

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2019-11, REQUEST TO CONDITIONALLY REZONE FOR FIRESTONE COMPLETE
PUBLIC HEARING MEETING, WEDNESDAY, APRIL 17, 2019**

The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, April 17, 2019 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Justin Dunaskiss, Chairman
Don Gross, Vice Chairman
Don Walker, PC Rep to ZBA
John Steimel, BOT Rep to PC

Joe St. Henry, Commissioner
Scott Reynolds, Commissioner
Todd Garris, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

None

CONSULTANTS PRESENT:

Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Mark Landis (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Debra Walton	Michael Chirco
Michael Strole	Todd Hamula
Dan Webb	Kent Jacoby
H Griesser	Shamile Tripathi
Mario Izzi	Mike Starrs
Lisa Starrs	

Todd Hamula, from Zaremba Group, 14600 Detroit Ave., Lakewood, OH. He is proposing a Firestone Complete Auto Care Center at the corner of Indianwood Rd. and Lapeer Rd. or Axford St. and is requesting a Conditional Rezone request from Restricted Business (RB) which is about ½ the property to combine it with General Business (GB). The property is at the SW corner of Indianwood Rd. and M-24 or Axford Rd. Currently the property is .94 acres and is consisted of 2 tax parcels, the parcel that is on the right-hand side is zoned General Business, the parcel on the left-hand side is zoned Restricted Business. The front half of the property is zoned the correct designation, they are asking for rezone of the back portion. They have prepared a series of conditions in a letter on different uses that they would be willing to restrict with the rezoning with the back piece of property. Across the street on Indianwood, are zoned (RB); there are uses in the area that are commercial in nature, across M-24 to the north and to the south. The property borders on the Township and on Village boundary.

Mr. Hamula added that currently what is on the site is a business called Indianwood Automotive, which is on the corner of the property; it is a building that has been around since the 1950's. First it was a gas station, then has been reverted to an auto parts store. They do some small engine repairs and some machine shop work inside the building. The building would go down as part of the project. There is a bay door that faces Indianwood; the back of the site there is a house. The house is currently a rental property, it is single family, and has an entrance to Indianwood.

Mr. Hamula stated that MDOT is proposing some improvements to Axford, they will be closing it down where it connects to Indianwood. He is aware that certain times of the day the traffic gets backed up; and to have it so close to M-24 where there is more volume of vehicles. What MDOT is proposing to do is to block off the access to Indianwood and then this property would gain its access from M-24, it would be more of right in right out to get into it; then Axford further south would continue as part of that.

Mr. Hamula noted this project is funded and is designed and is planned for next year. They would also plan their project, if successful with the rezoning and the other approvals, to be open when those improvements are open so not to have the interruption during the business.

Mr. Hamula explained the project, the building they are proposing is a little over 6,000 sq. ft. building with 8 bay doors. Firestone is over 100-year old company, headquartered out of Nashville, TN, it originally was out of Akron, OH. They are one of the pioneers in manufacturing and making tires. This is a tire retail center, where they also will install the tires, they also do some lite automotive repair, there is no major automotive repair, more alinement, brakes and oil changes; more preventative maintenance is what tends to happen in the facilities. They do have facilities in the region, they are not new to Metro Detroit and to Oakland County; similar use would be a Belle Tire and he is aware that there is a Belle Tire in the area, so they would offer the same type of services.

Mr. Hamula said they are currently proposing 31 parking spaces to meet code. There are 2 entrances to the site, one off Indianwood and one off the new realigned Axford St. On the front of the property there is a dumpster enclosure and then part of dumpster enclosure there is a used tire enclosure on the back of it, so that it gets stored outside of the building, and that is off to the back of the property.

Mr. Hamula stated on the inside of the store there are 8 bay doors, so there are 8 service bays; they house several new tires there and then there is a customer service area in the front.

Mr. Hamula noted the bay doors would face north, toward Indianwood and the back of the building faces south and is not going to be visible. The bottom elevations you have the rear and the front that faces Axford.

Mr. Hamula noted they did not submit a landscape plan with the submittal, they would be handling that during site plan. They would be taking out the 2 existing buildings and combine them into one structure and redevelop the site.

Chairman Dunaskiss asked if any members from the public would like to speak.

Mr. Horst H. Griesser, 520 Manitou Lane, stated that he is a property owner on Channel St., which borders on the north side of the property in question for rezoning. When they bought the property, his sons and himself, they thought about the residents; and putting an industrial building in like this is really is not the way to go. He would like to say if you want to raise a family in a residential area, right next to the lake; we already have 4-5 tire places right in the vicinity. When he talked to the owner from the house and the tire place and asked them why you don't come to the meeting, to tell them, that we already have tire places here in Lake Orion; they replied, "that is already a done deal". If this is the way that people assume that this Board would rule, then he would be very disappointed. He is against it, with all the other possibilities for the property.

Monica Navara, 35 Cayuga Rd., she has lived in Lake Orion for 24 years and has lived at her current address for 9 years. Cayuga Rd. where she lives is at the intersection of Indianwood and Cayuga, kiddy corner from the entrance of Indianwood Country Club. She knows the area very well; her and the Indianwood neighborhood, have had a very significant problem with change in traffic patterns. Initially caused by the construction on Lapeer Road and then Baldwin Rd. Those traffic patterns have not changed. Indianwood Rd. was a pretty, beautiful, semi-country road, has become a very busy road. She is very concerned with the traffic that this change of use is going to trigger. As it is today, it takes a long time to make a right turn onto

Lapeer Rd. when you are coming from Indianwood Road. There is a long line of cars, multiple times of the day. Her children who are away at college, when they come home, they are shocked; there is traffic backed-up all the way to intersection, which is a mile away from the Lapeer Road intersection. This is changing the character of the community, which is one of the nicer communities in Lake Orion, it has some of the higher property values, something that should be protected. The problem with putting in an industrial building is that it will be changing the character of the community; which is one of the better communities in Orion. She is very opposed to the change of use, it is going to cause problems with traffic, it is going to change the character of the neighborhood, she doesn't understand what added value it brings to our community; there are lots of tire companies in Lake Orion, she doesn't see the added benefit and she thinks that the consequences would be very significant to the neighborhood and to the road; she opposes it.

Michael Strole, 445 North Channel, him and his wife purchased the vacant property in 2018, and they are currently planning to build a house, for themselves and their newborn son. Prior to purchasing the lot, they reviewed the zoning of the adjacent lots in the Village and the Township and they felt comfortable that the lots were either residential or restricted business. Their property is located directly south of 25 Indianwood, and along with his neighbor they are the closest residential properties. Based on their view of the Conditional Rezoning request they have strong opposition to this proposal based on these points: He feels that the Conditional Rezoning request of 25 Indianwood Rd. does not realign with the transitional zoning goals, set aside in the Master Plan, and thinks that there would be 2 objectives, he believes that would be accouter to. The Master Plan designates 25 Indianwood and 545 N. Lapeer, future land use as General Office. The intent of General Office is low intensity, have limited function during daytime hours, and can serve as transitional to single family residence areas like the property that him and his wife have purchased. This seems counter to this zoning request. From his perspective an 8-bay auto service center is not low intensity. Looking at Firestones website, it details complete service from tires, oil changes, brakes, drive train and engine-repairs. While most of the building is located on the current General Business zoned properties, one of the bays, a significant portion of the parking, a trash enclosure and tire enclosure are currently located on the zoned Restricted Business lot. In reviewing hours, for Metro Detroit Firestone are 7 days a week-operations, with around 79 hours/week, which is over 11 hours per day, not including after-hours drop-off activity that he saw in the plans, there is a key drop-off for after hour drop-offs. This is certainly much more substantial than the near by businesses zoned Restricted Business along Indianwood. The proposed preliminary lay-out plan included in the conditional rezoning request shows both trash enclosures and tire enclosures in the current Restricted Business lot, within the setbacks and proximity to his property. He believes that the back of one of them is 12-feet from their property line. These activities along with the service center itself, near his property does not serve as a good transition to residential area. While the applicant is requesting rezoning of the property with conditions, those conditions do not preclude many higher-intensity uses that are allowed under the General Business Zoning classifications. These higher intensity land uses could even be more counter to the transitional zoning goals set forth in the Master Plan. He is also concerned that by approving the rezone request for this property it would open the door for similar rezoning requests, counter to the Master Plan for other restricted business lots, nearby, along Indianwood that are also near residential properties. The current preliminary lay-out shows parking areas and setback areas bordering residential zoning. He is not sure what an enclosure entails, but if that is an accessory structure he would be concerned. It also shows a curb-cut along Axford, and he would be concerned about the traffic along Axford, which transitions to primarily residential as you go south. The preliminary lay-out plan shows limited green-space between the rear of the lot and the setback, and the near-by residential down hill to the south, his lot, would present a paved area on the lot, dictated by the parking lot ordinance. He would be worried that the water-run off management would come into the residential areas, and the canal that goes into Lake Orion. Higher intensity

uses of auto centers include service of fluids like oils, brake fluids, refrigerants and other chemicals. He is sure that the service center intends to handle the disposal of these as regulations allow, he would be concerned that accidents could leach into nearby soils, wetland and canal opening into Lake Orion. There is nothing in the rezone request that prohibits use of North Channel St. for access.

Mark Vesna, 35 Cayuga Rd., on the corner of Indianwood and Cayuga, right across the street from Indianwood Country Club. He just recently saw the plans for this, this evening, and as both a business owner in downtown Lake Orion as well as a resident on Indianwood Rd., he has several concerns that the gentleman before him brought up, was whether or not this is accordance with the Master Plan, which he has not seen the terms and conditions of, which maybe affected by this proposed development. One of the concerns he has is not just from a traffic standpoint, when they had a shift in traffic with the recent development efforts on Baldwin Road there was a shift in traffic to Indianwood Road; as you know people intend to follow the path of least resistance and he thinks this will augment a problem that has been elevated a little bit with the widening of the road at Indianwood at Lapeer, however, it has not relieved that problem. The problem is going to be that the 8-bay repair facility, facing Indianwood, you are going to have even more traffic on Indianwood Road coming down to this facility, for a road that just can't handle that. In addition, at the Chamber of Commerce meeting in January, Joe Young introduced to them the concept that they are going to be shutting down some of the cross-ways towards the Walgreens on Lapeer Road, which will further accentuate and augment the problem with traffic turning onto Lapeer Road from Indianwood, towards downtown Lake Orion and that is going to make this development even worse. As this problem festers, it is going to create a bigger back-up on Indianwood Road, which is primarily a residential project. His concern is, the quality of life, the quality of the environment that we live in will be seriously disturbed by a tire repair place. Is this necessary? Is this an essential business in this community, I think that is the question that the Board needs to answer. The question is, is that overriding the quality of life that the citizens must deal with. The traffic concerns that are going to be created, not only today, but 6 months from now, 2-3 years from now; this is a problem that he is seeing today, as he drives to work, because of the traffic patterns that have been created by the prior construction projects and the habits of people that live and work in the area. This is going to augment that and accentuate the problem. So, can we fix this problem or avoid this problem and the only way, he can see avoiding this problem is to say "no" to this project.

Chairman Dunaskiss asked Secretary St. Henry regarding the letters that were sent in. Secretary St. Henry stated that there was one letter and one public comment that was received, and both were in opposition.

Chairman Dunaskiss asked the petitioner to come back up to address the comments he had heard.

Mr. Hamula appreciated the comments from the public as it relates to the business and what they are proposing. This is not an industrial use, it is a retail use, the light automotive repair that they do generate in this is an allowable use in the retail districts with the Special Land Use permit. He does understand the perspective where it can be viewed as being industrial. The business that is there today is a retail use and prior to that it was a gas station. What they are proposing, has 8-bay doors that they would be performing work on automobiles inside the building, but it is a very lite intense use from a traffic standpoint. The store would have 7-10 employees, it would be open 7 days a week from 7a-7p Monday – Friday, 7a-6p on Saturday, and 9a-5p on Sundays, those are the hours that would be proposed. They receive about 28-35 cars to the property every day. That is their customers not including their employees. Which is not a significant amount of traffic, on and off the property. A retail use could redevelop that corner site, that could be much more intense. A Dunkin Donuts or a Starbucks with a drive-

through would bring 12,000 cars into that site every day. He knows that there are traffic concerns of what is going on there, existing. He thinks that what MDOT is proposing to do with Axford is going significantly help, will it elevate it completely, he is not sure? His guess is that people get around they know the shortcuts around the area, this becomes one of the ways they can get around. He did experience when on Indianwood when it was very backed up, and when you have Axford St. coming to it the maneuvers that people are doing there is very interesting. He knows that when they do make the changes to the road it will help. He has been talking with MDOT, he has their plans, they understand the improvements that they are doing; they feel the curb-cuts, or the driveways will clean-up and help what is going on now. What people do now is go through this parking lot. They go through the parking lot to circumvent the intersection because it is a stop sign and they maneuver through it. This would be a big change for what is there today.

Mr. Hamula added the residences on the south side of the property, the building is not oriented in that direction intentionally for that reason there is a big buffer between this business and the existing roofing business which is directly south of the property. There is a road there that separates those properties from this. This would be landscaped it would be vegetated and any of the noise from the business would be pointed towards Indianwood away from the residences. Firestone would prefer not to be in a residential area, or next to residents but they do have lots of stores that are. When they do, they try to design the site so that they don't impact the adjacent properties with noise and that is why it has been designed that way.

Mr. Hamula stated that the automotive work inside the building is about 40% of the business, the other 60% is retail tires, and installation of tires. Everything is appointment based, so people don't come and go like a retail place where you get a lot of traffic, you make an appointment and you drop your car off. All the tires and fluids they all are recycled, they would have control measures in place should there be any spills into the sewers or into the floor drains, that would capture the fluids so they would not make their way into the public system. The storm water, they would make sure the site is designed so that nothing would make its way to the canal or to the lake.

Mr. Hamula noted that he had one meeting with the Township to talk about the process, there has been no representation that the project is a slam-dunk. He has been preparing for the public hearing and he knew that there would be some opposition for individuals that live adjacent to the property, maybe some people that are not really thrilled about the traffic in the area, and he understands that, he doesn't believe that this would not increase the traffic that is there today. He feels a year from now when the improvements are built, he thinks that the traffic situation will be different, will it be better, he thinks it will, but not completely better.

Mr. Hamula said the buildings that are there today, this is an opportunity to redevelop a property, from what is there today. Not a lot of uses with the type of low impact traffic, could go on a site like this and redevelop it. He can think of a lot more intense retail uses that could go on the property. It is an opportunity to put a property into commission that could be a higher and better use, redevelop the corner at the same time Axford St. is also redesigned and improved.

Mr. Griesser made a statement that the gentleman just said that the people are going across their parking lot. You can't do that, he lives in that area and the roads are so bad and with the pot holes, so the statement he made is a fallacy. How would you feel if you had a residential property on the other side? Just put yourself in that position and use your conscience.

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
REGULAR MEETING, APRIL 17, 2019

There were no other comments from the public. Chairman Dunaskiss closed the Public Hearing at 7:37pm.

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

5/1/19

Planning Commission Approval Date