The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, December 16, 2020, at 7:06 pm via “GoToMeeting” #599-669-285.

PLANNING COMMISSION MEMBERS PRESENT:
Joe St. Henry, Secretary
Kim Urbanowski, Commissioner
Don Gross, Commissioner
Don Walker, PC Rep to ZBA
Scott Reynolds, Vice Chairman

PLANNING COMMISSION MEMBERS ABSENT:
Justin Dunaskiss, Chairman
(one vacancy)

CONSULTANTS PRESENT:
Eric Fazzini, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Jeff Williams, Township Fire Marshal
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Bruce Parker Cory Newman
Heidi Jancek Jeffery Schmitz
Kim Thomas Licia & Andrew Beemer
Rick Matt Darin
Scott Gies Shannan Hea
Tom DeAgostino Tim Philippart
Dana Tousley Iden Kalabat
James Owings Kevin McClellan
Ron Rader Sam Ashley
Sermed Saif Valerie Rup
Chris Kawa A. Jones
Chris Wilding CJ Lee
Dave B Gerardo Mend
Iven Sharrak James Butler
JD John Santeramo
Kulip Sandhu Marsha Parker
Zoe Darin Mike Mollan
RJ Russ Luxton Jr.
Russell Sherry

PC-2020-26, WOW Gas Station, Special Land Use request to modify an existing gas station to add a driveway off of Hidden Timber Dr., located at 3865 S. Baldwin Rd. (parcel #09-29-326-016).

Acting Chairman Reynolds asked if the applicant was present?

Mr. Iden Kalabat with Kalabat Engineering presented on behalf of the property owner Mr. Ivan Sharrak.
Mr. Kalabat stated that the application brought before them for Special Land Use is for a conditional driveway approach from Hidden Timber Dr. In connection with that would be closing one of the two existing drive approaches from Baldwin Rd., the one that would be the northernmost driveway approach on Baldwin Rd. closes to Hidden Timber Dr. This project was previously approved for Special Land Use several years back. The driveway approach from Hidden Timber at that time was also proposed. There was some strong opposition and ultimately was removed from the petition at the time. What has changed in those years to prompt the owner of the property to bring this forward again, the main changes have been improvements on Baldwin Rd. and going to a divided median road, has made it feasible impossible or impractical for traffic that is exiting from Hidden Timber Dr. Mainly the residents who live in that neighborhood closest to the gas station to be properly and adequately served in a safe manner. It is forcing them now to make a right turn onto Baldwin Rd. proceed to a U-turn, travel north proceed to a U-turn, travel south to a roundabout, circle back around, and travel north all the way back to Hidden Timber in order to access the property, to stop for gas. It is not only inconvenient for residents who live in that neighborhood, but it is also a dangerous situation involving access traffic movements in order to complete what would be a much simpler route ingress into the station. He thought some of the primary concerns that they have received, a lot of written comments from the residents, and some of the sign petitions, the number one concern would be, from the resident’s perspective, is increased traffic along Hidden Timber Dr., and he believed, Forest Dr. which connect Baldwin Rd. to Maybee Rd. on the north. He thought that the residents have been through quite a bit over the last several years, especially with the construction of Baldwin Rd., and the construction activities that took place there, which disrupted traffic patterns, disrupted the traffic flows, and have caused many people to try and use their neighborhood as a shortcut to avoid a lot of the construction traffic on Baldwin Rd. There is an existing concern there that the residents, he agreed, that there would be something that would need to be done. In a lot of other places, they see traffic signage that prohibits through traffic through residential neighborhoods, to eliminate the possibility of vehicles using it as a cut-through or a shortcut. That coupled with some police monitoring, and tickets being issued would go a long way to alleviate a lot of the situation. He understood their concerns with having that addressed. He thought that the driveway approach and the request for the driveway approach are really to alleviate some of the traffic burdens and try to help those residents gain a much more simplified ingress and egress into the property. One of the other concerns that he noticed in some of the written correspondence, and he thought it was Dana Tousley who is an engineer, and drew up some of the conditions and concerns that they had with ingress and egress for the route. One flaw that he noted was that they are showing in their drawings that were submitted, was that there would only be one driveway from Hidden Timber and no other ingress-egress, that is not the proposed situation. They would still be maintaining the south drive approach off of Baldwin Rd. Most of the exiting traffic from the gas station would be exiting back off onto Baldwin Rd. and proceeding. The purpose of the driveway approach is really to allow the residents who are coming from that neighborhood to ingress, into the station, without having to force them onto Baldwin Rd., and then two or three other traffic movements in order to access the site.

Mr. Kalabat stated that there was another concern with some landscaping screening which was not installed, at the back of the building. It has been brought up by several written correspondence as well. Just to give a bit of insight as to what has happened there. The applicant still has a landscape bond that is held at the Township for those trees. The trees were not installed due to an existing DTE easement. DTE had prohibited them at the time of construction from installing those trees in that easement. At the back of the property because they would interfere with their overhead lines there. That is another item they wanted to discuss with them. If they could amend that landscaping plan, to provide a revised form of screening at the back of the property, that would both alleviate the screening concerns from the residents and also comply with the DTE easement requirements. They have several options there with respect to a lower growing evergreen screening like arborvitaes, which tend not to get as tall, they would still need to be maintained, they would still be subject to the approval of DTE. Another alternative would be to build a screen fence at the back that would more properly screen the back of the building and eliminate the possibility of that screening method from growing vertically and causing DTE some concerns.

Acting Chairman Reynolds asked Secretary St. Henry to read into the record the resident letters.
Secretary St. Henry read through the resident letter list. He stated that there were 19 letters that came in in opposition to the development, and read all of their names. He said that they received 28 letters in favor of the development, and read all of their names. He noted that they received copies of the petition, that circulated amongst the residents of the neighborhood and there were 104 signatures, asking that the development be denied.

Ms. Valerie Rup & Mr. Chris Kawa, 2991 Hidden Timber Dr. stated that if they look through the application that was filed by the owner, a lot of this they put on for the convenience of them within Lake Forest. They have never heard about this from them, and they only heard about it because neighbors became active. They built their home almost 20 years ago, and in 2013, 7 years ago when this originally came up they wanted this side cut, but there was strong opposition. 7 years later, the only thing that has changed is that they have a bigger road from which to get resident business from. They say it is for their convenience, they don’t believe it is any convenience, it is increasing traffic, decreasing their safety. With the pandemic, there are more people outside. They have a special needs daughter, as do others in the neighborhood, and they are talking about diverting traffic from a major road that is constructed for that to a neighborhood where residents and children live. They would probably see an increase in trucks and people will avoid Baldwin Rd. because of the roundabouts. They are not being harmed by this, they have ingress and egress now. If they are citing for their convenience, they disagree and strongly oppose that. They also haven’t complied with the original requirements. They heard the issues about the easement seven years ago. The only reason why it is coming up now and they are addressing it is because they are seeking to change their plan. It will also be opening this up directly across from a doctor’s office, on a residential street, which is going to make it worse in terms of safety. She asked them to consider if they would want this in their neighborhood? And thought there was a reason why it wasn’t approved, to begin with.

Mr. Dana Tousley, 3773 Forest Spring Dr. stated that he had misread the plans at first. He thought both of the entrances from Baldwin were going to be closed. His concern remains the same if they are going to close off one of the entrances, if they get a 30-ft. delivery truck in there, they will not be able to turn around easily in there and the heavy trucks will be diverted onto Hidden Timber, they wouldn’t have much of a choice. He believed that the grade required for that if he read the plan correctly, was a 5% grade, which is relatively steep. Out west a 5% grade would require a warning sign on the freeway and after bad weather, there might be cars that wouldn’t be able to make it up that 5% grade with ice. He asked about the heavy-duty delivery trucks on Hidden Timber, is the road foundation ready to sustain heavy traffic?

Mr. Bruce Parker 3154 Hidden Timber Dr. stated that he knew that a number of residents were going to talk about the numerous safety issues. He was going to stick to just some of the records that are on file, and kind of speak to a few of those things. In 2013, there was strong opposition to this driveway when this special permit came up. At the second meeting in November, the minute’s record, Mr. Kevin Branden with Preview Architecture, commented that the applicant took care of some of the issues from the last meeting regarding the Special Land Use. The main one was eliminating the access ingress-egress from Hidden Timber Dr. to the north and keeping the same egresses. Then he jumped to the current packet that was dated December 3rd. In the preamble, it mentioned, that the General Business (GB) is intended to have the necessary restrictions to limit businesses’ impact upon the community. This includes safe and efficient traffic flow. The other one that he really wanted to talk about, in the packet, refers back to what happened in the meetings in 2013. Then it states “It is unclear if the residents of the adjacent neighborhood share this concern”. He felt that the notification and public hearing procedures may have changed since the hearing and approval in 2013. In the actual packet, the application on the project information, detailed description of the proposed land use reads in part, “the intent of the driveway is to provide a practical means of ingress and egress to the site for the adjacent residential neighborhood. Current conditions render the station inaccessible to the adjacent neighborhood exiting Hidden Timber Dr.” He stated that actually incorrect, you can get to it, it is just different now. He added what he wanted to point out that he submitted a petition that was signed by 81 out of the 116 homes in the subdivision. Every document that has been submitted by the applicant, has talked about giving this adjacent neighborhood, Lake Forest, that they are doing this for them. 81 out of 116 homes have said that they don’t want this for various
reasons. That is 70% of the sub and was done in a few days. Most of the people he spoke with, didn’t even know about this ahead of time. They could probably get that number up to 80 or 90% if they had time. With all due respect, if everything stated in this application is to create something for this neighborhood, it is clearly stated, they don’t want it, he would ask they avoid all of this and move to the next agenda item and have the Board vote no.

Mr. Cory Newman 3160 Hidden Timber Dr. in the Lake Forest subdivision, about six houses behind the WOW Gas Station. He stated that he did submit a letter. He did that not just on behalf of himself and his wife, but his kids, as well, because he has two young boys who like to kick a soccer ball in the front yard. Oftentimes, that ball goes into the street along a lot of his other neighbors, kids play in their front yards and, they have to go into the streets sometimes. That is their major concern was safety, they do not want their neighborhood turned into a thoroughfare and that is what will happen if this proposal is allowed. Giving ingress and egress to any Hidden Timber will impact their neighborhood significantly because the neighborhoods that are north of Maybee Rd., and also the neighborhood to the west of them, the Flintridge Neighborhood, who also have access to the back of their neighborhood, through a drive, will use their neighborhood as a thruway to get up Hidden Timber through Forest Spring off of Maybee Rd. to access that driveway that is being proposed. The increase in traffic will increase the risk of safety to their children in their neighborhood, and residents who like to walk and enjoy their neighborhood. He added that it will affect the peace and quiet of their neighborhood. He couldn’t tell them how many roaring engines, trucks, and things of that nature that come from the other neighborhoods that just surround their neighborhood that use theirs as a thruway. So not only does it affect the safety of their residents it affects the peace and quality of their neighborhood in a significant way. It also will affect the roads itself, the increased traffic on the roads, which in turn affects the property values of their neighborhood, which is significant. He urged the Board to deny this proposal when 80% of the neighborhood doesn’t want it.

Mr. Scott Gies 2972 Crestwood Ct. stated that he wanted to agree with all of his neighbors and vehemently deny that this application be approved. Everything his neighbors have said is true. He wanted to call to the zoning commissions’ duties under Section 30.02 Special Land Use procedures and standards. The specific sections were D & E, the impact of traffic, and the detrimental effects that traffic will have. The Board has a duty to review those and then determine whether the court requirements are being met. They have heard from his neighbors that this traffic flow will just increase tremendously, and the traffic generated by the proposed use is very dangerous to himself, his wife, his children, and everybody that lives in Lake Forest. He lives at 2972 Crestwood Ct., and he is in the back of the subdivision. Not only will the traffic from Forest Spring be increased, but also for Riverside Dr. When those residents cut through their subdivision as well. He heard Secretary St. Henry had said that there were 28 letters or petitions from WOW that approved this driveway. He asked that the Board review those addresses, and they will see that some of them are coming from Flintridge Subdivision. He believed that one or possibly two are from their subdivision. He added that this was an issue from seven years ago, and the proposal was taken off the table. Specifically, the owner knowing that it would not have been approved, and that driveway been part of this site plan.

Acting Chairman Reynolds stated that he had taken notes about traffic flow, concerns of safety and noise, understanding that the Special Land Use, they do review the impact of traffic and their procedures. He asked to keep the meeting moving along, if they do echo similar comments, they have read those into the record and see a strong presentation from many residents that are against this. They are reading those in the record and he was noting those.

Mr. Christopher Wilding & his wife Mary Krezel, 3159 Hidden Timber Dr., four homes down from the gas station in question on the north side of Hidden Timber. Mr. Wilding stated that he was against this back in 2013, relative to traffic safety. His additional concern with the petition that Mr. Gies touched on and he did look at some of the addresses and the best he could tell was that there were three of them in their subdivision that were for it. Petitions from the gas station going back over two months ago, the first one from his subdivision, the current petition in opposition just for the last 3 days, is 81, and he hoped that spoke volumes. Some of the supposed petitions from the gas station that are in favor of the gas station on
their end, one from Auburn Hills, one from Clarkston, and one from the Village of Orion. He didn’t think this reflexed upon the local neighbors, relative to the gas station. He also noted that increased vehicular traffic, damage to street signs, damage to foliage, that being trees, especially at the intersection of Hidden Timber and Forest, quite a few years in a row, stuff getting damage, vehicles coming through more often than not, people cutting through not paying attention to road conditions. He said it is one thing when they hit a sign, it is another thing when there are children that are out playing constantly on the sidewalks, the front yards, and the park. No different from seven years ago, he is still in opposition, relative to the driveway entrance to Hidden Timber from the WOW gas station.

Shannon Heaman 2973 Crestwood Ct. stated that she has lived in the neighborhood for almost 17 years. She agreed with everything that everyone has said. They are not talking about the 116 residents of the Lake Forest subdivision. They have an entrance off of Maybee Rd., and they have an entrance in the back of the sub on Riverside. That causes a lot of through traffic already, and there is nothing they can do about it, but this would increase that traffic. She said she would gladly drive down Baldwin Rd. and do the turnarounds to go to the gas station. If the driveway is in the subdivision, she wouldn’t bother going there anymore. It does cause a lot of traffic, they have a playground that is right on Forest Spring, in the front of the subdivision, she would hate to see the additional traffic, and strongly oppose the extra driveway.

Mr. James Owings 3521 Forest Spring Dr. stated that is right at the corner of Forest Spring and Maybee, so he is painfully aware of the through traffic that comes through either off of Maybee or off of Baldwin, to do a shortcut. For the last 3 years, it has been going around the construction, now people are doing it to get around the roundabouts. This proposal to allow them to get to and from the gas station/convenience store is really going to exacerbate the situation. Mr. Gies who is an attorney, pointed out a couple of legal issues, under section 30.02, Special Land Use procedures, also under 13 A, says it is compatible with adjacent uses, and also, design of the Special Land Use shall minimize the impact of site activity on the surrounding properties. Allowing this ingress/egress onto Hidden Timber is going to do exactly the opposite. It is creating a huge impact, on 116 properties, just for this one commercial property’s convenience. Wow wants to get the traffic that they can no longer get southbound on Baldwin, who could do a left turn into the property, so, now they want to create something else. He stated that Mr. Kalabat pointed out that it was an inconvenience to do two roundabouts to get their gas, but pretty much the patrons of every business along this corridor now have to deal with the roundabouts. He questioned what makes WOW so special that they need special access at the expense of 116 families and probably 50-60 children that are out playing at any given time. He added that Hidden Timber is a local road, and under ordinance number 27, the purpose is for access to residential sites, it is not for access to a gas station or convenience store. This proposed special use permit is going to create this into a thorough-way to allow access off of Maybee, it is a shortcut now to get to a convenience store. Ms. Heaman’s made a point, the road off of Riverside Ct., originally, that was supposed to be closed, there was not supposed to be access to that sub back through to their sub, through Riverside Ct. Hidden Timber, in fact, it was originally supposed to be only a construction entrance. So, they have already been subjected, he didn’t know the history of it, and he has lived there for 18 years, so it was built prior to him moving in. Those two roads are already subjected to through traffic from other neighborhoods, people cutting through, maybe it was used to avoid the spotlight. He thought part of the purpose of doing the roundabouts was to have this through traffic, and they wouldn’t have the backup at the light at Maybee at Baldwin. That is when people really used to cut through their sub. He stated that he lives on the corner, there will be 78 cars backed up.

Ms. Heidi Jancek 2911 Riverside Dr. on the corner of Riverside Dr. and Mueller. She wanted to remind them that all these residents have been here for the last 3 to 4 years with all of the construction. They recognize how many businesses are on Baldwin, and on the corner of Maybee, they like that but they know how to get them and go around the roundabouts. They can go south on Baldwin and do the turnarounds and get into that station if they want to, if they don’t want to, they don’t have to. There is no reason to but an ingress/egress onto Hidden Timber. They know how to get around without doing that, it is not for their convenience.
Mr. Robert Pote 3755 Forest Spring stated that the petitioner’s request is based on what he would call a subterfuge. It talked about, the residents and the resident’s desires, you never talked to the residents. It is clear from their petition the residents do not want this because of safety issues. He stated what this really is about, is opening up their roadway to the people who are coming south on Baldwin that will not be inconvenienced, not only his gas station but the vast majority of his retail space in his so-called convenience store, is alcohol. He said they got a playground across the street from him that is 12-ft, from the main thoroughfare, they are taking a residential road, making it a commercial thoroughfare. They are transferring the safety of their children who play out there every day for the convenience of the increase in profits. They can cut all the bureaucratic nonsense, anybody who is listening to this conversation knows, this is not about supporting the residents. He stated that he walked that intersection this morning and based on his experience, that proposal will make that intersection more dangerous than less. There is no accel and decel lane to turn right onto Hidden Timber. The only traffic that comes across that four-way intersection comes from the north, only on occasion, will be on that south side of the road. When WOW puts this in, they will get zero time between moving at speed on Baldwin and turning right, and then you are in a four-way intersection that they can’t see from Baldwin, because the guys in the gas station are coming out from Hidden Timber, that is a T-bone waiting to happen. He paced it out it is about 60-ft. that is not enough time to recognize and apply the brakes. He asked them if they would be willing to add people going to an alcohol store, drive down your residential street because it was easier for them than to drive down the main thoroughfare? They are asking them to trade the safety of their children for the short-term gain of the WOW gas station/alcohol store. The petitioner has never provided any evidence that this new egress will reduce the amount of through traffic that they have through their neighborhood already. It has caused damages to trees, signs, and people’s yards. The petitioner is doing this for personal gain.

Mr. Andrew Beemer & Licia Beemer, 3071 Hidden Timber Licia wanted to re-iterate what all their neighbors have said. She said seven years ago they came for this how many times are they going to have to deal with them requesting this access to Hidden Timber? Their kids ride their bikes on the sidewalks, they go to the neighbor’s house. People speed through already. The idea that they are going to hire the police to come and mandate that they don’t turn, they have an understaffed sheriff’s department in the Township. There is no way that they will be able to mandate this. They saw what they were able to do and not able to do, and they were not complaining about the Sheriff’s department but they saw what they were able to do during the time that Baldwin was under construction. That is not a remedy there has been no traffic study. Now they want their tankers to turn down their street, and it is not acceptable. Andrew stated that Hidden Timber was designed and built as a residential street to serve this neighborhood only, not a cut-through street. To suggest that putting a right turn sign at the end of their new driveway there would prevent people from turning into their sub is not going to work. The Sheriff’s department doesn’t have enough manpower to police the speeders on Baldwin much less sit and watch a single sign on the driveway. If they shut down the north driveway, the basic traffic flow is people are going to enter from the south driveway into the WOW gas station, and they are naturally going to exit onto Hidden Timber at the new driveway. They got about 150-ft. from that south driveway to Hidden Timber, and there is not enough room, they can maybe stack two cars pulling out of the gas station and having them stack at the Baldwin intersection before the cars start blocking Hidden Timber itself from either vehicle’s turning on from Baldwin trying to get into the sub, or trying to exit out, onto Baldwin. They are in opposition to it.

Mr. Richard Dority 3064 Hidden Timber Dr. confirmed that a large group of people in their neighborhood actually use the services at WOW. He stated that when he is driving from Baldwin Rd., back to his house, every day he sees people with bags from WOW that are walking, riding bikes back and forth from WOW. He said they are using their services now they don’t need an additional driveway into Hidden Timber for that to happen, that is already happening. They already have their support they don’t need to make it easier for them to get there because they are doing it already. He would prefer that this request gets denied for many reasons. They are already using the service that they are proposing, that they want to better serve them for. How are the gas tankers that come in to supply their gas to them, if they close off the north entrance/exit from the gas station how is that truck going to get in and out of there, they are going to have to use Hidden Timber Dr. He didn’t think that Hidden Timber Dr. is to be used by
commercial tanker trucks?  The way it was presented in the beginning was that there was already an existing traffic problem from Maybee and Riverside, those items they have identified during the construction, putting up signs, and having police in there does not slow down the additional traffic that comes from Maybee or from Riverside.  Putting up signs, that they are suggesting that they do is not going to work.  He hoped that the 28 petitions for approval of this are closely scrutinized to determine where those are coming from because they are not coming from their neighborhood.

Ms. Kim Thomas said her address is the commercial building right at Hidden Timber and Baldwin, 3226 Hidden Timber Dr. She stated that she would be greatly impacted by the access onto Hidden Timber. Being that they use that every day, she believed would be a big safety concern is cars turning off of Baldwin onto Hidden Timber and at the speed that they would be turning in. They are asking for a lot of accidents when cars are pulling out of the gas station, and there is a lot of traffic and cars that are in and out of that gas station.  Her concern of oil tankers that are coming out of Hidden Timber Dr. are they going to drive straight across through her front parking lot to access Baldwin through the retail center that is north of her?  Her parking lot is not wide enough, it is a medical building, they have people walking in and out, which would be a hindrance for her. Hidden Timber Dr. is a residential road.  When she built the building, it was RB-2 residential business 2, which is a residential road, that is a subdivision behind there and everything there is to cater to the subdivision.  They have two exits off of Baldwin Rd., and the amount of traffic that goes in and out of that gas station, is quite a bit as it is.  For safety reasons alone it should not be done.  She would hate to see the serious accidents that would arise from that, more than anything.

Acting Chairman Reynolds read through some chat bubbles: Cory Newman stated that the sidewalk stops well before the WOW property begins, so kids and residents who walk up to the WOW have to walk in the roadway which creates a risk of someone being hit by someone turning out of the proposed driveway.  It would affect their future business and usage of them using the business.  James Owings also would like to state for public record per Oakland County tax records, their taxes for 2020 was $47,000, and the 116 homes, were between $550,000 to $620,000.

Acting Chairman Reynolds turned it over to the applicant.  There were a few questions posed here.  A question was from Dana inquiring about the 5% grade, which is something he had noted previously questioned.  There is an engineering review that will be presented later tonight for their consultants to provide their comments on the proposal.

Acting Chairman Reynolds asked if there were any additional items that they proposed to mitigate the traffic flow through the neighborhood?  Concerns of safety for children and residents in the neighborhood.  There are questions here about turning radius and deliveries and how that would occur.

Mr. Iden Kalabat stated about the 5% grade.  He stated that Dana was correct, in highway situations when you have a 5% grade because typically signage for alerting that it is a steep grade, that is in a highway situation because travel speeds are in excess of 65 miles an hour.  In a driveway approach, it is oftentimes pretty common to have an approach grades in certain conditions that are 5% and up to 8%.  He believed that Oakland County Road Commission has a maximum driveway approach percentage of, he thought, 10%, special circumstances.  While 5% is a little on the steep side for fast-moving traffic, or a driveway approach, when a car is actually entering in at a much slower speed, not as much concern there.

Mr. Kalabat said that there were a lot of comments regarding traffic and safety, increased traffic through the neighborhoods, using the neighborhoods as a cut-through, traffic coming through the neighborhood, people coming through Maybee Rd. cutting through their neighborhood.  He believed that residents have expressed concerns for traffic utilizing their neighborhood as means of getting from Maybee Rd. to Baldwin Rd., he wanted to make it clear, it is not WOW gas stations intent, or desire, nor part of their application to divert any of its traffic through the neighborhoods and out onto other main streets.  The intent of the driveway approach is to allow and capture traffic that is on Hidden Timber Dr. mainly the residents who are coming out of there to access the site in a more convenient manner.  Several people indicated that they can get to it and they got to go out and around and back up to it.  Most people, when it
is a convenience store, would not take the inconvenient route to access the convenience store. The traffic and the business had already been impacted by the roadway improvements, which is, the only reason why this is, back in front of the Planning Commission, at this time. Had the changes to Baldwin Rd. not made such a situation that basically makes it inaccessible and feasibly accessible then this petition would not be back before them. It is not the desire nor intent of the business owner to hound the residents of the neighborhood. This is only as a result because there was a change in the roadway conditions, and the applicant felt that although many of the residents say it is not in their benefit if they were driving out, leaving their homes, they would be benefited by an easier left turn approach into the site than having to make 3 maneuvers on Baldwin Rd. in order to get back to the gas station, which is adjacent to their neighborhood. That is the only reason why the applicant is proposing this. It is quite in fact, to service the community. That does not discredit the concerns of the residents with regards to through traffic. Several things can and should be done, regardless of whether this petition is approved or denied to alleviate those traffic concerns. Mainly, they should have posted signs that prohibit the use of the neighborhood roads for through traffic. Make those neighborhood roads only and expressly, and legally, intended to be used to access those neighborhoods. He knew there were concerns that if they put up a sign, it is not like people are going to follow it, which is why you don’t just put up a sign, they have to put the signage up, which demonstrates the legality of the situation and then also enforce it. He wanted to address another question as to how they would hire sheriffs or police to enforce it. They would not be hired by the business owner to enforce it, it would just be another one of the duties of the Sheriff’s department, to enforce and monitor that area. He understood the concerns, and he knew the police all around their communities are stretched thin and was not their intent to overburden them. He did believe that all the residents that have spoken are absolutely, and unequivocally correct, there is a problem that needs to be addressed there. The problem was not the creation of the gas stations, that problem is a preexisting condition, and this is an ongoing situation. It is not the fault of the gas station and urged the residents to understand that just because the gas station is requesting a driveway from Hidden Timber Dr. it does not mean that it is their intent to further exacerbate that situation. That isn’t a matter of, you are either on one side or on the other side. They understood that there are factors within the situation, within this proposed development that unfortunately, they have to live with it, they have to try to mitigate. They have to try and create the best situation for all parties involved, the gas station owner, and property owner as well as the residents adjacent to it. He heard a lot of the residents say, that they don’t want it. He has not heard how many of the residents except one who mentioned that a lot of residents utilize the station, utilize its services, how many of them are actually going and getting gas from WOW gas station on their way to work, or on their way home?

Acting Chairman Reynolds wanted to clarify that this is supposed to be a response to comments, not additional questions. He added that even though this meeting is held remotely, the chat bubble is not present to have a side banter, there are order and procedures for this meeting. He asked them to not abuse that opportunity, everyone has had a chance to speak, it is not a chance to have a sidebar conversation. This is a Public Hearing portion so they haven’t even deliberated or have had further discussions.

Mr. Kalabat said he heard the concerns of the residents they are well-founded. He was not there to discredit concerns of existing traffic cutting through their neighborhood. He could only present that the applicant is requesting this driveway approach as an added convenience to those residents. They say they don’t want it, but he thought what they really don’t want is to increase traffic on their roads. It is not the intent of the application to increase the traffic on their roads. They could propose and install signage at the entrance and the exit. He encouraged that the Road Commission also proposes that signage and install it at the entrances of the subdivision Maybee Rd. and other various roads to help reduce that situation. There is not much more he could offer than that. He said he would be happy to answer any questions regarding the engineering aspects as well.

Acting Chairman Reynolds stated that they have heard everyone’s opposition to the proposal that has been presented. This opportunity to present additional questions beyond the turning over to the Planning Commissioner is for only new questions and comments only.
Secretary St. Henry stated that several of them were part of the deliberations in the whole, WOW gas station being built seven years ago, in 2013. The biggest issue was the drive on Hidden Timber. Several of the Planning Commissioners’ concurred that was a real issue. The applicant developer at the time made some adjustments. There was a reason why they felt that way then, and he didn’t see a whole lot of difference over the last seven years.

Acting-Chairman Reynolds asked if anyone else from the public would like to speak? There was not. Vice-Chairman Reynolds closed the public hearing at 8:23 p.m.

Respectfully submitted,

[Signature]

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

January 6, 2021
Planning Commission Approval Date