The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 6, 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  
Derek Brackon, Commissioner  
Joe St. Henry, Secretary  
Don Walker, PC Rep to ZBA  
Don Gross, Vice-Chairman  
Kim Urbanowski, BOT Rep to PC

**PLANNING COMMISSION MEMBERS ABSENT:**
Jessica Gingell, Commissioner

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

2. **ROLL CALL/PLEDGE OF ALLEGIANCE**
As noted

**CONSULTANTS PRESENT:**
Rod Arroyo, (Township Planner) of Giffels Webster  
Matt Wojciechowski, (Township Planner) of Giffels Webster  
Mark Landis, (Township Engineer) of OHM Advisors  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Sara D’Agostini  
Joseph Salone III  
Michael Rich  
Mary Ann Ryan  
Jerry Lilly  
Chris Krystek  
Adam Ossipove  
Joseph Salome IV  
Gene D’Agostini  
Wendy Ryan-Borga  
Richard Bondar  
Dawn Krystek  
Danny Plantus  
Ken Mihelich  
Kelly Mihelich  
M. Wany (sp?)  
Tracy Deuman

3. **MINUTES**
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski to approve both sets of minutes as submitted. **Motion carried**

4. **AGENDA REVIEW AND APPROVAL**
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, 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-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB) at 7:05 p.m. and closed the public hearing at 7:15 p.m.

Chairman Reynolds opened the public hearing for PC-2021-71, at 7:15 p.m. F & D Silverbell Rezone Request, the request is to rezone approx. 23.05 acres of vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB).

Chairman Reynolds closed the public hearings and reconvened the regular meeting of the Planning Commission at 7:20 p.m.

### 7. NEW BUSINESS

A. PC-2017-14, Orion Commons PUD Commercial, requesting site plan extension, located at the vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel #09-23-100-004).

Chairman Reynolds asked the applicant to state their name and address for the record.

Mr. John Thompson with PEA representing Orion Commons LLC. presented.

Chairman Reynolds said just a general overview of the request, the reason for the request so they have some background.

Mr. Thompson said that Orion Commons Commercial North Unit #1 & 2, the site plans before them was originally approved June 21, 2017. It was extended into 2018, 2019, and 2020. The plan itself consists of approx. 5 acres located at Gunnison and M-24. It is zoned (PUD) general business overlay. The two standalone buildings consist of a retail/restaurant development totaling approximately 12,000-sq. ft. This includes a vast casual drive-thru as one of the options.

Mr. Thompson said that they were there to request another 1-year extension. Generally speaking, the commercial real estate market has not recovered after Covid. New development particularly ones with small tenants is still at a standstill. They have already heard comments from the public about retail spaces with vacant doors as it is. Trying to build a new development just has not been feasible. Dave Walters who is the applicant was double-booked today and he apologized for not being there. Dave Walters with Lormax said that their main focus has been trying to continue to maintain existing tenants, they haven’t been able to get the new developments off the ground. Having an approved site plan is a huge advantage over their competition when the tenants are trying to find space versus developments that is just raw land. It is a huge thing for them to maintain this site plan approval.

Mr. Thompson said over the last couple of years they have prepared multiple concept plans they have had multiple possible tenants. They have looked at hardware stores, restaurants, other small retail developments, they even laid out apartments on the property trying to look at
other options or possibilities. As recent as last month they had a coffee user come into the Township and looked at that as a possibility, however, they dropped the site too. They understand as a general rule the Township doesn’t want site plans sitting around forever. They have effectively lost the last two years due to Covid. Right now, it still hasn’t come back, they are hoping that it will soon. He didn’t want to set a precedence for multiple extensions but under the same findings of facts for the previous approval, he just wanted to mention a few things: this is a PUD so any changes that would come before them on the site plan would be required through a major or minor amendment of the PUD so if there were anything that they wanted to change with respect to the site plan versus maintaining the existing site plan they do have those stopgaps. Since the site plan was originally approved there have not been a lot of changes in the requirements. So that moving forward they would not have a non-compliant situation. Again, the development has been stalled because of Covid. With that, they are asking for a one-year extension.

Vice-Chairman Gross said that it was unfortunate that the pandemic has been a partial problem to this situation but there hasn’t been any movement on this site for 5-years, since 2017. Since that time, they have had at least 3 new Planning Commissioners that have not even seen the plans. They have a new Planning consultant that has never seen the plan. They have a residential community immediately to the west that is now totally developed that has never seen the plan. They are in the process of revising their Master Plan. They have been patient for 5-years. He thought it was time to reevaluate the plan, the plan that was submitted as the applicant indicated was pretty much for a specific use and that specific use has not materialized. He appreciated the fact that they are continuing to market it as such but his opinion was it was time for them to give all the Planning Commissioners a chance to review the plan and to reevaluate where they are going. He said he would not be able to support an extension.

Trustee Urbanowski asked Planner Arroyo, it has been a few years, she asked what are the problems with continuing to extend these plans? They are going through the Master Plan they are updating things. She asked what if things change? What are the bad and good of extending this long? Planner Arroyo said that some of the factors they look at are, the Master Plan the long-range vision obviously they are in the process of working on that. If they have a project that was approved and does not get built and they are looking for extensions then they should look at changes within the community and changes within policies, and land-use policies that they may have established. Typically, if all things are equal and they haven’t amended the ordinances and things have pretty much stayed the same then a lot of time extensions are granted because there is really no good purpose in saying this project is over, they have to start over again. The pandemic is certainly an issue, as the applicant has indicated, there have been many instances where projects are delayed. But clearly, this has gone beyond that because it has been 5-years so that is also a factor for consideration. This is also a PUD with that there are very unique circumstances associated with that. For those that participated in that original review, that would be one thing he would ask is that they look at that and see how they felt at that time and what the conditions were and how those conditions have changed and what impact would that have on their decision where or not to extend this. Those are just some things that come to his mind with some of the factors that they would typically look at.

Trustee Urbanowski asked what happens if hypothetically there is no extension, what is the next step? Planner Arroyo replied if they don’t do anything by the time it expires, it expires, and there is no approval, and if they wanted to build something they would have to submit new plans and go through the approval process, whether it would be for a site plan or a PUD whatever they ask for they would have to reconsider it.

Chairman Reynolds said that he agreed with the initial comments that they have been patient with the development. There has been ample opportunity to create something. The past couple
of years have been pretty crazy. A development even if they said go today is difficult to occur even within a year window. When he takes a step back and looks at the underlying zoning, that hasn’t changed significantly. There have been efforts to bring forth projects to this site and he thought that there was some advantage to the development saying that it is going to be built to suit or a fitting development versus just building the retail to put it up to have it sit vacant. He thought there were some pluses and some good faith effort as time has proceeded. He personally based on Covid and everything that they are sitting in he didn’t think that if they kicked it back, they are going to see something significantly occur in a year window. In his perspective, he doesn’t see the huge benefit of not at least extending it one last time. Looking at it that way it is a PUD at this point and time they don’t have anything on the table that significantly changes that underlying zoning and even if it did it is a PUD so those conditions are set forth, they are not talking about the zoning district is going to change. His personal effort is to give it a chance to come forth and see if something doesn’t work out. Potentially one of the things that would be nice to see with development right now there really isn’t a whole lot that has been done with it, so if it was maintained or just spruced up landscaping, some of those other things that would potentially sweeten the deal for it sitting vacant but be extended, even the lawn mowed. He understood if it was any other year, he would agree he would hold firm on, they have kept extending but Covid has been a wild ride for the past 2 ½ years. That is one of his challenging thoughts here that he would present.

Secretary St. Henry said that a couple of them were there in 2017 and the original proposals were given, it was a PUD with residential development in the back and the commercial development upfront. He thought that he could speak for the Planning Commission back in the day that they were comfortable with the residential development. There were some serious concerns with the commercial development with the traffic issues along M-24 as well as the nature of the site plan because there were very shallow lots and there was some concern about how viable these pieces of commercial property really were. They had some concerns about drive-thru issues and so forth. In subsequent years when they have given extensions and listened to the applicants and the developer talk about drive-thrus and the fact of the matter was they didn’t approve a drive-thru to being with back in the day when this development was originally proposed. The whole issue began with Covid, Covid started in March of 2020, this property was started to be developed in 2017, they had a few years to find applicants. Since then, they have a development going in a significant development right down the road at Stadium and M-24. Including potential entrances off of M-24 entrances off Stadium, they all know what goes on that corner that is within a ¼ mile of this development. They know what the traffic is like there the situation has changed significantly. He lives across the street from this development and drives by it every day, he was not worried about the grass not being mowed. He wondered what exactly the status of the development has been for the last several years. The daycare that went in there went in pretty quickly, it seemed to be the ideal development there. He would not be in favor of extending this because of the changing development along M24 in that area. This is a very difficult piece of property as it is site planned and how the original development was proposed.

Commissioner Brackon said his concern was more of the presidential effect. They know that if people don’t like their decisions, then it ends up in Circuit Court. When applications get made and briefs get submitted to Circuit Court all of the other examples such as this one will get attached as an exhibit to someone else who did or didn’t get approved, whichever way they are going for and depending on how they vote. So, letting this go on for 2017 and even extending it more could potentially affect that and those decisions in Circuit Court. He said he wasn’t here in 2017 but it has gone on for so long he felt it would potentially harm other issues that may arise in the Circuit Court matter.
Chairman Reynolds said he understood the concern. He thought here inserting findings of fact to potentially speak to the current environment, Covid, and things, that is why there are findings of fact. He didn’t think he was worried about setting a precedence of a few extensions of a project setting it elsewhere with others in the Township because they typically do look at it, case by case.

Trustee Urbanowski said that they had a question before on a completely different case and scenario that they had questions about setting precedence and they were informed that they shouldn’t be overly concerned about setting precedence because each property is different. If they have good reasons for making the decisions that they are making and explain themselves then they should be good.

Planning & Zoning Director Girling stated that this is zoned PUD that doesn’t go away. When the PUD was approved it was for the residential in the back and for a 150-ft. strip across the entire front of Lapeer Rd., that would be either commercial or office. If this plan is not renewed it is still a PUD and it still has the right to be office or commercial. The question is really the plan that they came in with to get approved whether that plan that currently has an approval on it will expire. She wanted everyone to understand it will still be zoned PUD.

Secretary St. Henry stated that Planner Arroyo said that if they reject the extension the developer would have to come forward with a new plan down the line.

Planning & Zoning Director Girling said that the way the ordinance reads, and they made it clear when this one was approved, that any use that came in on that front commercial would have to come in as a major PUD amendment. So, they came in as a major PUD amendment when they had a plan that they wanted approved, so, the two choices are, this one stay’s there, and that is what they build if they extend the approved plan. If they don’t anything that they come in for, any alterations to it, they would have to come in as a major PUD amendment anyway. Because it is a strip it didn’t have a future plan it was just a commercial or office. They have a plan that they either build or if they find a different user they are back for another public hearing and another site plan. They can’t proceed with anything besides what they have or if it expires or they find a different user. If they don’t find a user that fits into the plan that is already approved, which they committed to a soft-casual drive-thru and a second building without a drive-thru they would have to come back to them anyways, as a major PUD amendment, with a joint public hearing.

Commissioner Walker said he was not an Engineer, Planner, or Architect when he discusses these things. He is also not an economist but from what he has seen in the business reports the next year is going to be dreadfully dismal just like the last couple of years have been. There seems to be no recovery on the horizon for businesses of any kind. What bothers him is that it is five years and he doesn’t believe they have had anybody else, they review all these individually, but he didn’t think that they have had another plan come back five times, Covid or no Covid. It bothers him that they are still here talking 5 years later. He understands that there have been issues but everybody has had issues and no one has asked for an extension of this magnitude that he was aware of.

Moved by Vice-Chairman Gross, seconded by Commissioner Brackon, that the Planning Commission deny the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan. This denial is based on the following facts: that this would be the 5th extension of the site plan; any modifications to the existing site plan would require that the plan come back before them in any event; the initial plan that was approved was before a previous Planning Commission, there are at least three new sitting Planning Commissioners that have not seen the existing plan; there is a new planning consultant that has not had the
opportunity to review and comment on the site plan; the residential behind the project has been fully developed and they have not had the opportunity to see the plan; he thought it was time to reevaluate the site plan; it is unfortunate that they are confronted with a pandemic situation and some of the delays that it has caused; this property has been sitting this way since 2017.

Discussion on the motion:

Mr. Thompson stated that he hoped that Commissioner Walker is wrong he hoped what he read was wrong. They are optimistic that there is going to be some movement in this next year. They just had a user come in last month for a pre-app on this project. They hope that they are going to see some changes. They see some proposed rezoning to (GB) along M-24 really close to the site, there are of the same nature, they are going to be looking for (GB) type zoning. He thought that there was potential that they can get users next year. He added as far as the residents of the Orion Commons site they were aware as part of the purchase when they bought the houses that there was an existing site plan in place, so, it is not new to them. What was proposed was proposed and approved before they moved in, so they knew the potential was there.

Mr. Thompson said they don’t like to use the word precedence but he has been here several times to obtain extensions on projects and one of the things they have done historically was approved an extension with the specific notion that this was the last one. They hope to be able to develop this next year, so, his desire would be to give him that caveat give him one more year tell him this is the last one and it won’t come back.

Trustee Urbanowski said it is a PUD if anything is going to change, they have to approve it anyway.

Chairman Reynolds said agreed, the biggest thing is if they strongly feel that, it is zoned, ultimately that is what the zoning is. It is kind of a difficult discussion to have because it is not just a standard site plan it is a PUD zoning amendment. He understood that they have been talking about this for a while but there is not a ton of movement here that would or wouldn’t occur. His knee-jerk reaction is the market alto because of Covid and that is a decent finding of fact in his perspective to feel one way or the other. He would strongly agree that this is not something that he wanted to set precedence for and strongly consider. He thought that one last extension is allowable in his eyes.

Trustee Urbanowski felt the same way. She had sat in one of those pre-apps so he knew what he was talking about. It has been a couple of years since the original and she heard it might be this or that but it seemed like they were working on it. She thought it had been a long time but didn’t see the point in not extending it one more time because it is not really going to move anything one way or the other.

Chairman Reynolds said as it sits right now, they have a motion to deny with the following findings of facts that it is the fifth extension, modifications would need to come back to them, and it was before a previous Planning Commission, they have a new planning consultant, and the residents haven’t been part of this input since it was completed afterward there was some clarification to that.

Planning & Zoning Director Girling said she wanted to point before rolcall that the motion is to deny so if you vote yes that means they don’t get the extension.

Roll call vote was as follows: Walker, no; Brackon, yes; St. Henry, yes; Gross, yes; Urbanowski, no, Reynolds, no. Motion failed 3-3. (Gingell absent)
Planning & Zoning Director Girling she said in bylaws actually say that they can postpone it until they have a vote that can carry. She knew there was a timeframe on it, however, they were heard within the timeframe so if they had to be at a meeting where they had seven members if they can’t come up with a vote that carries.

Trustee Urbanowski asked if they were allowed to say this is the last extension? Chairman Reynolds thought that they could put that as a condition and a finding of fact. Whatever they want to state with the case it is going to be admitted to the minutes just like it was here tonight with previous extensions that were awarded.

Commissioner Brackon asked if it was binding? Planner Arroyo thought that they could always ask for another extension. Chairman Reynolds said they can always ask but in the findings of fact and in the conditions of the motion obviously their intent is heard clearly and obviously that would be up to the Commission at that point and time which is hearing the condition request.

Moved by Commissioner Brackon, seconded by Commissioner Walker, that the Planning Commission postpone the site plan extension for PC-20217-14, Orion Commons Commercial PUD Amendment Site Plan until they have an uneven number of individuals to cast a vote.

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

**B. PC-2018-27, Baldwin Medical/Village Square PUD, requesting site plan extension, located on 2 vacant parcels (09-29-301-084 & 09-29-301-085) south of 3520 S. Baldwin.**

Mr. Michael Rich 26020 Radcliff Place, Oak Park, MI, representing Baldwin Medical presented.

Mr. Rich said they are asking for an extension of their site plan. He said that Covid has dealt them a blow. They had to amend an existing PUD and tracking down the other owners due to multiple changes of ownership, they spent almost 10 months and 2019 and into early 2020 getting the PUD amended before they could move even further along. Of course, they got the last signed approval in early March of 2020, about 10 days before Covid disrupted the world. They still had to get the engineering review approved, everything was shut down for the second and third quarters of 2020. He was here a year ago and asked for the extension, they had been negotiating with the engineer to get the engineering review finalized and he said at the time he thought they were very close, they were by the end of 2020 they had the engineering review and approval and that was done. All they had to do was start paying the permit fees and put shove in the dirt. They had a letter of understanding with a health care system that they were going to build the building for. As they are aware of what has happened with everything in this world but the health care systems between the lack of workers and people not being able to hospitals, etc. they froze everything. They have not moved forward they still expect that they are going to sign an agreement with a health care system to be the sole user/occupant of the building and will be able to go forward. Until they get that they just haven't broken ground and paid the fees. He added that he can’t guarantee anything. 18 months ago, he would have guaranteed that they wouldn’t be shutting down the entire world for 18 months. He did expect that they would get it signed and be able to move forward. Again, it is a PUD they did go through getting it changed for this purpose to build a medical office building, that is the intent. They do believe that it is the highest and best use, and that is what they expect to incur.

Chairman Reynolds asked what the length of the request was? Mr. Rich replied a one-year extension. He hoped it wouldn’t take that long.
Commissioner Brackon said he was reading the minutes from last year where they talk about that they thought it was very close “he added that once they approve that there were a few more fees to be paid it would be determined by the final engineering and then pre-construction and soil permits would be pulled”. He asked if that happened? Mr. Rich replied that they got the final engineering completed which was not completed when they were there a year ago. The amount of the permits and fees were stated but they did not pull the permits and do the soil because they are waiting to try to sign the final agreement with the user.

Commissioner Brackon asked if that was signed when the statements were made that the pre-construction and the soil permits will be pulled. Mr. Rich replied that there was a letter of understanding but not a final agreement. Commissioner Brackon asked what happened then, it didn’t materialize? Mr. Rich replied it got frozen essentially with the user. Commissioner Brackon asked what that meant? Mr. Rich replied that they wouldn’t proceed to sign the final agreement they keep saying they are waiting for their world to move forward, the health care area. They are not expanding they had anticipated having another building to expand into and they are just not ready to do that at this time. They have not signed the final agreement they keep putting them off. Commissioner Brackon asked if the letter of understanding was still valid? Mr. Rich replied that it would have expired at this time. They are still in discussion with them but the letter of understanding has expired.

Planning & Zoning Director Girling stated that indeed they did proceed to the engineering review which is quite costly, got approval. What stops the clock on the expiration of a site plan is pulling one of those permits. Between the approval of the engineering and pulling the permit is a requirement that the Township has currently, it is called a Performance Guarantee which is 50% of the cost of the infrastructure to go in. What would have stopped the clock is if they would have signed and that would have paid these fees, they would have a soil erosion and they wouldn’t be before them because it wouldn’t expire. Mr. Rich stated that the amount of the permits of $250,000. Planning & Zoning Director Girling said that kind of money during Covid is a factor. She wanted to make sure they understood the Performance Guarantee and the commitment from someone tying up those dollars. It is truly either an irrevocable letter of credit or cash, they don’t take bonds.

Secretary St. Henry asked how many extensions have they been granted? Planning & Zoning Director Girling said that their plan was good for a year, so, at the point that that year was expiring, they came in last year and got it, so they have got one extension, this would be the second extension.

Trustee Urbanowski asked regarding the letter of understanding, they were waiting for them to sign the contract, and then Covid hit? Mr. Rich said that Covid hit before the letter of understanding was signed. That is why they expected everything to move forward. When push came to shove to sign the final agreement, they said they are freezing everything right now.

Trustee Urbanowski asked if they were still talking to them? Mr. Rich replied yes. He said the people they are talking to there are essentially saying it is going to happen. He let them know that they have deadlines.

Trustee Urbanowski asked what kind of medical facility is this? Mr. Rich replied said it would be affiliated with one of the hospital systems.

Secretary St. Henry asked if it would be an ambulatory surgical center where they do elective surgeries? Mr. Rich said that any surgeries would be outpatient-type surgeries. Secretary St. Henry said so it would be elective surgeries. Mr. Rich said it would be more just medical offices but will do some lab work there.
Secretary St. Henry said that is why they are gun shy because with Covid elective surgeries have been impacted, off and on, for the last 1½. Mr. Rich said their world got frozen.

Secretary St. Henry said he is a little more optimistic about the economic recovery after Covid, this is a health crisis this is not a financial market crisis like it was back during the recession during 2008/2009. He thought that the hospitals are wanting to see this pandemic head in the right direction and felt that business development will accelerate but there is just too much uncertainty out there at this point.

Chairman Reynolds said that he was in support of providing an extension. They are obviously moving forward with due diligence and if they are at final engineering and they are essentially able to grant that that is pretty far in the process. Mr. Rich said that final engineering was granted that was finalized.

Chairman Reynolds said that there has been plenty of due diligence and especially with the crazy year that they have had he would be in favor of it.

Vice-Chairman Gross agreed. He said in contrast with the previous request that they had this applicant has been in negotiations with the tenant, they have had engineering, they have expended large amounts of money relative to having this project proceed and he agreed that an extension of this would be appropriate.

Moved my Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission approve the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD amendment Site Plan for one year until October 16, 2022. This approval is based on the following findings of facts: that the applicant is in current negotiations with a tenant that needs to be finalized; the applicant has conductive extensive engineering and received engineering approval, the Township just requires paying fees.

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

C. PC-2021-70, Grandview – Lapeer Road Rezone Request, located at 3120 S. Lapeer Road (parcel #09-26-151-019 from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and from Recreation 2 (Rec-2) to General Business (GB).

Chairman Reynolds asked if they would like to add anything from their previous presentation if not, he would turn it over to our professional consultants. Mr. Salone replied that he didn’t have anything to add other than thanking them for considering their request.

Planner Arroyo read through his review date stamped September 20, 2021.

Chairman Reynolds said that they did have a review from Public Services that there were no additional comments at this time with the rezone request on this parcel.

Commissioner Brackon said he thought that he understood what Planner Arroyo meant by spot zoned and asked if he could define that or explain that? Planner Arroyo said that typically the guidance is they ask three questions, is the rezoning consistent with the Master Plan? Here it is not consistent with the Master Plan but once again they could argue that the mixed-use is directly to the south and if this property had not been historically used as private recreation it might have that mixed-use classification. He thought that they had to take that into consideration. Is the proposed zoning district a logical extension of an existing zoning district in
the area? When they look at zoning, they have (OP) to the north, and (OP) to the south, and (R-2) to the west. There really isn’t from what they are asking for they are not extending necessarily an existing zoning classification that would go to this site, it is primarily an office designation along the west side, that is how it has been zoned, even though the Master Plan would allow for consideration for other uses. The final element is, would approving the request grant a special benefit to the property owner or developer. That is typically one of the things that they look at with a spot zoning is that they are looking at a relatively small piece of property and basically singling this out as a favor to one property owner that other property owners wouldn’t enjoy. If the answer to that is yes, then typically that could be considered a spot zone. This site is a little complicated because of the previous use and because of the mixed-use classification to the south on the Master Plan Future Land Use Map. Those are some of the issues.

Mr. Salone said that the property was previously zoned what they are requesting prior to the existing use. It does have the unique challenge in that it has the ITC corridor on the site, so it is going to limit what uses can be used, what might be appealing there. He thought the other thing to keep in mind was that they are not going to be impacting Waldon in any way, and he thought that some of the residents were concerned about it. He added that the use currently is not viable economically and that is why the seller is selling.

Vice-Chairman Gross asked why are they requesting RM-2 versus RM-1. Mr. Salone said that to make it viable financially with the challenge of the ITC corridor they would need the additional density to make it work. Vice-Chairman Gross said so it is density? Mr. Salone replied yes. He added that there is no other piece available (RM-2) there is nothing else.

Vice-Chairman Gross said that they heard the comments from some of the public earlier as to what might go on the property. He asked if it was their intention to sell the property or to develop it. Mr. Salone replied that it was their intention to develop it. He added that he is a real estate developer and he has built in the community recently, he is building in Auburn Hills similar uses now and it would be his intention to come back before them in the, not too distant future after they complete their studies if they are granted, the rezoning and request of a use consistent with hopefully the rezoning but it would be by him. He is not going out to outside sources for financing or users.

Commissioner Brackon asked what their intention was to build there? Mr. Salone replied multi-family in the back. He said there is really no way to work retail here. Mr. Salone said he lives in the area too and he drives by the site every day and there is really no way to make it work. From a retailer’s perspective, he looks at that on his way home which would be northbound on Lapeer from I-75 and they all know what that is like. The way to work would be southbound and he felt it was underserved, there is nothing there. He thought it would be a good viable location for retail along Lapeer.

Chairman Reynolds said he understood it was a tricky site and that rec was not necessarily a viable use moving forward especially from a private entity. He personally doesn’t have a huge issue with the (GB) along M-24 he thought that was consistent, what he was struggling with was the density that was allowable just by a permitted use since this is just a straight rezone and nothing conditions of an (RM-2) of being proposed on the rest of the site. Even with some of the multi-family in the area none of which are (RM-2). So that is some of his reservation as is the zoning designation of (RM-2) over (RM-1). Some of that thinking process is just the large lots and existing zoning that would be to the west, some of those are larger parcels and how those are Master Planned right now he was just looking at how that use transitions and how some of that property that abuts and is adjacent to the rear yards of some of those is something to consider.
Vice-Chairman Gross said he was concerned about inserting an (RM-2) density into that site, recognizing what’s surrounding it.

Trustee Urbanowski said she felt the same way. They have just been going through these maps and talking about transitions and making sure that things are matching. She was ok with the front portion of it that makes sense but the high density (RM-2) didn’t make sense to her in that area.

Secretary St. Henry said that there is no (RM-2) anywhere along M-24. There are apartment developments on M-24, Indian Village. Chairman Reynolds said that is designated (RM-1) so the multi-family that is along M-24 most of them are (RM-1), there is multi-family along M-24.

Secretary St. Henry said there were a few condos developments within a mile of this location. Indian Village is (RM-1).

Mr. Salone said for whatever it is worth looking at it as he has and looking at this at length, he wanted to remind them that there is a landfill to the southwest, there is no residential home adjacent to this site, and there is a huge powerline running through this site. He didn’t see how this becomes viable for anything other than what he is proposing for it. He didn’t see what other viable use it has. That was why he thought it would make sense, he would never request rezoning and he never has, and he has been doing this for 25-years and he thought was not consistent with what made sense for the site. He really believed because of the ITC wires that that more intense, and because it is not adjacent to any single-family home. All of the traffic would be coming in and out off of Lapeer Rd. which is a state highway. He didn’t see any other sensible use. That ITC powerline is a challenge. Commissioner Brackon asked why? Mr. Salone replied because it is not as desirable to develop it. Commissioner Brackon asked from a person wanting to live there or from a developer’s standpoint? Mr. Salone said from many other uses standpoint.

Commissioner Brackon asked if it was difficult the develop a property because of the lines or is it less desirable from a consumer’s standpoint to want to live there because of the lines? Mr. Salone replied that he thought that it was his hope to not go towards this end of the discussion but didn’t have a problem doing it. He thought that it is more suitable for rent type of use than for sale type of use because of the powerlines, and the location, and because it is not adjacent to any existing homes. There isn’t a concern about transitions, the kennel is to the north, and the property was zoned (RM-2) previously, he thought something that could be considered in favor of going this direction. The property to the south is General Business (GB), he didn’t see how it made sense to do something else with the site but maybe that is self-serving.

Commissioner Walker said that he seems to be saying that he would not consider changing his request to the less dense version. He asked if that was correct? Mr. Salone said it was not viable for them to go with the lower density. Commissioner Walker asked if that was an, no? Mr. Salone replied if that is where they were at, he would ask to be tabled and let him consider it. He thought he would not be able to develop it.

Chairman Reynolds said that aside from what it is going to be and not going to be, for rent, for ownership, however, it is not necessarily on the table right now, they are talking about a rezone and about what is allowable as a straight zoned parcel. For him, it is the concern about the density and the (RM-2) not being in that area and not being friendly to the Master Plan or what is consistent or transitionally in that area. He agreed that it was a troubling parcel in some ways because they are stuck but thought that the (GB) use along M-24 makes sense but was
struggling with the density purely. It doesn’t matter if it is apartments, condos, for rent, high-rise however to him he is just looking at that density.

Vice-Chairman Gross said that apartments are appropriate on that site. It is a question of the density, the number of units.

Secretary St. Henry said the fact that it was zoned (RM-2) in the 1980s is almost irrelevant from the standpoint that this area over the last 30-40 years is completely different than what it looked like in the 1980s. Up and down M-24 and Waldon everywhere. The fact that the property is zoned recreation that was because the previous owner set up the driving range that way. If people know the history of the property the original owner wanted to sell that property and build out big-box stores all up and down M-24. The (RM-2) designation might have fit 30-40 years ago he wasn’t sure it fit today.

Commissioner Brackon asked if it was a packed deal on the General Business (GB)?

Mr. Salone asked what the (RM-1) density allowed? Planner Arroyo replied that it allows 6 dwelling units per acre versus 8 dwelling units per acre. Mr. Salone asked if that was a critical difference to the Planning Commission? Chairman Reynolds replied that he thought it was a point of consideration. He thought that some of their general thoughts are when they look at a rezone especially a straight rezone not conditional, they are looking at what the zoning district allows, density is one of them, where the Master Plan outlines, all of those things that were outlined in their planning review. He thought that they were trying to have an open discussion here to see where they are coming from and understanding where they are coming from also.

Mr. Salone said that there was a similar site just recently went in for a rezone under the same circumstances and he thought it was a little less challenging site due to the ITC corridor and that was given the (RM-2) just north of Home Depot in June. It is the same size as the (RM-2) portion that they are proposing without the challenge of the corridor or the landfill.

Secretary St. Henry said that the difference is they have historical homesites behind the driving range that have been there for a long time. He asked if (RM-1) to (RM-2) is truly just a financial issue on their end, which is their call. Mr. Salone said he would hate to reduce it to that but it does make a difference, the challenge of the powerlines makes a big difference.

Mr. Ossipove said that they lose some efficiencies of scale in the south half of the site, the total site maybe 17 acres but not all useable because of those powerlines running through there. He added that they will address the concerns here today.

Secretary St. Henry said this is a rezone request versus a site plan review.

Chairman Reynolds said correct, with no conditions just straight what they layout in the (RM-2) district.

Chairman Reynolds asked if there were additional thoughts or questions, thoughts on the opinions of comparing it to the rezoning of 2410 S. Lapeer Rd.? Secretary St. Henry said it is right down the road, they don’t have the ITC corridor there but other challenges private property someone is trying to sell it.

Planner Arroyo said if they are going to start to compare with the one across the street, it looks like over 50% of the property on the west side that was rezoned (RM-2) was actually Master Planned for multiple-family, not (RM-2) density necessarily but it was planned for multiple-family, and it is adjacent to a big-box retail store, so there are some differences. He was not
prepared to go into a deep analysis between the two different sites but that other site was partially planned for multiple-family and was adjacent to big-box retail stores.

Secretary St. Henry thought at the time they looked at that as a buffer between the single-family homes, (RM-2), and commercial.

Trustee Urbanowski said that is the transition that she was saying does it flow, does it make sense.

Mr. Salone said it was worth it to reiterate that 40% of this site is unusable because of the ITC corridor. If they had an opportunity to spread out more it might make a difference but they don’t. He thought that it also is not sending a precedent for any future applicant because this site has the extenuating circumstance of the corridor.

Planner Arroyo said that there are single-family homes subdivisions that are being built next to ITC corridors all over. He did not agree that that is an overlying factor that would force them into a position where they have to put in multiple-family zoning. There are single-family developments that go in throughout the region and they have in their own community that are in that situation. Is it a factor that they are going to look but it doesn’t mean that they have to rezone it to multiple-family.

Chairman Reynolds asked regarding the dwelling units per acre configuration even at 40% as an easement such as that they are still talking the same dwelling unit that doesn’t factor into the acres and what they can compute dwelling units, correct? Whether it is on 60% of the parcel or all of the parcel it is still the parcel per the density requirement. Planner Arroyo replied that he would have to look at if that is a true easement or if that is what the ownership situation is in terms of how it is going to be treated. The parent parcel would have to be determined in terms of what qualifies to apply that density to and they are not at that point where they have that detailed information.

Chairman Reynolds said he hears the argument for the northern parcel of (RM-2) but to him, it is a different situation in the sense that there is the larger big box (GB) and then it is also adjacent to the PUD. When it is consistent with the Master Plan when there are clearly some thoughts that fit that that is a huge factor for him. When he sees (RM-1) across the street, up and down M-24, and directly adjacent to this parcel that is where he struggles with his initial discussion points.

Vice-Chairman Gross said that they have another request coming indirectly across Waldon on this side at their next meeting. He would like to look at them at the same time and get a real good understanding of what they are talking about rather than piece mailing it. Rather than taking a real hard stance on this and saying yes or no he would like to table it for an opportunity to look at this in the entire area, or at least this section.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission table PC-2021-70, Grandview – Lapeer Road Rezone Request, an opportunity to review this request in conjunction with other requests in the area.

Discussion on the motion:

Mr. Salone said he would prefer to avoid adjoining them with the concerns that they are going to have because that site is completely different it does not have the frontage on Lapeer Rd. He said he respectfully request that they request (RM-1) and the commercial zoning on Lapeer Rd. if that is an option at this point.
Chairman Reynolds said a no vote would make the motion null and void and a yes vote would move forward with tabling the motion.

**Roll call vote was as follows:** Gross, no; St. Henry, no; Urbanowski, no; Walker, no; Brackon, no; Reynolds, no. **Motion failed 0-6.** (Gingell absent)

Chairman Reynolds said based upon a comment brought forth by the applicate there is a consideration to transition from (RM-2) to (RM-1).

Mr. Salone said that he would like to respectfully request that they consider the portion that they are requesting to be rezoned to (RM-2) the 17-acres would they consider that to be rezoned to (RM-1) and leave the commercial frontage as requested. Vice-Chairman Gross said that he felt that the request as modified has some merit. The property can support an (RM-1) type development in the commercial zoning on Lapeer Rd. of 4.2 acres is also appropriate being adjacent to the (OP) zoning immediately to the north of it. He would accept the applicant’s amendment to his request.

Secretary St. Henry said that this is just a process, exercise, compromise, and negotiation back and forth. He thought that was a reasonable, good faith option to consider. It is consistent with the rest of the M-24 similar developments.

Chairman Reynolds said it was advertised as the more intensive use so, there isn’t an issue here for a potential motion? Planner Arroyo said you can go more intense you can go less intense.

Chairman Reynolds said he doesn’t have many issues with the (GB) zoning along M-24 that is obviously consistent it was the density of (RM-2) not the sake of the residential multi-family zoning that exists adjacent and around that.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission forward a recommendation to the Township Board to approve PC-2021-70, Grandview – Lapeer Road Rezone Request as amended, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-1), and approx. 4.21 acres from (Rec-2) to General Business (GB). This recommendation to approve is based on the following findings of facts: that the subject parcel is suitable for the proposed rezoning with multiple family and the majority of the property being (RM-1) and a small portion of (GB) being adjacent to existing (OP) zoning to the north; the property does have some restrictions on it relative the powerline which traverses the property which would assist in making the (RM-1) zoning reasonable; due to the trend of development in the area that has taken place is consistent with the zoning classifications as requested.

**Roll call vote was as follows:** Walker, no; St. Henry, yes; Gross, yes; Brackon, no; Urbanowski, yes; Reynolds, yes. **Motion carried 4-2.** (Gingell absent)

**D. PC-2021-71, F & D Silverbell Rezone Request, located at vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP) and from Office Professional (OP) to General Business (GB).**

Chairman Reynolds asked if the applicant had anything they would like to add, otherwise they will turn it over to their professional consultants? Ms. D’Agostini said she had nothing more to add.
Planner Arroyo read through his review date stamped September 20, 2021.

Chairman Reynolds said that he didn’t have any issues with the rezone request. He thought that there had been some adequate due diligence provided in the past. The Master Plan supports it and it is also consistent with the adjacent uses not to mention the zoning that is directly to the north on the other side of this intersection the NW corner of M-24.

Vice-Chairman Gross said his only disappointment with this is the fact that the site was cleared prior to any proposal being submitted to the Township. He is hoping that when a site plan comes forward that there will be some recognition of the fact that the site was totally stripped and it needs to be reflected in the landscaping plan of the new site.

Ms. D’Agostini stated that Commissioner Gross if you recall the whole reason, they wanted to clear the site is to generate marketing they heard a lot of feedback that just nothing has happened with the site. They were very successful with that effort and they have in about a year have worked on four deals that they have done iterations for layouts which they couldn’t move forward because they were all very different. It did in fact achieve what it was supposed to achieve in their intent is to move forward on a speculative basis if they have to, to get activity to the site. They will make right any wrong you perceive.

Chairman Reynolds said that it was a discussion point and they did pull a land clearing permit that is allowable by their Woodland and Tree Ordinance. When they go to look at that ordinance is that something that they do or don’t want to allow. It was fully admissible by the current code in zoning.

Vice-Chairman Gross said that the site is covered under their Lapeer Overlay District so that they have some control and review over the esthetics of the property.

Commissioner Brackon said from a historical standpoint he thought that this was the original site plan of the Meijer that ultimately ended up in Auburn Hills? Chairman Reynolds said he was not sure. Commissioner Brackon stated that a historical member of the ZBA that was familiar with those things told him that story a few months ago.

Mr. Eugene D’Agostini one of the Principals in F & D Development. They are sensitive to the Tree Ordinances and preservation of vegetation and trees, they truly are. They try to preserve when they can. The challenge with this site and he thought that they made a presentation at one time, this site had been partially mined for sand and gravel and there was 20-ft. of grade variation on this site, there were hills and valleys that were created as part of the mining process. There were mountains of topsoil that had been stripped so it was pillaged to some extent. There were trees left but the problem and the challenges are when they are developing a site like this, they have to wind up with a flat piece of property to build these industrial facilities some of them are a million square feet. In order to get a flat piece of property they have to do land balancing well they can’t do that if there are trees on the site. They did evaluate the timber that was there, it was very low quality. They did work with the Township officials to figure that out. He added that when they do evaluate their ordinance, he thought that flexibility and careful granular analysis is something that they want to preserve rather than throw out. They want to be able to do those things when they have these challenging sites.

Secretary St. Henry said when they come back with the site plan that it is really landscaped nice. Mr. D’Agostini said they take pride in their projects, they have examples of some of the product they have done, and he felt they would be pleased.
Moved by Commissioner Walker, seconded by Commissioner Brackon, that the Planning Commission forward a recommendation to the Board of trustees to approve PC-2021-71, F & D Silverbell Request, the request is to rezone approx. 23.05 acres of vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB). This recommendation to approve is based on the following findings of facts: the objectives of the Master Plan are met pursuant to the report by the Planner; the existing uses of the property in the general area coincide with this.

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

E. PC-2021-58, MPD Welding Site Plan Modification, adding an addition to an existing building, located at 4200 S. Lapeer Rd., 09-35-100-010.

Chairman Reynolds asked the applicant to state their name and address and to give a brief overview of the project.

Mr. Danny Plantus Project Manager for Kemp Building and Development 275 W. Gerard Madison Heights, MI. He was there representing Mr. Lilly and Mr. Bondar the owners of MPD Welding. They are the design-build company that is bringing this project to them.

Mr. Plantus stated that he was sure that most of the Board were aware of MPD Welding, they have been in this community for 40 years. They treat metal dyes at their facility, they are an industrial operation. Previously they brought in a site plan for a much larger addition at the beginning of 2015, they asked for a couple of extensions that project never materialized, the founder of the company passed away, and the project was basically tabled. These gentlemen, are back to propose a smaller addition, which is less than half the size of the existing building. Same kind of process they are going to be expanding their existing operation which is metal heating and treating of dyes and repair of dyes. It is a modest addition it will be on the north side of the building at 7,200-sq. ft. There are no other site changes saved for an expansion of the existing parking area to access one overhead door of the new addition and then on the south side, there is an extension of a fire lane to satisfy the Fire Marshal's concerns that will access the side of the building and allow further coverage for hydrant coverage. As well, as they are going to be bringing in a firewater main to provide fire protection to the new addition, and they are going to retrofit the existing building which is currently unprotected with a new fire protection system.

Mr. Plantus said that the construction type, he knew that there were comments in the Planner's reports that he can address because construction type is going to mirror the existing facility which is a conventional steel structure, masonry wainscot, prefab metal siding to match the existing building as close as possible.

Planner Arroyo read through his review date stamped September 29, 2021.

Engineer Landis read through his review date stamped September 28, 2021.

Chairman Reynolds said that they did have a review from the Fire Marshal, it appeared that there was a second submittal and a revised review that recommends approval without any additional comments.

Chairman Reynolds said that there was a Public Services review without any immediate concerns.
Chairman Reynolds said that there was a Water Resources Commissioner’s review that speaks to just a general overview of responsibilities and he thought built upon the Engineering review and just some statements of fact for required permits if certain sizes were to be addressed.

Chairman Reynolds stated that there was a site walk completed by the Site Walk Committee, the report was done by Vice-Chairman Gross. Both himself and Secretary St. Henry were present. If there is anything they would like to speak to on that otherwise it was just a general overview of the project.

Chairman Reynolds said that a couple of takeaways from a few of the reviews was thoughts on Lapeer Overlay Road Standards, building upon the architectural aesthetic of what is existing. There was a question about the trash enclosure, lighting seems to be limited but just clarification on that, and then the same thing with there is minimal landscaping proposed but those were four items of big picture thoughts.

Chairman Reynolds said his opinion was the Lapeer Overlay Standards he thought with it being an existing building there wasn’t anything that he saw at the site walk that was alarming to him. Seeing how the addition doesn’t propose much, as long as there was a blanket statement of lighting and things like that to meet the ordinance if it were to be provided.

Chairman Reynolds asked how is trash handled? Are they not handling that in an enclosure, is that handled indoors? Mr. Plantus replied that currently there is a trash receptacle, they don’t generate a lot of waste from this facility there is not a ton of employees there. For economic reasons, if there is any way to avoid building another structure for a trash enclosure, they would like to avoid that. There is really nobody back there it is a dead-end street, there are neighbors, they would ask for a waiver on that if that is possible.

Chairman Reynolds asked if the trash was within the building or outside of the building? Mr. Plantus replied it was outside.

Secretary St. Henry asked if it would be more than adequate for handling any additional waste? Mr. Plantus replied correct. There is a new piece of equipment in the addition and that is basically it.

Chairman Reynolds said his concern is where trash is proposed is it going to be an enclosed or shielded area? Mr. Plantus replied yes, in a receptacle. Chairman Reynolds asked within an enclosed area per our ordinance? Mr. Plantus said not currently if they have an option to keep it inside. Chairman Reynolds said so there would still be a waiver but granted based on the condition that it is kept indoors otherwise provide an enclosure. They want to see that shielded, he understood that they are on a dead-end street it is just a basic requirement that they ask everyone to adhere to. So, if it is outside, they want it to be in a shielded enclosed area.

Mr. Plantus said some of the waivers that they would like to take advantage of for the record, the sidewalk won’t be required, additional landscaping because it said that they would have to ask for a waiver he believed, versus it coming up in engineering they will have to address that.

Chairman Reynolds stated that he didn’t believe that those items because it is a site plan review it is not a waiver. Planner Arroyo said that the site is currently deficient in terms of landscaping. The question becomes are they going to accept that. Most of the pavement is for access to the trucking area. That in and of itself typically doesn’t trigger landscaping when there are other areas that are currently deficient, if it was being built new it would different. Any project that comes in for an expansion they have the ability to take a look at what is reasonable to bring it up
to current standards. He wouldn’t necessarily call it a waiver but are they going to accept the current existing nonconforming landscaping components and not require them to bring them up to the Board of Trustees.

Commissioner Brackon asked if they were talking about the sidewalk and building façade waiver? Planner Arroyo replied that the sidewalk is the connection from the actual building, there is already a sidewalk on Lapeer, but it would be the connection from the building to the sidewalk. Obviously, this goes through an industrial drive it doesn’t have a sidewalk, so that would be one that they would be waiving because typically they would require that if it was reasonable, but in this case, it is not really functional to ask for that.

Chairman Reynolds asked about the comfort level of landscaping as proposed? Needing to bring the site up to standards versus where it currently is. Vice-Chairman Gross said that the existing landscaping area he thought was sufficient for this site. Secretary St. Henry agreed.

Chairman Reynolds said the sidewalk is a standard that they would ask for in new development but there were some statements of fact provided by the Planning consultant, thoughts on bringing that up to speed. Vice-Chairman Gross said that was a safety issue in the parking lot that should probably be incorporated into the plan. Chairman Reynolds said so a connection to the safety path is something that you do want to see.

Engineer Landis said that they did look at the requirement for extending the safety path along their road frontage which would be a typical site plan requirement. But the configuration of the site they are basically at the dead-end, the last site on Englewood so there are, really no site frontage along the roadway to where they would put a public pathway on this site. That is why they omitted that from their requirement.

Chairman Reynolds said that there is a safety path along M-24 there are no internal safety paths, it is an industrial office only use. Mr. Plantus stated that there is no path along Englewood whatsoever.

Chairman Reynolds said the Lapeer Overly Standards, the general thoughts on the proximity of the building to M-24, and asking for Lapeer Overly Standards. Secretary St. Henry said that they should get a waiver on that, the building sits of 200-yards off of Lapeer Rd., they don’t even know it is there until they are back there. He added that in terms of any exterior requirements, it is an existing building and they are agreeing to continue the look and feel of it. Chairman Reynolds thought that would be a good condition or statement of fact in the motion.

Chairman Reynolds said he was a little nervous about the trash enclosure statements. He would be fine with granting a waiver if it is agreed to being stored indoors and if it is not then he would ask for an enclosure to be constructed. Mr. Plantus replied that they would agree to that.

Chairman Reynolds said that the site lighting they discussed wasn’t clear but there is an ordinance provided so it wouldn’t hurt to have that as a condition that it meet or exceed ordinance requirements. Mr. Plantus stated that there was a photometric plan provided but was sorry if it was not clear, the intent was to put wall packs on the new addition, fully shielded.

Moved by Secretary St. Henry, seconded by Trustee Urbanowski, that the Planning Commission grants a covered trash area waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts: that the applicant has indicated that the addition will not generate any additional refuse that would require an additional trash enclosure and that all refuse will continue to be contained indoor facility.
Roll call vote was as follows: Urbanowski, yes; Brackon, yes; St. Henry, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 6-0.** (Gingell absent)

Moved by Secretary St. Henry, seconded by Vice-Chairman Gross, that the Planning Commission grants an internal sidewalk waiver and building façade waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts: that this is an existing building that sits more than 200-yards from Lapeer Rd., and is hidden behind an existing industrial park; the applicant will simply extend the building façade with the same materials and look as the current building; based on the configuration of the industrial park and where MPD Welding is located and internal sidewalk to Lapeer Rd. does not make sense, and is not needed.

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

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (parcel 09-35-100-010) for the plans date stamped and received September 13, 2021. This approval is based on the following conditions: that the parking and landscaping are considered as pre-existing and therefore nonconforming and shall remain as such; the site plan meets and complies with all other ordinance requirements.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported, to include that the engineering plan would be reviewed.

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

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

Planner Arroyo said that they are working very hard to get ready for their next meeting which will be two weeks from now when they have their 6 p.m. workshop. They are going to have a Land Use Map to work with. They are working on other various elements including the economic development component and including talking about some redevelopment sites. They are going to have some concept ideas to show them and talk to them about. They are going to have more information on their 15-minute neighborhoods. A lot of material that they are working very hard on and looking forward to sharing that with them.

Planner Arroyo asked them to be thinking, and tonight was a great example with these rezoning requests. They are seeing a lot of pressure for more density along Lapeer Rd., particularly residential density. He wanted them to think about that in terms of whether or not they need to be tweaking the land use plan to recognize that there may be a trend towards that in certain locations. Obviously, they are starting to see some momentum that way and they are going to show them some other locations and they are going to talk about that.

Planner Arroyo also wanted them to be thinking about corridors that they think require special treatment within the community. They have been talking about a couple of them but wanted to get their input on that as well.
Planning & Zoning Director Girling said that she believed that Planner Arroyo had said that it will be a table format. Planner Arroyo replied yes, they are going to have some printed maps to look at and it will be a little bit more of an informal discussion. Planner & Zoning Director Girling said that will be at 6 p.m. like their normal second meeting of the month. She added that a future public hearing that notices went out on it is still debated whether the public hearing will be conducted or not but if it is it is a joint public hearing meaning they have this the Township Board and the public. Their 6 p.m. will be here at the Orion Center but it will be in another room maybe downstairs, she will let them know, or there will be a sign when they come in. Even if they don’t have the joint public hearing she thought for the simplicity of the transition and being at tables she thought that they would be somewhere else. Because the notices went out if they do cancel that joint public hearing there will still be public that might show up and it will be much easier if they are in a different location for 6 p.m.

Secretary St. Henry said that in regards to the rezoning issues, there is no question that is what they are seeing a lot of in the last year or two for multi-family housing. In this particular case what they discussed today if the majority of the corridor of M-24 is (RM-1) it makes it pretty easy for them to draw a line in the sand on that. He thought as a Planning Commission they have to realize that home developments along M-24 are going to be few and far between moving forward just because of what is left, and there is demand for multi-family houses at all ages. He thought it was easy tonight when they got through the whole process of seeing (RM-1) makes sense there given what is there and what has been there for the last 20-years.

Planner Arroyo said that they are going to talk about some of that at the study session in terms of locations of where the density makes sense and will want to get their feedback on that.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
A. Email from a citizen
Chairman Reynolds said that the email from a citizen was dated September 13, 2021. It was an email that the Planning & Zoning Department was cc’d on, Cynthia and Gary Carr of Rochester were dissatisfied by the final pricing that came together out of the Gregory Meadows Cottages in Lake Orion. They were intending to purchase there and are now unable to since the prices were originally advertised as low $300,000 and now, they are high $300,000 to low $400,000.

11. PLANNERS REPORTS/EDUCATION
A. Giffels Webster Sustainability & Resiliency
Planner Arroyo said that this is the first in a two-part series on sustainability & resiliency which are very topical topics. He liked the idea of describing the difference between sustainability and resiliency because he thought that some people get confused. They think of sustainability as being as not doing something now that is going to impact the future in a negative way. If they cut down every tree in the Township it would have a negative impact on the future of the Township because it would change the temperature and the sustainability of wildlife, the value of the community so, that would not be a sustainable item. Resiliency recognizes that they are going as a society and as a community be subject to stresses of a variety of types primarily environment and climate-related, and how they are they going to react to those, how are they building their developments, how are they functioning as a community in a way that allows them to adapt or be resilient to changes that may be coming down the road. The two of those are really interrelated because if they don’t act sustainable, they will likely be going to end up in a position where they are not going to be very resilient to certain things in the future, so there is
an interrelationship. They talk about just some of the changes that they are seeing in their society and around the world, locally the intense storms, the flooding, all of those things, they can react to those. A really good example is they heard about pumping stations where they lost power and places flooding. They could say that the solution to that is they have to get more reliable power to those pumping stations so that they continue to pump and that might help. Really that is part of the problem but the other part of the problem is that the intensity of the storms is increasing and they are getting rain at levels more frequent flooding than they have had and that intensity requires that they have to do something different or their flooding levels are going to continue to increase because the climate conditions are changing so how do they react to those things. These are all things that are important to think about. In the Master Plan, it is important to think about them and also look at vulnerable populations. They have already done some mapping for them in terms of mapping where their seniors live, where those who might be more vulnerable to some of those things and how does that relate to where high-flood probability areas are in retrospect to where some of those vulnerable populations are. Those are things that they can do as part of a Master Plan, as well as, start to implement some policies that might guide them towards being more resilient and more sustainable. They will be talking about that more as they go through the Master Plan but also point out that another option for communities too if they are concerned about stainability is to take a look at their zoning ordinance and some communities conduct what is called a stainability audit. Going through the ordinance looking at their requirements and how sustainable are those standards and could they be improved, could they be changing the way they deal with certain factors, could they be encouraging more renewable energy within the community. They have talked about some of these at some of the meetings, they have had those questions come up. This is more of a topic area that he thought was important to address in a Mater Plan, their Master Plan is addressing it and will address it but think about if there are other items that they might want to address as they go through that Master Plan process. Also, October is community planning month so they are trying to celebrate that a little bit, if they go on to some of their social media sights, they will see that they are doing a photo contest. They have different topics this week's topic is weigh finding signs. They can take a picture of one and tag it and there are some prizes, just to make them think about planning and some of the positive things in their community.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
October 20, 2021, 7:05 p.m., PC-2021-78, The Woodlands (PUD), vacant parcel located east of 310 Waldon Rd., Sidwell #09-23-351-024. The applicant, Detroit Riverside Capital, is proposing to rezone the property from Suburban Estates (SE) & Single Family Residential-2 (R-2) to (PUD) to construct a 190 multi-family unit development.

Immediately following PC-2021-78 at 7:05 p.m., is their public hearing on the text amendment, PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP), Article 18, to cover the change in land use related to Ordinance #154

14. CHAIRMAN'S COMMENTS
Chairman Reynolds thanked the Planner for jumping and keeping the process going.

15. COMMISSIONERS’ COMMENTS
Planning & Zoning Director Girling said that they have large bins at the Township related to moving for Shed-It, so if any of them are holding stacks of former plans, please while they have the large bins, please get it to them so they can get those shredded properly.
16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Vice-Chairman Gross, to adjourn the meeting at 9:41 p.m. **Motion carried.**

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

October 20, 2021
Planning Commission Approval Date