

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, NOVEMBER 6, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 6, 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	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	

1. OPEN MEETING

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

2. ROLL CALL

All members were present.

3. MINUTES

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie to accept the October 16, 2013, regular meeting minutes and the October 16, 2013, PC-2013-20, Indianwood-Fernhurst Township-Initiated Rezoning Public Hearing minutes as presented. **Motion carried 7-0.**

4. AGENDA REVIEW AND APPROVAL

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss to accept the agenda as presented. **Motion carried 7-0.**

5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

Public comments were heard.

Chairwoman Thurber recessed the regular meeting and opened the PC-2013-22, Mullins BBQ Restaurant Special Land Use Public Hearing at 7:05 p.m. and closed it at 7:28 p.m.

Chairwoman Thurber opened the PC-2013-23, Guest House Special Land Use Public Hearing at 7:28 p.m. and closed it at 7:31 p.m.

Chairwoman Thurber reconvened the regular meeting at 7:31 p.m.

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6. CONSENT AGENDA

No items.

7. NEW BUSINESS

A. PC-2013-22, Mullins BBQ Restaurant Special Land Use and Site Plan, Located at 3415, 3437, and 3439 S. Baldwin Road (Sidwells #09-29-126-015, #09-29-126-016, and #09-29-126-017)

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use Review correspondence, dated October 30, 2013*. The Planning Commission should evaluate the proposed outdoor café in accordance with the standards of Sections 12.03,G and 30.02. In general, we believe the proposed café is in compliance with these standards, and will complement the Gingellville area. However the Planning Commission can impose reasonable conditions on the outdoor café such as: 1)Hours of operation; 2)Restrictions on amplified music; 3)Noise; 4)Extra screening, etc.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated October 30, 2013*. The site plan is not in substantial compliance with the Township's ordinance regulations. However, the Special Land Use must be approved prior to considering the site plan. The following items will need to be addressed and provided by the applicant: 1)Provide a detailed grading plan; 2)Provide a copy of the cross-access easement agreement with CVS; 3)Provide one additional barrier-free parking space; 4)Revise site lighting: a)Revise pole heights to meet ordinance requirements; and, b)Revise light levels along the south property line to meeting ordinance requirements; 5)Provide signage details for Building Department review; 6)In regard to the Landscape Plan: a)Identify the "pine" tree species; b)Replace the Silver Maple with a comparable deciduous tree; c)Replace the Flowering Crab Apple to 1.5-inch caliper; d)Provide details of the north property line retaining/screening wall; e)Clarify whether a watering/irrigation system will be installed on the property; f)Clarification on how the site landscaping requirement can be met; g)The Planning Commission will need to consider a waiver of the west and east screening requirements; 7)Provide color renderings to the Planning Commission; 8)Indicate roof pitch; and, 9)Address the requirements of the Gingellville Village Center Overlay District.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Site Plan Review correspondence, dated October 29, 2013*. In our opinion, the site plan, as submitted, is not in substantial compliance with the Township's ordinances and engineering standards. We recommend the following comments be addressed: 1)The plans state that the existing detention basin was sized for the development of this property. The CVS plans state that the basin was sized for the property to the north, measured at 3.75 acres with a 'c' factor of 0.36. According to the plans provided for Mullins BBQ, the proposed site will have an area of 7.3 acres, with a 'c' factor of 0.35. It appears that the CVS site was sized for two adjacent parcels to the north, and the applicant is proposing to develop three parcels to the north. The detention basin was not sized for the additional parcel that has been included in the proposed site, and shall be sized for the additional parcel; 2)It appears the site is being raised over four feet from the existing ground, and two feet above the finished floor of the adjacent CVS, which results in a retaining wall over ten feet in height. Grading shall be revised to better match the existing grades and the grades

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of the adjacent site, which could lessen the impact of the grading and wall; 3)Water main should be looped to connect on the west side of Baldwin Road; and, 4)The engineering plan, designed in accordance with Zoning Ordinance No. 78, Storm Water Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township's Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. C. William Ireland, DPW Director, dated October 15, 2013*. It appears there is adequate sanitary sewer and water available for this project.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. Bob Smith, Fire Chief, dated October 21, 2013*. As long as they are in compliance with local ordinances and applicable building and fire codes.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. Glenn R. Appel, P.E., Chief Engineer, Oakland County Water Resources Commissioner's office, dated October 2, 2013*.

Chairwoman Thurber overviewed the Site Walk Report, date stamped received by the Township on October 28, 2013*.

Mr. Rich Hodsdon, of Community Civil Engineering & Surveying, 6303 26-Mile Road, Suite 110, Washington, Michigan 48094, noted that he is representing the applicant. He noted that they will add more detail for species of the trees and will comply with the ordinance requirements. They will lower the light poles and shield the outdoor lights. They will add more information on the berm details that will be used to buffer to the north. The grade will cause the restaurant to set a little below the road. They may do a retaining wall around the patio area that would reduce some of the noise coming out of there. They have lots of room to expand the detention area as noted by the Township Engineer.

Chairwoman Thurber redirected the discussion to the special land use.

Commissioner Steimel inquired what the hours of operation would be.

Mr. Mullins replied that they are willing to keep with the same hours as Oscar's Restaurant and Bar, which is located just a few parcels to the south of this site. For the outdoor patio, 11:00 p.m. would work fine to close the patio. This is not the type of restaurant to have amplified music. It's more of a Texas roadhouse type of barbecue restaurant. It's not a music oriented restaurant. We don't have to have any type of speakers in the patio area. We have no problem with that. As far as the grade issue, we have lowered it down now to about a foot lower than CVS now. We reduced the retaining wall on the north from just a little over six feet down to nothing. The patio will set down in now, so it will have a little retaining wall along the west side of it, so it will be really contained to eliminate any type of noise leaving the patio area now that it's down in, instead of up high. In looking at the east property line, it is well in excess of 1,000 feet. It's cleared where the retention basin is and then there's a huge thick woods around the drain, that's Brown Drain. There's a substantial amount of woods

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on the west side of the drain, which is ours that we left in place before. Then there's a substantial amount of woods on the east side of the drain. We have no problem even incorporating some type of a deed restriction to where all that stays in place and that won't be cleared back there along the drain area so that it buffers those properties that are about 1,000 feet to the east of us. To the east of this site, there's a little area that could be built out in the future. For the parking area, we could put a berm there to defer the headlights that would be pointing to the east if you would like to see that, although it really isn't a requirement. We are putting heavy landscaping to the south. We would have no problem putting in a temporary berm area on the east side and that would stay in place until whatever time the property there would be developed at some future point. He then agreed that could be a condition of approval.

Commissioner Walker inquired whether there would be speakers on the patio and whether there would be live music in or out of the restaurant.

Mr. Mullins noted that there will be no speakers outside nor will there be any live music.

Commissioner Steimel inquired whether the berms will be irrigated.

Mr. Mullins replied that all of the landscaping will be irrigated.

Moved by Commissioner Pennington, supported by Vice-Chairman Dunaskiss regarding case PC-2013-22, Mullins BBQ Restaurant, Special Land Use, located at 3415, 3437, and 3439 S. Baldwin Road (Sidwells #09-29-126-015, #09-29-126-016, and #09-29-126-017), **to approve the special land use** to allow an outdoor café with the approval based on the following facts: 1)that it is right in line with the Gingellville Village Center Overlay District standards; 2)it is compatible with the Master Plan; 3)it has adequate public services; 4)it will not impact traffic any more than a restaurant without an outdoor patio; 5)there are no detrimental effects to the surrounding areas and **that the approval shall be based on the following conditions:** 1)that there will be no outdoor speakers; and, 2)that the hours of operation will be consistent with the restaurant, but the patio area will be shut down by 11:00 p.m. Roll call vote was as follows: Walker, yes; St. Henry, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Pennington, yes; Thurber, yes. **Motion carried 7-0.**

Chairwoman Thurber directed the discussion to the site plan review.

Ms. Szoke commented that some trees have died.

Chairwoman Thurber noted that for the record, the trees she was talking about are approximately 600 feet north and east of the site.

Secretary Christie inquired which lighting she is concerned about.

Ms. Szoke noted that she is concerned about the light poles as well as the headlights shining toward her property.

Mr. Mullins noted that they will install shadow-box fencing to completely shield the headlights from the homes to the east.

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Vice-Chairman Dunaskiss inquired of the Township's Engineer and Planner whether they are comfortable moving forward without seeing more detailed plans first.

Planner Wortman noted that with so many issues, the Township likes to see fresh plans. There are issues regarding landscaping, lighting, grading, drainage, etc.

Engineer Stevens noted that although it is not in substantial compliance, with his two main issues, he doesn't envision any issues to where they can't make it work, so he is comfortable.

Vice-Chairman Dunaskiss proposed that this case be postponed.

Mr. Mullins asked for clear direction of what exactly members want added or changed to the plans, so that when they come back for review, that there aren't a whole new set of issues. He also noted that he wants to hear from the Kettler's and the Walters' what exactly they would like to be included.

Mr. Powell, representing the Walters', commented that the Walters are in favor of screen fencing and would prefer a brick wall, but would very much like a shadow-box fence. The retaining wall is tipping forward toward the Walters' property and needs to be reviewed for structural integrity. Also, they would like a decorative face on that concrete wall. He wants "no outdoor music" and hours that the dumpster trucks are allowed to come to the site included in the motion. They want light lumen levels to be dropped and light bulbs to be lowered in intensity as well.

Mrs. Walters commented that she doesn't want the eight-foot drop and wants the concrete wall down. She wants a nice fence to shield their home.

Ms. Szoke noted that she would like this to be postponed until detailed plans are brought back and that the noise issue is addressed.

Ms. Jones suggested planting a dense amount of trees behind the fence to take care of the aesthetics on the residential side and blocking out the noise.

Ms. Kettler wants the back of their house to be shielded from the lights, buffering, and certain hours the dumpster trucks can come there.

Mr. Mullins suggested that the eight-foot retaining wall could be made of concrete with a brick face with ivy vines to grow up on the wall or decorative wall with stone or whatever they prefer.

Chairwoman Thurber requested a cross-section to enable them to determine what the line of sight would be.

Commissioner Steimel noted that he is in favor of the shadow-box fencing with evergreen trees along it.

Mr. Mullins also noted that he is willing to enhance the landscaping on the north property line and a berm to the east as well. He then noted that they can complete the requested items very quickly on the plans.

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Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss regarding case PC-2013-22, Mullins BBQ Restaurant Site Plan, located at 3415, 3437, and 3439 S. Baldwin Road (Sidwells #09-29-126-015, #09-29-126-016, and #09-29-126-017), referencing plans date stamped received by the Township on October 1, 2013, **to postpone action on the site plan** until the petitioner has completed the following: 1)the petitioner shall provide a grading plan; 2)the petitioner shall provide a copy of the cross-access easement agreement with CVS Pharmacy; 3)the petitioner shall include one additional barrier-free parking space; 4)the petitioner shall revise the pole height ordinance requirements from 27 feet down to 20 feet; 5)the petitioner shall meet the lumen levels requirements per Township ordinances; 6)regarding landscaping, the petitioner shall: a)identify the "pine" tree species; b)replace the Silver Maple with a comparable deciduous tree; c)replace the Flowering Crab Apple to a 1.5-inch caliper; d)provide engineering details of the north property line retaining/screening wall, which will be a rock-faced block wall along with some sort of ivy planted in front of it; e)mark on the plans clarifying the watering/irrigation system being installed on the property for all planting areas; 7)the petitioner has agreed to install a shadow-box fence along the north side of the property returning on the east side heading southerly and a six-foot shadow-box effect on the east side of the parking lot and has agreed to a three-foot berm above the parking curb; 8)the petitioner shall provide color renderings to the Planning Commission indicating the roof pitch of the building; 9)the petitioner shall address and meet the storm water management requirements that the Township Engineer has brought forth; 10)the petitioner shall provide cross-sections on the plans; and, 11)Mr. Mullins has noted that he will meet and work things out with the homeowner to the southeast of the property. Roll call vote was as follows: St. Henry, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Pennington, yes; Walker, yes; Thurber, yes. **Motion carried 7-0.**

B. PC-2013-23, Guest House Special Land Use and Site Plan, Located at 1601 Joslyn Road (Sidwell #09-16-476-001).

Mr. Brad Klein, of Steven Auger & Associates Architects, Inc., 214 S. Broadway, Suite 110, Lake Orion, Michigan 48362, commented that they are representing Guest House and gave a brief overview.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use Review correspondence, dated October 29, 2013*. The Planning Commission will need to determine if the Special Land Use conditions are fully met prior to granting the Special Land Use for the new treatment center.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated October 29, 2013*. The site plan is in substantial compliance with the Township's ordinance regulations. However, the Special Land Use must be approved prior to considering the site plan. The following items will need to be addressed: 1)indicate the location of the lights on the site plan; and, 2)submit a photometric plan with light levels meeting ordinance requirements.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Site Plan Review correspondence, dated October 29, 2013*. In our opinion, the site plan, as submitted, is in substantial compliance with the Township's ordinances and engineering standards. We ask

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that site plan approval acknowledge the following: 1)Preliminary storm water detention calculations shall be provided on the plans to ensure that the existing wetlands have adequate storage capacity for the storm water run-off; 2)The 22-foot drive will include an 18-inch curb and gutter, leaving a 19-foot drive aisle. The drive aisle should be widened to a minimum of 22 feet wide; 3)On the west edge of the building, the grading appears to slope rapidly downhill from south to north between the two proposed walks. The slope of this drop currently exceeds the 1:4 maximum. The grading along this side of the building shall either be changed, or a retaining wall with a railing shall be designed; and, 4)The engineering plan, designed in accordance with: 1)Zoning Ordinance No. 78; 2)Storm Water Management and Soil Erosion & Sedimentation Control Ordinance No. 139; and, 3)the Township's Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. C. William Ireland, DPW Director, dated October 15, 2013*. It appears there is adequate water available for this project. Sanitary sewer is not available for this property and it is currently serviced by a private septic system.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. Robert Smith, Fire Chief, dated October 21, 2013*. He has no additional comments as long as they are within compliance of local ordinances and applicable Building and Fire Codes.

Commissioner Steimel commented that the petitioner meets all of the criteria required for special land use approval.

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington regarding case PC-2013-23, Guest House Special Land Use, located at 1601 Joslyn Road, Sidwell #09-16-476-001, referencing plans date stamped received by the Township on October 10, 2013, **to approve the special land use** based upon the following findings of fact: 1)the proposed use is compatible with the adjacent uses in the original special land use that was permitted for the property; 2)it is still consistent and compatible with the Township's Master Plan; 3)there are adequate public services in the area and they will be doing some on-site sanitary sewer; 4)there will be minimum impact on traffic given this is just a small extension of the services that they're currently providing on the site; 5)there are no detrimental effects to the surrounding area or property; 6)they are enhancing the surrounding environment and building the property into the natural grade of the site and it is a nice enhancement and a good way to lay out the property; and, 7)it will not induce an isolation on existing land uses in this area as they are already doing this type of facility currently on the property. Roll call vote was as follows: Dunaskiss, yes; Christie, yes; Steimel, yes; Pennington, yes; Walker, yes; St. Henry, yes; Thurber, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-23, Guest House Site Plan, located at 1601 Joslyn Road, Sidwell #09-16-476-001, referencing plans date stamped received by the Township on October 10, 2013, **to approve the site plan with the following conditions:**

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1)Preliminary storm water detention calculations shall be provided on the plans to ensure that the existing wetlands have adequate storage capacity for the storm water run-off; 2)The 22-foot drive will include an 18-inch curb and gutter, leaving a 19-foot drive aisle. The drive aisle should be widened to a minimum of 22 feet wide; and, 3)On the west edge of the building, the grading appears to slope rapidly downhill from south to north between the two proposed walks. The slope of this drop currently exceeds the 1:4 maximum. The grading along this side of the building shall either be changed, or a retaining wall with a railing shall be designed. Roll call vote was as follows: Christie, yes; Steimel, yes; Pennington, yes; Walker, yes; St. Henry, yes; Dunaskiss, yes; Thurber, yes. **Motion carried 7-0.**

C. 2014 Planning Commission Regular Meeting Dates Resolution

Moved by Secretary Christie, supported by Commissioner Pennington to adopt the 2014 Planning Commission Regular Meeting Dates Resolution as presented and to forward it to the Township Clerk for publishing. Roll call vote was as follows: Steimel, yes; Pennington, yes; Walker, yes; St. Henry, yes; Dunaskiss, yes; Christie, yes; Thurber, yes. **Motion carried 7-0.**

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

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed the draft amendments he has made to Article XXX*.

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie regarding case PC-2013-26, Text Amendment to Zoning Ordinance No. 78, Article XXX, Temporary Use Permits, to set the public hearing for Wednesday, December 4, 2013 at 7:05 p.m. Roll call vote was as follows: Pennington, yes; Walker, yes; St. Henry, yes; Dunaskiss, yes; Christie, yes; Steimel, yes; Thurber, yes. **Motion carried 7-0.**

Planner Wortman and members discussed the draft amendments.

8. UNFINISHED BUSINESS

No items.

9. PUBLIC COMMENTS

None further.

10. COMMUNICATIONS

Chairwoman Thurber overviewed two communications from the Building Official regarding administrative reviews.

11. COMMITTEE REPORTS

None due at this time.

12. UPCOMING PUBLIC HEARING

A. PC-2013-24, Pomeroy Living-Orion Campus Assisted Living Facility Special Land Use Public Hearing is set for Wednesday, November 20, 2013 at 7:05 p.m.

13. CHAIRWOMAN'S COMMENTS

None further.

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14. COMMISSIONERS' COMMENTS

Commissioner Walker noted that he has an article about signs for Commissioner Steimel. He also noted that he recently saw a picture of 1968 University of Detroit graduates that included Mr. Doug Zande, our former Chairman of the Planning Commission.

Secretary Christie offered heartfelt condolences to the families of a local resident and local developers that recently passed away in an airplane crash.

Commissioner Steimel noted that Engineer Stevens was recently knighted by Governor Snyder for the State Board of Engineers. He also commented that he will not be in attendance at the November 20, 2013 regular meeting.

15. ADJOURNMENT

Moved by Commissioner Pennington, supported by Secretary Christie to adjourn at 9:57 p.m. **Motion carried unanimously.**

* Attachment