

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

******* MINUTES *******

REGULAR MEETING, WEDNESDAY, APRIL 4, 2018

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, April 4, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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

Don Walker, PC Rep to ZBA
Neal Porter, Commissioner
Scott Reynolds, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

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

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

OTHERS PRESENT:

William Rathburg
Michael Flood, Jr.
Lynn Harrison

3. MINUTES

A. 3-21-18, Planning Commission Regular Meeting Minutes

B. 3-21-18, PC-2018-12, 4215 Clarkston Rd., Special Land Use Public Hearing Minutes

Moved by Commissioner Reynolds, seconded by Trustee Steimel, to **approve** the 3-21-18, Planning Commission Regular Meeting Minutes and the 3-21-18, PC-2018-12, 4215 Clarkston Rd., Special Land Use Public Hearing Minutes, as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

Chairman Dunaskiss recessed the regular meeting and opened the Public Hearing for PC-2018-14, MJC Stadium Ridge LLC Rezoning Request at 7:05pm.

Chairman Dunaskiss closed the Public Hearing at 7:35pm and reconvened the regular meeting.

7. NEW BUSINESS

A. PC-2018-14, MJC Stadium Ridge LLC Rezoning Request, for property located at an unaddressed parcel on the north east corner of Stadium Drive and Lapeer Rd., (Sidwell #09-14-400-010) requesting to rezone 40.68 Acres from Multiple Family Residential-1 (RM-1) to Single Family Residential-3 (R-3) and 2.93 Acres from Multiple Family Residential-1 (RM-1) to General Business (GB).

Chairman Dunaskiss asked the applicants if they had anything further to add other than what was heard during the public hearing? They did not.

Commissioner Porter suggested that the Commissioners treat this as two separate rezoning requests.

Planning & Zoning Director Girling commented that in the past with similar requests, they were handled together. The Commissioners would deliberate, in this case, how they feel about RM to R-3 and RM to GB – there could be two separate motions. Mr. Chirco, General Counsel for MJC Companies, clarified that they are also simultaneously submitting a parcel split with the rezoning and will be submitting a site plan for the residential portion within the next few weeks if the rezone is approved. Mr. Chirco said it would be their preference that the rezoning be considered as one request; they are proposing this as a single project. He commented that if they were denied GB rezoning, they may not want to reduce the available density of the multiple family parcel; they feel economically they wouldn't be able to make the project work without a commercial component.

Chairman Dunaskiss asked Planner Lewan to go over Carlisle Wortman's review dated March 19, 2018.

Planner Lewan noted that in their report they refer to parcel A as the larger portion and parcel B as the smaller commercial portion.

As noted in the report, Planner Lewan believes the larger of the two pieces is in conformance with the Township Master Plan. The Master Plan has several zoning districts that would be compatible single-family, medium high-density designation; R-3 is one of those designations.

Also, regarding the larger piece – Planner Lewan said it meets the Master Plan, makes sense, and recognizes that the applicant is proposing less density than could be provided – it could be developed as a multi-family property.

Planner Lewan's issues were more with the smaller piece or parcel B. Parcel B is Master Planned the same as parcel A - single-family, medium high density.

He said he recognizes that due to its location along Lapeer road, that the usefulness of the property for single-family residential is limited. He therefore recognizes that a non-residential use for parcel B seems more reasonable.

Looking at what is surrounding the property and their analysis of existing land uses, it was his suggestion for the Planning Commission and the applicant to consider a general office designation which may be a more appropriate designation for parcel B - as it would be more consistent with the Master Plan's goals and be more compatible with adjacent land uses. Planner Lewan noted, however, that if rezoned to OP, parcel B could satisfy several of the Master Plan's objectives and policies for office area.

Again, given parcel B's proximity to existing multi-family and institutional uses and its separation from other commercial uses to the north, Planner Lewan believed that the GB district would not be the most appropriate designation of land in that location. As previously mentioned, the applicant should consider the OP district for parcel B and resubmit as necessary. He believed that the OP district would allow for a more suitable range of land uses for this area of Lapeer Road and would be more in line with the objectives and policies of the Master Plan.

Vice Chairman Gross said as he read the RM-1 ordinance, the property can be developed under R-2 standards and then the applicant wouldn't require a rezoning. Based what the applicants are proposing, they would comply with the R-2 requirements and again, would not need to ask for a rezoning of the 40 acres. Regarding rezoning parcel B to GB - the Township still has an RB, Restrictive Business, classification and that would provide for a more restrictions than GB does and would provide some "protections". He agreed that OP is probably more appropriate but as an alternative, RB might be a possibility.

Trustee Steimel commented that so much of this is going to be dependent on when they come in with a site plan, there are a lot of challenges to this area. Just looking at the big parcel, as a rezoning, it doesn't hurt if you "down zone it". GB in the front may be a little bit "of a bother". In the past the property was looked at as a whole and why a PUD was proposed. His concern about parcel B was that it seems almost too small for a good GB use, it is going to be tough.

Trustee Steimel commented that regarding the entire property, it might look good on paper but when designing the site plan, the applicant won't be able to use quite a bit of it (the northern part). When the PUD was proposed, the houses were clustered preserving the northern portion as an amenity. Trustee Steimel reminded the applicants that when they get into this further they have to keep in mind that buffers will have to be put in specially to keep fertilizers and such out of the wetland area. As a whole, he had no problem with the big piece but had a little bit of concern with the smaller piece.

Trustee Steimel clarified with the applicants that they did apply for the lot split? They indicated, yes. He noted that if the rezoning is positive, it would have to be pending approval of the lot split.

Trustee Steimel commented that there are not just wetlands on the property, there is a creek at the bottom of the hill as well

Commissioner Reynolds clarified that this property is not part of the Lapeer Road Overlay District. The response was, correct. He, too, did not have any problem with the residential zoning of the parcel, he did have some concerns about GB and the permitted uses. He believed there were other options that would be more reasonable for that parcel - there are parcels along Lapeer Road that are zoned OP and a few that are RB. His concerns with GB was being able to put a drive-thru facility there - that isn't anything that would be allowed in OP or RB. This is a key factor - does the Township want to see a drive-thru there? Another concern he had about GB were some of the uses that were allowed by right.

Secretary St. Henry agreed with Planner Lewan's assessment that this should be OP and only OP in that area. He commented that this is not a site plan review but as they finalize their site plan, they need to take into consideration the traffic load on Stadium Drive. It has been an issue for 50 years. He suggested the applicant take this into consideration in a creative way. It will be difficult for him to feel comfortable about any development there when there are about 400 to 500 cars traveling through there a minimum of 200 days a year, twice a day, sometimes three.

Mr. Trivedi commented that as part of their package, they submitted a traffic study. In that study it called for them to add a center turn lane and possibly a traffic light somewhere along Lapeer Road. The report was 129 pages and was done by their traffic consultant, Fleis & VanDenbrink. He believed they have to adhere to what is in that study - if something is required and mandated.

Vice Chairman Gross reiterated that they are dealing strictly with the zoning and not the site plan. The proposed R-3 zoning has a minimum square footage for residential houses of 960 sq. ft. which is small; the minimum lot size is 8,400 sq. ft. Going from RM-1 to R-3 was a big jump in his opinion.

In response to that, Mr. Chirco pointed out some of the model homes they were proposing, one was 2,700 sq. ft.

Commissioner Porter said, however, that R-3 agrees with the Master Plan – but he agreed with the Planner, no way should GB be on that corner. It would be laying the Township open for potential problems in the future. The property could be sold someday, and something could go in that they didn't agree too – he could not go along with this.

Commissioner Walker asked the applicants if they would consider amending their request from GB to OP for the parcel B? Mr. Chirco responded they would consider some variation of conditional rezoning with a site plan that would alleviate some of the concerns about some of the special land uses allowed in GB.

Commissioner Porter clarified that a conditional rezoning is something that has to be offered by the applicant, the Township cannot request it. Mr. Chirco then said, to do that, if it requires tabling or resubmitting, they would be open to that as an alternative.

Chairman Dunaskiss asked the applicants if they had studied the OP district or did they just go with GB because it was the broadest? Did they look at RB? Mr. Chirco said he didn't know if they looked very closely at RB - their primary motivator for General Business was the possibility of a drive-thru which would not be allowed in OP.

Chairman Dunaskiss asked the applicants if tabling or postponing is something they would like to pursue?

Commissioner Reynolds said he would be in favor of a conditional rezone and something he had considered. He believed it would be wise of them and knew that it has to be at the applicants' request. He noted some of his concerns with GB for the applicant – size and the types of uses and what their demand would be on Stadium Drive. He said he didn't have a problem with a "low flow" drive-thru – he wouldn't be against that.

Mr. Chirco said they are in agreement and would like to table this and come back with a conditional request. He explained why they didn't want to propose a PUD because there would be a lot of uncertainty with that. They want to work with the Township to come up with a plan of action that would be expedient and work for both parties.

Planning & Zoning Director Girling said she believed the term tabling meant the item would be discussed later in the same meeting. The proper term would be to postpone the item, so the applicant can come back at a later date. Just to clarify, there is the possibility they come back with a conditional rezone but right now, she believed, the applicants would be postponing their request for the rezoning. They could come back and ask that the rezoning request be withdrawn, and they instead submit a new request for conditional rezoning that would be the procedure. Right now, if the motion is to postpone, it would give the applicants time to think about how they want to proceed.

Moved by Commissioner Reynolds, seconded by Secretary St. Henry, to postpone PC-2018-14 MJC Stadium Ridge LLC rezoning request until the May 16, 2018 regular Planning Commission meeting.

Discussion on the motion:

Commissioner Porter asked if there has to be a date certain contained in the motion? What if the applicant wants to come before or after that date? Commissioner Porter said he is willing to give them more time if they feel they need it.

Chairman Dunaskiss said they can always come back prior to that date. The applicants were ok with that date.

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**

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Michigan Planner January/February 2018 Edition
RCOC's Road Report 1st Quarter 2018

11. COMMITTEE REPORTS

Environmental Resources Committee Memo/Report dated March 21, 2018

Mike Flood, 3920 Rohr Road, Trustee and a OTERC Board Representative. He noted that the Solid Waste and Recyclable Committee hasn't been updated in eight years. A new HDOC Committee was appointed to look at consolidating the Township's trash haulers and the possibility of using a single hauler - they have been talking about that for several years. As a representative of both committees, the Planning Commission has some to say about recycling and solid waste collection as it is covered in the Zoning Ordinance just like safety paths and wetlands are. In tonight's packet was a letter from the committee and an abbreviated copy of Ordinance 73. As Ordinance 78 requires enclosures to go around covered receptacles serving commercial and industrial complexes, the committee wants to provide a similar requirement for multi-family uses. He noted that at the joint meeting last year, this issue was brought up and the because of the widening of Brown Road and Baldwin Road, developers will be coming in left and right. He explained that currently there are about 4 major large family apartment complexes in the Township. Since 1984 it has been on the books that trash haulers must collect solid waste and recyclables. The problem is however that enclosures haven't been built large enough to enclose both solid waste receptacles and recycling receptacles. Approximately 25%

of Township residents cannot recycle and the Township cannot force the trash haulers to do it. What the committee would like to do in the meantime, as the solid waste ordinance is being completed, they want the Planning Commissioners and consultants to know that when meeting with developers during pre-apps for large multi-family developments, that this is something that should be addressed and they should be providing enclosed areas that can hold both solid waste and recycling receptacles.

Trustee Flood also commented on the paper recycle bins located here at the Township and particularly the one located at Waldon Middle School. Now donation boxes are starting to pop up as well and there is nothing in our ordinance about either of those – something that will have to be looked at down the road.

12. PUBLIC HEARINGS

None

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Reynolds commented there are some great developments going on in downtown Lake Orion. One of the things they are working on is parking community wide. He encouraged everyone that there is plenty of parking downtown and that there are plans in the works – “keep going on downtown”.

Commissioner Walker commented on the Orion Library event, Pass Port to Spring, which will be happening on Saturday, April 21st. This year's theme is Athens and Greece

15. ADJOURNMENT

Moved by Commissioner Reynolds, seconded by Commissioner Porter, to adjourn the meeting at 8:17pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

May 2, 2017

Planning Commission Approval Date