

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-17, CLARK-ORION, INC. GAS STATION SPECIAL LAND USE
PUBLIC HEARING - WEDNESDAY, SEPTEMBER 18, 2013**

The Charter Township of Orion Planning Commission held a public hearing on Wednesday, September 18, 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
John Steimel, BOT Rep. to PC	Don Walker, PC Rep. to ZBA
Karyn Pennington, Commissioner	Joe St. Henry, Commissioner

PLANNING COMMISSION MEMBER ABSENT:

Dick Christie, Secretary

CONSULTANTS PRESENT:

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

OTHERS PRESENT:

Iven Sharrak	Jerry Lilly	Richard Bonjar
Tom Schippert	Kim Rutila	Jim Wilson
Chris Wilding	Jill Potter	Jody Henry
Harold Flood	Steve Dorris	Susan Dorris
Robert LaChance	Bruce Parker	Naomi Freeman
Tim Moses	Linda Moses	Lee Kasyouhanan
Kevin Brandon	Michelle Koehneke	Phoebe Schutz

Chairwoman Thurber opened the PC-2013-17, Clark-Orion, Inc. Gas Station Special Land Use Public Hearing at 7:05 p.m.

Mr. Kevin Brandon, of Preview Architecture and Planning, 570 E. Snell Road, Oakland Township, Michigan 48306, introduced Mr. Iven Sharrak (owner) and noted that they are representing Clark-Orion, Inc. He noted that Mr. Sharrak is going to demolish the existing building on the site and build a 5,600-square foot convenience store. The existing canopy and gas pumps will remain in place. They will close off one drive off of Baldwin Road and add an extra drive that will access Hidden Timber Drive. He then showed a site plan of the proposed project.

Mr. R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc., noted that the site is zoned General Business-1 (GB-1) and as such, gas stations and convenience stores are permitted as a special land use.

Mr. Brandon noted that they have addressed some of the review comments by Planner Wortman and they redesigned the exterior façade to meet the Gingellville Overlay District design standards.

Chairwoman Thurber offered time for public comments.

Ms. Kim Rutila, of 3611 Forest Spring, commented that she is the President of the Lake Forest Homeowners' Association. She and many residents in their

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neighborhood are opposed to this project. She believes that it will bring more traffic issues and also cause more traffic to go through their neighborhood. She does not believe they need another neighborhood mini-mart and inquired whether they would be getting a liquor license. She also noted that the owner has not maintained the site well. It has trash and weeds. It needs painting and that the canopy and gas pumps look bad as well. She feels this would not be an appropriate use since there are many children in their neighborhood. She also inquired what the hours of operation will be. She then submitted her emails from their neighborhood residents.

Mrs. Susan Dorris, of 3172 Hidden Timber, commented that they live four houses away from the proposed project. She believes that the notification process needs to be looked at. She is concerned that the store may be too large for the lot size. She, too, is concerned about traffic issues and that the owner has not been a good neighbor. There is a big problem with weeds and garbage on the site. There is a storage shed that is behind the site that has not been maintained and is falling apart and now there are raccoons that have moved in there.

Mr. Robert LaChance, of 3190 Hidden Timber, commented that he is opposed to the special land use. He agrees with the comments made by Ms. Rutila and Mrs. Dorris. He doesn't believe that the neighborhood needs another party store. He doesn't want to see the trees removed and is concerned about having screening between the store and the neighborhood. Traffic issues are also a big concern.

Mrs. Dorris noted her concern regarding the condition of the gas tanks and inquired whether MDEQ or anyone will be checking them for any leakage, etc.

Ms. Michelle Koehneke, of 3278 Foothills Court, commented that the proposed project would negatively affect their property values, which may bring the value of the community down as well.

Mr. Scott Gies, of 2972 Crestwood Court, commented that he is opposed to this project and lives toward the back of the subdivision and has two children. He believes it's not a good idea to have access to a business like this near a subdivision. He is also very concerned about the traffic.

Mr. Bruce Parker, of 3154 Hidden Timber, commented that he is opposed to this project and does not see a need for this convenience store. He is concerned about the traffic and the safety of his children.

Mr. Chris Wilding, of 3159 Hidden Timber, commented that he is opposed to this project and he is concerned about the traffic and the safety of his children as well as a negative effect on their property values.

Mr. Tim Moses, of 3160 Hidden Timber Drive, commented that he is opposed to this project and agrees with the concerns that others have already spoken tonight, especially the traffic concerns.

Ms. Jody Henry, of 3191 Hidden Timber Drive, commented that she is opposed to this project and agrees with the concerns that others have already spoken

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tonight, especially their children's safety. She is also concerned with the existing site being such a mess.

Ms. Jill Potter, of 3178 Hidden Timber Drive, commented that she is opposed to this project and agrees with the concerns that others have already spoken tonight, especially her children's safety.

Ms. Linda Moses, of 3160 Hidden Timber Drive, commented that she agrees with everyone's comments and also that the stoplights on Gregory Road and Baldwin Road as well as on Maybee Road and Baldwin Road need to be adjusted to make a better flow of traffic. She is also very concerned for the many children in their neighborhood for their safety.

Mr. Lee Kasyouhanan, of Lee's Wine and Deli (used to be called Orion Wine and Deli), 3775 Baldwin Road, commented that he agrees with everyone's comments about the traffic. He noted that he has been there since 1997 and loves the community. He then presented a several page petition that had been signed by residents that are opposed to this proposed project*.

Mr. John Santeramo, of 2867 Riverside Drive, commented that they have to use Hidden Timber Drive to get to Baldwin Road from their home. He is especially concerned about the traffic issues.

Planner Wortman noted that since the applicant is requesting this new convenience store, they are required to get a special land use. The criteria is within the zoning ordinance, Section 30.02, by which the Planning Commission will need to evaluate the special land use and to consider such things as: compatibility with adjacent uses; compatibility with the Master Plan; public services; impact on traffic; detrimental effects; enhancement of the surrounding environment; and, isolation of existing land use, so that will be part of the Planning Commission's evaluation. However, the criteria does not address whether or not we need this type of business. That is not part of the Planning Commission's authority to review or a factor to get into. Section 30.02 specifies the criteria and it's upon that criteria that the Planning Commission will evaluate this. The Planning Commission can go through this deliberation here after the public hearing.

Chairwoman Thurber requested that the applicant address the traffic issues and noted that the Road Commission for Oakland County (RCOC) requested that drive onto Hidden Timber Drive.

Mr. Brandon commented that he agrees that RCOC did request the closure of one of the drives off of Baldwin Road for fewer curb cuts and did tell them to make another access drive off of Hidden Timber Drive. He does not believe that this would be considered a new destination, because the people that drive by are going to be the customers stopping to get gas or something from the store. It won't be new traffic that's not going by there already.

Mr. Salam Kalabat, K4 General Contractor, of 2496 Silverside, Waterford, Michigan, noted that he spoke with the RCOC and the two drives onto Baldwin don't work well with the traffic. It is more dangerous to have that exit close to Hidden Timber Drive, so they had to close that second entrance point.

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Chairwoman Thurber noted that the hours of operation will be discussed during the special land use review. She asked the applicant to address being a good neighbor and keeping up the appearance of his site.

Mr. Iven Sharrak, owner of Clark-Orion, Inc., resides at 6346 Orchard Lake Road, West Bloomfield, Michigan, commented that the site is an eyesore, but that is why they are doing this project, because it's hard to maintain an old site. They want to improve the site by building a new building, cement pad, gas pumps, etc. The underground gas tanks are made of fiberglass and have a 100-year shelf life and they are only twenty years old. They could stay at the site for another 80 years with nothing happening to them. The piping is also fiberglass. If the setback were ever taken by the RCOC to widen the road, they will never have to move the tanks since they're farther away from the road where they will never impact any setbacks. The hours will stay the same from 5:00 a.m. to 11:00 p.m. seven days a week. Also, they will be applying for a liquor license. Also, the canopy will remain and will be re-faced. They will tear down the gas pumps and islands as well as the concrete and asphalt and will replace it with mostly concrete and with asphalt.

Mr. Harold Flood, of 3560 Rohr Road, commented that he is representing the Gingellville Community Church. Regarding the liquor license applications for the State of Michigan, he believes that their site would be too close to their church to be granted. He noted that their church is opposed to Clark having a liquor license.

Mr. Sharrak noted that the State of Michigan has standards that are used to determine whether or not they are granted a liquor license.

Ms. Koehneke commented that she believes that the applicant should have a clean site. She is also concerned that drivers will use their street for a cut-thru. She believes that a liquor license would create an unsafe environment for the families in their subdivision.

Since there were no further public comments, Chairwoman Thurber closed the PC-2013-17 public hearing at 8:02 p.m.

* Attachment