



Planning Commission
June 20, 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, June 20, 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; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner, Rep. to ZBA; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

PLANNING COMMISSION MEMBER ABSENT: Dick Christie, Secretary

CONSULTANTS PRESENT: Beth McGuire, Township Zoning/Planning Administrator; R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM)

OTHERS PRESENT: Ryan Schultz, Steve Robinson, Steve Pachoney, Brad Klein, Ken Latshaw, Jim Sharp, 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, except Dick Christie.
3. **MINUTES:** Moved by Commissioner Barnett, supported by Vice-Chairwoman Thurber to approve the 05-16-12, regular meeting minutes and the 05-16-12, PC-2012-04, A Parts Warehouse Conditional Rezoning public hearing minutes as presented. **Motion carried 6-0** (Christie was absent).
4. **AGENDA REVIEW AND APPROVAL:** Moved by Commissioner Dunaskiss, supported by Commissioner Barnett to approve the agenda as presented. **Motion carried 6-0** (Christie was absent).
5. **BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY:** None.
6. **CONSENT AGENDA:** None.

Chairman Zande recessed the regular meeting and opened the PC-2012-07, Orion Square Conditional Rezoning and Special Land Use public hearing at 7:05 p.m.

Chairman Zande closed the PC-2012-07 public hearing and reconvened the regular meeting at 7:20 p.m.

7. NEW BUSINESS

A. PC-2012-07, Orion Square Conditional Rezoning, Special Land Use, and Site Plan, 4960 S. Baldwin Road: Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Conditional Zoning Analysis review correspondence, dated June 11, 2012*.

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Mr. Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM) overviewed their Site Plan review correspondence, dated June 8, 2012*.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan review correspondence, dated June 11, 2012*.

Mr. Ryan Schultz, of Versa Development, noted that he is representing Orion Square. They have no problem addressing all the issues in the consultants' review letters.

Moved by Vice-Chairwoman Thurber, supported by Commissioner Barnett regarding case PC-2012-07, Orion Square Conditional Rezoning and Site Plan, located at 4960 S. Baldwin Road, Sidwell #09-32-351-005, referencing plans date stamped received on May 23, 2012, **to recommend approval to the Township Board of Trustees of the conditional rezoning and site plan subject to the Township Attorney's opinion**, to conditionally rezone 1.43 acres from General Business-2 (GB-2) to General Business-1 (GB-1), based on the following findings of facts: 1)the site plan and the conditional rezoning meet the objectives of the 2009 Master Plan; 2)the existing uses of the property within the general area of the property are consistent with the proposed use; 3)the zoning classification of the property within the general area of this site is also consistent; 4)the suitability of the property in question is to the uses permitted, which is a coffee shop and a retail use, is consistent with those under the existing zoning classification and the trend of development in the general area of the property is including any changes that have taken place are also consistent. This approval is based on the following: 1)that the applicant and the Township enter into a conditional rezoning agreement specifying the conditions of the project that the applicant has agreed upon or has offered; 2)the proposed agreement submitted by the applicant is acceptable to the Planning Commission subject to any agreed upon changes of which there were none; 3)in regard to the site plan, provide one additional barrier-free space and provide a note on the drawing that all lighting will be down-directed, shielded, and in compliance with Section 27.11 of the zoning ordinance and addressing all engineer's comments and the addition of the directional curbed island at Baldwin Road as required by the Road Commission for Oakland County (RCOC); and, 4)subject to the recommended Attorney revisions. Roll call vote was as follows: Walker, yes; Barnett, yes; Dunaskiss, yes; Steimel, yes; Thurber, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

Planner Wortman overviewed their Special Land Use review correspondence, dated June 11, 2012*.

Commissioner Walker noted his concern regarding the turn into the site.

Commissioner Dunaskiss noted that the signage would also help with that.

Moved by Commissioner Dunaskiss, supported by Vice-Chairman Thurber to **approve** case PC-2012-07, Orion Square Special Land Use, located at 4960 S. Baldwin Road, Sidwell #09-32-351-005, referencing plans date stamped received on May 23, 2012, with this approval being based on the following findings of facts: 1)that it is compatible with the adjacent uses, with GB-1 directly to the west on the Big Boy property, the Shell gas station to the north, the interstate to the south, and the BIZ district to the east; 2)compatible with the 2009 Master Plan; 3)there are adequate public services; 4)there is also very good water detention with some underground water detention as well already on the site; 5)impact of traffic, they're not really changing any of the access points to the facility, so the impact will be minimal, the traffic may be a little increased due to the nature of the use, however, with the direct access and the

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proposed pork chop style right-in, right-out will mitigate any detrimental effects there; 6)there are no detrimental effects to the surrounding area of the site; 7)it will enhance the surrounding environment as it is a building that has been vacant for five years and they're doing a nice job of using the existing building with sprucing it up a tad; 8)it won't create any isolation within the existing land uses and won't set a precedent; and, 9)this approval is subject to the approval of the conditional rezoning. Roll call vote was as follows: Barnett, yes; Dunaskiss, yes; Steimel, yes; Thurber, yes; Walker, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

B. PC-2012-08, Latshaw Checkers Restaurant Site Plan, 721 Brown Road: Mr. Brad Klein, of SA+A Architects, noted that he is the architect for the applicants Mark and Ken Latshaw on this project. Mr. Jim Sharp, of Sharp Engineering, was also present and is the civil engineer for this project. Mr. Ken Latshaw was also present. He then overviewed their site plan and noted that they are requesting a waiver to allow a stand-alone ancillary use. The site consists of four parcels and they have applied for a lot combination split in order to create a just over one-acre parcel for the Checkers development with the remainder being in a second parcel that will then be planned for further development in the future.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., commented that this site is located in the Type C BIZ zoning district and when this was set up, stand-alone restaurants were not to be considered unless it was part of a larger development. There is a waiver provision that can be considered by the Planning Commission and one of the factors would be that if it promotes economic development and economic goals of the Township, members could consider. He believes that it does tie into the Township's goals and could further the overall development of this area. That area could be set aside in an easement agreement that could be used by adjoining or future parcels. The Township Attorney perhaps could examine that to be formalized as a development agreement with an easement.

Vice-Chairwoman Thurber commented regarding the site walk that there was nothing significant on the site and that a house next door was being taken down and will improve the site.

Moved by Commissioner Barnett, supported by Commissioner Steimel regarding case PC-2012-08, Latshaw Checkers Restaurant Site Plan, located at 721 Brown Road, Sidwells #09-33-351-011 and #09-33-351-022 **to grant a waiver** to allow a stand-alone facility ancillary use, referencing plans date stamped received by the Township on May 30, 2012, **with the condition that the Township Attorney formalize a development agreement showing road access to be determined by the Township Attorney with an easement that would be established for the owners of the property and also for adjoining uses**, based on the following finding of facts: 1)that it is part of a larger potential development; 2)that it will promote the economic goals of the Township; and, 3)that they have substantially provided for future development specifically with that loop road lining up with the existing stoplight to further develop the remaining 5.84 acres of the site and potentially connecting to other additional sites.

Commissioner Walker noted his concern that both the Township Planner and Township Engineer have numerous items that the petitioner needs to address and would prefer to have the petitioner address the issues before considering approval.

Planner Wortman noted that he believes that this is a unique opportunity to connect with the Target/Meijer drive and that there is already a stoplight there.

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Roll call vote was as follows: Dunaskiss, yes; Steimel, yes; Thurber, yes; Walker, no; Barnett, yes; Zande, no. **Motion carried 4-2** (Christie was absent).

Planner Wortman overviewed their Site Plan Review correspondence, dated June 11, 2012*.

Mr. Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM), overviewed their Site Plan review correspondence, dated June 12, 2012*.

Mr. Sharp noted that they will address all of Engineer Schroeder's items of concern as described in his review letter.

Vice-Chairwoman Thurber noted that she is concerned about the detention.

Mr. Sharp noted that they will address that.

Vice-Chairwoman Thurber noted that she wants to see it quantified on the plans.

Moved by Commissioner Steimel, supported by Commissioner Barnett regarding case PC-2012-08, Latshaw Checkers Restaurant Site Plan, located at 721 Brown Road, Sidwells #09-33-351-011 and #09-33-351-022, referencing plans date stamped received by the Township on May 30, 2012, **to grant approval with the following conditions:** 1) formalize a development agreement between the Township and the applicant for the future construction of the added drive that will line up with the Target/Meijer drive; 2) indicate the drive-through stacking spaces and unloading area on the plans; 3) update the existing photometric plan as presented to the Planning Commission today on the modified lighting plan to show that it is in compliance with the requirements of Section 27.11,E of the zoning ordinance and as a side note of that we have already been shown that it does, but include that into the updated plans; 4) the lot combination and split must be finalized; 5) that the plans must be updated with all the minor seventeen corrections as stated in the Township Engineer's review letter dated June 12, 2012 with one major consideration of the items that deal with the storm water management to submit an updated storm water management plan with calculations must be provided where everything can be worked out without effecting any of the other issues on the site plan. If it cannot be worked out without affecting it, it will have to come back to the Planning Commission for review; and, 6) to include the cross-access easement for the future. Roll call vote was as follows: Steimel, yes; Thurber, yes; Walker, no; Barnett, yes; Dunaskiss, yes; Zande, no. **Motion carried 4-2** (Christie was absent).

C. PC-2012-09, Text Amendment to Zoning Ordinance No. 78, Minor Planned Unit Developments

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their correspondence dated June 11, 2012 and proposed draft text amendment language*.

Commissioner Steimel suggested adding language that states that eligibility to apply for a minor PUD does not mean that the Planning Commission and Township Board will automatically approve it.

Commissioner Barnett noted that he does not believe that it is warranted or necessary to add that language since it is currently not implied that they will approve it.

REGULAR MEETING MINUTES CONTINUED...

Vice-Chairwoman Thurber suggested changing the revised date on page 30-38 since it is a new page.

Moved by Commissioner Steimel, supported by Vice-Chairwoman Thurber regarding case PC-2012-09, Text Amendment to Zoning Ordinance No. 78, Minor Planned Unit Developments (PUD, **to schedule the public hearing** for Wednesday, August 1, 2012 at 7:05 p.m.; to direct the Township Planner to revise the language talked about tonight; and, to forward the proposed language to the Township Attorney and Township Board for their comments. Roll call vote was as follows: Steimel, yes; Thurber, yes; Walker, yes; Barnett, yes; Dunaskiss, yes; Zande, yes. **Motion carried 6-0** (Christie was absent).

8. UNFINISHED BUSINESS: None.

9. PUBLIC COMMENTS: None.

10. COMMUNICATIONS: Ms. Beth McGuire, Zoning/Planning Administrator, overviewed the correspondence received from Mr. Tom Berger, Building Official, dated June 7, 2012, pertaining to the approval of case PC-2012-06, Orion Commerce Center, Bldg. No. 2 Additional Car Parking Administrative Review*.

11. COMMITTEE REPORTS: Vice-Chairwoman Thurber noted that there is a site walk scheduled for Wednesday, June 27, 2012 at 6:00 p.m. for PC-2004-23 (2012) Village Square PUD Amendment located at 3590 Baldwin Road.

12. PUBLIC HEARINGS:

A. 07-18-12, PC-2004-23(2012), Village Square PUD Amendment Public Hearing at 7:05 p.m. The subject site is located at 3590 S. Baldwin Road.

B. 08-01-12, PC-2012-09, Text Amendment to Zoning Ordinance No. 78, Minor Planned Unit Developments Public Hearing at 7:05 p.m.

13. CHAIRMAN'S COMMENTS:

Chairman Zande reminded members that the next regular meeting will be on Wednesday, July 18, 2012 since there was no meeting scheduled for the July Fourth Holiday.:

14. COMMISSIONERS' COMMENTS

Commissioner Barnett noted that the fireworks will be on Saturday, June 30, 2012 and encouraged all to support the fireworks fundraising.

Commissioner Walker noted that fireworks sales are now legal in Michigan and that there are several temporary sales tents currently in the Township.

Commissioner Steimel noted that the Township does have a noise ordinance that residents can use if the fireworks in their neighborhoods get too loud this summer.

REGULAR MEETING MINUTES CONTINUED...

15. ADJOURNMENT: Moved by Commissioner Barnett, supported by Vice-Chairwoman Thurber to adjourn at 9:30 p.m. **Motion carried 6-0** (Christie was absent).

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PUBLIC HEARING MINUTES
PC-2012-07, Orion Square Conditional Rezoning & SLU

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, June 20, 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; John Steimel, Trustee, Rep. to PC; Don Walker, Commissioner, Rep. to ZBA; Justin Dunaskiss, Commissioner; Chris Barnett, Commissioner

PLANNING COMMISSION MEMBER ABSENT: Dick Christie, Secretary

CONSULTANTS PRESENT: Beth McGuire, Township Zoning/Planning Administrator; R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.; Dave Schroeder (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM)

OTHERS PRESENT: Ryan Schultz, Steve Robinson, Steve Pachoney, Brad Klein, Ken Latshaw, Jim Sharp, Phoebe Schutz

Chairman Zande opened the PC-2012-07, Orion Square Conditional Rezoning and Special Land Use Public Hearing at 7:05 p.m. The conditional rezoning is for 1.43 acres from General Business-2 (GB-2) to General Business-1 (GB-1) and a Special Land Use to allow a retail store with a drive-through window. The site is located at 4960 S. Baldwin Road (Sidwell #09-32-351-005).

Mr. Ryan Schultz, of Versa Development, noted that he is representing Orion Square. The site has been vacant for several years. They want to redevelop the existing building to put two new tenants into the space. Adjacent zonings are: 1)to the north is GB-1(Big Boy Restaurant); 2)to the east is BIZ; 3)to the south is I-75; and, 4)to the west is GB-1. They are requesting the GB-1 zoning district because it does allow restaurants. The special land use is needed to allow a drive-through in that zoning district. The addition they are making to the building is really just the addition of the drive-through. The elevations are not changing other than the southerly elevation, which faces I-75 and that's where the drive-through will be located. Their proposed lanes meet the requirements of the ordinance. They will also restripe the parking spaces on the south at a 45-degree angle to be consistent with the site circulation.

Mr. R. Donald Wortman, (Township Planner) noted that the petitioner is voluntarily offering some conditions, which restrict this to GB-2 uses as well as the GB-1 use that would allow the drive-through coffee shop, so those are the conditions that are being considered.

Chairman Zande offered time for public comments.

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Mr. Steve Pachoney (he did not sign in, therefore, the correct spelling of his name is not known), of Big Boy Restaurants, 4199 Marcy Avenue, Warren, Michigan, is opposed to this proposed project, because he believes that it would increase traffic problems for their Big Boy Restaurant that is adjacent to the subject site, specifically, immediate right turns off of Baldwin Road and onto the driveway and also immediate lefts into the site.

Mr. Schultz noted that they have considered traffic as part of their proposal. There will be a directional island installed at the entrance to alleviate any potential problems there.

Planner Wortman noted that the original site plan for this building had a shared access easement agreement with Big Boy.

Mr. Steve Robinson, of Versa Development, noted that this site was previously reviewed and approved in all aspects, including traffic issues and they don't see any potential problems there whatsoever with the traffic.

Since there were no further comments, Chairman Zande closed the PC-2012-07 public hearing at 7:20 p.m.

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