. There are possibilities that the plan could be modified to eliminate all these waivers by the elimination of the west building which would take the lot coverage down to 29.7% and would provide for some modifications of the site plan to meet the setback requirements.

Discussion on the Motion:

Chairman Reynolds asked does this not give them the opportunity to go for a variance, is that the intent? Vice-Chairman Gross said no they can go for a variance but they can’t go without a denial. Chairman Reynolds said a straight denial is a straight denial, so it would be a denial subject to receiving the variances from the ZBA. Right now, it is a denial with re-findings of facts for the denial. Vice-Chairman Gross said right. Chairman Reynolds said so it is a straight denial no opportunity for approval if they receive their variances. Vice-Chairman Gross said if they receive their variances then they can come back. He added that they can’t deny them the right to go to the Zoning Board of Appeals. Chairman Reynolds asked if it was straight site plan denial, or is it a denial based on not receiving variances? He said the formality is if it is a denial, it is dead, if it is a denial subject to conditions of receiving variances then they go and have the opportunity to seek variances. If it is a step like the other one then they are asking them to come back based on receiving their variances for additional review and a review of
what? Vice-Chairman Gross said if they receive the variances then they can come back with a revised site plan.

Planning & Zoning Director Girling said what they have done in the past, has been denied, however, if the variances are granted, they are deemed approved. So, looking at what is still outstanding she didn’t think that there was anything outstanding, they had one waiver they granted, and the only other items that are missing were the variances. If they get the variances, do they really want to see them back because those are the only outstanding items? Vice-Chairman Gross said if they get the variances, he doesn’t need to see it come back.

Chairman Reynolds stated a request for clarification that it is a request to deny based on not having the setback requirements and needing variance requests. If those variance requests are received the site plan is approved. Per all of his conditions, they get confusing verbiage sometimes but denial they treat here as a straight forth denial.

Commissioner Walker asked what the difference was between the last petitioner and this petitioner? Vice-Chairman Gross said that there were some outstanding items that needed to be addressed. Chairman Reynolds said he was all for it if they wanted to see the plans back before the final site plan approval. Commissioner Walker said he was good with not seeing them again.

Trustee Urbanowski asked what exactly are they saying here? Chairman Reynolds asked Vice-Chairman Gross to clarify the intent of the motion.

Trustee Steele asked if they could repeat the one variance. She asked if the setback was on the east side of the landscape variance of only 5-ft. or if it on the west side? Vice-Chairman Gross replied on the east side. Trustee Steele made a comment that it didn’t leave a lot of buffers for the trail, the parking lot, and the green space over there. She said she was sure that she was going to have to make the comment at the variance level which she would not want to sit through a whole other meeting. She wanted to make her objection noted that it is way too close. Chairman Reynolds said dually noted for record purposes he believed that the motion was to deny based on the not approving and having to go to the ZBA.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the motion was for denial because of the non-compliance with those three zoning ordinance requirements. There were no other concerns or stipulations based upon the Planners or the Engineers reports. If they are successful in receiving those variances from the Zoning Board of Appeals then the plans would be approved and they could proceed.

**Roll call vote was as follows:** Gross, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Reynolds, yes. **Motion carried 5-0.** (Hoffman & Gingell absent)

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
A. Planned Unit Development Article
Planning & Zoning Director Girling stated that as she was going through different sites that are training opportunities if she sees an article that appears that might be intriguing, she passes it on. This is an article that is several years old but she knows that they are always talking about PUD’s so she threw it in their packet for their reading enjoyment.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
A. 7-7-21 at 7:05 p.m., PC-2021-50, Township Initiated Text Amendment to Zoning Ordinance #78, Assemblies.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds asked for a little bit of review and effectiveness between them receiving drawings and then also receiving reviews. Getting a review here 13-14 days, he gets it, it might have been submitted past the deadline based on what was brought forth tonight but that is still 13-15 business days, and then to not have it say revised, work with us, please. They have most applicants submitting electronically he didn’t see why they are taking every bit of 10 days if not more like 13.

He appreciated everyone that came out to the Master Plan Workshop. There is still the opportunity to weigh in on some of that feedback. He believed that there was a link he wasn’t sure if the board was going to be posted on the website? Planner Fazzini said it is called the story map and it will recreate the posters online, that was one of the QR codes that were available, and then there will be a link also. Chairman Reynolds said that there will also be additional information posted in the near future about future opportunities to partake and appreciated everyone that came and provided their feedback. They represent the public so they always appreciate that involvement.

15. COMMISSIONERS’ COMMENTS
Commissioner Walker said he thought that as personified by tonight’s meeting, he didn’t want to say help the petitioners more than they should, but he thought that they should stick to what the ordinance says. They should do what the ordinance says, and they are more than gracious to most of them, maybe all of them. He said not the last case but the one before that, he thought it was way too much. He was ready to say to go back, and they are always talking about they have to do this, they have to buy the property, do that before they come there. He understands it is like gambling, and he understands business, that is how it is, it put them in a difficult position to say go ahead and what if they don’t, what happens then, they come back for an extension and another and they give them those. He thought they should pay attention more to the letter of the law in the ordinance and hold the petitioners closer to that.

Chairman Reynolds said it is a rock and a hard place. It is a struggle because they want to support business and they don’t want to kill a project. He said they are very workable as a Planning Commission. There are a lot of communities that he does projects in that will not ever entertain conditional approval. Or those that will have them rereview a project three times over three months before they allow them to fully appear, whether it is for a variance or a condition. He didn’t think that some of their expectations are unrealistic or their comments are unrealistic he thought it was something that they should bring up in the balance between promoting economic development and all of their Boards and staff, and then also them at the PC level. They have their upcoming Joint Meeting they should speak to those comments. To be clear it is
not about shooting down projects it is about fulfilling their requirements to meet the ordinance which is what they are there to do.

Secretary St. Henry said he appreciated the 25 people that came out to express their opinions and see the process and include comments on and their vision. What was disappointing is there are 38,000 people in our Township and they had 25 show-up. This Open House was published in more than one location, multiple marketing channels around the Township. There was plenty of discussion about it online. The Master Plan should not be developed in a vacuum by seven people and a Planner consultant and the Board of Trustees. This Master Plan and changes need to be addressed and discussed with the community but the only way that can happen is if they get involved. There are a couple more opportunities for the community to get involved and he hoped that they take advantage of those opportunities because this is very important. This community has changed a lot in the last 25-30 years. Some of it for the good, some of it maybe not, it was up to people’s opinions, but they have to hear those opinions to make educated and knowledgeable decisions about the Master Plan and how they go forward with it. He was hoping that in the future when they have another Open House, and there are other opportunities to comment and provide feedback on some of the things they are proposing and decisions they are making that people take advantage of it and they don’t just resort to Facebook to vent.

Trustee Urbanowski stated that they were asking people what they want to see in the Township and she had mentioned to a couple of people that she has some family members who want to move up here from Ohio and it is difficult for them to even think about coming here to live in Orion because everything is either unavailable or too expensive. She had a child that moved away from Orion because there is no affordable housing. If they want to call it low income that is fine, she prefers not to say low-income housing because she didn’t think what they were proposing tonight looked at all like it was going to be any kind of low-income housing but she did think that there is a gap in what they are offering for people. They want to keep young people here or invite them to come in then they have to give them a shot, they have to give them a place to live because she doesn’t want that to be in her basement when her kids come back from school. She felt very strongly that they have to start looking at some kind of housing for people that can’t afford $300,000 townhouses. If it is a $200,000 townhouse and that is low-income, she didn’t like the way it sounded to her. She thought they should give people a shot and move here. If they are making walkable communities and they want all this cool stuff then they have to make it assessable for people that don’t make a ton of money or are young and just starting out.

Secretary St. Henry agreed. He said they are great here in Orion Township and Oakland County in general about providing a variety of different jobs, and industries, well-paying jobs, but that is only ½ of the equation when they are talking to young people and young families. The other half of the equation is the quality of life, and where they and their kids are going to go to school, the cultural and community amenities available. That is where a lot of our villages and towns fail. The middle-level housing is dead on. Young families can’t afford or don’t necessarily want to move into a ½ million-dollar house, but they may want to move into a couple of hundred-thousand-dollar townhouse to start out and get acclimated into their community. If they don’t do things like that and make those decisions now in 20-years there is going to be a generation gone for good if they don’t address some of those issues when it comes to housing.

Planning & Zoning Director Girling said that they should have received 3 emails trying to set the dates for the Joint meeting. Please check the Township emails, there was another one as soon as yesterday, they have sent up some dates and a number of them were nights of ZBA which wouldn’t work, so they have added some dates well into the end of August. She thought that it was imperative they need to have this Joint Meeting have some really important discussion so it
is imperative that they get as many people there and they can’t set a date until they get everyone responding to that doodle-pole.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Walker, to adjourn the meeting at 9:08 p.m. Motion carried.

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

July 7, 2021

Planning Commission Approval Date