

**CHARTER TOWNSHIP OF ORION BOARD OF TRUSTEES,  
PLANNING COMMISSION AND ZONING BOARD OF APPEALS  
SPECIAL JOINT MEETING - WEDNESDAY, MAY 17, 2017**

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The Charter Township of Orion Board of Trustees held a Special Joint Meeting with the Planning Commission and the Zoning Board of Appeals on Wednesday, May 17, 2017 at 6:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**BOARD OF TRUSTEES MEMBERS PRESENT:**

Chris Barnett, Supervisor	John Steimel, Trustee/BOT Rep. to PC
Penny Shults, Clerk	Brian Birney
Donni Steele, Treasurer	Ron Sliwinski
Mike Flood, Trustee/BOT Rep. to ZBA	

**BOARD OF TRUSTEES MEMBERS ABSENT:**

None

**PLANNING COMMISSION MEMBERS PRESENT:**

Don Gross, Vice Chairman	Don Walker, PC Rep. to ZBA
Joe St. Henry, Secretary	Neal Porter, Commissioner
John Steimel, BOT Rep. to PC	

**PLANNING COMMISSION MEMBERS ABSENT:**

Justin Dunaskiss, Chairman  
Rob Zielinski, Commissioner

**ZONING BOARD OF APPEALS MEMBERS PRESENT:**

Loren Yaros, Chairman	Don Walker, PC Rep. to ZBA
Dan Durham, Vice Chairman	Lucy Koscierzynski, Board Member
Mike Flood, BOT Rep. to ZBA	Mary Painter, Alternate

**ZONING BOARD OF APPEALS MEMBERS ABSENT:**

None

**CONSULTANTS PRESENT:**

Dan Kelly (Township Attorney)  
Matt Lonnerstater (Township Planner) of Carlisle/Wortman Associates, Inc.  
Jim Stevens and Jessica Katers (Township Engineers) of Orchard, Hiltz, & McCliment, Inc.  
Gary Roberts, Strategic Communications Solutions

**OTHERS PRESENT:**

Jeff Stout, Operations Director	Tammy Girling, Planning & Zoning Director
Bill Ireland, Public Works Director	Carly Nettle, Planning & Zoning Coordinator
Aaron Whatley, Parks Director	Lynn Harrison, Planning & Zoning Clerk
Lisa Sokol, Community Programs Director	Al Daisley, Ordinance Enforcement Officer
Jeff Williams, Fire Marshall	Kirk Larson, Ordinance Enforcement Officer
Dave Goodloe, Building Official	Dan Dewey, CIA Member

**CALL TO ORDER/INTRODUCTIONS**

Supervisor Barnett called the joint special meeting to order at 6:00pm. He noted that the meeting would recess at 7:00pm for the Planning Commission's regularly meeting and a public hearing and then reconvene after their adjournment. Supervisor Barnett thanked staff and volunteer members that were present.

Clerk Shults took roll call for the Board of Trustees.

PC/ZBA Recording Secretary Harrison took roll call for the Planning Commission and the Zoning Board of Appeals.

## **UPDATES**

### **Grant Success**

Supervisor Barnett commented that pursuing grants is a lot of work but worth it. He updated attendees on the Clarkston Water Main project; that there is sidewalk work being done through the DNR Trust Fund; and he noted a Safe Routes to School Grant for pathway improvements to 8 Lake Orion schools, the total estimated cost of the this project is 1.7 million and the grant request is for 1.4 million.

### **Iron Belle Trail**

Supervisor Barnett noted that a connection is being worked on between the Polly Ann Trail and the Paint Creek Trail; the Polly Ann Trail is now part of the State's proposed Iron Belle Trail System.

### **New Park**

Supervisor Barnett explained there was a land swap with the DNR which resulted in the Township acquiring 76 acres of land just north of the Township Hall which will ultimately become part of the Township's park system.

### **CIA Update**

Supervisor Barnett noted what has been in the works for the Township's side of Brown Road. He reported that Menard's has an approved site plan; that 2 houses have been demolished and Menard's will be removing another to make way for the widening of Brown Road. Bids for that road project will be in June. Jim Stevens reported that the road widening project should take 3 to 4 months; so far they have secured 20 property rights; traffic along the road will remain open during construction; one new traffic signal will be installed and one will be modified; and it was noted that Costco has agreed to contribute \$65,000 towards the project.

Bids for Phase I of the Baldwin Road widening project will also take place in June. It was noted there will also be an informational meeting with RCOC and the Orion Chamber of Commerce specifically for area business owners.

### **Change of Occupancy Ordinance**

Building Inspector Goodloe presented everyone with the Change of Occupancy Ordinance, No. 152 that the Building Department adopted. The ordinance is intended to make sure that area businesses are code compliant and that the health, safety and welfare of residents are protected. If occupancy or ownership changes for a commercial building, a new Certificate of Occupancy will be required and the necessary inspections performed.

### **Fire Department**

It was noted that Fire Marshall Jeff Williams has brought some change to the Fire Department and how the Department will work with local businesses.

## **DISCUSSION**

### **BIZ/Baldwin Design Standards/CIA Development Plan**

Supervisor Barnett noted that the Planning Commission will be holding a public hearing on the proposed amendment tonight at 7:05pm.

Gary Roberts from Strategic Communications Solutions explained the amendments to this district are intended to make the Orion Township side of Brown look more unified and planned out. The Article amendment includes more specific architectural design standards, references to cross-access drives, light pole standards, safety path and knee wall requirements, and parking lot locations. He noted that the Baldwin Road improvements will be paid for through a tax capture however no dollars were budgeted for the widening of Brown Road.

Approval of the text amendment would allow for more uniformity along the Brown Road corridor and give developers more specific requirements to follow when preparing their site plans.

There was discussion about placing buildings along the frontage of Brown Road with parking to be in the rear or to the side, and that there be cross access roads between developments. There was also some discussion on access points coming out onto one of the major thoroughfares such as Brown Road, Baldwin and Joslyn.

Supervisor Barnett led a discussion about potential uses in the BIZ district and what those in attendance thought about possibly eliminating the “two ends” - the residential and industrial sections of that district. It was the consensus to eliminate them. Attorney Kelly said, though, there may be a legal issue doing that

**The meeting recessed at 6:56pm for the Planning Commission’s Regular Meeting and Public Hearing.**

**The meeting reconvened at 7:37 pm.**

**BIZ/Baldwin Design Standards/CIA Development Plan cont.**

Mr. Roberts passed around development plans from different communities to show the meeting members the potential for this area.

**Ord. 138 – Sign Ordinance Update**

Planning & Zoning Director Girling said that the Planning & Zoning Department has been working on modifying the Sign Ordinance. She noted that after the zoning consolidation, some of the Sign Ordinance regulations were not updated and as well, some new sign regulations need to be incorporated such making things content neutral and adding electronic billboards. Planning & Zoning Director Girling commented that she, Planning & Zoning Coordinator Nettle and Township Attorney Kelly have spent several hours going over the current ordinance and Attorney Kelly has provided them with some direction. Planning & Zoning Director Girling said that red lining the current version with updates would be too difficult so will be retiring that one and creating a new ordinance - No 153. She plans on doing the re-write in-house. She asked the Township Board Members that once it has been drafted, do they want to look at it at a meeting or for each of them to look at it on their own and provide feedback? It was agreed they would look at it separately.

Planning & Zoning Director Girling commented that there hasn’t been a lot of court decisions regarding content neutral signs as of yet so there may need to be further amendments.

Trustee Flood noted there has been several cases before the ZBA lately pertaining to signs.

Commissioner Walker commented on the recent variance requests for the Marathon gas station on Baldwin Road. The largest variance was for the Marathon logo colors being painted around the gas pump canopy which according to the current sign ordinance, counted as signage.

Ordinance Enforcement Officer Daisley also asked for a copy of the draft ordinance and commented on the issue he recently had with gun shop that opened in the Township. The owner placed several unapproved lights in the windows.

**Ord. 73 – Solid Waste and Recycling Regulation**

Trustee Flood went over the memo from the Environmental Resources Committee to the meeting attendees regarding enforcement of Ordinance 73 – Solid Waste & Recyclable Materials Collection Regulation. He noted that regulations from this ordinance should be incorporated in site plans.

He commented that it is mandatory that all recyclable and trash receptacles are enclosed and covered and is something that is not being enforced. He specifically noted the Abitibi paper receptacles, one which we have in our parking lot.

Trustee Flood added that this is the oldest volunteer committee in the Township.

### **Parks & Recreation Master Plan Update**

Supervisor Barnett explained that it is important to have an updated Parks & Rec Master Plan in place to apply for trust fund money. The Parks & Rec Advisory Committee is in the process of preplanning elements for this update to help cut down costs for this update – the plan has to be updated every 5 years. Supervisor Barnett commented that the updated plan should be given to the Township Board next year. He also noted that a lot has been accomplished relating to the current Parks & Rec Plan. Having this plan makes it easier for Parks' staff to know what residents want to see.

### **Ord. 78**

#### Issues with Schedule of Regulations Section

Planning & Zoning Director Girling handed out and displayed Article XXVI – Schedule of Regulations and used the Suburban Farms column as an example of some of the inconsistencies that have been found in the ordinance. There were references to footnotes in that section that were not referenced anywhere else in the ordinance. She believed that overtime as amendments were made, some of the adjoining references may have been missed. Also it needs to be determined if some of the footnotes referenced still apply or if they can be removed. She was seeking input from the attendees as to how they felt she should proceed - whether the whole ordinance be rewritten as time allows. If this task is done internally, there would be no need for an expenditure authorization. It was decided it could be done internally.

#### Text Regarding Mixed Use

Planning & Zoning Director Girling said that awhile back the Township Planner drafted an Ordinance Amendment that addressed mixed use developments that consisted of part storage and part office space. A proposal came in for such a use behind The Great Harvest Bread Company. The proposed amendment has been put on the “back burner”. It was suggested that it be re-introduced and Director Girling will add it to an upcoming Township Board meeting agenda.

#### Text Regarding Parking of Licensed Vehicles Within Setbacks

Planning & Zoning Director Girling said she was contacted by ZBA Vice Chairman Dan Durham about people parking cars in property setbacks. Building Department Goodloe concurred, that Code Enforcement has been receiving a lot of complaints about this. As it is, there is nothing on the books that can enforce this as a violation.

It was asked if such a regulation should address both front yard and side yard setbacks? It was decided that Building Official Goodloe and Code Enforcement Officers Daisley and Larson would research what other communities do and come up with something for the Planning Commission to look at. ZBA Vice Chairman Durham will assist them in this.

#### Major vs. Minor PUD

Planning & Zoning Director Girling explained that the Ordinance does have criteria to follow if a developer comes in and wants to alter an approved PUD plan. She gave the recent example of Orion Village Crossing who came in and wanted to alter the size of their second retail building. According to ordinance criteria, what they want to do should be treated as a Major PUD amendment which requires a joint public hearing with the Township Board and the Planning

Commission. It was decided that if a PUD amendment should be treated as a Major or Minor PUD would be determined at the original pre-application meeting – that a deviation percentage be agreed upon at that time.

There was discussion among the attendees about the use of PUDs. Some expressed that they were not being used properly. That developers were trying to develop residential property as a PUD to be able to get more density. There was a suggestion to eliminate the PUD option from the ordinance however it was noted that PUDs are part of the Zoning Enabling Act which dictates that process has to be available. It was suggested the process be tightened up in regards to how the Bonus Density is calculated, strengthening the underlying zoning, and regarding public benefits. It was recommended the Planning Commission look at the PUD process at meetings where the agenda is light.

Our rezoning process was discussed as it relates to the Master Plan and it was suggested this be something the Planning Commission also takes up.

#### **Pre-app Rotation of PC Members Who Are Willing**

After some discussion, it was decided that Trustee Steimel will continue to attend pre-application meetings whenever possible. However, if any of the other Planning Commission members are interested, they let Planning & Zoning Director Girling know that she could call on them if Trustee Steimel can not attend.

#### **Open Meetings Act**

Attorney Kelly reminded everyone about adhering to the Open Meetings Act. A Board cannot meet to deliberate on issues without being in an open meeting. Emails sent out addressing all members of a Board or Commission at one time could be considered to be in violation of this act. Also, any occasion where 4 members are present, other than for a social event, should be noticed. Polling members is also prohibited.

#### **One Stop Ready**

A One Stop Ready Academy flyer for 2017 was at each place. It was noted that their curriculum provides good information. Anyone interested should RVSP.

Mr. Roberts commented on legislation about community redevelopment certification and how it helps communities apply for grants and CDBG Grants.

#### **Questions / Open Discussion / Future Meeting Suggestions**

It was noted that the Brown Road widening project will begin this summer and a ground breaking event will be planned; that these joint meetings are appreciated; and that the Township has good consultants.

#### **Adjourn**

The meeting adjourned at 9:12pm.

Respectfully submitted,

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Penny S. Shults, Clerk

Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

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Chris Barnett, Supervisor  
Charter Township of Orion