

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

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

## REGULAR MEETING, WEDNESDAY, AUGUST 2, 2017

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 2, 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  
Scott Reynolds, Commissioner

### CONSULTANTS PRESENT:

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

### OTHERS PRESENT:

David Dedvukaj  
Jeff Rizzo  
Jay Wolper  
Lynn Harrison

### 1. OPEN MEETING

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

### 2. ROLL CALL

As noted

### 3. MINUTES

#### A. 7-19-17, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Secretary St. Henry, to **approve** the 7-19-17 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

### 6. CONSENT AGENDA

None

### 7. NEW BUSINESS

#### A. PC-2016-04, Ponds of Orion, request for site plan extension

David Dedvukaj, the applicant, was present. Mr. Dedvukaj said they are asking for an extension of 6 months and that they are at the final phase of their MDEQ permit application. He noted that his Civil Engineer and Environmental Engineer were both with him tonight if the Commissioners had any questions for them. Mr. Dedvukaj commented that he believes they are a week away from having the MDEQ application ready and submitted to the State.

Vice Chairman Gross asked if there were any questions from the Commissioners?

Vice Chairman Gross asked that after they get the MDEQ Permit, how soon will they be “moving”? Mr. Dedvukaj responded they would be moving right away; everything else is in place.

Vice Chairman Gross clarified, then, they are asking for another 6 month extension? Mr. Dedvukaj said, yes.

Commissioner Porter asked if there were any other problems other than the MDEQ permit holding them up? Mr. Dedvukaj said, no, but engineering cannot be finalized until the permit is acquired.

Moved by Trustee Steimel, seconded by Commissioner Walker, that the Planning Commission **approves** the site plan extension request for PC-2016-04, Ponds of Orion Site Plan for six (6) months.

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

B. PC-2016-14, Villas at Silverbell Estates, request for site plan extension

Jay Wolper, with Villa Healthcare presented. Mr. Wolper explained they are requesting a one (1) year extension and that they are currently going through value engineering for the project; several of the numbers have come in over budget. He noted they anticipate there is the likelihood that based on where they are in the season, by the time they get the project in budget, they might not be able to get shovels in the ground until March or April of 2018.

Vice Chairman Gross asked if they were doing work on the site now? Mr. Wolper said, no. It was noted however that a house had been demolished.

Vice Chairman Gross clarified that they were requesting a 1 year extension? Mr. Wolper replied, 1 year.

Moved by Trustee Steimel, seconded by Commissioner Porter, that the Planning Commission **approves** the site plan extension request for PC-2016-14, Villa at Silverbell Estates Site Plan for one (1) year.

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

**8. UNFINISHED BUSINESS**

A. PC-2016-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations

Planning & Zoning Director Girling reminded the Commissioners that they have talked about this once before by looking at one of the Residential districts. She noted however that was probably the most complex districts to have started with. She commented that the directive from the Planning Commission was to inquire with the Township Board for direction. She asked that because there were enough problems with the ordinance, do we make it a major endeavor and rewrite how the whole ordinance functions with links and references or do we just fix the obvious errors right now in the Schedule of Regulations and at another time, entertain the first option?

She commented that at the Annual Joint Meeting, this was discussed and the directive was to do the later of the two - to fix the things we saw wrong keeping in mind that after those issues were addressed, we may go back and embark on the first option.

Planning & Zoning Director Girling said the Department has been pretty busy this year and this is the first opportunity she had to look at some of the inconsistencies between zoning districts and the Schedule of Regulations – to try to “bite off” a piece and make it logical and easy to convey what she sees as being the problem.

For simplicity, Planning & Zoning Director Girling suggested they take one district at a time. Tonight they would be looking at OP, RB, GB, LI and IP. She developed spreadsheets for each of these districts and noted in red where there was discrepancy or where some discussion was needed. Attached to each spreadsheet was the Schedule of Regulations for the district, the explanation of the footnotes, and the specific zoning district Article.

Planning & Zoning Director Girling further explained that some things were not omitted when the zoning consolidation took place. As an example, the Schedule of Regulations for OP still shows regulations for OP-1 and OP-2 which have been consolidated into just OP. She told the Commissioners she will make those changes and those don't necessarily need to be discussed tonight.

Planning & Zoning Director Girling reminded the Commissioners they had discussed once before about what we wanted to do - to eliminate the Schedule of Regulations all together or eliminate repeating these requirements in the individual districts. As she developed these spreadsheets for tonight's meeting, it became apparent that maybe the Schedule of Regulations should just contain the base requirements for each district and that all the associated footnotes be removed and referenced in the appropriate Article. To eliminate the footnotes from the Schedule of Regulations and to add a large notation that reads something like, “These are the base regulations. In order to see variations to these regulations, which vary by use, see the individual zoning district”. The consensus of the Commissioners was to strip down the Schedule of Regulations to its “bare bones” – to summarize the zoning districts in a quick easy way and direct developers to the specific Article where they would find footnotes and exceptions for the district.

Commissioner Walker wanted to make sure that if all the footnote descriptions were removed from the Schedule of Regulations, that they were covered in the individual districts where applicable. Planning & Zoning Director Girling said that is where this discussion and future discussions come into play. She noted too, that this change still has to go to the Board.

Planner Lonnerstater agreed with the idea that the Schedule of Regulations should be just a base. He suggested that even as it is now, where there are multiple tables, that we could reduce that down to possibly two - one for non-residential districts and one for residential districts. Instead of having 9 or 10 pages in the Schedule of Regulations, there could be 1 or 2. If the Schedule of Regulations is just a base for developers to look at, it should be simple with a clear bold statement that detailed regulations are found in the individual district. He explained that currently there is a chart within the Schedule of Regulations for every district and that the “Titles” are basically the same for residential districts and the same for non-residential districts.

Planning & Zoning Director Girling went over the packet information for this item as follows:

Regarding Issues in the OP District:

- Footnote (b) was associated with the front yard setback of 30 ft. The description of footnote (b) pertained to two or more principal structures on the same side of the street that don't meet minimum setback, etc. The discussion was whether or not this provision applies in this district or if the footnote could be stricken from the front yard setback. It was decided it was not needed and should be stricken.
- Footnote (w) was associated with the rear yard setback of 30 ft. and pertained to loading. After discussion it was decided to eliminate it from the setback being the Ordinance contains a whole section on loading, Article 27.04. Planner Lonnerstater pointed out however that the language in footnote (w) differs from that in 27.04. It was the consensus of the Commissioners to eliminate footnote (w) language entirely and to just refer to the language in 27.04. Planning & Zoning Director Girling asked if the Planning Commission would like to see this language back? They did not.
- In each chart was a measurement for "Minimum Clear Space Around Structures (in ft.)". Trustee Steimel explained this criteria came from the fire department and was based on the height of a building so as to leave enough clear space to get a ladder to it; there may be some new way the fire department wants to look at this. He believed this is something we should be reviewing for every structure and the provision should stay in the chart; it is important. It was suggested that Planning & Zoning Director Girling get with the fire department to figure out the actual criteria needed. Planner Lonnerstater added that "clear space" needs to be defined somewhere, it is not in the definitions. He commented they have had trouble figuring out what this means when doing their reviews. Commissioner Porter asked how is "clear space" defined, would a driveway next to a building be considered "clear space"? Trustee Steimel said he believed there can't be anything in that space including landscaping but that it doesn't necessarily have to be a paved. Again, it needs to be defined.
- Regarding "Area and Bulk Requirements" – this was a chart within the specific district Article. Knowing that we will be eliminating the footnotes within the Schedule of Regulations, this question has been answered and resolved – the criteria will not be added to the Schedule of Regulations.
- Regarding footnote "x" in the Schedule of Regulations - Planning & Zoning Director Girling said she researched this back to 2001 and that the footnote does not exist anywhere else in the Ordinance. It was created but was never planted anywhere. The criteria is important, it defines how we should be calculating the front of a building's setback - from the future right-of-way in accordance with the Road Commission's Master Right-of-way Plan. It was suggested this should be added to all district footnotes. Trustee Steimel said he believed this was created because it was known that M-24 would be widened someday and that possibly all roads within the Township could be widened. Commissioner Porter commented, however, to keep in mind that some roads will never be widened; for example, Clarkston Road. It was noted that this criteria makes it cumbersome for businesses to put up signs and for them to be seen with this requirement. Planning & Zoning Director Girling added, though, that the footnote does allow for variance relief. Vice Chairman Gross suggested that this criteria be included as a part of the definition of setback - that setbacks are determined by future right-of-way. This would then cover all districts and would not have to be repeated. Trustee Steimel commented on the new sign ordinance which does indicate that signs cannot be placed within a future road right-of-way; because it eventually might have to be moved; that it is a good planning tool. In conclusion it was decided to look at possibly adding this criteria to setbacks. Maybe something for buildings and something different for signs. Planning & Zoning Director Girling said this provision is already part of the new sign ordinance and eventually she will bring sections of the Zoning Ordinance to the Planning

Commission that reference signs for discussion as to whether or not certain provisions are needed in both. Trustee Steimel said there was a time that the Road Commission's Master Plan was part of our Master Plan and therefore adopted when the Township Master Plan was adopted.

Planning & Zoning Director Girling said she will make the proposed changes and bring it back.

Regarding issues in the RB district:

- It was decided to strike footnote b; per the OP district discussion.
- It was decided to strike footnote w; per the OP district discussion.
- Regarding "Minimum Clear Space" – Planning & Zoning Director will discuss this with the fire department.
- Regarding the \* under RB-3 pertaining to Minimum Yard Setbacks – Planning & Zoning Director Girling noted that it only pertains to RB-3 and that was eliminated during the zoning consolidation. Does the Planning Commission feel it needs to be kept for RB as a whole? Planner Lonnerstater commented that this wouldn't be applicable anymore because the required front yard setback for RB now is 20 ft. - this exemption says it can't be less than 30 ft. at the very minimum. It was determined to strike it.
- Regarding "Total Maximum Floor Area of all Accessory...." - after discussion about this criteria, for now, it was decided to keep it at 500 sq. ft. However it was noted this might not occur very often.
- Pertaining to the chart in Section 11.04; F – Maximum Building; 20,000 sq. ft. \*. Referring to the \*, it says "for buildings with single proprietary business or single tenant use". Then if you go to D within that Article XI (pg. 11-3), it says "Any general retail shall be no larger than 20,000 sq. ft. per individual tenant space within the RB District"; it is saying the same thing but not exactly. One talks specifically about General Retail and the other one doesn't. – it is not consistent and is the \* needed in both places? Planner Lonnerstater said the way that it is written – any individual use can have a maximum of 20,000 sq. ft. The first question he would ask is do they want that 20,000 sq. ft. maximum to apply in this district and if it would be for any use. If the answer is yes, then we probably don't need letter D because then it wouldn't apply.
- Lot sizes in the RB district were then discussed, it was noted the minimum lot area is 9,000 sq. ft.. Is there any older lots that are considerably larger? As an assignment, it was suggested that Planning & Zoning Director Girling look at the existing RB zoned parcels, determine the average size and if there are any that are extremely larger where this provision might cause a problem. Planning & Zoning Director Girling said she will do this research and bring it back.
- Regarding footnote x; it will be determined with the research as noted in the OP district discussion.
- Regarding 11.02, Special Land Use footnote A in Article XI – the question has been answered by the decision to eliminate the footnotes in the Schedule of Regulations.

Regarding issues in the GB District:

- It was decided to strike footnote b; per the OP district discussion.
- It was decided to strike footnote w; per the OP district discussion.

- Regarding “Minimum Clear Space” – Planning & Zoning Director will discuss this with the fire department.
- Regarding Section 14.02 within the GB Article - if there is an outdoor café at a restaurant with alcohol, a special land use is required with a public hearing and approval at the Planning Commission level. If someone wants an outdoor patio which is just outdoor seating (no amplified music, dancing or alcohol) – it can be administratively approved by the Planning & Zoning Director however it still has to go to the Planning Commission. Would the Commissioners entertain removing the need for the Planning Commission to approve it if it has already been approved administratively? Planning & Zoning Director Girling commented as a side note, the fire department wants to add some criteria to this provision. It was decided that if an outdoor patio is administratively approved by the Planning & Zoning Director, it would not need to go to the Planning Commission for approval. Planning & Zoning Director Girling said that she would still copy the Planning Commission on the decision with a memo.
- Regarding footnote F in the Land Use Chart in Article XIV, General Business - there is a maximum gross floor area of 55,000 sq. ft. Then it says “special use approval for buildings of 55,000 sq. ft. of gross floor area and greater”, yet under the uses we are already saying it is a special land use that requires a public hearing. The question then is why do we have comment F in the chart on the last page of the Article? Planner Lonnerstater said it would be his opinion that it doesn’t make sense to include this in the Area and Bulk Requirements because there is no maximum. It is just that buildings over 55,000 sq. ft. are treated as a special land use and that is already mentioned. It was his opinion to strike F from the chart. Planning & Zoning Director Girling agreed. The Commissioners concurred.
- Regarding “Total Maximum Floor Area of all Accessory....” - it was decided to do the same as was discussed during the RB section and there was discussion about keeping the maximum floor area at 500 sq. ft. Planner Lonnerstater said there is still that 30% maximum lot coverage as a safety net. Commissioner Porter suggested eliminating 500 sq. ft. all together. Vice Chairman Gross said he wouldn’t have a problem eliminating the 500 sq. ft. either. It was decided to keep the 500 sq. ft. criteria in the RB district because its uses are closer to residential areas, GB districts are further away. Per an earlier question, Planner Lonnerstater clarified that lot coverage does include accessory buildings. Planning & Zoning Director Girling pointed out on page 14-3 under Other Uses – “Accessory buildings and accessory uses customarily incidental to the permitted uses in this section in accordance with Section 27.02 (Buildings, Structures, and Uses)”. Planning & Zoning Director Girling commented that Section (27.02) is very vague on commercial. She said she would look at Article 27.02 to try and come up with a way to add a “safety net”.
- Regarding Maximum Lot Coverage by all Buildings (%), footnote (p) – Planning & Zoning Director Girling commented that maybe this is what we are looking for; moving that footnote to the GB Article versus being part of the Schedule of Regulations. If so, where should it be put? As long as the Township is covered by the 30% lot coverage provision, let that be the controlling factor. We could define it - what is the main facility and what is auxiliary. There was discussion on accessory outside sales. It was decided that when this comes back, to bring back some options for this footnote and then based on that language, going back and talking about the maximum square footage of an accessory building.
- Regarding footnote x; will be determined with the research as noted in the OP district discussion.

- Regarding section 14.02, footnote A., the issue was resolved with the decision to eliminate footnotes from the Schedule of Regulations.

Regarding issues in the LI district:

- It was decided to strike footnote b; per the OP district discussion.
- It was decided to strike footnote w; per the OP district discussion.
- Regarding “Minimum Clear Space” – Planning & Zoning Director will discuss this with the fire department.
- Again, administrative review of an outdoor patio not involving alcohol does not need to go to the Planning Commission.
- Regarding footnote x; this will be determined with the research as noted in the OP district discussion.

Regarding issues in the IP district:

- It was decided to strike footnote b; per the OP district discussion.
- It was decided to strike footnote w; per the OP district discussion.
- Regarding “Minimum Clear Space” – Planning & Zoning Director will discuss this with the fire department.
- Regarding footnote x; will be determined with the research as noted in the OP district discussion.
- Planning & Zoning Director Girling noted that when we did zoning consolidation, since IP was just IP, we never created a chart like there is for all the other districts of uses. She asked the Commissioners if they were in agreement that we should draft up a chart so that it looks like all the other districts - to make it look uniform? The Commissioners indicated, yes.

It was decided to bring these changes back along with spreadsheets for a discussion on some of the other zoning districts, except for Residential. The discussion tonight gave Planning & Zoning Director Girling direction and how to proceed with other districts.

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**9. PUBLIC COMMENTS**

Planning & Zoning Director Girling questioned the Silver Spruce Plaza motion at the July 5<sup>th</sup> meeting by Vice Chairman Gross. The conditional recommendation of approval had conditions that were actually outlined in the minutes - “the recommendation is subject to the following conditions with resubmission of the final plan”. She asked for clarification, did he mean the final submission of the concept plan or the final site plan? Vice Chairman Gross said he would only like to see this one more time. So when she sees it, to make sure that the final site plan has everything the approved concept plan had before sending it to the Planning Commission.

**COMMUNICATIONS**

- Memo from Planning & Zoning Director Girling regarding an administrative review of Montgomery & Sons’ relocation of parking and landscaping.
- Text Amended to Zoning Ordinance #78 Article XXXIV, Brown Road Innovation Zone
- New Sign Ordinance #153

**11. COMMITTEE REPORTS**

It was noted that a Planning Commission member needs to be appointed to the Site Walk Committee being that Commissioner Zielinski resigned. Planning & Zoning Director Girling said she will be putting that on the next Agenda when there is a full Board.

**12. PUBLIC HEARINGS**

None

**13. CHAIRMAN'S COMMENTS**

None

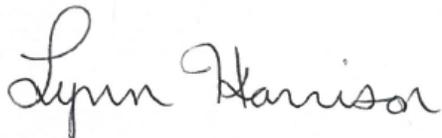
**14. COMMISSIONERS' COMMENTS**

Commissioner Porter congratulated Fire Chief Smith for a very successful 31 years.

**15. ADJOURNMENT**

Moved by Commissioner Walker, seconded by Trustee Steimel, to adjourn the meeting at 8:49pm. **Motion carried unanimously.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

August 16, 2017  
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Planning Commission Approval Date