

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, AUGUST 7, 2019

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

PLANNING COMMISSION MEMBERS PRESENT:

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

PLANNING COMMISSION MEMBERS ABSENT:

Justin Dunaskiss, Chairman

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:

Denise Heidisch	Jeff Heidisch
Debra Walton	

3. MINUTES

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

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

4. AGENDA REVIEW AND APPROVAL

Moved by Commissioner Reynolds, 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

Vice-Chairman Gross recessed the regular meeting and opened the Public Hearing for PC-2019-33, Old Detroit Burger Bar, Special Land Use request for an outdoor café, located at 4313 Baldwin Rd. (09-32-126-015) at 7:05pm.

Vice-Chairman Gross closed the Public Hearing for PC-2019-33 at 7:12pm and reconvened the regular Planning Commission meeting.

7. NEW BUSINESS

A. PC-2019-33, Old Detroit Burger Bar, Special Land Use request for an outdoor café, located at 4313 Baldwin Rd., (09-32-126-015)

Planner Lewan went over Carlisle Wortman review dated July 26, 2019.

Commissioner Walker asked if there was not going to be any additional outdoor lighting?

Mr. Jeff Heidisch replied that there is already existing lighting on the back of the building and then the only other lighting they will have will be on the tables like a candelabra.

Commissioner Walker questioned the noise, we have an ordinance for that; there will be no live music out there?

Mr. Heidisch replied no the music system they have will be the same as they have inside.

Commissioner Walker inquired so the music will just be piped outside?

Mr. Heidisch answered yes it will be all connected; it is more of a dining place, so they keep the music rather low. The loudest noise is people talking not the radio.

Mr. Heidisch said that the building is 2,000 sq. ft. and they have 27 parking spaces so that is seven more than what they need to have. In the back they have gravel parking that is about 5,000 sq. ft., he was not sure how much parking that would accommodate, but he said they can get about a dozen cars back there without a problem. He does not see a parking issue at this point.

Commissioner Walker asked who was south of them?

Mr. Heidisch replied that it is a barber shop, they just acquired that, so they just bought it. They know what they are doing, and they were ok with it. He did not ask them for anything in writing but he if they wanted him to provide something he can. They have a good working relationship with them.

Secretary St. Henry wanted to confirm that there is no residential behind them.

Mr. Heidisch said that there are houses about 1 ½ acre back there. There is nothing but woods for about 100 yards, it is rural back there.

Secretary St. Henry asked if they will be repaving the footprint of the outdoor patio?

Mr. Heidisch replied that they are brick-pavers.

Secretary St. Henry inquired if they will be doing anything else with the rest of the parking in the back or is it always going to be gravel?

Mr. Heidisch answered that it will probably always be gravel at this point.

Vice Chairman Gross stated they will be enclosing the outdoor dining with the wrought iron fence. Is the rear door your delivery door?

Mr. Heidisch replied it is.

Vice Chairman Gross questioned how are the deliveries going to be made?

Mr. Heidisch explained that there is a gate that is a loading gate; right now, there is a concrete walkway that is about 3 ½ ft. wide., that is for their deliveries. There deliveries all come before they open. His beer, bread, and food guys everyone is there early in the morning. So that is their entrance only, that gate is for deliveries.

Vice Chairman Gross questioned if the gate would be wide enough?

Mr. Heidisch replied yes, the biggest thing they have is a barrel of beer, everything else is boxes no more than 2-ft.

Vice Chairman Gross noted that one of the latest things that he has seen is in the winter placing domes in over outdoor dining; do they have any thoughts of doing that?

Mr. Heidisch answered that he was not sure about that yet. He said he has seen them they do not work all that well. He was not sure how long they will keep it open when it is cold out. He has given it some thought and has been in places that have them, and he does not feel like they give a lot of heat. Is that something that they would have to get approval for if they wanted to put those out there?

Vice Chairman Gross replied that he thought they would have to come back for it.

Commissioner Reynolds said that they are temporary structures.

Planner Lewan replied that in their narrative they would be running from May through September, so they would just have to change that part.

Vice Chairman Gross stated that this is a Special Land Use request and they can attach conditions such as hours of operation, noise level, the days to be operated, time of the year, so if there is a motion that anyone would like to make, those would be considerations. This does not necessitate a sight plan at this point it is just an approval for the Special Land Use. Does this go back to the Board for approval?

Planning & Zoning Director Girling answered this is it.

Commissioner Reynolds stated that with the terms that they provided on their drawings and outlined he was confident with the hours of operation and their terms of use, with their seating and everything like that so he did not see any reason to imply any additional requirements beyond what they addressed. There are a couple of Site Plan approval items that he was going to bring up if they wanted to proceed with the Special Land Use, one which was the Gingellville Overlay District design requirements.

Planner Lewan stated that now would be the time to talk about that because if they approve the Special Land Use they are pretty much done, there is no Site Plan after that.

Commissioner Reynolds questioned is there not a Site Plan to approve too and a Special Land Use?

Vice Chairman Gross replied no, just a Special Land Use.

Commissioner Reynolds stated that with the small scope of their improvements, as much as he likes to push the design requirements it is a 25x25 area, he would like to impose all of those

new requirements but the small scope of the project; if it was another project there are other conditions that would not open up the whole can of worms.

Vice Chairman Gross said so he is suggesting that the Gingellville Overlay District requirements be waived as a condition and that the hours of operation and the times of the year would be as submitted in their application.

Commissioner Reynolds replied correct; that is one part of it, the second one is are they subject to the Gingellville Overlay District other than if they qualify or redeem that they qualify for one of the following exemptions of standards prevent their reasonable use, existing design can not be implemented, limited lot area arrangement or other constraints in considerations as defined by the Planning Commission. It is leaving them some leeway; he takes #4 as this is other restraint the scope of the improvement is not necessarily opening them up to the whole thing even though they have the right to ask for a Site Plan and discuss the other items. He is suggesting that they waive it due to the small scope of the project.

Moved by Reynolds, seconded by Secretary St. Henry, that they waive the Gingellville Overlay District requirements for PC-2019-33, Old Detroit Burger Bar, Special Land Use at 4313 Baldwin Rd., due to the limited scope of the project being a small patio addition off the rear of the facility.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Garris, yes; Gross, yes. **Motion carried 6-0**

Vice Chairman Gross added that they would need a motion to approve the Special Land Use request and either impose those items that are listed in their application as a condition to clarify it or just to make reference to the application such as the hours of operation, decibel levels, time of the year and that the patio area would be patio stoned.

Moved by Trustee Steimel, seconded by Commissioner Reynolds, that the Planning Commission **approve** PC-2019-33, Old Detroit Burger Bar, Special Land Use request for an outdoor café, located at 4313 Baldwin Rd., parcel 09-32-126-015 for plans date stamped received July 11, 2019. This approval is based on the following findings of facts: the enhancement of an existing restaurant is compatible with adjacent uses and the current Master Plan; very limited in scope of adding a patio on the back of a building that there should be plenty of adequate public services and very limited impact on existing traffic; with an outdoor patio there are some detrimental effects but he will approach those in the conditions of the Special Land Use; enhancements of the surrounding environment it is an enhancement for an existing business so he thinks it is a good improvement; and it doesn't create an isolation of existing land use. This approval is based on the following conditions for the Special Land Use: there will be no live music and any music levels will be compliant with noise ordinance out there which is basically low level speaker music; that the hours of operation are stated by the applicant will be Monday – Thursday 11am-10pm, Friday – Saturday 11am-11pm, and Sunday from 11am-9pm.; those are the only conditions of this that he feels he needs.

Discussion on Motion

Trustee Steimel added that they had mentioned that they are only going to operation in the spring, fall and summer, if they want to do it in the winter it does not change anything to him, it is the same conditions. He knows that there is no one there now, but he thinks that the idea that they are certifying no live music, because there could be houses that are added down there later and that is the number one concern when they approve an outdoor café like this. They have already offered a limit to that and they are just going to

state that so it is on the record in the future and that is why he thinks that it is everything that they are accounting for what can be a problem.

Roll call vote was as follows: Reynolds, yes; Garris, yes; Walker, yes; Steimel, yes; St. Henry, yes; Gross, yes. **Motion carried 6-0**

B. PC-2019-38, Discussion on possible Text Amendment to Zoning Ordinance #78, Articles 30 & 34.

Planning & Zoning Director Girling, presented.

Planning & Zoning Director Girling stated that she has not come before them with a text amendment in a while. The main one being within the (BIZ) section of the Ordinance. They recently had two applications for a rezone to (BIZ) which is not an overlay it is a zoning district. There was nothing within the Ordinance that said that (BIZ) could not be anywhere within the Township. She was certain that the intent of (BIZ), considering that (BIZ) stands for Brown Road Innovation Zone, was not such that (BIZ) could be on any property anywhere in the Township. She is seeking discussion on what type of restrictions, if any, that they would want to put within the Ordinance on where somebody could seek a rezone to the zoning district (BIZ). The two they received so far were adjacent to it or only a road was separating it and it was adjacent to (BIZ); but what would stop somebody from coming in and saying I want to rezone a property at the northwest section of the Township to (BIZ), which then they would say (BIZ) use group A, B, C, D and they could ask for and rezone it to be the big large open slate of uses that (BIZ) accommodates. Originally when someone asked her this she thought, no, (BIZ) intent is to be this small district and if you look at the text of (BIZ) there is map of those properties that are (BIZ) and which use group they are and she wasn't sure that they wanted to open the slate to Township wide.

Secretary St. Henry stated so you are asking us if we agree with you.

Planning & Zoning Director Girling replied and what criteria; if you agree with us would be that we are proposing to limit where (BIZ) can be done. We could have something within the (BIZ) text that says that (BIZ) is as shown and only properties adjacent to it could be rezoned to (BIZ). She did run this past the attorney as possible text amendment.

Secretary St. Henry asked the ambiguity in this whole thing is just the fact that they did not spell out what (BIZ) stand for?

Planning & Zoning Director Girling replied they did, it has a name but nowhere in the text does it say you cannot have it anywhere. When the first applicant approached her, she did go to the attorney and said she is not seeing anything here saying that they had to stay within what is now the (BIZ) boundary and what (BIZ) text reflects as being the map of (BIZ). The attorney did say she was right, there is no language in here stopping anybody from applying for it. In both cases the recommendation from the Planning Commission was for approval to rezone to BIZ, but it brought up a factor that do we want to leave it open that someone at Indianwood and Baldwin could ask to rezone a piece of property to (BIZ).

Vice Chairman Gross stated that anybody can ask for any rezoning, it does not mean that it is going to get approved.

Trustee Steimel questioned there is a Brown Road Overlay District and somewhere along the line the name changed from Brown Road Overlay to BIZ, and what you are saying is it did not really.

Planning & Zoning Director Girling noted that there were two text amendments that were worked on, originally there was an overlay and then they physically rezoned all the properties, that are currently BIZ, to a zoning district called (BIZ), there is no underlining zoning, there zoning is (BIZ), so it did change. She did research that at one point and time that there was an overlay and then it was decided that they did not want the overlay they physically wanted to create several properties and physically rezone them, in entirety to a zoning district called (BIZ), Brown Road Innovation Zone verses Brown Road Overlay.

Secretary St. Henry questioned did you say there were two cases where they ultimately approved the rezone and the applicant used the (BIZ) criteria?

Planning & Zoning Director Girling replied that one of them withdrew before it was final, they withdrew at the Board level and the other one did go through. The one was the piece that Pulte bought for Breckenridge that was adjacent to it, so they extended the boundary of (BIZ) by rezoning that to (BIZ). The other one was the Shalom Baptist Church on the west side of Baldwin Rd. which they did recommend approval to rezone to (BIZ) use group, B, C & D but do not quote her on that, and when it got to the Board, they did withdraw it.

Planner Lewan said that looking at the Master Plan the area that is (BIZ) right now on the zoning map is planned for a designation called industrial, commercial, and residential mixed use. There is only one other area in the Township that has that Master Plan designation and that is in the Lapeer Road Overlay District, which is already zoned Lapeer Road Overlay District. While you certainly could make a text amendment to say that all (BIZ) has to be adjacent to the existing (BIZ) and that would solve the problem and be relatively simple, he would submit that the Master Plan is going to guide that discussion to a certain degree as well. If someone is out in the middle of the hinterlands wanting a (BIZ) zone and it is planned for some other designation it is very unlikely that, not impossible, but very unlikely that they would get that rezoning.

Vice Chairman Gross stated it would make their job easier.

Commissioner Reynolds stated that he thinks that if it is adjacent to it, he could understand where it could be useful, but does not want it to be an open book to say I want (BIZ) because of all the other things it allows them to do. It needs to be limited to that corridor and he thinks that the Master Plan is a good guiding factor for that, but if their original intent of (BIZ) is to keep it within that, they wouldn't name another area, Lapeer Overlay District that is not along Lapeer. He does not have any problem adding that this should be adjacent to existing (BIZ).

Trustee Steimel replied that if they just want to add text to identify this area, he says do that.

Commissioner Reynolds asked do not we already have that though?

Trustee Steimel replied no, evidently, they got rid of it. We did have it at one time.

Planning & Zoning Director Girling stated that we have a map, but it shows all the properties that are zoned (BIZ). There is a PUD and Conditional Rezone we are leaving ourselves with a open slate; and yes they do always have the option to say no, but you know how sometimes you say no and then you are forced to say yes, so do we want to leave ourselves open or do we want some kind of restriction in here considering it talks about there is a waiver the Planning Commission can give on the Schedules of Regulations within (BIZ). There is text that makes no sense, it talks about the street lighting along Brown Rd., so it just makes it easier to set some kind of boundary on what shall be considered properties that can be zoned (BIZ).

Commissioner Walker stated that there is a map at figure 34.10 it says zoning map for the Brown Road.

Commissioner Reynolds questioned are we utilizing this map, but it is in there?

Planning & Zoning Director Girling said we are not utilizing it because they allowed the two that applied anyway.

Trustee Steimel stated put whatever text you need to identify this area. Now that does not mean that the more logical, that someone right next to it, well then you are making a boundary adjustment too. It is not only a potential rezone, but then they would consider it. But then that just more logical progression right, it is one more lot to the east versus it is somebody over in the northeast section, no, this is the definition of where the (BIZ) district is.

Secretary St. Henry asked is it easy to make that language adjustment?

Planning & Zoning Director replied if she is understanding them correctly, they are saying if it is contiguous or do, they have a certain measurement?

Trustee Steimel replied do not worry about contiguous, just define it if she needs to in the text of what it is now, just define the area, if that is what you are saying is the problem it is not really defined, whatever you got to do to define this is the (BIZ) district.

Planner Lewan stated it is defined.

Commissioner Reynolds said they had it and they added to it but there are no parameters saying where else can you add to it. We can say here is where it is at and this is the end, but we have already set the precedence that we can add to it.

Secretary St. Henry stated why do not they just say it is up to the discretion of the Planning Commission or whoever to deviate depending on the location of the property in question. Then they just say no if they are three miles away.

Planning & Zoning Director Girling stated that they have seen in the past what happens when they say no, or what can happen if they say no. Then you get into property rights, where if they propose whatever language it is, it will be no further west, east, north or south of this whatever it is going to be and if it is looked at by the attorney and he says it is legally defensible then they have set a parameter because they have a certain reason they want this area only to have that zoning capability. That was the problem when she was approached about the rezoning the two, they had, her first reaction was "you can't do that", and they asked why can't we do that? That is when she contacted the attorney and said, "I don't see anything stopping them" and he said she was right; you should entertain doing something with a text amendment to set the parameters. If you don't want someone to have the ability to apply to rezone to (BIZ) at the northwest corner of the Township, then we should have something within (BIZ) saying some logical reasoning. We want it to be just south of Jordan and east of Baldwin, or whatever you are going to set it because these are the design criteria's you want for this area.

Planner Lewan added that technically that should be included in the Master Plan. If they are going to be talking about boundaries of the (BIZ) that are not what is here now, that should be reflected, plan first, zone second, that should be in the Master Plan. That is technically the correct way to do it. If they just wanted to do something simple that says rezoning can be

adjacent, he thinks that would be fine, but if they are starting to talk about reidentifying where you want (BIZ) to go, that is part of the Master Plan.

Planning & Zoning Director Girling questioned is that a matter of where we want it go to or where we want to stop it from going?

Planning & Zoning Director Girling stated that she has always been under the impression that it was the map that they saw and that was the only area it could be. She was rudely awakened to the fact that because of the lack of language it could be. Yes, they could use the Master Plan as a reason to say no, because it does not match the Master Plan and the Master Plan makes it clear what their plan is.

Vice Chairman Gross asked she is suggesting that there could be options if there is land that is adjacent to the existing (BIZ) then that could be considered as a part of it.

Planning & Zoning Director Girling said that is what they have done to this point.

Secretary St. Henry added he thinks that is fair.

Commissioner Reynolds stated that he thinks it is a fine parameter and they need to set that until they reevaluate the boundaries of the (BIZ) district moving forward, to evaluate if there are any other spots to expand it to.

Vice Chairman Gross said so if she could come up with some language to that effect.

Trustee Steimel noted that it sounds to him if you want to find the boundary now, this is where the zoning district goes, it is a special zoning district. However, in the Master Plan they could maybe have some wording where there is a little bit of area around that, that in the future could also be considered for (BIZ). There are some logical ones, maybe some of those are some of the first ones that they should consider but he thinks there must be a limit. Marco wise that needs to be handled in the future Master Plan and right now you just define it, this is where it is at and that is it. It is defined in this area for a reason; work with Dan get some wording, but here it is.

Planning & Zoning Director Girling said to keep it as it is including the one little piece that they allowed because that will be rezoned to (BIZ) and then whatever that wording is to keep it as it is currently displayed plus that piece and that whatever wording he comes up with bring it back and go from there.

Trustee Steimel said he thought it was similar when the Township Board there is something about people applying for tax credits and it was for a long time a two-step process. Their property had to be identified, and that then made it eligible then to apply for tax credits; the Township looked at that and thought that was lame, why do not we just define where that area is. The whole idea was to spur investment in the industrial area so they kind of defined where that area was and so step one was kind of eliminated; and it gave them a good way for someone coming in and saying "I want to do a tax abatement up here" and it doesn't really fit. That means that they would be going through the two-set process again so it did not say you could never do it, but he felt it was kind of similar.

Planning & Zoning Director Girling asked so his directive is to keep it as it is just come up the language to make it such that it keeps it as it is.

Trustee Steimel replied yes; and when they are doing the Master Plan, which is not that far off, make notes and they can say some future stuff.

Commissioner Reynolds said his only thing with that one is that we have already opened the precedent that they can add to (BIZ); so now why are we closing it now?

Planning & Zoning Director Girling stated that she thought in the Motion when they approved Breckenridge, one of the rationales was it was adjacent, but it did have in their findings that is why they recommended approval of it because it was adjacent.

Commissioner Reynolds replied that he did not recall of what they came up with, he is all in about locking it down, he just wanted to make sure that they are not opening themselves up to well just that one and now we are done.

Planning & Zoning Director Girling added if the attorney comes up or she comes up with something and the attorney approves it and she brings it back to them which is what would occur, they would see the language which is however they come up with to describe what it needs to say as it is. That is what they are lacking right now, describing that this is a boundary and those within it are the boundary and so that would be the starting point until they choose to handle it another way.

Commissioner Walker asked if she could check and see if they used the word adjacent when they granted the Breckenridge and put that in the temporary new language and use the word adjacent and that would obviously they would have to be touching the (BIZ) district and then rope it in for the time being.

Planning & Zoning Director Girling replied by doing that they are going against what Planner Lewan said that then they should really be changing the Master Plan.

Commissioner Walker stated that is just temporary and when they change Master Plan to do whatever they want to put in the Master Plan when that time comes. That will cover them for what they did already and limits them to their exposure until and if they change the Master Plan.

Commissioner Reynolds added that he is good with closing the boundary if they are not opening another conversation based on that Motion and that rezone. If they deem otherwise and pull that forward and there is some other question, he would like to see back and have further discussion.

Planning & Zoning Director Girling replied absolutely, she will research what the Motion was and talk to the attorney, come up with some language and bring it back to them.

Trustee Steimel said you have an area that is zoned Industrial Park (IP) and it is in a logical spot yet technically right now someone could come and right over here I want to put (IP); do they really think they are going to have a hard time defending that? They are so far from the (IP) and it does not make any sense there, there are lots of reasons why that it should not be rezoned, to (IP) he is not quite sure why they think there is a weakness here even from the (BIZ) district?

Commissioner Reynolds replied that he would agree except they have a case they have already rezoned to (BIZ).

Trustee Steimel added well they have also rezoned some property that wasn't in (IP), it doesn't necessarily preclude that they are setting a precedence for every rezoning request from here on

out because they approved (IP) rezoning or a whatever rezoning at some point does not preclude that is the defense of why you can't.

Planner Lewan said that he agrees with Trustee Steimel completely and that is why he brought up the Master Plan issue to start with. They have a Master Plan and the Master Plan shows where generally the zone is supposed to go. When you are looking at a rezoning you do not always have to follow the Master Plan, it is not an exact. In the case where they adjusted there was good reasons for that; as a Planning Commission and Township Board they have some leeway to allow those good reason to come out, you just must mention that in the Motion. His opinion it is ok the way it is, he does not think any change is needed. If they want to expand the boundaries, they do that during the Master Plan.

Planning & Zoning Director Girling said that she respects that she is just going by when she asked the attorney based on being surprised that they could do that, that they said they left ourselves open. The only reason she was bringing it up now was they have had two already this year.

Secretary St. Henry added that it made sense to rezone, so they used their discretion to rezone. If another one comes up and it does not make sense, then they turn them down.

Planning & Zoning Director Girling asked they do not want to go with the recommendation of the attorney that there should be something in there?

Commissioner Walker said use the word adjacent and then they are covered and if it is then they will have to deal with that. They are anticipating a lot of stuff rolling down the hill here that might not ever come rolling down the hill.

Planning & Zoning Director Girling said she will do the research and will look at what both Motions said, look at the discussion, approach the attorney and see what he says.

Planning & Zoning Director Girling explained the next item, that there was an inconsistency in the rezone section which is 30.04, which is an amendment to the zoning ordinance; does not mention in the list of requirements for an application a traffic study, yet section 27.14 which is Access Management specifically lists a rezone is being one of the criteria where the traffic study is necessary.

Trustee Steimel asked is not the wording though that the Planning Commission can request a traffic study on a rezone?

Planning & Zoning Director Girling replied correct; but sitting with a public hearing where they are presenting and the public is here to hear it really if there is going to be a traffic study they may want that information during the public hearing and it would be nice to know it at the time they are applying so it is there for the public hearing. Keeping in mind a lot of this they end up going through this in one meeting and this has been what has been occurring. We have a public hearing we have deliberation on the same night and everything seems to be on a fast track so if they don't require a traffic study but OHM is doing the review and they are doing everything according the Ordinance and they say should submit one and then it doesn't say it with the application and they have had their public hearing; and yes she realized at any point an time they can say stop, we are going to hold on this we are not going to make up our mind on it because we don't have a traffic study; but really why is that not a piece of the equation at the time they are having the public hearing?

Vice Chairman Gross stated that there are minimum requirements before a traffic study would come into play. It is not like any rezoning requests would have to have a traffic study.

Planner Lewan said that during a rezoning there is a wide variety of uses that could occur. Some generate a little bit of traffic some generate a lot of traffic. You do not have to bring a Site Plan for a rezoning, in fact, we don't even want to see a Site Plan for rezoning because you walk out the door you get hit by a bus you can do anything in the district. A developer is going to show up with a traffic study showing what? Showing the lowest traffic generator or the highest traffic generator? Unless it is a Conditional Rezoning where we know exactly what they are doing; requiring a traffic study for a Standard Rezoning is something he would not recommend.

Planning & Zoning Director Girling asked if they took the language of 27.14 which is access management that it specifically says a traffic study shall be required for the rezone and just say if requested by the Planning Commission. So, if they are reading that section, they do not see a disparity between the two sections.

Commissioner Reynolds replied done.

Planning & Zoning Director Girling stated that the applicant should have the knowledge of what that caveat is and they might anticipate it being asked and based on the use that they know they are going to be proposing bring it but it is not going to be required.

Trustee Steimel stated and since they do have criteria about when they probably they would ask for one, they go to a pre-app did you see these and it sure looks like by what you are proposing you better be prepared.

Planning & Zoning Director Girling said these other ones are very minor but realize that she cannot do a text amendment without discussing with them. The Ordinance call for a specific number of plans upon applying for a Site Plan; she is proposing that it says per what the application asks for because as they become more technology driven the number of copies keep diminishing and she doesn't want to change the Ordinance all the time so she is looking to change it to simply say the number of plans are as specified in the Site Plan application.

Commission Reynolds replied sold.

Planning & Zoning Director Girling added in the (BIZ) section they discovered that when they receive the information from OHM with what the street light is suppose to be along Brown Rd. that they gave North Yorkshire compatible that was literally they found only the name of the light itself it did not describe the pole it did not describe the fixture attached to the pole, so they got clarification from OHM and she is looking to add the diagram that gives what they are looking for so they don't end up with mishmash.

Commissioner Reynolds replied sold.

Planning & Zoning Director Girling stated and the language that they must be pointed outward. She has received many that in the Site Plan in and they did not notice to till after the fact that they light was pointing in towards the development instead of out.

Commissioner Reynolds replied sold.

Planning & Zoning Director Girling said and the last one is just a section that was pointing to the wrong section and she is going to fix that.

Commissioner Reynolds replied sold.

Planning & Zoning Director Girling said the only thing they will need to see back, they will have to see the text when she changes it for all of it for the public hearing but she won't forward all of it until they resolve what they are going to say on the (BIZ) language when she researches it so they will see that back.

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

A. Report on PC-2019-31, Orion MHC Pavilion Project, Admin Review, 09-35-300-001. Mobile home park added a small covered pavilion for their residents, and it was approved.

B. Minutes from PC-2019-38, Discussion on possible Text Amendment to Zoning Ordinance #78, Articles 30 & 34, was approved. They denied the Site Plan for the need of variances, however, if they got their variances they did not have to come back and the ZBA did grant the variances.

11. COMMITTEE REPORTS

None

12. PUBLIC HEARINGS

Planning & Zoning Director Girling stated that there is a future public hearing on September 4th at 7:05PM for a Conditional Rezone for Firestone Complete Auto Care, they came back with different conditions, so it is a new application, same location.

13. CHAIRMAN'S COMMENTS

None

14. COMMISSIONERS' COMMENTS

Commissioner Reynolds commented on coming out to Miracle Field on Friday at 7PM at Friendship Park.

15. ADJOURNMENT

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

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

August 21, 2019
Planning Commission Approval Date