

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2017-14, ORION COMMONS COMMERCIAL, MAJOR PUD AMENDMENT
JOINT PUBLIC HEARING - WEDNESDAY, JUNE 21, 2017**

The Charter Township of Orion Planning Commission held a Joint Public Hearing with the Township Board on Wednesday, June 21, 2017 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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 TRUSTEE MEMBERS PRESENT:

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

BOARD OF TRUSTEE MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Duane Decker	Raj Jain	Mitchell Harvey
Tom Chomiuk	Lori Roy	Tom 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	

Mr. David Walters, 998 Seneca, Lake Orion, represented the applicant. Mr. Walters noted that this is an approximately 86 acre parcel, 75 of which, to the west, was sold to the Pulte Homes and is under construction with various types of their product. The east, approximately 11 acres running from Scripps Road south, was retained by Orion Commons and a small parcel was sold to the Rainbow Child Care Center. They, Orion Commons, are proposing to develop two small commercial buildings north of Gunnison Road and the remaining land.

Mr. Walters explained that commercial has been slow to develop and when he was last before the Commission, told them he was not going to do any spec development and they are still not going to. The southern most of the two proposed buildings, they have 3 tenants for with Letters of Intent. If those lead to leases, they will construct that building and phase in the second building to the north.

Mr. Walters noted there had been a number of comments from the Township Engineer and the Township Planner and they have incorporated most of those comments into a revised site plan that his engineer, John Thompson with PEA, will present.

Mr. Walters went on to explain some of the changes. The two major issues were parking and the effect of drive-thrus. As far as parking – they are proposing to meet code for the first building by creating additional parking to the north on the east side and extending that all the way to the north end of the “first” phase of the development; there should be sufficient parking. The concern has been that since some of the proposed uses are for fast-casual restaurants, that there would be stacking in the drive-thru lanes and a lot of cars parked during peak hours. By doing the development the way they are proposing (developing the southernmost building first, it will give them the chance to see the traffic impact will be and if it is the case, they can address it by expanding the parking field associated with the north entrance. Mr. Walters noted they do have approval for a curb cut off of Lapeer Road from MDOT and have already designed the tapers of the ingress/egress lanes and are trying to stay within that footprint delineated by the curb cut into the north Gunnison Road entrance. If they find that stacking and parking is too great, they will adjust the northern most building to accommodate for that.

Chairman Dunaskiss asked for comments from the public.

Mr. Andrew McDonald, 2625 Huntington Drive, lives in the Round Tree subdivision across the street from the proposed development. He and his wife have a couple concerns. Their property faces Lapeer Road and they are concerned about the parking lot lights. He commented that they live near the daycare center and they have done a great job of lowering their lights at night. They also have a concern about traffic and car accidents. Even with the redevelopment of Lapeer Road, the turn-around is still very traffic heavy and with a fast-casual restaurant, they worry that there could be even more car accidents.

Mr. John Thompson with PEA, the applicant’s engineer, expanded on Mr. Walters’ narrative with a PowerPoint presentation and gave a brief history of the mixed-use PUD that originated in early 2003. The future, general business, commercial office use of 11.5 acres is the 250 ft. deep length of frontage along Lapeer Road. He noted that in 2014 the Rainbow Child Care Center came before the Commission and requested to develop the first piece of property south of Gunnison Road and built the center in 2015. Today they, Orion Commons, are looking at the 5 acre piece north of Gunnison Road and proposing an approximately 12,000 sq. ft. of commercial space in two building footprints for retail and fast-casual businesses.

Lori Roy lives at 2021 Orwell which is in the Pulte subdivision behind the proposed development. She asked what they meant by “fast-casual”, do they mean a fast food restaurant?

Linda Taylor, 2013 Trimble, lives really close to where they are proposing this development. She asked what the hours of operation will be for the fast-casual restaurants? Will they be open until 1am? She also asked if there is going to be a wall built in back of the commercial buildings?

Chairman Dunaskiss asked if any of the Trustees had questions?

Supervisor Barnett commented that back in 2013 when this development was proposed and presented to the Township Board and Planning Commission, it was always known that this was going to be a commercial component of the development and anyone who may have been told differently could go back and listen to the recording of those meetings; whether it be a restaurant, small retail, bank - those were the type of things that were discussed. Supervisor Barnett said he understands the concerns of the residents and that this is part of the PUD process, to hear and resident concerns. He noted that the Township knows this developer and they have several developments within the Township. They build quality, have a high level of landscaping, and their developments are well maintained. It was his opinion that there is not a lot of uncertainty here and they are willing to work with the Township; their track record has

been very good. Personally, he believes this is exactly the type of development that he assumed would be coming along when it was originally approved in 2013.

Supervisor Barnett said he understands that in some instances a developer cannot disclose who their tenants might be, but Mr. Walters could possibly give a “flavor” of those they anticipate to occupy the building for the members of the audience. He said there is a big difference between a “frozen yogurt shop” (fast-casual) and a “White Castle” (fast-food).

Also, from his perspective as the Township Supervisor, he appreciated the fact that the developer did not speculate in 2013 and there be two commercial buildings sitting vacant until now – they waited until they had some tenants in line.

Trustee Flood concurred with Supervisor Barnett’s comments.

Chairman Dunaskiss asked the applicant to address some of the concerns that were noted during this public hearing.

Mr. Walters commented that he is also a resident of Orion Township and shares some of the concerns that were mentioned especially if a commercial development were to be built near where he lives.

He addressed what he believed may be some misunderstanding. When the PUD Agreement was signed, it was agreed that there would be no fast-food restaurants in this development. He then delineated between “fast-food” and “fast-casual” restaurants. He reiterated what Supervisor Barnett had said, it’s the difference between a frozen yogurt shop and a White Castle or a McDonalds, etc. He commented that they will not have tenants that will be open 24-hours and will not have drive-thru stacking with several cars at peak hours. These will be relatively low level, low intensity uses for the drive-thrus. He said the tenant uses could possibly be pizza, yogurt, and service type businesses like a salon.

Regarding the traffic concern, they have done everything they can to address this. They have had two traffic studies done and have worked with MDOT and provided a decel lane that is longer than required and have gotten approval from MDOT for the traffic flow.

Regarding lighting concerns – Mr. Walters noted that these stores will not be open much later than possibly 9:00pm but does not the exact hours yet. They can however, put the lighting on dimmers.

Mr. Walters addressed the comment about a wall behind the buildings – he said what is on the plans is a retaining wall to maintain the berm at the west end of the parking lot.

Duane Decker, North Shore Drive, commented that he does not have a clear distinction of what actually is happening here yet. The developer is talking about two buildings - what size buildings, will there be one business in each building or will there be several in each? He did not believe there has been enough presented to get good comment from what he has heard tonight. He added that he has heard good things about the Township, the Planning Commission as well as the Board that has “come to life” in the last few years and has liked what he has heard. However he wants to hear more about what is going to happen here.

Deb Swiderski, 2024 Trimble, lives right behind the parcel in question. She noted that Mr. Walters mentioned possibly pizza and that leads her to believe later hours and teenagers. She said she still does not understand what is considered fast-food and what is fast-casual. She also asked if this development could move forward without the drive-thrus? She asked, too, how many businesses will be there and what happens if the anticipated drive-thru businesses

moves-out? What guarantee is there that a fast-food business won't move in? She would like a little more detail as to what is going to be there. She noted that when she moved in, she knew that there was going to be commercial businesses there and is willing to wait and see but doesn't want to be "over-run" especially being that the high school is nearby.

Mr. Walters explained that the PUD process that took place a few years back anticipated these kinds of questions and they are legitimate concerns. The PUD Agreement that was negotiated between the Township and Orion Commons prevents a fast-food restaurant from going in there at any time. Fast-food is typically a free standing building and not part of a multitenant building which is what these are. Between the two buildings, there is a total of about 12,000 sq. ft. on 5 acres (they will actually only be using about 2 ½ of those 5 acres).

Mr. Thompson put up some slides depicting the elevations and types of buildings they are proposing. It was noted that they were involved with the buildings at Baldwin and Brown Roads where there is a Pot Belly, an Aspen Dental, Chipotle, etc. This development will be similar – there will be 3 perhaps 4 tenants in each building, each tenant will have about 1,500 sq. ft. Again, a typical fast-food restaurant is typically is 3,000 to 5,000 sq. ft.; a fast-casual restaurant is almost always less than 2,000 sq. ft. He again noted that the Township has the protection of the PUD Agreement that prevents a fast-food restaurant and also that the footprint would never work. He noted that he wished he could disclose specific tenants but can't until they have a signed lease

Mr. Thompson commented that they did receive the consultant reviews and have addressed those however not in enough time to get review comments back but believes they have adequately handled those issues – such as providing a landscape island between the two boulevards, rotating the dumpsters, etc.

Chairman Dunaskiss asked if there had been any specific hours of operation noted in the PUD Agreement? Mr. Thompson said that was not addressed in the original PUD.

Supervisor Barnett commented to the public that he appreciated them coming out. He pointed out that in the development on Baldwin Road the Township surveyed residents and high school students regarding to what type of businesses they would like to see – two of the top five were Chipotle and Pot Belly which are considered fast-casual restaurants and aren't open until midnight. He noted that there was another business that was sought after in this community that is not offensive and might be something that goes in this development – something that would be appreciated. He said that the Township works closely with residents and also with developers to bring in businesses that aren't offensive and that people in the community would like.

Planning Commission Secretary read the letter from Lawrence and Karin Finn who live at 2082 Findley Circle. They were opposed to the potential of drive-thru restaurants in this development. They pose traffic and noise problems, possible loitering, and could be detrimental to property values. They commented that when they moved in they were told only single businesses would go in there with normal business hours.

Being there were no other comments, Chairman Dunaskiss closed the Joint Public Hearing for PC-2017-14, Orion Commons Commercial, Major Planned Unit Development (PUD) Amendment at 7:38pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynn Harrison".

Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

July 5, 2017

Planning Commission Approval Date