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Monthly Planning & Zoning Report

MAY–JUNE 2024

June 26, 2024

Dear Commissioners:

The following report contains a summarized update of recent Village planning, zoning, and development activities.

SPECIAL PROJECTS

Planning and Zoning Training: Village Administration approved an in-house basic training for the Board of Zoning Appeals, Planning Commission, Council, and staff, presented by McKenna. Two (2) two-hour sessions were held June 20, 2024, which were attended by 22 people representing each group. A PDF of the presentation is attached; additional in-house and external training opportunities will be available in the coming months.

Engineering Standards for Single-Family Homes: The Village Council is interested in implementing engineering design standards for single-family homes. The Township already requires engineering plot plans for all new single-family homes. Village staff and consultants would need to propose amendments to the Engineering Design Standards and revise applications and internal policy to facilitate administrative engineering review for single-family homes. Standards and permit procedures for residential driveway approaches will also be included.

Township BS&A Review and Permitting Process: Ongoing coordination with the Township Building Department to establish BS&A access and revised project flow. This will be utilized for project tracking for major and minor developments and code enforcement. Anticipated launch: July 1, 2024.

Tax-Exempt Parcels and Village ROW Inventory – Oakland County is auditing their record of tax-exempt parcels and requests an updated list and map of such parcels under Village ownership. Staff were authorized to create a map of all tax-exempt parcels and Village rights-of-way. This process will be finalized in early July.

Master Plan – Strategic Action Plan: Council approved a proposal to prepare a Master Plan amendment to develop a Strategic Action Plan. Analysis of past plans and engagement data is complete; a draft matrix of objectives and action items will be reviewed by Village staff and included in your August agenda packet for review and discussion prior to mid-August release of a public opinion survey. Data from this survey will inform our revisions, which will be followed by additional public review and adoption.

CIP & Fee Schedule – As part of the FY 24/25 budget process, the Council will be working to update the municipal fee schedule and adopt a 6-year capital improvements plan.

RRC Certification: Council received a presentation from the Village RRC representative on January 22, 2024, as a refresher on the benefits and process of obtaining certification. Outstanding items to reach “Essentials” status:

- Master Plan Implementation Matrix, Action Plan (BP 1.1 – In Progress)
- 6-year CIP available online. (BP 1.3 – In Progress)
- Public engagement activities within PC Annual Report. (BP 1.4 – In Progress)
- Development Guide to be updated and uploaded to Village website. (BP 3.4, 3.8 – In Progress)
- Update board/commission applications. (BP 4.1 – Not Started)
- Adopted BZA Bylaws uploaded to Village website. (BP 4.4 – Complete)
- Updated training strategy for all boards and commissions (BP 4.6 – In Progress)

PERMIT DETAILS

PERMIT TYPE	ADDRESS / PROJECT	DESCRIPTION	SUBMITTED	APPROVED
ZONING COMPLIANCE				
Z-24-16	420 Bellevue	Residential minor	10/16/2023	5/7/2024
Z-24-17	10 S. Park Blvd (Marina)	Commercial/mixed use, minor/accessory	5/2/2024	5/14/2002
Z-24-18	444 Bellevue	Residential, single family, new build	6/5/2024	6/25/2024
TEMPORARY USE OF RIGHT OF WAY				
R-24-09	Broadway & M-24	Temporary special event banner	4/11/2024	5/1/2024
R-24-10	54 W Elizabeth	Install gas service.	4/16/2024	5/1/2024
R-24-11	Flower and Art Fair	Special event, road closures.	1/2/2024	5/14/2024
R-24-12	Memorial Day Race	Special event, road closures.	2/20/2024	5/14/2024
R-24-13	Memorial Day Parade	Special event, road closures.	2/26/2024	5/14/2024
R-24-14	Lions Jubilee	Special event, road closures.	1/23/2023	6/18/2024
R-24-15	616 Longpointe	Temporary construction material storage.	6/18/2024	6/18/2024
SIGNAGE				
S-24-06	120 S. Broadway	1 wall sign, 1 blade sign	1/22/2024	5/1/2024
S-24-07	Flower and Art Fair	Event sign, temporary banner	2/8/2024	5/14/2024
S-24-08	Memorial Day Race	Event signs, temporary yard signs	2/13/2024	5/14/2024
FENCE / WALL				
F-24-01	447 N Shore	4-6 ft. black aluminum privacy fence	4/30/2024	5/7/2024
F-24-02	616 Longpointe	<4-ft. concrete block landscape retaining wall	6/18/2024	6/18/2024

VARIANCE REQUESTS

NAME / LOCATION	REQUESTED VARIANCES	MEETINGS / STATUS
A-24-01 600 Longpointe Zoned: RL November 29, 2023	Construct accessory deck above garage with encroaching overhang/roof. Front yard: 11.5 ft. Side yard: 1.5 ft.	BZA meeting held January 11, 2024 – Tabled. BZA meeting held February 1, 2024 – Approved: Front yard: 11.5 ft. Side yard: 1.5 ft.
A-24-02 136 Axford (RV) Zoned: RV April 1, 2024	Install above-ground swimming pool in rear yard, adjacent to newly constructed deck. Rear yard: 15 ft. Lot coverage: 1.95%	BZA meeting held May 2, 2024 – Tabled. BZA meeting held June 6, 2024 – Denied: Rear yard: 15 ft. Lot coverage: 1.95%
A-24-03 512 Longpointe Zoned: RL April 30, 2024	Demolition of existing (non-conforming) home; build new single-family home. Front (street): 11.92 ft. Front (water): 13.42 ft. Height: 3.25 ft.	BZA meeting held May 2, 2024 – Tabled. BZA meeting held June 6, 2024 – Approved: Front (street): 10 ft. max. Front (water): 10 ft. max. Height: 3.25 ft.
A-24-04 638 Buena Vista Zoned: RV June 17, 2024	Construct addition of accessory garage w/deck above, new entry stairs and porch. Front (EFS): 8.35 ft. Side: 4.5 ft. Projection: 10.4 in.	BZA meeting to be held July 11, 2024.

ACTIVE DEVELOPMENT PROJECTS

NAME / LOCATION	DESCRIPTION	REVIEW & APPROVAL STATUS
Lake Street Realignment and Improvements	Realign / restore Lake St at Flint for safer access pursuant to agreement between the Village and developer.	Received conceptual plan and license agreement approval from Council on August 14, 2023; updated agreement approved November 27, 2023. Engineering review (#3) transmitted to applicant.
VLO-24-01 Snug Harbor 160 Heights	Multifamily development; adjacent to Mystic Cove	Received Planning Commission approval May 6, 2024. Engineering review (#2) transmitted to applicant
VLO-24-02 44. E Flint	4-story, mixed-use, multi-family, retail, and office on existing parking lot.	Site was previously approved for a parking lot (2021) and had permits pulled but developer proposed higher and better uses; site plan received May 6, 2024; first review letters transmitted May 24, 2024; applicant meeting June 4, 2024 – revised plans placed on the July 1, 2024 Planning Commission agenda for discussion only.
VLO-24-03 112 Park Island	Private recreation facility (pickleball court) for special land use and site plan approval.	Applicant submitted materials May 14 and has been reviewed by staff; significant additional revisions and review required prior to bringing before the Planning Commission.
VLO-23-03 Orion Villas 597 E. Flint	Multifamily residential SPR for 8-unit townhome condominium development.	Planning Commission approval on June 5, 2023. Final plans approved by the Township and Village engineers and the Village planner. The applicant will have one year to obtain building permits. Condo documents approved by Council April 8, 2024; reviewed by Village/Twp. engineers, then recorded with County. Site preparation underway, incl. drain connections.
VLO-23-04 West Village former Ehman Center 55 W. Elizabeth	PUD site plan review for mixed-use, multi-family residential development at the former Ehman Center property.	Planning Commission prelim. approval of site plan / PUD development plan September 5, 2023. Council approved PUD agreement on December 11, 2023, again on February 12, 2024; Council approved PUD addendum (PA adj. lot) June 10, 2024 – executed / recorded with County. Requires final site plan / engineering approval; may require prelim. hearing for amended development plan.
VLO-22-05 Mystic Cove	Mixed-use, incl. multifamily townhomes & dock/shoreline improvements.	Planning Commission approved site plan on October 3, 2022. Parcel reconfigurations approved by Council June 2023. Building permits issued, construction underway; ready for as-built permits.
VLO-23-05 Starboard (former Orion Marina)	Mixed-use, incl. multifamily townhomes & marina improvements.	Planning Commission approved the site plan on November 6, 2023. Council approved improvement of ROW November 27, 2023; agreements executed and recorded with the County. Under engineering review (#2); received separate Eng. SWM review.
VLO-23-02 Constellation Bay	Mixed-use, incl. multifamily townhomes at Broadway & Atwater.	Site plan approved by the Planning Commission on October 3, 2022. Modified site plan approved by the Planning Commission on April 3, 2023. Under final engineering review (#3) for permitting.
VLO-23-07 The Peninsula (adjacent to Starboard)	Three single-family site condos adjacent to the Starboard.	Received Planning Commission approval on February 5, 2024. Condominium documents and draft agreement to improve ROW to be approved by Council April 8, 2024. Under engineering review (#2); received separate Eng. SWM review. County to record condominium docs.
VLO-23-06 146 S. Broadway	Commercial SPR “white box” tenant space, interior demolition, and façade modifications.	The plans were approved by the Planning Commission on October 2, 2023. Applicant provided changes per Planning Commission and received final site plan approval on November 22, 2023. Building permits have been issued and construction is in progress.

VLO-21-10 Cloud Retail 494 S. Broadway	Commercial SPR for the construction of a retail service building – marijuana provisioning center.	Lot reconfiguration approved by Council on March 13, 2023, and finalized by the County in May 2023. Site plan approved by the Planning Commission on April 3, 2023. Under engineering review (#2) and final site plan review (#2).
VLO-21-04 M818 Apartments 141 W. Elizabeth	Multi-family residential PUD for 16 units.	PUD eligibility approved by PC on August 2, 2021; VC on August 9. Preliminary PUD plan approved by PC March 7, 2022; VC March 14. Final development plan approved by PC August 1, 2022. Pending final engineering, fire, and site plan approval.

ANTICIPATED DEVELOPMENT PROJECTS

The following projects are in varying stages of conceptual and pre-application discussions; fees have not been collected and formal reviews have not commenced.

NAME / LOCATION	DESCRIPTION	REVIEW & APPROVAL STATUS
Jacobsen's Flowers	Possible redevelopment into multiple-family, mixed use.	This site is primarily within Orion Township; discussion is ongoing as to the application of Ordinance standards, PUD eligibility, and an interlocal agreement facilitating development across Township and Village boundaries. Awaiting Township's lead.
Orion Lumberyard	Mixed-use redevelopment and public parking lot/pavilion	The DDA acquired the former Orion Lumberyard property; conceptual plans for the site have been proposed in recent years. The DDA is actively looking to partner with a developer to realize a shared vision for public and private use of the site. Environmental investigations and development of management strategies is underway.

Prepared by:



McKenna provides day-to-day assistance to Village staff and administration, applicants and developers, and the public regarding planning, zoning, and economic development matters. We also assist in the administration of the Planning Commission and the Board of Zoning Appeals.

Contact your McKenna team via email:

- **Gage Belko**, Associate Planner (gbelko@mcka.com)
- **Laura Haw**, Vice President (lhaw@mcka.com)
- **Ashley Amey**, Assistant Planner (aamey@mcka.com)
- **Vidya Krishnan**, Senior Principal Planner (vkrishnan@mcka.com)

Or visit us during on-site office hours, every Tuesday from 9:30am-4:30pm.

As always, thank you for your support and participation – *it takes a Village!*



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PLANNING & ZONING TRAINING

Village of Lake Orion, Michigan
June 20, 2024

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AGENDA

1. Introduction to Planning and Zoning
2. Review and Approval Procedures
3. Roles and Responsibilities
4. Best Practices and Additional Resources



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1 INTRODUCTION TO PLANNING & ZONING

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Anticipate
change



Ensure
wide use
of resources



Implement
a vision
for the future



Protect
our
environment



Preserve
our
quality of life

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STATUTORY BASIS



Village Of Lake Orion, MI
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Michigan Planning Enabling Act (P.A. of 2008)

Master Plans

- Community data
- Policies and objectives
- Future Land Use Map and Zoning Plan

Planning Commissions

- Establishment
- Membership, terms, etc.



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MASTER PLAN

Lake Orion
MICHIGAN

Lake Orion Master Plan 2022 Amendment

Village of Lake Orion, Oakland County, Michigan

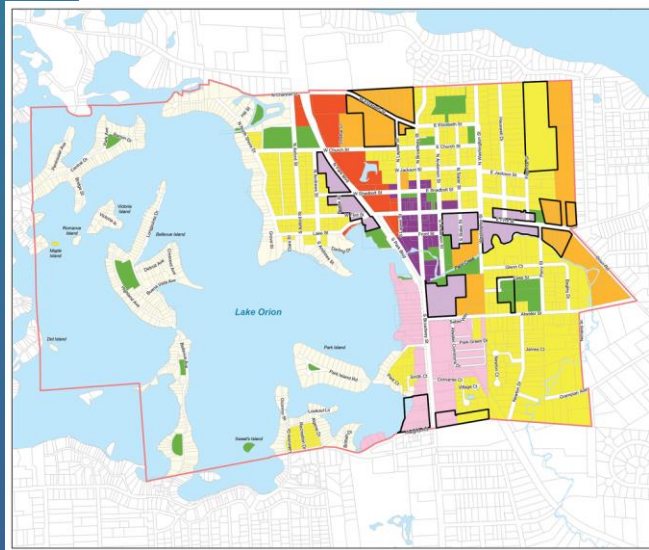
February 7, 2022: Approved by Village Planning Commission
February 28, 2022: Adopted by Village Council

Purpose

- Basis for zoning and other land use regulation
- Balances community rights and landowner rights
- Provide mix of land uses for a good tax base
- Protect key natural and historic resources
- Identifies existing conditions & trends
- Sets goals with public input
- Considers alternatives
- Provides recommendations for future development, including a **Future Land Use Map**
- Must review at least every five years

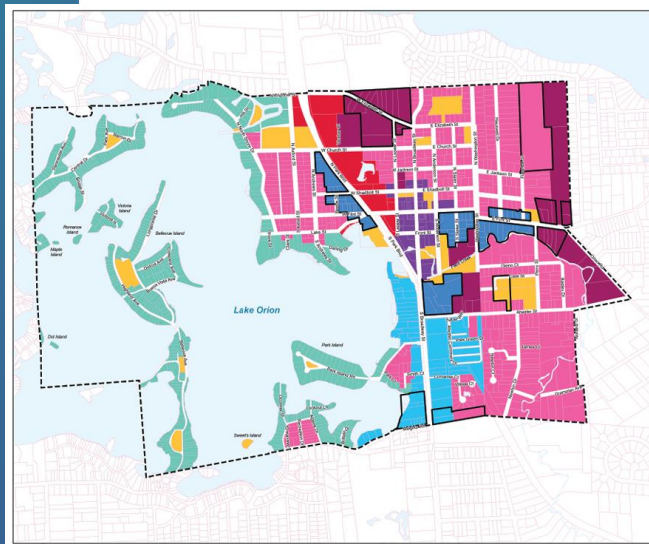
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FUTURE LAND USE MAP



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FUTURE LAND USE MAP



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WHAT IS ZONING?

- 1 Public regulation of use of the land
- 2 Primary tool to implement Master Plan
- 3 Adopted by Village Board = LAW
- 4 Divides the Village into districts
- 5 Regulates use, buildings, and structures
- 6 Includes procedures for permits, amendments, appeals, variances, and conditional uses



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STATUTORY BASIS

Michigan Zoning Enabling Act (P.A. 110 of 2006)

Zoning Ordinances

- Uses, structures, densities, and development alternatives
- Amendments
- Variances & Appeals
- Conditional Use
- Zoning Map
- Planned Unit Developments

Board of Zoning Appeals

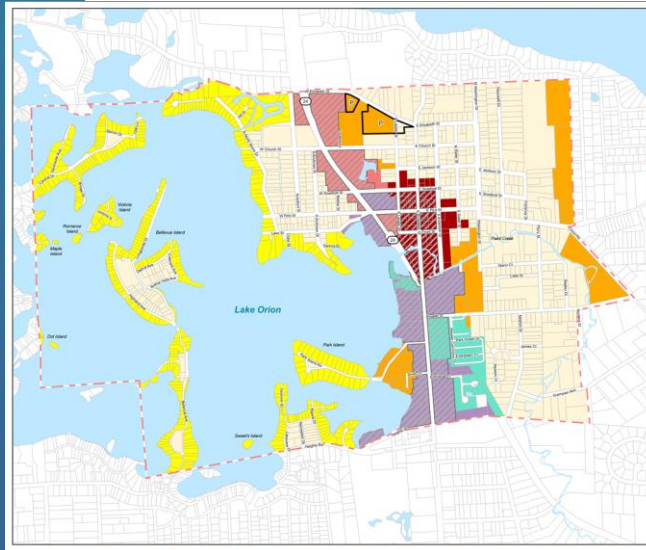
Case Law = Additional Guidance/Clarification



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ZONING MAP



Zoning Map
 Village of Lake Orion, Oakland County, MI
 March 29, 2023

Zoning Districts:

- RV - Village Single Family Residential
- RL - Lake Single Family Residential
- RM - Multiple Family Residential
- CC - Corridor Commercial
- DC - Downtown Center
- MU - Mixed Use
- PUD - Planned U-Hill Development

Height Overlay
 Approved Planned Unit Developments (PUD)

NOTE:
 The parcel lines of this map are representational of the actual parcel lines and are not intended to be substituted for an official zoning or zoning ordinance or other documents.
 Official office of Village of Lake Orion records for precise distances, boundaries and areas of parcels.

CERTIFICATION
 I, Susan Galichka, Village Clerk, Village of Lake Orion, do hereby certify that this is a true copy of the map adopted by the Village Council of the Village of Lake Orion, Oakland County Michigan, on 03/29/23, as well as those amendments made as of the revision dates shown.

Susan Galichka, Clerk, Village of Lake Orion

Map	Effective Date	Repealed Date	Adopted Date	Repealed Date	Adopted Date

Scale: 1" = 1000 Feet

Source: Survey (Original Copy) by Michigan Geographic Information System (MGIS)
 Date: 04/10/2013

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RELATIONSHIP OF PLANNING TO ZONING

Master Plan VS Zoning Ordinance

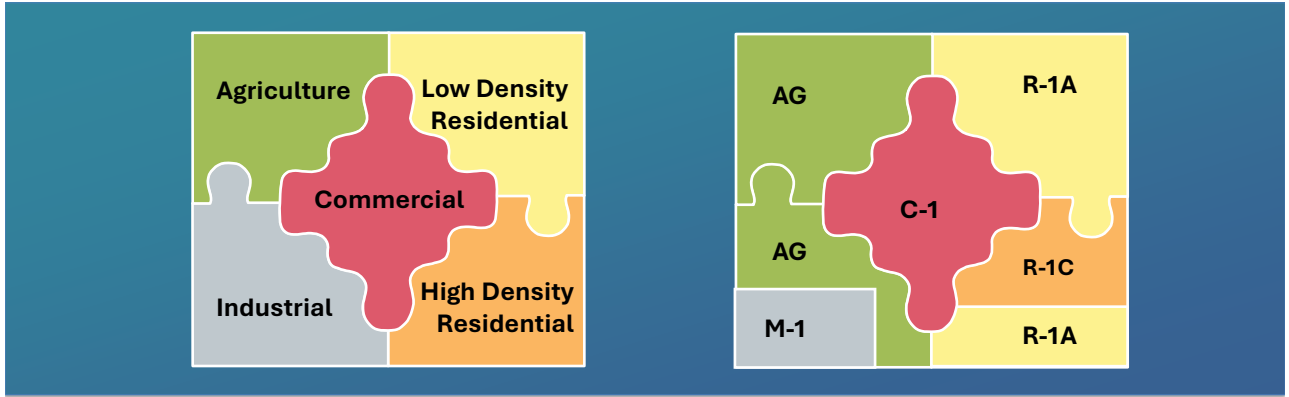
Guide for the **FUTURE** vs Regulation for **TODAY**

Policy vs Law

Future land use maps may be general vs Zoning maps are specific and follow property lines

Flexible to respond to changing conditions vs Specific standards

Adopted/Amended by Planning Commission and Village Council vs Adopted by Village Council upon recommendation by the Planning Commission



Master Plan

- Future Land Use Districts
- Character Areas
- Flexible / Discretionary

Zoning Ordinance

- Zoning Districts
- Lot Standards
- Rigid / Compulsory

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REVIEW & APPROVAL PROCEDURES

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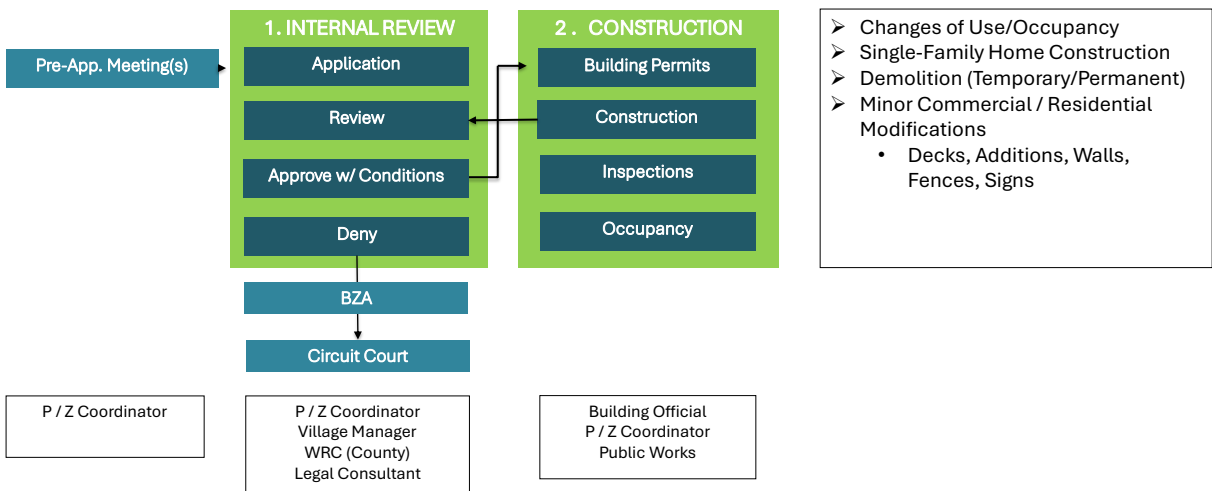


Zoning Compliance Review

- Nearly all improvements within the Village require some form of review:
 - “There shall be no new, changed, altered or moved uses or occupancies of land or any buildings or structures thereon, including excavations and construction, without first applying for and obtaining a zoning compliance permit from the Zoning Administrator.”
- Upon finding that a project complies with the Zoning Ordinance, the Zoning Administrator shall issue a Zoning Compliance permit.


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Zoning Compliance Review Process



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SITE PLANS



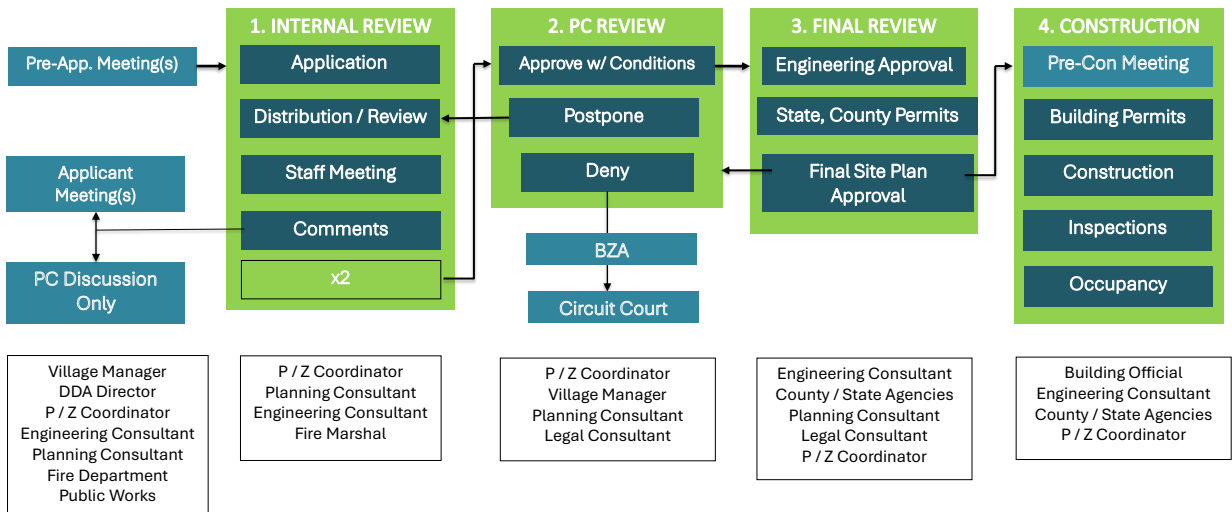
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Site Plan Review

- Except as provided in Section 19.02, all development requires site plan review by the Planning Commission
 - “Prior to the erection of any building or structure, a change of use, construction of parking facilities, or the creation or addition of a new use in any zoning district, or any land use requiring special land use approval, site plan review and approval shall be required.”
- Planning Commission may approve (with or without conditions), postpone, or deny a site plan request based on its standards in Section 19.02

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Site Plan/Special Use Review Process



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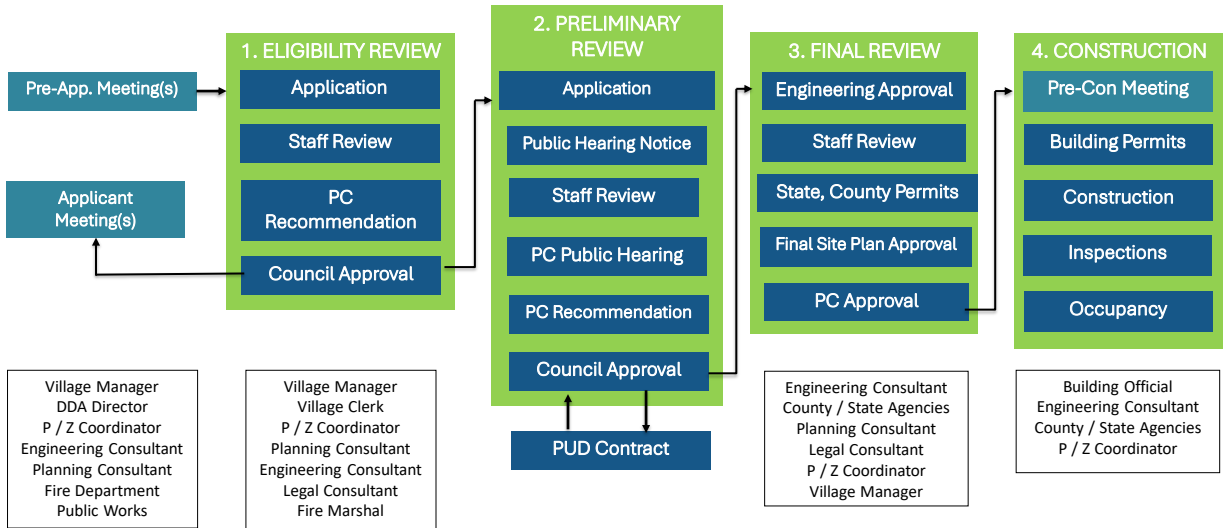
PUD Option

- PUD is a mutually-agreeable solution providing zoning flexibility to achieve higher-quality design and other benefits.

“The PUD is an optional method of development that may be permitted in any location and zoning district in the Village, only after review and recommendation by the Planning Commission and discretionary approval of the Village Council.”

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PUD Review Process



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Variance Review

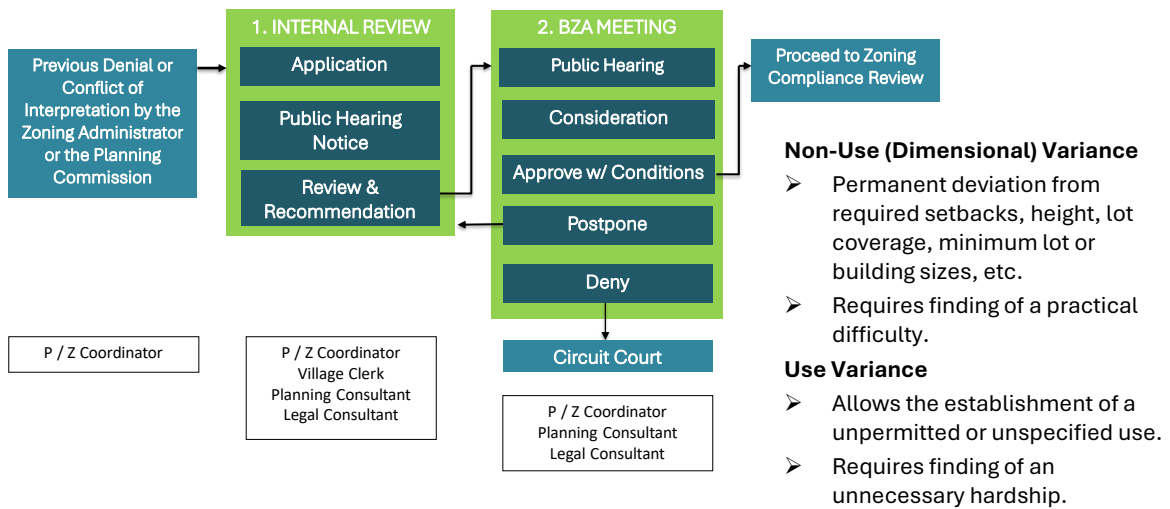
- Conflicts regarding the interpretation or administration of the Zoning Ordinance between an aggrieved party and the Zoning Administrator may compel BZA review:

“The Board of Zoning Appeals shall have the authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, the public health safety and general welfare secured, and substantial justice done.

- The BZA may approve (with or without conditions), postpone, or deny a variance request based on its standards in Section 19.04.

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Variance Review Process



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Is There a Practical Difficulty or Unnecessary Hardship?

1. Strict compliance is unnecessarily burdensome	➔	1. <i>Will denial prevent the use of property for a permitted purpose?</i>
2. Unique circumstances applying to the property	➔	2. <i>How is this property different from others?</i>
3. Variance will not adversely affect adjacent properties	➔	3. <i>Is there harm?</i>
4. Variance is not self-created	➔	4. <i>Did the applicant (or their predecessors) take any action that made the variance necessary?</i>
5. Variance is the minimum necessary	➔	5. <i>Would a lesser variance relieve the practical difficulty?</i>

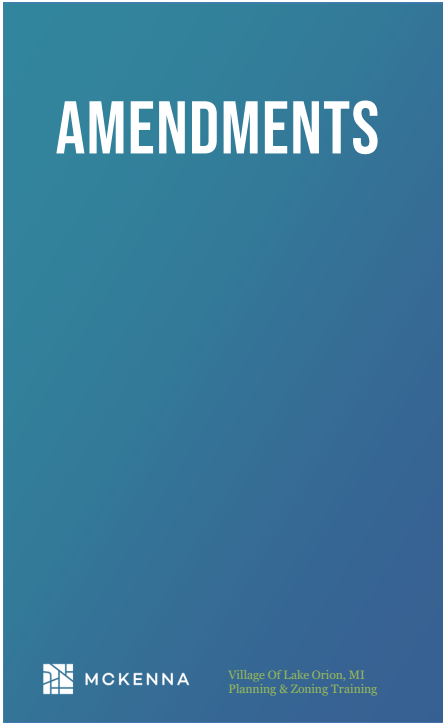
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VARIANCES

Incorrect Reasons to Grant Variance

- No one came to object
- It's the only sign they make
- The ordinance is too strict
- We have to give it to them or they will leave
- It will make the area better
- We gave this variance before
- It's already built
- We know he will do a good job
- It's only a small variance...

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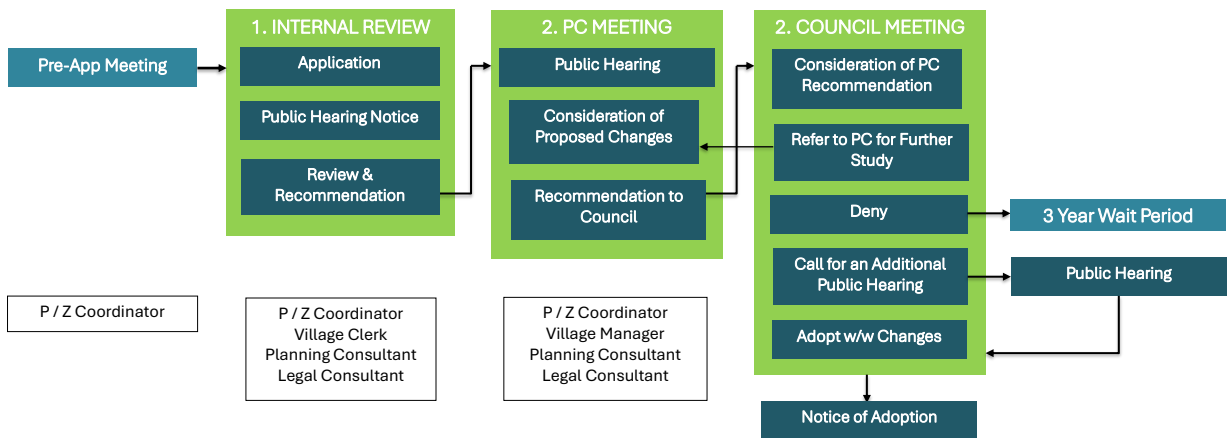


Initiation of Amendments

- Amendments are legislative changes to the Zoning Ordinance – either its text or its map.
- Amendments may be initiated by:
 - Village Council
 - Planning Commission
 - Property owners (typically a map (rezoning) amendment)

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Amendment Procedure



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The best time to update the Zoning Ordinance is...

- A. Whenever we get sued, and lose
- B. When our attorney or planner tells us
- C. Whenever something comes up we didn't think of
- D. After the master plan is completed
- E. Once a year
- F. All of the above



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ROLES AND RESPONSIBILITIES

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Authority and Responsibility

Study planning issues and educate the community

Awareness of other entities

- Orion Township (Building, Fire)
- Downtown Development Authority (DDA)
- Parks and Recreation Commission
- Economic Development Corporation (EDC)
- Oakland County (Assessing, Road Commission, WRC)
- SEMCOG
- EGLE, LARA, and other State agencies

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Responsibilities

- Adopts Zoning Ordinance
- Adopts text and map amendments to Zoning Ordinance
- Sets permit and application fees
- Appoints Planning Commission and BZA members
- Approves proposed development within Planned Unit Developments
- Approves Capital Improvement Plans

PLANNING COMMISSION

Nine members
appointed by
Village Council



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Responsibilities

- Develop Zoning Ordinance and Zoning Map, and make recommendations to the Village Council
- Hold public hearings on Special Land Uses, Zoning Ordinance amendments, and PUDs and make recommendations to the Village Council
- Approve Special Land Uses and Site Plans
- Review matters referred by the Council
- Make reports on the viability of the Zoning Ordinance
- Develop, review, and update Master Plan

BOARD OF ZONING APPEALS (BZA)

Five members
appointed by
Village Council



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Responsibilities

- Hear and decide appeals of administrative decisions
- Hear and decide requests for interpretation of the ZO, including the Zoning Map
- Authorize variances from the ZO
- Authorize a variation, modification or exception to Article 14, Parking
- Permit temporary buildings and uses for periods not more than one year
- Permit temporary uses of land

ZONING ADMINISTRATOR + PLANNING AND ZONING COORDINATOR



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Responsibilities

- Enforce Zoning Ordinance
- Consult with applicants before application
- Review applications and plans
- Maintain records for nonconforming uses, structures, and lots
- Write reports to Village Council, PC and BZA
- Issue Zoning Permits
- Conduct Inspections

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BEST PRACTICES AND ADDITIONAL RESOURCES

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TIPS

Smooth Hearings

- Do not hold private conferences prior to the meeting
- The chair should strictly enforce meeting procedures
- Print hearing rules on the agenda
- Limit speaking time and the number of times a person can speak
- Do not tolerate interruptions and personal attacks
- Make sure all participants can see and hear the proceedings



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TIPS

Smooth Hearings

- Make copies of staff reports and agenda before the hearing
- Separate fact from opinion, and lay opinion from expert opinion
- Ask for alternatives or additional information if you're not comfortable with the proposal presented
- Legal counsel should be present when necessary



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TIPS



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Decision Making

- Disclose conflicts of interest and recuse as necessary
- Adopt rules of procedure for the body and follow them
- Know the standards of review and action, and apply them consistently
- Refer to the standards of review in the Zoning Ordinance
- Do not act based on emotion or the sentiment of the audience
- Keep accurate and complete records
- Keep Master Plan and Zoning Ordinance up to date
- Distinguish between reasonable rate of return vs. highest profit

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Motion -- MUSTS

- Site plan name and number
- Date of plan (including revision dates)
- The result (approved, approved with conditions, denied, postponed)
- Reasons for action(s) taken
- Any conditions (with time tables if applicable)
- Who will verify conditions are met (if applicable)

Motions should be:

- Clear to everyone
- Formed properly



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Motions -- HINTS

- Phrase motions carefully to withstand scrutiny by a court
- Ensure everyone is clear on motion
- Reference relevant sections of ordinance and reports
- Conditions may be imposed on any zoning decision, except rezoning

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Sample Motion

Whereas, based on the above information which **demonstrates conformance** with the requirements of **Sections 6.5 and 10.2** of the Willis Township **Zoning Ordinance**, I move that the request by the **Adams Development** Company for a **special use permit** for a shopping center at **77 Sunset Strip, parcel #18-22-14-200-0010**, be **approved**, with the following **conditions**:

—————→ *Concluding Finding*

—————→ *Applicant*

—————→ *Approval Type*

—————→ *Site*

—————→ *Decision*

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TIPS

Decision Making

- Do not exclude lawful land uses if there is a demand and appropriate location
- Reasonable conditions of approval are appropriate, but do not impose conditions or demand improvements that are unrelated to the project
- Do not act hastily and resolve questions of doubt before taking action
- When members vote, they should state the reasoning behind their vote
- Rely on legal counsel, planning consultants, and Zoning Administrator for advice
- Correct any mistakes immediately



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TIPS

Next time you feel badly about turning down a request ...

Think about:

- The hundreds (or thousands) of property owners who DID comply
- The amount of time and effort the drafters of the Zoning Ordinance spent in developing the language
- The effectiveness of your Zoning Ordinance if it is commonly known that all you need to do is *ask* for a variance and it will be granted



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TIPS

Risk Management

- You **CAN'T** avoid litigation
- You **CAN** manage risk & liability exposure by:
 - Avoiding conflicts of interest
 - Using consistent rules and procedures
 - Treating everyone fairly and consistently
 - Keeping accurate and complete records
 - Keeping current on your trainings



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THANK YOU!

QUESTIONS? EMAIL : ZONING@LAKEORION.ORG

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