CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
****** MINUTES ******
REGULAR MEETING, WEDNESDAY, AUGUST 18, 2021

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 18, 2021, at 7:00pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

PLANNING COMMISSION MEMBERS PRESENT:
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC
Derek Brackon, Commission

PLANNING COMMISSION MEMBERS ABSENT:
None.

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:03 pm.

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
None

3. MINUTES
A. 08-04-21, Planning Commission Regular Meeting Minutes
B. 07-29-21, Township Board of Trustees, Planning Commission, Zoning Board of Appeals & Corridor Improvement Authority Joint Meeting, Special Meeting Minutes.
Moved by Secretary St. Henry, 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 Commissioner Gingell, to approve the agenda as presented. Motion carried

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

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2021-62, Candid Inc. Ord. 154 Application, located at 163 Premier Drive (parcel #09-35-476-001)

Chairman Reynolds disclosed that his company has done work on Premier Dr., he doesn’t have any known affiliations with Candid, Inc. at this point and time but wanted to make it clear that they have done work for that. He didn’t think that there was any conflict of interest but if someone feels otherwise, he would recuse himself. No one objected.
Vice-Chairman Gross asked, Planning & Zoning Director Girling if the conditions of the ordinance have been satisfied? Planning & Zoning Director Girling replied that the location requirements have, there is within the suggested motion the conditions which are typical conditions as the development within the building proceeds and it is monitored to make sure that it is within regulations.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grant approval of the application, as required per Ord. #154, for PC-2021-62, Candid, Inc. for an Adult-Use Processor facility, located at 163 Premier Dr., (parcel 09-35-476-001) based on the findings of facts that the operation does meeting the following location requirements: it is located in an IP zoning district; located in a building that meets all the distance requirements shown in Ord. 154; is located in a building that has an ingress/egress road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not serve as a road that also serves for residential zoning.

Vice-Chairman Gross amended the motion, Trustee Urbanowski re-supported, that this is conditioned upon: that the applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).

**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**

B. PC-2021-65, Township Initiated Text Amendment to Ordinance 78, 2021 Ordinance Updates

Planning & Zoning Director Girling said as they had requested previously on one of her text’s amendments, they were given all the pages printed out so that if they want to mark them up, they are able to follow along. A lot of these are housekeeping whenever, day to day she runs across something, sometimes they are just clerical. One was something that she wanted to get their opinion on before she puts anytime into it. Starting with all the documents they have the first one is from Article III which lists all the zoning districts within the Township and they do not have (BIZ) listed. (BIZ) is a physical district so her proposal is to list (BIZ) within there.

Planning & Zoning Director Girling on Article II on page 2-14, that the definition of a mezzanine does not match building code. She did look at another community’s definition of a mezzanine and verified with the Building Official that the attached that they see is the proper definition, so, proposing to make it correct. Chairman Reynolds said that was one of the comments he had, do they really want to get into 1/3 of the floor area. He thought that if they look at the building code and it doesn’t explicitly in the definition of mezzanine speak to an area. He didn’t know if they just wanted to even get into referencing the building code but even just defining it as an intermediate that it is not a story but rather an intermediate floor. He asked if they care if it is 1/3 or, do they care that it meets the building code as a mezzanine because there are different avenues for that? He added that if they are just saying it is just a mezzanine why are they adding another definition on top of that by saying it is 1/3 versus just having it defined by the building code as a mezzanine. Commissioner Brackon asked isn’t it restricting? Chairman Reynolds said that 1/3 could potentially be restricting but give or take is kind of the rule of thumb. He was just wondering why from a zoning perspective they would even discuss that versus to him that is a building code item. Planner Arroyo said that they know that they got the building code issue but to put it on the interpretation someone could try to stretch that and almost turn that into an entire floor by taking advantage of it that is the concern. He thought that 1/3 is pretty typical but it depends on how their building code is administered as well. He added that in his experience the 1/3 is not unusual. Chairman Reynolds said that when he looks at
mezzanine in the building code it is an intermediate level or levels between the floor and ceiling of any story. He said from a building code a story is like at the ground floor or the second floor so, it is inherently by definition it is not considered a full floor. He thought that a full area is limited from the building code it would be defined as a story. He said he was ok with it sticking to a 1/3 his comment was just defaulting back to the building code and even as you look into it further it is not contributing towards a building area or the stories it is kind of that extra in-between. He was happy to share that verbiage with them. Planning & Zoning Director Girling said that they realized if they look at how it is currently defined it already had the 1/3 but it had it backward to what it should be. She added that after she looked at other communities that had the 1/3, they had the 1/3 but they had it correctly. She felt that they just typed it wrong, let’s keep it uniform with what they have had for years with the 1/3 concept and just make it correct. Again, checking with the Building Official because he is always pointing out that they have to follow building code they can’t be more restrictive. She said that if he was dead set that they think they shouldn’t have the 1/3. Chairman Reynolds said he looked at it as one more thing to maintain but he defaults back to if it is the building code that defines it just let that define it. Commissioner Brackon said he was confused. He stated that the way it is written for Orion it says more than 1/3 and so the word “no” is missing. Planning & Zoning Director Girling said “not more than 1/3” right is what the other communities have which is correct, so ours was wrong. Commissioner Brackon said so they have to insert that word. Planning & Zoning Director Girling said she was just going to copy what other communities had.

Planning & Zoning Director Girling said regarding Industrial Park (IP) Article XVIII. She said this is one of the ones they missed when they did their text amendment where they changed the word church to places of worship. That was a simple one making that change.

Planning & Zoning Director Girling said it came to their attention in Industrial Park (IP) they take the word “park” literally in parts of this district. She said looking at the second paragraph in Section 18 where it talks about it being a physical park. If they think about Orion Business Park which is right off of Premier Dr. that used to be one large parcel, somebody came in, it is zoned Industrial Park (IP), and they created an industrial park, they platted it and they created individual parcels. She said that the (IP) is written, it gives regulations for that road that is the main road for that park and that it has to be the measurements and the widths that they gave a 60-ft. road right-of-way, that is if they have a development a park of industrial uses. Then they can also look at an industrial park that they have at Silverbell Rd. and Lapeer Rd. which is Ashley Orion Commerce Center across from the landfill on Silverbell Rd., two very large industrial buildings with a number of users within the building but there are two buildings. That is one owner that has two buildings on one parcel and that was not held to a 60-ft. wide road because it is not a park. They have used (IP) differently throughout the Township, they have it where it is truly a “park” where they have a main road and a number of parcels that are different users and then they have other ones that are an (IP) that are Industrial Park uses but they are not a park they are just one parcel with maybe two buildings on it but they are not individual parcels. Commissioner Brackon asked if the owner called it a park but it is really not a park? Planning & Zoning Director Girling said they are not calling it a park but our zoning district is called (IP) Industrial Park so they can have and they had some parcels that are created that are (IP) zoning they are not large enough to be a park. Chairman Reynolds asked instead of reusing the idea of a park to have multi-development in (IP) can they just add something that speaks to developments of two or more buildings? Planning & Zoning Director Girling said that she tried that. She added that she has on the third line there is a 1, 2, and 3 with circles around them. 1- is talking about shall have an internal roadway with a minimum 60-ft. right-of-way, 2 – that each building or use within the complex have direct access on to the internal roadway, 3 – that the district as a whole has direct access onto an existing or proposed major thoroughfare. Planning & Zoning Director Girling said that she is suggesting that they then insert this other sheet that she gave them which says at the asterisk it would say “this regulation is intended
when the (IP) zoned property is to be developed as a park and contains numerous parcels to be developed as individual parcels. If the parcel is to remain whole even if numerous buildings are on the parcel the requirements of one, two, and three above do not apply. She said she didn’t know if that was clear, she didn’t know their thoughts on it? Planner Arroyo said that was one of the things that he didn’t like about this is that he thought it was the wrong location. He said this is the preamble to the district and in the preamble, they are putting regulations. He thought that they should just be describing what the district is intending to accomplish. The language that is suggested and all in the second paragraph really belongs down below in the actual section that regulates. Chairman Reynolds said that it could be bumping “C” and talk about access. Planning & Zoning Director Girling asked if it was all of the second paragraph? Planner Arroyo said yes. Planning & Zoning Director Girling said because that has regulations. Chairman Reynolds said to transition from a paragraph to bullet points of requirements. Planning & Zoning Director Girling said taken out of that section moved somewhere else as bullet points not at all in the preamble. Planner Arroyo replied right except for the fact that the first paragraph talks about development in a parklike setting it may be worth it to add a sentence to say that it reflects when numerous parcels are part of the development proposal. He added because that is really what they are saying, they are suggesting inserting when numerous parcels are intended to be developed. Planning & Zoning Director Girling said that is what makes it truly a park. Chairman Reynolds said that he doesn’t like the whole idea of a park, and felt it wasn’t clearly defined. He thought it would be more straightforward to speak to development as a group or grouping of unit’s buildings or parcels. He thought that they should define park. He felt that the intent was it is a typical park or it is not it is when there is multiple units or parcels that need access that is when they want that when it is a grouping of two or less, they could argue that is just one development split into two. Commissioner Brackon said that the term numerous is ambiguous and needs to be more specifically defined as to one or two or three or more. Chairman Reynolds said he thought that they needed to define park. Do they want to see that parcel that was on Silverbell have a 60-ft. assess drive, or it works without it? If they take those two examples whether it is units, buildings, or parcels they are just trying to maintain assess thoroughly. Planning & Zoning Director Girling said that if they were maintaining assess and they were doing a division or following the ordinance it says that a road has to be 60-ft. wide. They already by the default of creating multiple parcels requiring 60-ft. road, this section was just trying to make it that park setting. Chairman Reynolds didn’t know if units were the accurate word, maybe just buildings or parcels. Planner Arroyo said principal buildings or parcels. Chairman Reynolds thought that the principal would be an accurate statement because they have seen those buildings that might have an addition or a building by code that is required to be hazardous storage or something that still meets that.

Planning & Zoning Director Girling stated if they go to page 18-4, they had minimal parcel sizes which gave the minimum parcel size for the (IP) as a whole is 20-acres yet the minimum lot size within an industrial park shall be 2-acres, and that is where she went into again describing that they can have an individually zoned (IP) parcel that is only required to be the 2-acres because they have parcels that are zoned (IP) that are not 20-acres and they are not in a park. Chairman Reynolds said don’t use the word park, and even state multi-unit development or multi-lot development and just state development of three or more. If it is two or fewer buildings or lots then that requirement does not apply.

Planning & Zoning Director Girling stated on page 18-5 (I) Covered Trash Area. She noted that they have tossed around whether a trash area should only be required to be in the rear or there could be some criteria where it is allowed in a side yard. She wrote it as “The PC may also allow in a side yard if not adjacent to residential and screened to Planning Commission satisfaction”. She said that she heard some comments on maybe they should allow the garbage dumpsters to be somewhere besides the rear. She didn’t know if they wanted to straight out allow it or leave it like it is. Chairman Reynolds said he thought that their ability to
waive does need to be added in an ordinance because there are many parcels including the new Township Hall. They have a 77-acre site and if they really put that in the rear yard they are in the woods. Where it is in the side yard or where it would want to be in the side yard is still 450-ft. from the road. He added that the project that they saw the other day the street frontage could be argued as a side yard even though defined by the ordinance it is the front. He thought that they needed to come up with some language to make it waivable. Planning & Zoning Director Girling said that they are trying to get away from the word waive, and motions to waive. They are trying to come up with a list of criteria that if they meet, they can do it versus here is your regulation, however, we will let you waive it and not give any specific reason why. This was to start a conversation she will try to come up with things if they have any ideas on what they think would be those ideas. What she didn’t get to in time was to go out to other communities see if she could could come up with some of those. Planner Arroyo said that they may want to start treating interior versus exterior side yards, so if someone wants to put in an interior side yard this would be the criteria if it is exterior which means it is facing a street then it might be more like a distance from the road or there is natural screening in place that shields it. He thought that they needed to treat them a little bit differently because an interior side yard with a similar use may have less restrictive conditions versus an exterior where it could be seen by more people from the street, they want to be more careful and have a greater level of scrutiny. Chairman Reynolds said for him it would be sightlines, so whether that is provided via a significant setback distance allowing it because it is on a corner parcel of what could be conceived as the primary view or elevation of the building and then grade, it would be in the side yard and then also it is 20-ft. down from the road, and thought that those were all conditions to consider. He asked if a covered trash area was truly the proper terminology versus enclosure? He said covered trash kind of intends that it is a roofed area versus a shielded from view. Also, they are explicatively saying a masonry brick type wall, he didn’t care if it is CMU that is nice or even if it is metal and goes with architectural features of the building. He thought that as they update this section and pull in the others to say trash enclosure because there are even prefab structures, fencing that is nice looking versus requiring everyone to do a brick enclosure, he felt there were other ways. He thought that the other term would be architectural is the right word, permanent, or some other verbiage. Planner Arroyo said that he would say similar material in terms of durability aesthetic quality and consistency with the overall design of a principal structure.

Planning & Zoning Director Girling said in Section 27.02 (A)(5) page 27-10 they get into detached accessory and say setbacks and everything related to residential they never come out and say that a detached accessory structure and a non-residential have to meet the setbacks of the principal. She suggested putting it in there so it removes any questions. She said on page 27-15 (G)(3) – signs they were saying that street address numbers be at least 3-inches in height on residential and at least 5-inches in height on non-residential. She said she was corrected by the Building Official that the building code says it has to be 4-inches for both and they can’t be more restricted, so she was going to change both to 4-inches.

Planning & Zoning Director Girling referenced Basement Residency she knew that people can have a bedroom in the basement but they mean a separate residency. She also pointed out if they look at the attached when she ran it past the Building Official that he liked the definition of a basement residency or the regulations on a basement residency that another community had which she had attached. Commissioner Bracken asked if this meant separate family type residency as opposed to a family member type residency? Planning & Zoning Director Girling replied correct; they can have it if they have a window well, they can have a bedroom in the basement but that does not make it a separate residency. They can’t have someone else that their home is completely in their basement. Planner Arroyo said it can’t be an accessory dwelling unit. It would be called an accessory dwelling unit if they had a kitchen and a bedroom in the basement with a different family living there. In this instance, they are basically just
saying a family member can live in the basement. Commissioner Brackon didn’t understand the purpose of restricting basement residency. Planning & Zoning Director Girling replied that single-family is not multi-family so they are not supposed to have more than one family so they are not supposed to have a residency in their basement. Planner Arroyo said that a lot of communities are looking at accessory dwelling units and allowing them so that they have a place for their aging mother or mother-in-law. Chairman Reynolds said to him it is just another item under an accessory dwelling, so why call out basement residency in general provisions versus isn’t it an accessory dwelling with the primary structure. Planning & Zoning Director Girling said that basement residency has been in the ordinance forever. She said as she read this, she thought it was saying that they couldn’t have a bedroom in the basement. Secretary St. Henry said so basically it says a community does not want multiple families living in a residence. Chairman Reynolds said it is trying to clarify the difference between a single-family home and a multi-family home. He added that this definition they are getting here is an example would be when they get brownstones and walkups that is how it is explicitly called out. He didn’t know if they rework just accessory dwelling, he knew they have talked about in that they primarily focus on accessory buildings in the sense that an apartment building above a garage cannot be rented out it can be used for family. They are not creating a separate unit in the basement. He thought that they just need to look at both of those together. Planning & Zoning Director Girling thought that this could go away if they look up definitions look up family, family defines what family is. When they say single-family home then they default back to the definition of family, which already covers it. She added that the basement isn’t the concern it is that they another not family living with them that they can segregate their living quarters and make it be multi-family basically. Chairman Reynolds said what he is saying is to add to accessory dwelling to include attached or detached structure whether it is on a single floor or multi-floor that it should never be a separate dwelling unit unless it is multi-family zoned. Vice-Chairman Gross asked how does this impact an Airbnb? Planning & Zoning Director Girling said that the law may change. Planner Arroyo said that an accessory unit is really different from multiple-family even if there is a separate family in there because typically a multiple-family by most ordinances is three or more units, it is a two-family with two. A principal dwelling with a smaller accessory unit is usually not considered to be a duplex or a multi-family because usually there is a restriction it is supposed to be very small in relation to the principal and it is intended to allow for minimal occupancy of a smaller size. He did think that the basement residency section could come out because he didn’t think that they had to say that because it is already regulated by what defines the unit and family. He said that they could define an accessory dwelling unit and if they don’t want to allow them, they could just say that accessory dwelling units are not permitted and then that would take care of it. Planning & Zoning Director Girling asked as a whole combine what they said? Chairman Reynolds said yeah, streamline the definitions and make sure that it is covered elsewhere that kind of addresses this comment without explicatively calling it out. Secretary St. Henry asked if they could say that accessory dwelling units are not permitted? Planner Arroyo said they can and they need to define what that is if that is what they want to do. Commissioner Reynolds said right now accessory dwelling unit can only be a family member or relative it cannot be a rented unit. Planning & Zoning Director Girling said there are some grandfathered throughout the Township. Commissioner Reynolds said that they cannot build a carriage house and go rent a two-bedroom unit behind their house to someone else that is not their family or relative. He added to Planner Arroyo’s point that is one comment of having different housing opportunities in the Township and have a more price-pointed thing. Trustee Urbanowski said that she has seen a couple of things recently but pole barns are being built. Commissioner Reynolds said the same thing that it is all an accessory to the principal dwelling. Planner Arroyo said in California passed state legislation where all municipalities in all single-family districts accessory dwelling units are permitted.
Planning & Zoning Director Girling under the same section I. Fire Protection Water Supply Standards. She said that this paragraph has been there forever. She checked with the Fire Marshal and he said that is way out of date, so she is changing it to the correct reference because it was completely wrong. Chairman Reynolds asked if they could say the currently adopted fire code, and then they issue a sheet of what is currently adopted versus amending text? He added that there are other ordinances that just say to the applicable current fire code or adopted fire code in the community and then there is a single sheet that says that they have this code, and then they are not amending this section when the Fire Marshal says now, they have adopted “XX” ordinance. Planning & Zoning Director Girling said that is what it says per Ordinance #176 and or the currently adopted fire code. Chairman Reynolds said just strike the ordinance of whatever they have adopted to that way it is a little more future proof. Planning & Zoning Director Girling said so per the current ordinance and currently adopted in case the ordinance number changes. Chairman Reynolds said when they go adopt a new MFPA then are they going to catch this section again, probably not.

Planning & Zoning Director Girling said on page #27-16 she always looked at the fact that they talk about that this is a section of the ordinance that goes into projections. If you have a 10-ft. side yard setback it says, in all yards, even though they have a 10-ft. side yard setback they can have an awning and canopy and steps 4-ft. or less all of those can hang into or project into the setbacks and she suggested window wells because they get questions on that all the time. It would be in the side, or in the rear it would not be in all yards and she would just have it be the number of feet that the Building Official suggested. She said that there is another chuck of 27-16 that has window wells with the suggested language which is in the rear yards and in the side yards and it says window wells projecting 3.5 into the yard. Chairman Reynolds asked if there is something that they add to that by definition as they do with patios versus decks, anything less so many inches above grade? He said they are talking about a window well so that it is negative in the ground. Right now, they talk about what is a deck versus a patio and if it is a patio it doesn’t apply as a deck does. He asked if that would help by defining that 12 or fewer inches above grade? So that it doesn’t become a projection as in an overhang, those should be negative in the ground. Planning & Zoning Director Girling questioned what he is proposing, is that they have an actual definition of a window well? Chairman Reynolds replied correct; kind of how they have patio or paver, it is something they are assuming is less than 10-inches above grade or then above that, it is considered a deck, so if it ends up being over that it is technically a building façade. Secretary St. Henry asked if egress windows were considered a window wall. Planning & Zoning Director Girling said that they have a window but in order for it to be basement they have to have that well. Chairman Reynolds said yes for egress components. He said that the egress well is the window well so he thought they needed to lock in what that is.

Planning & Zoning Director Girling referenced page 27-27. They used to have a district called Limited Industrial I and Limited Industrial II they combined it into just Limited Industrial but this section still sighted Limited Industrial I so that will just say (LI).

Planning & Zoning Director Girling referenced page 27-62. They reference the wrong section instead of 17 it should be 16.

Planning & Zoning Director Girling referenced page 30-25. She stated that she pulled the former Planner’s review of Waldon Meadows, and the Planner in his review has said that if a residential neighborhood comes in and it is developed without a PUD and this neighborhood she is referencing developed as zoned they really don’t have any landscape requirements. They have the typical commercial around the entire perimeter, they have the landscape preservation but they don’t have anything saying one street tree, like in the PUD. If anyone were to come in and develop it in an RM-1, RM-2, & RM-3, or an (SF), (SE), (SR) neighborhood they have nothing about landscaping that neighborhood. Chairman Reynolds thought that they
should look at this when they look at residential with the Master Plan. To him it was about character and raising the bar, he could see why it is in a PUD because they are giving the other things and setting the bar but do they want to raise the bar for those (R) districts and is it just applied to when there are more than 3 buildings, lots, or units? Secretary St. Henry thought it was a great idea. He was thinking about his neighborhood when it was developed 25-30-years ago looking back on it they had to plant their own trees to start with. Planning & Zoning Director Girling said sometimes based on the number of trees that they got rid of perhaps the developer in replacing them volunteered to do it but she could not find a section that specifically says they have to do that. Planner Arroyo asked if she checked the subdivision ordinance. Planning & Zoning Director Girling said a subdivision ordinance is a plat. Planner Arroyo said that those standards apply to site condos as well. Planning & Zoning Director Girling said she thought she looked and she didn’t find it, she said she would double-check that. Chairman Reynolds said that he loved the idea, to him, it comes down to beefing up their tree ordinance. Secretary St. Henry thought that it should be changed, and they should hold these developers to a higher standard. Secretary St. Henry said in Orion Woods the developer planted one tree in every yard. Planner Arroyo said that every community that he works with requires at least one tree per lot. It is probably the greatest investment they could make to enhance property value because the trees will get big and that will change the entire character of the subdivision. Chairman Reynolds said it was just leading to the Woodland/Tree Ordinance.

Secretary St. Henry asked why something like this wasn’t put in place 30-years ago when these neighborhoods started to blow up all over Orion Township? Planning & Zoning Director Girling said she didn’t know she was surprised that they didn’t. She questioned if there was something in the Plat Act that requires something?

Chairman Reynolds said that the Tree Ordinance in general he thought that they were at the turning point where they have to look at raising the bar with that and look at it against some other adjacent communities. He added that some have become very harsh in the sense of tree replacement. He said if they want trees to be important and they want to maintain that character they have to set the bar to say this is what they want to see. So, in that sense of the tree replacement, they say “hey it is in the development area, it is not a legacy tree, go for it”. For him, this is a good start but it is a bigger topic if they say there were 1,000 trees on that parcel and they are going to develop it, there are some sort of replacement credit there whether it is something significant, or not, they have to start replacing trees. That will start forcing some of these, and they may have a lot of trees lining all of those roads plus factor in some open area, or consider starting up the tree fund.

Commissioner Gingell said she just saw a neighboring community, it just posted “time to get your tree, if you need a street tree”.

Trustee Urbanowski said that Orion was just named a tree city also. Commissioner Brackon asked what that meant? Trustee Urbanowski said there were a number of parameters, they have to apply for it, it is a national recognition, so many trees per acre of land. Planning & Zoning Director Girling said that she remembered when they were applying for that they looked for us having something in our ordinance. She added that they do but it has problems. Chairman Reynolds asked if they won it based on their current Tree Ordinance? Planning & Zoning Director Girling said from the Joint Meeting, she has to go through and make action items. She thought that Planner Arroyo was going to get a quote on working on that.

Commissioner Walker thanked the Commissioner’s for their concerns regarding the trees. He said he has been after this for at least a decade, maybe longer, and this is the first time he heard from any Board that this is a prime concern of theirs.
Planning & Zoning Director Girling said moving on to page 9-7. She said that she used Office Professional (OP) as an example but it carries through to all of the districts. Under (OP) #4 is talking about parking not being closer than 30-ft. if it is adjacent to residential but 20-ft. if it is commercial. #5 talks about the surface of it. #7 talks about that it is being waived. She said that further on in the Ordinance under General Provisions and it almost goes through the same things again. She said that they say it in every district and then they say it in General Provisions. She thought that they should take the off-street parking, which they talk about the parking criteria for that one per two-hundred square feet, and then say and per 27.35 and you get to 27.35 and all of these things are spelled out. It is one line in each district as per 27.35. If they change it in one spot, they forget to change it in the other spot and then they come up with conflicting regulations. She said it was something that she wants to start looking at that they are the same in every district, and General Provisions, she didn’t know if she wanted to change it yet because they are probably going to have enough text changes that maybe it will be incorporated with the changes with the Master Plan but it will take time for her to compare all of these to make sure that the General Provisions say the same things.

Planning & Zoning Director Girling asked why should a developer say they wanted to put in a doggie daycare, let me look through (GB) is it allowed, let me look through (RB) is it allowed? Why not have an alphabetical listing of all of their uses with a chart of where they are allowed? All of this keeps bring their ordinance down to not be so cumbersome. Planners Arroyo suggested trying to fix some of these inconsistencies first. Chairman Reynolds said to Planner Arroyo’s point that is like a format change. He knew that there would be little stuff that they go through and they talk about as a whole. When they look at (OP) that is one example of the complexity that is not really the best practice as they know today. He said he was all for simplifying and just saying here is a standard requirement and here are the additional requirements beyond that, explicit to that district, but not pushing it away, it is saying our format doesn’t work so let’s get the new format. Stuff will always have to be updated but let’s get the format that their effort is within that new. Planning & Zoning Director Girling said that looking at other community ordinances she struggles with it. Chairman Reynolds said whether it is Clear Zoning or anywhere else it is the fact that they know they are really complex in conveying our ruleset. Even if it is simplified and someone overhauls this it’s whatever it is it is going to have live links. He said he is not doing codes via codebooks anymore he is doing it via web browsers with sections and searching keywords. He thought that either way that would be addressed. Planning & Zoning Girling said that they need to get to something way beyond where they are. Planner Arroyo suggested trying to fix inconstancies, keep the format the way it is until they make a huge format change. He said if there are problems with consistencies from district to district, if something got amended the wrong way or should be worded differently, he thought that made sense versus moving it. He thought moving it would be something they would do as part of an overall format change.

Planning & Zoning Director Girling said she knew when they did Schedule of Regulations for those of that were here, they talked about completely getting rid of Schedule of Regulations because the regulations were in each district. The Chair at the time had said, in the industry, the Schedule of Regulations is a section and they would be lost without it. The vote was, even though it was being redundant that it was to stay. She agreed with Planner Arroyo to start that comparison find where they don’t match, work through those and see how far they are then to see what they do, whether they add a notation or revamping the whole thing. She said it became more apparent when they got a new Planner, he would point out things because he is looking at it from a naked eye.
Planning & Zoning Director Girling said that on page #9-8, she was pointing out the lighting regulations within (OP), the say thing, they have a General Lighting Provision later on. They have loading and unloading, the same regulations are under General Provision.

Planning & Zoning Director Girling said page #27-28, again, just a general analysis. She said she looks at this and if she was a developer, they have General Landscape where they have a mixture of evergreen and deciduous trees, (1) tree for every 3,000-sq. ft., and then down somewhere else there is a (1) tree per 30 lineal feet. She questioned if it was an addition to this or does this count towards this? She said there are so many buckets that, again, it is what do they want to say, it is almost like scratching it all taking the best of all of it, bullet pointing it, and making it so that they don’t read it. They look at the plans and they say that they don’t have a clear plan, no wonder they don’t have a clear plan.

Planning & Zoning Director Girling said landscape, trees, tree preservation, and landscape as a whole. Chairman Reynolds said that landscape was clearer to him than trees as, with meeting their intent, to where if he thinks there is an order of magnitude of not having a regulation that meets their goals. Landscaping to him do, trees don’t. That to him is a more confusing section. Whether they bite both off at the same time, depends on how much time they have. Planning & Zoning Director Girling asked Planner Arroyo what were his thoughts? Planner Arroyo thought that they both needed to be addressed. He said that they don’t need to be addressed in the same amendment necessarily but they should both be addressed. Chairman Reynolds agreed that they bounce around but thought that the goal here, even if there is a way to simplify the language, is that if they had a big building and not a whole lot of parking or a lot of parking in a small building there is still those ratio’s, at some point those are going to overlap. He said he creates a chart when he submits a site plan approval to say here are your requirements I meant or exceeded them, or if it is in question, he has checked these boxes. Planning & Zoning Director Girling said that she was used to looking for those criteria versus her just reading the words. She added that if they have someone that is used to preparing the plans that might be as clear as anything, but she had trouble when she tries to read it literally.

Planning & Zoning Director Girling said that the text amendments that they have agreed on, she will make the changes get them ready so they know that is what they are going to do, work on some of the language.

Chairman Reynolds thought that they should consider a dark sky’s ordinance. What he means is that they are addressing light pollution. Maintaining a rural community in some ways and tree character, there are provisions as it started to develop, even from an energy code requirement to say lights are dimming after a certain time. He thought it would be ok to speak to some of those things. Planning & Zoning Director Girling said that the ordinance actually says that, that they should be shut off after 11 pm. Chairman Reynolds said that there is a whole other layer to that now that really develops that definition. He said that there is a balance between life safety, the latest energy codes, and in Michigan are behind the latest. He added that as they walk through a building and they have occupancy sensors that could happen outside too. He thought it was just something that they might consider moving forward as a raise the bar ask for with some of these developments.

Chairman Reynolds said it was a lighting standard in many communities where it comes up. Planning & Zoning Director Girling said as she started to look through that was one of the sections that she didn’t have time for because it talked about the type of tubes, and she knew it was way out of date but she didn’t know what wasn’t. She added that she didn’t know what to propose and didn’t have time to research that, she will put it on her list.
Chairman Reynolds said that this was just a provision to say, and he didn’t remember off the top of his head how and where it applied but was building upon the after 11 pm the lights go out. He thought it would start to occur just from a code standard, energy conservation, but it is used in other communities especially ones that are out of the central core of a region. He said as they get to the north side of it, they don’t want to see a development with a crazy big sign but those lights are still going to exist, there is a way to check that box without having light pollution at night. Planner Arroyo said that they have done a lot of ordinance work in that area. Planning & Zoning Director Girling said that she has within her budget text amendments where the Planner assists. She added that finding (BIZ) not listed are her but when they get into Tree Ordinances and Lighting that is where she is starting to work on the budget for next year. She said maybe there is a list that they are able to come up with of that is more involved, come up with that list, come up with an estimate and then incorporate it within her budget. She had the budget dollars this year but they have been busy working on Master Plan. She thought that they need to utilize that. Chairman Reynolds thought that they needed to talk seriously about format change and what is their priority list.

Chairman Reynolds asked if they could get the application for the Tree City? He wanted to request that from Park & Recreation Director Whitley so they have a background, what is the provision, what is defined as a tree city? He thought they should look at fellow tree cities in their region or looking at some of their neighboring community tree ordinances. He thought that Rochester Hills has a different ballgame than the ballgame they play here. Planning & Zoning Director Girling said when she brought other tree information, she was told they are not other communities. She said she is trying to bring other ones, not to say they are right but just to see. Chairman Reynolds stated that he didn’t want to duplicate another community but thought it would be interesting to look at some of these other levels of asks and how people have addressed them. He added that not everyone takes an approach of it is in the development and they are good, they say, sorry we love our trees and you have to figure it out or contribute to a tree fund. He thought it was not just for a text amendment but rather their bigger discussions of Woodlands, Master Plan, and all of that. He thought it would be helpful to pull a couple if Planner Arroyo has a few good or bad examples. Vice-Chairman Gross said that there is litigation on trees in Canton Township right now that is in the Court of Appeals it could change a lot relative to how communities can regulate tree ordinances. Planning & Zoning Director Girling asked if they should put this in the backseat pending what the outcome of that is? She asked why work on a text when they are going to find out that they end up with something that preamps them? Chairman Reynolds asked what was the background? He asked can they do anything they want or the city has no say? Planning & Zoning Director Girling thought that they had a restriction on cutting the number of trees and somebody challenged it who was a forester to be able to clear-cut. Commissioner Brackon didn’t think that they wanted to wait because if they go to the Supreme Court that could be 4 or 5 more years. Chairman Reynolds said he was looking for what do they want to see. He said he was looking for the consultants to come up, they have heard their thoughts, this is how your Zoning Ordinance needs to change. He stated that the Zoning Ordinance right now doesn’t fit some of these visions they have for their community. He asked do they want to start moving away from clear-cutting a site? Whether there is legal action underway and does it tie into corridors, density, and all of these other conversations that they having. Planning & Zoning Director Girling said that they have sat there and said that each individual district has got more than it needs, they don’t like the tree section, the lighting is out of date, they looked at a fire code reference that was out of date. She questioned if they look at it and, do they dissect it, or do they just say build new? Secretary St. Henry asked has there been instances where the Township has taken advantage of the Tree Fund and has done something with it? Planning & Zoning Director Girling said that they don’t have it. Chairman Reynolds said they speak to it in the ordinance but they don’t have a tree fund established. They have always pushed development to resolve it within its site. He added that the reason that a tree fund comes about a lot of times is, they are raising the bar so high
that if they are going to develop there is some type of contribution towards a fund that supplements elsewhere like buying wetland credits, it is just on a local level. He said he wasn’t aware of all of the legal discussion occurring elsewhere but that might be part of it, when the bar is set so high there has to be another avenue because it is feasibly not possible to develop this site, met the tree ordinance and move forward. Secretary St. Henry asked if they were confident that in the past that the developers have actually addressed the situation within their site, or do they feel that overall, more often than not that they have lived up to what they have agreed to on their site? Chairman Reynolds replied that he didn’t think it was a matter of whether they have been withheld to what their current requirement is. Based on being involved in the Township on a daily basis, having a Planner that brings home the ordinance and reads it for fun, he thought that they have been withheld to the standard of what they have asked them to do. He said moving forward difficult challenging sites, mass grading, and removing a lot of trees is a very real component. He asked do they need to raise the bar? He thought that they have withheld that standard but thought that they should bring the standard up another step because they are now to their last 20%. Planning & Zoning Director Girling said that how she had summarized it if they remember the one meeting, she brought and they said let’s talk about it because if you read it, it conflicts itself it can be read in multiple ways. She added that through the years she did believe that it has been read multiple ways, and the developers were held to the way it was read. She would reach out to the Engineer, to find out what the Planning Commission did for years that she wasn’t here. She said it wasn’t that developers got away with things it was the way that the ordinance was read at the time. She said they looked at it, and they all looked at it differently too, which brought up that they need to rewrite this because it is not clear. If they are going to rewrite it let’s write it the way that want.

Secretary St. Henry said this is the perfect time to up the ante and change it. Chairman Reynolds said right now they say they are going to come in and develop the site and if they have the development area, and they say here is the building footprint it all goes away. Secretary St. Henry stated that they are all on board that it is time to up the ante on Tree regulations, let’s do it. He said to clear up the ordinances and the verbiage and let’s hold them to it. Commissioner Walker said that he didn’t think that the past is as important as the future, so what they did in the past was done, now let’s see where they go now.

8. UNFINISHED BUSINESS
PC-2021-07, 5-Year Master Plan Update

Planner Arroyo resumed the conversation from the Workshop meeting on Section 34 of the presentation.

Planner Arroyo said that Section 34 said that this was pretty straightforward. He stated that the quirky area is that NW corner where they have Office Research planned and then it is all currently zoned residential. He assumed that seemed the direction to go.

Planner Arroyo said in Section 35, still the southern portion almost the very corner. He said there were a lot of different things going on. The Master Plan calls for Research/Light Industrial in that dark blue on the left, they could see that it aligned mostly with Light Industrial and Industrial Park, so there is good alignment there. He said up in the area in red is where they have all (OP) on zoning on the right side, and then the Master Plan calls for a combination of Industrial/Commercial/Residential mixed-use and then some commercial, and some industrial. He thought that was a miss alignment here in terms of what is really zoned versus what is anticipated. It seemed that the Future Land Use plan is more intensive, in terms of, the expectations for future development. Chairman Reynolds thought that this was one of those that may be the mixed-use goes more to the commercial residential mixed use versus industrial or making sure they define the difference between those. Secretary St. Henry asked on the
the Board and ask to amend that between the two parties but there is a document saying that (SF) must remain. It was related to the denser developments around it. She said she would get the document so they know exactly what it says.

Planner Arroyo said that the final thing that he wanted to talk about related to the Master Plan is the goals and objectives. He said that this is just an introduction, they plan on talking about this a lot more at the next meeting. He did provide them with a memo, they provided them the 27 pages of goals, objectives, and strategies, which is the longest he has ever seen in his life. It is very difficult to navigate and grasp. He said they have 11 different goal categories. What they would like to do is to look to simplify. He provided them with a draft vision and then they combined all of their goals into just 4 goals and lumped some of them together. For example, they took the high quality and diverse housing is residential, they took environmental resources and historic preservation, that is pretty much the same, but economic development includes commercial, office, and industrial areas. Community facilities include community recreation, and then instead of saying transportation thoroughfares, they are going to use the term complete streets because that encompasses all forms of transportation. They did bullet items to bring all of those in so instead of going through 11 or 12 different items they have 4 with some subsections. He thought it helped to focus a little more on what their real goals are by using more general categories. As an example, for the community facilities, they actually redrafted it in a way that they would suggest that it is more descriptive of what that particular goal would be.
and what they wanted to do is use that same approach with some of the other ones and then come back with a new set of goals and objectives and taking the ones that are still viable that are in the Master Plan and adding some new ones in that they think makes sense based on some of the discussions they had. He asked if there was anything else that they want to offer before they do that in terms of comments so that they can give them additional guidance before they bring something back to them at the next meeting.

Vice-Chairman Gross liked the simplification of the goals and objectives. He had one comment on the vision statement. He asked what they thought about continuing the slogan “we are living as a vacation” as part of the vision statement. He thought that was an excepted slogan. Secretary St. Henry asked if there was a better way to say that? He said it has been around for 30-years.

Trustee Urbanowski asked what is “avoid patterns of leap-frog development”? Planner Arroyo said that was from the current Master Plan reworked a little bit. The concept is they don’t have development jumping over vacant areas to go to other areas where the facilities, like water and sewer is not in place and they are starting to jumpstart areas that maybe it is not the right time. He said that their community is a little bit more mature now so maybe that is not as much of fear but it really is trying to see development in a manner, that is consistent with the public facilities that services that are in place to service it is what he thought was the intent of that. Chairman Reynolds thought that there was a way to make that grown-up. He added that there are terms professionally like the urban-transect which is the transition from super dense to super rule in that the point is it is transitional. He thought there were some terms to put in there, the goal is that they are not going to have Kohl’s go in at Indianwood and Baldwin, they are not going to jump it and then start it, they are going to build and right-size it, and when they say this happened, let’s make sure this is a nice cross-section between super dense, maybe some multi-family to rule, versus the Meijer is up against a 30-acre farm lot.

Chairman Reynolds liked streamlining their goals, he thought that made a lot of sense. He thought that the environmental and historic resources to him want to speak towards or be molded to start talking about, and even could become number one is their natural features. They talk about resources but what about the waterways, trees, the grade, that makes them unique and ultimately kind of sprung like, they became a vacation community because they had lakes, not because it was in the middle of nowhere and someone decided to put an amusement park in there. He said his other comment was, he was wondering from a bigger vision standpoint, they had mentioned complete streets, for him he knew that they were selecting four 15-minute neighborhoods. He had a comment to say, providing community amenities, something along the lines of they are looking at all forms of transportation within a region so that if they have development, that it is maybe just a bigger statement away from the 15-minute neighborhood statement like supported by multiple forms of transportation. Just the thought that it doesn’t have to be if they are not in a 15-minute neighborhood they could still get places, they are not just going to look at those four hubs but really everywhere where they have an intersection of zoning that they are looking to provide that. If it is residential, they may need that corner store but if there is heavy commercial then it supports the Meijer, they are trying to create a well-rounded grouping of uses, it is compatible uses and available via not just vehicle but rather walking, biking, they know that is a big part of it, they are a trail community.

Planning & Zoning Director Girling asked Planner Arroyo when he looked at a community, when someone does a major overhaul of the Master Plan, does it justify just saying here is our old, there were 25-30 pages of goals, do they literally just throw them out? Planner Arroyo replied no, he thought that they want to look at what is there that is worth carrying forward. He thought that they needed to add new things, update, and they need to refresh. He thought by reorganizing it will also help them look at them differently. He said hopefully, next month, they
will have something to look at that maybe will help them look at these different. Right now, when he tries to look at those 27 pages, his head wants to explode because he can't grasp any of it. Planning & Zoning Director Girling questioned if there was homework, they should all know them but they should all look at those 27 pages and if there is something that they understand, or not.

Secretary St. Henry said that they struggle with the 27 pages. He asked what does the average citizen think of that? They have no idea what our vision is or their objectives, or how they plan to proceed moving forward, so, in the first 10-pages of the Master Plan if they lose them there it is over. He said he was going to challenge Planner Arroyo and this group that they take that 27 page’s and boil it down to 5 really tight pages so it is easier to read. He said that there are too many goals, and objectives. If they have too many goals then they don't have any goals. He said let's be very aggressive and let's narrow that down so they can pull any average citizen out of their community that doesn't know much about what they do, they read it and they understand where they are taking this community to in the next five-years. Planner Arroyo said also from an organizational perspective, he would like to take items that are more action items and move them into the implementation section as things do rather than trying to lump them in with goals and objectives, he thought that also burdens the current section.

Trustee Urbanowski said that when she was looking through this, she was looking at it from the perspective of when she worked at the Chamber, she took the strategic plan and would once a year go through, 3 or 4 years, and say what percent, she went through all the goals and said they have done this, they haven’t done this. That is how she was trying to read this, not that she was asking them to do that. She was curious, if they are an average citizen, and asking did they do this, did they do these things? Secretary St. Henry said so you are saying are they measurable? Planner Arroyo replied that in the implementation chapter there will be a spreadsheet of action items. It will have who is the lead agency or entity, what is the top priority timeline and then they will be able to start checking things off. Then they can go back to that every year and do it, so it will help them do that. Chairman Reynolds said there is a lot of ways to check that box, and they don’t necessarily know how they are going to check that box in 4-years but they know right now that is their short-term or long-term goal. Planning & Zoning Director Girling said all of those should be looked at when they are looking at zoning changes. She added that there was too much thrown into all of that. Chairman Reynolds said what applies and what doesn't. Planning & Zoning Director Girling said she had a vision that it is just a single sheet for them or a memory jogger that they have in front of them, to carry no matter what the size is to carry the Master Plan around, yes, they should reference online but something as a memory jogger as they are looking at all of these cases, they got the goals right there of what they are trying to do. Secretary St. Henry thought it should be very clear when looking at a PUD or a rezone proposal, and they go through all those criteria as it relates to the Master Plan, is this a benefit to the community. He said it should be clear as day with a cheat sheet that this idea will meet this criterion, and will make some of their decisions and the whole process a little smoother and easier. Trustee Urbanowski said that they also adopted stuff from the Parks and Rec Master Plan do they necessarily have to? Chairman Reynolds said this doesn't have to be a catch-all. Their goals don't have to speak to every little thing they need to do. Again, it is the reminder that is their 10-year plan it is not guiding them to what they are going to do tomorrow but that goal should be in that bigger mindset. As the ordinance change and they get this developer that wants to buy up half of Keatington and buy all of the houses, what if, they don't know. At least in that sense, they have, hey it is their vision, it still fits. He added new or old when someone comes in and says can I do this, is it maintaining what they want?

9. PUBLIC COMMENTS
None.
10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
A. 9-1-2021, at 7:05 p.m., PC-2021-63. Meijer Inc. #680, Special Land Use request for 24-hour operation, located at 1107 S. Lapeer Road, parcel #09-14-226-008 and unaddressed parcel #09-14-226-001 (surrounded by parcel 09-14-226-008).

14. CHAIRMAN’S COMMENTS
None.

15. COMMISSIONERS’ COMMENTS
Secretary St. Henry said that a couple of years ago they made the decision to move forward with the Pomeroy development at Scripps and Lapeer Rd. He recently had an opportunity to tour the facility and it was very enlightening, after touring that facility and seeing the people in there and actually recognizing some of the people in there from growing up here it is exactly what this community needed in terms of a place for their older citizens to retire to, to live in, stay in our community, it is a beautiful community.

16. ADJOURNMENT
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski to adjourn the meeting at 8:43 p.m. Motion carried.

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

September 1, 2021
Planning Commission Approve Date