The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 16, 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
Derek Brackon, Commissioner
Kim Urbanowski, BOT Rep to PC
Don Walker, PC Rep to ZBA
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
Don Gross, Vice Chairman

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

2. ROLL CALL
As noted above.

CONSULTANT’S PRESENT:
Jill Bahm, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Lynn Harrison, Planning & Zoning Specialist

OTHERS PRESENT:
Amy Harris
Ray Harris
Sherley Moran
John Slocombe
Diane Glassford
Ari Geczi
Fred Glassford
Susan Johnston
Alicia Lawson
Giselle Graham
Kelly Mihelich
Scott Harris
Greg Moran
Emily Glassford
Elizabeth Glassford
Sydnee Keucken
Jen Geczi
Elizabeth Fenwick
Marcie Ramsey
Matt Lawson
James Graham
Ryan Soldan
Matt Malenick
Amy Keyzer
David Steuer
Lorita Woznick
Mary Mansfield
Terry Clissold
Sharon McQueen
John Whitty
Melissa Canelis
Tracy Deuman
Al Hassnan

3. MINUTES
A. 10-19-22, Planning Commission Regular Meeting Minutes

Moved by Trustee Urbanowski, seconded by Commissioner Walker to approve both sets of minutes as presented. Motion carried

4. AGENDA REVIEW AND APPROVAL
Moved by Trustee Urbanowski, seconded by Commissioner Jessica Gingell, to approve the agenda as presented. Motion carried

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

Chairman Reynolds recessed the regular meeting at 7:05 p.m. and opened the public hearing for PC-22-39, Hudson Square Planned Unit Development (PUD) Concept Plan, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021) at 7:06 p.m.

Chairman Reynolds closed the public hearing for PC-22-39 at 8:25 p.m. and reconvened the regular Planning Commission meeting.

7. NEW BUSINESS
A. PC-2019-06, Silverbell Pointe PUD Site Plan Extension, located on 4 vacant parcels S. of Silverbell Rd. on the east side of Joslyn Rd. (Sidwell #09-33-201-001, 09-33-128-001, 09-28-379-001, & 09-28-451-001).

Chairman Reynolds asked the applicant to state their name and address for the record.

Mr. David Steuer 30108 Orchard Lake Rd., Suite 150, Farmington Hills, MI.

Mr. Steuer said that they thought that they had the property all approved and ready to turn it over to start the actual physical development toward the end of June. MDOT and CN Railroad wanted to come out for a final inspection and walk it and in doing so had some new requirements. They have been working nonstop with RCOC, MDOT, CN Railroad, our traffic consultant, OHM, Professional Engineering Associates, and their engineers to get everybody together in agreement about how to proceed. It is all about what is off-site, and it has nothing to do with the legal description.

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that the Planning Commission approved the site plan extension request for PC-2019-06, Silverbell Pointe PUD Site Plan for 1 year. This approval is based on the following findings of facts: that the applicant is still working through approvals with neighboring jurisdictions and approvals are still in process and there has been due diligence on the project and intent of it moving forward.

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

B. PC-22-16, Lava Mountain Special Land Use, and Site Plan Postponement Extension, located at 1472 S. Lapeer Rd., 09-14-100-074.

Chairman Reynolds said he did not believe that the applicant is present tonight he had another conflict. He was familiar with this this was essentially a postponement of further deliberation on this topic for them to work through. They have made some comments and suggestions on how to make the drive-through configuration of Lava Mountain Coffee work better. He thought that they were still working through that. He knew that there had been a conversation with OHM so there is some movement, and he would support further postponing this PC case.

Moved by Commissioner Walker, seconded by Commissioner Gingell, that the Planning Commission approves the postponement extension request for PC-2022-16, Lava Mountain Special Land Use, and Site Plan postponement extension request for one year. This approval is based on the information received from the petitioner.
Roll call vote was as follows: Urbanowski, yes; Gingell, yes; Walker, yes; Brackon, yes; St. Henry, yes; Reynolds, yes. Motion carried 6-0. (Gross absent)

C. PC-22-39, Hudson Square Planned Unit Development (PUD) Concept Plan, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021).

Chairman Reynolds asked for the consultants to read through their reviews.

Planner Pietsch read through his review date stamped received November 11, 2022.

Engineer Landis read through his review date stamped received November 9, 2022.

Chairman Reynolds said that the Fire Marshal did review the conceptual plans and had some concerns about some of the turnarounds.

Chairman Reynolds stated that there was a site walk completed by the Site Walk Committee from Vice-Chairman Gross. They have completed a site walk a few times on this parcel in the past. There was also a preliminary review from WRC.

Planner Gingell asked when they will have that traffic study to review. Engineer Landis replied that they should have their review completed within about a week to a week and a half.

Commissioner Walker said he wasn’t sure if anyone on this dais or on the other dais is a more frequent patron of their restaurant than him. He wanted to disclose that right up front. He has no interest in their restaurant other than he really wanted them to make it happen. Anything negative he says up here has nothing to do with their restaurant or with Biggby Coffee. He did have some questions. His biggest concern is the traffic. He understands that they cannot control MDOT any more than they can. Every developer that comes before them says this, it is only going to be 26, 37, 48, more cars, whatever the number is. Southbound M24 in the morning and any time of the day now, north, and southbound M24 are hideous the traffic is terrible. That stop sign at Waldon and M24 is not sufficient. Something must be done, and he is not saying they can do it. To him, if there was a light there or a light coming out at the ingress or egress point of their development on M24 it would make him extremely happy. He thought that everybody would forget about a whole lot of other things if they could pull that off. He knew they couldn’t do it, and the Township couldn’t do it. That is his biggest concern. The next concern he had was water runoff, and he is not an engineer, but he is worried about the water runoff, especially with the stream configuration change. They indicated that all the water runs to the southeast quadrant of their development and then goes into a culvert that runs under M24. He asked if that was true. Mr. Wayne replied that when the Classic Car Club plans were approved it was approved that that stream would get rerouted basically into that 6-ft. culvert and that is where all the water flows naturally. There was already a permit from EGLE to relocate the stream, and they plan to copy the exact path of relocation and update the permit just to reflect the new design. The stream relocation has already been through the eyes of EGLE, and they deemed that this path is feasible.

Commissioner Walker said he was somewhat concerned about the lighting. They indicated that there are enough trees and things in the way that there is not going to be any input to the neighbors to the west. Mr. Wayne said the west portion of the site is where their residential is located and so those have modest lighting similar lighting to what a single-family home would have in terms of exterior façade lighting. The parking lot to the east would have more traditional parking lot lighting. His point was that the whole tree line on Waldon is going to remain part of
the nature preservation effort. From Waldon Rd.’s point of view, they will have the tree line completely blocking any lights in that parking lot. He added that the beauty of this site is there are some trees on property lines and in areas that are being preserved that stand 50-60 feet tall. Those trees will serve as a great natural buffer both for light and for the buildings themselves. Commissioner Walker asked if those trees are going to remain. Mr. Wayne replied yes, they haven’t done a tree survey yet to tell you exactly which ones but there is a big line of trees on Waldon Rd., the intent is to preserve those trees, and then those other trees that are at the entry point and over by the wetland.

Commissioner Walker said the only other person who is a bigger tree hugger than he is, that he knows of is Mary Ann Ryan who was one of the people that spoke during public comment. She gave them their full endorsement.

Trustee Urbanowski said that Engineer Landis had said that the stream relocation will need wetland and or EGLE permits. Mr. Wayne said it was previously permitted for the conditional rezoning for the previously approved site plan. That same stream location design, basically the direction that it is moving is exactly what they copied on. The previous site plan was approved with that stream location, so they are going to take the same one and place it on this site plan.

Trustee Urbanowski asked if there were any changes because that came before the change in the Engineering Standards. Engineer Landis said that the stream relocation would not necessarily be impacted by the new standards. The new standards would be more towards promoting infiltration outside of the detention area. He didn’t recall the previous site plan relocating that stream, he thought the stream was being enhanced in place, but he would have to look and see if he can find that.

Trustee Urbanowski stated that they have been here many times and she appreciated their tenacity and listening because there were three people that came up to speak tonight that had been here before for The Woodlands and they were not quite happy with that development. It sounds like they all are ok with the development now. Probably no small part to Sweet Amy’s but she also thought it was the other parts too, the car club is something that people wanted before, it has been approved already and it is something she thought people were looking forward to. Then other people say the need for these apartments, which is something that they have discussed. Mary Ann’s endorsements were huge, she was waiting to see what she was going to say.

Trustee Urbanowski questioned the turnaround and the Fire Department turnaround, a cult-de-sack or something. Mr. Wayne said there is a proposed turnaround area. He understood the concern of the turnaround configuration is that if cars were parked outside of that garage, it would block the firetruck from being able to pull all the way in. They do have a little space to the west so he spoke with their engineers about this previously and one concept was to extend those driveways further to the west so that it would provide a space where the car could still be parked in front of the garage without blocking part of the driveway that the firetruck would use. He didn’t know if that was feasible yet because they are working through that, but the intent would be to basically configure that driveway in a way where it achieves the goal of the turnaround.

Chairman Reynolds said they are at the initial step of this process, concept, and eligibility plan. He did think that the proposal as they see it here tonight from previous proposals on the parcel or adjacent parcels is much improved from density impact and it does meet a lot of the criteria in their Master Plan from that missing housing component. He thought that was a great benefit. He stated that they heard a large outcry of support for Sweet Amy’s and essentially the coffee shop. He thought that there were some positives there. He did think there are a number of
technical items that still need to be addressed. One of the things was the turnaround and talking about extending that. His concern was about some of the buffer and transitional zones between this property and the adjacent ones. Regarding the west, if they were to extend that then that essentially eliminates any natural buffer that is going to remain or any tree buffer that would be proposed, that was a concern of his. It also seemed like he is in support of the coffee shop, he thought it was great, he knew previously when they approved the conditional rezone with the asterisk of no drive-through that was in relation to traffic. His biggest concern right now would be that they ask for a 100-ft. setback to residential and it is significantly reduced here in this plan. The building is 52 feet from the driveway it looks around 30 feet. He felt that if there is indeed a hardship here because of some of the limitations of the natural features, he was in support of working with that but to just flat out just say it is 50-ft. without other measures being proposed and he thought that brings him back to the landscape discussion. It did get brought up this evening about proximity and they have had other projects here straight zoned that it is a special land use that is something they always talk about is sound, sound transfer, and traffic flow. He thought those were topics to consider in this plan. He would like to see that drive-through, he liked the orientation of the site, but can they shift some things down, can they start to make that buffer greater, if they are going to indeed decrease it? They are not speaking about what remains of the natural features of trees, they are talking about preservation. What does grading do to this? They know that they can love that tree but if they are bringing that grade up two feet that tree is never going to survive. That was a big topic for him to discuss and he would like some input on the proximity of the drive-through in relationship to the site.

Chairman Reynolds added that he knew they are talking round and round about the likelihood and the response and what the traffic study might bring them. One of their measures here about looking at a (PUD) is the detrimental impact on surrounding areas and felt that was an important piece for them to at least have a formal review on or response before they further deliberate no matter how positive they feel about this evening. It seemed like if that is something that they require of everyone else that should be some facts they have in front of them before they just say, yep, I agree, or hope that there isn’t. Maybe there is something that they need to ask for in addition. Going back to the conditional rezoning of the past they said that asterisk because of the proximity to Waldon Rd. that it probably isn’t going to get much better, but they also want to mitigate that risk moving forward with whatever proposed uses might be there. He was in support, but they are up there to do their due diligence.

Chairman Reynolds said he knew that there were some comments on reduced setbacks of some of the drives. The T-turnaround was another thing he wrote down. He would like to move forward no matter what condition, they must make sure the density fits. He thought that also the conditions also need to include that asterisk of making sure they are being smart with drainage and runoff on this parcel.

Chairman Reynolds said he would like some discussion on the drive-through area and the thoughts on preceding/not preceding without having their formal review of the traffic study that was submitted.

Trustee Urbanowski stated that the traffic continues to be the major issue that got brought up a lot. She thought that with all the positivity that has come from the changes she did agree that they must have the opportunity to fully review the traffic study. Also figuring out the turn-around for the firetrucks is important.

Chairman Reynolds said to be perfectly clear there are usually components and items that get to be worked through with future steps of this. He thought that where conditions come into the comment, they agree bigger picture, the final grading, and things that will come. If it is a huge make or break or it is not possible that maybe break their initial thoughts.
Secretary St. Henry said he thought that this concept development is much more appealing than what they have seen in the past. He did like the mixed-use nature of it. He thought that the four different components of this development provide benefits. The traffic is his biggest concern, it is good to see that they are not routing cars in and off Waldon. He lives off M24 and he knows what M24 is like, and they are seeing a lot of proposed developments up and down M24. It is bad, it is going to get bad plus with the other developments. Recognizing that this is a responsible well thought-out concept plan. In terms of the turnaround with the fire department, later in the process, it is his understanding that those things typically are figured out one way or another. He thought that the developer and everyone recognizes that fire access and so forth is critical to any development and felt they would figure that out. This is a much more appealing development concept than what they have seen in the past for this area.

Commissioner Walker asked if they still had the windmill. Mr. Wayne replied that the last time he was there the windmill was still there about a month ago. He jotted that down when that comment got made because if they could preserve and keep that water flowing.

Engineer Landis said regarding the stream relocation, the previous Classic Car Club site plan did show the stream relocation as included on this plan before them tonight.

Mr. Wayne said they mentioned a residential setback, does that have to do with the fact that the north property is zoned residential? Chairman Reynolds replied that the required setback to residential for a drive-through in a special land use is 100 feet. That is kind of the key criterion there. There is a 35-foot residential setback to the residential units, which is a deviation. He thought that seemed like they were scrunching that up close and without understanding other mitigation measures it is a concern. Mr. Wayne asked if that deviation from their own residential. Chairman Reynolds replied to the north adjacent property owners. Mr. Wayne asked if that parcel was zoned institution or commercial zoning, what would that setback be in that case. Chairman Reynolds believed that the setback was 50-ft. Mr. Wayne said the underline zoning is (R-2) the current use is the church, technically it is residential zoning practically speaking it is functioning as a commercial business or an institutional business he thought a 50-ft. requirement should be considered.

Mr. Wayne said they would certainly like to maximize it, the challenge they have is they are pushing from each end to try to fit all the pieces in with the necessary setbacks, and meeting all the ordinances that is a challenge every developer faces. These minor tweaks that they can make, he thought, could improve the overall orientation, and allow them to come closer to the setbacks. One specifically that he asked for feedback on is the extra 5 feet on the residential being 30 feet as opposed to 35 feet. That area behind those residences is intended to remain as natural and undisturbed as possible. Their intent was to provide a 30-ft. setback there, and their hope is that is sufficient. Trustee Urbanowski asked if there was a deck or patio back there. Mr. Wayne said for the first-floor units the 200-ft. outdoor patios would be between the buildings.

Chairman Reynolds said it is not that he is not open to decreasing the setback it is what other measures are in place to mitigate that. They are lacking some landscaping here to just say they have just spoken to propose buffers between evergreens staggering between uses on the parcel. They are kind of saying it is going to be maintained or proposed but thought that was something that would help them come to those conclusions. At least to say that it is going to be a solid buffer or whatever it might have been.

Chairman Reynolds said just proceeding this evening without the formal review of the traffic study, in favor or not. It would have to be their next meeting, or it seems like it could be ready
Discussion on the motion:

Study that they need to look at the future conditions with their development built and will compare the signalization and the unsignalized. What it shows is that even with their project built and the addition of signalization the then traffic conditions will then be better than they are today without the site built. He would love to guarantee a light, but they don’t know that yet. He thought in the Planning Commissions’ eyes to consider how to manage that situation given that it is not this entity that controls that. Chairman Reynolds stated that he understood. He thought what was important to them was the traffic reviews and their process. It isn’t so much about that that might change it is just the opportunity for their professional review of that. He understood and knew how to read a traffic study but at the same time, they have a process and a duty on these projects and this process. He stated that he wouldn’t mark this plan substantially complete without that together. He didn’t want to delay the process but at the same time, it is a pivotal piece to a (PUD).

Trustee Urbanowski agreed with Chairman Reynolds. She stated that the need to look at traffic. She agrees that they should not make any decision on it until they have all of the pieces of the puzzle. She asked what the hours of operation were for the car club and the restaurant. She asked what the capacity was for the restaurant, and how many patrons were they expecting. What is the average for a Biggby drive-through? Ms. Amy Harris replied that the restaurant seats about 100 people on the main floor, the patio seats about 30, and the mezzanine will potentially seat around 30. The hours of operation during the week for the restaurant would potentially be open 4 p.m. to 10 p.m. on Fridays 4 p.m. to 11 p.m. and Saturdays and Sundays they would be open for brunch. So probably 9 a.m. to 11 p.m. on Saturdays, and Sundays would probably be 9 a.m. to 3 p.m. or 4 p.m. Biggby, would be open from 6 a.m. till 8 p.m. most days of the week, maybe on Saturdays and Sundays a little bit earlier. Biggby would probably have a max of 20 seats in there. She added because of the road that is being developed there will not be that backup of traffic that they see on Lapeer Rd.

Dr. John Canine 1247 Lake Shore Blvd. said the current car club they have had three inside parties in seven years at the current location. The hours of operation are fully secured with cameras, and they give the car owners keys to the building, and security codes and they can come and go 24/7. He heard one of the comments about loud cars, they leave that to Joe Zimmer down at Culver’s he can handle the car shows and he does a nice job with it, but they will not be having car shows like that. Chairman Reynolds replied so a private-based use. Trustee Urbanowski said she wanted to get a general idea of when the traffic was going to be coming and going.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission postpones action on PC-22-39, Planned Unit Development Concept and Eligibility plan, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021) for plans date stamped received October 20, 2022, for the following reasons: they still have an outstanding report on the traffic study that they need to look at and digest; and T-turnaround for the Fire Departments’ approval.

Discussion on the motion:

Secretary St. Henry asked when the applicant comes back before them after they have a chance to look at the traffic study, they will have an opportunity to make some changes to their concept plan. Chairman Reynolds replied that they are not encouraging necessarily another submittal it would be the review of what was submitted. If there are
going to be additional conditions or items that they bring forth for them to consider in addition to the submitted plans that would be the current thought. There wouldn't be time to recur and get resubmitted with time. Secretary St. Henry said that their plan is to come back quickly. Chairman Reynolds replied correct, with this plan with their reviews complete. If there were to be additional items that maybe meet or are discussion points, they could present that and they could say as presented. Secretary St. Henry said that was what he was getting at if they want to address any of these outstanding concerns no matter what it is if they think they can tweak the plan accordingly.

Mr. Wayne said he agreed with Chairman Reynolds that they would like to be back in two weeks, he will check with Tammy and Lynn just to see if they can be on that meeting. They would like to be back as soon as possible absent of another submission. If they are unable to be at the next meeting, then perhaps they would just resubmit and be on in two meetings from now with an updated plan and traffic study. Their preference is to come back as soon as they can.

Chairman Reynolds said if there are some thoughts and at least some of those items that they can clarify some additional information or as submitted he thought that would be helpful and that potentially mitigates some of the conditions that might be brought forth.

Mrs. Amy Harris said regarding the hours of the restaurant they will be closed on Mondays and Tuesdays; it will only be Wednesdays – Fridays they will open starting at 4 p.m.

Planning & Zoning Specialist Harrison asked if the Planning Commission would like to see revised plans back or not or if it is just the traffic study. Chairman Reynolds replied that they are seeking the postponement for the ability for the traffic study to come forth. They weren't asking for submitted plans, they were just asking if there were clarifications during a future presentation to address some of their concerns, they are appropriate with that, but they weren't trying to get into a whole revised plan at this point.

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

D. 2023 Planning Commission Meeting Dates
Chairman Reynolds said as always, they meet on the first and third Wednesday of each month beginning on January 4th and ending on December 20th. They want any dates potentially considered for review; they could talk about amending those if not they can adopt as presented.

Moved by Commissioner Gingell, seconded by Trustee Urbanowski, that the Planning Commission approve the 2023 PC Meeting Dates Resolution as presented and forward it to the Board of Trustees for adoption.

Roll call vote was as follows: Gingell, yes; Brackon, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Reynolds, yes. Motion carried 6-0. (Gross absent)
8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS
A. The Future of Transportation – Electric Vehicles Part 2

Planner Pietsch said the last report was also regarding transportation and so this is just a continuation of that, to talk about the importance of the evolution of electronic vehicles and how they are being implemented throughout the country and world. There were some points about getting incentives for those. One of the main points of the report is talking about implementing those into the Capital Improvement Project (CIP) which just helps to encourage the community that the commission and community leadership is interested in at least keeping on the radar of the community to implement electronic vehicles and electronic vehicle infrastructure and to explore by the of (CIP).

Planner Pietsch introduced Planner Jill Bahn with Giffels Webster.

Planner Bahn stated that she was a partner in charge of the Planner Group at Giffels Webster. Planner Arroyo is still working with their team, but he will not be attending any more night meetings. Their team is shifting and adjusting to meet that little bit of workload for them. Her background she has over 25 years of planning experience and she has been a planning consultant for 14 years. Working with a variety of communities of different shapes and sizes, from small towns to townships. She has been sort of in the background hearing a lot of what has been going on in Orion and it is very exciting. She loves bringing her dog out to the dog park here, so she does come out quite a bit for that. She thought that was a fantastic amenity for the whole area.

12. COMMITTEE REPORTS
None.

13. PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds welcomed Planner Jill Bahn to the team.

15. COMMISSIONERS’ COMMENTS

Commissioner Gingell welcomed Planner Bahn. Commissioner Walker welcomed Planner Bahn. He added that the library silent auction holiday auction basket ends this Saturday. If you haven’t been there to put a bid on 58 baskets all profits, go to support the library. Tomorrow is the Orion Art Center holiday market running from 6 p.m. to 9 p.m., and they are all welcome to stop by there for holiday gifts.

Secretary St. Henry said welcome to Planner Bahn.
Trustee Urbanowski thanked Planner Arroyo, for the two years she had been there he has been a pleasure to work with. She welcomed Planner Bahn.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Gingell, to adjourn the meeting at 9:25 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

December 7, 2022
Planning Commission Approval Date