

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, SEPTEMBER 5, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 5, 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:

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

OTHERS PRESENT:

Jim Butler	Gary Swanson	Adam Steward
Arnold Herberg	Rob Denhe	Tom Toteff
Bill Bland	Iden Kalabat	Dave Fulkerson
Don Allender	Anthony Denhe	Lynn Harrison
Steve Novak	Jason Emerine	

3. MINUTES

A. 8-15-18, Planning Commission Regular Meeting Minutes

Moved by Secretary St. Henry, seconded by Commissioner Walker, to **approve** the 8-15-18, Planning Commission Regular Meeting Minutes, as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

Chairman Dunaskiss explained that at 7:05 he will adjourn the regular meeting and open the Public Hearing for PC-2018-35, Grace Premier Senior Living and how that hearing will proceed. He noted that deliberation and possible action on that case will take place after the regular meeting reconvenes, under New Business 7.B.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, to adjourn the regular meeting and open the Public Hearing at 7:05pm. **Motion Carried**

Chairman Dunaskiss recessed the regular meeting and opened the Public Hearing for 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) at 7:05pm

Chairman Dunaskiss closed the Public Hearing at 7:10pm and reconvened the regular meeting.

7. NEW BUSINESS

A. PC-2018-31, Brown Road Hyatt House Site Plan, located at 95 Brown Road, 4978 Huston, 101 Brown Rd. and 115 Brown Rd. (parcels 09-32-378-022, 09-32-378-023, 09-32-378-069, -070, -073)

Mr. Iden Kalabat with Kalabat Engineering, on behalf of the owners, Orion Hospitality Group LLC.; presented. They are seeking site plan approval for a Hyatt House Hotel at 95 Brown Road, encompassing the 5 parcels as mentioned. The project is located on Brown Road on the north side, just east of Baldwin Road. The project is currently zoned BIZ and is surrounded by other BIZ zoned properties.

Mr. Kalabat noted they submitted two rounds of plans. The Planning Commission has before them tonight the revised second round of plans which he believes adequately addresses the concerns of the Township Planner and Township Engineer. There are a few items outlined in the reviews provided by both the Planner and Engineer that are minor and he believes can be handled administratively and during the engineering phase.

Mr. Kalabat commented there are several waivers needed from the Planning Commission, most of which have to do with the parking lot setback requirement. The physical constraints on this site, the property dimensions and size, resulted in them downsizing the hotel from the prototype to make it fit on this site. They are requesting waivers from the front yard parking setback along Brown Road and the side yard setback along Huston. He noted in addition to the setback waiver along Huston, they are proposing 4 parallel parking spaces adjacent to the right-of-way width. Mr. Kalabat noted they also need side and rear yard parking setbacks waivers.

Mr. Kalabat explained that most of the waivers they are asking for from a parking perspective, they are compensating with denser landscaping - more trees and plant materials that are larger and spaced closer together. Along with some landscape retaining walls to accommodate some of the grading issues that were outlined in the packets. As an overview, there is approximately a 30 ft. grade difference from the northeast corner to the southwest corner of the site. They are proposing a two-tier landscape retaining wall in the north end of the site to bring the grades down to an acceptable, manageable level. They also, then, can slope from the north end of the site to the south end of the site without everything being on a steep hill. The landscape retaining walls will help screen the adjacent properties which are, however, predominantly of a residential use. Because of those existing homes, although the district is zoned for commercial use and intended for future commercial development, they have taken care and effort to provide proper and appropriate screening using a combination of a vinyl fence and dense landscaping along pretty much of the entire perimeter of the site.

Mr. Kalabat explained they are proposing a 4-story building. The first floor is split between public amenities, hotel amenities and guest rooms. There is also an indoor pool proposed. The

second, third and fourth floors contain consistent guest rooms with common elevator shafts at the center of the building and appropriate fire egress stairwells at each end – a typical design.

Mr. Kalabat displayed several PowerPoint slides to give the Commissioner a realistic view of the site from every angle. He reiterated that the spacing of the trees is a lot less than what the Ordinance calls for. He then played a brief video showing what the traffic flow would look like - vehicles would enter off Brown Road and there is the potential for vehicles to utilize Huston to enter. The southern drive on Huston is actually an egress drive only. There was a suggestion to close that drive but through discussion with the Fire Marshal and reviewing the site circulation, that drive would be vital for egress means to allow, especially for fire trucks, to access the site. The fire trucks would pull into the site from Brown Road, make a right turn, and pull up along the parking spaces there to access both the Fire Department Connection and the fire hydrant per their request.

Mr. Kalabat concluded his presentation by showing a video circulating the site and proposed building.

Chairman Dunaskiss asked Planner Lewan to go over Carlisle Wortman's review dated August 31, 2018.

Planner Lewan noted this is their second review of the plan. The applicant did a good job addressing a number of their comments from the first review. He went over the review and in the review's summary it noted that the plan is generally consistent with the Township Zoning Ordinance and the intent of the Brown Road Innovation Zone. The following were items the Planning Commission need to have addressed prior to a final site plan approval:

- Replacement trees required only for landmark tree removal as noted on page 2 of the review.
- Regarding the Huston road setback – The requirement is 40 ft. and the applicant is proposing 19 ft. A variance will be required.
- Waiver consideration of parking lot setbacks subject to landscaping and screening. Details were outlined in the review on page 3. As was mentioned by the applicant, they are proposing some additional landscaping and screen walls to help offset the setbacks.
- The applicant needs to provide an explanation of the loading area and loading activities. The applicant did provide a truck turning template and it appears that it will work, however there was concern that huge trucks might have to back-up onto Huston.
- Increase the width of handicap spaces as noted; the handicap spot and the space next to the handicap spot.
- Township Engineer approval of the stormwater management and on-site utilities.
- Add the canopy to site plan.
- Revise knee wall detail to match Figure 34.3 of the Zoning Ordinance.
- Consider waiver of screening buffer width as noted.
- Planner Lewan commented that a lighting plan was provided and the lighting locations were shown. The lighting levels appear acceptable, the lighting fixture details appear to be acceptable but the lighting fixture details don't correspond - the notation on the cut sheet doesn't correspond to the notation on the site plan. The applicant needs to clarify fixture type location - notations between site plan and cut sheet should be consistent.

Planner Lewan noted that the applicant did provide signage information however that will be reviewed by the Planning & Zoning Department separately.

Engineer Landis went over OHM's review dated August 31, 2018.

He noted that in Brown Road there is a 16" watermain to service the site and the applicant is proposing to extend an 8" watermain about 400 ft. along Huston.

Fire hydrant locations appear to provide adequate coverage.

The nearest sanitary sewer is on the west side of Georgia Road and the applicant is proposing to extend 8" sewer to about the middle of their site along Brown Road. From there they are going to extend an easement to their eastern property line to facilitate a future extension of that main. The concern he had was that there is a proposed knee wall placed within the sanitary sewer easement. If the knee wall can't be moved, he suggests the Township request a Hold Harmless letter to protect the Township from costs that maybe incurred if and when the sewer is extended or maintenance is required.

The applicant is proposing to pave approximately 300 ft. of Huston north of Brown to a point just past their entrance.

Engineer Landis continued to go over their review and, in their opinion, the site plan is in substantial compliance with Township Ordinances and engineering standards. However, they ask that site plan approval acknowledge the following:

- Relocate the proposed loading zone since it is partially obstructing the northern driveway to Huston.
- The applicant is proposing a pathway long Brown Road as well as a connection to the building - they are recommending the pathway be extended north along Huston to provide the users of the proposed on-street parking with a paved route to the building.
- Revise the grading on site to the maximum allowable slope of 1:3 which can be addressed during engineering.
- The Township should consider requesting a Hold Harmless Agreement for the knee wall that is proposed within the sanitary sewer easement.
- Regarding the traffic study, OHM's traffic department took a second look at it and still had some concerns. It was Engineer Landis's opinion that the revisions would not result in any changes to the site plan, it is just a good idea to have a proper Traffic Impact Study on file. The applicant should revise their Traffic Impact Study and resubmit it to address the comments in the review.

Chairman Dunaskiss noted the review from the Fire Marshal dated August 31, 2018 which he approved conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents confirming full compliance with all applicable building codes, fire codes, and Township Ordinances.

Chairman Dunaskiss also noted reviews from the Public Services Department, the Road Commission, and the Site Walk Report from the Site Walk Committee.

Secretary St. Henry commented on the site walk. He noted that the applicant's video depicts what the Committee envisioned when they visited the property. The parcels that have homes on them now to the east and to the north along Huston are for sale. The two parcels to the west,

which the applicant did acknowledge have single family homes on them, are part of the business district and most likely will eventually become commercial. The only concern he had was along Huston pertaining to the 3 or 4 parallel parking spaces. There is not a lot of room there but maybe there can be some kind of compromise.

Chairman Dunaskiss asked the applicant if there was anything he would like to address as far as the comments from the Township consultants?

- Regarding the parallel parking concern – Mr. Kalabat said the spaces are 8 ft. from the property line wide. There is about an extra 3 to 4 feet between the property line and the actual back of curb proposed along Huston. That should offer a little more additional buffer. The need for on-street parking, the parallel parking spaces, is driven from the parking requirements for the site. They would be open to a discussion on whether or not those 4 spaces are warranted for the parking counts. They are basing their count on a fully occupied hotel which does not happen very often. Even under that situation, very rarely does every single room have a vehicle that needs parking. Now with advancements in transportation companies like Uber and Lift, a lot of hotels are seeing a decrease in the need for parking. He noted, however, those 4 spaces would also be subjective to the approval by the Road Commission.
- Regarding the consultant comments about the loading zone – the intent for the operation of that drive is as follows: there is a 33 ft. wide driveway opening there, the first 10 ft. of that would be dedicated for loading and unloading and access for those vehicles. There is then a remaining 22 ft. wide drive opening where vehicles can go in and out of the site. The drive does allow for two-way traffic beyond the 10 ft. width of the loading and unloading zone.
- As far as hours of operation – because of the nature of this business, they have a tight control of when deliveries happen. They are scheduled by the operation managers. Deliveries would be scheduled during off-peak hours early in the morning or late in the evenings. Deliver drivers would have two options - they could pull forward onto Huston, past the northern driveway entrance, and back into the loading zone. The loading zone is situated such that it is in close proximity to the “back of house” portion of the hotel. Mr. Kalabat said there are no other appropriate locations to place the loading and unloading zone that would not interfere with day-to-day operations. He concurred that it is in a less than ideal place but one they feel will work. The other alternative would be for the vehicle to pull in forward up to the dumpster enclosure, off load their goods and then there should be significant room - they are proposing 50 ft. of striping for the loading zone area and there is another 22 ft. behind it where trucks could potentially back up without getting into the road right-of-way. They can then make a right turn and circumnavigate the site to exit onto Brown Road. Mr. Kalabat added they do not anticipate large semi-tractor trailer truck deliveries; a lot of the deliveries will be box truck style - although the turning movements they showed were for a 54 ft. tractor trailer. They would have the space to accommodate one but don't anticipate that type of traffic.
- Mr. Kalabat then said he believed that most of the remaining comments and concerns could be handled administratively – revisions to the calculations for landscape replacements and the addition of the hotel canopy on the site plan.
- With respect to the handicap parking spaces – Mr. Kalabat disagreed with Planner Lewan's findings. The Ordinance requires 13 ft. wide spaces which is made up of an 8 ft. wide parking space plus a 5 ft. wide access lane that is striped off. For van

accessibility, the space needs to be 16 ft. - space is inclusive of the parking stall and the striped area adjacent to it. Currently they are showing all 16 ft. wide spaces – 8 ft. wide parking stalls and 8 ft. wide striped areas adjacent to them.

- Revisions to the landscape knee wall. The way it is currently planned, the building materials match that of the actual building. Mr. Kalabat said he does, however, understand the concern from the Township for uniformity along Brown Road. They could revise the plans so that the knee wall meets Township specifications which he believes can be administratively for approved.
- Regarding the Engineer's suggestion about a pedestrian pathway from the 4 parallel parking spaces, they would be able to provide that and bring it down to the other proposed sidewalk.
- About the grading and revisions to the traffic study – Mr. Kalabat concurred with Engineer Landis that revisions to the Traffic Impact Study would not result in a different conclusion. The applicant reviewed the traffic study performed for Menards and the volumes they predicted and projected were actually very close to what they ended up with in their latest revision for the background conditions. They conducted their counts during the road construction of Baldwin and adjusted that by adding a 25% mark up and believed that when that is compared to the resulting background condition, it was very close – they are off about 10 or 12 vehicles.

Commissioner Porter commented that he would like to see Huston extended to the north property line; there will be development there and someone will have to pave it.

Vice Chairman Gross said relative to the 4 on-street parking spaces on Huston - Huston has a right-of-way of only 30 ft. which is smaller than a residential street and the paving proposed is only 20 ft. which in effect is making the 4 spaces on Huston on-street parking. He isn't aware of any location in the Township where that occurs. He would be inclined to waive those 4 spaces and maintain that as landscaping. If not, the Planning Commission has to take a strong look at what is going to happen to the north on Huston relative to development and the philosophy they want to see happen there; a more urban setting. He commented that he likes the plan as a whole but has strong concerns about the 4 parking spaces on Huston.

Chairman Dunaskiss asked about the safety path, would the applicant continue it on Huston if the 4 spaces were eliminated? Mr. Kalabat replied, yes. Engineer Landis said his comment regarding adding a safety path there was for the safety of people who would park in those 4 spots. Chairman Dunaskiss said he was looking for a benefit or more landscaping if the applicant is going to eliminate those parking spots. He concurred with the applicant that Uber and Lift are providing more and more transportation.

Secretary St. Henry asked what the Ordinance says about parking spaces? He believed that the applicant was over parked. Commissioner Reynolds agreed that it is narrow there (along Huston) even with it being paved and they don't usually see parallel parking spaces in other conditions similar to this in the Township. If the applicant was ok with moving those 4 spaces, he would rather see it remain as part of the right-of-way especially not knowing what other developments might bring. It doesn't appear there are any entrances or egress components on that easterly façade anyway. Commissioner Reynolds said he would be in support of removing the 4 spaces.

Engineer Landis said looking a little closer at the grading plan, it does not appear that there would be adequate room to extend the pathway north along Huston as Chairman Dunaskiss asked about, beyond what OHM was suggesting if the 4 parking spaces were to remain. There is some difficult grading to contend with at the north end - a tiered retaining wall almost up against the property line.

Chairman Dunaskiss clarified that the applicant has no issue with the replacement trees. It was noted, however, that the Planner's comment was more to adding a notation on the plans.

Chairman Dunaskiss also clarified that the applicant plans on adding the canopy to the site plan that they saw on the PowerPoint renderings tonight. Mr. Kalabat said, yes, and that it is shown as such on the floor plan. They can "turn that on" easily and resubmit that; and it does have a clearance of 14 ft.

Mr. Kalabat commented they do exceed the Township requirement for parking. The aim was to try and accommodate what the hotel franchise would like to see parking at. They have already spoken to the hotel chain about those 4 spaces and they understand putting them there is a bit of a stretch and understands the Planning Commission's concerns. It was noted that eliminating those spaces and replacing the area with added landscaping would enhance that portion of the site significantly.

Chairman Dunaskiss asked what is the average customer stay? Mr. Kalabat explained that the hotel is a combination of traditional and extended stay; he deferred to the question to one of the owners. Mr. Jamal Kalabat, an owner of the development, responded 1 week to 2 weeks for extended stays and probably 30 to 35% of their business is normal transit.

Trustee Steimel asked Engineer Landis exactly where the knee wall intrudes into the sewer easement? Engineer Landis answered their sewer right now as proposed, goes basically up the driveway and in lieu of extending it further east, they are providing a 10 ft. wide easement inside of the right-of-way. The knee wall would be right on it. Mr. Kalabat explained why the easement for the sanitary sewer was placed where it was and believed there wouldn't be an issue with the applicant providing a Hold Harmless letter for the Township in the event maintenance is ever needed - the Township would not be liable for any damages to the knee wall.

Trustee Steimel clarified, however, that everything they need now will be installed. Engineer Landis said the properties between Huston and Estes will need to be serviced by this sanitary sewer when development occurs - the sewer will need to be extended. Currently it is on the west side of Georgia and the applicant is proposing to extend it approximately half way along their frontage, up to the main drive off Brown Rd. Mr. Kalabat said that if the sewer needed to be extended, it would not have to cross the driveway approach. He also noted there is another sanitary sewer on the east side of Estes that they had some discussions on whether or not that sewer could service the block between Huston and Estes. He believed that the determination was that the property would be serviced by the sanitary sewer servicing the hotel.

Trustee Steimel said he would be ok with a Hold Harmless Agreement and then asked how likely is it that the sewer will need to be extended east? Engineer Landis responded, reasonable likely and explained why. Trustee Steimel then asked if it would make sense to have the contractor just extend the sewer further at the same time they are extending to the site? Mr. Kalabat replied, another thing to consider is that in the event the sewer did need to be extended for future development, it would be the responsibility of that developer, not the responsibility of the Township.

Commissioner Reynolds asked Planner Lewan for clarification on the knee wall materials. Was his review comment that the materials the applicant was proposing to use did not blend with what the Township calls? Planner Lewan said yes, what is on their plan shows the knee wall matching the hotel; there are specific standards in the Ordinance so that all the knee walls along the Brown Road corridor match.

Planner Lewan commented there still may be an issue with the size of the handicap spaces. He re-read the Ordinance and van accessible spaces are supposed to be 16 ft. wide, which have, and non-van accessible are supposed to be 13 ft. wide. How the applicant has it is they have 3 van-accessible and 2 non-van-accessible. The two non-van accessible are only 9 ft. wide not 13. He said he did miss the total width in his calculation however the non-van accessible would have to be widened a little and it can be done.

Commissioner Walker asked if 5 handicap spaces are satisfactory under the Ordinance? Planner Lewan said, yes.

Commissioner Reynolds commented he believes the developer made a good effort towards addressing a difficult site. Overall the parking has been met and he was not concerned about the setbacks especially with increased plantings and more mature trees being utilized. The setback for Huston is also sufficient. If the Planner's and Engineer's comments can be addressed, he is in favor of the project.

Trustee Steimel inquired that if the 4 parallel spaces are eliminated, would that take away the need for the setback waiver for the east side? Planner Lewan said it helps, but it will still be needed. Along Huston towards Brown, the edge of the parking is about 14 ft.

Trustee Steimel asked about the screening buffer width and where was it a problem? Planner Lewan said that was an issue on the north and the west. It was Trustee Steimel's opinion that they compensated for that with the wall and with the tiered wall on the north; they did what they can. He was ok with granting the waiver for that, on the north and to the west.

There was discussion on the knee wall material proposed. Mr. Kalabat said the applicant will match the Township standards in the Ordinance.

Regarding the need for a variance – Mr. Kalabat said it is needed because this is a corner lot subjected two front yard setbacks.

Trustee Steimel clarified the site plan will have to be denied based on the need for the variance but they still need to make motions for parking lot setbacks and the buffer and a motion regarding eliminating the 4 parallel parking spaces noting they will still meet parking requirements. It was his opinion that the site plan did not need to come back to the Planning Commission if they receive the variance. The denial should be conditioned upon them getting the variance and then the site plan would be considered approved with conditions.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, to **grant** a 7-foot waiver from the 20-foot driveway to property line setback on the north and a 11.37-foot waiver on the west property line for PC-2018-31, for plans with the cover sheet date stamped received 8/30/18 for the following reasons:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:

- Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
- parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
- the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, the findings of fact that the added features create a superior plan with better isolation of surrounding property.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

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**

Commissioner Porter asked the applicant how they feel about extending the paving on Huston to the property line as suggested by the Road Commission? Mr. Kalabat said that ultimately the determination will be made by the Road Commission. They feel there are significant examples, especially Huntington Bank on Georgia Drive where they paved Georgia Drive just past their driveway approach and no further; precedent was set. It was his opinion that what is proposed is adequate for the current operation and further development can then extend and pave as needed – but, ultimately, they would be subject to what the Road Commission wants. Given the amount of public improvements the developer is incurring already on this site: the extension of the sanitary sewer, extension of the water main all the way to the property line; they are trying to minimize costs in order to save the feasibility of the development. Vice Chairman Gross noted that it would be about 120 ft. of additional paving, in his opinion, minimal. Commissioner Porter added that the Planning Commission is granting several waivers to allow this big building on this little parcel. Trustee Steimel commented this issue is not a show stopper for him and not extending the pavement would discourage people from turning left out of the site and going up Huston.

Mr. Jamal Kalabat responded that as far as extending the paving to the property line, normally in every development, when a development comes in, they pave the road up to the driveway that falls on that road. He gave the example of the road to the west of their property. He feels they have accommodated what has been required of them. They are also extending the water line all the way to the end of the road so it can eventually be extended.

Commissioner Reynolds said he was ok with the road being paved as shown on the plans.

Vice Chairman Gross said he would prefer to see it extended.

Secretary St. Henry said he would prefer to see it extended but it is not, it would not be a deal breaker on the overall development.

Commissioner Walker said he was ambivalent – he would like to see it extended but the applicant has done a lot of negotiating and would hate to see everything fall apart over 120 ft. of road.

Mr. Jamal Kalabat spoke to the comment he made about the sanitary sewer line. He said he knows for a fact that the sanitary sewer line is going to serve only their property. It is not going

to extend across Huston because that is where the peak of the road is. There is another manhole on the east side of their property that is down stream and the sanitary sewer is down stream from there. In his opinion those two will never be connected, there is no need for them to be connected. They were supposed to bring the sanitary line up to the property line and then take a lead to their building, they agreed to extend that sanitary sewer line almost half way in. In his opinion it would just be spending money, he would rather spend that money for something better for public works – extending the road instead of extending a sanitary line, that would be more beneficial to public works and for the benefit of the public. He noted that the property to the east is for sale and already under contract. The development of this hotel is the first in the “gateway”, the property to the east would get the benefit of that road more than they would. They are bringing a first-class development, a global corporation and brand name, to this community. A great gateway for future development and they are asking the Planning Commission’s help to make that happen.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, to **grant** a 12.21-ft. waiver from the 20-foot required greenbelt adjacent to Brown Road and 20-foot waiver from the 20-foot required greenbelt adjacent to Huston for plans with the cover sheet date stamped received 8/30/18 for the following reasons:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:
 - topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
 - parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
 - the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, due to the following findings of fact: the applicant has made significant improvements to the base landscape requirements by providing additional landscaping and more mature plantings.

Chairman Dunaskiss asked if there was any discussion on the motion?

Planner Lewan commented that if the Planning Commissioners are planning on eliminating the 4 parallel parking spaces, the greenbelt waiver would be less along Huston - instead of a 20-ft. waiver it would be a 6 ft. waiver.

Commissioner Reynolds amended the motion, Trustee Steimel re-supported, to change the Landscape Adjacent to Roads Greenbelt waiver along Huston from a 20-ft. waiver to a 6 ft. waiver.

Chairman Dunaskiss asked if there was anyone from the public that would like to make a comment about the motion? There was not.

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**

Moved by Commissioner Porter, seconded by Vice Chairman Gross, to eliminate the four (4) parallel parking spaces on the east side of the parcel and to consider the parking requirements met, and that landscaping is to be added where the parking spaces were.

Chairman Dunaskiss asked if there was any discussion on the motion?

Commissioner Porter clarified that there is still some parallel parking on the property – sometimes customers or contractors come in with trailers and they can't fit into any other parking space. It was noted that there was.

Chairman Dunaskiss asked if there were any public comment on the motion? There was not.

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

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to **grant** a 17-foot waiver from the screening width between uses along the north property line and a 21.37-foot waiver from the screening width between uses along the west property line for PC-2018-31, for plans with cover sheet date stamped received 8/30/18 based on the applicant meeting the following conditions:

- the applicant did demonstrate the overall design and impact of a specific landscape plan and the amount of existing plant material to be retained on the site; the modification is appropriate based on meeting the following conditions:
 - topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design;
 - parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect;
 - the public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section;

further, due to the findings of fact: the applicant has provided additional landscaping and mature landscaping in their proposed plans.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment? There was not.

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**

Commissioner Reynolds asked if the Commissioner were ok with the loading requirements? The consensus was, yes.

Moved by Vice Chairman Gross, seconded by Commissioner Porter, that the Planning Commission **denies** site plan approval for PC-2018-31, Brown Road Hyatt House Hotel site plan, located at 101 Brown Rd., 115 Brown Rd., 4978 Huston, and 95 Brown Road (parcels 09-32-378-069, 09-32-378-070, 09-32-378-073, 09-32-378-022, and 09-32-378-023), for plans with cover sheet date stamped received 8/30/18; this **denial** is due to a setback deficiency from Huston which requires a variance approval from the Zoning Board of Appeals; if the variance is granted, the site plan will be deemed approved as revised this evening relative to the four (4)

parking spaces on Huston being eliminated; further, the approval will be based on the following conditions:

- the combination of all parcels involved,
- the knee wall revision to be consistent with the Zoning Ordinance,
- the light fixtures notated on the site plan to be corrected and consistent.

Vice Chairman Gross amended the motion, Commissioner Porter re-supported, to include in the conditions:

- any unresolved issues from the Planner's review letter dated August 31, 2018:
 - to revise the tree replacement noting that only landmark trees are required to be replaced;
 - add the canopy to the site plan;
 - revise the knee wall per figure 34.3 in Zoning Ordinance #78;
 - clarify the fixture cut sheets provided on the plan are labeled correctly on the lighting photometric plan;
- any unresolved issues from the Engineer's review letter dated August 31, 2018:
 - revise grading to a maximum slope of 1:3;
 - provide a Hold Harmless Improvement Agreement to the Township;
 - that the engineering plan is designed in accordance with Zoning Ordinance #78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township's Engineering Standards shall be submitted to the Township for review and approval prior to construction; a detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.
- correct the width of the non-van accessible handicap spaces.

Discussion on the motion:

Planning & Zoning Director Girling clarified the motion denies the site plan approval, however, if the variance is granted from the ZBA and the conditions of the motion are met, the applicant does not need to come back to the Planning Commission. Vice Chairman Gross concurred.

Vice Chairman Gross further amended the motion, Commissioner Porter re-supported, to include the clarification that the motion is to **deny site plan** approval, however, if the setback variance is granted by the Zoning Board of Appeals and the conditions of the motion are met, the applicant does not need to come back to the Planning Commission.

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**

B. PC-2018-35, Grace Premier Senior Living Special Land Use and Site Plan, located at 985 N. Lapeer Rd. (parcel 09-02-126-007)

Mr. Butler, PEA, 2430 Rochester Court, Ste. 100, Troy; reiterated they are seeking Special Land Use approval and site plan approval for Grace Premier Senior Living. It is a 63-unit, memory care and assisted living facility located on the west side of Lapeer Road, south of Manitou Lane.

Mr. Butler said they have read the review comments from both the Planner and Engineering consultants.

Mr. Butler provided hard copies of the sign rendering which will actually be located in Oxford Township, a landscape plan showing a configuration of the site and landscaping, and a rendering of the building elevations. * The building will be residential in style – windows, brick, siding, shingles and cultured stone. There will be a portico shared drop-off that faces Lapeer Road for residents and loading and unloading for the building will occur along the south side of the building noting the doors where that will take place. Deliveries will be made in and out of those doors adjacent to the drop-off. No semis are expected to make deliveries to the building.

Chairman Dunaskiss then asked Planner Lewan to go over Carlisle Wortman's review dated August 24, 2018.

Planner Lewan spoke to the report, he commented they looked at the Special Land Use and the site plan together. He noted that the Planning Commission should consider the Special Land Use request prior to considering the final site plan. Special Land Use standards were outlined on pages 1 thru 4. Planner Lewan noted how the project addresses each of those standards however the Planning Commission still needs to evaluate if the facility is in accordance with Section 30.02 of the Ordinance.

Planner Lewan believed that the proposed development is in substantial compliance with Township Ordinance. On page 8 and 9 of the review was a Summary of items the Planning Commission should address:

- Clarify tree replacement calculation as noted.
- Provide detail of tree survey table as noted.
- Provide landmark tree replacement as required.
- The setback requirement along the Orion Township and Oxford Township borders - the northern property line. *Planner Lewan commented, however, that this is no longer an issue, per the Township Attorney, they are working out an agreement between Oxford and Orion where this would be considered a single parcel.*
- Planner Lewan commented that site access and circulation look adequate, however, the Fire Marshal's comments regarding access and circulation should be addressed.
- The Planning Commission should consider a parking setback waiver based on the building/site arrangement. *Planner Lewan reiterated that this is no longer an issue as well because of the Interlocal Agreement.*
- The applicant has requested to pay in-lieu of putting in a portion of the building safety path.
- Anything needing to be addressed from the Engineer's review.
- Submit signage details. *Planner Lewan noted the applicant did this tonight and that the sign will be located on the Oxford side and therefor follow their regulations.*
- The Planning Commission needs to consider additional building façade length.
- And, consideration needs to be given to what recreational facilities the applicant will be providing to meet the needs of its residents.

Planner explained why a Special Land Use was needed - there might be some parts of the land use that could cause additional cost or impact to the Township.

Planner Lewan called out the Impact on Traffic - one of the Special Land Use standards. That information was noted on page 3 of the review. According to information gathered from the ITE Trip Generation Manual, assisted living uses by its nature will minimize traffic impacts to surrounding uses. Although, the applicant should address the potential for increased emergency service trips to the site.

Engineer Landis went over OHM's review dated August 16, 2018. He noted that overall the plan is well engineered and is in substantial compliance with the Township Ordinance. He noted that on page 4 of the review, it suggests that site plan approval acknowledge the following:

- Entrance radii should all be increased to 20 feet at minimum.
- The curve at the southwest corner of the building should have its outer curb radii changed to 40' to provide more turning space.
- The 15-foot radius at the northeast building corner should be increased to accommodate an Orion Township fire truck.
- A pedestrian connection should be provided between the public asphalt pathway and the internal concrete sidewalk.
- A sanitary easement should be shown or provided for the portion of the 24-inch County sanitary sewer that is located outside MDOT ROW.
- The parking stalls shall be dimensioned from face-to-curb.
- Fence should be added to the retaining wall details, and fence should be provided on all retaining walls.

Chairman Dunaskiss highlighted comments from the Fire Marshal's review dated 8/17/2018: increase the foot radius at the northeast corner of the building to accommodate an Orion Township fire apparatus; that a Knox Box be placed on the facility; and that the fire hydrant on the northeast corner of the site be moved to the other side of the main drive aisle.

Regarding the Public Services review – adequate sanitary sewer and water is available assuming all engineering related comments are addressed.

There was an email from MDOT to Mr. Butler dated July 10, 2018 in which it was noted that conceptually, the proposed drive approach and potential geometrics don't constitute approval; and a full set of plans will be required to be submitted along with a permit application for full MDOT review.

Chairman Dunaskiss also commented that there is an Interlocal Agreement between the two Townships being developed for the property.

Regarding the Site Walk – Secretary Gross reported that there is a strange “Y” coming off of M-24 as it enters the property – one going to the left and one going to the right. These plans, however, appear to resolve that. Commissioner Reynolds added that on Manitou Lane, the two entrances have parking for the church that are directly accessed off it but doesn't believe there will be any major issues with that. It has a 24 ft. road width with 90-degree parking on it - an existing condition and the developer is adding access components to it.

Trustee Steimel asked about the canopy height, the Township has a certain requirement for that and wanted to make sure that it meets that. Mr. Butler said he did speak to the Fire Chief about that and they will meet the requirement of 14 feet.

Trustee Steimel then questioned the loading area that Mr. Butler said would be on the south side of the building, he did not see that anywhere on the rendering. Mr. Butler looked it over and concurred it was not on the rendering but that is where it will be and will add it to the site plan.

Trustee Steimel commented on the length of the building and noted that it is rather long however noted there is another building there which will block it.

Regarding the turning radii – Mr. Butler said he spoke to the Fire Department and the applicant has no issue with increasing the access drives off Manitou Lane to 20 feet. They also will be moving the fire hydrant to the proximity the Fire Department wants it. They will also be relocating the FDC to be in close proximity and adding a Knox Box will not be an issue.

Mr. Butler noted for the Planning Commission's reference that because the project also falls within Oxford Township, the parking spaces that touch Oxford have to be 10 x 20. The spaces on the Orion side will adhere to its dimensional requirements.

Commissioner Porter said because, according to calculations, parking is over by 5 spaces, he would like to increase space width by 1 foot to assist older people getting in and out of their cars. This suggestion was discussed. In response, Mr. Fulkerson noted that all residents will be dropped off under the canopy, the parking spaces will mainly be for visitors and personnel. Mr. Fulkerson said he would like to keep the number of spaces as is but would be open to reducing them if necessary. It was decided not to require Commissioner Porter's suggestion.

Chairman Dunaskiss asked the applicant to explain what recreational facilities or activities they plan on providing. Mr. Fulkerson displayed the rendering of the site plan and pointed out where they are proposing common areas. There will be game rooms, a fitness center, a physical therapy room, a movie theater, and a hair salon. He noted there is a State requirement for recreational space – so some much square feet per bed which they meet. There will also be 4 courtyards for activities and they will possibly provide chicken coops that the residents can care for. The facility will be pet friendly as long as residents can take care of their pets. And, because the building is laid out in a circle, for those that want to, they can walk laps. There will be a porch in the front and a covered porch in the back overlooking the wetlands.

Mr. Fulkerson noted, per a question by Chairman Dunaskiss, that the memory care building will be a "lock down" facility on the Oxford side. Residents in that building will not be able to leave unless escorted by a staff or family member.

Chairman Dunaskiss asked if there are any other facilities like this in the area. Mr. Fulkerson responded their first one is in Chesterfield and is set to open in 5-weeks.

Commissioner Walker asked if everything is one building? Mr. Fulkerson said that on the Lake Orion side, it is one building with four corridors that connect to the center area which is the common area of the building – dining room, living room, fitness area, movie theater, salon, etc.

Commissioner Walker then asked what happens if there is an emergency at the facility, who is called? Mr. Fulkerson replied that it depends on the building the resident is in - memory care would be Oxford, assisted living would be Lake Orion.

Chairman Dunaskiss asked why they were looking to pay in-lieu of putting in the safety path? Mr. Butler replied there is a small stretch, where the "Welcome to Orion" sign is to their property line, where the grade drops off and there is some wetland - that is the only area they would like to pay in-lieu of for. The rest they will construct.

Trustee Steimel asked about the need for a parking setback waiver as mentioned in the Planner's review. It was noted that a waiver would no longer be needed because of the Interlocal Agreement whereas the two properties will be treated as one.

Mr. Butler talked about tree replacement. He said there are 11 landmark trees that they mistakenly thought were exempt because they were inside the building envelope. Three of those trees are either in fair or good condition, the balance of those trees are in poor condition. He noted there is a provision in the Ordinance, 27.12 k(4), that the Planning Commission can waive the replacement requirement based on condition of the trees.

Regarding the two comments in the Engineer's review – one relates to the pedestrian connection. Mr. Butler explained that this site will be about 13 or 14 feet above Lapeer Road and they are proposing a series of retaining walls, the grade there will be a challenge to make a connection work. He asked the Planning Commissioners for their consideration regarding that request.

Regarding the other Engineer's comment - Mr. Butler said they did provide information for packet that the fire department did review their circulation plan. In the southwest corner the Engineer requested to expand out the radius to 40 ft. If it is the desire of the Commission for them to do that, they will however the fire department didn't make any issue of it.

Chairman Dunaskiss asked for Planner Lewan's and Engineer Landis' opinion on the radius request Mr. Butler spoke of? Engineer Landis said that was one of the comments in his review. When they looked at it, it looked tight however it will fit a fire apparatus - barely. The applicant noted that visitors will enter through the front, the area in question is for deliveries and is a fire lane, it won't be used much.

Chairman Dunaskiss asked the Commissioners for their thoughts about the landmark trees and if the 8 in question need to be replaced? It was noted that they probably wouldn't live through construction. Commissioner Walker asked if the applicant would be open to adding more landscaping for not having to replace the 8 landmark trees? Mr. Butler said they used the Orion landscape standards for both Orion and Oxford and believes they exceed it. However, they would be willing to negotiate that and discuss it with the Township Planner. The Planning Commission indicated they were good with that, that it be negotiated between the Planner and the applicant.

Commissioner Porter asked for clarification on the radius requests. Chairman Dunaskiss replied, the applicant will widen the drives on the northeast side - given a fire apparatus can fit around the site, he was ok with that. Mr. Butler said just for clarification, the modification they will make in regard to radii - at both drive approaches from Manitou Lane, the east and west approaches are shown at 15 ft., they will make them 20 ft.

Moved by Secretary St. Henry, seconded by Commissioner Porter, that the Planning Commission **approve** 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 Road (sidwell #09-02-126-007) for plans date stamped received August 2, 2018; this **approval** is based on the following finding of facts:

- Compatibility with Adjacent Uses – there will be no negative impact on any of the properties which are made up of a mixture of residential and office/professional facilities.
- Compatibility with the Master Plan – it meets the community need for additional senior living facilities in Orion Township.
- Adequate Public Services – there are adequate public services in place; with the Interlocal Agreement, emergency services will be covered; regarding the Fire Marshal's concerns – they are being addressed as appropriate by the applicant; and all of the Township Engineer's requests need to be addressed.
- Impact on Traffic – there will be minimal impact on traffic given the nature of the business, and resident vehicle use will be limited.
- Detrimental Effects – there aren't any to the surrounding area.
- Enhancement of Surrounding Environment – there will be no impact on the adjacent properties or their values.
- Isolation of Existing Land Use – not an issue, this property will be surrounded by a mixture of residential, offices and other professional buildings.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

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

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission grants site plan **approval** for PC-2018-35, Grace Premier Senior Living, located at 985 N. Lapeer Road (sidwell #09-02-126-007) for plans date stamped received August 2, 2018; this **approval** is based on the following conditions:

- that the tree preservation calculations and conditions of the trees be reflected on sheets identifying the landmark trees;
- increase the radiuses at the northeast corner of the building to accommodate the fire turning radius;
- payment in-lieu of constructing the safety path on M-24 as identified by the applicant (*a small section from the "Welcome to Orion" sign going south to their property line; everything else will be installed per plan*);
- increase the entrance radius to 20 feet;
- increase the turning radii at the southwest corner of the building to 40 ft.;
- Provide pedestrian connection between the public asphalt parking and the internal concrete sidewalk;
- add fencing to the retaining wall details.

Discussion on the motion:

Regarding the condition that the applicant provide a pedestrian connection - Mr. Butler said they would prefer not to do that because of a topography issue.

Planning & Zoning Director Girling clarified that there still needs to be a motion for payment in-lieu of for the safety path piece the applicant does not want to put in. The Planning

Commission is a recommending body to the Safety Path Committee who then makes a recommendation to the Township Board. A motion would be needed. Also, the site plan approval motion should include the specifications for the canopy height, moving the fire hydrant, relocating the FDC, and adding a Knox Box. – include the Fire Marshal's comments

Commissioner Reynolds said the revision for the parking stalls be dimensioned from face to curb, and that fencing be required at the retaining walls.

Vice Chairman Gross amended the motion, Commissioner Reynolds re-supported, to eliminate the condition for the pedestrian connection, to add the condition that the Fire Marshal's comments are adhered to, that the canopy meet the height requirement of 14 ft., that parking stalls be dimensioned from face to curb, and that fencing be required at the retaining walls

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

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**

Moved by Trustee Steimel, seconded by Commissioner Porter, that the Planning Commission **grant a waiver for building of greater overall length than the allowed 250 feet**, allowing 308 feet for PC-2018-35, Grace Premier Senior Living, this **approval** is based on the following findings of fact:

- part of the building will not be visible because there is another building to the north, all 308 feet won't be seen; the overall design is good, it is in the design of a circle allowing residents to walk around or do laps; in this case, he was ok with the length.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

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 **recommend** to the Safety Path Committee and Board of Trustees that the developer **may contribute to the safety Path Fund in-lieu of** constructing a minor section of safety path along Lapeer Road from the Orion sign to the property line for PC-2018-35, Grace Senior Living.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment. There was not.

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**

C. PC-2018-37, Gedia Michigan, Inc. Building Expansion Site Plan & Wetland Permit, located at 269 Kay Industrial Dr. (parcel 09-35-400-042)

Mr. Jason Emerine with Seiber, Keast Engineering, 100 Maincentre, Suite 10, Northville, MI; presented. Mr. Emerine introduced Mr. Bill Bland, the project architect; Don Allender from NCS Construction Services; and two representatives from Gedia Michigan: Ernie Herberg and Steve Novak.

Mr. Emerine said the site is located on the northeast corner of Kay Industrial Drive and Northpointe Drive; the address is 269 Kay Industrial Drive. Gedia Michigan is German Tier 1 automotive supplier. Their current operation is a 65,581 sq. ft. facility. They have 5 presses ranging in size from 200 to 1,000 metric tons. The site is approximately 14 acres and the northeast corner is about 8 acres of vast wetland which is MDEQ regulated. The southwest corner of the project is approximately 6 acres where the existing building sits today.

Gedia is looking to grow their business, expand their product offerings, hire new employees and install larger presses. They are proposing to increase the building square footage to accommodate the larger presses in two phases. The first phase will be 21,000 sq. ft. and the second phase will be just under 16,000 sq. ft. Phase I of the project will house initially one press, approximately 1,600 metric tons, but will include enough space for a second press. Phase II of the building expansion will house a third press. The total buildout of the expansion will be approximately 37,000 sq. ft.

The existing zoning and land use on this site is IP, Industrial Park, and is in the Lapeer Road Overlay District. The applicant is proposing to continue under the exiting permitted land use which is manufacturing and assembly of articles using previously prepared materials such as sheet metal, at a small stamping plant.

Mr. Emerine said they are also requesting a wetland buffer waiver for .23 acres of wetland and it was his opinion the request meets the Township's criteria to grant this waiver. They are proposing to fill approximately .1 acres of MDEQ regulated wetlands. They have supplied the MDEQ an application permit for this request. The applicant has gone to great lengths to make sure the MDEQ regulated wetlands are impacted as little as possible; there is approximately 8 acres of wetlands and they are only proposing to fill just under a tenth of an acre.

There are also regulated woodlands on site that they are proposing to remove. As a result of their woodlands calculations on the landscape plans – 14 replacement trees are required. Based on the Zoning Ordinance, they need to replace anything in excess of 80% of those surveyed trees. Mr. Emerine displayed their landscape plan and explained to the Commissioners how the survey was done and was based only on the area to be developed. They are requesting a woodlands waiver as a result of them not performing a tree survey for the entire site, however, he believed if they had, they would have met that 80% requirement.

Chairman Dunaskiss asked Planner Lewan to go over Carlisle Wortman's review dated August 24, 2018.

Plan Lewan noted this is a pretty straight forward industrial building expansion proposed to be done in two phases. He informed the Commissioners that information was received from the applicant regarding timing and would like the Planning Commissioners to consider. That is extending the site plan approval period and the construction period. They don't know exactly when they will get to Phase II and so they want to make sure that there is enough time that they don't have to come back in front of the Planning Commission. The Zoning Ordinance allows the Planning Commission to grant extensions to the expiration of a site plan if asked by the applicant during site plan approval. Planner Lewan explained how this works: site plan approval is good for one-year, if they pull a building permit sometime within that year, they have two years to complete the project. It was his opinion they would like an extension on the two-year completion time - they would have additional time to complete Phase II.

Regarding the review, the proposed building addition (Phase I and Phase II) are in substantial compliance with the Township Ordinance, however there were some items that need to be addressed:

- Show trees to be preserved as well as the location of tree protection fencing. Planner Lewan agreed with the applicant's comment that if they were to do tree survey for the entire site, they would be disturbing much less than 20% of the protected trees; it was his opinion that no replacement trees are required in this case.
- Planning Commission consideration of the requested wetland setback waiver. On page 4 of the review, he explains how the applicant's explanation was well thought out and granting the setback waiver should be considered.
- Planning Commission finding that the criteria of granting a wetland permit has been met. Planner Lewan noted that this issue has been met by the applicant, and the Township did receive a copy of the Wetland Permit Application.
- Confirm that a semi-truck can adequately circulate through the site.
- Provide pedestrian walks perpendicular to the existing walks along ~~Northpointe and Kay Industrial Drive~~ – add an additional path along Kay Industrial Drive to provide pedestrians a way to get to the site from the adjacent side walk (*Planner Lewan indicated that Northpointe was not intended to part of this comment*).
- Because the site is within the Lapeer Road Overlay District, the facades are supposed to look a certain way and the applicant should incorporate projections and recesses into the new building façade or a waiver granted to those design standards.

Engineer Landis went over OHM's review of the Site Plan dated August 20, 2018 and the Wetland Review dated August 22, 2018. He explained that the applicant is proposing a two-phased building expansion and a parking lot addition to make up for the lost parking that will be taken up by the expansion. Per a request by the Fire Department, they are being asked to add a fire lane to connect the two parking lots and what is partially driving some of the wetland impacts mentioned by Planner Lewan.

It was OHM's opinion that the site plan was in substantial compliance with Township Ordinances and engineering standards. The wetland review was also in substantial compliance however recommend that the following items be addressed:

- The Site Plan be updated to reflect the wetland impacts listed in the MDEQ Application. Currently, the plans list 0.14 acres of temporary wetland impact, while the MDEQ Application indicates 0.163 acres.
- The Planning Commission should decide on whether mitigation of the regulated wetland impacts be incorporated into the Site Plan. Currently, no mitigation is proposed due to the small impacted area. Alternatively, the Planning Commission may consider deferring the decision to require mitigation to the MDEQ.
- The Planning Commission should decide if waiving the wetland buffer setbacks proposed by 0.23 acres of buffer impact is appropriate.

Engineer Landis explained that Phase I is basically the north half of the property which includes detention pond improvements as well as fire lane access with temporary pavement to make a connection. In Phase II, they will be finishing the detention on the south side for the parking lot that will be constructed as a part of that Phase Does not see an issue with the proposed phasing or any delays with an extended approval.

Chairman Dunaskiss went over the other reviews received: Public Services, Road Commission, and WRC had no concerns. The Fire Marshal recommended approval with conditions: there may be need for another Knox Box for quicker access to the other side of the building and

asked since there is a combined fire and burglar alarm system, to make sure it fully complies with the NFPA 72 Fire Alarm system.

Regarding the site walk by the Site Walk Committee – Vice Chairman Gross commented that the proposal is for an expansion, there is an existing retention basin that is used by not only this parcel but other properties in the immediate area which will be expanded. He concurred that the wetlands are expansive and the minor modification of a tenth of an acre is insignificant in terms of what currently exists on the site.

Chairman Dunaskiss asked for comments and questions from the Commissioners.

Trustee Steimel asked the applicant to be aware that since they will be doing work in the detention basin, the Township has a Phragmite Ordinance and there are Phragmites in that detention pond. Mr. Emerine replied they are aware of that and it is part of their MDEQ Permit Application. Mr. Emerine also noted that the one tenth of an acre they will be affecting is not “high quality” wetland and also has Phragmites.

Chairman Dunaskiss went over the comments that needed to be addressed from the Planner’s and Engineer’s reviews.

Chairman Dunaskiss explained why he felt the requested wetland setback waiver was ok and could be granted. Mr. Emerine further expounded on Planner Lewan’s findings and comments on the wetland setback waiver and noted what they planned on implementing to aid in stormwater improvements.

Mr. Emerine went on to explain their timeline request and that they would like to do some business before proceeding with Phase II. They fully anticipate moving forward with that Phase right of way. Should they not proceed with Phase II, they have totally designed the site so Phase I can be a standalone project.

Regarding site access and circulation – the fire access lane was added and verified that fire trucks can make the turn in the back. Mr. Emerine did note, however, that a 54 ft. standard truck will not make those turns in the back and they are not intended to. The 5 existing truck loading docks at the front of the building will remain and the only points for trucks to load and unload for the site. There will be some additional scrap metal trucks coming in, basically roll of dumpsters, that will be going into the expanded area and they can show that on the plans if required; he hoped that could be handled administratively.

Mr. Emerine said he was unclear were the Planner wanted the additional path – he believed it was from the front door out to the sidewalks; they have no problem doing that. There is a bit of a grade challenge if they were to route the sidewalk from the existing front door perpendicular to Kay Industrial Drive, they will not be able to build an ADA compliant ramp there but can build a sidewalk that crosses the entrance and then goes out to Kay Industrial Drive and Northpointe.

With regards to the façade and architectural standards – the applicant wants to basically have one building and not two different looks on that building and why they are asking for the Lapeer Overlay waiver.

Mr. Emerine commented they will comply with the Fire Marshal’s request for an additional Knox Boxes when needed. Regarding upgrading the fire alarm system – they are already in the process of obtaining quotes and doing that for the existing facility and that can be expanded out to Phase I and Phase II.

Commissioner Porter asked how far away from residential property is this building, he was concerned about the additional stamping? Mr. Emerine responded the entire site is surrounded by IP. Trustee Steimel added that residential is a substantially far enough away.

Commissioner Porter then commented that on the Wetland Application, the applicant chose "Private" usage, it was his opinion this should be "Commercial". Mr. Emerine said he couldn't answer that, their wetland consultant supplied the application to the MDEQ.

Planner Lewan asked for an explanation on the stamping process for the public that might be present or watching on TV. Mr. Ernie Herberg with Gedia explained the process and how vibration is dampened, etc.

Planning & Zoning Director Girling added that when the applicant first purchased the building, they went through extensive research on the stamping process - the Ordinance calls for no heavy stamping. There had been a level established years ago for this building with the machines it had and the applicant at the time committed they would not exceed that level. When she was approached about this expansion, the same level was discussed and the applicant said again they would not be exceeding that level.

Commissioner Walker asked if there was any thought to mitigating the wetland issue? Mr. Emerine replied that the with the building expansion and the addition of the fire lane, it would not be feasible to not somehow impact the wetland. Mr. Emerine said they could look into providing mitigation but prefer not to. The applicant is undertaking a huge expense to minimize the wetland impact to the furthest extent practical. He then noted that the MDEQ could still require mitigation and explained how they would do that if required.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission **grants** a wetland setback waiver for PC-2018-37, Gedia Michigan Inc., located at 269 Kay Industrial Dr. (parcel 09-35-400-042), for plans date stamped received 8/3/18 based on finding one or more of the following:

- the retaining wall proposed will preserve the wetland area and will protect public interest;
- the habitat will not be negatively impacted;
- the area that is being impacted by the wetland setback waiver is "poor" and the Phragmites that will be eliminated.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment? There was not.

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**

Commissioner Porter said he believed if the building was narrower and longer it wouldn't interfere with the wetland. Mr. Herberg responded that the reason they need the layout the way it is, is to accommodate the size of presses they are adding.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission **approves** the Wetland Permit for PC-2018-37, Gedia Michigan, Inc., located at 269 Kay Industrial Dr. (parcel 09-35-400-042), for plans date stamped received 8/3/18; this approval is based on the following findings of fact:

- the action is not likely to pollute, impair, or destroy a wetland recognizing that it is roughly 4,000 sq. ft. out of 350,000 sq. ft. of wetland;
- there are no feasible prudent alternatives to the proposed action;
- the approval is consistent with public interest in light of the stated purposes of the Ordinances.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment? There was not.

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**

Moved by Commissioner Reynolds, seconded by Commissioner Porter, that the Planning Commission **grants** a Lapeer Overlay District Standard waiver for PC-2018-37, Gedia Michigan Inc., located at 269 Kay Industrial Dr., (parcel 09-35-400-042) for plans date stamped received 8/3/18 based on consideration of the following findings of fact:

- the existing site design including architecture, parking, driveways, etc. are placed in a manner in which the application of the standards are impractical for the addition of the building; it would make the addition inconsistent with the existing building on site.

Chairman Dunaskiss asked for any public comment on the motion. There was none.

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

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission **grants site plan approval** for PC-2018-37, Gedia Michigan Inc., located at 269 Kay Industrial Dr., (parcel 09-35-400-042) for plans date stamped received 8/3/18 and the landscape plan date stamped received 8/9/17; the plans meet the Ordinance requirements with the exception of:

- a pedestrian walkway perpendicular along Northpoint and Kay Drive for access to the main entrance;
- and, that the applicant identifies tree preservation and tree fencing of the trees to be retained on the site.

Chairman Dunaskiss asked if there was any discussion on the motion or public comment?

Planning & Zoning Director Girling asked about comments from the Fire Marshal's review. It was noted that Mr. Emerine said that the applicant is already in the process of updating the NFPA 72 Fire Alarm system.

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

Regarding the extension of time – the ordinance says you can have one year to pull a building permit. That being pulling a soil erosion permit and starting work on the site. From that point the developer has two years to finish construction. Being that the developer is phasing the project, the start of construction of Phase II within that first year could take longer or possibly not even start. Mr. Allender with NCS Construction, 43636 Woodward Ave., Bloomfield Hills,

responded that what the applicant is looking for, is because of the economy, they want to wait and see if financially, it is warranted to go onto the next phase.

Planning & Zoning Director Girling explained that even though the expansion will be done in two phases, it is one site plan. Now that the site plan is approved, it will go to engineering for both phases.

When they pull the soil erosion permit for Phase I, it will cover both Phase I and Phase II so the commitment of one year to start construction will have been met. What they will be dealing with is finishing the construction within the two-year requirement. She interpreted their request to be asking for an extension on the two-year allotted to complete construction – 3-years instead of 2.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, that the Planning Commission **grants an extension of one-year** to the construction deadline for PC-2018-37, Gedia Michigan, Inc., located at 269 Kay Industrial Dr., (parcel 09-35-400-042) being that project will be completed in two phases.

Chairman Dunaskiss asked if there was any discussion on the motion or any public comment? There was not.

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

Mr. Emerine asked about a waiver for the 14 replacement woodland trees, had that been covered? It was noted that the wetland ordinance had been met when taking into consideration that if they had a gotten a tree survey for the entire site, they would be disturbing much less than 20% of the protected trees. It was noted by Planner Lewan above that it was his opinion no replacement trees were required; however, proper fencing was and that was part of the motion to approve.

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

RCOC Road Report 3rd Quarter 2018
Michigan Planner Magazine July/August 2018

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

15. COMMISSIONERS' COMMENTS

Commissioner Porter commented that when a developer requests to make a payment in lieu of putting in a section of safety path to the safety path fund, he would like input from the Safety Path Committee before acting on the request.

16. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Chairman Dunaskiss, to adjourn the meeting at 10:30pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

September 19, 2018

Planning Commission Approval Date