

**CHARTER TOWNSHIP OF ORION BOARD OF TRUSTEES
SPECIAL JOINT WITH PLANNING COMMISSION MINUTES PC-2017-05,
SILVER SPRUCE PLAZA (PUD) ELIGIBILITY AND CONCEPT PLAN
JOINT PUBLIC HEARING WEDNESDAY, MARCH 15, 2017**

The Charter Township of Orion Board of Trustees held a Special Joint Meeting with the Planning Commission on Wednesday, March 15, 2017 at 7:05 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360 for the purpose of holding a joint public hearing regarding PC-2017-05, Silver Spruce Plaza (PUD).

BOARD MEMBERS PRESENT: Penny Shults, Mike Flood, John Steimel, Brian Birney, Ron Sliwinski.

BOARD MEMBERS ABSENT: Chris Barnett, Donni Steele, *with notice*

PLANNING COMMISSION MEMBERS PRESENT: Justin Dunaskiss, Don Walker, John Steimel, Don Walker, Ron Zielinski, Neal Porter

PLANNING COMMISSION MEMBERS ABSENT: Joe St. Henry, *with notice*

OTHERS PRESENT:

Doug Lewan	Mark Landis	Tammy Girling	Lynn Harrison
Teri Donaldson	Fahmi Awdish	Tim Ponton	Michael Donaldson
Michelle Harvath	Gabriel Schuchman	Sgt. D. Zehnpfenning	James Johnson
James Carpenter	Ghassan Abdelnour	Eileen Johnson	Leon Sujak
Sean Awdish			

Clerk Shults called the Orion Township Board of Trustees meeting to order at 7:05 p.m.

Moved by Clerk Shults, seconded by Trustee Birney to appoint Trustee Flood as chair of the meeting in the Supervisor's absence. MOTION CARRIED

Chairman Dunaskiss opened the joint public hearing for PC-2017-05, Silver Spruce Plaza Planned Urban Development (PUD) Eligibility & Concept Plan at 7:05 p.m. and invited the applicant to make a presentation.

Mr. Ghassan Abdelnour from GAV Associates, the project architect, introduced the engineer, Mr. Sujak; and the owners, Mr. Sean Awdish and Mr. Fahmi Awdish.

Mr. Abdelnour explained they are proposing a gas station/convenience store that will be around 9,914 sq. ft. They are also proposing a retail building that will be 13,247 sq. ft. and a future building on Parcel B that will be about 4,000 sq. ft.

As shown on the site plan the main corner will be the convenience store with 4 pumps in front of it. That building will also have drive-thru capability for something like a coffee shop. Mr. Abdelnour described the retail building on the side. The plans show it as being divided into 7 spaces however space can be reconfigured. He noted the building on Parcel B could be a bank, office space or something similar.

Mr. Abdelnour explained the materials for the project. The gas station will look like it is two-stories with a small mezzanine area. The two-story look will give the project a good corner appeal. Materials will be mainly split face block, brick, limestone and glass. He noted that the owners just finished a similar design on Adams and Walton, in Rochester Hills and provided pictures of it. The retail space will have similar materials and a metal canopy, again to provide for a nice retail appeal.

Regarding circulation, Mr. Abdelnour said they provided a preliminary design with the help of the Township and its consultants. He asked the Commissioners to look at it to see if they are on the right track.

About parking – Mr. Abdelnour said this development requires 134 spaces and they have provided 164 spaces. They included in their calculation the possibility of there being a restaurant in one of the retail spaces.

Mr. Sean Awdish, one of the owners, commented that the site is old, it was built in 1995 and in order to stay competitive with today's market, they need to improve the site and came up with this plan. He noted that a plan similar to this has been successful in Rochester Hills.

The site is pretty much vacant land with some fallen trees and he believed the proposed plans would bring a significant improvement to it. The parcel up at the top, Parcel B, is designated to be more of a quiet business; something with bank hours so that it won't be too active for the neighborhoods behind it.

Chairman Dunaskiss asked for comments from the public.

Mike Donaldson, 105 E. Silverbell, noted his property is next door to Parcel B. He commented they are proposing that residential parcel be used for a business and he believes that would devalue his property. He would have to put with the trash, lights and noise; he was against the project. Mr. Donaldson said when he moved in he was told there would be home built there and now it is being proposed as something public. He noted there is a designation for a drive-thru on the plans and his bedroom would be 12 ft. from that property line and would have to deal with whatever is put there. He would be ok if a home was put there, a lawyer's office or something quiet. He and his wife already suffer with a lot of trash on their property from the gas station and that the site is a "pig pen". With more buildings there will be more litter, more noise and more lighting. It was his opinion the property on Silverbell should have a residential use or doctor or lawyer's office. He asked that there be some respect for the people that have been there before they were and again, was against that property being developed as commercial.

Eileen Johnson, 153 E. Silverbell Rd., noted the speed limit on Silverbell is 50 mph and that they want to put another opening across from the Genesis Credit Union. Currently there is a lot of traffic and it is already difficult for people trying to get out of the credit union's parking lot; there have been several bad accidents there and now they want to put a convenience store there and a larger gas station. People pulling in and out onto Silverbell will have to interact with the people pulling in and out of the credit union. She agreed with Mr. Donaldson that it will bring problems. Right now the lot is wooded and as homeowners they have the right to say they don't want a fast food or a bunch of trash coming from there. Whatever is built there will be close to their houses, all the woods will go away and agreed their homes would probably be devalued; not a good thing. She asked that the Planning Commission not let the petitioner build such a

large project and to give them a barrier - let them keep some of the woods between the development and them.

Michelle Harvath, 129 E. Silverbell, commented she has the same concerns as her neighbors that Parcel B acts as a buffer between their homes and the noise from M-24 and the winds. Removing the woods out of there would have a negative impact on their homes. She is concerned about the traffic through there - cars already go much faster than the speed limit. She commented there have been a number of accidents directly in front of her house from people coming out of the Genesis Bank and trying to turn across all the lanes of traffic. With the Heron Springs subdivision coming in, there has already been an increase in the amount of traffic on the road and as they continue to sell property there, that will increase. More retail businesses will increase the amount of traffic on Silverbell and will increase the number of people turning in and out of that property highly increasing the risk of further accidents. The traffic light already is getting congested and it backs up between Silverbell and Lapeer Road even though the road has been widened; she does not see this improving if there is retail property put there. She asked that Planning Commission do not rezone this to anything other than residential. If they want to expand the property they are on, ok; but the wooded area is a buffer for them. She was concerned about the devaluation of her home. Also, she didn't like that they were planning this expansion without actually having anyone committed to moving in. There are businesses up and down the corridor that are already having trouble getting people to rent them; there is no guarantee that if they build this new retail facility that anybody will rent it. If there are empty buildings there, will they get people coming in and trashing the area because there is no one there keeping them from doing so? Will there be kids in the parking lot at night? She understands them wanting to upgrade their facility - upgrading the present property is one thing but expanding out into the surrounding area will not be beneficial for those who live there.

Teri Donaldson, 105 E. Silverbell, said they bought their home in 2000 and the lot next to them was zoned residential and anticipated that a home would be built there. She believed the lot was never sold because traffic would prevent someone from getting out of a driveway there. With the recent expansion of Silverbell, it has made it very difficult and dangerous for her when she tries to get out onto Silverbell. She also has a lot of concerns about the trash currently in the vacant lot. Ms. Donaldson said her and her husband provided a letter to the Commissioners with pictures showing the trash on their property that was taken on Saturday and noted that both the real estate sign and rezoning sign were both lying on the ground. They have no reason to believe that if a business goes there that the trash would be cleaned up. With the additional dumpsters, especially if there is food product in them, bring rodents and those could trickle into their yards. She also had a concern about her property being devalued. Property values are just now going up and look good. She asked that in the event this project goes forward, that the residential lot stays residential. Looking at the plans, she didn't see any buffering between the petitioners' property and hers to keep people out of their yard or protecting them from noise. She had major concerns about overhead lighting which would shine in her backyard and possibly her windows. If there is a drive-thru there such as a bank - ATMs are open 24 hours and again it would be 12 ft. from her home. She agreed that the project on M-24 is the petitioners' choice as to what they want to do with that; she asked that the lot that has always been zoned residential remain residential.

Chairman Dunaskiss asked the Board of Trustees for questions or comments.

Clerk Shults asked how tall the convenience store will be. She noted she does not support the rezoning of the residential property; residents have expressed some very good reasons why this should not be supported. The Township Master Plan also shows the property as residential. She asked the petitioners how long they have owned the residential parcel. Has there been any clean up done on either of the sites while they have been the owner? She said she is not in support of a shared access or shared parking. Does not support coming across two lanes of traffic to head east coming out of the proposed Silverbell access. She noted that she voted against the liquor license at this location and is not in favor of increasing liquor sales at that location; she was strongly opposed to that.

Trustee Flood had concerns about recognizable public benefits; natural habitat features and noted the petitioners and the Township shall enter into a Development Agreement especially relating to Ordinance 151 – Phragmites Control. He was glad to see the restoration of the pedestrian safety path that was removed during road construction. He asked that there be a posting on the dumpsters referencing Noise Ordinance 135. Regarding the rezoning request to PUD, he asked if the current and future zoning was compatible to today's standards not that of the zoning standards set forth forty, fifty, sixty years ago. Past style commercial zoning abutting single family zoning was and is still prevalent today along older established commercial and single family homes. These PUD subject parcels and adjacent single family residential homes fall into this past style of zoning. Today's standards along the Township's major road thoroughfares are a mixed-use style zonings – commercial up front followed by multiple residential housing that serves as a buffer between single family residential developments to the rear. He was not opposed to combining the two split parcels RB and GB for a commercial use and believes that Parcel B would never be used for single family housing however would require there be adequate rear yard and side yard setbacks and that screening and properly irrigated vegetation be adjacent to the single family homes bordering the PUD proposal.

Trustee Sliwinski commented that looking at where the current development will be and comparing it to the one in Rochester Hills, the one in Rochester Hills is near a major shopping and high traffic area. Parcel B will be sticking point for him - looking at the current plans, it shows there will be no buffer there and the land is really tight to the residential houses there. Looking at the location in Rochester there is a lot more commercial buffer between it and the residential property with other businesses. He would like to see something done at that corner such as the improvements proposed and with the convenience store but Parcel B; that will be something sticking in his mind; thinking about Township residents and the congestion at that intersection.

Trustee Birney noted all the resident letters that were received pertaining to this case and thanked the residents that came out and voiced their concerns. Lighting, tree line, traffic, garbage, placement of the dumpsters - are there changes they could be made to the current plan that would address some of these things, especially the tree line.

Mr. Abdelnour responded that Parcel B could be a bank, a lawyer's office, an accountant's office or a day care. The current zoning would allow for a day care facility there. They are not planning on putting any retail, heavy use or restaurant on that parcel. Regarding the access from the development onto Silverbell Road, MDOT required that access be aligned with the Genesis Credit Union's access. That is why their plan is laid out the way it is. They can definitely put in buffers and landscaping and will work with the dumpster location to keep it away from the neighbors. Regarding lighting, it is not their choice, they have to meet Township ordinance.

Any lighting will be shielded and usually has to be 0 lamps at the property line. They would not get a permit unless the requirements are met and that they did submit a photometric plan. He reiterated they are willing to work with the neighbors and that currently they are not working with anybody for Parcel B, it will be developed in the future. He noted that when they do develop Parcel B, he believes they will have to come back before the Planning Commission to do so. They will make sure that setbacks, landscaping and lighting adheres to Township rules. Regarding the questing by Clerk Shults about the height – Parcel B will be one-story and they will make it to blend in with the other residential properties.

Chairman Dunaskiss asked about the petitioners' plans for phasing? The petitioner responded the gas station and the retail building will be Phase I and Parcel B will be developed whenever they get someone that wants to lease a building and will build it to suit.

Regarding traffic at that intersection, Chairman Dunaskiss asked if there had been any traffic studies done especially on the proposed Silverbell access point. Mr. Abdelnour reiterated that it was the recommendation of MDOT to but that access point at that location. Mr. Awdish responded that they purchased Parcel B about a year ago and explained why they bought it - the previous owner did not want to share an access point and wanted their own. He also explained about working with MDOT and the Township to facilitate two right turn lanes at the intersection of Silverbell and M-24.

Chairman Dunaskiss asked the petitioners to comment on the condition of the site and its upkeep and maintenance. Mr. Awdish commented that the station is not open 24-hours and people come through at night and dump on their property; whenever they try to add nice things such as bushes and fountains, they are stolen as soon as they are placed there. They are trying to keep the site up as much as possible but because of the location, trying to keep it clean is an everyday battle. Once it is developed, those leasing the space will keep it swept and clean and believes that people won't be coming and dumping there anymore.

Mr. Abdelnour also responded to the comment about food being disposed of in the dumpster - the dumpster that would service a restaurant would be away from the residents, there won't be any type of food service on parcel B.

The height of the gas station would be approximately 2-stories high because it will have a mezzanine. The retail will only be 1-story, about 20 ft. high.

Clerk Shults asked for confirmation regarding the hours of operation and liquor sales and if the hours would be increased. Mr. Awdish responded 6am to 10 or 11pm Monday thru Thursday; on the weekends it is 7am to 10pm and on Sundays it is 7am to about 8 or 9pm. Regarding the sale of liquor – state law is that all sales of liquor have to stop at 2 a.m.

Chairman Dunaskiss asked if there were any more comments from the public.

Mr. Donaldson, 105 E. Silverbell, was concerned that if there was some type of drive-thru, such as a bank, on Parcel B, headlights turning into the entrance off of Silverbell would shine into his bedroom and again, he would have to put up with the noise and trash. If this is approved he wants there to be more buffering and suggested a 25 ft. wall with trees in front of it and that there be no left turn towards his house. Mr. Donaldson asked what the hours of operation will be. Chairman Dunaskiss replied that they have not been stated for the new development.

Teri Donaldson, 105 E. Silverbell, commented it was said that the residential lot was purchased a year ago yet the real estate sign is still there and lying down. She said she understands there is a landfill across M-24 and trash blows around but the stuff on the lot has been there and the pictures she submitted was stuff that was just thrown there. She and her husband work really hard to keep their yard clean.

Eileen Johnson, 153 E. Silverbell, noted there are houses also on the other side of the proposed development, on Morgan, so even if they move their parking and dumpster to another side, it would still be affecting a residential area. She asked again to keep the woods between them.

James Johnson, 153 E. Silverbell, commented that there is always accidents where the proposed entrance will be into the development off of Silverbell and believes having that access there is a bad plan and will generate a lot of accidents. He noted how difficult it is already to get in and out of his driveway.

Michelle Harvath, 129 E. Silverbell, added she is concerned about water drainage in that area and if that would have any impact on the sewer system or water there. How will they get power in and take care of waste? How will the other neighborhood behind them be impacted?

Eileen Johnson, 153 E. Silverbell, commented that water now drains to a small creek on Parcel B, to Morgan and out to M-24 - what will they do with that? Chairman Dunaskiss commented that this hearing is for the concept plan, storm water and drainage would be addressed during the site plan stage if approved.

Secretary Gross read the letters that were received after the packets had been sent out. They were from:

- Robert & Catherine Grenon, 108 Morgan Hill Drive; opposed
- James Carpenter, 86 Morgan Hill; opposed
- Michael & Teri Donaldson, 105 E. Silverbell; opposed
- Email from Trustee Flood regarding the Silverbell Road safety path and consultant reviews.
- Email from Treasurer Steele, she had concerns about changing the current zoning to accommodate these buildings; Parcel B is a good buffer between the gas station and the residential homes; adding the retail building with an unknown use and an entrance onto Silverbell could place an unreasonable burden on surrounding property owners; and adding a drive-thru coffee shop would also be intrusive to the neighborhood and increase traffic.
- Email from Fire Chief Smith in response to Treasurer Steele's concerns.
- Email from Lt. Toth with the Oakland County Sheriff's Office also in response to Treasurer Steele's concerns.

Seeing there were no other comments, Chairman Dunaskiss closed the PC-2017-05, Silver Spruce Plaza Planned Unit Development (PUD) Concept and Eligibility joint public hearing at 8:00 p.m.

ADJORNMENT: Moved by Clerk Shults, seconded by Trustee Sliwinski, to adjourn at 8:0 p.m. MOTION CARRIED

Provided by: Lynn Harrison
PC/ZBA Recording Secretary

Penny S. Shults, Clerk

Chris Barnett, Supervisor
Charter Township of Orion