

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

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

REGULAR MEETING, WEDNESDAY, OCTOBER 16, 2019

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 16, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman
Don Gross, Vice Chairman

Don Walker, PC Rep to ZBA
John Steimel, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT:

Todd Garris, Commissioner
Joe St. Henry, Secretary
Scott Reynolds, Commissioner

1. OPEN MEETING

Chairman Dunaskiss opened the meeting at 7:00pm.

2. ROLL CALL

As noted

BOARD OF TRUSTEE MEMBERS PRESENT:

Chris Barnett, Township Supervisor
Donni Steele, Treasurer
John Steimel, Trustee

Mike Flood, Trustee
Julia Dalrymple, Trustee
Brian Birney, Trustee

BOARD OF TRUSTEE MEMBERS ABSENT:

Penny Shults, Township Clerk

CONSULTANTS PRESENT:

Eric Fazzini (Township Planner) of Giffels Webster
Rodney Arroyo (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of OHM
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Jackson Belanger
Bryan Belanger
Christina Belanger
Martina Nunnery
Wes Brooks
Sam Ashley
Wendy Wroby
Judy Ryan
Jean Craighead
Robert Craighead
Tim Teller
Jerrel Mays
Joshua Flood
Erin Wolff
Dawson Wolff
Matt Ries
Jenny Ries

Pat Lo
Julee Lo
Todd Mack
Marc Sites
Joseph Peterson
Alex Pollack
Misty Pollack
Jenn Zielinski
John Gobel
James Oliver
Don Hickmott
David Barylski
Darren Dipetta
Sharon Kupski
Rachel Zachariah
Kim Murley
Chris Porleous

Martin Kaufman
Stephanie Atrimes
Sharon Jasso
Angela Debrincat
Colleen Kayl
Jeff Kayl
Brittany Jasso
Noah Stevens
Karen Maynard
John Maynard
Luke Ferguson
Linda Rubarth
Judy Haffner
Dan Haffner
Tayler Hoover
Alexas Hoover
David Talaga
Joelyn Beaver
Craig Scavone
Jill Williams
Ty Williams
Timothy Winter
Lynnette Winter
Lori Lynch
Jerry DeMott
Mario Rosini
Shylah Rosini
Matt Rama
Michael Rich
Daniel Edwards
Deborah Peterson
Debra Walton

3. MINUTES

- A. 10-2-19, Planning Commission Regular Meeting Minutes
- B. 10-2-19, PC-2019-47 Lavender Ridge Public Hearing Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker to **approve** the above 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 Joint Public Hearing with the Board of Trustees at 7:05pm for case PC-2019-48, The Cottages of Gregory Meadows Planned Unit Development (PUD), located at 3537 and 3595 Gregory Rd. (parcel #09-31-200-006 and 09-31-200-008). The applicant, Pulte Homes of Michigan LLC, is proposing to rezone the property from Suburban Farms (SF) to Planned Unit Development (PUD) to construct 72 condominium units on approximately 32.75 acres.

Supervisor Barnett opened the Joint Public Hearing for the Township Board of Trustees at 7:05pm.

Moved by Trustee Flood, seconded by Trustee Birney to close the special meeting of the Township Board at 9:18pm. **Motion Carried**

Chairman Dunaskiss closed the PC-2019-48 Joint Public Hearing at 9:18pm.

*Chairman Dunaskiss recessed the meeting at 9:18pm
Chairman Dunaskiss reconvened the meeting at 9:25pm*

7. NEW BUSINESS

- A. PC-2018-27, Baldwin Medical, Village Square Major PUD Amendment Site Plan Extension, located on 2 vacant parcels (09-29-301-084 & 09-29-301-085) south of 3520 S. Baldwin Rd.

Chairman Dunaskiss asked the petitioner to give an overview of their request.

Mr. Michael Rich on behalf of Baldwin Medical Investments, LLC, presented.

Mr. Rich stated that this was their first request for an extension, they had hoped to already have ground broken this year. They ran in to a couple of hiccups but they were hoping within the next 90 days to get in the last of the paperwork to the Township and by spring have shovels in the ground. They were hoping for a one-year extension but were expecting to break ground in the spring. He explained, this is a (PUD) that has already been existing for 15 years, this is a third amendment, and it is taking awhile to get all the owners on board to agree to the amendment to the (PUD). The proposed project remains as it is, it is a two-story commercial building the

second floor will be medical, the first floor will be mainly retail with possibly an urgent care as well on the first floor.

Chairman Dunaskiss asked if there were any main tenants yet?

Mr. Rich replied that they have not signed any leases.

Chairman Dunaskiss questioned regarding the self-financing so there will be no contingency with the preleasing before it going forward with the shovel in the ground?

Mr. Rich answered there are nine members of the LLC which are all financially wealthy and can finance most of it internally.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approves** the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment site plan for one (1) year. This approval is based on the following facts that the petitioner is proceeding with the development and that the construction on Baldwin Rd. over the last year and is expected to last another year and may have impacted the development potential of the property.

Roll call vote was as follows: Walker, yes; Steimel, yes; Gross, yes; Dunaskiss, yes.

Motion carried 4-0

B. PC-2016-30, KPMF-USA Expansion, Site Plan Extension, located at 67 Kay Industrial Dr. (parcel 09-35-200-025).

Mr. Sam Ashely with Cunningham-Limp, presented.

Mr. Ashely stated that Cunningham-Limp is the construction firm that has been engaged by KPMF, he also had a representative from KPMF as well to address any questions.

Mr. Ashely noted that his firm was bought at the end of August of this year with the direction to go forward. This project previously has received site plan approval as well as an initial extension to it. The engineer drawings had been completed and submitted to OHM, approval letters had been issued. He explained that as the construction partner, their first goal was to go forward and secure the civil related permits, schedule a pre-con with OHM, and commence the site work construction. In September of this year the business was sold to ORAFOL International who is headquartered out of Georgia. The goal is to move forward with the project. The equipment that will go into the expansion space will need to be evaluated by the new owners. They need time to become familiar with what was previously put together. They are seeking a one (1) year extension for their site plan. If there are modifications needed to the approved site plan, they would bring that back to the Planning Commission before any work would commence.

Trustee Steimel said normally he would say, knowing who was here, that they are moving forward with construction, but he would say with what just recently happened, it is all up in the air now, which is disconcerting. They don't even know if this is going to happen. They have already granted two extensions on this and has taken quite a while. If it would have been the original applicant, it would have been much easier, but now he is concerned that they are going to grant this extension.

Mr. Ashley stated that the current ownership is more excited about this expansion, or at least what had been shared with him, and it is truly their intent of moving forward. The expansion

based on the added revenue and business that comes with it was one of the added benefits of acquiring the business.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission **approves** a site plan extension request for PC-2016-30, KPMF Expansion site plan for an additional one (1) year. Since the ownership transition of the property justifies an extension to allow the new owners to evaluate the plans.

Roll call vote was as follows: Gross, yes; Walker, yes; Steimel, yes; Dunaskiss, yes.

Motion carried 4-0

C. PC-2019-48, Cottages at Gregory Meadows PUD Concept & Eligibility Plan, located at 3537 and 3595 Gregory Road (parcel 09-31-200-006 & 09-31-200-008).

Mr. Bill Anderson with Atwell requested to be postponed. He stated they received a lot of feedback from the public hearing and they have the consultant reviews. If the Planning Commission would like to give some additional feedback, they are open to hearing that.

Chairman Dunaskiss stated that normally simple majority wins on these, but they would need all four votes for anything to pass tonight on this conceptual plan.

Commissioner Walker said that part of him was hesitant to grant the postponement because all these people came today to voice their opinion and they were all there. At the same time, he felt that because of the paucity of Commissioners that are present, and they have not worked out the questions they had, so it might be a good reason to postpone it for those reasons. It would give everyone a chance to meet again and discuss matters and hopefully smooth out some of the rough edges and see what would come back.

Vice Chairman Gross agreed, a postponement would be appropriate based upon the amount of discussion that took place. He would like to see more detail in terms of the development plan to incorporate some of the comments that the Planning Consultant has indicated in his review and seeing how feasible this plan is.

Trustee Steimel said that the way this PUD process has been used against them lately is not the way the PUD process was intended to be. The parallel plan should be as zoned not what some future zoning could be. Even the fact that is it Master Planned as something doesn't mean that it is guaranteed that they get that zoning if they just came in and asked for a Straight Rezoning. They must look at each one individually. This has a lot of negative impacts the way it is currently proposed. He wasn't sure what questions were going to be answered, unless the plan is considerably changed. He felt it would have a huge negative impact on the area around it that is not to be mitigated anywhere within the plan. He stated it is not just the density, which is all everyone talked about, even on the zoning but there is also all the stuff that goes with it, the width of the lot and the size of the lots. He explained that the (PUD) process, wasn't so everyone could circumvent all the regulations and zoning and basically get a rezone and not do some of the requirements under the zoning. It was really to take a look and say in order to preserve property, the more preferred way was to use a (PUD) to do clustering. He could put 13 lots right on this one, well they wanted to put 13 but they want to make them smaller so now they don't conform with the (SF) zoning but they are just going to make them smaller lots up front and then they are going to preserve the area in the back. That was really what the intension was for applying a (PUD). Then there are things as far as to do a (PUD) they try to get a density bonus, but he did not think that criteria have been reviewed the way they have been doing this. He stated it is perfectly fine and it is in their right, that they want to have full

Commissions and they want to postpone. He stated but it is not going to make much difference for them unless they come in with a different plan. He just did not think it fits, with the negative impacts that it will have in the surrounding community. Saying that they had to put that connection to Peppermill Lane because their street is too long, that is not the surrounding community's problem, that is their problem. They should have to shortened it up, they did not have to go that far back with that road. He understood that they want to get more Planning Commissioners here, they should have a full Board, but the PC is just a recommending body. He stated it is tough because everyone was interested and wanted to hear deliberations. Now they must come back. The way they did things before a lot of times they never actually deliberated on a public hearing meeting for people that couldn't show up for the public hearing could still get their information in and to let the applicant potentially do something different.

Chairman Dunaskiss said as they look at the (PUD) process normally it is a series of meetings, public hearings, back and forth. We had a joint public hearing that everyone participated in. Given this is the (PUD) Concept and Eligibility plan he thought there was a lot of information and feedback across the board from all the members as to what they think the direction they need to go with it. It is the applicants right to get more of a quorum.

Trustee Steimel explained the PUD process and stated the way the process is, the Planning Commission is supposed to have the public hearing and then they make a recommendation to the Township Board. They would have to have a public hearing too, because they are considering a rezoning.

Commissioner Walker noted that they have not heard from the consultants.

Chairman Dunaskiss stated if this is postponed, they would dig into that next time. They have been furnished copies of the reviews and have access to them. He felt the plan needed a lot of changes based on what they had heard, what the recognizable public benefit was, and the overall density. They asked for a postponement he felt it was fine given the comments and lack of a quorum.

Trustee Steimel questioned was this being postponed to some future meeting? A lot of times people think it is the next meeting and they may already have a full agenda.

Planning & Zoning Director Girling said that she does not have any full agendas, they had one case that was pulled from this agenda, they have not resubmitted yet, so she wasn't sure when they were coming back in. Besides that, they have some small ones that are expected to submit but that is a regular occurrence and it is not known for sure when they will come in. There is no date, unless the applicant had a date they were thinking; if there are changes then they would have time for the consultants to reevaluate it.

Mr. Anderson replied that he is not suggesting being at the next meeting, he does want to address some of the consultant reviews and give study to what was talked about, so he is anticipating a resubmittal and a rereview. His hope would be in the next 30-60 days.

Chairman Dunaskiss asked if they had to give a date certain?

Planner Arroyo said that the only reason they would have to do a date certain is if they were holding the public hearing open and were going to extend it, then they would postpone it to a date certain. They have held and closed the public hearing, so they can postpone to a date uncertain.

Moved by Trustee Steimel seconded by Commissioner Walker, that the Planning Commission **postpone** action on PC-2019-48, Cottages at Gregory Meadows Planning Unit Development (PUD) Concept and Eligibility Plan not to exceed more than 120 days.

Roll call vote was as follows: Gross, yes; Walker, yes; Steimel, yes; Dunaskiss, yes.

Motion carried 4-0

D. PC-2019-49, Peninsula Agriculture, LLC Ordinance #154 Application, located on the north side of W. Silverbell Rd. on the west side of Lapeer Rd. (unaddressed parcel 09-26-300-012 formerly known as 09-26-300-011).

Planning & Zoning Director Girling stated that she believed that they had to pull the item from the agenda because they will not have a quorum.

Chairman Dunaskiss said that he offered to recuse himself, although he is not actually working on this item his office is and so asked to be recused from this item.

Trustee Steimel asked if the applicant was here?

Planning & Zoning Director replied she was, but they don't have a quorum. She told them that they don't have to actually be there because Ordinance #154 we have never required an applicant here, so if another board member shows up, they could deliberate without her, but no one else has shown up so with Chairman Dunaskiss recused we would have three members and cannot act on it.

Moved by Trustee Steimel, seconded by Vice Chairman Gross, that the Planning Commission **postpone** action on PC-2019-49, Peninsula Agriculture, LLC due to a lack of quorum to deliberate at this meeting so they must postpone.

Roll call vote was as follows: Gross, yes; Steimel, yes; Walker, yes; Dunaskiss, yes.

8. UNFINISHED BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMUNICATIONS

Memo from Planning & Zoning Director Girling regarding joint meeting date on January 8, 2020.

11. PLANNERS REPORTS

Planner Arroyo spoke about their newsletter, feature article this month was "This is National Community Planning Month".

12. COMMITTEE REPORTS

None

13. PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

Comments given

15. COMMISSIONERS' COMMENTS

Comments given regarding Master Plan.

16. ADJOURNMENT

Moved by Commissioner Walker, seconded by Vice Chairman Gross, to adjourn the meeting at 10:03pm. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

November 20, 2019
Planning Commission Approval Date

