

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

******* MINUTES *******

REGULAR MEETING, WEDNESDAY, JUNE 6, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 6, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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

PLANNING COMMISSION MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

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

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

OTHERS PRESENT:

Brad Bagans
Michael Powell
David Donnellon
Jay Noonan
Greg Yatooma
Lynn Harrison

3. MINUTES

A. 5-16-18, Planning Commission Regular Meeting Minutes

B. 5-16-18, PC-2018-16, 3537 Gregory Rezone Request Public Hearing Minutes

C. 5-16-18, PC-2018-17, Stadium Ridge Conditional Rezone Request Public Hearing Minutes

Moved by Vice Chairman Gross, seconded by Trustee Steimel, to **approve** the above minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Commissioner Porter, 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

Chairman Dunaskiss recessed the regular meeting at 7:05pm and opened the public hearing for PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations Footnotes, Articles 2,3,5,6,7,8,9,11,14,16,18,19,20,21,22,23,24,25,26,27,35.

Chairman Dunaskiss closed the public hearing for PC-2016-34 at 7:07pm.

Chairman Dunaskiss opened the public hearing for PC-2018-20, at 7:07pm, Township Rezone Request for Trailways. The request is to rezone unaddressed parcels (09-12-304-009, 09-13-201-003, 09-28-502-002, 09-21-502-006, 09-21-276-002, 09-16-426-002, 09-16-226-002, 09-09-426-027, 09-09-226-016, and 09-04-201-006) from Unclassified to Recreation-2 (REC-2).

Chairman Dunaskiss closed the public hearing for PC-2018-20 at 7:09pm and reconvened the regular meeting.

7. NEW BUSINESS

A. PC-2018-11, Oakland Business Park Site Plan, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, and 09-35-477-001)

Mike Powell, the owner and president of Powell Engineering, presented. He commented that this is very complicated site. He noted the property is located on Premier Drive on the northwest corner of Bald Mountain Road and Premier Drive, approximately 1,500 ft. east of Lapeer Road.

Mr. Powell explained that the site drops approximately 50 ft. from Bald Mountain Road to the west, down to the west property line. A challenge for any engineer for multiple buildings let alone the buildings proposed for this site. The applicant needs fairly large buildings all at one elevation. They do not have the availability to step the site down and therefore they are proposing a number of retaining walls that he will address tonight.

The applicants are proposing three separate buildings on three separate areas of the site. Building A is the northerly most building and is proposed on parcel #4. Building B is on a combination of parcels #5 and #6 and Building C is on a combination of parcels #2 and #3. Mr. Powell noted they will be looking to combine parcels together however they are looking for each of the buildings to be self-contained and to not be part of a site condominium.

Each building will be served by sanitary sewer and water and each building was looked at for storm water requirements to reduce storm water flow off the site to an agricultural flow to be outlet into the Premier Drive storm sewer system and eventually down to the outlet on Premier Drive and Lapeer Road.

Each of the buildings is designed with the appropriate amount of parking, and because of the security measures for each of these buildings, it is critical all operations be done inside the buildings themselves. They have, therefore, proposed that the loading and unloading areas be inside, behind a locked overhead door.

The buildings are broken down into approximately 20,000 sq. ft. spaces. Each building will be divided into separate segments for individual tenants. The buildings also are designed to accommodate, as much as possible, the Lapeer Road Overlay District. Mr. Powell noted that the project is at the easterly end of the overlay district, is on a private drive, and there will be no sales of product conducted in these buildings. No one from the public should be in these buildings.

Mr. Powell is requesting that the Planning Commission allow for a waiver or banking of some of the required parking spaces. He has shown that all of the parking spaces can be constructed on the site however the owner only needs 5 to 10 spaces per building division, and none of those at the exact same time. He explained that it has been his experience that less parking put in, the better off it is in the long run. He assured the Commissioners that there is enough parking for any eventual future use or sale of the building(s). He is proposing less than half of the required parking spaces be constructed and the rest be banked which is clearly defined on the site plan. The owners are more than willing to sign an affidavit, commitment, or contract with the Township that not at their volition, but at the Township's request, those parking spaces be constructed.

The advantage of banked parking is not only a reduction in storm water runoff, although the total of all the required parking was used for the calculation, but it will also safeguard existing vegetation. Mr. Powell also noted that asphalt pavement not utilized, disintegrates over time.

Mr. Powell explained that building access will be off Premier Drive. They have worked with the fire department to make sure they have access around all of the buildings.

The Planner pointed out in their report that they would like them to widen a couple of the turning radiuses to be able to accommodate semi-trucks, although they will not be using semis, Mr. Powell said they will accommodate this request.

Mr. Powell responded to some of the engineering items the applicant is seeking waivers for:

There is a requirement in the ordinance for the Lapeer Overlay District that the maximum slope in a yard be 1:4. Mr. Powell's concern with that is that it requires a number of very large retaining walls. Looking at the site plan, they have retaining walls between two buildings which he pointed out on the drawings. Building C is at one elevation, Building A is at another, and Building B is at a third elevation. To make up the difference between the pavement and the finished moors, he has retaining walls proposed throughout the site. Some of those retaining walls, he cannot ask for a waiver for because he needs to maintain the 20 ft. buffers required by the ordinance. However, there are a couple of the retaining walls, which he pointed out, if those were removed, he would be able to build a landscape retaining wall out of boulders with tree wells and be planted as part of the landscaping. Instead of just putting in vertical retaining walls without any landscaping. He asked, if at all possible, that he work with the Township Engineer and provide stabilized slopes of a 1:2 with boulder retaining walls to allow a softer look.

Mr. Powell was also asking for approval of a little different kind of retaining wall than what was on the plans. The plans show structural concrete, vertical retaining walls which are very stark and sterile looking. In areas where he cannot eliminate retaining walls, he passed out a picture, he would like to construct redi rock retaining walls that are much nicer and have a softer landscape look. He noted that redi rock retaining walls are used to take up slopes where slopes can't meet local ordinances. He is asking for the ability where he needs retaining walls and where the Planning Commission suggests, and where he can't do a structurally reinforced 1:2 slope, to allow him to do a redi rock retaining wall instead.

Mr. Powell addressed another issue - the request along the easterly property line between Bald Mountain Road and Building C. All the parking spaces along the back of that building are proposed to be banked; they are not needed for this use; the tenants are going to park in front of the building (the front access will be at the back of the building). He noted the fire department will access the back of the building if there is an emergency. Mr. Powell explained there is quite a bit of landscaping/existing vegetation all the way along Bald Mountain Road where the banked parking will be located. He placed in front of each Commissioner a view of those trees and vegetation. There would be 40 to 50 trees that would have to be removed to put in those parking spaces. He is not concerned about having to replace them but he would never be able to replace the natural vegetation that exists there now and the natural buffer it creates between Bald Mountain Road and the proposed parking behind Building C. If they need to put those parking spaces in, they would be eliminating all that natural vegetation and the whole intent of the Medical Marihuana Ordinance is to try to segregate and hide the proposed buildings from the general public. He agreed they would have to adhere to the landscape ordinance and put in a hedge if the parking spaces were constructed but that would not be anywhere close to the buffer that currently exists there now. They are asking the Planning Commission to allow them to let them leave it as is. He commented this would be another benefit to allowing the parking to be banked along the east property line.

Mr. Powell reiterated that that this project is in the easterly part of the Lapeer Road Overlay District, however it is not intended to be serving the public; the buildings will just be accessed by the tenants. He commented, however, that he tried to meet the landscape requirements along the frontage of each one of the buildings. They provided a 20 ft. landscape buffer or a combination of retaining wall buffer and the landscape buffer. The specific details for the landscaping were on the landscape drawing. Mr. Powell explained that the Planner pointed out there is supposed to be hedges along there but he could not find the Township's definition hedge. Therefore, their landscape architect placed a hedge, as he interpreted it, along the frontage of these buildings; between Premier Drive. In combination with retaining walls, it gives the area a very nice architectural look. Mr. Powell commented that whatever the Planning Commission desires or whatever the Planner's interpretation is, they will meet those requirements. He is looking for an interpretation or some guidance on any additional landscaping the Planning Commission might want along the road frontage.

Mr. Powell said the bigger item is with the architecture of the buildings. The buildings start 1,500 ft. off Lapeer Road and it will be rare that the public will actually go to the east and pass these buildings. He believes there at least 7 or 8 buildings they have to pass that were "grandfathered" and don't meet any of the ordinance requirements. Mr. Powell said the architect tried very hard to give a modern look to all of these buildings - to mitigate the requirement of the Lapeer Overlay District. He then introduced the architect who would go over the look of the buildings and the materials they propose to use.

Mr. Jay Noonan introduced himself as one of the architects and then introduced David Donnellon, Senior Member of the firm. Mr. Noonan said they have made an effort, in this heavy area of industrial community, to add some character to the buildings they are proposing. He went on to describe the characteristics of the buildings using a drawing on an easel. He noted the thing that stands out most is that each building will have a tower element with a copper roof, they have articulated the buildings with different types of materials and textures, there are awnings, and lighting placed on the "columns". At twilight, the buildings will look quite handsome. The towers are located predominately so as you drive down Premier Drive, those elements will jump out before noticing the large scale of the building. They also incorporate some decorative, split face, round face, and fluted block in a variation of color. Mr. Noonan said there are entry doors required for each tenant facility and those are designed with canvas

awnings of a large scale with larger scale brackets. Mr. Noonan also described how the ends of the buildings were designed.

Mr. David Donnellon commented that in regard to the overlay district, he showed the Commissioners the material board they propose to use on the building which should give an indication of the quality of the project. Because of the nature of the buildings and the grading, it wasn't easy to give the buildings an offset every 100 ft. however everything else they presented speaks to the overlay district and gives a very quality image for this project.

Planner Carlson went over Carlisle Wortman's review dated June 1, 2018. They found that the proposed site plan was in compliance with the Township's Zoning Ordinance but failed to meet some of the Lapeer Overlay District standards. The following are items that should be addressed prior to an approval:

1. Indicate if development is proposed as condominium
2. Revise the plan to allow sufficient room for WB-62 trucks to maneuver within the site.
3. Planning commission waiver of numerical parking requirements, contingent upon banked parking plan. The applicant should indicate if the banked parking areas on the north side of Building A and the west side of Building C will be developed as parking lot landscaped islands in the interim. Any landscaping that is removed to construct the banked parking areas will need to be replaced as necessary to meet ordinance standards.
4. Under Landscaping. The plan was deficient of hedge, a decorative wall fence or berm that is required within the area along the south side of Premier Drive. The Planning Commission may waive or modify this greenbelt landscaping standard. Also, the applicant needs to clarify the width of the east landscape buffer.
5. Submit fixture height and fixture spec sheets.
6. The proposed building elevations do not satisfy the design standards of the Lapeer Overlay District. The Planning Commission may waive the design standards upon consideration.
7. The buildings have individual access points; cross-access is provided between buildings A & C. The Private Road Agreement will need to be revised accordingly. A note on Sheet S1 states that the applicant will enter into an access and maintenance agreement for Premier Drive.

It was noted that the Medical Marihuana Ordinance provisions have been met except for the following:

1. Dumpsters should be labeled and noted on the legend as required by ordinance.

Engineer Landis went over OHM's review dated May 30, 2018.

They have no concerns from a water and sewer standpoint. The stormwater management system appears to be adequate and will review that in more detail at engineering.

Regarding traffic and paving. Engineer Landis pointed out that the applicant added a note committing to paving of a small portion of Bald Mountain Road. The applicant has worked to revise all the onsite slopes to engineering standards. Overall the plans were in substantial compliance with the Township Engineering Standards and ordinances. In conclusion, they had 5 comments that need to be addressed and which approval should be contingent upon:

1. The Planning Commission should consider requiring the applicant to prepare the banked parking area along Bald Mountain Road including grading and lowering the 12-inch watermain. This would be in preparation if those spaces ever need to be constructed. However, the plans could be approved keeping in mind that cost would be handed down to the future land owner, approximately \$50,000 to \$100,000.
 2. The applicant should provide a letter of preliminary approval from Consumers Energy for the proposed fill over the existing 22-inch gas main that runs east/west across the site.
 3. Revise the grading plans to show a maximum 1:4 slope adjacent to Detention Basin C.
 4. Revise the grading plans to require 42-inch high railings in all areas where the retaining walls are 30-inches or higher.
 5. Revise the proposed elevations for the banked parking spaces east of Building B to correct the typographical errors.
- * It was noted below where the applicant was asked to add detail to the plans for fencing the propose to use for any vertical slopes.

Secretary St. Henry read the Site Walk Committee's report dated February 27, 2018. He noted that the site walk took place a couple months before these plans were submitted and comments in the report were based on conversation during the walk with the applicant.

Secretary St. Henry read the Fire Marshal's review dated May 31, 2018 in which he made the following recommendation to approve with a noted condition. That Building's A, B, and C have remote fire department connection locations. These locations shall be approved by the Fire Marshal before time of install. The fire department is requesting additional hydrant coverage behind Building B. Extending the Township water supply to the rear of this building would allow the site to comply with IFC-2015 507.5.1 (3) Hydrant Locations for Buildings with Sprinklers.

Vice Chairman Gross noted the applicant is asking to bank 70% of the required parking. What documentation do they have that says the number of parking spaces they are providing will be sufficient? He also asked if any of the units have been leased? Mr. Powell said he believed they would be banking a little less than 70% and asked the owner to respond. Mr. Greg Yatooma, the owner's representative, responded. He asked what type of documentation would Vice Chairman Gross like to see? Due to the shear nature of these buildings and the fact they are in an industrial community, there will be very little human impact. There will absolutely be no customers; roughly for every 20,000 sq. ft. space, there will be 7 to 9 employees and not every 20,000 ft. will have them. It is not a 9 to 5 operation - not everyone will be there at the same time. However, he did offer whatever documentation the Planning Commission would like to see. He compared the operation to being like an indoor farm. Mr. Yatooma said they do have some preliminary leases that have indicated how many spaces they will need. Vice Chairman Gross commented that he was still a little hesitant to grant that size of a waiver. Mr. Yatooma said they allowed for roughly 10 spaces per 20,000 sq. ft. which is probably double of what will ever be needed and that is if everyone was there at the same time.

Per a question by Chairman Dunaskiss, Mr. Yatooma said the units will either be leases or owner occupied.

Chairman Dunaskiss asked, what about parking for State inspectors or processors, again they are asking for a significant reduction in parking spaces? Mr. Yatooma responded that a State inspector comes out once annually and processors won't come to the facilities - the product goes to them. He explained that the secure transporter will come and take it to the transporter

or dispensary, there will never be a grouping of people that would come to the buildings at one time. Chairman Dunaskiss commented he has seen facilities where more parking was needed than provided. He too had concerns and there is nothing saying the buildings will always be used for this purpose. Mr. Yatooma commented that the State and the Township have strict regulations on who goes into the buildings. Mr. Yatooma said they are willing to commit to make it right if the use ever changes in the future.

Mr. Yatooma then responded to the Engineer's comment about lowering the water main. If they lower the main now, they will have to kill all the vegetation in that area. He commented the issue isn't money, it is the border and vegetation they would be destroying to do it for what may or may not come.

Trustee Steimel said he would be ok if they provided something saying, "this is for indoor agriculture...this is what we expect, and this is way we think we only need this many parking spaces. Trustee Steimel said he also wants to make sure that all the storm water calculations were done if all the parking was installed. Engineer Landis indicated that it was.

Regarding guaranteeing that the parking would be constructed when needed, Trustee Steimel said he was not sure what the building department wants to see, he would be ok with that.

Trustee Steimel said regarding the concern in the back and removing all the existing vegetation, he would be ok if that was left as it is for now. Mr. Yatooma said they are willing to commit in writing to whatever is required by the Township in that regard.

Trustee Steimel asked, given the topography of the site, will the stability of the road be ok where it is? Engineer Landis responded they would have to review the retaining wall calculations at the engineering stage; loads and slope stability would be taken into consideration. Trustee Steimel then questioned that the applicant indicated they wanted to remove some of the retaining walls or change them, can they do that without effecting stability?

Mr. Yatooma explained it would be removing the retaining wall and switching them with boulders. Although this is an industrial park, they want to be as environmental friendly as possible; they don't want it to turn into a "cement jungle". Mr. Powell reiterated that Engineer Landis will be reviewing all of his calculations. Mr. Powell said MDOT does a great deal of boulder retaining walls, earth embankments, and there are plastic geo grids that can be used to stabilize surfaces and hold embankments. He is asking the Planning Commission to allow them to work with OHM to provide the calculations. Engineer Landis responded, in regards to the boulder wall, typically you see a boulder retaining a 1:1 slope, they are talking about 1:2, at first look, he does not see a problem with it; they would ask for supporting calculations at engineering to review to ensure it is being designed correctly. In regards to the segment of block wall or gravity wall, Engineer Landis said those are similar to the wall at the KIA dealership; they have reviewed and approved those.

Trustee Steimel then asked for some clarification on the renderings of the elevations, he wasn't sure what he was seeing on the plans was the same as what was being depicted on what the applicant was displaying. The architect addressed those concerns and noted that one of the issues Trustee Steimel asked for clarity on had to do with the design of the end of the buildings. Trustee Steimel then suggested they consider Building B, the rear elevation, to maybe do a little more there because people will see that from a long way away. He commented the rest of it, to him, looked fine for an industrial building.

Vice Chairman Gross noted that each building will have separate units, and each unit will have a steel door in the back and then an entrance for the employees, could those entrance doors be

accentuated a little more? The architect pointed out those entrances on the renderings and renderings depict their detail. Also shown on the renderings was the lighting for the buildings they were proposing. The buildings will have more character and depth than an average industrial building.

Commissioner Reynolds commented that if they could formulate some type of guarantee that although they do not need the parking now, that it could be reviewed in the future; whether that be performance, a bond or an escrow. It was demonstrated that most of the parking can be provided on the site and did not see a big issue with that. Regarding the building aesthetics, in his opinion, he understands this is in the Lapeer Overlay District but just seeing the nature of the use of the buildings, the clock tower corner pieces draws additional attention to the buildings. He believed our Medical Marihuana Ordinance was trying to reverse that and make it a little more underplayed.

Chairman Dunaskiss commented that it was his opinion this will be very successful as proposed, but given that it is in the Overlay District, that maybe there will be another tenant there and as long as the applicants doing something about the smell, no one will know what is going on there. He personally liked the clock towers. He agreed with Trustee Steimel regarding Building B and putting some break up along the back because that will be seen more.

Commissioner Walker was concerned about the Consumers Energy pipeline, he presumed that the applicants will get a report from them; he does not want to see what happened on Brown Road recently to happen here. Mr. Powell responded they are currently working with the engineers at Consumers Energy. They have asked for calculations over the pipe, the amount of fill, and have asked the applicant for construction drawings - they will review all of that in detail. Consumers will then tell them not only how much fill can placed over it but exactly how the fill has to be placed. Everything they do will have to be approved by Consumers Energy.

Commissioner Walker asked about the secured transport trucks and what that means. Mr. Yatooma explained what they are and gave a brief explanation of the licensing procedure in Michigan and how the processing of the product works. He assured Commissioner Walker that everything is secure but they do not use "Brinks" trucks. They are basically an unmarked truck or vehicle that has to meet certain requirements by the State. Commissioner Walker than asked if they had any concerns about the security of the buildings? Mr. Yatooma replied, "zero", there are no provisional centers allowed in the Township, the plant itself is worthless until it is trimmed and the flowers turn into buds. Also, there will be full time security guards, the lighting, and the fact that they are in Orion Township (the 15th most safe place in the State). They will also have security cameras on site - they will be providing 24-hour security. Mr. Yatooma commented that he also had no concerns about the secured transport after it leaves the facilities.

Commissioner Walker then commented that he read recently that the price of cannabis has gone down because there is so much of it around now; have they given any thought to that? Mr. Yatooma said they have and designed these buildings so that if they were to lose all their tenants, they could be turned into "widget" shops.

Commissioner Reynolds commented that through his research of the subject, the State has strict security restrictions for these facilities which the Township has adopted those as well.

Per a question by Secretary St. Henry, Mr. Yatooma explained each of the licenses the Township allows and how that will be facilitated in these buildings. The mass majority will be cultivating. There will also be testers, processors, one secured transporter, and a safety compliance facility on site. It will run as a "campus" so that everyone can benefit each other.

Chairman Dunaskiss went over with the applicants the items that need to be addressed from the consultant reviews:

- The truck wells and maneuvering the site for future semis. The applicants had no issues with that.
- Regarding the banked parking, it was the consensus that the Commissioners were ok with it as long as there was something in place such as a bond and/or an agreement that the applicant has to put it in if needed. Chairman Dunaskiss asked if any further direction was needed for this and what the “trigger” might be for putting in the banked parking? Planning & Zoning Director Girling commented it might be Ordinance Enforcement, if the Township starts getting complaints of people having to park in the road. Ordinance Enforcement would be contacted and then the Township would have the right to contact the owner and tell them they need to put in so many more spaces; that would handle while they occupy the building and conducting the current business. With what she believed Chairman Dunaskiss was thinking, if the buildings should change uses, if there was an agreement, the Township could semi-easily require this applicant to put them in.
- Regarding lowering the watermain, if there is a change of use, this is where Planning & Zoning Director Girling had more of a concern and the type of language the Planning commission would like to see. She would request whatever they come up with, to have the Township attorney look it over. Mr. Powell offered that the Township may want to require an additional site plan approval for any change of use and then the Planning Commission can decide and demand the additional parking at their direction. The key is to give the Township the ability to demand when the parking goes in. Commissioner Walker asked if the applicant would be willing to enter into some type of a “hold harmless” agreement for that eventuality? Mr. Powell said, absolutely.

Planning & Zoning Director Girling commented that the ordinance actually says if there is a change of use, that it does require a reexamination of the parking and determination whether the parking calculation has changed. It does leave some discretion. If there is banked parking on the site plan that is approved, it can go through the Building Official, and if it can easily be put in, there is not a need to come back to the Planning Commission. If gets more elaborate than that, then it does leave the possibility of needing to come back to the Planning Commission.

Commissioner Reynolds said he understands that if there is any change of use, there are provisions to come back, but should the Planning Commission require a performance guarantee, bond or escrow? Trustee Steimel commented that if there is a change of use and the parking is not put in, a Certificate of Occupancy would not be issued. Also, should additional parking be need for the current use and is not put in, the current C of O could be revoked. Planning & Zoning Director Girling noted that the Township holds a bond for all cell towers in case they are every abandoned. Commissioner Reynolds said he was fine with the banked parking just wants to make sure the Township has the backing to get the total number of required parking space if needed and if that is referred to Attorney Kelly, he is fine with that.

Mr. Yatooma responded that they will do whatever the Township asks of them. However, he asked the Commissioners to keep in mind, this is a 15-million-dollar development and it is not a “fly by night” operation. He believed that the rent he could get for the space down the road would be more than enough to construct the banked parking. He would provide a bond if required but would rather provide a personal guarantee.

Trustee Steimel commented that the Township has never required it (a bond for banked parking) in the past. He did not see the need to make this complicated.

Commissioner Porter said he would like to leave this issue a little open and leave it up to the building department and the Township attorney and not get too specific; they have more experience with this than the Planning Commission does.

Commissioner Reynolds said without a precedence being set, he would be fine with an affidavit that left the banked parking open and not require a performance guarantee. Chairman Dunaskiss concurred.

- Commissioner Reynolds then spoke about the banked parking along Bald Mountain Road and the talk about lowering that the main, is there any issue whether it needs to happen now or can it happen in the future? He would like to see the existing buffer remain, especially if we are going to keep the banked parking. Engineer Landis answered, that the way they have the grading proposed right now, they would not need to lower the main at this time. It would only be in the future when that banked parking was needed. Deferring that to the future would leave a better chance of keeping the buffer Commissioner Reynolds was referring to.
- Chairman Dunaskiss asked the Commissioners for a consensus regarding a waiver for the Lapeer Overlay Design standards. He commented that he liked the pillars on Building B because that is going to be elevated and given with the clock tower feature and the other ways they propose to break-up the outside look of the buildings, he believed a waiver would be justified. It was Trustee Steimel's opinion they did a good job breaking things up.

Moved by Commissioner Porter, seconded by Trustee Steimel, that the Planning Commission **grants** a parking calculation waiver for PC-2018-11, Oakland Business Park, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, and 09-35-477-001) for plans date stamped received 5/23/18, contingent on the following:

- a. regarding the banked parking plan – that guarantees for the banked parking are satisfactory with the building department, any landscaping that is removed to construct the banked parking will need to be replaced as necessary to meet ordinance standards; and
- b. based on the following findings of fact:
 - i. the applicant proposes to construct 134 spaces deficient from the required amount by 149 spaces, however a total of 198 banked spaces are proposed throughout the site to be developed as needed.

Commissioner Porter amended the motion, Trustee Steimel re-supported, to add that documented reasons for the reduced parking to be supplied by the applicant.

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

Chairman Dunaskiss asked for a consensus for Building B, there was an issue with landscape as well as with Building C adjacent to it - a hedge or something along Building B in the front and then along Building C on the east side because of the road. A boulder wall in front of Building B was suggested. Given the unique layout of the properties, the buildings that are going to be constructed there, the grade, and some of the different ideas of incorporating more landscaping with retaining walls and how they want to leave the natural landscaping on Bald Mountain Road – he did not see an issue with granting a waiver.

It was asked if there was a front elevation of Building B? Mr. Powell said they do not have the building elevation but the landscape drawing has the landscaping proposed in the front which was on page LSP-1. They are proposing a landscaping wall and then the required street trees in front of Buildings B and A. They would be glad to work with and entertain any suggestions from the Planner as to how to work that to meet the Planner's requirements along the frontage there.

Planner Carlson replied, referencing the south hedge or wall, according to the ordinance, a hedge, wall, decorative metal fence or berm with a vertical rise of at least 30" shall be developed within the area on the south side of Premier Drive. Mr. Powell responded they actually have a berm that comes up well over 30" because the elevation of the building is substantially lower than a portion of Premier Drive. The earthwork actually comes up, the retaining wall is to drop down to the building. They are allowing part of the building to be cut off from view from Premier Drive. Mr. Powell said it would be nice to be able to work with Planner to be able to hone that down a little be more. Trustee Steimel commented he was ok with what they are proposing.

Relating the Engineer's issues:

- Discussion regarding the fill over of the Consumers Energy pipe was addressed.
- There was already discussion regarding dropping the watermain.
- Regarding the various slopes, the applicant will work with the Township engineer; particularly the 1:4 slope adjacent to Detention Basin C.

Mr. Powell asked for some guidance on two things: 1) does the planning Commission have a problem with a slope steeper than 1:4 as long as it is stabilized, and 2) he would like to put in landscaped boulder retaining walls instead of vertical retaining walls where they can to break up the landscaping. Trustee Steimel commented given the overall grade, it is probably not a big deal - in the detention ponds, it is.

Mr. Powell explained that in the detention ponds they have designed them with a 1:6 slope meeting the requirement. Engineer Landis commented that he does not have an issue with the grading of the ponds themselves and they are receptive to the 1:2 boulder retaining walls that Mr. Powell had referred to. Engineer Landis said they review those as they would any other retaining wall. His concern in comment #3 of the review was particular to the slope adjacent to Detention Basin C outside of the pond, they have a 1:3 slope before you getting to the pond. He was looking to see if they could make that a 1:4.

Mr. Powell said if the Planning Commission allows him to do a 1:2 landscaped boulder retaining, that gives him more room to flatten out the area within 25 ft. of the basin and provide for nice flat slope around the them. Trustee Steimel asked Engineer Landis if they could handle that at engineering? Engineer Landis responded, yes, and was fine with that; they could work it out.

Chairman Dunaskiss asked about when fencing would be required? Mr. Powell responded that anytime there is a vertical drop off over 30", code requires a 42" railing. Mr. Powell said where a fence is required they would use an aluminum or wrought iron fence similar to something around a pool. They would not do chain link. Engineer Landis asked him to add that detail to the plans *.

Commissioner Porter asked if they will be any mechanical on the roofs? The applicant responded, no, everything will be in the rear of each building. It was noted that the units are

actually inside the buildings, hung from the structure. The only thing that is outside are the condenser units.

Planner Carlson reminded the applicant about providing for the lighting – the fixture heights and spec sheet. Mr. Powell apologized, it should have been on the plans and will provide those to make sure they meet ordinance requirements.

Moved by Commissioner Walker, seconded by Commissioner Reynolds, that the Planning Commission **grants** a Parking Lot Landscape waiver for PC-2018-11, Oakland Business Park, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, and 09-35-477-001) for plans date stamped received 5/23/18 based on finding one or more of the following:

- limited parcel depth;
- existing vegetation;
- and because of the other site factors mentioned in the consultant reports (the Planners report dated June 1, 2018, the Engineer's report dated May 30, 2018, and the Fire Marshal's review dated May 31, 2018), and to recommend that the Planner and the applicant get together to "fine-tune" the landscaping/vegetation issues that were discussed tonight.

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

Moved by Trustee Steimel, seconded by Commissioner Reynolds, that the Planning Commission **grants** a Lapeer Overlay Design Standard waiver for PC-2018-11, Oakland Business Park, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, and 09-35-477-001) for plans date stamped received 5/23/18 based on the following findings of fact:

- the clock towers and other features they added do a nice job of meeting some of the overlay design standards in a different variation, and given where the site is located - what they have proposed warrants, in this case, a waiver from the specified standards in the overlay district;
- further the applicant agreed to "pylons" on the south side of Building B.

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

Mr. Yatooma asked for clarification where the Planning Commission wants them to put the clock tower on Building B, on the south side or the north side? It was agreed it should be on the north side, the Premier Road side.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission **grants site plan approval** for PC-2018-11, Oakland Business Park site plan, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, and 09-35-477-001) for plans date stamped received 5/23/18. This approval is based on the following conditions:

- subject to the previous conditions outlined and approved;

- the submission of the lighting fixture heights and spec sheet;
- and based on the previous approvals relating to banked parking, grading and final site plan retaining walls and the waiver of the Lapeer Overlay Design Standards;
- the plan meets all of the requirements.

Vice Chairman Gross amended the motion, re-supported by Trustee Steimel to add the applicant needs to add detail to the plans for the decorative fencing and supply the necessary paperwork for combining lots.

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

B. PC-2018-20, Township Initiated Rezone Request for Trailways. The request is to rezone unaddressed parcels (09-12-304-009, 09-13-201-003, 09-28-502-002, 09-21-502-006, 09-21-276-002, 09-16-426-002, 09-16-226-002, 09-09-426-027, 09-09-226-016, and 09-04-201-006) from Unclassified to Recreation-2 (REC-2).

There were no other comments or questions from Commission members.

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2018-20, Township request is to rezone unaddressed parcels (09-12-304-009, 09-13-201-003, 09-28-502-002, 09-21-502-006, 09-21-276-002, 09-16-426-002, 09-16-226-002, 09-09-426-027, 09-09-226-016, and 09-04-201-006) from Unclassified to Recreation-2 (REC-2). This recommendation to **approve** is based on the following findings of fact:

- the rezoning of these parcels is consistent with the Master Plan and the use of the said parcels.

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

8. UNFINISHED BUSINESS

A. PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations Footnotes, Articles 2,3,5,6,7,8,9,11,14,16,18,19,20,21,22,23,24,25,26,27,35

There were no other comments or questions from Commission members.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission forwards a recommendation to the Township Board to **approve and adopt** PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance No. 78, Schedule of Regulations Footnotes, Article 2, 3, 5, 6, 7, 8, 9, 11, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,35; this represents extensive research and work by the Planning & Zoning Department and the Planning Commission, it resolves a lot of conflicting problems and sets forward a Zoning Ordinance that is much easier to understand.

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

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Clerk Shults dated May 24, 2018, regarding the Township Board holding the first reading and denying PC-2018-16, 3537 Gregory Rezone Request.

Memo from Clerk Shults dated May 24, 2018, regarding the Township Board holding and approving the first reading of PC-2018-17, Stadium Ridge Conditional Rezone Request.

Planning Commission Public Hearing Notice from Auburn Hills regarding proposed amendments to the City's Master Land Use Plan.

11. COMMITTEE REPORTS

PC-2018-11, Oakland Business Park Site Walk dated 2/27/2018

12. PUBLIC HEARINGS

Planning & Zoning Director Girling informed the Commissioners about a public hearing that has been scheduled for the July 5, 2018 meeting for a Conditional Rezone.

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Trustee Steimel commented that the Board of Trustees held and approved the first reading of Stadium Ridge Conditional Rezone even though the Planning Commission recommended denial.

15. ADJOURNMENT

Moved by Commissioner Porter, seconded by Commissioner Reynolds, to adjourn the meeting at 9:17pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

July 5, 2018

Planning Commission Approval Date