The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, June 16, 2021, at 7:05pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

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

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

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

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 was present?

Mr. David Stollman 736 S. Pleasant, Royal Oak, MI presented.

Mr. Stollman said that he was the President of Evernest Development, LLC, the petitioner for the zoning request. He stated that he was there with John Ackerman their Civil Engineer who represents the Atwell firm.

Mr. Stollman said as background the subject property, which is undeveloped, consists of three parcels totaling 15.95 acres. The northerly parcel is owned by DEI Orion, LLC, and consists of 9.31 acres. The southerly two parcels are owned by Dan & Jan Clark, LLC, and have a total of 6.64 acres. The DEI Orion northerly parcel is Master Planned multi-family residential low density which corresponds to the RM-1 Multiple Family Residential Zoning District. This parcel has been zoned Office & Professional (OP) or similar office classifications since the 1980s. The Dan & Jan Clark southerly parcels are Master Planned General Office which corresponds to the Office & Professional Zoning District. These southerly parcels were rezoned by the Township from (GB-2) General Business 2 to Office & Professional (OP) in 2006. They are requesting a rezoning of all three of these properties to (RM-2). He wanted to speak briefly in support of this zoning request and outline several of the important factors in understanding the basis of their request. First, as to the existing (OP) zoning, there have been no viable proposals to develop the subject property for office and professional uses in over 20 years. The properties have been listed for sale with commercial brokers since the early 2000’s but not a single office developer has had an interest. Based on current market conditions combined with the pandemic the demand is extremely limited for any new (OP) uses, and without a rezoning, this property could remain undeveloped for decades in the future.
He noted that there was interest in the property over the last 20-years but not for office use. For example, in 2006 the owner’s petition for rezoning of that property for (OP) to (GB-2). The stated purpose of the (GB-2) rezoning request was to allow the development of a Target store, that rezoning petition was denied. In contrast to the (OP) zoning, the (RM-2) zoning will satisfy a clear market demand and allow the subject property to be developed in the immediate future. Second, they believe that the (OP) zoning is no longer an appropriate use given changes in the immediate area. In 2014 & 2015, the Parkview PUD which is immediately to the north of the subject property was developed as a single-family and attached multi-family community. The subject property abuts the Parkview PUD multi-family component to the north. They believe that (RM-2) is a much more appropriate less intense use transitioning from the big-box Home Depot to the south, to the Parkview attached residential community to the north. Third, they believe that the proposed (RM-2) zoning will not be detrimental to any of the surrounding properties. In fact, they believe that development under (RM-2) will provide a better buffer and transition to adjacent residential properties, than development under the (OP) zoning. Please keep in mind that rezoning from (OP) to (RM-2) is typically viewed as downzoning. (OP) zoning on the subject property allows for intense development up to 208,000-sq. ft. of office space or R&D space. Traffic impacts from an (OP) use would be over double the traffic impact of an (RM-2) use. Forth, the (RM-2) rezoning is consistent with the Orion Township zoning ordinance which provides that multiple-family residential districts are typically mapped to provide a transition between non-residential districts and nearby single-family residential districts. These districts should have direct access to an existing or proposed major thoroughfare. Fifth and finally, the (RM-2) zoning allows for a more flexible less intense development of the property. The massing and intensity of the permittable use are allowed under the current Office & Professional zoning designation typically restricts the ability for the preservation of natural features on a parcel. Multi-family development however does not, it allows for the ability of preservation of some of the natural features and requires the provision of open space.

Mr. Stollman said in summary that the proposed (RM-2) rezoning request allows for development for the subject property in a manner consistent with the intent of the zoning ordinance and the Master Plan, that transitional use buffers are established between general business uses and residential uses. In establishing a transitional use buffer, they believe that (RM-2) is a more appropriate use than (OP), particularly since the Parkview PUD was developed. Moreover, rezoning from (OP) to (RM-2) is typically viewed as downzoning as related to the intensity of use. In conclusion, the proposed rezoning request will provide a logical transition between the existing large box retailer, Home Depot, adjacent to the south and the attached duplex multi-family units of Parkview directly to the north. The request would also not have a detrimental impact on Lapeer Rd. as trip generation would be significantly reduced with the proposed uses in the multi-family residential district.

Chairman Reynolds asked if there were any members of the public that would like to speak, please state your name and address?

Mr. Thomas Naughton, 2375 Monte Vista Ct. He said that couldn’t speak for his but they generally share the same interest that they are concerned about the amount of wooded area facing the Parkview development, he asked if that would be left uncut? Will the homes facing the wooded area be able to still view the trees? Right now, the whole area is treed in and that was their basic concern, interest, or question.

Mr. Wendel Thames, 2398 Monte Vista Ct. He stated that he has the same issues, when he bought his condo the reason for buying that particular spot was for privacy. His understanding now, even last week, he was not even aware that someone came through and starting knocking down trees, he wasn’t sure if they were aware of that or not. His thing is if anything is going to be developed the neighborhood needs to know what is going on to a certain extent. Also, he would prefer the woods to stay. If there is anything else then maybe residents can come in and do something. He would like for, he wasn’t sure how many feet, whatever the case may be, but he would still like some privacy between what has been developed there. He added that he wasn’t sure based on if any trees are being knocked down, or whoever is
responsible for that if it hit his property, would it be for his insurance to pay for it or whether it would be for the company that is coming in that would be paying for it because there are dead trees within that area.

Secretary St. Henry read a citizen's letter from Guy Potok 2315 Monte Vista Ct., said he was in favor of using this property for new residential uses. He was unable to attend the Planning Commission meeting but had some questions. What is the plan to retain the old-growth trees that border the property adjacent to Parkview? Can they retain a 30-ft. buffer of the existing trees? Many residents selected these lots because of the trees. What is the plan for new utility services specifically can they use this as an opportunity to bury the existing electrical lines along Lapeer Rd.? Can the existing transformers be relocated along with the new ones that will be required to ground level at the rear of the property where they won't be seen? He favored the rezoning of the property for residential purposes.

Chairman Reynolds asked if there were any comments from the Commissioners?

Vice-Chairman Gross asked if it was the applicant's intent to develop the property or are they going to market it? Mr. Stollman replied that it was their intent to develop the property. They are a large-scale residential developer. Vice-Chairman Gross asked if they would maintain the development rights? Mr. Stollman replied that he couldn't tell him for certain, they don't build the homes, so they will find a builder and it will depend on how that deal works out. They have been the largest residential land developer for over 100 years and they will follow through with any obligations that are made.

Chairman Reynolds asked the applicant to address the comments made about trees. He knew it was a rezone request but just general questions on trees and buffers. Mr. Stollman said that obviously they haven't gone deeply into the site planning and this is just a rezoning but there is a required setback about the perimeter of the site. He thought it was 50-ft. and they would do everything to stay out of the setback. They don't have a history of being a clear-cutter, they understand the value of keeping as many trees as they can, and will make a good effort in doing that. He imagined that most of the trees in the setback will all be left undisturbed.

Chairman Reynolds asked regarding the electrical about powerlines and things? Mr. Stollman said that was something he couldn't answer. At some point, they would reach out to the various franchise utility companies and usually they dictate what they can and can't do. That would be sometime down the road in site planning.

Chairman Reynolds closed the public hearing at 7:18 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

July 7, 2021

Planning Commission Approval Date