

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 4, 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
Karyn Pennington, Commissioner

Justin Dunaskiss, Vice-Chairman
John Steimel, BOT Rep. to PC
Joe St. Henry, 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:

Matthew Pisko	Craig Redner	John Kobasa
Donald C. Luby	Tony Diccico	David Sonnenberg
Heather Zull	Fred Hackstock	Sue Hackstock
Raymond Wysocki	Ronald Lunney	Heidi Flateau
Tim Kratz	Amy Rupp	Sarah Gothro
Chris Habel	Len Sznewajs	Gene McNabb, Jr.
Eugene McNabb	Brian Lewandowski	Cheryl Lewandowski
Carol Markers	Mary Painter	Meg Peter
Cyndee Zenas	Dottie Kowalski	Marvin Stone
Heather Muzzy	Sharon Paswater	Mike Becker
Steve Smith	Phoebe Schutz	

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 November 20, 2013, regular meeting minutes and the November 20, 2013, PC-2013-24, Pomeroy Living - Orion Campus Special Land Use 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

None given.

6. CONSENT AGENDA

No items.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013**

7. NEW BUSINESS

No items.

Chairwoman Thurber recessed the regular meeting at 7:04 p.m. and opened the PC-2013-26, Text Amendment to Zoning Ord. No. 78, Article XXX, Temporary Use Permits Public Hearing at 7:05 p.m.

Chairwoman Thurber closed the PC-2013-26 public hearing and reconvened the regular meeting at 7:16 p.m.

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

Mr. Matthew Pisko, of 37704 Hills Tech Drive, Farmington Hills, Michigan, commented that he is representing The Kroger Company of Michigan and The Shops on Waldon Pond shopping center. He then presented an aerial of the subject site and briefly overviewed revisions that they had made to the site plan. He noted that they can comply with the Township Planner's and Township Engineer's comments.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc. overviewed their PUD Major Amendment Review correspondence, dated September 5, 2013*. The setback requirements have been met. The following factors should be considered: 1)The RB-2 zoning district does not allow fueling stations, however a PUD can allow them subject to evidence of appropriate traffic controls, minimal impacts to neighbors, design excellence, etc.; 2)The fueling station will result in a deficiency of 45 parking spaces; 3)The fueling station and underground tanks will require permits and environmental controls from State agencies; 4)Consider the requested waivers and deviations for the wall signs on the canopy and monument signs. The masonry and framing of the monument signs haven't been adjusted as suggested at the March 6, 2013 meeting; and, 6)The applicant and Township Attorney will need to develop a revised PUD Agreement along with updated condominium documents and reciprocal parking easement agreement. The Township may also wish to include traffic safety and internal circulation performance criteria with the Final PUD Agreement. They also do comply with the landscaping and lighting photometric. He also noted that the other tenants in Shops on Waldon Pond have submitted letters in support of the proposed fueling station*.

Mr. James Stevens (Township Engineer), of Orchard, Hiltz, and McCliment, Inc., overviewed their PUD Major Amendment Review correspondence, dated September 3, 2013*. In our opinion, the PUD amendment as submitted is not in substantial compliance with the Township's ordinances and engineering standards. We recommend the following comments be addressed: 1)The internal traffic circulation is less than ideal. If a revised configuration cannot be proposed, the Planning Commission will need to determine whether the potential concerns with internal traffic circulation would still allow the proposed site to meet the PUD eligibility criteria; 2)Cross-section of proposed concrete tank pad and concrete dispenser mat shall be stated on the plans; and, 3)Method of installation for and proposed location of the underground electric shall be stated on the plans.

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013

Mr. Pisko commented that he believes that the kiosk would not generate much traffic.

Commissioner Pennington noted that the Kroger gas station on Sashabaw Road is in the parking lot, however, it's in Kroger's part of the parking lot and not down in front of the other stores. She is also concerned about the traffic and does not see this as ideal.

Secretary Christie overviewed email correspondence received from Ronald and Kathleen Davis, of 2310 Geyer Court, dated November 22, 2013, in opposition to the proposed Kroger gas station*.

Secretary Christie overviewed email correspondence received from Dr. Robert G. Hart, of 2731 Browning Drive, dated November 26, 2013, in opposition to the proposed Kroger gas station*.

Secretary Christie overviewed correspondence received from businesses in the Shops on Waldon Pond shopping center in support of the proposed Kroger gas station, including: 1)Trella Cleaners*; 2)Carrie Lee* (restaurant); 3)Stone's ACE Hardware*; 4)The Salon on Waldon Pond*; 5)Pizzariffic* (restaurant); 6)Dollar Discount*; 7)Subway*; 8)Sharon's Hallmark*; 9)Fabuloso Tobacconist Café*; and, 10)DeHaan Orthodontics*.

Commissioner St. Henry inquired where the exit would be located for the large gas hauler trucks.

Mr. Pisko replied that the trucks would exit onto to Waldon Road and turn right to go to Joslyn Road (later he stated that the trucks would exit onto Waldon Road and turn left to go to Baldwin Road).

Commissioner St. Henry inquired, during what hours would the gas hauler trucks be filling the underground gas tanks.

Mr. Pisko commented that they would be filling the underground tanks during the hours of operation that are the same as the Kroger store's hours. It takes about half an hour to fill a tank. There would be one gas hauler truck per day.

Chairwoman Thurber again overviewed the items to be addressed as stated in Planner Wortman's review letter and Engineer Stevens' review letter. She then noted that she agrees with Commissioner Pennington that the internal circulation is not appropriate for a site like this.

Secretary Christie inquired what her concerns are.

Chairwoman Thurber replied that her concern is strictly about the internal parking area where the truck traffic is designed to go down regular parking aisles as well as increasing the gas station traffic that will be going down aisles that are servicing the retail stores. Also, that the gas hauler truck traffic would now go adjacent to the now relocated handicapped parking spaces.

Secretary Christie noted that he believes this would be similar to Costco's gas station.

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013

Commissioner Pennington noted that the applicant has proposed for the entrance drive to now be the drive that is between the wetland and the bank and that the jog in the drive and then to turn left to go to the gas station is difficult especially for the gas hauler trucks. Regarding the signs, she believes that four wall signs on the canopy are excessive and that the eastern sign and the southern sign are not necessary.

Chairwoman Thurber and Vice-Chairman Dunaskiss agreed.

Members agreed that the multi-tenant monument signs are an improvement and are needed for better visibility.

Secretary Christie and Vice-Chairman Dunaskiss agreed that they don't believe that the 45 fewer parking spaces would be a problem since the various businesses there have different peak times.

Chairwoman Thurber agreed and noted that if the business owners had an issue with it, they would have mentioned it.

Commissioner Walker noted that while the shop owners may not be in favor of fewer parking spaces, they may not mind as much because the customers coming in for gas may shop with their stores as well.

Members discussed that there are no improvements proposed to be made to the entrance/exits to accommodate the larger gas hauler trucks and that it currently is not easy for normal-sized vehicles, let alone tanker trucks.

Commissioner Steimel noted that he is not concerned about allowing the four wall signs and is in support of the large multi-tenant monument signs.

Mrs. Mary Painter, of 2405 Brabant, commented in opposition to the proposed Kroger gas station. This is a neighborhood that includes subdivisions, condos, and a school. The gas station would abut the wetland. When this PUD was designed, it was not intended to have a gas station especially in the middle of the parking lot. She is very concerned about pedestrians', bikers', and drivers' safety and welfare as well as the internal and external traffic congestion this will create. This is not an appropriate location for a gas station. This is a small strip mall consisting of several small shops with the exception of ACE Hardware and Kroger. She has no problem with a Kroger gas station, but it needs to be located somewhere that can support the gas hauler trucks, filling the underground tanks, somewhere where the roads can support it, and away from the residential areas. There are plenty of lots along Baldwin Road that would be more appropriate sites. She is also opposed to a gas station abutting the wetland there.

Mr. Ronald Lunney, of 2875 Walmsley Circle, commented that he believes this gas station would be a big mistake. He noted that there are two to three gas hauler trucks a day going to Costco's gas station and that Costco has much more room for the gas station traffic. He explained how bad the traffic congestion already is currently in this area, especially during rush hours.

Mr. John Kobasa, of 2891 Walmsley Circle, commented that he has lived here for 40 years and lives on the lake in Keatington and is opposed to this gas station, which would only benefit Kroger and not our community. We don't need another gas station in this area, we have plenty of gas stations.

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013

Mr. Mike Becker, owner of Pizzariffic restaurant located in Shops on Waldon Pond shopping center, commented that he is in support of the proposed gas station and believes there is already a continuous flow of trucks that service all the individual shops in the shopping center every day and that they use the center drive out to Baldwin Road. He doesn't believe that extra trucks will make any difference. He believes it would help his business.

Mr. Steve Smith, of 1807 Hunters Lane, commented that he is on the Board of Directors of the Scripps Lakeview Condo Association and the Keatington Beach Association. He is strongly opposed to this project and is concerned about pollution of Voorheis Lake that was created to be the holding pond for all the run-off water for the area. This is an inappropriate location for a gas station.

Engineer Stevens noted that they do meet the storm water requirements.

Chairwoman Thurber overviewed a petition in opposition to the proposed gas station that was submitted back in September 2013 and was signed by 180 residents, noting the traffic concerns and urging the Planning Commission for a denial*.

Mr. Tony Dicicco, commented that he manages the Sharon's Hallmark store and that he is in support of the proposed gas station and that they do welcome the additional traffic in hopes of increasing their business.

Moved by Commissioner Steimel, supported by Commissioner Pennington regarding case PC-2013-03, Shops on Waldon Pond Planned Unit Development (PUD) Amendment to construct Kroger Fuel Facility D-649, located on the southeast corner of Baldwin and Waldon Roads, **to recommend denial to the Township Board of Trustees** based on the fact that the gas station is not allowed in this zoning district and there does not appear to be support in the surrounding neighborhood community to, in essence, change the zoning to allow this gas station to be in here.

Commissioner Steimel commented that the Board of Trustees may choose not to follow our recommendation. There is much public input in opposition to this project, so he is recommending denial.

Commissioner Pennington noted that she is not against having a Kroger gas station and if it were located on a site such as PNC Bank, she would have a completely different opinion on it.

Chairwoman Thurber noted that she agrees and that she largely struggles with the fact that it normally would not be a permitted use within this zoning district.

Roll call vote was as follows: Walker, yes; St. Henry, yes; Dunaskiss, yes; Christie, no; Steimel, yes; Pennington, yes; Thurber, yes. **Motion carried 6-1.**

B. 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 their correspondence dated November 25, 2013* and the

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013

proposed text amendment language*. Based upon comments received at the November 20, 2013 Planning Commission regular meeting, they have revised the temporary use regulations of proposed temporary use. The following changes are noted for your attention: 1)The National Fire Protection Assoc. Standard (#1124, 2006) has been added on page two; 2)The Zoning Board of Appeals shall deny temporary use permits for open air businesses if the requested temporary use is located within one mile of another; and, 3)A performance bond, letter of credit, or other security has been re-inserted on page three.

Commissioner Steimel noted that he is satisfied with the revisions that they've done. Regarding the fees, the Board of Trustees is the body that determines the fees. He also noted that a negative is that when vendors come in from out of town and out of state with a temporary business and take sales away from our permanent tax-paying business owners, this will help with that as well.

Members briefly discussed the revisions.

Moved by Commissioner Pennington, supported by Secretary Christie regarding case PC-2013-26, Text Amendment to Zoning Ordinance No. 78, Article XXX, Temporary Use Permits, **to recommend adoption to the Township Board of Trustees** with the revisions as noted in Planner Wortman's correspondence dated November 25, 2013 and with the revisions discussed this evening. 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.**

C. PC-2011-03, Text Amendment to Zoning Ordinance No. 78, Lapeer Road Overlay District

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their correspondence dated November 27, 2013* and the proposed map and text amendment language*. Revisions are to the following zoning districts: OP-2, GB-2, LI-1, LI-2, and IP. Each district is modified to add additional commercial uses, such as kitchen/bath showrooms, automotive accessories, banks, restaurants, hotels/motels, etc. The latest draft revisions also include site and building design requirements, landscaping, and general development standards. While the primary goal of the Lapeer Road Overlay District is to permit additional uses along Lapeer Road, the proposed standards also aim to enhance the visual aspects of the Lapeer Road corridor through consistent and attractive architecture, landscaping, and screening. Section 35.04 of the draft ordinance promotes the following design standards, among others: 1)Customer entrances oriented toward Lapeer Road; 2)Parking areas located in the side and rear lots; 3)Consistent greenbelt landscaping; 4)Attractive building facades featuring transparent design features; 5)High-quality building materials; and, 6)Proper screening of mechanical equipment and trash areas.

After brief discussion by Planner Wortman and members, Planner Wortman will bring right-of-way information and setback information the next time this is placed on the agenda.

9. PUBLIC COMMENTS

None further.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING - WEDNESDAY, DECEMBER 4, 2013**

10. COMMUNICATIONS

Chairwoman Thurber overviewed correspondence received from Oakland Township regarding their December 10, 2013 public hearing for a Special Accommodation Use to allow senior housing development.

11. COMMITTEE REPORTS

None due at this time.

12. UPCOMING PUBLIC HEARING

None scheduled at this time.

13. CHAIRWOMAN'S COMMENTS

None further.

14. COMMISSIONERS' COMMENTS

Commissioner Steimel noted that members worked hard on the Kroger gas station case since it was not an easy decision.

Secretary Christie congratulated Mr. Joe Zimmer who was just voted Businessman of the Year here in Lake Orion.

Commissioner St. Henry noted the importance of supporting our local businesses.

15. ADJOURNMENT

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss to adjourn at 9:11 p.m. **Motion carried unanimously.**

* Attachment