

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, MAY 1, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 1, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman	Todd Garris, Commissioner
Don Gross, Vice Chairman	Don Walker, PC Rep to ZBA
John Steimel, BOT Rep to PC	

PLANNING COMMISSION MEMBERS ABSENT:

Joe St. Henry, Secretary with notice
Scott Reynolds, Commissioner with notice

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Doug Lewan, (Township Planner) of Carlisle/Wortman Associates, Inc.
Mark Landis, of Orchard, Hiltz, and McCliment, Inc., Township Engineer
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Debra Walton	Mike Polecki
Suzan Milles	Misti Siterlet
Susan Stec	Faith Siterlet
Mark Stec	Lauren Kennedy
Megan Spielbusch	Tim Finney
Josh Spielbusch	Lori Soma
Eugene McNabb	Kevin Town
Jack Warren	Terry Moran
Wade Sullivan	Phil Christi
Nick Loper	

3. MINUTES

4-17-19, Planning Commission Regular Meeting Minutes
4-17-19, PC-2019-09, Tommy's Car Wash, Special Land Use Hearing Minutes
4-17-19, PC-2019-10, Stadium Ridge Commercial, Special Land Use Hearing Minutes
4-17-19, PC-2019-11, Firestone Complete Auto Care, Conditional Rezone Hearing Minutes

Moved by Vice Chairman Gross, seconded by Commissioner Walker, to **approve** all sets of minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, 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-2019-15, Breckenridge Townhomes, Conditional Rezone Request at 7:05pm.

Chairman Dunaskiss closed the Public Hearing at 7:30pm

7. NEW BUSINESS

PC-2019-15, Breckenridge Townhomes Rezone, request to rezone part of parcels 09-32-400-055 & 09-32-400-057 from R-1 to BIZ (use groups, A, C, & D).

Chairman Dunaskiss asked the applicants if they had anything further to add.

Mr. Chris Plumb stated he understands the concerns and the arguments being made and he didn't have anything to add.

Planner Lewan went through his review, date stamped April 22, 2019.

Chairman Dunaskiss noted that they had received a letter from the Department of Public Works Director saying they have no objections to the proposed action developmental plan.

Trustee Steimel said this is a rezoning but part of the application is splitting the lots. Are they actually looking at the properties that exists that they are going to rezone the southern piece? He would like to hear from Tammy on how they did the notifications. He wanted to make sure that they followed all of the right procedures.

Planning & Zoning Director Girling stated as with any application that comes in, if it involves any alteration to the property lines then she always suggests as part of the motion, if the motion is to recommend approval to the Township Board it is contingent upon the land division or the boundary adjustment, this is a boundary adjustment occurring and combining all the parcels involved. It is two parcels and it is a boundary adjustment to move the boundary to the north so it becomes part of the southern property. It could be one of the conditions, understandably doing a boundary adjustment without knowing whether the Township is going to accept the rezone, so it could be one of the conditions. She didn't see any problem with the boundary adjustment if and when they applied for it.

Planning & Zoning Director Girling added that as far as the notices, she does not see the word "condition" anywhere. She thought maybe they looked at her suggested motion and she always gives the Board the different motions, whichever one they choose, and she may have said "conditioned on the land alteration", so maybe there was confusion there. Without running the program to look at the 300-ft. notice, she couldn't say for sure but she did look at the map and looked at property gateway, realizing that the width of Judah Rd. coming off the property, the very first property that is across the street from it is 100-ft. wide so you hit 300-ft. really fast. She counted 9 or 10 notices that went to properties on Judah Road, but would have to double check it with the program upstairs, but it appears that the notices were done correctly.

Trustee Steimel questioned so the parcel looks like a big finger, that most northern one was used to figure out that there is a 300-ft. line from there, which would encompass a fare number.

Planning & Zoning Director Girling replied they have to do it by parcel number, so it would have been run on each parcel number. The finger piece would have the most and it would be 300-ft from that outer edge, but realizing the properties on the north side of Judah Road are long also, so once it hits that first property, if that property goes 300-ft deep, nobody beyond that is going to get a notice. If they were on the finger at the first property, when they hit it, it is at 100-ft. then they are only going to hit the three properties going west. It really doesn't add up to a number of properties very quickly.

Trustee Steimel said they use 300-ft., if they go from the boundaries, they use the GIS, and he wanted to make sure that they did go with the whole property and not just the southern piece that is hashed.

Planning & Zoning Director Girling responded yes, because we hit some on Judah Road. She would have to run it to get exact, but based on the number of properties that were noticed on Judah it does appear to her that it was at the 300-ft.

Trustee Steimel noted it appeared that the sign worked, because there are always people not being noticed, but if they saw the sign that would help, because they didn't officially get noticed because they weren't within the 300-ft. but they live around there, and hopefully they realize to call.

Planning & Zoning Director Girling stated they did receive a number of calls, and it was confusing to describe over the phone so that is when they created the hash-marked map so that they could email it to anyone that called, so they would understand the area that was being discussed.

Chairman Dunaskiss said looking at the parcel, with the gas-line, they first have to look at the natural features around there and the easement that comes along with that, as well as the topography. The development to the east, west and south along the (BIZ) district, being part of the Master Plan, and now coming up on the 5-year review, they always looked at the parcels being the line and didn't really look at the gas-line as being a feature. Normally with the Master Plan it goes with the parcel lines and given how much depth was there. They also always thought that with connecting in so they don't have land-locked parcels, as well as given the multi product that is going on to the west. They have to consider that this is a rezoning of that portion, whatever goes in those use groups could come forth. They do have a little inside amnesty of what the next item is and what they are probably going to put there, so that is helpful. Given the factors now that the unknown variables are there now with to the east with Menards and what is happening to the west, how these parcels will be land-locked if something else would go forth, he thinks that there are some reasons to looking at deviating from what the original Master Plan was put in four years ago considering they are just looking at that parcel line and now how that is developed, he doesn't have much concern that it is going to spark or have a case for above and north of the gas-line to have the (BIZ) district expand and going into this area. With those reasons he is more comfortable to bring this in-line with what the development pattern is, the intent of the (BIZ) for this property.

Vice Chairman Gross asked if someone provided him with the information as to where is the proposed zoning line lay, is it in the middle of the gas-line or is it at the edge of the easement? If it is at the edge of the easement there is an additional 75-ft. of setbacks and buffer.

Mr. Plumb replied that it is at the southern edge of the easement.

Vice Chairman Gross questioned so it does not include the easement from the gas-line?

Mr. Plumb answered yes.

Vice Chairman Gross said typically when they see easements being placed and utilities being placed, they try to follow the property lines. In this case it divides a parcel and it leaves part of the property almost undevelopable from any standpoint. He thinks that it is logical to attach it to the property to the south so that it can be developed with the property, having access only to Brown Rd. or to Jordan Rd. and not access onto Judah Rd., because the zoning would not permit access through the parent property up to Judah Rd. It is being used primarily for density purposes and not for major development. The Master Plan is a guide it is not supposed to reflect property lines, like a zoning map would do, it does provide them with guidance and some direction. He is tending to think that there is a relationship of this southern piece to the Brown Rd. property as opposed to the Judah Rd. property.

Mr. Steimel stated he wished they had a little more detail to look at, so he knew for sure what he was approving, on where the line is going to be and how that relates. He thinks that it has been a few years since he has been out to that area, he seems to remember that it is a hill.

Vice Chairman Gross said it is it is about 50-ft.

Mr. Steimel added even now the way it is, looking at a map, it is not inconceivable that someone could put an access drive to the north. Granted, because of the topography it doesn't make much sense, but they could do that. So even saying that they are not going to use the rest of that property and put a drive in there, they can't guarantee that. They can't guarantee it now if they own the property.

Vice Chairman Gross said they can for non-residential property, for non-residential access.

Mr. Steimel stated even now they could potentially, if they bought a lot to the north, they could try to continue through. We say right now with that topography it is almost impossible to connect the southern portion with the northern, but never say impossible, they could do that now potentially. It is a little disconcerting and yet he does understand the uniqueness of it where they can move the line along with the gas-line and the topography change it doesn't seem like on the surface. It is always hard when you are looking at something like this and never actually seen that area with topo lines. It wasn't clear to him that they were proposing that, that it was going to be split off, he wasn't sure that was going to make a big difference, but he doesn't like splitting properties with zoning. Whenever they have that it is a problem, everywhere they have that it is a problem. It sounds like the concept is to move the boundaries and combine them they would be separate, that still doesn't necessarily guarantee anything, but he said from experience that they tend to not want to split properties, like this, so the southern third would be one zoning and the northern 2/3 would be a zoning, that is not something that we really want. There are places that they are like that and it has been problematic. They try to avoid that like the plague, if they are consciously doing it, that is why when they do the Master Plan and zoning maps, they try to follow it as best they can with the existing property lines to make it is easier to go with.

Planner Lewan asked if the applicant happened to have sheet 2 that they could pull up on the computer?

Chairman Dunaskiss asked the parcel split drawings?

Planner Lewan said that it shows the topo and addresses some of the questions John is raising.

Mr. Plumb pulled up the split drawing.

Mr. Steimel stated he looks at something like this, and if he doesn't have enough recognizable land marks shown, he doesn't really know where that is unless he goes out there and can see the stakes.

Mr. Plumb said he didn't have a digital copy of the topography.

Mr. Steimel noted the topo lines didn't change that much in height, it sounds like the line is actually toward the base of the hill, verses where the gas-line is. There was only 2-4-foot drop in that area, from their property line, what they are calling now onto their Site Plan there was not much of an elevation change. They have told us that gas-line is not going away anytime soon, it is in their long-range plan to have that gas-line in there. They just dumped some more money to fix some stuff so they are definitely not going to abandon that one.

Mr. Steimel added there is the one property that cuts into their property to the east a little bit, so it would be that section at the base of the hill, where the property line comes down is where the first residential property is to the northeast.

Engineer Landis noted the portion of the property that they are looking to rezone, it's a current use, is part of active Ordinance No. 99 permit, for Pontiac Crush Concrete so it is being utilized as part of the property that fronts Brown Rd. in it's current use. The crushing equipment actually overlaps into this property currently.

Vice Chairman Gross asked so that is reflected on this areal photograph outlined in blue? Everything to the north is currently being used, even though it is zoned residential, currently?

Mr. Steimel asked isn't that whole property to the north of Ordinance No. 99?

Engineer Landis replied he would have to see where the Ordinance No. 99 cuts off, but to the north it is part of the Pontiac Crush Ordinance No. 99 permit.

Chairman Dunaskiss said given that it is a rezoning combination split meaning they are combining and uniformly lining up the rezoning with where the parcel lines are as Mr. Steimel mentioned they do tend to prefer that, as it does make things easier and brings things all under one parcel verses having split zoning on different parcels.

Mr. Steimel said with that lot split and re-combo that is not really part of this. They will probably do that, but in essence they are still just rezoning just a piece.

Chairman Dunaskiss stated that they can make that part of the motion to make that contingent upon. Can they make it contingent?

Planner Lewan said that would be a better condition to the Site Plan. Unless they combine those parcels, there would be a bunch of setback issues. If they don't combine those parcels, they would need a bunch of variances, which wouldn't make a lot of sense.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-2019-15, Breckenridge Townhomes, to rezone a Southerly +/-200-ft. parcel 09-32-400-055 & the Southerly +/-150-ft of

09-32-400-057 (unaddressed parcels) from Single Family Residential (R-1) to Brown Road Innovation Zone (BIZ) use groups A, C, & D. The area of rezone is as shown on sheet 3 of 7 of the survey from Diffin-Umlor date stamped received 3/21/19. This recommendation to **approval** is based on the following findings of facts:

- even though the proposed rezoning to (BIZ) is inconsistent with the Future Land Use plan, which is a guide, the unique location of the parcel and the natural barrier that inhibits its development, within its current zoning district provides an avenue to connect the parcels under the requested rezoning designation aligning the potential development closer to the Master Plan goals and objectives for the broader area
- the proposed rezoning is consistent with the adjacent land uses and zoning districts to the south and west and is separated from its parent parcel by the utility easement which diversifies a southern portion of the property
- this recommended rezoning is based upon representation that the properties will be consolidated and combined into a single development and a single legal description.

Discussion on Motion:

Mr. McNabb, 2981 Judah Road, inquired whether the Planning Commission could grant the ability for the remaining parcel areas to be under 5-acers to avoid the need to go to the ZBA in the future.

Chairman Dunaskiss, noted he did not think that they had the ability to do that.

Planner Lewan stated by removing the land it is not creating a non-conforming situation, (R-1) zoning requires 14,000 sq. ft. and they have that. He went on to state that the Planning Commission does not have the authority to do what he is suggesting anyway.

Mr. Stec commented that he is concerned with staff having not followed legal procedures for 300-ft. notifications and public hearing notice in the newspaper.

Planner Lewan stated he has seen this type of question in the past, and that the Planning Commission should proceed with the deliberation.

Mr. Stec questioned whether Planning Commission Members could produce proof the proper notification had occurred.

Planner Lewan replied staff will verify the proper procedure was followed and if it was discovered that proper notification was not done, the Planning Commission would have to conduct another Public Hearing with proper notice.

Vice Chairman Gross pointed out that there will be another Public Hearing with the Township Board.

Mr. Stec expressed his concern that the Planning Commission was forwarding a recommendation, to the Township Board, when knowing there is a question whether proper procedure was followed.

Roll call vote was as follows: Gross, yes; Walker, no; Garris, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 4-1**

PC-2019-18, Breckenridge Townhomes Site Plan, located at 313 Brown Rd. (parcel 09-32-400-023), 4905 Estes (parcel 09-32-400-059), unaddressed land (parcels 09-32-400-024, 09-32-400-058, 09-32-400-021, & 09-32-400-022) and a portion of unaddressed land (part of parcel 09-32-400-055 & 09-32-400-057).

Chairman Dunaskiss asked the applicant to come forward and give them an overview of their Site Plan request.

Mr. Chris Plumb, Pulte Group introduced Matt Busch with Atwell, their Civil Engineer if they have any engineer questions as they dive into a very brief presentation.

Mr. Plumb stated that Breckenridge Townhomes is the marketing name that they are proposing. They will talk through the parcels which they have already looked at briefly, the Site Plan, the potential community benefits that they agreed to do along Baldwin Rd. to enhance that quorador, and then jumping into some review commentaries regarding setbacks, guest parking, Jordan Rd. and then future traffic study, elevation, and landscaping alike. He also has rendering of elevations and then he was sure they would have a discussion there after. They briefly touched on this it is a combination and a merger of 8 different parcels, 19-acres in total. Currently, it is an active concrete crushing operation on the majority of the parcel. There is a single-family residence as well, on 313 Brown that fronts Brown Rd. He proceeded to show the Site Plans to the Board. The retention pond is on the east side of the property, that is where the stormwater is in compliance with all of the Township Ordinance, that is where the proposed pond will be located. It consists of 112 for sale townhomes, they will talk about what the product is and how it fits. It is a two-story conventional townhome, it is not a three-story walkout, it has 3 bedrooms, 2 ½ baths, 2 car attached garage, starting at 1,850-sq. ft. It is a larger townhome unit and it feels very much like a single-family home. They are going to have an offering that includes basements and slabs, dictated on the topography of the site; they talked a lot about the boundaries given the existing use, but as there is flow across the site there is going to be slab units for those that want it and also basements for those that would want to have additional storage beneath there units. They expect this product and this community to draw from a wide variety of buyers, young families with or without kids primarily, but also empty nesters that are looking to retire in Orion Township. It is a no maintenance community where snow, lawn, trash everything is included the maintenance of the exterior of the buildings through the H.O.M., so it is really an all-inclusive community.

Mr. Plumb added one other element that they will be doing while they develop this site, is improving the corner of Baldwin Rd. and Jordan Rd., there is a lot of activity in that quorador with the road improvements. There is a pocket park plan for the Baldwin improvement quorador, they are going to contribute to that with working and enhancing it for both pedestrians and bike enthusiasts, so this is very much a conceptual drawing, it is open for Township feedback, suggestions. He mentioned bike enthusiasts, there would be bike racks maybe a pump station, they are just kicking around some ideas. It is a relatively smaller space with the proposed retail on that quorador as well, but it is going to enhance that Jordan Rd. intersection. One noted item in the review letter dated April 23, 2019, was their setbacks, they are not in compliance, they were able to quickly fix that, it hasn't been reviewed but it was shifting the layout of the site to make sure that they comply to the 63-ft. rear to rear, now it is 70-ft. so they were able to stretch that out quickly. They don't anticipate that being an issue going forward. Guest parking was another item that was discussed as part of the review, they have a total of 4 units per space, 2 in the garage, 2 in the driveway and it wont impact circulation. There is an ordinance in the (BIZ) zoning where guest parking should be provided, and it is calculated at 38 units. They are evaluating if they could do guest parking on one side of the street, where there is not units on both sides on the west and south edge, that would be something that they are looking at and they are open for feedback, as they continue the discussion but that is what they

thought would be a good compromise to make sure that there was additional guest parking for the bigger events and it wouldn't impact circulation.

Mr. Plumb noted Jordan Road is a big piece of this development because it is an additional entry point both for residents as well for emergency vehicles, which is critical. It does provide easier north bound access and then there is a lot of new stuff that is going on in the Baldwin quorador. As part of this development there is a section that is unpaved and they are going to propose paving that as part of development to complete the road, connect the entire quorador. Baldwin Rd. did a majority of the work but they wanted to finish it off as part of this development. They do owe cross sections in the plans it hasn't been submitted, but it is something they can work on as soon as possible. The other miscellaneous items that they were called out on is the traffic study, he believed in the engineering review letter it was noted that there was a larger scale traffic study plan, so they are open to contributing to that in leu of a development specific traffic plan. One of the other items that was mentioned was tree survey, land-mark trees, they had that in process in the last month, they completed it, there are 269 trees total, he is not an arborist so he didn't know what the highest quality was but he was just going to comb through the ordinance. They have a lot of landscaping plantings planned they are going to make sure that they are in compliance as they work through the plan. One of the other call-outs, which they agree with is berming the property on the southern edge with the commercial use, so that will be something that they can accommodate with the grading on that side of the property, it is not as severe as the north side. The renderings are included, he mentioned the two car front entry garages important in the Michigan weather, kind of a traditional look, brick and stone featured on the front. They have the brick and stone access on the rear and then they also have extension options on several of the units where they can expand a sunroom with a master suite, it really depends on what the buyer wants and what they want to place their budget on for their home. Floor plans are life tested designed, so one of the benefits of Pulte Group is that they are a national company, they have a lot of different plans that move through the system. There are different layouts in terms of the bathroom configurations themselves front, back, fireplace options and the like. There is a lot of options that the buyer has, they can customize as they build for them, or as they build, buildings on the fly.

Planner Lewan read his amended review dated April 25, 2019.

Engineer Landis read his review dated April 1, 2019.

Chairman Dunaskiss stated that the applicant had received from the Fire Marshal (dated 4/15/19), Department of Public Services (dated 4/1/19) and the Road Commission (dated 4/23/19).

Trustee Steimel questioned if the photometric grid a requirement of site plan?

Planner Lewan replied yes.

Trustee Steimel asked and it hasn't been submitted? They are not in compliance with the Woodland Ordinance, because they haven't provided a tree study?

Planner Lewan answered correct.

Trustee Steimel questioned if there was any concern regarding the soil compaction? Is there a requirement?

Engineer Landis replied there are requirements within Ordinance No. 99 section that does require fill to be properly compacted, but it is not typically something that would be reviewed at

Site Plan, it would be left to the developer to have a geotechnical report conducting with borings and the vicinity of structures that would analysis the material.

Mr. Plumb noted they have conducted significant soil boring testing, test pits, supplemental testing.

Trustee Steimel stated they had mentioned soil borings around the detention pond, but he was wondering if they are supposed to be checking. They are doing the closeout of an Ordinance No. 99 at the same time they are doing this. This is unique it is not something that they would normally look at. There is nothing that they are supposed to be looking at here in this case?

Engineer Landis said not to his knowledge.

Trustee Steimel noted this is basically a multi-family arrangement, there are requirements to showing where the trash and recyclable receptacles are, he didn't remember see them in the plans, and when they show them, are they properly screened with the proper enclosures?

Planner Lewan replied correct.

Trustee Steimel added he would think that a concept of the parking is more important, it needs to been seen, now maybe it encroaches into some setback or landscape area. They don't know where it is and if it is a requirement to show the parking, as far as a multi-family development. There are some big pieces that they would not necessarily know about. Even though they have addressed some of stuff, he wasn't sure they were looking at the modified plans. There are a number of pieces that seem to be missing, that would normally be with the Site Plan, including now, because it is in the (BIZ) district, more detail on the entrance is probably a requirement to make sure that they are complying with (BIZ) district requirements on Brown Rd. No matter what they would have made it contingent with zoning being approved, a lot of times they don't but it is at their own risk that they are going to go forward. They could probably take up the traffic study separately, maybe make a motion separately on that. It seems to be a lot to approve a site plan at this time.

Vice Chairman Gross commented the fact the Township Board hasn't approved the zoning yet that could change a lot, if it is not approved, if it is approved then there are some modifications that need to be done and he would like to see those come back to them to get it finalized. He is leaning towards a postponement.

Commissioner Walker stated that any one of these things they could probably move on in his opinion, but there are too many of them, and it sounds like the petitioner has seen the reports from the Planner and the Engineer and is acting on them, but have not come to that spot where he is comfortable approving it at this time.

Chairman Dunaskiss wanted to deliberate on the traffic because it sounds like it may be going to a postponement, so they have more information going forward. He wasn't sure if it warranted a Motion in particular on that; but on the traffic impact study. Are they conducting this as a Township is this a joint venture with the Road Commission, or part of the TIFA district, what are they studying, who is studying it and why, who is paying for it?

Engineer Landis replied that he doesn't know all those very particular details, he understands that the Township is considering taking on a comprehensive traffic study. Since they are meeting the threshold for a traffic study, they would contribute towards it and possibly some of the mitigating features that might come out of it. Since they just widened Brown Rd., it didn't

seem apparent that there would be a lot of improvements right at their entrance, it would probably be more on the outskirts, Joslyn and or Baldwin.

Vice Chairman Gross said it makes more sense doing a comprehensive as opposed to an individual site analysis.

Chairman Dunaskiss stated that given the two access points for this, the type of product that is proposed, the use and so forth, they have seen a lot of traffic studies for different developments, he concurs that the benefit will be overall towards the larger picture and impact and how those dollars go farther. He didn't know if there was something big in the works or if it was a conjoint effort.

Engineer Landis replied that he doesn't know the details yet; he can find out.

Chairman Dunaskiss said that would help with the Master Plan with the developments over here would be very impactful into what is going on there.

Chairman Dunaskiss asked the applicant, if they have had a chance to hear some of their comments, see the different letters; did they have any questions for them?

Mr. Plumb stated that he got good direction and everything makes sense.

Moved by Commissioner Walker, seconded by Vice Chairman Gross, that the Planning Commission **postpones** the Site Plan approval for PC-2019-18, Breckenridge Townhouses, located at 313 Brown Rd. parcel #09-32-400-023, 4905 Estes parcel #09-32-400-059, unaddressed land parcels #09-32-400-024, 09-32-400-058, 09-32-400-021, 09-32-400-022 and a portion of unaddressed land part of parcels #09-32-400-455 and 09-32-400-057, for plans date stamped April 1, 2019 and the two amended sheets date stamped received April 25, 2019, for the following reason:

- the Planner and Engineer has a number of questions that remain unanswered, rather than delineating those, they were read into the record by the Engineer and the Planner and he recommends that he postpones this matter until those matters have been addressed.

Discussion on Motion:

Chairman Dunaskiss stated regarding the guest parking, taken into consideration the landscape as well, but the two big things he will be looking for is how that is incorporated and that they don't lose any particular screen with it.

Roll call vote was as follows: Garris, yes; Gross, yes; Walker, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 5-0**

PC-2019-19, Skalneck Ford Site Annex, Modification to Site Plan, located at 95 E. Clarkston Rd. (parcel #09-11-479-009).

Chairman Dunaskiss asked the applicant to state their name and address and give us an overview of this modification to the Site Plan.

Mr. Wade Sullivan presented on behalf of Skalneck Ford. They are requesting a modification to a formally approved Site Plan that was approved in September, 2017. They would like to modify the approved Site Plan to allow for a 1,245-sq. ft. addition to the existing building. The

addition is within the existing portico it extends to the west approximately 13-ft. and to the east approximately 4-ft. The intent is an additional porter bay for vehicle preparation and a roll over or drive-through car wash.

Planner Lewan went through his review date stamped April 26, 2019.

Mr. Sullivan stated that the vehicles would enter from the southern area and exit, so that they wouldn't be impacting any traffic flow.

Vice Chairman Gross questioned just a single car?

Mr. Sullivan replied just a single car.

Trustee Steimel asked is it one of those that everything goes around the car?

Mr. Sullivan answered yes, they call it a treadle type; you pull in the wheel hits a switch, the bushes come down, you move on and you get rinsed, the blowers come on and then you exit the devise. It is to take place of the Porters handwashing vehicles. He did do some research on the system itself it uses a little less than 25 gallons per wash according to the manufacturer, it is a non-reclamation system, it is a 3-tank settlement system, so all the sediment settles in the tanks. The waste water overflows into the buildings sanitary system but is intercepted by an oil/water separator, prior to the municipal system.

Mr. Sullivan added regarding the employee parking, he doesn't know how they reached the 21 employee spaces originally, there are approximately 9 employees and he has asked the architech to revise it, which the architech has done but he was not able to get it out in time, to place 9 employee spaces along the easterly edge of the parking lot. He reconfigured the center grouping to allow for 25 spaces, the 13 spaces for customers maintained, so it yields about 94 spaces in the end.

Chairman Dunaskiss asked if they are doing the internet sales out of this? As far as the customer parking would it set up a car online or are the customers going to the Annex building?

Mr. Sullivan replied the Annex is primarily Body Shop and Service. It has really nothing to do with New Car Sales.

Chairman Dunaskiss questioned if they would still go to the main building for general service?

Mr. Sullivan answered yes; it is primarily Body Shop Service.

Mr. Sullivan added that they have shifted the unloading zone to the north approximately 45-ft. of its current location. They don't have any intent of any additional buildings mounted lighting; they would be happy to address that.

Commissioner Walker asked how many washes a day do you think you will be running through the carwash?

Mr. Sullivan replied that he wasn't able to reach Mr. Skelnek regarding that, there are two of these units that are in use in Orion Township currently, without issue or impact to the infrastructure. A guess is approximately 1,000 per day, 40 vehicles, based upon other's usage in the community.

Commissioner Walker inquired there is no reclamation way of doing it?

Mr. Sullivan stated that there is a reclamation process available, but they think that the cost and the maintenance is a huge headache. He thinks that the impact of water usage is probably far less than restaurant that was there in the past.

Trustee Steimel asked Planner Lewan if they had checked when they added 4-ft. to the east, if there are property setbacks from the property lines?

Planner Lewan answered yes.

Chairman Dunaskiss questioned if there were any issues regarding the revised parking?

Planner Lewan replied that he doesn't have any concern with number of spaces. It was just how they were labeled and he was curious where all the employee parking went to.

Trustee Steimel noted that from the Site Plan things look good except for some of the parking, at the very southern grouping. When looking at the Site Plan the lot line is actually to the right of the shaded area, so isn't that parking too close?

Planner Lewan said that it was existing and it is the same layout as they did in the last time, he didn't have the old review in front of him, but he remembered talking about that.

Trustee Steimel stated from the Site Plan they are good, obviously they should be aware that there is a lot of dispute about the shaded area, that really isn't part of this Site Plan, but then the way they are actually using it.

Mr. Sullivan stated that was prior to his involvement, but he did understand that there was.

Trustee Steimel said that he wishes that they would use the property as shown on the Site Plan only.

Trustee Steimel noted it looks like you can get into the carwash, there is enough room 20-ft, a car would come in from the south and hang a right into that then come out the east side.

Mr. Sullivan replied yes.

Trustee Steimel stated this is similar to the ones by a gas station.

Moved by Vice Chairman Gross, seconded by Commissioner Todd Garris, that the Planning Commission grants Site Plan **approval** for PC-2019-19, Skalnek Ford Annex, Site Plan modification of a previously approved Site Plan, for property located at 95 E. Clarkston Rd. for plans date stamped received April 30, 2019. Since the previous plan has been reviewed by the consultants and staff and meets all ordinance requirements.

Comments on the Motion:

Phil Christy, 2650 Buckner Road, stated that he owns the property in front of Skalnek Ford, and he is not against the carwash. He wishes that they would follow the Site Plan, which he thinks that Mr. Steimel was going towards. There is no Code Enforcement; when he sent Code Enforcement there the embattled Supervisor Chris Barnett stepped in and called a meeting with them and had Tammy there and was saying crazy things that they are on the old Christy's Site Plan, that is what he told him. He sat him down in the room upstairs and told him that he was running a business under the old Christy's

Site Plan. They don't follow this Site Plan at all, there are vehicles all over that lot. There are to be a specific number parked there and they are just all over the place. They can barely get through the isles there, he is all over the easement and he is not supposed to be parked on that easement. He is not against the carwash, but let's have them follow the Site Plan, they don't need an embattled corrupt Supervisor stepping in to this every time. Dave Goodloe has his hands tied he can't do anything, because of this Supervisor who Skalnek told him right from the get-go that he helped him get elected, he knew him, he told him that. He had a deal with Rich before his brother sold the restaurant to him, he wanted his property and he told him about Chris Barnett. They just need to have as many vehicles that are supposed to be on the lot and get off of his easement.

Mr. Phil Christy stated you are the Consultant Mr. Doug Lewan, he is parked all over his easement. They can do what they want on their property, just get off of his property and follow the Site Plan. Cars are parked all over the place there. Every time he steps in and he has this embattled Supervisor, stepping in and bringing Tammy to the meetings and he had the Attorney Kelly there; he said a few things to Kelly and he said "he didn't see that". He told him that one of the light poles were on his property, it isn't even on the easement; what kind of attorney is that? He read about the Petoskey incident with those guys, what kind of leadership do we have in this Township? If you are going to approve this make sure that they follow the Site Plan as approved by September 6, 2017. It has been two years now and they haven't followed the Site Plan at all.

Roll call vote was as follows: Steimel, yes; Dunaskiss, yes; Gross, yes; Garris, yes; Walker, yes. **Motion carried 5-0**

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

Mr. Eugene McNabb, 2981 Judah, stated when the pit started, they were running on Ordinance #40, and in 1998 it went through the Planning Commission, it went through the ZBA, and it went through the Township Hall and they created Ordinance #99; and gave two pits the right to operate and they have a map that was issued, which is the permit. That worked for awhile and in 2008 the ZBA took his property off the pit. The ZBA can only control ordinances and zoning, they can not remove any piece of property off of a permit that was issued by the Planning Commission and the Township Hall, but they took it off and this created a problem. So now, Dan doesn't want to level his property off, because it is not on the permit. Any permit that they issued was a renewal of the permit, it is not a new permit. To get a new permit they have to go back through the Planning Commission and they have issued a renewal on the pit ever since. In 2012, the main board spent \$4,800 to update the pit and OHM made the map, and the map says 9, 10, 11, 12, 13 & 14 is part of Dan's permit. They went to court because they weren't balancing the property off as they went, when they finished one piece of property, they are supposed to balance it off. It went to court and the court said we will leave it up to the Township to make the decision when it is to be balanced off. He lost that case because he wanted it balanced off, and that is the ruling that was made in front of the Judge and that is the ruling that they are using today. In 2012 is when they made the new map, the Township paid the \$4,800 to make it and it shows the property, then it went to the Michigan Court of Appeals. The Michigan Court of Appeals says that the entire pit will be leveled off at 1,060. His property is on the map and even the map that the Township made. The Township can't seem to find this court ruling that was made by the Court of Appeals; now the Township wants to get out of it and make it a civil matter, but it is not a civil matter because the Court of Appeals gave the Township the right to do whatever they wanted to, until the pit was closed; but it says when the pit is closed it has to be at 1,060 and it has to have a certified statement that the pit is leveled off at 1,060.

Now we have trouble again and it all started from the ZBA, and he can't say it's the ZBA fault, because the Chairman wasn't there that night, Matthew Gibbs was on the ZBA Board and he told the ZBA that he can give them his legal opinion, the legal opinion was wrong if they want to read the ZBA, he has no right to even give a legal opinion, because he is not an attorney for the Township. His legal opinion was wrong but he gave it to them as a legal opinion, so they changed the way they voted and that is when they took his property off and this is has been where everything has been all messed up for all these years. The Township doesn't want to fight it because they don't want to buck Dan, they want him to fight Dan and he is not going to fight Dan himself he is going to fight the Township, because the Court of Appeals says it has to be leveled off at 1,060 and if anybody wants a copy of that Court of Appeals he will give to them, and the Township has it so you can get it from the Township Hall.

Mark Stec, 3084 Judah wanted to make two comments; from what he has heard about the rezoning, let's assume that the Township Board does approve the rezoning that was in question tonight and then talking about coming back and doing the Master Plan. He thinks that they are getting things backwards, the Master Plan needs to drive the Zoning Ordinance and other than the Zoning Ordinance driving the Master Plan; so what is going to happen is this property is likely to be rezoned and when the Master Plan comes along, obviously, the Master Plan is going to say lets do this. He would like to encourage them to go ahead with the Master Plan to look at that and extend the (BIZ) right up to that pipeline, it would make sense, they would be ok with that, but make sure that the Master Plan drives the Zoning and not the other way around. He also commented on the Traffic Impact Study, he sure hopes that, if the Township is not paying for Traffic Impact Studies for private developments, he hopes that this is not happening, if they are not sure they could simply make a Motion, make sure that the developer pays for their own Traffic Impact Study, it is fully within the right of the Township they should review it not pay for Traffic Impact Studies for private developments.

10. COMMUNICATIONS

None

11. COMMITTEE REPORTS

Site Walk Committee Report

12. PUBLIC HEARINGS

5/15/19 at 7:05 p.m.: PC-2019-20, Orion Classic Car Club, Conditional Rezone, Request to rezone an eastern portion of 3030 S. Lapeer Rd. (parcel 09-26-101-015) from General Business (GB) to (GB) with conditions and an eastern portion of unaddressed parcel 09-26-101-009 from Single Family Residential 2 (R-2) to General Business (GB) with conditions.

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Walker commented that the Orion Public Library, is having their semi-quarterly book sale, it is not this weekend but the week after. At least 5,000-6,000 books are waiting to be purchased at a small amount of money, anywhere from \$.50 to \$1.00.

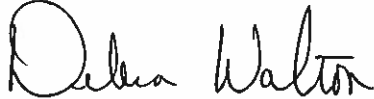
Planning & Zoning Director Girling stated if they remember when they had the Joint Meeting with the Planning Commission, Zoning Board of Appeals, CIA, and the Township Board, there was a discussion of conducting that meeting more than once a year, so it has been decided that they would like to do it again on October 23, 2019. She is aware that not too many people will have plans that far in advance, but they are looking at setting that date, so please mark it in your calendar. If anyone knows of any conflicts with that date right now please let her know. The

second thing is she meet with Supervisor Barnett after that meeting, and if they remember they discussed the pre-apps and he wanted to see who was interested in attending the pre-apps from the Planning Commission on a rotating basis. As they are leaving please let her know if you are interested or not so she can get back with him.

15. ADJOURNMENT

Moved by Chairman Dunaskiss, seconded by Trustee Steimel, to adjourn the meeting at 9:22pm. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

5/15/19

Planning Commission Approval Date