

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING, WEDNESDAY, AUGUST 1, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 1, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

### **PLANNING COMMISSION MEMBERS PRESENT:**

Justin Dunaskiss, Chairman  
Don Gross, Vice Chairman  
Don Walker, PC Rep to ZBA

Neal Porter, Commissioner  
Scott Reynolds, Commissioner

### **PLANNING COMMISSION MEMBERS ABSENT:**

Joe St. Henry, Secretary

### **1. OPEN MEETING**

Chairman Dunaskiss opened the meeting at 6:30pm.

### **2. ROLL CALL**

As noted

### **3. CLOSED SESSION**

Moved by Commissioner Porter, seconded by Vice Chairman Gross, to go into Closed Session to discuss Attorney Opinion at 6:30pm. **Motion Carried**

Moved by Commissioner Porter, seconded by Trustee Steimel, to reconvene the Regular Meeting at 7:06pm. **Motion Carried**

### **BOARD OF TRUSTEE MEMBERS PRESENT:**

Chris Barnett, Township Supervisor  
Donni Steele, Treasurer  
John Steimel, Trustee

Mike Flood, Trustee  
Julia Dalrymple, Trustee

### **BOARD OF TRUSTEE MEMBERS ABSENT:**

Penny Shults, Township Clerk; absent with notice  
Brian Birney, Trustee; absent with notice

### **CONSULTANTS PRESENT:**

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

### **OTHERS PRESENT:**

Louie Jaffe  
Stefano Mularoni  
Carol Thurber  
Craig Kovarik

Harold Flood  
Kimberly Ostrolneki (sp?)  
Lynn Harrison

Chairman Dunaskiss recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:06pm for case 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 (09-29-301-084 and 09-29-301-085).

Chairman Dunaskiss closed the PC-2018-27 Joint Public Hearing at 7:17pm.

Motion carried by the Board of Trustees to close their Special Meeting at 7:17pm.

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#### **4. MINUTES**

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

B. 7-18-18, PC-2018-24, Verizon Wireless SLU Public Hearing Minutes

C. 7-18-18, PC-2018-26, Citizens Bank SLU Public Hearing Minutes

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

#### **5. AGENDA REVIEW AND APPROVAL**

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

#### **6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None

#### **7. CONSENT AGENDA**

None

#### **8. NEW BUSINESS**

A. PC-2016-14, Villa at Silverbell Estates Site Plan Extension

Mr. Louie Jaffee, 25231 Ridge Cliff Dr., Southfield, MI, represented the applicant.

Mr. Jaffee said they are looking to request a site plan approval extension for the expansion of their building located on Silverbell Drive. They started with engineering approvals and the value engineering phase of bidding came in higher than they expected. They are looking to a site plan extension so they can work out those details.

Vice Chairman Gross asked if the applicant removed the house that was on the adjoining property? Mr. Jaffee replied that had been done, he believed, a few years ago.

Chairman Dunaskiss asked if there had been any other work done on the site other than the removal of the house?

Mr. Jaffee responded there hasn't been any major items done.

Chairman Dunaskiss asked Mr. Jaffee what their estimated timeline was, is there a close date for the bid? Mr. Jaffee said they do not build in the winter, they are looking for at least a year extension to give them a little extra time. They are currently in the engineering phase; to get the bidding for it. They will then choose a contractor based on the bids and then pull permits.

Chairman Dunaskiss asked why it has taken so long to get the engineering bids out? Mr. Jaffee said they were working on getting all the pricing and budgets together - once engineering comes back, the applicant will decide how to proceed.

Chairman Dunaskiss commented that it appears the applicant is diligently moving forward and hopes to break ground during the next building season. Mr. Jaffee concurred and replied, by spring.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approve** the site plan extension request for PC-2016-14, Villa at Silverbell Estates Site Plan for **one (1) year**, this approval is based on the following findings of fact: that the applicant has been moving forward with the necessary engineering plans and bidding documents for the project.

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

B. PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment located on the southwest corner of Baldwin and Maybee Roads (vacant parcels 09-29-301-084 and 09-29-301-085

Carol Thurber with Fazal Khan & Associates, 43279 Schoenherr, Sterling Heights, re-introduced herself. She explained they reviewed the consultant comments and can address all of them with no problem. Her comments were as follows:

- The Baldwin sidewalk will be put in by others (RCOC).
- Additional landscape has already been proposed along Baldwin Road from the plans that were shared with them. There is a good deal of landscape within the right-of-way in addition to what they are proposing adjacent to that right-of-way.
- Their parking calculation was based on the land use according to Section 9.03 of Zoning Ordinance #78 which is one space per 250 gross sq. ft. for medical office rather than being based on the RB count. It was her opinion they are a little over-parked for a medical use.
- Regarding the building height, it is 28 ft. 0 in.
- The façade and building materials were displayed on a board they brought with them. Ms. Thurber pointed out what materials would be used and where.
- Ms. Thurber noted that circulation was a major concern in both the Planner's and Engineer's review. At the pre-application meeting, it was suggested the drive-thru area be on the north side of the building however that created some major circulation issues. As had been suggested in the Engineer's review, they prepared another plan showing the drive-thru reversed and on the south side of the building. A plan showing that reversible was placed at each Commissioner's place.

Ms. Thurber explained that reversing the drive-thru took care of a lot of the comments brought up by the Planner. It allows for a good accessible pedestrian access from the existing access already to the site from Baldwin Road; it allows for an access over to Walgreens; it took care of other circulation issues that were brought out by both the Planner and the Engineer; and took care of the fire apparatus radius concern allowing for maneuverability of fire trucks.

Planner Lewan went over Carlisle/Wortman's review dated July 20, 2018 and explained the process for a Major PUD Amendment and clarified with Planning & Zoning Director Girling that

the applicant is combining their review of the preliminary and final plans at the same time which is allowable by Ordinance. Therefore, final plans may not be coming back to the Planning Commission for further review.

- Planner Lewan noted there were a number of things that the Planning Commission has to determine regarding the plans meeting PUD standards - it was his opinion that the plans meet those standards and should be noted in a motion if approved. He added that he believed this proposal doesn't change the basis upon which the PUD was initially adopted.
- Planner Lewan commented that there were also some PUD non-residential standards that needed to be met and believed that the applicant did a good job addressing those as well.
- He did note their concern about pedestrian safety however the applicant's engineer did address that by changing the drive-thru location. He would also like the applicant to consider a second pedestrian walkway south of the main driveway – if someone is walking north on the pedestrian path, their first opportunity to turn into the site would be through the driveway which he believed most people would do.
- He noted that all the setbacks had been met with the plan they reviewed.
- The building height needs to be noted on the plan.
- In his review, it was noted that 110 parking spaces were required, the applicant is providing 92 and the Planning Commission has the authority to adjust parking based on actual need.
- Being this is a medical facility and a drive-thru is proposed, he assumed that it was for a pharmacy. The applicant needs to address that use or purpose. He then commented again on the drive-thru circulation concern although switching the drive-thru to the south side of the building, he believed, solved their concerns. He noted that if the drive-thru is used pharmacy purposes – it would be a much less intensive use than the approved Tim Hortons.
- There needs to be confirmation of the lighting fixtures and more detail so they can be compared properly to Gingellville standards.
- Additional signage information should be provided for review as part of the PUD review. He suggested a separate sign plan and said he would be willing to work with the applicant on this.
- Although this is a PUD, part of the underlying zoning is Gingellville Overlay which asks for a community design feature.

Engineer Stevens went over OHM's review dated July 19, 2018. The following are the comments from the Conclusion of that review.

- There are public utilities available with adequate capacity.
- They also had concerns about the traffic and circulation

- There was minor concern with grading near the south eastern part of the site near the detention basin, the applicant needs to clarify that and Engineer Stevens believed that details could be worked out during engineering. He wanted to make sure that enough information was provided for site plan.
- Detention calculations and design shall be updated to include the drainage area captured by the existing storm system.
  - The C-factor for landscape area shall be increased to 0.2 to meet the Township recommended minimum.
  - C-factors should be provided for each drainage area to assess the correctness of the C-factor.
  - The area from the western border to the curb shall be included in the drainage areas.
  - The detention pond shall be included in the drainage area calculation. The C-factor for open water is 100.
- The existing storm sewer was installed as a temporary measure and shall be rerouted to outlet into the detention pond prior to discharging into the storm sewer along Baldwin Road that leads to the ultimate outlet.
  - The applicant needs to number the existing manholes/catch basins on the Preliminary Utility Plan Sheet.
- The sanitary sewer easement shall be shown on the topographic survey.
- The easement for the water main and hydrant at the southern border of the site shall be included on the topographic survey. Also, the applicant needs to show the water main that connects to the hydrant.
- The proposed dumpster pad shall be relocated outside of the water main easement, and shall not be placed within the limits of any proposed or existing easements.
- The Fire Department Connection (FDC) shall be included in the plans.
- The sidewalk on site shall provide access to the public pathway along Baldwin Road. There is an existing asphalt walk that extends into the site from the public pathway in the northeast corner of the site. This was the original approved location for the pathway to access the site.
- The proposed 9-foot asphalt pathway in the right-of-way shall be aligned on-center with the existing pathway across the existing drive approach for the site.
- The applicant needs to ensure that pavement slopes fall within the required range set by the Township (1-6% in drive isles, and 1-4% in parking areas).
- The proposed retaining wall shall be shown and called out on the plans on the south side of the detention basin.
- The existing storm sewer from MH 8 to CB EX2 does not have sufficient cover and shall not be used in its existing condition.
- “EX R.O.W. AREA” is called out as 0.602 acres in plan view, but referred to as 0.62 acres in the calculations. The applicant needs to correct the discrepancy.
- Add a detail for proposed parking lot pavement section

- Add a designated loading zone to the plans and provide the required 8-inch concrete pavement section.
- Change the proposed 16-inch water main tap in Baldwin Road to extending the 8-inch water main from Waterstone.
- Reconfigure the site to accommodate an Orion Township fire truck per Township Engineering Standards (*a Preliminary plan was provided tonight depicting the relocation of the drive-thru which should now accommodate fire truck maneuverability*).
- Relocate the drive-thru to the south side of the building to prevent queuing on the wrong side of a two-way cross-access isle. This will also reduce the amount of wrong way movement on site (*again, a Preliminary plan was provided tonight depicting the relocation of the drive-thru*). Engineer Stevens commented that if the drive-thru is relocated to the south side, it appears there will then be a lot of pavement there. The applicant should consider possibly shrinking some of that and providing some additional screening – to prevent some of the impact to the southern property owners.

In conclusion, Engineer Stevens said that most of the above items are “clean up comments” and are minor.

Chairman Dunaskiss noted the review from the Fire Marshal dated 7/12/2018 whose recommendation was, “Approved with comments”.

Ms. Thurber replied to the concerns brought up by the consultants as follows:

- The suggested second pedestrian walkway south of the main drive would actually work out well for the site. There is some landscaping planned there as well along with a radius wall to match the wall on the other side of the entrance. Another pedestrian access could be provided.
- The drive-thru is not a pharmacy, that is deed restricted. The owners are working out a lease agreement and the drive-thru will either be coffee oriented or a bank.
- Regarding a community design feature - Ms. Thurber suggested benches and proposes one at the pedestrian entrance as well as one somewhere more to the south end of the site to take advantage of the landscaping and fountain proposed on Baldwin Road.
- She believed they have addressed the circulation issues with the relocation of the drive-thru – that Preliminary proposal should provide better site circulation.
- She agreed there will be additional pavement on the south side of the building if the drive-thru is relocated there. They will most likely add additional landscaping as long as there is a sufficient radius for fire apparatus turn.
- Regarding the detention details, Ms. Thurber spoke to Engineer Stevens and is confident they can resolve those.
- Regarding the parking discrepancy – her calculation was based on Section 9.03 of Ordinance #78, 1 parking space per 250 gross square foot area for medical office. Using that calculation, they would actually be 4 spaces above what is required.

Commissioner Reynolds noted the Site Walk report dated July 26, 2018 in which the committee noticed the same traffic flow items brought up tonight. It was his opinion by moving the drive-thru to the south side of the building would promote less cross traffic and less disturbance to the residents adjacent to the site.

Trustee Steimel commented on the relocation of the drive-thru and agreed the applicant should consider more landscaping on the south side of the building to buffer conversations from the drive-thru speaker box. He also noted that he was confused about the difference between the parking space numbers the Planner came up with and what the applicant proposed. Planner Lewan commented that he stands by their number until they get something else from the applicant. His number shows the applicant is short spaces.

Commissioner Porter asked about the circulation on the revised Preliminary plan – what would the proposed path from Baldwin Road? Ms. Thurber responded the proposed path would be to enter from the entrance from Baldwin Road and to go around the building in the first aisle.

Engineer Stevens had a suggestion regarding relocating the drive-thru to the west side of the building and moving some of the parking however that would mean the building and access to it would have to be reoriented. Ms. Thurber replied she thought of that but being this is a medical building, wanted to have as much parking as possible close to the building.

Trustee Steimel said he was fine with the flow the new proposed plan would generate but wanted to make sure that the drive-thru speaker box is buffered from the residents to the south.

Regarding the speaker box, Ms. Thurber said she pulled information from the old Tim Horton's approval. Speaker boxes are typically at 64 decibels, conversational speech is 60 decibels, and sound levels drop about 6 decibels each time the distance from the speaker is doubled. Adding more screening along the very south property line on the southside of the detention pond with possibly something like pine trees, would provide buffer year-round.

Chairman Dunaskiss commented he was comfortable with the parking space calculation provided by the applicant. Ms. Thurber commented that their calculation was based on a different section of the Ordinance specific to medical offices rather than RB which is what Planner Lewan based his calculation on.

Commissioner Reynolds said he also supported the parking spaces the applicant was providing.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, that the Planning Commission **approve a reduction in the number of parking spaces to 92 spaces**, a concession of 18 spaces for Baldwin Medical, LLC.

Discussion on the motion:

Ms. Thurber commented that actually the parking spaces were reduced to 91 due to the relocation of the drive-thru.

Commissioner Porter amended the motion, Vice Chairman Gross re-supported, that the Planning Commission approve a reduction in the number of parking spaces to 91 spaces, a concession of 19 spaces for Baldwin Medical, LLC.

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

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission **forward a recommendation to the Township Board to approve PC-2018-27**, Baldwin Medical, Village Square Major PUD Amendment, located on vacant parcels on the southwest corner of Baldwin and Maybee Roads (parcels 09-29-301-084 and 09-29-301-085) **for plans received this evening** as amended which relocates the drive-thru to the south side of the

building which will improve the traffic circulation on the site, eliminate the fire department's concern regarding access to the building, prohibits potential stacking in front of the building, and maintains the architectural standard established for the Village Center; further, this amended plan 1) compliments the overall intent of the PUD by adding an office component to the existing residential and retail development in the area, 2) the traffic will not be negatively impacted and the road improvements constructed and coordinated by RCOC will assist in the development of the Gingellville PUD and the Village Center as well as the Township Master Plan, and 3) this proposal will improve the economic impact with surrounding properties and provide additional services for residents in the surrounding area. This recommendation to **approve** is subject to the following conditions:

- the Township Attorney review the amended PUD Agreement,
- there be additional landscaping added to the south side of the project adjacent to the retention basin,
- the lighting plans be provided in detail, and
- the Engineer's conclusions, 1 thru 15 noted in their July 19, 2018 review, be incorporated.

Discussion on the motion:

Planning & Zoning Director Girling commented that she did not see where the Fire Department's comments were addressed. They had concern with the way the site was laid out with the old location of the drive-thru. Being the Fire Marshal hasn't seen the revised plans, she didn't know if the relocation of the drive-thru would take care of his concerns. Plus, the Fire Marshal noted that in the PUD documentation it stated the facility would create an increase in ambulance service and therefore requested additional information as to an estimated annual call volume.

Also, Planning & Zoning Director Girling brought to the Commissioners attention that because the drive-thru was not for a pharmacy – she reminded them that Gingellville says that uses are to be RB in nature which does not include drive-thrus, however one was accepted with this PUD.

Vice Chairman Gross amended the motion, Trustee Steimel re-supported, to include that the Fire Department review the revised plan to ensure that access to the building is acceptable.

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

Commissioner Porter asked if a motion is needed for height consideration, it varies 3 feet from the Ordinance requirement? Planner Lewan recommended that a motion should be made.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, that regarding Baldwin Medical, LLC, the Planning Commission **grant** a 3-foot concession on the height to 28 feet.

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

Harold Flood, 3560 Rohr Road, commented that since the Road Commission is going to put in the safety path, shouldn't the applicant be responsible for putting money into the Safety Path Fund in lieu putting a path in? Trustee Steimel responded that if a path already exists at a site before the site is built, the developer is not responsible for adding money to the fund. The only



thing the developer would be responsible for, if during construction, they damage or have to take out any of the path, they would have to restore it.

C. PC-2018-30, Michiganja Industries, LLC, Ord. 154 Stacking Application

Chairman Dunaskiss explained that the overall applicant has been before the Planning Commission and now the applicant is looking for “stacking” on this particular site. The location has already been permitted per the Township MMFLA Ordinance so now if businesses want to come in and “stack” multiple licenses at it, there is another check in the overall process - to fill out an application to allow for that stacking.

Planning & Zoning Director Girling concurred that the Ordinance does allow for stacking. She noted that the Planning Commission has seen the Ordinance 154 applications and there were a number of licenses issued for that location. When this application was received for a stacking, it was verified that the location where the applicant wanted to “stack” was indeed a location where a permit had been issued. Also, that within the application, it was stated who the applicant was for the location making sure they were stacking under that particular permit.

Planning & Zoning Director Girling said that because the Planning Commission has looked at this location before, she had insured that it meets the Ordinance’s requirements on distance from schools, churches and other requirements. She also made sure that the location was approved for, in this case, a Class C Grower.

The recommended motion, if for approval, be conditioned upon a demonstration to the Township that the applicant meets the rules and regulations that are given by the State Medical Marihuana Licensing Board, to demonstrate to the Township that they meet all applicable Township Ordinances including continuing obligations under Ordinance 154, and approval of building plans and satisfactory compliance of all conditions by the Orion Township Building Department and the Fire Department.

Moved by Trustee Steimel, seconded by Commissioner Walker, to **approve** the Ordinance #154 Stacking Application for PC-2018-30, Michiganja Industries, LLC for a Class “C” Grower because they have demonstrated at this time they have met all the Ordinance requirements; further, this **approval** is subject to the following conditions:

- they continue to demonstrate to the Township that the applicant meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board,
- they demonstrate to the Township that the applicant meets all applicable Township Ordinances including the continuing obligations of Ordinance #154, and
- approval of the building plans and satisfactory compliance of all conditions by the Orion Township Building Department and Fire Department.

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

**9. UNFINISHED BUSINESS**

None

**10. PUBLIC COMMENTS**

None

**11. COMMUNICATIONS**

Township Focus Magazine

**12. COMMITTEE REPORTS**

A. PC-2018-27, Baldwin Medical Major PUD Amendment Site Plan Site Walk Report

**13. PUBLIC HEARINGS**

None

**14. CHAIRMAN'S COMMENTS**

None

**15. COMMISSIONERS' COMMENTS**

Trustee Steimel commented he was glad to see the development on Baldwin and Maybee Roads starting to wrap up. What was presented tonight was more in compliance with the original approval. It is starting to look nice along that corridor and Baldwin Summit/Baldwin Village Crossing will be moving forward soon as well. A lot of exciting things going on in the Township and Menards will be opening in a week.

**16. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Chairman Dunaskiss, to adjourn the meeting at 8:12pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

August 15, 2018

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Planning Commission Approval Date