

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, OCTOBER 4, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 4, 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	Scott Reynolds, Commissioner
Joe St. Henry, Secretary	
John Steimel, BOT Rep. to PC	

PLANNING COMMISSION MEMBERS ABSENT:

Neal Porter, Commissioner

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Jim Butler
Jon Pfiffner
Nick Peraino
Bob Sellman
Lynn Harrison

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

A. 9-6-17, Planning Commission Regular Meeting Minutes

B. 9-6-17, PC-2017-23, Speedway Rezone Request Public Hearing Minutes

Moved by Commissioner Walker, seconded by Vice Chairman Gross, to **approve** the 9-6-17, Planning Commission Regular Meeting Minutes and the 9-6-17, PC-2017-23, Speedway Rezone Request Public Hearing Minutes as presented. **Motion carried unanimously**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

A. . . PC-2016-30, KPMF Expansion, request for site plan extension

Jim Butler with PEA and Jon Pfiffner with Kay Automotive represented the applicant. Mr. Butler said there are here tonight to request an extension of their site plan that was approved last fall for a 69,424 sq. ft. phase II building.

He explained they did come before the commissioners for an expansion of the existing building, Kay Automotive, for warehousing and have decided to go forward with that expansion and that they are still interested into adding onto this building, KPMF. However resources and time have been committed to the Kay warehousing expansion. They are therefore requesting an extension of the site plan approval for the KPMF project.

Chairman Dunaskiss asked if they had any anticipated timing for closing the other project so that this site plan could move forward? Mr. Pfiffner responded that it would definitely be after the Kay Automotive expansion; possibly next spring or early summer. Chairman Dunaskiss clarified that it was still their plan to move forward with the KPMF expansion. The applicants indicated yes.

Chairman Dunaskiss commented that from what they have shared, it sounds like a year would give them some “breathing room” to get through the current Kay project and then start this one? The applicants said, that is the plan.

Chairman Dunaskiss commented that the Site Walk Committee walked the property a number of times for different modification requests; it is good to see that they want to diligently move forward with it. It was his opinion that since they are moving steadfast and coming before them whenever needed, that it would be appropriate, in this case, for a year extension. The rest of the Commissioners agreed.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approves** the site plan extension request for PC-2016-30, KPMF Expansion Site Plan for one (1) year, to October 19, 2018. This approval is based on the fact that the applicant is moving forward with the development.

Roll call vote was as follows: Walker, yes; Reynolds, yes; Gross, yes; St. Henry, yes, Dunaskiss, yes; **Motion carried 5-0** (Steimel and Porter absent)

Trustee Steimel arrived at 7:07pm

B. Pomeroy Villas – Request for Extension

Nick Peraino, President of Pomeroy Living, and Bob Sellman, Vice-President of Construction for the project were present. The applicants explained that they have completed the construction of the main building and will be taking their first resident this week; they got the Certificate of Occupancy a couple of weeks ago.

Mr. Peraino noted that neither he nor Mr. Sellman where with the company at the time the original site plan was submitted. At that time there was a plan for a second phase that included independent living villas, 8 single-family homes and 4 duplex-homes planned for the north part of the property. At this time they are continuing to evaluate that phase of the project – if it is the right fit for them and for the Township. They are focused on taking the next three to six months to see what kind of feedback they get from the community and how the leasing goes before embarking on the villas venture. They would like to ask for an extension of the site plan approval - if they were to do that project as originally proposed.

Chairman Dunaskiss asked the applicants regarding the current building if it was on track and hitting their expectations? The applicants responded, yes, the project is “showing” extremely well and has a good amount of pre-leasing activity; they would say they are right on track and feeling confident.

Chairman Dunaskiss asked about the temporary road in there now - what are the plans for that if this extension is granted? Also, if they do not go forward - what are their plans for that road?

Mr. Peraino responded that their intent is to maintain that road. To keep it snow plowed, to keep it a good solid dirt road for emergency access for the fire department and EMS. He explained there are barrier gates that will be installed. There are two of them now on Stadium and they have worked with Fire Marshal Williams in getting a Knox box for access to the site from the north. They will have a new barrier gate installed just off phase one of the property going out to that dirt road. There will be barrier gates to prevent passage through there by the public.

Secretary St. Henry asked for clarification on what the delay is on the construction of the villas? Mr. Sellman said he wasn't with the company at the time the project was designed and doesn't know why the project was presented the way it was - with the two phases. He commented that they are continuing to study that. There are a few other projects in southeast Michigan that are the adding independent villa concept and that has yet to be proven out. They want to make sure that if they go forward that it will be a successful project for the Township and for them. They have a significant investment in the phase I building and want that to be a fantastic project and not sure if diverting their attention to this unproven villa concept is a good idea not knowing if it will be a right fit for either side; they are studying some different financial models and costs.

Secretary St. Henry asked, if they should “pull the plug” on that phase, would that property just stay empty? Mr. Sellman replied that in the interim, yes, but long term believes that with the growth pattern coming up Lapeer Road, there will be a significant amount of interest in it.

Vice Chairman Gross asked if they still own the property? Their response was, yes.

Commissioner Walker asked the applicants what exactly are they looking at to make this decision? Mr. Sellman said they are studying if the potential project build will be a for rent or for sale model, how it might integrate in with phase I, and proving out the concept – can they get the right amount of rent for a single-family building; will it be a successful venture or would they regret having built that product in that location.

Commissioner Walker commented that he believed that should have been part of their initial thought process when they started this.

Chairman Dunaskiss asked for more clarification on the temporary road – when would it have to become a public road if they don't go forward with this phase per our ordinance?

Planning & Zoning Director Girling responded she was looking at that same question, when would the Planning Commission say, that this has been long enough and it needs to be made permanent.

Commissioner Reynolds asked, in regards to this concern, are the applicants looking for a six months, 8 months or a year? The applicants said ideally they would like to have a year so they can continue their evaluation process.

Mr. Peraino further explained that it is their intent to improve the area in front of the barrier gates on both sides. They will install a 3-rail vinyl fence so that it will look architecturally nice and hydro seed both sides of the temporary road. The road will have a greenbelt on both sides which will give it a more finished appearance.

Chairman Dunaskiss said he appreciated the applicants' honesty and that we are nearing the end of the construction season; it was his opinion that the Township can give them a little more time to see if they can make this work.

Vice Chairman Gross commented that the original plan was unique to begin with, as long as the plan remains the same as it was when it was approved, he would recommend a one-year extension recognizing that if there are any changes, it will have to come back to the Planning Commission for a new site plan. At that point they can evaluate the necessity for the road.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **grants** the approval of a one-year extension from today, October 4, 2017, for the Pomeroy Villas project.

Discussion: Chairman Dunaskiss inquired if there should be something in the extension that says they would be required to make the road permanent at the end of the project? Planning & Zoning Director Girling pointed out that this not a site plan extension, it is an extension of the construction period. They had their site plan, they pulled a building permit within the year, and the ordinance says they have two years to complete construction. She noted that this project has had a lot of twists and turns and the discussion was when the temporary road was allowed was that it was for year. She suggested they come to the Planning Commission before anything expired – it's more of the extension on the construction.

Vice Chairman Gross amended the motion, Commissioner Reynolds re-supported, from site plan extension to construction extension.

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

8. UNFINISHED BUSINESS

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

Planning & Zoning Director Girling noted her memo dated September 26, 2017* which explained the revisions that were discussed at a prior meeting and the Articles to be discussed tonight. She asked the Commissioners to go over the revisions from the last discussion.

Today before the Planning Commission were Articles REC-1, REC-2, IC, RFY, SP-1, SP-2, P, SF, SE, SR, R1, and R-2. Planning & Zoning Director Girling supplied the members with a cover sheet for each of the Articles that described what she believes needs to be done so that the zoning Article and Schedule of Regulations are consistent. Also on the cover sheet for each article were highlighted points that needed to be discussed by the Planning Commission.

Regarding Rec-1 & Rec-2:

- It was Trustee Steimel's opinion that at some time these two zoning classifications could be consolidated; there are only a few subtle differences.
- The Commissioners discussed footnote "n" and per her findings that were noted on the cover sheet for these Articles, it was agreed that footnote "n" could be removed and that the information was covered in other places within the ordinance.
- Commissioner Reynolds reiterated his comments from the August 16th meeting regarding footnote "x". Although Planning & Zoning Director is looking for comments from the fire department regarding this, Building Code does talk about minimum clearance around buildings and is referenced in a couple of different ways. That code does change depending on how close a building is to a public right-of-way, a lot line, or another building within the same property. Planning & Zoning Director Girling clarified that she will be sitting down with both the fire marshal and the building inspector to discuss this specification.

Regarding IC:

- The Commissioners discussed the total structure size minimum that was contained in the Article of 2 million sq. ft. The question was, should we keep this minimum requirement? After discussion it was decided to leave it in and to add it to the chart in Section 19.04; to be consistent and carry it through. It may be needed to dig deeper into the difference between IC and an industrial park to answer this question.

Regarding RFY:

- The Planning Commissioners were ok with the revisions Planning & Zoning Director Girling suggested on the cover sheet.

Regarding SP-1 and SP-2:

- Planning & Zoning Director Girling questioned, too, whether we need to have the two separate Articles; this will be left for another discussion.
- The Planning Commissioners were ok with the revisions Planning & Zoning Director Girling suggested.

Regarding P:

- The Planning Commissioners were ok with the revisions Planning & Zoning Director Girling suggested.

Regarding SF, SR and SE:

- Planning & Zoning Director noted the handout that was at each place that was a page that needed to be included with this Article.
- The Commissioners discussed whether or not footnote “b” in the Schedule of Regulations should be stricken. Footnote “b” was a stipulation pertaining to front setbacks and when two or more residences on the same block did not meet ordinance setbacks. Planning & Zoning Director said this footnote applies to all of the residential Articles and originally it was her opinion that it should be stricken however just today a resident came to the counter who fell into this exact situation. After discussion by the Planning Commissioners, it was decided to leave the footnote and to research other municipality ordinances for something similar.
- It was recommended to delete footnote “d” which pertained to rear yards abutting side yards, etc. The Planning Commissioners and Planner Lewan agreed that the language was confusing and believed that situation is similar to what is a corner lot standard. It was the consensus to delete it.
- Footnote “2” which was noted in the chart and only referenced the SR zoning district. After discussion, it was the consensus to remove it.
- The Commissioners discussed footnote “3”, Total Maximum Floor Area of All Accessory Buildings, and that it excludes decks. Definitions of decks specifically says that it is not to be considered as an accessory building. Planning & Zoning Director Girling’s suggestion was removing it from the Schedule of Regulations and then perhaps amend section 27.02A8 by adding a footnote there. Commissioner Reynolds had some concern about this and that someone could have a detached deck on their property. It was decided that his might need more discussion but for now to remove it and to let it be covered by the definition of Deck in Definitions.
- The Planning Commissioners were ok with Planning & Zoning Director Girling’s other recommendations.

Regarding R-1, R-2, & R-3

- The Planning Commissioners discussed accessory use farm buildings for this Article. It is addressed in SF, SR, SE but not in this one. Both districts have principle uses of agriculture and farming. It was decided to leave the Article as it is until there is more discussion regarding the Right to Farm Act.
- The remaining highlighted questions on the cover sheet were answered in previous Article discussions and/or decisions.

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

None

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Trustee Steimel thanked Planning & Zoning Director Girling for the copy of a presentation from the recent Planners Conference and commented on Medical Marijuana regulations.

15. ADJOURNMENT

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to adjourn the meeting at 8:32pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

October 18, 2017

Planning Commission Approval Date

*See memo and attachments in file