

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING - WEDNESDAY, AUGUST 7, 2013

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 7, 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:

Mike Sermo	Gene McNabb, Jr.	Eugene McNabb
John Wyeth	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 Commissioner Steimel to approve the July 17, 2013 regular meeting minutes as presented. **Motion carried 7-0.**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY

No comments were given.

6. CONSENT AGENDA

No items.

7. NEW BUSINESS

A. PC-2013-16, US Farathane Corporation Outdoor Storage and Storage Silos Site Plan, 4872 S. Lapeer Road (M-24)

Mr. Mike Sermo commented that he is the General Manager of US Farathane Corporation, Orion Township Plant, at 4872 Lapeer Road. He then gave a Power Point presentation of the proposed site plan for outdoor storage and storage silos that will be located in the rear area of the site.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence, dated July 31, 2013*. The site plan, as submitted, is in substantial compliance with the Township's

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ordinances. The following item should be addressed to the satisfaction of the Planning Commission prior to final site approval: 1) Verify number of barrier-free parking spaces on Sheet 101. They just need to make that final modification.

Commissioner Steimel noted that he is not concerned if there are fewer parking spaces since in the approved site plan, the petitioner had provided many more spaces than were required by ordinance.

Commissioner Walker inquired of the petitioner whether they're prepared to make the final modification to Sheet 101 as stated by Planner Wortman.

Mr. Sermo stated, yes.

Moved by Secretary Christie, supported by Commissioner Steimel regarding case PC-2013-16, US Farathane Corporation Outdoor Storage and Storage Silos Site Plan, located at 4872 S. Lapeer Road (M-24), referencing plans date stamped received by the Township on July 17, 2013, **to approve site plan with the following condition:** 1) That the petitioner shall revise Sheet 101 of the plans regarding the barrier-free parking. 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. Discussion of Ordinance No. 99, Earth Balancing and Excavation

Commissioner Walker noted that the Zoning Board of Appeals has had a number of issues. The last complication they had with this ordinance was with Dan's Excavating in checking to make sure that contaminants were not being put in there and they needed to get soil borings tested to determine that. ZBA members felt that perhaps they should take this to the Township Board of Trustees to determine any penalties and who should pay for the soil boring tests, etc. We just asked for a generalized discussion of the problem and that's what's going on here today, which is discussion.

Commissioner Steimel noted that additional fees to cover those things would need to be included into the permit fees.

Secretary Christie questioned how the Township would monitor the fill being brought in and what a huge undertaking that would be for the Township.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., noted that the ordinance could be structured so that the Township could require soil testing. If they're going to restore the site using off-site materials, then the Township can require testing at the owner's expense. This is something for the Township Attorney to address and we can handle it that way.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., reviewed what the ordinance currently says about what types of materials are not permitted to use as fill. Also, that currently 5% of the fill is permitted to be asphalt or broken concrete, which he believes is an extremely large amount.

Mr. Gene McNabb, Jr. commented that he lives on Silverbell Road. He then showed some pictures to members from 2006 to 2009 of the Dan's Excavating

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site. He noted that the ordinance currently states that an engineer should inspect what comes into and goes out of the pit. Also, that the ordinance currently states that the ZBA can ask for whatever it wants. He is concerned about the long-term condition of the site after Dan's Excavating is gone.

Engineer Stevens noted that the petitioner has to have a grading plan that has to be approved. During the process it can be amended, but they have to provide a plan.

Commissioner Steimel noted the importance of monitoring the fill.

Secretary Christie noted the importance of holding the permit holder responsible and noted that it is already addressed under Restoration and Inspection, as well as Enforcement.

Mr. Eugene McNabb commented regarding Dan's Excavating.

Chairwoman Thurber commented that this was a discussion and that they're not making any recommendations this evening.

C. Discussion of Ordinance No. 138, Sign Ordinance

Commissioner Steimel commented that the Sign Ordinance needs a major overhaul. The brightness of the signs is a big concern, the perceived brightness as far as how it fits into the surrounding area. Brightness testing standards need to be included in the ordinance. The size of signs also needs to be reviewed. The extreme brightness of LED signs is a traffic and safety hazard that needs to be reviewed. Also, many of the definitions are no longer relevant and should be removed. There are also new terms that should be added. There needs to be regulation in place so that if you need to do enforcement, you'll have it in place.

Chairwoman Thurber inquired whether it would be regulated by zoning.

Commissioner Steimel noted that he really wants to get away from regulating by zoning district.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., commented regarding the traffic hazards resulting from extremely bright signs.

Planner Wortman noted that the Michigan Department of Transportation (MDOT) has to some extent defined this now with their LED billboards, with the six seconds and their measure of brightness. He then distributed copies of a chart showing maximum light levels of electronic signs from the Engineering Society of North America*. Of all the standards, he believes that this standard is the best to use.

Commissioner Steimel noted that, that is a key thing, because it's not just measuring the foot-candles, it's measuring the difference of the ambient light around it, because that's what you'll perceive. Another point is that they regulate the size of the signs mostly due to their illumination. Also, whether or not business logos on an awning should be considered a sign. The height limit of a sign and setback from the road right-of-way and the setback from the safety paths should be reviewed as well. The amount of message area on a sign and accent lighting and its maintenance should also be reviewed.

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Should flags and big balloons be considered as signs and should they be allowed? Also, signs that are considered as an accessory use because they are so large, such as, the Jeep on top of the rocks at the Milosch Palace car dealership. Permanent and temporary signs should be reviewed. We need to develop some standards for sight lines, even directional signs. Free speech and content of signs also needs to be reviewed. He then asked members to think about these issues and report back their input. We also want to encourage people to include their address on the sign, but that area would not be included in the total sign size.

Planner Wortman commented that they also need to look at billboards, because right now it's prohibited and you can't prohibit billboards on State highways, so that's something the Township Attorney needs to review. In addition, political signs need to be reviewed as well as ideological signs.

Commissioner Steimel noted that another issue that needs review is when someone wraps a vehicle with signage and puts it up near the road in an attempt to circumvent the sign ordinance.

Planner Wortman and Commissioner Steimel talked about the fact that some communities regulate signs by streets rather than by zoning and that we need to look at getting away from regulating signs by zoning.

Planner Wortman and members will further discuss these issues in the near future.

D. Consider Cancelling the August 21, 2013 Planning Commission Regular Meeting

Moved by Secretary Christie, supported by Commissioner Pennington to cancel the August 21, 2013 regular meeting due to the lack of agenda items. **Motion carried 7-0.**

(Note: the joint meeting with the Board of Trustees and the Zoning Board of Appeals remains scheduled to begin at 5:30 p.m. on August 21, 2013.)

8. UNFINISHED BUSINESS

No items.

9. PUBLIC COMMENTS

No comments were given.

10. COMMUNICATIONS

A. Communication from the Building Official regarding Administrative Review

Brief discussion only, regarding case PC-2013-04, Kroger D637-Retail Fuel Center Administrative Review, 605 S. Lapeer Road, minor site plan revision for the retaining wall and asphalt parking lot expansion. The Administrative Review was previously approved by Mr. Tom Berger, Building Official.

11. COMMITTEE REPORTS

There are no committee reports due at this time.

12. UPCOMING PUBLIC HEARING

There are no public hearings scheduled at this time.

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13. CHAIRWOMAN'S COMMENTS

Chairwoman Thurber noted that tonight's discussions were very productive.

14. COMMISSIONERS' COMMENTS

Commissioner Walker commented that perhaps the Planning Commission members would like to go along on the annual site walk next Spring for the four gravel pit operations to gain a clear perspective to understand more fully the issues with Ordinance No. 99. He also noted that the Baby Dragon Race will be during the Dragon-on-the-Lake event.

15. ADJOURNMENT

Moved by Secretary Christie, supported by Commissioner Pennington to adjourn at 8:43 p.m. Motion carried unanimously.

* Attachment