

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

******* MINUTES *******

REGULAR MEETING - WEDNESDAY, MAY 1, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 1, 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	

BOARD OF TRUSTEES MEMBERS PRESENT:

Chris Barnett, Township Supervisor	Penny Shults, Township Clerk
Mark Thurber, Township Treasurer	Mike Flood, Trustee
John Steimel, Trustee	Neal Porter, Trustee
Donni Steele, Trustee	

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

John Accomando	Cathy Stieber	Catherine Stieber
Carl Stieber	JoAnn Van Tassel	Daniel Wodmer
Bryan Mutchler	Aldi Veits	Frank Ivlianelli
Janice Meldrum	Brian Cooper	Diana Kerwin
Cynthia Anglea	Janet Lane	Don Gross
Tim Brodoski	Michael Traftone	Laurie Traftone
Ed Weglarz	Kevin Royce	Raj Jain
Carrie Hilgendorf	Dan Cloud	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.

Clerk Shults took roll call for the Board of Trustees for their special meeting.

Commissioner Steimel was absent (Trustee).

3. MINUTES

Moved by Secretary Christie, supported by Vice-Chairman Dunaskiss to approve the April 3, 2013 regular meeting minutes as presented. **Motion carried 6-0** (Steimel was absent).

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie to approve the agenda as presented. **Motion carried 6-0** (Steimel was absent).

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5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

Ms. JoAnn Van Tassel, of 2726 Saturn, commented that she is a member of the Lake Orion Lions Club and that this is the 75th Anniversary of the Lake Orion Lions Club being established. This is also White Cane Week and she urged all to be very generous because all of the funds go to support their prime project, which is aid to the blind and the visually impaired.

6. CONSENT AGENDA

No items.

Chairwoman Thurber recessed the regular meeting at 7:03 p.m. and opened the PC-2013-07, Orion Commons Planned Unit Development (PUD) Joint Public Hearing with the Township Board of Trustees at 7:05 p.m.

Commissioner Steimel joined the meeting at 7:05 p.m.

Chairwoman Thurber closed the PC-2013-07 Public Hearing at 8:37 p.m.

Moved by Clerk Shults, supported by Trustee Steele to adjourn the Board of Trustees' special meeting at 8:39 p.m. **Motion carried unanimously.**

Chairwoman Thurber announced a break at 8:39 p.m. and reconvened the regular meeting at 8:48 p.m.

7. NEW BUSINESS

A. PC-2013-07, Orion Commons Planned Unit Development (PUD) Eligibility and Concept Plan, SW Corner of Scripps and Lapeer Roads, Sidwell #09-23-100-001

Mr. David Walters, of Lormax Stern Development Company, LLC, 6755 Daly Road, West Bloomfield, Michigan 48322, noted that he was there on behalf of the petitioner. Also, that he is an Orion Township resident at 998 Seneca. Their team on this project includes: Mr. Jim Butler, of Professional Engineering Associates, 2430 Rochester Court, Suite 100, Troy, Michigan 48083; Mr. Jason Horton, also of Lormax Stern Development Company, LLC; and, Mr. Bob Halso, of Pulte Homes (no business address was provided), their residential partner on the project.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their PUD Concept Plan Review correspondence dated April 23, 2013*. Of particular note is the requirement for a recognizable community benefit. This can be achieved through excellence in natural resource preservation, quality design, and/or traffic mitigation. The Planning Commission will be evaluating the eligibility of this PUD during discussions of the concept PUD plans. The traffic impacts at the Scripps and Lapeer Roads intersection are also of particular concern. Meetings with MDOT and RCOC will be held. Driveway configuration, turning lanes, signalization, and intersection improvements will be closely reviewed during the analysis of this plan. It is important that the applicant help mitigate the impacts of the generated traffic and provide an overall improvement to the level of service for the intersection and adjoining roadways. The applicant needs to be more specific regarding the proposed commercial uses as well as the proposed design arrangement and architectural quality.

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Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their PUD Concept Plan Review correspondence dated April 23, 2013*. There is existing sanitary sewer and water that would service the site. Regarding storm water management, they do have proposed detention basins on-site and sedimentation basins as well. However, they've asked the applicant for additional information regarding drainage on surrounding sites. The traffic issues will have to be addressed. MDEQ will have to review the wetlands on-site. He then briefly reviewed the findings of the traffic study. He also noted the importance of knowing the types of businesses that may go on the site.

Commissioner Steimel noted that the site is at the headwaters of Trout Creek, so we can't have a lot of extra water going into that. We want time for the sediment to settle. We don't want to change the temperature of that creek since it is home to a lot of wildlife in this area, so we need to be sensitive to that site.

Mr. Butler noted that they are aware of that and they have some good ideas on how to mitigate that.

Commissioner Steimel noted that you could maybe turn that into a win-win, if you could turn what you're trying to do to mitigate that into a feature for your development to look better.

Engineer Stevens commented that he, the applicant, and Mr. Ireland will be working together on the sanitary sewer system. Meetings with MDOT and RCOC need to be held with the applicant and their consultants as well as Township consultants to work out the traffic issues that this site will generate. Driveway configuration, turning lanes, signalization, and intersection improvements, etc. will need to be addressed.

Commissioner Steimel noted the importance of removing the zoning districts that the applicant had on the concept plan since the current zoning is actually Suburban Estates and is proposed to be rezoned to PUD.

Commissioner Walker noted his concern that he fails to see a recognizable community benefit being offered.

Mr. Butler commented that in their narrative in their application, there is talk of high-quality development, quality of open space preservation of natural features that are above and beyond what could be on the underlying zoning.

Commissioner Steimel noted that if they're considering high-quality structures and landscaping, then that needs to be noted on the plans as well as any other items that they are considering to be a recognizable community benefit. Since you're asking for considerably higher density than what would be allowed under the current zoning, there needs to be more community benefit. This needs to be evaluated even in the concept plan stage and needs to be a part of the presentation.

Chairwoman Thurber suggested having more buffer on Scripps Road may provide a benefit.

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Mr. Butler noted that he would discuss it with the developer.

Chairwoman Thurber inquired whether the streets in the development would be public or private.

Mr. Butler noted that it hasn't yet been determined. They are currently discussing that.

Commissioner Steimel noted that if they are private, he would expect the maintenance to be included in the PUD Agreement.

Mr. Walters commented that their concept plan is pretty close to what you're going to get. However, right now they do not know what MDOT will require for accel/decel lanes or allow them for curb-cuts in the business areas. They do not know what elevations the Township will require of them for the commercial other than knowing it's going to have to be to a high standard and that's the concept that it's going to have to be done to a high standard. On the traffic, it's an extraordinarily complicated intersection and this issue will be the most discussed issue of this project. They and Township consultants are all trying to get to the same end, with a safe traffic flow.

Commissioner Pennington inquired whether the applicant did any research to determine whether condos are being developed in this area, because she would hate to see more empty buildings in the Township.

Mr. Walters noted that there is a difference between condos and what they are proposing, which are duplexes and there is a great demand for them now that has to do with the demographic shift with the older population.

Secretary Christie inquired whether the applicant has received preliminary comments from the State or the County that's going to allow them to access onto M-24 like they're proposing to do.

Mr. Butler noted that they have submitted plans to MDOT for their review of Lapeer Road (M-24) and to RCOC for review of Scripps Road as well.

Planner Wortman inquired whether it would be possible to determine when you'll have a report back from MDOT or the RCOC.

Mr. Butler noted that he can make some phone calls.

Mr. Don Gross, of 1974 Avon Glen Lane, commented that he has been doing planning for 38 years and was a Planning Director and Community Development Director for a community in southeast Michigan for a long time. He has been through a lot of these and what his experience tells him is that once a project has been given a preliminary go-ahead, the other agencies that are involved seem to act a little bit quicker than when they're just ideas. He suggested that a conditional recommendation of approval be forwarded on to the Board of Trustees and unless those conditions are complied with when it comes back to you for final approval, they'd be kind of in jeopardy of getting their final approval. We could list a number of conditions as to what those conditions might be. Permit the concept plan only for the residential sections subject to the provision of details being provided at the final approval, such as, submission of residential elevations and floor

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plans; completion of the traffic analysis and the commitment by the developer to determine their responsibility; completion of the storm water management plan; if you want to, include the retail uses into the design guidelines for the retail uses; the landscaping plans and maintenance agreement for the residential and retail sections; non-motorized plan for the internal and external portions of the property; a draft contract for the development plan, which would pick up all the other stuff that you'll think of in the next few weeks. In recognition of the time that has been spent so far, a lot of the agencies, such as, RCOC, MDOT, MDEQ, once they see that a plan is real or has the semblance of being real, they tend to act a little bit quicker than when it's just a concept plan.

Chairwoman Thurber noted that just with her own notes of issues that she would like to see before acting on the concept plan and that it would be a lot of conditions to forward on to the Board of Trustees. She would like to have the information before forwarding it on to the Board of Trustees.

Commissioner Steimel noted that it is not their practice to make a recommendation to the Board of Trustees listing conditions. Currently he can't make a motion currently saying how it meets the criteria, because currently it doesn't.

Planner Wortman noted that there are a lot of loose ends that need to be resolved before going on to the Board of Trustees.

Mr. Walters commented that he believes that a concept plan does have many unknowns. He noted that the process is not clear to him.

Commissioner Steimel noted that on the PUD application it talks about the eligibility requirements and in this presentation it has not been spelled out. They need to demonstrate why they think they should be eligible for a PUD and go by the eligibility criteria in the PUD ordinance. They need to show that in the concept plan. If we make a motion here, it should be made based on whether we feel that it meets the eligibility criteria and the reasons why. One of them is whether it is detrimental to the areas around it and also what the community benefits would be for allowing a PUD. There has been no evidence shown tonight. There currently are no facts to support a motion.

Mr. Walters noted that he included the information he thought they needed on their PUD application. He acknowledged that they do have a lot of work to do on this project.

Commissioner St. Henry commented that members will have to answer to the Township residents about what they think about the current home market and what they think about empty store fronts up and down M-24. If you can prove in writing and convince us that a condo development is beneficial to this community for x, y, and z reasons and why your commercial development will make a beneficial difference in this community when people see empty store fronts. These are the questions people ask us. Even tonight there were residents noting that we don't need any more homes since there are still so many standing vacant. You need to spell out the community benefit portion literally so that can be conveyed.

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Mr. Walters commented that he thinks they have addressed community benefit according to his interpretation of the ordinance. Also, that they won't build the retail until they have 75% to 80% filled to capacity. He noted that they will show community benefit during the final plan.

Planner Wortman noted that his main concern is the impact on traffic. They have submitted their plans to MDOT and RCOC, but have not yet received their reviews.

Engineer Stevens noted that it would probably be unlikely that MDOT would make comment to the applicant before they finish their own study at that intersection.

Planner Wortman inquired whether there is a middle ground that we could reach with this.

Engineer Stevens noted that what it boils down to is: 1) as this PUD progresses, assuming that it progresses with some unknowns, there is a risk from the development side as to what those requirements would be, because it boils down to the cost of the development; and, 2) it also comes back to this body if those requirements are very significant, it also would put you in a little bit of a unique position in that you've already started to go down that road. So that to me is somewhat of the positives and the negatives of moving forward with some of the unknowns. For example, if MDOT should require \$1 million worth of improvements, then it's a risk for them to move forward, because they would incur those efforts and costs with that unknown out there. But then it's also a bit of a risk for the Township's side of things that you may be pushed into a corner where that improvement is so significant that you would be put in a position if you relax that requirement from MDOT in order to move forward. In terms of, to me, the benefit of what MDOT is doing is because of it being a potential for a coordinated effort with their 2015 project. He is a little less concerned with the coordination of the mitigated impacts at M-24 and Scripps Road, because MDOT is in the process of doing their own project. Those are some of the concerns that you run into with moving forward with something with some basic concerns.

Chairwoman Thurber noted that one of the eligibility criteria is the Master Plan and while the write-up does say that it's within the spirit and intent of the Master Plan, it is inconsistent with the Master Plan designation. A little bit more needs to be clarified on the reasons why it does or does not meet the spirit and intent of the Master Plan.

Secretary Christie noted that it sounds like members are uncomfortable with moving forward at this point.

Commissioner Steimel noted that their application is quite vague in some of the areas and he does not feel comfortable at this point recommending approval since they don't have all the information they need. In increasing the density to 200, what is the community benefit in exchange for that. That's in the process for a PUD.

Mr. Walters noted that he doesn't understand what members want and that he thought he was going in accordance with the ordinance.

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Commissioner Walker commented that the applicant needs to do what is required under our ordinance. Our Township Planner and Township Engineer are our consultants and in their reports, you were lacking. He suggested that the applicant may want to postpone their case until they can address the issues.

Planner Wortman commented that the details of the natural feature preservation, specifically the storm water details, and they talked about Brooks Williamson's thoughts on Trout Creek and the surface water quality and storm water quality, that all needs to be provided and more information on the traffic mitigation, specifically while you may not have MDOT's information yet, at least obtain communication from RCOC. He recommended getting corner amenities for pedestrians and at the plaza with some type of demonstration or concept design that would provide some community benefit there at the corner. The requested sidewalks for the duplex area has not been articulated. Also, better articulation of internal circulation for pedestrians could be shown. Although Mr. Walters provided him with architectural standards from one of their other projects, the Planning Commission does not have those details, so there is a demonstration of architectural quality that could be provided to the Planning Commission. The applicant needs to do a better job of telling us why what you're proposing is consistent with the Master Plan or why the Master Plan is out of date. We need Scripps Road details as far as how far they will be paving, the safety path issue, cross-sections, landscaping along Scripps Road details, this additional information on a conceptual level for community benefit, which would also help to answer the eligibility criteria questions.

Chairwoman Thurber commented that she would like the answer to whether it is going to have private or public roads in the development.

Mr. Walters inquired that if members have any issues with the landscaping plan, he would like to know what they are.

Chairwoman Thurber replied, we discussed a few items looking at Scripps Road and maybe shifting it down so that there's more screening between the safety path and those residents.

Engineer Stevens noted that an additional comment he'd like to make is that their recommendation is that they see an updated traffic study, especially considering some of the comments you talked about with the schools. They did have two days they did turning movement counts, but nonetheless that needs to be looked into and addressed. The additional comments we had with regard to the traffic study, outside of getting feedback from RCOC and MDOT, which may or may not happen, the updated traffic study per these comments should be provided, that's our recommendation.

Chairwoman Thurber commented that if open space is going to be used as a recognizable benefit, the open space needs to be designated or defined as open space versus storm water management.

Commissioner Steimel noted that the applicant needs to clarify their comments regarding the traffic study.

Moved by Secretary Christie, supported by Commissioner Steimel PC-2013-07, Orion Commons Planned Unit Development (PUD) Eligibility and Concept Plan,

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located at the southwest corner of Scripps and Lapeer Roads, Sidwell #09-23-100-001, **to postpone action for the following reasons:** 1)we ask the applicant for some elevation drawings pertaining to the residential communities; 2)that the applicant define the storm water management and wetland natural features details; 3)that the applicant provide more cross-section detailing regarding the screening and safety path along Scripps Road; 4)that the applicant address the recognizable community benefit of primarily the corner of M-24 and Scripps Road and give the Township a little conceptual drawing of what your thoughts are for there; 5)that the applicant address and revise an updated traffic study and the non-motorized plan, i.e., adding sidewalks in the multi-family area and internal circulation; 6)tell us why you feel that the Master Plan is outdated; 7)phasing and whether the roads will be private or public; and, 8)that this information can be an addendum to the current plans and does not have to be an entire new set of concept plans, for example, copies of elevations, a sketch, a statement saying that the drawings will be updated to show certain things.

Mr. Walters commented that he thinks this is completely reasonable and has no problem with this whatsoever and it's just going to make everybody's job easier going forward and that's the process.

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.**

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None further.

10. COMMUNICATIONS

Chairwoman Thurber noted that there were two communications, from our Building Official regarding administrative reviews, in the meeting packet for members' information.

Commissioner Steimel noted that on the one for Orion Square he doesn't have any issues with it, but the elevation titles on the drawing are labeled wrong. The north and south elevations are labeled incorrectly and should be corrected on the plans of record.

Chairwoman Thurber commented that one of the communications was regarding case PC-2013-08, Orion Square Revised Site Plan Administrative Review for a change in façade, which was administratively approved by the Building Official. The other case that was administratively approved by the Building Official was case PC-2013-05, Ashley Orion Commerce Center Administrative Review to construct a retaining wall and a pad for a compactor.

11. COMMITTEE REPORTS

Chairwoman Thurber commented regarding the Site Walk Committee's Report (included in this meeting's packet) for case PC-2013-07, Orion Commons PUD, which was held on April 17, 2013. There are three more site walks coming up: 1)PC-2013-11, Orion Sports Bar Outdoor Patio SLU on May 2, 2013 at 6:00 p.m.; 2)PC-2013-13, Sonic Restaurant Site Plan on May 7, 2013 at 6:00 p.m.; and,

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3)PC-2013-12, KPMF Investments USA, LLC Site Plan on May 7, 2013 at approximately 6:45 p.m.

12. UPCOMING PUBLIC HEARING

A. Public Hearing Scheduled on May 15, 2013 at 7:05 p.m.: PC-2013-11, Robert Moore/Orion Sports Bar Outdoor Patio Special Land Use, 1172 Lapeer Road, (Sidwell #09-14-201-009).

13. CHAIRWOMAN'S COMMENTS

Chairwoman Thurber thanked the public for their participation in the public hearing tonight.

14. COMMISSIONERS' COMMENTS

None further.

15. ADJOURNMENT

Moved by Secretary Christie, supported by Commissioner Pennington to adjourn at 10:51 p.m. **Motion carried unanimously.**