The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 20, 2021, at 7:05 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
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:05 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:
Sharon McQueen  Alicia Lawson  Jim Lepar
Matt Lawson  Gordon Cox  Susan Carpenter
Tracy Deuman  Ken Mihelich  Dale Carpenter
Kelley Mihelich  Lorita Woznick  Jeff Wright
Terry Clissold  Susan Johnston  Matt Rippin
Desirae Langlois  Melissa Slowik  Mary Ann Ryan
Richard Stein  Linda Stein  Wendy Ryan-Doreza
Kim Hunter  Lynn Kuczajda  Craig Junkin
Chris Krystek  Robert Glownia  Anne Earle
Steve Eynon  Barbara VanRaaphorst  Michael Lo
Begov Rolfsen  Mary Mansfield  Dale Anderson
Robert Bambuel  William McNabb  Andrea Holt
Pam McNabb  John Slocombe  Linda Savard
Bill Schmitz  Jeff Klett  Diane DoByckere
David Gammon  Amy Keyzer  Kellie McDonald
John Falvo  Sue Falvo  Mike Rizzola (sp?)
Marcie Ramsey

3. MINUTES
A. 10-06-21, Planning Commission Regular Meeting Minutes
B. 10-06-21, PC-2021-70, Grandview Public Hearing Minutes.
C. 10-06-21, PC-2021-71, F & D Silverbell Rezone Public Hearing Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell to approve all three sets of minutes as submitted. Motion carried
4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to approve the agenda as presented. Motion carried

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-78, The Woodlands Planned Unit Development (PUD), located on a vacant parcel located east of 310 Waldon Road, 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 Planned Unit Development (PUD) to construct a 190 multi-family unit development, at 7:08 pm and closed the public hearing at 8:41.

Chairman Reynolds then opened the public hearing for PC-2021-78 public hearing for PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance, #78, Industrial Park (IP), Article 18, Section 18.01 – Land Uses, at 8:44 pm and closed the public hearing 8:46 pm.

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

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2021-79, Lifted Industrial Site Plan Modification, located at 4611 Liberty Dr., (parcel 09-34-300-018).

Chairman Reynolds asked the applicant to make a brief presentation and to state their name and address for the record.

Mr. Ron Rader 3009 Grand Park, Rochester Hills, represents TDG Architects, the architects on record for the Lifted Industrial Partner project.

Mr. Rader said they were there to request assistance from the Planning Commission to consider the addition of some infrastructure that is key to the operations of the Lifted Industrial project. What they are looking at is basically adding in some CO2 equipment that will assist in the cultivation activities for the program.

Mr. Rader showed them a site plan amendment review that they received from Giffels Webster. He stated that the project is in compliance with all aspects of the overall review that was submitted on October 14, 2021, and it was recommended that they come before the Planning Commission to request assistance with the introduction of a 14x14 footpad that would house a CO2 tank within the 50-ft. setback at the back of the property.

Mr. Rader said that they have added in a dumpster that is compliant, they have added in the pad for the potential future use of a generator, these provide strategic blockers to what would become the CO2 tank infrastructure that then services the adjacent building.

Mr. Rader noted that the pad itself is still 27-ft. 6-inches off of the subsequent lot line, looking toward the north. To the north of them is an existing cannabis grow facility and their parking lot.
and their dumpster are in the same location to the northwest of where they plan on placing this unit.

Mr. Rader stated that they already have adjacent parking in the setback area. The location of this is key for the service team that will come and fill the unit, which would typically be done after hours so that they can use these parking spaces to fill it and this location works out very well for them.

Planner Arroyo read through his review date stamped received October 14, 2021.

Chairman Reynolds said that the motion could be to deny with conditional approval based on receiving a variance from the Zoning Board of Appeals.

Chairman Reynolds noted that they did have one review from the Fire Marshal who recommends approval without any additional comments.

Commissioner Brackon asked why wasn’t this considered in the initial plans? Mr. Rader said based on the type of cultivation that the team was doing, they weren’t sure exactly what infrastructure would be required. Once they brought the grower on board this came to light, so this was added as part of the cultivation program.

Commission Brackon said nothing changed, was it just missed, or not pondered? Mr. Rader said it wasn’t necessarily missed it was just an item that was added as part of the type of grow that is going to be taking place within the facility.

Chairman Reynolds asked if this was being placed in the rear based on space, mitigating, safety, risk, or regulation? Mr. Rader said it is being placed in the rear based on space and also providing the least possible obstruction to any of the view corridors to the site. They wanted it to keep it as far from the street views as possible.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission since this does require action by the Zoning Board of Appeals they have no alternative but to **deny** the site plan approval for PC-2021-79, Lifted Industrial Partners, LLC, Site Plan Modification, located at 4611 Liberty Dr. (parcel 09-34-300-018) for plans date stamped received 9/23/2021 denial is based on the following reasons: that the plans show a structure within the required 50-ft. rear yard setback; the concrete pad with the CO2 tank; however if the variance is received from the Zoning Board of Appeals then the plan would be deemed approved as submitted this evening and plans date stamped 9/22/2021.

**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.**

**8. UNFINISHED BUSINESS**


Chairman Reynolds stated if the applicant would like to make a presentation, state your name and address for the record

Mr. Jeff Klatt with Kreger Klatt Architects 2120 E. 11 Mile Royal Oak.

Mr. Klatt stated that he was here with the owner/developer Jeff Schmitz with JS Capital.
Mr. Klatt said as they were aware they were in front of the Board last month with a similar site plan. They heard some great comments, and they received some great feedback, they were able to incorporate many of those ideas into the revised site plan. They feel that they have a better plan now because of that and they thanked them for their collaboration.

Mr. Klatt showed the Board the revised site plan, and they have several modifications that they made based on those comments. Number one – there was a comment about land banking some of the excess parking, so as they can see on the west hand side of the site, they were able to remove 19 of those parking spaces, so they increased the green-belt in that area, and added a significant amount of green space to the site and cut down that parking by 19-spaces.

Mr. Klatt stated number two – there was a comment to connect the internal sidewalk grid or network and they were able to do that adjacent to Brown Rd. and the sidewalk. There is a slight connection there and they have a pedestrian walkway across the parking lot to the building.

Mr. Klatt said item number three – they were deficient on their storefront glazing along Brown Rd. so they do meet that now. They have 60% glazing along Brown Rd., so they were able to lengthen the storefront.

Mr. Klatt noted item number four – simply provide light pole details, their current drawings reflect those details, and he believed that they were compliant.

Mr. Klatt said number five – the same thing, trash enclosure details were missing on their drawings they did modify that to include it and he believed that was acceptable.

Mr. Klatt stated number six – turning radius updates, their civil engineer, last time they did not have civil engineer drawings. Their civil engineer is on board now, he provided documents, took a close look at their plans, and made modifications to increase the turning radius.

Mr. Klatt said that there was a comment too, from the Fire Marshal, about the fire truck template for showing the fire truck on the site. The engineers are confident that the truck will work on the site but they hired a traffic consultant to superimpose that in their drawings, so they will have that to show but is confident that the truck will work because their drive lanes are wide.

Mr. Klatt stated number seven – that wheel stops were added at the parking, so they added wheel stops to the plans.

Mr. Klatt noted that number eight – there was a comment about the vision triangles at Brown Rd., they have incorporated that into the drawing and they have clear vision at the intersection.

Mr. Klatt said number nine – they did reduce some of the interior drive isles on the west side that drive is now 23-ft. versus a much wider drive that they had last time.

Mr. Klatt said that they are still requesting some waivers from them this evening. Number one - is the building setback waiver on the west side. This was a good comment that was received last time, their building is positioned a little bit into that western side yard. After the meeting they did explore that, they showed the building outside of that but their engineer quickly pointed out that they do have a 12-ft. wide water main easement on the east side of the building that they can’t enter or violate, so they had to push the building back to the west within that setback.

Mr. Klatt stated that number two – the front yard parking waiver and again there were comments about that last month and felt it was important to keep that parking from a retail standpoint in front of the building. It is also consistent with the front, Tommy’s Car Wash has paving on that
side to the right and felt it was consistent to keep it in the left, and makes it more convenient for the customer entering the building.

Mr. Klatt noted number three – was a hedgerow to screen the front parking versus a 30-inch-high knee-wall. Their whole point is to keep it consistent they have a similar screen in front of Tommy’s Car Wash space and would like to keep that consistency here, and felt an evergreen shrub would provide adequate coverage for the vehicles in that area, and it is softer too.

Mr. Klatt stated number four – there was a comment about one of the landscape pylons being deficient in size, and they were also deficient by three parking lot trees.

Mr. Klatt said also what was brought up was they actually have more than enough interior lot landscaping, they have more than what is required per the ordinance, and have enough trees to support the required amount, they are just deficient on trees to support the excess that they have provided. They feel that they comply with the spirit of the ordinance, they have broke-up the expansive parking with greenery, and they have site trees within the parking lot and around the perimeter as well.

Mr. Klatt showed the Board the 12-ft. water main easement, they can’t really push the building to the east because it will get into that easement, so they kept the building where they had it originally placed before. From an exterior standpoint the building still looks the same, he didn’t think that there were any comments about the exterior. On the Brown Rd. side they did increase the glazing to reflect that 60% requirement.

Planner Arroyo read through their review date stamped October 13, 2021.

Engineer Landis read through their review date stamped October 12, 2021.

Chairman Reynolds stated that the Fire Marshal had a recommendation for approval with conditions based on an overlay of the turning template to verify an apparatus or engine would fit. On the parcel, there were no immediate concerns from Public Services and there was a review previously and resubmitted for the case for the Water Resource Commission at this point and time just had no influence on the project at this current time.

Vice-Chairman Gross said he appreciated that the applicant went through the revisions necessary to make this plan acceptable.

Commissioner Brackon asked if the entrance would be in the southwest corner by the front parking? Mr. Klatt replied in the southeast corner.

Chairman Reynolds said that he has three concerns. Are the spaces removed on the west side of the parcel being banked or removed from the project? Mr. Klatt replied removed. The second question was just a concern that was brought up in their Planners report for the landscaping across the front of this project. He still has a little bit of concern about the drive aisle widths, as reviewing the drawings he is seeing on the architectural plans that the drive aisle widths at the front are labeled as 28-ft. on the civil plan it is labeled as 29-ft. and they no
longer have a dimension at the rear. He felt that some of those were a little misleading towards the discussions that they had here that don’t really give them all the information of where those drive aisle widths currently are. He wanted to deliberate on that as a Commission and express their comfort between the drive aisle widths and what they are proposed and some clarification whether 28 or 29-ft. is proposed at the front and if they could get a dimension of what is proposed at the rear that would be beneficial to the conversation.

Trustee Urbanowski said it was supposed to narrow down in the back. She said that if she remembers correctly the reason, it did go down somewhat in the rear of the property, but those right next to, they were not going to narrow them because of the vacuums. Chairman Reynolds said he did not see a dimension as provided for the rear of the property.

Chairman Reynolds said between the two plans is there a discussion on which ones are which? Mr. Klatt replied that they don’t see a dimension on their plan here.

Chairman Reynolds asked if they were following architectural or civil for the discussion for the front-drive aisle width. Mr. Klatt replied that they will adhere to the civil engineer’s plan.

Commissioner Brackon said it was 29-ft. in the front, 35-ft. in the middle, and then it goes back down to 32.5-ft.

Engineer Landis said at the very north end it may be necessary to have a little bit wider of a drive to facilitate that turn of the fire truck.

Chairman Reynolds said that there were a lot of discussions last time this came through and he just wanted to make sure they were comfortable with what is being proposed. There is a slight improvement that was proposed but not drastic by any means.

Trustee Urbanowski asked what was the original? Mr. Klatt replied that the drives are very similar the change that took place was on that western maneuvering lane adjacent to the parking that they eliminated, was cut down in size. As they know is that the Tommy’s Car Wash site is already established, the parking is already established there, so now they are reacting to that condition. After last month’s meeting, they did explore pushing the building to the east to accommodate that setback but the water main doesn’t allow it. If they were to move the building, they then could move their walkway and the parking in front of the building to the east to diminish that drive lane but it really didn’t make sense. They have an ample sidewalk in front of the building it doesn’t make sense to make that any wider, so that extra space is helpful from a safety standpoint at those vacuums adjacent to the Tommy’s Car Wash site. It provides that extra bit of maneuverability and comfort at those vacuum stations adjacent to Tommy’s. They are reacting to those existing conditions again they removed the parking on the west hand side, reduced that one drive aisle to make that more in line with the city standards. Now they are a function of the spaces, the spaces are 19-ft. in the center row, and then they have the adjacent space between the Tommy’s Car Wash parking and their parking. It is a bit wider but felt it would offer some safety. It is unique, there are vacuums stations there, it is not just parking all along the Tommy’s Car Wash building they have vacuum stations.

Commissioner Brackon said that he knew one of their concerns of the Planner was speed given the distance that it is almost triple. Would the inclusion of speed bumps, or things like that would that help, is that a possibility? Planner Arroyo said it could slow the speed where the speed bump is, a lot of times people pick up speed in between where they are when they put them in. Narrowing it down would be pretty simple if they look where the wheel stops are if they were to spread that apart and shift those spaces over to the right and introduce a small landscape island there, they could bring those spaces over, and then it would narrow up that
aisle and they would get it close to what is required. The 30-ft. that is three lanes of traffic because they have people vacuuming out their car’s they don’t need an extra 10-ft. of space there, it just didn’t make any sense to him. It does because it is a straight shot, encourage people to travel faster when lanes are wider people do tend to travel faster, when the lanes are narrower, they tend to travel at lower speeds.

Vice-Chairman Gross asked if this were a through site where there was through traffic going from different sites through this site, and if this was a high volume use other than a mattress facility, and a car wash, he would have more concerns but he was satisfied with the 28-29-ft. driveway width. It does provide some visual access for fire department trucks and the two trash locations in the back.

Chairman Reynolds said the landscaping along Brown Rd., that they require a hedge, a wall, a decorative fence, berm, or other landscape elements with a vertical rise of at least 30-inches. Originally the site was proposed with a 30-inch berm. He wasn’t clear on what they would be doing in lieu of there or what is being replaced to address that?

Trustee Urbanowski said with parking in the front something has to be there other than what is already there, either a berm or that knee-wall.

Secretary St. Henry asked what is on the other side in front of the carwash now? Is it a berm and bushes? Chairman Reynolds said to clarify a hedge, a wall, a decorative metal fence, or a berm, or landscape elements with a vertical rise of 30-inches. So, if there is the hedgerow that is addressed there, then that addresses that concern.

Vice-Chairman Gross said that there is an existing hedgerow there and there is one in front of Tommy’s.

Trustee Urbanowski said that was not her recollection from the last time.

Planner Arroyo thought that the issue was on the previous plans there was a berm shown in front of both properties, both Tommy’s and this. It looks like maybe that exists in front of Tommy’s he sees some elevation change there, but based on what they have seen on the subject property he didn’t see where there is a berm there, and that was on the original plans that there would be a berm with a hedgerow, it looked flat there to him.

Chairman Reynolds asked if there was any intent to put a berm in? Mr. Klatt said they would like to match what is at the Tommy’s Car Wash side with the proposed use side for consistency. They feel that the evergreen hedgerow will shield the cars adequately.

Secretary St. Henry asked if they approved it on the Tommy’s Car Wash site with no berm? Commissioner Brackon thought it was approved with the berm although the berm doesn’t exist now.

Trustee Urbanowski said it wouldn’t bother her so much if there wasn’t that parking in front because it is a different condition on the other side.

Chairman Reynolds asked Planner Arroyo if there was a berm previously proposed and they are proposing something different can they propose something different here on that site that also meets that criterion, or are they withheld to that previous approval? Planner Arroyo replied that the previous approval showed the berm so they are not proposing the berm. They could come in, this is obviously a revised plan, so they could propose something different and then they have the ability to waive the requirements because of the district it is located in. They have the
flexibility to decide what they think is appropriate. Just judging from the photograph if that is a true representation it looks like the berm exists in front of Tommy's. He sees a rise in elevation from the sidewalk up to where the plantings are. He hasn't done any measurements of that but it does appear there is a berm there but it doesn't appear that the berm was constructed in front of the Master Firm site, rather it looks like a hedgerow was put in without a berm, that was his initial observation.

Mr. Jeff Schmitz 155 Romeo Rd. Rochester stated with respect to the plantings on the other side they posted a letter of credit when they finished Tommy's because they didn't at that time, they didn't know exactly what was going on that adjacent parcel. They had no irrigation they didn't want to try to tap into the irrigation from their Tommy's site because they didn't know who was going to own and maintain it so that is why they posted a letter of credit. He has no problem putting that berm there and matching Tommy's or if they want it a little higher. He thought a wall would look silly there but he was flexible.

Chairman Reynolds said his general feeling was he thought that a berm with landscaping was appropriate especially with front parking. Especially since it was previously proposed and the applicant is willing to provide that.

Commissioner Walker asked if they had clarified the issue with regard to the Fire Marshal and the truck turning around up there? Engineer Landis said that was one of their concluding comments to be addressed by the applicant as part of any approval that they revise the plan to accommodate the fire truck. Right now, based on their review it can't be maneuvered through there at the north end. That is something that they could review administratively if they were to approve with a condition.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grants a waiver from the requirement that the ancillary use of a Mattress Retail be developed in conjunction with a larger-scale planned development project having multiple tenants with a total land area of at least 10 acres for the following reasons: that this project does promote the economic development rules of Township as a consolidated plan with the available property per the March 27, 2019 approval.

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

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission waives/modify the following standards of Section 34.03 for PC-2021-67, J.S. Brown Rd., LLC. Based on the economic impact, quality of architectural design, and overall compatibility with the District: with the following waivers being granted; the west side yard setback for the building of 5-ft.; a 5-ft. waiver being adjacent to the development to the west and the fact that moving the building further to the east would be over an existing water main easement; the parking setback waiver is to be split and applied to Tommy's also; the front yard setback with parking in the front is consistent with Tommy's Car Wash adjacent to the east, the greenbelt width he thought was reflected on the site plan; and the front yard hedgerow would be in conjunction with the berm and hedgerow combination in the front yard.

Discussion on the motion:

Chairman Reynolds said a couple of clarifications on the motion if the parcel is to be split the parking setback waiver applies to both. He asked if that was Vice-Chairman Gross's intent. Vice-Chairman Gross replied sure.
Chairman Reynolds asked the intent is not a berm or knee wall waiver in the design standards but rather to be provided? Vice-Chairman Gross replied to be provided.

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

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grant site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd., (parcels 09-33-351-020 & 09-33-351-021) for plans date stamped and received September 27, 2021. This approval is based on the following conditions: that the applicant complies with the OHM conditions on their letter of October 12, 2021, items 1 – 3.

Discussion on the motion:

Chairman Reynolds asked that the motion maker would clarify for the record that the additional spaces to the west as indicated on the civil plans are to be removed not banked.

Vice-Chairman Gross amended the motion, Trustee Urbanowski re-supported, that the said parking on the west side to the north would be considered as removed and not banked.

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

B. PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance #78, Industrial Park (IP), Article 18, Section 18.01 – Land Uses

Chairman Reynolds said that there was a general overview provided during the public hearing. Is there further discussion, questions, comments on the agenda item?

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, that the Planning Commission forwards a recommendation to the Township Board to approve and adopt PC-2021-73, Township Initiated Text Amendment to Zoning Ordinance No. 78, Industrial Park (IP), Article XVII as submitted: since this is consistent with Ordinance #154.

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

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

Chairman Reynolds said that they had a Workshop earlier today talking about Future Land Uses and a variety of opportunities within the Township. He asked if Planner Arroyo had anything else he would like to add?

Planner Arroyo replied that they had a good discussion just keep those things in mind and he thought that they would continue that. They will have more material at the next study session in a month. He thought that they did a good job covering a lot of information and probably wouldn’t be that great to continue in detail at this point in the evening.

Chairman Reynolds said they always encourage public input and obviously those are open meetings on their second meeting of every month to discuss the Master Plan update and keep that moving along for the Township. He added that one item that might be helpful is if they could circle back to some of that data with dwelling units/acre based on some of those types
that they got feedback on from the Open House. He thought that supports some of those discussions that they had just to kind of see the data that supports the typology.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
None.

15. COMMISSIONERS’ COMMENTS
Secretary St. Henry said that the dynamics of this group and the conversations they have on different issues as they review not just the Master Plan but also different applicant presentations. He thought it was great that they can speak their minds find common ground because there are a lot of Boards that don’t. He thought it was very beneficial to this Township that they get along at that level.

Trustee Urbanowski thanked the consultants for assisting them with questions.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Gingell, to adjourn the meeting at 9:36 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

November 3, 2021
Planning Commission Approval Date