

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, JANUARY 16, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, January 16, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Gross, Vice Chairman	Don Walker, PC Rep to ZBA
Joe St. Henry, Secretary	Scott Reynolds, Commissioner
John Steimel, BOT Rep to PC	Todd Garris, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss

1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:04pm

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Bill Ballard	Matt Rama
Nathan Heatherly	Kellie McDonald
Dr. David M. Carr	Lynn Harrison

Vice Chairman Gross recessed the regular meeting and opened the public hearing for PC-2019-01, Parcel B-1 Rezone Request to rezone unaddressed parcel (09-32-301-012) located at the nw corner of Morgan and Baldwin Roads and part of 3400 Morgan Rd. (09-32-301-011) from Single Family Residential-1 (R-1) to Brown Road Innovation Zone (BIZ) use group A, B, and C at 7:05pm.

Motion carried to close the public hearing and reconvene the regular meeting of the Planning Commission at 7:10pm.

3. ELECTION OF OFFICERS, REPRESENTATIVE TO THE ZBA, AND SITE WALK COMMITTEE ANNUAL APPOINTMENTS

It was decided that because Chairman Dunaskiss was not present, it would be best to postpone this item until the next regular meeting.

Moved by Commissioner Reynolds, seconded by Secretary St. Henry, to postpone the Election of Officers, Representative to the ZBA, and Site Walk Committee Annual Appointments until the next Planning Commission meeting. **Motion Carried**

4. MINUTES

A. 12-19-18, Planning Commission Regular Meeting Minutes

B. 12-19-18, PC-2018-49, Hills of Woodbridge Joint Public Hearing Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to **approve** both sets of minutes as presented. **Motion carried**

5. AGENDA REVIEW AND APPROVAL

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

6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

7. CONSENT AGENDA

None

8. NEW BUSINESS

A. PC-2019-01, Parcel B-1 Rezone Request, a request to rezone unaddressed parcel (09-32-301-012) located at the nw corner of Morgan and Baldwin Roads and part of 3400 Morgan Rd. (09-32-301-011) from Single Family Residential-1 (R-1) to Brown Road Innovation Zone (BIZ) use group A, B, and C

Vice Chairman Gross asked Planner Lewan to go over Carlisle Wortman's review dated January 10, 2019.

Planner Lewan explained this is a rezoning request for the east half of the Shalom Baptist Church property, 7.25 acres. He noted that the current zoning is R-1 which equates to about 3 units per acre. The applicant is requesting a rezone to BIZ with A, B, and C designation which is a mixed-use designation that allows a pretty wide variety of uses.

Planner Lewan pointed out that the current Master Plan designation for this site is Institutional which was placed on the property because of an existing facility like such as the church. At the time the Master Plan was developed in 2015, this was all one piece of property.

Since that time, the 7.25 acres to the east has been split off and is no longer associated with the church. The subject piece is located along Baldwin Road. The review did note that the requested rezoning is not consistent with the Master Plan, however, everyone needs to recognize that the subject property is no longer associated with the church - at least as far as the property line goes. The Commissioners may want to consider this a changed condition from when the Master Plan was initially adopted in 2015. Planner Lewan also pointed out the improvements to Baldwin Road and how that is now functioning, that could also be considered different from when the Master Plan was adopted.

Planner Lewan commented that with the above being said, he believed it would be appropriate for the Planning Commission to discuss inconsistency with the current Master Plan and if they believe conditions have changed on the property – that could lend itself to allow the Planning Commission to overlook the Master Plan. It is ok to not always follow the Master Plan in a lot split. However, if the Master Plan is not followed, there should be a note of that in the motion to approve so there is consistency should someone else come in with a project that doesn't meet the Master Plan.

Planner Lewan noted there are 3 different soil types on the property. He would hope that if the applicant comes back with a development proposal, they will consider the existing trees and the soils. According to the USDA soil survey, there are some limitations. The northern part of the site has some "severe limitations" to soil for commercial buildings. That doesn't mean it can't be

built on, but it is possible a substantial soil reclamation would have to take place. This information is more raised for the applicant's information at this point.

Regarding Development Potential – he first looks at development potential for the site as it is currently zoned and then for the proposed zoning. The property is zoned R-1, is 7.25 acres and per his rule of thumb, about 20% of the site is useable. That is outside of roads, storm water detention, etc. This equals about 5.8 acres of developable property. Multiplying that by the density comes out to about 3.1 units per acre. He estimates the applicant could get about 18 parcels on this property if developed as zoned.

Next, looking at what could happen under the new zoning - the BIZ zone is a mixed use and wide variety of uses would be permitted. The use groups the applicant is proposing are A, B, and C. Those were outlined in his review on page 3. He noted that the applicant is not proposing use group D which is Research and Development. He explained that if this rezoning is approved, it would extend the BIZ district across Baldwin Road - the first property zoned BIZ on the other side of Baldwin Road.

Planner Lewan commented the Commissioners need to recognize that development potential, if rezoned, could be substantially greater than 18 single-family homes. This is something he wanted the Commissioners to think about during deliberation – a possible increase in intensity that the rezoning could bring to this site.

Planner Lewan then went over Traffic Impact and Access on page 4 of the review noting that as the zoning moves away from single-family residential, the number of trips can get quite high.

Planner Lewan commented that Essential Facilities and Services will be addressed more in detail during a final site plan. However, the Master Plan does show that utilities and water & sewer are available to the site.

Lastly, according to the zoning ordinance, there are also some specific items, Findings of Fact, that the Planning Commission is supposed consider. Those were on pages 4 and 5 of his review. In conclusion, it was his opinion that rezoning the subject property to BIZ at that location does not seem out of character with the surrounding area.

Planner Lewan noted that the existing church would provide a buffer to the subject property to the west.

Vice Chairman Gross asked for comments or questions from the Commissioners.

Commissioner Reynolds said, after reviewing the current zoning and the Master Plan, he is not against going opposite of the Master Plan and in favor of the BIZ district. Use groups A, B, and C are favorable. The residential that is there is buffered by the church and it appears that precedent has been set along Joslyn Road – that BIZ is both east and west of Joslyn Road.

Trustee Steimel pointed out that appropriate buffering would be taken care of once a site plan is submitted. He said that it (the rezoning) would seem to flow and that section of property definitely is not staying Institutional as the church is selling the property. He agreed that the area has changed quite a bit.

Secretary St. Henry agreed that they treat the Master Plan as a “guideline”. The property has stood the way it is for a long time. Now there is a definite different use being that the church has decided to sell it. It (BIZ) would be compatible with everything else going in around it - in

that part of the Township. He said that when there is a development proposal in front of them, he assured the residents of Peppermill that they would make sure there is adequate buffering.

Commissioner Walker concurred with the previous comments from the Commissioners. His major concerns would be addressed during the actual development stage.

Vice Chairman Gross asked Planner Lewan if there is a minimum parcel size for Regional Commercial? His concern was if use group C was appropriate.

Secretary St. Henry then asked Planner Lewan for an idea of what a Regional Commercial development might be. Planner Lewan responded, something like a Meijer or a Walmart. Trustee Steimel reminded them that Regional Commercial could also be other things.

The applicant, Ron Chiesa with RA Chiesa Architects, asked to clarify a couple of things. He commented that the 7.25 acres is the gross acreage and they are losing 137 ft. for the Baldwin Road area - they really only net out just over 5 acres. With that 5 acres, the property is dissected by an 80 ft. gas easement. The site, if developed as small retail, they would be looking at maybe 35,000 sq. ft. broken up into two sections because of the easement. There could not be a regional shopping center like a Meijer which would require a square footage of 6-figures. He said development would be more consistent with what the Township is looking to do in the Village Center, but possibly a little more intense. He noted that within use group C, there could be medical, a hotel, an auto dealership. He commented that in regards to the residential property that is there, their property is about 500 ft. away - there would still be that 500 ft. buffer remaining as Institutional zoning – that is quite a large buffer.

Jason Kishmish with Grand Management & Development, spoke. He explained his vision for the property to the Commissioners. He has been looking at the site for a year and marketing it. He explained the site has been challenging to secure users and needs the flexibility because no users have been secured yet. He commented that what they will net out from a depth standpoint after the right-of-way is taken out, is about 300 ft. for more than half of the site. With 300 ft. of depth, it is very hard to do something significant such as a regional shopping center, a larger building, or even a car dealership. What he sees here most likely will be small types of retail and/or possibly a medical building that would take advantage of the deeper part of the property. For this reason, they went back to the church to ask for a little bit more land towards the north end. The depth of the property will pose its own constraints as what can go on the property. He said he included use group C because he needs the flexibility, without it he could be losing a user that could be complementary to the site and to the area. There are already design restrictions within BIZ and a site plan will go through its own scrutiny once there is one. He said he is working with a blank canvas and just needs the tools to put something together.

Planner Lewan commented that he found in the zoning ordinance for BIZ that use group C has a 40,000 sq. ft. minimum lot size.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2019-01, Parcel B-1, a request to rezone unaddressed parcel (09-32-301-012) located at the nw corner of Morgan and Baldwin Roads and part of 3400 Morgan Road (09-32-301-011) from Single-Family Residential-1 (R-1) to Brown Road Innovation Zone, use groups A, B, and C; this recommendation to approve is based on the following findings of fact:

- The objectives of the Master Plan indicates this use as Institutional which would still be compatible with the proposed BIZ zoning; and

- both the BIZ district, which was newly created after the creation of the Master Plan, and the renovations to the Baldwin Road Corridor that affect this parcel, would be compatible with the Village Center Master Planning to the north; the adjacent properties to the east are established BIZ currently.

Commissioner Reynolds amended the motion, Trustee Steimel re-supported, to add that this recommendation is contingent upon the boundary adjustment as shown on the application.

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

9. UNFINISHED BUSINESS

None

10. PUBLIC COMMENTS

None

11. COMMUNICATIONS

Memo from Planning & Zoning Director Girling regarding DeHaan Orthodontics, Admin Review

Michigan Planner Magazine

12. COMMITTEE REPORTS

None

13. PUBLIC HEARINGS

None

14. CHAIRMAN'S COMMENTS

Vice Chairman Gross wished everyone a Happy New Year; and was looking forward to a good year.

15. COMMISSIONERS' COMMENTS

Trustee Steimel commented he was happy there were more Commissioners tonight than at the last meeting; welcomed everyone back and wished everyone a Happy New Year; and it looks like we will again be fairly busy this year.

Commissioner Walker commented that Vice Chairman Gross did a fine job as acting Chair; and reminded everyone that the Friends of the Library are having one of their great sales next week.

Commissioner Garris wished everyone a Happy New Year and that it is good to be back.

16. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Trustee Steimel, to adjourn the meeting at 7:46pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

February 6, 2019

Planning Commission Approval Dat