

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

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

REGULAR MEETING, WEDNESDAY, JULY 18, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, July 18, 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	Scott Reynolds, Commissioner
Joe St. Henry, Secretary	

PLANNING COMMISSION MEMBERS ABSENT:

John Steimel
Neal Porter

CONSULTANTS PRESENT:

Doug Lewan (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:

David Antoun	David Hockey
Ben Tiseo	Rob Labelle
Paul Gagel	Lynn Harrison

3. MINUTES

A. 7-5-18, Planning Commission Regular Meeting Minutes

B. 7-5-18, PC-2018-22, Conscious Senior Living Public Hearing Minutes

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

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Secretary St. Henry, 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 and opened the public hearing for PC-2018-24, Verizon Wireless #1179/TowerCo #MI10338 Special Land Use Request at 7:05pm and closed the public hearing at 7:14pm.

Chairman Dunaskiss opened the public hearing for PC-2018-26, Citizens Bank Special Land Use Request at 7:14pm, closed the public hearing at 7:16pm and reconvened the Regular meeting.

7. NEW BUSINESS

A. PC-2018-24, Verizon Wireless #1179/TowerCo #MI10338 Special Land Use and Site Plan
Chairman Dunaskiss noted that being the public hearing has been held; asked the consultants for their findings.

Planner Lewan went over Carlisle Wortman's review dated July 12, 2018:

Planner Lewan explained that in the Ordinance, location of a tower becomes more rigorous depending on where the tower is being proposed. If a tower is being co-located it is easy, if its in an area that is considered a permitted use, it's a little more difficult; if it is in area that the Township didn't anticipate, then a special land use is required - the review procedure gets progressively a little more difficult. In this case the applicant is proposing a tower in an industrial zone. Cell towers may be allowed within an industrial zone if the applicant can show that there is need for a tower in that location. He commented that the applicant did provide quite a bit of information indicating that there is a need for the tower in this location. They went through the special land use criteria, A-G, to determine if the use is going to cause any problems within the area. Generally, he believes the applicant did a nice job of addressing the special land use criteria and the site does qualify for a special land use.

- Planner Lewan then noted there are also standards that are specific to cell towers and commented that the applicant did a nice job addressing those standards as well to their satisfaction with one caveat – setbacks. Because of the Township's 125% of the tower's structure required setback, which equals 182 ft., the applicant does not meet that in several locations around the tower.

Planner Lewan explained that the directional notations in the review were off a bit in *Table 1*, however it did portray the idea that variances would be required. The figures in the "Proposed" column were correct. He also noted that there was one direction that was not mentioned and that was the adjacent railroad property which is actually 50 ft. away from the tower.

- Planner Lewan commented that the 50 ft. to the railroad property or easement, while it would be problematic if this was in some other situation, if you scale the location of the tower to the railroad track, it is almost 150 ft. to the actual railroad track. While the property line is there, the actual distance to where something might be impacted anything is quite a distance away; he did not have a big concern about that, however it is only something the ZBA can determine.
- One of Planner Lewan's comments asked the applicant to ensure that FAA lighting is not required on the support tower and that tower lighting is not proposed? The applicant clarified that in their presentation.

- Planner Lewan noted that he didn't have any issue with the parking and that required landscaping is being accomplished.
- Regarding the height of the proposed retaining wall, Planner Lewan deferred that to Engineer Landis.
- In addition, an access easement is needed for ingress/egress and public utilities.
- Lastly, a structural analysis of the tower itself will be required which he believed the applicant indicated would be provided at the time they submit for building permits.

Engineer Landis went over OHM's review dated June 22, 2018:

- Regarding the fall zone – it has a 50 ft. radius that actually encompasses a portion of the existing parking lot. Although it was noted that these rarely fall if ever, he pointed out that it would overlap with some of the existing parking spaces. It was their recommendation that the tower be moved so it would not encroach upon any of those spaces.
- Engineer Landis noted that there is an easement associated with the watermain that is not shown on the plans, that needs to be added. The reason being there is also a proposed public utility easement the applicant is showing on the plans which will actually overlap with the existing watermain easement – those need to be separated, they cannot overlap.
- The review indicated there was no need for detention to be provided for the site.
- The applicant is proposing a retaining wall that OHM calculates to be 3.7 ft. high which will be located around the site. Per code, a 42-inch railing needs to be added to the plans for that retaining wall. Engineer Landis also noted that at engineering, they will need separate plans and calculations for the walls.

In conclusion, it was OHM's opinion the plans were in substantial compliance with Township Ordinance and engineering standards.

Mr. Labelle came back up to the microphone and explained the coverage map they had displayed. One map showed the current coverage and the other depicted the coverage they would obtain with this tower. He also explained how Verizon obtains their data and why this proposed location will be good for Verizon as well as other co-locators.

Chairman Dunaskiss then asked the applicant to respond to the concerns mentioned by the Township Consultants.

Regarding possibly shifting the tower so that one of its fall zones doesn't interfere with the parking lot - Mr. Labelle responded they worked with the fire department and the Township as to where the most appropriate location would be for the tower on this site; he noted that even though the parking spots are within the fall zone, it doesn't make them a dangerous place and that there are probably light poles in that parking lot that would be more likely to come down than the tower; he strongly urged the Planning Commission not make them move the tower. To try and move it at this point would set them back many "steps". He noted that the Township is one of 24 different agencies that they have to get approvals from for each tower they construct.

Several of these agencies would require them to redo the whole process if they move a tower after a location has been determined.

Mr. Labelle indicated if the easement interferes with another utility, they will move it. He noted that one of the 24-agencies they deal with is the electrical company and they will make them move it too.

Regarding access easements, in actuality the access easements are contained in the lease that has been signed by the Township; there are access easements already in place.

They will comply with Ordinance requirements for the retaining wall.

Regarding blocking out the two parking spaces mentioned by Engineer Landis – Mr. Labelle said he would leave that decision up to the Township. He suggested, however, not to eliminate them and explained the service routine for the tower and its co-locaters – it would amount to no more than 3 to 6 visits per month. He didn't feel it would be necessary to remove them.

Commissioner Walker mentioned he had concerns about the fall zone however understands how difficult it would be to change the plans now to move the tower. Mr. Labelle reiterated that the towers don't fall, other structures in the parking lot are more likely to fall and hurt somebody. If the tower were to fall, it would be due to "near biblical proportions" and if that occurs, most likely there won't be anyone out there the tower could fall on. Again, because of the extreme measures it would take to bring a tower down and their extremely impressive safety record, strongly requested that they not be asked to move it.

Chairman Dunaskiss asked the Planning Commissioners their thoughts on removing or shifting the parking spaces? Planner Lewan commented that it appears that the two parking spaces that would be impacted by the fall zone are also the two that would have to be "x-ed" out for ingress/egress access.

Vice Chairman Gross said the site walk showed that there is a lot of parking spaces available for the fire station which is basically a one-man station, "x-ing out" two or three spaces shouldn't affect anything.

Commissioner Reynolds said he didn't have any concerns with the parking spaces. The applicant indicated there are other items that could easily fall on vehicles and there are enough safety measures in place that should alleviate that concern – he was good with not doing anything, leaving parking spaces as proposed.

The consensus was to leave the parking spaces as proposed.

Moved by Vice Chairman Gross, seconded by Commission Walker, that the Planning Commission **approve** PC-2018-24, Verizon Wireless #1179/TowerCo #MI10338 Special Land Use request for a 145 ft. monopole located at 3801 Giddings Rd. (parcel 09-27-400-011) for the plans date stamped received June 18, 2018. This approval is based on the following finding of facts:

- the request complies with all requirements of Section 27.07 of the Zoning Ordinance and Section 30.02, Special Land Use Procedures and Standards, paragraphs "a" thru "g" of the Zoning Ordinance

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

Vice Chairman Gross asked Planning & Zoning Director Girling, procedurally, can they approve the plan subject to the approval of the variances by the ZBA or do they have to deny the site plan? Planning & Zoning Director Girling responded they need to deny it however if the variance(s) are granted, the site plan would be deemed approved and the applicant wouldn't have to come back to the Planning Commission.

Mr. Labelle asked if it could be approved conditioned upon receiving the variances from the ZBA? Chairman Dunaskiss said procedurally they cannot because the site plan doesn't meet site plan requirements. Mr. Labelle clarified then that it would convert itself into an approval if the variances are granted.

Moved by Vice Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission **deny** PC-2018-24, Verizon Wireless #1179/TowerCo #MI10338 Site Plan request for a 145 ft. monopole located at 3801 Giddings Rd. (parcel 09-27-400-011) for the plans date stamped received June 18, 2018, since the plan is insufficient relative to set backs related to fall zones listed in the Zoning Ordinance requirements; if the applicant receives a waiver from the setbacks from the Zoning Board of Appeals, the site plan will be deemed approved and the applicant will not have to return to the Planning Commission.

Vice Chairman Gross amended the motion, Secretary St. Henry re-supported, to add to the motion that is also conditioned upon meeting the item in the Planner's review dated July 12, 2018 (item 3) and the items from the Engineer's review dated June 22, 2018 (items 1, 2, 3 and 6).

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

B. PC-2018-26, Citizens Bank Special Land Use and Site Plan

Chairman Dunaskiss noted that being the public hearing has been held; asked the consultants for their findings.

Planner Lewan went over Carlisle Wortman's review dated July 11, 2018:

- Planner Lewan explained this is a request for a special land use in the RB, Restricted Business, district – a drive-thru bank facility. A bank without a drive-thru would be a permitted use. Planner Lewan noted that this request is less than what someone would think as a drive-thru – there are no tubes or multiple lanes; it is basically a drive-up ATM.
- Planner Lewan commented that this an existing facility, the bank will be a build-out finishing this building.
- Regarding special land use considerations - he believes the applicant did a nice job with their application materials and demonstrated that the standard of Section 30-02 have been met
- Planner Lewan explained the drive-up ATM will have no effect on setbacks because the building is not being extended – they are not moving walls or footprints. He added the project lends itself to a drive-up type facility. The building location is fine for this use.
- Parking and loading – the site actually has more parking than is required for both uses.
- Regarding site access and circulation - Planner Lewan believed the site access is ok. The applicant is changing one small radius around the corner for the drive-up ATM. He

did defer to the fire department regarding any concerns they want addressed, however the building and circulation really didn't change since the last time this was looked at.

- Planner Lewan noted that landscaping was reviewed and approved in 2017 when the site was first reviewed.
- If additional signage is required, that will have go through the building department.
- Planner Lewan said at this point, the special land use is in substantial compliance with Township Ordinance; they have met special land use criteria.

Outstanding issues were:

1. Any potential issues from the Fire Marshal
2. Any issues from the Township Engineer
3. If they are proposing a sign or any new signage for the bank, it has to go through the building department.

Planner Lewan noted Carlisle/Wortman is supportive of the project.

Engineer Lands went over OHM's Site Plan Review dated July 6, 2018.

- Engineer Landis concurred there are no proposed changes to water, sewer or storm sewer. There is just a minor adjustment to a grease trap clean-out in the parking lot area. The applicant will need to do a minor rim adjustment on that. There are no other impacts to utilities.
- The applicant is proposing to remove the existing sidewalk on the south side of the building to make room for a drive-thru lane. As far as dimensions, the drive-thru lane will be 11 ft. wide and the by-pass lane will be 11½ ft. wide – that meets or exceeds the requirement of a 22 ft. width.
- Engineer Landis noted a couple safety related items:
 1. Place a bollard on the southwest corner of the building to protect the building from traffic.
 2. On the southeast corner of the building, since that is an area were pedestrians will be going in and out of the building, consider an extension of railing to protect pedestrians from vehicles exiting the ATM.
 3. He noted a couple minor clerical items – 3 and 4 on page 2 of the review.

Overall the plan was in substantial compliance with the Township Ordinance and engineering standards.

Chairman Dunaskiss asked the applicant if he had any issues making the adjustments suggested by the consultants?

Mr. Tiseo replied, no, he has no issues.

Planning Commissioner Walker asked the applicant if the drive-thru “tube” service is going away? Mr. Tiseo responded that it was.

Paul Gagle, Project Manager for Citizens Bank, 27777 Franklin Road, Southfield, commented that ATM technology is such that it allows them to reduce staff by not having to man a drive-thru window. There are a lot of things you can do now at an ATM machine that you couldn't do in the past. With a “first-lane drive-up ATM” and Night Drop, it can be built into a secure room inside the building and serviced by bank colleagues. It makes it more convenient for their customers allowing them 24/7 access.

Chairman Dunaskiss noted that the parcel goes all the way back to the west, are there any plans for that property? Mr. Tiseo said he didn't know, they are just tenants.

Secretary St. Henry asked the applicant if he knew approximately how many visits they anticipate to the ATM machine on a daily basis? Mr. Gagle replied in this market area, it is difficult to answer. Their existing location is inside the Kroger on Lapeer Road. Once they relocate that branch, Kroger has opted not to renew their lease. He noted they do have a strong desire to stay in this market area however they have no local history to go on.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **approve** PC-2018-26, Citizens Bank Special Land Use request for a Drive-Up ATM & Night Deposit located at 1376 S. Lapeer Rd., Unit B (parcel 09-14-100-053) for plans date stamped received June 26, 2018. Approval is based on the fact that this is not a traditional teller-operated drive-up so actual stacking should be reduced tremendously for traffic using the drive-up ATM; further, this request complies with all the requirements of Section 30.02 of the Zoning Ordinance.

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

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **approve** PC-2018-26, Citizens Bank located at 1376 S. Lapeer Rd., Unit B (parcel 09-14-100-053) Site Plans for plans date stamped received June 26, 2018 based on the following conditions:

- the applicant install a bollard at the southwest corner of the building to protect the building from turning vehicles,
- and that a railing be installed along the southeast corner of the building separating the sidewalk from the travel lane.

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

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Planning & Zoning Director Girling regarding the Planners Conference – she commented that the room reservation system changed; you can no longer see where the rooms are or the rates until registered for the conference. She asked that if anyone knows for sure they want to attend to let her know.

APAMI Flyer – Session and Event Descriptions

Michigan Planner Publication May/June 2018

11. COMMITTEE REPORTS

- A. PC-2018-24, Verizon Wireless Special Land Use and Site Plan Site Walk Report
- B. PC-2018-26, Citizens Bank Special Land Use and Site Plan Site Walk Report

12. PUBLIC HEARINGS

8-01-18 - Joint Public Hearing with the Township Board of Trustees at 7:05PM: PC-2018-27, Baldwin Medical, a Major Planned Unit Development (PUD) Amendment Request, located on vacant parcels on the southwest corner of Baldwin and Maybee Roads (parcels 09-29-301-084 and 09-29-301-085). The applicant is seeking to replace the previously approved Tim Hortons/Cold Stone Creamery with a two-story medical building

Planning & Zoning Director commented that the Ordinance leaves it up to the Planning Commission if they want to receive a site walk report for the above project. The applicant did apply in enough time to have one done. The Site Walk Committee agreed to hold a site walk next week.

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Reynolds commented that as a member of the Village Planning Commission and DDA, he reported they have been working on getting a parking study and implementation plans for the Village, specifically the Downtown district - there is a lot of development going on in the Village too.

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross, to adjourn the meeting at 8:10pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

August 1, 2018

Planning Commission Approval Date