

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, AUGUST 15, 2018**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 15, 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

**1. OPEN MEETING**

Chairman Dunaskiss opened the meeting at 7:00pm.

**2. ROLL CALL**

As noted

**CONSULTANTS PRESENT:**

Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**

Nora Prekelezey  
Lynn Harrison

**3. MINUTES**

A. 8-01-18, Planning Commission Regular Meeting Minutes  
B. 8-01-18, PC-2018-27, Baldwin Medical Major PUD Amendment Joint Public Hearing Minutes  
Moved by Commissioner Reynolds, seconded by Secretary St. Henry, to **approve** the above minutes as presented. **Motion carried**

**4. AGENDA REVIEW AND APPROVAL**

Commissioner Reynolds asked to add an item to New Business – 7. C. Planning Commission Procedures Discussion

Moved by Commissioner Reynolds, seconded by Commissioner Walker, to approve the agenda as amended. **Motion carried**

**5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None

**6. CONSENT AGENDA**

None

**7. NEW BUSINESS**

**A. Ponds of Orion Site Plan Extension Request**

Ms. Nora Prekelezey represented Contour Development. She noted they are here asking for a 90-day extension on their site plan approval. She explained they are working with their attorney to get sewer easements with the neighboring properties as well as the shared use agreement for the detention basin – it has been a longer process than they thought. Also, they are working

with DTE to get a site planner assigned to them so they can get the overhead electrical wire situation figured out.

Vice Chairman Gross commented that 90-days would put them in November.

Commissioner Reynolds said it has been his experience with DTE and the letter submitted by the applicant; he would suggest the applicant push more for a 6-month extension. He explained that usually site plan extensions are granted on a 12-month basis. Being this applicant has only asked for 6-month extensions in the past which only antiquates to about a 1-year, less than 2-year extension. See that the applicant remains in good faith, would entertain extending the approval another 6-months.

Commissioner Porter asked if there have been any Ordinance amendments since the site plan was approved that would affect the project? There was not.

Chairman Dunaskiss asked the applicant what their timing was for moving forward and breaking ground – given where they are at and the season? Ms. Prekelezey replied, that if they go into November, it will be harder to break ground; starting next season would be what they would like to push for. Commissioner Reynolds clarified that as long as they pull building permits, the time site plan clock stops. Chairman Dunaskiss concurred.

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to **approve** the site plan extension request for PC-2016-04, Ponds of Orion Site Plan for a 6-month period based on the extension received on February 21, 2018 and the following findings of fact: the applicant has showed good faith in pulling the project together and they are working with DTE, and their attorney to pull together shared use agreements and sewer easements.

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

B. PC-2018-22 Northwest Confections Michigan, LLC, Ord. 154 Stacking Application

Chairman Dunaskiss commented that this request is similar to the one that was presented at the last meeting.

Planning & Zoning Director Girling explained that this is another stacking application for Premier Drive. It is for a processing center. She verified that it is one of the locations that a permit was issued for and granted. It has already been verified that it met all Ordinance 154 requirements on distance from schools, churches, traffic count, etc. She noted that within the suggested motion is criteria that should be included if there is a motion for approval. She pointed one additional issue with this one. The landlord has obtained the property Ordinance 154 permit; however, within this application there was a mix up on the parcel numbers. The additional condition covers making sure that the original permit contains the parcel and the correct use. The department has reached out to the original permit applicant for them to clarify this. If by some chance it is the incorrect parcel, the applicant would have to come back.

Commissioner Porter asked if the marijuana permits include synthetic marijuana? Chairman Dunaskiss said they do not – they only cover THC and CVD products at this time.

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to **approve** the Ordinance #154 Stacking Application for PC-2018-32, Northwest Confections Michigan, LLC, subject to the following conditions:

- the landlord obtaining a proper Ordinance #154 permit,

- demonstration to the Township that the applicant meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board,
- demonstration 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; Porter, yes; Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 7-0**

C. Planning Commission Procedures Discussion - added

Commissioner Reynolds commented he is one of the newer members of the Commission and was not clear, or it hasn't been consistent, on some of the procedures regarding application processes. He suggested the Commissioners have a discussion on: public comment – he understood, per Robert's Rules, that public comments should be asked for after a motion is made and before voted on; how many times can someone make public comment during an item, and he wanted to make sure that written correspondence is noted. He commented that it is not only the Chairman's responsibility but should be that of all the Commissioners; to make sure everyone is on "the same page".

Commissioner Reynolds also wanted to talk about the information/criteria/conditions that might be included in a motion and how that is monitored to make sure that criteria is met.

There was reference made to the recent Baldwin Medical project where a new preliminary site plan was presented the night of the meeting. It was noted that plan had not been reviewed by the consultants. The motion possibly should have included the plans go back to the consultants for review before given conditional or final approval.

Commissioner Reynolds asked if there were other concerns the Commissioners would like to discuss?

It was suggested they be more consistent especially when there are "hot topics" before the Commission; that maybe there is a check list so that each case follows the same steps.

Chairman Dunaskiss clarified that, per Roberts Rules, comments from the public should be asked for after a motion is made but not yet voted on; he believed that is how the Township Board does it. It was his opinion that would make the meetings lengthy.

Commissioner Walker commented that he didn't have an issue if a member of the public wanted to speak more than once during a public hearing or Public Comment section. Vice Chairman Gross replied he was also ok with this as long as the speaker doesn't keep repeating themselves.

Trustee Steimel noted that awhile back, a public hearing would be held on a project on one night and then deliberated on another night – doing them both in the same night sometimes became confusing. He explained that during a public hearing – the applicant makes a presentation, the public makes their comments, and then the applicant answers any questions that were asked during the public hearing; it is not the time for a "back and forth" conversation. The consultants then give their reviews, and again, the applicant should be given time to respond. At the Township Board level: a motion is made, there is deliberation by the Board, public comment is asked for, and then there is a vote. Trustee Steimel said, however, that the

Chair does have the authority do to things based it on how “things” are going, how strict should it be?

Chairman Dunaskiss commented that he attends a lot of municipality meetings and rarely does he see where public comment is offered after a motion is made.

It was suggested there be a different procedure for when there is a public hearing and when there isn't. During a public hearing, that is when the public has their opportunity to speak. If there is not a public hearing, the public should have more chances to make their comments during the discussion of an agenda item.

Commissioner Reynolds said this discussion wasn't necessarily to change procedure but just reiterate or clarify what the general approach to these things is going to be – so that everyone understands what is going to happen. It would not only help the Commissioners, but also the applicants and the public. Maybe it should be explained when the meeting is opened how it will flow. Chairman Dunaskiss concurred however sometimes procedure differs between a Township Board meeting and a Planning Commission meeting, depending on what type of project is before them. He agreed that maybe the Planning Commission has been a little more lenient with site plan approvals and revisions they are accepting.

It was explained that usually during a PUD - the applicant presents, the planner and engineer go over their reviews, and then the public or the Commissioners give their comments. It doesn't necessarily have to go in that order but right now it doesn't appear to be done in any consistent manner.

It was reiterated that if the Commissioners feel a plan, after being presented, needs to go back to the consultants to make sure their comments/issues have been met, that needs to be included in a motion.

Planning & Zoning Director Girling said it gets complicated when a motion is vague. She noted that sometimes during a discussion, the Commissioners comment or make a decision on an issue that is not carried forward into a motion. The Planning & Zoning Department then has to try and interpret what the Commissioners want. Vice Chairman Gross clarified, “motions need to be more detailed”.

Another concern was that sometimes the motion says, “if the Building Department or Township Attorney is ok with it” – it is the Commissioners job to set the criteria. Putting the power on somebody else that is not part of the Planning Commission makes it challenging, if not incorrect.

It was commented that when a motion is made, if there are things the Commissioners are looking for and was discussed, that it should be made clear and be part of the motion. The applicant should be aware if they need to resubmit plans, a full resubmittal, and if those will be going to the consultants for rereview. Once a meeting is over, it can be challenging back in the office trying to determine what the Commissioners want.

Commissioner Porter commented that at the last meeting, the Commissioners approved a project on Baldwin Road that had a long list of unresolved items that needed to be addressed and it was conditionally approved – they may have acted a little hastily. For instance, drive-thru hours were never discussed – they wouldn't automatically be the same as what was previously approved for the Tim Hortons.

Planning & Zoning Director Girling commented that she is not necessarily looking for applicants to have to keep coming back until the plans are perfect; “laundry lists” are fine. She suggested

that she could add the concerns from the consultant reviews to her suggested motion and then when a motion is made, the motion maker looks at those to make sure they have all been addressed – a little more detail on exactly what the Planning Commission is looking for. Sometimes a motion will say, “that all of the conditions in the planner’s and engineer’s review have been met” - some of those may have been discussed earlier in the meeting, whatever the result of that discussion was should be in the motion.

Commissioner Reynolds concurred, being an architect, a vague motion actually works against the applicant as well. He is very much in favor of the One-Stop Ready vision and streamlining the process and is not trying to “reinvent the wheel”. He would like to see things run a little smoother and to make sure if there are consultant concerns, they are resolved and if plans should be going back to the consultants to make sure that happens, than that should be done and noted in a motion. We should be using our consultants to that extent to ensure things aren’t slipping through the cracks.

Trustee Steimel commented that what Commissioner Reynolds is referring to is approvals with conditions. Those conditions are based on discussion and should be listed; it should be pretty cut and dry what to look for. Commissioners should not be making a conditional approval if there are enough changes or concerns that the plans need to go back to the consultants, then the issue should be postponed until the next meeting - giving the applicant a chance to resubmit and the consultants to review again.

Trustee Steimel added that sometimes he leaves things out of a motion purposely. If another member feels that the motion should be amended because something is missing and should be included for a specific reason, then he can amend it if h agrees. He reiterated that If it is felt that the consultants should be looking at plans again, then the plans shouldn’t be given a conditional approval.

Commissioner Reynolds said maybe they could come up with a short piece that outlines the meeting procedure. It might make people more comfortable with the actions of the Committee. He felt it was important to reiterate some of the key steps like how a PUD is reviewed versus a straight site plan. He stressed that he is not promoting the Planning Commission strictly follow rule by rule – but “it” would be a useful tool. He noted that in the Village, when the Chair is gone, there is a binder available with written steps – that is helpful to the interim Chair to understand how the flow of the meeting should be. Vice Chairman Gross commented Planning & Zoning Director Girling does provide a “cheat sheet” for public hearings and joint public hearings. Commissioner Reynolds reiterated they should be learning from past experiences such as the heated comments during the 4215 Clarkston Road public hearing that was not expected.

It was Secretary St. Henry’s opinion that it is better to ere during public comments and be more relaxed on the rules during those comments, especially when there is a heated topic before them or a large crowd. He noted that sometimes after a public hearing and their deliberation, new information comes out and the public should get the chance to make comments on that new information – the Planning Commission should not be accused of not listening. He suggested that if they know there is going to be a heated discussion or a sensitive topic, they should take a few minutes and go over step by step how the meeting will proceed so the public has a better understanding of what is going to be decided upon.

Trustee Steimel said there is a difference between the discussion of a straight site plan submittal, a conditional rezone, and a PUD – “this group has experienced mostly PUDs”. There is no back and forth or give and take with a straight site plan or conditional rezone but there can be comments or questions. The Planning Commission is supposed to base their vote on what is being presented in these cases.

Planning & Zoning Director Girling specified that applicants are told they will be making a presentation to the Planning Commission and that they should touch on the criteria the Planning Commission will use to make their decision. She noted that a lot of times the Commissioners don't see the first plans submitted, sometimes plans come in 3 or 4 times before they actually go to the Planning Commission. As a general rule, if the plans are before them, the consultants feel the plans are good enough to be conditionally approved; that they are comfortable enough with the outstanding items that they can be taken care of. What she would like to do is talk to both of consultants and request that if they have a plan they are uncomfortable with, but a public hearing was scheduled for it, it is kept on the agenda but the recommendation be that it come back.

It was the general consensus of the Planning Commissioner that this has been a good discussion.

Commissioner Reynolds asked the Commissioner if a short form procedures document would be useful to them? It was his opinion that it would be; it could be distributed to those in attendance as well.

Commissioner Walker said he likes the idea but if they do something like that in writing, then they have to make sure it is exactly followed the same way with every application.

Chairman Dunaskiss commented he has not seen any other community that does that, he believed it may be opening a can of worms.

It was suggested that maybe Planning & Zoning Director Girling could provide information on what is expected from them depending on what the case is – a PUD, conditional rezone, site plan, etc.

There was discussion on taking public comment after a motion is made which is part of Roberts Rules. If the Chair did that, it would give the Commissioners a feel of where the public is at before casting their vote.

Chairman Dunaskiss then asked, so then a motion is made and the public is given time to comment, does the applicant get a chance to respond? It was noted that if the question is something the Commissioners can't answer, then the applicant can be asked to answer.

Again, it was noted that residents should be allowed to comment and get something off their chest. Even if it takes a while, the Planning Commission should listen – that every effort was made to hear everybody's side.

Chairman Dunaskiss said, in summary, he will look at the "cheat sheet" that is provided and will make sure that motions are more explicit with dates and comments – that items or conditions are specifically listed. He also liked the idea of Planning & Zoning Director Girling adding bullet points to the suggested motion of consultant concerns, and he will try to be more consistent with taking public comments.

## **8. UNFINISHED BUSINESS**

None

## **9. PUBLIC COMMENTS**

None

**10. COMMUNICATIONS**

One Stop Ready Flyer  
APA MI 2018 Planning Michigan Conference Program

**11. COMMITTEE REPORTS**

None

**12. PUBLIC HEARINGS**

9/5/18 – PC-2018-35, Grace Premier Senior Living Special Land Use request for a Senior Assisted Living and Memory Care Facility located at 985 N. Lapeer Rd. (parcel 09-02-126-007)

It was clarified that the time of the public hearing is at 7:05pm.

**13. CHAIRMAN'S COMMENTS**

Chairman Dunaskiss thanked Commissioner Reynolds for bringing up the discussion tonight.

**15. COMMISSIONERS' COMMENTS**

Committee Member Porter also thanked Commissioner Reynolds, it was a good discussion.

Trustee Steimel commented that everyone should watch our legislature, there is a lot of stuff coming up, he believed that what they do here might be somewhat under attack.

**16. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to adjourn the meeting at 8:01pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

September 5, 2018  
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Planning Commission Approval Date