

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-22, MULLINS BBQ RESTAURANT SPECIAL LAND USE
PUBLIC HEARING, WEDNESDAY, NOVEMBER 6, 2013**

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, November 6, 2013 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Carol Thurber, Chairwoman	Justin Dunaskiss, Vice-Chairman
Dick Christie, Secretary	John Steimel, BOT Rep. to PC
Don Walker, PC Rep. to ZBA	Joe St. Henry, Commissioner
Karyn Pennington, Commissioner	

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:

Carly Nettle	Larry Mullins	Harold Flood
Brad Klein	Katalin Szoke	Steve Auger
Rich Hodsdon	Mark Miller	Lindsey Jones
Denise Bertin-Epp	Jill Kettler	Earl Walters
Arlene Walters	Michael Powell	

Chairwoman Thurber opened the PC-2013-22, Mullins BBQ Restaurant Special Land Use Public Hearing at 7:05 p.m. This public hearing is for case PC-2013-22, Mullins BBQ Restaurant Special Land Use request for an outdoor café for a proposed restaurant. Located on the east side of Baldwin Road, north of Maybee Road, 3415 S. Baldwin Road (Sidwell #09-29-126-015), 3437 S. Baldwin Road (Sidwell #09-29-126-016), and 3439 S. Baldwin Road (Sidwell #09-29-126-017). The applicant is LRM Associates, LLC.

Mr. Rich Hodsdon, of Community Civil Engineering & Surveying, 6303 26-Mile Road, Suite 110, Washington, Michigan 48094, noted that he is representing the applicant. The special land use is to allow the outdoor eating area that would be attached to the restaurant, which will be a 6,000-square foot building with a 1,800-square foot outdoor eating area. It will be on the front of the building facing Baldwin Road and the area will be enclosed and will have some sort of fireplace, some columns, and some decorative fencing to enclose it. It will be open during regular operating hours. It is an important part of the restaurant business.

Chairwoman Thurber offered time for public comments.

Mr. Mike Powell commented that he is the owner of Powell Engineering, located at 4700 Cornerstone Drive, White Lake, Michigan 48383, and that he is here representing Earl and Arlene Walters who own the property just to the north of the proposed development. After living there for many years, they are very concerned about the impact this is going to have on their property. The subject site has been raised about eight feet above their home and they now have drainage issues. They are concerned about the hours of operation. They have had many break-ins and trespassers on their property and are concerned

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-22, MULLINS BBQ RESTAURANT SPECIAL LAND USE
PUBLIC HEARING - WEDNESDAY, NOVEMBER 6, 2013**

about the type of traffic that is going to be coming in and out of the site. He inquired whether there will be a liquor license for this restaurant and whether that would extend to the outdoor dining area. They're concerned about the outdoor noise and whether there will be outdoor music playing. They're also concerned about the headlights shining into their home from the traffic pulling into the site. They would like some kind of buffer to lessen the noise coming onto their property. The State of Michigan may change the drinking hours to 4:00 a.m. and they don't want that here. They are concerned about nighttime outdoor lighting being too bright and don't want the light to shine on their property.

Ms. Katalin Szoke, of 2850 Regency Court, commented that she has the same concerns and agrees with Mr. Powell and is also concerned about her safety.

Ms. Lindsey Jones, of 2848 Regency Court, commented that she echoes the concerns by Mr. Powell and Ms. Szoke. She also inquired what will be put on the land behind the proposed restaurant.

Mr. Hodsdon commented that the applicant is looking for a liquor license and is important to the business. This will not be a music establishment, so it will not have loud noise, but may have background music if at all. They are proposing a berm along the north property line to deflect the headlights away from that house to the north along with some plantings along there. The homes on Maybee Road back up to the open field and since the restaurant will be to the west end of the site, there will be additional plantings along there too for shielding those homeowners.

Chairwoman Thurber noted that the rear portion of the subject site is zoned residential, so that is what it would be developed if it is developed. The hours of operation will be consistent with the restaurant.

Mr. Larry Mullins, commented that he is the applicant for this project. The history of this goes back several years when they acquired all the property there and built the CVS store and the rezoning for the CVS. After the CVS, they followed up with rezoning this site to fall in line with the Gingellville Overlay District. There is already a shared driveway with the CVS in place, so this was planned for and was rezoned to allow a restaurant when they did all this a few years ago. He then noted that they do have a photometric plan for the outdoor lighting, which does meet all the ordinance requirements. The outdoor dining area is in keeping with the Gingellville Overlay District standards to promote and enhance the outdoor walkability of the area.

Ms. Szoke commented that she is concerned about buffering for noise and light pollution for residents to the east of the property.

Mr. Hodsdon commented that currently the plan does not have a berm on the east side of the building, mainly because of the large open area on the eastern end of the property. They do intend to add landscape material along the adjacent properties on Maybee Road to help shield the lighting. The setback from the rear parking to the rear property line is about 700+ feet.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-22, MULLINS BBQ RESTAURANT SPECIAL LAND USE
PUBLIC HEARING - WEDNESDAY, NOVEMBER 6, 2013**

Ms. Jill Kettler, of 3170 Maybee Road, commented that she has site plan concerns and will comment during site plan review.

Ms. Lindsey Jones, of 2848 Regency Court, commented that she's concerned about having the parking lot in the back of the restaurant and headlights shining in her house.

Since there were no further comments, Chairwoman Thurber closed the PC-2013-22 public hearing at 7:28 p.m.