

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, MAY 17, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 17, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Gross, Vice Chairman
Joe St. Henry, Secretary
John Steimel, BOT Rep. to PC

Don Walker, PC Rep. to ZBA
Neal Porter, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss, Chairman
Rob Zielinski, Commissioner

CONSULTANTS PRESENT:

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

OTHERS PRESENT

Lynn Harrison

1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:00pm.

2. ROLL CALL

3. MINUTES

A. 5-3-17, Planning Commission Regular Meeting Minutes

Moved by Commissioner Walker, seconded by Trustee Steimel to approve the 5-3-17, Planning Commission Regular Meeting Minutes as presented. **Motion carried unanimously.**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None heard.

6. CONSENT AGENDA

A. PC-2017-12, Honest To Goodness Breakfasts and Smoothies Administrative Review for Outdoor Patio located at 1166 S. Lapeer Rd. (parcel #09-14-201-022)

B. PC-2016-06, Menards Site Plan Extension

Moved by Commissioner Porter, seconded by Trustee Steimel, to approve the Consent Agenda as presented. **Motion carried unanimously.**

7. NEW BUSINESS

None

Vice Chairman Gross recessed the regular meeting and opened the Public Hearing for PC-2016-17, Township Initiated Text Amendment to Zoning Ordinance #78 Article XXXIV, BIZ Design Standards at 7:05pm.

Vice Chairman Gross closed the Public Hearing for PC-2016-17 at 7:11pm and reconvened the regular Planning Commission meeting.

8. UNFINISHED BUSINESS

A. PC-2016-17, Text Amendment to Zoning Ord. #78, Article XXXIV, BIZ Design Standards

Vice Chairman Gross asked for Commissioner comments on the proposed amendment. He stated that he still had concerns about item 10 at the bottom of page 34-7 pertaining to Interior Access Roads. As he reads it, any “new roads providing interior access to two or more lots shall provide a right-of-way of at least 66 feet.” - assuming that 66 ft. is from the intersection of Brown Road, an interior access into the site. Planner Lonnerstater said correct, the 66 ft. would be into the site. Interior access roads having connections with either Joslyn Road, Brown Road or Jordan Road shall be provided with entry area improvements.

The problem Vice Chairman Gross saw with this is that it says, “two or more lots”, it makes no reference as to the size of the lots and whether or not adjoining lots could share that 66 ft. right-of-way. If there were two lots in one development, they would have to have 66 ft. going coming off of Brown Road and then the adjoining parcel, if there were two or more lots, would have to have another 66 ft. right-of-way going into that right-of-way. The amended Article makes no reference as to whether or not adjoining parcels can share the right-of-way in terms of widths or what can be contained within that 66 ft. right-of-way – basically there would be anywhere from 27 to 36 ft. of pavement and then what is the rest of it going to be like? Vice Chairman Gross felt that more work needs to be done with this paragraph. He said, however, that he is very pleased with the rest of the ordinance and would like to see it move forward with consideration of deleting this paragraph for further review. This provision would not impact the interior east/west road as was talked about previously.

Trustee Steimel asked Vice Chairman Gross if he would consider leaving it for now with a re-visit? He would like to send the bulk of the text amendment through.

Planner Lonnerstater explained that this standard is anticipating there to be a future interior access road and these proposed landscaping standards would make it look like a “gateway type of thing”. Vice Chairman Gross said he was ok with that idea. Planner Lonnerstater added, though, that it hasn’t really been established where that road is going to be yet or how many access points there will be off of Brown Road.

Vice Chairman Gross said, with the way it is, it could result in 5 or 6 access points. Planner Lonnerstater clarified that the paragraph does not require a developer to put in an access road, but if choose to put one in that would provide access to two or more lots, then they have to meet these standards – only if the developer is building a new road that provides access to two or more lots.

Vice Chairman Gross was ok as long as Planner Lonnerstater was comfortable that the language was flexible enough to provide for the review by the Planning Commission.

Commissioner Walker asked Engineer Stevens if he had an opinion on this issue?

Engineer Stevens asked if the Commissions if they felt one way or the other whether it be a right-of-way versus an easement – could the language be made so it is interchangeable. He explained that a right-of-way technically is its own property whereas an easement has underlying property and rights are given to use it. He added that often times a right-of-way is public and is operated by a road agency.

Vice Chairman Gross said he would feel more comfortable if the language was interchangeable between access easement or right-of-way.

Planner Lonnerstater said however that using an easement versus right-of-way would also lead to a lot of “what ifs”.

Vice Chairman Gross asked the other Commissioners what they would like to do: include it and keep it as it is or delete the paragraph? It was his opinion that it would not adversely affect what the Township is trying to with the BIZ Design standards – it just provides an additional requirement for a developer who has two or more lots, that they will basically provide a public right-of-way.

Planner Lonnerstater reiterated that if a developer owns two or more lots, there is no requirement that says they have to dedicate a right-of-way. Vice Chairman Gross said he reads that paragraph differently.

Trustee Steimel commented that the problem here is that that the Township is looking at this as one large development and thinking there will be an interior road that isn't there yet. Unfortunately that is not how things are coming in. He believed this might discourage development. If develops come in and just want to develop a small narrow piece, we will end up with a lot of those access points and the developer is not going to want to put money into doing those things for their small development.

Planner Lonnerstater said that because a lot of the other amendments in this Article are focused on the greenbelts, lighting and landscaping and the paragraph in question is more of a long term thing with longer term implications. Although he believed this is an important standard, it could be put in the “parking lot” and discussed with potential future amendments – if the Township decides to do an internal road and there is some concrete idea where that will be, then we can revisit this.

Commissioner Porter asked if we could put a clause in the paragraph that the Planning Commissioner would have the power to grant an exception? Trustee Steimel said, then everyone will want an exception - what grounds would we use to say no?

Engineer Stevens said with the way this reads - the reality is there is to be a 66 ft. wide easement for new roads for two or more lots. That provision is pretty much in the ordinance already. If there are two lots in a development and a road is being provided to it, it has to be 66 ft. wide. As long as the intent is met of what the Township is trying to accomplish with access and making sure there is room for utilities - then a lot times those things are a given but again thinks this is not all that different than what the Township has in place today.

Vice Chairman Gross then said they could leave it as it is and see what happens as things are presented.

Secretary St. Henry asked Trustee Steimel how he believed this would leave the Township exposed? Trustee Steimel believed a developer could fight us on it. He said he understands

the concept but with the proposed language, it is not what we are getting. He did suggest however to leave it in for now.

Moved by Trustee Steimel, seconded by Trustee Porter, to forward a recommendation to the Township Board to approve PC-2016-17, revisions to Township Initiated Text Amendment to Zoning Ordinance No. 78, BIZ Design Standards, Article XXXIV, date stamped 5/11/17, including the recommendation of the Township Attorney on page 34-6 and to the page on 34-9 that was presented tonight by the consultant.

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

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Trustee Flood regarding the BIZ Design Standards
Letter from Township Attorney regarding the BIZ Design Standards

11. COMMITTEE REPORTS

None

12. PUBLIC HEARING

6/7/17 at 7:05 p.m.-Joint Public Hearing with the Township Board of Trustees: PC-2017-11, Orion Village Crossing Commercial, Major Planned Unit Development (PUD) Amendment request, located on a vacant parcel south of Grand Circle Park on the east side of Baldwin Rd. (parcel 09-29-326-044)

6/7/17 immediately following the Joint Public Hearing on PC-2017-11; PC-2017-10, VZW 756 Indianwood Rd. Special Land Use Public Hearing for an 140' monopole located at 1801 Indianwood Rd. (parcel 09-04-401-013)

13. CHAIRMAN'S COMMENTS

None

15. COMMISSIONERS' COMMENTS

None

16. ADJOURNMENT

Moved by Trustee Steimel, seconded by Commissioner Porter, to adjourn the meeting at 7:26pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

June 7, 2017

Planning Commission Approval Date