

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, SEPTEMBER 6, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 6, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	Don Walker, PC Rep. to ZBA
Don Gross, Vice Chairman	Neal Porter, Commissioner
Joe St. Henry, Secretary	Scott Reynolds, Commissioner
John Steimel, BOT Rep. to PC	

PLANNING COMMISSION 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:

Alex Chakmay	Mark Vizena	Will Wilsher
Rob Sweet	Maddie McIntosh	Karen Bartreau
Steve Trobaugh	Kasey McIntosh	Lynn Harrison
Steve Auger	Phil Christi	Brandon Trobaugh
Jon Pfiffner		

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

A. 8-16-17, Planning Commission Regular Meeting Minutes

Moved by Commissioner Walker, seconded by Secretary St. Henry, to **approve** the 8-16-17 Planning Commission Regular Meeting Minutes as presented. **Motion carried unanimously**

4. AGENDA REVIEW AND APPROVAL

Moved by Secretary St. Henry, seconded by Commissioner Porter, to **approve** the agenda as presented. **Motion carried unanimously**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7:02pm Chairman Dunaskiss called a 3 minute recess.

7:05pm Chairman Dunaskiss reconvened the meeting.

Chairman Dunaskiss recessed the regular meeting and opened the Public Hearing for PC-2017-23, Request 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) at 7:05pm.

Chairman Dunaskiss closed the Public Hearing for PC-2017-23 at 7:08pm and reconvened the regular Planning Commission meeting

7. NEW BUSINESS

A. PC-2017-23, Request 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)

Chairman Dunaskiss asked Mr. Sweet if he had anything else to add? Mr. Sweet responded to Mr. Wilsher's comment about turning left out of the current Speedway property; he noted that they are still working on the site plan but are aiming to maintain the existing right in and right out that is already installed there.

Chairman Dunaskiss asked Planner Lewan for his review. Planner Lewan went over his review dated August 22, 2017*.

He noted that the parcel the gas station is on as well as the portion of the adjacent property that is being requested to be rezoned are both planned for General Commercial on the Future Land Use Map; as well are the properties to the west, to the south, and across Lapeer Road to the east. Planner Lewan's report found that this rezoning request is in compliance with the Township Master Plan.

Regarding the uses, Planner Lewan commented that rezoning the adjacent portion of the RCOC property could almost be considered "less intense" than the use the road commission currently uses it for. Therefore, he believes the proposed rezoning would also be consistent with the existing land use.

One thing that Planner Lewan wanted to make sure the Planning Commission and the Township Board were aware of was that they not only look at what the applicant wants to do, but at all the potential uses rezoning the property to a different district would allow. If the project did not move forward as planned, whatever the uses in that district would be allowed by right or permitted by a special land use. However, he commented he did not see that happening in this case.

Planner Lewan noted for the public that if this rezoning gets approved, they will be looking at traffic impacts, natural feature resource impacts such as for any new underground storage tanks, site access, signage, lighting, landscaping, buffering, etc. during the site plan review phase.

Chairman Dunaskiss asked if there were any questions from the Commissioners? There were not.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2017-

23, Request 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. This recommendation to approve is based on the following findings of facts:

- that the request is consistent with the objectives of the adopted Master Plan,
- the request is consistent with the surrounding zoning and land uses, and
- the zoning classification will allow for the expansion of an existing facility and will be an improvement to the Lapeer Road corridor.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes, Porter, yes, Dunaskiss, yes; **Motion carried 7-0**

B. PC-2017-09, Kay Automotive Graphic Expansion, request for landscape waivers

Chairman Dunaskiss reminded the Commissioners that Kay had come in earlier for a request to expand their site and then again to request a deviation from the required maximum height of light poles and a waiver from the requirement of a parapet to screen rooftop equipment. Now they are coming back, because of the high demand on their parking, for a waiver from some of the island landscaping.

Secretary St. Henry commented that the Site Walk Committee (consisting of himself, Vice Chairman Gross and Commissioner Reynolds) did a site walk on August 22nd. He concurred that this request is a takeoff from an approved site plan from earlier this year for the expansion of their parking lot to accommodate an increase in business. He noted that there were a number of trees that were denoted on the site plan that ringed the parking lot expansion - to the north, the east, and to the west. To the south their parking lot conjoins with an existing parking lot which connects to the main building road into the development. The applicant is asking for a waiver on the number of trees on the west side of the new parking lot because there is already a berm there; to the north because it abuts to their property and a tree line (however there is nothing on that property at this point). The real question was to the east where there is a plot of land who they were not sure of who owned it; it may be part of Heron Springs condo in which case it could possibly be developed at some point. If that property does get developed, it would make sense to keep the proposed tree line there to provide a landscape buffer. Considering the trees along the berm, along the north end of the property, the Site Walk Committee recognized the applicant's issue of not needing to put trees there at this point.

Chairman Dunaskiss asked Secretary St. Henry if he believed the applicant would be open to leaving the trees to the east? Originally, they wanted to waive those as well. Secretary St. Henry said, generally the applicant was asking for any relief possible on the number of trees - they recognize that compromise is probably the best strategy.

Chairman Dunaskiss noted that there was a sketch in the packet noting what was existing, proposed, what was required and so forth. Mr. Kay provided a sketch along with an email depicting the trees they wanted to eliminate as part of the waiver they were asking for. Chairman Dunaskiss asked if they would be open to leaving some as more buffer on the peripheral of the parking and just removing the island trees - or the interior trees?

Mr. Mark Vizena, 1446 Bakers, Rochester Hills was present and was the project manager for the contractor who will be performing the expansion to the facility. Mr. Vizena concurred the parking lot is “U” shaped, and as indicated, they are requesting not to have to plant any of the trees to the west, east and north sides of the parking lot expansion.

One of the concerns of the owner with this expansion is security. Currently when someone exists the building, they are framed on the south side by Kay Industrial Drive, with this proposal, the parking lot will be surrounded by trees on 3 sides and will not be open to any view from either KPMF or Kay Automotive Graphics. In particular the west boundary of the new parking lot, the berm would shield anyone there - no one would see what was happening in the parking lot. Right now there is a vacant land to the north and east that is undeveloped and is accessible, to a degree, by the development that is further to the north. Again, the owner is concerned he would be creating an unsafe condition with the number of trees that would be around there. This is a three-shift operation, 24-hours a day.

Chairman Dunaskiss asked for questions or comments for the applicant.

Commissioner Walker asked the applicant, “what happened between May 3rd and now to cause this”? Mr. Vizena responded that “everything works on paper” but once they cleared the area for the new parking lot, the owner realized it was now going to be isolated in addition to the fact that the KPMF site would be building a new building for pallet storage which would further shield the east end of their parking from vision - if anybody should be out there. When the owner saw what would be occurring, he re-thought it and believed that maybe there shouldn’t be so many trees. In essence, the property is surrounded by fields on two sides, to the north and to the east.

Vice Chairman Gross added that when they were on the site walk, the island in the center of the site plan is already constructed and is was their understanding that was going to be sprinkled and suggested that if there is any consideration of waiving any of those trees, it only be about 50% and not all of them. He believed that it still needs some landscaping. Mr. Vizena responded that it will be irrigated and there will be seeded grass. It was his opinion that the southern portion of the east property line should continue to be landscaped as shown on the plan. The other landscaping to the north – he didn’t have a problem with.

Commissioner Reynolds said he also attended the site walk and would be willing to work with the applicant and safety is a concern and why he wants to decrease some of the landscape requirements. Commissioner Reynolds said he would look at removing some of the trees in the center development where most of the trees are at right now but would still support trees and landscaping being on the north and east property lines especially since it is not known what development could occur to the north or to the east. He believes there is a way to find a middle ground. Maybe to decrease some trees and ask for some other type of landscaping in the center irrigated area – so that sight lines could be maintained which is the concern of the applicant.

Trustee Steimel commented that he believed the property to the east belongs to the Township. He explained that even though there is a lot of trees already around the property, that is not what site plan landscaping and buffering is based on. The idea is to buffer your use from anything that might be developed and those trees are gone. He understands the concern about the center berm area and that it is more of a security thing but would still like to see something there - maybe some low-level stuff. If the issue is sight lines from the building, then he didn't understand why the landscaping on the north and the east want to be waived. Mr. Vizena said he thinks the reason for the waiver to the north is partly because the adjoining property is vacant property and to the east, there is more traffic from residents who live in the other developments. The applicant is concerned about people having access to the new parking lot from the east and from the north that would be unseen until someone gets to the parking lot.

Chairman Dunaskiss asked Mr. Vizena if they have looked at other types of landscaping other than trees for the island and the other sides that have been talked about? Mr. Vizena said he believes he (the applicant) is open to some kind of review or a lessening – to rethink some of the plantings. In particular, the west buffer because it simply separates the KPMF site from the other parking lot, they would be receptive to that.

Chairman Dunaskiss said that given the reasoning that has been brought forth and from his previous site walks of the property, he would be in favor for the center aisle, to use more low-lying plants to address the concern of isolation from the eastern side of the parking lot – he would be open to something other than trees there but wants something. We don't want to see just a “sea of concrete” there. Also, he would be in favor of looking at having some sort of mixture to the north and east because ultimately it could be developed.

Commissioner Reynolds said he wasn't sure how many or what type of trees were proposed - if its pines and some low-lying plants. Mr. Vezina responded that there are not very many low-lying plants on either the north or east sides.

Secretary St. Henry said that from the site walk, he would be comfortable with eliminating the trees in the middle, or the west side. He agreed that they cannot predict the future and it would be smart to keep the trees on the east boundary and to the north, didn't have a strong opinion. He noted the berm is high and this is a parking lot in an industrial park – personally he didn't have a problem with leaving it the way is and just making sure it is irrigated and taken care of.

Chairman Dunaskiss asked for a consensus on the middle or western area – do the Commissioners think there should be some low-lying plantations or shrubbery or do they think the landscaping can be omitted completely because it is an industrial park - is there value to requiring these aesthetics overall to the site?

Vice Chairman Gross and Trustee Steimel agreed that during the winter that middle area is probably going to be used to push snow to. Rather than low lying plants, he thought some deciduous trees would be more appropriate and then snow could still be put there and people would still be able to see through the trees from the building. He still thought that reducing the trees by 50% would still provide some visual relief.

Commissioner Reynolds said he would be open to a reduction in the center portion - some sort of compromise.

There was discussion on the height of the existing berm. Secretary St. Henry said you could easily see over it.

Chairman Dunaskiss said he would consider some relief, it is in the back of an industrial park, be we have an ordinance for a reason and need to think of future development and some shielding. If the issue here is security and sight lines, he could still see a reduction of 50% and the applicant would still have some flexibility in their choices per the ordinance.

Commissioner Porter said he would prefer not to take any trees out on the north or east side but would go along with the island to the west - removing some of those trees. Again, we don't know what is going to happen with the property around the outside. The property to the north is the Township's and there has been no decision made exactly what they are going to do with that. It was his opinion that the perimeter trees need to stay but would go along with decreasing the amount in the middle by maybe 50%.

Trustee Steimel suggested maybe some small type trees like ornamental ones. Those would still allow some visibility and a little relief from a ton of asphalt. Half the number, smaller trees would be fine in the berm.

Planning & Zoning Director Girling pointed out there was a copy of the landscape sheet from the site plan that showed the types of trees they were proposing to use as a reference.

Commissioner Reynolds asked if the Township can ask for a revised site plan as a condition of an approval? Chairman Dunaskiss said he is looking for a motion and if that is a condition, it can be verified administratively based on what's in the motion.

Moved by Commissioner Reynolds, seconded by Commissioner Porter, that the Planning Commission **grants** a landscape waiver of eight (8) trees for the center, western berm for PC-2017-09, Kay Automotive Graphic Expansion request in the email and drawing submitted August 11, 2017 based on the following findings of facts: to improve safety on the site for employees and conditioned upon the applicant submitting an amended landscape plan to the Township reflecting those changes.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Porter, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes; **Motion carried 7-0**

It was clarified that the motion is to allow for 8 less trees in the center berm - in between the initial employee lot and the new employee lot.

8. UNFINISHED BUSINESS

A. PC-2017-18, Skalnek Ford Annex Building Site Plan, located at 95 E. Clarkston Rd. (Parcel #09-11-479-009)

Commissioner Reynolds disclosed that he works for Auger Klein Aller Architects, Inc. which prepared this site plan. He said he did not work on this site but had advised employees that did.

Moved by Trustee Steimel, seconded by Commissioner Walker, to recuse Commissioner Reynolds from acting on this case.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Porter, yes; Walker, yes; Steimel, yes; Dunaskiss, yes; **Motion carried 6-0** (Reynolds sustained)

Mr. Steve Auger with Auger Klein Aller represented the applicant. Mr. Auger explained that they have resubmitted the plans that were previously reviewed. Most of the comments were concerning the easement property. He pointed out they were able to pick up on all the recommendations by moving the drive off Park View to be directly onto the applicant's property and out of the easement area. They also removed any parking in the easement area and clarified on the drawings some of the issues pertaining to landscaping and what they were doing with the wood shed. However, the major issue had to do with the easement on the property.

Planner Lewan went over his review dated August 29, 2017*.

- Regarding the easement, he would still like some reference on the site plan to that easement and what access would occur between lots 156 and 157. He said that could be done as just a note on the site plan.
- He reiterated that the property has existed since the 1970s and in its current configuration has many pre-existing nonconforming features that would not be permitted today if it was coming in from scratch. As mentioned at the last meeting, he likes to try and bring a site up to as many current standards as possible. However, because the applicant isn't changing anything, he can only recognize this fact.
- Regarding site access and circulation - the Road Commission will have to weigh in on the closure of the eastern Park View Blvd. access point. The applicant is proposing to remove that drive and replacing it with grass.
- Planner Lewan noted that there are two replacement trees within the Park View Blvd. right-of-way. Anything planted or added to a Road Commission right-of-way should be reviewed or approved by the Road Commission.
- Along Clarkston Road, Planner Lewan would like the applicant to consider some additional landscaping however again it be within the right-of-way and would require review by the Road Commission. He felt this would be a benefit and help bring the site up to current ordinance standards.
- He noted there is some existing lighting within the Clarkston Road right-of-way and that it might be fine with the Road Commission but asked the applicant if he would address that. He also added that the plans indicate that lighting will meet ordinance standards however the photometric plan shows a couple of locations where the lighting is over the standard - that would have to be tweaked.

Engineer Stevens went over his review dated August 29, 2017* which finds the plans to be in substantial compliance however he did have some minor comments that needed to be addressed:

- The plans need to show correctly the access easement and to clarify the driveway. It looks like on Sheet SP-1 there is going to be new asphalt adjacent to existing asphalt but when looking at the existing site conditions, based on the location, it appears like

they will be separate. The concern was if it was just new pavement adjacent to the old, there could potentially still be some encroachment onto the adjacent lot. He wants to make sure that it is cleaned up and clarified so the approaches are called out separate and there is no relative ease of encroachment.

Mr. Auger responded he agreed with Engineer Stevens and that currently the site plan is with their civil engineer. That should become clear on how that will be handled as well as some of the topo concerns. Those will be submitted with their final submittal.

Chairman Dunaskiss asked the applicant if there has been many discussions with the Road Commission regarding potential plantings and the existing lighting in the road right-of-way? He said he does understand their use and that they want to get as many cars in there as possible and that additional landscaping would hinder that. Chairman Dunaskiss clarified that they were planning on leaving the existing light poles on the southern portion? Mr. Auger said, correct, that is the intent. He explained, though, that if through the permitting process the Road Commission doesn't allow that, then they will have to come back and move them.

Chairman Dunaskiss asked about any thoughts to doing some plantings for shielding along Clarkston Road? As they may be aware, there is a new development going in behind Kmart. Mr. Rich Skalneki replied that was something he was going to address with the Road Commission - if they would allow them to put something there. If they would, they would do it but would not give up any of the parking.

Mr. Auger said he needed more clarification on what Planner Lewan was looking for on the plans as far as the easement. There are no plans for that property yet so they would not know where ingress and egress would be. Planner Lewan explained just a general recognition somewhere in the notes – that it will be available; there was some concern about that.

Per a question by Commissioner Porter, it was noted that Sheet 1 of the site plans date stamped received 8/25/17 still showed there was parking along the easement and on Sheet ASP.1, the parking was removed. It was explained that Sheet 1 depicts the property as it currently sits and ASP.1 is what they are now proposing. Commissioner Porter then pointed out that there are still a couple of parking spaces along Clarkston Road that still appear within the easement.

Phil Christi, 2650 Buckner Road, commented that he has come up with a “raw” plan for the easement with ingress/egress and a greenbelt to separate the two lots. He asked if the Planning Commissioners would like to see it? Vice Chairman Gross suggested that Mr. Christi share it with the applicant. Mr. Christi also wanted it known that two of the light poles on the western edge of the property are in the easement and belong to him.

Trustee Steimel noted that the applicant updated one layout but not some of the others with the new stuff like the photometric grid. He asked Planning & Zoning Director Girling if this will be a problem down the road? Planning & Zoning Director Girling responded that all the pages should be updated to reflect what the site is going to look like. The other pages should be updated to show where they are relocating the drive off Park View and that parking will only be on their site. Mr. Auger said they would be happy to do that.

Chairman Dunaskiss said that because of the consultant comments and the applicant's responses, it appears the Planning Commission can consider moving forward with this.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission **grants** site plan approval for PC-2017-18, Skalneki Ford Annex Building Site Plan,

located at 95 E. Clarkston Rd. for the plans date stamped August 25, 2017. This approval is based on the following conditions:

- the plans indicate a cross access in the easement to provide access to lot 157,
- that the applicant obtain approval from the Road Commission for Oakland County (RCOC) for changes along Park View Blvd.,
- that the applicant consider approval from RCOC for landscaping the greenbelt along Clarkston Road,
- and approval from RCOC for the lighting that is within the Clarkston Road right-of-way.

Vice Chairman Gross amended the motion, Commissioner Porter re-supported to add that all the prints are brought up-to-date and that it be clearly noted on Sheet No. 1 that it depicts the existing or current conditions of the site.

Planning & Zoning Director Girling clarified that what the Planning Commission is seeking on easement is possibly some cross-hatching and the Liber and Page number of the easement which acknowledges that the easement exists and the area it pertains to. The indication from the Commission was, correct.

Engineer Stevens commented the line work needs to be updated to reflect the actual line work of the easement too- the line work needs to be adjusted slightly.

Will Wilsher, 915 Buckhorn, commented he was representing his daughter who lives off Pleasant. She had concerns about the loading and unloading of parts being done on Park View right now. Is there anything going to be done about that? And was there any thought, since that road takes a lot of wear and tear from the business, about possibly running asphalt along there; it gets pretty chewed up. They also had concerns about the intersection at Park View - was there any way to run a road between the two properties and divide the difference of the road between Mr. Skalnek and Mr. Christi. It was his opinion that is an accident waiting to happen. Then speaking on his behalf, he lives on Buckhorn Lake and was worried about possible light pollution, he has a pretty good view of the property from where he lives.

Karen Bartreau, 146 Park View Blvd., was concerned about there being a paint booth 22 feet from residences. She commented that this is not being considered as a different business, changing from a restaurant to an automotive dealership with a paint booth – we are now talking about different fumes and chemicals, different people coming in and out and the extra vehicles going in and out. It was her opinion this is quite a bit of change in business. Also, they (the applicant) are using an “in and out” that was never used before on Park View to go between the two properties. Park View already has a lot of pot holes because of the increase in usage. Ms. Bartreau also noted that they don’t keep their current property clean and they have to look at the trash along the fence line when driving up and down Park View - it will be even worse if they put up fencing along this property and don’t keep it clean. She believes this will cause their property values to go down and affect the lives of the people who have lived there for 20-25 years. She also asked about notifying residents about this meeting, a lot of them didn’t know this was taking place.

Phil Christi, 2650 Buckner, commented that he owns residential property behind this site and is happy with the 30 ft. buffer they will be putting the two uses.

Roll call vote was as follows: Steimel, yes; Walker, yes; Porter, yes; Gross, yes; St. Henry, yes; Dunaskiss, yes; **Motion carried 6-0** (Reynolds recused)

Trustee Steimel clarified that what is going in the building is not really a paint booth, it will be something small to be used for repairs and minor parts – they won't be painting full cars. The building will be used mostly for prep work.

Planner Lewan noted for the record that because this was a change of use, not a special land use, rezoning or PUD, it did not require a public hearing notice. Site plans do not require public hearing notices and why some of Ms. Bartreau's neighbors didn't know about this meeting. Dealerships are a permitted use in the General Business District.

Commissioner Porter commented that he agrees with the recommendation to reroute the road here however that proposal needs to come from the property owners not from this commission.

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Planning & Zoning Director Girling regarding V2W Cell Tower Special Land Use and Amended Site Plan. Planning & Zoning Director Girling explained.

11. COMMITTEE REPORTS

PC-2017-09, Site Walk Report; Kay Automotive Graphic Expansion – Request for Landscape Waivers

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

Chairman Dunaskiss said he was glad to be back and welcomed Commissioner Reynolds to the Planning Commission.

14. COMMISSIONERS' COMMENTS

None

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Secretary St. Henry, to adjourn the meeting at 8:23pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

October 4, 2017

Planning Commission Approval Date

*Reports attached