

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, AUGUST 16, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 16, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Gross, Vice Chairman
John Steimel, BOT Rep. to PC
Don Walker, PC Rep. to ZBA

Neal Porter, Commissioner
Scott Reynolds, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss, Chairman
Joe St. Henry, Secretary

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Phil Christi
Lynn Harrison

1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. APPOINTMENT OF SITEWALK COMMITTEE MEMBER

Being that Rob Zielinski resigned, a new Site Walk Committee Member needed to be appointed.

Commissioner Walker said that being on this Committee is a good way to get to know the project and suggested that Commissioner Reynolds may want to be appointed. If not, he would.

Commissioner Reynolds said that he is an architect and is somewhat familiar with the site walk process and thanked Commissioner Walker for the suggestion.

Commissioner Reynolds replied he would like to be on the Committee but asked about the commitment. It was noted that walks are scheduled per the availability of the committee members and the applicant and that not all projects require a site walk. It was also noted that an alternate can be appointed to the Committee should one of its regular members not be available. Both Commissioners Walker and Reynolds said they wouldn't mind doing either.

Moved by Commissioner Walker, seconded by Commissioner Porter, that the Planning Commission appoint Commissioner Reynolds as the third member of the Site Walk Committee and he (Commissioner Walker) would volunteer as the Alternate. **Motion carried unanimously**

4. MINUTES

A. 8-02-17, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to **approve** the 8-02-17 Planning Commission Regular Meeting Minutes as presented. **Motion carried unanimously**

5. AGENDA REVIEW AND APPROVAL

Moved by Commissioner Porter, seconded by Trustee Steimel, to **approve** the agenda as presented. **Motion carried unanimously**

6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

7. CONSENT AGENDA

None

8. NEW BUSINESS

A. PC-2017-25, Township Initiated Text Amendment to Zoning Ordinance #78, Article 30, Site Plan and Article 27, General Provisions

Vice Chairman Gross asked Planning & Zoning Director Girling for background on this item.

Planning & Zoning Director Girling explained that while she was working on sections of the Ordinance, she found some other things that were wrong and needed to be discussed with the Planning Commissioners. One of those being Section 30.01 in Article XXX.

She referred the Commissioners to the documents she provided for Section 30.01 – Site Plan Review Procedures and Standards. Within that Section, the Planning Commission is only given two site plan options – approval or denial. If there are too many outstanding issues with a site plan, the plan is supposed to be denied. She noted however in the PUD section, the ordinance says the Planning Commission has three options – approve, deny or postpone to another meeting. This provision is why she questioned Section 30.01.C.9.a & b. Planning & Zoning Director Girling’s question to the Commissioners was, do they want to amend Section 30.01 to allow the Planning Commission the option of postponing a straight site plan request?

The Commissioners discussed this question at length. It was decided the option to postpone doesn’t need to be stated in Section 30.01 - it is up to the Commissioners to suggest and ultimately the applicant to request if they want to postpone their case and come back with additional information or revisions. It was noted however that if there is a postponement, a specific date or “date certain” be established so that issues get resolved in a timely manner and the site plan is not left open ended.

Planner Lewan added that as long as the applicant knows or agrees to a postponement, the Township is fine - which the Planning Commission does. He reiterated that it is important the Planning Commission does this. He also noted that he does see plenty of zoning ordinances where site plan postponement is listed as an option. It was his opinion that what is in our zoning ordinance and what the Planning Commission does is fine the way it is.

There was discussion about the Planning Commission “conditionally” approving a site plan. It was agreed that if conditions are specific it would be ok to conditionally approve a site plan. The number of conditions wasn’t necessarily the issue but how specific they were. It was noted that a condition of a site plan approval should not be “that something

gets worked out between the applicant and specific department, etc.”. It was also commented that if a site plan requires a variance from the ZBA, the site plan is supposed to be denied with the acknowledgement that it needs ZBA approval.

Commissioner Reynolds said he was neutral regarding the discussion on postponement but felt that approving a site plan with conditions or changes is important, especially when a project is trying to move forward.

It was reiterated that if the Planning Commission can't get item(s) clear and concise, than the site plan should not be conditionally approved and should come back to the Planning Commission.

It was the consensus of the Planning Commission to leave the language as it is in Section 30.01.C.9.a. Approval and b. Denial of Approval.

There was then discussion on what an applicant should provide when resubmitting a revised site plan to meet conditions set forth during a Planning Commission meeting or by a Township Consultant. Planning & Zoning Director Girling suggested there be a list of what was changed or added, that there be a “cloud” where the change was made on the plan, and that the applicant sign a statement or affidavit that those are the only changes that were made. Planning & Zoning Director Girling noted that a revised plan came in recently and there was a change on the plan that was not noted in the list of changes.

There was concern that if a site plan is conditionally approved and is stamped approved and the applicant changes something on that plan that no one was aware of, is that change also approved? Planner Lewan commented that if a mistake like that is made, it does not automatically constitute approval of the change; it's an administrative mistake and those happen.

After further discussion, it was decided that the applicant needs to provide a list of changes, cloud the plans where the changes were made, and a signed statement or affidavit that those are the only changes.

It was suggested that the signed statement could be added to the first page of the resubmitted plans versus submitting a separate piece of paper with it. Something like, “These drawings represent only the changes required through the conditional approval” and then includes the applicant's signature. Planning & Zoning Director Girling said she will draft a couple of different things and bring it back to the Commissioners.

There were also a couple things in Article XXVII:

Engineer Landis sent an email (a copy was provided) that the zoning ordinance section regarding the dimensions for handicap parking spaces needed to updated. Planning & Zoning Director Girling said she just wanted to make the Commissioners aware of it and made the change in red to Section 27.04.A.2.h.ii. as follows: “Accessible parking spaces for cars shall be a minimum of 13' wide (8' wide parking space plus a 5' wide

marked access aisle). Van-Accessible parking spaces shall be a minimum of 16' feet wide (8' wide parking space plus and 8' wide marked access aisle).”.

Planning & Zoning Director Girling also noted that since Sign Ordinance #153 has been adopted, references to Sign Ordinance #138 needed to be changed in Article XXVII – General Provisions. She said that will be done administratively by the Clerk’s office.

Planning & Zoning Director Girling then made some suggested strike-outs to the same article specifically to Section 27.02.G. – Signs. She suggested omitting provisions from this section that were also covered within the Sign Ordinance. She reasoned that if a provision is changed in the Sign Ordinance it may not be carried over to the zoning ordinance. She also noted while going through the zoning ordinance, found some minor things that weren’t explicitly in the sign ordinance and has started a list of those.

During the above discussion, canopy lighting on page 27-49 was talked about. One of the provisions was limited to fluorescent tubes. It was decided that reference may be outdated and the provision changed to “Method of lighting....”.

9. UNFINISHED BUSINESS

A. PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations

Vice Chairman Gross explained that at the last meeting the Commissioners talked about text amendments to the Schedule of Regulations. Planning & Zoning Director Girling has come back with some changes and questions that were made at that meeting.

Planning & Zoning Director Girling provided a summary of the proposed changes and additional questions regarding the current distracts being addressed on a cover sheet. She also explained to Commissioner Reynolds why these changes were being sought.

Regarding OP:

- Planning & Zoning Director Girling noted that in Section 9.04 – Area and Bulk Requirements; she struck the single * note at the bottom of the chart and added the following suggested language to the Section title: “Please see the chart in section 9.01 for variations to these requirements by use.”. It was her opinion this should make it clear to a developer looking at area and bulk requirements that there is a set of standards that can vary by use and they need to refer back to Section 9.01 which is the Use Matrix. She asked the Commissioners if they were ok with the suggested language?
- Planning & Zoning Director Girling explained why she suggested eliminating A, B, C, etc. references in the Section 9.04 chart pertaining to setbacks and minimum lot area. That lettering could easily be confused with the footnotes noted in the Use Matrix chart and the letters were not necessary in the Section 9.04 chart.
- There still needs to be some fire department research regarding “clear space around structures”. Planning & Zoning Director Girling spoke to the fire department who felt some space is needed but wasn’t confident with the numbers in the chart; they would get back to her. Commissioner Reynolds noted that when determining this criteria, to keep in mind there are also building codes related to this and the possibility of taking away someone’s property rights. Planning & Zoning Director Girling commented that she should probably then get back with the fire department and the Building Official before determining clear space criteria.

- Footnote “x” has not yet been resolved and it applies to all districts. The footnote is related to where front setbacks are measured from. The ordinance says, “the front building setback line shall be measured from the future right-of-way line in accordance with the Road Commission of Oakland County Master Right-of-Way Plan and MDOT Right-of-Way Plan for Lapeer Road, adopted concurrently with the Ordinance.” Planning & Zoning Director Girling said she will be having a discussion with the Township engineer to try and come up with something to tweak this with slightly. Her department has been running into numerous discussions right now related to Baldwin Road and that definition. When this was talked about at the last meeting, the discussion was to eliminate the footnote and amend the front setback definition. She will work with the front setback definition we have and incorporate footnote x into it and then it can be eliminated. She will bring the proposed revision back to the Commissioners to look at.

Regarding RB:

- There needs to be a clear space discussion with the fire department and the Building Official.
- Planning & Zoning Director Girling noted the suggested language to the title under Section 11.04 – Area and Bulk Requirements: “Please see the chart in section 11.01 for variations to these requirements by use.”
- The letters were stricken in the chart in Section 11.04 pertaining to setbacks and minimum lot area as was noted in the OP section.
- It was suggested that because we are striking footnote D in the Use Matrix and its definition, the second sentence in the title paragraph should be stricken as well.
- Planning & Zoning Director Girling explained that at the last meeting she was asked what the average size was of RB parcels. That information was provided to the Commissioners using the Zoning Consolidation list and adding the size of each of the resulting RB parcels on that list. This information was asked for because of the discussion regarding maximum structure size in the district. It was noted the parcel sizes really varied. Vice Chairman Gross said, however, this information warrants the elimination of footnote D and that structure size restriction is not a reasonable thing to do. The Planning Commission has to create a series of regulations that are enforceable and can be regulated. Planning & Zoning Director Girling also noted that footnote D was not needed because the Commissioners preferred the language under the chart in Section 11.04: “* For buildings with single proprietary business or single tenant use.”

Regarding GB:

- There needs to be a clear space discussion with the fire department and the Building Official.
- Planning & Zoning Director Girling noted the suggested language to the title under Section 14.04 – Area and Bulk Requirements: “Please see the chart in section 14.01 for variations to these requirements by use.”
- The letters were stricken in the chart in Section 14.04 pertaining to setbacks, minimum lot area, etc. as was noted in the OP section. Planning & Zoning Director Girling noted that she struck “Maximum Gross Floor Area of 55,000 sq. ft.*” and the adjoining footnote because that information is contained within another footnote and was repetitive.
- The Commissioners discussed the Use Matrix table and the reference to Other Uses - “Outdoor storage, either as a principal or accessory use, in accordance with Section 27.19.”, followed by footnote I. Footnote I was discussed in Section 14.02 which talks

about Principle and Accessory uses however the chart language says, “in accordance with Section 27.19.”. Section 27.19 basically says the same thing as footnote I along with other provisions. Planning & Zoning Director Girling asked the Commissioners, because of the redundancy, do they want to remove footnote I and just leave the reference to Section 27.19? It was the consensus to remove footnote I.

- Planning & Zoning Director Girling directed the Commissioners to footnote P in the Schedule of Regulations – “Total area occupied by accessory outdoor uses shall not exceed twenty-five percent (25%) of the area occupied by the principal use, building, or structure.” She noted that in the GB district there is similar language under Section 14.02.I and asked if the two were saying the same thing? A similar reference to accessory buildings and uses was also made in the Land Use chart under Extended hour uses. Planner Lewan said he believed footnote P was specifically addressing accessory outdoor uses - there can be accessory uses that are indoors such as a restaurant that is accessory to an office building or a sales area that is accessory to a carpentry shop. Footnote P specifically limits things occurring outdoors pertaining to accessory, not necessarily storage.
- It was decided there is some value to keeping this percentage. Being that we are trying to eliminate the Schedule of Regulations footnotes, Planning & Zoning Director Girling asked if this language should then be added somewhere within the GB article? It was agreed to add “Accessory outdoor uses” to the Use Matrix chart under Extended hour uses – “Accessory buildings and accessory uses customarily...”.
- Also regarding footnote P from the Schedule of Regulations, the Commissioners discussed possibly adding it to General Provisions under Section 27.02 – Buildings, structures, and Uses, A. The section talks a lot about residential uses but is almost silent on non-residential uses. The consensus was, “there was no need for any more”.
- There was discussion about omitting the second line of the paragraph under the Section 14.01 title. It was decided the sentence should remain. What was removed from the chart in 14.04 was just a reference to Maximum Gross Floor Area and the subject paragraph sentence also refers to that of a single tenant, different than the situation in RB.

Regarding LI:

- There needs to be a clear space discussion with the fire department and the Building Official.
- Per discussion in previous districts about Outdoor Storage and Principle Use and Accessory Use – it was suggested that instead of having that information under footnote A, to just site going to the section of the ordinance that pertains to those regulations.
- Planning & Zoning Director Girling noted there was language from the ordinance prior to the zoning consolidation in LI-2 related to Outdoor Storage and Display within the Lapeer Road Overlay District. After the consolidation and LI-1 and LI-2 were combined into LI, that language disappeared. The consensus was to add that provision to LI.
- Planning & Zoning Director Girling clarified that since it was decided to direct reference to outdoor storage to Section 27.19, here reference is also made to the Lapeer Road Overlay District which has stricter requirements, should a footnote be added to address that? It was decided that this should be compared to what is in the Lapeer Road Overlay District article – to see if that reference and restriction is needed here. Also in LI-2, outside storage or display, there was reference to outside storage and display in

the Lapeer Road right-of-way - it was decided that this provision doesn't need to be stated twice.

Regarding IP

- Planning & Zoning Director Girling reminded the Commissioners that at the last meeting it was discussed that the Principal Uses should be put into a Use Matrix to be consistent with the other districts. She created that Matrix and asked the Commissioners to look it over and see if they agree with the uses and where she put them. Vice Chairman Gross said, it looks reasonable.
- Again, referencing the ordinance prior to the zoning consolidation, Section 18.05 – Required Conditions, talks about outside storage or display in the Lapeer Road Overlay District. It was Trustee Steimel's opinion that references to the Lapeer Road Overlay District in other articles should also be in the Lapeer Overlay District article and doesn't need to be referenced in other articles. He wanted to make sure however that the references Planning & Zoning Director Girling pointed out where in fact in Article XXXV – Lapeer Road Overlay before removing them elsewhere.

It was noted that going through these changes with BoardBook on a laptop or tablet was difficult. Planning & Zoning Director Girling said that next time she will provide the Commissioners with hard copies to follow.

Planning & Zoning Director Girling noted the next two meeting agendas are pretty busy and hopes to get some of these discussion points answered and changes made prior to bringing this back on a future agenda.

10. PUBLIC COMMENTS

Phil Christi, 2640 Buckner Road, commented that he owns the property in front of the former Christi's Bar & Grill which has been purchased by Skalnek Ford. He was concerned about the ingress and egress to that property being obstructed by what Skalnek is planning to do with that property. He was afraid that if he doesn't address this concern now and get something established, he will lose ingress/egress to his property – he wants to know where he stands. Vice Chairman Gross said that really is between him and Skalnek but the Planning Commission will look at that when the revised plans come back, to make sure there is acknowledgement of that easement. Mr. Christi believed his concern was more than just an acknowledgement, he wanted to make sure ingress and egress was established. On the last site plan, Skalnek had the entrance to their site on his property. Mr. Christi was afraid that if he doesn't have something established now, what will happen in the future? Mr. Christi then asked how wide would his ingress and egress be? Commissioner Walker said this discussion wasn't appropriate to have under Public Comments and that this may be a real estate dispute and suggested Mr. Christi contact a real estate attorney to help him with this. Vice Chairman Gross added that if Mr. Christi can provide them with a preliminary plan for his property, it might help them arrive at some decisions.

11. COMMUNICATIONS

- Memo from Clerk Shults regarding the Board of Trustees conditionally approving PC-2017-05, Silver Spruce Plaza PUD Concept and Eligibility Plan.

12. COMMITTEE REPORTS

None

13. PUBLIC HEARINGS

9/6/17 at 7:05 pm - PC-2017-23, Request to Amend Zoning Ordinance #78, Requesting a Map Amendment to Rezone approximately .407 acres of parcel (09-14-201-003) located at 1100 S. Lapeer Rd. from Office Professional (OP) to General Business (GB); Applicant: Speedway LLC

14. CHAIRMAN'S COMMENTS

None

15. COMMISSIONERS' COMMENTS

None

16. ADJOURNMENT

Moved by Commissioner Walker, seconded by Commissioner Porter, to adjourn the meeting at 9:06pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

September 6, 2017

Planning Commission Approval Date