

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, FEBRUARY 6, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 6, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Gross, Vice Chairman	Don Walker, PC Rep to ZBA
Joe St. Henry, Secretary	Scott Reynolds, Commissioner
John Steimel, BOT Rep to PC	

PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss
Todd Garris

1. OPEN MEETING

Vice Chairman Gross opened the meeting at 7:00pm

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Bob Bowman
Mark Drane
Lynn Harrison

3. ELECTION OF OFFICERS, REPRESENTATIVE TO THE ZBA, AND SITE WALK COMMITTEE ANNUAL APPOINTMENTS

Chairman Dunaskiss was nominated to be reappointed as Chairman of the Planning Commission for 2019. Chairman Dunaskiss indicated he would be willing to serve; no one contested.

Moved by Commissioner Walker, seconded by Commissioner Reynolds, to re-appoint Justin Dunaskiss as Chairman of the Planning Commission for 2019. **Motion carried 5-0** (Dunaskiss and Garris absent)

Vice Chairman Gross and Secretary St. Henry were nominated to be reappointed as Vice Chairman and Secretary of the Planning Commission for 2019. No one contested.

Moved by Commissioner Walker, seconded by Commissioner Reynolds, to re-appoint Don Gross as Vice Chairman and Joe St. Henry as Secretary of the Planning Commission for 2019.

Motion carried 5-0 (Dunaskiss and Garris absent)

Commissioner Walker was nominated to be reappointed as the Planning Commission representative to the Zoning Board of Appeals for 2019. No one contested.

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to re-appoint Commissioner Walker as Planning Commission Representative to the ZBA for 2019.

Motion carried 5-0 (Dunaskiss and Garris absent)

Vice Chairman Gross, Secretary St. Henry and Commissioner Reynolds were nominated to be reappointed to the Site Walk Committee for 2019.

Moved by Trustee Steimel, seconded by Commissioner Walker, to re-appoint Commissioner Reynolds, Vice Chairman Gross and Secretary St. Henry as the Planning Commission Site Walk Committee for 2019. **Motion carried 5-0** (Dunaskiss and Garris absent)

4. MINUTES

A. 1-16-19, Planning Commission Regular Meeting Minutes

B. 1-16-19, PC-2019-01 Parcel B-1 Rezone Public Hearing Minutes

Moved by Commissioner Reynolds, seconded by Commissioner Walker, to **approve** both sets of minutes as presented. **Motion carried**

5. AGENDA REVIEW AND APPROVAL

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

6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

7. CONSENT AGENDA

None

8. NEW BUSINESS

A. Ponds of Orion Site Plan Extension Request

Vice Chairman Gross asked if there was anyone here representing this request. There was not.

Vice Chairman Gross explained the applicant is looking for another 6-month extension. They have had previous extensions equaling 2-years (4 6-month extensions). He asked the Commissioners if they felt they should hear this case being they had no representation? He noted that nothing has really changed on the site, they are making some progress however having some problems obtaining the necessary easements from adjoining properties and why he believes they are requesting the extension.

Planning & Zoning Director Girling commented that she is putting together the Annual Report and there are actually quite a few projects that have had numerous extensions, however, most of them have been 1-year requests. For whatever reason, this one has been for 6-month intervals.

Trustee Steimel said he believed it has been their practice not approve much further out than 2-years of extension requests. They don't want a project to linger on – during that time the ordinance could change and the project no longer be in compliance. In this case, however, he couldn't think of anything that changed in the ordinance that would affect it. In his opinion, he didn't want the applicant to have to start over. On the other hand, he had concern about the numerous extensions setting a precedence.

Secretary St. Henry asked, how far along is the project? Planning & Zoning Director Girling responded they have gotten to the point where they have submitted engineering plans and that review needs to be done. Their biggest hold up is acquiring some old easements related to the Kmart property and where their storm water could go.

Vice Chairman Gross clarified that the applicant did receive MDEQ approval. Planning & Zoning Director Girling said, yes.

Commissioner Walker asked if the applicant had indicated why they were not here today so that questions could be asked of them? Planning & Zoning Director Girling said, no, that she had contacted them when she realized the site plan approval was expiring and if they wanted to ask for another extension, they did. She notified them they would be on this meeting, she expected them to be here.

Commissioner Reynolds said he understands wanting to move things along but was concerned that this extension would be leading into a third year for this approval. Without seeing a timeline or some backing, he was reluctant to again extend it. He does not want to stop the project and make them start at "square one" but being that the applicant was not present, would be willing to postpone the request to the next Planning Commission meeting. To give the applicant a chance to explain their reason for another extension before the Commissioners deliberate on it. Planning & Zoning Director Girling commented that the plan would expire before the next Planning Commission meeting.

Vice Chairman Gross suggested only extending it for 60 days which would give the applicant a chance to be present at a couple different meetings.

Commissioner Reynolds commented that he would be in favor of that but does not want to extend it any further without the applicant being present – to find out if there is some active due diligence on their part and some reason for another request - he doesn't want this to become a precedent.

It was the consensus of the Commissioners that they would like the applicant to be present before deliberating on any further extensions.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, that the Planning Commission approves a site plan extension request for PC-2016-04, Ponds of Orion Site Plan, for sixty (60) days from today (February 6, 2019); this approval is based on the following Findings of Fact: that the applicant is actively seeking neighboring easements to adjoining properties.

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

B. PC-2019-02, Baldwin Commons Minor PUD Amendment, a request to modify the ground signage at Baldwin Commons, 4936 S. Baldwin Rd. (parcel 09-32-351-024)
Mr. Mark Drane, with Rogvov Architects, 32500 Telegraph Rd., Suite 250, Bingham Farms, presented.

Mr. Drane explained they are requesting an additional monument sign that is 16-ft. high and 120 sq. ft. per side, to be located at the entrance of the Baldwin Commons shopping center. Over the years, traffic volumes have increased, landscape has matured, and it has always been difficult to see the shopping center from the Baldwin Road. With the new construction of the

boulevards, they felt it was the appropriate time to identify the property better – give tenants some street presence.

Planner Lewan went over Carlisle Wortman's review dated January 31, 2019. He noted that this was a PUD project that was approved in 1997. Part of the motion to approve that PUD was that if there were any changes to signage, the applicant would have to come back in front of the Planning Commission. He noted that because this is part of a PUD, the Planning Commission has the ability to grant deviations from any dimensional element. In this case, the applicant has one small ground sign at the main boulevard entrance and is now proposing another sign just north of that.

Planner Lewan pointed out that the underlying zoning is GB and provided a table in the review comparing what signage would be permitted and what the applicant is proposing. With the base and the cornice cap, the new sign would be twice as tall as the maximum height of a sign that would be permitted in GB.

Planner Lewan explained they had initially calculated just the sign face as 10' x 12' or 120 sq. ft. However, he was informed by Planning & Zoning Director Girling that a portion of the base should also be included in the size of the sign area as well as the cornice cap on top. Using those additions, the sign gets up to 162 sq. ft. Planner Lewan also pointed out that a project can have more than one ground sign as long as it has a lot of road frontage which this project has.

Planner Lewan concluded that this request is before the Planning Commission because any change in signage had to come back before them and what the applicant is proposing is larger than what would be allowed in a GB district. The Planning Commission has the ability to permit this sign but as mentioned in the review, the proposal is substantially larger than what they would typically see for a shopping center.

Mr. Drane responded that he understands now the Township counts part of architectural features as part of the sign area but was trying to keep it similar to the sign that sits near I-75 in Auburn Hills. He explained it will have a brick base, an architectural cornice at the top, and an aluminum face with cut out letters. Only those letters would glow which would diminish the visual appearance of the sign. It was his opinion that where the traffic light is, is the primary entrance to this shopping center, having signs elsewhere on the site would be useless. He believed the design was tasteful and that this is probably the biggest shopping center in the Township.

Trustee Steimel asked them why weren't they removing the existing monument sign and replacing it with this one?

Mr. Bob Bowman, property manager for Baldwin Commons, responded that one of the problems with the existing sign is that it sits back too far, especially with the berm area and the more mature landscaping. It was his opinion that if they put the proposed sign there, it might cause a traffic visibility problem.

Trustee Steimel was concerned that there would be a parking spot near the new sign which would block the sign. Mr. Drane replied the sign will have a 4 1/2-ft. high base that would sit above the hood of an average size car.

Commissioner Reynolds asked Planner Lewan how the proposed sign compares to what is permitted in the BIZ district? Planner Lewan said that the BIZ district does not have specific sign requirements.

Vice Chairman Gross clarified that this will be a two-sided sign that would be able to be seen by people going both north and south along Baldwin. Mr. Drane said, correct. Vice Chairman Gross then asked how they will determine which tenants will go on the sign? Mr. Bowman said that potentially there could be 20 tenant signs – 10 on one side and 10 on the other.

The Planning Commissioners discussed the size of the sign and concurred that it was too large. Planning & Zoning Director Girling added that per the new Sign Ordinance, a 12-ft sign is considered a billboard – “a whole new ball of wax”. The Planning Commissioners also asked the applicant if they would be opposed to removing the existing monument sign at the entrance? Mr. Bowman said they would not be opposed to that; their goal is to keep it “clean”.

Vice Chairman Gross was still concerned about impaired visibility for people going in and out of the shopping center. He asked the applicants if they would take care of any issues like that should they arise. Mr. Drane said, they would.

During the discussion, the applicant agreed to reduce the total height of the sign by reducing the base, the top cornice and removing some of the tenant panels.

It was suggested that the applicant could also use the sign from the boulevard by attaching it to the base of the new one. The applicant said they would be ok with that.

Planner Lewan reminded the Commissioners that whenever there is deviation, whether it's a variance or a deviation from a PUD, a motion should have that “tied” to something unique about the site so that a precedence isn't set.

Mr. Drane reiterated that the reason for such a big sign is because the shopping center sits so far back that it can not be seen from Baldwin Road. It was his opinion that the site is unique because of the low grade, that the majority of the buildings are 800-ft. away from the road, and Big Boy, Starbucks and a gas station are now in front of it - several things have happened over the years that have diminished its visibility.

Mr. Dane said he would “slice” off the top two panels, that would be 2' x 12' or 24 sq. ft. which would decrease the height of the sign and the area. He would get rid of the monument sign in the center boulevard and would bring the total height of the new sign down to just under 12-ft.

Mr. Drane then went on to say he would take the base down to 3' 8”, taking 6” out of it, and was thinking about taking 4” out of the top cornice. The rectangular portion of the sign would end up being 85-86 sq. ft. per side which would not include a little bit of the cornice and a little bit of the base – the total sign area including the countable portion of the base and cornice would end up being 111 sq. ft.

The Planning Commissioners were in agreement that these revisions would be ok.

Moved by Commissioner Reynolds, seconded by Trustee Steimel, that the Planning Commission **approves** PC-2019-02, Baldwin Commons PUD Minor Amendment for new Ground Sign, **for the amendments made to the plans date stamped received January 3, 2019**, located at 4936 S. Baldwin Rd. (Sidwell #09-32-351-024); the following amendments are: the sign shall be no higher than 12-ft. tall with a signage area of less than 112 sq. ft. per side, and the existing monument sign removed; this approval is based on the following Findings of Fact: the signage is cohesive with the architectural nature of the buildings, the shopping center is greater than 330,000 sq. ft. and there are more than 25 units/tenants in the retail development.

Commissioner Reynolds amended the motion, Trustee Steimel re-supported, to request that the applicant provide a revised drawing to the Township.

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

Mr. Drane asked if they could add the signage from the removed sign, "Baldwin Commons", and add it to the base of the new one? The response was, yes.

9. UNFINISHED BUSINESS

None

10. PUBLIC COMMENTS

None

11. COMMUNICATIONS

Memo from Planning & Zoning Director Girling dated January 30, 2019 regarding possible site walks for upcoming cases – Pomeroy Villas and Woodside Bible Church. The Commissioners agreed they were not needed.

Planning & Zoning News February 2019 edition

Michigan Township Focus February 2019 edition

12. COMMITTEE REPORTS

None

13. PUBLIC HEARINGS

None

14. CHAIRMAN'S COMMENTS

Vice Chairman Gross congratulated Commissioner Walker on being selected as Citizen of the Month; and informed the public about ONTV's 9th Annual Food Drive this Saturday.

15. COMMISSIONERS' COMMENTS

Secretary St. Henry also congratulated Commissioner Walker on the honor.

16. ADJOURNMENT

Moved by Trustee Steimel, seconded by Commissioner Reynolds, to adjourn the meeting at 8:05pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

February 20, 2019

Planning Commission Approval Date