

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, JUNE 19, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 19, 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.
Jim Stevens (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM)
Tammy Girling, Planning/Zoning Coordinator

OTHERS PRESENT:

Marty Scypinski	Judith Gonzales	Mack Gonzales
Darrell Eickholdt	Jim Butler	Fred Rafou
Damon Garrett	Curtis W. Phillips	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 Secretary Christie, supported by Vice-Chairman to approve the June 5, 2013 regular meeting minutes as presented. **Motion carried 7-0.**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

No comments.

6. CONSENT AGENDA

No items.

7. NEW BUSINESS

A. PC-2013-14, Fed-Ex Ground Expansion Phase II - Parking Lot Site Plan. 1601 Brown Road, Located at the Intersection of Brown Road and Giddings Road, Sidwells #09-34-300-022 & #09-34-300-027

Mr. Jim Butler, of Professional Engineering Associates, 2430 Rochester Court, Suite 100, Troy, Michigan 48083, was present and overviewed this proposed expansion and brief history of the site. The parking lot expansion is needed due to the increase in their business.

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Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated June 11, 2013*. The plans, as submitted, are not in substantial compliance with ordinance standards. The following items remain to be addressed before final site plan approval: 1) Provide a note indicating which trees are to be preserved as part of the tree preservation requirement for Lot #8; 2) Seek a waiver from the Planning Commission regarding the greenbelt waiver (Section 18.05.E.5) or combine the lots; and, 3) Provide parking lot lights and a photometric plan in order to provide adequate lighting for the site and to comply with Section 27.11.

Mr. Jim Stevens (Township Engineer) of Orchard, Hiltz, & McCliment, Inc. (OHM) briefly overviewed their Site Plan Review correspondence, dated June 13, 2013*. They do find it in compliance with the Township's ordinances and engineering standards and noted that they just have a few items regarding the storm sewer and detention that the petitioner will need to provide those details during engineering review.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. Bob Smith, Fire Chief, dated June 18, 2013*. He has no additional comments as long as they are within compliance of local ordinances and applicable Building and Fire Codes.

Chairwoman Thurber overviewed Site Plan Review correspondence received from Mr. C. William Ireland, DPW Director, dated May 30, 2013*. No additional sanitary sewer and water is required for this project.

Chairwoman Thurber also noted that there is a Site Walk Report from the Site Walk Committee for the subject site that was conducted on May 29, 2013 at 6:00 p.m. that was included in the meeting packet for members' review*.

Commissioner Pennington inquired whether there are any plans for lighting.

Mr. Butler replied, yes, we will be submitting a plan for lighting and make it in compliance with that section of the zoning ordinance. We will also be combining the lots with the existing parent parcel that is there. It is being worked on as of now and we will be submitting that application.

Chairwoman Thurber inquired, so you'll just combine Lots #8 and #15, but the right-of-way will go up to the property line?

Mr. Butler replied, yes.

Moved by Secretary Christie, supported by Commissioner Pennington regarding case PC-2013-14, Fed-Ex Ground Expansion Phase II - Parking Lot Site Plan. 1601 Brown Road, which is located at the intersection of Brown Road and Giddings Road, parcel Sidwells #09-34-300-022 & #09-34-300-027, **to approve the site plan with conditions**, referencing plans date stamped received by the Township on May 17, 2013. The conditions are as follows: 1) that the petitioner shall add notes on the drawings showing which trees are going to be preserved as part of the tree preservation requirement; 2) that the petitioner shall provide the proper paperwork for combining Lots #8 and #15; and, 3) that the petitioner shall provide parking lot lights and photometric plan in order to provide adequate lighting for the site and to comply with

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Zoning Ordinance No. 78, Section 27.11. 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.**

B. Recommend Joint Meeting with the Board of Trustees, Planning Commission, and Zoning Board of Appeals

Chairwoman Thurber overviewed correspondence to the Planning Commission, received from Ms. Tammy Girling, Planning/Zoning Coordinator, dated June 17, 2013, regarding having a joint special meeting with the Board of Trustees and the Zoning Board of Appeals, to discuss Township initiatives, such as the Lapeer Road Overlay District, combining zoning districts, and any other issues the Planning Commission would like to discuss*. She then asked members if they have any suggestions of topics that they'd like to discuss.

Commissioner Walker suggested discussing possible text amendments to Sign Ordinance No. 138.

Moved by Vice-Chairman Dunaskiss, supported by Secretary Christie to recommend to the Board of Trustees that their joint special meeting with the Planning Commission and Zoning Board of Appeals be scheduled on Wednesday, August 7, 2013 at 5:30 p.m. **Motion carried unanimously.**

8. UNFINISHED BUSINESS

A. PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072

Mr. Damon Garrett, Operations Manager, Metro Consulting Associates, LLC, 45345 Five-Mile Road, Plymouth, Michigan 48170, was present and gave a brief history of the project and the revisions they have made as well as the waivers they need from the Planning Commission and the variances they need to request from the Zoning Board of Appeals (ZBA). He then overviewed their correspondence, dated June 6, 2013, regarding the Township consultants' concerns from the first site plan review*.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated June 12, 2013*. The revised design has the advantage of providing additional buffer to the residential property to the southeast. However, setback and greenbelt deficiencies still exist with this option. We also believe that there will be congestion as cars egress the Sonic site via the Taco Bell site. The submitted site plan is not in substantial compliance with the Township's Zoning Ordinance No. 78 regulations. The petitioner will need to revise the drawings, seek waivers from the Planning Commission and/or seek variances from the Zoning Board of Appeals. The following items will need to be addressed: 1)Modify the location of the south overhead canopy and north building elevation or seek variances from the ZBA for side yard setbacks (Section 34.02); 2)Driveway areas are within thirty feet of a residentially-used property (Section 34.02.D). The design will need to be modified or a waiver sought from the Planning Commission; 3)Petitioner will need to address ingress/egress issues as well as comments from OHM and the Road Commission for Oakland County (RCOC); 4)Township Engineer approval of the storm water management and on-site utilities; 5)Planning Commission to consider waiving front greenbelt requirement along Baldwin Road (Section 34.02); and, 6)Planning Commission to consider waiving northern 20-foot greenbelt requirement between two uses (Section 34.02).

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Mr. Jim Stevens (Township Engineer) of Orchard, Hiltz, & McCliment, Inc.(OHM), overviewed their Site Plan Review correspondence, dated June 12, 2013*. In their opinion, the revised site plan as submitted, is not in substantial compliance with the Township's ordinances and engineering standards. They recommend the following comments be addressed: 1)The petitioner shall revise their site layout to provide a separation between the drive-thru lane and the inbound drive lane as well as eliminate the traffic conflict between the vehicles turning north to exit the drive-thru and the inbound traffic from Baldwin Road; 2)Address cross-access drive to the south property; and, 3)Fix the typos on Sheet C5.

Chairwoman Thurber offered time for public comments on this case.

Mr. and Mrs. Mack Gonzales, of 4884 Georgia, inquired whether the 20-foot variance request would go to the Planning Commission or the ZBA.

Planner Wortman noted that variances go to the ZBA, but waivers can be issued by the Planning Commission. The Planning Commission does not have the authority to issue a variance on the side yard setback on the north side or the side yard setback on the south side since that is the responsibility of the ZBA, which is a separate body. The buffer that is closer to the Gonzales' property, the buffer on the front and the buffer on the north side can be waived by the Planning Commission.

Mrs. Gonzales inquired, what would protect them in their back yard? If waived, the traffic would only be ten feet from their property.

Planner Wortman noted that the Planning Commission will need to evaluate that and determine whether or not there is reason to issue the waiver.

Moved by Commissioner Steimel, supported by Vice-Chairman Dunaskiss regarding case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072, **to waive** the 20-foot landscape buffer requirement in the front yard, which is the west side of the property and adjacent to Baldwin Road.

Chairwoman Thurber inquired whether Taco Bell was granted that same waiver.

Planner Wortman noted that, that requirement was created when the BIZ zoning district was created.

Mrs. Gonzales noted that there is a buffer for Taco Bell.

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.**

Moved by Commissioner Steimel, supported by Secretary Christie regarding case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072, **to waive** 20 feet of the 30-foot greenbelt buffer requirement on the north side of the property due to the fact that the site is very difficult to fit it in and he prefers to have the whole site pushed to the north to try to create the buffer to the south and it helps with the circulation. Roll call vote

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

Mr. Darrell Eickholdt, of 4834 Georgia Drive, inquired whether Taco Bell has agreed to sharing the driveway.

Mr. Garrett replied that they do have a reciprocal access agreement with Taco Bell that was done two or three years ago.

Mr. Eickholdt inquired whether Taco Bell has seen this site plan.

Mr. Garrett replied that Taco Bell has not seen this revised plan, but that they will absolutely show it to them.

Moved by Secretary Christie, supported by Commissioner Steimel regarding case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072, **to waive** 20 feet of the 30-foot required driveway to residential setback on the southeast side.

Planner Wortman noted that another option could be a landscape easement if the applicant would agree to provide additional landscaping on the Gonzales' property, but that would require a landscape easement.

Mr. Garrett inquired whether that would be something that the Gonzales' would consider.

Mrs. Gonzales replied that they'd rather be bought out.

Mr. Martin Scypinski, owner of this site, commented that they will come to an agreement on additional land. The Gonzales', his step-mother, and he will come to an agreement.

Chairwoman Thurber commented that, that would involve a postponement until we have an agreement.

Mr. Scypinski replied that this is a tonight thing and if no one wants the deal and they don't want to sell their house, it's a tonight thing, he also noted that he could leave it this way for another 30 years if it needs to be, but doesn't want it to just bounce back and forth for a long time. In about a week or ten days he could be a little more direct in what he's saying, but as of this moment he can say that the Gonzales family won't have too much stress in their life.

Chairwoman Thurber noted that Mr. Scypinski is the property owner of the subject site and that does give him the authority to make that kind of a statement.

Mr. Scypinski noted that he would like to come to an agreement with the Gonzales'.

Roll call vote was as follows: Pennington, no; Walker, no; St. Henry, no; Dunaskiss, yes; Christie, yes; Steimel, yes; Thurber, yes. **Motion carried 4-3.**

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Moved by Commissioner Steimel, supported by Commissioner Pennington regarding case PC-2013-13, Sonic Drive-In/Drive-Thru Restaurant Site Plan, Vacant Parcel on East Side of Baldwin Road and North of Brown Road, Sidwell #09-32-377-072, **to deny the site plan based on two setback deficiencies:** 1)the side yard setback on the north side of the property should be 20 feet and is only 10 feet; and, 2)the side yard setback on the south side of the property should be 20 feet and is only 15.55 feet. Also, we have been presented tonight with some potentials as far as changing curbing and striping to the north side of the property and an expansion of the ingress/egress of the driveway that does make circulation in the property slightly better. However, if the petitioner chooses to go to the Zoning Board of Appeals (ZBA) to request these variances and if the variance requests are granted, and they make the changes as presented to us tonight to the site for the curbing and the enlargement of the driveway, then the petitioner will not have to return to the Planning Commission and the site plan would be in compliance, along with the waivers we granted earlier, and we would then consider the site plan as approved. Also, that the petitioner shall provide the width of the cross-access driveway to the south.

Commissioner Walker noted his concern regarding Fire Chief Smith's site plan review letter, to making sure that what we're approving now, the new configuration, would be approved by Fire Chief Smith.

Commissioner Steimel noted that he does not believe the new configuration would make it any worse than it is now.

Chairwoman Thurber read aloud the Site Plan Review correspondence received from Fire Chief Smith, dated June 18, 2013*.

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.**

B. Consider Cancelling the July 3, 2013 Planning Commission Regular Meeting

Moved by Secretary Christie, supported by Commissioner Pennington **to cancel** the July 3, 2013 regular meeting of the Planning Commission due to the lack of agenda items. 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.**

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None further.

11. COMMITTEE REPORTS

None at this time.

12. UPCOMING PUBLIC HEARING

There are no Planning Commission public hearings scheduled at this time.

13. CHAIRWOMAN'S COMMENTS

No further comments.

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14. COMMISSIONERS' COMMENTS

No further comments.

15. ADJOURNMENT

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Steimel to adjourn at 8:08 p.m. **Motion carried unanimously.**

* Attachment