

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

## \*\*\*\*\* MINUTES \*\*\*\*\*

### REGULAR MEETING, WEDNESDAY, JULY 5, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, July 5, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

#### **PLANNING COMMISSION MEMBERS PRESENT:**

Justin Dunaskiss, Chairman	Don Walker, PC Rep. to ZBA
Don Gross, Vice Chairman	Neal Porter, Commissioner
Joe St. Henry, Secretary	

#### **PLANNING COMMISSION MEMBERS ABSENT:**

John Steimel, BOT Rep. to PC  
Rob Zielinski, Commissioner

#### **CONSULTANTS PRESENT:**

Matt Lonnerstater (Township Planner) of Carlisle/Wortman Associates, Inc.  
Mark Landis (Township Engineer) of OHM  
Tammy Girling, Township Planning & Zoning Director

#### **OTHERS PRESENT:**

Turner		
Teon Sujak	Joe Whall	Ed Weglarz
Bob Przybylo	Sue Whall	Michael Peash
Jon Crane	Mary Duke	David Graham
Wendy Pemberton	Ed Duke	Charles Cooke
Nancy McDevitt	Bob Muns	Tim Ferasin
William McDevitt	James Carpenter	Sean Awdish
Gordon Scupholm	John Wolberf	Fahmi Awdish
Eugene McNabb	Sharon Seaborn	Lynn Harrison

#### **1. OPEN MEETING**

Chairman Dunaskiss opened the meeting at 7:00pm.

#### **2. ROLL CALL**

As noted

#### **3. MINUTES**

A. 6-21-17, Planning Commission Regular Meeting Minutes

B. 6-21-17, PC-2017-14, Orion Commons PUD Amd. Joint Public Hrg. Minutes

Moved by Vice Chairman Gross, seconded by Commissioner Walker, to approve the 6-21-17, Planning Commission Regular Meeting Minutes and the 6-21-17, PC-2017-14, Orion Commons PUD Amendment Joint Public Hrg. Minutes; as presented. **Motion Carried unanimously**

#### **4. AGENDA REVIEW AND APPROVAL**

Moved by Commissioner Porter, seconded by Secretary St. Henry, to approve the agenda as presented. **Motion carried unanimously**

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

Eugene McNabb, 2981 Judah Road, said his comment was about Menard's. He said that he obtained a map that noted that 220 ft. from the building to the top of the hill which is 11 10' - an 84 ft. drop. He was concerned how they were going to make the required grade in 220 ft. which will start 1 ft. below the building. He commented they have no markings (on the map) of the grade at the top (of the hill) and that is where all the grading lines (regarding the topography) get really close together. It was his opinion they were planning on there being a cliff right at his property line. He said that property line is zoned residential and has never been part of the pit; it was never included in the Ordinance 99 permit. When he goes out to the edge of his property, there will be a drop of better than 3 to 1; it will be at least 2½ to 1. He then said that the map the Commissioners were given was really not a map but a drawing and anything can be put on a drawing and that it was not legal – there was no signature on it or seal. It was his opinion that the Township “passed” this drawing and it is not legal. He wanted it part of this record that “this will go further if a grade of 4 to 1 at his property for some distance is not met; where it is not governed by Ordinance 99. The property there is residential and he wants it to be the grade that everybody has to adhere to. He said that he would speak to anyone at any time if they had questions.

## **6. CONSENT AGENDA**

None

## **7. NEW BUSINESS**

None

## **8. UNFINISHED BUSINESS**

### **A. PC-2017-10, VZW 756 Indianwood Rd. Special Land Use and Site Plan for a 140' monopole located at 1801 Indianwood Rd. (parcel 09-04-401-013)**

Bob Przybylo with Verizon Wireless, 24242 Northwestern Hwy., Southfield, MI 48075, was present and he introduced their attorney, Jon Crane. Mr. Przybylo requested the Planning Commission to table their proposal until the first meeting in September. Based on feedback from the last meeting and from the surrounding residents, they are looking at reevaluating the location of this facility, reducing the height, and possibly making it a stealth type application to reduce its visual look to the community. They haven't had enough time to be able to do all that analysis and bring back enough information to the Planning Commission and to the community. They would like to come back with maps, photo simulations, and updated propagation maps that the Commissioners requested at the last meeting.

Commissioner Porter said it sounds like they will be coming back with a whole new set of plans and therefore suggested the applicant request to be postponed for 90 days or until the September 6, 2017 meeting.

Chairman Dunaskiss concurred and explained for the public that there are federal and state regulations that must be abided by, one of those being the shot clock. He believed that a 90 day postponement would have to be contingent upon the shot clock also being extended.

Mr. Crane replied that he had no objection to extending the shot clock and has confirmed that with the Township Attorney. He would have no problem extending to an October meeting or sooner. They will get their drawings done and when they are ready, will come back in.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, that the Planning Commission **grants** the applicant's request to further postpone PC-2017-10, VZW 756 Indianwood Special Land Use and Site Plan for 140' monopole to a meeting date no later than October 6, 2017 for the following reason: it is at the applicant's request.

Gordon Scupholm, 1772 Berwick Ln., commented it would be helpful that if they come back with new plans, drawings or map; that the neighboring residents have enough time to look at them before attending the scheduled meeting. He said the applicant had over a year to prepare for this, if the postponement is granted, it would be nice to have enough lead time for residents to review what they are considering and where they are considering it. Mr. Scupholm said he submitted a letter to the Planning Commissioners that suggested several other sites, somewhere other than on Indianwood property. He also believed that it was the direction of the Planning Commission that the applicant was to report back with information why they can't co-exist with other companies.

Chairman Dunaskiss reminded everyone to sign-in, that Mr. Scupholm's comments will be part of record, and that the Planning & Zoning Department staff will do their best to keep them informed.

**Roll call vote was as follows:** Gross, yes; Walker, yes; Porter, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 5-0** (Steimel and Zielinski absent).

B. PC-2017-05, Silver Spruce Plaza, Planned Unit Development (PUD) Eligibility & Concept Plan, located at 3901 S. Lapeer Rd. (parcel #09-26-452-017) and a vacant parcel to the east of 3901 S. Lapeer Rd. (parcel #09-26-452-009)

Ghassan Abdelnour with GV Associates, the architect, presented. Mr. Abdelnour commented they were in front of the Planning Commission a couple of months ago and discussion was had about what can be improved on the site and what could be done with the residential lot in the back. With this resubmittal they removed any type of business from the residential piece and the idea is to not touch it; to keep it residential. The other issue discussed was the row of proposed parking near the residential neighborhood, in back behind the commercial retail building – that has been removed.

Mr. Abdelnour noted, too, there were comments about the location of the dumpster and he will do what he can with it – possibly move it to the north side, closer to the detention area; he would not have a problem doing that. He pointed out that in the landscape plans, they are proposing a lot of trees, bushes and a wall around it.

Mr. Abdelnour said they kept the circulation the same from the Silverbell side and from the front, and kept one of the access drives aligned with the driveway across Silverbell as had been discussed.

Regarding the building sizes – they are still proposing 15,247 sq. ft. for the retail building and 9,900 sq. ft. for the gas station.

They worked on the photometrics so that the lighting meets Township codes and will not interfere with the neighbors.

Mr. Abdelnour noted they submitted a parallel plan showing what could be built on the site with the underlying zoning. He explained they are proposing to keep the gas station where it is and adding on to it and adding a separate retail center building. He said the density would be similar square footage wise.

Mr. Abdelnour said they resubmitted a landscape plan that added more trees, bushes, and shrubs surrounding the dumpster as a buffer for the neighbors. Also a lot of landscaping was kept within the site itself.

Mr. Abdelnour reiterated that the size of the retail building was kept the same and when they did their parking calculation, provided two suggestions – one for the building if it were all retail and one if part of the retail building was a restaurant. He believed, for the most part, they meet parking requirements. If there is a restaurant in the building plus everything else, they would need 125 spaces, which they have, plus they provided 6 additional handicap spots.

Regarding the gas station - it is a regular gas station in which there is potential for a drive-thru for something like a coffee shop. He noted that parking is also part of their calculation.

Regarding the building materials – they will be using a lot of brick, detail block like split-face, some limestone, and metal roofing to give the buildings a nice look. He reminded the Commissioners that at the last meeting they had pictures of a project they just finished in Rochester which consisted of the same materials and colors they are proposing here.

Mr. Abdelnour said they have started a traffic study but it was not ready in time for this meeting and they will make sure that their proposal doesn't interfere with circulation and traffic from the two major thoroughfares.

Chairman Dunaskiss asked for Planner Lonnerstater to go over Carlisle Wortman's review dated June 29, 2017.

Planner Lonnerstater noted the concept plan was originally reviewed at the March 15, 2017 Planning Commission meeting and action was to postpone it.

- The previous plan denoted a future business, potentially a bank or an office building, on the eastern parcel which they refer to as Parcel B. As part of this submittal, that is now a vacant lot and any future development on that would require a PUD amendment.
- The extra parking spaces that were located at the rear of the multiunit retail building have been removed so that area is now setback 50 ft. from the adjacent residential area to the east.
- Some smaller changes were: internal crosswalks were added to provide pedestrian connectivity and a revised landscape plan was submitted to account for changes in the site arrangement.
- As part of the PUD process, the Planning Commission needs to ensure that there is a recognizable benefit both to the users of the project and the overall quality of life in the Township.
- The Planning Commission needs to ensure that the project will not result in an unreasonable increase in the need or impact to public services and they need to ensure there is compatibility and consistency with the Master Plan and the Future Land Use Map in that there will not be a negative economic impact upon surrounding properties. They also need to ensure there is at least 10% useable open space and that the project will be under single ownership and control.

Regarding PUD eligibility:

- The open space area calculation should be provided on the plans.
- They should provide a deviation table that denotes every difference from the underlying zoning to what they are proposing.

- It is up to the Planning Commission and the Township Board if they want to require a traffic study.
- There should be draft PUD Agreement language to make sure the Township knows what uses are going into the retail building.
- The Planning Commission may want to have some further discussion about the public benefits provided by this project. To ensure the project goes above and beyond what would be required under the underlying zoning.

Regarding Site Plan issues:

- The applicant did address the dumpster location; that it be moved away from the residents to the east.
- Both buildings exceed the RB and GB height requirements which can be waived as part of the PUD process.
- For final PUD, more detail about the crosswalks should be provided - whether they will be paved or painted on the pavement.
- Some additional information is needed regarding Silverbell Road screening. He noted the previous landscape plan depicted a berm along Silverbell Road frontage, however it is unclear as to what type of screening will be provided as part of this concept plan.

Engineer Landis went over OHM's review dated June 28, 2017.

- As they had noted in the previous submittal, water and sewer are both available and have adequate capacity to serve the proposed development.
- In regards to stormwater management, he noted that on the original PUD approved in 2003, there was a small wetland area along the northern property line. They ask that the applicant verify if that is still the same, and if so, they need to make some modifications to the detention. He noted that it appears there is adequate room or an alternative method could be an underground system.
- In regards to traffic, he was glad to hear that the applicant has already initiated a traffic study which was one of their concluding comments.
- One of their other big concerns regarded onsite circulation. There were a few different items they discussed in their review but all in all they anticipate working with the applicant on this during the final PUD process.
- And, the architectural plans still need to reflect the improvements that were completed as part of the M-24 project.

Commissioner Porter said regarding the residential lot, it was his understanding that if they want to build a house on that in the future, that it would have to come back for a PUD amendment or a rezoning? Chairman Dunaskiss concurred, because that vacant parcel is included in the PUD boundaries. He also clarified that the vacant parcel could qualify as open space? It was believed that it would. He then asked about the hours of operation.

Mr. Sean Awdish said the gas station would be open 24-hours most likely. The other businesses, he assumed would be closing around normal business hours like 9:00pm or 10:00pm at the latest. If there is a restaurant, it could possibly be open 24-hours if there was demand for it. He commented the gas station now closes at 10:00pm on weekdays and 11:00pm on Fridays and Saturdays, and around 9:00pm on Sundays.

Commissioner Porter said they need to provide good light and noise screening from the residential homes if this is going to be a 24-hour operation. Mr. Abdelnour commented that the landscaping will help a lot with that and most of the noise will come from Silverbell Road, at the front, so the gas station and retail building should also act as a buffer. For the lighting, they will definitely have screens and will meet Township requirements.

Mr. Fami Awdish, 3853 Spanish Oak Drive, West Bloomfield, said the gas station was open 24-hours when they first opened. Then when business slowed down, they started closing around 10:00 or 11:00pm on the weekends. He commented they did, however, have a few break-ins when the gas station was closed at night. This is why they would like to be open 24-hours, for security. Also, if there is a fast food type restaurant, being open 24-hours would be beneficial for them so they can prepare for morning activities.

Chairman Dunaskiss asked if the other businesses he owns are open 24-hours? Mr. Awdish said the one on Waldon Road is.

Chairman Dunaskiss asked if they had any problems with circulation at any of their other developments with this kind of layout? Mr. Sean Awdish said they reason they went with this layout was because it does work quite well. It provides a good stacking area for drive-thrus. In fact this site would work out better than the site in Rochester because this site has more land and more parking - the Rochester site has an issue with employee parking. The overall mobility of the Rochester site has worked out great and why he wanted to do the same layout here.

Chairman Dunaskiss asked about the building height - it is close to meeting ordinance, could they modify it to comply with the ordinance? Mr. Abdelnour responded that the retail building is at 25' 2" but they want the extra height for the gas station because it is in the corner and they want to make sure it is visible. The tallest part is about 15 ft., everything else meets requirements.

Secretary St. Henry asked where their other locations are? They responded there is one in process at Walton and Livernois, there one also in process on Opdyke Road in West Bloomfield, and one in Grand Blanc.

Commissioner Walker commented that in order to approve a PUD, there has to be public benefit. He asked the applicant what their public benefit will be? Mr. Sean Awdish responded he believed they are making a major improvement to the corner. When you look at it now, some of it is just undeveloped land. He believed that with the building materials they are proposing to use - it will be a major improvement to that corner, a great improvement over what they currently have.

Mr. Abdelnour said another benefit would be they will be creating a potential coffee shop for people driving by in the morning. Also, they will be providing a retail center for the neighbors in the back.

Commissioner Walker asked if they had any customers or businesses lined up yet? Mr. Abdelnour said, no, they were waiting for site plan approval. Once people see "something going", he believed people would be interested.

Vice Chairman Gross clarified that this is concept approval, if the Planning Commissioner were to make a recommendation for approval, it could be done with certain conditions that they would have to comply with on the final plan? Chairman Dunaskiss said, yes.

Chairman Dunaskiss noted there was a question on the pavers. Mr. Abdelnour explained that because this is a gas station, would like to keep everything concrete but could possibly add texture or color to distinguish the walkways.

Planner Lonnerstater mentioned with the revised density plan or parallel plan, it may be worthwhile to take note that under the current zoning, the northern portion is zoned GB so a gas station can be constructed there by right. Because of the proximity to the residential property to the east, another community PUD benefit could be that the PUD plan is kind of reversing the uses.

Chairman Dunaskiss commented that he appreciated the fact that the applicants had listened to their feedback and comments from the public during the public hearing. He does like the revised plan circulation and believes the applicant is moving in the right direction.

Commissioner Porter asked the applicant if there was anything else they could do to buffer this from the residential neighborhood since the gas station may be a 24-hour operation?

Planner Lonnerstater responded that the Planning Commission could request more screening however there is a lot of vegetation already being proposed but something they could consider is a screening fence or a berm along that eastern portion.

Secretary St. Henry noted there is a lot of wind generated at that intersection and a lot of garbage tends to blow that way, the wanted to make sure that the applicant takes measures to keep the property clean.

Chairman Dunaskiss asked for more clarification on what they are proposing at the corner of Silverbell and Lapeer - is it a knee wall, half wall or berm? Planner Lonnerstater said the previous concept plan denoted a berm along Silverbell; this plan shows it will be one of those screening methods but doesn't specify which one.

Teon Sujak, Sujak Engineering, 4031 Coolidge Hwy., Troy, responded that berming is not an option because there is not enough useable land between the back of curb, the pedestrian pathway, and parking.

Mr. Abdelnour said they could put something there but it needs to be something low – something like a brick and limestone post connected with railing or possibly something two feet high with shrubs around it. This would also act as a buffer and help deter some of the wind.

Chairman Dunaskiss asked what their intentions were for the vacant lot - to land bank it? Mr. Abdelnour said it is something for the future. Right now there isn't any plan to do anything with it. When the land was purchased, it was so they could use it to add an entrance. Mr. Abdelnour said that right now it could possibly be used as open space even though they already meet open space requirements. It will also act as a good buffer.

Commissioner Walker commented he is still having trouble seeing the recognizable benefit to the Township. Mr. Abdelnour said by providing more businesses – it will add more convenience for community residents and for the people who live in the neighborhood behind it.

The project will be close to a good neighborhood and will be accessible to them. The applicant will keep it clean, provide walkable areas, and the owner will provide good service. Another benefit to the Township is the development is at a good intersection and a big project like this will be very valuable - like a small downtown area in that corner. The residents in the back will

be happy and the residents of the Township will be happy because when they drive by, they will see a good project.

Chairman Dunaskiss commented that as he looks at the overall site and with what the underlying zoning allows, they are doing essentially the same thing. Then because they are putting the gas station to the left, they are not going to do anything with residential lot, and with the revised circulation, the screening, and how they oriented the building; given what they could put there under the zoning's inherent right, he sees what they are proposing as well as working with the Township and residents as a pretty big benefit – rather than just shoving something down that would fit. Conceptually, he believes they are headed in the right direction.

Commissioner Porter said he believes the applicant has done their job for screening and the landscaping under the ordinance, but this being a PUD, would the applicant be willing to go beyond the ordinance and add a berm or something in the back corner to secure this property against the residential property?

Mr. Abdelnour said that he believed they could but there is a lot of existing trees there already and if there were to add a berm, it could possibly kill a lot of those trees. However he would not have a problem putting a berm there. He added that closer to the neighbors there is a lot of tall trees which he believed would be a better buffer.

Mr. Sujak commented that if they were to put a berm back there, there could also possibly be an impact to stormwater drainage.

Chairman Dunaskiss commented that a fence would probably be a better idea.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission **forward a recommendation to the Township Board to approve** PC-2017-05, Silver Spruce Planned Unit Development Concept and Eligibility plan for the subject parcels (09-26-452-017 and 09-26-452-009) for the plans date stamped June 15, 2017; the recommendation to approve is based on the following findings of fact: the applicant has met the eligibility criteria of Section 30.03 B. of the Zoning Ordinance and has met the intent of the PUD as stated in the Ordinance with recognizable benefit, that it combines the property to promote good access management on the site for traffic circulation, it represents an improvement to a previously approved PUD, it redevelops an existing outdated facility to a current state-of-the-art facility at a major entrance to the Township; the density impact does not increase the density over the existing zoning and the proposed development will not over-burden the recently improved Lapeer Road and Silverbell Road rights-of-way; the proposed development will be consistent with the intent and spirit of the Master Plan with the elimination of the previously submitted plans for the easterly parcel - the PUD meets the intent of the Master Plan; the recommendation is subject to the following conditions with resubmission of the final plan:

- they need to provide open space calculations;
- the northern most dumpster will be moved, as discussed, away from the adjacent residential property;
- the Planning Commission recommends a height deviation for the center of the gas station building which is not consistent with current zoning ordinance height restrictions;
- that the traffic study that has been recently completed will be reviewed by the Township Engineer;
- that there will be additional details regarding crosswalk paving materials;

- and regarding the landscaping on Silverbell and at that intersection, they will provide a more detailed landscape plan;
- further, that the Township Attorney will develop a draft PUD Agreement to include conditions which have been identified by both the Planning Commission and the Township Board.

Discussion on the motion:

Commissioner Porter asked if something should be included in the motion regarding the hours of operation? It was decided that information can be included when the final plan is presented.

James Carpenter, 86 Morgan Hill, commented that he believes the buildings will be very nice. He said he lives at the northeast corner and clarified there will be two-way traffic behind the building and that there is only a 30 ft. offset and therefore not very far away from his home? Planner Lonnerstater explained that the previous plan did have parking there which constituted the 30 ft. setback but that parking has been removed. Mr. Carpenter said, though, that he still feels it would be very close to his residence. It was noted that it does appear there is about 50 ft. from the drive aisle to the property line. Mr. Carpenter asked if the Planning Commission would consider a larger offset? Vice Chairman Gross said he believed that area would be primarily for loading and there wouldn't be a lot of general traffic. Mr. Carpenter responded that he also would not be fond of delivery trucks back there and reiterated that he would like the Planning Commission to take a look at it. Secretary St. Henry said that could be put in the PUD Agreement - restrictions on the times of delivery. It was noted that a lot of the trees between the subdivision and this development are mature and nothing should be done there that might kill them.

Sean Awdish asked if the concern about the hours of operation was more about the retail building or the gas station? He explained the major reason they want the gas station open 24-hours is for security. Most gas stations don't stay open 24-hours to do business, they stay open for maintenance and to deter break-ins. They will most likely be open 24-hours - when they've closed the current gas station in the past – bushes were stolen, their statue broken and now there is concern about thieves installing “skimmers” on the credit card readers. The possibility of a break-in when it is closed is much more probable than when it is open.

Vice Chairman Gross said one of the other benefits of the hours, is that with this type of facility, it's a convenience store as well, and knowing that area, there is not much there.

Commissioner Porter said he doesn't have a problem with the gas station staying open 24-hours, it is on a major thoroughfare, there are people traveling there, you need something like this on a major thoroughfare. He would like to see the retail businesses close at 10:00pm or thereabouts. That area will be closer to the adjoining neighborhood than the gas station will be.

**Roll call vote was as follows:** St. Henry, yes; Porter, yes; Walker, yes; Gross, yes; Dunaskiss, yes. **Motion carried 5-0** (Steimel and Zielinski absent).

**9. PUBLIC COMMENTS**

None

**10. COMMUNICATIONS**

None

**11. COMMITTEE REPORTS**

None

**12. PUBLIC HEARINGS**

None

**13. CHAIRMAN'S COMMENTS**

None

**14. COMMISSIONERS' COMMENTS**

Commissioner Porter commented that the major improvements to M-24 are done and although it was a big inconvenience, it is paying off and traffic is moving much better at peak hours - the traffic engineers knew what they were doing.

**15. ADJOURNMENT**

Moved by Commissioner Porter, seconded by Commissioner Walker, to adjourn the meeting at 8:10pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

July 19, 2017  
\_\_\_\_\_  
Planning Commission Approval Date