

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, JUNE 21, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 21, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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| Justin Dunaskiss, Chairman | John Steimel, BOT Rep. to PC |
| Don Gross, Vice Chairman | Don Walker, PC Rep. to ZBA |
| Joe St. Henry, Secretary | |

PLANNING COMMISSION MEMBERS ABSENT:

Neal Porter, Commissioner
Rob Zielinski, Commissioner

BOARD OF TRUSTEES PRESENT:

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| Chris Barnett, Township Supervisor | Mike Flood, Trustee |
| Penny Shults, Township Clerk | Brian Birney, Trustee |
| Donnie Steele, Township Treasurer | Ron Sliwinski, Trustee |
| John Steimel, Township Trustee | |

BOARD OF TRUSTEES ABSENT:

None

CONSULTANTS PRESENT:

Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens (Township Engineer) of OHM
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

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|---------------------|---------------|-----------------|
| Duane Decker | Raj Jain | Mitchell Harvey |
| Tom Chomiuk | Lori Roy | Tim Ponton |
| Tom O'Neil | David Walters | Andrew McDonald |
| Tammy Taylor-Terzin | Jason Trudeau | John Thompson |
| Linda Taylor | Ron Swiderski | Lynn Harrison |
| Eugene McNabb | Deb Swiderski | |

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

A. 6-07-17, Planning Commission Regular Meeting Minutes

B. 6-07-17, PC-2017-11, Orion Village Crossing PUD Amd. Joint Public Hrg. Minutes

C. 6-07-17, PC-2017-10, VZW 756 Indianwood Rd. Special Land Use Public Hrg. Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to approve the 6-07-17, Planning Commission Regular Meeting Minutes; 6-07-17, PC-2017-11, Orion Village Crossing

PUD Amd. Joint Public Hrg. Minutes; 6-07-17, PC-2017-10, VZW 756 Indianwood Rd. Special Land Use Public Hrg. Minutes; as presented. **Motion Carried unanimously**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Trustee Steimel, to approve the agenda as presented. **Motion carried unanimously.**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None heard

6. CONSENT AGENDA

None

Chairman Dunaskiss recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees for PC-2017-14, Orion Commons Commercial, Major PUD Amendment at 7:05pm.

Chairman Dunaskiss closed the Joint Public Hearing for PC-2017-14 at 7:38pm.

Township Board adjourned their Special Meeting at 7:38pm.

7. NEW BUSINESS

A. PC-2017-15, Menards of Orion Township Site Plan, located at 397 Brown Rd. (parcel 09-32-400-030), 445 Brown Rd. (parcel 09-32-400-062), 465 Brown Rd. (parcel 09-32-400-084), 479 Brown Rd. (parcel 09-32-400-074), 481 Brown Rd. (parcel 09-32-400-038), 493 Brown Rd. (parcel 09-32-400-075), and unaddressed parcels 09-32-400-067 and 09-32-400-083

Mr. Tom O'Neil, Menard's Incorporated, 5101 Menard Dr., Eau, Claire WI; represented the applicant. He is here asking for the Planning Commission to approve their revised site plan.

Mr. O'Neil noted they have received an approved site plan and have closed on the property. They are now working through the final engineering aspects prior to commencing construction which should begin imminently – they have a lot of grading to do that will keep them busy over the summer.

Mr. O'Neil explained that the main change to the approved plan is something they have been trying to enact company wide. The prior site plan had a fence line that abutted the east property line. The yard gate, or the entrance, to the lumberyard was surround by a fence line that also surrounded the entirety of the lumberyard. They have since determined that it is better from a customer safety perspective and commercial truck traffic perspective to try and separate the commercial truck docking and customers entering the lumberyard. He added that they revised the site plan to have an access drive in the northeast corner of the site plan. In the turnaround area, there will be an area for vans to back into the recessed loading docks so that can be done without entering the lumberyard. Customers and the more limited commercial truck traffic that still must enter the lumberyard would go in through a securitized gate.

Chairman Dunaskiss asked Planner Lewan to go over the Carlisle Wortman review dated June 14, 2017.

Planner Lewan commented that because the Commissioners should be familiar with this project, he was just going to go over what they found and that many of the comments are

reaffirmations of some of things that were done at the last review. He noted they did not find anything to be problematic with the proposed changes and that the site is consistent with the intent of the Brown Road Innovation Zone and other zoning standards however there are a few things that the Planning Commission is going to have to address or reaffirm.

- Planner Lewan said there was some discrepancy with parking, they had a slightly different count – that should be addressed.
- There is a drive as people enter the site from Brown Road to the east, he wants to make sure there is a cross-access easement agreement between the owners of this site and the adjacent property. If the adjacent property owner is not willing to do that, to at least provide an easement to allow this to happen on the Menard's side so that in the future it won't be blocked. That easement should be part of an approval.
- The Road Commission will have to review and approve Brown Road access areas.
- Planner Lewan noted that one of the things that stood out last time was the required number of parking spaces versus the proposed number of parking spaces. Because of the size of the development, the required number of parking spaces is very large – over 1,000; the applicant is proposing 426. The Planning Commission granted a waiver for that number based on input from the applicant at the time. Since the site plan is now being re-reviewed, he believed it would be important for the Planning Commission to reaffirm that waiver if that is the direction they would like to go.
- The other affirmations are for the landscape screening waiver and the open space landscape waiver. The first is the northern and western landscaping, where this property abuts residential property, an intensive landscape buffer is usually required. However due to the topo from the back of the site going north, landscaping within that area would not do any good and was waived by the Planning Commission. The other reaffirmation is the open space landscape waiver which are the grassy areas where building or parking is not located. The Township has a square footage requirement that requires a certain number of trees, there were two issues with that which resulted in the waiver being approved.
- The photometric plan had a couple of hot spots that went over what is required but is something that can be easily corrected.
- He noted that signage will have to be reviewed and approved by the Township Building Department.
- If the applicant has any information on the future out lot development - what might be planned if anything. Knowing that timeline would be helpful as well.
- Planner Lewan commented that as everyone should be aware, there is now a Brown Road corner feature that is part of the Zoning Ordinance and would ask the applicant to consider setting aside an area that could be coordinated at the time of outlot development.

Chairman Dunaskiss asked Engineer Stevens to go over OHM's review dated June 14, 2017.

Engineer Stevens commented that the proposed site plan revisions have limited impact to the central facilities. The watermain and sanitary sewer service, storm water management, paving, grading and traffic are all essentially the same as the previously approved site plan with just some tweaks in layout. With that, he finds the site plan to be in substantial compliance.

Trustee Steimel said he would still like to better understand what is happening between the lumberyard and commercial traffic - what is going on there? Trustee Steimel also noted that

Menard's will not be offering a cross-access easement to the west because of topo issues. He wanted to reaffirm that because some people still think there is going to be a road put in that would go from Baldwin Road to Joslyn Road.

Mr. O'Neil explained that the entrance to the lumberyard has been relocated just immediately north of the recessed loading docks. Previously there was a fence that continued straight north to enclose the entirety of the lumberyard. By putting in a yard gate and entrance canopy to the lumberyard, customer traffic entering the lumberyard will now be separated from commercial traffic that needs to back into the recessed loading dock area.

Trustee Steimel commented that previously on the eastern line, it was all product. He is now assuming that has all been moved to the north end - all the product will be internal to the lumberyard.

Trustee Steimel asked what is on the west side of the building? Mr. O'Neil responded, they are interior runs of pallet racking. The west side of the building will be comprised of their garden center and immediately west of there will be their "hardscape" materials.

Mr. O'Neil asked the Planning Commission to reaffirm the waivers that had been granted previously. He said he was not sure where the discrepancy in the parking came from but asked the Commissioners to make that number 420 which would still be within a range that works for them. He will look at the photometrics and ensure they are updated. As far as the out parcels go, they do not do an intensive marking campaign of their out lots but believes they will become more valuable once the property is finished. Mr. O'Neil added that they also depict a community feature in the southeast corner of the site. A small paved sitting area near the main entrance drive from Brown Road. Because this is on the east side of the entrance drive, it probably won't be included with the outparcel development and will probably remain as part of the store parcel.

Trustee Steimel said he was glad the out lots weren't going to be developed yet. It will give a little bit of a buffer should they find that parking is going to be a problem.

Trustee Steimel explained to those who might be watching - on the topo map the lines that are very close together indicate a steep slope that goes up; therefore, it would be very difficult to do anything further to the west. As is, he believed that Menard's made a pretty good use of the low area for their water retention and will fit in with the more natural area around it.

Chairman Dunaskiss asked Mr. O'Neil to explain how many truckloads it will take to fill the site? Mr. O'Neil said, zero. Their engineers have attempted to balance the site, the work is going to be entirely conducted on site. There is going to be a tremendous amount of earth moving effort on the development and then he explained how it will be done.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the request for a waiver from the front yard parking requirements be approved based upon the finding of fact that the parking proposed remains behind the future out lot development.

Roll Call: Walker, yes; St. Henry, yes; Steimel, yes; Gross, yes; Steimel, yes; Dunaskiss, yes.
Motion Carried 5-0 (Porter and Zielinski absent)

Chairman Dunaskiss explained that this subject was debated and discussed at previous meetings. That the site plan was brought forth tonight because of the new corporate changes with how their commercial deliveries come.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the request to modify the numerical requirements for off-street parking be reaffirmed from the previously approved site plan since the interior of the store is occupied with extensive stock and shelving not used for customer space and the applicant has previously documented with other locations that the parking modification is sufficient.

Roll Call: Gross, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the request for the eastern northern and western landscape screening waivers be reaffirmed from the previously approved site plan since this is a refinement of the plan with existing topography justifies the waivers.

Roll Call: St. Henry, yes; Gross, yes; Walker, yes; Steimel, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that their request for a waiver from the open space landscaping be reaffirmed from the previously approved plan based upon the fact that the landscaping has been provided at the ends of the parking aisles to facilitate on-site traffic movement and there are large open space areas to the west and to the north which are open space for the project.

Roll Call: Steimel, yes; Gross, yes; Walker, yes; St. Henry, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission grants site plan approval for PC-2017-15, Menards of Orion Township Site Plan, located at 397 Brown Rd. (parcel 09-32-400-084), 479 Brown Rd. (parcel 09-32-400-074), 481 Brown Rd. (parcel 09-32-400-038), 493 Brown Rd. (parcel 09-32-400-075), and unaddressed parcels 09-32-400-067 and 09-32-400-083 for plans date stamped received May 30, 2017, this approval is based on the site conditions and improvements to traffic flow as identified by the applicant, this is subject to the provision of the cross-access agreement between the owners' property and the property to the east, that screening be provided around the generator, and the photometric plans be revised accordingly.

Roll Call: Steimel, yes; St. Henry, yes; Walker, yes; Gross, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

Planner Lewan added there was one item that was contained in the motion that he did not go into any detail with when going over his review. The transformer generator is in the landscape island up front, he is assuming that is going to be screened.

Mr. O'Neil said, yes. The utility rooms in Menard's stores are in the front of the store so it makes a lot of sense operationally and functionally to locate the transformer generators in proximity of the utility room. They will provide landscaping around it.

Mr. Eugene McNabb, Judah Road, commented that it was said that "they worked with the neighbors", no one ever talked to him and he has 330 ft. of land that borders that property. He then referred to Ordinance 99 which states there needs to be a 1 in 4 grade and looking at the northwest side of that property, he does not know how they are going to do that – or even make it a 3 to 1 grade. It was his opinion that the Township missed an opportunity. There should

have been an agreement with Menard's that if Dan's Excavating and Warren's Trucking ever wanted to lower the pipe line, that Menard's would give them permission for the portion that is now on their property which is about 40 ft. high. By doing that, the Township could then have an access road of 120 ft. and then the property that Dan owns to the north could be used for commercial. He noted that he has been before the ZBA many times, he recalled the first time Menard's came before the Township, they weren't going to allow a 3 to 1 grade because heavy equipment wouldn't be able to get up to it to maintain any landscaping. Then, ultimately, the Township passed a 3 to 1 grade - which doesn't look like that to him. He was upset that he was never consulted being that 330 ft. of his property borders what is now the Menard's site.

B. PC-2017-16, Lapeer Retail, Minor Amendment to Approved Site Plan, located on vacant parcel 09-14-100-053.

Mr. Mitch Harvey introduced himself and Mr. Tim Ponton who were both with Stonefield Engineering and were representing the applicant. Mr. Harvey said they are requesting an amendment to the approved site plan that was approved in March 2017 for 1436 S. Lapeer Road.

Mr. Harvey explained that one of the two changes is the inclusion of 19 trees along the northern property line. They had a discussion with the property owner to the north and he said he would like for them to provide some sort of screening. They agreed upon 19 evergreen trees to span across the property line. The second change to the plan was to increase the basin slope from 4 to 1 to 3 to 1. He noted that this slope is allowed by the Township's stormwater ordinance however they did need to come before the Commission to present this and the now required fence outside of the basin.

Mr. Harvey said the reason they are requesting the change to the slope is so that they would have a nice grassy basin in the back that would contain a majority of the stormwater that happens on a year to year basis in the event of a 100 year, 50 year or even back to back 100 year storms. He added they have designed a smaller underground basin in the northwest corner of their parking lot that will essentially act as an overflow for those storms and be able to retain all the stormwater runoff to an acceptable level.

Mr. Harvey commented that both requests, he believes, has a positive impact on the community and to surrounding property owners.

Planning & Zoning Director Girling explained to the Commissioners that they originally applied for an administrative review related to the change in landscape. The number of trees were more than what was on the approved plan and was an arrangement between the adjacent property owner and the developer. She had agreed to the administrative review so that the Township would have plans that contained an accurate representation of the landscaping. There was also communication on changing the slope and needing to demonstrate the fence on the site plan which can also be administratively approved however after receiving the plans and referring to the ordinance, in order for them to have a slope greater than what they had, they would have to get a waiver from the Planning Commission.

Planning & Zoning Director Girling said she spoke to OHM and they had no problem with the slope. It was now just a matter of them appearing before the Planning Commission to entertain a waiver for it.

Chairman Dunaskiss noted the memo from Engineer Landis which reaffirmed what Planning & Zoning Director Girling explained. That OHM is acceptable of the revisions that were provided and any detail work could be done during final engineering.

Engineer Stevens added that they did review the volumes and all those met ordinance. Also, it moved the west bank of the basin outside of the limits of the wetland therefore removing any impact with regard to that. He noted that this is allowed by Township ordinance and has been done on other sites.

Chairman Dunaskiss said he appreciated the applicant working with the neighbor and looking at what could be done on site. He noted that underground detention is expensive and commented on the fact that they will now not be impacting any wetland. It was his opinion these were improvements to the site and supports them.

Trustee Steimel asked about a service gate. Mr. Harvey pointed out there is one.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission grants the request for a 3 on 1 slope for the stormwater retention basin as reflected on the plans date stamped and received June 12, 2017 for the following reasons: that the revision increases the storage capacity of the stormwater retention basin, it has been reviewed and satisfactory to the Township Engineer and it also helps to satisfy the requirements for preserving the wetland area.

Roll Call: Steimel, yes; Gross, yes; St. Henry, yes; Walker, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission grants approval for the revised site plan dated June 12, 2017 including the addition of the necessary fence and the addition of additional landscaping within the north greenbelt area since the revision represents the refinement of the original plan and also represents communication with the adjoining property owner.

Roll Call: Walker, yes; Gross, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes.

Motion Carried 5-0 (Porter and Zielinski absent)

C. PC-2017-14, Orion Commons Commercial, Planned Unit Development (PUD) Major Amendment request, located on a vacant parcel south Scripps Rd., North of Gunnison St. on the west side of Lapeer Rd. (parcel 09-23-100-004).

Chairman Dunaskiss asked the applicants if they had anything else to add? Mr. Walters commented that he believed as the consultants go through their concerns, he will have Mr. Thompson point out the revisions they have already made in an attempt to address those concerns.

Chairman Dunaskiss asked Planner Lewan to go over his review dated June 14, 2017. He noted this is a major amendment to the PUD, the original PUD was approved simply with this area indicated as "future commercial". Now there is a plan and why this is considered a major amendment to the PUD.

Planner Lewan commented that this is a use that was envisioned by both the Master Plan and Zoning Ordinance; commercial in this part of the Township.

- Regarding General Design Standards, it was Planner Lewan's opinion that the applicant did a good job meeting those standards but is something the Planning Commission has to address.
- There are also some Non-Residential Design Standards. A couple of things that should be reviewed and considered is that there is proper screening between the commercial portion and the residential portion. He commented that it appears to meet ordinance

standards. All utilities are supposed to be underground and did not see anything to the contrary but asked that the applicant address it. Also, Planner Lewan noted there is one pedestrian connection to one of the buildings and asked the applicant to consider a second pedestrian access. If someone is walking from the south, they would have to walk through the grass and over the parking lot.

- Regarding parking – the parking standard contained in the zoning ordinance for restaurant is higher than what the applicant in their experience has found. They are providing a 1 to 150 parking calculation, the Township ordinance is 1 to 100; therefore they are proposing 91 parking spaces, per ordinance there should be 108 spaces. This discrepancy can be handled a couple ways, it can be “baked” into the PUD or a waiver can be issued if the applicant can explain that this amount of parking will work for them.
- The applicant needs to explain where loading was going to occur onsite.
- MDOT needs to review and approve the Lapeer Road entrance.
- Planner Lewan had some concerns about the drive-thru lanes: making sure that stacked vehicles will not impact circulation around the building; it would be helpful to know where all of the menu boards and speakers will be located, another concern mentioned during the public hearing. Also, that the applicant modify the location of the southern dumpster enclosure to ensure uninhibited truck access.
- Regarding landscaping requirements, the applicant has done a good job with their landscape plan. A couple minor items: he would like more detail about the small landscape plaza and the requirement for parking spaces differed from his calculation.
- Planner Lewan commented the applicant needs to provide lighting cut sheets and details of light fixtures, another comment raised during the public hearing. He wants to make sure that lighting is downward directed and away from residents.
- Planner Lewan had no issue with floor plans and elevations; they are attractive buildings. They did provide information that is acceptable.
- Planner Lewan also suggested that a PUD Agreement amendment should be provided that indicates how this development will “fit in” but deferred that to the Township Attorney to see if that is necessary.

Planner Lewan stated there aren't really any “show stoppers” here. Mostly what he is asking for is some additional details so they can be assured that some of the impacts he raised in their review and by some of the residents can be addressed in a satisfactory manner. Generally, he believes the plan complies with the intent and the arrangement of the originally approved PUD, envisioning that this would be a restricted business type, commercial facility.

Chairman Dunaskiss asked Engineer Stevens to go over his review dated June 6, 2017.

- Engineer Stevens noted that as everyone is aware, this is part of the Orion Commons development overall PUD with the residential portion already being started in terms of essential facilities - watermain, sewer, stormwater, etc. He noted those facilities were built as part of the residential development and were designed to handle this commercial portion. The watermain system will be looped throughout the site connecting from Lapeer Road to the newly installed main along Gunnison Street.

- Regarding the sanitary sewer - there was a pump station constructed as part of the residential development. The sewer essentially runs in the rear of the buildings and will operate via gravity to service this proposed development.
- The stormwater detention facilities were also built as part of the residential development and was designed to handle this particular site. Their storm water is collected via storm sewer and transported to the facilities as part of the residential development.
- The paving onsite meets Township requirements. He did have concerns regarding the traffic circulation onsite. He was aware the applicant submitted a revised set of plans to address that, but will need to look at those in detail along with the Fire Chief and other Township personal.
- In conclusion, because of some of the site circulation issues and other issues, he found the plans were not in substantial compliance. He had a number of comments, several which are relatively minor. One he wanted to highlight was the circulation. The applicant was displaying the amended plan that showed a boulevard or island to separate the two one-ways that are on the opposite side of what we are used too. The previous version had them touching. His other concern was how the dumpsters were located. Again the plan displayed tried to address those concerns.
- Engineer Stevens noted that the applicant said they would address the original traffic study. The original traffic study is part of the trip generation. The lane use code for this site was called Specialty Retail, his concern is they have fast-casuals with drive-thrus, certain fast-casual may fit within that Specialty Retail classification but others may not. He is asking the applicant to have their traffic engineer address the fact, even though they can disclose who the users might be, that they fit within the specialty commercial that was designated in the original traffic study.

Planner Lewan added they did a sign review that was separate from the development review and was provided in the packet. They reviewed the signage using the RB standards and found that using that standard, the applicant had met the sign standards for both building signs and ground signs with one exception - the location of the sign as it relates to the road right-of-way. The Planning Commission may allow some differences in this setback because it is a PUD, but something that needs to be addressed and some dimensions will be needed for the monument sign. The plan does not indicate the setback and based on his measurements of the proposed ground sign, it is deficient by about 5 ft. This could be part of the PUD or the applicant could move the sign back 5 ft.

Chairman Dunaskiss asked the applicant to go over some of the points that have been raised by the consultants.

Mr. Walters commented that they had the benefit of about ten days from Planner Lewan and Engineer Stevens' reviews. They therefore made changes that he believes substantially address many if not all of their comments. He believed one of the most significant comments was about incorporating an island separating the drive-thrus as a safety feature, which they did. They also put in another walkway access off Gunnison Road for pedestrian traffic and have addressed the dumpster issue. He then asked Mr. Thompson to address the rest of the issues.

Mr. Thompson pointed out they added pedestrian crosswalks so they now have combined Gunnison Road into the development and they have a proposed connection to Lapeer Road to

the first building and the subsequent development will also have additional connections. Mr. Thompson pointed out there was a node that was part of the PUD to be built yet and that node will also have a connection to the future development. In total they should have four pedestrian connections into this five acre parcel.

Regarding loading – they have identified a 10 x 50 area for both pieces. They have also added the speaker box locations at the back of the buildings.

The landscaping typos have been corrected; dumpster detail has been added to the detail sheets; they have provided a new photometric plan, cut sheets and fixtures for lighting; they have rotated the dumpsters so they won't conflict with stacking; and they have provided the boulevard/island.

With regards to the traffic study - they reached out to Parsons to get an updated memo. Preliminary discussions with them indicate there shall be no major consequences based on the change of the uses. In fact those uses are primarily the uses within the zoning classification.

Regarding the sign location - they have relocated the sign out of the right-of-way into the depicted corner location. Details were on the architectural plans.

Chairman Dunaskiss asked for more clarification on the traffic study. Mr. Thompson said that when Parsons did the original study, they did it based on the zoning they were proposing to utilize for the PUD. So the current proposed uses they anticipate fall within are allowed ordinance in general. When they talked to Parsons, they hadn't had a chance to get to the study yet but Mr. Thompson anticipates a memo from them indicating that there will be no change.

Trustee Steimel asked if the placement of the loading zones make sense, on an access road and across the street from a business? The applicant responded that there is no loading through a door, everything comes out of the truck. The truck is almost always parked when the development is not in service - before or after hours. Trustee Steimel was concerned about this because of the drive-thru lanes. Engineer Stevens reiterated that what is being shown is a new plan he hadn't reviewed yet. Another concern was that it was depicted adjacent to the residential portion – it would be nice if it were a little further way. Engineer Stevens said he will also look at it from a traffic flow standpoint.

Trustee Steimel commented that personally, he is not really crazy about drive-thrus and one of the reasons why is that originally the Planning Commission said no fast food and now there are two. Having drive-thrus brings up a lot of new concerns and why this now has to be reviewed. He then noted a concern about the PUD being under unified control.

Trustee Steimel also asked about a wall shown on the plans. It was noted the one shown is a retaining wall and Trustee Steimel was concerned how much of a buffer that would be between the commercial and residential.

Engineer Stevens explained the buffering. There is a berm there which ranges about 4 to 6 ft. in height with landscaping on top so there is screening there. The top of the berm is about 4 to 6 ft. below the parking lot grade and below the "finished floor" of the building. Vice Chairman Gross added that in that regard, the berm has been established now for three years or so, the evergreens on it are beginning to sprout, it is showing its maturity. Mr. Walters said they contributed to the cost of that berm and it was designed to meet code requirements. Planner Lewan noted that his review indicated that it does meet ordinance standards for a buffer between residential and commercial developments.

Commissioner Walker commented that the original PUD was granted over four years ago and he now has more questions today than he did then. He is still not sure how this is going look when they are done and has no idea who the tenants might be. He also shares concerns about the drive-thrus and was not sure the difference between a “fast-casual” and “fast-food” restaurant. Mr. Walters explained the difference is the intensity of use – “fast food” is usually very intense during certain hours of the day, “fast-casual” tends to be not directed toward any particular time of the day. That usually fast-casual restaurants don’t stack cars the way fast-food does. Fast-food does almost two-thirds of their business through their drive-thru windows; a fast-casual does far less than 50% of their business through the drive-thru.

Vice Chairman Gross then asked what type of seating is on the interior of the restaurants and will there be any outdoor seating? Mr. Walters responded, about 40 to 60 seats or possibly less depending on the tenant. They are not anticipating any outdoor seating on the site plan.

Secretary St. Henry commented, he lives in the Round Tree subdivision and has watched this development very carefully. He believed at the time that the original PUD was approved, the Planning Commission was very comfortable with the Pulte development but there were great concerns regarding this commercial strip. He recalled that the original discussion in 2013 was completely different than what is being presented today. He was disappointed with this plan, it is exactly what they talked about not wanting along Lapeer Road in that location. They specifically talked about stand-alone buildings different than what would be found up and down Lapeer and Baldwin Roads – stand-alone restaurants, family-style restaurants, banks, pharmacies, things like that. Then when the child care facility went in, he was encouraged - that was exactly what they were looking for. There was plenty of discussion about drive-thrus and the Planning Commission did not want any kind. Another big concern at the time was the Scripps and Lapeer Road intersections – that within a quarter mile in any direction were traffic issues and were comfortable with stand-alone commercial development. They wouldn’t have the type of traffic that would significantly impact Lapeer Road. Also, there was no delineation between a fast-food restaurant and a fast-casual restaurant in those discussions. It was his opinion that the Planning Commission needs to take this into consideration – this is not what this Planning Commission or Board of Trustees envisioned in front of the Parkview subdivision.

Engineer Stevens clarified that the berm that exists today, there are portions of that berm that aren’t significantly high because the site is proposing to cut some of that grade. If you look at it today, it looks like it may only be a foot or not much of one at all - there are spots where they are proposing to cut the grade which will result in that berm being 4 to 6 ft. high.

Mr. Walters agreed there was a lot of discussion in 2013, but what governs what can be put here is the PUD Agreement and the PUD Agreement specifically makes a delineation between fast-casual and fast-food and it prohibits restaurants such as Wendy’s or a McDonalds and it specifically allows for a Panera Bread and similar use with drive-thru. It was a huge part of the discussion and the public hearing.

Chairman Dunaskiss and Planning & Zoning Director Girling looked up the section of the PUD Agreement that talks about the uses it was item #3 on page 4 of the PUD Agreement. In particular it said any fast-food drive-thru restaurant such as McDonalds or Burger King excepting bakeries such as Panera Bread or beverage retailers such as Starbucks or any car wash.

Trustee Steimel asked what was on the other side of one of the buildings, on the north elevation, it looked like there was another window there? Mr. Walters said that is a drive-up

window not a drive-thru. There are no related microphones or menu boards - kind of like what a pharmacy would have.

Trustee Steimel asked about the look of the back of the buildings, will the utility units be screened? Mr. Thompson said they would be four-side screened, all the equipment will be screened per ordinance.

Planner Lewan said that he thinks knowing some of the uses that require the drive-thrus would help address Secretary St. Henry's concerns.

Mr. Walters explained, too, that a big difference between a fast-food restaurant and a fast-casual restaurant is that fast-food is a destination, fast-casual is more of a drive by use. He noted that this has been a challenging area, they would have been out of the ground a lot sooner if they had tenant interest here. He reiterated that right now they are only talking about one building here.

Planner Lewan asked Planning & Zoning Director Girling if this plan was to be approved, since we don't know what the uses are, and the applicant comes to us two or three months from now, how will those uses be approved. Planning & Zoning Director Girling responded we have not had a situation that she could compare it to. She had a recent conversation with the Township Attorney regarding going forward with PUD amendments and requiring a PUD Agreement amendment. That would possibly provide the ability to look at that between the first and second readings. It would provide something a little more reeled in so as not to create a future problem.

Commissioner Walker commented that a lot of the focus has been on the drive-thrus, there are still a lot of other issues that he is not comfortable with. He cannot see what this is going to look like so is not comfortable with and is reluctant to give the applicant permission to do something if he doesn't understand the end result.

Vice Chairman Gross said he thinks part of the problem is that the Planning Commission is being presented with two buildings with two drive-thrus and that is taking a "big bite" out of the apple all at once. If it was one building, then at the end everyone could see what fast-casual was. Then eventually the other building might end up being a family restaurant of something like that.

Secretary St. Henry commented that there is no question that being across from the school complex that those tenants, if approved, are going to do very well - it is a prime location. Again, he did not believe that is what the Planning Commission envisioned or that of the publics.

Chairman Dunaskiss commented that the applicants have addressed the fast-casual and drive-thru concerns, one thing regarding the parking that hasn't been addressed, are they looking to increase it a couple more or do they want to go forth with 99 as presented? Mr. Walters reiterated they are only going to build the southernmost building first and improve the entire eastern most parking stretch all the way to the driveway to the north in the first phase. There will be sufficient parking to meet ordinance in this first phase and then they will see. If stacking occurs or they find it is under parked, they will address it with the second building.

Vice Chairman Gross then clarified they are looking at this as a "phased" development, phase I being the southern building. Mr. Walters said they are not a spec developer and he does not have leasing completed yet for the first building. He has been working at this for four years - there is not that free-standing family restaurant that wants to be here.

Secretary St. Henry added that the problem with a beverage use such as Starbucks is that there would be stacking, especially in the mornings.

Trustee Steimel commented he could accept a drive-thru on one of the buildings but it seems like it will be too much if there is one on both of the buildings.

Mr. Walters commented then, that maybe the solution is to just look at the southern building, they are not going to build the northern building right now anyway. They designed the north building to what they felt would be the most desirable use for the tenants they have been talking to but there is no guarantee. He offered to just leave the north building a generic 6,000 sq. ft. commercial building – it could be a single use, it could be two uses, etc. He wanted to go ahead and get approval for the southern building as it is drawn and the northern building, will do another amendment if a drive-thru is required.

Vice Chairman Gross asked how long would it take them to revise the plans to reflect this? Mr. Walters said if they get approval, it could be done administratively. Chairman Dunaskiss asked Planning & Zoning Director Girling if it could be done administratively? Planning and Zoning Director said that it would be a lot - she would have distribute the plans to the consultants and it would depend on the Commissioners comfort with number of changes there would be.

Regarding the traffic flow, the applicant said he didn't have any problem with OHM's proposal of putting in an island, from a safety point, it is probably a good thing to have a feature like that between two drives. What they would be looking at is essentially the same parking field, the same layout, the same circulation, and same features. The only difference would be they would make the north building generic without a drive-thru with the understanding that if a drive-thru is needed, they would come back.

Planner Lewan commented their review would be the same whether it comes back to the Planning Commission or not. He agreed with Planning & Zoning Director Girling, it is strictly up to the Planning Commission if they believe all their questions have been answered or if they would like to look at it again.

Planning & Zoning Director Girling commented that being the Planning Commission is a recommending body, normally when a recommendation is made, it is the plan they have looked at that goes to the Board of Trustees – they would be giving an approval after it is administratively reviewed by the two consultants and then forwarded to the Board of Trustees with the recommendation to approve. The Planning Commission wouldn't have actually seen the changes 100% on paper.

Mr. Walters reiterated that the only change to the plan is they will take out the drive-thru on the north building. Chairman Dunaskiss asked, there would be the same circulation – two lanes going east bound? Engineer Stevens commented that they would work with the applicant on how that would look – at this point, he was not sure he would want dual 25 ft. wide, two out-bound lanes that are not for a drive-thru. Mr. Thompson said they would probably rotate one drives and then it would be a two-way.

Chairman Dunaskiss said his personal opinion was that the biggest issue was with the drive-thrus, that he could see the Planning Commission going ahead with the applicant's proposed changes - that he had faith in the Township consultants that everything is done properly.

Engineer Stevens asked the applicant, in terms of a phasing approach, they would essentially be building all of the infrastructure and all of the pavement, just not building the northern building and leaving it as a pad? The applicant said they wouldn't do all the paving, they would

do the parking and drives associated with servicing the southern building and do the parking field on the eastern most side of the development as it is shown - curb to curb. Vice Chairman Gross asked, will the drive off Lapeer Road be built? The response was, yes, the cut and tapers would be built.

Planning & Zoning Director Girling commented that if this is going to be phased, the ordinance calls that if there phasing within a plan that be shown on the plans – they need to show the exact phasing line and what would be included in phase I and what would be in phase II.

Planning Commissioner Walker noted that he is still uncomfortable, that there is a lot of things or variables out there that the applicant says “will all be ok”. What about the comments from the consultants, if the Planning Commission were to make a recommendation on what they presented tonight, would they be willing to modify their plan according to what the consultants suggest they do? The applicant commented that they have already substantially done that. Planning Commissioner Walker said he wants to make sure that “nothing falls through the cracks”. Mr. Walters said, understood.

Planner Lewan asked the applicant if this was postponed, how would that affect their timing/scheduling?

Mr. Walters replied, it depends on how long it would be delayed, as they push towards the fall, they wouldn't start this until the spring of 2018. Vice Chairman Gross verified there will be a Planning Commission meeting on July 5th. Planning & Zoning Director Girling concurred however that is the day after a holiday, packets are prepared a week prior, that wouldn't give the consultants very much review time. Ideally, if that is the direction, if they submit the plans to her by June 28th, they could be one the July 19th meeting.

Trustee Steimel commented that he will get a chance to see it again at the Board level, he would request that revised plans be looked at by both consultants and that they provide reports. He is ok either way because he will get to see it again.

Vice Chairman Gross asked if the Village Plaza sign at the corner of Scripps and Lapper, will that be a part of the phase I? Mr. Walters said, yes, and that there were drawings of that in the original PUD submission.

Chairman Dunaskiss said he was comfortable with a decision tonight, whether to approve or deny, to the Board of Trustees given that Trustee Steimel will see it again and the consultants are here and know what they are looking for.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forward a recommendation to the Township Board to approve a modified Orion Commons Commercial Planned Unit Development Major Amendment located on the subject property for plans to be revised representing this evening's discussion about eliminating a drive-thru on the north building; revising the drive connection between the two buildings to reflect the elimination of the drive-thru on the north building; that the plan is consistent with the intent of the PUD concept; that the plan is compatible with adjacent uses; that the plan is designed to minimize the impact generated by the surrounding uses with a single access on Lapeer Road and access management for future development for the additional properties to the north; that the proposed PUD is consistent with Master Plan and the changes in the infrastructure such as for roads, sewers, etc.; recommendation for approval on the revised plan to be submitted is based upon the Township representative representing the Planning Commission's concerns and reviews the site plan prior to the Township Board meeting; and that the construction of the Lapeer Road/Scripps Road landscape plaza sign is a part of phase I approval.

Vice Chairman Gross amended the motion Commissioner Walker re-supported, to add that the applicant has indicated they would adhere to the requests made by both the Township consultants with regard to their reports, OHM's report dated June 6, 2017 and Carlisle/Wortman's report dated May 17, 2017; that proper phasing be included on the revised plans that clearly shows the line between phase I and phase II; that there be a review of the menu board and speaker being they are considered signs needs to be analyzed with the ordinance; and that Trustee Steimel will represent the Planning Commission concerns and help guide the Board of Trustees review of the revised plans along with the consultant re-reviews, and not based on his review as noted earlier in the motion.

Roll Call: Gross, yes; Walker, yes; St. Henry, no; Steimel, yes; Dunaskiss, yes.

Motion Carried 4-1 (Porter and Zielinski absent).

Planner Lewan suggested the phasing inclusion in the motion.

Trustee Steimel commented that the idea is that it would be his job to guide the Board through the revised plans for approval that represent the Planning Commissions' concerns. He also asked this not be schedule for a Board meeting until the consultants can get their reviews done.

Planning & Zoning Director Girling added that now that the plans are going to show where the menu board and speaker will be, those are signs and details of their size and not just their location needs to be reviewed; Vice Chairman Gross added that to the motion.

Engineer Stevens commented that regarding the loading and unloading zone locations, he will look at that from a traffic standpoint. Vice Chairman Gross suggested that with the elimination of the drive-thru on the north building, the loading zone could now be placed adjacent to the building.

Roll Call: Gross, yes; Walker, yes; St. Henry, no; Steimel, yes; Dunaskiss, yes.

Motion Carried 4-1 (Porter and Zielinski absent).

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

Linda Taylor, 2013 Trimble, commented they just purchased their condo and knew there would be a commercial development – she would rather see a 5 ft. tall pretty concrete wall because it would help deter noise, help with the lights, if there ever becomes another drive-thru, the lights won't go through the wall, something to consider.

10. COMMUNICATIONS

Memo from Clerk Shults regarding first reading of BIZ Text Amendment

Memo from Clerk Shults regarding first reading of Sign Ordinance No. 153

One Stop Ready Flyer regarding Academy 2017

RCOC's Road Report 2nd Quarter 2017

Memo from Planning & Zoning Director Girling regarding the yearly Planner's Conference

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

None

15. ADJOURNMENT

Moved by Secretary St. Henry, seconded by Trustee Steimel, to adjourn the meeting at 9:40pm.

Motion carried unanimously.

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

July 5, 2017

Planning Commission Approval Date