

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, APRIL 21, 2021

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, April 21, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360 and also simultaneously VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285

(Meeting was conducted both in-person and via video/telephone conference due to the health concern of COVID-19 and the Michigan Department of Health and Human Services)

PLANNING COMMISSION MEMBERS PRESENT

Scott Reynolds, Chairman Kim Urbanowski, BOT Rep to PC
Jessica Gingell, Commissioner Garrett Hoffman, Commissioner
Don Gross, Vice-Chairman Don Walker, PC Rep to ZBA
Joe St. Henry, Secretary

PLANNING COMMISSION MEMBERS ABSENT:

None

1. OPEN MEETING

Chairman Reynolds opened the meeting at 7:03 pm.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Gary Quesada Tom Boutrous
Jason Vander Kodde Ashley Mack

3. MINUTES

A. 04-07-21, Planning Commission Regular Meeting Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve the minutes as amended.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported, that the motion was changed to postpone the approval of minutes for two weeks for clarification of the intent of a motion for PC-2018-49, Hills of Woodbridge. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to **approve** the agenda as presented. **Motion carried**

Chairman Reynolds recessed the regular meeting and opened the public hearing for PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI), at 7:17 pm and closed the public hearing at 7:24 pm.

Chairman Reynolds then opened the public hearing for PC-2021-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment equaling 90,000-sq. ft. located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008), at 7:24 pm and closed the public hearing at 7:29 pm.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

A. PC-2019-37, Meijer ORI, Special Land Use request for a Large-Scale Retail Establishment and Site Plan, located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001.

Chairman Reynolds asked if the applicant would like to make an additional presentation before they turn it over to their professional consultants?

Mr. Jason Vander Kodde, Civil Engineer Project Manager with Fishbeck, 1515 Arboretum Dr., Grand Rapids, MI presented.

Mr. Vander Kodde said that their presentation tonight is in support of the Special Land Use application. He said he had four things to talk about with them, obviously the introduction to Meijer Grocery, which Ashley had just provided, and then he is going to review the Master Plan, present the Site Plan as proposed, review the Special Land Use criteria, and then open it up for questions.

Mr. Vander Kodde showed them slides from his presentation. He said he was going to jump right into the Master Plan, this particular parcel is zoned for General Business (GB), it is also Master Planned for General Business (GB). He said that General Business (GB) as part of the Master Plan allows regional retail use including large format department stores and uses consistent with Meijer. He stated that this proposal is in full alignment with the Master Plan.

Mr. Vander Kodde presented the Site Plan as it related to the Special Land Use. The Site Plan is in part in with the Special Land Use they are requesting for a large retail in excess of 55,000-sq. ft. and they are asking for 90,000-sq. ft. To secure the Special Land Use, the Site Plan is an integral of how this is put together and they wanted to share with them how they planned that.

Mr. Vander Kodde stated he was going to cover six items, location, neighbors, driveways, access, utilities, and buffering. He said that there are 7.55 acres on the SE quadrant of S. Lapper Road and East Clarkston Rd. Their immediate neighbors are Planet Fitness to the north, Oxford Bank to the south, Burger King to the south, and they are going to have the proposed Ponds of Orion 13.5 acres site multi-family to the east. He stated that the site is accessed via five driveways, those driveways are currently proposed to remain unchanged. The primary driveway is the signalized intersection at the southbound crossover. The secondary driveway from Lapeer Rd. is in front of Planet Fitness, which is a right in right out. The third driveway is a full access driveway onto E. Clarkston Rd. The fourth driveway is a cross-access easement with a Burger King. The fifth driveway is a cross-access connection with the Oxford Bank. He added that with these driveways are to remain, they are proposing to

provide easements for ingress and egress to benefit those existing businesses and neighbors, as well as to benefit Meijer.

Mr. Vander Kodde said that they also have several utilities on the site to pay attention to. There is a storm sewer that goes to a detention pond, just to the east of the site. There is an existing sanitary sewer main that runs through the front of the site and serves Burger King, and the neighbors to the south. There is an existing water main loop around the site that benefits the Township and the adjacent neighbors. There is also an existing berm, and a 30-ft. easement to the east, south, and southwest of the existing Kmart building.

Mr. Vander Kodde stated that they have ample adequate site features to work around with their planning process for a large format retail.

Mr. Vander Kodde said he was going to present how they have proposed to accomplish that, hopefully, together with them. Their site planning includes their customers because Meijer is a customer-based family-owned business. Then they want to provide access for the neighbors and themselves. They want to continue to provide utility service, and provide screening and buffering according to the Township Zoning Ordinance and planning ideals.

Mr. Vander Kodde showed the Board the upper right end of the store as their front entrance, and that is accessed by their primary parking lot, and then they have a secondary parking lot just to the north of the entrance. To the left side of the building is their pharmacy drive-up window, which is right behind the Oxford Bank. The right side of the building is the online order pick-up area. Behind the building on the south is the employee parking lot, and then on the northeast corner is the shipping/receiving area. Those are coordinated with their access easements with their neighbors and their existing driveways.

Mr. Vander Kodde said that the proposed store location also accommodates the existing utilities, the sanitary sewer is in the same location, the water main loop also goes around the building, and then the storm sewer connects to the existing storm sewer lines that were historically serving the Kmart building. They are respecting and reusing those existing utilities. He added that there was also a DTE powerline that runs along the south southeast and east property lines, which will also remain unchanged. He said that is their site planning, they accommodate customers, access, utilities, and screening.

Mr. Vander Kodde said next he would like to talk about the Site Plan waivers they are requesting. As their planning processes unfolded with the Township staff, they realized that this particular site with its existing conditions is a perfect fit for their proposal and it fits well to the site, however, some of the zoning ordinance requirements are going to require a little flexibility, if they are going to work together, so they are looking for their help on several items. They are trying to balance several things in the zoning ordinance on this site. The first thing is the parking space count. The ordinance requires five parking spaces per thousand square feet in the building, and they are at 3.2 parking spaces per thousand. They have submitted a parking study as part of their application packet supporting that request with their anticipated parking for the business. Because they are looking for a reduction in parking, they are also looking for a reduction in landscaping, they are trying to balance the need for as much parking as possible, with the need for as much landscaping as possible, on a very small existing site, that they thought was a perfect fit for a new Meijer store. The circulation patterns, the green space, and buffering areas are specifically designed to be as big as possible for both parking and landscaping needs. He added that the Township Planner can support the fact that they have provided as much parking and landscaping as they can within the site constraints and they still fall short of both parking and landscaping. If they are to increase the landscaping, they fall even further short in parking. If they decrease landscaping to increase parking, they fall further short

in landscaping. With the 7.55 acres site, there is simply not enough real estate for them to accomplish everything the ordinance asked them to do. Those are the waivers they are asking for tonight. He was happy to talk about any of them in detail but wanted to start with a high-level conversation for them.

Mr. Vander Kodde said they are also looking at the Special Land Use criteria. They are compatible with the adjacent uses and the Master Plan. They are reusing their existing public services, impact on traffic patterns, and they are not creating detrimental effects, they are enhancing the surrounding environment with improved landscaping, and circulation and they are not isolating any existing land uses. They felt that they meet the Special Land Use criteria.

Planner Fazzini read through his review date stamped April 9, 2021.

Engineer Landis read through his review date stamped April 7, 2021.

Chairman Reynolds stated that the Fire Marshal had some comments in regards to the east drive requiring no parking signage, and the Fire Department connection is being on the northeast side of the building. They don't have any comments from RCOC, but they did complete a preliminary review. There were no additional comments or concerns for their Public Services review. There was a site walk done by the site walk committee, himself, Vice-Chairman Gross, and Secretary St. Henry were present.

Vice-Chairman Gross said that the cross-access agreement with the property to the north the formal written agreement, the bank, and Burger King that was kind of a handshake. Ms. Ashely Mack said that Burger is documented, and then the bank is historical, so they are going to leave everything as is. Vice-Chairman Gross asked if they were formal agreements? Ms. Mack replied that since it has been there for so long, they are not going to touch it. Vice-Chairman Gross said if they wanted to, they could close them off? Ms. Mack replied they could but she didn't think it would be beneficial to them.

Vice-Chairman Gross asked what was the net use of the store? Ms. Mack replied that the entire store will be 90,000-sq. ft., she said but the sales floor area they didn't lock that down. Vice-Chairman Gross said basically 10% or 20% is backroom? Ms. Mack said probably closer to 10%. Chairman Gross said that would reduce the amount of parking that would be required under the ordinance by about another 50 parking spaces or so.

Vice-Chairman Gross asked what the status of the Ponds of Orion? Planning & Zoning Director Girling replied that they have a soil erosion permit that has occurred. She added that the developer is active in the community in other developments so it is not a matter of them being gone, they just have not proceeded past the soil erosion, and the soil erosion stops the expiration of the site plan. Vice-Chairman Gross asked if they are moving forward or not? Planning & Zoning Director Girling replied that she has no reason to believe they are not.

Vice-Chairman Gross stated that one of the reports said that the Ponds of Orion will be installing a 6-ft. concrete along the rear property line between their properties. Mr. Vander Kodde replied yes there is a 6-ft. concrete on the approved engineer drawings for the Ponds of Orion on their side of the property line. Vice-Chairman Gross asked if their plans could reflect that 6-ft. wall that would be by others, he thought that would be helpful because right now there is just a chain-link fence back there. Mr. Vander Kodde replied absolutely.

Vice-Chairman Gross asked about the retention pond? Engineering Landis replied that is an existing pond that the Ponds of Orion are proposing to enlarge to accommodate their development. As it stands now that pond serves the existing building, so they are allowing them

to discharge to that as is with the understanding that they will be adding the mechanical pretreatment devices to filter out the sediments as it doesn't have a 4-bay. Vice-Chairman Gross asked if Engineer Landis was ok with that under the current plan? Engineer Landis replied yes.

Vice-Chairman Gross asked if their trash is going to be with a compactor inside the store? Mr. Vander Kodde said that the compactor is inside and the trash receptacle is outside, but it is an enclosed receptacle.

Vice-Chairman Gross said relative to the parking he saw a logical request to reduce the amount of parking. They are dealing now with online purchases which are going to reduce the amount of instore traffic, hopefully, and the same with the pharmacy so people will not be parking their car and going into the store and taking up parking spaces.

Vice-Chairman Gross thought that their report was very well done, in terms of addressing all of the issues regarding the standards and requirements of the Special Land Use.

Vice-Chairman Gross questioned the other Board Members if there are some items that require Zoning Board of Appeals waivers, and asked if they were in the position of denying the site plan because of the deficiency in the setbacks, or approving subject to the waivers? Planning & Zoning Director Girling said if they look at the suggested motions, she has incorporated them into the postponement which could be carried to any of the other motions. She did have a conversation with the Township Attorney and based on the complexity of it and discussion on the ability to go to the Zoning Board of Appeals prior to a concrete answer at the Planning Commission is appropriate. It would be whatever their motion is, deny those features that require a variance to allow the ability to go to the Zoning Board of Appeals. She added that if they are ok with what is on the plan, and they are giving a Conditional Approval, the suggested motion would be technically denied, however, if they get their variances they are approved, which they are used to doing. If they don't feel that everything is on the plan that they need to see, then that is the motion that she provided to them which is a motion to postpone, however, they are denied on the aspects that it requires a variance to allow them to go the Zoning Board of Appeals before they come back to the Planning Commission. All of that was verified with the Township Attorney.

Mr. Vander Kodde asked Planning & Zoning Director Girling that he thought it was referring to the Site Plan component or is that also the Special Land Use component. Planning & Zoning Director replied correct, the Special Land Use can be decided, the waivers can be decided tonight if they so choose, and then recommend approve or recommend approve with conditions, postponed whatever they chose on the Site Plan.

Chairman Reynolds said that there are a number of items for this approval, some waivers that they can grant, and then the variances that they will need to seek. He asked if they were looking for feedback on the general open items and to come back with a revised Site Plan with them or are they seeking full approval tonight with conditions? Mr. Vander Kodde replied that in the reviews that they received from the professional consultants there is nothing in there that was concerning to them. They are able to accommodate all of those requests, however, they are more than happy to bring back a revised Site Plan if that is what the Planning Commission desires.

Vice-Chairman Gross thought it was a good reuse of the property. It makes sense that a retail building going to a retail building. The requested waivers he thought were justified based upon the surrounding circumstances with the adjoining properties. He thought that the parking count was justifiable. He felt it would be a disservice to deny the plan and then have it wait another

month to have it come back to them for final approval. He said he didn't see a formal landscape plan. Mr. Vander Kodde said that there was a landscape plan on sheet C600. He did not have the species of the trees called out but had the locations of the plantings and the number of trees and bushes called out. Mr. Vander Kodde said that they have provided the evergreen and the deciduous ornamental, shade tree, plantings beds, and shrubs locations. They just haven't spent the time to detail out the species and calibers at this point. He added with the inquire of if they are satisfied with the layout, and if they are, then they will dive into that detail and present it to the consultants.

Chairman Reynolds stated that he agreed with Vice-Chairman Gross's comments he thought it was a very comprehensive package, there is a handful of items that need a little additional detail or clarification he thought for the record. He didn't think there were major items there, it was not an extensive list, he thought it was a number of detailed items that in many cases they establish in final engineering it is a very large package there is a lot of forethought here.

Chairman Reynolds asked where was the intent for the dumpster enclosure then, and if it was a standard size dumpster enclosure? Mr. Vander Kodde said that just to the right of the word Meijer there is a bump-out on the building just to the east of that bump-out are two thick strips those thick strips are heavy-duty concrete for the dumpster enclosure to run on when it gets offloaded and loaded onto the semi-truck. Chairman Reynolds asked if it was recessed or screened? Mr. Vander Kodde replied that it is recessed, it is four feet down. He added that if they look at the side elevation of the building, they will see that there is an opening there for the compactor.

Chairman Reynolds asked if there were any issues with addressing that the east drive would not be utilized for no parking signage, essentially the Fire Marshal comments. Mr. Vander Kodde replied no issue.

Chairman Reynolds asked if they had an idea of how many square feet is the building that is being removed? Mr. Vander Kodde replied approximately 86,900-sq. ft.

Chairman Reynolds asked if they are keeping a similar parking count? There are modifications to the lot, but is that a similar parking count for that? Mr. Vander Kodde said that they would be reducing the parking count because the entire south lot on the building was also used for parking, so that south lot of parking is going to be essentially reduced to the employee parking spaces. The area of the north front entry, there will be a reduction in parking from the existing count to the proposed count in order to increase the landscaping and allow the online order pick-up area. Chairman Reynolds asked in the general sense of the western portion of parking is that parking count give or take similar to what was provided? Meaning the primary retail parking of the previous facility was similar square footage, and they are dealing with similar numbers here. Mr. Vander Kodde replied that the main lot is going to be similar, he hasn't done a per space count.

Secretary St. Henry asked if they know what the overflow parking is roughly? If Meijer customers did encroach into the rest of the parking area, do they have a general idea of how many spots are there in front of Planet Fitness and the smaller retail outlets? Mr. Vander Kodde replied that he didn't have that number this evening. He said being out there onsite during rush hour, that the parking lot was less than half full.

Vice-Chairman Gross asked if they had rights for cross-parking as well as access drive? Mr. Vander Kodde replied that they do not have cross-parking rights, they only have cross-access rights.

Board Member Walker said he wanted to compliment them. He has been doing this for some time, and theirs was one of the best presentations that he had ever seen. He added that this was like the angels lifting Kmart out of there and putting them in there. He thought that everything just seems to fit. He said that when he first looked at this, he thought that they wanted a bunch of waivers, and then he began thinking, how did Kmart get this without those waivers? Did the ordinance change? They are going in there and they are becoming Kmart as he can see it. He stated that they didn't tell them how wonderful it is going to be for Orion Township, they said none of those things, he was so happy to hear that. They are here to make some money, he gets it, it is wonderful and it is the way it is supposed to be. He congratulated them on the presentation and couldn't see why they wouldn't deny any of these waivers provided that they do everything the consultants suggest that they do.

Secretary St. Henry said that when that original Kmart went in, in the early 70s who knows what ordinances were out here then. He said that this building has sat empty for a least 2 years, the community has their ideas of what should go in there and what shouldn't go in there. The fact that a known, large state entity wants to move in there and take down the old building and put up a brand-new building, there is a dearth of grocery shopping on this end of town, he lives close by. He saw no reason to not grant them the waivers, and then to work with Meijer wholeheartedly. This is the Township's center or close to it, thousands of people drive by it every day, and he thought it was important that they develop it in the right way and this is a known entity with a strong plan.

Chairman Reynolds agreed, they have been in need of a use like this for quite a while. He was familiar with some of Meijer's boutique products that are responding to current markets, market trends, and needs. There is less of foot on the ground, going through the store, there is a lot of delivery options. He looked favorably on the reduced parking. He thought as a Master Plan component they want to avoid seas of underutilized parking lots and didn't see a major issue with that. He thought the restrictions of the existing site are generating a lot of the requested waivers and concerns. There are a few such as heights and things that are variance-based, in his perspective are acceptable variances, but they are not there to grant those at this level. He felt that there was a lot of good, and it being a right-sized development for their area. This being a similar footprint in size to the existing Kmart maintaining similar parking, he looked favorably on that, they are not looking to propose a 200,000-sq. ft. store. He added that he thought that the motion needs to incorporate some re-reviews by their professional consultants to address some of the open items and make sure that there are no new ones created by some of the modifications and items that have been agreed to here, or in reviews.

Chairman Reynolds asked about the drive that would be the light at the turnaround, is there any concern with traffic generations that would modify that light or anything, or is that strictly out of their hands, and a review that needs to occur elsewhere? He knew that it works right now it is a single access point, but just making sure that they don't need to look into that further. Engineer Landis said that it would be an RCOC call, but given the fact that the anticipated trips are relatively the same, he can't see that changing, but it would be an RCOC call.

Secretary St. Henry asked so the anticipated trips from Kmart to Meijer are the same? Engineer Landis replied approximately the same yes. The Meijer is only about 3,000-sq. ft. larger than the existing Kmart, and the trips generated by that additional 3,000-sq. ft. is minimal. Secretary St. Henry said that is what is on paper, but he could tell them that this Meijer will be much busier than Kmart has been in the last 15 years, there will be a lot more traffic, they will have to address it. He said they can't look at what the last two years have been with Kmart closed and Planet Fitness dealing with COVID and everything else. Engineer Landis replied understood. He said it is not necessarily looking back at how busy or not busy Kmart has been it is based on industry-standard criteria for a store of that proposed use, so they are comparing apples to

apples. Mr. Vander Kodde said that the results of a traffic impact study are going to tell them the mitigation measures that they will need to take to accommodate the traffic, and those measures are already established on this site. Chairman Reynolds said that that data is pretty much remaining the same that they are not going to look at whether it was a thriving or failing store to generate modifications to traffic.

Chairman Reynolds asked if there was any discussion, he knew that they were dividing the parcel, but what about maintaining the existing elevations to that existing structure? He would like there to be some sort of comment that it is going to be continued on, the structure to the north. He knew they were splitting this off and it goes back to a requirement of an adjacent parcel so it makes things complicated but it is originally an existing parcel. They get the intent of that north edge of the building or that south edge of the north building, being modified kind of getting lopped off. He asked if there was any discussion or agreement right now? Planning & Zoning Director Girling said if she is not mistaken, the parcels are already correct because there is a parcel number for the rest of the buildings, there is a parcel number for the existing Kmart including the parking that it has, that is why on the agenda it says one sandwiched, so it is technically already a tax parceled I.D.'d separate. Before it was one site that was the piece sandwiched, the Kmart building, and the remaining buildings with their parking. She asked if their sale of it was truly as the tax parcel exists right now, what was there to divide? Chairman Reynolds agreed, he said it was not so much the division as the aesthetic of that north side of the building that now will have a new south façade. He didn't know if that has been discussed, it is not Meijer but this project is generating that. He asked if there was any discussion to addressing that façade in any way. Mr. Vander Kodde replied yes there has been. He said he wasn't sure how much detail he was looking for but the existing wall between the two buildings is a shared wall, and that shared wall will remain.

Chairman Reynolds said his deal is that it is not just going to be just a blank unfinished façade, there is only so much they can require but he asked that it be an item that gets reviewed. It is an existing façade technically speaking they are getting into the gray area of their ordinance. He just wanted to make sure that is maintained esthetically. Mr. Vander Kodde said in his case as an applicant it is an existing wall on someone else's property. Chairman Reynolds agreed. Mr. Vander Kodde said that they will pull a demolition permit for removing the Kmart building. The shared wall between Planet Fitness and Kmart will remain in place. Planner Fazzini said that they could review the details on what is to remain, painted cinderblock, or something like that. Chairman Reynolds stated that he didn't review the drawings close enough to understand if the lot line was the middle of the party wall. Mr. Vander Kodde stated that the lot line is actually inside Planet Fitness and there is a two-ft. easement to accommodate their wall on their property. Chairman Reynolds said if they could just speak to the record of that being a concern to be addressed, he knew that there were limited ordinance items and it was existing and façade modifications are allowable without Site Plan approval too.

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approve PC-2021-37, Meijer-ORI, Ordinance #78, Section 30.02, the Special Land Use request for a large-scale retail establishment, located at 1025 S. Lapeer Rd. (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 (surrounded by parcel 09-14-226-008) for plans date stamped received March 24, 2021. This Special Land Use approval is based on the following findings of facts: that the proposed use is compatible with the adjacent uses which are currently existing; it is compatible with the Master Plan: which shows this as a general business area; the public services are adequate since they are currently in existence; the impact on traffic has been demonstrated as not being adverse to this request; there will be no detrimental effects due to the construction of this project on the property; this will be an enhancement of the surrounding environment, and there will be no isolation of existing land use as a result of this development.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Hoffman, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking calculation waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: that the area of the building as originally calculated was at the gross building area, the net building area would reflect a substantial reduction in the required parking; the parking study submitted by the applicant which identifies the time, days, and seasons for substantial parking has justified this waiver; the proposal does identify that there are new standards being provided in this development with the online purchases and pick-up reducing the long-term parking in the parking lot for both grocery as well as drive-up pharmacy; there is a shared access agreement for access to the adjoining properties to the north and the south.

Roll call vote was as follows: Walker, yes; St. Henry, yes; Gross, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission **approve** a parking area/drive setback waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(C), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: this does provide adequate landscaping and the parking is located as such as to provide sufficient parking on the site.

Roll call vote was as follows: St. Henry, yes; Gingell, yes; Hoffman, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission **approve** a greenbelt width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 14.03(D), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: the landscape greenbelt waiver being provided is an excess of what currently exists on the site and an increase waiver would further reduce the amount of parking on the site.

Roll call vote was as follows: Urbanowski, yes; Hoffman, yes; St. Henry, yes; Gingell, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission approve a parking lot landscape adjacent to the road width waiver for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 27.05(A)(4), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021, based on the following: the existing landscape is consistent with the landscaping adjacent to the road further to the north.

Roll call vote was as follows: Gross, yes; Urbanowski, yes; Hoffman, yes; Gingell, yes; St. Henry, yes; Walker, yes; Reynolds, yes. **Motion carried 7-0**

Moved by Vice-Chairman Gross, seconded by Commissioner Hoffman, that the Planning Commission grant site plan **approval** for PC-2021-37, Meijer-ORI Site Plan, Ord. No. 78, Section 30.01), located at 1025 S. Lapeer Road (Sidwell #09-14-226-008) & unaddressed parcel 09-14-226-001 for plans date stamped received 3/24/2021. This approval is based on

the following conditions: that the plan identified the no parking fire lane signs as required by the Fire Department; that the plan complies with all the OHM conditions #1-11 of their report of April 7, 2021; that the plans show a 6-ft. wall screen adjacent to the residential property to the east as a plan by others; that the landscape plan be completed showing the details of the plant materials; the photometric plan be submitted and complete; the dumpster profile to be shown in the detail; cut sheets submitted for the project; further, subject to waivers being obtained from the Zoning Board of Appeals for the rear, being the east, setback waiver, the rear façade being greater than 100-ft. in length, the loading dock setback of 50-ft. be revised to 40-ft.

Discussion on the motion:

Chairman Reynolds thought one thing to add was, and he felt he had addressed the setback variance of 63.9-ft in his motion. He asked if that was the intent? He said essentially all variances that are required by the site plan are to be requested by the Zoning Board of Appeals.

Chairman Reynolds said that the second one he would say he did have a comment about the dumpster being shown on the plan or indicated on the plan. He wanted to clarify it looks like the dumpster is going to be recessed but not screened. He asked if that was a requirement they would like to make? He said maybe the applicant can just clarify that the dumpster enclosure on that pad that is outside of the loading dock is to remain there 100% of the time, or to be placed inside and then brought out, will it be screened in some way? Mr. Vander Kodde said that the bottom four feet will be recessed and then on top of that retaining wall there is going to be a fence to prevent trip and fall hazards from the elevated area to the recessed area. He added that they would be happy to provide some screening on top of that wall as well if it would be helpful. Chairman Reynolds thought it would be appropriate to screen the dumpster or modify that detail to a solid instead of an opaque. Eric Fazzini said that the ordinance requirement is a masonry brick type wall. Chairman Reynolds said that as long enclosure meets the ordinance standards potentially. Mr. Vander Kodde said that they will provide that on top of that wall for the length of the dumpster. Vice-Chairman stated that the dumpster profiles reflect the ordinance requirements. Chairman Reynolds said that all of the variances be requested and received in order to receive approval, and the dumpster is to be screened per the ordinance requirement.

Vice-Chairman Gross amended his motion, Commissioner Hoffman re-supported, that all of the variances be requested and received in order to receive approval, the dumpster is to be screened per the ordinance requirement, and that the plans be re-reviewed by the professional consultants.

Roll call vote was as follows: Walker, yes; Gross, yes; Urbanowski, yes; Hoffman, yes; St. Henry, yes; Gingell, yes; Reynolds, yes. **Motion carried 7-0.**

B. PC-2021-39, Lake Orion Schools Rezone Request, a request to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1255 Joslyn Road, from Suburban Farms (SF) to Limited Industrial (LI).

Chairman Reynolds reminded the Commissioners that this is a rezone request they are not getting into site plan approval items.

Chairman Reynolds asked if the applicant had anything that he wanted to add? Mr. Gary Quesda replied not if the commission doesn't have any questions.

Planning Fazzini read through his review date stamped March 31, 2021.

Chairman Reynolds stated that he didn't see any major conflict or issue with the rezone. He thought it was a minor expansion to the existing zoning, it is not creating any spot zoning conditions, and didn't have any major issues with the proposal as long as it's essentially in substantial completion, meets all of their criteria, and they have everything documented on record adequately.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2021-39, Lake Orion Community Schools Rezone Request, to rezone a portion (approx. .648 acres) of parcel 09-16-200-002, located at 1013, 1135, 1155, and 1155 Joslyn Road from Suburban Farms (SF) to Limited Industrial (LI) for the application date stamped received 3/15/2021. This recommendation to approve is based on the following findings of facts: that the objectives are consistent with the Master Plan; the existing and proposed use of the property within the general area and the question is consistent with the zoning and Master Plan; the proposed rezoning is appropriate if combined with the property to the east and made it part of that general area of development; the zoning is consistent with the trend of development of the general area of the property in question; the approval is conditioned upon the approval of a boundary adjustment and new legal description being provided for the subject properties; this rezoning does not approve the site plan and a site plan would be before them at a later date, and they would review it relative to its zoning ordinance requirements at that time.

Discussion on the Motion:

Chairman Reynolds asked if the idea of it being combined with the adjacent parcel a condition or is it a finding of fact? Vice-Chairman Gross replied a finding of fact.

Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Hoffman, yes; Gross, yes; Gingell, yes; Reynolds, yes. **Motion carried 7-0.**

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS/EDUCATION

None.

12. COMMITTEE REPORTS

None.

13. FUTURE PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

Chairman Reynolds said he was excited for some new developments rolling into town.

15. COMMISSIONERS' COMMENTS

Trustee Urbanowski regarding the Master Plan meeting they had earlier, and thought that they do need to get the word out regarding the Master Plan. She thought that if they share it with everybody and do what they can, social media, send an email, they can get a good turnout. Chairman Reynolds stated that they don't have to be professional, Planning Commissioner, to come out to these things, they are just normal people, and they all come from different backgrounds. Hopefully, they can present tools that help that discussion.

Commissioner Hoffman said he was excited as well. He liked the date of the 16th being further out, he has a baby coming right at the end of May.

16. ADJOURNMENT

Moved by Commissioner Hoffman, seconded by Trustee Urbanowski, to adjourn the meeting at 8:47 p.m. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

May 5, 2021

Planning Commission Approval Date