



Planning Commission
May 2, 2012 Minutes for Regular Meeting & Public Hearing
(public hearing minutes follow regular minutes below)

REGULAR MEETING MINUTES:

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 2, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT: Doug Zande, Chairman; Carol Thurber, Vice-Chairwoman; Dick Christie, Secretary; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner, Rep. to ZBA; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

CONSULTANTS PRESENT: R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Beth McGuire, Township Zoning/Planning Administrator

OTHERS PRESENT: William Thomas, William Kruse, Jr., Jane Corliss, Phoebe Schutz

1. **OPEN MEETING:** Chairman Zande called the regular meeting to order at 7:00 p.m.
2. **ROLL CALL:** All members were present.
3. **MINUTES:** Moved by Secretary Christie, supported by Commissioner Barnett to approve the following: A)04-04-12, PC-2011-22, Text Amendment to Zoning Ordinance No. 78, Temporary Use Permits Public Hearing Minutes; B)04-04-12, PC-2011-23, Text Amendment to Zoning Ordinance No. 78, Recreational Vehicle Parking Public Hearing Minutes; and, C)04-04-12, Regular Meeting Minutes as presented. **Motion carried unanimously.**
4. **AGENDA REVIEW AND APPROVAL:** Moved by Commissioner Barnett, supported by Secretary Christie to approve the agenda as presented. **Motion carried unanimously.**
5. **BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY:** None.
6. **CONSENT AGENDA:** None.

Chairman Zande recessed the regular meeting at 7:03 p.m. and opened the PC-2012-03, Kruse and Muer On-the-Lake Restaurant Special Land Use Public Hearing at 7:05 p.m.

Chairman Zande closed the PC-2012-03 public hearing and reconvened the regular meeting at 7:15 p.m.

7. NEW BUSINESS

A. PC-2012-03, Kruse and Muer On-the-Lake Restaurant Special Land Use, 801 S. Lapeer Road: Mr. William Thomas, of William J. Thomas Studios, and Mr. William C. Kruse, Jr. (petitioner) were present.

REGULAR MEETING MINUTES CONTINUED...

Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc. (Township Planner), commented that this special land use request is to allow an outdoor cafe. The public hearing was just held tonight. Outdoor cafes are allowed in this GB-1 zoning district only as a special land use. Also, if alcoholic beverages are served outside, it is defined as an outdoor cafe, which requires the special land use. Also, Mr. Thomas and Mr. Kruse did a great job of reviewing the revised plans as well as reviewing the criteria for granting a special land use as it applies to their plans, which includes changes as requested by the Fire Marshall. He then overviewed their review correspondence dated April 16, 2012*. In general, they believe that the proposed facility is in substantial compliance with the review criteria for granting a special land use, and will complement surrounding land uses. The Planning Commission may wish to consider imposing special land use conditions such as hours of operation as well as a restriction on outdoor entertainment and music.

Chairman Zande overviewed the second review correspondence received from Mr. Bob Smith, Fire Marshall, dated April 27, 2012, which notes that they are within compliance of local ordinances and applicable fire codes*.

Moved by Secretary Christie, supported by Commissioner Barnett regarding case PC-2012-03, Kruse and Muer On-the-Lake Restaurant Special Land Use, located at 801 S. Lapeer Road, Sidwell #09-11-477-040, I move that the special land use request to allow an outdoor cafe, referencing the revised plans date stamped received by the Township on May 1, 2012, be **approved** based on the following findings of fact: 1)that the petitioner has demonstrated compliance with Zoning Ordinance No. 78, Section 15.02, H, Requirements for an Outdoor Cafe; and, 2)Section 30.02, Special Land Use Procedures and Standards: a)Compatibility with Adjacent Uses, there is a commercial laundry/dry cleaners to the south of the property, gas station to the north, residential borders the site to the east, but they are buffered by a wood screening fence and landscaping; b)Compatibility with the Master Plan, minimal impact; c)Public Services, minimal impact; d)Impact of Traffic, minimal impact; e)Detrimental Effects, the proposed outdoor cafe will be located along the south side of the building and any noise generated by activity at the outdoor cafe will be buffered by the buildings, Lapeer Road, and the perimeter of screened fence with adjoining landscaping; f)Enhancement of Surrounding Environment, the proposed use will not have an adverse impact on surrounding properties and external modifications will enhance the aesthetics of the site and an outdoor cafe on this section of Lapeer Road will help improve the architectural quality of the corridor; and, f)Isolation of Existing Land Use, the proposed use is compatible with the existing developments in the surrounding area. Roll call vote was as follows: Walker, yes; Barnett, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Thurber, yes; Zande, yes. **Motion carried 7-0.**

8. UNFINISHED BUSINESS: None.

9. PUBLIC COMMENTS: None.

10. COMMUNICATIONS:

A. Communication from the Building Official regarding an Administrative Review: Ms. Beth McGuire, Zoning/Planning Administrator, overviewed correspondence from Mr. Tom Berger, Building Official, dated March 28, 2012, regarding approved case PC-2012-02, DTE/GM Solar Photovoltaic Array Farm Administrative Review*.

REGULAR MEETING MINUTES CONTINUED...

11. COMMITTEE REPORTS: Vice-Chairwoman Thurber noted that the Site Walk Committee has recently done two site walks for: 1)PC-2012-03, Kruse & Muer On-the-Lake Restaurant SLU; and, 2)PC-2012-04, A Parts Warehouse Conditional Rezoning.

12. PUBLIC HEARINGS

A. 05-16-12, PC-2012-04, A Parts Warehouse Conditional Rezoning Public Hearing at 7:05 p.m. The subject site is located at 1801 Waldon Road. The proposed rezoning is from REC-1 to LI-1. Planner Wortman noted that they were approved to do a text amendment to the zoning ordinance for minor planned unit developments. This process could be done through the Planning Commission as a special land use if certain criteria are met. This will be on the May 16, 2012 regular meeting agenda for discussion.

13. CHAIRMAN'S COMMENTS: None further.

14. COMMISSIONERS' COMMENTS

Commissioner Walker commented that the upcoming Dragon-on-the-Lake event will be on the last weekend of August. Those plans are underway. He encouraged members to get involved if they can.

Vice-Chairwoman Thurber commented that the Dragon Dash is on May 20, 2012.

Commissioner Steimel noted that it is nice to see more things starting to happen in the Township again. He has had a lot of positive feedback recently regarding the zoning district changes that are now allowing more uses, especially for the vacant buildings.

15. ADJOURNMENT: Moved by Commissioner Barnett, supported by Vice-Chairwoman Thurber and Secretary Christie to adjourn at 7:33 p.m. **Motion carried unanimously.**

* on file

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PUBLIC HEARING MINUTES
PC-2012-03, Kruse & Muer On-the-Lake Restaurant Special Land Use

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, May 2, 2012 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT: Doug Zande, Chairman; Carol Thurber, Vice-Chairwoman; Dick Christie, Secretary; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner, Rep. to ZBA; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

CONSULTANTS PRESENT: R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Beth McGuire, Township Zoning/Planning Administrator

OTHERS PRESENT: William Thomas, William Kruse, Jr., Jane Corliss, Phoebe Schutz

PUBLIC HEARING MINUTES CONTINUED...

Chairman Zande opened the PC-2012-03, Kruse & Muer On-the-Lake Restaurant Special Land Use Public Hearing at 7:05 p.m. The subject site is a 1.1-acre site and is zoned General Business-1. It is located at 801 S. Lapeer Road, Sidwell #09-11-477-040.

Mr. William Thomas, of William J. Thomas Studios, and Mr. William C. Kruse, Jr. (petitioner) were present.

Mr. Thomas noted that he is representing the petitioner. The proposed special land use would allow outdoor dining to be located on the south facade of the existing building in the existing parking lot to be separated from the parking by large planters. The goal is to attract more customers. He then overviewed their proposed site plan to members. This area would add 28 seats to the business and a small fire pit that is wrapped in tempered glass and is powered by propane. He then noted that regarding compatibility with adjacent uses, this use doesn't change the existing use of the property, nor will it impact the adjacent properties adversely. Compatibility with the master plan, the use of this property does not change, so it's still in line with the master plan. Adequate public services, we're not expecting an increase on the property and we're looking at approximately 28 more patrons using the facility because of it, so there's not going to be an excess need for public services. Detrimental effects, the outdoor dining space won't have any detrimental effects. There won't be any outdoor music or bands or entertainment of any sort out there. It's purely for dining purposes. Isolation of existing land use, the existing use of the property will not be changed, we're maintaining the use of the property itself. We're proposing 28 additional seats with seven tables. The propane fire pit will be installed outdoors. The hours of operation are just the standard hours that the restaurant currently works with from 11:00 a.m. to 9:30 p.m. Monday through Thursday; and, from 11:00 a.m. to 10:30 p.m. on Friday and Saturday; and, on Sunday from 10:00 a.m. to 8:30 p.m. That is the project in a nutshell.

Mr. Kruse commented that this plan changed from the original submittal after he had the opportunity to meet with Mr. Bob Smith, Fire Marshall, who had expressed some concerns with the number of seats that were originally shown with regard to the fact that he wanted two gates as opposed to one gate and was a bit concerned about the number of seats and the ability for fire trucks and emergency vehicles to get in if there was an emergency, so we basically re-designed the seating area to end up with almost half of the seating of what we originally started with. At the same time on the north side of the property, although it wasn't directly connected with this particular request, he had some concerns about emergency vehicles being able to get through on the north end of the property when the diagonal parking places had been there, so he's adding the "compact cars parking only" in that area.

Secretary Christie read aloud correspondence received from Mr. Matt Gibb, Deputy County Executive, Oakland County, dated May 2, 2012, in support of this proposed special land use request*.

Chairman Zande noted that there are no members of the public in attendance to offer any comments.

Chairman Zande closed the PC-2012-03 public hearing at 7:15 p.m.
