The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, December 16, 2020, at 7:00 pm VIA VIDEO CONFERENCE - GoToMeeting Access code 599-669-285 or VIA TELEPHONE 1-(571) 317-3122 Access Code 599-669-285 (Meeting being conducted via video/telephone conference due to the health concern of COVID-19)

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

PLANNING COMMISSION MEMBERS ABSENT:
Justin Dunaskiss, Chairman  
(one vacancy)

1. OPEN MEETING  
Acting Chairman Reynolds, opened the meeting at 7:04 pm

2. ROLL CALL  
As noted

CONSULTANTS PRESENT:  
Eric Fazzini, (Township Planner) of Giffels Webster  
Eric Pietsch, (Township Planner) of Giffels Webster  
Mark Landis, (Township Engineer) of OHM Advisors  
Jeff Williams, Township Fire Marshal  
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Bruce Parker  
Cory Newman  
Heidi Jancek  
Jeffery Schmitz  
Kim Thomas  
Licia  
Rick  
Matt Darin  
Scott Gies  
Shannan Hea  
Tom DeAgostino  
Tim Philippart  
Dana Tousley  
Iden Kalabat  
James Owings  
Kevin McClellan  
Ron Rader  
Sam Ashley  
Sermed Saif  
Valerie Rup  
Chris Kawa  
A. Jones  
Chris Wilding  
CJ Lee  
Dave B  
Gerardo Mend  
Iven Sharrak  
James Butler  
JD  
John Santeramo  
Kuldip Sandhu  
Marsha Parker  
Zoe Darin  
Mike Mollan  
RJ  
Russ Luxton Jr.  
Russell  
Sherry
3. MINUTES
A. 12-2-20, 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 Secretary St. Henry, seconded by Commissioner Gross, to approve the agenda as presented.

Acting Chairman Reynolds recessed the regular meeting and opened the Public Hearing for PC-2020-26, WOW! Gas Station, Special Land Use, located at 3865 S. Baldwin Rd. at 7:06 p.m.

Acting Chairman Reynolds closed the Public Hearing for PC-2020-26 at 8:19 p.m. and opened the Public Hearing for PC-2020-38, Edgar Development Rezone Application, located at a northern portion of 3805 S. Lapeer Rd. (parcel 09-26-451-005), requesting to rezone approximately 4.21 acres from restricted business (RB) to General Business (GB) at 8:20 p.m.

Acting Chairman Reynolds closed the Public Hearing for PC-2020-38 at 8:23 p.m. and reconvened the regular Planning Commission meeting.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS
A. PC-2020-26, Wow Gas Station, Special Land Use, located at 3865 S. Baldwin Rd. (parcel #09-29-326-016).

Acting Chairman asked the applicant if there was anything they wanted to add before they turned it over to the consultants. Mr. Kalabat replied that they could move right to the consultants.

Planner Pietsch read through his review date stamped December 3, 2020.

Engineer Landis read through his review date stamped December 2, 2020.

Acting Chairman Reynolds said that they had a review from the Fire Marshal, and from Public Services, and they had no additional comments if the project were to proceed. They did have a review from RCOC in regards to the application and permits, and that they would have to proceed with any regulations and standards RCOC would require. The Planning Commission did have a site walk, to review existing conditions on Baldwin Rd., and they reviewed the curb cuts and access in the area. They were familiar with this application, beyond just the plans that have been submitted.

Commissioner Gross said Baldwin construction has been underway for the last two years and as a result of that, they have seen that people have expanded and explored alternative traffic.
routes going through different subdivisions or different routes. Construction is coming to an end. They are seeing that Baldwin is operating more smoothly, the roundabouts are doing what they are supposed to be doing, people are beginning to understand how they work. He thought it would have been nice to have some traffic count on the existing north driveway and on Hidden Timber to evaluate the impact of closing the north drive. To have some history on the traffic counts would have been extremely valuable to say what is happening and what is not happening as opposed to using a manual to say what the traffic count generations are. Not having that information, they do know that eliminated the north drive will necessitate the vehicles, basically all the vehicles since they would come in on the south drive, be they cars, delivery trucks, tanker trucks, they would exit onto Hidden Timber. Looking at the plans, the amount of distance from the driveway to Baldwin from the new driveway does not provide much stacking available and could cause a conflict with people entering onto Baldwin, to get into the subdivision, and traffic would just stacking-up across Hidden Timbers Dr. He saw some difficulties with proceeding with this on a favorable-bases.

Acting-Chairman Reynolds echoed some concerns with Commissioner Gross’s, they heard loud and clear some of the comments that were brought forth in the Public Hearing. Traffic flow and impact of traffic is something that they look at closely and there are some concerns on, residential streets, flowing through the Special Land Use in this property, and some of those detrimental effects. He questioned the stacking and how deliveries would occur? If there was a proposed solution, that would eliminate that, ingress and egress on the site or deliveries that would strictly be limited to the Baldwin Rd. access? He said during their site walk, one of his concerns was an additional opportunity for cross-flow traffic, not just strictly through the neighborhood, but also from the roundabout to across parking lots. If someone missed a turn and was coming southbound that they would cross over into the parking lots to use as a secondary access drive. He understood that there are obviously some detrimental effects from Baldwin Rd. divergence from a center turn lane to a boulevard. That improves traffic flow and does some other improvements in the area and brings more traffic, and thought that there was an offset there that is presented and that the relocation of this is strictly between the two roundabout circles and he knew that it was inconvenient.

Commissioner Urbanowski said that she drove out there the other day, and attempted to go from Hidden Timber to the two roundabouts, and then come back to the gas station. It took her two minutes. She agreed that the roundabouts are doing what they are supposed to do. She noted that she lives off of Baldwin just north of Waldon, so when she goes to Kroger, she has to hit one roundabout, when she goes to CVS, she has to hit two, and felt they were doing their job. She didn't think it was that much of an inconvenience to either come out of Lake Forest and hit Maybe, do that roundabout and then go that way. It is really not that much of an inconvenience, and thought that opening it up not to just traffic from the back or the entire subdivision of Lake Forest, but potentially behind there off of Riverside, and those people off of Maybee Rd. She could see a potential for a lot more traffic that doesn't need to be there when the roundabouts are convenient and are doing their job.

Commissioner Urbanowski asked because a couple of times this was brought up and thought it was relevant because they are talking about good neighbors and she felt that was what was going on. The neighborhood is asking WOW to be a good neighbor, they are using their services. She asked who was responsible for getting the easement from DTE for the landscaping along the east side of the building? It has been seven years does it take that long to get an easement to do the landscaping that was meant to be done in 2013? She was also concerned about the gas tankers coming in and out, the easiest route for them would be to come out on Hidden Timber, and who is to say that they want to continue through the neighborhood because it is easier to do that. She wasn’t sure how big of a gap, and she is not
a truck driver, so how does a gas tanker come out of Hidden Timber and make a left? She couldn't conceptualize how that would work, especially if there was traffic coming in from Baldwin onto Hidden Timber, it seemed to her like a big bottleneck problem.

Acting-Chairman Reynolds stated that they had some questions here about how the sacking would work if there were to be an entrance on the north side of the property and Hidden Timber, a question about how deliveries would occur, and then also a question on easements.

Mr. Kalabat wanted to address the easement issue and a point of clarification. DTE has an existing easement at the east portion of the property for their overhead electric lines. The applicant, the property owner, is not seeking to obtain an easement. They are actually restricted from planting any trees within that easement. So, it is not as though it has taken them seven years to get an easement from DTE it is they don’t have permission, or a right, or the ability to plant trees within that easement because it directly violates the covenants of that easement. That was an oversight, from the previous engineers, and surveyors, he believed was Kieft Engineering, which originally submitted and designed these plans back in 2013. They came across that restriction during construction. It was not as though it was a failure on their part to obtain something.

Mr. Kalabat said as far as deliveries he thought that the most logical route for deliveries from in and out of the site would be, instead of them using the south entrance from Baldwin Road, and then as they say having to egress and exit out on to Hidden Timber, would actually have them travel past the site make a right turn into Hidden Timber and then make a right turn into the site to allow them to round in there. He realized that was probably not the most ideal situation, but the proposed conditions that would be the preferred delivery method is to have them enter onto Hidden Timber, into that approach, so that way, they would be geared to get back onto Baldwin Rd. with the understanding that that delivery traffic would not be traveling past this proposed approach on Hidden Timber Dr. They would only use Hidden Timber up until the approach, they would not be continuing into the neighborhood or using the neighborhood as a thoroughfare. He thought that would alleviate many of the stacking issues that Commissioner Gross brought up as well. He agreed that if they are using the drive for Hidden Timber as a means of egress to get back onto Baldwin Rd., they would find it much more difficult than using the approach that is on Baldwin Rd. as means of egress to Baldwin Rd. He thought that after some time of operation, most drives would find that through their practice and through their use of the site, that would be the more natural path of egress was to utilize the approaches off of Baldwin Rd. especially if they are trying to get to Baldwin Rd. He thought that the roundabouts and U-turns are a much better operational practice on some of the more congested roads, like Baldwin Rd. He appreciated the Planning Consultant confirming that they are servicing the intent of the Master Plan. They are providing for smooth operation of traffic along Baldwin Rd. it is just adversely impacted by that and so that is why they are here making the request.

Moved by Secretary St. Henry, seconded by Commissioner Urbanowski, that the Planning Commission recesses for 5-minutes due to technical difficulties that the Acting-Chairman’s was having. All were in favor.

Moved by Secretary St. Henry, seconded by Commissioner Walker, that the Planning Commission reconvene the meeting after addressing the technical issues. All were in favor.

Mr. Kalabat said that he thought that he answered the three points of concern.

Commissioner Walker said that he was on the Planning Commission back in 2013 and he voted for it. As he recalled the tipping point in the negotiations to get it resolved, was the giving up of
this driveway, that the applicant is here asking for. He would have never voted yes on the proposal in 2013 if that included this driveway. The other commissioners at the time would have or not, he couldn’t say. He has been involved with the Township for over 30 years. It seemed to him since the Baldwin Rd. improvement, it has created a number of issues for residents, for property owners, for small businesses that are running, along Baldwin Rd. They have made some exceptions and granted things because of that construction on Baldwin Rd. It seemed to him now, however, every other applicant, for any other reason, on the road, is saying they need this change because of the road. He thought most of them are using that as an excuse, as opposed to a reason. He was not meant to insult the applicant but didn’t see how Baldwin Rd. has impacted the business so that they should change what they did back in 2013 and do something different now.

Secretary St. Henry wanted to re-iterate that a lot of these issues that are being discussed were the exact same issues that they discussed seven years ago, taking Baldwin Rd. completely out of the picture. They knew at the time that Baldwin Rd. would be redone, it has been redone now, but that is not really the issue. The issue is the through traffic, the greater potential, through traffic concern, truck traffic, and exiting out of the development. These are the same conversations they had then. He concurred with Commissioner Walker that the turning point in those discussions back then was the change in the plan to eliminate the entrance/exit onto Hidden Timber, and that is when they added the second entrance/exit, on Baldwin the north cut. He agreed that they are dealing with the same issues that they were dealing with seven years ago, and didn’t think that Baldwin Rd. construction is a strong enough excuse to disrupt this neighborhood.

Moved by Commissioner Gross, seconded by Commissioner Urbanowski, that the Planning Commission deny PC-2020-26, WOW gas station located at 3865 S. Baldwin Rd. (parcel #09-29-326-016), a request to modify the existing Special land Use of a gas station to add a driveway off of Hidden Timber Dr., for plans date stamped received November 6, 2020. This denial is based on the following findings of facts: it is not compatible with adjacent land uses; it is not compatible with the goals and objective of the Master Plan, the Planned Unit Development ordinance, and the previous agreement with the property owner; the impact on traffic will be adverse, to the residential subdivision to the east; the detrimental effects of the adjoining properties, both business and residential, as referenced by the testimony during the Public Hearing; and this proposal will not enhance the surrounding environment.

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

Acting-Chairman Reynolds asked if the applicant would like to address the landscaping? Mr. Kalabat thought it would be worth continuing the discussion on the landscaping.

Mr. Kalabat stated that seeing how currently, what was approved, and what is permissible are in conflict with the evergreens at the rear of the property, as means of screening the back of the building, the property owner cannot plant them in the location that they were approved. There is no other feasible location at the back of the building due to limited space with the detention pond and the proximity of the actual building to plant those pine trees. He thought some consideration to swapping out from 14-ft. white pines using 6-8-ft. arborvitaes or moving to a screen fence would help alleviate that situation, get some method of screening in there, at the back for the residents, and allow the Township to release the current bond that is being held and close out the file from 2013. He asked the Commissioners if they have any comments as to using, utilizing, modifying that site plan to utilize another means of screening and which would
be a more preferable means of screening at the back of the property. Or if they would like just them to submit something.

Commissioner Walker said that fences are a big deal around here lately. In the November issue of the Smithsonian Magazine is an article about why, in the British Isles they don’t allow fences of any kind, but they use hedges, hedgerows. If the applicant was thinking about some sort of shrubs behind the party store/gas station, he would commend that article to him for great ideas.

Acting-Chairman Reynolds stated that one of the potential solutions that they have could be an Administrative Review, discussion, and resolution of this. If there are limitations, that can be proved with DTE, essentially, the easement does not allow the original proposal, he would be OK with the administrators, discussion, review, and approval.

Commissioner Gross agreed that this could be handled on an administrative basis, to satisfy the intent of the original landscaping, if there is a modification that is consistent with that intent, he thought it should be handled administratively.

Moved by Commissioner Gross, seconded by Commissioner Walker, that the Planning Commission, regarding the lack of landscaping that was originally required on the north side of the property, that the applicant meet with the Planning Department and present an alternative to that. If the alternative is consistent with the intent, the original plan, that it can be handled administratively.

Discussion on the motion:

Planning & Zoning Director stated that she believed that the problem with the landscaping was on the east side. Commissioner Gross stated that he misspoke in terms of location.

Commissioner Urbanowski thanked the applicant for taking care of the landscaping.

Commissioner Gross amended the motion, Commissioner Walker re-supported the motion to include that the location of the landscaping was on the east side of the building.

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

B. PC-2020-38, Edgar Development Rezone Application, located at a northern portion of 3805 S. Lapeer Rd. (parcel 09-26-451-005), requesting to rezone approximately 4.21 acres from Restricted Business (RB) to General Business (GB).

Acting Chairman Reynolds said they had a Public Hearing on this tonight. He asked if the applicant would like to add to his presentation? Mr. Ashley replied that he had nothing further to add unless there were any questions.

Acting Chairman Reynolds stated that he wanted to disclose a relationship and a potential conflict of interest. Mr. Sam Ashley, the applicant tonight, and Acting Chairman Reynolds have done work in the past and do currently do work, but he was not involved with this application or project. He didn’t believe there was any conflict of interest but wanted to bring up that relationship prior to deliberating on the topic if there was an issue with that relationship. There were no issues.
Planner Fazzini read through his review date stamped December 7, 2020.

Acting Chairman Reynolds said that there was a letter that he had read into the record, during the Public Hearing that there was support from the Hi Hill subdivision, with no strong opposition to the rezone request.

Commissioner Gross asked what the intent of the use of the property? His concern was that it would be used as a body shop, or a transmission repair facility, something that is going to create noise, and odors, that could impact the adjoining PUD that they are reviewing immediately to the north and to the east. He added that they have an opportunity here to plan the uses concurrently, rather than try and solve something at a later date, and to avoid any conflicts that might be resulting. His other concern he had was of lighting, and if it is going to be used as a storage lot, and the impact that it might have on future residential properties, to the north and to the east. He asked again, what the intent of the use was? He knew they couldn’t commit to it unless it was a contract zoning but he would like to have what the intent was of the owner recognizing that the owner or the applicant was the owner of the adjoining auto dealership to the south. Mr. Ashley stated that they purchased the property from the Hills of Woodbridge development. They have been working very closely with them to make sure that they are not any conflicts and that both projects are developed in harmony. He added that at this point, there isn’t an intended use, it is really from a land investment standpoint. Before the Hills of Woodbridge bought the property, it was a much larger acreage that was for sale, larger than their client needed. However, when the Hills of Woodbridge acquired that property, there was then the opportunity to buy a smaller parcel. Looking at the overall acreage that is there and just from a wise development practice, the ability to add more acreage based on the usability standpoint, that is what their client decided to do. Right now, there is not an intended use for it, but it is simply, they are just looking to get the zoning consistent, on the overall acreage of the total parcel. He said as it relates to lighting, if there is a development plan that is put in place that will come back before the Township, any lighting that is done will certainly be done per the ordinance, and any other considerations from the Township, or from any residents or any other input that is necessary, they will certainly take that into account.

Acting Chairman Reynolds said that they are just looking at a Rezone, not a Conditional Rezone. Special Land Use items would pop up at that point and time, they are strictly looking at the uses that would be permitted between the current zoning and the proposed zoning. So, also, a point of reference of what is now permitted by right versus by either Special Land Use or previously, it is not permissible.

Commissioner Walker asked why there were there now asking for the change of zoning if they don’t know what their client is going to do with it? He thought it made more sense now that they have the property, to wait and decide what they want to do with it. Mr. Ashley replied originally, the dealership was only comprised of, in round numbers, 10 acres. They bought the additional four acres, so those have been combined now into one parcel because they have done a boundary adjustment, so on that one parcel, they have split zoning. They have 10 acres that are General Business (GB) and the four acres that were acquired, which are currently zoned Restricted Business (RB). They are simply looking to carry the General Business (GB) zoning across the entire parcel now that it has been combined into an overall parcel, which is 15.039 acres. It is just to uniform the zoning, across the entire parcel. Based on the primary zoning, that is on the parcel by percentage basis, if they took the 4.2 acres, that equates to 27% of the land area, and the 10.82 acres is 73%. It is simply just carrying the zoning across the entire parcel so it is uniform on one lot. Commissioner Walker said he understood that and said the timing befuddled him.
Acting Chairman Reynolds said looking at the rezone of the parcel, from (GB) to (RB), a couple of points or concerns usually are, automotive dealerships would be a permitted by right use, and then a gasoline and fuel station would be allowable with a Special Land Use. Previously, restaurants and outdoor patios were permissible, except for a restaurant with a drive-thru, along with hotels. He added that it looked like schools, churches, mini storage, and public transportation facilities would be allowable, some of those are by Special Land Use, and thought it was a more impactful zoning use there. He didn’t think it was inconsistent with the adjacent uses, especially since the (GB) that is directly adjacent to this parcel to the south, the gas station that is under construction, and there is also the auto dealership that is across the way, so he didn’t think it was inconsistent. He didn’t know how much more impactful it is to the surrounding area. It is even consistent with the PUD that was on their docket last week, and approved under concept review, to have a retail center, he thought those were all compatible on adjacent uses. The biggest difference that he saw there would maybe be the automobile-based uses that would be most impactful and hard to justify that isn’t cohesive if you have an auto dealership directly to the south and then directly to the west.

Mr. Ashley asked if he could address one point as it related to timing. Part of the sequence that they are going through is really something they talked through with the Township. When the property was purchased it was still under the original encumbrance of what was proposed to be the PUD for the Hills of Woodbridge. What they decided to do, rather than keep the 4.2 acres in the PUD, they decided to bifurcate it from the PUD. The first step was getting the boundary adjustment done, and then the next step was going through the zoning.

Commissioner Gross stated that he was still concerned with the fact that they were dealing with the residential component surrounding this property to the north and the east. They are kind of ignoring the fact that something could be going in there, which could adversely affect that or adversely impact financial development from a positive standpoint. The site is big enough if there, is going to be a building and if it had some additional setback further from what the ordinance requires so that, there is some protection to those residential properties that he thought he would feel a little bit more comfortable. He is trying to find a way that they can at least address these concurrently. Mr. Ashley said they purchased the property from the Hills of Woodbridge, so they have been and will be working with them concurrently as they go through their process. He said that he can’t provide anything but certainly would be appropriate if he was to seek a letter of support from the adjacent development, that they are in support of what they are doing. He couldn’t provide that but was happy to provide that later in the week.

Acting Chairman Reynolds said it is just strictly a rezone, so he thought that they should focus on the uses that would be potentially allowable with fully rezoning the parcel to (GB). This isn’t a Conditional Rezone, so there are no conditions before them, so they are going to be subject to their standard zoning requirements. The biggest difference he saw was a restaurant with a drive-thru and an automotive dealership repair and automobile wash establishment, something that is an automotive use. There are zoning requirements that are going to provide a buffer, this parcel would be an island surrounded by the PUD. The Hills of Woodbridge, which would be a reasonable buffer from a multi-family development to those residential developments that are further to the east. There are not conditions being put forth, they are not going to evaluate, obviously, a site plan at this time. They can speak to the discussion points of concern and suggest, what additional parameters might be put forward. He was fairly confident he didn’t see a major transition. It is not like they were talking residential to (GB) they are talking about (RB) to (GB) so a lot of those buffers and parameters are very similar. It is really the use changes that he thought they should be discussing here.
Mr. Ashley said that they have studied the Hills of Woodbridge Site Plan quite extensively. He thought that it might be helpful to reflect on how they proposed the land use that they have in the majority of their northern property line, it is a retail or commercial use and detention pond that is being proposed there. When they look at this site, and then how it relates to the site to the north, there is a nice transition between the two parcels.

Planner Fazzini said if approved and if the north development does come in for a site plan, the tree survey and the tree permit process will be required, and that is an extensive woodlands area now. So that may help with their comfort level as far as buffering or things like that brier area of the property line. Depending on the percentages of what they are preserving and clear-cutting, some of those things they talked about with other cases may have to be preserved. With the Hills of Woodbridge PUD, they are still not through the final PUD process, they can now focus on the rear of that development as it relates to this area, and ask the applicant to address that as far as screening or landscaping if the (GP) zoning is approved and there is an expectation that a dealership, would it be permitted.

Acting Chairman Reynolds said he was looking at the report from Giffels Webster. If the PUD were to go through, that is the only (RB) zoned parcel, there is the Palace on the northwest corner of Silverbell and Lapeer Rd. is (GB), the PUD on the corner of Silverbell and Lapeer Rd. that is a drive-thru gas station use so they are really closely related to (GB). He was not seeing a strong opposition to (GB) in the area, especially, since there is a buffering parcel that would be proposed from the R-1 parcels directly to the east, and they are not directly to the east there is a parcel in between them.

Secretary St. Henry stated that a few years ago, they dealt with a situation with Palace Chrysler. They wanted to expand some additional property and thought it had to be rezoned for them to be able to expand their parking spaces. They added on to their parking lot, significantly. Commissioner Walker said that he thought that had to do with the wetland issues there. Secretary St. Henry said his point was that the dealership was looking for additional space, they knew what they were going to do with that, at the time, it was pretty straightforward, they needed more storage space for new vehicles, or it may have been storage space for their body shop. He thought it was straightforward, a Restricted Business (RB) to General Business (GB) and given the fact that there are ten-acres of (GB) now with a well-established car dealership. He added that there was a very good point that was brought up that for the new residential development, that is going in there, in terms of where the commercial portion of that development is, and where it is in relation to that.

Acting Chairman Reynolds stated what he also wanted to add, from the review, was that the Master Plan currently suggests that it be neighborhood commercial, which reviewing that, it is all suggested as one uniform neighborhood commercial zoning. Across the street would be mixed-use, to the north as multi-family medium density. Just based on some of those, he was in support of the rezone. As it is presented right now, just based on its compatibility with adjacent uses. He didn’t see the major direction change from (RB) to (GB).

Commission Gross said that Walley Edger has done a wonderful job on his property, it has been a great addition to the community. He could sell the property tomorrow and they would have no control over whether it is going to be a part of a dealership or if it is going to be something entirely different. Acting Chairman Reynolds agreed and said that is why they are strictly looking at the use without conditions. He said he was ok with their standard differences in landscape buffers, between business zoning, and residential zoning there are buffer requirements there. He thought that there was a number of items, if there was a site plan permitted, they are still going to be held to the same residential zoning adjacent to residential
use of zero-foot candles. He thought that there were those items in place, so they think that they need to focus on the uses, and to push back on uses. They are not really drastically changing in some of these requirements as it relates to the residential zoning adjacent between (RB) and (GB), it was the use changes, in his opinion.

Moved by Acting Chairman Reynolds, seconded by Commissioner Urbanowski, that the Planning Commission forwards a recommendation to the Township Board to approve PC-2020-38, Edger Development, rezone request, requesting to rezone the northern approximately 4.21 acres of parcel 09-26-451-005 from Restricted Business (RB) to General Business (GB) as depicted on the plan date stamped receive 11/12/2020, located at 3805 S. Lapeer Rd. This recommendation to approve is based on the following findings of facts: the objective of the Master Plan is met and the commercial corridor along M24 on the east side; is compatible with the adjacent or the existing uses to the south and does still provides cohesive zoning between the adjacent uses around the surrounding area.

Acting Chairman Reynolds asked if there was any public comment. There were none.

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

C. PC-2020-40, Lifted Investments, LLC, Ord. 154 application (Class "C" Grow Facility), located at vacant lot 4 in Liberty Tech Center, west of 4601 Liberty Drive S. (parcel 09-34-300-018).

Planning & Zoning Director Girling stated that the Commissioners’ had the review in front of them dated December 18, 2020, where she went over the criteria, the location requirements. She said in summary she had reviewed the application as it related to Ordinance 154 location requirements. She agreed with the recommendation to approve this application, with the conditions that are stated within their suggested motion, because they have met all of the location requirements.

Mr. Tom DeAgostino the applicant said that if the Board had any questions, he would be happy to answer them.

Moved by Commissioner Gross, seconded by Commissioner Walker, the Planning Commission grant approval of the application, as required per Ord. #154, for PC-2020-40, Lifted Investment, LLC, for a Class “C” growing facility, located at vacant lot 4 in Liberty Tech Center, west of 4601 Liberty Drive S. (parcel 09-34-300-018) based on the following findings of facts that the operation does meet the following location requirements: it is located in an IP zoning district; it will be located in a building that meets all the distance requirements shown in Ord. #154; it will be located in a building that has an ingress/egress road with less than 6,000 vehicles/day; will be located in a building that has a ingress/egress road that does not service a road that also serves for residential zoning; the motion for approval is conditioned upon the applicant meeting all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Maruhauna Licensing Board.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Urbanowski, yes; Walker, yes; St. Henry, yes. Motion carried 5-0 (Dunaskiss absent & one vacancy)
D. PC-2020-39, Lifted Industrial Partners, LLC, Site Plan, located at vacant lot 4 in Liberty Tech Tech Center, west of 4601 Liberty Dr. S. (parcel 09-34-300-018).

Mr. Jeffery Schmitz JS Capital Group the applicant presented.

Mr. Schmitz stated that their intent is to build a 42,500-sq. ft. in Liberty Tech Center, lot 4, off of Giddings Dr. He felt that they meet or exceed all the requirements as it relates to the Township Ordinances for their marijuana facility.

Mr. Ron Rader showed a presentation to the Board. He said that circulation around the building will be one-way traffic, with two-way traffic being provided at the front of the space. This is subsequent to the pre-SPA review they had with the Planning Commission and some of the supporting agencies. Mr. Rader added that stormwater management will be handled by Perimeter Green Space and the adjacent detention basin. They have 55 parking spaces and they have also provided burling loading areas around the building. They have a separate dumpster area which they will share with the team, along with the details for full enclosure based on the cannabis criteria. He showed the Planning Commission the one-way circulation around the building. He stated that he had a conversation with the Fire Marshal, relative to accessibility. They are proposing to allow for service vehicles access around the entire building. They also transferred the parking to angled parking in the back and provided 55 parking spaces. They have moved the dumpster enclosure based on the feedback from the reviewing agencies. They will also be adding as part of the Liberty Industrial Park requirements, a service path, along the front, abutting Liberty Dr. No perimeter fencing is being proposed for this facility. He stated that the dumpster is a secured dumpster enclosure, as required by the state and local mandate. Photometrics, they are proposing a glass and steel canopy structure, out front, there were some questions relative to this being up-lets. The glass canopy itself actually has a diffuse film on it that actually captures the light and basically creates a glowing effect. This is indicative of the lighting fixture that they would be using. There is also some commentary relative to any of the light bleed relative to the building mounted lighting elements, and they could clearly see in the photometric that they stay well within the bounds of the property.

Mr. Rader showed the Planning Commission the floor plan. He stated that it had been updated relative to them providing the service vehicle access at the back of the building. They have allowed for a reduction of approximately 1,100-sq. ft. from the original proposal to accommodate the service vehicle access within the building.

Mr. Rader showed the Planning Commission the elevations and renderings. They are looking at materials that are compliant with the Township Ordinance. One of the items that were in question had to do with the pre-manufactured or pre-engineered shrouds, that would be covering the rooftop units that they are proposing for the cultivation facility. They would actually match the same esthetics as the building. From the roadway, it is basically it is a transparent shroud.

Mr. Sermed Saif with Tri-County Engineering Consultants gave an overview of the civil components and the consultants’ reviews. They had a productive discussion with the Fire Marshal regarding the fire hydrants and the coverage. It appeared that they did have coverage covered by the two existing hydrants. He showed the Board the utility plan. He said that one existing hydrant on the northeast corner of the property covers almost half of the building and then one proposed hydrant to the front will cover the remaining area of the site. They will continue their discussion with the Fire Department if the third hydrant will be required on the southwest corner of the property as an option for redundancy. He didn’t think that the applicant would mind adding that in lieu of looping a water main through the site. That may delay them...
for weeks as they have to go to the state construction permits. This is only to service that one
site and one building and they do have the building suppressed with a six-inch supply line. If
the Fire Department and engineering agree to this they will move forward in that direction. He
noted that the topo survey was provided by a registered surveyor, and there were questions
about the trees. If a tree survey is needed, they will have several trees on site, so he wasn’t
sure if that would be a requirement. The one critical question they had was there was a
requirement that they were aware of after they submitted about a pathway. Normally a pathway
is 8-ft. wide, but they wanted to confirm with planning if 8-ft. wide or 5-ft. wide is required at this
point, and what kind of material they would like to see if it is asphalt or concrete? If they do go
with 8-ft. wide the pathway would be on top of the public water main along the road. Regarding
engineering, they will address some grading issues, and some easements that were not shown
will be shown. Right now, they have ordered the title works supplied by the owner. They will
revise the sanitary sewer connection to the east. There is a six-inch stub provided, part of the
previous master project. They will address the storm management and the calculation with the
proper c-factor and some additional items regarding grading and the final proposed grades on-
site. There was a question about contours, normally they provide spot elevations, and wasn’t
sure if that was a requirement or a suggestion, and would like clarification from the engineer.
There are no wetland, woodlands, or landscaping as part of the civil, and said it would be
addressed later. He noted that they did get a review letter from RCOC, nothing out of the norm
with their requirements. They will add some notes and add some details for their requirements.

Mr. Rader stated that their landscaping architect for the project, Mr. Devlin, could not join the
meeting, but wanted to acknowledge the three items relative to the landscaping architecture.
He said they actually had Mr. Devlin under contract to handle the tree survey. He knew that is
actually a requirement with only seven trees being on site. They are willing to move forward
with the survey if it is a requirement. The parking lot calculations have been revised, it has been
added to the updated plan clarifying specification for the mulching and a suit visit will be
conducted relative to a tree survey. Those were the three comments coming out of the
landscape architect response. He showed them the revised site plan, floor plan, and the
updated elevations showing where they have trimmed the building back to accommodate the
service vehicles.

Planner Fazzini read through his review date stamped December 9, 2020.

Engineer Landis read through his review date stamped December 9, 2020.

Acting Chairman Reynolds stated that they did receive a review from Public Services, and there
were not any additional comments.

Fire Marshal Williams read through his review date stamped December 9, 2020.

Acting Chairman Reynolds asked the applicant as a response to some of the questions,
comments, and concerns.

Mr. Rader stated that the wall-packs that are attached to the building will be full cut off, and is
indicated in the photometric and have addressed that in the proposal. The dumpster they
received some feedback from the Fire Marshal relative to having 20-ft. clear, which is what
prompted them to relocate that to the middle portion of the side yard. Having that located in the
rear yard will be problematic because they can’t encroach on the 50-ft. setback. They would
have to further take space out of the building to accommodate that. The rooftop units are a
premanufactured unit and it comes in the same finishes as the siding of the building. They can
provide follow up information addressing that visibility. The height of that is actually per the ordinance, would be one foot above the RTU’s that would be on top of the building.

Mr. Saif replied to Engineering Landis’s comment regarding the grading. They are revising the driveway, and the width, and the apron. They will work on those grades and stay within the 6% limit. He addressed the Fire Marshal’s comment about the northwest hydrant requirement. The nearest water line that they have would be on the east side of the property. If they are pulling a hydrant from that side to the back, that would be almost 260-280-ft. of length. He knew there is a requirement for a maximum six-inch size lead. They are supposed to get eight-inches, and if they are going to an eight-inch for that hydrant, would the Township require them to go for a state permit? Engineering Landis said that the typical maximum length for a six-inch lead hydrant is 50-ft, it would have to be an eight-inch line. That would require a state permit for that length of the extension.

Mr. Saif said that means that they have to send for EGLE permits and that goes through a Township, Oakland County, and then the state for permitting and approval. He noted that they have seen them approve them within two weeks and they have seen them stay stuck there for two months.

Fire Marshal Williams said in regards to the hydrant locations, he was more than happy to have an open discussion. Maybe if they had the ability to put their minds together, maybe they could come up with something that will suit the site and make it code compliant. They are lacking coverage in the back in the northwest corner. If they put their minds together, they would have the ability to modify the FTC location and that hydrant on the front of the site, to maybe give them a little bit more clearance on the northwest corner. There is something definite that does need to take place so they can get some type of water supply over into that area. Mr. Saif said that they will continue a discussion with the engineer after the Planning Commission makes a determination.

Acting-Chairman Reynolds thought that they had a number of comments, concerns still on the drawings that had been presented and formerly reviewed. Although there are new plans that have been presented tonight, they have not been formally reviewed.

Acting-Chairman Reynolds asked the consultants if they felt comfortable that an administrative approval is able tonight? If the applicant is willing to address all of their comments or is that not possible, and they would like to see it postponed and come back? Engineer Landis thought that he would be ok with reviewing the changes administratively. He didn’t see any of the comments on requiring any changes relative to the location of the building or impacting setback. He thought they could resolve those. Fire Marshal Williams said he didn’t see any issue with that at all. He said in regards to the FTC location that has been addressed. The applicant added additional hydrant coverage for the FTC. The access roads at front of the site and template and the rear of the site have been addressed. In regards to the coverage for the northwest corner, he felt that they could resolve that in later discussions. Planner Fazzini said that the two items that they commented on for Planning Commission consideration if these are things that they would want to see again, would be any special lighting for the building. If they would want to see verification of the rooftop screening, such as cross-sections, or if they would be fine with them reviewing that with Planning & Zoning Director Girling.

Acting-Chairman Reynolds wanted to make sure that they were all on the same page. He agreed that there would have to be an additional review on the new plan submitted and any further revisions.
Acting-Chairman Reynolds asked if the dumpster enclosure allowed to be in the front yard setback? Can it be waived? Planner Fazzini said that his understanding of the ordinance is waivers can’t be granted for the location of the dumpster. They can grant a waiver to waive needing a dumpster. In the IP district, the dumpster is only permitted in the rear yard, which is a unique requirement, in addition to the 50-ft. rear yard setback creates some issues. He didn’t believe that they could issue a waiver to allow it in the side yard. Acting-Chairman Reynolds asked if that would require a formal variance if they want it to be placed in the front yard or side yard? Planner Fazzini replied yes.

Planning & Zoning Director Girling pointed out that if they are going in the direction of conditional approval, she believed there was one waiver, which was the Parking Calculation Waiver, so they would have to deliberate on that because the consultants when reviewing it, cannot issue that waiver. She agreed with Planner Fazzini about the dumpster location and not being waivable.

Acting-Chairman Reynolds wanted to make sure they were not deliberating on something that needs to be reviewed or needs to go back to the drawing board.

Commissioner Urbanowski said that she thought they addressed the parking dimensions by making them angled? She asked if part of that able to happen because they moved the dumpsters? Could they put the dumpsters back and still have the angled parking? Mr. Schmitz said that the parking is in that 50-ft. setback. If they could get a variance, they could put those dumpsters in that setback, but they were told they can’t get a variance. According to the consultant they don’t need a dumpster. He could put the dumpster inside of his building. Planner Fazzini replied per the zoning ordinance the Planning Commission can waive the need for a dumpster. If that is the approach, they want to take with the dumpster being internal to the building then there is no issue with it as an accessory structure. Mr. Schmitz replied that works for him: have the overhead doors. They are just six-yard dumpsters.

Acting-Chairman Reynolds asked if they are agreeing to remove the side or front yard dumpster and include it indoors, is that the understanding from the applicant? Mr. Schmitz replied yes, he didn’t see them being able to meet any of those dumpster requirements, without really minimizing the size of their building and the layouts that they already have without some sort of waiver or variance. He proposed to put the dumpsters inside of their facility and their overhead door.

Mr. DeAgostino thought someone said that they could, in fact, move for a variance to move those dumpsters to the side yard? Planning & Zoning Director Girling stated in order to do that, the Planning Commission this evening would have to deny them, which would then give them the right to appeal to the Zoning Board of Appeals for the variance. If they applied now it would be a month before they are on the ZBA agenda. The variance is not something the Planning Commission can do. Acting-Chairman Reynolds thought that it would be a denial with the condition of approval if they receive the variances. It is not a straightforward denial if that is the only item. Planning & Zoning Director Girling replied if that is the way they formulate the motion, correct. Mr. Schmitz replied that he would like to leave the dumpster inside and then come back and ask for a variance for the dumpster outside. If they get it granted fine, if they don’t, then they go back to their original plan that they already have in place as of now, moving the dumpster inside of the building parameters.

Commissioner Gross said that the first motion is the Parking Calculation Waiver. He asked how much of a waiver are they talking about? Planner Fazzini replied that previously, they were two spaces short, and they stated tonight that they revised their parking calculations, that provide 55
spaces with the new angled in the rear. He didn’t think they needed the Parking Calculation Waiver any longer. Planning & Zoning Director Girling asked if they wanted to have a discussion with all the reconfiguration that they are talking about that will be needed? She asked them to keep in mind, it cannot be done by the consultants while they are re-reviewing it. She knew that they were talking about a number of changes that they showed in their presentation tonight that have not been re-reviewed. Asking the applicant if that is what they will be submitting to be re-reviewed; that they are not losing any parking spots? If they are the motion happens to be to conditionally approve it conditioned upon the consultants reviewing the plan and making sure all of their concerns are addressed. If that new reconfigured site, lost five parking spots and they don’t meet the ordinance anymore the consultants during re-review can’t waive the requirement, they would have to come back to the PC. Mr. Schmitz replied he fully understood. They wanted the conditional approval, as it is with 55 spots. They will go with the dumpsters inside of the facility right now. They will go back and see if they can put the dumpsters within the 50-ft. setback, if they get denied they will live with what has already been approved.

Planning & Zoning Director Girling asked Planner Fazzini if there were specific criteria that they had to meet on showing that they don’t need a dumpster? And it is not just that they are going to put it inside, she thought it was based on the projection of waste? Planner Fazzini read from the ordinance: The Planning Commission may waive the requirements for a covered trash receptacle as described herein. If after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without the use of an outside trash receptacle. Planning & Zoning Director Girling said that the Planning Commission has to determine that when they make the motion.

Commissioner Walker said that one of his least favorite things is when applicants come in and there are lots of questions, lots of still moving parts. He said that their consultants are very good and reasonable. They are making all these concessions on the “if come”, they are going to do all these things. Why can’t they do all these things before they make these applications for what they need? Why does it come to the day of the meeting when all the horse-trading goes on? Why isn’t that sorted out ahead of time? When he first read Engineer Landis’s review, he thought that was a lot of stuff. Some of them are taken care of, some of them are proposed to being taken care of. He was not comfortable with being proposed. He had no disparagement to the applicant or the consultants. Why isn’t this organized ahead of time so they can just decide on the facts?

Commissioner Gross agreed philosophically with Commission Walker. He said that a lot of the questions that he had after his review of the plan were addressed in the presentation. He stated that they were in a tough part of the season, and year, in terms of trying to get meeting dates in, beat schedules, and so forth. He would like to have seen a clean plan with a lot of the comments addressed. With the presentation that was presented, a lot of his questions were actually on a documented plan, it just has to be rereviewed it doesn’t have to be re-invented. He felt comfortable at this point in time, recognizing that this is December, of giving a conditional approval.

Acting-Chairman Reynolds stated that there is not just an extensive list and a promise. He liked that at least there were some plans presented, he has not extensively reviewed those but thought that his points of concern were discussed in the presentation or at least in their deliberation. He was OK with this specific case with a conditional approval.
Moved by Commissioner Urbanowski, seconded by Commissioner Gross, that the Planning Commission grants site plan approval for PC-2020-39, Lifted Industrial Partner, LLC, Site Plan, located at vacant lot 4 in Liberty Tech Center, west of 4601 Liberty Drive S. (parcel 09-34-300-018) for plans date stamped received 11/23/2020 based on the following conditions: that they are to verify that there will be 55 parking spots on the plans; with a waiver, approving the dumpster to go inside of the facility as opposed to outside; there will be further discussion about a third fire hydrant with our Fire Marshal; verification on the plans of the fully HVAC screened with the shroud system.

Commissioner Urbanowski amended the motion, Commissioner Gross re-supported that it is not the plan date stamped 11/23/2020, but rather a plan that is revised, reflecting the presentation presented this evening, which shows changes to the plan date stamped 11/23/2020.

Discussion on the motion:

Acting-Chairman Reynolds stated that they would need to make sure that they incorporate that obviously there needs to be revised plans. He thought that there were more items that needed to be addressed specifically with the Fire Marshal and OHM review. He felt safe to assume that the applicant can address all of the concerns going forth between Giffels Webster, OHM, and the Fire Marshal. Commissioner Urbanowski asked specifically what? She said there was something that they said that did get amended on the new plans that could be. Acting-Chairman replied that they needed clarification of the fence, lot coverage, they address the full cutoff fixture, but it wasn’t in the plan that they received, or that were previously reviewed. You did speak to the dumpster enclosure and he thought she spoke to the HVAC. He thought specifically would be all of OHM comments and the Fire Marshal specifically, more of a blanket statement to be more proactive.

Acting-Chairman Reynolds wanted to give their reviewers the opportunity to actually review and prove that those comments are addressed versus assuming the presentation was correct.

Planning & Zoning Director Girling stated that there was a full thorough review done of the last plans, and a presentation that hasn’t had any type of review done. There could be something that was a complete change, that wasn’t demonstrated in the presentation and if they are not starting with the original plans that had a thorough review, having a list of changes, there is a chance of something being missed. Are the consultants starting over from square one to re-review this?

Engineer Landis stated that they may want to amend their comment #2 which is requiring the drive aisles to be 22-ft. wide because that was with the understanding of two-way traffic. Based on the presentation tonight, he understood that they are going to one-way, with the exception of the area on the front parking. That would revise the requirement too to take the drive aisle widths down to 20-ft.

Acting-Chairman Reynolds asked if there was an amended motion or any amendments that she would like to make? Commissioner Urbanowski said she would like to include the revised drive aisles to the minimum required width of 20-ft. wide or as required by the Fire Marshal.

Acting-Chairman Reynolds asked Commissioner Urbanowski to clarify the motion.
Commissioner Urbanowski stated that her motion is based upon the plans that they were shown tonight. Slight modification to the plans date stamped received 11/23/2020 with the following conditions: revise the drive isles to meet the minimum requirement of 20-ft. or as required by the Fire Department; an extra hydrant shall be added; after discussing with the Fire Marshal, revise the drive approach to meet the Township slope requirements, shall not exceed 6%; the drawings shall reflect that there will be ample parking of 55 parking spots; verify that the HVAC be fully screened with shroud system; and the applicant shall verify that there is no fencing or gates as indicated; that they are waiving the outside dumpster requirements as the applicant would like to put the dumpsters on the inside of the building.

Fire Marshal Williams stated that they have to re-review the revised set of plans that they should be getting. He thought all items had been addressed, except for that third hydrant location.

Engineer Landis asked that all items on their review letter be addressed.

Commissioner Urbanowski amended the motion, Commissioner Gross re-supported to add that they revise the sanitary lead to utilize the 6-inch sanitary lead originally intended for the site, monitoring the manhole will be necessary prior to the connection; public sewer, the original plan for this park requires each lot owner to install a pathway along their frontage, so a plan for a pathway; light pole locations should be added to the utility plan to avoid conflicts; the existing water main needs to be shown, in its entirety along Liberty Drive S. and Astra Ct.; an existing gate valve is missing southeast of the site and shall be added to the plans; correct the elevation discrepancy between CB5 and the curb elevation on GP-1; also address the overlapping text at this catch basin; verify the size of the sewer along Astra Ct. and revise plans accordingly; the site c-value shall be included in the plans. Please include the original calculation from the Liberty Industrial Park development to show what the detention basin was designed to detain for the site; include the proposed contours on the grading plan to show that site slopes are acceptable; revise the topography survey/plans to include easements of record. The intent of these items is to be re-reviewed by the consultants.

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

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
None

10. COMMUNICATIONS
None

11. PLANNERS REPORTS
None

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None
14. CHAIRMAN’S COMMENTS

Acting-Chairman Reynolds wished everyone a Merry Christmas and a Happy New Year.

15. COMMISSIONERS’ COMMENTS

Commissioner Urbanowski said Happy Hanukkah, Merry Christmas, and Happy New Year.

Commissioner Gross said Happy Holidays.

Secretary St. Henry wished everyone Happy Holidays. Got a gift this week from the vaccine program. Take care of the front liners and getting them vaccinated.

Planning & Zoning Director said stay safe.

Planner Fazzini stated that they are working on the Master Plan.

16. ADJOURNMENT

Moved by Commissioner Urbanowski, seconded by Commissioner Gross, to adjourn the meeting at 10:48 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

January 6, 2021
Planning Commission Approval Date