

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 18, 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  
John Steimel, BOT Rep. to PC  
Karyn Pennington, Commissioner

Justin Dunaskiss, Vice-Chairman  
Don Walker, PC Rep. to ZBA  
Joe St. Henry, Commissioner

**PLANNING COMMISSION MEMBER ABSENT:**

Dick Christie, Secretary

**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:**

Iven Sharrak  
Tom Schippert  
Chris Wilding  
Harold Flood  
Robert LaChance  
Tim Moses  
Michelle Koehneke

Jerry Lilly  
Kim Rutila  
Jill Potter  
Steve Dorris  
Bruce Parker  
Linda Moses  
Phoebe Schutz

Richard Bonjar  
Jim Wilson  
Jody Henry  
Susan Dorris  
Naomi Freeman  
Lee Kasyouhanan

**1. OPEN MEETING**

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

**2. ROLL CALL**

Secretary Christie was absent.

**3. MINUTES**

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington to approve the September 4, 2013 regular meeting minutes as presented. **Motion carried unanimously.**

**4. AGENDA REVIEW AND APPROVAL**

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington to approve the agenda as amended, which is to remove agenda item #8,A. PC-2013-03, Kroger Fuel Facility as requested by the petitioner. **Motion carried unanimously.**

**5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY**

No comments were given.

**6. CONSENT AGENDA**

No items.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES**  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

Chairwoman Thurber recessed the regular meeting at 7:04 p.m. and opened the PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use Public Hearing at 7:05 p.m.

Chairwoman Thurber closed the PC-2013-17 public hearing and reconvened the regular meeting at 8:02 p.m.

---

**7. NEW BUSINESS**

**A. PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use & Site Plan, 3865 S. Baldwin Road, Sidwell #09-29-326-016**

Mr. Kevin Brandon, of Preview Architecture and Planning, 570 E. Snell Road, Oakland Township, Michigan 48306, commented that he and Mr. Iven Sharrak (owner) are representing Clark-Orion, Inc. Mr. Sharrak is going to demolish the existing building on the site and build a 5,600-square foot convenience store. The existing canopy and gas pumps will remain in place. They will close off one drive off of Baldwin Road and add an extra drive that will access Hidden Timber Drive.

Mr. R. Donald Wortman (Township Planner), of Carlisle/Wortman Associates, Inc., overviewed their Special Land Use Review correspondence, dated September 3, 2013\*. The Planning Commission will need to determine if the special land use conditions are fully met. The following condition of approval should be considered: 1) Applicant should specify hours of operation. The Planning Commission should also review the special land use criteria to determine if the proposed use meets the criteria as specified in Section 30.02 of Zoning Ordinance No. 78. He noted that in the GB-1 zoning district, a gas station is only allowed as a special land use. The size of the building going from 600 square feet to 5,600 square feet also triggers a special land use.

Commissioner Steimel noted that this site is an existing non-conformity. If they were denied the special land use, this site could stay as it currently is for many years.

Commissioner Pennington inquired about the proposed access drive from Hidden Timber Drive.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc. noted he would agree that the proposed project would increase traffic somewhat, but not to the extent that it would trigger a traffic study being done. Also, that the Road Commission for Oakland County (RCOC) does have the authority to control access.

Commissioner Steimel noted that they can add conditions to their motion if desired.

Mr. Tim Moses, of 3160 Hidden Timber Drive, spoke in opposition to this proposed project.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES**  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

Ms. Susan Dorris, of 3172 Hidden Timber Drive, spoke in opposition to this proposed project and asked that members consider the storm water management when they review the site plan.

Engineer Stevens commented that they are required to have pre-treatment structures that separate out all the oil, gas, and debris from the parking lot prior to going into their basin, which then gets released at the agricultural rate. So, they will need to have the measures in place to protect against that. He also noted that he believes that in the future when the road is widened, the roundabouts will be used as the turnaround to head south, so that will help with the traffic congestion.

Chairwoman Thurber noted that the Master Plan indicates a 75-foot half-width right-of-way for Baldwin Road. It's currently 60 feet.

Ms. Linda Moses, 3160 Hidden Timber Drive, commented in opposition to this proposed project and is opposed to having the access drive to Hidden Timber Drive.

Ms. Kim Rutila, of 3611 Forest Spring, commented in opposition to this proposed project and is opposed to having the access drive to Hidden Timber Drive. She is also very concerned about the drainage run-off coming into their subdivision.

Mr. Sharrak noted that it will be engineered properly so that it won't run into their subdivision.

Engineer Stevens noted that the petitioner is responsible for controlling their storm water on their site and that they are doing what they're supposed to be doing.

Commissioner Steimel agreed that the petitioner is in compliance with the storm water requirements.

Members reviewed and discussed the criteria within the zoning ordinance, Section 30.02, by which they are evaluating the special land use and considering such things as: compatibility with adjacent uses; compatibility with the Master Plan; public services; impact on traffic; detrimental effects; enhancement of the environment; and, isolation of existing land use.

Planner Wortman noted that he could obtain more information regarding the impact on traffic, such as, number of trips, etc.

Commissioner Steimel noted that they cannot take action tonight on site plan approval since there are so many deficiencies, however, they can take action on the special land use.

Ms. Jody Henry, of 3191 Hidden Timber Drive, commented that she and her neighbors don't want the convenience store there and believe that it will negatively affect their property values.

Mr. Robert LaChance, of 3190 Hidden Timber Drive, commented in opposition to this proposed project.

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES**  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

Mr. Bruce Parker, of 3154 Hidden Timber Drive, commented that he believes this proposed project would be a detriment to the community.

Chairwoman Thurber noted that when members are considering detrimental effects, it refers to public health, safety, and welfare.

Ms. Michelle Koehneke, of 3278 Foothills Court, inquired whether that included the safety of their children.

Vice-Chairman Dunaskiss inquired whether the petitioner would be open to reducing the size of the store and/or reconfiguring the drives.

Mr. Sharrak noted that he would be open to suggestions from the Planning Commission.

Vice-Chairman Dunaskiss suggested reducing the size of the store and just having one large drive that meets the RCOC's standards as well as improve the circulation of the site so that it is all to Baldwin Road and to not have a drive to Hidden Timber Drive.

Mr. Sharrak replied that he doesn't know how one drive would work and that the traffic circulation wouldn't work with the gas pumps.

Planner Wortman agreed with Mr. Sharrak and noted that you would have to shift the gas pumps and/or the canopy and if you moved the canopy, that could trigger other nonconforming issues with setbacks, he doesn't believe that the applicant would want to go there.

Mr. Sharrak noted that the proposed convenience store is permitted in this zoning district and on this lot.

Commissioner St. Henry suggested that members visit other convenience stores as well as Mr. Sharrak's stores in other locations, to compare to the proposed store.

Moved by Commissioner Steimel, supported by Commissioner St. Henry regarding case PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use and Site Plan, regarding the special land use, located at 3865 S. Baldwin Road, Sidwell #09-29-326-016, **to postpone action on the special land use** to allow members more time to gather facts, regarding surrounding conditions, road commission issues with the driveways, and a few more items from our Township consultants. Also, to get the petitioner's input with regard to, if in fact, the road commission is merely suggesting that as a new driveway onto Hidden Timber Drive, that they would be willing to not pursue that and leave the two existing driveways. Roll call vote was as follows: Walker, yes; St. Henry, yes; Dunaskiss, yes; Steimel, yes; Pennington, yes; Thurber, yes. **Motion carried 6-0** (Christie was absent).

Mr. Brandon commented that if the site plan is going to change, then the calculations will change, too.

Moved by Commissioner Steimel, supported by Commissioner Pennington regarding case PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use and Site

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES**  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

Plan, regarding the site plan, located at 3865 S. Baldwin Road, Sidwell #09-29-326-016, to **postpone action on the site plan** due to the special land use action being postponed. Roll call vote was as follows: St. Henry, yes; Dunaskiss, yes; Steimel, yes; Pennington, yes; Walker, yes; Thurber, yes. **Motion carried 6-0** (Christie was absent).

---

Chairwoman Thurber recessed the regular meeting for a break at 9:54 p.m. and reconvened the regular meeting at 10:05 p.m.

---

**B. PC-2013-18, MPD Welding, Inc. Site Plan, 4200 S. Lapeer Road, Sidwell #09-35-100-010**

Mr. Jim Wilson, of Wilson and Associates, PC (Architect), 23 N. Washington, Oxford, Michigan, 48371, commented that he is accompanied tonight with three gentlemen from MPD Welding, Inc. He then gave a brief overview of the project for the addition to their existing facility.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., overviewed their Site Plan Review correspondence dated September 3, 2013\*. The applicant is proposing to construct a 15,300-square foot addition to their existing facility, which will feature a drive-thru loading/unloading area inside the building and will also include new paving around to the western portion of the site to access the addition. The project does comply with all the setbacks within the LI-2 zoning district. The following items need to be addressed prior to site plan approval: 1)The applicant must clarify the distinction between the parking provided on site versus the site plan notes; 2)the Planning Commission should consider whether the banked parking should be installed now or in the future; 3)the applicant must show all current lights on the site; 4)the applicant must provide details of the proposed lighting to be installed; and, 5)the applicant should bring a color sample board to the Planning Commission meeting for discussion.

Mr. James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc., overviewed their Site Plan Review correspondence, dated September 3, 2013\*. In their opinion, the site plan, as submitted, is not in substantial compliance with the Township's ordinances and engineering standards. They recommend that the following items be addressed: 1)A tree survey shall be provided for the site. This should be part of an existing conditions plan; 2)There should be details on the adjacent buildings and the run-off that arrives on-site from adjacent sites. Existing conditions within 100 feet of the site and detention basin shall be connected on the plans. Any off-site run-off from the south shall be accounted for in the storm calculations; 3)Note #17 references a proposed water main extension; however, one is not shown on the plans. A proposed water main extending through the site should be provided connecting to both the existing mains to the south and north for a looped system. The fire chief's comments should be addressed; 4)Proposed sanitary sewer shall be shown on the plans; 5)The detention pond calculations shall be clarified by the applicant to ensure adequate storage volume is provided for this site and all existing sites it serves; 6)Pre-treatment structures should be included for the site; 7)It appears that drive widths and other lot dimensions are provided from the back of the curb. Dimensions should be provided from the edge of the gutter to ensure all minimum widths

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES**  
**REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

per ordinance are met. The southern drive aisle shall be 18-foot width. It appears that, as currently proposed, there is 14 feet of pavement between the two 2'6" curb and gutters; 8)A cover sheet should be included with the project name, a sheet schedule for the plans, a location map, and a brief description of the site; and, 9)The engineering plan 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.

Commissioner Steimel asked for clarification of the fire chief's comments.

Mr. Wilson noted that the fire chief was asking for a water main to connect around the building, because of the nature of the work there will not be suppression inside of the building, but they have a number of fire hydrants around the outside of the building that have already been included on the drawing. You're not seeing it here, but we have given Engineer Stevens a draft copy of it, just so he would know where we're going with this. We are working on it, but it's not complete. It goes from its current end at the south side of the building to the back of the property, north along the back of the property, and then back east on the property, but ties into a hydrant that's on the property to the north.

Commissioner Walker inquired why they can't suppress the inside of the building.

Mr. Wilson replied that it is due to the extremely high temperatures up to 800 degrees so they can weld on that steel. At 800 degrees the water sprinkler heads don't function.

Members agreed with Engineer Stevens to have the 18-foot wide drive aisle.

Mr. Wilson agreed. Regarding the parking spaces, the number of spaces that they are putting in, are the number that was identified as the need for the people that will be in the building. They don't need the additional parking. They have the space to put them in, but they don't need the parking right now.

Members noted that it would be all right if some of the parking spaces are banked.

Mr. Wilson inquired that since the trees are scrub-type trees, could the Planning Commission waive the tree survey requirement.

Commissioner Steimel replied that the only thing he's concerned about is replacing any trees that are removed within the actual area of the new construction and to make a note on the plans of what trees are there.

Mr. Wilson commented that the vast majority of the exterior materials are white metal and the blue painted blocks matching the existing building.

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Steimel regarding case PC-2013-18, MPD Welding, Inc. Site Plan, 4200 S. Lapeer Road, Sidwell #09-35-100-010, **to approve the site plan with the following conditions:** 1)the

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES  
REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013**

---

applicant must clarify the distinction between the parking provided on site versus the site plans noted; 2)notes on the plans regarding the Planning Commission's decision to approve the banked parking and make sure it's clearly noted on the plans and supplied for as banked parking for future development if need be; 3)the applicant shall show all current lights on the site plans; 4)the applicant must provide details on the proposed lighting to be installed; 5)the applicant must address all of the engineering review comments or deficiencies noted in Mr. Stevens' review letter, dated September 3, 2013; 6)to waive the tree survey for this site; and, 7)that the applicant shall address the Fire Chief's comments. Roll call vote was as follows: Dunaskiss, yes; Steimel, yes; Pennington, yes; Walker, yes; St. Henry, yes; Thurber, yes. **Motion carried 6-0** (Christie was absent).

**C. Consider Cancelling the October 2, 2013 Planning Commission Regular Meeting**

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington to **cancel the October 2, 2013 regular meeting due to the lack of agenda items.** Roll call vote was as follows: Steimel, yes; Pennington, yes; Walker, yes; St. Henry, yes; Dunaskiss, yes; Thurber, yes. **Motion carried 6-0** (Christie was absent).

**8. UNFINISHED BUSINESS**

**A. ~~PC-2013-03, Shops on Waldon Pond Planned Unit Development (PUD) Amendment to construct a Kroger Fuel Facility D-649, southeast corner of Baldwin and Waldon Roads.~~**

*This case was removed from the agenda at the petitioner's request.*

**9. PUBLIC COMMENTS**

None further.

**10. COMMUNICATIONS**

None further.

**11. COMMITTEE REPORTS**

None due at this time.

**12. UPCOMING PUBLIC HEARING**

- A. 10-16-13, 7:05 p.m., PC-2013-20, Indianwood-Fernhurst Township- Initiated Rezoning, request for vacant property to be rezoned from Multiple-Family Residential-1 (RM-1) to Single-Family Residential-3 (R-3). The subject site is located south of Indianwood Road and west of Fernhurst Drive.

**13. CHAIRWOMAN'S COMMENTS**

Chairwoman Thurber thanked members for their good work tonight.

**14. COMMISSIONERS' COMMENTS**

Members commented that it is great to see local businesses investing more into their companies and bringing more jobs to the Township as well.

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES  
REGULAR MEETING - WEDNESDAY, SEPTEMBER 18, 2013

---

**15. ADJOURNMENT**

Moved by Vice-Chairman Dunaskiss, supported by Commissioner Pennington to adjourn at 10:44 p.m. **Motion carried 6-0** (Christie was absent).

\* Attachment

\*\* *Italics denote amendments made to the agenda.*