

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, NOVEMBER 15, 2017**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 15, 2017 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

Don Gross, Vice Chairman	Scott Reynolds, Commissioner
John Steimel, BOT Rep. to PC	Neal Porter, Commissioner
Don Walker, PC Rep. to ZBA	

**PLANNING COMMISSION MEMBERS ABSENT:**

Justin Dunaskiss, Chairman

**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:**

Rob Sweet	Ed Gawlik
Al Chakmar	Sgt. Zehnpfenning
Ken Letz	Lynn Harrison

**1. OPEN MEETING**

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

**2. ROLL CALL**

As noted

**3. MINUTES**

A. 10-18-17, Planning Commission Regular Meeting Minutes

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to **approve** the 10-18-17, Planning Commission Regular Meeting Minutes as presented. **Motion carried**

**4. AGENDA REVIEW AND APPROVAL**

Moved by Commissioner Reynolds, seconded by Secretary St. Henry, to **approve** the agenda and **amending** it by striking item 8.A. PC-2017-34, Township Initiated Text Amendment to Zoning Ordinance #78, Schedule of Regulations; to be addressed at the next meeting.  
**Motion carried**

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

None

**6. CONSENT AGENDA**

None

Vice Chairman Gross recessed the regular meeting and opened the Public Hearing for PC-2017-26, Speedway #8402, Special Land Use request for a fuel station located at 1030 and 1100 S. Lapeer Rd. (parcel #09-14-201-004 and approximately .407 acres of parcel #09-14-201-003) at 7:05pm.

Vice Chairman Gross closed the Public Hearing for PC-2017-26 at 7:30pm and reconvened the regular Planning Commission meeting.

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## **7. NEW BUSINESS**

### **A. PC-2017-26, Speedway #8402, Special Land Use request and Site Plan for a fuel station located at 1030 and 1100 S. Lapeer Rd. (parcel # 09-14-201-004 and approximately .407 acres of parcel # 09-14-201-003)**

As noted during the Public Hearing, Planner Lewan went over Carlisle/Wortman's review dated November 9, 2017:

- Regarding the Special Land Use – the applicant did a good job addressing the 7 criteria for a special land use. Planner Lewan would like the Planning Commission to provide comment on the 24-hour nature of the gas station and how that might fit into that part of the Township.
- Regarding Area, Width, Height and Setbacks – there are some setback deficiencies that will require variances. The applicant said they are aware of those – a front yard setback variance for the canopy and for the convenience store, a rear yard setback variance for the convenience store, and a setback variance for the dumpster enclosure/detached shed (that was not included in the review).
- Regarding Parking and Loading – the applicant is short 4 parking spaces; the Planning Commission may modify the number of spaces required based on needs of the applicant. There is also an issue with circulation and maneuvering lanes – the requirement is 20 ft. from property lines, the applicant is proposing them closer which will need to be modified or a variance.
- It was recognized that site access will be improved by the removal of one of the driveway locations.
- Regarding Landscaping – the applicant is requesting several waivers or deviations. The review was based on the plan that was submitted date stamped received October 16, 2017, however with what the applicant provided tonight, they are proposing to add 5 more trees to try and come closer to the requirement of 13 greenbelt trees. Waivers for the front greenbelt along Lapeer and Clarkston Roads as well as for parking lot screening will be required for the project to move forward.
- Signage will be going directly to the Planning & Zoning Department for review. It was noted however that variances for their signage plan will also be needed.
- Lighting levels – there are few hot spots on the site that exceed standards, those would have to be reduced.

Per the review, the development is not in substantial compliance with Township Ordinance particularly because of the need for variances.

Also, as noted during the Public Hearing, Engineer Landis went over OHM's review dated October 31, 2017.

- The applicant is proposing to install an underground detention system to account for previous detention on the site and the additional impervious area that's being added.
- He noted that the applicant should consider cleaning out the receiving ditch and downstream culverts to ensure positive drainage.
- The outlet area and the area in general has some historical flooding issues due to Buckhorn Lake not having an outlet so they have requested the applicant incorporate some "best management" practices such as planter boxes, other infiltration ditches or whatever they can do to help mitigate some of the runoff from the site.
- Regarding the submitted traffic assessment – OHM agrees with its findings. That the additional area they are adding will help with some of the onsite circulation problems as well as moving the driveways further from the intersection. That will also help improve the traffic situation.
- Engineer Landis noted that the pavement slopes were slightly exceeding engineering standards for both driveways off Clarkston and Lapeer Roads. Since making that determination, the applicant has responded with an explanation. Due to site constraints with the grade on Lapeer Road as well as the proposed pathway along W. Clarkston Road, they are rather locked in. So instead of a 6% driveway they are looking at about 8% which is reasonable.
- Engineer Landis was concerned about the proposed parking in front of the dumpster enclosure. He said he understood that the applicant was going to change that to employee parking however now it sounds like it may part of the loading area. This is something that should be clarified.
- The pervious versus impervious calculations provided seemed to have some errors, those can be addressed during engineering review.

Vice Chairman Gross asked for comments or questions from the Commissioners.

Commissioner Porter asked if the applicant was going to add diesel fuel? Mr. Sweet replied they will have diesel fuel for cars and light trucks and will also have E-85.

Commissioner Porter than asked what the current hours were? Mr. Sweet said, 24-hours.

Moved by Commissioner Porter, seconded by Secretary St. Henry, that the Planning Commission **approve** PC-2017-26, Speedway #8402, Special Land Use request for a fuel station located at 1030 and 1100 S. Lapeer Road (parcel #09-14-201-004 and approximately .407 acres of parcel #09-14-201-003) for plans date stamped received October 16, 2017; this approval is based on the following findings of fact:

- It is compatible with adjacent land uses - the site design of the proposed special land use minimizes the impact of site activity of surrounding properties;
- Compatibility with Master Plan - the improvement of an existing gas station is consistent with the intent of the general commercial designation, and adequate public services have been shown as far as infrastructure;
- Impact on Traffic - the proposed special land use within the zoning district minimizes the impact of traffic generated by the proposed use on surrounding uses;
- Detrimental Effects – the proposed special land use does not involve any activities, processes, materials, equipment, or conditions of operation, and will not be located as to be detrimental to health, safety, and welfare;
- Enhancement of Surrounding Environment – the proposed special land use will provide the maximum feasible enhancement of the surrounding environment; and
- Isolation of Existing Land Use – the subject site is largely surrounded by compatible automotive oriented businesses.

Commissioner Porter amended the motion, Secretary St. Henry re-supported to include in the motion that the Planning Commission acknowledges the fact the business will remain a 24-hour a day operation.

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

Regarding the Landscape Greenbelt waiver – Vice Chairman Gross noted that the applicant indicated there will be landscaping around the entire perimeter of the site however due to the size and scope of the project, they are requesting a reduction from 20 ft. to 5 and 10 ft. Vice Chairman Gross asked the Commissioners if they had any questions.

Commissioner Reynolds asked the applicant to go over their landscape plan one more time and to explain why they need to ask for this waiver and the greenbelt tree waiver.

Mr. Sweet replied they have a unique lot shape and explained how fuel trucks currently dispense fuel and then circle back out – what they are trying to do is avoid conflict along Clarkston Road. They designed the site so that tankers double around the canopy. The reason for the deficient areas of pavement is due to the fact tanker trucks will circulate around the canopy and then go back out onto Lapeer Road rather than onto Clarkston Road. This design has affected the amount of pavement there will be and the number of trees they can put on the site. He realizes they will be deficient but feels they are meeting the intent of this regulation. Mr. Sweet showed during the public hearing that they are planning to add 4 more trees along Lapeer Road and 1 more tree along Clarkston Road however they will still be deficient 5 trees from the 13 greenbelt trees that are required.

Secretary St. Henry clarified that because of the tanker flow, that supersedes the width for landscaping – they have to have more pavement on the site so they can get the

tanker trucks off Clarkston Road. The applicant understands that is a problem now and is trying to alleviate that problem.

Planner Lewan asked what the greenbelt is now for existing store? Mr. Sweet responded that it is minimal. He noted that on Clarkston Road, part of the canopy is in the right-of-way and so there isn't any there now but will be adding some with the new design. Planner Lewan commented that this fact could be an important finding of fact; that the previous plan had minimal or no greenbelt and the applicant is proposing to increase it.

Planner Lewan noted there has been reference tonight to the plan date stamped received October 16, 2017 however the plan that was shown tonight had more trees than the plan submitted October 16<sup>th</sup>. A motion should reference the plan that was shown tonight. Mr. Sweet concurred and commented they are able to put in 5 additional trees.

Moved by Secretary St. Henry, seconded by Commissioner Porter, that the Planning Commission **grants** a waiver for a reduction of the 20-ft. greenbelt width requirement to allow the greenbelt to vary in width from approximately 5 to 10 feet in width around the entire parcel as reflected in tonight's discussion, November 15, 2017, based on the following findings of fact: the plans for the new Speedway gas station include a greater greenbelt than what is actually in place now.

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

Pertaining to the Greenbelt Tree Waiver:

Trustee Steimel asked what they were showing for the corner? Mr. Sweet replied, dogwood style flowering plants. There will be 13 of them at that intersection screening the tank location as well as the vent stacks. Trustee Steimel commented that because of it being that corner, he is more interested in lower landscaping to keep a clearer vision area. He would rather it be low along that whole stretch from the driveway on Lapeer Road, north to the corner, across the corner, and a little to the northwest. It would be better served if it was kept to all lower plantings. Mr. Sweet believed that is what is planned for that area and will confirm that with their landscape designer or will provide something that staff can approve. Trustee Steimel said he brings this up now because in lieu of some of the taller trees, he would be more interested if they fill in with a few more of the lower landscaping to keep the site line clean and not obstructing to anybody. Mr. Sweet said they could do that, it wouldn't be a problem.

Mr. Sweet clarified that in lieu of the 5 trees they are deficient, Trustee Steimel would rather see something like boxwoods than the dogwoods they plan to plant near the tanks. Trustee Steimel said they could mix the lower plantings in. Mr. Sweet said they could do that and that they will still put in the 1 additional tree along Clarkton and the 4 along Lapeer.

Moved by Trustee Steimel, seconded by Commissioner Porter, that the Planning Commission **grant** a waiver reduction for the number of trees required within the

greenbelt along Lapeer Road and Clarkston Road; in lieu of the five (5) they are deficient, they are to replace those with five (5) lower evergreens or boxwood type trees (some type of lower landscaping) and work them into the site landscaping shown for the plans that were discussed tonight, November 15, 2017.

**Roll call vote was as follows:** St. Henry, yes; Porter, yes; Walker, no; Reynolds, yes; Steimel, yes; Gross, yes. **Motion carried 5-1** (Dunaskiss absent).

Regarding a waiver for Parking Lot Landscape Adjacent to Roads. After a discussion, it was decided that the waiver was not needed – it had been incorporated with the previous two waiver approvals.

The Planning Commissioners discussed the need for a parking space count waiver of 4 spaces. Mr. Sweet explained that looking at the plan, there is a number of areas that are non-accessible to the public such as the stockroom and kitchen areas. Typically, if total square footage can be reduced by 20% which in this case would be the useable area of the convenience store. By using the net calculation, they would then only be required to provide 20 parking spaces. In addition, they will also have 20 spaces underneath the fueling canopy and they can count those spaces as parking as well. Vice Chairman Gross asked how many employees will there be? The response was about 5 per shift, therefore that would acquaint for 5 parking spaces for employees out of the 19 being provided, again noting there will be spaces at the dispensers. At the current site there are 6 spaces plus 12 fuel space areas.

Commissioner Porter clarified that currently we use gross square footage to determine the number of parking spaces required however in the past, the Planning Commission has used net so this would not be setting a precedent.

Planner Lewan commented that counting the pump spaces is certainly different than a standard retail business use. While they are not exactly parking spaces, people will use them to run into the store - they are parking spaces that you don't typically see in a retail store without pumps.

Moved by Trustee Steimel, seconded by Commissioner Walker, that the Planning Commission **grant** a parking space count waiver of four (4) less spaces than required when calculating using the gross area of the store and because we can use the net area, what is really the store where customers will be; the request is adequate and reasonable.

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

Vice Chairman Gross explained that because the site plan requires several variances, it has to be denied and resubmitted once the variances have been acted on. Mr. Sweet asked if they can get an approval contingent upon the granting of the variances - will they have to come back to the Planning Commission or can it be done administratively? It was the consensus that the approval can be conditional upon the variances and that condition has to be stated in the motion. Mr. Sweet noted they up against a tight timeline.

Commissioner Reynolds, wanting to make sure all of the items have been addressed, noted that one of the open issues was deliveries, the loading zone. Mr. Sweet replied they are considering the area of where the tanks are as the loading area, that is where the biggest trucks will pull in and out of. The spaces in front of the dumpster - they can designate those spaces for some form of employee parking, loading area, etc. but primarily their biggest concern is getting fuel tankers in and out of the site and leaving the tank pad as their loading area. Secretary St. Henry responded then that they will do their best to appropriately schedule delivery times? Mr. Sweet said, yes, their group can do that so as not have deliveries during peak hours.

Planner Lewan noted that there are several dimensional variances required from the Zoning Board – one being the dumpster setback that was not noted in his review. Commissioner Reynolds added that it should be included that the dumpster setback was discussed tonight however it was not in the Planner's review. Also, the 1-foot candle deficiency at the property lines need to be fixed. It was also noted that in the motion, reference to resolving the Title issue identified in the survey dated 8/1/17 by Jennifer Defenderfer needs to be included.

It was clarified that the site plan needs to be denied however if the variances are received from the ZBA than there is no need for the applicant to come back to the Planning Commission; any of the changes discussed tonight could be administratively approved by staff.

It was Commissioner Porter's opinion it would be okay to leave some excessive light in the back corner. It probably wouldn't bother the Road Commission and being the applicant is concerned about security back there. He then asked if the applicant would be replacing the tanks? Mr. Sweet said, yes, there will be all brand-new tanks.

Commissioner Porter than asked if this was an EPA clean-up site, what the status was of that, and what affect that might have on the site plan and the monitoring of the wells?

Mr. Ken Letz, Speedway Project Manager responded there is active remediation going on. That environmentally Speedway has an inhouse environmental team as well as an outside consultant working with the EPA and MDOT regarding onsite remediation. They will address, assuming the project moves forward, some remediation as they do construction, as needed. Ultimately monitoring the wells already in place will either be saved and reused or abandoned per code. The environmental team is aware of the plans and they will give him direction on what he has to do during construction to comply. Per a question by Commissioner Porter, Mr. Letz responded there is no active remediation system, right now what is going on is monitoring; he believes they are nearing the end of final remediation activities. Commissioner Porter said he would like to see a report or something - that as part of this site plan they will not be interfering with anything. Mr. Letz said he could work on providing documentation but ultimately they will continue to work with MDOT and the EPA; they will be included on the work they will be doing from a construction standpoint. To his knowledge there is no active remediation in terms of a soil venting or piping at this time.

Planner Lewan commented that with regard to lighting, a 1-foot candle is relatively bright especially at ground level and if the applicant is willing to reduce it to the standard that's required, he recommends that they do that. He doesn't see anywhere in the ordinance where the Planning Commission has the authority to waive that standard – it is something the applicant will have to meet.

Trustee Steimel asked if it was ok to just put in the motion that 4 dimensional variances are needed or should he include the details for those variances? Commissioner Walker commented the details aren't necessary, those will be detailed on the ZBA agenda.

Moved by Trustee Steimel, seconded by Commissioner Reynolds, that the Planning Commission **denies** site plan approval for PC-2017-26, Speedway #8402, for a fuel station located at 1030 and 1100 S. Lapeer Road (parcel #09-14-201-004 and approximately .407 acres of parcel #09-14-201-003) for plans presented at the November 15, 2017 Planning Commission meeting; the **denial** is based on the following reason: that there are four (4) dimensional variances that are required; **further**, should these four (4) dimensional deficiencies be granted by the ZBA, to move that the site plan be **conditionally approved** with the following conditions being met:

- the Title issue is resolved identified in the survey dated August 1, 2017 by Jennifer Defenderfer;
- that the light grid be updated to show the proper foot candles at the property lines;
- and that they submit a set of plans that relates to the items presented at tonight's meeting.

Once these conditions are met, site plan approval can be granted (by staff).

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

#### B. 2018 Planning Commission Regular Meeting Dates Resolution

It was noted that the Planning Commission meeting that falls on Wednesday, July 4, 2018 is a holiday and therefore has been scheduled for Thursday, July 5, 2018.

Moved by Commissioner Reynolds, seconded by Commissioner Walker, that the Planning Commission **approves** the 2018 Planning Commission Meeting Dates Resolution as presented.

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

### **8. UNFINISHED BUSINESS**

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

### **9. PUBLIC COMMENTS**

None

### **10. COMMUNICATIONS**

None

**11. COMMITTEE REPORTS**

Site Walk Committee Report for PC-2017-26

**12. PUBLIC HEARINGS**

None

**13. CHAIRMAN'S COMMENTS**

None

**14. COMMISSIONERS' COMMENTS**

None

**15. ADJOURNMENT**

Moved by Commissioner Porter, seconded by Commissioner Reynolds, to adjourn the meeting at 8:07pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

December 6, 2017

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Planning Commission Approval Date