

# CHARTER TOWNSHIP OF ORION PLANNING COMMISSION

## \*\*\*\*\* MINUTES \*\*\*\*\*

### REGULAR MEETING, WEDNESDAY, JUNE 19, 2024

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, June 19, 2024, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

#### **PLANNING COMMISSION MEMBERS PRESENT:**

Scott Reynolds, Chairman	Joe St. Henry, Secretary
Don Walker, PC Rep to ZBA	Don Gross, Vice Chairman
Kim Urbanowski, BOT Rep to PC	Jack Lovat, Commissioner
Jim Cummins, Commissioner	

#### **PLANNING COMMISSION MEMBERS ABSENT:**

None.

#### **1. OPEN MEETING**

Chairman Reynolds opened the meeting at 7:00 p.m.

#### **2. ROLL CALL**

As noted.

#### **CONSULTANTS PRESENT:**

John Enos, (Township Planner) of Carlisle Wortman Associates, LLC  
Mark Landis, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.  
Tammy Girling, Township Planning & Zoning Director

#### **OTHERS PRESENT:**

Matthew Pisko	Alfred Perkey	Mike Petruzulli
Mark Sesì	Jason Hanley	Leigh Adom
Chris Bronzetti	Casey Marchfeld	Stephaine Armstrong
Loretta Adams	Marvin Stone	
David Adams	Karen Stone	
Curtis Furlan	Beth Furest	
Mike Schultz	Ross Schlaufman	

#### **3. MINUTES**

- A. 6-5-24, Planning Commission Regular Meeting Minutes
- B. 6-5-24, Planning Commission Public Hearing Minutes for PC-24-18, Rezoning of 3-Acre Parcel 09-35-200-037
- C. 6-5-24, Planning Commission Public Hearing Minutes for PC-24-20, Iron24 Special Land Use Request

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve all three sets of minutes as presented. **Motion carried.**

#### **4. AGENDA REVIEW AND APPROVAL**

Moved by Liaison Urbanowski, seconded by Vice-Chairman Gross 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-2022-26, Rigel Terrace Site Plan Extension Request (parcel #09-23-301-005, 09-23-301-012 & 09-23-301-013).**

Chairman Reynolds asked if the applicant was present to state their name and address for the record and give an overview of the extension request.

Chris Bronzetti, 3005 University Dr., Auburn Hills, MI presented. He is the development coordinator for Rigel Terrace LLC.

Mr. Bronzetti was here tonight to request an extension in their site plan approval. They have since received all of the WRC and EGLE permits as they are included in their packet and those permits were obtained over the last year. Right now, they are simply still working through some items. Mr. Bronzetti explained that they have to architecturally draw every building in this development due to grade changes and offsets and that is something that is taking time. They are also working through some franchise utility challenges. They have a couple of overhead lines that need to be moved. It is not a quick process if anyone has tried to move overhead lines. Mr. Bronzetti was looking for a one-year extension.

Chairman Reynolds turned it over to the Planning Commission for their thoughts on the one-year extension request as the applicant is working through engineering and drawings.

Vice-Chairman Gross asked Mr. Bronzetti how much more time he thought he would need.

Mr. Bronzetti replied that one year would be enough time. He said that at this point right now the lines are not the main concern but they are a concern. He has a development right now that he has Edison lines running straight through the center of it and it causes quite a disruption. He stated that he has another development in which utilities are halting progress and they want to try and get this through.

Liaison Urbanowski wondered since the first extension was done administratively, this would be the second ask for an extension.

Moved by Commissioner Cummins, seconded by Liaison Urbanowski, that the Planning Commission **approves** the site plan extension request for PC-2022-26, Rigel Terrace Site Plan for 1 year from the most recent site plan approval extension date of July 20, 2023. This approval is based on the fact that the utilities are holding up the developer and preventing him from the approvals that he needs.

**Roll call vote was as follows:** Lovat, yes; Cummins, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Walker, yes; Reynolds, yes. **Motion carried 7-0.**

### **B. PC-24-21, FedEx #480 Pontiac Site Plan Amendment, located at 1601 Brown Rd. (parcel #09-34-300-032)**

Chairman Reynolds asked if the applicant was present to state their name and address for the record and give an overview of the request.

Casey Marchfeld, Larson Design Group, 1216 Buena Vista St., Pittsburgh PA, presented.

Ms. Marchfeld explained that FedEx Ground is working through a security program that is improving the security screening equipment for their facilities across the country to ensure the safety of their employees. Right now, they are proposing an expansion to their gateway building

which is located at 1604 Brown Rd. The current facility has a small security building that holds a couple of metal detectors. Ms. Marchfeld continued to say that the proposed project will include additional equipment that will not fit into the existing area. Therefore, they are proposing an expanded building of about 3,000 sq. ft. which will be constructed within the existing employee parking lot at the top of the existing concrete ramp. The expansion is designed to hold metal detectors, turnstiles, and X-ray machines. The expansion will not include any offices or restrooms so there is no sanitary or water associated with the project. The new security area will now be the main employee entrance for the facility, therefore it will require some minor sidewalk modifications to get the employees to the building.

Chairman Reynolds turned it over to the consultants for their review.

Planner Enos read through his review date stamped May 31, 2024.

Engineer Landis read through his review date stamped May 28, 2024.

Chairman Reynolds stated there was a review done by Public Services, WRC, and a site walk was conducted.

Ms. Marchfeld indicated that they planned to address the comments as they had received them. There was a discussion about the storm pipe underneath. They have spoken with the structural engineers and they say that it was okay. She had spoken with Mark and they are going to talk through that and they have to reroute the pipe that is what they will do. As for adding a catch basin and widening the sidewalk, none of that is going to be a problem and it will all be addressed with review comments.

Chairman Reynolds turned it over to the Planning Commission for their comments.

Vice-Chairman Gross asked the applicant if there was no plumbing in the building, and if there would be no attendants at all. Ms. Marchfeld could not recall, but she believed that there was a restroom inside the main building that they use that is not attached.

Chairman Reynolds said that they have seen other minor amendments occur at this facility as it has evolved over time. He was in favor of proceeding with the plan and allowing them to revise and resubmit to address the consultant's letters and have it be re-reviewed and proceed.

Liaison Urbanowski was wondering about the waiver for the photometric grid. Planning & Zoning Director Girling stated that they always listed something that is called out in the review that is optional for a waiver. What the ordinance reads is that a photometric plan should be given. It does say, however, that if the Planning Commission feels that there is no need for one then you can waive it. If the discussion is that the Planning Commission does not think that there is the need for one even though the Planner is saying you have lighting, we should look at it and that waiver would be applicable. If not, it is just giving the wording just in case you need it.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approve** the requirement of a photometric grid for PC-24-21, FedEx #480 Site Plan Amendment, located at 1601 Brown Rd., parcel #09-34-300-032 for plans dated stamped received May 15, 2024, based on the fact that there is sufficient lighting available, and a cut sheet will be provided.

**Roll call vote was as follows:** Cummins, yes; Urbanowski, yes; St. Henry, yes; Walker, yes; Gross, yes; Lovat, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Vice-Chairman Gross, seconded by Liaison Urbanowski, that the Planning Commission grants site plan amendment **approval** for PC-24-21, FedEx #480 Pontiac Site Plan Amendment, located at 1601 Brown Rd., parcel #09-34-300-032 for plans date stamped received May 15, 2024, based on the following findings of facts: the revisions comply with the ordinance requirements, the applicant satisfies any outstanding issues relative to the Planner's review letter of May 31, 2024, the applicant addresses the outstanding issues related to the Engineer's review letter of May 28, 2024 and the applicant addresses the comment by the Fire Marshal from his May 29, 2024.

**Roll call vote was as follows:** Urbanowski, yes; Gross, yes; St. Henry, yes; Walker, yes; Cummins, yes; Lovat, yes; Reynolds, yes. **Motion carried 7-0.**

C. PC-24-23, Orion Gun Exchange, Determination of Use, located at 3890 Joslyn Rd. (parcel #09-28-377-011).

Chairman Reynolds said if the applicant was present step up to the podium, state their name and address for the record, and walk them through the application.

Mark Sesi, owner of Tubby's Submarines on 3900 Joslyn Rd. presented.

Mr. Sesi explained that he was here today to propose a new business idea for the unit next door to his restaurant which has been empty for eight years. He was planning to open a retail business which would include buying and selling new and used hunting equipment, firearms, ammunition, and accessories. The business would be similar to a sportsmen's warehouse but on a much smaller scale. Mr. Sesi believed that this would be a great addition to the plaza. It would bring traffic from miles away since firearms are a huge hobby nowadays. The ATF has already mentioned that it would be no problem approving this location. His friend, Michael who owns Universal Gun Exchange in Hazel Park will be helping him to develop a layout and a business model for it. As a licensed FFL dealer, he would be following every law both at the state level and the federal level. If any customer wishes to purchase a firearm, they must first pass a 4473 background check. Since Orion is populated by many outdoorsmen and hunters, he thought that his store would be a great place for them to find great deals on equipment that would help them in their hunting endeavors. As a Second Amendment supporter, he believed that he would be able to help local residents feel that they have a way to protect themselves by offering discounts and a layaway program. He plans on giving discounts to active military, police officers, first responders, and government officials. Mr. Sesi continued on to say that he believed that his business would help the community by keeping guns out of the hands of dangerous criminals. Many people have guns and they do not know what to do with them, whether they inherited them or not. Instead of selling those guns on the streets, he provides a service that allows an individual to sell their guns legally to his shop. He hopes that this will keep 100s of guns off the streets and only into the hands of responsible citizens. As mentioned before, the unit next door has been vacant for a really long time and it is an eyesore in the plaza. Mr. Sesi believed Orion Firearm Exchange would bring fullness and energy to the plaza and would definitely help bring a new dynamic of customers for all the tenants. Mr. Sesi concluded by thanking the Commission for their consideration of his business proposal. He understood that firearms are a sensitive subject and can be concerning for many.

Chairman Reynolds turned it over to the Planner for his review.

Planner Enos read through his review date stamped June 12, 2024.

Chairman Reynolds stated that there was a review done by the Fire Marshal. There were concerns or comments at this time.

Chairman Reynolds turned it over to the Planning Commission for their initial thoughts.

Chairman Reynolds said that they were here to determine where a use is most appropriate. They are taking a look and considering a site for a bigger classification consideration. He supports the use and thought that it was perfectly fine to have in our Township. He agreed with the specifics that have been brought forth by the Planner. It is better suited for the General Business district as the preamble speaks to the greater comments of a regional use, a regional service or product provided versus more of a neighborhood use. RB tends to be in those smaller pockets of neighborhoods. Chairman Reynolds did not think that it was a great use to just allow straightforward in the RB district but he was in support of it being in the GB. That is not something that we have currently right now. As we discussed it, he wanted to know the parameters of this use, is it a use by right, or is it more of a special land use?

Planner Enos stated that if we were to amend the ordinance and allow this within a General Business district, he would consider it as a special land use. There are potential safety concerns that we would want to attach to that and we would want to have a public hearing on that. Chairman Reynolds made clear that a special use is a use that is permitted but with additional parameters and to have the opportunity to ask questions or have additional foresight.

Vice-Chairman Gross asked if there was a range proposed in this? Mr. Sesi replied no. Vice-Chairman Gross also asked if there were plans to have a range proposed in the future. Mr. Sesi responded no.

Commissioner Cummins said in that center there are different four businesses, one of them being a liquor store, and across the street, there is a gas station. He inquired what the intensity of the various uses are and how they fall together. He wondered if the gun store was more intense than those existing uses that line along the street within 300 feet of that store. Planner Enos replied probably in terms of customers, it would be less. Going back to the intent and purpose of the Restricted Business, it is meant for the day-to-day needs of nearby residents.

Secretary St. Henry asked Planner Enos that when looking at the Future Land Use map, there is a strip mall on Lapeer Road that is labeled neighborhood commercial, is that the same as Restricted Business? Planner Enos responded that this is the zoning category that ties in with the Restricted Business. Secretary St. Henry asked about general commercial, is that General Business? Planner Enos said that is a larger, more intense type of commercial. Secretary St. Henry said the reason he brought that up was he had mixed feelings about this development. On Lapeer Road, where Oak Barrel party store is located, it is adjacent to the Round Tree subdivision and two older subdivisions. There was a gun store for about four or five years and that gun store is not in business anymore for whatever reason. That was even closer to residential neighborhoods than what is being proposed here. From what he could tell, from the Future Land Use map, it was Restricted Business then as well. Secretary St. Henry pointed that out because they have to look at this objectively but he did not know any of the details behind that particular gun store at the time going in there.

Planner Enos mentioned that the use has existed in the Restricted Business district in the past or was permitted for whatever reason and perhaps they did not even ask for that.

Planning & Zoning Director Girling said that with these strip malls, someone can say I do not need any building renovations so they are not going through the Building Department, the unit is open, the unit works and they move in and we are not Ordinance Enforcement. If nobody is out there watching or there are no complaints, then you have businesses that move in and move out that do not necessarily make sure that they comply with Zoning.

Chairman Reynolds said that they are not looking at site plan approval specifically for this case yet. We are talking about the use itself and where it should be permitted.

Commissioner Lovat said while that they were more focused on the firearm aspect of the business, he wanted the applicant to explain more in detail the other products that were going to be offered i.e. hunting supplies.

Michael, owner of Universal Gun Exchange in Hazel Park, stated that there is not a lot of hunting out there. It is more handguns, personal protection type of thing. In Orion, they would push more scopes, ammunition, and cases, but of course, guns are going to be the biggest thing. He explained how things happen in his store. He sells a few guns a day on average. A lot of people come in two seconds, five minutes and they are out of there. They grab some ammo, grab some accessory, talk to us, and then they leave. A lot of the transactions we have are under a couple of minutes. The thing that takes the most time is waiting for the ATF to approve it and the FBI to do the background check. Since opening his store, it has brought in lots of traffic and people drive hours away to come see us. This area is good for hunting and his area was not so much. Also in this area, they want to focus on hunting and personal protection.

Commissioner Walker wanted to know what types of guns they sell in their store. Mr. Michael said they usually have about 100 to 200 different guns on display at any given time, different models. Most are going to be cloaks and taruses, with cloaks being number one, some Ruger, and some other things like that but mostly handguns. We do have two walls full of long guns and long guns do not sell too much at his store. Commissioner Walker was wondering what he meant by long guns. Mr. Michael replied rifles and shotguns. They do a lot of AR platforms, blot action, and shotguns. We do not have a lot of sales with that stuff but we keep it on the wall to fill up space.

Chairman Reynolds said while trying to look at the bigger picture, they are talking about the determination of use and where it fits within our Zoning ordinance. He does not believe that this is clearly in our ordinance right now and they need to determine where it fits.

Moved by Chairman Reynolds, seconded by Liaison Urbanowski, that the Planning Commission determines the use as described in the application for PC-24-23, Orion Gun Exchange Determination of Use **is not** clearly similar in nature to the uses **or** compatible with the listed or existing uses in any district listed in Ordinance #78 based on the following findings: that guns are going to be sold with ammunition.

Discussion on the motion:

Vice-Chairman Gross said that the applicant admitted in his presentation as did his associate that this will bring in a significant amount of traffic from miles around which does not reflect the residential neighborhood day-to-day activities so it makes sense in the GB district.

**Roll call vote was as follows:** Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Lovat, yes; Cummins, yes; Reynolds, yes. **Motion carried 7-0.**

Moved by Chairman Reynolds, seconded by Commissioner Walker, that the use and characteristics as described in the application for PC-24-23, Orion Gun Exchange Determination of Use, are compatible for a use in the General Business (GB) district as listed in Ordinance #78 due to the fact that the service or services are products provided are a regional use, not a neighborhood product or use.

Discussion on the motion:

Mr. Michael asked if that means it will for sure be allowed in the General if it gets voted in. Chairman Reynolds said that it would be permitted in the General Business district as presented in the motion and not in the Restricted Business district as presented in the motion.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Lovat, yes; Cummins, yes; Urbanowski, no; Reynolds, yes. **Motion carried 6-1.**

Moved by Chairman Reynolds, seconded by Commissioner Walker, that the use described in the application for PC-24-23, Orion Gun Exchange Determination of Use, is a **special land use** in the General Business (GB) district, with the fact that it is a regional service and product provided to the Township and surrounding area.

Discussion on the motion:

Liaison Urbanowski strongly stated that we just a tragedy in Oxford and we are sitting here talking about a gun store in Orion and last weekend, there was another shooting in Rochester. She was not against guns but this was insensitive to her talking about putting in a gun store in Orion right now. She had kids who were in Lake Orion High School and friends at Oxford when this happened. She could not in good conscience for herself say yes to any of this right now, so it was a no for her.

Chairman Reynolds was sympathetic with Liaison Urbanowski. It is a very sensitive subject and he knew that a lot of them in the light of very recent events felt very differently or passionately about various components. He respected that and respected those feelings. It was in poor timing, but it is the discussion of if the use is not determined in our ordinance that we need to find somewhere for it, where is it, and what parameters. We are at the third component of this motion and we are talking about it being a special land use and if any other parameters were set forth in that, this is that opportunity.

Secretary St. Henry said that if they were to agree that a development like this should be in the General Business district and they wanted to continue to move forward with this proposal and they found a suitable location in the General Business district, they would have to come back before the Commission and evaluate it as a special land use application based on a number of factors one way or the other, we may or may not agree with that, but it all depends.

Planning & Zoning Director Girling stated that assuming that it is an existing strip mall in General Business, then it would have to come in for the special land use approval but we would already have a site plan on record. Each special land use has to have a site plan attached to it, so we would just use the one on file. All that it would be is it would be a special land use here with a public hearing saying yes or no based on the special land use criteria listed in the Zoning ordinance. In some locations, they might say yes, and some might no based on those criteria, it does not go to the Board of Trustees at any point, it is only the Planning Commission.

**Roll call vote was as follows:** St. Henry, yes; Lovat, yes; Cummins, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0.**

## **8. UNFINISHED BUSINESS**

### **A. PC-24-08, Kroger D649 Fueling Station Conditional Rezone, located at 3111 S. Baldwin Rd., (parcel #09-29-126-039).**

Chairman Reynolds said if the applicant was present step up to the podium, state their name and address for the record, and walk them through the application.

Matthew Pisco representing Kroger, 37225 Saint Martins, Livonia MI, presented.

Mr. Pisco explained the mechanics of where they are today, and what they are proposing as well as an overview of the operations. He pointed out the existing shopping center, Kroger grocery store, and the closed bank which is deed restricted from becoming a bank for several more years. Back in the day, they proposed putting a fuel station in the back which was dismissed. They looked at trying to put it in front of the hardware store and it was mentioned that the bank parcel might be available. We looked at that and said that would be perfect. We needed a willing seller and a willing buyer and that has finally come into fruition. Mr. Pisco said that they have the opportunity to spend several million dollars in raising the bank, the vault, and all the checked paving and start from scratch to introduce a Kroger fuel station which we have at 70% of our locations. He showed the proposed fuel station. There will be extensive landscaping in the front and they will continue to Gingellville streetscape elements across the property, put connectivity to the existing path, and put a bench, a bike path, and a bike rack. The kiosk is 540 square feet which is a little larger than they normally do which is 190 square feet but that will contain the vending machines that they would normally put on the outside.

Chairman Reynolds said that they were not looking at a site plan, they were looking at a zoning amendment. Just to be clear, the items that they are going to walk through tonight, many of which are included as conditions within the rezone. They are not considering the site plan, they were looking at the rezone request for the parcel. As they were walking through it, the site plan still has to come back. One item to clarify is that since it is a rezoning request, they are a recommendation to the Board of Trustees. They are not an approving body at this point in time.

Mr. Pisco wanted to demonstrate in the conditions letter that they are committed to and those are the conditions that they are willing to offer. The connectivity between the grocery store and the fuel station creates a lot of helpfulness between the two. It is a category of the grocery store at six full-time positions. They are Kroger employees and it is a company-operated gas station, a retail fuel facility not in any traditional scene. They do not have a large convenience store. There is a little less than 300 square feet of sales area and there is also a transaction counter. They have a big convenience store behind them. This is taking an existing parcel and raising it and utilizing the existing curb cuts and providing the connectivity to the grocery store. 60% of the trips that are generated by the fuel station come from the grocery store. There are not new trips, people are not lying on their couches and saying they are going to get gas. When they looked at the future zoning, it was neighborhood commercial. It was acceptable to the future zoning and that it is local. Most of the trips for their gas stations come from the grocery store during grocery trips. Mr. Pisco said the hours of operation mirror the store. It will go dark when the grocery store does. The design is transparent and the canopy is dark sky compliant. He showed the perspective rendering. The streetscape elements here again carrying them from across the approach. They matched the shopping center behind them. They want to be transparent to the grocery store which is the real draw. The retail petroleum is another category as grocers have evolved to provide more and more convenience for their customers, retail petroleum and the opportunity to get rewards for shopping and secure discounts has created a nice relationship between them and their customers and convenience keeps them in that central shopping area within the store. As far as the underground storage tanks system, it is state of

the art. It exceeds federal and state design criteria. Finally, Mr. Pisco continued to say that they are willing to if the gas station were to close, it would revert back to its original zoning. They are not interested in having a gas station be used by someone else. When they close grocery stores or fuel centers, they raise the fuel centers, remove the tanks and restore it back to its original condition, and do not leave the fuel stations on site. The reason why they showed the site plan and all the renderings was because that is what they are looking to develop here. If the Commission is willing to grant this rezone conditionally, these are the conditions they would like to offer.

Chairman Reynolds turned it over to the Township Planner for his review.

Planner Enos read through his review date stamped June 12, 2024.

Chairman Reynolds pointed out that they did run this by the Fire Marshal. There were no concerns or comments at this point in time. He commented that they are only a recommending body. It was the choice of the applicant to provide their conditions within the conditional rezone request and that is not something that the Planning Commission can add to the request as a whole or something that they can add to. There are seven number of items in their packet along with additional notes through the submittal that they have that narrow down the possibilities of this site. He agreed that there would be concerns if it was just a blind approval, but effectively they are zoning this down to a use of what is being presented here this evening specifically a Kroger fuel station attached to the primary anchor store. It makes a big difference with the consideration as there are other locations, other Kroger fueling locations in the Township some of which are closer to residential neighborhoods than what they were seeing here. The fact that it is set back from the road and they are looking to exceed tree quantities of our ordinance by 50%, there are a lot of great conditions here of being brought forth that it is a really thoughtful and meaningful use that is trying to be compatible not only with the existing uses but also trying to be aware of its location within the Township and not trying to just ignore all of that. Chairman Reynolds went on to say that one of his biggest items that Planner Enos mentioned was if the Kroger store or the fuel station closes, no other fuel station can come into this. The condition is that the property would revert back to Office Professional zoning. He thought that it was a needed neighborhood service and opportunity for that local neighborhood level in that region.

Commissioner Cummins believed that since it is contiguous with the existing Kroger store and it interacts and uses the existing parking lot for circulation makes a lot of sense. It makes it a stop shop for the residents and their customers.

Secretary St. Henry asked Planner Enos if he could differentiate between a gas operation that is being presented by Kroger tied in with their retail establishment and a stand-alone gas station such as Speedway at Lapeer and Clarkston or perhaps the Shell stations and Mobil stations around town. In terms of traffic volume and operation because that is an issue that he thought people have concerns about. How much extra traffic will this generate compared to stand-alone gas stations? Planner Enos replied that he did not have specific studies in front of him. However, what he has read and because it is tied in with the grocery store, there is less traffic. When they get into the site plan review, they are going to ask those questions. As Secretary St. Henry mentioned the Shell or the BP, that it is a specific destination point to go get gas. This is a destination point more times than not to get groceries and also get gas. Chairman Reynolds mentioned that during the public hearing portion, the applicant provided clarification of a stat that he thought there was a significant portion that indeed to be people who reside in the store and tend to fuel in addition to that trip. Mr. Pisco interjected that yes, 60% of the trips to the fuel station come from their parking lot. One other distinction for Secretary St. Henry is that it is a company-operated facility. It is Kroger employees; it equals about six full-time positions. Speedway is the only other company-operated national petroleum marketer. Mr. Pisco said that

they are different a little bit in that they are smaller less intense use because they are open to the market. There are more focused on the cross-merchandising with their customers, their accumulation of points, getting discounts, and building that brand loyalty. In a peculiar way to think about Kroger fuel, they are a bonified petroleum marketer. They have nearly 1,000 stations across the continent, and it provides stability to the market. They are a Fortune 100 risk-averse company, they operate exceptionally well and have a tremendous safety record. They do not want to put gas stations in where it is going to cause havoc. The most important thing is that grocery store and people can get in, shop, have a good experience, and leave. This gas station is an addition to that shopping experience. The intent is to be of good service, plus see other people that are in the shopping center.

Vice-Chairman Gross said that the current zoning of the property is Office Professional. There is a vacant bank on the property which there are some restrictions in terms of another bank going in there and the amount of time before another bank could take over. It does not restrict the property to just a bank. Being Office Professional, there are other uses that could go in there other than a bank and comply with the ordinance and would not have to wait an extended period of time for the bank restrictions to expire. Vice-Chairman Gross pointed out that while looking at the site, it appears that there is a two to three-foot elevation difference between the Baldwin frontage and where the shopping center is. If this were to go through, he was curious as to what the elevation would look like with the change of elevation from the current foundation. Mr. Pisco responded that they were okay with the grade differential between the existing. They were trying to keep the approaches in place and then they can collect stormwater, treat it, and push it back into the grocery store; it would be a mass grade change. Where they are it is just keeping existing conditions in place. They have no intentions of knocking that down. They are cover on the streetscape to bring opacity to the use. They are set back a long way from the road.

Liaison Urbanowski commented that it makes a lot of sense to her. She thought that is the way it will be used primarily. She did have one clarifying question that pertained to the outdoor sales items. Mr. Pisco said that the outdoor sales items would be windshield wiper fluid, salt for water wells, and firewood. For fire safety reasons, the Fire Marshal would jump in if they put the propane tanks any closer than the building or the underground storage tanks so that has to be remote and outside. They would also like to keep the ice chest outside just because those things generate an enormous amount of heat. Liaison Urbanowski said that for her, it was a contiguous use for Kroger. It is no different than the fuel station that is next to a Costco or Sam's Club and it is part of the shopping process. She did appreciate the additional conditions with making it look attractive.

Moved by Chairman Reynolds, seconded by Commissioner Cummins, having considered the matters contained in Articles 30.04 and 30.05 that the Planning Commission forwards a recommendation to the Township Board to **approve** PC-24-08, Kroger D649 Retail Fuel Center Conditional Rezone Request. Requesting to rezone 3111 South Baldwin Rd. (parcel #09-29-126-039) from Office Professional (OP) to General Business (GB) with conditions, based on the following findings of fact: that the use is compatible with the existing uses surrounding the property including that of the businesses in the shopping center and the utility easement to the south of the property, that the services and product are offering local services and products to the neighborhood community and the use is tied to Kroger as an anchor tenant within the existing shopping center with the presented conditions, the use is compatible within the GB district and the intent of the Master Plan and adequate public services and facilities are provided for the property.

Discussion on the motion:

Commissioner Cummins wanted to make sure that the letter that was date stamped March 8, 2024, that was sent to the Orion Township Planning & Zoning be a part of the motion record which is there. It was the applicant's letter of conditional rezoning voluntary conditions.

Chairman Reynolds amended his motion, Commissioner Cummins re-supported.

Planning & Zoning Director Girling mentioned that there were three letters that they should mention where received and that there was one in the packet that came in after the public hearing that we should acknowledge those in the record.

Secretary St. Henry said that they received four letters over the course of the past couple of weeks in regard to this development. Three of them were in favor of this development primarily because of the convenience that the gas station would provide. The letters came from Nancy Cooney, Katie Charbonneau, and Jessica Yoon. They had one letter that was against this development primarily because of traffic issues as well as environmental concerns from Terri Consiglio.

Chairman Reynolds mentioned that they had a public hearing and did receive thoughts along with some letters.

Loretta Adams, whose family owns the shopping center. She would like the Commission to think of herself, her husband, her extended family, and all these people here who are your community as well. These are all our tenants and their families and their employees. They have been talking to their customers, they have a lot of support from their customers. We are your community as well, we are a neighborhood in your community. We are as big as the neighborhood across the street. We serve you well. We work hard to be good business owners and good landlords. We have a great group of tenants. She wants to continue to be a good landlord in the future. She can do that with the Commission's help by maintaining a Kroger grocery store as well as a Kroger gas station.

Marvin Stone, owner of Ace Hardware. He was here in support of the gas station. Mr. Stone said it would be very helpful to the hardware store as well. They were the smaller anchor store in the complex. The matter of convenience of a grocery store, a hardware store, and a gas station have always been the anchor of a small town. He brought up that this is 39 years for their hardware store in the Township this year. Next year will be 40 years.

Curtis Furtaw, 2233 Cleveland Ave., Lincoln Park, MI. He is the owner of Trella Cleaners. Mr. Furtaw said that he says with a dry cleaners you interact with the customers specifically. He has had multiple conversations and when he mentioned it to his team that he was coming to support, they have had people say, I really wish there would be a Kroger fuel station. He was always wondering why it did not happen. It seemed like a no-brainer to him but he understood that there are other logistics.

Beven Cowa, 3071 S. Baldwin Rd. He and his wife are owners of Love for Dogs. Mr. Cowa understood people's concern with the traffic. He lives in Clarkston, he sees the traffic increasing with the construction going on with the roundabout at Clarkston Road and Baldwin Road and pretty soon at Waldon and Clintonville. Everyone is in for an exciting summer as far as traffic goes. The one point he thought was key here is that we are surrounded by neighborhoods. One of the things he chose their plaza for is that it is a classic plaza. It is surrounded by families and neighborhoods and those families many

of whom commute to work back and forth are just trying to get home. He has heard from all of them about being able to just grab gas on the way home and get to their house. He understood the concerns about the traffic increase and population. Mr. Cowa thought that if anything if they looked at it, they would see in some ways that it would decrease some of the traffic.

Jason Hanley, owner of Orangetheory Fitness. He said that first and foremost Mr. and Mrs. Adams are unbelievable landlords, individuals that hand-pick each of the businesses that are a part of their community. Having this location over 30 years up on Baldwin Road and many of you probably know what Baldwin Road looked like 30 years ago. It is a little bit different now considering them to be pioneers to deny them the opportunity to continue to expand their community to offer something that is going to be beneficial to the residents around there is silly. You guys are improving stuff up and down Baldwin Road left and right. Why not give them the opportunity to continue to serve their residents, to serve your residents, and to continue to build our community? Mr. Hanley mentioned that he has over 700 members. It has been unanimous with the amount of people that he has spoken with and they are looking forward to this.

Alex Jacobson, 3483 Waldon Rd. She works at the Baldwin Plaza as well and she lives down the street. Ms. Jacobson said that it would be a huge benefit for both working right in the plaza and also living very close.

**Roll call vote was as follows:** Lovat, yes; Cummins, yes; St. Henry, yes; Urbanowski, yes; Walker; yes; Gross, yes; Reynolds, yes. **Motion carried 7-0.**

#### **9. PUBLIC COMMENTS**

None.

#### **10. COMMUNICATIONS**

None.

#### **11. PLANNERS REPORTS/EDUCATION**

None.

#### **12. COMMITTEE REPORTS**

None.

#### **13. PUBLIC HEARINGS**

None.

#### **14. CHAIRMAN'S COMMENTS**

Chairman Reynolds said they have a very delicate role to play here as Planning Commissioners. It is not always easy being in this seat. We have our personal opinions and sometimes we have to be subjective even if it means it is going against some of our personal thoughts. He appreciated everyone's time and efforts and by no means does he ever hope to insult anyone or anything like that. Chairman Reynolds appreciated Liaison Urbanowski's comments. Their hearts go out to Rochester Hills and really our community from now and forever will always be impacted by some of these local events at Oxford and everything. He thanked her for being that forth and he knew that it was a difficult component in the room to discuss sometimes. We get stuck in that place where we have to proceed and keep things moving forward.

**15. COMMISSIONERS' COMMENTS**

Commissioner Walker welcomed Commissioner Cummins back. He commented that the library is now open as if nothing ever happened. Chairman Reynolds was happy that they are back open and thriving. Commissioner Walker mentioned the sale that is going on at the library. Due to the disaster of the off-gassing, they lost their May sale. On June 29, 2024, next Saturday from 10 a.m. to 3 p.m. they are having a pop-up sale. It is only going to be for a couple of hours and be outside.

Liaison Urbanowski stated that they had the America in Bloom people here a week and a half ago doing their tour and they were very interested in things like tree ordinances and things like that. She was able to talk to them about that. They were very excited that we are focusing on it, that we have a natural resource person that can help with all of that. They were really happy that as a Commission that we are looking at that and taking it very seriously.

Commissioner Cummins expressed that it was great to be back with all of them again.

**16. ADJOURNMENT**

Moved by Chairman Reynolds, seconded by Commissioner Lovat, to adjourn the meeting at 8:34 p.m. **Motion carried.**

Respectfully submitted,

Courtney Keisman  
PC/ZBA Clerk  
Charter Township of Orion

July 3, 2024

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Planning Commission Approval Date