The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 15, 2021, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Rd., Lake Orion, Michigan 48360

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

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

PLANNING COMMISSION MEMBERS ABSENT:
None.

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

2. ROLL CALL
As noted

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

OTHERS PRESENT:
Tom Fisher    Denise Burns

3. MINUTES
A. 11-17-21, Planning Commission Regular Meeting Minutes
B. 11-17-21, Planning Commission Workshop Meeting Minutes
Moved by Vice-Chairman Gross, seconded by Commissioner Brackon, to approve both sets of the November 17, 2021 meeting minutes, as submitted. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, to approve the agenda as presented.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
Mr. Tom Fisher 3094 Beachtree Ct. stated that he was the Chairperson of the Orion Township Parks and Paths Committee which was reformed this year. He noted that he also served on the Orion Township Environmental Resources Committee. He added that both committees would like to remind them that they are there, and they are available to offer their services. Both groups have a great group of people in them, a number of environmentalists to help them with any detailed environmental questions they may have. He said he has known hazardous waste removal from Mott Community College, and a number of other things. They just wanted to let them know they are there and if they have any questions send them an email and they will be happy to help them.

Commissioner Brackon asked for an example of how they could help them? Mr. Fisher replied that they have been talking about the electric charging and what they thought would be some good criteria, good placings for those. He has experience in hazardous waste if they were to
have an issue where there was soil mitigation or something like that. He has a friend that actually does that work in Minnesota at one of the universities. They have a lot of background, and they can do any number of things. When he was up in Port Austin working for a year, a question came up about hazardous waste spill and in five minutes he was able to look it up on the State records, know what they were talking about, and answer the question to say it’s safe, there was nothing wrong there. He said just that level of expertise he thought comes out and helps.

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2019-47, Lavender Ridge PUD, Site Plan extension, located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (Sidwell #09-36-226-001).

Chairman Reynolds said the applicant was present, and to state their name and address for the record.

Mr. Manny Kianicky the Vice President, S.R. Jacobson Development Corp. 32400 Telegraph Rd. Suite 200 A, Bingham Farms, MI presented.

Mr. Kianicky said that they are happy to report they are full speed ahead for moving on everything that they need with the goal of starting construction for Lavender Ridge this summer. Giffels Webster their engineer is working hard on the construction plans they expect in about 8-weeks to be able to submit for review the first set of construction plans. They have their wetland permit. They are just processing the conservation easement over all the wetlands on the property. They need an extension because right now their PUD final site plan would expire in February. To make sure they are not caught short they just need an extension a 12-month extension. They are excited finally, the last couple of years have been tough. Lending wasn’t available for a long time, but they now have a couple of financial institutions/lenders, that are very interested in financing the project. They have four projects under construction, they continue to struggle, and he thought that pretty much all developers do with shortages of labor and material, and they are doing their best as everyone in their business is doing their best to maintain schedules, things are going a little slower than they are. The good thing is that the absorptions are terrific, and they have waiting lists for projects for people even two-three months out that are signing leases, so as soon as they can deliver a building essentially it is leased up by the time, they are able to finish it.

Chairman Reynolds asked if they were through their engineering phase or the engineering review just not permits, correct? Engineer Landis replied no. He added that they have been through the site plan/PUD process, but they have yet to receive the initial engineering submittal.

Secretary St. Henry asked if they foresee the material shortage improving over the next year or so? He knew that was an issue for a lot of builders/developers right now. Mr. Kianicky said he wishes he could be more optimistic than they are, they don’t see a big improvement in the near future, it is hard to predict. He added that with solid relationships that they have with some of the trades sometimes things take a little longer, but they do manage somehow to continue to build. They have a large project in Troy that they are doing with Edward Rose that is 368 units, they are a bit behind there. They have another one they are doing in Orland Park, IL, and again things are a bit slower. Part of it is, is that they expect to have a crew of 8-10 carpenters for example to rough in a building and 4-5 show up for various reasons, there are shortages of labor. A couple of weeks ago they were almost ready to move someone in they needed some vents and whatnot for the HVAC so their contractor sent all of his employees out in a 100-mile
radius to every Lowes and Home Depot so they could pick up those missing pieces, normally they would get that through their supplier but they were getting it at retail just in order so they could move their people in, and they were able to do it. He added that they are not seeing big improvements, but they are not seeing that it is going to get any worse.

Trustee Urbanowski asked if he said for this particular development that they already have people ready to move in? Mr. Kianicky replied not for this particular one. He added that they usually won't accept lease applications unless they are within three months of being able to deliver a building otherwise, they just frustrate people. He said the current project that they are doing they have buildings leased up a couple of months before they are actually finished and ready for occupancy. Usually, these are signed leases with deposits, the demand is there and seems to be growing.

Chairman Reynolds said it seems the project is moving forward and would be in favor of granting the one-year extension.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approves the Final PUD Plan extension request for PC-2019-47, Lavender Ridge Final PUD Plan for 1-year to February 3, 2023. This approval is based on the following findings of facts: that the applicant has indicated that they are in the process of completing their engineering and architectural plans for the project; that the pandemic over the last couple of years has impacted them in terms of their ability to finance and move forward with the project on a more-timely basis, therefore, he would move for a one-year extension to February 3, 2023.

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

PC-2021-95, Lifted Investment II, LLC, Ord. 154 Application – Adult Processing, located at 4611 Liberty Dr. S., 09-34-300-018.

Planning & Zoning Director Girling said that this is Ord. 154 for an Adult Processing, located in Liberty Tech Center. A lot of the ones they have seen to date have been in the first entry, this one is the second entry. She did an analysis that all of the location requirements were met, the distance from residential, the distance from a church, the distances from schools, a road with a certain traffic count, and not having the same entry into a residential neighborhood, all of those requirements.

Chairman Reynolds said that in their packets there was all the supporting documentation that Planning & Zoning Director Girling was referring to. Again, these are reviewed by many of their department heads and lead appointed officials here at the Township. It still has to go on to some additional approvals from here.

Secretary St. Henry asked what adult processing meant? Planning & Zoning Director Girling replied that it is the processing of marijuana. Secretary St. Henry asked if it was similar to the other grow facilities that they have approved? Planning & Zoning Director Girling said that they have “grow” which is growing, “processing” is processing what has been grown. They have had others before.

Chairman Reynolds stated that there is also a difference between medical and adult recreational use.
Secretary St. Henry said so this is the processing of marijuana for adult recreational use. He just wanted to understand exactly what the difference was between this and some of the other ones they have looked at.

Planning & Zoning Director Girling said there are several categories within Ord. #154, and this is one of the categories that is allowed.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission grants the approval of the application, as required per Ord. #154, for PC-2021-95, Lifted Investment for Adult Processing located at 4611 Liberty S. (parcel 09-34-300-018) based on the fact: that this property is located within an IP zoning district; it meets all the distance requirements as required in Ord. #154; is located in a building that has an ingress/egress to a road with less than 6,000 vehicles/day; is located in a building that has an ingress/egress road that does not serve as a road to residential zoning or residential properties. This recommendation approval is based upon the condition that it meets all other applicable Township Ordinances and standards of the Township and, prior to opening, shall demonstrate to the Township that it meets all the rules and regulations promulgated by the State Marihuana Regulatory Agency (MRA).

**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**

### 8. UNFINISHED BUSINESS

A. PC-2021-51, Kay Industrial Sit Plan, located at 50 Kay Industrial Dr., parcel 09-35-400-033.

Ms. Maria Lukosavich on behalf of Kay Industrial, LLC, 38700 Van Dyke Ave., Suite 200, Sterling Heights, MI presented.

Ms. Lukosavich stated that they are there again, and Mr. D'Agostini had every intention to be present tonight he was sick, and Sara is out of town on a commitment that she could not reschedule.

Ms. Lukosavich said that the 50 Kay Industrial is in the Kay Industrial Park, it fronts Lapeer Rd., and Kay Industrial Rd. This parcel is 3.12 acres, it is zoned (IP) Industrial Park, there are no wetlands to contend with. The footprint of the building is 45,060-sq. ft. with approximately 5,400-sq. ft. of office. It does have an optional mezzanine which would be a total square footage of 50,460. This is a speculative building it would be the building shell that they would be constructing initially and the outside improvements. They did receive some setback variances back in July. Apart of their meeting here today they would be requesting some waivers. The first waiver that they would like to discuss, they did not submit a floor plan because it is a speculative building, they don't have a tenant, so they don't have a firm interior floor plan to offer at this time. There was discussion in the plan reviews about tree survey and removal permit. The previous owner Joe Kay he did previously clear this lot some time ago. The trees that are there now, and she had pictures they are inferior trees or scrub trees, they are not specimen trees that they would think to preserve in this industrial park. These are developed lots that front a street, it has storm sewer, and utilities available. The tree survey was triggered by the requirement that parcels over 5-acres are subject to the tree removal permit requirement. There are two lots that they are presenting, they do share a corner, the corners do touch, they are not truly continuous in the sense that they have a large adjacent border where they would contemplate wanting to be able to control tree removal for land development purposes. Furthermore, the tree removal that is taking place is in the building envelop and the Ordinance...
contemplates not requiring a tree permit in this type of situation, so they are asking for the Tree Removal Permit for both this lot and the next lot that they would be presenting.

Ms. Lukosavich stated that the landscape waiver, there is a detention area that fronts Lapeer Rd. and there is some vegetation and trees in this detention area. She added that in the plan review comments there is the hedgerow requirement on the west side of the west parking lot. For a couple of reasons, they would like to propose moving this hedgerow to the streetside. Primarily in their experience vegetation or landscaping that’s immediately adjacent to the parking doesn’t do so well with snow removal and salt. Also having the access to the pond for maintenance of the detention area, they would like to maintain that availability. There is a natural buffer which she thought the intent of the ordinance was to shield parking from any street sides, and because they have space there, and they are proposing trees along there, she thought they had an adequate buffer. The waiver that they would be requesting is possibly moving this hedgerow requirement to dress up the street side.

Ms. Lukosavich said regarding the façade, the one requirement that is most concerning for industrial use is over 100-linear ft. The ordinance requires projections or indentations in the facility, and this north side of the building which would be primarily the shop, complying with that ordinance would compromise the use and functionality of that shop. Typically, industrial users would either rack this wall, they would have equipment on the wall, they would have conduits, electrical services, and air-lines on the wall. Having indentations or projects on that wall would not be ideal for the functionality of the space. They do want to enhance this north side that faces Kay Industrial with a brick façade.

Ms. Lukosavich stated that regarding the elevations they are proposing a brick veneer with metal panel siding similar to what is on the opposite side of the street with Kay Automotive, and then they can soften it up with some landscape features. The façade that they are proposing would be on the front of the building a neutral utility brick, stone details, ribbon windows. They are capping the building with glazing on the corner. They are proposing an entrance canopy to draw attention to the front entrance. The façade, they believe meets the spirit of the Lapeer Overlay District.

Ms. Lukosavich said that other items that were brought up in the reviews were roof screening for rooftop units. They would comply with that obviously and provide any roof screening required. Right now, because it is a spec building, they don’t know where rooftop units would be located on the building, so they haven’t specified where that would be. For practical purposes, they strategically located rooftop units in the middle of the building so the parapet usually adequately screens any rooftop equipment. If it is towards the sides they will plan accordingly and will make sure everything is properly screened.

Ms. Lukosavich said regarding wheel stops they will comply and provide wheel stops where required in the parking lot where parking is up against landscaped areas. There were some details with the photometric that need to be updated so that the photometric plans fully comply, including the lighting fixtures being parallel with the ground, there were some fixtures specified that had a tilt on the head but they will put the ones that are parallel with the ground and any timing requirements with the lighting in terms of them either dimming or shutting off if not in use at the time.

Planner Arroyo read through his review date stamped November 24, 2021.

Engineer Landis read through his review date stamped November 24, 2021.
Commissioner Brackon asked regarding the floor plan waiver, he understood the reason for it given that there is not a tenant yet, is there a way to delay that until a tenant is found, and that tenant has to apply for the floor plan waiver? In other words, without having to give up the right to do whatever they want because they are waiving it now? Planner Arroyo replied that this comes up sometimes and he thought that they could come in at a later stage when they have a better feel. He thought it could be conditioned upon a floor plan being submitted. He thought it could be administratively reviewed unless there is a reason that the administration sees that it needs to come back. He had no issues with recommending that they approve that subject to an administrative review of the floor plan at a later date. Planning & Zoning Director Girling said that could also cover the screening of the HVAC.

Chairman Reynolds stated that he was happy to see a speculative being constructed for use. He echoed a couple of the professional consultant’s comments specific to mechanical and things just to make sure that it is planned out that that would indeed be rooftop moving for not ground-mounted, they have had issues in the past with spec buildings being constructed and then they say, oops it doesn’t fit and then they are moving stuff around and making it work. So, as long as there is a game plan for that in the future. Ms. Lukosavich said they strategically oversize joists in the design to contemplate either doing rooftop units to fully condition the space or these buildings oftentimes get makeup errors in a couple of strategic locations. There are not too many options on conditioning that building and they planned accordingly by sizing the joist so they can put them where they need to.

Chairman Reynolds said that he agreed with the comments from both consultants for the trees. It is something that is tricky there is a large development area and therefore most of the trees fit within that within the spirit of the ordinance. He would be open, he thought the ordinance outlines either landscape architects or an arborist to essentially just provide a letter saying that there are no landmark or historical trees, he would be open to that. As long as they are all on the same page and staff agrees to that letter. He was not in favor of waiving the Lapeer Overlay Design Standards he agreed that there were some nice materials being proposed but thought there was the ability to meet them, he didn’t think the spirit of the ordinance was to inhibit interior use but rather create some rhythms and some potentially in masonry even with a four or twelve-inch step, that just breaks up a 100-ft. façade. He thought that could be easily met even with some of the materials that are being proposed.

Commissioner Brackon said he didn’t understand the reason for wanting to move the landscaping? He said it seems like such a minor issue compared to everything else that is being asked for why even bother? Ms. Lukosavich replied that they do want to move that hedgerow to that north side. Commissioner Brackon said if they wanted everything else why not say, “hey we are willing to put in the hedgerow where it is planned and add the additional hedgerow”. Ms. Lukosavich replied that they were actually good with that, for the maintenance of the pond, and just as property managers they know that the plantings don’t do very well adjacent to parking areas with snow removal, salt, and such. To put a hedgerow if the Planning Commission feels strongly about it, they will surely comply. They do intend to soften the north property line dress it up with some plantings, and if they wanted to add some different maybe doing a combination of split-face brick and maybe different panel heights, they could propose some options. For the functionality of the inside, they don’t want any major protrusions into the space, as long as they are able to maintain a straight wall on the inside that is important for the users. Chairman Reynolds said he didn’t know if that answered Commissioner Brackon’s question or not she was kind of answering both? Commissioner Brackon said he understood it as they would be willing to concede. Ms. Lukosavich said to satisfy the Planning Commission, move forward, and get approval they would be glad to put in that hedgerow on the west side as well as dressing up the north side with plantings.
Chairman Reynolds said he was not looking to inhibit interior floor space. They have asked other industrial buildings to do similar things, to create some pilasters, relief of the façade. He didn’t think it was intended to necessarily be anything crazy ornate but rather create some nice scale and rhythm through those neighborhoods. He knew some of the buildings that have been the comments in the past when they have been super long facades and it is very plain Jane and they understand it is an industrial area but they still want to continue to the raise the bar and promote nice facilities.

Commissioner Walker said he compares this to the request for the PUDs that they have gotten recently. The petitioner is in front of them asking for a number of things and thought it was the second time that they have been here on the subject. He thought there were way too many moving parts as far as he was concerned. He is the tree guy on the board, and the cavalier that these are just scrub trees, they don’t have to deal with that, but they have a Tree Ordinance to do that. Even if those trees didn’t qualify for that ordinance, you would think it would be nice for them to say that they will put some greenery around the project. There are a number of objections still from the Planner and from the Engineer and thought there was too much. They often go too far he would rather have them back having this stuff fixed and then asking. The Zoning Township has already granted them six variances on this property. It is not that the Township is taking a really hard look at this they are trying to help them but thought what they were asking for was asking them to help them too much as it is presented right now.

Ms. Lukosavich said that they would be glad to have their landscaping architect, actually, he was already out to the site to give them an opinion of the vegetation that is out there, they would be glad to have their landscape architect write the letter that they had suggested. With respect to some of the comments on both the Giffels and OHM reviews and speaking with Engineering Landis, she felt they agreed in their previous discussions that a lot of those comments could be addressed and erected during the engineering phase of the development. Engineer Landis said that there were comments on the next case that he thought that they could push to engineering. The items on the letter for this particular case he thought should be addressed at site plan. Ms. Lukosavich said that the limitations of disturbance where it matches the existing grades that is something that she understood that they could address during the engineering phase. With the photometrics, in identifying the lighting poles that peripheral photometrics, where it was deficient around the perimeters, they were going to add the lighting poles to the perimeters. The description of the land use because it is a speculative building short of being an industrial shell, they don’t have a land use at this time. The pavement section having more detailed sections she thought that these were items that could be done during the engineering phase. The letter they discussed, addressed the tree survey ordinance with a letter. She respectfully requests that the site plan be approved as it is today, and they can address these comments in the engineering phase if at all possible.

Commissioner Gross thought that there are a number of these issues that are basically administrative items that need to be resolved during the actual submission of detailed engineering plans. He liked the fact that the applicant is maintaining the large setback from Lapeer Rd. with the detention pond in the front which is complimentary to the detention pond property to the north. That additional setback does provide some relief to the architectural façade of the building. He thought that the façade that they are showing for the Lapeer Rd. frontage is acceptable in terms of their overlay district. The north wall could use some additional relief just some architectural relief to soften it up and the applicant has indicated that there is an opportunity to use different materials along that north wall to provide some visual relief of that north wall. He thought both the planner and the engineer have identified some issues that can be resolved internally and administratively. He was prepared to move forward with this.
Chairman Reynolds said that he agreed he is always in favor of moving forward with projects with the chance to keep development rolling along. He stated that he will still promote to not waive the Lapeer Overlay Standards, he thought that should be demonstrated and a revised elevation was his only response to that. He would be in favor of some administrative reviews of some of the other items as long as they don’t trigger the intent changing drastically from what they were seeing now. Ms. Lukosavich asked if the revised elevation was that something that they could move forward with? She asked if he was suggesting approving conditioned upon a revised elevation for the north façade? Chairman Reynolds replied correct; it doesn’t necessarily just apply to just the north façade but rather the design standards outlined in Giffels review but specific to providing relief on a 100-ft. façade of canopy’s, projections, recesses, just various things that relieve that façade.

Trustee Urbanowski said her problem with that is it is not an administrative thing. They could resubmit it and then who is going to review it? That is one of the things they do is the waivers, it is not an administrative thing.

Ms. Lukosavich said one of the things that she did want to point out was she didn’t know how familiar everybody was with the subdivision. It is an older development and the surrounding facilities this is the Kay Industrial facility that is right across the street. Again, they see brick below with the siding above. This building will very much meet or exceed the architecture already in the development, and the spirit of the elevations she thought was consistent with the Lapeer Overlay District. The facility would look very similar to this with the canopies that were proposed over the entryways.

Commissioner Brackon said in order to grant a waiver for this ordinance there is a standard that has to be demonstrated that was presented here. Consistency with the buildings around it is not part of that standard. The standards required would prevent reasonable use of the site. He hasn’t heard anything that the ordinance requirements would prevent reasonable use of the site. Ms. Lukosavich said for the reasons that she mentioned before were their concerns with the shop portion of the building. If they had indentations along these walls that are primarily shop walls it would compromise the functionality of the space, and for industrial users that is very important.

Commissioner Brackon said they don’t even know if there are going to be shop walls yet because there is no tenant. Ms. Lukosavich stated that there is no tenant at this time but they own and property manage several million square feet of space and the requirements are somewhat typical. They want straight walls for either racking, crane weighs, equipment modules, robotic modules, assembly lines, various things, it is very much a linear footprint.

Ms. Lukosavich said to Chairman Reynolds point they could do some different things with the masonry to enhance the perimeter elevations as long as it doesn’t compromise the interior of the building.

Commissioner Brackon said the existing site design, he thought that they don’t even have that yet, the architectural, parking driveways, which would make the application of the standard impractical. He asked if that had been addressed? Or is it too early to even address that? Ms. Lukosavich replied no; what has got them adjusted, as long as it doesn’t compromise the interior having straight clean lines on the shop, they could achieve the masonry details that get adjusted. Chairman Reynolds said that Commissioners Brackon’s comment that’s potentially something that would present a fact of support or lack of support of the waiver. Commissioner Brackon said that was something that he was trying to balance in his head, is it support or lack of support? Chairman Reynolds replied that comment specifically he thought it was more about
if there was a site feature or a site width or something along those lines that would make it impractical to provide that feature.

Secretary St. Henry said what they are proposing is exterior masonry modifications to break up the straight wall, which would most likely have no impact on the interior wall. And they have agreed to that on all walls over 100-ft. long. Ms. Lukosavich replied correct.

Ms. Lukosavich said that the hope was being able to proceed with full engineering and getting the project underway. With lead times and shortages of labor and everything else, they were anxious to get this to the next phase of plan review. If the requirement or the decision of the Planning Commission is to bring it back with some revised masonry details, they will have to live with that decision and get it done expeditiously as possible.

Planner Arroyo stated that one option here could be potentially for conditional approval by the Planning Commission subject to bringing back revised façade drawings which would allow them to start the process of engineering drawings, come back, bring the façade drawings, doesn’t slow them down but still gives them the opportunity to see those and approve those separately.

Chairman Reynolds asked for thoughts, ideas on motions, considerations for motions? He added that they have had some mixed discussions here, but it might be worthwhile having something on the table to discuss or amend and work through.

Chairman Reynolds stated that what he would like to do is approve the site plan, get the site plan approval with conditions that were outlined by the engineer and the planner, and delay and action on an Overlay Design Standards Waiver until a resubmission is made relative to the design of the building. That would allow the applicant to move forward with the engineering work on the plans and give them an opportunity to return to them within the next 30-60 days with a revised elevation.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry relative to the site plan for PC-2021-51, Kay Industrial site plan located at 50 Kay Industrial Dr., 09-35-400-033, that the Planning Commission grant site plan approval for the plans date stamped and received 11/10/2021 due to the fact: that waivers have been granted by the Zoning Board of Appeals on July 12, 2021, for a greenbelt and parking setbacks, and dumpster locations. This approval is based upon the conditions that the applicant comply with the Township Planners review letter of November 23, 2021, with items #1 through #5; and that the applicant resolves the issues relative to the Township Engineers review letter of November 23, 2021 items #1 through #6 with the understanding that a tree review will be done by a qualified arborist or a landscape architect regarding the tree inventory and quality of the trees on the site; the design of the exterior building relative to the Lapeer Overlay Design Standards be postponed until a revised design plan has been submitted to the Planning Commission relative to the design standards within the district.

Discussion on the motion:

Chairman Reynolds said there were comments on the visibility of the FDC connection. Ms. Lukosavich stated that the FDC connection right now they have proposed it coming in towards the back of the building. She would suggest putting it somewhere on the south façade where they could have their strobe easily visible and it is on a no parking fire lane, that was a poor choice, she didn't know who proposed that there but the best location would be somewhere in the south façade probably towards the front because
they don’t want to be towards the dock wall, and it would come straight off that water main that is being looped around.

Chairman Reynolds said essentially there is an understanding that those comments would be addressed to the liking and approval of the Fire Marshal? Vice-Chairman Gross replied yes.

Chairman Reynolds said so clarification of the motion, is that how you understood it? Secretary St. Henry replied yes.

Chairman Reynolds said on the table they have conditional approval to essentially allow for the applicant to come back with a revised façade that meets the Lapeer Overlay Design Standards to come back before them, along with the opportunity to address all of the comments outlined in Giffels Webster’s review, along with OHM’s review, and the Fire Marshal review. And those are to be administratively reviewed and are any of those to come back before them as a Planning Commission to review? Vice-Chairman Gross replied if they think it is necessary.

Chairman Reynolds said anyone in Robert Rules can amend a motion, and if there is a disagreement about the motion on the table, they are happy to discuss it.

Commissioner Walker said he heard the motion maker say the actions taken by the Zoning Board as a granting of waivers as opposed to a granting of variances. He didn’t know if that would torpedo a motion or not, but he thought that should be clarified. Vice-Chairman Gross confirmed that he meant granted variances by the Zoning Board of Appeals.

Trustee Urbanowski questioned where the dumpster was going? Ms. Lukosavich replied that they are not moving the dumpster. The Fire Department had a concern with the FDC connection, the Fire Department connection into the building is being brought in through the back and is being proposed back by the dumpster. He agreed with the Fire Department, it is a poor location as a practical matter, there is a possibility for there to be debris placed here. The appropriate area for an FDC connection would probably be somewhere along the south side of the building where it is fully accessible to a fire/water truck to charge the system. It would come straight off that water main that is proposed, and just have a lead straight into the building.

Chairman Reynolds wanted to clarify that it would be the intent for these to be rereviewed by their professional consultants. He asked if that was their intent? Vice-Chairman Gross said that those are details within the various engineering standards and intended for them to be rereviewed.

Ms. Lukosavich stated that they are very eager and anxious to get development going in this Township. They are excited to do business here. Between the two buildings, they anticipate this being about an 8-million-dollar investment on the shells. They would be glad to bring a new proposed façade back for the Planning Commission’s review and would be very excited to move forward on a conditional basis with all of the other items addressed. She added that she did want some clarification, was it a letter or, did they want a full tree inventory? Vice-Chairman Gross replied revised by a landscape architect or an arborist. Ms. Lukosavich said that they did have a landscape architect out to look at the site and was confident that they could fully satisfy that request.
Roll call vote was as follows: St. Henry, yes; Gingell, yes; Brackon, yes; Urbanowski, yes; Walker, no; Gross, yes; Reynolds, yes. Motion carried 6-1

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

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

Ms. Maria Lukosavich on behalf of Kay Industrial Land, LLC. 38700 Van Dyke Ave., Suite 200, Sterling Heights, MI, presented.

Ms. Lukosavich said this site is right around the corner from the previous site they talked about. There is the corner where the overlap of the two parcels meets. Some of the conditions are similar to those that they discussed for the previous site. This is a 4.39-acre parcel, it is zoned (IP) there are no wetlands to contend with. The building’s square footage is 66,955 with approximately 6,000-sq. ft. of office, and 60,955-sq. ft. of the shop. There is an optional 6,000-sq. ft. mezzanine which would lead to the total square footage of 72,955-sq. ft. Again, this is a speculative building they don’t have a specific user, for the reasons discussed in the previous presentation. They would be requesting the Building Floor Plan waiver because they don’t have a definite floor plan for the interior of the space. That would be generated once a tenant is identified. The tree survey and tree removal permit for the reasons stated before would be glad to get a letter confirming that none of the trees are of historic nature or would require preservation. The facades they would also be willing to entertain coming back to the Planning Commission moving forward on a conditional basis and addressing any façade issues that they have with the reconvening with the Planning Commission at a later time.

Ms. Lukosavich stated that there were no objections by the Fire Department on this site plan. She said she will let Engineer Landis speak more on the conclusions but there was a couple of items that they determined were not a concern, items #1 & #2 on the items that needed to be corrected and the other items that were discussed in both approvals. The rooftop screening again they were not able to identify where the rooftops went, they strategically locate them so the parapet can cover them if they are not able to be covered by the parapet, they would provide the appropriate screening at that time. There were a few deficiencies on the perimeter of the photometric which they would correct, as well. As stated, the fixtures being parallel, and the timing of the lighting being shut off between 11 p.m. and sunrise they would make sure that the facility once occupied complied until their use required otherwise.

Planner Arroyo read through his review date stamped November 24, 2021.

Engineer Landis read through his review date stamped November 24, 2021.

Chairman Reynolds said as mentioned by the applicant the Fire Marshal did review the project and recommended approval with no additional comments.

Vice-Chairman Gross asked if they had a rendering of the proposed building? Ms. Lukosavich replied they do and showed the Board the elevations. She noted that they don’t have a computer-generated rendering, but they did this similar façade at a different facility and a lot of the architectural features that they were proposing are on that building in Shelby Twp. Vice-Chairman Gross asked this is basically at the entrance though? Ms. Lukosavich replied correct. Vice-Chairman Gross said but otherwise it is just a block building? Ms. Lukosavich replied correct. She added that it would be painted CMU on the sidewalks that are adjacent to other buildings, with metal panel siding. The front façade will have stone details spandrel glass, envision glass, and then a canopy, with some metal architectural panels to call out the front
entrance. Vice-Chairman Gross asked if it had glass windows along the front? Ms. Lukosavich said correct. Chairman Reynolds said that he has similar comments to the previous one. He thought there were some measures that could be taken to meet that Lapeer Overlay Standard. He understood that it was an industrial building but would love to see something a little bit more than just low masonry especially painted CMU and façade that is blank.

Vice-Chairman Gross said like the previous plan the site plan seems to comply with all the other ordinance requirements. There are some engineering concerns that have to be reviewed but was sure that there will be others as the plan is reviewed that there will have to be some revisions, as well, but it won’t affect the site plan. There were some variances granted by the Zoning Board of Appeals previously, the greenbelt.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, the Planning Commission grants site plan approval for PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-04 (a parcel south of Kay Industrial Dr.) for the plans date stamped received 11/10/2021 based on: the conditions being satisfied, and the planner’s review of 11/23/2021 which apparently have been addressed, as well as the engineer’s report of 11/23/2021. The fact that the Zoning Board of Appeals granted variances on July 12, 2021, relative to greenbelt and parking setbacks, therefore the plan complies with ordinance requirements. Further, that a review by an arborist or a landscape architect regarding the tree inventory and the character be submitted as a part of the condition. He would recommend approval with the stipulation and condition that the final design of the project be resubmitted to the Planning Commission to ensure that there is compliance with the design standards of the Lapeer Overlay District as required on the sides of the building.

Discussion on the motion:

Chairman Reynolds stated that he did not believe that all of the Giffels Webster comments have been addressed. He asked if he was correct? He added that there is still the hedgerow. Vice-Chairman Gross said that he had indicated that his interpretation is that it complied.

Planner Arroyo said that regarding the hedgerow it appears that it could comply, but they just need more information to confirm the species and the height of the hedge on top of the berm. Provided that is acceptable then it would comply. He thought it looked like they are attempting to meet the spirit of the ordinance, but he just needed some more information. It is an administrative type of review, but they need additional information.

Chairman Reynolds said he would be more comfortable with it because he would like one or both of those reviews to still be included because there are comments on the tree survey. He understood in the motion he is clarifying that but would feel more comfortable especially in the Giffels Webster review in which references mechanical screening and things, as they move forward and kind of reiterate some of the Lapeer Overlay Design Standards that he thought they were looking to meet and would like to include those comments to be met and reviewed.

Vice-Chairman Gross amended the motion, Trustee Urbanowski re-supported that address the comments #1 through #5 in the Giffels Webster review plus anything bold in essentially the review summary. The overlay redesign would still have to come back to the Planning Commission, it would not be done administratively.
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

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

Planner Arroyo said that they are going to go ahead and make some of the changes that were suggested, and they will have a new draft for them for next month. He asked them to let Planning & Zoning Director Girling know if you would like a hard copy of the next version and she will make sure that you get a hard copy because there were a few members that were asking for hard copies.

Planning & Zoning Director Girling said that she will make sure that everyone gets a hard copy of the next draft.

Chairman Reynolds said with their schedule they are looking to bring back the draft and potentially recommend approval of that draft to be posted for public review in a 63-day period.

Planner Arroyo said at the next meeting if they are ready to do that, they would make a motion to forward the draft to the Board of Trustees to request their permission to allow it to be distributed to the various agencies and adjacent communities for the 63-day review period. Then they would go ahead and pick a date meeting for when the Open House would occur.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION

A. Giffels Webster – Safety and Site Design Training

Planner Arroyo said this one of their Planning Commissioner training program two pages. He briefly overviewed some safety issues. One of the things they talk about is, there has been a program that has been around for quite a long time from the 1970s which is called (CPTED) which is Crime Prevention Through Environmental Design. The thought of that is they can design sites when they go through a site plan approval process to try to enhance the ability for public safety officers to be able to see into the site, for people to feel comfortable moving about the site, and to provide for the opportunity for people who are nearby to see into the site and actually observe and report activities that would be inappropriate. There are some issues one deals with lighting, when they have those high-intensity lights that are so bright, and they are next to an area that is dark then your eyes are adjusting to that bright area, and you can’t really see those dark areas very well. When they have that even lighting which is typically reflected in an average to minimum ratio of 4:1 is kind of the goal, they then can see across the entire site. Then that makes it safer as they move about, so a police officer who is patrolling, they could see evenly throughout the site as well. There are some suggestions for minimum lighting and when those areas are being actively used. Also, the color of lighting has become an issue because they used to have those old sodium lights that glowed orange. It may seem warm from a distance, but it also changes how your clothes appear in terms of color. If you see someone and you are trying to describe someone and you may say that person was wearing a red shirt, well, it may not have been red because the glow of the light is impacting how you perceive it. When you report that to a police officer you may not always get an accurate description. If they can use the lighting it is called kelvin temperature that more closely is associated with daylight, it tends to give a more true color rendition and that is also something that is helpful. There is a
kind of nuance in not getting too blue/white so that it looks so cold but has a little bit. The nice thing about LED is they now have a lot more flexibility and fine-tuning that kelvin temperature so that it has a little bit of warmth to it, but it is still closer to a true color rendition.

Planner Arroyo said site lines obviously looking so they can see into a site and showing that vegetation is blocking it and avoiding entrapment spots. One of the things they talked about tonight is this requirement for the low hedgerow and that is a really good example of something that is consistent with the (CPTED) technology because our concepts because they are getting the benefit of the landscaping, but they are still able to see into the site when they drive by. There is a driver’s eye height in a vehicle is typically about 3 ½ feet above the pavement. The 30-inch-high landscaping is below that sightline. When you are driving in a car you are still going to be able to see into the site and when a police officer is patrolling there still going to be able to see with a 30-inch hedgerow or a combination berm and hedgerow or wall you are softening the edges of the parking lot while still maintaining the ability for the appropriate safety mechanisms to be put into place.

B. Winter 2022 Citizen Planner Flyer

Chairman Reynolds said as always, the Planning Department allocates training dollars for them as Planning Commissioners. One of the very useful opportunities that are provided to them is through MSU and their extension program. They are offering Citizen Planner via live zoom. It looks to be occurring in the middle of February through the middle of March about a month-long process meeting on Tuesdays. Registration deadline is the 28th so if you express an interest please speak with Planning & Zoning Director Girling or the Planning & Zoning staff, they would be happy to sign you up, so, maybe by the next meeting get a conclusion on whether they would like to participate or not.

Planning & Zoning Director Girling strongly encouraged it. They would be having six sessions it does cover a lot of material and a lot of topics.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS

Planning & Zoning Girling said there will be a public hearing on January 5, 2022, for Ridgewood at 7:05 p.m.

14. CHAIRMAN’S COMMENTS

Chairman Reynolds said he would like to note in the wake of all of the tragedies that occurred in Oxford, for anyone that is looking to support both time, money, or any resources there is the Oxford Strong community website that has been posted now to help organize efforts. There is obviously a lot of funds and opportunities out here but that is one way to get connected to just contribute money that directly contributes towards families affected that have lost loved ones or have injured loved ones but also the opportunity to provide resources and your time to not only students in our district but also neighboring districts including Oxford.

15. COMMISSIONERS’ COMMENTS
Vice-Chairman Gross said to have a happy and safe holiday season for everybody.

Trustee Urbanowski said Merry Christmas & Happy New Year.
The Planning & Zoning Director said if anyone would like a tour of the building, she would be happy to give it. Merry Christmas to everyone.

**ADJOURNMENT**
Moved by Trustee Urbanowski, seconded by Commissioner Gingell to adjourn the meeting at 8:43 p.m.  **Motion carried.**

Respectfully submitted,

Debra Walton  January 5, 2022
PC/ZBA Recording Secretary  Planning Commission Approve Date
Charter Township of Orion