

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING, WEDNESDAY, MAY 16, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 16, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

### PLANNING COMMISSION MEMBERS PRESENT:

Don Gross, Vice Chairman	Neal Porter, PC Rep to ZBA
John Steimel, BOT Rep to PC	Scott Reynolds, Commissioner
Don Walker, PC Rep to ZBA	

### PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss, Chairman

### CONSULTANTS PRESENT:

Planner Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.  
Tammy Girling, Township Planning & Zoning Director

### 1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:00pm.

### 2. ROLL CALL

As noted

### OTHERS PRESENT:

Joe Lehman	Mario Izzi	Margaret Chaffee
Erin Wolff	Shamik Tripathi	Kim Murley
Christina Belanger	Don Harris	Joseph Peterson
Martina Nunnery	Martin Kaufman	Michele Chirco
Luke Ferguson	Denise Kaufman	Lynn Harrison
Don Hickmott		

### 3. MINUTES

A. 5-2-18, Planning Commission Regular Meeting Minutes

Moved by Commissioner Walker, seconded by Commissioner Reynolds, to **approve** the 5-2-18, Planning Commission Regular Meeting Minutes, as presented. **Motion carried**

### 4. AGENDA REVIEW AND APPROVAL

Moved by Commissioner Porter, seconded by Commissioner Reynolds, to approve the agenda as presented. **Motion carried**

### 5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

### 6. CONSENT AGENDA

None

Vice Chairman Gross recessed the regular meeting at 7:05pm and opened the public hearing for PC-2018-17, Stadium Ridge Conditional Rezoning Request. The request is to rezone 40.68 acres of unaddressed parcel (09-14-400-010) from Residential Multiple -1 (RM-1) to Single Family Residential-3 (R-3), and 2.93 acres of unaddressed parcel (09-14-400-010) from Residential Multiple -1 (RM-1) to General Business (GB) with conditions.

Vice Chairman Gross closed the public hearing for PC-2018-17 at 7:10pm.

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Vice Chairman Gross opened the public hearing for PC-2018-16, at 7:10 pm. The request is to rezone 3537 Gregory Rd. (09-31-200-008) from Suburban Farms(SF) to Single Family Residential-3 (R-3).

Vice Chairman Gross closed the public hearing for PC-2018-16 at 7:30pm.

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## **7. NEW BUSINESS**

### **A. PC-2018-16, 3537 Gregory Rezone Request, request to rezone 3537 Gregory Rd. (parcel 09-31-200-008) from Suburban Farms (SF) to Single Family Residential (R-3).**

Vice Chairman Gross asked for Planner Lewan to go over his review dated May 4, 2018.

Planner Lewan noted that this a rezoning request currently from SF, Suburban Farms, to R-3, Single Family Residential. When looking at a rezoning, there is a number of things they try and determine and pointed those out in the review.

Regarding conformance with the Master Plan – they look at property within the general area of the subject property and how the proposed rezoning might fit. He found that the proposed R-3 district is consistent with the Single-Family, Medium-High, Future Land Use designation which calls for 3-5 dwelling units per acre; but is at the high-end of that planned density range.

Regarding Land Use and Zoning – the proposed R-3 district could potentially permit the construction of up to 100 units on the subject site. The proposed R-3 district permits residential densities greater than those of existing/approved developments within the immediate vicinity and greater than those permitted by adjacent zoning districts. The R-1 or R-2 zoning districts may be more suitable for the subject site given adjacent residential densities and zoning districts.

Planner Lewan noted four other findings the Commissioners should consider:

- They should review the entire list of R-3 uses and determine their compatibility with adjacent land uses and zoning districts.
- The subject parcel contains significant tree stands and moderate slopes - natural resources will be analyzed at the time of the site plan review.
- Traffic impact and site access will be evaluated during site plan review,
- Essential facilities and services will be evaluated during site plan review.

Trustee Steimel pointed out there has been significant change in this area – for instance, the Gregory Meadows development. This is significant because some of the things in the Master Plan - that development did not come in as expected. He noted that in this area, they are getting concerned about capacity as far as sewer goes. If the Township keeps putting in more density than was planned for, there will be a problem. Same thing for roads. It was his opinion that going to R-3 here, to such a high density, there would be not to do so without totally destroying most of the natural resources. He reiterated he was concerned about rezoning to R-3 and the plan for access via Pasadena and Peppermill - there will be a fair amount of uptake in traffic the Township didn't expect.

Commissioner Porter said he also was concerned about rezoning to R-3. Putting a possible 100 units there is too many however he knows Mr. Robbe said they would only probably be able to get 70. If it was zoned to R-1, it would allow 76 units but to him, would be more palatable. Regarding flexibility, if the applicant needs that to save the terrain and trees, then perhaps a PUD is the way to go. He would be totally against allowing R-3 there. He commented that even though Mr. Robbe say they won't go for the total density allowed, if they sell the property, someone else might.

Mr. Robbe responded that the Planning Commission has said in the past they prefer straight rezonings rather than PUDs. Also, to the comment that if someone else comes in they may want to put in 100 units and the Township would be stuck with it - Mr. Robbe said the land wouldn't allow for that.

Secretary St. Henry commented that he concurred with Commissioner Porter and Trustee Steimel that R-3 is extreme and would not be in favor of it. He commented that he had to go down Gregory Road the other day and it is much different today than it was 20 years ago - the condition of the road, the development, etc. He also had concern about the low laying nature of the property. When moving out here, he was told that Lake Orion was the upcoming place to be, but they have to level that with maintaining the character and a certain degree of heritage of the community. He would agree that the property is suitable for residential development at some level, but not R-3. He would be much more comfortable with R-1 and would accept R-2 if he had too.

Commissioner Walker said he also concurred and to carry those thoughts further, he wasn't in favor of R-1 either. Looking at the density chart in the Planners review, Gregory Meadows has 1.5 dwellings per acre and R-1 would be almost twice as much as that.

Commissioner Reynolds commented he too had some major reluctancies with an R-3 zoning there. In the next step of this process, the plans would be looked at for traffic flow, etc. Seeing as how the parcel, for the most part, is neighboring Pasadena Drive and Peppermill (which are public) and the 30 ft. easement which is the only access to the parcel, presents some challenges for a high-density development. Even though the Master Plan is open to rezoning this, to go all the way to the densest interaction and to have access through existing neighborhoods, in his opinion, that presents a unique challenge with this parcel. It doesn't have any direct access other than the 30 ft. easement. Which by Ordinance needs to be closer to 60 ft. for servicing more than one unit. He would echo the same discussion that to go directly to the high-end, considering these concerns and some of the potential problems down the road, is on the heavy end of things.

Mr. Robbe responded to the concern about the two public road accesses – they are County roads and they directly abut the parcel.

Trustee Steimel addressed some of the questions that were brought up during the public hearing.

- Regarding when the public would see a construction plan? He explained that this is a rezone and a site plan is not required but they do try to consider what could go there under the requested zoning.
- Regarding the 30 ft. easement - he believed that would not be wide enough for a road. Mr. Robbe concurred, and said they are too early in the process to know where all the utilities would come from and if that would be used for a utility easement. Trustee Steimel clarified that a road could not go on that strip.
- Losing the hills and removing trees - that would be addressed during construction. If that zoning is approved, it would be hard to preserve much of the hills, in his opinion. Trustee Steimel said he understands the applicant doesn't want to put in as many homes as he can but they can't guarantee that, they could sell the property tomorrow.
- Regarding flooding concerns – it's hard to say at this point how they would do stormwater management. Mr. Robbe said it would probably be retention versus detention but that takes months to answer and is not part of the rezone request.
- Regarding the question from the gentleman that lives at the end of Pasadena – yes, it would become an access road and the area would definitely change; there would be more traffic. Mr. Robbe said that is because of Ordinance stipulations on the length of cul-de-sacs and that the Township wants multiple access points.
- There was concern that houses aren't selling. Mr. Robbe replied, that in the history of their company, April was their best month ever, houses are selling faster than they can be built.
- Regarding how wetlands might be impacted. Mr. Robbe said, in their preliminary evaluation there are no wetlands on the site but there is one on the property to the east.

Trustee Steimel asked Mr. Robbe to expound on why SF wouldn't work. Mr. Robbe replied, that when you look at the use, the trend of development taking into consideration Baldwin Road and that Village Center allows commercial, office and multi-family uses; there really is no transitional zone and why they are looking at the higher density. It transitions from a main thoroughfare, to commercial, office, multi-family, single family and then it usually spreads out to larger acres out to the country. With the topography and the roads, infrastructure and utilities cannot go in without some sort of density. Utilities are not at the site, they have to be brought from somewhere and expanded. Mr. Robbe said, he looked at the Master Plan which the Commissioners put a lot of thought into, its very comprehensive and this is their trend of development. He added that typically you start "stepping down" as you get further away from corridors and that is what they are trying to do.

Vice Chairman Gross commented that this is an unusual rezoning request - where we have a development where its only means of access is through other subdivisions. The access to this property is through property which is zoned R-1. The densities of those properties range from 1.3 to 1.6 dwelling units per acre - below the density requirements that are allowable. The site is surrounded by R-1 zoning. It was his opinion that R-3, looking at the circumstances of access, is a little out of character.

Mr. Robbe responded that the property is actually surrounded by R-2 on the east side, Pasadena is R-2 therefore it is not completely surrounded by R-1. Vice Chairman Gross said, but it is adjacent to it.

Moved by Commissioner Porter, seconded by Commissioner Reynolds, that the Planning Commission forwards a recommendation to the Township Board to **deny** PC-2018-16, Request to Rezone Parcel #09-31-200-008, located at 3537 Gregory Rd., from Suburban Farms (SF) to Single Family Residential-3 (R-3); applicant Clearview Homes, LLC; this recommendation to **deny** is based on the following findings of facts:

- the site is bordered by lower density residential Future Land Use designations to the south and west and dense residential and commercial designations to the east and southeast,
- and the proposed R-3 district permits residential densities greater than those of existing approved developments within the immediate vicinity and greater than those permitted by adjacent zoning districts.

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

Trustee Steimel explained to the public that now this will go to the Township Board. They need to watch the agendas which are posted on the website for when this case will go to that Board. The Township Board will hold a first and second reading and ultimately make their decision.

B. PC-2018-17, Stadium Ridge Conditional Rezone Request, request to rezone unaddressed parcel (09-14-400-010) from Residential Multiple-1 (RM-1) to Single Family Residential -3 (R-3) and General Business (GB) with conditions.

Planner Lewan went of his review dated May 4, 2018. He noted that the request is similar to the request the Commissioners saw a month or so ago with one big difference, that the applicant is proposing a conditional rezoning instead of a straight rezoning. He then briefly explained what a conditional rezone was for the public.

In this case, the applicant is offering to make the rezoning a little more palatable by restricting some of the GB uses. Specifically, for the smaller piece of the parcel that faces Lapeer Road. The remainder of the parcel is proposed to be rezoned to R-3 from RM which is a multi-family use. In planning lingo, a “down zone” or a less intense use.

Planner Lewan’s review stressed that a formal site plan and, if necessary, special land use approval will be needed to obtain some proposed developments. His main findings were outlined on page 8 of his review. Planner Lewan also noted that attached to his review was a copy of the GB use chart from the Ordinance which he highlighted the uses the applicant proposes to prohibit.

Vice Chairman Gross clarified that the conditions the applicant is offering, if approved, would be recorded and would run with the land. Planner Lewan replied, yes, those conditions would run with the land and has the same affect as if they were in the Zoning Ordinance.

Trustee Steimel commented that this request is basically the same as the applicant’s request under PC-2018-14 except they are now placing restrictions on the part they want to rezone to GB. Planning & Zoning Director Girling replied, that is correct. It was noted that PC-2018-14 is also on this agenda under Old Business and will be acted on after the outcome of this request.

Commissioner Reynolds said he supports the R-3 zoning of this parcel because it goes from something denser with more units to something that's favorable and less density; less use of the property. In his opinion, the voluntary prohibited GB uses are still not stringent enough. One of the main concerns he had was the potential use of drive-throughs although he does understand those would require special land use approval. Also, seeing that section of the parcel is small and will not have access off M-24. What concerns him especially is the potential for 2 drive-through facilities. Looking at what the applicant is prohibiting from allowable GB uses, some of those would require a larger parcel anyway. For him it was more about site access, limited abilities, and there were still some uses that could potentially go in there that would have a major influence on the adjacent multifamily use and the schools with limited access off Stadium Drive.

Secretary St. Henry asked Planner Lewan about his original review suggested zoning the smaller parcel to OP? Planner Lewan replied, yes, that was suggested. Secretary St. Henry said he would be much more comfortable if that was rezoned to OP rather than GB.

Commissioner Reynolds said he believed there was a discussion on Restricted Business also.

Mr. Mario Izzi, with MJC Companies, responded to some of the concerns that were noted.

Looking at the overall parcel, they are giving up 40 to 50 units based on the current zoning so they are looking for some relief because of that by asking for GB. He understands the Planning Commission doesn't consider economic reasons for rezoning, but unfortunately these are some of the things they have to look at when proposing a viable site. A site that is not empty units – commercial or residential. It was his opinion they are giving up quite a bit of units by requesting to rezone to R-3.

As far as the GB use restrictions – a couple of those, he does agree, because are “gimmes” because of the size of the piece. Again, that section is small and what they generally look for in their commercial portfolios is a mix of office and commercial. They have several retail centers in their portfolio that have dentist offices, salons, spas, medical spas, etc. They feel that GB is a little more commercially friendly. Obviously, they would have to come back for special land use approvals for drive-throughs, if there is even a market for that. This body could then approve it or reject it at that time. He asked the Commissioners to take that into consideration. They feel strongly about this proposal. It is their opinion they are giving up quite a bit but in the long run, it is a good compromise between them and the Township. Mr. Izzi commented that they do have other interests in Orion Township, they want to get involved with further developments and wants to do business here.

Commissioner Porter said he could live with GB, what he would have a problem with is if it comes back for a drive-through special land use.

Commissioner Reynolds asked what the parameters would be if something that wants to go in on the smaller piece requires a special land use approval? Planner Lewan replied that a special land use is a discretionary approval. He noted there are 7 special land use standards of the Ordinance which have to do with impact not only the site itself but to surrounding properties the Planning Commission would have to consider.

Moved by Commissioner Porter, seconded by Trustee Steimel, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2018-17, Stadium Ridge Conditional Rezoning Request to rezone 40.68 acres of unaddressed parcel (09-14-400-010) from Residential Multiple-1 (RM-1) to Single Family Residential-3 (R-3), and 2.93 acres of

unaddressed parcel (09-14-400-010) from Residential Multiple-1 (RM-1) to General Business (GB) with conditions; this recommendation is based on the following findings of fact:

- the proposed rezoning to R-3 is consistent with the Future Land Use plan,
- the proposed rezoning to R-3 is consistent and compatible with adjacent institutional and commercial land uses,
- the intense commercial uses permitted within the GB district maybe inconsistent with the adjacent institutional and multiple family residential land uses but the applicants offer up conditions to voluntarily prohibit certain intense GB commercial uses, the uses permitted with the R-3 district are compatible with adjacent existing land uses and zoning designations.

Discussion on the motion:

Secretary St. Henry questioned what would happen to the private portion of Stadium Drive which runs along Stadium Elementary School if this approved. Mr. Izzi replied, he does not know because they do not own that. Access would be from the public portion of Stadium Drive which is west of the school.

Planner Lewan asked if that the plans they submitted with their request were only for illustrative purposes at this point? Mr. Izzi said, yes. Planner Lewan then suggested that fact be noted in the motion.

Commissioner Walker suggested that there be some delineation in the motion regarding the land uses the applicant has agreed to prohibit that could go in there.

Trustee Steimel commented it would be unreasonable for the Township to require access off Lapeer Road, MDOT most likely wouldn't allow it. It was also his opinion that the smaller piece, if rezoned to GB, some of the uses that are "edgy" would be subject to special land use approval and the size would prohibit more intensive uses. He believed something could be worked out.

Commissioner Porter **amended** the motion, Trustee Steimel re-supported, to add that the plans that were submitted were for illustrative purposes only and a site plan and any special land uses would be required; further, this **approval** is subject to the conditions set forth by the applicant.

**Roll call vote was as follows:** Reynolds, no; Porter, yes; Steimel, yes; Walker, yes; St. Henry, no; Gross, no. **Motion failed 3-3** (Dunaskiss absent)

**8. UNFINISHED BUSINESS**

A. PC-2018-14, MJC Stadium Ridge LLC Rezoning Request, for property located at an unaddressed parcel on the north east corner of Stadium Drive and Lapeer Rd., (Sidwell #09-14-400-010) requesting to rezone 40.68 Acres from Multiple Family Residential-1 (RM-1) to Single Family Residential-3 (R-3) and 2.93 Acres from Multiple Family Residential-1 (RM-1) to General Business (GB)

The applicant has requested that this item be postponed to the Regular Planning Commission meeting on July 5, 2018 for reasons noted in their email dated May 11, 2018.

It was noted that the July 5<sup>th</sup> meeting falls immediately after the July 4<sup>th</sup> holiday, it might be better for the applicant if they postponed to the July 18<sup>th</sup> meeting. The applicant was agreeable to that.

Moved by Commissioner Reynolds, seconded by Commissioner Walker, that the Planning Commission approve the applicant's request to postpone deliberation on PC-2018-14, Stadium Ridge Rezone Request, until July 18, 2018; this approval is based on the request from the applicant. **Motion carried**

**9. PUBLIC COMMENTS**

None

**10. COMMUNICATIONS**

Memo from Clerk Shults dated May 8, 2018, regarding the Township Board holding the first reading of PC-2017-01, Gregory Meadows Final PUD Plan and Site Condo Documents; the second reading is scheduled for June 4<sup>th</sup>.

Memo from Clerk Shults dated May 8, 2018, regarding the Township Board conditionally approving the creation of a 2-unit site condominium and the associated condominium documents for PC-2018-04, Orion Animal Care Site Condominium.

Memo from Clerk Shults dated May 8, 2018, regarding the Township Board conditionally approving the creation of a 2-unit site condominium and the associated condominium documents for PC-2018-18, Baldwin Square Site Condominium.

**11. COMMITTEE REPORTS**

None

**12. PUBLIC HEARINGS**

A. 6/6/18 - PC-2016-34, Township Initiated Text Amendments to Zoning Ordinance #78, Schedule of Regulations

B. 6/6/18 - PC-2018-20, Township Initiated Rezone Request for Trailways

Planning & Zoning Director Girling explained that on the zoning map, it was noticed that the old railroad, currently being used as trails, have no zoning distinction. The request to go from unclassified to being zoned to Rec-2 – adding a zoning to these trails that have no zoning; there have been requests for some possible features on those trails and there is no regulation within the Zoning Ordinance to hold them to.

**13. CHAIRMAN'S COMMENTS**

None

**14. COMMISSIONERS' COMMENTS**

Commissioner Walker commented on the library's book sale, the sale ends this Saturday.

Commissioner Reynolds commented on future parking improvements to downtown Lake Orion, he encouraged everyone to take a look at the Village of Lake Orion's Facebook and website pages.

**15. ADJOURNMENT**

Moved by Commissioner Porter, seconded by Trustee Steimel, to adjourn the meeting at 8:45pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

June 6, 2018  
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Planning Commission Approval Date