The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 4, 2020, at 7:00pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

*Please note this meeting was also available virtually via a “GoToMeeting” #599-669-285*

**PLANNING COMMISSION MEMBERS PRESENT:**
Don Walker, PC Rep to ZBA  
Scott Reynolds, Vice Chairman  
Don Gross, Commissioner  
Joe St. Henry, Secretary  
Kim Urbanowski, Commissioner  
John Steimel, BOT Rep to PC

**PLANNING COMMISSION MEMBERS ABSENT:**
Justin Dunaskiss, Chairman

1. **OPEN MEETING**
Acting-Chairman Reynolds opened the meeting at 7:00 pm

2. **ROLL CALL**
As noted

**CONSULTANTS PRESENT:**
Eric Fazzini (Township Planner) of Giffels Webster  
Mark Landis, (Township Engineer) of OHM Advisors  
Dan Kelly, (Township Attorney) of The Kelly Firm (via GoToMeeting)  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Michael McPherson  
John Gaber  
Mike Rich  
Todd Hamula

3. **MINUTES**
A. 10-21-2020, Salon Blue Special Land Use Hearing Minutes  
B. 10-21-2020, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to approve the minutes as presented.

4. **AGENDA REVIEW AND APPROVAL**
Moved by Trustee Steimel, seconded by Commissioner Gross, to approve the agenda as presented.

5. **BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**
None

6. **CONSENT AGENDA**
None

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.

Acting-Chairman Reynolds asked if the applicant was present.
Mr. Michael Rich 26020 Radcliff Place, Oak Park, MI 48237 the applicant presented.

Mr. Rich noted that he was the attorney for the project. He said that they weren’t sure that they were going to need to be there, they missed by a couple of weeks getting everything done before the approval ran out. He added that in the last year things went slower than usual and that their biggest holdup was getting the amended PUD executed with parties in multiple states. It showed up right as everybody closed down. He said that is now on record, the Township has signed off and it has been recorded. The projects engineer has been working with the Township’s engineering council OHM and they are waiting to hear back from them. He thought it was very close. He added that once they approve that there are a few more fees to be paid and would be determined by the final engineering, and then pre-construction and soil permits will be pulled.

Acting-Chairman Reynolds asked if there was a timeframe that they were requesting for the extension? Mr. Rich replied one year for the technicalities but expected things would start before winter.

Commissioner Gross said that it appeared that there was been activity relative to moving this project. He said that the delays caused by COVID he didn’t see any reason why an extension wouldn’t be appropriate. He thought that for everybody’s protection the one-year extension should be able to satisfy the schedule. Acting-Chairman Reynolds said that he didn’t have any issues with that, he thought that they were moving forward and it had been a challenging year.

Moved by Commissioner Gross, seconded by Trustee Steimel, 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 year from the last extension. This approval is based on the following facts: the applicant has been making progress with submissions to the engineering consultants and the delays caused by COVID.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel yes; Gross; yes, Urbanowski, yes. Motion carried 6-0. (Dunaskiss absent)

B. PC-2020-24, Firestone Complete Auto Care Site Plan, located at 545 N. Lapeer Rd. (parcel 09-02-177-014) and 25 Indianwood Rd. (parcel 09-02-177-013).

Acting-Chairman Reynolds asked if the applicant was present?

Mr. John Gaber 380 N. Old Woodward, Birmingham the attorney for the applicant.

Mr. Michael McPherson with Atwell Two Town Square Suite 700, Southfield presented.

Mr. McPherson stated that they were there before them to ask for site plan approval of the proposed Firestone at the corner of Indianwood and Lapeer Rd. He said this was a site that went through a rezoning process and then concluded with a consent judgment. He stated that the site is zoned GB which would be a permitted use for this particular facility. He noted that the site has access from Indianwood and from the reconstructed Axford St. The plan as submitted does represent the reconstruction that MDOT just undertook this year. He added that they did receive comments from the Township Planner, Engineer, and Fire Department. They went through all of those in detail and addressed those comments. They just got back with the Township staff a couple of days ago. He wanted to run through the comments and outline how they plan to address them.

Mr. McPherson started with the Planner’s comments. The first Planner’s comment was
regarding the rerouted Axford St. He stated that it did represent the reconstruction, so they did have an accurate depiction of how the driveway would connect to Axford. He said that they have been in contact with the OCRC and MDOT and will file for those particular permits as the project moves forward into the engineering stage. The second Planner’s comment was regarding setbacks. He noted that the biggest comment was since this was a corner site there was confusion over side versus rear setback. They have since updated the plan to label each setback as front, side, or rear, and not just the distance. They have two frontage sides on the street sides. The southside they are treating as a side setback and the westside as the rear setback. With all those setbacks applied both the building and the parking will be in compliance with the setbacks. He noted that there were a couple of minor setback comments, one about a parking setback that was dimensioned at 19.7-ft. and they have since complied with the 20-ft. setback. They have confirmed and put a dimension on the new site plan regarding the building setback from Indianwood. The building from Indianwood ROW right now is 68-ft. and from the centerline it is 101-ft. Even in the future if there are additional ROW on Indianwood that the OCRC needs, the building still complies which is in compliance with the ordinance. The next comments were regarding lighting. The packet does not have an updated photo plan yet but they agreed that they will comply with the requirements of the photometric. He stated that they just needed to update a couple of the light fixtures to get the foot candles down at a couple of the property lines. He said the comment about the refuse enclosure, the enclosure is 8-ft. tall the screening around it, the doors on the detail indicate that it is 6-ft. tall they will change those to 8-ft. tall to match the rest of the enclosure. He said regarding the safety path they have proposed a path along Indianwood. They have since proposed to continue that all the way towards Lapeer to the landing that MDOT constructed at the corner and then south along Lapeer to Axford St. and that is reflected in the new plan. The comments regarding the noise, he said during the consent judgment process there were many items that were incorporated into the design to address the noise. There is a 6-ft. tall sound/screen wall along the back of the sight. The building bay doors face north toward the street. They have committed to having the bay doors closed during the first and last hours of operations at all times when the tools are being used. The business is proposed to be closed on Sundays, which is unique to Firestone. Business hours are limited to 7a-7p Monday-Friday and 7a-6p on Saturday. Delivery trucks are not permitted to idol on the property. Refuse pick-up is only during business hours, and there is no amplified sound or music outdoors. He said they have done their best to try to make sure that they address the concerns of noise for this project and felt they did a good job.

Mr. McPherson said regarding the Engineer’s comments the first one regarding the radii from Indianwood Rd. with the truck turning. They have since widened that drive and made it a larger island in the middle for the pedestrian island when using the crosswalk to better the truck turning movement, and was reflected in the plan that was just submitted. He said the safety path was already explained. He noted that detention calculations and the mechanical pretreatment, the preliminary ones, have been placed on the plan. The details for the pavement sections and the sidewalk, there was a detail sheet added in there, on what the retaining walls, screen walls are going to be, and have been added to the plan. The retaining wall will be a typical sedimental block retaining wall, the screen wall will be a panel masonry wall that will be decorative and all tied together with the building and the retaining wall. The last comment was regarding some slopes, there were a couple of areas where the slopes exceeded the 4:1 requirement they have fixed that just extending one of the retaining walls about 10-15-ft. and smoothing up the slope on the west side of the site.

Mr. McPherson stated that those were the comments that they have received from staff. He stated that they have done their best to thoroughly review and address them. He showed the Planning Commission the material board. He described to the Planning Commission the different materials that they will be using. He noted that the building was designed to be in compliance with the Lapeer Road Overlay District architectural standards, even though it is
outside of the overlay area. They wanted to make sure it complied with that and was consistent with the character in the area.

Commissioner Walker asked what law firm that Mr. Gaber was with? Mr. Gaber replied Williams, Williams, Rattner & Pluncket P.C.

Commissioner Walker said that his son was a partner with Williams, Williams, Rattner & Pluncket and he felt that the Planning Commission should recuse him from this matter based on a possible conflict of interest. Active-Chairman Reynolds asked the Planning Commissioners if they had any thoughts, comments, concerns about the conflict of interest being brought forth? Active-Chairman Reynolds said he thought that if there was direct financial gain. Commissioner Walker asked the Board to grant his request.

Moved by Commissioner Gross, seconded by Commissioner Urbanowski to recuse Commissioner Walker due to a conflict of interest.

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

Planner Fazzini read through his review date stamped November 4, 2020.

Engineer Landis read through his review date stamped October 23, 2020.

Acting-Chairman Reynolds asked if there were any comments or issues with the traffic impact assessment that was completed? Engineer Landis replied that there were no concerns. The traffic impact study concluded that there were no mitigating measures needed for the proposed development. Initially when it was brought to OHM during the rezoning the access onto Indianwood was a full access, so there were initially some concerns with some turning movements. Since that time, they have made this a right in right out drive only, which eliminates that concern with backups and a need for a left turn lane. The level of service is only going down a fraction of a percentage point he thought on a PM peak, going from a “B” to a “C” which is still acceptable, with very little impact. The improvements that MDOT has made or is proposing to make to the intersection would be the relocation of Axford St. and is drastically helping the situation.

Acting-Chairman Reynolds noted that there were a couple of other reviews in their packet. The Fire Marshall had a couple of comments he stated approved with requirements and comments. The Fire Marshall’s first comment was that the site plans currently do not show the Fire Department connections and shall be in an area approved by the Fire Department along with that the FDC to be located on the SE of the structure and no parking, fire lane signage shall be provided on the site plan. He noted that previously the Site Walk Committee did complete a site walk and that was back on April 9, 2019.

Trustee Steimel said that there were some items that came up in the consent judgment that was in there like hours of operation, and thought that they would want to see those notes on the plans because that is probably, in the future, where they go to versus having to look up the consent judgment. He asked if it was that hard to add the notes on the first page of the plan? Planning & Zoning Director Girling said she didn’t see any harm in having it added. She noted that they do keep all consent judgments in a binder, so if there was a complaint, they are easily able to reference it.

Mr. Todd Hamula with Zaremba Group 14600 Detroit Ave. Lakewood, OH said that the hours of operation were on the coversheet.
Commissioner Gross said that initially looking at the plan he found it very confusing relative to the traffic patterns and the ingress and egress into the site. He anticipated that the westbound Indianwood traffic may result in a number of U-turns taking place from customers that cannot turn into the site from westbound Indianwood and therefore there may be some impacts on some of the properties further down the road that people are using to turn around. He noted that the plan does comply with the consent judgment that was entered into between the applicant and the Township. He said that it was unfortunate that they have to remove a long-established business from the community and will be a shame to see him go. He said after reviewing the plans and the consent judgment it appears that the revised plans that have been submitted and are dated November 2, 2020, by Atwell appeared to address most of the concerns raised by the planning and engineering consultant. There were a few things that probably need to be included in the motion that are not on the plans but thought they had done a good job relative to fitting the building onsite. Trying to provide some access which is going to be unusual because it is kind of coming in after people pass it. He thought it was an attractive looking building and thought it complied with the ordinances as well as the consent judgment.

Secretary St. Henry said that he was curious and was his understanding that there were a number of concessions made and negotiations at the Township Board level and with the applicant. He asked if all the concessions reflected in this plan? He knew there were conversations with the residents. He wanted to know if there were any other concessions that the applicant agreed to as part of the consent judgment negotiations? Active-Chairman Reynolds stated that he knew that the Township Attorney has reviewed the drawings and will likely review this next submission also to ensure that conformance. Mr. McPherson said that all of the physical items are agreed to, the screened wall, things like that are shown on the plan. The hours of operation are noted on the plan. He said there were a few other items that were not physical items that were reached and are reflected in the Consent Judgment. Everything that is going to be constructed is shown on the plan. Township Attorney Kelly said his review of the plans, he felt it was consistent with the consent judgment. He added that there were preliminary plans and the language in it is going to be enforced, noted on the plans or not, the consent judgment will be enforced by the administration. As far as he could see, in his review, and he didn’t believe that the planner found anything inappropriate with it or inconsistent with the consent judgment, he didn’t see anything inconsistent with it. Planner Fazzini stated that he agreed; he said they reviewed about 50 items in the consent judgment and they went through to pull out any zoning or physical related items for the review.

Acting-Chairman Reynolds said he appreciated the clear and concise response to our plan reviewers. He said the planner and engineer comments just going bullet point by bullet point there are always going to be things to work through, but thought it was nice to have some clear and concise responses. He stated that it appeared to him that the photometric has been agreed to be supplied; the safety paths were supplied tonight. He asked if they had any issues with conforming to the Fire Marshals comments about FDC connections? Mr. McPherson replied that they will comply.

Acting-Chairman Reynolds said that he had a note regarding the Lapeer Road Design Standards and asked if there were any additional concerns about the elevations as proposed? There were none.

Acting-Chairman Reynolds noted that there were a few administrative items in Giffels Websters about lot coverage it didn’t seem like they reviewed that but is an item to be marked and to be re-reviewed. He asked if the 6-ft. retaining wall details had been provided? Mr. McPherson state that there was a detailed sheet added in that set, for the retaining wall detail. Also, the
screen-wall detail to show the intent, segmental block retaining wall, and masonry panel screen-wall.

Acting-Chairman Reynolds thought that there were a few open administrative items that could be handled so he suggested that the reviewers get a chance to get them the plans that were submitted tonight to address any open concerns. He thought that the intent was to agree with all the comments made by the reviewers.

Commissioner Gross asked Planning & Zoning Director Girling if she had a date stamp of the latest plans that they could refer to? Planning & Zoning Director Girling asked if he wanted to use those or if he wanted to use the ones that were actually reviewed with the conditions of everything they have agreed to? Trustee Steimel stated that is what he would do. Acting-Chairman Reynolds said he would use the previous plans even though they received revised, allowing the motion for those comments to be addressed. Acting-Chairman Reynolds said the problem is they have reviews that are based on plans that were previously submitted and not in conjunction because they don’t have a formal response from their reviewers on the plans submitted tonight. Secretary St. Henry asked what the process of formally, inputting these into the record? Acting-Chairman Reynolds suggested that they have the plans date stamped received here tonight with the motions and the comments being made he didn’t think that the applicant had objecting to. He added if they have anything in addition essentially no different than not receiving plans tonight, even though they have those they need to go to their plan reviewers for additional review so that those open items will be administratively handled and addressed.

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission for PC-2020-24, Firestone Complete Auto Care Site Plan, that they approve the revised set of site plans dated November 2, 2020, that were submitted this evening subject to the review by our planning and engineering consultants with additional comments relative to the submission of the lighting and photometric plans to be revised to comply with section 14.03 F2 & F3 and that the height of the trash enclosures gate be increased to eight feet, which currently on the plans they show 6-ft.; the plans that have been submitted acknowledge the planner’s comments and the engineer’s comments in their amended letter dated November 3, 2020, by Atwell; this plan does conform with all of the other zoning ordinance requirements and the provisions of the consent judgment entered between the applicant and the Township.

Discussion on the motion:

Acting-Chairman Reynolds asked if it was the intent to then receive the plans that were received tonight? Commissioner Gross replied subject to the final review by their consultants.

Commissioner Gross amended the motion, Trustee Steimel re-supported, to include that the parcels be combined into a single development parcel and also to add the Maximum Lot Coverage.

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

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None
10. COMMUNICATIONS
None

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None

14. CHAIRMAN’S COMMENTS
Acting-Chairman Reynolds said that he appreciated Trustees Steimel service to the community and to the Planning Commission.

15. COMMISSIONERS’ COMMENTS
Secretary St. Henry thanked Trustee Steimel for all his knowledge and conversations they have had.

Commissioner Gross noted the time that it takes to serve on the Planning Commission and the Township Board. In order to do the job properly and represent the community,00 it is not just the hours spent at the table and the hours and days spent elsewhere. He thought Trustee Steimel had demonstrated that and appreciated everything he has done.

Commissioner Urbanowski felt unfortunate that she doesn’t get to learn from Trustee Steimel as much as the other Commissioners’ have. She appreciated his insight and thanked him for his service.

Trustee Steimel said his heart and soul has been with the Planning Commission. He thought it was fun to have the back knowledge of where all the stuff came from and still be aware of how things are changing. He thought there would be one more Planning Commission meeting that he would be attending.

16. ADJOURNMENT
Moved by Commissioner Gross, seconded by Trustee Steimel, to adjourn the meeting at 7:52 pm. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

November 18, 2020