

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, FEBRUARY 21, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 21, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	Neal Porter, Commissioner
Don Gross, Vice Chairman	Scott Reynolds, Commissioner
Don Walker, PC Rep to ZBA	

PLANNING COMMISSION MEMBERS ABSENT:

Joe St. Henry, with notice
John Steimel, with notice

CONSULTANTS PRESENT:

Lauren Carlson (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director
Jeff Williams, Orion Township Fire Marshal

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

OTHERS PRESENT:

Kevin Hart	Tim Guild	Jessica Sutter
Steve Wagner	Walter Pytiak	Steve Hardenbargh
Gayle McGregor	Jason Longhurst	Phil Christi
Mark Pytiak	Tim Wood	Linda Dedvukaj
Sgt. Zehnpfenning	Lynn Harrison	Will Wilsher

3. MINUTES

A. 1-17-18, Planning Commission Regular Meeting Minutes

Moved by Commissioner Reynolds, seconded by Commissioner Walker, to **approve** the 1-17-18, Planning Commission Regular Meeting Minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds to approve the agenda as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

A. 2017 Annual Planning Commission Report

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, to receive and file the 2017 Annual Planning Commission Report and to forward a copy to the Board of Trustees.

Chairman Dunaskiss recessed the regular meeting and opened the Public Hearing for PC-2018-07, Planet Fitness Lake Orion, Special Land Use Request for an Extended Hour Facility (24-hour) at 7:05pm.

Chairman Dunaskiss closed the Public Hearing at 7:14pm and reconvened the regular meeting.

7. NEW BUSINESS

A. PC-2018-07, Planet Fitness Lake Orion Special Land Use request for an extended hour facility (24-hour) located at 1101 S. Lapeer Rd. (parcels 09-14-226-001, 09-14-226-007 and 09-14-226-008).

Chairman Dunaskiss asked Mr. Boutrous if he had anything else to add other than what he presented during the Public Hearing?

Mr. Boutrous added they will not be adding any parking lot lights; the lights that are existing in the center of the parking lot lights is what they will have and are not planning to increase the intensity of the bulbs. The way it is now is the way they plan on having it.

Planner Lauren Carlson with Carlisle Wortman went over their review letter dated February 13, 2018*. Planner Carlson noted that a health club and exercise establishment is permitted by right in this district however with the extended hour use it does require a special land use. She also noted that there are no material changes to the exterior of the site. In the Summary of Findings, it was noted that the Planning Commission should evaluate the proposed extended hour fitness center in accordance with the Extended Hour Use criteria of Zoning Ordinance Section 11.02.A and the Special Use criteria of Section 30.02 and the use should not negatively impact adjacent properties.

One item of note was that the applicant should provide a sketch plan denoting which light fixtures are intended to be kept. The applicant provided this to the Planning & Zoning Department and was presented on a PowerPoint slide tonight.

Commissioner Reynolds went over the Site Walk Committee's report of February 14, 2018. He commented that pretty much everything that was brought up during the site walk had been addressed tonight. There were some renderings shown at the site walk; overall nothing seems to be changing; a few things about the use were proposed and clarified that it will be staffed 24-hours a day. He reiterated that there are no proposed changes along M-24 or Clarkston Road for ingress or egress.

Vice Chairman Gross asked if there will be a pool in the facility. The response was, no.

Vice Chairman Gross read into the record four letters received from business owners in the plaza that were in favor of the request and that having a Planet Fitness in the plaza could potentially bring them more business.

Chairman Dunaskiss asked who controls the lighting, is it landlord controlled or tenant controlled? The applicant replied that the landlord will control it. Chairman Dunaskiss then asked if there was a plan that showed the actual light fixtures and poles to date that are used? He was concerned if the applicant ever upgraded those, it could be a concern to residents across the lake; he wanted to make sure they have proper shielding. It was noted that the

diagram with the red hatch marks is the area they will be lighting and that there were also light poles in the back of the building that are on a separate switch. Chairman Dunaskiss then asked if there are lights on now after 11:00pm? It was believed that the lights are on until midnight and then there are wall packs on the building that are lit and the canopy is lit from underneath.

Commissioner Reynolds clarified that a photometric plan was not provided. There was a comment in the Planner's review noting the footcandles at the exterior property lines, he felt this was a point that should be discussed.

Commissioner Walker said it was implied that there were no security issues here, then what is the importance of the parking lot lights being on 24 hours a day? Mr. Reef responded that there is traffic coming into the club and there are open 24/7. They don't want people tripping in the parking lot in the dark, etc. and want to discourage any possible vandalism. It is for member and staff safety; they have a shift change at 11:00pm and then at 5:00am. They don't want people walking back and forth to the club in the dark.

Planner Carlson answered regarding the question on the actual fixtures - she concurred that was not provided and something that could be requested. She reiterated that there are no exterior modifications being made to the parking lot. Regarding Commissioner Reynold's comments about the footcandles –the review's response to that was the subject parcel does not abut a single family zoned district; and in the rear lot, those lights won't be on 24 hours.

Commissioner Reynolds said another item of clarification. Pertaining to the special use there aren't any exterior improvements proposed but the renderings show improvements to the façade - that improvement is not part of the special use but is part of the project improvements? The Planner indicated that was correct.

Chairman Dunaskiss further clarified that being they are proposing to be long term tenants enables them to go forth with the facade improvements however tonight the Commission is looking at the special land use for the extended lighting – one is not contingent upon the other.

Chairman Dunaskiss then commented that given the property is on Lapeer Road, existing ordinances require there can't be footcandles spilling over onto other properties and why this business had to apply for a special land use. Given that fitness facilities are permitted by right in this district and they meet the various criteria; he would be comfortable moving forward with this request.

Vice Chairman Gross asked if this is a membership facility? Mr. Reef indicated, yes. He then asked if the facility anticipates drawing people from other fitness facilities in the area? Mr. Reef replied that is not their intention, their facility caters to first time and occasional gym users and don't have the same target audience as a Powerhouse for example.

Commissioner Walker asked if there are any another business in the Township that are open 24/7? Chairman Dunaskiss replied there are some gas stations that are; Speedway was just approved directly across the street.

Moved by Commissioner Porter, seconded by Commissioner Reynolds, that the Planning Commission **approve** PC-2018-07, Planet Fitness, Special Land Use Request for an extended-hour facility (24-hour) located at 1101 S. Lapeer Rd. (parcels 09-14-226-001, 09-14-226-007 and 09-14-226-008) for the application date stamped received January 23, 2018. This **approval** is based on the following finding of facts:

- the proposed special land use is compatible with adjacent businesses and is compatible with the Master Plan,
- adequate infrastructure is provided,
- there will be no detrimental effect on traffic,
- and no external changes are planned (to the parking lot).

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

Vice Chairman Gross asked when they plan on being operational? The applicants replied, sometime between August and October.

B. PC-2018-06, Lapeer Rd. Industrial Site Plan and Wetland application, located at vacant land (parcel 09-35-100-009)

Mr. Chris Cousino, CP Ventures, 12955 23 Mile Road, Shelby Twp., represented the applicant. They are seeking approval for a proposed site plan development. It is a light industrial building on 3.7 acres along Lapeer Road, directly west of the existing Palazzo di Bocce Restaurant. They are proposing a 46,264 sq. ft. industrial building. The site is currently being marketed by Signature and Associates to a wide market however they see the intended user as more of a high-tech automotive supplier or research developer. They have complied with Township ordinances for an L-I district with a Lapeer Road Overlay. They will not be seeking any variances for the site plan.

Mr. Cousino responded to some of the consultant review comments:

- Regarding comments to the low-lying depression in the southern area of the property, roughly about .2 acres. One of the consultants did not believe it was a regulated wetland by the Township and the other believed that it was because it met one of the ten Township requirements for a wetland - that was that it provided storm and flood control. What they are proposing in lieu of that is a detention basin. A 100-year storm event along with a proposed stormceptor pretreatment device in lieu of any additional BMP (Best Management Practices). In his opinion they were managing the stormwater much more than what was being proposed there now.
- There was a comment regarding the pathway along Lapeer Road and that it slightly jogs away from the property line. He explained that is to accommodate an existing utility pole.

Mr. Frank Salamone, 48701 Hayes Road, Shelby Township, the architect spoke. He explained that the office area and building façade in the front will mostly be architectural colored block with architectural metal panels. The industrial portion, or warehouse portion, in the back will again be architectural block, roughly 10 feet high with metal siding. He noted the building will be fully fire suppressed.

Chairman Dunaskiss asked Planner Carlson to go over the Planner's reviews of the Wetland and Site Plan dated February 9, 2018*:

Planner Carlson said in summary, they found the proposed industrial building to be in general compliance with the Township Zoning Ordinance including the standards of the Lapeer Road Overlay District. The following are the items that needed to be addressed from the Site Plan review:

- Clarification of the gross square footage/footprint of the building.
- Three (3) additional trees within the Lapeer Road greenbelt need to be provided.
- Nine (9) additional interior parking lot trees need to be provided.
- The landscape requirement calculations need to be revised to reflect accurate greenbelt and parking lot landscaping requirements.
- Details of the dumpster enclosure need to be provided.
- If any rooftop equipment is proposed, screening parapets need to be provided.

Regarding the Planner's wetland review: Planner Carlson commented that their review is based on a planning perspective according to the Township Ordinance and found that it does meet ordinance requirements however the Township Engineer raised issues that were outside of their expertise and therefore deferred stormwater calculations and recommendations to the Township Engineer.

Engineer Stevens went over their review of the Site Plan dated February 1, 2018:

- With regards to water and sanitary sewer - there is an existing 16" water main along Lapeer Road including an 8" main along the private drive; there is a 15" sanitary sewer main along Lapeer Road that the applicant is proposing to tie into. Both utilities have adequate capacity to serve the proposed development.
- Regarding stormwater management – the applicant is proposing a controller stormwater runoff via an enclosed storm sewer system that discharges into a detention pond on the north side of the building. That then discharges to wetland complex north of the property. It makes its way under Silverbell Road and eventually out to Paint Creek.
- The detention pond based on the original site plan needed to be increased in size from a 10-year storm to a 100-year storm.
- The paving on site, from a site plan perspective, meets ordinance requirements.
- Regarding the grading and wetland impacts – per the Township ordinance, any wetland that supports stormwater management practices can be regulated by the Township if deemed necessary. This is a very small wetland and proposedly controls stormwater on site. The one comment they had was to recommend the applicant consider some green infrastructure measures. It looked like they had some areas, especially on the east side of the building, were they could add some plantings like a rain garden or bio swale – these help infiltrate stormwater instead of discharging through a swale and into the pond.
- Revised grading plans and detention calculations need to be provided.
- In addition, the grading impacts on the north side of the site are directly adjacent to the larger wetland to the north. He explained they want to have that setback buffer because during construction if the silt fence has a blow out and there isn't any kind of buffer, it could impact the wetland. It doesn't have to be moved but it is their recommendation to try and provide that buffer.

Engineer Stevens concluded they find the plans in substantial compliance, both the site plan and the wetland.

Mr. Cousino responded to the Planner's and Engineer's comments:

- Regarding the landscaping, they did make the changes as indicated in the Planner's review to the site plan but have not resubmitted yet. They can provide the additional landscaping and dumpster enclosure details which essentially will be constructed of comparable materials to the building.
- They will have HVAC and mechanical equipment on the building and it will be screened.
- Regarding the Engineer's comments on the detention basin – they acknowledge that the pond needs to be sized for a 100-year storm event and have redesigned it so it does meet that requirement.
- In response to the recommendation for rain gardens – in their opinion the stormceptor will provide the BMPs. If it is the interest of the Planning Commission for them to look at any type of rain garden or alternative treatment, they would not be opposed to doing so.
- Regarding the setback requirement for the wetland along with regarding the detention basin - they have been able to pull back the grading on the north side to meet the required 25 ft. setback.

Chairman Dunaskiss asked that in their revised plan recalculations, with the new calculations, do they meet the parking greenbelt? Mr. Cousino said, they do.

Chairman Dunaskiss then asked Engineer Stevens' opinion about them looking at more natural features like rain gardens, etc. Engineer Stevens replied that the stormceptor will filter out sediments. The value to a rain garden or bio swale is they will infiltrate the water and minimize the runoff that goes into the pond and downstream. It was his opinion it would be worthwhile for the applicant to investigate. Mr. Cousino said he would look into that.

Chairman Porter clarified that they were able to pull back the grading on Wetland B to meet the 25 ft. wetland setback. Mr. Cousino said, yes.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **approves** the wetland permit for PC-2018-06 being parcel 09-35-100-009 for the plans date stamped January 16, 2018. **Approval** is based on the following findings of fact that:

- this action is not likely to pollute, impair, or destroy wetland,
- there are no feasible or prudent alternatives to the proposed action based upon the proposed development of the site,
- the approval is consistent with the public interest in light of the proposed stated uses of the ordinances, and
- Wetland B is not regulated by MDEQ, it is a low-quality functioning wetland.

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

Chairman Dunaskiss commented that given the applicant is looking at considering some of the green infrastructure and they resized things, the applicant does not need the waiver for the variance on the greenbelt. He said he feels comfortable moving forward with this.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **grants** Site Plan approval for PC-2018-06, Lapeer Rd. Industrial Site Plan, located at parcel 09-35-100-009, for plans date stamped received 1/16/18. This **approval** is based on the following conditions:

- that the plans comply with all the zoning ordinance requirements and the Lapeer Road Overlay District requirements, and
- has met all the Planner’s review comments as well as the Township Engineer’s review comments.

Discussion on the motion:

Chairman Dunaskiss said he appreciated them bringing forth a nice speculative development of nice quality and standards; it was his opinion they won’t have any problem filling it.

Planning & Zoning Director Girling asked if the applicant could be requested to resubmit the plans meeting the conditions and then be administratively reviewed; the plan she has does not have all the revisions on it that were discussed tonight that the applicant said they would add. The plans either need to come back to the Planning Commission or to staff to ensure that all things have been added.

Chairman Dunaskiss commented that given what was presented tonight, is comfortable having the staff and its professionals finalized it.

Vice Chairman Gross amended the motion, Commissioner Walker re-supported to add that Township staff be submitted revised plans to be reviewed accordingly.

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

C. PC-2018-04, Orion Animal Care Center Site Condominium Site Plan application, located at 75 Waldon Rd. (parcel 09-26-151-034).

Ms. Gayle McGregor, 3809 N. Old Woodward Ste. 300, Birmingham, was present and represented the developer, Dr. Tim Guild. She introduced Dr. Guild, Kevin Hart, the architect, Steve Wagner, the engineer, and the builder. Steve Hardenburgh, the owner, was also present.

Ms. McGregor explained the property is located at 75 Waldon Road. This is a small veterinarian clinic/animal care center that is proposed on the Orion Kennel Club site. It is proposed as a site condominium and is of an equestrian style design. It is going to be a somewhat unique veterinarian clinic in Lake Orion because Dr. Guild is a surgical specialist in veterinary medicine; currently the nearest such clinic is in Pontiac.

Ms. McGregor commented that the Commissioners have a site plan package before them and wanted to point out a few things in response to some of the consultant comments they received.

The layout of the site condominium will consist of two units, unit 1 and unit 2. Unit 1 is the larger unit, unit 2 is where the actual veterinary clinic will be located. There is an existing house as well that will be demolished and the new building built there. It will be approximately 7,000 sq. ft. which also includes a basement level that will be used for storage.

The condominium master deed and bylaws have been submitted to the Township and they are willing to work with the Township on whatever legal feedback they get. Exhibit B documents have also been submitted.

The Township consultants have highlighted four matters they would like to address specifically. There was a landscape discrepancy between what was submitted and what will actually happen at the site; that has been corrected. What was submitted had one fewer parking spaces than what was planned. They have updated the landscape plan to show the correct parking which is now consistent with the site plan and had hard copies of that with them tonight.

- With respect to the side yard setback on the west side – there was a comment that there was a deficiency of approximately 9 ft. They have reworked the site and the building design to correct that and to come into compliance with setback requirements.
- The height of the building has been brought down so it is now slightly below 25 ft. They accomplished that by reducing ceiling heights within the building and have also deleted useable attic space. In addition, they have modified the pitch of the roof and will not try and preserve the established grade around the outside of the new building. Mr. Kevin Hart, the architect, spoke and clarified there was some concern about the height of the building. He went into detail as to how they brought the building into compliance with ordinance with modifications to the design and to bring the average grade to a manageable dimension. Mr. Hart handed out new renderings of the building plans and sheet L-1 of the landscape plan to the Commissioners (one was also provided for the file).
- Another issue was in respect to the parking. This is in the Office Professional district and this is a veterinary clinic, not an office in the sense that there are going to be employees and clients filling up the parking lot all day long. This is a second animal hospital for Dr. Guild's and through his experience, presented there will be some peak times in the morning when people drop off their pets and peak times after work when people come to pick up their pets. Currently there are 18 parking spots and Dr. Guild believes that staff will only use about 6. Dr. Guild spoke, 2827 Heathfield, Bloomfield Hills. He explained there is a limit as to how many procedures he can schedule each day and most of those patients are there for 6 to 24 hours and the staff coordinates discharge times. At the max capacity, he won't have any more than 6 clients in the building at one time. So, with that minimum number of clients and the maximum number of employees, he was not concerned about the parking. He offered to "dig in to that" more if the Commissioners have concerns. Ms. McGregor asked that the Commissioners use discretion and think about the use of this building as a veterinary clinic with respect to the parking and that 18 spots will be more than sufficient for this use.
- With respect to a photo metric study – they have one on order and will submit it when it is ready. However, she wanted the Commissioners to know there will be minimum lighting fixtures on the outside of the building. There will be some soft soffit lights, coach lights next to the entrances and gable lights by the driveway. The plan is that there will be 0 footcandles at the property line.

Regarding comments from the Township Fire Marshal:

- The applicant is willing to have a siren activation feature at the gate at Waldon Road.

- There was a comment about where the gate is currently located, there may not be enough room for a fire truck to be there without the back end being out in the road. The plan is to move the gate farther back so that there will be plenty of room there.
- The drive lanes are going to be widened so that they will consistently be 20 ft.
- Regarding the radius concern with the fire hose: Mr. Wagner with Sharpe Engineering, 101 N. Washington Street, Oxford, said that they have planned full coverage for the new building - 400 ft. as the hose lies. The hydrant on Waldon Road provides 175 ft. of coverage. Because this is a site condominium, the existing Orion Kennel Club was considered and he agreed they do not meet the 400 ft. requirement. Mr. Wagner depicted a map on a PowerPoint slide that showed the entire building encompassed in the 400 ft. radius however the measurement is taken "as the hose lies". To get a hose to the southernmost portion of that building would be 475 ft. The request of the Fire Marshal was to install a hydrant on the site to meet that 400 ft. requirement as the hose lies. What they are trying to do is provide other means of accessing the site with the relocation of the gate, with a siren activation system and the provision of a Knox box. The fact it is a kennel, all though the animals are important, it is not a high multiply family residential use.

Chairman Dunaskiss asked the Consultants to go over their findings.

Planner Carlson went over the Planner's review dated January 24, 2018. In summary their findings were:

- The applicant needed to remedy the 9.3 ft. deficiency in side-yard setback by: reducing the height of the building to 25 ft. or shorter and shifting the building to meet the 30 ft. setback or seek a dimensional variance. *As per Ms. McGregor's comments, these issues have been resolved.*
- The applicant needs to provide evidence to justify the Planning Commission waiving the numerical parking space requirement. *Thirty-five spaces are required and they are providing eighteen.*
- The applicant has addressed the discrepancy in total parking spaces between the Site Plan and the Landscape Plan.
- The applicant needs to provide details for the dumpster enclosure.
- The applicant needs to provide a photometric plan which Ms. McGregor said they had on order. Ms. McGregor also explained above details of the proposed lighting.
- Provide details of building materials.
- Address comments from the Township Attorney regarding the condominium documents.

Engineer Stevens went over the Engineer's review dated January 18, 2018:

- Regarding water main and sanitary sewer – there is an existing 16" main that runs along Waldon Road as well as Lapeer Road. The applicant is proposing to reuse the existing water services provided on the site.

- There is an existing 10” sanitary sewer line along Waldon Road which the applicant is proposing to extend a sanitary sewer lead to service the proposed site.
- Stormwater management is proposed to be maintained on the site via a sediment forebay and detention basin and the preliminary calculations appear acceptable.
- There was some concern about the curve in the paving but it sounds like the applicant has addressed that - to make sure it had a minimum of 20 ft. width all around. They like to see two-way traffic be 22 ft. at a minimum but this is an existing site with an existing approach.
- There was also concern relative to the side walk and the entrance to the building in it being 5’ x 5’. It is more of a building code issue but it seemed like it will be tight with the doorway and whether or not there was adequate access for ADA accessibility.
- A pedestrian connection to the pathway along Waldon Road should be considered.
- Grading appeared to be acceptable from a site plan stage.
- And they didn’t have any comments with regard to the Master Deed other than if the applicant would consider adding a provision for Phragmites as the Township is trying to be proactive in their treatment.

Engineer Stevens indicated in conclusion, they find that the site plan is in compliance.

Commissioner Reynolds went over the Site Walk Committee’s report that was held on January 10, 2018. Over all, everything covered on the report was already covered here tonight. He did reiterate that they are utilizing the existing access drive off Waldon Road and the existing signage was to be modified to include signage for the hospital. He pointed out that this is a complimentary use to the existing Orion Kennel which is a 25-year old business and believes it will provide an attribute not only to the campus but also to surrounding communities.

Chairman Dunaskiss clarified the items addressed on the consultant reviews with the applicant:

- The height requirement has been addressed.
- Regarding the reduced parking – there was a PowerPoint slide with a chart showing the hours people would be coming in, Chairman Dunaskiss asked if that was submitted on record as part of the file? Does the Township have something from Dr. Guild justifying employee hours, patient drop off and pick up, or similar flow from the doctor’s other hospital? Ms. McGregor said they would be happy to submit whatever the Commissioners require; other than the PowerPoint slide tonight, doesn’t believe anything has been submitted. Chairman Dunaskiss asked Dr. Guild if this will be more of surgical center as opposed to a traditional veterinary clinic? Mr. Guild responded, yes, it will be full service hospital with the current updated requirements he needs; it will be more of a procedural base animal hospital for dogs and cats, nothing larger.

Vice Chairman Gross asked if the condominium documents allow for cross use of parking between the kennel club and the hospital? Ms. McGregor responded there is a provision for common use of the driveway and believed there will be cross-easements with respect to the parking spots themselves. She noted they will have to discuss that with the owner and that provision may already be in the condo documents. Chairman Dunaskiss asked if there was any thought given to looking for additional parking

somewhere else on the site and what their thought process was for only providing 18? Dr. Guild answered, during the design, they looked at how the “campus affect” the Orion Kennel Club and hospital will have. They were trying to maintain the natural look of the local property; to pick a design that fits into what they thought Lake Orion wants to be perceived as. They wanted something that took advantage of the topography and created an “easy first right” for clients and an “easy kind-of hidden” place for the employees. With the size of the building and the drive, Dr. Guild said he didn’t believe that parking was going to be a concern for his patients. With the way the hospital is going to flow, he didn’t believe parking will be a big concern.

Commissioner Porter commented that another possibility could be to provide extra space for parking but not develop it until needed.

Commissioner Reynolds commented that it would be nice to have an affidavit from the applicant that supports that; that the planned parking will be sufficient for him. If the condo documents support the cross use of parking spaces, that would be another reassurance. When doing the site walk, there seemed to be plenty of parking spaces. Dr. Guild added that normally someone comes in, drops their pet off and then leaves; they would be parked for probably under 10 minutes.

Planner Carlson referenced Exhibit A of the Condominium Bylaws, Article VI, Section 6, that parking is considered a common element and “... shall not be obstructed nor shall they (common elements) be used for purposes other than those for which they are reasonably and obviously intended.”

Commissioner Walker said he believed the parking issue will work itself out, he was more concerned with the comments from the Fire Marshal and did not like the reference made about the use being mainly for animals and not, per se, a multi-family use; the Township cares about everything and if there is a fire, the fire department needs to be able to access wherever that is. Engineer Wagner apologized and said he was not trying to devalue animal life but meant by his comment that animals will mostly be in the building and they are not likely to start a fire as possibly a human would.

Mr. Hart went over the material sample boards he brought with him. He explained the roof will be a “standing seam” metal roof that will match the aluminum cladding on the windows; the brick is a blast furnace slag brick that was used in Old Fort Wayne during WW II. He reiterated the building will have an equestrian style look to it; a low-key residential appeal and one of the reasons they want to keep the lighting to a minimum. He said he was confident that they will be able to provide an acceptable photometric study. Mr. Hart went on to describe the siding material, trim and casings. It is designed to last 150 years. Dr. Guild wanted this building to be a statement of his practice, a statement of respect for the community and his commitment to this community.

Mr. Hart added that the mention of a rain garden came up when designing the landscaping and definitely want to incorporate that; employees could also use it for an herb garden. The landscape plan does allow for a rain garden. Mr. Hart then explained the details for the dumpster enclosure.

Vice Chairman Gross asked if the building will be “sprinkled”? Mr. Hart responded the building is not fire suppressed but they do meet all the egress requirements; they have 2 means of egress from all the operable places. He also noted that one of the good things about the material they plan on using is that it will be flame resistant (the siding and steel roof); it will be a very resilient building.

Commissioner Reynolds commented that he believes all the materials being presented are nice and upscale however would like to hear from Fire Marshal Williams regarding his review dated December 27, 2017.

Fire Marshal Williams asked Planning & Zoning Director Girling to display one of the emails he sent her that had an attached diagram. In regards to hydrants and hydrant locations – when he took a look at the site plan, it was noted that there is a hydrant located on Waldon Road. When looking at the facility itself, it is basically a gated community. For the fire department to gain access they have to make it through the emergency gate; installing siren activation will be a very large asset to them. Once the fire department gains access, they then have to establish a water supply. International Fire Code states that where hydrants are available, a building has to fall within a 400 ft. radius. Fire Marshal Williams commented he provided a diagram to Engineer Sharpe showing the 400 ft. radius marks. The new building will be covered and Fire Marshal Williams was good with that. There were some issues with the existing building (the Kennel Club).

Fire Marshal Williams further explained there was discussion back and forth via emails with Engineer Sharpe and commented that International Fire Code measurements are determined by how the hose lies. In regards to that, from the hydrant, the existing building does not fall within the 400 ft. radius, there is about a 75 ft. deficiency. The hose cannot go over the top of a building, it has to go around it. It was his recommendation that a fire hydrant be placed closer to help their situation with water supply.

Fire Chief Williams read from his review dated December 27, 2018, the following: “Currently the nearest hydrant location is 125’ west of the approach to Waldon Road. International Fire Code 507.51 states that where available a hydrant shall be provided so all portions of a building are within 400’ of a fire hydrant. Documentation was requested by the Fire Department asking for updated measurements for the existing building (Orion Kennel Club) to the current closest fire hydrant. Documentation was presented by Sharpe Engineering showing measurements exceeding the 400’ requirement”. As far as the requirement or recommendation – Fire Marshal Williams said he is not requiring a fire hydrant be brought onto the site, he is only here to recommend it. He wants it fully understood between the business owners and the fire department with respect to a hydrant not being placed on site, it will extend the fire department’s period of time to extinguish a fire. They have to make access onto the site, determine the situation and then stretch their water supply from the hydrant on Waldon Road. The only affected area of concern is to the existing building; that is why he is going at this as a recommendation.

Chairman Dunaskiss asked if there was anything else the applicant could do that could further assist the fire department if there ever was an incident there? Fire Marshal Williams responded there are several different things that are helpful when it comes to fire standards – that the fire department get notification as fast and as soon as possible. There are other things that could be put in place – fire alarms that are monitored, smoke detection systems, etc.

Commissioner Porter commented he is assuming the new building is under 10,000 sq. ft. and therefore fire suppression is not required? Fire Marshal Williams responded that he doesn’t have a full set of plans, when he gets those he will determine if the building needs to be suppressed or not.

Commissioner Reynolds had comments on the hydrant location – although it would be a nice asset, this deficiency pertains to the existing building which the applicant is not worsening the scenario. An additional hydrant is a recommendation and it seems like the new building can be accessed by the hydrant on Waldon Road. The applicant is not worsening any of the conditions

to the existing building. With that, it was his opinion that the other measures that the applicant will be taking suffices his concerns.

Moved by Commissioner Porter, seconded by Commissioner Reynolds, that the Planning Commission **postpone** site condominium site plan approval for PC-2018-04, Orion Animal Care Center, located at 75 Waldon Rd. (parcel #09-26-151-034) for plans date stamped received December 21, 2017 for the following reasons:

- The new building plans need to be considered by the Township consultants.
- Documentation on parking requirements need to be met and cross easement for parking investigated.
- Coordination with the Fire Department.
- Submittal of a photometric plan.
- Dumpster enclosure details need to be shown on the plans.
- Details of building materials need to be provided to the consultants.
- Condo document approval by the Township Attorney.
- The widening of the driveway.
- Provide ADA requirements.
- Provide environmental species control in the condo documents.

Discussion on the motion:

Commissioner Reynolds clarified that with the motion on the table, does there still need to be a motion to grant a parking waiver? Planning & Zoning Director Girling said the Commissioners could so that the applicant will know if one will be granted or not. Commissioner Porter said he would like to see more documentation, see the cross easement investigated, and documentation on what the applicant's position is.

Chairman Dunaskiss said given Dr. Guild's current practice, he would have his own analytical data. If it works for the doctor's current site, he would like to see a comparison for this new site.

Vice Chairman Gross asked about establishing a date certain for them to come back to another meeting? Ms. McGregor commented that she believes the majority of the motion conditions are already done; its just a matter of getting them to the consultants for review. As far as Dr. Guild coming up with a matrix on his traffic flow, that shouldn't take too much time.

Engineer Wagner asked if this is going to be an administrative review for the consultants, he felt they have adequately addressed the comments, or will the Commissioners like to see this again to look at the photometric study? Chairman Dunaskiss clarified the request was for them to come back in front of the Commissioners and at that time the consultants will look at the plans again.

There was discussion between the applicant representatives and the Commissioners as to whether or not the revisions could be handled administratively. Planning & Zoning Director Girling commented that she did get a review back today from Attorney Kelly and he was ok with the condo documents. Commissioner Porter asked if the applicant would look at adding an evasive species clause to the documents; he did understand it is not required.

Commissioner Porter explained for the applicants how the Township is trying to be proactive when it comes to the problem with Phragmites.

Mr. Hart asked again if the plans could be approved with conditions and be administratively approved. The items discussed above can easily be added to the documents and are relatively small – it would help them to keep the project moving. Chairman Dunaskiss said he understands their request but is concerned about granting a parking waiver without having the facts.

Planning & Zoning Director Girling noted that if the Commissioners have the comfort level, it is not just herself that does the administrative review, the revisions are also directed back to the consultants to make sure the plans contain everything. Chairman Dunaskiss and Commissioner Reynolds were concerned about setting a precedence with the parking situation, the Commissioners have the ability tonight to grant a waiver with the understanding there is some shared parking component that could resolve this issue.

Commissioner Reynolds said that overall, even with the fire department issues, he would be comfortable with the project moving forward. If there is a way administratively we can be comfortable with the parking understanding existing use of the kennel club and the proposed use of the veterinary hospital; both not exceeding the proposed and existing parking count along with affidavits between the two businesses and making sure that is in the condo documents. He would be comfortable with moving forward with this. The applicant did provide some information tonight and believed that should officially be submitted into record**.

Engineer Wagner commented on the land banking suggestion. This is a 5 acre site, the location of the parking lot is adjacent to the proposed building and there is also a grassy field there. There would definitely be more space for parking. If the Commissioners would like them to show a land banked parking area, that would address the deficiency in total parking.

It was Commissioner Reynolds' opinion that if they left it open to the applicant to show their means of meeting the parking requirement, land banking or a shared access agreement – he would like to see the project move forward.

Planning & Zoning Director Girling noted that the plans could be conditionally approved but then there would need to be a motion approving a parking waiver – either they are good with the waiver with plans reflecting banked parking and/or cross access shared parking agreement. If there is going to be a waiver on the number, that motion would have to be made this evening.

Commissioner Porter withdrew the motion, Commissioner Reynold withdrew support.

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, that the Planning Commission **grants** a waiver/reduction for the number of required parking spaces from 35 to 18 for the plans date stamped received 12/21/17 based on the applicant providing substantial evidence that another standard be more reasonable because of the level of current or future employment and/or level of current or future consumer traffic; further, to request that the applicant provide factual data within the condominium documents between condo site 1 and condo site 2 that proves that ample parking is provided between both condo locations.

Commissioner Reynolds amended the motion, Commissioner Porter re-supported to also add an option that the applicant can provide land banked parking.

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

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, that the Planning Commission **grants** site condominium site plan approval and forwards the plan and condo documents to the Board of Trustees for their approval, for PC-2018-04, Orion Animal Care Center, located at 75 Waldon Rd. (parcel #09-26-151-034) for plans date stamped received December 21, 2017. This **approval** is based on the following conditions:

- The approval of the condo documentation by the Planner, Engineer and Attorney.
- All unresolved items in the Planner's review letter and the Engineer's review letter are met.
- And any significant information supplied to support the parking requirement waiver as previously proposed.

Commissioner Reynolds amended the motion, Vice Chairman Gross re-supported to add to the motion that the Planning Commission recommends, not requires, an additional fire hydrant on the site.

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

D. PC-2016-04, Ponds of Orion, request for site plan extension, located at vacant land (parcels 09-14-226-014, 09-14-227-001, 09-14-227-002 and 09-14-227-003)

Jessica Sutter, 11379 19 Mile Road, Sterling Heights, is with Fenn & Associates and representing the applicant. They are requesting an extension of the site plan so they can complete the engineering revisions from the Township Engineer.

Chairman Dunaskiss asked how much time does Ms. Sutter think they'll need? Ms. Sutter said a 6 month extension should more than be enough and to also cover all the permits they still need to obtain. It should take less than a month to get the review back in and obtain the sanitary and watermain permits and any other permits they might require.

Chairman Dunaskiss asked for an update on where they are at with the project. Ms. Sutter responded they are working on the engineering changes however she is new to this project and therefore not familiar with its history. They are in contact with the Township Engineer on any questions they have regarding their review and believes they can comply with all of their comments without an issue.

Vice Chairman Gross asked if the delay is pretty much at the MDEQ level? Ms. Sutter replied that they just got their MDEQ permit. The delay, unfortunately, is mostly on their end as they have had staffing issues and are working through that to get this completed.

It was noted that this will be their fourth extension.

Chairman Dunaskiss asked Engineer Stevens if he had any perspective regarding this request, has there been ongoing discussions with regards to his office and things progressing? Engineer Stevens concurred they are working through their engineering comments. He noted there hasn't been any changes to the ordinance since this was approved and therefore is comfortable with the project from an infrastructure standpoint. From an engineering standpoint, it would be ok to grant an extension.

Planning & Zoning Director Girling stated that the applicant has been pretty much in constant contact with her. They have run into some challenges and have not disappeared.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission **approves** the site plan extension request for PC-2016-04, Ponds of Orion Site Plan for six (6) months, based upon the fact that the applicant is continuing to move forward and showing progress and that there have been no changes in the ordinances which would require another review of the plan.

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

Commissioner Reynolds asked for clarification of the date of when the 6 months is from. Planning & Zoning Director Girling responded that she makes sure that she carries it from the beginning when the site plan was approved.

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Planning & Zoning Director Girling regarding the administrative review approval of a Sprint DO Macro Equipment change

11. COMMITTEE REPORTS

Site Walk Reports from the Site Walk Committee pertaining to Planet Fitness, the Lapeer Road Industrial building and Orion Animal Care Center.

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

Chairman Dunaskiss commented he is looking forward to getting the Schedule of Regulations done.

14. COMMISSIONERS' COMMENTS

Vice Chairman Gross welcomed Planner Carlson and thanked her of her assistance tonight.

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, to adjourn the meeting at 9:14pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

March 7, 2018

Planning Commission Approval Date

* Reviews in Planning & Zoning Department file

** Patient Flow Matrix from PowerPoint slide:

Receiving Unit 7-9am

Appointments 9-12am

Surgery 12-4pm

Appointments 4-7pm