

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES  
PC-2019-41, FIRESTONE COMPLETE AUTO CARE CENTER CONDITIONAL REZONE REQUEST  
PUBLIC HEARING MEETING - WEDNESDAY, SEPTEMBER 4, 2019**

The Charter Township of Orion Planning Commission held a Public Hearing Wednesday, September 4, 2019 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

Don Gross, Vice Chairman	Scott Reynolds, Commissioner
John Steimel, BOT Rep to PC	Justin Dunaskiss, Chairman
Don Walker, PC Rep to ZBA	Joe St. Henry, Secretary

**PLANNING COMMISSION MEMBERS ABSENT:**

Todd Garris, Commissioner

**CONSULTANTS PRESENT:**

Lauren Carlson (Township Planner) of Carlisle/Wortman Associates, Inc.  
Mark Landis, of Orchard Hiltz, and McCliment, Inc., Township Engineer  
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**

Brian Biskner	Chris Maldmuno
Rosalie Ward	Andrew Griesser
Jack Ward	Michael Thomas
Michael Strole	N. Simpson
Dan Baorstein	Ben Puraj
Debra Walton	Donnie Steele
Bill Pruett	

PC-2019-41, Firestone Complete Auto Care Center, Request to Conditional Rezone 25 Indianwood Rd. and 545 N. Lapeer Rd. (09-02-177-013 and 09-02-177-014) from Restricted Business (RB) and General Business (GB) to General Business (GB) with conditions.

Chairman Dunaskiss invited the petitioner to make a presentation.

Mr. John Gaber the attorney for the petitioner, 380 N. Old Woodward Suite 300, Birmingham, presented.

Mr. Gaber said he wanted to defer the presentation until the next meeting where the agenda items was up for discussion. One of the concerns and the reason they ask that this be tabled was because they had a traffic report prepared. One of the main items with this project and the concerns that the Board and certain members of the Township Board had was the impact on traffic that this project would generate. Coupled with the proposed road improvements that will be made to Lapeer Rd. in 2020. What they did was had a traffic engineer generate a report, but that report has not been reviewed yet by the Township Traffic Engineer which was why they are asking for this matter be deferred. They would appreciate the opportunity to make the presentation at that time, when that review has been done and they have all the information.

Chairman Dunaskiss asked Tammy Girling, Director of Planning & Zoning would they have to pay for another notice to give the public notice?

Planning & Zoning Director Girling replied that they have advertised for a public hearing for this evening; with the applicant's permission she felt that they could conduct the public hearing. He asked that the presentation be deferred to the next meeting, however, she encouraged him to give an explanation of what the project was, and that he can make another presentation when they return but since this was serving the purpose of the public hearing, anyone watching at home that knew of this notice a brief overview of what it is, what their application is for as well as anyone in the audience so that they are

afforded the opportunity to ask their questions and get them answered on the basic concept of what they are proposing. It doesn't even have to have slide presentation, an explanation of what it is going to do, and the public is supported the opportunity to ask and have their questions answered, they she felt they are covered under the public hearing.

Chairman Dunaskiss stated that he knew that they would meet the requirements for the public, he thought maybe to give another opportunity if there was a substantial change.

Mr. Gaber said this project is for a Conditional Rezoning of a piece of property on Indianwood and Lapeer Rd. There are two (2) parcels of property adjacent to one another that are the subject of this development. The one that is the furthest to the east closest to Lapeer Rd. is already zoned (GB) General Business, which is the district they need for the proposed use, the proposed use being a Firestone Auto Care Tire Center. The parcel to the west of that is zoned (RB) Restricted Business, and that use is not allowed in the (RB) district, which is why they are submitting this Conditional Rezoning application. What is different from the first time it was in front of them until now, is they are restricting the use of the property to basically the automotive type uses that are permitted under the (GB) zoning district. All other uses will be prohibited pursuant to the Conditional Rezoning. They conducted a traffic study and their traffic engineer has reported that essentially there is no adverse impact to this project. They will be showing that after the Township Traffic Engineer reviews and approves the data and the methodology and that is what they will present at the next meeting. That is where they are and those are the differences between what was presented previously and what is being presented this time, the changes to the project and what they will have in front of them for the next meeting when this project comes back in front of them.

Mr. Jack Ward, 1592 Indianwood Rd., said he had just heard him say that there is hardly any impact on more traffic at Indianwood Rd. at that corner. He stated that it is a real dangerous corner, and he would travel up that side street to come on Indianwood Rd. after returning from Lake Orion and he had trouble pulling out onto Indianwood Rd. because of all the traffic on that corner. There is a lot of accidents there too where one car is trying to turn right, another car going left and another coming across from the post office. He felt it is going to be a big impact on that corner. He lives on Indianwood Rd. and he is down there twice a day and he travel's that road all the time and he thinks there is going to be a big impact if he has another business down there especially an auto repair place. He was opposed to it.

Mrs. Rosalie Ward 1592 Indianwood Rd., stated she was also against it on that corner, she is up on that corner once a day and that is the worst intersection in Orion Township. They have a sign there saying do not block intersection, which most people do honor that, so there is an opening there and there is a person coming off that side road that wants to go west on Indianwood Rd., there is a person coming down by Harold Cleaners they come out at the same time. The people on M24 have a green light and they are coming around the corner. They may have a red light on M24 and people run that light constantly. People get impatient because both cars have got the intersection blocked. Maybe 5-6 cars down on Indianwood they want to go to the post office, so that car goes around those cars he is out in the intersection trying to get through those two cars and another car comes off of M24 either with light or running the red light and there is almost a crash. There are also people coming out by the Dairy Queen and they want to go toward M24, there are already two cars up at the M24 intersection on Indianwood and no traffic is blocked and so the first guy sees that he can go ahead and make his right hand turn on M24 so the next guy moves up and the guy behind where the intersection he moves up but the guy by the Dairy Queen doesn't pay any attention. She had a friend that got hit here a big accident right there.

Michael Strole 445 N. Channel said that his wife and him own the residentially property directly south of this property. They plan to build on this property and have approved variances through the Village. He objects to this rezone request, he objected to this rezone request during previous attempts and he still objects. His reasoning is different than the traffic, while adding more restrictions to the current proposal it still allows for a more intense land usage boarding a residential zoned property that are counter to the transitional zones set forth in the Master Plan and the Future Land Use. This more intense land use will put garbage containers, tires and other things associated with auto repair very close to where his children

would play. He strongly encourages the Planning Commission to recommend to the Board to reject this request.

Mr. Andrew Griesser, 435 N. Channel St., owns the property that faces Eva's. He doesn't have direct plans to build a house, but in the future, he would like to build there. He felt the traffic is crazy there and putting a facility like this there is just going to make it worse. It is going to cause a safety issue, where he is planning to build a house in the future. It is also going to bring the property value down because no one is going to want to live right next to a tire house where you smell the tires and all the garage that is associated with that. When he bought the property, it was not zoned in that fashion, it was not planned to have that there. The two questions he had was he thought that there had already been a traffic study done before, and he thought that from the initial traffic study it was stated that there would be an issue on the study so he wanted to know what the first traffic study stated. The other question was the other gentleman that was here from the tire warehouse if he could give more detail what is the difference, he stated there were restrictions on there but he thought that from reading the paper it looks like it is the same type of service center.

Ms. Donni Steele, 262 Kirksway, questioned where the overflow parking will be? The ingress into the facility right now that is a turn lane going southbound on M24 and there is a curb cut right there too, she wasn't sure if that was going to be the ingress into that facility because that will be the righthand turn lane. What was the differences between the old plan and the new plan? How many trucks will be going in and out of that facility at that corner? Will they also be using Axford St. as part of the ingress and egress into that facility? Are they going to make any improvements to Axford? That is a residential street to handle trucks going in and out.

Mr. Griesser asked are they also planning on using North Channel as an access? Right now, from the roofing company they use that as an access, so North Channel is the one that runs east and west.

Mr. Gaber replied some of these questions he can answer but not all of them. One question was about a prior traffic study; they have not had any type of traffic study done and he didn't believe that the Township has had any type of traffic study done. The only one that has had any type of traffic research and study done is M-DOT because they are planning the improvements in 2020 on Lapeer Rd. That is the extent of what he knows in terms of traffic studies being done in the past. The restrictions on the use, in General Business (GB) it allows a variety of uses everything from the auto type use that they are proposing to convenient stores, gas stations, banks, pharmacies, office, restaurants, a variety of uses in the general commercial setting. What they are proposing here is to restrict it to what the site plan shows, which is this auto type related use. A lot of those uses had heavier traffic loads than their use and they will show that with a traffic study, it is very clear. A lot of those uses like a convenient store, gas stations, pharmacies will not be permitted users, meaning the traffic and what they are going to generate is going to be it. There will not be any potential to do any type of a change in the future to allow those type of higher intensity uses. That is one of the main reasons that those uses are being restricted for this property and as part of this commercial rezoning. That is probably the main difference between what was submitted previously and what was submitted this time, those restrictions. Last time they allowed for more uses in the (GB) district, this time they are restricting it to basically what they were showing them and what they are proposing what they are going to do. In terms of overflow parking, they do not anticipate any overflow parking because they have 31 spaces which based on the other operations and other locations that is going to be more than enough to handle the traffic needs that are generated from the site. The people that come in, is done on an appointment basis, so the people are not sitting there waiting. It is not like a Discount Tire where it is first come first serve, here it is on an appointment basis, so they limit and control the traffic flow much better than having everyone show up at once. Axford St. and how that will be incorporated as part of this project and if there will be improvements on it, that is something that he wanted to differ to their traffic engineer when he comes forward, because he is going to show the proposed improvements on Axford St. the fact that it will no longer go out onto Indianwood Rd. it will dead end both on the north and south side of Indianwood, to make that corridor safer in that intersection because Axford Rd. is not going to go through on the north and south side. He will be able to explain it in

much more detail. The other question about how many trucks in and out, he didn't have an answer for that but will find out. The North Channel Rd. access, there is nothing proposed to be any type of access from the site onto North Channel Rd.

Chairman Dunaskiss questioned about the ingress/egress on Indianwood on truck traffic, right turn lane and the access on Indianwood Rd.

Mr. Gaber replied he would rather differ that to their traffic engineer that can answer these questions specifically instead of his general overviews. He will have depictions to show them, not just tell them how this is going to operate.

Mr. Griesser stated based on the response in terms of what is different to what was already rejected before because he thought that this proposal was already turned down. He didn't see anything different with it, it is still the same facility just saying for the future they are not going to have these types of uses. They know that they have the traffic problems, and if they say they are going to put it there with these restrictions he was sure they ask going to go back later at some point in the future and ask to release the restrictions.

Mr. Strole stated that what the applicant would like them to believe is that this is just taking one general business zoned property and then allowing them to use the restricted business for auto service. This general business is a small piece of property, so they need to get that additional square footage to accommodate the parking requirements. It is not just as simple as we could put whatever in the existing general business because it is size limited.

Trustee Steimel stated that he was aware they were waiting on the traffic study, but even by what the applicants said it sound like the traffic study is based on the M-DOT improvements and take that into consideration. There might have to be a tie-in, if that is what they are basing the traffic study off of, that is saying that Axford is closed off both north and south, they come off to Lapeer and it is just the driveway to the north. When you move forward and he didn't know the timing and what if that M-DOT improvement doesn't happen they have to consider that too. It might be something that the address when they present the traffic study.

Mr. Gaber replied that he felt that the traffic study would show with the current configuration of the road what the impact is of this new business verses what is currently there and what else could be used and in a zoning classification as opposed to with the proposed road improvements.

Mrs. Ward stated where the small auto shop is now, people come off of M24, she has seen people come into that little intersection and not even realized and the light has changed, M24, they come in there and they are coming in there real fast to go into the auto store by them. There could be someone hit sideways because people are still going to be moving their car up when they see that they can go up into M24 and they have the green light. She has been there 50 years and she has seen it all on that corner.

Chairman Dunaskiss closed the public hearing for PC-2019-41, Firestone Complete Auto Care Center, to request to Conditionally Rezone 25 Indianwood Rd., and 545 N. Lapeer Rd. at 7:29pm.

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

September 18 2019  
Planning Commission Approval Date