

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, SEPTEMBER 18, 2019**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 18, 2019 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

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

**PLANNING COMMISSION MEMBERS ABSENT:**

Todd Garris, Commissioner

**1. OPEN MEETING**

Chairman Dunaskiss opened the meeting at 7:00pm

**2. ROLL CALL**

As noted

**CONSULTANTS PRESENT:**

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

**OTHERS PRESENT:**

Steve Auger	John Gaber
Todd Hamula	Bill Pruett
Greg Yatooma	Andrew Griesser
Michael McCabe	H.H. Griesser
Paul Schwab	Jack Ward
Deb Brandell	Rosalie Ward
Greg Brandell	Brandon Hayes
Michael Powell	JJ Schmidt
Brian Hodgkinson	Debra Walton
Ian Hurst	

**3. MINUTES**

- A. 9-04-19, Planning Commission Regular Meeting Minutes
- B. 9-04-19, PC-2019-41, Firestone Complete Auto Care Center Conditional Rezone Public Hearing Minutes

Moved by Vice Chairman Gross, seconded by Commissioner Steimel, to **approve** the minutes as presented. **Motion carried**

**4. AGENDA REVIEW AND APPROVAL**

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, to **approve** the agenda as presented. **Motion carried**

**5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None

## **6. CONSENT AGENDA**

None

## **7. NEW BUSINESS**

**A. PC-2019-45, St. Andrew's Estates, located on the west side of Joslyn Rd. south of Indianwood Rd., Request to amend the Master Deed.**

Mr. Paul Schwab represented the owners of lot 16 and the owner of lot 19, presented.

Mr. Schwab stated that the lots are contiguous to Kirksway Blvd. There is a lot that abuts the golf course, lot 18, a larger lot that is landlocked, except for a very narrow strip of land that abutted lot 19. They approached his client, lot 16 and were able to buy lot 18 and they approached Stan Aldridge the Chairman of Indianwood, and he wanted to have the lots annexed. They petitioned to amend the Master Deed to annex lot 18, it is now part of 16 and the narrow strip of land would be annexed and part of lot 19. If amendment is approved lot 18 will cease to exist. Lot 16 will be large and lot 19 will be larger with the strip of land and would be protected. The plats have all been amended by Giffels Webster, they had all been redrawn. If approved it would be recorded and Indianwood Golf Course there will be a lot 16, lot 19 with the narrow strip and that will be separated by another lot owner. It is in the best interest of everyone to do this. They asked this on behalf of Mr. & Mrs. Gregory Brandell the owners of lot 16 and Mr. & Mrs. Michael Peash the owners of lot 19 to approve the 3<sup>rd</sup> amendment.

Planning & Zoning Director Girling summarized that the amended Master Deed was reviewed with the Township Engineer and the Township Attorney neither had any issues with the legal document. Reviewing both the proposed reconfigurations they did meet the ordinance for the ordinance requirements for the zoning of the width, area, and the length to width ratio. Per the zoning ordinance altering an existing site condominium when they are either combining or boundary adjusting it must be approved by the Planning Commission.

Engineer Landis said they reviewed the amended documents and did not have any issues with them.

Trustee Steimel questioned why they did not see anything from the condominium association?

Mr. Schwab stated that the condominium president Stan Aldridge signed the 3<sup>rd</sup> amendment. Everything has been worked through that entity, St. Andrews Estates and that is Stan Aldridge who is still the president/CEO, it was his 3<sup>rd</sup> amendment they are just presenting it to the Board.

Chairman Dunaskiss questioned if Mr. Aldridge had held some land back for himself? Mr. Schwab replied, lot 19 was owned by Stan Aldridge.

Trustee Steimel stated that it was really the condominium association, they are amending their documents their bylaws they should have been able to speak on it.

Planning & Zoning Director Girling stated that it was reviewed by the Township Attorney and there was certain language within Master Deeds that allow some rights to be done without most of the votes of the lot owners. Mr. Aldridge on the original Master Deed had retained rights as the developer.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds that the Planning Commission grants **approval** of PC-2019-45, St. Andrew Estates 3<sup>rd</sup> Amendment to the Master Deed, since there are no major changes or conflicts to the original St. Andrew Estates Master

Deed and this eliminates one lot by combining the subject lot with two other lots within the subdivision maintaining and this maintains all other provisions of the Master Deed.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Walker, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 6-0**

B. PC-2019-46, Orion Township Hall Site Plan, located at unaddressed parcel between Scripps and Greenshield Roads on the east side of Joslyn Road (parcel 09-21-201-002).

Commissioner Reynolds disclosed a conflict of interest, his firm and himself were directly involved in the preparation of the drawings, so he asked to be, recused by his fellow Planning Commissioners.

Moved by Vice Chairman Gross, seconded by Commissioner Walker to recuse Commissioner Reynolds, all were in favor.

Chairman Dunaskiss noted that the Township does not have to follow their own ordinances, however, they are going to review it like any other project.

Supervisor Barnett stated that he was the applicant that signed the application on behalf of the Township.

Supervisor Barnett noted they have followed the rules that they make everyone else that develops in Orion Township follow. They are able to not do that if they so choose but they really wanted to have all the reviews and all the processes that they expect people to develop here follow. It is a property north of here and it is the Township Hall, and the Sheriff's substation.

Mr. Steve Auger with Auger Klein Aller Architects, presented.

Mr. Auger went through a presentation with plans date stamped September 12, 2019.

Planner Arroyo read through his review date stamped September 12, 2019.

Engineer Stevens read through his review date stamped September 12, 2019.

Chairman Dunaskiss stated the Fire Marshal and Public Service reviews had no issues.

Trustee Steimel stated that the site plan should show the safety path all along Joslyn Rd. Also was concerned about missing the landscaping and setbacks.

Trustee Steimel questioned the topo and the road that goes to the lower level, if there was a wall back there?

Engineer Stevens replied yes; there is a wall in between where the wide pavement area and the parking lot, there is a strip of wall there, to make up the grade change. All the pavement slopes all meet Township standards and then there will be a small retaining wall that the Township builds on their safety paths with a fence and a railing.

Trustee Steimel asked the part on Scripps are we paving just the approach?

Engineer Stevens answered that it is the decision for the Township Board if that section of Scripps will be paved.

Trustee Steimel questioned what page that the dumpster detail was on?

Chairman Dunaskiss questioned the parking, the full extra bank as well the front for visitors?

Mr. Auger replied right; on the current site they are parking about 200 cars, they are proposing parking 186. The parking is shared with recreation, they have proposed parking so in the case that it becomes congested they know where that parking is going to go. They sized the Chamber Council and sized the business use and it fits both of those when sized.

Mr. Auger replied regarding the landscaping, it is complete on the 10-acre parcel that they are developing. The question is does the Planning Commission want them to plant landscape on the remaining 67 acres which means 330 more trees, and it does not make sense because they are touching 10 acres and felt that is what is appropriate to landscape based on that 10-acre requirement. They could do more, but they did not think it was a wise use of funds and taxpayer dollars.

Chairman Dunaskiss questioned the drop off location, will it end up a two-way road?

Engineer Stevens replied that they had that dialog with the Township, and it will function as a one-way, but they wanted it wide enough so that it can be a two-way and there is adequate room. That is going to be a fire lane access too, so the fire trucks need a 26 ft-wide pavement to provide emergency services in that area. A typical standard is they want the parking to be about 20-ft. off of a crosswalk and that is what they have but it is right at the minimum so what they will probably do is the parking spaces on the inside of the curb that are right adjacent to the crosswalk, they will probably relocate those on the outside by the police station so that they provide more separation from parking and the main cross-walk for folks to get across.

Planner Arroyo noted that the dumpster detail was on page ASP.3 and they are showing a wall around the dumpster with a gate so that detail was provided.

Vice Chairman Gross said that putting in landscaping and then having to remove it for recreational use would not make much sense.

Trustee Steimel stated once they put in the athletic field's he did not feel they had enough parking. Do they have enough extra capacity from a stormwater management standpoint that if they end up having some more impervious surface, were they good?

Engineer Stevens replied absolutely; there are two drainage districts on this site, on the northwest corner of the site heads northwest, it heads north on Scripps and Lake Sixteen and west. That area they are not touching. The other area that heads southeast and all that part of the upland of the site the detention pond was sized as if that had some future development so that way they are grading and restoring it once. If they build a community garden near Greenshield and little gravel lot or parking lot the detention pond is already appropriately sized to handle all that additional future plans, but the pond is done they will not have to mess with it.

Vice Chairman Gross noted that the plan does pencil in parking on the other side of the main drive for the recreational.

Supervisor Barnett stated that they have discussed in several meeting about having the parking installed when they do the main site development, they removed it and showed as future. They are not a proponent of building a bunch of parking for fields that they might building in 5 or 10 years, but there is certainly room for the parking it is penciled in there but he did not want to build a bunch of parking for something that they might not have a need for until they have fields.

They have planned for it they have discussed it, ultimately, they chose to remove it. It saves money upfront but also, they felt they had enough parking based on what their needs are. They do not know if they are going to build more fields or soccer fields. They let the team know that they might there, but they do not know. This was referenced in the Parks and Rec Master Plan this new 76 ½-acres for future recreation and potentially fields and there has been discussion of Lacrosse fields, but none of that has been decided. If they are going to build fields, they will certainly make sure that they plan proper parking arrangements.

Vice Chairman Gross questioned what the intent was for the current building?

Supervisor Barnett replied currently their construction manager Cunningham-Limp is accessing that. The leading option today is demolishing the entire building and turning it back into greenspace and potentially this could be a field. That has not been determined but they are being very open with folks that the reason they have transformed the projects from an addition and a renovation of this building to building new was because of all the infrastructure issues they have identified even greater than what they thought a year or two ago with this facility. They are still studying that, at a minimum the portion of building that is nearing 50 years old would be demolished. If anything was saved it would be the north side of the building that is 24 years old, but there are issues with that part of the building as well, the guts that run the brains of the building are on the older side and to reroute all of that and do selective demo they would be throwing millions of dollars to salvage part of this building that they do not have an identifying use for it today. That decision has not been made but right now it looks like the best decision. All the costs that they have been presenting to the public includes the demo cost of this site.

Moved by Vice Chairman Gross, seconded by Secretary St. Henry to grant site plan **approval** for PC-2019-46 Orion Township Hall Site Plan located at unaddressed parcel between Scripps and Greenshield Roads on the east side of Joslyn Road (parcels 09-21-201-002) for plans date stamped received 9/12/19 base on the following findings: the architect and engineers have presented a plan which conforms to ordinances to the best of their ability and meets the standards necessary for the project to move forward.

Discussion on the Motion:

Trustee Steimel questioned if they were approving the ground signs?

Mr. Auger replied they will take the sign on as its own animal.

Trustee Steimel stated that it is a separate application.

**Roll call vote was as follows:** Gross, yes; Walker, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 5-0** (Reynolds recused)

C. PC-2019-43, Ajax Site Plan Modification, located at 4879 Bald Mountain Rd. (parcel 09-36-300-003).

Mr. Brian Hodgkinson 4883 Bald Mountain Road, presented.

Mr. Hodgkinson stated that they submitted a request for a building addition of a total of 8,400 sq. ft., two stories, 4,200 sq. ft lower floor and 4,200 sq. ft. upper floor. The addition is to increase capacity for an inventory storeroom, a maintenance facility that they want to increase space to store parts and materials.

Planner Fazzini read through their review date stamped September 10, 2019.

Engineer Landis read through their review date stamped September 5, 2019.

Chairman Dunaskiss stated that the Fire Marshal's review did recommend approval with some changes on his review date stamped September 6, 2019.

Mr. Hodgkinson replied that his engineers are working on that, there are a couple different options they are looking at; coming off Dutton Rd. to increase the fire lane; the housekeeping; the temporary storage outside and they will be taking care of that.

Trustee Steimel thought that those issues seem significant, especially a second access into the site. He felt that they needed to see that to see how it would affect the site.

Engineer Landis agreed that if it is a fire code issue, they would want to see how it is laid out.

Trustee Steimel said widening the one drive and adding another one is significant from approving a site plan.

Trustee Steimel questioned this is two stories of storage, usually with warehousing the Fire Department wants that all sprinkled?

Mr. Hodgkinson replied that a request was made to add a sprinkler system and they will be doing a fire suppression through not only the new addition but the entire building.

Commissioner Walker questioned if the Fire Marshal is recommending it why is it not in his review letter?

Chairman Dunaskiss stated that there are three points in the review letter and if they meet those, he would recommend approval.

Trustee Steimel noted that it does have to meet the building codes, or it will not pass inspection and they would not be able to use it.

Vice Chairman Gross stated that the drive is on their private property so it is not onto a public street that they must be concerned about, but it is necessary to have that access to the building.

Mr. Hodgkinson said the second drive that they are looking at comes off their private drive and it requires removing a part of the fencing that drives right into their lot. The asphalt is already down they just must channel traffic that way if needed.

Engineer Landis said that since it is not coming off a public road and it appears to be enough room on site to provide a second drive, it could be something that they could make a condition for administrative review by the Fire Marshal and engineering.

Planner Arroyo stated that if it was a drive coming off of Bald Mountain or Dutton, he would be very concerned but because of what would do to opening up view channels to the end of the site, but because it is internal, he felt it had less impact.

Commissioner Reynolds noted that it looks like there was an existing drive that provided access that was fenced off. It does look like there is adequate area that could potentially address, he did not want to speak on behalf of the Fire Marshal, but it seemed like there is some opportunity there and it is a private drive so he felt there was adequate possibility to address his comments and he thought if he had an issue with it that it could not be resolved he didn't think that the Fire Marshal would be providing an approval with conditions.

Commissioner Reynolds questioned the outdoor storage shed is that going to stay or go?

Mr. Hodgkinson replied that storage shed will go, it is a Conex container it just has been sitting there for a while, so it almost looks like a permanent fixture.

Commissioner Reynolds asked about the 20 parking spaces that they are calling out but not showing is that because it is outside of the building footprint?

Mr. Hodgkinson answered they have additional parking out in the equipment yard, that were not on the plans.

Commissioner Reynolds stated that he was good with the landscaping that was added to make sure that the buffer was being addressed along the addition. The comments on the setback obviously they would need to seek a variance on that. He questioned the photometrics and that some of the fixtures are capable but wanted to make sure that there was not a photometrics provided and if they were going to require that or not? A photometric is not hard to produce to clarify, if new fixtures if they were downward and shielded, he would not have a concern, but it does come close to the property line toward Dutton. He commented that he recommends a photometric to be produced and reviewed just so that those fixtures are being met and they are not spilling light into adjacent properties.

Trustee Steimel noted that this needs to be denied because of the setback issue that they can not approve. In the motion we say deny they could also say if they get their variance do, they need to come back or not.

Vice Chairman Gross asked if a variance request has already been made?

Mr. Hodgkinson replied correct.

Trustee Steimel questioned if the building needed a variance for the height?

Planner Arroyo replied there was previously a variance granted for that.

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross to **grant** a Parking Calculation Waiver for PC-2019-43, Ajax Site Plan Modification, located at 4879 Bald Mountain Rd. (parcel 09-36-300-003), for plans date stamped received 8/21/19, based on the following findings of facts: the applicant has provided parking elsewhere on the property for their proposed addition.

**Roll call vote was as follows:** St. Henry, yes; Steimel, yes; Walker, yes; Gross, yes; Reynolds, yes; Dunaskiss, yes. **Motion carried 6-0**

Moved by Commissioner Reynolds, seconded by Commissioner Walker to **deny** site plan approval for PC-2019-43, Ajax Site Plan Modification, located at 4879 Bald Mountain Rd. (parcel 09-36-300-003) for plans date stamped received 8/21/19, based on the following conditions: denial will be granted as an approval if the adequate variances are approved by the Zoning Board of Appeals; all comments in OHM advisors report is addressed; the setbacks be provided on their plans and reviewed and verified by Giffels Webster; the outdoor storage area be removed; photometrics be provided for the addition and the new light fixtures per the light ordinance; the Fire Marshal comments be addressed; Fire Marshal rereview; photometrics be rereviewed by Giffels Webster; OHM review the revised plans.

**Roll call vote was as follows:** Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Dunaskiss, yes. **Motion carried 6-0**

### **8. UNFINISHED BUSINESS**

**A. PC-2019-37, Oakland Business Park Site Plan Amendment, located at 163, 180, and 187 Premier Dr., (parcels 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, 09-35-477-001, and part of 09-35-400-048).**

Mr. Michael Powell, the design engineer for the project, presented.

Mr. Powell stated that the site plan was fully approved last year, it is currently under construction. The owners had found during the process of leasing out the spaces, that the tenants wanted more parking spaces than what they had originally thought. The plan was modified to the point to where it could not be administratively approved. It was modified to add some of the banked parking that the Planning Commission offered the owners. The owners have proposed to pave and install a number of the banked parking spaces and adding a parking space in front of building "A", a row of parking to the south of building "B" and they added another parking lot to the south of building "C". They now have more than enough parking for their tenants. It still meets all the requirements of the Township ordinance. They still have several banked parking spaces that they are asking to allow to remain banked. It now has many more parking spaces being constructed than banked. As part of this modification they have combined some of the lots. This parcel was six (6) separate parcels, as part of the approval parcel #1 that is south of Premier Dr. is now a parcel by itself, building "C" is a parcel by itself, building "A" is on parcel #4 and building "B" is on a parcel by itself. They have consolidated the miscellaneous parcels around the site they have each building on its own parcel, they have added parking to the site. They have each building on its own parcel. They have modified all engineering plans to meet PC requirements. They have asked for the Planning Commissions approval of these modifications.

Mr. Gregory Yutooma one of the owners, presented.

Mr. Yutooma said that he had heard the concerns were and he wanted to address them. If they want him to continue with the clock towers they will. Building "B" is fully erect which is the southern building, building "C" is 80% erect and building "A" is 30-40% erect. Everything is moving forward, but with the clocktowers, if you were standing on Premier Dr. you could see all three (3) clocktowers at one time, it seemed that it did not make aesthetic sense. What they have offered instead is three (3) flags would be an 80-ft. American flag and then flanked by 60-ft. poles with either Orion flag or a State of Michigan flag. These flags would be visible from Lapeer Rd. They changed from the previous site plan with cloth awnings to metal awnings and they also put in pilasters. They are still proposing a clocktower on building "C" which is the highest point in the development so after coming over the bend on Premier Dr. they would see it also coming off Bald Mountain onto Premier Dr.

Planning & Zoning Director Girling read through the review from the former Township Planner Carlisle Wortman date stamped August 30, 2019.

Engineer Landis read through his review date stamped September 3, 2019.

Commissioner Reynolds said based on this being previously approved project and he viewed some of the items to be addressed administratively. He felt the resubmission was missing some of the parts that addresses some of the Lapeer Road Overlay District and the additional parking. Seeing that they had previously granted a larger waiver and they are proposing those banked parking spots he was fine with that, and with the changes as proposed and as it meets the



Overlay District, he thought initially the three (3) clocktowers was a lot architecturally, he felt that changing that and adding the flag poles and had made changes based on the comments from the last meeting, he was in favor of moving forward on the project.

Secretary St. Henry felt that the one clocktower made the most sense and the flag setup was a nice touch.

Chairman Dunaskiss stated that he liked the metal versus the cloth awnings. He questioned if there was anything proposed on building "B" architecturally?

Mr. Yatooma replied there will be no clocktower on building "B", all of the buildings would have the metal awnings and the pilasters but the only clocktower would be on building "C". Two (2) of the three (3) buildings would have something special.

Chairman Dunaskiss asked about the enclosures for the trash and the compactors?

Mr. Powell stated that on sheet C9 is the compactor detail it is a block wall with a pressure treated gate and that exact same detail would be used for the compactor as well. The original plan only had the dumpster area. With medical Marihuana they must have that very secured and the best way to do that is to have a compactor where the material goes in it compacts it all locks solid and cannot be gotten into by the public. They have added a compactor to each of the buildings as well and that exact same detail will go around the compactor with the same gate.

Moved by Commissioner Reynolds, seconded by Commissioner Gross that the Planning Commission **grants** a Parking Calculation Waiver for PC-2019-37, Oakland Business Park, located at 163, 180 and 187 Premier Dr. (parcel #09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, 09-35-477-001 & part of 09-35-400-048) for plans date stamped received 8/29/19 and renderings date stamped 9/11/19, contingent upon: more parking spaces are being proposed than what was previously granted for the waivers.

Discussion on the Motion:

Mr. Dan Borstein, 2070 Chesterfield, Birmingham, MI stated that he was the owner of the two of the parcels in Premier Business Park and was there representing Orion Business Park Association, which is the association that guides Premier Business Park the western portion of the park. These two parks and entities are legally independent and separate. There was a letter sent by their attorney to Dan Kelly (Township Attorney) last week, he did not hear any reference of it, that letter referenced the fact that there were not any legal rights for certain drainage connectivity between the parks. He also referenced back from the original approval date back on June 6, 2018 that the original Planner (Carlisle Wortman) had put a stipulation for this park that there be an access agreement with Premier Dr., it is a private road and all of these utilities are private and they are connecting into a private system for which there is no legal agreement. He felt it was interesting and difficult to believe that they have not been reached out to about this. There were discussions between him and Mr. Yatooma previously, they very reached an agreement. The issue was left that the entities remain separated so long as there was no co-connection and no co-joining. His understanding of this change in the engineering is that in order to achieve some of the additional parking spaces that detention ponds were reduced, and the site drainage was changed to increase the flow and utilization of their private detention basis. There has been no communication or discussion between them and Mr. Yatooma with this change. Since nothing had been raised about it he was not sure if the Board was aware of this communication and aware of this issue that has not been resolved for the initial approval and now that there is a change that does demand a use of their utilities he

references back to the original approval that there should be a maintenance and easement obligation between the two entities on the drive.

Commissioner Reynolds stated that he felt that was something that they should cover during the Site Plan approval Motion versus the Parking Calculation Waiver.

**Roll call vote was as follows:** Reynolds, yes; Gross, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. **Motion carried 6-0**

Moved by Commissioner Reynolds, seconded by Vice Chairman Gross that the Planning Commission **grant** a Lapeer Overlay Design Standard waiver for PC-2019-37, Oakland Business Park, located at vacant parcels on the north and south side of Premier Drive, west of Bald Mountain Rd. (parcel #'s 09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, 09-35-477-001 & part of 09-35-400-048, for plans date stamped received 8/29/19 and the renderings date stamped 9/11/19 based on the: presented pilasters, overhangs, clocktower and flags meet the substantial criteria of the Lapeer Overlay District.

Discussion on the Motion:

Trustee Steimel stated that he thought that the southern side of building "B" they were going to do extra because it was so visible off the ridge.

Mr. Yatooma replied that they could do the pilasters there because they will see it from Lapeer. He will certainly do the pilasters again it would be tougher because of the rear doors as far as location. They can certainly add that.

Commissioner Reynolds amended the motion, re-supported by Vice Chairman Gross, to add that the south side of building "B" also be included in the pilaster architectural relief feature.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Walker, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 6-0**

Commissioner Reynolds asked the Township Engineer if the comments that were raised tonight, is that something that is typically addressed in final engineering?

Engineer Landis replied no; that item would be addressed at site plan. He can not speak from a legal standpoint as far as the separation, the original phase one Orion Business Park constructed a detention pond down at the intersection of Lapeer Rd. and Premier Dr. That pond was sized to accommodate roughly  $\frac{3}{4}$  of Oakland Business Park at a developed rate or condition. That is what the applicant has taken advantage of, they have reduced the size of the ponds for buildings "A" and "B" to just be sediment ponds instead of detention ponds. The unaccounted-for area that was not included in that basin they have prepared to show a one hundred (100) year pond for building "C". Those reviews in their preliminary nature have been found to be acceptable. They will do a more detailed review of the finite details at engineering, but they have reviewed that.

Commissioner Reynolds replied they have handled it to their understanding except if there is a legal issue between it, he wanted their attorney to review that and if there is an issue with it, it would come back or be revised accordingly.

Trustee Steimel questioned the Township Engineers review said that only the road drainage that is going to there and the parking is being detained on site, is that correct?

Engineer Landis replied that the existing Premier Dr. that extends all the way from Lapeer to Bald Mountain that road drainage is currently collected within the storm sewer system as part of the road and does tie into the pond. The lots themselves beyond the roadway that is what they are detaining for and it is still good.

Trustee Steimel asked if the increased parking runoff is still going to be in on the onsite detention, it is not adding to the other it is still just the road?

Mr. Powell replied that the detention basins as they are designed, are tied into the existing storm sewer system in Premier Dr. and the easements that were granted to the Township for draining this property the same way they were originally at the construction plan approval. All those connections are the same. The basins for building "A" and "B" have been reduced down to a 10-yr. storm design so it is not just a sediment basin which would be just pond for a 24 hour rainfall event, but a 10-yr. storm design which is the exact same design that the basin down at Lapeer Rd. and Premier Dr. have as well. They are utilizing the exact same criteria that the original basin was designed for. They are out-letting into the existing storm sewer system that runs through the pond from phase one, the Orion Business Park but they are detaining, and it is used as a detention basin and a four bay for sedimentation. Those two buildings are included in the storm water calculations from the original design from Orion Business Park. The area for building "C" the bigger site to the east that is independent and that is over and above and that is being detained at a 100 year storm and only minorly out-letting into the storm sewer along Premier Dr., it is a very large basin and it is really being restricted to less than what is coming off that ground in its existing condition, in its original agricultural state with grass. The two buildings on the south "A" and "B" are being restricted to a 10-year storm design, building "C" is being restricted to a 100 year storm design they are all out-letting through the basin down at Lapeer and Premier Dr. but they are no way adding to the requirement of detention in that basin just a flow through outlet.

Trustee Steimel said he realize that is how it was all designed originally. That meant those lots were part of business park and fell under the whole maintenance agreement as the whole, but since then those lots have been sold off. They are not technically part of that business park anymore. Somehow, they must get that avenue back in there if they are going to contribute to the maintenance of that detention pond because they are using it.

Mr. Yatooma replied that is only partially correct, the storm system already runs through the park. When they sold the property, they sell it with the storm system that is already going through the park. They cannot cut off the storm system when they sold it with a working storm system. There was a misrepresentation from Dan Borstein. He texted Dan a few days ago and he told him to communicate with his lawyer, and he did not know what he was talking about. Apparently, he sent a letter to the Township and not to them. He has dealt with Steve Jacobs who is Dan Borstein's boss. They are having seller's remorse they owned the property before the Crysacks and then had litigation with the Crysacks and now the Crysacks sold to them and they sold property between their two developments. They are trying to tax them for owning property and developing it. They have worked with them for years since they started, they have sent them demands they tried to work for them, they did some free work for them where they cleaned out their storm basins. Last thing he heard from Steve Jacobs is he told them good luck with their project. The maintenance agreement would have allowed them to remove all storm maintenance with the exception of building "C" because they wouldn't have needed the sediment basins and storm on building "A" and "C" because the Lapeer basin was more than sufficient to handle those, because they were not able to come to an agreement they have to still keep those ponds there. His misrepresentations were significant, he was not there with an engineer or a lawyer, he did not know how to respond to a lot of it. They have all the approvals from 2018 and none of those have changed. A lot of the easements that he failed to announce

are the ones that have his bosses' signature on them. It was very disingenuous statements for him to make.

Commissioner Reynolds felt that it is not something that they can really weigh in on. They were just looking at a site plan and followed the advice of the advisement they have present. He felt that it was wise that the Township Attorney review the situation and if he discovers something that would inherently prompt it to come back that what they have proposed is indeed legal or it might be a private matter between the property owners.

Moved by Commissioner Reynolds, seconded by Trustee Steimel that the Planning Commission grant site plan **approval** for PC-2019-37, Oakland Business Park site plan, located at vacant parcels on the north and south side of Premier Dr., west of Bald Mountain Rd. (parcel #09-35-477-003, 09-35-476-002, 09-35-477-002, 09-35-476-003, 09-35-476-001, 09-35-477-001 and part of 09-35-400-048) for plans date stamped received 8/29/19 and the renderings date stamped 9/11/19. This approval is based on the following conditions: a final engineering plan is submitted per Ordinance #139 and reviewed by OHM advisors; the Township Attorney to review the letter submitted by adjacent property owners for review in conjunction with OHM Advisors for the potential storm water management issues, if there are issues of the proposed plan not adhering to legal terms that they are regulated to adhere to that the plans be brought back to them for review; dumpster enclosures and transformer shall be screened per the ordinance; lot coverage items be added back to the plan; the applicant needs to clarify and resubmit the tree preservation plans as previously submitted for administrative review; the greenbelt be submitted again for their review for the Township staff so it adheres to the ordinance.

#### Discussion on the Motion:

Mr. Borstein felt he needed to correct the record, Mr. Jacob is not his boss they are business partners and he is an owner in that park, and he was there representing the park. He cannot state accurate facts regarding engineering, they have asked many times for engineering plans and have never been provided any engineering plans. He did believe, but did not have the facts at hand, that the engineering of the original basin was large enough to accommodate additional land, he felt that was correct. The status under which that original basin was approved was a different standard that is currently used, and then to outflow, so it may be shallower although the size of it may seem wider, it is older and may need some maintenance in order to accommodate this. He referenced again from the original Planning Commission meeting for this that they asked for a maintenance and access agreement between them. They have tried to come to an agreement they did not, they thought there was misrepresentation of facts given to them. They did agree mutually that they were going to separate and one of the conditions on which they agreed and said good luck with their park, was the fact that the original designs, was such that they were detaining there water essentially holding their water and releasing it at a rate no greater than the rate that was happening off of the street and off the agricultural flow. It is all in the minutes it is was they approved originally. Now, to accommodate a great utilization of the property they now are coming in and utilizing private infrastructure for which there is not an agreement. He was not saying he did not want an agreement they would like to make an agreement, but many aspects of the park have been pushed into this park with no consultation and no discussion with the owners of the existing park and again it is a private road and utilities and to provide public approvals overriding private interest is the concern they have. He felt there was an opportunity to make an agreement, but he cannot leave the podium with information being conveyed and misrepresentations by Mr. Yatooma about their interest they do not have seller remorse they are happy to see that the property in the back is developed and there is activity back there, but there is an equity fairness to the rest of the owners in the

park. They are maintaining infrastructure, road, roadbed infrastructure and there is not a sharing of that, that is what the nature of the letter was. To approve a public approval over private interests which they have indicated since the beginning of the process that there is not a private agreement and they have tried to seek that private agreement. They have been given many letters back saying that there is no reason for private agreement. The original design was to capture all the water and hold it like a bathtub on their site. They looked at it and they discussed it internally and they looked at the issue and they said ok, we understand. When there was discussion and there was an attempt to make an agreement, yes Mr. Yatooma is correct they did say good luck with your project. They find now that there is a proposal on the table here to make an amendment which does essentially force the co-joining of those utilities. The original site plan approval asked for access and maintenance agreement of the road and now they are granting them the right to put more parking in utilize their private infrastructure and not adhere to what the original intent was when they gave them original approval which included an agreement for the access because they are two different entities. Unless and until engineering facts are given to them that they could look at and understand and they collaborate on it was impossible for them to do that. Once this is now passed over into this position, they were granting a public approval over rights that do not exist, he wanted to make sure that they are clear on what is happening and he wanted to make clear about the misstatements that were characterized here. They ask that they fulfill the obligations that they originally approved it under.

**Roll call vote was as follows:** Walker, no; Reynolds, yes; St. Henry, no; Steimel, yes; Gross, yes; Dunaskiss, yes. **Motion carried 4-2**

C. PC-2019-41, Firestone Complete Auto Care Center, request to Conditionally Rezone 25 Indianwood Rd. and 545 N. Lapeer Rd. (parcel #'s 09-02-177-013 and 09-02-177-014) from Restricted Business (RB) and General Business (GB) to General Business (GB) with conditions. Mr. John Gaber the attorney for the petitioner, 380 N. Old Woodward, Suite 300, Birmingham, presented.

Mr. Gaber stated that they did do the public hearing two weeks ago but had to postpone the regular meeting do to not having the traffic analysis in and reviewed by the Township.

Mr. Gaber noted that it is a Conditional Rezone, so they are changing it from site plan to rezoning issues. He said there has been 3 meetings now for this and they have heard the Planning Commissioners, the Township Board members and the audience and they understand the comments and tried to make adjustments to their plans and their conditions to be as accommodating as possible. The Township raised traffic concerns generated by both the use and site design. They submitted their traffic impact analysis, OHM had reviewed it and issued a review letter, the Traffic Engineer will address that and the Lapeer Rd. improvements, the trip generation from the site and the level of service. He felt that he would conclude that the site use and design will have very negative impact on traffic levels and safety concerns.

Mr. Gaber commented regarding the use and their criteria and the Planning Consultants report. They are trying to be consistent with the Master Plan. He thought that the restrictions that they are offering as conditions and the site design that they are offering as a condition are in line more with the use of the Master Plan and its objectives. As a result of what they are offering, less traffic generated and a lower site impact on the neighboring properties. He felt this was one of the Master Plan considerations when they look at this area being Master Planned as office on the Indianwood corridor as opposed to commercial on the Lapeer Rd. corridor. What they are doing is really restricting the property to auto repair type of uses and all the other uses in the (RB) and the (GB) zoning districts will not be allowed they will be prohibited in this

development. They are prohibiting objectional uses that are in the (RB) district, the western property of the two properties is zoned (RB) so they are restricting those. It currently permits sit down restaurants, bars, convenient stores, pharmacies, and other higher-level traffic generators. At the Planning Commission meeting earlier this year, the conditional rezoning provides benefits in that it restricts the eastern partial which is zoned (GB) to the same uses and on this parcel they could have more higher intensity uses, such as drive-thru restaurants, gas stations and those particular type of uses. They are restricting both parcels with their conditions to the auto repair type of uses. The one site on east side is really on the corner of Lapeer Rd. and after the M-Dot improvements it will be on the corner parcel of Lapeer Rd. and believed it had a Lapeer Rd. address. If they look at Lapeer Rd. they know that that corridor is Master Planned for office and yet they see commercial developments there, the Kroger Center across the street it was decided that use made sense and was approved despite the fact that site is Master Planned for office and then for single family residential behind it. They believe by restricting the uses the proposed Conditional Rezoning is much more compatible with the intent and the goals of the Master Plan. Relative to the criteria about existing uses and the surrounded area, this being the corner of Lapeer Rd. and Indianwood, on the south side they have a contractors office, a roofing company, a dry cleaner to the north on the other side of Indianwood, the Kroger Center on the other side of the road and they have commercial uses up and down Lapeer Rd. On Indianwood despite the Master Plan what they have is this area that is zoned primarily restricted business and some industrial on the north side. This is really the highest and best use for this property it is not the office use as the Master Plan calls for. Probably what is going to happen in the future is there is a great likelihood that these parcels will be developed as those uses, not office for that reason. They think their proposed uses with the restrictions are consistent with both the existing uses in the area and the uses that are most likely to result in the future. Mr. Hamula will explain more of the use restrictions the site plan the buffering revisions and how the use of the site and the design of the site will minimize negative impact on the neighbors. First, he wanted to have Mr. Hayes to come forward and give a few comments on the traffic situation.

Mr. Branden Hayes, Traffic Engineer with Rowe Professional Services Co., presented.

Mr. Hayes said that his company got involved in the project when it became clear that there are some traffic concerns both as it pertains to the proposed project itself and as it pertains to the improvements that M-DOT plans on constructing next year.

Mr. Hayes went through his traffic impact assessment, dated September 3, 2019.

Mr. Todd Hamula with Zarembo Group, LLC, presented.

Mr. Hamula stated what was different between the last time they were there, and this time is they have changed what they are restricting from a rezoning aspect. He heard a lot of comments from this Board and the Township Board, on why they allowed so many uses. The other thing was regarding the traffic, he felt that M-DOT was going to come in and solve the problem at that intersection. This intersection is going to be changed and it is going to happen next year and that is why the timing of the corner site really makes a lot of sense from a developer perspective to go after it and try to develop it. The client that he is representing is Firestone and Firestone does not want to open their business when the roads are torn-up. They will not open the store without the M-DOT improvements, and they know it is happening because M-DOT has told them that it is going to happen.

Mr. Hamula said that there are two sites, one property owner and one seller. The property on the front is General Business (GB) and the property in the back is Restricted Business (RB) that is the problem site, it is not zoned correctly for the use they are proposing. He took the (GB)

table and struck all the uses off the (GB) table, those uses they are not interested in ever developing on that property and took them off completely. Rezoning this conditionally they would be only allowing what those three uses. He kept Recreational vehicle service because he felt that gave them flexibility in the future should this project go forward to reconsider other projects.

Mr. Hamula went through the site plan date stamped August 7, 2019.

Mr. Hamula stated they will have 7-10 employees. They only need 24-30 parking spaces and code requires 31 and they are providing 31 on the site. They close at 7pm Monday-Friday, 6pm on Saturday and 5pm on Sunday. Their primary business is the sale and installation of tires and auto parts, light automotive service, brakes, tune-ups and shocks. Most of the work is preventative maintenance like oil changes. They don't do any heavy engine work no transmission work, body or painting and no towing service. Cars do not get towed to the site. They get a delivery vehicle to replenish their tires, they have approximately 1,100 tires inside the building every 7-10 days, that is on average. They get one big delivery vehicle that comes onto the site. They get parts delivered by pick-up trucks, from the local Napa or the local auto parts places around town and may come daily. They also get used tires picked up every 7-10 days that recycles the tires and those are the delivery vehicles that come in and out of the site. They do not sell over the counter parts or fluids, all the products are recycled and hauled away. Most customers will drop their car off in the morning and pick them up at the end of the day.

Mr. Hamula added comparing Firestone with the two users in the market to see the differences. Firestone is an appointment-based business, but they are more service oriented. It is a 6,000-sq. ft. building with 8 bays, tires only account for 30% of their business. They do repairs and general maintenance which is another 70% of their business. Belle Tire volume is much higher two to three times more business than what goes through a Firestone building. Their building is 10,500 sq. ft. so they can handle a lot more volume. Tires are about 50% of their business and they also do general maintenance and repairs which is the other 50% of the business. Discount Tire is the nation's largest discount tire retailer in the country. All they do is sell tires and 1% of the business is repair and that is just for alignments. If you sit at a Discount Tire you will see traffic come in and come out because that is all they do is sell tires. They could not say this is not ever going to be a Discount Tire or Belle Tire, but the 16 stores that Firestone does have in the Detroit Metro Area they have been there for a long time. Firestone establishes their business in a market and then that is it and they stay there.

Mr. Hamula stated that he met with the property owner to the south last week. He wanted to see if they could work on some things together so he would be happier with the plan. He showed some pictures with views from the property owner to the south. There is a lot of vegetation that is existing. There is a 10-ft. lane that was reserved for the public, so the trees are in that 10-ft. lane before they get to Channel St. They are also using a 30-ft. buffer and they can landscape and embellish with the existing trees to provide a nice screen. They will have 40-ft. buffer of landscaping before they get to Indianwood.

Mr. Gaber summarized what the conditions were. They had 6 conditions as the wanted to offer as part of their rezoning request. The first is the use restrictions, the three categories of primarily automotive repair uses. The second condition is the conceptual site plan that they would build what is there in the revised site plan that Mr. Hamula provided. The third condition is to install the by-pass lane on the north side of Indianwood from the driveway east to connect it with the existing traffic lane that is currently there with the other driveway that is closer to Lapeer Rd. The fourth condition would be the preservation of the existing landscaping on the south side right next to Channel St. and the addition of the landscaping pursuant to this landscape plan that would supplement that and provide the screening in that 30-ft. area to the south. The

fifth condition is that their building will incorporate the architectural design standards outlined in the Lapeer Road Overlay district. This technically did not apply to their site, but they would voluntarily condition their building elevations upon those standards. The sixth condition would be that the business would not open until the M-DOT 2020 Lapeer Rd. improvements at this Lapeer, Indianwood and Axford intersection are substantially completed, which should take place by the end of the next season November 15, 2019 the end of construction season, and would not be able to open until that is completed. He felt these conditions put them closer to the Master Plan requirements, makes them compatible with the existing uses, protects the neighbors and addresses the turning movements in and out of the site and they have addressed the traffic situation as well.

Planning & Zoning Director Girling, went through the Carlisle Wortman review date stamped September 3, 2019.

Engineer Landis read through his review date stamped September 11, 2019.

Trustee Steimel questioned they got a Conditional Rezoning agreement in their packet, but it does not seem to a line up with what they were talking about. There are some things in this document that he liked better than just the statements where it comes right out and says it only says it is only going to be for Firestone and basically they are going to put an exhibit of site plan for firestone as part of that and that will be the only thing that they are going to do there they are limiting it to that. Then the Conditional Rezoning approval is the site plan approval and yet by the other one the were only doing a Conditional Rezoning they were still going to have to come back for site plan and now they have a new site plan that no one has looked at. He does understand there are some improvements and probably does answer some of the problems for the previous site plan approval. They do not actually have the traffic study. Regarding the left turn in he felt that there is not going to be that many people trying to make a left turn into there, because they cannot travel from the east straight across and no matter where they are coming from off of Lapeer they will have to go north and then coming south on Lapeer so they would use the entrance to the south of Indianwood. Someone that did not know might make a right at Indianwood and then make a left, but even then, approaching that it becomes part of the agreement that they put that passing lane in he felt that will alleviate his concerns there. A lot of the concerns were about the intersection with Axford and knowing that is going to be gone, and then they only have the one drive that is further away from the intersection. Moving the dumpster is nice, it looks like from a site plan standpoint that they did offer more buffering to the people to the south. The area they are rezoning even though it is going from (RB) to (GB) it is just parking, instead of trying to put a residential business in there it is basically parking. If they were putting a residential business in there the business itself would probably be bigger than that. When they say that is what it has got to be that kind of alleviates some of the fears of rezoning that little piece from (RB) to (GB). He asked if it would be part of the Conditional Rezoning that they would not start operating a business until those improvements are done so if something happens and it gets delayed, they are basing it on that.

Commissioner Walker questioned if anyone was there from Firestone?

Mr. Hamula replied no; he was the developer that is representing Firestone, they are his client.

Commissioner Walker asked why this is so important to Firestone, that they would spend all this time and energy to build this store at this location when they could go up or down M24 and find property available that they could put it on?

Mr. Hamula said that this is an area of M24 where it slows down, where they have to a stop to make a turn, cars are not flying at 50MPH slipping into a driveway. When they toured the



market with Firestone and their real-estate representatives they identified this corner this intersection as a location where traffic is slowing down and to them it felt good to them, verses somewhere up and down the road where it is busy. It is kind of a mini highway further north and south.

Commissioner Walker stated that it is also a mini highway on Indianwood, but they did not know that, because they do not live here.

Mr. Hamula replied he does not live here.

Commissioner Walker said that he knows what has happen over that last 10 years to the traffic on Indianwood it is terrible, and he was not saying they were going to double that traffic they will be contributing to it.

Mr. Hamula said if they were on this site or if they were around the corner ½ mile down the road on M24 they would likely still come down Indianwood to come to the location, so he did not know how it would change the traffic on Indianwood.

Commissioner Reynolds stated looking at the property from a zoning perspective the existing zoning of (RB) allows in his perspective some intensive uses including bar lounges, restaurants without drive-throughs and grocery stores. He felt that those are things to consider as they discuss if this is an appropriate Conditional Rezone or not. He felt that even the restrictions put forth on (GB) and (RB) look favorable on what use could potentially be proposed on that corner. He understood they were looking to rezone that back half of the parcel and the building only partially resides on that but when he looked at strictly the zoning uses he thought the conditions offered looked favorable on limit the use impact that would potentially go there because even a small foot-print grocery store that could easily fit on that corner site and say a 4,000-sq. ft. building may have a lot more traffic and congestion proposed to that corner. Even if there is no rezoning of (RB) there is some very impactful uses that would still be permitted by right in the (RB) district for that corner parcel, let alone in (GB) what could be present even on a small footprint of that parcel even if it was not conjoining with the adjacent parcel.

Vice Chairman Gross said he was still wrestling with the whole issue of the Master Plan and transitional zoning and trying to create a plan or method of development for along Indianwood. The (GB) and (RB) office transition he felt still had some merit.

Commissioner St. Henry said he did see with the M-DOT 2020 construction plans and knowing what is there and recognizing that overall this may be a low customer density facility. He did recognize Commissioner Walkers concerns, he does not live on Indianwood Rd. but he drives on it enough to know what when he is on it there is a lot more traffic on there now than there ever has been and it is only going to get worse as more people move into this part of the county and they use every road they can think of to get to M24 or over to Baldwin or Joslyn. He was concerned about any type of a commercial development there short of potentially some office space.

Chairman Dunaskiss noted that the portion that remains on the westerly parcel that the zoning that was in consideration was a very small part, they could put a 5,000-sq. ft. auto facility on the building and use the other for parking. He felt it would be about as good as they could get given the conditions provided plus what else could go in there. They could have a lot more intense use go on the zoned parcel and use that and have much more impact that they will ever have with this.

Commissioner Reynolds agreed, there was a definite concern for traffic, but he felt if there is no rezone established for this parcel whether it be Conditional or Straight rezone, he struggled with some of the permitted uses not actually creating a much worse traffic situation for that corner.

Trustee Steimel said that the tougher part he had was of the idea of the conditions, what they have in front of them now, they do not really have, there was stuff that was said and, in the presentation, and then stuff that existed. It is part of the combination and the general concept was they want it conditional rezoning where literally that site plan is all that would go there. That would be the conditions they would enter in that Firestone as an exhibit as part of that condition, unfortunately, that is not in front of them. To him it was more palatable when he knows that. Somehow, they need to communicate that to the Board of Trustees.

Mr. Gaber stated that was their intent. The Conditional Rezoning that was in the packet was submitted with the application the information on that time based on the form that they received from the Township. It was their understanding of the process of what would happen is these conditions that they offer would certainly be put into that Conditional Rezoning agreement. This concept site plan would be a condition, and it is what they are going to build. This still has to go through site plan review and even the first proposal as part of the Conditional Rezoning did not go through site plan review and that type of criteria it was a concept plan that was proposed and that is essentially what they are doing is inserting this one in place of the first one to take care of some of the mitigation efforts. What they would do is have this concept plan as a condition and attached to the Conditional Rezoning agreement and would agree to that as well as the other five conditions. The use restrictions, the conceptual site plan, the bypass lane, the preservation of the existing landscaping on the south side supplemented by what they saw on the conceptual site plan, the Lapeer Road Overlay District architectural design standards and that the store would not open until the M-DOT improvements are sustainably complete.

Trustee Steimel noted in addition because of the proposed Conditional Rezoning agreement does have a stipulation in there that they would not come back for site plan approval, you just said you would, you realize this is not granting you site plan approval they would still come back for that.

Mr. Gaber replied that is correct; and thought that the ordinance required that. They do understand that they must come back for site plan approval and they understand that it is a requirement of the process with the Township.

Trustee Steimel stated that he wanted it conditioned on they are going to get these things into the agreement, communicate to the Board of Trustees and he would want to articulate that if they are not agreeing then that if they do a Conditional Rezoning, they will still have to come back to site plan.

Mr. Gaber agreed to put that stipulation in the Conditional Rezoning agreement and to submit that so that the Township Board has that for its review in its meeting.

Trustee Steimel said that in this proposed agreement that the words that said you would not be coming back be stricken and he would be looking for that. Mr. Gaber agreed to that.

Moved by Commissioner Reynolds, seconded by Trustee Steimel that the Planning Commission forwards an **approved recommendation** for PC-2019-41, Firestone Complete Auto Center Conditional Rezoning Request to rezone 25 Indianwood Rd., and 545 N. Lapeer Rd., (parcels #09-02-177-013 and 09-02-177-014) from Restricted (RB) and General Business (GB) to Restricted Business (RB) with conditions. This recommendation of approval is based on the following findings of facts: the conditions submitted tonight generally proposed uses that are

less intrusive than those allowed by inherently by (GB) or (RB) and the additional conditions address some of the traffic concerns brought forth by the busy intersection. If this and Township recommendation is approved on the following conditions shall apply: the applicant shall enter a Conditional Rezone agreement specifying the following terms that the applicant has agreed upon in their application, which includes admitting the plans presented tonight, Wednesday, September 18 as record and exhibit of that use agreement; that it be clarified that the plans are coming back for site plan approval; the traffic study be admitted as an exhibit in that Conditional Rezone. The following six conditions are submitted and reviewed as part of that Conditional Rezone: the use restrictions are outlined that essentially limit only auto repair facilities and auto part facilities including the couple of uses that were outlined by the application; the increase landscape buffer as proposed by the submitted exhibit be included as part of the Conditional Rezone; the bypass improvement be proposed on Indianwood Rd.; there is a preservation of existing landscape along the access road to the residential properties to the south; the Lapeer Overlay Design Standards be applied to the project; the business shall not open until substantial completion of the Lapeer M-24 improvements.

Commissioner Reynolds amended the motion, re-supported by Trustee Steimel, to change the that the rezoning will be from Restricted (RB) and General Business (GB) to General Business (GB) with conditions.

Public comments on the motion:

Ms. Rosalie Ward 1592 Indianwood Rd., said she was down by the school the other day when St. Joes let out, it was horrible if there were anymore traffic on Indianwood when that school is out it is going to be bad. Where he wants to have the driveway is almost directly across from where St. Joes when they have church on Saturday and Sunday they come out of that driveway and it is horrible, those people coming out just buzz right through. The impact wrenches that they use they are noisy; she has been over at Cosco and she can hear them in the parking lot. He spoke about putting trees around there; what about the wintertime is that going to cut the noise down? This is the worst corner in Orion Township.

Mr. Griesser, the property owner to the south. He thought that the committee decided not to go along with this. He felt the gentlemen did an excellent job to shove it down their throat. He could get experts who can prove just the opposite. When they had their first meeting, he spoke with Mr. Jacobs a zoning lawyer in Bloomfield Hills and he told him that they will come back and come back until they committee is going to get tired and they will vote for it. That is exactly what is going to happen. The gentlemen who he respects, the neighbor to the south who could not be here night because he is out on business, he is devastated and so was he. He wanted to appeal to them to put themselves in his shoes, you own a property you buy a property and then heavy industry develops on top of them. Heavy industry has no business at that location, they have two tire places already. They do not need Firestone muscling the other business out, they do not need anymore.

Mr. Andrew Griesser, just south at 435 N. Channel. 445 N. Channel is his neighbor who is mostly impacted. His property is impacted mostly on the west side, and his west side of the property borders to this proposed site. This rezoning does not meet the Master Plan intent that they had. There has been a lot of discussion on the traffic study, anyone can come up with a study he questioned that and felt they should look at it more closely. Commissioners Walker and St. Henry mentioned he is a resident here he just drove down Indianwood today and they were backed up during the rush hour and that was not even during the time that the school let out. He also heard that there will be an impact on traffic. There cannot be anymore impact because right now it is unmanageable. If they look at what is proposed even with having an entrance coming in there they are still going to be backed up. They are going to have a nice

cut-through from that entrance through the property and then get down to Axford. They do that today at the repair place and now they will cut through the Firestone area. They are not only concerned about the traffic from Indianwood they are also concerned about the traffic on N. Axford because people are going to be cutting through there and creating a jam over there. Why are they there again for the 3<sup>rd</sup> time because nothing has changed from when this was rejected? He could see if they said they are going to put these stipulations on they are not going to put all these other businesses in here. When they were here twice before they did not talk about putting a restaurant in there or about any other facility, they talked about putting a tire warehouse. This proposal they have is the same proposal they rejected before. He questioned the traffic study; he drives the road everyday and felt he could come up with a study that would show different data not fuzzy data there. They are representing him there; he is a taxpayer and the first thing he is going to do when this gets approved is, he is going for a tax reduction because he is losing value to his property while they are gaining on their property. His neighbors to the west and east and himself are the ones that are going to lose on property value.

Mr. Jack Ward 1592 Indianwood Rd., questioned if they said if they will be changing oil at this facility? Then there is the lake all the runoff dripping oil in the driveways it is going to go right into Lake Orion.

Ms. Donnie Steele lives off Indianwood Rd., had some questions. Access parking, although he said that the business model was appointment only, they really do not have the ability to monitor that after the building is in. For instance, they got busy and they needed more parking she was not sure if they addressed overflow parking because if you look at Muffler Man right in town, off Park St. they are parked up and down the street all the way behind the church. Orion Marine you cannot drive down that street because they have people parked on both sides of the road. Although they said they are going to do an appointment only business she does not see how that will be monitored once they get approved. Also, improvements to Axford Rd., because it is falling into the drainage ditches and you can barely pass a car as it is right now, let alone trucks.

**Roll call vote was as follows:** Reynolds, yes; Gross, no; Walker, no; Steimel, yes; St. Henry, no; Dunaskiss, yes. **Motion failed 3-3**

Planning & Zoning Director Girling said that the bylaws say that if they don't have enough members to pass a motion and they are divided so the motion did not pass, it does say they have to come back when there is enough for a motion to pass or in the past what you did is they made a motion to send it without a majority.

Moved by Commissioner Reynolds, seconded by Commissioner Walker to forward the same conditions without a recommendation of approval or denial to the Township Board.

Discussion on the Motion:

Planning & Zoning Director Girling stated that with any rezoning requires a reading two times at the Township Board, the first one will be on the agenda but will not be noticed, the second one will be the same notice, anyone within 300-ft. will be noticed and it will be in the newspaper. The first one you will not receive notice but if you watch the Township website or board, they will see that item. The Township Board meets the first and the third Mondays of the month.

Trustee Steimel stated that the first reading the options for the Board will be move forward to the second reading or they may decide at that point that they are going to send it back and want the Planning Commission to look at it some more.

Planning & Zoning Director Girling said they can approve the first reading they can deny, or they can send it back to the Planning Commission. If they deny the first reading it is denied it will not have a second reading.

Trustee Steimel added that sometimes when it is a recommendation, he is not so concerned about them not coming to decision, versus if they were trying approve a site plan, they must come to a decision.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Walker, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. **Motion carried 6-0**

**9. PUBLIC COMMENTS**

Comment heard

**10. COMMUNICATIONS**

None

**11. PLANNER'S REPORTS**

Introductions were made for the new planners from Giffels Webster.

**12. PUBLIC HEARINGS**

A. 10/2/2019 7:05pm - PC-2019-47, Lavender Ridge Planned Unit Development (PUD), located at a vacant parcel at the southeast corner of Silverbell and Squirrel Roads (parcel #09-36-226-001).

B. 10/16/19 7:05pm - PC-2019-48, Cottages at Gregory Meadows Planned Unit Development (PUD), located at 3595 and 3537 Gregory Rd., (parcels 09-31-200-006 and 09-31-200-008).

**13. CHAIRMAN'S COMMENTS**

None

**14. COMMISSIONERS' COMMENTS**

Some comments heard welcoming Eric Fazzini & Rodney Arroyo from Giffels Webster.

Trustee Steimel suggested to the new Planners that on the reviews it helps them to have a summary at that end because it can make it easier for them to make a motion.

Commissioner Walker said that the Orion Library currently having a book sale.

**15. ADJOURNMENT**

Moved by Commissioner Reynolds, seconded by Trustee Steimel to adjourn the meeting at 10:30pm. **Motion carried.**

Respectfully submitted,



Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion

October 2, 2019  
Planning Commission Approval Date