

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, DECEMBER 7, 2022**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 7, 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:**

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

**PLANNING COMMISSION MEMBERS ABSENT:**

None.

**1. OPEN MEETING**

Acting Chairman Gross opened the meeting at 7:00 p.m.

**2. ROLL CALL**

As noted above.

**CONSULTANTS PRESENT:**

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

**OTHERS PRESENT:**

Erich Smith	Gary Jensen
John Maynard	Maria D'Agostini
Scott Gabriel	Amy Harris
Sydnee Keucke	Tracy Deumar
John Canine	

**3. MINUTES**

- A. 11-16-22, Planning Commission Regular Meeting Minutes
- B. 11-16-22, Public Hearing Minutes PC-22-39, Hudson Square PUD Concept Plan

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

**4. AGENDA REVIEW AND APPROVAL**

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, 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-22-46, GM Orion BET 2, Site Plan & Wetland Amendment, located at 4555 Giddings Rd., parcel #09-34-200-006 & parcel #09-34-400-011.

Chairman Reynolds asked the applicant to give an overview of their amendment.

Mr. John Maynard with Wade Trim, the engineers for the applicant presented.

Mr. Maynard stated that they were there to talk about the site plan revision to the previously approved plan. They wanted to talk through a couple of changes that they had made.

Mr. Maynard said that the first is the rail under Silverbell, this site plan was changed to keep a portion of the rail, and to do that the ring road on the inside of the fence was adjusted to make space for that rail.

Mr. Maynard stated that the second change was that a parking lot was added along the south side of the site where previously all of the parking had been on the east side. The parking lot is there to keep the employees' cars closer to their workstations and meet the requirements for the time of travel between parking and being present at their workstations.

Mr. Maynard said that the third change is that there are some new driveways to support those parking lots, they have gate 7 at the east, and gate 6 at the western end of that new parking lot, there is gate 5B on Brown Rd. for a truck exit, and there is a new entrance on Giddings also specifically for trucks.

Mr. Maynard stated that in addition to those changes there were some minor square footage changes to the various buildings as they have. They have furthered their architectural designs. The battery assembly went down a little bit, and the paint shop went from 605,000 to 606,000, just up a little bit. The body shop module decreased slightly by 40,000-sq. ft. to 840,000. There are some new modules on the northwest corner totaling approximately 155,000 sq. ft. There is another future building addition totaling approximately 152,000 sq. ft.

Mr. Maynard said that because of the new parking lot and the access road on the south side they are now further impacting some wetlands that they were previously partially impacting. They now are totally impacting those (W-Q) wetland between the gate 7 driveway and the new south parking lot and (W-P) wetland on the south side which is where the parking lot is proposed.

Mr. Maynard stated that they are going to be requesting a variance and he will be back on Monday to talk to the Zoning Board. The two RTO stacks are 125 ft. instead of 120 ft.

Mr. Maynard said these are the changes they are proposing with this amendment.

Planner Pietsch read through his review date stamped December 1, 2022.

Engineer Landis read through his site plan review date stamped December 2, 2022.

Chairman Reynolds asked about the traffic, he asked if there were any previous concerns about failing traffic around the area. It is more or less checks and balances of the traffic report. Engineer Landis replied yes. He added that a lot of the mitigation included turn lanes and traffic signal adjustments. He knew there was an ultimate plan that is being worked on with the County and others to look at reconstructing the road around the site that will all come into play at a later date. He said on an immediate impact to his question, no.

Chairman Reynolds said they did have a review from the Fire Marshal who is recommending approval but there is a number of requirements, essential future submittals, and items that need to be provided during future engineering submittals.

Engineer Landis read through his wetland plan review date stamped December 2, 2022.

Chairman Reynold turned it over to the Planning Commissioners for questions and comments.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approves** the wetland amendment to PC-22-46, GM Orion BET 2, located at 4555 Giddings Rd., parcel #09-34-200-006 & parcel #09-34-400-001 for plans date stamped received November 30, 2022. This approval is based on the following findings of facts: that the action is not likely to and will not pollute, impair, or destroy a wetland; there are no feasible or prudent alternatives to the proposed action based upon the proposal that has been submitted; the approval is consistent with the public interest in light of the stated purposes of the ordinances of the Township.

Discussion on the motion:

Planning & Zoning Director Girling stated that the parcel number is different than what is on the agenda. She suspected that the motion was typed incorrectly. Where the motion for the second parcel was 09-34-400-001 it should be 09-34-400-011.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that the second parcel should be 09-34-400-011.

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

Chairman Reynolds said that leads them to site plan approval for the amended plans. He asked them to keep in mind that there were not any planner comments, a few engineer comments, and the Fire Marshal had some comments. The only planner-related item would be that there is a variance so there does need to be a motion to deny conditioned upon approval of receiving the variance. They need the denial to go to the Zoning Board Appeals but with the intention that it would be approved if the variance is granted.

Vice-Chairman Gross asked if they were retaining the rail line throughout the site. Mr. Maynard replied that it would not be through the entire site. Mr. Maynard showed them where it would be on the site. He added that they will be maintaining access to it, but they will not be carrying it all the way to the southern end.

Vice-Chairman Gross said regarding the 5-ft. waiver for the stack which is not even a building, and the setback is insubstantial and the size, area, and bulk of it is really insignificant. Chairman Reynolds said he agreed, he thought just the technicality of their 120-ft. limit in the ordinance.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission denies the site plan amendment approval for PC-22-46, GM Orion BET 2, located at 4555 Giddings Rd., #09-34-200-006 & parcel #09-34-400-011 for plans date stamped received November 17, 2022. This denial is based solely on the fact that there is a variance required for a 5-ft. variance from the height limitation for the 2 stacks within the project. If that variance is granted, he would recommend that the plan be approved without having to come back to the Planning Commission.

Discussion on the motion:

Chairman Reynolds asked that they incorporate the engineer's and the Fire Marshal's comments. There were a number of items that they would like addressed in future submittals between the Fire Marshal and the Township Engineer.

Planning & Zoning Director Girling said that the Fire Marshal said he was happy with the site plan as it was as long as his comments were incorporated into engineering. However, the engineer comments, they wanted it incorporated into the site plan.

Chairman Reynolds said for clarification it is to provide the amendments as requested by the professional consultants including the Fire Marshal.

Secretary St. Henry asked if they needed to list those Township engineers' comments. Chairman Reynolds said they are saying a blanket statement of his comments plus the Fire Marshal's comments.

Vice-Chairman Gross amended the motion, Commissioner Walker re-supported that they incorporate the professional consultants' comments.

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

## **8. UNFINISHED BUSINESS**

**A. PC-2021-51, Kay Industrial Site Plan, located at 50 Kay Industrial Dr., parcel #09-35-400-033.**

Ms. Maria D'Agostini with Kay Industrial Investments LLC, 38700 Van Dyke Ave., Suite 200, Sterling Heights, presented.

Chairman Reynolds stated that they were there to discuss the elevations of the proposed buildings.

Ms. D'Agostini stated that the last time they were there they had two proposed buildings in the Kay Industrial development that did not satisfy the Lapeer Overlay District Design Standards requirements. She stated that the 50 Kay Industrial building is the northern border that fronts Kay Industrial Dr., and the west elevation fronts Lapeer Rd. She showed them the proposed elevations and the last submission. There was some feedback from the Planning Commission to address the north elevation and provide further architectural details, and the west elevation. She brought with her hard copies for the Planning Commission, they made some revised changes to the elevations that were incorporated on the west side, and they added some piers to break up this length that exceeded 100 feet. They changed some of the spandrel glass to corrugated metals to add different architectural features. On the west elevation that sums up those revisions.

Ms. D'Agostini said on the north elevation they are proposing to make an end cap that kind of mirrors what is going on in the front of the building, adding some glass that would add some natural light into the shop area. They also added some windows across the north elevation to illuminate the shop and break up the elevation. In the lower portion that is split-faced CMU block. The intent is to have these be slight projections to give this elevation some dimension

the intent is to not have exposed steel on that north elevation. They would prefer to cover it up with some split faced CMU and have some jogs to it.

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

Chairman Reynolds stated that overall, he felt that the presented plans meet the intent of the Lapeer Overlay District. They are aware that they are going to be an industrial-use building, but they just don't want elongated facades without any relief or feature to them, and thought it addressed that.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **approve** the Lapeer Overlay Design Standards for PC-2021-51, Kay Industrial, located at 50 Kay Industrial Dr. (parcel 09-35-400-033) for plans that were submitted this evening based on the following findings of facts: that the applicant has revised the design for the various elevations on all sides of the building, and they do comply with the Overlay Standards.

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

PC-2021-52, Kay Industrial Site Plan, located at unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.).

Ms. D'Agostini said this is also in the Kay Industrial subdivision. It is an interior elongated lot in the subdivision, it does have buildings to the north and to the south of it. They wanted to try to meet the spirit of the Lapeer Overlay District by incorporating some architectural features on these long shop sides. Originally proposed this was just one flat insulated metal paneled wall. They did try to incorporate some block piers to break up those long spans. On the south side, they have block architectural features and believed they were calling out a burnished block on the south side of the building. Then a smooth-faced painted on the north side of the building. With respect to the front of the building, there is spandrel glass on the two caps of the building. There is a more pronounced canopy that calls out the front entrance as well as they introduced some piers to break up the sides on all sides of the building. They did a spandrel glass end cap on the opposite side with some either burnished block or stone piers to enhance each end cap. The architectural features are very similar to those of the other buildings. They are looking for feedback. She added that the comments weren't very specific as to what they wanted to see on this project as far as features, so they are open to hearing the Commission's feedback.

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

Vice-Chairman Gross stated that identified in the previous motion the applicant has made some substantial improvements to the design and architectural features of the building, especially relative to the front. Since this is an interior building, it does not have any major street frontage to be concerned with.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approve** the Lapeer Overlay Design Standards for PC-2021-52, Kay Industrial, located an unaddressed parcel 09-35-400-044 (a parcel south of 100 Kay Industrial Dr.) for the plans date stamped and received 10/27/2022.

Discussion on the motion:

Planning & Zoning Director Girling asked if there were any revisions or anything different than what was submitted a reviewed. Ms. D'Agostini replied that there was not anything different than what was originally submitted.

Chairman Reynolds stated that the elevations start to meet the intent of the ordinance. He thought before the issue was just the elongated 100-plus foot facades without relief or pilaster and no introduction to entrance points and thought that there had been some additional windows. It is an industrial building, but they are trying to have a nice architectural face to them.

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

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 stated that this was a recently postponed case. They were waiting for a review of the traffic study, so he was going to go ahead and lead right into that.

Engineer Landis read through his review date stamped December 2, 2022.

Chairman Reynolds asked the applicant if there was anything they wanted to add.

Mr. Michael Wayne 3250 Auburn Rd., Auburn Hills, MI presented. He stated that he knew that traffic was going to be the main brunt of their discussion. There were a couple of items that the Planning Commission asked them to look at, and they have done that. They have some representations of that. They did have their traffic consultant Julie Kroll with them.

Mr. Wayne said that the last time they were in front of them they had a very positive reception from the public. The overwhelming majority of the comments were positive and as they illustrated the last time, they also got some really good feedback from the public town square Facebook. He added that they feel the positive energy for this project which is unique to this project compared to some in the past. They also heard positive feedback from the Planning Commissioners, and they appreciated that. The project is much improved from previous plans, and they appreciated their tenacity and listening to the Planning Commissioner's comments. They had an outcry and support for Sweet Amy's, Biggby Coffee, and they presented a much more appealing project than what they have seen in the past.

Mr. Wayne stated since the last meeting they have taken some comments that they got from the OHM review letter and disseminated those through their civil set. Some of those included revisions to the turnaround area in order to ensure that meets the ordinance, they have done that, and he had more detail on that. They also showed the stream location and certain stormwater detention features have all been added to the sheet which was not in the previous copies. They have revised grading to meet the Township requirements, and they updated sheet index numbers on C1. These are ready to be reviewed they have not been yet.

Mr. Wayne said that in the turnaround, it was discussed a couple of times, and they immediately got to work on it, they knew it was an important one. The solution they came up with is to extend that drive by about 10 feet to the west which does provide sufficient space for the firetruck turnaround. The Fire Marshal's email stated that in his view it is compliant with the requirements of the IFC. They are pleased to get that taken care of, but Chairman Reynolds shared that his concern with that solution was the impact on the buffers onto the west. What the aerial photo depicts is that this area is already extremely wooded today so everything to the

west is very tree covered. They will have to impact part of that area to build that driveway but their site design philosophy in this area would be to maximize the preservation of what exists in its natural habitat and supplement that with the additional landscape in the buffer areas. On the north side, for example, they have about 30 feet to do tremendous amounts of landscaping. He understood it was a very sensitive area, so they are willing to do whatever was necessary to provide adequate buffering in that area. The natural existing conditions are already helping them out.

Mr. Wayne said regarding stream rerouting, there were some questions during the last meeting in terms of what the previous plan was under the previous conditionally rezoning approval for the stream relocation. He showed the Planning Commission the currently approved and permitted stream relocation path, and it mirrors exactly the proposed relocation path. This path is permitted today they would modify the permit to utilize the new site plan but the activities that the permit permits are the same activities that they would have to perform and construct the stream relocation. They don't have concerns about the feasibility of it because that has already been approved. He looked forward to additional feedback.

Ms. Julie Kroll with Fleis & VandenBrink and an Orion Township resident at 4122 Rohr Rd. presented.

Ms. Kroll stated that she was very familiar with this intersection. She is also a parent of two children that attend Lake Orion High School. She does drive through this area frequently. She wanted to go through the OHM comments that were provided, there were very few. Their conclusion is that this traffic study is in substantial compliance with Township ordinances and Engineering Standards. It was really just three comments on here. The first one is in regard to traffic signal potential at the northbound to southbound crossover location. All of the intersections that they have evaluated their existing warrants a signal. They have a meeting scheduled with MDOT for Monday the 12<sup>th</sup> which was the first available that they could get with MDOT to talk about this. They have reviewed the traffic study and they have provided some comments, and questions about the signal criteria. She drove through the intersection earlier this week and MDOT had tubes out there and were collecting data. One of their questions for MDOT is whether they are doing their own study to determine whether it is actually warranted. She just saw them at the Waldon and Lapeer and not at the crossovers.

Ms. Kroll said that the second comment was providing some traffic volumes. Certainly, they can get those they are provided by Oakland County and can provide that as backup information for OHM.

Ms. Kroll stated that the last comment was regarding the traffic signals again and if one is necessary. Again, it meets all the warranting criteria and that would just be up to MDOT whether they want to actually install them. That is something that meets the criteria right now. They looked at the crash data out there they saw crashes were really a result of vehicles that cross over the southbound, backs up past the intersection with Waldon, and people trying to get all the way across those lanes, get in the turn lane and turn around. That is what a lot of what the crash history was there were really at that operation. Their recommendation if they were to phase it in would be to start with the crossover to create those gaps in the northbound traffic for Lapeer that would clear out their queues for the southbound. Then the next step if they still need it, and to add it at the intersection if they still need it to add it at the north side. They will have that discussion with MDOT on Monday. It was the soonest they could get them on the books.

Chairman Reynolds asked if the Planning Commissioners had any thoughts, concerns, or questions for their consultants.

Vice-Chairman Gross said he found it interesting that approximately a half mile south of this intersection there is a traffic signal that is at no intersection whatsoever. It is used primarily for truck turnaround. He didn't know how much traffic that truck turnaround gets but there is a traffic signal at Lapeer Rd. that is not at an intersection for a subdivision, apartment complex, or anything. It would be nice if that signal could be moved up where it could be in line with existing traffic considerations. It is obvious that there is, as the study has indicated, a problem there that needs to be resolved. He thought that the concept of the proposal is nice, but it needs clarification on that particular item.

Chairman Reynolds said he likes the project in concept and proposal, and he thought it is going to bring a lot of nice amenities to Orion Township. He thought they all saw the writing on the wall of the traffic being an issue, and he understood it was an existing issue. He thought that his issue here is that they are not only saying traffic is an issue they are recognizing it as an issue within a PUD. One of those items, a recognizable benefit under their PUD ordinance does it improve traffic patterns and access management. Right now, whether they are going from okay to worse, or bad to worse, or good to okay it is still not improving. He was struggling with that. He understood that their hands might be tied with what MDOT might be willing to do. It is a bad situation now, but part of the development is increasing that issue and some of that is because they have a restaurant and a drive-through. Is there discussion of any contribution towards or any community benefit? That is the next item on his list would be the community benefit and why they should allow a PUD on this parcel. Whether it is nice or not, it comes down to him what is the recognizable community benefit, and traffic is one of those. Yes, they have high-quality architecture but what other things outside of the project are going to be the recognizable community benefit, not an internal benefit but a community benefit. He still felt that they still needed to get some more discussions here, especially MDOT. Unfortunately, they should not be considering a drive-through restaurant on this corner because of its current state.

Mr. Wayne said the trip generation volume, they were required to use the standard drive-through traffic volumes which are more than the traffic volumes they had for Biggby Coffee. The actual use will be Biggby, their volumes are lower but because someday it could be a different drive-through, the ordinance requires those higher volumes. The restaurant is not open for breakfast except on the weekends for brunch, however, you can see from the study that trip generation is very significant in the A.M. contributable to the restaurant. It is for the same reason; in case it ever became a breakfast restaurant those be in there. Those are in the study and the results of the study are based on those extra levels of conserveness. The reality is the user is determined and they know what that user is going to be. In the immediate future, volumes will be less in reality than what the study is forced to show.

Mr. Wayne said in terms of contribution he thought it was challenging for them to discuss that in detail specifically without understanding what the scope of the mitigation will be. They can't sit up there and say that they know today the amount of money they would be able to contribute but they acknowledge that the contribution would serve the public benefit of delivering a signal to the intersection and they want to be a part of that. They also acknowledge that there have been hundreds of developments long before them that contributed to creating this problem. They don't feel that supporting the entire cost of the improvement is prudent or deserved given their impact but want to be contributors to the solution. He would say their willingness is to provide a solution through signalization and they would be willing to contribute to the cost of that. The specific details in terms of amounts would have to be determined once the scope of the work is determined.

Secretary St. Henry asked if there was ever a signal at that intersection in the past before they redid Lapeer Rd. Chairman Reynolds replied no because his mother got in an accident there when he was four. Secretary St. Henry said that it was really unfortunate that MDOT when they



got rid of all of the traffic signals on Lapeer Rd. in 2015-2016 to improve the flow, they didn't take into consideration some of these open pieces of property that could have been in play. Because they are going to have to go back to having multiple signals along Lapeer Rd. backing up the traffic again. He is not saying that it is not warranted given the issues that residents have on Lapeer Rd. and getting out and the general traffic flow which they know is not great, although it is much better than it was in the past. He wished MDOT would have looked at the big picture down the road of what the issues would become arising based on potential developments like this. They are going to have signal issues and backup issues just like they have had for the last 40 years until 2015-2016 when they improved that.

Engineer Landis stated that just because signal warrants are showing to be met doesn't necessarily mean that MDOT is going to be in agreement with stopping traffic on M24 to allow those turning movements. They may decide that those backups will occur, and they don't want to stop traffic on M24. Secretary St. Henry said he would love to hear from MDOT at some point somehow on their thoughts on that.

Chairman Reynolds said he didn't want to deny a project based on an unknown variable. He would like to get some more information and get some responses and feedback from MDOT. He did think that some of the other issues that are in the project could be resolved in future steps but before they can say, yes. It is concept and eligibility he would say no right now in that category without saying what else could they potentially do. His opinion is that they need still some more information and he thought that MDOT needed to come to the table to further discuss before they proceed.

Commissioner Walker said he thought that the most cogent comment made was by Commissioner Gross with regard to that signal 100-200 yards south on Lapeer. Why is it there? He doesn't know enough about MDOT. He asked Engineer Landis if MDOT would think about moving an existing signal. Engineer Landis said he doesn't know enough about that existing signal to say one way or another but was something that they could look at.

Commissioner Walker said he is still a big Sweet Amy's fan, but he is also a big fan of the rest of the residents of the Township too. The traffic pattern presently on M24 north or south is dreadful, it is a nightmare. Hopefully, they get their kids back and forth to school easily. Because Sweet Amy's is not open, he was forced to dine at McDonald's this afternoon. He pulled into McDonald's, and he ordered, and an EMS siren was racing by and the lady at McDonald's said that was the third siren this afternoon traffic out there is dreadful. This was at 3:00 P.M., it was not rush hour. He really wants to help this project go through other than the traffic he has no problems, he thought that they could work out everything else to his satisfaction. He was hoping by today that MDOT would have done something but wasn't sure what anyone can make them do.

Mr. Wayne asked what specifically is that that they want from MDOT. Chairman Reynolds said since they're the decision maker or influencer in this discussion he thought they needed them a part of it. To him when they say why a PUD and does it check the boxes of improved, but unfortunately traffic is a big one. Until they have a little more information to say because of their proposal, it is pushing it to the detrimental component to where now, yes, they are going to make an improvement, he thought they could discuss. Maybe as a developer, there is a contribution or a shared cost of that. Not only are they having a great development but also, they are mitigating issues that they have presently. To be clear they understand it is not good now but to him whether any direction in the negative for any PUD is not something they look favorably on. They are saying it is to keep it neutral or contribute positively, yes, they know there is more traffic. That is one piece right here when they say just from the baseline eligibility one "C" in their ordinance that is a big item there that he can't say yes to yet. He liked a lot of

the things in this project. That is why he doesn't want to just say no, he would like to gather some more information and have MDOT say okay, they have come to some sort of betterment of the situation versus they are just adding to it, and it is just going to go from bad to worse.

Commissioner Brackon said he would like to know from MDOT whether the addition of the signal would help safety but increase the traffic or make the traffic flow worse. Are they parallel and are they antagonistic to each other when they are talking about safety and accidents versus more traffic backing up? He would think that if they added the traffic light and add more additional traffic it may be safer because the cars are probably going slower, and any accidents that may occur are going to be of a slower velocity. He would like to know from MDOT, whether they are inverse or parallel. Mr. Wayne said that his understanding is that the crash data that was explored in the traffic study that Ms. Kroll eluded to is related to the lack of a clear path to get across Lapeer Rd. to get to the turnaround. The introduction of the light would create the gaps that would allow the traffic to get onto Lapeer Rd. to get to the turnaround which would therefore improve the safety of the intersection. The other thing is people feel a lot more anxious when they are sitting at a stop sign than they do when they are at a stoplight, at least with the stoplight they know that it is going to end, and they are going to get to go. When that stop sign backs up it is much more unpredictable, and people get anxious. Even if people are waiting longer at a signalized intersection, it is perceived better and it has a higher conicoid level of service as MDOT indicates it as. It might take longer in terms of time, but it is a better level of service given that it uses signalization.

Chairman Reynolds said that when M24 was redone it created those pause moments for people to pull out. This might be one of those areas that never really happen because of the gaps in the lights. At least where it was more frequent of lights, they do notice those gaps before versus playing frogger with your car.

Mr. Wayne said as it relates to checking the C box, if their project goes away tomorrow there is zero chance that a light is going there. Just their project being here and going through this process is going to be the squeaky wheel that hopefully gets fixed by MDOT. It was something that was mentioned in the past. He thought apparently just the potential that it could solve the problem and that is what their study does indicate is that the signalization does improve the level of service dramatically even with their project built. Just the potential to improve it is a positive but because the outcome can be controlled by anyone here, he didn't know if that could control the ultimate outcome of their application for this PUD. He understood from Ms. Kroll that MDOT can't simply deny site access, they can't say that they can't put a curb cut there at all. They are required in some way to allow them to do that it just is a question of what mitigation they require both with the light or with curb cut. MDOT from his understanding can't say we deny you as a project. They are not going to get that outcome, what they might get is an outcome where MDOT says that they understand that signal warrants are met but in the effort of the overall traffic system they think it makes the most sense to leave these unsignalized and they approve this curb cut location. The Planning Commission needs to consider that reality and what the outcome would be. The perfect scenario is that MDOT acknowledges the issue, they agree with it, they prioritize it getting fixed, they fund it and they get a light. He thought that all of them would agree that would be ideal. The realistic alternative scenario with MDOT is what he just outlined, and he thought the question for the Planning Commission to consider is what happens in that scenario. Depending on the answer to that question, he could suggest that it may not change the outcome to wait for information from MDOT.

Chairman Reynolds stated that he is encouraging a postponement versus just a flat-out denial. He thought that they were open to understanding what the inverse or the receptacle might be of this versus just saying sorry it makes it worse.

Secretary St. Henry said that no matter what goes on down on M24 in terms of developments and they have some others that are in play, these traffic issues are going to be there and nothing is going to improve it substantially. He did agree with the applicant that perhaps up to this point MDOT is not necessarily taken that intersection seriously because there has been nothing there. Now that there is a legitimate development that the Township thinks favorably of maybe that will be the squeaky wheel to take a really close look at this and determine if they are going to put a light in there or not. Anything that anybody can do to get MDOT to take that seriously whether it is the Township or a developer, whoever, let's move forward and see what happens. Mr. Wayne said he thinks that the concept of signalization is the ultimate result here.

Moved by Chairman Reynolds, seconded by Vice-Chairman Gross, that the Planning Commission **postpone** action on PC-22-39, Planned Unit Development Concept and Eligibility plan, 3030 S. Lapeer Rd., (Sidwell #09-26-101-021) for plans date stamped received October 20, 2022, for the following reasons: that they would like to see response and feedback from MDOT regarding the traffic study and would like additional information on what mitigation measures they may propose; any revised submittals that be resubmitted be rereviewed by their professional consultants; and the postponement is for a period of no greater than 6-months.

Discussion on the motion:

Vice-Chairman Gross said that they have obligation to protect the health, safety, and welfare of this community. He thought that traffic is involved and necessary to protect the health, safety, and welfare of the community and the residents of the community, and even residents not in this community.

Secretary St. Henry stated if a light is needed anywhere on Lapeer Rd. in that stretch it is right there. It has been an issue like that for 25 years with the road reconstruction a while back, it is better. If they put in developments like this there are going to be other ones that are going in. If there is any place that there should be a signal it should be at Waldon & Lapeer Rd.

Mr. Wayne said he didn't think that they could consider the traffic impact on this site from 100% of it as incremental. He thought that was how they view this, the idea that any additions are worse, he thought that might be a tainted way of looking at it. He thought that they really had to consider what is it already approved for, what the existing zoning allows for in terms of traffic creation and that is the amount of traffic that this site "already allowed to create the zoning ordinance". The PUD traffic volumes shouldn't be measured from zero to what it is and considering all of that incrementally bad they have to consider what is already allocated in terms of volume for this site. He would like to call attention to the previously approved plan which had 26,000 square feet of office space, and 175 parking spaces. While they didn't have a drive through there were tremendously more cars, and that one didn't even have a traffic study and was approved. He thought that if they really question what the incremental difference is between their volumes and what could be built there according to the current zoning, he thought they would be challenged to find a big difference.

Mr. Scott Gabriel 941 Joslyn Rd. said he was a trucker and pulls a 70-foot trailer. That is the only turnaround on Lapeer Rd. since they made all those improvements, most of the turnarounds are very shallow, you can't pull a truck around through them. If you are going to make that turn you have got to use that turnaround and they need that light for the time to make that big swing, that is why it is there. He added that he thought this thing should go through, it is well thought out, it is nice, and the actual drive-through might actually take away traffic from the other infamous coffee drive-through. He has no

interest; he doesn't know these people but thought it was a good thing and his points are valid, and the fact that it was already approved for a higher volume. Most people that live there, he would say, that 50% of people now don't get up at 8 A.M. and jump on the road in the morning, that is not America anymore, they are telecommuting. If it is set for peak volume, he didn't think they will ever get to that. He asked if this was going to put more traffic on Joslyn. Are they going to come off Waldon and go onto Joslyn? If so, is there any time or trigger that would make Joslyn widen?

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

#### **9. PUBLIC COMMENTS**

None.

#### **10. COMMUNICATIONS**

None.

#### **11. PLANNERS REPORTS**

None.

#### **12. COMMITTEE REPORTS**

None.

#### **13. PUBLIC HEARINGS**

None.

#### **14. CHAIRMAN'S COMMENTS**

Chairman Reynolds stated that congratulations to Trustee Donni Steele on her new role and therefore their fellow Planning Commissioner Kim Urbanowski has been appointed to the Treasurer position at the Township. They look forward to putting their monies into her hand and her dedication to their community is greatly appreciated.

#### **15. COMMISSIONERS' COMMENTS**

Commissioner Gingell, Commissioner Walker, Secretary St. Henry, and Vice-Chairman Gross, congratulated Commissioner Urbanowski.

Commissioner Urbanowski thanked them all for their kind comments. She is looking forward to learning from Donni which she already started today and will be in the office tomorrow to try to glean as much from her as she can before she leaves. She is up for the challenge she has been diving deep into Township things for the last year in anticipation of doing this. She wanted to also acknowledge that it was December 7th.

Commissioner Brackon said good luck and congrats.

#### **16. ADJOURNMENT**

Moved by Chairman Reynolds, seconded by Commissioner Gingell, to adjourn the meeting at 8:20 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton

PC/ZBA Recording Secretary  
Charter Township of Orion

December 21, 2022

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Planning Commission Approval Date