

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, NOVEMBER 20, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 20, 2013 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Carol Thurber, Chairwoman
Dick Christie, Secretary
Don Walker, PC Rep. to ZBA

Justin Dunaskiss, Vice-Chairman
Karyn Pennington, Commissioner
Joe St. Henry, Commissioner

PLANNING COMMISSION MEMBER ABSENT:

John Steimel, BOT Rep. to PC

CONSULTANTS PRESENT:

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Zoning/Planning Administrator

OTHERS PRESENT:

Cyndee Zenas	Carol Markus	Jim Butler
Jim Cooper	David Sawyer	Tom Rawski
Mike Boggio	Fred Hackstock	Sue Hackstock
James Barnhart	Stefan Stration	Jason Borron
Chris Wilding	Daniel Woelmer	John Shank
John Houser	Mary Painter	Lillian Roland
Stanley Roland	Rich Womack	Steven Smith
Kevin Brandon	Salam Kalabat	Iven Sharrak
Phoebe Schutz		

1. OPEN MEETING

Chairwoman Thurber called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

Commissioner Steimel was absent.

3. MINUTES

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss to accept: 1)the November 6, 2013, regular meeting minutes; 2)the November 6, 2013, PC-2013-22, Mullins BBQ Restaurant SLU Public Hearing minutes; and, 3)the November 6, 2013, PC-2013-23, Guest House SLU Public Hearing minutes as presented. **Motion carried 6-0** (Steimel was absent).

4. AGENDA REVIEW AND APPROVAL

Chairwoman Thurber overviewed an email correspondence received from Mr. Matthew Pisko, of The Project Collaborative, Inc., dated November 20, 2013, time stamped 10:04 a.m., referencing case PC-2013-03, Shops on Waldon Pond PUD Amendment to construct Kroger Fuel Facility D-649, with the subject site being located on the southeast corner of Waldon and Baldwin Roads, noting that since the full Commission will not be present, they requested deferral to the next Planning Commission meeting where it is foreseen having the full Planning Commission present*.

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Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie to accept the agenda as amended, which is to remove agenda item 8,A, PC-2013-03, *Shops on Waldon Pond PUD Amendment to construct a Kroger Fuel Facility D-649*, at the petitioner's request. **Motion carried 6-0** (Steimel was absent).

Chairwoman Thurber recessed the regular meeting and opened the PC-2013-24, Pomeroy Living-Orion Campus Special Land Use Public Hearing at 7:05 p.m. and closed it at 7:14 p.m.

Chairwoman Thurber reconvened the regular meeting at 7:14 p.m.

5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

Public comments were heard.

6. CONSENT AGENDA

No items.

7. NEW BUSINESS

A. PC-2013-24, Pomeroy Living - Orion Campus Phase I, Special Land Use and Site Plan located on the east side of Lapeer Road between Scripps Road and Stadium Drive (Sidwell #09-14-400-016)

Mr. Jim Butler, of Professional Engineering Associates, 2430 Rochester Court, Suite 100, Troy, Michigan 48083, (Civil Engineer for this project) and Mr. Stefan Stration, President of Pomeroy Living, 5480 Corporate Drive, Suite 230, Troy, Michigan 48098, were present.

Mr. Butler noted that they haven't had full conversation with the Michigan Department of Environmental Quality (MDEQ) related to the impacts on the wetlands and that outcome will obviously have an impact on the layout of Phase I Beacon's Square if it's negative, so at this point, they'd like to postpone action on the site plan until they have conversations with the MDEQ and then they will come back to the Commission for review. However, they would like members' feedback related to the site plan, so they can address those items when they come back before the Commission along with the Township Consultants' review comments as well.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use Review correspondence, dated November 12, 2013*. In Phase I, the applicant is proposing to construct a new 63-unit memory care facility designed for patients with Alzheimer's and other forms of dementia. Phase II will entail construction of 120 independent living units. The special land use applies to both Phase I and Phase II under the RM-1 zoning district. He then overviewed specific standards for special land use approval. Generally speaking, they feel that it does meet the standards for special land use. The Planning Commission will need to evaluate this as they're going through it.

Chairwoman Thurber referenced a part of the applicant's application in which they wrote out the standards for special land use approval and how their case complies with each criterion*.

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Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated November 12, 2013*. This project does comply with the setbacks for the RM-1 zoning district. The issue with the MDEQ wetland permit and the Orion Township wetland permit, the applicant has indicated tonight that those will be addressed. The applicant also needs approval from the Michigan Department of Transportation (MDOT) and the Road Commission for Oakland County (RCOC) of proposed improvements to Scripps Road. He noted that the applicant has indicated that they may be willing to put in the safety path rather than putting money in the Safety Path Fund as they had originally thought. The pedestrian plaza should match the features shown in the Orion Commons pedestrian plaza design. Also, revise the light levels on the photometric drawing along the south property line and the details of the signage will have to be submitted to the Building Department. In addition, the Planning Commission can consider a waiver for building length over 250'.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Site Plan Review correspondence, dated November 12, 2013*. With regard to sanitary sewer and water main, they are both existing and will be extended into the site from Scripps Road. The storm water management, there's proposed sedimentation basins, pre-treatment basins to collect storm water, discharge to the existing wetland on-site and the existing wetland is proposed to be used as storage at this time, which will be addressed with the MDEQ and the Township as this project moves forward. Paving and grading, there was coordination with MDOT and RCOC as well as for the safety path along the frontage of Scripps Road. There was a traffic study provided for this site and the RM-1 zoning would generate more traffic than this current proposal, however, we feel there are some items that need to be corrected within the traffic study, although we foresee that the traffic study will still show that there's very little impact to the existing conditions of the road network based upon the traffic generated from the proposed site. The natural feature wetlands will have to be addressed. The tree survey appears to be older and members may wish to discuss that with the petitioner.

Chairwoman Thurber overviewed Site Plan Review correspondence dated October 21, 2013, received from Mr. Bob Smith, Fire Chief, in which he had no additional comments*.

Chairwoman Thurber commented that Site Plan Review correspondence were received from MDOT*, RCOC*, and the Township DPW*.

Mr. Butler noted that he has no problem with any of the review comments from Planner Wortman or Engineer Stevens. He then noted that their plans did show the "payment in lieu of" for the safety path along Lapeer Road and Stadium Drive. This site gets inundated with water from everybody, from Scripps Road, from Lapeer Road, from Stadium Drive, from the Church next door, so it's impacted pretty significantly. The issue that we had along Lapeer Road initially was trying to create a ditch to cut the water off instead of having it come across, because the water sheet flows right now from Lapeer Road onto the site, so we're trying to come up with a way to not create an issue with the water main that is there or create an issue with the utility poles that are there, and there is an underground fiber-optic that's there, but we think we've found a way to be able to put the safety path in along both Lapeer Road

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and Stadium Drive and make that happen. We will be showing that on the plans and putting that in.

Chairwoman Thurber commented regarding the many items from MDOT and RCOC to be addressed.

Mr. Butler replied that one of the issues that would go away if they do what the RCOC wants as far as the passing lane on Scripps Road, they will not have to touch anything within Lapeer Road. The other items are their recommendations. They are currently discussing with the RCOC their desire to make the westerly drive a right-in and right-out.

Chairwoman Thurber noted that two further items for discussion are: 1) outdated tree survey; and, 2) the building length.

Mr. Butler noted that the trees list that is on there is for both the south site and a portion of the north site and that they are willing to update the tree survey if needed.

Planner Wortman commented regarding the building length, which is 309 feet in length and the ordinance allows up to 250 feet.

Secretary Christie commented that the architecture is very appealing and that they would need a 59-foot waiver.

Vice-Chairman Dunaskiss inquired what the time line will be for this project.

Mr. Stration replied that Phase I will be sometime next Summer and one year later will be Phase II.

Chairwoman Thurber noted that this Special Land Use action will be for both Phase I and Phase II, but the Site Plan they're considering tonight is only for Phase I.

Mr. Steven Smith, of 1807 Hunters Lane, inquired about the site plan and about fire-suppression.

Secretary Christie replied that the Fire Chief did review it as well as the DPW Director and there is adequate supply of water.

Mr. Butler noted that both buildings will be fire-suppressed.

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss regarding case PC-2013-24, Pomeroy Living - Orion Campus Phase I and Phase II Special Land Use, with the subject site located on the east side of Lapeer Road between Scripps Road and Stadium Drive (Sidwell #09-14-400-016), referencing plans date stamped received by the Township on October 7, 2013, **to approve the Special Land Use based on the following findings of fact:** 1) that the proposed buildings will be designed, constructed, operated, and maintained to be compatible with the surrounding uses and that the location of the parking will be located along the east side of the development and screened from adjacent uses; 2) that we feel that the proposed use will be compatible with and in accordance with the principles and objectives of the Township's Master Plan; 3) that the traffic impact will virtually have very little impact to the

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area; 4)that the detrimental effects of the proposed use does not involve any activities, materials, equipment, or conditions of operations that would be detrimental to the public health, safety, and welfare; 5)that the proposed development will enhance the surrounding environment with the installation of a series of pathways throughout the development along the existing wetland area that will be interconnected with the proposed sidewalks along Scripps Road; 6)that the location and proposed special land use will not result in a small residential area being substantially surrounded by a non-residential development; and, 7)the location and proposed special land use will not result in a small non-residential area being substantially surrounded by a residential development. Roll call vote was as follows: St. Henry, yes; Dunaskiss, yes; Christie, yes; Pennington, yes; Walker, yes; Thurber, yes. **Motion carried 6-0** (Steimel was absent).

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-24, Pomeroy Living - Orion Campus Phase I Site Plan, with the subject site located on the east side of Lapeer Road between Scripps Road and Stadium Drive (Sidwell #09-14-400-016), referencing plans date stamped received by the Township on October 7, 2013, **to postpone action on the Site Plan** due to comments provided tonight by the Planning Commission, Planner, Engineer, and needing further information from the MDEQ on impacts on the wetlands and looking for a revised site plan. Roll call vote was as follows: Dunaskiss, yes; Christie, yes; Pennington, yes; Walker, yes; St. Henry, yes; Thurber, yes. **Motion carried 6-0** (Steimel was absent).

Moved by Secretary Christie, supported by Commissioner Pennington regarding case PC-2013-24, Pomeroy Living - Orion Campus Phase I Site Plan, with the subject site located on the east side of Lapeer Road between Scripps Road and Stadium Drive (Sidwell #09-14-400-016), referencing plans date stamped received by the Township on October 7, 2013, **to approve the building design for a building of greater length than the required 250 feet in overall length based on the following finding of fact:** 1)that it was demonstrated that the architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas. Roll call vote was as follows: Christie, yes; Pennington, yes; Walker, no; St. Henry, yes; Dunaskiss, yes; Thurber, yes. **Motion carried 5-1** (Steimel was absent).

Chairwoman Thurber noted that there is no need for a safety path waiver.

Mr. Butler replied, correct and we will see you when we hear from the MDEQ.

8. UNFINISHED BUSINESS

A. PC-2013-03, Shops on Waldon Pond Planned Unit Development (PUD) Amendment to construct Kroger Fuel Facility D-649, southeast corner of Baldwin and Waldon Roads

This agenda item was removed from the agenda at the petitioner's request.

B. PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use & Site Plan, 3865 S. Baldwin Road, Sidwell #09-29-326-016

Chairwoman Thurber gave a brief history of this case.

Mr. Kevin Brandon, of Preview Architecture and Planning, 570 E. Snell Road, Oakland Township, Michigan 48306, commented that the applicant took care of some issues from the last meeting regarding the special land use. The main

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one was eliminating the access ingress/egress from Hidden Timber Drive to the north and keeping the same egresses that are existing there currently with no modification. They will note the hours of operation on the site plan. They redesigned the building to be more in line with the Gingellville Village Center Overlay design requirements.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use Review correspondence, dated November 11, 2013*. He confirmed that they are going to use the existing drives on Baldwin Road. Also, that the applicant does need to note the hours of operation on the plans. He also inquired whether the applicant could use some of the trees on the east (rear) of the building to help with some of the screening for the residential behind there along with more dense evergreens to provide a more effective screening.

Planner Wortman then overviewed their Site Plan Review correspondence, dated November 11, 2013*. We find the proposed site plan is not in substantial compliance with the zoning ordinance. The following items need to be addressed to the satisfaction of the Planning Commission: 1)All existing trees within the greenbelt are subject to the tree replacement requirements of Section 27.12; 2)The existing trees along the east property line should be preserved and supplemental plantings provided to help screen the rear of the convenience store; 3)Provide easement agreement for storm water discharge through adjacent property to the east; and, 4)Comply with the Gingellville architectural standards for repeating architectural modules for the east (rear) side of the convenience store (Section 33.02,H).

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Site Plan Review correspondence, dated November 11, 2013*. He briefly noted that they had consulted the ITE Trip Generation Report to compare the trip generation of the site with that of the existing surrounding uses. He also noted that the applicant shall show an easement on the plans for the pathway in the northwest part of the site.

Chairwoman Thurber overviewed Site Plan Review correspondence dated August 30, 2013 received from Mr. Bill Ireland, DPW Director*. Adequate sanitary sewer and water is available for the proposed project. Additional sanitary sewer and water connection fees will be required to be paid in full when building permits are issued.

Chairwoman Thurber overviewed Site Plan Review correspondence dated October 21, 2013, received from Mr. Bob Smith, Fire Chief, in which he had no additional comments*.

Secretary Christie read aloud email correspondence received from Ms. Linda E. Moses (no home address was provided on the email), dated September 19, 2013, in which she was opposed to a new entrance/exit to Hidden Timber Drive*.

Secretary Christie read aloud email correspondence received from Mr. Dave Jones, of 3039 Hidden Timber Drive, dated September 25, 2013, in which he is in opposition to this project*.

Secretary Christie read aloud email correspondence received from Ms. Kellie DeVito, of 3299 Springwood Court, dated September 20, 2013, in which she is in opposition to this project*.

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Mr. Salam Kalabat, of K4 General Contractor, 2496 Silverside, Waterford, Michigan, commented that after they get site plan approval, then they will get the easement.

Vice-Chairman Dunaskiss inquired what the hours of operation will be.

Mr. Iven Sharrak, owner of Clark-Orion, Inc., resides at 6346 Orchard Lake Road, West Bloomfield, Michigan. He commented that they will remain the same as the existing hours and that he will note them on the site plan.

Vice-Chairman Dunaskiss inquired what their thoughts are on preserving the existing trees on the site and using them in the screening.

Mr. Kalabat noted that they will do their best to save as many trees as possible and that they could also add new trees. They will be more than glad to work with the Township on that.

Mr. Kevin Brandon commented that they will work with Kieft Engineering to reconfigure the retention basin to get a little bit of a greenbelt on the eastern border.

Planner Wortman noted that he had a discussion with Mr. Jim Scharl (of Kieft Engineering) on the retention pond and there will be grading to do right up to the property line. The zoning ordinance requires a greenbelt, so as part of the Special Land Use, the Planning Commission can request additional screening and/or trees as a condition, preferably evergreens. That would help to mitigate the impacts to the neighborhood.

Mr. Kalabat replied that he is sure they could work with that and give them a greenbelt with evergreen trees.

Vice-Chairman Dunaskiss inquired whether they have come up with something for exterior architectural features in keeping with the Gingellville Village Center Overlay design guidelines as required in the zoning ordinance, especially on the rear (east) side that will face the residential neighborhood.

Mr. Brandon noted that they will put a gable on the front (west) side, on the north side, and on the east side. They will also do a pattern on the rear side.

The applicant and members briefly discussed the exterior materials.

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use to allow a 5,600-square foot convenience store, with the subject site located at 3865 S. Baldwin Road, Sidwell #09-29-326-016, referencing plans date stamped received by the Township on October 8, 2013, **to approve the Special Land Use with conditions based upon the following findings of facts:** 1)that the proposed use is compatible with the adjacent land uses; 2)that the proposed use is compatible with the Township's Master Plan; 3)the site does have adequate public services servicing the site for this proposed use; 4)based on the traffic study as well as review comments we've received from the Michigan Department of Transportation (MDOT) and the Road Commission for Oakland

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County (RCOC) that we do not see a negative impact on the traffic that would be due to this development; 5)that it will not create detrimental effects to the surrounding community; 6)that it will not result in any sort of isolation of existing land use for the property. **The conditions of the Special Land Use approval are as follows:** 1)that the hours of operation are from 5:00 a.m. to 11:00 p.m.; 2)that the applicant shall provide additional screening as they agreed to with dense evergreens on the east side of the property to screen the building and also to preserve as much of the existing vegetation and plantings; and, 3)that the applicant shall mirror the front (west) elevation on the rear (east) elevation, but not with the exact materials given that is the rear of the property, but similar in keeping with the architectural façade of the front of the property. Roll call vote was as follows: Pennington, no; Walker, yes; St. Henry, no; Dunaskiss, yes; Christie, yes; Thurber, yes. **Motion carried 4-2** (Steimel was absent).

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-17, Clark-Orion, Inc. Gas Station Site Plan for a 5,600-square foot convenience store, with the subject site located at 3865 S. Baldwin Road, Sidwell #09-29-326-016, referencing plans date stamped received by the Township on October 8, 2013, **to approve the Site Plan with conditions as follows:** 1)that the applicant shall supply an easement agreement for both the storm water as well as the safety path for the northwest part of the site; 2)that the applicant shall comply with Gingellville Village Center Overlay architectural standards for repeating architectural modules for the east (rear) side of the convenience store as well as comply with it for the entire site and that can be administratively approved; 3)that the applicant shall submit a separate application to the Township Building Department for their signage; 4)that the existing trees along the eastern property line shall be preserved and supplemental dense evergreen plantings shall be provided to screen the rear of the convenience store; 5)that all existing trees within the greenbelt are subject to the tree replacement requirements of Zoning Ordinance No. 78, Section 27.12. Roll call vote was as follows: Walker, yes; St. Henry, no; Dunaskiss, yes; Christie, yes; Pennington, yes; Thurber, yes. **Motion carried 5-1** (Steimel was absent).

C. PC-2013-26, Text Amendment to Zoning Ordinance No. 78, Article III, Temporary Use Permits

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their correspondence dated November 13, 2013 and the attached proposed text amendment*.

Discussion only and members requested that a cash bond and insurance requirement be added to ensure proper clean-up is done. Also, to remove the words "may" and "similar" in Section 30.11,F,3,d.

Mr. Steven Smith, of 1807 Hunters Lane, commented that he believes that a noise level regulation should be added to aid the Ordinance Enforcement Officers when that becomes a problem to protect our local residents.

Planner Wortman noted that the Township does have a noise ordinance that is already in place. It's already covered. He also noted that he will add back in the cash performance bond, security, insurance language and will change the provision of the one mile language. He will make these changes and then they'll be ready for the public hearing on Wednesday, December 4, 2013.

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9. PUBLIC COMMENTS

None further.

10. COMMUNICATIONS

None further.

11. COMMITTEE REPORTS

Chairwoman Thurber commented regarding her report* for the Site Walk Committee's recent site walk for case PC-2013-24, Pomeroy Living-Orion Campus SLU and Site Plan, which was held on Friday, November 15, 2013 at 5:00 p.m.

12. UPCOMING PUBLIC HEARING

- A. 12-04-13, PC-2013-26, Text Amendment to Zoning Ordinance No. 78, Article XXX, Temporary Use Permits Public Hearing is scheduled for 7:05 p.m.

13. CHAIRWOMAN'S COMMENTS

Chairwoman Thurber noted that tonight was the second time that the Planning Commission was notified on the day of the meeting that the applicant for case PC-2013-03, Kroger Fuel Facility (SE corner of Waldon and Baldwin Roads) requested to be removed from the agenda at the last minute and that was inconsiderate to our local residents as well as to our Township's consultants and Planning Commission members. She then wished all a Happy Thanksgiving.

14. COMMISSIONERS' COMMENTS

Members thanked the members of the public for coming tonight and wished all a Happy Thanksgiving.

15. ADJOURNMENT

Moved by Secretary Christie, supported by Commissioner Pennington to adjourn at 8:42 p.m. **Motion carried 6-0** (Steimel was absent).

* Attachment