

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

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

PLANNING COMMISSION MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Teon Sujak	Jeffrey Liu
Ghassan Abdelnour	Miranda Liu
Frank Awdish	Emily Diener
Sean Awdish	Lynn Harrison

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

- A. 11-15-17, Planning Commission Regular Meeting Minutes
- B. 11-15-17, PC-2017-26, Speedway Special Land Use Request Pub Hrg Minutes

Moved by Vice Chairman Gross, seconded by Trustee Steimel, to **approve** the 11-15-17, Planning Commission Regular Meeting Minutes and the 11-15-17, PC-2017-26, Speedway Special Land Use Request Pub Hrg Minutes, as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

None

8. UNFINISHED BUSINESS

A. PC-2017-05, Silver Spruce Plaza, Planned Unit Development (PUD) Final Plan, located at 3901 S. Lapeer Rd. (parcel #09-26-452-017) and a vacant parcel to the east of 3901 S. Lapeer Rd. (parcel #09-26-452-009)

Mr. Ghassan Abdelnour with G.A.V. & Associates, the architect, presented.

Mr. Abdelnour noted that the plans went through the concept process and are in receipt of the consult reviews. Chairman Dunaskiss asked Mr. Abdelnour to give a brief overview of the project.

Mr. Abdelnour explained that the gas station will be on one side of the site and will be approximately 7,870 sq. ft. They are also proposing a retail building on the other side of the site which will be approximately 15,504 sq. ft. There is property to the east which at one time they were proposing to develop but they have decided to cancel that development. He then pointed out on their PowerPoint presentation the entrance onto Silverbell and the two proposed entrances onto Lapeer Road.

He commented that originally they had planned parking in the rear area along of the site along with the dumpster but have revised that and moved the parking and dumpster so that there is now a 50-foot clear area between their property and the residential properties.

There is a proposed drive-thru attached to the gas station/convenience store and Mr. Abdelnour and how the circulation is planned. He commented they did submit a traffic study to the Township and to MDOT and MDOT is in the process of reviewing it.

Mr. Abdelnour noted the front landscaping details which will consist of something like columns and railing; that will be around both Silverbell and Lapeer Roads. In the back near the residential properties, they provided a landscape plan that shows the trees they are proposing as a buffer between the two zonings. He also noted an engineering revision to the detention pond/area along the side of their property.

Mr. Abdelnour said they have provided a connection going from the shopping center to the sidewalk in front of Lapeer Road, provided the same thing for the gas station, and for the back area.

Regarding the building materials – they are proposing to keep the same idea for both the convenience store/gas station and the retail building. That being split-face block at the bottom with limestone and brick for the actual buildings. The gas station/convenience store will give the appearance of a two-story building and the fuel pumps will be in front of that. He commented they just built one with a similar design in Rochester Hills.

Chairman Dunaskiss asked Planner Lewan to go over the Carlisle Wortman review for the PUD portion dated November 30, 2017. Planner Lewan explained the following items that need to be addressed:

- The applicant did provide an open space calculation however there was a discrepancy with that calculation. Planner Lewan noted he calculated 20% and the applicant calculated 30%; however, both meet the 10% requirement.
- Although there was landscape plan provided, Planner Lewan would like to see more detail in regards to the landscape wall/fence; it appears they are no longer proposing a berm along the front.
- The applicant needs to indicate the quantity and type of trees that will be removed from the northern portion of the site.

- The Commissioners need to discuss the excessive height of the retail building.
- The applicant needs to address the discrepancies between the building square footage depicted on the site plan and the site data table on sheet SP.101.
- The applicant needs to revise the open space calculations and exclude the area of the detention pond from usable open space.
- They need to provide details/sections of the proposed Silverbell Road safety path.
- The applicant needs to clarify the design of landscape wall and/or fencing.
- The applicant needs to ensure that light fixture quantities listed in the luminaire schedule match those depicted on the photometric plan and add the fixture symbols to the photometric plan.
- And, modify the PUD Agreement to include a list of permitted uses, hours of operation, and total number of signs; that agreement then needs to be approved by the Township Attorney.

Regarding signs, Planner Lewan went over their review dated November 30, 2017. He explained that deviations from the sign ordinance for a PUD are handled by the Planning Commission and that those deviations are then “baked” into the PUD Agreement. His review noted the following issues:

- The two monument signs don't meet the minimum setback of 30 feet; they are much closer than that to the road right-of-way's.
- One of the monument signs (the one for the retail building) is slightly higher than the maximum 8 ft. sign height requirement.
- There are additional wall signs being proposed on the gas station/convenience store; only one is permitted per establishment.
- Regarding the sign area - it has been the interpretation of the Township that anything with a sign on it that is back-lit, the entire back-lit area is considered signage. Therefore, because their canopy is back-lit and contains the gas station logo and color stripe; that whole piece is considered signage.
- And, the applicant needs to clarify sign dimensions, quantity, etc.

Planner Lewan said these are items that can be addressed and the plan generally meets ordinance standards and the PUD concept plan submitted. The signage issues are probably the biggest concern.

Engineer Landis went over the OHM reviews dated November 29, 2017. They found that the final PUD plans were consistent with the approved concept PUD plans from an engineering standpoint. They had some minor comments regarding water and sewer, storm and paving however those can be addressed during the engineering stage. He noted the applicant did submit a traffic impact study and a wetland assessment as requested.

- Regarding the traffic study, there were several deficiencies that were outlined in their review and should be revised and resubmitted. Of most concern, the study has to analyze the need for two driveways on Lapeer Road and the driveway alignment on Silverbell Road. Engineer Landis said he understands the applicant just recently submitted the site plan and traffic impact study to MDOT for review, however at concept MDOT had indicated they were only going to allow one driveway. It is the Planning Commission's discretion to approve the plan as is but to keep in mind that MDOT may

come back and request there only be a single driveway onto Lapeer Road which would affect onsite circulation patterns.

- With respect to OHM’s review of the Wetland Delineation Report and their own independent site investigation - they found the wetland delineated was generally correct. It was just under a .10 of an acre on the north side of the property. The wetland in question does not show up on any of the typical inventory maps, however in reviewing those maps, there is a riverine type wetland on the National Wetland Inventory Map that actually runs along the south side of Morgan Hill. At the time of their visit, it appeared that riverine and the wetland on the site were connected which raised concern it might be a MDEQ regulated wetland. He noted, though, the impact proposed is very minor, .03 acres which the applicant is using basically to expand the detention pond. OHM doesn’t have a problem with what they are proposing however it’s a matter if the MDEQ will require a permit for it.
- Engineer Landis’ last comment was regarding the need for Master Deed Bylaws and an Exhibit B which are required per the ordinance.

Mr. Abdelnour responded to the items noted by the consultants:

- Regarding the open space calculation – they did take out the detention area so now they are around 23 to 24%. When they resubmit, they will show that revision and all their calculations.
- Regarding landscape details – the “wall” they are proposing is about 2-feet tall consisting of brick columns and iron railing however it is not really a wall; it is more like a nice detail with shrubs in front of it that will be in front of the building along Lapeer and Silverbell; it was recommended they do that. There was a wall proposed at the back of the property but because of discussion and the existing trees that are there, it was decided that putting a wall in might kill those trees. It was there thought to add more trees instead. He asked for the Commissioners opinion on that. They would be willing to go either way but would prefer not to put in a wall. It was clarified there is a 50-foot greenbelt there.
- Once they have an agreement on the above, they will have their landscape architect provide a full report and note which trees will be removed.
- Regarding the excessive retail building height – he believed it was a 2” difference and is willing to lower it and make it comply.
- Regarding the building square footage discrepancies – the correct square footage is the one noted on the site plan. The gas station/convenience store footprint is 7,870 sq. ft. and the retail building is 15,504 sq. ft. They will revise all the plans so they are consistent.
- Regarding the safety path on Silverbell Road – they do show the sidewalk and will give all the details for handicap when the submit the drawings.
- Regarding the lighting – Mr. Abdelnour noted that the illumination is correct on the drawings and will fix what is needed. He will make sure that all the photometrics meet Township requirements and will add the fixture symbols to the photometric plan.

There was a lengthy discussion about the signage.

The Commissioners were ok with the canopy and its back-lighting. It was noted that the light bleed from that to the neighboring residential area will be blocked by the convenience store/gas station. It was suggested using blue LED lighting behind the blue stripping around the fuel canopy would be less obtrusive. Mr. Sean Awdish explained how the blue stripe is part of the Mobil logo and is required by them. He further explained that the company has toned down the lighting significantly and does use LED lighting; it is not as bright as everyone thinks.

Mr. Abdelnour had concerns about having to meet the 30-foot setback on both monument signs. If they are moved that far back, they won't be seen by drive-by traffic. He noted that the one between the two proposed drives on Lapeer Road will be mainly for the retail building. He asked the Commissioners for their opinion regarding the setback and would be willing to reduce the height to 8-feet.

Mr. Sean Awdish said he did submit plans for the signs on the convenience store/gas station; for the side and the front. They need signage to brand the convenience store away from the fuel brand. The retail building will have its own signage for each tenant. When asked, Mr. Awdish said he doesn't want to require standard lettering or colors for the retail tenant signs.

Mr. Abdelnour commented that the fuel pump area lighting is important to help their clients feel safe when fueling late at night.

The Planning Commissioners agreed that the monument signs need to comply with the 8-foot ordinance requirement.

Regarding the retail building signage - Planner Lewan commented that it is not be uncommon for a multitenant facility to have separate signs for each tenant and that the Planning Commission could make that part of the PUD Agreement – that after that facility is constructed and they get tenants, that they go through the normal sign review process.

It was noted that on the convenience store/gas station, the applicant would like a sign with their name on it and sign for the business that will be operating the drive-thru.

Commissioner Porter said he would like them to put their address numbers on at least one of the monument signs. He believed that it has done before where the address part of the sign is not calculated in the square footage of the sign.

Regarding the traffic study – the applicant is proposing two entrances off of Lapeer Road. Having those two entrances is very important especially because they will be servicing both the gas station and the retail building and will help circulation. Mr. Abdelnour commented that if MDOT does not allow them an additional curb cut onto Lapeer Road, they will have to come up with something else. It was noted that the Planning Commission cannot dictate what MDOT allows. If they don't allow the two entrances off Lapeer Road, the applicant will have to come back with another plan.

Chairman Dunaskiss asked for thoughts on the landscaping “wall or fence” at the back of the site. He noted there is already some existing foliage but had concerns about what that will look like during the winter; will it warrant having to put a fence or a wall there? Mr. Abdelnour said their landscape architect has provided more evergreens in that area and that they took out the parking and moved the dumpster so that there will be a 50-foot buffer there. Commissioner Walker noted that with evergreens there wouldn't be any leaves that fall off and if they are put close enough together, it should solve the problem. In his opinion, that would be better than a fence. Planner Lewan commented that the applicant is proposing both. Secretary St. Henry commented that once the trees fill in, they will create a significant “landscape wall”. It was the

consensus of the Commissioners that they did not want an actual fence there. It was Trustee Steimel's opinion that they should also add some lower evergreens to the area to keep debris from blowing onto neighboring property.

Chairman Dunaskiss asked about the known hours of operations? Mr. Awdish said, for the gas station, they plan on being open 24/7 which is more for security reasons.

It was Chairman Gross' opinion that the 2" overage on the height of the retail building should be eliminated and to make it comply with ordinance; the same with the additional 7" height variance on the retail monument sign; the 30-ft. setback on the retail monument sign could also be reduced by moving the sign back into one of the adjoining parking spaces and creating a small landscape island around it to avoid any potential vision problems. It was Commissioner Porter's opinion that by moving the sign into one of the parking spaces would hide it when vehicles park next to it. It was then suggested to put it on the north side of the north drive on Lapeer Road. It was Mr. Awdish's concern however, that people would have already passed the entrance when they see the sign. Commissioner Reynolds suggested putting it on the north side of the south drive and then they could achieve a little more of a setback, possibly 15 ft. Mr. Awdish recommended putting the retail signage above the fuel signage at the corner of Silverbell and Lapeer Roads. He noted that would then require a variance for a larger sign. Commissioner Gross commented that he would like to see what that will look like. The Commissioners liked this idea if the sign was only for the name of the retail center and not each individual tenant. They would like to see a concept plan first.

Planner Lewan said they could move the development to the Township Board and bring the sign portion back for further review. Planning & Zoning Director Girling reminded them that sign will still need to go the Township Board for their approval.

Planner Lewan said he had some concerns with the sign waivers being discussed; although the Planning Commission is allowed to make these waiver recommendations as part of the PUD review, he would still like the Commissioners to give reasons why they are granting them. His major concern was the 30-foot setback. Mr. Abdelnour said, rather than have to come back, they will make the monument sign 8-feet for the retail plaza with a 15-foot setback. The Commissioners were good with that.

Chairman Dunaskiss clarified the applicant was ok with whatever is decided by the MDEQ regarding the wetland review and would comply. Mr. Abdelnour said, that should be fine.

Chairman Dunaskiss reminded them they will have to update the Master Deed Bylaws with exhibits.

There was discussion about the vacant lot that was shown as part of the PUD plan and if it was actually part of the plan. It was noted that it is part of the PUD plan and is now zoned as such but that there are no plans to develop it. If it is ever developed it would have to come back to the Planning Commission and the Township Board as a major PUD amendment. It was agreed by the applicant to put in a curb at that location rather than the planned apron so that no one would use it for parking. There was then discussion whether the parcel was used as part of the open space calculation. Planner Lewan responded that the requirement is 10% and the applicant meets that whether the parcel was include or not.

Commissioner Reynolds still had questions about wetlands and the MDEQ. If the applicant makes the submittal to the DEQ and they determine that the wetland is contiguous with the riverine on the map, then they would need to get a permit? Engineer Landis said that is their recommendation and believed the applicant had agreed to that. Mr. Sujak with Sujak

Engineering said that their wetlands consultant has taken a second look at it and he is going to contact the DEQ - if they do need to file a permit, they will. Engineer Landis recommended that the Township obtain something in writing from the DEQ either way. Commissioner Reynolds commented that should also be part of the motion.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, to forward a recommendation to the Township Board to **approve** PC-2017-05, Silver Spruce Plaza Planned Unit Development Final Plan and agreement, located at 3901 S. Lapeer Rd. (parcel #09-26-452-017) and a vacant parcel to the east of 3901 S. Lapeer Rd. (parcel #09-26-452-009), for plans date stamped received November 14, 2017. This recommendation to approve is based on the following findings of facts:

- compliance with the PUD Concept recognizing that this is a redevelopment of an existing gas station and the fact there is an auto dealership to the north;
- that Parcel B is identified as a vacant parcel of the PUD and any future development of that parcel will require an amendment to the PUD;
- this is compatible with adjacent land uses, again, being there is an auto dealership to the north and the fact that the property is currently being used as a gasoline station;
- that a traffic impact study has been received and is being reviewed by the Michigan Department of Transportation (MDOT) and the proposed driveways onto Lapeer Road are subject to their approval;
- the protection of the natural environment with retention and existing trees to support and landscaping the buffering of the single-family property to the east;
- the plan is in compliance with applicable regulations of the RB and GB zoning requirements;
- and further, the plan is consistent with the Master Plan with the objective of the Master Plan to improve the appearance of one of the major entrances to the Township;

this recommendation is subject to the following conditions:

1. that the applicant submit details of the landscape "wall" as shown on the site plan;
2. that the retail building be reduced by 2" to make it in compliance with building height requirements;
3. that the open space calculations be revised to indicate the quantity and types of trees to be removed as well as the actual computation of the open space;
4. to provide details of the Silverbell safety path as the applicant has indicated;
5. that the driveways onto Lapeer Road be approved by MDOT or the plan be resubmitted to the Planning Commission;
6. that the plan complies with any regulations that the MDEQ may have regarding wetlands;
7. approval of the PUD Agreement by the Township Attorney;
8. to reduce the height of the monument sign for the second (retail) plaza to meet the ordinance requirement of 8-feet and to provide a 15-foot setback, to accept the presented fuel canopy as signage, and to accept the number of wall signs presented on the convenience store/gas station for the following reasons:

- a) it was discussed that the fuel canopy sign (with its back-lighting) is acceptable because it will be blocked, in part, by the convenience store building from the residential zoning to the east;
- b) that the number of wall signs on the convenience store/gas station is being reviewed as a multi-tenant building (which allows for more than one wall sign or a single sign for each tenant).

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

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

Planning & Zoning Director Girling presented. She discussed the proposed changes that were being introduced new for tonight's meeting as follows:

Regarding SF, SE and SR – 1) it was decided to leave the agribusiness use in the SF zoning district only and to not include SR or SE; 2) to incorporate into SR and SE the following language: "...district having greater than five (5) acres shall be exempt from the commercial vehicle regulations. However, all commercial...."; 3) to leave Article V, Section H 2.d.ii as is and not to include R-2 or R-3; and, 4) to strike the second sentence "one (1) vehicle may be a commercial..." from the SE language for a mobile home garage not in a mobile home park, to make the 3 zoning districts consistent.

Regarding R-1, R-2 and R-3 – 1) it was decided to keep the garage language simple for mobile homes not in a park; and, 2) to leave the language in Article VI, Section K (Bed & Breakfasts) 2.d.ii as is and not to include R-2 or R-3.

Regarding GB- it was decided that the accessory use found in old footnote "p" which is only found in this district, only applies to this district.

Planning & Zoning Director Girling and the Commissioners then discussed the proposed changes that were to be discussed at the November 15th meeting:

Regarding Article II and the definition for "Front Setback for a Structure"; it was decided to leave it as presented.

It was decided to make the parking lot setback for SP-2 and IC 30 ft. abutting residential property and 10 ft. abutting non-residential property and to add that language where appropriate and increase the General Provision to 20 ft. abutting residential and 20 ft. abutting non-residential.

Regarding the Outside Storage Comparison Spreadsheet – Planning & Zoning Director Girling began explaining the spreadsheet's composition comparing what was provided for each district prior to zoning consolidation and after. Because the Commissioners still had questions regarding outdoor storage requirements, she suggested they take the spreadsheets home to review.

Planning & Zoning Director Girling also explained that she provided the Articles after the footnotes from the Schedules of Regulations have been incorporated and a draft of the new Schedule of Regulations. It is now a matter of how the Planning Commissioners want to handle outdoor storage. She suggested that the Commissioners go over the materials she has provided and she will put it back on the agenda when time warrants. She explained that once the Planning Commissioners are ok with the changes, it will be

forwarded to the Township Board for their comments and then come back to the Planning Commission for a public hearing. She added that she did a search of the new contents for the words "Schedule of Regulations" and "Article XXVI" to make sure any reference is directed to the appropriate zoning district.

Commissioner Reynolds said he did have a question pertaining to the outdoor storage and that the criteria in the spreadsheet for MHP was constructed a little differently than RM-1 and RM-2. It was his opinion that MHP should be consistent the RM district. Planning & Zoning Director Girling said she will make a note of that. Planner Lewan said, however, the language may be slightly different because the districts are reviewed differently.

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Various periodicals

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Reynolds commented that he knows this (rewriting the Schedule of Regulations) is a painful process but it is appreciated; and, Merry Christmas.

Commissioner Porter commented on the recent explosion in the Township on Brown Road, he had concerns about the pipeline that runs along the back of some of those properties and would personally have a problem approving any future development in that area, there needs to be some discussion. Engineer Landis said he is aware of a meeting next week between Supervisor Barnett and Consumers who will be bringing in a team to update the Township on their investigation.

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to adjourn the meeting at 9:44pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

December 20, 2017

Planning Commission Approval Date