The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 7, 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
Don Gross, Commissioner
Kim Urbanowski, Commissioner
Scott Reynolds, Vice Chairman
Joe St. Henry, Secretary

PLANNING COMMISSION MEMBERS ABSENT:
Justin Dunaskiss, Chairman
John Steimel, BOT Rep to PC

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

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Rodney Arroyo (Township Planner) of Giffels Webster (via GoToMeeting)
Eric Fazzini (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
David Goodloe, Township Building Official
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Jason Kishmish
Jennifer Carr
Ronald Chiesa
Kevin Polka

3. MINUTES
A. 9-02-2020, Planning Commission Regular Meeting Minutes

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

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

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

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2020-21, Orion Village Crossing PUD, Minor PUD Amendment for JPMorgan Chase Bank signage, located at 3515 S. Baldwin Rd. (parcel 09-29-326-041)
Ms. Jennifer Carr, Signage Manager for the mid-west JP Morgan Chase & Company presented via GoToMeeting.

Ms. Carr stated that she supported their new branches, and maintained signage for their existing branches. She added that with her was Kevin Polk, Account Director from Icon, and her project management team.

Ms. Carr stated that Chase Bank gave back land to the Township for the roundabout construction at the corner of Baldwin and Maybee Roads. Their sign at the time was out in front of the landscaping that is on the south-east corner of Baldwin & Maybee and had visibility at the street level at that time. They were going to be requesting an additional letterset on the east elevation of the branch facing Maybee. Once the road construction was completed, they went to install with the current setback, and found their sign below grade and not visible from the street.

Mr. Kevin Polk, Account Director with Icon presented via GoToMeeting.

Mr. Polk stated that they are requesting a PUD amendment which carried with it two deviations from the Township sign ordinance. The first relative to the township’s ordinances, Section 7 is regarding the setback that is a 20-ft. setback requirement. Due to the nature of the road construction and how the new highway easement has come. It has come so close to Chase’s property that essentially, there is no way for Chase to place the signage so that it could be visible to motorists on Baldwin Rd., traveling north, or southbound, as well as 20-ft. from the highway easement. They are requesting a slight reduction in that requirement and their sign would be 12' 9" from the new highway easement line. The second request would be for a variance to the township ordinance that limits the number of wall signs to one for a business establishment. Previously Chase had a monument sign that was at street level with good visibility to all motorists. Now, motorists that are on Maybee Rd. traveling either east or westbound found it very difficult to identify that it is a Chase Bank. If the monument is allowed, it would be moved to the south-west corner of the property. They were requesting a letterset be added to the north elevation facing Maybee Rd. so that motorists heading westbound would have visibility and the ability to identify that it is a Chase branch.

Planner Fazzini read through his review date stamped October 1, 2020.

Acting Chairman Reynolds said that this is an amendment to an existing PUD. The road improvements were not requested by the applicant but has some conflicts on their existing signage, which is why there were there, to readdress that with the new roadway. There were some pictures that spoke to some of the grade changes and the difference between their existing road sign and the proposed new roundabout and how that would create a conflict for them.

Commissioner Gross stated he didn’t think it was a major amendment to the original PUD. He felt that it was an amendment coming about as a result of the road construction which they didn’t have any condition over. The ground sign he felt was such that it would not interfere with the corner clearance or the Maybee traffic seen past the corner to see the oncoming northbound traffic on Baldwin Rd. With the roundabout, he felt the visibility was extremely important. The wall sign on Maybee Rd. the total wall sign with the Baldwin sign and the Maybee sign are still within the confines and the control of the ordinance in terms of size, and he didn’t think it was a major issue with either of the requests.

Commissioner Walker concurred with Commissioner Gross.
Acting Chairman Reynolds said that was his overall feeling, as well. He felt that the additional signage on the south façade facing Maybee did not seem to be unreasonable and thought it was tasteful, right now it was a blank façade. It is within the confines of the signage or at least what they would request from similar projects whether they were a PUD or not. He noted that there was a comment on the Planners review regarding the external illumination signage. He asked the applicant if they had a problem amending or agreeing to the Gingellville signage requirements for illumination? Ms. Carr replied no. Acting Chairman Reynolds asked Planner Fazzini if they were looking at it as it was externally lit? Planner Fazzini replied that they didn’t see anything like that but just wanted verification. Ms. Carr asked Mr. Polka if the sign was just internally illuminated? Mr. Polka replied yes, internally illuminated.

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission approves PC-2020-21, Orion Village Crossing PUD Minor Amendment for signage for JPMorgan Chase Bank for the plans date stamped received September 16, 2020, located at 3515 S. Baldwin Rd. This approval is based on the following findings of facts: that the amendment to the plan is a result of the road construction on Baldwin Rd., and the location is such that it will not interfere with the visibility necessary for the corner clearance, and that the total sign area of the wall signs are within the conformance of the sign regulations of the township.

Amended by Commissioner Gross, re-supported by Commissioner Urbanowski, to include that the approval adheres to the Gingellville District signage requirements.

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

B. PC-2020-11, Grand Square of Orion, Site Plan, and Wetland, located at 595 Brown Rd. (parcel 09-32-400-077), vacant parcel 09-32-400-076 to the west of 595 Brown Rd., 611 Brown Rd. (parcel 09-32-400-070), 631 Brown Rd. (parcel 09-32-400-069), and a vacant parcel 09-32-400-071 to the east of 631 Brown Rd.

The applicant Mr. Jason Kishmish 18371 Clairmont Circle, Northville, MI presented.

Mr. Kishmish stated that it was an approximate 13 ½ acre parcel that they have assembled. It will encompass three nationally branded hotels, two Marriot branded flag properties, one Hilton branded flag property, and two free-standing restaurant buildings that will be upfront along Brown Rd.

Mr. Kishmish gave some history, his company was Grand Management & Development. They specialize in commercial development. Their portfolio currently includes approximately 750,000-sq. ft. of commercial real estate and they are spread from Sault Ste. Marie to Kalamazoo to Grand Rapids and all over metro Detroit. They look for and identify locals like Orion Township that can support long term commercial development. In this community, there is a dense appointment base with all the different suppliers. A lot of people want to live and play close to where they work. They felt that residential development is going to be a big part of this community’s future, and they wanted to give it the amenities that will complement that residential development. Brown Road is quickly becoming the local corridor for trade for the local community. Baldwin Road is more of the regional hub with the mall, but Brown Road is becoming where all the residence in this community traverse to for their day in and day out shopping needs. They drove down Brown Rd. about 3 ½ to 4 years ago and they looked at the south side of the road and said “wow” Costco, Target, and Meijer, and he looked at his broker and asked, “what is going on over here, nothing is being developed?” He thought it was around that time that he educated him on this BIZ Overlay District and some of the rezoning that this
community had gone through to start to try spurring some of the development along the northern side of Brown Rd.

Mr. Kishmish added that they had assembled six different lots and three various ownerships, which was very challenging, to get all parties to cooperate and become a unified plan that could encompass all of their properties and be conducive for the community. One of their biggest challenges with Brown Rd. they faced was the width to depth ratios, these parcels in some cases are 75-ft. wide because they are old residential parcels and depths go as far as 1,500-ft. so it was a 20-1 ratio. Commercial development usually wants 2-1 tops and he decided to take on something that was 20-1. All that together created a lot of obstacles and that is why it took them almost 2 years to put the various owners together, get them to cooperate, and then go through the visibility process to make sure that what they were planning was doable and feasible from an economic standpoint. Retail is easy you can put it upfront everyone sees it and they can get those users but when you are dealing with 1,500-ft. there are not a lot of uses they could do that would complement the retail and at the same time abide by the intent of the ordinance and try to do a mixed-use type of development. One of the complements to what they were planning to do was hotel development. Through their due diligence, they identified groups that operated hotels, that were competent enough to do new development, and that had the wherewithal to bring these to fruition. Through that process, they met two large groups that control over 86 hotels in the state of Michigan and they are their partners in this project. The first step was bringing in the representatives from Marriott, Hilton, and Intercontinental to tour the area and sell them on the north side of Brown Road as opposed to other parts of Auburn Hills or off of I-75 and some other locations. He commended Supervisor Barnett and Planning & Zoning Director Girling for all the data that they provided. The initial planning meetings turned out to be significant in helping convince these decision-makers that it doesn’t have to be on I-75 in front of Topgolf it could be on Brown Road and still do well. They then put together a plan for a combination of different hotels, between extended stays and limited-service hotels that he felt fit well for what the community needed and what they thought would be viable in this development.

Mr. Kishmish said regarding the partnership, he was with Grand Management and Development and then there was the Nap Hotel Group that currently owns 61 properties throughout the state of Michigan and a few in Ohio and Indiana. Then there was Elite Hospitality Group, and Great Lakes Hospitality who developed and operate 26 nationally branded hotels in the state of Michigan, they own the hotels that are closest to this location, along Great Lakes Crossing Blvd. that includes that Marriott Townplace, the Holiday Inn, and the Hampton Inn location. The latest developments that they have that they might be aware of is the new Hyatt that is in downtown Royal Oak and they also just finished a Hampton Inn in Bloomfield Hills along Telegraph Rd. as a part of that Menards and the old Bloomfield Square development. Combined they are the largest hotel management development company in the state of Michigan and are one of the largest in the entire mid-west. He felt it was important to bring on partners that had the same vision that could see this through and operate these properties in a first-class manner. These groups have demonstrated it over and over and he thought they were both accredited with preferred developers for both Marriott and Hilton. The group itself employs over 300 employees and their revenue is probably north of one hundred million dollars.

Mr. Kishmish stated that the property is located in the (BIZ) Innovation Overlay District, and his understanding was that the district was created to procure economic development and the redevelopment of some of these old parcels. Their economic impact of this development was approximately fifty million dollars, thirty-six to thirty-eight million on the hotel side, and the restaurants will be somewhere in between ten to twelve million dollars. They will employ over 275 people, by the last estimate that he has gotten between the hotels and the restaurants. Also, there will be fifty million dollars in tax base. He added that the (BIZ) District intent is to
have collaboration between the property owners. He thought that they achieved that by pulling together six different lots between 3 different property owners and have been able to assemble a large enough piece of property that can make this development viable. One of the goals of the (BIZ) District was the redevelopment of the current lots and blight. He noted that one of the sites is an old mechanic trucking repair facility and the other part of the property is just to store old earth moving material. They are going to take a historically unutilized industrial type site and turn it into a real viable multi-use development, that is going to have jobs and complement the citizens of this community and some of their daily needs. The (BIZ) District was created and gives the Planning Commission a level of flexibility. A development of this size rarely meets every aspect of the ordinances that the Master Plan requires and that is because developments of this size are kind of a balance. They have the need of the variance of different users, and the needs of some site-specific hindrances in some cases. That is where they are hopeful and grateful that it allows the Planning Commission a level of discretion and being able to determine some of the things that they are going to need their support on. It also gives them the discretion of some waivers. The entire project will not require any variances for the site but will require some help with waivers. Their hope is that this development becomes a catalyst for development along Brown Road. It started with Menards and their hope is that their project will start tying in some of these other properties and then will encourage some of those owners and stake-holders to start redeveloping their properties. He thought it was a great corridor and that it could be such a great part of what this community needs.

Mr. Ron Chiesa with R.A. Chiesa Architects went through the architectural site plans with the Planning Commissioners date stamped September 14, 2020. He noted that the dumpsters will be screened with landscaping and it will also be hidden by berms that they have on the entry drives turning in. They will have benches every 50-ft. along the sidewalks. He noted that they have addressed the Fire Marshal concerns. The parking will be a shared-use type, there will be no individual parking areas, every building can use or park anywhere, and there will be a joint agreement parking established that is noted on their project information. Regarding the pond, they would like to have a fountain in the pond and could be on a tether so that it would ride up and down as a normal pond would do.

Commissioner Walker asked Mr. Chiesa if the restaurants will be part of the hotels themselves? Mr. Chiesa replied no; the hotels do not have any restaurants. Commissioner Walker asked if they would be independent entities? Mr. Chiesa replied correct. Commissioner Walker asked if they knew what restaurants will be yet? Mr. Chiesa replies yes, but wasn’t at liberty to talk about that.

Commissioner Walker asked if all three hotels will have cladding EFIS? Mr. Chiesa replied that the Residence Inn does not have EFIS. EFIS was on the Hilton and on the Fairfield. Commissioner Walker asked if they used EFIS on a regular basis? Mr. Chiesa replied yes. He added that if they use EFIS correctly it is perfectly fine as long as they use the proper application. Commissioner Walker asked if he had been involved with any projects that had a failure with EFIS? Mr. Chiesa replied that he had not but was aware of a lot of EFIS issues. He said that the issue with EFIS is the lack of qualified contractors. He said that when they do project’s they make sure that the EFIS contractor is a certified contractor with esto or dryvit so that they can get that warranty. He noted there have been numerous failures and his liability insurance company always asks because that can be a failure.

Commissioner Urbanowski asked if the hotels required the EFIS? Mr. Chiesa replied yes, that is part of their esthetic. He noted that when you have a building that is 4-stories tall what is a good material to use, and the EFIS is good because it does allow expansion.
Mr. Kishmish added that EFIS is a material that is on a lot of the hotels. These are nationally branded products, if it is done right it is a very viable product. He said he would rather see a lot of it as stone, but unfortunately, he does have to adhere to some of their design guidelines. He said that there is a little bit of play and that is why they have incorporated some of the other materials and thought that they did a good combination of appeasing the franchise owners and kind of staying within the spirit of the ordinance. He noted that they closed on this project spending over a half of a million dollars just in franchise fees and entitlements and is a go project, the franchise owners have approved it, the partnership is there and they can execute this the right way, he just needs the Planning Commissions support.

Planner Fazzini went over his review date stamped October 1, 2020.

Engineer Landis went over his reviews date stamped September 29, 2020.

Acting Chairman Reynolds stated that the Fire Marshal review was approved with conditions. One of those conditions being that the FDC be relocated to the north side of the building where it shall not be obstructed by proposed parking spots. The other was a 3-ft. width to a 5-ft. width for all access points located in the parking lots that lead to each Fire Department connection. Acting Chairman Reynolds added that there were no issues with the Public Service review. There were some general comments from the RCOC.

Acting Chairman Reynolds said that the Site Walk Committee completed a site walk and they were familiar with the site.

Commissioner Gross stated that this was a very aggressive development. They have put together over 5 parcels and over 13 acres, and it is a mixed-use development which is what they have been trying to accomplish along this district. They have a number of other uses so there are no conflicting uses to speak of. He asked since it is so aggressive will this be a phased development or a single development? Mr. Kishmish replied that it will not be a phased development. He added that they were coming in tonight for approval of the entire thing. Commissioner Gross asked if all three hotels were confident that there is a market for this? Mr. Kishmish replied that Hilton and Marriott will not entertain a proposal unless they do a Comprehensive Feasibility Study first. The hotels that will be impacted the most are the partnerships of three current hotels that are owned at Great Lakes Crossing. He said they did their homework and were not going to fork out over 35 million dollars in hotels if they are not going to work.

Commissioner Gross asked if the type of restaurants will there be liquor licenses? Mr. Kishmish replied yes, one restaurant is a nationally branded concept with over 350 locations, they will have a liquor license. In the second restaurant, he was fairly confident that they would have a liquor license. Commissioner Gross asked if there will be outdoor dining? Mr. Kishmish replied no outdoor dining.

Commissioner Gross asked how much control are the site plans reflecting the architecture of those buildings? Mr. Kishmish replied aside from putting a name on the plan they are the exact elevations.

Secretary St. Henry stated that when he was looking at the site plan his biggest concern was the south elevation of the restaurants and facing Brown Rd., there is a berm there and they did show the elevation. He said that they have been burned as a township with developments where they have had the back end of the building facing the roads and they are not attractive at all. He wanted to make sure that in this development, which is exactly what the Brown Road Innovation Zone was set up for, short of having billion-dollar R&D research centers, this is
exactly what they have been waiting for, for the last five years. There is a significant shortage of hotel space in northern Oakland County. There are over 100 major manufacturers located within 20 miles of this spot and they have to travel as far away as Warren for hotel space to work out here. He felt it was a very needed development in the right part of the township. His biggest concern was the elevations and between the berm and what the building is going to look like. He wanted to make sure that it was attractive from Brown Rd. Mr. Chiesa replied that if they were to look at the plans the south elevations were very attractive because essentially, they have another front face, so these buildings need to look good all the way around based on how they are located. So, that has been addressed and is evident in the elevations.

Commissioner St. Henry stated that with the ADA compliance on the sidewalks that run through the development, he suggested that they exceed the ADA minimum requirements because this development is going to be here for 100 years and as they all know our population is aging and there are more and more people in wheelchairs and walkers. So, let’s make sure they do this right when it comes to ADA compliance. Mr. Chiesa said that is never an issue. Commissioner St. Henry said that he wanted them to exceed the 3-ft. minimum. Mr. Chiesa said that they changed the plans already that were sent in. Mr. Kishmish stated that he knew that the pedestrian circulation was very important. Each one of these hotels will have a shuttle and that shuttle will take people, if they just want to go to the restaurant, they will be able to do that. He didn’t foresee people walking 1,200-ft. from the Residence Inn in the back to go to the restaurant. The shuttle will run continuously will take care of that, but understood why they would want it and have done their best to try to alleviate some of that concern.

Acting Chairman Reynolds asked if there were any concerns on the site monument on the design aesthetic or the setback from the front road as proposed? Commissioner Gross said that the site monument as he sees it as an open-air structure that represents the main project sign for the entire development. It is located such that it is away from any of the access drives, so, it should not have any interference with ingress or egress. Acting Chairman Reynolds agreed he thought that the design aesthetic promoting some walkability especially with the Safety Path Committee always trying to get safety paths into the sites, he felt it was a good welcoming element and would always encourage developments that have come in with their proposal of our design standards he felt they have the set for a reason. He looked favorably on the wingwall elements on the entrances and with the monument that is provided that promotes walkability and felt it was a nice element that is proposed.

Commissioner Walker noted that Engineer Landis stated that it was his 3rd review. He asked if they were able to get with the consultants to work out some of their concerns? Mr. Kishmish replied that there was a lot more that they had already done. He added that they did evolve from the initial plans. A lot of the things that the civil review was dealing with were construction elements, they were there for only the site plan. Whether it is calculations on storm or whether it is on making the pond deeper that would be worked out with a little more detail with the construction drawings. They can’t pull a permit unless they make these guys happy. What he was looking for was support on the overall plan, and he would not be getting a permit until they are satisfied. Mr. Chiesa stated that the one thing to keep in mind was the size and scope of the project. When they are talking about that there have been three reviews done on different things, and there is a project that has five buildings which are basically five projects in one, they are looking at a whole different scenario. There is a complexity here because it is a mixed-use and they are trying to bring into harmony five different types of uses on a site that is narrow and long and trying to make it work the best that they could. He felt it was a great project for the community and hoped that they could get their support. Acting Chairman Reynolds stated that some of the concerns being brought up were being brought up because the parameters can be changed per the Planning Commissions discussion points.
Acting Chairman Reynolds asked the Planning Commissioners their thoughts on hotel parking and setbacks. Commissioner Urbanowski stated that it was said there was an excess for the restaurants for the parking requirements, and that they were exceeding that. Mr. Chiesa replied no; the parking for the restaurants is what the restaurants need and is beyond what the ordinance requires but for the end-user it is what they need. Commissioner Urbanowski said overall, they have extra parking and it was said at the beginning that it will be shared parking, so they are exceeding parking? Mr. Chiesa replied that you can’t look at it that way because the parking that is adjacent to the restaurant and everything that is in the U-shaped road is restaurant parking and that is what they need. The parking that is beyond for the hotels is not something that is viable where someone is going to park there and then walk all that way to the restaurant. When they have the shared parking, it is more for the hotels themselves because they are in close proximity but there is also an agreement that in case there needs to be an overflow with those restaurants. He noted that Mr. Kishmish has had stringent requirements that they had to adhere to that these restaurants needed, so they have no access parking. Mr. Kishmish stated that they had cut it down to what they had originally wanted, and in order to get their commitment here was because the ordinance only called for 80 parking spaces per restaurant but this restaurant fills up to 120 parking spaces on a weekend. Will they be used all the time, probably not, it was something that they negotiated back, and forth. Commissioner Urbanowski asked if the Township had a minimum for hotel parking? There is no standard for the hotels? Planner Fazzini replied correct. Commissioner Urbanowski noted that it was one parking space per room? Planner Fazzini replied that is what was proposed, correct. Mr. Kishmish stated that was a national standard. Secretary St. Henry said that there is plenty of multi-hotel developments that have shared parking that is within walking distance. Acting Chairman Reynolds stated that on the parking, obviously, he thought that there was a balance between parking spaces, walkability, and greenbelt setbacks. He felt that there were some compromises here that they can make especially if there are some standards that are being set by potential national retailers and hospitality that are looking at these and at this point guaranteed with the hotels and it seemed very likely in some of those other instances. He thought initially that it seemed like a lot of parking spaces but there seems to be a solid discussion about why they are landing at that amount. He thought that one space per hotel room they looked to meet and that they were compromising based on the actual chain or the proposed development that they didn’t always occupy at a higher occupancy rate. With this being said, he wouldn’t say it was a sure bet, but that there are some chains with design standards, and that there are standards for a reason.

Acting Chairman Reynolds said regarding greenbelts, he didn’t have an issue with a 10-ft. wide greenbelt. The buildings are set back from the edge of the property. He thought that there could be some more clusters of trees, he wasn’t crazy about the spacing of the trees in general that could be brought into clusters or some additional trees provided as a compromise to some of those reduced setbacks especially against the north side of the property line that would be adjacent to R-1. He thought that there would be significant grade changes on the north side of the property and that there would still be a large earth change and is a request they would expect anyone to meet. Commissioner Gross stated that the greenbelt on the north side is affected somewhat by the gas-line easement along the north, that no one will be building on anyway.

Acting Chairman Reynolds asked if the Planning Commissioners had any thoughts regarding the design standards in the (BIZ) District along Brown Rd. and the compromise of the tower not having the additional brick walls that they require? Commissioner Gross stated that there are two entrance markers at each driveway but they are minor and he thought that the site monument takes the place of the other entrances.
Acting Chairman Reynolds questioned if all the utilities plan to be underground for the development? Mr. Chiesa replied yes, all utilities are underground.

Acting Chairman Reynolds stated that there is not a tree survey completed on the site right now. They knew that there were some trees, and asked if there were thoughts about that or if there was a condition? Commissioner Gross thought that could be handled administratively if there were any trees worthy of saving. Secretary St. Henry said that he thought that he missed that site walk, and asked if they recalled if there were any monument trees worth even considering? Acting Chairman Reynolds replied that without walking the entire one thousand plus feet of the property it was hard to tell. No different than any other project and as long as it is adhering to the Tree Ordinance and that landmark trees be replaced. He thought that administratively he was comfortable with that as long as a survey was completed for the calibers per our ordinance, and if there were monument trees identified that were going to be removed that they would be replaced. Mr. Chiesa stated that was in the process of being taken care of. Secretary St. Henry stated that they were familiar with the property at least from the standpoint to know what was there before, and what they are proposing is a major development with three hotels worth of parking spaces and restaurants. He felt that as a group they could recognize that they will be replacing plenty of trees and in 25 years they will be fully grown.

Acting Chairman Reynolds said regarding wetlands and the thoughts on the 3-ft. wide internal sidewalk with the minimum stand of 5-ft. Mr. Chiesa stated that they did change the 3-ft. walk that goes around the pond to 5-ft. and that is on the most current plans that they sent in. They did not change the 3-ft. walk cutting through the parking lot. He noted that he was willing to have it 7-ft. but then the parking spaces get reduced but not because of the net effective area. If someone was to pull up to that curb their car is going to overhang 12-20-inches and that would net out the 5-ft. clearing and the parking spaces are perfectly usable. He wanted to make clear they did change that to 5-ft. and the only thing that was up for discussion they would be happy to work administratively with the consultants as to what is the best way to go. He personally likes 7-ft. and thought that Mr. Kishmish would be happy with that. The didn’t want bummer blocks because they are a tripping hazard, they get picked off from snow and get loosened from the plows and thought they would be a nightmare and not user friendly for the elderly. He added that a nice 7-ft. curb is still going to net out for very usable parking-spaces. Acting Chairman Reynolds stated all the more reason to have the larger than 3-ft. He thought a minimum of 5-ft. and would love to see 7-ft. but would compromise at 5-ft. if there was an engineering limitation and understood that the site was limiting. Mr. Chiesa stated this was just the walk going through the parking lot. Acting Chairman Reynolds replied that he understood but thought that even in that sense they said there will be shuttles and he thought it was important and that the whole reason they have safety paths is to promote biking and walkability through the community and felt it was an important piece to try to work through and gain that standard in the site. Secretary St. Henry said it sounded like they’re going to do it. He added that for the hotels they will have plenty of family gatherings and there will be folks in wheelchairs.

Acting Chairman Reynolds said that one of the items they had listed was that there were no gate styles proposed but asked them to speak about what would line the pond? Mr. Chiesa said that they did have it noted on the plan that it will be a minimum high 42” decorative black aluminum fence with two, 5-ft. gates, so there are 10-ft. of opening in order to get a machine down into the pond for maintenance. It will be a very similar fence that you would see around a swimming pool. It will be black aluminum decorative pickets with no finials so no one kills themselves just a very clean black fence. They can provide a cut-sheet or something internally again to the administration as necessary for that. Mr. Kishmish said that there will be some type of water feature in the pond, with lights, to make it look aesthetically pleasing. Secretary St. Henry asked if they were planning on having that run year-round? Mr. Chiesa said that he has
a 5-acre pond behind his house and his subdivision pulls out the fountains because it does freeze. Even if they kept aerators running it still freezes.

Acting Chairman Reynolds asked Engineer Landis if the 43-ft. right-of-way in lieu of the 60-ft. width requirement, if that was a concern or something that would be resolved later on, or do they need to waive that? Engineer Landis said that he believed it was something that the Board could pass as a deviation. He thought that the spirit of the ordinance is being met. The 60-ft. requirement is set to establish sufficient room for utilities. Given the layout of this project, there is already independent water and sewer for easements and there is not a need for that 60-ft. width. Planning & Zoning Director stated that there were two components of it, they are proposing to reconfigure the parcels based on the number of the bowling alley lots and the separation of the restaurants from the hotels, so, administratively she does do that part of the parcel reconfigurations within the ordinance. It does say that a private road is 60-ft. wide, however, it does say that they can ask the Board of Trustees for a different standard. They would be looking to their engineers for their input on the width being acceptable. Within their suggested motions she did list the width as a waiver because the ordinance technically does say 66-ft. which exceeds our land division ordinance, so, the land division ordinance is a 60-ft. that would have to go to the BOT for a deviation but within the (BIZ) district which has the waiver ability is the 66-ft. She did believe just to make sure that they covered their bases that at least from their standpoint if they are so inclined to waive the private road standard listed within (BIZ) and then she would take it the other direction for the land division. Acting Chairman Reynolds said just to be clear the 60-ft. is the right-of-way, not the proposed width so potentially that could be one way that is addressed that it is 43-ft. proposed versus a ROW? Engineer Landis replied that was his understanding yes. Mr. Chiesa noted that the typical ROW is 43-ft. for utilities and that is why they have a ROW adjacent to a road. They have utilities coming across all 450-ft. at variance points. He added that they don’t need that 60-ft. ROW for utilities as they are coming in the east and west side of the buildings and between the buildings so they have them coming on site.

Acting Chairman Reynolds asked about the overall contribution to the traffic impact study, and thoughts on an equal amount of what they would spend on that could be contributed to that regional study or a factor? Mr. Kishmish replied that they had spoken with Planning & Zoning Director Girling and they had no issue with it.

Acting Chairman Reynolds noted that they were looking at some pretty developed restaurant elevations and one of the conditions that could be added here is if significant architectural features change, they could always bring that forth if that was a concern that passing as they see it here today. It is not necessarily a PUD that is written into everything so if that was a concern that wanted to come back to us.

Acting Chairman Reynolds noted regarding the wetlands and that OHM didn’t have any major concerns about the Wetland Permit other than confirming the wetland #1 is not a regulated wetland. Engineer Landis said that is correct their wetland consultant indicated it was their opinion that it wasn’t but when they looked at the inventory map it appeared that that wetland exceeds 5-acres almost 6-acres in total which raised a flag that it is potentially regulated by EGLE so they asked that they double-check that. Commissioner Walker stated that it was noted in the report that there was no discussion of mitigation, he asked the petitioner if there was an offer of anything in the way of mitigation for those wetlands? Mr. Kishmish noted that they are looking at their retention as part of the mitigation process and will go through EGLE if that wetland does in fact end up being regulated, which he was told wasn’t because on the north end of the property it is kind of a low spot, and it probably is within that easement area where the gas line is, but if it does they could work with civil and administration on what mitigation efforts they would need to offset that.
Moved by Commissioner Gross, seconded by Secretary St. Henry, that the Planning Commission **approves** the wetland permit for PC-2020-11, Grand Square of Orion, located at 595 Brown Rd. (parcel 09-32-400-077), vacant parcel 09-32-400-076 to the west of 595 Brown Rd., (parcel 09-32-400-070), 631 Brown Rd. (parcel 09-32-400-069), and vacant parcel 09-32-400-071 to the east of 631 Brown Rd. for plans date stamped received September 14, 2020. This approval is based on the following findings of fact: that the action is not likely to pollute, impair, or destroy a Wetland; there are feasible or prudent alternatives to the proposed action: the proposed stormwater management facility being proposed; the approval is consistent with the public interest, in light of the stated purposes of the ordinance and are in conformance with the wetland protection ordinance which has been met.

Commissioner Gross amended the motion, Secretary St. Henry re-supported to add that the applicant review with the Township Engineer the particulars of wetland #1 and to see if there are any mitigation necessary in accordance with the regulations.

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

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission waives the following standards of Section 34.03 based on the economic impact, quality of architectural design, and overall compatibility with the District to include: the setback for the site monument structure, which is an open air structure as identified on the site plan be located within the identified setback area; that the parking calculations be identified as being a shared use of parking within the entire project, therefore meeting all necessary parking standards; the parking setback waiver being adjusted with an acknowledgment that a 5-ft. sidewalk would be provided and where appropriate a 2-ft. overhang on the sidewalk would allow for appropriate parking; the greenbelt width on the east and west property lines as well as the north be modified in accordance with the plan recognizing the additional landscaping being provided within the greenbelt area of the 10-ft. on the east and west sides and the reduction in the greenbelt on the north being reduced in recognition of the gas line easement on the property to the north; the entry area improvements are adjusted and reflected on the plans submitted be reduced in character recognizing the site monument structure which is an alternative to the entrance area improvements; the dumpster locations being provided in accordance with the plan recognizing that the two restaurants are facing to the interior of the site and the dumpsters are in the rear of the buildings where it is appropriate to have dumpster locations from an operational standpoint and that they are properly screened with the architecture and landscaping; the loading and the unloading would be reduced because the deliveries are made at off-peak times or when the restaurant is not open, therefore, a dedicated loading and unloading zone is not necessary in this location.

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

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission grants site plan approval for PC-2020-11 Grand Square of Orion, located at 595 Brown Rd. (parcel 09-32-400-077) vacant parcel 09-32-400-076 to the west of 595 Brown Rd., 611 Brown Rd. (parcel 09-32-400-070), 631 Brown Rd. (parcel 09-32-400-069), and vacant parcel 09-32-400-071 to the east of 631 Brown Rd. for plans date stamped received September 14, 2020 based on the following findings of facts: that with the previous modification of standards the plan meets all other ordinance requirements; this approval is based on the following conditions: the land division approval be made in accordance with the parcels shown on the site plan; approval of the deviation to the private road standards by the Board of
Trustees: recognizing that this is an internal private driveway and not a public road so the reduction in width would be appropriate; all utilities be buried underground as identified by the applicant; a tree survey be submitted and reviewed in accordance to see if there are any landscape trees that need to be acknowledged.

Commissioner Gross amended the motion, Commissioner Urbanowski re-supported to add that they include the engineer comments minus #11; address the Fire Marshal comments; the decorative gate be provided with a vertical picket fence and with the black aluminum; significant architectural changes that the PC review; any other unresolved issues that were received from the Township Planner or Township Engineer; any of the changes are reviewed administratively without the need to come back to the Planning Commission except for the significant architectural changes (restaurants specifically).

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

**8. UNFINISHED BUSINESS**
None

**9. PUBLIC COMMENTS**
None

**10. COMMUNICATIONS**
A. Waterford Township Master Plan Update Amendment:

Planning & Zoning Director Girling suggested that the Planning Commissioners all read it, and let her know if they had any issues with it.

**11. PLANNERS REPORTS**
None

**12. COMMITTEE REPORTS**
None.

**13. FUTURE PUBLIC HEARINGS**
A. 10-21-20 at 7:05p.m., PC-2020-22, Salon Blue Special Land Use Public Hearing for Tattooing.

Planning & Zoning Director Girling stated that according to our ordinance tattooing is anything where ink is injected under the skin, this is for microblading which is eyebrows. That is a text amendment that they need to look at.

**14. CHAIRMAN’S COMMENTS**
None

**15. COMMISSIONERS’ COMMENTS**
Planning & Zoning Director Girling stated that the BOT set a joint meeting on 11/12/2020 6p-8p at the Orion Center.

**16. ADJOURNMENT**
Moved by Commissioner Gross, seconded by Acting Chairman Reynolds, to adjourn the meeting at 9:16 pm. *Motion carried.*
Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

October 21, 2020
Planning Commission Approval Date