The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, September 1, 2021, at 7:05 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, MI 48360.

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Don Gross, Vice-Chairman
Joe St. Henry, Secretary

Scott Reynolds, Chairman
Derek Brackon, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
Kim Urbanowski, BOT Rep to PC
Jessica Gingell, Commissioner

CONSULTANTS PRESENT:
Rod Arroyo, (Township Planner) of Giffels Webster
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of OHM Advisors
Tammy GIRLING, Township Planning & Zoning Director

OTHERS PRESENT:
Ashley Mack
Jason Vander Kodde

PC-2021-63, Meijer Inc. #680, Special Land Use request for a 24-hour operation, located at 1107 S. Lapeer Road, parcel number 09-14-226-008, and unaddressed parcel number 09-14-226-001 (surrounded by parcel 09-14-226-008).

Chairman Reynolds asked the applicant to state their name and address for the record.

Ms. Ashley Mack, Real Estate Manager with Meijer, 2350 3 Mile Rd. NW, Grand Rapids, MI.

Ms. Mack said as they are finalizing their due diligence on the project, with hopes of closing in the next few weeks, they are requesting a Special Land Use to allow for 24-hour operation. Currently, the Meijer store fleet is only operating from 6a-12m to allow for additional cleaning and restocking during the pandemic. They are optimistic that this will hopefully be temporary and will return to their 24-hour operation. As such, they need to preserve the right to be open for 24-hours to be in alignment with their brand and other stores across the chain. In addition, the extending hours provide greater flexibility and convenience for those customers that may work 3-shift, health care works, and child-care providers. They would also like to request the ability for the parking lot, and the truck receiving lighting to be on for 24-hours as well. Meijer will have team members, maintenance workers, vendors, and so forth, servicing the store 24-hours a day, and as such, they want to protect the property and have it well lit for safety, and security purposes.

Mr. Jason Vander Kodde is a licensed Civil Engineer with Fishbeck, 1515 Arboretum Dr. SE, Grand Rapids. He stated that he was there to talk about the technical aspects of this special use request. He stated that he had a 9-page brief presentation. He was happy to go through it with as much or as little detail as they want. He assumed that they read the information that they provided, and this is just a high-level summary of that information.

Mr. Vander Kodde stated that the criteria by which the Special Land Use is to be evaluated and present how they comply with each of those criteria. The #1 criterion is compatibility with adjacent uses, to the north is Planet Fitness which is a 24-hour operation, across the street is a Speedway gas station which is a 24-hour operation, and in front of them is S. Lapeer Rd. which is a 24-hour operation, and to their SW, is Oxford Back which has a 24-hour drive-thru.
They are compatible with 24-hour use in the corridor and with their neighbors. Behind them is the future Ponds of Orion which is currently vacant and it is facing the rear of the building which doesn’t have any 24-hour activity proposed.

Mr. Vander Kodde said compatibility with the Master Plan. The Master Plan calls for general commercial along S. Lapeer Rd., which is exactly what Meijer is proposing, and the Master Plan does not make any limitations for 24-hour use. He stated that they were of the opinion and present to them that it is compliant with the Master Plan.

Mr. Vander Kodde noted public services adequacy. He stated that S. Lapeer Rd., and E. Clarkston are both available for 24-hour use. Police and fire in the Township are always available for 24-hour use. They don’t anticipate using them during the evening or early morning hours any more than any other similar business might. Drainage is provided 24-hours, water and sewer are provided 24-hours, and schools are not applicable for a retail establishment like Meijer.

Mr. Vander Kodde noted the impact on traffic. He stated that their proximity to M24 is adjacent to the site. They have a signalized intersection that has been reviewed and approved by MDOT. He added that they are working on their final construction drawings to present to them for a permit. Their closest intersection is E. Clarkston Rd., and both E. Clarkston Rd., and the southbound crossover that is signalized can handle traffic 24-hours a day. They have adequate sight distance for their entrances, they have adequate off-street parking. The turning movements have all been studied and don’t change in a 24-hour condition, other than they would under a normal 18-hour condition. The pedestrian traffic route is also easily assessable and lit for 24-hour. He felt that there was no impact on the traffic for their 24-hour request.

Mr. Vander Kodde said that there are no detrimental effects from traffic, it is an existing site with an existing set of driveways and traffic patterns. The noise that may be generated would only be on the west side of the building where the pharmacy drive-up, when the pharmacist is working, which typically is not 24-hours, however, if a pharmacist is able to work during that period and Meijer would like them to, they would like to protect that right. The curbside pick-up on the north side of the building is also adjacent to 24-hour use. They didn’t feel that there would be any additional noise based on the 24-hour request. He noted that vibration, smoke, and dusk are not applicable, they are not going to generate any of that. Any fumes or orders that might be generated from their food preparation will be vented through the roof and not adjacent to the businesses and so there will be no impact from that. Any glare that might be generated would be facing the north or northwest off the front entry of the building, which doesn’t face any of the residential zones to the east or south. Therefore, they find no detrimental effects with the 24-hour request.

Mr. Vander Kodde stated enhancement of surrounding environment via landscape, amenities, walk placement of the building, and the materials of construction. The landscaping plan was presented and approved by the Planning Commission a couple of months ago, with the position of the building as it is and the intent being to shield the property to the east and south and provide the 24-hour use, again adjacent to their neighbors that also have 24-hour uses. There is the enhancement of the surrounding environment and in compliance with the ordinance.

Mr. Vander Kodde noted isolation of existing land use or more specifically non isolation. They are not surrounding a small residential they are in a commercial corridor and the residential area will be to our east, and they are compatible with the existing retail uses. There is no isolation of existing land use with this 24-hour request.

Mr. Vander Kodde stated that their Special Land Use request for 24-hour meets the criteria as presented in the ordinance of adjacent uses, Master Plan, public services, impact on traffic, detrimental effects, enhancement of the environment, and non-isolations of existing land uses.

Chairman Reynolds asked if there were any citizen’s comments. There was not.

Chairman Reynolds asked if there were any discussion items that the Planning Commissioners would like to bring forth at the Public Hearing.
Commissioner Brackon asked why this wasn’t brought up before? Ms. Mack replied that it was an oversight, they had so many waivers, variances, and so forth, it fell through the cracks. Commissioner Brackon asked if there were any Meijer that isn’t open 24-hours? Ms. Mack replied probably very few, she knew of one in downtown Detroit, and that was based on the City’s request because they were concerned with loitering. That was just a partnership decision with the city and Meijer. Other than that, there are very few that are not open 24-hours. Commissioner Brackon asked what the next oversight that they are going to have to see? Mr. Vander Kodde said that it is their sincere desire that this would be the final oversight, however, if they encounter any, they will pay their application fee and be back in front of them. To the best of their knowledge, there are no further oversights, at this point and time.

Commissioner Brackon asked what other competitors in the area are open 24-hours? Ms. Mack replied non locally here in the Township itself, but it is more focused on the brand, Meijer is consistently opened 24-hour and they would like to keep that service consistent for our customers that is why it is very important for them. They want to try to limit customers coming to a Meijer and then be disappointed when it is not open 24-hours.

Commissioner Brackon asked what the statistics in criminal activity for stores that are open 24-hours versus not? Ms. Mack replied very minimally they have very few challenges with their stores, it was just the one in downtown Detroit, other than that they have not had any other issues at any other stores. Mr. Vander Kodde stated as far as disproportionate, there is loss prevention and security measures in place, but as far as disproportionate activity, he was not aware of any.

Chairman Reynolds closed the public hearing at 7:15 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

September 15, 2021
Planning Commission Approval Date