

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

***** MINUTES *****

REGULAR MEETING, WEDNESDAY, MARCH 2, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, March 2, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Scott Reynolds, Chairman

Don Walker, PC Rep to ZBA

Don Gross, Vice Chairman

Joe St. Henry, Secretary

Kim Urbanowski, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT:

Jessica Gingell, Commissioner

Derek Brackon, Commissioner

1. OPEN MEETING

Chairman Reynolds opened the meeting at 7:00 p.m.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:

Rodney Arroyo, (Township Planner) of Giffels Webster

Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.

Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Michael Balian

3. MINUTES

A. 2-16-22, Planning Commission Regular Meeting Minutes

B. 2-16-22, Planning Commission Workshop Meeting Minutes.

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

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

None.

7. NEW BUSINESS

A. PC-2022-07, Edgar Development Site Plan Amendment, located at 3805 S. Lapeer Rd., (Sidwell #09-26-451-005).

Chairman Reynolds disclosed a potential conflict of interest. He does have active projects with Cunningham-Limp, they are not involved in this project but wanted to disclose that. None of the Planning Commissioners thought that it was a conflict of interest.

Chairman Reynolds asked the applicant to introduce himself and state his name for the record.

Mr. Jim Butler with PEA Group 2430 Rochester Ct. Suite 100 Troy, MI the applicant presented.

Mr. Butler stated that they were asking for site plan approval for a parking lot expansion to the existing Wally Edgar Chevrolet. He added that it was a 15.3-acre site. Last year the northern portion of this undeveloped portion of the site was in front of them for a rezoning. The site is zoned (GB) General Business. This project proposes to add approximately 344 new inventory spaces, predominately on the north and west side of the site. Also, this project proposes the installation and construction of a 2,496-sq. ft. building onto the main dealership that is for an oil change, and tire rotation services. Also, with this project, there is a 3,880-sq. ft. building addition, that building would be for storage and a car wash just for the dealership only it is not for the public. This project also adds a new drive approach onto Lapeer Rd., it adds new landscaping and lighting. The existing detain basin that was on the site will be relocated. The majority of the new stormwater will be on the development to the north, they have an agreement with The Hills of Woodbridge to provide stormwater storage on that site. It is not all of the stormwater management but it is the bulk of it. There is an existing detention basin that will remain. The project does not contain any regulated woodlands or wetlands, no protected trees will be removed. There are four landmark trees that are on the site but they will replace those as part of their landscape plan. They have a robust landscape plan with island landscaping.

Mr. Butler said that they have reviewed all of the consultant's review letters. They do have a couple of items that they would like to talk about but would like to address those after they have had their opportunity to talk. He added that with him was a representer from the contractor, Cunningham-Limp, and from Wally Edgar if there are any questions for them.

Planner Arroyo read through his review date stamped February 23, 2022.

Engineer Landis read through his review date stamped February 23, 2022.

Chairman Reynolds stated that there was a review completed by the Fire Marshal recommending approval without additional comments. Also, the Director of Public Services has reviewed the project and does not have any comments at this point and time. He added that there was a Site Walk completed by Vice-Chairman Gross, and there was a formal response letter from Cunningham-Limp in their packets.

Mr. Butler stated that related to Planner Arroyo's comments the landscaping will be irrigated, and they will show that on the plan. The light poles, just for clarity purposes, the existing parking field is 30-ft. those poles are 30-ft. they have no issues dropping those poles down to 20-ft. and adjusting the light levels accordingly. The existing lot will be 30-ft., and the new lot will be 20-ft.

Mr. Butler said regarding OHM's comments, they did receive some additional information, they did submit a FOIA request for some historical information regarding all of the work that has been done on the Edger site over the years. The calculations and additional information they have no problem providing related to the stormwater. One of the comments in OHM's letter is related to the addition of walkway connections from the existing pathway along Lapeer Rd. to the dealership and to the used car. Given the nature of this business, they don't know if that is appropriate for this? They don't see any value in that. It is a car dealership he didn't see anyone walking down Lapeer Rd. wanting to go and buy a car. That was just for a point of discussion. All of the items they don't have an issue with. He did have the opportunity yesterday to talk to Engineer Landis about a few of these items, he thought they had clarity on that.

Vice-Chairman Gross stated that he thought that the loading and unloading of vehicles will take place on the site and not on Lapeer Rd. Mr. Butler replied that is correct. He added that that is one of the reasons they are having the second drive installed that will occur on-site versus on Lapeer Rd. Vice-Chairman Gross said he thought that he has seen cars loaded and unloaded on Lapeer Rd. and so that will be eliminated then. Mr. Butler said because of that driveway they will have the ability to do it onsite.

Vice-Chairman Gross said that he noticed that drainage soil in front will be eliminated and new landscaping will be installed along Lapeer Rd. Looking at the landscape plan it does look like it is being designed with some security landscaping measures taking place to protect the vehicles from exiting other than through the driveways. Mr. Butler replied that it is by design.

Vice-Chairman Gross noted that the letter from Cunningham-Limp seemed to indicate that the plans will be revised in accordance with the recommendations of the Planner and the Engineer. Mr. Butler replied that is correct.

Chairman Reynolds asked for a discussion on the safety path. He said that is an ordinance requirement they are not able to waive that here it is more of a decision from the safety path committee and usually there is a contribution in lieu of was his understanding.

Planner Arroyo commented that to keep in mind there is a PUD that is going north of here and there is a retail component. It wouldn't be unreasonable for employees of this particular establishment to want to walk up to have lunch and felt that connection being used potentially given the fact that they will have walkable retail nearby.

Secretary St. Henry questioned other car dealerships that have gone up in the area over the last 10-15 years, referring to the Milosch Dealership, do they have safety paths across their entire development connecting? Vice-Chairman Gross said that the safety path was already there on Lapeer Rd.

Chairman Reynolds asked for thoughts on the internal connection. In his perspective, the goal of safety paths is obviously to create safe pedestrian walkways, and was something that they have asked everyone to do. He didn't foresee that being something that they would look to move away from this from his perspective. At least some sort of way to manage the site or get into it.

Secretary St. Henry said right now if somebody was walking down Lapeer Rd. on the safety path it is there if they wanted to take a peek at the cars or go into the showroom they would just walk up through the main driveway.

Chairman Reynolds thought it was a requirement that they have asked for across the board and is not unreasonable. Trustee Urbanowski didn't think it was unreasonable.

Vice-Chairman Gross said he didn't see the need for the connection from the safety path to the building and didn't think that served a real purpose.

Commissioner Walker said they mentioned that they would replace the landmark trees, he asked what are they going to replace them with? Mr. Butler replied landscaping, they are going to incorporate it into their landscape plan. Commissioner Walker said a landmark tree is a landmark tree they are not going to put another landmark tree in? Mr. Butler said there is a requirement within the ordinance for the replacement. There is some upsizing of those trees it is not just one for one there are a certain value or a certain number of trees.

Mr. Butler added that predominately he would think that it would go to the dealership he wouldn't see the value in the used car having a connection. The building sits back there is significant parking in front of it. He wasn't sure there was a route, there was a cleaner route to the front door of the dealership where he thought they would have more employees.

Trustee Urbanowski asked if it could be shown on the plans where it could be? She thought she needed to see where it was. Mr. Butler showed them where it was located. Chairman Reynolds said that there were two buildings on the site, just adding parking at this point and time but the southern building is easier to see in the image. There is a handful of rows back from M-24 that the dealership itself, new car sales, is closer.

Vice-Chairman Gross said once they get on the site they are on the site, and then they are going to be walking all over the place.

Secretary St. Henry said putting a 10-ft. or less sidewalk he didn't see the real value in it when they can go right up the road and walk through the main drive onto the site and then they go from there. That would just be one more thing that would have to be cleared.

Trustee Urbanowski asked if they can do a compromise and do one from the main walkway? She didn't want to not address it at all since it is here but didn't necessarily see the need for the two of them.

Secretary St. Henry said there would be one that would be servicing the used car lot, and then one further north that would go in place for the expanded new car lot. Chairman Reynolds said pedestrian access to the buildings is what is being recommended. He thought that it would be suggested that they would need to go from the safety path to the used car, and the safety path to the new car. He thought that the whole point of their safety path network for promoting they want it to be connected they want to have pedestrian safety. He didn't think that there was a need to have it at both locations but to safely get on that site would be his feeling. At least a short leg over to at least get them onto the parcel not on the main drive off of M-24. Somewhere near the frontage of the new/existing car building.

Mr. Butler didn't think of the context of the employees going to the development to the north or to the new gas station to the south. He was thinking of someone walking down the street.

Chairman Reynolds said that the letter dated February 28, 2022, from Cunningham-Limp felt like they have acknowledged or at least addressed how those comments will be readdressed in a revision. He thought it was clear at least if they agree to that to admit that into the record with a potential motion that they might be making.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2022-07, Edgar Development Site Plan Modification, located at 3805 S. Lapeer Rd. (Sidwell #09-26-451-005) for the plans date stamped received February 9, 2022, based on the following findings of facts: that the letter from Cunningham-Limp dated February 28, 2022, acknowledging the issues raised by the Township Planner and OHM are being adequately satisfied with the exception of a walkway connection from the safety path through the new car parking lot to the existing dealership be constructed and shown on the site plan as it will be revised.

Roll call vote was as follows Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 5-0 (Brackon & Gingell absent)**

B. PC-2022-08, Peninsula Development LLC., Site Plan, located on a vacant parcel located east of 210 W. Silverbell Rd. (Sidwell #09-26-300-014).

Chairman Reynolds said he had a direct conflict of interest with this case and asked to be recused.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that they recuse Chairman Reynolds from this case. **Motion carried**

Acting Chairman Gross said this parcel is directly across the street from the previous plan that they had on their agenda. He asked the petitioner to make a presentation regarding his request.

Mr. Brad Klein with Auger Klein Aller Architects, the applicant presented.

Mr. Klein said he was there to present the Peninsula Developments proposed Provisioning Center located along Silverbell just west of Lapeer Rd.

Mr. Klein stated he was there with Don Milosch of Peninsula Developments, along with Jim Sharpe of Sharpe Engineering the civil engineer on the project.

Mr. Klein said he will do a brief overview of the project and then when appropriate they are prepared to respond to a number of the items in both the consultants and the department review letters. He knew that the number of items may be more than typically encountered when they are presenting or they are hearing a particular project but thought it was important to be on the agenda to get direct input from the Planning Commission on at least a few of the items that require their consideration such as the Lapeer Overlay District Standards and Traffic Impact requirements, things like that. Essentially, they just want to have a clear direction moving forward so they can move this project forward as efficiently as possible through this process and get Peninsula Development on their way to constructing.

Mr. Klein said that the site is along Silverbell just SW of the Milosch Palace Dealership and it is adjacent to Peninsula Developments cultivation facility which phase two is currently under construction. He showed the plans to the Planning Commission members.

Mr. Klein said that the proposed building is two stories just under 7,000-sq. ft. What they are proposing is two one-way drives in order to create circulation around the site for both the instore retail customers, as well as, those who take advantage of curbside pickup, and to get the fire emergency vehicle access around the site. The eastern drive would be ingress and then the curbside is along the rear of the building and there is ample space for the Fire Departments' emergency vehicles to get around the site as well. The spots to the west of the building are for staff parking and then there is a secure delivery area so when they are receiving the product, the small van or small box truck can back into the space and could be secured with a gate, or a fence to deter anybody trying any unfortunate activities.

Mr. Klein stated that one of the comments in both the Planner and Engineers reviews was the potential conflict with the curbside pick-up queuing lines which they can get into more detail later.

Mr. Klein said as far as the building itself is approximately 7,000-sq. ft. just under. The west side of the building is the retail portion of the building so there is an entrance lobby check-in area and then they would go into the sales retail area. All the areas in the grey are limited access or the back of the house, or the business functions. They have the fulfillment room

where orders are put together and then either pass it to the retail floor or a runner will take it out to the curbside pickup. There is a vault along with the support office breakroom, restroom spaces for staff.

Mr. Klein stated that the second story right now will be for future administrative offices for the Peninsula Developments operation.

Mr. Klein said moving to the elevations he felt that they met the intent of the Lapeer Overlay District choosing high-quality materials and a variation of materials. They are utilizing masonry block, brick, and pre-finish engineered metal siding on the two-story, and providing some color accents. Along the east side of the building, he knew another item in the review was related to planters. For added security measures they were placing security bollards along the west side and the north side along the actual provisioning area where the product will be. Then they thought that the concrete planters would help break up the long series of bollards to give it a little more visual interest. He showed the Commissioners the elevations.

Mr. Klein stated on the photometric plan that was provided there was a mixture of wall-mounted and pole-mounted site lighting. Essentially all of the fixtures, wall-mounted and the two pole-mounted fixtures to the west of the building will be maintained for security. The other four fixtures located more in the retail or the customer parking lot at the drives can be dimmable or off when it is non-business hours.

Planner Arroyo read through his review date stamped February 24, 2022.

Engineering Landis read through his review date stamped February 24, 2022.

Acting-Chairman Gross said they also have correspondence from the Fire Marshal, from the Director of Public Services, a Site Walk Committee report, and a letter from the Kelly Firm regarding the question of pick-up operations.

Acting-Chairman Gross stated that this facility is related to the growth facility to the northwest. He asked if there should be some form of connection between the two so that there is a direct relationship as opposed to having to go out onto Lapeer Rd. to gain access to the facility. Mr. Klein replied ideally yes; in this case, there is the wetland that separates the two parcels or buffers the two parcels from each other. There is potential in the future to see how maybe they can create a connection that way but the typical way that this is handled is anytime, obviously, the product is moved from one licensed facility to another it requires a licensed transport. In this case, if they are moving stuff from the cultivation facility to the dispensary it will be a licensed transport.

Acting-Chairman Gross asked if a two-story building requires handicap access with some sort of elevator? Mr. Klein replied that in this case there are provisions in the building code, the footprint is less than 3,000-sq. ft. and there isn't a use up there that is not provided below so an elevator is not required.

Acting-Chairman Gross said apparently, they are expecting a lot of traffic with two one-way two-lane systems to gain access into and to exit the site. Mr. Klein said part of the thought behind this concept was to try to isolate curb-side pick-up traffic from walk-in traffic so that those entering the store there are not cars crisscrossing going for curb-side pick-up. Also, again to allow adequate or ease of emergency vehicles circulating around the site. The width of the drive isles themselves, with the concern of the width and that, may lend itself to people going two ways, they kept them that wide to at least meet the 26-ft. wide requirement from the Fire Department for access drives so they just maintained that around the site for the ease of those

vehicles getting around. They also created a wider drive isle in between the front two bays of parking so that an emergency vehicle or fire truck could pull up right to the south of the building.

Acting-Chairman Gross said with that kind of traffic may be a traffic study is needed to really take a look at the site plan to see how it flows and the entrancing and exiting of the site seems kind of confusing to have two different systems to get into and out of the site. Mr. Klein said starting out with some general trips or traffic along Silverbell. It is a little outdated from the 2018 Road Commission count along Silverbell between Giddings and Lapeer they counted just shy of 8,300-trips. Looking at the resources available online from the SE Michigan Council of Governments Traffic Volume Map their map indicates the average annual daily traffic, so they average across the year of what the daily trip-count is and their number is a little higher at 14,300. Silverbell Rd. if they go by the highway compacity manuals 6th addition, four-lane road with a left turn lane typically has a capacity that likely exceeds 36,000 vehicles a day, just over. Based on these numbers the current use of Silverbell is somewhere between 23-39% of its capacity right now of its use. If they look at the Institute of Traffic Engineers trip generation estimate for retail uses of similar size, they start at 38 trips per day or 4.2 for peak hours. Based on traffic volumes that they see at other similar provisioning centers in the SE Michigan area that number might be a little low, more likely that could be 2-3 times that amount, however, it is still somewhat negligible because they will be under 100-trips/day and there looks to be a capacity of another at least 15-20,000-vehicles along Silverbell based on its size and posted speed limits.

Secretary St. Henry said he would imagine that Silverbell would become much busier once the Road Commission redoes the Brown Rd. in front of the GM Plant. A lot of people avoid that stretch of the road because of that unless they have to work down that direction.

Commissioner Walker said that 9 out of 10 complaints that he hears from residents are the increased amount of traffic and an increased amount of people. His concern when they are talking about a two-lane ingress and egress, he was in a turnaround today over by Woodward and Square Lake and there was another car in that turnaround. When there are two cars at the turnaround it is difficult to tell, especially if the car is to the right if they are in the lefthand land if there is traffic coming. He could see the issue coming if they do end up doing it this way is to cause confusion in those exiting drivers if they are next to another car and are they both turning left, or right. He was concerned about that. Mr. Klein said that maybe an option would be to choke down the width at the actual driveway going to Silverbell and they created one lane so they don't have two cars side by side but one car in one car out at each driveway. That is a potential possibility to alleviate that concern.

Trustee Urbanowski said she wanted to bring up their attorney's letter. To her, it looks like they are really not supposed to be approving a drive-thru operation as it is. Two lanes in or two lanes out don't really matter if they are looking at something they are not supposed to be approving because it is not allowed.

Secretary St. Henry said that there are other provisioning centers in the metro Detroit area and across the state. He asked if the majority of them have curbside pick-ups set up this way? Mr. Klein replied that quite a number do have queuing lines just because they are finding that at least half the business just wants curbside pick-up. When COVID hit that is when the state allowed curbside pick-up and everybody took advantage. Especially regular customers that know what they want they come and prefer to just go through a curbside have it brought out to them.

Secretary St. Henry asked if they order it in advance and then it is brought out to them? Mr. Klein said they can order in advance, place the order, and then when they are there and their order is ready there is a runner that brings it out and makes the transaction.

Trustee Urbanowski asked how many delivery drivers do they think will be taking advantage of the drive-thru option? Are they going to be servicing delivery drivers as well? Mr. Klein noted that if anything is delivered there are some provisioning centers that offer delivery service that is its own license or it has to be approved by the state. That would come directly from the Peninsula Developments Provisioning Center itself it would not be a third party that picks up a bunch of orders and then delivers them. It would be delivered directly from Peninsula Developments it would be a driver of theirs.

Trustee Urbanowski said that the letter says that the emergency orders facilitated driving up for provisioning centers but those orders are not in effect anymore. She wasn't sure that they should even be having a conversation about a drive-thru when at this moment it is not technically allowed.

Mr. Klein stated that he wasn't sure about the emergency of the curbside. He knew that most dispensaries in the area still offer it, they have other clients that it hasn't been something that has been discontinued, as of right now. Certainly, that is one component of this overall provisioning center, the curbside pick-up, there is still the traditional retail component of it, which is one of the amenities.

Acting-Chairman Gross said it would have to be a finding that they would have to make as to whether or not that was acceptable or not under their ordinances. Secretary St. Henry said under our ordinances, it appears that Attorney Kelly ruled that it is not.

Secretary St. Henry was curious about the rational or the legal opinion in other locations where they do have curbside. Hazel Park had curbside pick-up in at least one of the provisioning centers. He asked what was their take on this administrative rule?

Commissioner Walker said that this might not be the forum for this discussion. They have an opinion that says one thing in black and white, and he thought it was inappropriate that they discuss that opinion as it stands and moves on from there.

Trustee Urbanowski said she was of the mindset that this is their council this is what they have said and she agreed with it.

Acting-Chairman Gross said that they have a number of options. They can deny the site plan because it does not comply with the ordinance, they can postpone because there were a number of concerns that the Engineer has raised and need to be addressed, they can discuss at some future date whether or not they want to consider pick-up. They could approve the site plan as submitted but didn't think that they had that option.

Trustee Urbanowski asked if they could talk about a couple of the issues that they can give some input if they wanted to say postpone something to take care of the drive-thru part like the Overlay stuff? Acting-Chairman Gross replied of course.

Trustee Urbanowski asked if they could explain the issue with the planter boxes? Planner Arroyo said that their ordinance states that plantings near the foundation of the building have to be set 10-ft. from the building and that planting is closer so that would be a waiver they could grant.

Trustee Urbanowski asked for the reason that the planter was closer to the building? Mr. Klein replied that it was a substitution for addition security bollards. So, a way to break up instead of having this long series of less appealing bollards with something that was a little more aesthetic.

Acting-Chairman Gross asked if there were any thoughts on that? Secretary St. Henry said rather than having 25 bollards going across the back of the building, as long as the plants inside the planters are kept up and look nice. It does look better than the 25 bollards. He understood the need for security.

Acting-Chairman Gross said that the access drive entrance and exit was a big concern that they have all expressed. Mr. Klein said where the drives either come off Silverbell or exit onto Silverbell were reduced down at the road so that a single vehicle, could have side by side vehicles two at once. Acting-Chairman Gross said or if there is a need for two drives, as opposed to a boulevard entrance.

Trustee Urbanowski said to still maintain that drive around but still have one in and out but it wasn't a double. Planner Arroyo said it doesn't have to be 26-ft. all the way around that is not a requirement of the Fire Code. Trustee Urbanowski asked if it would still be too close to have two on that 50-miles per hour road? Engineer Landis said that the ordinance that he brought up speaks to that separation if the driveways are both two-way, in this instance, they are not so technically it doesn't apply but they still have concerns about drivers obeying some signage and seeing the wide drive approaches and being confused. They can still maintain the onsite circulation by eliminating one of the driveways, eliminating the westerly drive, keeping the eastern one, or making it central would be his preference.

Mr. Klein stated that they also reached out to the OCRC to see their standard and with one-way drives their design standards allow two commercial driveways of their one-way to be as close as 70-ft. center to center. What they are proposing is 164-ft. Trustee Urbanowski said that it would still be one-way in one way out, so, the concern would still be there with the people viewing signage. Engineer Landis said given the current geometry they are very wide which is a concern. If they are going to keep two, he recommends that they be narrowed.

Secretary St. Henry said if they went with one lane in one lane out then that eliminates that issue to a large extent people assuming it is an in and out. There will be some people that miss the sign it happens every day everywhere.

Acting-Chairman Gross asked if there was any concern about the elevation design of the building meeting the Overlay District?

Mr. Don Milosch of Peninsula said back to the one-way drives again. It confuses him a little bit only because they have so many one-way drives in the Township already and they seem to work very well at all the fast-food restaurants, the Starbucks, and that is done for traffic flow. He wondered why the difference would not work here?

Commissioner Walker said that no matter what they do tonight here, this site plan he believed is not going to get approved, as is, by this Board right now. He suggested a postponement so they can discuss it with the Planner and the Engineer to see if some of these bumps can be worked out. It seems to him that people don't want to wait anymore they want stuff done right away, not just here in the building but everywhere. This might be a bit premature because there is the legal issue that they have here, they are not going to discuss the ordinance, it is not their place.

Mr. Milosch asked if it actually states in the ordinance, no drive-thru? Trustee Urbanowski said it is the law according to Michigan law. Mr. Milosch said for a dispensary no drive-thru? Trustee Urbanowski replied correct.

Mr. Klein said it is a reminisce of a drive-thru but it doesn't have a drive-thru window it is still curbside pick-up. Trustee Urbanowski said that the understanding that they have from the information they have been given from their attorney is that it does qualify and that they should not be allowing it. She didn't even feel comfortable considering that, she didn't think that was her place.

Secretary St. Henry said the literal definition of a drive-thru in the dictionary states that it is any sort of operation where the customer does not have to leave their car. In this particular case, they are not leaving the car, that is what they are working off of.

Secretary St. Henry stated that they have to work with what they have been given and this is a legal opinion from the Township Attorney. He agreed with Commissioner Walker that they can talk in general terms about some of these other issues but the bigger issue is this drive-thru and it could kibosh this design of the site. He stated that Commissioner Walker is being prudent in saying step back and take that into consideration go look up the State Administrative Rules themselves and they will see exactly what they are working with and see if there was any sort of compromise.

Acting-Chairman Gross thought that the appropriate option would be to postpone since the site plan does not comply with the ordinance in a number of ways. One of them being the pick-up area, the other being a concern relative to the access drives, and some of the issues that have been raised by the Engineer relative to some of the engineering requirements and standards. He thought there were a number of issues that the applicant could go back and take a look at to see if they wanted to eliminate the pick-up area or proceed and see where it goes but probably a postponement at this juncture would be appropriate action unless someone wants to deny. He didn't think they had the opportunity to approve.

Secretary St. Henry didn't think that a denial was appropriate at this point. Trustee Urbanowski agreed. Secretary St. Henry thought that they should have the opportunity to go back and reconsider their site plan.

Trustee Urbanowski asked if they wanted to talk about the design standards of the Lapeer Overlay and how everyone feels about the design? She thought that was a major one they don't want to change anything on that.

Secretary St. Henry questioned about the Fire Marshal having a concern about the turning radius and the curbside pick-up, which could be a mute-point but wanted to make sure that he understood it correctly. He asked if there was a concern there if that back area is loaded up with cars they can't get around if they had to get around? Engineer Landis said that was the concern in the plans that were presented the turning movements seem to be in conflict with the queuing that was shown on the architectural plans in the set. There were plan sheets showing the cars queuing and thought it was being superimposed on this plan in red. In the previous plan, it showed the Firetruck sweeping a little bit closer to the building and clipping those cars or in conflict with them.

Trustee Urbanowski said that there is no guarantee that there is only going to be 10 cars there, there could be more.

Secretary St. Henry asked how much of their business do they expect if the curbside was to be approved, how much of their business do their Provisioning Centers have curbside these days? Mr. Milosch stated that the few he has been to and studied their traffic flows it seemed to be certain times of the day it is heavy and other times of the day it is not. Of their total business, it is usually around 35% is curbside.

Secretary St. Henry said that this particular development is not a lot different than others they have looked at commercial developments where they are restaurants or drive-thrus and depending on how it is laid out. They have had concerns in the past about traffic flows and queuing lines, traffic onto the main roads, and traffic inside the footprint of the parking lot. This is a pretty common concern it doesn't matter what is being done there.

Mr. Milosch stated that it is difficult and this time to tell them what the traffic will be only from the standpoint that it is a relatively new business in the state. There isn't a lot of history to go off of. At this time there are going to be six in the Township and the Village at some point. It is not like it is going to be a standalone business. He understood that Oxford has approved somewhere upwards of six on M24. He didn't think it is going to be as much as he thought it was going to be based on the number of dispensaries that are going to be in the area. He felt that they are adequately done with this design here to compensate for that. They have always worked with the Township whether it is their body shop with the grow, phase one, phase two, and as far back as the Palace. They are willing to work with everybody, they are not there to fight with anybody they are there to move forward as fast as possibly can.

Secretary St. Henry said to Commissioner Walkers point, the Kelly Firm's opinion they have to adhere to. Mr. Milosch thought that the drive-up was legal he has seen it at every dispensary that he has been to in Michigan. It is still going on it has since day one.

Secretary St. Henry asked Planning & Zoning Director Girling how do they address this issue with the attorney? Do they postpone because there are some open issues? Planning & Zoning Director Girling replied that they could say that they want further clarification. There could be a motion seeking further clarification if further clarification is needed.

Planner Arroyo said that he thought that they had identified several issues that are a concern and thought they could postpone subject to those being resolved, as well as, clarifying with the Township Attorney the opinion. Then that gives them the opportunity to explore that and come back to them with the revised plans.

Secretary St. Henry stated that the fact that there are other Provisioning Centers that have some sort of curbside pickup whether they are abiding by the law or breaking the law is up for discussion but he wanted their attorney to at least think that through.

Moved by Commissioner Walker, seconded by Trustee Urbanowski, that the Planning Commission **postpones** site plan approval for PC-2022-08, Peninsula Development Site Plan located at the vacant parcel located east of 210 W. Silverbell Rd., (Sidwell #09-26-300-014) for plans date stamped received 02/09/2022 based on the following reasons: there are a number of issues that they need to address from the Planner, Fire Marshal, and from the Engineers review; most importantly they have received information from Council that indicates that they are not to proceed with this matter, for those reasons he moves that they postpone so that all parties can sit down and figure out what is what.

Discussion on the motion:

Mr. Klein asked if they could get some direction on a couple of items? One is the traffic impact study if that is something that the Commission is going to require them to do? Or if the information that he stated earlier which they would certainly submit as part of any revised documentation would be sufficient without a full-blown traffic impact study? Commissioner Walker stated that he would like to see a traffic impact study because he can't abide by a 2018 report in 2022 seeing what he has seen in his 33 years of living here. He would like to see an official traffic impact study. Trustee Urbanowski said especially given what Acting-Chairman Gross said earlier about once they fix the roads what would the traffic be like after that.

Trustee Urbanowski said that there was a question about the 50% parking in the front of the building. She thought she would rather have the building back a little further off of the main road and have the parking in the front. This is industrial and right across the street from it, she didn't have a problem with the parking being the way that it is.

Secretary St. Henry said based on this site plan he didn't think they would want parking anywhere near the back.

Trustee Urbanowski thought it may be a safety issue also just to have where customers are moving around to be more towards the front. Mr. Klein said that they want to have one entry into this secured establishment so they could try to maintain traditional retail, there is not going to be a backdoor entry.

Secretary St. Henry said they walk into this building and their IDs are checked and so forth and recorded and then they wait. He asked if it is typically a limited number of people actually go into the retail or the showroom end of it? Mr. Klein replied that typically they keep a one-to-one ratio staff to customers in the retail area.

Acting-Chairman Gross asked if there was an age requirement for recreational marijuana? How do they handle that with drop-offs when the people don't come into the store? Mr. Klein replied that their ID is checked it is the same process.

Secretary St. Henry thought it was highly regulated.

Mr. Milosch said they were just audited by the MRA on their grow and they 100% passed.

Secretary St. Henry asked if that was open now? Mr. Milosch replied that they have had seven rooms harvested already. Secretary St. Henry asked if all of the marijuana products that have been sold in the dispensary are only coming from their grow facility? Mr. Milosch said it will come from others too.

Acting-Chairman Gross asked how that was delivered, what types of vehicles? Mr. Klein stated that the delivery is a licensed function so there are separate licenses, there is a grow license process, retail, and then delivery the transport. Any product coming here is with someone who is licensed to transport.

Acting-Chairman Gross asked if it was a large vehicle? Mr. Klein replied typically to dispensaries vans, maybe an occasional box truck but typically delivery vans. Everything comes all packaged in boxes or smaller type carryable things.

Roll call vote was as follows: Walker, yes; Gross, yes; Urbanowski, yes; St. Henry
Motion carried 4-0 (Brackon & Gingell Absent, Reynolds recused)

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

A. 3-16-2022, at 7:05 p.m., PC-2022-09, Grand Square of Orion, Special Land Use Request for a drive-thru restaurant, located on a vacant parcel, west of 637 Brown Rd., (Sidwell #09-32-400-099).

14. CHAIRMAN'S COMMENTS

None.

15. COMMISSIONERS' COMMENTS

Trustee Urbanowski said that last year they did a PUD amendment for Orion Grill where they approved outdoor seating for them. Then also the signs used to be Iris Café so they have closed down and done their remodeling and rebranding now they are officially Orion Grill and there will be a ribbon-cutting tomorrow there at 4:30 p.m. hosted by the Chamber of Commerce.

Chairman Reynolds said that there is the March 16th seminar for drafting ordinances by the MTA. If they are interested, please reach out to Planning & Zoning Director Girling or the Planning staff. Planning & Zoning Director Girling said that they did buy the entire Township package from the MTA and that everything is already paid for.

Secretary St. Henry stated that there are a number of other establishments that have grand openings and he saw them online and would like to check those out if they could be officially notified when they are. Trustee Urbanowski said typically ribbon-cuttings are Thursdays from 4:30-5:30 p.m. through the Orion Chamber. Chairman Reynolds said he thought that they could get on their general email list and they are pretty good at upcoming events.

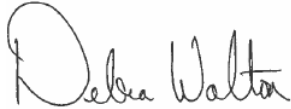
Commissioner Walker said he is anti-fence. At the ZBA they had a case regarding a fence and it was difficult.

Secretary St. Henry stated that the Fence Committee was meeting on Thursday, March 10, 2022, at 3 p.m.

16. ADJOURNMENT

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to adjourn the meeting at 8:31 p.m. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

March 16, 2022

Planning Commission Approval Date