

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-03, SHOPS ON WALDON POND PLANNED UNIT DEVELOPMENT
(PUD) AMENDMENT, KROGER FUEL FACILITY, JOINT PUBLIC HEARING
WITH TOWNSHIP BOARD OF TRUSTEES, WEDNESDAY, MARCH 6, 2013**

The Charter Township of Orion Planning Commission held a joint public hearing with the Township Board of Trustees on Wednesday, March 6, 2013 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Carol Thurber, Chairwoman	Justin Dunaskiss, Vice-Chairman
Dick Christie, Secretary	Don Walker, PC Rep. to ZBA
Karyn Pennington, Commissioner	Joe St. Henry, Commissioner

PLANNING COMMISSION MEMBER ABSENT:

John Steimel, BOT Rep. to PC

BOARD OF TRUSTEES MEMBERS PRESENT:

Chris Barnett, Township Supervisor	Penny Shults, Township Clerk
Mark Thurber, Township Treasurer	Mike Flood, Trustee
Neal Porter, Trustee	Donni Steele, Trustee

BOARD OF TRUSTEES MEMBER ABSENT:

John Steimel, Trustee

CONSULTANTS PRESENT:

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Planning/Zoning Coordinator

OTHERS PRESENT:

Matthew Pisko	Chris Rodgers	Mark Deprez
Kate Zacharevich	Ronald Lunney	Todd Hagberg
Doug Zande	Tony DiCicco	Cindy Saure
Ross Ensign	Phil Krause	Bill Knight
Loretta Adams	Dave Adams	Evelyn Doyle
Raymond Wisoki	Paul Winkler	Phoebe Schutz

Chairwoman Thurber opened the PC-2013-03, Shops on Waldon Pond PUD Amendment, Kroger Fuel Facility, joint public hearing with the Board of Trustees at 7:05 p.m. The applicant, Landplan Engineering, P.A., is proposing to construct a Kroger Fuel Facility D-649 near the northern end of the shopping plaza parking lot. The subject site is located on the southeast corner of Baldwin and Waldon Roads; Sidwells #09-29-126-062, #09-29-126-065, #09-29-126-066, #09-29-126-067, and #09-29-126-055. She then reviewed public hearing procedures.

Mr. Matthew Pisko, commented that he is representing Kroger Company of Michigan. Kroger has well over 1,200 gas stations across the country and most of them are in the parking lots of their stores. The gas station would only be open while the store is open. He also noted that they would be landscaping and screening the northern edge along Waldon Road. He noted that the fuel truck path will come in off of Baldwin Road in front of the medical office and would stop over the fuel tank. Fueling takes about 25 minutes. As the fuel truck exits the site onto Waldon Road by the ACE Hardware entrance/exit. All their licensing will be through the State of Michigan.

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Chairwoman Thurber offered time for public comments.

Mr. Ross Ensign, of 2415 Canoe Circle Drive, commented that he is in support of this gas station. However, he is concerned that the proposed entrance for the trucks should be widened for safety issues. He is also concerned that since the ground there is very wet due to the high water table, he wants to be sure that none of the tanks ever pop out of the ground when they're not full. He also believes that the refilling of the fuel tanks should be done in the evening when you don't have the high traffic counts. He also suggested that it may be a benefit if you request an access off of the back of the two buildings at the corner to provide an additional access onto Waldon Road.

Mr. Tony DiCicco, of 3085 Baldwin Road, commented that he operates the Sharon's Hallmark store there in the Shops on Waldon Pond shopping plaza. He is in support of the proposed gas station.

Mr. Ronald Lunney, of 2875 Walmsley Circle, commented that he is opposed to the gas station and is concerned of the negative effect on their property values. He is also very concerned that the gas could contaminate the ground water in the area and about contamination of the wetland that it would border. Their proposed entrance drive is in bad condition and won't withstand the heavy fuel tank trucks and Baldwin Road is in bad shape already and would be worse with the heavy trucks on it. It would be in a bad location to maneuver in the parking lot and would take up too many parking spaces, which would be inconvenient for the shopping customers for the existing stores there.

Mr. Todd Hagberg, of 3009 S. Baldwin Road, commented that he owns Work Rehab Solutions right next door to Health Quest in the corner of the proposed site. He is very concerned about their disabled clients' safety since the proposed entrance is their drive for their businesses. That parking lot is already full every day and very busy. To add fuel trucks going in and out and people flying through in a hurry to get gas and all the additional traffic it will bring to the already busy lot, will be a very dangerous place for their clients who are disabled utilizing wheelchairs, walkers, etc. for their physical therapy, etc. The gas station could be re-located to maybe where the old Blockbuster is, but not next to three medical facilities where we have disabled clients. Their clients have serious impairments and any extra obstruction in terms of vehicle traffic that close, is going to be a major problem and he is very opposed to it being located there. It will be a problem and there will be accidents if it is placed there.

Mr. Phil Krause and Mr. Bill Knight commented that they are the owners of Health Quest and noted that they don't believe that this is the right location for this proposed gas station. If they could move it further south in the plaza it would be better for their patients' parking and overall situation. They're concerned about the fuel tankers coming in on their narrow drive that would make a very dangerous situation for their disabled patients. Also, the gas station itself could potentially be a fire and/or explosive danger to the area as well, it is a possibility. Even though the petitioner says they will widen their drive, there is no guarantee that the effect of that increased traffic will not have an adverse effect on their patients as far as pulling in and out of the parking spaces and even worse, potentially being affected

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trying to get to and from their cars. Although the petitioner is saying that there will only be three to four gas tanker trucks per week, there isn't any guarantee that that's not going to increase to eight to ten or more tanker trucks per week, which would disrupt their business tremendously. They would like to have that addressed and to have a guarantee on the number of tanker trucks per week. They are also having many classes for the elderly and their parking is already extremely busy.

Ms. Kate Zacharevich, of 3635 Green Meadow Lane, commented that she is very concerned about the wetlands and inquired whether MDEQ has reviewed this and whether they've done a study on this site. She also noted that the Clark gas station and Brad's Sunoco gas station are within a half-mile from the subject site and we don't need another gas station here.

Ms. Loretta Adams commented that she is there to represent the landlord. One of the reasons that the landlord is interested in putting in the gas station at Kroger is because of needs and requests of the community. She commented that she thinks Health Quest has their own designated parking area and they could put more handicapped spaces for them. She then noted that they are also proposing new signage for the plaza as part of the PUD Amendment to help bring more business to the shopping plaza.

Ms. Evelyn Doyle, of 2647 Thornbrier Court, commented that she lives in the Keatington Condos on the east side of the plaza. She is concerned that it appears that the egress for the proposed gas station would be the same egress for all of the stores that goes back onto Waldon Road, which gets very congested already with just the stores located there currently, let alone having that be the egress for everyone coming out of the gas station. You cannot make a left-turn there in the afternoon now and with the gas station traffic, you will be sitting there an extremely long time waiting.

Mr. Raymond Wisoki commented that he lives in the Gingellville farmhouse at 3460 Elmy Drive. He is opposed to the Kroger gas station. Kroger is not bringing the gas station as a service to the community, it is to increase their bottom line. There are nine gas stations already within a three-mile radius. There is also a new gas station in the process of being put in on the corner of Indianwood Road and Baldwin Road. He initiated the petition against this gas station, which copies of it were included in members' meeting packets*. He has not encountered anyone that was in favor of it. He is asking for a denial of this gas station request. If it is passed, he requests a feasibility study and a study to show the environmental effects to the wetland.

Since there were no further public comments, Chairwoman Thurber asked the Board of Trustees if they had any questions for the petitioner.

Treasurer Thurber commented that he agreed that there already are gas stations in the area. He also wants to know why we're dealing with a traffic study that is three years old. He would like to hear some good solid reasons as to why the PUD should be amended and what would the community benefits be. He inquired whether there would be any retail sales at the kiosk and that there is no parking for the customers at the kiosk even though there is a restroom.

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The kiosk would increase the activity at the site. He would like to have enforced fuel delivery hours for the fuel tanker trucks, enforceable by a heavy fine if not complied with. His concern is to look out for the health, safety, and well-being of the residents of this community. He noted that he is not anti-growth, but such a major portion of this plan is flawed and he has a lot of questions and reservations about it. His primary concern is the safety of the patients going to the physical therapy center and doctor's office.

Trustee Porter commented that he questions the location of the tanks and the conservation of the wetland and that MDEQ needs to review that issue. He feels that the subject site would be very tight and congested and may need to be scaled back.

Trustee Flood gave a brief history of the subject area. He noted that heading west on Waldon, that left-turn lane needs to be extended east so you could get more cars stacked in there. Also, they need to add a left-turn arrow to the stoplights at that corner to go south on Baldwin. He also commented that Orion Township dropped the ball and missed out on developing the Orion side of Brown Road.

Clerk Shults commented that she thinks the Kroger gas station is a good idea, but the burden of the gas station should be at the expense of the Kroger store and should be moved further to the south of the parking lot where there is more room in that area and they could compromise some of Kroger's parking area to accommodate the fueling area. She then suggested that it may be possible to work with the bank at that end of the plaza to make the flow of the traffic in and out flow more smoothly.

Supervisor Barnett agreed with Trustee Flood's comment on Brown Road. He is all about moving this community forward and that there are some great things coming up in our community. He is also in favor of getting Baldwin Road widened and has been lobbying hard for that in the last 90 days, but it will take a few years yet. He is most concerned about the traffic flow. He also wants to be sure that it wouldn't hurt the existing businesses in the shopping plaza. He then asked all to lobby our Congressmen and Senators for funds for the Baldwin Road widening project.

Since there were no more comments from the Board of Trustees, Chairwoman Thurber asked the Planning Commission if they had any questions for the petitioner.

Secretary Christie noted that he too would like an explanation as to why this facility can't be down in front of the Kroger store. He is also very concerned and wants to know why members received a three-year old traffic study from 2010. He is also concerned about all of the existing businesses' best interests in the shopping plaza including the medical facilities as well as the stores and restaurants.

Commissioner St. Henry commented that he is not convinced that this is the ideal place for a fueling station. He is concerned that the traffic study is three years old and feels that the people that did that study have

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underestimated the impact that the large number of vehicles will have on the traffic flows, not only in the parking lot itself, but on Waldon and Baldwin Roads, especially the egress entrance/exits off of Waldon Road. He is also concerned about the delivery times of the fuel tanker trucks and would like to have a guarantee of their delivery times. Kroger needs to address all the concerns mentioned tonight.

Commissioner Walker commented that he agrees with his fellow members' comments and that there has to be growth, but it should be controlled growth and we'll try to do that now.

Vice-Chairman Dunaskiss inquired whether there has been any consideration in doing any directional one-way traffic flow, in particular using the northernmost access off of Baldwin Road and turning that into a one-way and so we can directionally flow the traffic that's coming into the site in addition to lengthening the turn lane on Waldon Road at the entrance into the center as well as leading up to the light at Baldwin Road.

Since there were no more comments from the Planning Commission, Chairwoman Thurber called the petitioner back to the podium.

Mr. Pisko noted that Kroger cares about the community too. They will make sure that all requirements are met regarding the roads holding up the tanker trucks and explained their process as well as the underground tanks. As far as a new curb-cut onto Waldon Road from the professional building, they haven't looked at that. Also, their gas rewards system is for their customers. MDEQ will review the underground system that they believe will be safe. The entrance drive from Baldwin Road that goes by the medical facilities will be re-paved. They may be able to reconfigure that area for the medical facilities' parking. The tanks are electronically monitored and they tell the terminal that they're getting low on fuel and it would be problematic to restrict the access to the tankers. When you get low on gas typically you have to stop operation and change all fuel filters because you're going to be drawing off of the tank bottom at that point, so typically the tanks are monitored. The fuel tanker trucks are safe and are there for a brief time. They will try to schedule the trucks for the most appropriate time. The MDEQ does review their tanks and designs. They will look into extending the Waldon Road left-turn lane further east. He thinks where they are proposing to put the gas station is the best place to locate it and that he believes that area is the most underutilized area in the parking lot. They will update the traffic study if the Township wants them to.

Chairwoman Thurber inquired what additional community benefit they are going to provide to the Township.

Mr. Pisko noted that they will provide additional landscaping along the eastern boundary and west the along wetlands. He thinks the gas station is a community benefit.

Chairwoman Thurber inquired how many years their fuel rewards program has been in effect.

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Mr. Pisko replied, about six years.

Clerk Shults inquired whether they believe this new station would alleviate the traffic congestion problems at their Lapeer Road station.

Mr. Pisko noted he will have to get back with her on that. He then noted that this Kroger is a lower-volume store than the Lapeer Road store.

Ms. Evelyn Doyle noted that her question still has not been answered. The traffic, according to their plans, would have to exit out onto Waldon Road. That puts her in jeopardy when she is walking in and out of Stone's ACE Hardware store.

Mr. Pisko replied that the plans don't dictate that exit and that people can exit using any of the entrance/exits.

Ms. Doyle noted that that is the way the traffic seems to be flowing, so can they route the cars out the other way by the bank.

Mr. Pisko replied that he thinks that people won't really use the Waldon Road exit.

Mr. Wisoki noted that since they'll sell diesel fuel, there will be a lot of large trucks going through that parking lot. He would like to see a better set of plans for the project. He is also concerned about the drives for Keatington. He is also very concerned about the patients' safety going to and from the medical facilities and is concerned about the wetlands getting contaminated. Other concerns are the trash blowing around from the gas station and the loud traffic noises.

Mr. Pisko replied that there is very little trash generation.

Mr. Paul Winkler, of 2977 Walmsley Circle, noted his concern that people will be cutting through Keatington to avoid waiting at the stoplight and that will create unsafe conditions for their residents, which do include handicapped persons, bicyclists, pedestrians, and many children. He also agrees with all of the concerns of his neighbors.

Since there were no further comments, Chairwoman Thurber closed the PC-2013-03 public hearing at 8:40 p.m.

* Attachment