1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 2-2-22, Planning Commission Regular Meeting Minutes
   B. 2-2-22, Planning Commission Joint Public Hearing Meeting Minutes - PC-2021-78 The Woodlands
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
7. NEW BUSINESS
   B. Discussion of possible text amendment - Open Air Business
8. UNFINISHED BUSINESS
   A. PC-2021-07, 5-Year Master Plan Update
9. PUBLIC COMMENTS
10. COMMUNICATIONS
11. PLANNERS REPORT/EDUCATION
    A. Giffels Webster - Home Occupations Community Planning Update Flyer
12. COMMITTEE REPORTS
13. FUTURE PUBLIC HEARINGS
14. CHAIRMAN'S COMMENTS
15. COMMISSIONERS' COMMENTS
16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 2-2-22, Planning Commission Regular Meeting Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2022-05, Quattro Development Retail Building Site Plan, located on a vacant parcel located north of 4983 S. Baldwin Rd., (Sidwell #09-32-377-057)
      B. Discussion of possible text amendment – Open Air Business

8. UNFINISHED BUSINESS
   A. PC-2021-07, 5-Year Master Plan Update

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION
    A. Giffels Webster – Home Occupations Community Planning Update Flyer

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 2, 2022, 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
Don Gross, Vice Chairman
Kim Urbanowski, BOT Rep to PC
Derek Brackon, Commissioner
Don Walker, PC Rep to ZBA
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None

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

2. ROLL CALL
As noted

BOARD OF TRUSTEE MEMBERS PRESENT:
Chris Barnett, Township Supervisor
Donni Steele, Treasurer
Kim Urbanowski, Trustee
Mike Flood, Trustee
Julia Dalrymple, Trustee
Penny Shults, Township Clerk

BOARD OF TRUSTEE MEMBERS ABSENT:
Brian Birney, Trustee

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster (virtual)
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Steve Eynon
Marcie Ramsey
Tracy Deuman
Gordon Nickel
Matt Lawson
Marie Eynon
Robert Ramsey
Kim Hunter
Alicia Lawson

3. MINUTES
A. 1-19-22, Planning Commission Regular Meeting Minutes
B. 1-19-22, Planning Commission Master Plan Workshop Minutes

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski to approve both sets minutes as presented. Motion carried.

4. AGENDA REVIEW AND APPROVAL
Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, to approve the agenda as presented. Motion carried.

5. BRIEF PUBLIC COMMENT – NON-AGENDÂ ITEMS ONLY
None.
6. CONSENT AGENDA  
A. 2021 Planning Commission Annual Report

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve the consent agenda. **Motion carried.**

Chairman Reynolds recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:05 p.m. for case PC-2021-78, The Woodlands Planned Unit Development (PUD) Concept, located east of 310 Waldon Road, (Sidwell #09-23-351-024), and 3030 S. Lapeer Road, (Sidwell #09-26-101-021). The applicant, Detroit Riverside Capital, is proposing to rezone the properties from Suburban Estates (SE), Single Family Residential (R-2), and General Business (GB) to Planned Unit Development (PUD) to construct a 166 multi-family unit development and a restaurant.

Chairman Reynolds closed the PC-2021-78 Joint Public Hearing at 8:23 p.m. and reconvened the regular Planning Commission meeting at 8:29 p.m.

7. NEW BUSINESS  
A. PC-2021-78, The Woodlands PUD Concept Plan, located a vacant parcel located east of 310 Waldon Road, (Sidwell #09-23-351-024) and 3030 S. Lapeer Road, (Sidwell #09-26-101-021).

Mr. Michael Wayne said it was important to take a step back and actually consider why there are these complicating things and proposing a PUD in the first place and why they are not just proposing a development that complies with the existing zoning. He added that in order to assess that they have to assess some of the existing zoning challenges that exist with the property as zoned R-2 and SE. The first one of those is related to fire code requirements. He showed the board the density plan and how it can be developed as it is currently zoned. It is a very long driveway that goes to a dead-end cul-de-sac which is about 1,000-ft. long. The Township has an ordinance that says that that can only be a max of 600-ft. long unless there was a secondary connecting point. If they just take the one parcel alone and forget the 7-acres there is nowhere to put a secondary access point on that parcel so it creates a limitation. Whether the road is only 600-ft. or it is a full 1,000-ft. the other parcel is needed to add a secondary drive aisle. In any event, it reduces the number of lots that are feasible. Every time you reduce the number of lots that are feasible it threatens the economic viability of the project.

Mr. Wayne stated that the second thing is, that sometimes there can be interior fire suppression required with single-family homes. If they were to propose single-family homes but propose a density that exceeded 30-units while there is only one way in and one way out to that development all of those would need to be fire suppressed and that is extremely cost prohibited in a single-family environment.

Mr. Wayne said the next challenge of single-family zoning is the high-water table. A geotechnical report that they conducted indicated that the subject parcel has groundwater at levels of about 3-6-ft. below grade. This makes the development of basements extremely challenging for obvious reasons, they are trying to dig a 10-ft. basement and there is water 3-ft. below the ground. It is very complicated in order to dewater the basement digs and to appropriately install the foundations and a lot of times it is completely cost-prohibitive. That really limits the demands of the developed home if it doesn’t have a basement.
Mr. Wayne stated that these two things really lead to the economic viability of developing something that is consistent with the parcel as zoned. When they think about developing this parcel there are four main components the first is earthwork and site prep. In this case, based on a per-acre estimate this would be roughly about 4 million dollars. If they look at utility improvements it is another 2 million dollars. If they think about the roadway installation that is another half of a million dollars. Just for the sake of example if they predict the land cost from 2-3 million dollars that gives them a range of total development between 8½ and 9½ million dollars. Based on OHM’s review of their density plan they stipulated that they felt they showed 28 single-family homes, they felt that they could get 26, dividing that by 26 just their raw cost of land per lot would be in the $330,000 - $370,000 range.

Mr. Wayne said that there is a standard rule of thumb that the land value of a single-family home should never really exceed about 25% of those homes total value so they are talking about 1.2-1.4-million-dollar homes that would need to be built here just to support those land development costs. The problem is these are not 1.2-1.4-million-dollar lots. He showed them an example of single-family homes recently sold at similar densities to the R-2, the lot sizes are about 1/3 of an acre, and the fully developed home in this example which an average is 3-4 bedrooms is selling anywhere between $550,000 - $650,000. As they illustrated before there is no way to build and sell a house on this site for the market value. Clearly, these homes would not be economically viable and would not be demanded by the market based on comparable sales in the area.

Mr. Wayne said now that they understand the complications with the single-family, he wanted to explain why multi-family is so needed in Orion Township. First, they look at the existing supply and it is at capacity. This doesn’t leave a whole lot of room for growth. He showed them the newest six main-built properties in Orion Township. Four out of the six of them are completely full with a waitlist, the other two are at 98% occupancy. This is not just a recent trend this is the 5-year average occupancy in Orion Township is about 97% so this is consistent for occupancy to remain this high and the challenge is, all of the supply is now spoken for so they need to create new supply.

Mr. Wayne said when they assess the new supply of units in Orion Township over the last 60-years about 80% of the units were built, which may be a little bit higher than 85% of the units were built-in Orion Township were built before 2000. Only about 350 or so have been built since. What is interesting to look at what was built since then is the rate at which those apartments were absorbed into the market.

Mr. Wayne showed them a graph of units built over the last 60 years (in orange), and a graph of the new units and how many of those units were rented (in blue). The orange bar shows how many of those units were rented. The orange bar almost exceeds the full amount in the same year. All of these properties are not only being built but they are being absorbed quickly and prove that there is a tremendous demand for this type of product.

Mr. Wayne said that Orion Township is growing, it is inevitable and it is happening around them. One of the biggest examples of that is of course the GM Plant, a 1.3-billion-dollar investment bringing 2,000-3,000 new jobs. What a shame it would be if those people could not find a place to live in Orion Township. The cool thing is their project timeline would line up nicely with when GM is planning to finish that building and they could satisfy housing demand needs for the new GM employment with The Woodlands because it sits about 3-miles away. Extremely convenient, a great option for new GM employees, they mentioned American Battery 7-million-dollar investment and 100 new employees, and then as it relates to the Palace redevelopment this is something that everyone has heard about as well, and this project is being conducted by the Schostack Group, and have been family friends with the Schostack’s for some time now.
They have an interest in joining them on this project. They have come to a preliminary agreement to joint-venture with a group like the Schostack’s and that is something they are very excited about.

Mr. Wayne when they think about building this asset and the other investments that they are making in this surrounding area this is an area they are excited about in the long term, this is a long-term focus for them. Having the Schostack’s being a part of that is something that they would be tremendously excited about. Absent to that they are building about 1 million square feet of office space at the old site of the palace, and will create thousands of jobs. So, with those three developments, they have over 3,000 and close to 4,000 new jobs within a three-mile radius of this area, and they have no supply of apartments to put them in.

Mr. Wayne said that this is a new product type for the area. He showed them some samples of some existing products in the area and showed them what The Woodlands would look like. He wanted to show them that it is a unique product that delivers on the need and does so in a way that is enticing to this growing demographic of renters.

Mr. Wayne said a lot of people are unclear as to what is really driving all the growth in the apartment sector. The first is it is easy maintenance so people are obviously tasked with mowing the lawn and plowing their driveway when they live in an apartment. This gives them the gift of time so they have plenty of extra time not taking care of their home. They like the fact that they are flexible and are not tied down to a mortgage. Obviously, The Woodlands is presenting some great amenities and so that is a benefit to them as well. When they think about saving money a lot of people think that apartments are typically more expensive but when they consider the total cost of homeownership and compare the two figures it is actually typical that apartment renting wins out as far as a lower-cost option. Mr. Wayne added that increased safety and a great community are two of the other reasons. All of this combined with a tremendous amount of new demands.

Mr. Wayne said that a record of 82% of renters says that renting is more affordable than owning. There is also a rent.com survey of over 1,000 renters between the ages of 18-34 that found that nearly 8 out of 10 of them don’t plan on trading their apartment homes anytime soon. People like renting they are doing it and demanding it more. They need to give them this new product type and this new location to be able to deliver that and that is their objective.

Mr. Wayne said now that they know that multi-family is needed in Orion Township, why is this site a good fit? They showed the improved site plan previously and wanted to call attention to is how some of the metrics that they are proposing compared to some of the metrics of the R-2 and RM-1 zoning categories. From a maximum lot coverage perspective, they are less than half of the permitted maximum coverage at 8.5%, from a density perspective they are below the RM-1 level and thought that fit nicely with surrounding RM-1 densities. In order to do that they need 12 extra feet as compared to the R-2 zoning and about 7 extra feet if they were to compare that to RM-1 zoning. He is 6-ft. 8in. so basically a “him” in relation to an RM-1 and how that would compare to that. The height isn’t something that they take lightly but they also recognize that the site on one portion sits below the adjacent homes, so that inherently reduces some of the height. When they factor in the giant existing trees that are to remain, they thought that will help to naturally create some barriers against the height and also the new buffers that they were talking about from close proximity. If there is a 13-ft. buffer and a big building behind it 100-ft. away he didn’t think that he would be able to see that building from behind that 13-ft. buffer, so that is the assumption that they are making and that is one of the things that helps to mitigate the request.
Mr. Wayne said that also in exchange for the height, they are providing significantly more setback than what would be required in an R-2 or an RM-1 zoning ordinance so 230-ft. away when the ordinance calls for 100-ft. on the front setback, and then again on the sides and the rear they are 50% more in those cases.

Mr. Wayne stated that they didn’t get a chance to readdress some of the stormwater management and exactly how that system works.

Mr. Heffernan stated that first they were asked how is this going to impact the neighbors, and how the basin and their infrastructure were going to work. He said basically, one of the biggest challenges is the flooding. There is a large grade change going north to south, 14-ft. or so. All of that water is actually flowing south towards their neighbors. With any development, there is no increase in the overall volume going to this area. Rain comes from the sky falls to the ground, now what would change is the water flows a little bit faster over pavement than it does over grass. The actual rates from a development standpoint would increase leading to more flooding if there was no infrastructure installed in place. However, as required with any development infrastructure would be put in place in the terms of the berms and landscaping as buffers, imagine a berm providing a divider between these adjacent parcels and theirs, naturally rerouting the flow back towards their site and maintaining all of the water.

Mr. Heffernan said the infrastructure placed within the parking areas, within the grass areas, by turns of catch basins, and yard inlets. The infrastructure will actually retain all of that water on-site, all 15-acres, that was flown to the creek and the pond to the south will no longer be flowing there. In fact, their plan is to reroute all the stormwater flow away from their neighbors and discharge downstream. It is better for them and the neighbors, and overall would benefit all parties involved.

Mr. Heffernan stated that where they would put the basin, basically, it is a large holding tank, think of a bathtub, the water goes in and they control the size of that outlet. What they have sized it for is a 100-year storm, that storm happens once every 100-years if they are lucky, they would have one of them in their lifetime, hopefully, they don’t have two. He added that this basin will be oversized to aid all of their concerns with overtaxing the infrastructure. That would be in two parts, the forebay basically acts as a small holding tank, let all of the impurities work by gravity, settle out, and then into the detention basin where it will be held like a bathtub and let out over time. Now if you think of a bathtub, if they let all water come in it would overtax the system but the little hole at the end only a little bit goes at a time and therefore benefits anyone downstream, the ponds or the roads drain further downstream. They will be rerouted around the neighbors, it will be benefiting them, and it will still be maintaining the natural areas as these are above-ground basins planning them with buffers and landscaping, it still beautiful, and provides a good opportunity to maintain the natural beauty of The Woodlands.

Mr. Heffernan said regarding upkeep, anytime they are dealing with the County they have to enter into a stormwater maintenance agreement basically keep the infrastructure, sewers, basins, everything maintained over their lifetime. That is required and it will be maintained in perpetuity.

Mr. Heffernan stated that there were a couple of comments about the EGLE wetlands. If they look at EGLE’s interactive map online it is updated as developments appear, this area doesn’t have any wetlands in this lower corner by M24 and Waldon. Now where there are wetlands, that is where they are putting the natural preservation area in that pond to the north. There is a big reason why they are developing where they are. Anytime they propose development in a wetland triggers EGLE, they can’t do anything without their approval, legally. They will not be
impacting any wetlands nor are there any wetlands actually located in this exact area, they are designing it around them. He added that that goes for floodplains as well, as they did a check.

Mr. Wayne said when they think about the spectrum of densities in Orion Township they wanted to look at where do they fall from the lowest amount of residential density up to the very highest. When they look at the spectrum they see the SF, SE, and SR districts in between .4 – 1.4 units/acre. R-1, R-2, and R-3 at about 3.1-5.2 units/acre, RM-1 at 6 units/acre, RM-2 at 8 units/acres, Gingellville Overlay at 9 units/acres, and Gingellville Overlay, if permitted, could go to as much as 20 units/acre. They found this interesting because their perspective was that at 9.2 units/acre previously they were pushing the envelop and beyond anywhere that amount of density would be permitted in the Township. As they pulled that back to 5.9 units/acre they found that The Woodlands actually scores up pretty nicely in the center of the spectrum sitting right at 5.9 units/acre. Furthermore, when they look at some other neighboring properties some recently permitted, approved, or constructed developments, take Baldwin Square Townhomes for an example, it sits at 9 units/acre located in the Gingellville Overlay district but sits about 50% higher. There is 50% greater multi-family density in other areas of the Township so they are scaling that back to be more in keeping with what is surrounding them. In the case of The Pearl of Orion, they read that is about 12 units/acre from a residential density perspective, so about double the density that The Woodlands is. When they look at the projects with the parcels right next to The Woodlands they see Summerfield Condo community zoned RM-1 borders The Woodlands, Indian Lake Village zoned RM-1 immediately east of The Woodlands, 3120 S. Lapeer just recently rezoned obviously to the south of The Woodlands, and then also 2410 S. Lapeer rezoned north of the Home Depot to be an RM-2 designation. The Woodlands is not looking for anything out of the ordinary compared to what adjacent neighboring parcels have from a density perspective.

Mr. Wayne said that The Woodlands sits in the lower 1/3 of the Township. From traffic traveling perspective if they were to place The Woodlands in a different area of Orion Township, say one that was more north or perhaps even further to the west all of those people are still working in the same places. What they found from the Orion Township website is that 85-90% of people in Orion Township work in all communities that require them to go south. They all know that Lapeer Rd. is a high traffic area but if they put apartment development or a residential development further north then that is just a further way to travel through the community to get to where they need to go or inevitably going based on what the data on the Township website shows them. Lastly, being 3.2 miles away from GM and Palace and about 7-miles away from Chrysler shows that they are situated perfectly to help service a lot of this work traffic from this location. Being in this lower cortile in terms of the proximity of all of Orion Township they think is a benefit and actually why multi-family should go here.

Mr. Wayne stated that there was a fundamental question and one they hadn’t touched on yet about will a proposed development be consistent with the intent and spirit of the Master Plan. They interpret that literally, yes, this development meets the intent and spirit, why? Because it is still delivering high-quality housing supply to a growing community. The intent of the residential zoning is being delivered presidential products simply at a higher density. They felt that the intent and spirit from a literal perspective are still being met. When they look at the broader goals there are really 7 key categories that are mentioned as community-wide goals developed from residents. Commercial areas, and industrial areas, are not applicable. When they are analyzing these goals, they think that The Woodlands can achieve three out of five or 60% of the goals of the Master Plan. To him, that is aligning with the intent and spirit of the Master Plan.

Mr. Wayne said in the case of environmental resources, obviously, preserving the natural resources of Orion Township is paramount. They can see an objective one, two, and three,
they feel that they achieve those objectives with The Woodlands project. Growth Management is calling for a balance of housing options. The Woodlands is a balance of housing options. It is also saying that direct higher-density residential commercial should be located in the appropriate areas in order to maintain the real character of low-density areas.

Mr. Wayne said what is interesting about hearing that this property is not viewed as the right area is that being right next to Lapeer and being in that southern quartile that they just demonstrated could actually suggest that it is the perfect, the most appropriate because of those factors and as a result he thought achieved its goal. He added that the residential area is talking about high-quality housing types at various densities that protect the natural features of the Township.

Mr. Wayne stated that in terms of the PUD eligibility criteria it ultimately comes down to this question is the PUD eligible? They are preserving nature, improving aesthetic qualities of the development itself, and the surrounding features. They are improving the stormwater management scenario for the surrounding property owners and they are providing high-quality architectural design. By checking the box on those four items they think they are providing a recognizable benefit. If there is anything that they can do in terms of a more specific public benefit like fixing a sidewalk in this area, they would consider it, but from this perspective, they feel they are achieving that. Density is basically saying that it shouldn’t result in any unreasonable increase and that it defines unreasonable increase as an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impact associated with conventional development.

Mr. Wayne said when they think about the northern part of The Woodlands if it is developed as it is proposed through The Woodlands it remains preserved. If it is developed by the way that it is currently zoned none of that area gets preserved. They feel like in that respect it is actually providing a benefit to that adjacent area by keeping their backyard preserved as opposed to developing into single-family homes.

Mr. Wayne stated that as far as the Master Plan is concerned, they feel like they certainly achieve the intent and spirit of that. Guaranteed open space stipulates that they need at least 15% as they mentioned they are about 60% so they are about four times the required amount. The amenities with the open space must include park-like amenities such as gazebos, seating areas, playscapes, etc., all of this is what they plan to feature in the actual preserve area. With respect to unified control at this moment, they have the option to purchase both parcels by the time they are developing the parcel they will have sole unified ownership of both parcels.

Mr. Wayne said they feel that in all six areas of eligibility, they meet and they meet with enthusiasm. In this environment in this new proposal with this new design, they feel that they had mitigated a lot of the issues that have been brought up by the public and fellow members of the Planning Commission. They think that they propose a project that would certainly be a benefit in the long term to Orion Township.

Engineer Landis read through his review date stamped January 20, 2022.

Chairman Reynolds asked Engineer Landis to touch base on wetland, where do they stand on that if it was reviewed or not? And is that typical for a concept PUD to have that and be reviewing it. Engineer Landis said it was their understanding initially that there was a wetland delineation done in particular for the wetland to the north because that impacts the density plan. They did receive late another copy of the wetland delineation that was for the previous Classic Car Club. If they recall that plan was reviewed and approved, they did receive a wetland permit for that particular site. Obviously, it is not the same impact what they are proposing is
something different, so it would have to be reviewed again. It was his understanding that if they do look at the MERS maps there is obviously a wetland complex to the north, limits to be confirmed by a wetland consultant. In the wetlands on the south, there is a ravine or stream type that flows through the south. He was confident with what they are showing there matches what was in the previous Classic Car Club study.

Planner Arroyo read through his review date stamped January 18, 2022.

Chairman Reynolds said for a concept PUD review they did have preliminary reviews from their Fire Marshal, Public Services, and WRC. There were no major issues being brought forth from those entities. WRC review mentioned some future permitting necessities that would be addressed by the next steps, and OHM Advisors engineering review process.

Chairman Reynolds said he appreciated the comprehensive discussion or presentation that they had here tonight. He commended the amount of research and forethought that has gone into this. He appreciated the fact that this is not the first time they have been here but rather the second and they are trying to actively listen to the conversations and build upon that for a better project for their community. Himself, he still struggles with the density being proposed and the location. He acknowledges that there is multi-family potential along M24 and he didn’t have a major issue with that, nor does he have a problem with multi-family going into residential districts as a market demand product, they have seen that in other places. Where he does have an issue is having a tall building reduced buffers and a harsh transition between existing residential home, R-2 uses, Suburban Estate (SE), and then also RM density. He appreciated what is proposed but still had a lot of reservations about the project as it is proposed and still as a concept PUD, didn’t know if he was all for everything being proposed. He had some issues with the restaurant component and the distance to parking.

Chairman Reynolds said that the high-end architecture didn’t think that was a community benefit he thought it was a development benefit. Preserving wooded areas or wetland areas that are harder to develop or are not developable is not a community benefit either. He struggled with the concept PUD eligibility and also with some of the things that were being proposed.

Vice-Chairman Gross stated that he had a question relative to the pond that is proposed on the south side of the development that the stream runs through. He asked if that pond was under their control? It seemed like it was on an adjoining property. The pond on the south side of the property that fronts onto Waldon Rd. Mr. Wayne said there are two there, the one on the more eastern portion that part is included in the seven acres but the one to the west that was in front of 270 Waldon is not. Vice-Chairman Gross asked if that is where they are proposing the retention pond? Mr. Wayne replied that the retention pond would be the one further east.

Vice-Chairman Gross said that the density was one of the major factors. The density issues impact’s a lot of the provisions of the ordinance. The density is six times what the underlining zoning is he thought was an issue that needed to be addressed by the Commission whether they agree with that or don’t agree with that. The density is also based upon the 27-acres of which only 20-acres is actually residential and there are 7-acres of (GB) but are taking credit for the entire 27-acre parcel. He didn’t think that the proposal was consistent with complying with the underlying zoning or the Master Plan designation. He knew that the attorney has indicated that they can make adjustments to certain regulations but there are excessive requirements in the building ordinance. The building height is in excess of what the ordinance requires, the building length is in excess of what the ordinance provides for, and the parking location is in excess of what is in the ordinance. He assumed that all of those provisions in the ordinance have some logic behind them relative to height, length, and how far people have to walk from their cars.
Vice-Chairman Gross said that the high-quality architectural design is one of the criteria of the PUD and he wasn’t sure that the mass and bulk of the buildings are consistent with the existing development in the area, and in his opinion, in compliance with being a high-architectural design because of the bulk of the buildings and the mass of the buildings. There are no carports or garages, the length of the parking to the units, flat facades, there are no balconies. The proposed restaurant did not provide any design criteria to what it would look like which is required under the PUD ordinance. He added that potential traffic, they talked about that ad nauseam, improvements have been identified but not addressed.

Trustee Urbanowski stated that she appreciated them paying attention to the things that were said earlier. She thought that they would make a good neighbor wherever they build but she had an issue with this particular area. Mostly because of the density, and she understood their reasoning behind it. In her opinion, they really need to stick with the underlying zoning. If it was a little bit off, a little bit of a deviation would probably not be that big of a deal but there are quite a few deviations and they are in her opinion significant.

Trustee Urbanowski had a question regarding the restaurant. She didn’t think that it was mentioned regarding the traffic that would be coming in and out of that one driveway onto Lapeer would be both residential and for the restaurant, so it would be a mix of traffic going in and out of there. It wouldn’t just be however many cars are coming out of the apartment complex. She asked if this was a sit-down restaurant, is this a drive-thru restaurant what are the hours of operation? She knew that they did say that they did take that into consideration but that was just something that she noticed. She was concerned about the stormwater and the effects on the environment again. They are a Tree City and she would like them to respect that as much as possible. She thought that looking at that density plan where they had that four lots that were closer to the wetlands and they had something about clearcutting it in order to put those homes in that area, she disagreed with that, it wouldn’t have to be clearcut to be four houses. She thought that the density was too much in this area. She agreed that they do need apartments. They are getting a lot of businesses that are coming here, GM obviously, she would love for them to live here but she thought they compared some other places like The Baldwin Commons and all of that those are in an area that they had anticipated having more traffic and that is why they fixed Baldwin Rd. and had the roundabout so that they could accommodate that and was what they wanted and expected to be there. On Waldon Rd. to her it is too dense, and she was concerned about the height as well, the three stories. She thought it would be a beautiful project somewhere she just didn’t think it was the right fit for it in her opinion.

Mr. Wayne asked when they mentioned the density aspect and that it does not fit, was the concern density specifically related to it being multi-family density, or related more to just the total number of units in that area? Trustee Urbanowski replied it is the total number of units because of the traffic. She added that it does affect their public services as well. They have to be very mindful of their Fire Department, Police Department, a lot of those things, of adding too much all at once.

Mr. Wayne replied that the particular parcel is currently zoned the way it is but when they just look at what it is near it is still in that RM-1 category. He asked if it is bordering RM-1 to the north has it to the east, and to the south, how is it too dense when the density is consistent with those other neighboring properties? Trustee Urbanowski said she agreed that they are consistent and that is why the one to the south had that one right before they came to them, but they are setting that right in the middle of single-family homes. It is the transition area and is not consistent with what is surrounding it.
Mr. Wayne said there is also the R-2 parcel to the north which is even higher density 8 units/acre, it is also on Lapeer, it is a half of a mile to the north, and is arguably going to create even more traffic onto Waldon. He felt that being at 6 in relation to that and some of these other ones around was kind of tucking it in and fitting it into where it needed to be and there are other areas where more density or similar density in their immediate vicinity is either existing or it has been approved or will be built. It is challenging for them when they look at this density to think that it doesn’t fit.

Secretary St. Henry said he was a little torn because he thought he was the most outspoken of the Planning Commissioner’s in regard to the need for multiple housing options in their community if they want to remain a strong community for many decades to come. There is no question that there is plenty of growth and commercial developments especially in the automotive industry and some of the related supply businesses. There is a question in his mind that while he may not personally like these exteriors of these building’s he has seen a development like this out west, up north, and thought it would be a very nice development. It will fill up those price points that are realistic for upscale development. He did have concerns not only of the Planning Commission but of the citizens, and for those of them that have lived here for a long time with traffic, especially within that location, within a mile or so of the school complex. At 7 a.m. in the morning just the other day he could not believe the thousands of cars going in and out of the school complex up and down Lapeer Rd. coming out of the feeders such as Waldon. It has been an issue in this Township for 20-years it has only gotten worse. He didn’t think that they want to make, especially in this particular area of the Township, the traffic issues any worse whatsoever. He did have an issue with the three-story design, it does not meet the ordinance. He did recognize that there are RM-1 developments around this particular location. The only thing he could say about that is that the majority of those developments with the exception of Willow Creek were developed 25-30 years ago, in the early ‘90s, and this Township was completely different then. There was probably 30% less traffic on Lapeer Rd. because of all the development that had not taken place yet in Oxford and further north.

Secretary St. Henry said that timing is everything, if they would have offered this development 25-years ago when all of this was open space and these were easy pieces of property to develop this may be a different conversation, but it is not. Now it is 2022 and this community was much different back then. There is no question that there is a need for this type of middle-housing and he supported that, he was not convinced that this was the right location. They recognize that progress is going to take place but they live here and they have to find that middle ground between progress and respecting the wishes and concerns of the citizens that have lived here for many years and the need to manage the historical character of this community. They know what the demands are and they know people want to live here. He thought this would be a very nice development that would attract a lot of people of all ages and backgrounds, but wasn’t convinced that this was the right place.

Commissioner Gingell agreed with everything they had said. She had a hard time with the three-story development coming in at this location too. She thought it was too far north even though on the other side of Lapeer Rd. they have some large developments like this. She thought she had a hard time going through two residential properties to access the development. She knew that wasn’t going to help their property values, and they are going to have that traffic by them all day and night, and she can’t support that. She has been going from 28 to 166 is too many. The public access she thought was concerning in the back because she wouldn’t know how that would be accessed if people would also be using the drive throughs for that or cutting through the condominium development to get to that.

Secretary St. Henry said they did mention that if they did move the development further north somewhere and the fact that it would be further along that the people would have to drive to
potentially to the Orion Township/Auburn Hills businesses. He said they mentioned that 80-90% of the people work outside of Orion Township. People have historically moved here not because they wanted to work and live right next door to each other, this is not like one of the southern suburbs of Oakland County. Folks here are trading drive convenience for open space and more trees. People don’t mind driving they know they have to drive to get places. He thought if they relocated this very nice development further north or someplace off the beaten path people would still be very attracted to this and would drive it took them an extra 15-minutes.

Mr. Wayne said it was mentioned that if the property was further north people wouldn’t mind the drive. The two-part point there is that not only did they have to drive as far but they also don’t have to congest the upper two-thirds of Orion Township. It was also mentioned to relocate this site somewhere off the beaten path, to his understanding density of this level has to be on a major thoroughfare adjacent to it, in this case, they are on Lapeer Rd. If they were to go find land north of this also along Lapeer Rd., are they going to hear the same concerns about traffic and then in that case they are driving even further on Lapeer Rd. especially in the areas of the north where it is more congested. He thought that the point of saying it was in the lower third is that it’s, yes, it is going to be on this Lapeer Rd. corridor of travel but two-thirds of it will get skipped because it is to the south of there. So, they have to build near a major thoroughfare and by doing so in this lower third it avoids the upper two-thirds.

Chairman Reynolds said they could go round and round about density and where it should be and where could it be. His perspective is development is going to occur in the Township. They welcome high-quality architecture and nice developments in their backyard. The struggle he is looking at is the PUD is a tool and why they are considering a PUD. Not all of the arguments are strong enough for him to justify that right now. Then when they take PUDs and understand that they are a creative development tool to understand that they do have challenging sites in the Township, and they do know there has to be compromise and delineation from certain underlining factors. That doesn’t mean that all of those factors are out the window. From a Master Plan standpoint, yes, they outline many of the criteria that they have provided them but they are also looking at compatibility, need, all of those other factors. A big struggle for him is the transitions. When they take a look at RM zoning, they are delineating significantly on buffers even though they have spoken to two buffers. Setbacks are vastly provided and certain instances but are underprovided in others because of where this property is located at. To have a property that delineates from a handful of those underlying zoning components significant to where they are looking at here tonight makes the conversation harder to consider. He didn’t want to focus on just one item but rather the idea as a whole. They were there to consider the concept eligibility of this as a PUD, and they knew this was one step in a multi-step process of a PUD. They have mentioned many items here tonight but fundamentally even with all the nice this and wonderful that they are also here to consider some of those basic factors of the PUD eligibility and also compare it to adjacent zonings and what the underlying if it was to be considered how does that look in comparison to other property sites.

Mr. Wayne said that he heard a lot of talks tonight about trees and the importance of trees in this neighborhood and obviously nature preservation was something they felt they were hitting on the head but also as it relates to trying to screen some of these issues and prevent against some of those more deficient setbacks, the solution if vertical, it’s tall, its trees, and its buffers. When they do that, as an example, if they were to build basically what would equal a 13-ft. tall wall behind an adjacent single-family home then out their back window they are not looking at a car in their parking lot they are not looking at the building they can’t even see it because they are looking at this wall of pine trees that now exist there. While he understands that in certain areas the setbacks are above the requirements but as for those areas where they are less or maybe smaller than would be desired, he thought was the most obvious perimeter of their
property as they are going north. Immediately on the other side of that while it is still single-family zoning is still a vacant farm field. They are not bordering a neighborhood on that as an example, they are not proposing that small of a buffer as if there were 20 houses immediately with their backyards right there. They are interpreting what exists and trying to put the buffers in place, the site design in a way that maximizes the areas as best they can around single-family. That was the intention of increasing the buffers to the residential to the south and also to the condos to the north. Given the fixed box that they have to work in here and given the part that they are working so hard to preserve these are the fit parameters and he felt that they did their best to help mitigate that. He thought that whatever can’t be done with horizontal distance can be done with vertical distance.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that relative to PC-2021-78, The Woodlands PUD Concept and Eligibility plan, the Planning Commission forwards a recommendation to the Township Board to deny PC-2021-78, The Woodlands Planned Unit Development Concept and Eligibility plan, located on a vacant parcel located east of 3010 Waldon Rd., Sidwell #09-23-351-024 and 3030 S. Lapeer Rd., Sidwell #09-26-101-021 for plans date stamped received January 5, 2022. This recommendation to deny is based on the following findings of fact: that there is no recognizable benefit to the community and is not consistent with the intent of the PUD Concept or the PUD Ordinance: 1) the proposed Planned Unit Development for 166 dwelling units is based on a density on a total of the 27-acres which includes 7-acres of currently GB zoning property and is not consistent or comply with the underlying zoning or Master Plan designation for the subject property; 2) the property is not compatible with adjacent low-density residential uses as identified on the Master Plan and with the existing zoning and will have a negative impact on surrounding properties; 3) there is a lack of compliance with the zoning ordinance requirements for residential development of multiple-family designation such as being an excess of the building height of 42-ft. versus 30-ft. required; 4) excess building length 380-ft. versus 200-ft. maximum, and excess parking location, two buildings from 300-ft. to 500-ft.; 5) the potential negative impact on the traffic at Waldon and Lapeer Roads, although improvements have been identified in a preliminary traffic study they have not been addressed as to how they would be implemented; 6) a concern on high-quality architectural design, his opinion that the mass and bulk of the buildings are not consistent with the existing development in the area and do not comply with the respective zoning ordinance requirements; 7) there is no design provided for the restaurant provided in the PUD.

Discussion on the motion:

Mr. Wayne said when they look at the site, they talked about some of the challenges, the existing zoning, and what is possible, they outlined that it is financially impossible to build as zoned. From that perspective would imply that the property must be rezoned to be built on at some point trusting that their estimates are accurate. He asked in thinking about the need to have there be a viable path forward, is it multi-family specifically that is a concern? For example, if they were to look at RM-1 and try to apply for RM-1 with an ordinance and they were able to eliminate it if they have four issues currently, they are able to just need one variance on RM-1 would a rezone to RM-1 with a variance present a different perspective from the Planning Commission or not? Chairman Reynolds replied that they are there to evaluate what is in front of them. He thought that all of them are going to have different thoughts and perspectives on what would make everything work. He thought that there have been a number of items that have been discussed including in the motion that is on the table now to talk about underlying zoning. They are aware as a Commission the economics of the Township. They are aware of the missing middle they are working on their Master Plan and they have discussed this extensively. He thought the struggle they have here is, once again, is that they look at all of these factors as a whole and there is a push and pull. They
understand that economics influence a site and they also acknowledge that existing zoning does along with the zoning parameters which they layout. They ask for straight zone projects to apply for, yes there is a process of variances but in a lot of ways, it is very similar to a PUD. Is there any way that they could come to a different conclusion on this project, he was sure there were. Does it fit within the economics? Maybe not. Does it fit with compatibility? Maybe. They are always there to consider further thoughts and future projects. He commended them for what they brought forth and the effort that they have put forth in front of them. He thought that there were still some factors here that needed to be considered in part of this development.

Chairman Reynolds said this is a PUD this is a recommendation from the Planning Commission. This forwards on to the Board and this is a multi-step process, so this recommendation to deny this PC case and the facts that were provided would be forwarded to the Board of Trustees for their discussion at a later meeting date.

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

8. UNFINISHED BUSINESS
None.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS
None.

12. COMMITTEE REPORTS
None.

13. PUBLIC HEARINGS
None.

14. CHAIRMAN'S COMMENTS
Chairman Reynolds asked the Planning Commissioner's to take their final look at the Master Plan. It is going to be coming forth to them here at 6 p.m. at their second meeting in February. The goal would be to move that into the mandatory 63-day review period. If they have some of their concluding thoughts, please bring those forth so if there are any items, they can actually include that in motion would be his request so they can keep this process moving along. That will be in their packets. They still need to have that 2nd Open House. They still have the opportunity to revise. If there is something significantly wrong with what they see and where they should be talking about it.

15. COMMISSIONERS' COMMENTS
Commissioner Walker stated that he wasn’t sure that they should have a discussion like they do with the applicants. When they say “what should they do” is that their job? He didn't think that anything gets accomplished during that. To ask them what they think he should do makes him feel somewhat uncomfortable. Are they there to help him accomplish his project, or are they to pass judgment on what he has?
16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Brackon, to adjourn the meeting at 9:58 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a joint public hearing with the Board of Trustees on Wednesday, February 2, 2022, at 7:06 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:
Scott Reynolds, Chairman
Don Gross, Vice Chairman
Kim Urbanowski, BOT Rep to PC
Derek Brackon, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None

BOARD OF TRUSTEE MEMBERS PRESENT:
Chris Barnett, Township Supervisor
Donni Steele, Treasurer
Kim Urbanowski, Trustee

BOARD OF TRUSTEE MEMBERS ABSENT:
Brian Birney, Trustee

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster (virtual)
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Steve Eynon
Marcie Ramsey
Tracy Deuman
Gordon Nickel
Matt Lawson

The Board of Trustees opened their Special Meeting at 7:06 p.m.

Chairman Reynolds invited the applicant to make a presentation.

Mr. Michael Wayne a partner with Detroit Riverside Capital presented.

Mr. Wayne stated that the last time they were in front of them they were there seeking additional feedback. They had a previous public hearing he received some feedback from the public but didn't get a chance to hear back from the Planning Commissioners'. They have taken the culmination of the feedback both from that meeting and from the initial public hearing and put together what they feel is a significant improvement in some of the concern areas.

Mr. Wayne said that some of the concerns that they got throughout this process are related to density, overburdening of public infrastructure, significantly increasing traffic volume, the length of setbacks, the quality of residents that they will be bringing to Orion Township, and the impact on nature and wildlife. They have some subsequent slides that address these items.
Mr. Wayne said the last time they were here they were encouraged to be a good neighbor. They didn’t take that request lightly, and in keeping with the public feedback, they have made some amendments to their proposed plan. Some of these include the addition of over 15,000-sq. ft. of buffer space. This was something that the public felt they were lacking and so they have added about 15,000-sq. ft. of buffer. They have also reduced the unit count by about 22%, so they have taken out 33 units to bring their total unit count from 190 down to 166. In doing so that also allowed them to reduce the building size by about 40,000-sq. ft. In addition to removing some of the units, they have also condensed the building slightly which has added to some of that setback buffering increase and reduce the total size of the structure which he felt was important. In doing that they have distanced the building an additional 100-ft. from the property line, by removing that portion of the building. The distance between the property line and what is left of that building has increased by over 100-ft. so further extending it away from the adjacent residential areas.

Mr. Wayne showed a rendering in their presentation. He felt that the architectural quality was tremendous. He thought it was keeping with its natural habitat as far as the color and material choices but it also provides an updated and modernized look to some of the existing multi-family properties in the community.

Mr. Wayne showed an overhead view of the proposed development. In the green areas were all the areas where the additional buffer was added. He added that they were able to do that because they were able to move a fair portion or about 75 parking spaces from the west side of the parcel to the adjoining east parcel. That addition of that 7-acres on the east parcel also allowed them to still incorporate the restaurant into their plan. This restaurant was an Orion Township resident and community member and they are in preliminary discussion for them to occupy the restaurant space and they were very excited about that possibility. In addition to increasing buffer size, they were also able to maintain the restaurant being a component of this 7-acre parcel and thought it was great for the community to bring a new restaurant to town.

Mr. Wayne stated that the orange box in the overhead view of the proposed development is where a good portion of those units was removed. That building used to look more like a “T” and now it is shaped like an “L”. The portion of the “T” that was removed is what increases that distance away from that property line tremendously.

Mr. Wayne said when they look at this on a horizontal scale or a site section, they can see some of the distances between some of these items. He showed them some of the distances between some of the items. The buildings in the center were both of The Woodland’s buildings and then the buildings they see in the site sections on the perimeters are the adjacent single-family homes. In both cases they are more than half of a football field away from these houses, so over 150-ft. from the perimeter of the neighboring house to the building of The Woodlands, 84-ft. is on their property. They are basically setting the building 84-ft. back from that property line which exceeds some of the standard setbacks for traditional multi-family zoning. They were really pleased with their ability to add this much in the way of buffers and distance, and the goal was to further reduce any sightline disturbances from adjacent properties.

Mr. Wayne showed them a photo of the perspective of someone standing at The Woodlands site facing the north toward Summerfield Condo Community during the winter. He said this is about the distance of that 35-ft. landscape buffer. There is already a good amount of buffer that exists in this space and the largest trees are on the backside of the property line but this is in the winter so the viability is higher, in the summertime, when the trees have leaves on them, this visibility would be dramatically reduced automatically. In addition, they are going to add 3-ft. berms around this portion of the residential border and they are going to put at least 8-10-ft. high pine trees on top of that berm. When they add that together they are talking about 11-12-ft. worth of coverage so from ground level it renders the view of the parcel behind it practically unseeable. This would be the case in all areas where The Woodlands borders the residential use. They will be able to effectively create that in front of or in between the views of each parcel towards one another. They thought that was really important to help preserve some of those views for the neighboring properties.
Mr. Wayne said a concern that was shared the last time they were there was that the building was so large it was going to block the sun or the view of neighboring properties so they conducted a shadow study. In the summer months, the resulting effects of shadows are almost not even noticeable. In the winter months when they look at the sunrise perspective, they can see that that shadow casts west and away from the single-family more towards the wooded area of The Woodlands. On the sunset side, that shadow casts more eastward but ends long before it is over top of those condos. This was a computer program that put this together. There is a large tree line those trees are 40-50-ft. tall those will remain. The idea that those shadows will even cast behind those 40-ft. trees is unlikely as the trees would block those anyways but should they, they still won’t disturb the neighboring view as far sunlight is concerned.

Mr. Wayne stated that when they considered The Woodlands and its proximity in relation to density, it was important to think about what else exists around it. As they have made this cut to 166 units and added the additional 7-acres they have been able to take their density from 9.2/units per acre down to 5.9, which is below the required density amount for the RM-1 zoning. If they look adjacent to their parcel they see RM-1 everywhere, to the north, east, and now to the south. They felt that The Woodlands is now positioned nicely with its new density amount to really be in keeping with the properties that surround it. He noted that Indian Lake Village Apartments covers a tremendous amount of space. The building footprint sprawls across the entirety of that development. The Woodlands is unique to that extent. He showed them The Woodland footprint comparing it to 394 units in Indian Lake Village Apartments. He stated image how much extra nature they will be able to preserve by implementing a building with a much smaller footprint which allows them to maintain a lot of the surrounding nature areas.

Mr. Wayne said it was important to look at specifically the northern half of the west parcel. When they look at the northern half of this parcel under the current zoning density plan, there would be four residential lots purposed with a roadway accessing through them. The Woodlands in this area would be completely preserved as the nature preservation area. When they considered developing this portion as it is currently zoned the majority of the property is going to be clearcut in order to clear those sites and prepare them for development so all of those trees in that area are going to be removed. If they compare that to The Woodlands zero trees in that back portion with exception of whatever is removed to put the path in, will be removed. From the perspective of the Summerfield Condo community, they felt that this is a tremendously better design than what is currently zoned or what is permitted as it is currently zoned because, in that respect, they would have 4 houses in their backyard instead they are going to have 12-acres nature preserve that they will have access to and be able to enjoy.

Mr. Wayne stated that they were intrigued to explore the stormwater management situation of this site because following the previous meetings they understood what a big concern this was. They were encouraged to conduct an analysis to show what the resulting effect would be of the property developed versus its existing condition from the stormwater management perspective. They engaged Stonefield Engineering, and Kevin from Stonefield was with them tonight to share with them the study they conducted and the results that they found.

Mr. Kevin Heffernan with Stonefield Engineering the civil engineer on the project.

Mr. Heffernan said that one of the challenges that were brought up in the previous meetings was the overburdening of the existing infrastructure. They dove deep into that issue and came up with some goals that would benefit their property, as well as, all of the adjacent properties.

Mr. Heffernan stated 1) providing a solution to the existing challenges of the volume and the periodical flooding of the adjacent properties; 2) provide a cleaner runoff to the adjacent ponds to the north with that nature preserve, and to the south with on the northwest corner of Lapeer and Waldon.

Mr. Heffernan said existing on-site is the vacant land; there are no restrictions, all site models flow freely mainly from north to south as there is a variable grade change 10-ft. or so from the condos to the north to
the two residential parcels to the south along Waldon, and that results in some periodical flooding. With the proposed site they would propose about a 100,000 cubic-foot detention basin, an above-ground basin that would keep all of the runoff on-site with that basin, and would provide a forebay which would provide a TSS removal aka cleaning of any solids in the water from going into the ponds and overall, the outgoing drain.

Mr. Heffernan said with the proposed detention basin, they retain a lot of water on-site by way of that forebay and detention basin they would have a net reduction of 80% of the discharge rate. That would basically be by providing the detention where it is free-flowing right now, putting a wall with a smaller hole in it to detain that volume and would be released over a longer period of time, therefore, taking some of the burdens off of the existing infrastructure. They do have the room, they have to be finalized, obviously, as they are under preliminary stages but they would assume that it would be just in the southeast corner of the site. They would put it downstream of any of the adjacent residential properties just as an extra precaution to any of their neighbors.

Mr. Heffernan said with this proposed detention basin they get the benefits of providing solutions to the overburdening of the infrastructure, and because it is above ground, they will be able to place a little bit of buffer around it and maintain that natural landscape of the existing pond in that corner of Waldon and Lapeer.

Mr. Wayne said that the public had a concern that there was potential for their project to worsen current flooding issues they found out that the water is going to discharge 80% slower so that is a tremendous benefit in their mind and it will overall improve the stormwater management for the surrounding areas.

Mr. Wayne stated that as far as water and sewer capacity are concerned, both through OHM’s review and then also letters from Orion Township’s DPW that there is sufficient water and sewer capacity to service the development. From that perspective, The Woodlands doesn’t overburden the public infrastructure either.

Mr. Wayne said regarding traffic, they all know that this is a busy intersection, so much so that they have found through their traffic study that the existing conditions of the level of service in these particular areas. The key intersection of Waldon & Lapeer seems to be the largest concern. The existing conditions before The Woodlands is built show that the level of service in this area is at an E or an F, the range goes from A-F. Currently, this is already a very dense traffic area, the solution is a light. The light would drastically reduce the wait times at not only this intersection but the other two adjacent as well, by a factor of about 10 times. Whether The Woodlands gets built or not a light is needed at this corner. The question becomes how do they get a light at this corner? He spoke to MDOT and they said what triggers the process for them would be the submission of the permit request with the traffic study that indicates that there is an existing problem at this intersection, their study does that. They said that they would look for that study to recommend that there be signalization considered at this particular intersection based on certain signal warrants. The latest update of their traffic study has these signal warrants met and shows that this light is needed. The Woodlands or showing that there is an existing problem may be the very impatiens to then get MDOT to respond by mitigating the problem that already exists.

Mr. Wayne said when they look at the total volume on Lapeer according to MDOT there are about 30,000 total cars that pass through the Waldon and Lapeer intersection daily. When they look at The Woodlands projected a.m. peak hour volume, an example of one hour during the a.m. peak, their traffic study indicates that about 97 cars would result from The Woodlands development. If they think about 97 cars in 60 minutes from 166 units sound like a lot, that is more than half of their residents leaving within an hour. The reason for that is because this doesn’t just look at apartment residents, obviously, this looks at the restaurant as well, but it also looks at the other growth throughout the surrounding areas of Orion Township and it is sort of projecting that in. This amount of volume is not just representative of what is created from the apartments but is representing the overall volumes in the future. He thought this was a good thing because they were showing data that is aggressively estimating the volumes of traffic to the
high side. They thought that was a good thing because there was no way that those volumes could be that low in their opinion. Some of the ways that happen are because the traffic study assumes the volumes two years into the future so it is already looking at volumes two years from now. There has also been a 20% increase to the traffic volumes that they collected during their study to account for pre-COVID conditions, or said differently, they have collected data during COVID so they added 20% to the trips that they collected. The real amount of trips they collected they added 20% subjectively to say that this would be the post-COVID environment. Reality says that 50% of people are working from home and 90% of these people never want to go back to the office. Will they ever get to the pre-COVID traffic volumes? They don’t know but he thought no. There was another reason that these numbers are aggressively estimated because Orion Township has an ordinance that requires that they use one extra standard deviation to predict the future traffic so this is also accounted for in the study. What is interesting is the standard deviation like in the case of the restaurant going one standard deviation higher actually doubled the amount of projected volume of traffic. By increasing one standard deviation the volume that was applied to the study increased by 100%. He was giving these examples was because what they are showing in the traffic study is the absolute worst-case scenario that they can see. What it finds is that there is an existing issue it needs to be solved with a light, whether The Woodlands is built or not the post improvement condition is 10 times better than it currently is today whether The Woodlands is built or not.

Mr. Wayne said that they did have a traffic consultant, he wasn’t able to join them tonight because he lives in Canada but if there are questions, later on, they can get him on the phone to answer any of those questions.

Mr. Wayne said there was a question on the quality of residents are they going to be bringing with The Woodlands? He showed, them the potential residents, what they would expect at The Woodlands. 1) Heather she is single an engineer at American Battery Solutions, and makes about $80,000 a year; 2) Rachel & Josh are a married couple in their 30’s, Rachel is a nurse at Beaumont and Josh is a Senior Underwriter at United Wholesale Mortgage, their combined income is $140,000; 3) Michael & Hanna are empty-nesters in their 50’s, one is an Account Executive at Stellantis and the other is a paralegal at a law firm, they have combined income of $200,000. The reason they envision this kind of tenant profile is because of the quality of units that they are going to be building. When they look at their one-, two-, and three-bedroom units they are estimating rents in the $1,500, $1,900-, and $2,100-dollar range. They use a standard 3x’s monthly rent gross income credit check to assess if a tenant is able to support that rent, and in doing so this requires above $60,000 for any of their units. When they look at that by comparison to the rest of Orion Township, they see that this is fitting right within the sweet spot of the existing income demographic of Orion Township. This data came directly from SEMCOG which was directly on Orion Townships website, and the black line there right at $60,000 is showing that all of The Woodlands residents would be basically contributing to the same demographic from a social-economic perspective as would already exist here today.

Mr. Wayne said that that addresses all of the points that they mentioned initially. They are very excited about what they have been able to do with these design updates and were eager to hear from the public about other ways that they could improve the project.

Chairman Reynolds went over the code of conduct for the public hearings. He stated that everyone will be provided 3-minutes to speak. Their questions and comments will not be directly responded to but will be noted and then when the petitioner comes back up. He added that if they would like to make a public comment or question during the public hearing portion of their agenda this is the time. Step up to the podium state your name and address for the record.

Mr. Gordon Nickel 193 Four Seasons Dr. in the Summerfield Condos, and is a member of the Board of Directors in the Summerfield Association. He asked what was the community benefit was for making the change from what the current zoning is? How does that overall, generally benefit? He thought that the disadvantage was the members of the association there bought into the neighborhood with single-family zoning around them that was the assumption when they moved into the neighborhood. When they had
concerns about the increased traffic. He was a school bus driver at a different district, and he thought of all of the school buses that come out of the Giddings station they are pulling out onto Lapeer. When lane traffic comes in from another exit entrance that is 100-yards up from where Waldon is that makes more difficult navigation for that driver. The impact of the single-family versus the multi-family he noticed that the residents there were four units on the west side with a large amount of green space, it disadvantages the west residents a little bit in Summerfield but it is a significant difference in the density of the high buildings on the southern residents. That group of the Summerfield residents has to bear the brunt of this addition. He asked if there was a way that the Commission would know that the studies that are presented to them are without prejudice and can be verified by other sources that would not have a prejudice for this project? He would oppose changing the zoning to multi-family versus the single-family that it is currently is.

Ms. Tracey Deuman 270 Waldon Rd., lives directly in front of where the proposed property. She urged them to reject the rezoning. For her specifically, she was very concerned about her pond. It is considered an attractive nuisance so when they put a lot of people or high density around the area, she is going to have to rethink how she protects her property. She did have a fence but it is dilapidated. She needs to identify the potential hazards of the pond, of course, flooding is an issue. She would like to understand the water survey that they did. Definitely, the water is a problem in her pond, she addressed that the last time. The traffic study is an area concern as well because it looks like they did a traffic study one day in the summer on August 24th for two hours in the morning and two hours in the evening. Maybe she misunderstood but it just seems like that was an awkward time, it was in the summer. The trees on the property line she did understand that they made adjustments for the buffer but the tree line is still a concern with her with privacy. She didn’t understand how an 8-10-ft. pine trees will disguise a three-story behind her property. She asked if the three-story was that variance approved?

Ms. Kim Hunter also lives directly in front of the property at 310 Waldon. She said she had a lot of concerns about the traffic study it was done according to the document online on August 24th between 7-9 in the morning and 4-6 in the evening. That summer months did not include the high school traffic that is normally when their traffic issues are. She can watch the cars line up every morning, doing it in August doesn’t seem sufficient to show the amount of traffic influx on that road. They have an E & F rating they all know that that study intersection is bad but didn’t think it gave them an accurate result by doing it on that day. The water is another huge issue she didn’t understand what the basin and all of that would entail. As of today, she took some pictures, the creek that runs through her property to 350 and then behind her house is completely flooded up into their backyard just with the minor melting they had yesterday. Add in this snow and melting as they go into spring, she didn’t know what they were doing is going to help that, she didn’t think that was just going to go away. Traffic is an issue she does have kids that ride the bus they have had several instances with the bus where it has been unsafe, they almost have been hit by cars and then they are adding an entrance right on the side of her property. The increase in traffic scares her. She knew it had been addressed at a meeting prior, to making the Waldon a secondary entrance and trying to get the primary entrance off of M24, she didn’t see anything in the presentation today that was addressed, she would like to know that. She understood that they were decreasing the density but at the last meeting, they said they were going to consult with a lawyer to see if even the three stories were within the Board’s means to approve. She knew they addressed the lighting and the sounds. The last thing would be the Master Plan if they could rezone it, it was zoned semi-rural which was more suitable for a single-family as opposed to a multi-unit plan that is being proposed.

Mr. Mike Weaver 2814 Waldon Park Dr., in the Waldon Park subdivision. He heard they did a traffic study and he can tell them that anybody who has tried to train a new driver pulling from Waldon onto Lapeer Rd. knows that this is not a good place to add people. He thought that 160 units, and would it be unreasonable to think that 1.5 cars/unit that is 240 new cars. His wife has been rear-ended twice at that intersection because Lapeer Rd. is a madhouse, it is packed. When he leaves his house at 5 in the morning he no longer goes to Lapeer Rd., he goes around Giddings and cuts through the back and up past the old Palace property because Lapeer Rd. is packed. It is always crowded COVID no COVID it doesn’t matter. He thought that the traffic study was a fiction to be candid. Every time there has been a
new project anywhere near their subdivision, he gets more water. He can walk down his street, he walks every night, there has been no rain for days and he hears the water raging through the drains that run underneath their road. As new projects come in, there is more water, it just is, he didn’t care if they build a 10-million-gallon detention pond he has a detention pond in his backyard. When he moved in it wasn’t full it is now always full, he has lost big old mature trees at the back of his property that has been there long before he came because of the water that increased. He doesn’t see how this project will decrease the water by 80% he didn’t know a computer program would do that. He would like them to come to his backyard and see what the water looks like in his backyard or listen to the water raging through the drains. The last thing is the three stories, this is not the single-family neighborhood that he moved into 23-years ago. He thought that there is no way they should allow a 3-story apartment complex with a commercial endeavor included it is not consistent with what they come to know and love about Orion Township. He asked them to decline.

Mr. Steve Eynon 369 W. Greenshield was there to recommend that the Board reject The Woodlands 166-unit PUD for 13 specific reasons. The developer has not enumerated what hardships they are leaving in order for them to balance out the impact a PUD will have on the quiet enjoyment of their neighboring properties. This includes flooding through protected wetlands onto neighboring properties with a division of the state EGLE objective number two in conflict of interest to increase wetland areas. Approval of any wetland management plan is not 100% confined within the PUD must be proven in a public hearing. Increase wetland expansion into neighboring property services EGLEs objective of increasing wetlands and developer at the expense of neighboring properties. This would result in a state agency wetland mismanagement flooding of neighboring properties on behalf of a for-profit corporation which may constitute a 5th amendment taking, not a good situation. Further, noise and light pollution, greatly reduced privacy, increased traffic, neighboring property devaluation, not incumbent upon the neighboring residents or Township taxpayers to bear the impact of a PUD will have on the quiet enjoyment of their neighboring properties. The Harvard study cited by the developer that the neighboring property values will increase due to the PUD is not true. The study basis is not aligned with the Lake Orion market, it is making a presumption that is false. Why has the developer failed to produce this study to back up the claim? Why hasn’t the developer approached local retail estate professionals regarding property value impacts? The proposed nature preserves no community value. It detracts from the current natural habitat already protected by wetland acts. The wetland is unusable for any development by law 25-ft. from the edge of the charted wetland. Additional encroachment of a walking path will inhibit if not eliminate wetland waterfall infinite hatching, feeding, and migratory sites witnessed by them at least 100 times over the last 10 years of their residency there. Walking the property in November when wildlife is either hibernating or migrating does not accurately reflect the abundant and diverse wildlife in and around this wetland area. Single-family homes or smaller development is feasible on the property just not as profitable. It is not a community responsibility to be forced into gutting Master Plans and granting variances to increase profit for developers. Asserting the PUD will not put an unreasonable burden on the subject surrounding land and property land is false. The buffering plan to protect the integrity of surrounding properties is discussed but not defined and or shown planned with realistic applicable views and sections. A proposed PUD provides 35-45-ft. of elevated line to all neighboring properties not one, all. The PUD is not consistent with the intent or spirit of the Master Plan. Does not adequately benefit the community at large. Residents move to Orion Township to live with nature in harmony with their neighbors. They did not move here to be viewed by a 42-ft. tall building or view a PUD irrespective of the unique architecture. PUD can be achieved on vacant commercial properties buildings similar to the elementary school conversion in the Village. He asked if DRC applied for indirect taxpayer funding pilot projects? They don’t know? What are the funding sources for PUD, any government grant with occupancy requirement? The developer claimed 100% PUD funding through completion is secured. This is a meaningless promise to void a proof. Is the developer willing to post a bond including contingency for a 120% projected budget to complete the project and manage the PUD with at least 50% ownership for a period of 7 years to ensure initial and continued success?
Mr. John Slocombe 3066 Waldon Meadows Dr. is concerned and doesn’t think there should be an ok until they rectify the traffic on M24. Maybe the city is responsible for that but he didn’t know but something needs to be done. After several years of his life, he was in the Audubon Society and he missed the bay area with all its birdlife. What a wonderful surprise to see all the birds that fly around and around that area that they live in at Waldon Rd. They fly just above the trees flock after flock it goes on for about a month. He was so impressed with the birdlife before it migrates it is a huge migratory path for birds. He just thought it shouldn’t be three levels because they fly just above the tree line. A three-level might be even higher it depends on the construction plans but when they fly over his house there was about 12-ft. above their house, and they have a two-story house, so they don’t fly that high. He thought that they should consider the wonderful resources of birdlife that they have, and how it will fit in. He added that four of the residents along Waldon Meadow Dr. have got high levels of radon in their basements so they are going to mitigate it and they are going to pump out the radon outside. He thought that any project should mitigate with its residents, radon that should be considered as well because apparently this area north of M59 is acceptive to radon above the ground.

Ms. Marcy Ramsey 335 Waldon Rd. said she is against this project happening. They live on the south side of Waldon and they have never had flooding there before. This is going to be on the north side and their yards are flooding like crazy out front and outback with what is happening now. Add 160 new apartments and that is going to add to it. They want to say what they have researched but they have that whole other new community coming in where the put-put golf was, which is going to only add more to that. She would really like to talk about the traffic again, the flooding, the wildlife, nobody cares who is going to live in there and what their income is or what they do for a living. They all moved out into this area so they could be in single residential areas, where they are a small community of people that watch out for each other, there is really no need for this.

Mr. Matt Lawson 3077 Waldon Meadows Dr. said the biggest thing for him and the feeling of what Orion Township is a tight community with single-family homes the perception of this area being nice. It is so out of place and not the right fit to just slap something like this in the middle of all of that. It was zoned as such for single-family homes for a reason and this proposed change seems to go against the Master Plan, the model of Lake Orion, living every day as a vacation, it really is a direct contradiction of that. He appreciates progress, a lot of people do and what the gentlemen are trying to do, he understood it but it is just not the right fit. There are plenty of vacant lots that are further south where something like this could be a fit but not for this area. Everyone wants to talk about traffic this will just add to the problem. Where is the guarantee that they will get a light? Stuff like that can take a long time. If this does go through and it is built what does the upkeep look like? That question was asked last time they were they were here and Mr. Wayne hesitated for a while and said “we plan on managing this property for a period of time” and that was the end of his answer and not an answer that instills a lot of confidence in the long-term look of this project. At the end of the day, it is a big swing and a miss it is just out of place for a community like this.

Secretary St. Henry said that the Township received a total of seven letters over the last several weeks in regard to this development. They came from a MaryAnn Ryan, Amy & Tom Keyzer, Marie & Steve Eynon, Lorie Cook, Dave Bann, Erika Proctor, and William McNabb, all of them are opposed to this development for many of the reasons that have been sighted tonight, and each one of the letters that the Township received.

Chairman Reynolds asked if there were any comments or questions for the Planning Commissioners’? There was not. He then turned it over to the Board of Trustees.

Supervisor Barnett opened it up to his fellow Board Members if there were question’s they want to be answered.

Trustee Flood stated that he forgot his notes from the last time they had the PUD and he didn’t see any deviation from the residents who opposed it at that time either.
Clerk Shults wanted to thank the petitioner for submitting information so they could look at it again tonight. She thought that they addressed a lot of concerns. One of her concerns is also the traffic and coming in and out of Waldon Rd. and just the assurance that if they did petition for a light would that be something that they would grant them or is it just hopeful? What basis would they expect to get that light there? That would elevate some big problems. Also, the sewer she was interested to hear a little bit more about the water and sewer, if Engineer Landis could speak to that at some point, she would be interested in hearing that.

Treasurer Steele thanked the petitioner for coming back and trying to address some of these concerns. The presentation was well presented. She thought that the last time they were here she stressed that she was not in favor of this development and although they have reduced the density she still feels not in favor of this development. She doesn’t see the community benefit which they had offered, she sees how it benefits the petitioner but not necessarily the community or the surrounding neighborhood. She believed that the density will be very impactful on the services on which they utilize such as the police, the fire, and the roads. She thought it puts a burden on all three and the landowners around this facility. She didn’t believe that it follows the spirit of the Master Plan which, what she had seen in the study was 28 houses and this was a 3-story and 6x’s as dense as what is proposed in the Master Plan. The economic impact she thought would be a positive all the way around mostly for the developer not necessarily for the homeowners. Yes, they have given more open space, however, she thought that it was minimal compared to what is already there which is single-family homes and the unified control which is what was brought up again by Matt. She still didn’t have a final answer on that so that was one of the questions that she had.

Supervisor Barnett said thank you, he liked the presentation, he liked that they attempted to address some of the concerns from the last meeting. He thought it was important to address the concerns of the residents. The property will be developed at some point whether this development or something else. They have met with many groups over the years, he has been here for 10-years, with lots of different proposals. He thought there were a lot of things that were great about this proposal that they haven’t seen in the past, he likes the nature preserve. He knows that the water concerns are real so they need to make sure, and they will lean on OHM, and he agreed with what some of the residents said about wanting to make sure these studies are done without prejudice and that is a real thing. He believed that they are but that is why they have engineering and planning consultants that can vet these things. The water issues are important for them to make sure that they are making sure they are addressing. The traffic is really interesting because he never used to believe any of the studies even the ones that were done by their consultants because it didn’t make sense. He actually got involved 12 years ago because he “was you guys”, because someone was trying to build a neighborhood in his backyard, and the thing he was most adamant about and yelled at Commissioners Gingell’s husband was that there was no way that these traffic studies are accurate and no way what they are saying was accurate. When Bald Mountain, they were sued, one of the issues that they discussed a lot about was the traffic study and he actually went out and did the traffic study because he didn’t believe it and it was remarkable how little traffic these developments actually add to our roads, believe it or not. They will make sure, and that is why they pay these consultants to review these things that the data is vetted. They did know that there is a need for more housing in Orion, it needs to be done right. With the news out of GM last week they are going to be experiencing growth for the next decade here, and he thought that was a good thing. He will reserve a lot of his opinions on the development when it comes to the Board but wanted to hit on those few issues that are important to him to make sure that their infrastructure can support, and that is the job of their consultants to vet these things.

Chairman Reynolds asked the petitioner to come back up and answer some of the questions and comments. There is an agenda item next after the public hearing has closed that will get into their engineering reviews and essentially their Township engineer and planning consultant reviews which looks at all of the studies and information that is presented to them tonight.
Mr. Wayne thanked the public for their comments. He said that they do their best to accommodate those and continue to take those into account and do what they can to mitigate. A couple of responses to specific points that were made, the topic of community benefit was brought up a couple of times, and thought it was an important one to hit on. When he thinks about community benefit, he goes to section 30.03 of the Zoning Ordinance which is describing the PUD and it says a recognizable benefit must result from the project and it lists 7 total possibilities. These are things like preservation of natural features, specifically but not limited to woodland, specimen trees, open space, wetlands and hills, preservation of historic buildings, not applicable here they don’t have those, improvement of traffic patterns, he won’t say that this project achieves that. The current conditions although with respect to the potential for the light which would drastically improve the traffic conditions in that respect. He added that another one it lists is improvements in the aesthetic qualities of the development itself such as unique site design features, extensive landscaping, safety path, greenway connections. Improvements in public safety or welfare through better water supply, sewage disposal, stormwater management. Next is high-quality architectural design, and the last is a provision of transitional areas. He added that when starting with a fresh perspective these are the things they think about, are they achieving these recognizable benefits straight out of the ordinance. The first one is the preservation of nature, they hit that one out of the park, they have over 60% of the site preserved in perpetuity through a conservation easement, and they intend to keep it that way. As far as the improvements in the aesthetic qualities of the development itself, unique site design features, extensive landscaping, and safety path/greenway connections, he could certainly check that box. He felt like the site is extremely uniquely designed, and has a lot of features specifically 4,000-sq. ft. of outdoor amenity space, with a pool, gazebo, walking promenade, outdoor patio areas, and also things like the tennis court that are adjacent to some of the parking areas. He thought that the site had a lot of unique features in that respect. When they consider safety paths and greenway connections there is a tremendous amount of connectivity and pathways that surround this entire site. From a public perspective, they will be extending the safety path from Waldon Rd. all the way down to Lapeer and north into the north of the church, but the proposal is to extend that safety path to that extent, so that would check that box. As far as the improvements in public safety, welfare, or better water supply, sewage disposal, and stormwater management, obviously stormwater is very important. He wanted to bring Mr. Heffernan back up, hopefully, he can help fill in some of these gaps where he can’t. They feel that based on this study that they are improving the stormwater management system, and thought that box was checked. The last is the high-quality architectural design, he showed the image of the proposed rendering, it is sort of in its working stages but it is certainly representative at this point of something that they are tremendously proud of and think certainly achieves a high-quality architectural design. He said those are some of the on-paper public benefits. But then they think about well what else is in it for the community? Understanding that they are preserving some nature, what does the community get out of this? First and foremost, Orion Township gets 166 new places for new community members to live in. Bringing 2,000-3,000 new jobs to this area, giving those people a place to live that is about 3 miles away from this new multi-billion-dollar investment from GM. That seems like a huge benefit to the community because right now there is no more capacity for them at the current supply of apartments so they won’t be able to live in Orion Township, so they are giving Orion Township the ability to retain all of these new community members that are going to be joining as a result of this tremendous corporate growth that this happening both in GM example but also American Battery, the Palace redevelopment, lots of new development going on here, and they are giving the ability for Orion Township to accommodate all of those people and bring them in as new community members. He thought that was an important component of a public benefit. When this whole thing started, they initially wanted to contribute the land to Orion Township as their public benefit. He had a conversation with Supervisor Barnett and he mentioned that the Township has plenty of public parks and that they would not be interested in accepting or it wouldn’t be at the top of the list in terms of priorities but was something they were willing to do. They are certainly willing to consider other options. He knew there were certain public benefits like the project on Baldwin that produced a play structure. They would certainly look into building a play structure in that seven-acre adjacent to the parking lot, and to the restaurant. Based on the recognizable benefits that the ordinance calls for he thought they were achieving those and were willing to look at some other options that could further contribute to that public benefit.
Mr. Wayne said on the topic of traffic study there was a lot mentioned there. Certainly, he is not a traffic consultant so the study wasn’t done by him and he understands that, to the extent that he can speak about it, but there was a comment made about a lot of fender benders in that area and that is actually something that the study addressed. It talks about how a stop sign in the particular location is further west on Waldon Rd., further away from Lapeer and as a result of that it makes it challenging to see the traffic coming southbound on Lapeer so there was an assumption in the study of that could be why because the stop sign is too far back.

Mr. Wayne added that there was a question about when was the data collected, he can’t sight the exact range, perhaps Engineer Landis can from the study but his understanding was it was for a longer period than just a two-hour block in the morning and at night. It is also important to mention that 40% of the traffic they are showing in the study is being contributed to Waldon Rd. Hypothetically speaking and he is putting the study aside for a second and saying if they’re getting in their car at The Woodlands at 8 a.m. in the morning and there is a line of cars from Waldon Rd. stop sign all the way past their entrance, and they have the option to go out on Waldon or to take the Lapeer Rd. exit he thought the answer was pretty obvious. While the study is saying that 40% of their cars are going to go out onto Waldon or it is basically projecting that amount of volume to the Waldon intersection logic tells them that if there is a big traffic jam there, they are going to go to the Lapeer Rd. side. As it relates to the signal itself the decision of whether or not to signalize an intersection is one that MDOT and depending on if RCOC is involved make. They alone can’t say they are going to put in the traffic light. To his understanding even the Board can’t say they are going to put a traffic light in, he believed that MDOT had said that. This particular intersection although has been an issue for a number of years and there have been some complaints about it, it is not currently on MDOT’s capital improvements list. He made a call over there and that is what she told him and so he asked how does that get on that list, her response was that they need to have a request for a permit and they need a traffic study that indicates the existing conditions warrant signalization. Again, The Woodlands by submitting that permit request and that study might be the very thing that opens the eyes to MDOT to say that they do need to put a light here. They mentioned that when they see existing conditions and the level of service at an E & F range that that is impactful for them and those are the ones that they would prioritize more than something in a C-D range. These existing ones are in E & F so therefore it is a good candidate that it would wind up on MDOT’s improvement lists. As he has said before he can’t commit to them that they would get a light at that intersection but he can commit to them that their project will pursue a light at that intersection it would be impetuous for doing so and it may be the very justification that MDOT delivers that light at that intersection. They are certainly willing to do anything they can to help and assist that process.

Chairman Reynolds asked about the height of the buildings being proposed, along with the transitional zoning, and buffers around the buildings being proposed?

Mr. Wayne replied The Woodlands is proposed at three stories for the sole purpose that it allows them to preserve 60% of the site. By giving an extra 12-ft. in height they are able to give 12-acres worth of preserved nature. That is something that seems like an honest exchange. As it relates to the buffers and how it ties into the height the other reason that they didn’t want to propose apartment units continuing into the northwest corner of the site, which is now currently the preserve area, the other reason is that would affect a significantly greater number of the Summerfield Condominium Association in terms of which ones bordered their property if they were to build all the way up into that are. Because they are not, they are able to preserve that back door view of all of the condos that are on the western border of Summerfield Condos. That extra height is giving them not only the preserved nature but also is helping them to mitigate disruption for those other homes in that area.

Mr. Wayne said as it relates to buffers, he thought that it might be hard to imagine what they are talking about when they say a buffer and trees on top of it. There is a fairly good example as they are driving down Waldon right to the left on the current site there is a berm and some large pine trees, these have grown over a decade or two but they certainly block any views from that road onto that property, so the intention would be to create something similar. A mounded berm at least 3-ft. high with large pine trees on
top of that. Particularly in these residential areas, they are going to design those pine trees to be as close
to one another as possible. Give a year or two of growth and the intention is that this feathers in and
becomes a screen wall of evergreens for both their neighboring properties to not see The Woodlands, and
for The Woodlands not to see the neighboring properties, it serves as that screen wall. That is on the
north boarding area adjacent to the condos and also on the south boarding areas adjacent to the two
single families.

Mr. Wayne said as it relates to neighboring property values this was something that they will discuss later
but he wanted to mention that he can’t say that when they build The Woodlands tomorrow their property
value is going to increase but what they mean when they say and really what this study shows, and to the
gentleman that requested the study he would be happy to provide it, is that the communities that have
bigger presences of multi-family over the long span typically enjoy higher appreciation values. That is
because this added balance or added a sector of housing being sufficient to support the areas of that
community that demand that type of product is strong. As a result, that portion of the economy is strong in
that community and contributes to an overall well-rounded and strong community. It is about the options,
the versatility, flexibility that the apartments bring as opposed to just purely the fact that the apartments
are built there. They don’t envision a negative economic impact on surrounding areas and thought an
example of that is the RM-1 density already exists three times over surrounding this area. He knows that
it might be an opinion of some of the members of the public here tonight that this doesn’t fit anywhere
because of the density amount but actually it fits pretty nicely with the other three similar density parcels
around it. The argument could be made that those already exist in your own value is what it is. The idea
of adding more density that is similar to the amounts that surround it shouldn’t cause a tremendous
negative impact in their opinion.

Mr. Wayne said the question regarding the section cuts, they do not have any government grants that they
are pursuing, for this project so they intend to do traditional financing methods, they will not be seeking
any sort of adjusted income. All the apartments will be market rates housing as he illustrated with the
rental projections and the demographic types.

Mr. Wayne stated that the wildlife preservation he mentioned that was roughly 60% of the site.

Mr. Wayne said there was a question about what does management looks like what does the ongoing
maintenance of The Woodlands looks like. As a developer or a real estate investment company, they use
a third-party property management company, to operate the site. Their particular one is called KMG
Prestige. They have thousands of units just in Michigan but also in other states surrounding Michigan so
they are an extremely qualified group, they are currently managing their project in Auburn Hills. The
biggest thing he could say about ongoing maintenance and upkeep is that they can’t have an apartment
building that sits at the upper end of this quality threshold and asks the projected rents that they are asking
that are in line with the market but again it sits at the higher of this spectrum and they can't have an
apartment that sits at that higher end of the spectrum and neglect basic management or upkeep of the
property. They are already incentivized just by the value of their building or basically the quality of their
building they are already incentivized to keep that as high as possible because the rents they are seeking
require that they do that. No one is going to pay $1,500 a month for an apartment community that doesn’t
mow its grass, doesn’t plow its driveway, doesn’t fix their microwave after it has been broken for a month.
People stop paying these types of rents that they are projecting if they don’t do these things. The upkeep
and the maintenance of this property will be the highest levels available in the market. As far as his plans
he couldn’t speak to if they will own this building forever but they want to build it and they want to operate
it. The ability to contribute to Orion Township is something that they are very excited about.

Mr. Wayne said the question on unified control and financing. The way he reads that question is it asks if
they have unified control throughout the life of the project to develop the parcel, what they are proposing is
on two separate parcels they had both parcels currently under contract and have the ability to purchase
both parcels. After the approval process is when that transaction would actually take place and then their
group or the group responsible for the development would actually have ownership of those parcels.
Currently, they have the right to ownership, and then if should it be approved, they will be able to purchase those properties and build the project. The answer to the unified control question is yes.

Moved by Supervisor Barnett, seconded by Trustee Flood that the Board of Trustees adjourn their special meeting of the Township Board at p.m. **Motion carried**

Chairman Reynolds closed the public hearing at 8:23 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approval Date
TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: February 10, 2022

RE: PC-2022-05, Quattro Development Retail Building Site Plan

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Multi-tenant /10 acre Requirement Waiver (Ord. No. 78, Section 34.01, B)**

**Motion 1:** I move that the Planning Commission grants/does not grant a waiver from the requirement that the ancillary use of a Mattress Retail be developed in conjunction with a larger-scale planned development project having multiple tenants with a total land area of at least 10 acres for PC-2022-05, Quattro Development, for plans date stamped received 1/26/22 for the following reasons:

- a. The project does/does not promote the economic development goals of the Township.
- b. (motion maker to insert any additional reasons).

**Modification of the Brown Road Standards (Ord 78, Article 34, section 34.04)**

**Motion 2:** I move that the Planning Commission waives/modifies the following standards of Section 34.03 for PC-2022-05, Quattro Development, for plans date stamped received 1/26/22, based on the economic impact, quality of architectural design, and overall compatibility with the District: (motion maker to insert findings of facts for each that are granted)

- a. Minimum yard area (from the required 20,000 sq.ft. to 17,018 sq.ft.)
- b. Side yard setback (from the required 20' to 15’)
- c. Front yard setback (from the required 40' to 30.5’)
- d. Parking calculation (from the required 17 to 13)
- b. Parking setback waiver (from the required 20’ to 6’)

**Site Plan (Ord. No. 78, Section 30.01)**

**Motion 3:** I move that the Planning Commission grants site plan approval for PC-2022-05 Quattro Development Retail Building, located on an unaddressed parcel 09-32-377-057 (a parcel north of 4983 S. Baldwin Road) for plans date stamped received 01/26/2022 based on the following findings of facts (motion make to insert findings of facts).

This approval is based on the following conditions:
a. (Motion maker to list any unresolved issues related to the Township Planner’s review letter).
b. (Motion maker to list any unresolved issues related to the Township Engineer’s review letter).
c. (Motion maker to list any unresolved issues related to the Fire Marshall’s review letter)
d. (Motion maker to list any additional conditions).

Or
I move that the Planning Commission **denies** site plan approval for PC-2022-05, Quattro Development Retail Building, located on an unaddressed parcel 09-32-377-057 (a parcel north of 4983 S. Baldwin Road) for plans date stamped received 01/26/2022. This **denial** is based on the following reasons (insert findings of facts).

Or
I move that the Planning Commission **postpones** site plan approval for PC-2022-05, Quattro Development Retail Building, located on an unaddressed parcel 09-32-377-057 (a parcel north of 4983 S. Baldwin Road) for plans date stamped received 01/26/2022 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s, Fire Marshall’s, or Engineer’s review letter(s)).
February 9, 2022

Orion Township Planning Commission
2525 Joslyn Road
Lake Orion, MI, 48360

Site Plan Review no. 1
Quattro Development

Case Number: PC-2022-05
Address: 4938 Baldwin Road
Parcel ID: 09-32-377-057
Area: 0.39 AC
Applicant: Brett Dahlman

Plan Date: 01/25/2022
Zoning: Brown Road Innovation Zone (BIZ)
Reviewer: Matt Wojciechowski Rod Arroyo

Dear Planning Commission Members:

We have reviewed the above application and site plan, landscape plan, and tree survey and a summary of our findings is below. Items in bold require specific action by the Planning Commission. Items in italics can be addressed administratively.

[Diagram of site plan]
SUMMARY OF REVIEW
Revisions and Additional Information

1. Applicant shall add details to plan to confirm bronze light fixtures will be installed
2. Applicant shall add or identify a note on the site plan indicating compliance with underground utility requirement

Planning Commission Discussion
3. The PC should discuss if lighting within the Baldwin Road greenbelt adjacent to the pathway is desired
4. The applicant and Planning Commission should discuss the operation and plan (schedule) for refuse disposal
5. The applicant and Planning Commission should discuss the operation and plan (schedule) for loading and unloading, including when and where this would take place

Planning Commission Waivers

Requested:
6. Front yard setback waiver from 40’ to 30.5’ (9.5’ or 24% reduction)
7. Side yard setback waiver from 20’ to 15’ (5’ or 25% reduction)
8. Waiver to reduce required parking from 16 spaces to 13 spaces

Additional PC waivers required (not listed as proposed by applicant)
9. Waiver required to permit ancillary type B use (stand-alone retail) on lot less than 10 acres (34.01.B)
10. Waiver required to permit ancillary type B retail on a lot without a primary use (34.01.C)
11. Waiver required to waive minimum lot size for use group B ancillary use (34.03.B - Table 34-3)
12. Waiver required to reduce parking lot setback from 20’ to 6’ (14’ or 70% reduction)

Project Summary

13. The applicant is proposing to construct a 3,160 square foot Type B retail building with 13 associated parking spaces. The parking lot is located in the rear of the building and will be accessed via the shared driveway located on the property to the south that serves the Huntington Bank.

The site is zoned BIZ and is surrounded by properties to the north, south and east that are also zoned BIZ.
Zoning Ordinance Compliance Tables

14. BIZ District Waivers. The Planning Commission is permitted to waive or modify the standards of Section 34.03 (required conditions) based upon the economic impact, quality of architectural design, and overall compatibility with the district.

15. BIZ District Standards. The table below indicates compliance or required waivers with respect to the applicable standards for this site and proposed Type B retail use within the BIZ district.

<table>
<thead>
<tr>
<th>Brown Road Innovation Zone (Article XXXIV)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>34.01 – Uses Permitted</strong></td>
</tr>
<tr>
<td>B. Ancillary/Stand-alone uses allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size</td>
</tr>
<tr>
<td>C. Ancillary commercial only permitted after primary permitted Development Agreement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>34.03 – Required Conditions / Flex Zoning</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 34-3 Schedule of Mixed-Use Regulations – Group C</strong></td>
</tr>
<tr>
<td>Min. Lot Area</td>
</tr>
<tr>
<td>Min. Lot Width</td>
</tr>
<tr>
<td>Min. Front Yard</td>
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<tr>
<td>Min. Side Yard</td>
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<tr>
<td>Min. Rear Yard</td>
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<tr>
<td><strong>Height Limit.</strong></td>
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<tr>
<td><strong>Parking.</strong></td>
</tr>
<tr>
<td>1. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses</td>
</tr>
<tr>
<td>Retail requires 16 spaces (4309/200 = 16.7)</td>
</tr>
<tr>
<td>3. Parking area and driveway setback require 20’ when adjacent comm./ind. zone</td>
</tr>
<tr>
<td>6. The required setback for parking may be reduced in width or waived by the PC subject to landscaping or screening requirements</td>
</tr>
<tr>
<td><strong>Design Standards (See ZO for full text)</strong></td>
</tr>
<tr>
<td>1. Design shall be consistent with Master Plan Vision</td>
</tr>
<tr>
<td>2. Mix of uses allowed as long as appropriately buffered and sited</td>
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<tr>
<td>3. Access management</td>
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</tbody>
</table>

16. **General Provisions.** The standards in the table below are a summary of the applicable Zoning Ordinance standards in Article XXVI; please refer to the individual sections referenced herein for the full Zoning Ordinance text.

### General Provisions (Article 27)

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.04 Parking and Loading</td>
<td>b.i. Establishments containing less than ten thousand (10,000) square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or designated delivery area on the same zoning lot.</td>
<td>Standards listed in 27.04 are for business districts; does not require loading for BIZ district. The applicant and Planning Commission should discuss the operation and plan for loading and unloading.</td>
</tr>
<tr>
<td>27.05 Landscaping</td>
<td>i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material.</td>
<td>Plan appears compliant; add details noted below.</td>
</tr>
<tr>
<td></td>
<td>ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area.</td>
<td>Add information indicating amount of landscaped open space to plan.</td>
</tr>
<tr>
<td>27.06 Access</td>
<td>E. Service Road</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>Easement. Use of the service road shall be secured through an easement permitting the use of the service road for traffic circulation from one (1) parcel to another. Said easement shall be in written form acceptable to the Commission and adopted by the Township Board prior to issuance of a building permit. No permanent structures other than the service road shall be permitted within the easement. Said easement shall be recorded with the Oakland County Register of Deeds.</td>
<td>Applicant shall provide easement documentation</td>
</tr>
</tbody>
</table>

| 27.12 Tree & Woodland | D.1. Parcels less than 4 acres are exempt from the tree removal permit requirement |
| 27.14 Access Management | F. Driveway Standards | Engineer to Review |

Staff will be available to discuss this review at the next Planning Commission meeting.

Respectfully,

Giffels Webster

Rodney L. Arroyo, AICP  
Partner

Matt Wojciechowski, AICP  
Senior Planner
February 10, 2022

Scott Reynolds, Planning Commission Chairperson
CHARTER TOWNSHIP OF ORION
2323 Joslyn Road
Lake Orion, MI 48360

RE: Sleep Number/Quattro Development Retail Building, PC-2022-05
Site Plan, 1st Review

Received: January 27, 2022 by Orion Township

Dear Mr. Reynolds:

We have completed our review of the Sleep Number/Quattro Development Retail Building plan set. The plans were prepared by Excel Engineering Inc. and were reviewed with respect to the Township’s Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township’s Engineering Standards.

EXISTING SITE CONDITIONS:
The site is located along the east side of Baldwin Road, north of Brown Road within Section 32 of the Charter Township of Orion. The site is zoned Brown Road Innovation Zone (BIZ) and bound by parcels on all sides zoned Brown Road Innovation Zone (BIZ) and General Business (GB). The total area of the site is 0.39 acres (17,018 sf) and the applicant has applied for a waiver due to small site size.

The current site is undeveloped but directly adjacent to multiple developed sites. The proposed project includes a 3,153 square foot building with 13 parking spaces proposed. A tree survey waiver was also submitted for this site. The property frontage shows a proposed 8’ wide asphalt pathway that connects to existing pedestrian facilities on either end. The proposed pathway is shown to connect to a proposed ADA compliant sidewalk system around all sides of the building.

WATER MAIN AND SANITARY SEWER:
A 16-inch water main runs north/south along South Baldwin Road Right-of-Way. The engineer is currently proposing a ¾ inch connection to the 16-inch water main, with a minimum of 3.5 foot of cover. Per the Township’s engineering requirements all water mains shall have a minimum of 5.5 ft of cover and shall be revised at engineering. Hydrant coverage appears acceptable but shall be verified with the Township Fire Marshal. It appears an FDC is not proposed for this development and should be confirmed acceptable by the Township Fire Marshal.

A 10-inch sanitary sewer runs north/south along South Baldwin Road, within an existing 15-foot-wide easement, the frontage of this site. The engineer is currently proposing a 4-inch sanitary lead connection to the 10-inch existing sanitary sewer at a depth of approximately 7 ft. The minimum sanitary sewer lead size shall be 6 inches and shall be revised on the plans at engineering. Depth and proposed slope appear acceptable.
The utility materials table on the cover sheet needs to be revised to be in compliance with the Township Engineering Standards.

**STORMWATER MANAGEMENT:**
Four thirty (30) inch tall arch barrels are proposed for use as underground detention for the site. A stormwater quality unit is also proposed prior to the underground detention. The onsite underground detention system is proposed to outlet on the east side of the proposed pathway along Baldwin Road and then flow through a trench drain across the pathway which is unacceptable. The storm sewer outlet will need to be connected to the Baldwin Road storm sewer and a permit obtained from RCOC. Preliminary detention calculations have not been provided and will be required to be added to the plans.

**PAVING/GRADING:**
Proposed pavement slopes are acceptable and shown between 1% and 6% for drive areas, and between 1% and 4% for parking areas. The provided detail for curb and gutter, ADA sidewalk and both the raised and flush walk details are acceptable. The applicant shall provide proposed cross sections for the parking lot pavement and safety path in compliance with Township paving standards. The proposed 6” concrete dumpster pad is less than the required 8” thick section and will need to be revised.

Existing and proposed grading are both shown with spot grades and 1 ft contours on the plan sheets. The existing drainage pattern is westward toward Baldwin Road. The proposed storm system includes underground detention prior to outletting stormwater toward Baldwin Road. No significant changes to the drainage pattern appear to be proposed.

No retaining walls are proposed on this site.

**TRAFFIC & CIRCULATION:**
Currently all incoming and outgoing traffic would be channeled through one driveway on the south side of the development. This proposed access drive is through an existing access road for adjacent parcels and is proposed roughly 100 ft east of Baldwin Road. The configuration of the drive isle and parking lot require drivers to make awkward 3-point turns to maneuver into and out of some parking spaces. It is recommended the applicant relocate the existing cross access easement and drive approach to facilitate easier turning movements.

The applicant should provide for adequate space for loading/unloading including anticipated turning movements.

The minimum drive isle width is 22’ for two-way traffic measured from edge of metal to edge of metal. Currently the plans show a dimension of 22.4’ from face of curb to face of curb and will need to be revised.

**LANDSCAPING:**
Proposed plantings are not in conflict with proposed utilities and are sized appropriately for site locations proposed.

**NATURAL FEATURES:**

- **Wetlands:**
  No wetlands are present on or adjacent to this site. No wetland impacts appear to be proposed.

- **Woodlands:**
  A tree survey has not been included with this submission, but a brush line is shown on the plans. The applicant has submitted a waiver request on the tree survey requirement due to the size of the site.
CONCLUSION:
In our opinion, the site plan as submitted is in substantial compliance with the Township’s ordinances and engineering standards. We ask that any approval include the following:

1. Revise the detention outlet to connect to the Baldwin Road storm sewer instead of outletting to grade and through the pathway with a trench drain.
2. Provide preliminary detention calculations to show feasibility.
3. Provide proposed cross sections for the parking lot pavement and safety path per township standards.
4. Revise the proposed 6” concrete dumpster pad to meet the minimum 8” thick section required by township standards.
5. Revise the drive isle to be a minimum width of 22’ exclusive of curb and gutter.
6. Revise the utility materials table on the cover sheet to be in compliance with township standards.
7. It is recommended the applicant relocate the existing cross access easement and proposed drive isle to facilitate easier turning movements.
8. The applicant should provide for adequate space for loading/unloading including anticipated turning movements.
9. The engineering plan, designed in accordance with Zoning Ordinance No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township’s Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

The applicant should note the Township may require performance bonds, fees, and/or escrows for a preconstruction meeting and necessary inspections. Please feel free to contact us with any questions at (248) 751-3100 or mark.landis@ohm-advisors.com.

Sincerely,

OHM Advisors

Joe Lehman
Project Engineer

Mark Landis, P.E.
Project Manager

cc: Chris Barnett, Township Supervisor
    David Goodloe, Building Official
    Jeff Scott, Director of Public Services
    Tammy Girling, Director of Planning and Zoning
    Lynn Harrison, Planning and Zoning Coordinator
    Jeff Williams, Township Fire Marshal
    Bill Basigkow, Water and Sewer Superintendent
    Brett Dahlma, Quattro Development, LLC (via e-mail)
    Jason Dye, Excel Engineering Inc. (via e-mail)
    File
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2022-05, Quattro Development Retail Building, Site Plan  
Date: 1/24/2022

The Orion Township Fire Department has completed its review of Application PC-2022-05 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

Based upon the application and documentation provided, the Fire Department has the following recommendation:

- Approved
- Approved with Comments (See below)
- Not approved

Comments:

- It shall be noted that the fire department has areas of concern in regard to the parking lot layout. It is the fire departments recommendation that the planning commission require the applicant to re-configure the parking lot allowing our ambulance better maneuverability when exiting the site.

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2004.

Sincerely,

Jeffrey Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
Courtney Keisman

From:       Jeff Stout
Sent:      Friday, February 11, 2022 9:43 AM
To:       Courtney Keisman
Subject:    Re: PC-2022-05 Quattro Development Retail Building Site Plan
Attachments:  image001.png; Site Plan Application-Signed.pdf; PC-2022-05, Quattro Development Retail Building, Site Plan Transmittal.pdf; PC-2022-05 Quattro Development Retail Building Site Plan Plans.pdf; Project Overview-Waiver Requests.pdf

Courtney,

Please let this email serve as a transmittal letter for the above-named project. We have reviewed the attached documents, ample water and sewer is available for the project. I would be happy to answer any further questions that arise.

Jeff Stout

Jeff Stout
Director/Public Services
2323 Joslyn Road | Lake Orion, MI 48360
O: 248.391.0304, ext. 8501 C: 248.431.5822
jstout@oriontownship.org

On Jan 27, 2022, at 9:50 AM, Courtney Keisman <ckeisman@oriontownship.org> wrote:

Hello.

Attached is the application, transmittal, plans and narrative regarding PC-2022-05 Quattro Development Retail Building Site Plan.

Thank you,

We’ve Moved! Come visit us at 2323 Joslyn Road!

Courtney Keisman
Clerk III
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5003
W: www.oriontownship.org
A site walk was conducted on February 7, 2022 for the Quattro Development located on Baldwin Road north of Brown Road.

The parcel is a vacant business parcel located between bank at the intersection of Baldwin and Brown Road and the commercial properties on Baldwin Road. The site is immediately south of the Aspen Dental. The existing commercial properties north of the site are Aspen Dental, Visionworks, Chipotle restaurant, Sherwin Williams paint, Potbelly restaurant, and Taco Bell which all share common parking and access drives off Waldin Road. There is no parking in the front of the business properties.

There is an overhead utility line which runs through the center of the property in a north/south direction.

Donald Gross, Planning Commissioner
Charter Township of Orion
2323 Joslyn Rd., Lake Orion MI 48360
dgross@oriontownship.org
http://www.oriontownship.org
Charter Township of Orion Planning Commission
Site Plan Approval Application

30.01, A. Intent: The site plan review procedures and standards are intended to provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so as to achieve maximum utilization of land with minimum adverse effects on adjoining property. Furthermore, it is the intent of these procedures and standards to allow for review of site plans by the Planning Commission, to provide a consistent and uniform method of review, and to ensure full compliance with the standards contained within Zoning Ordinance 78, and other applicable local ordinances and State and Federal laws.

Project Name: Quattro Development Retail Building

<table>
<thead>
<tr>
<th>Name of Development if applicable: NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Quattro Development, LLC</td>
</tr>
<tr>
<td>Address: 1100 Jorie Blvd., Suite 140</td>
</tr>
<tr>
<td>City: Oak Brook</td>
</tr>
<tr>
<td>State: IL</td>
</tr>
<tr>
<td>Zip: 60523</td>
</tr>
<tr>
<td>Phone: 630-870-1921</td>
</tr>
<tr>
<td>Cell: 630-639-0952</td>
</tr>
<tr>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:brett@quattrodevelopment.com">brett@quattrodevelopment.com</a></td>
</tr>
</tbody>
</table>

| Name: Hilltop Camp BC, LLC            |
| Address: 13188 Latourette Drive       |
| City: Fenton                          |
| State: MI                            |
| Zip: 48430                           |
| Phone: 810-691-9122                   |
| Cell: 810-691-9111                    |
| Fax:                                 |
| Email: leshock@msn.com               |

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

| Name: Excel Engineering Inc - Jason Daye |
| Address: 100 Camelot Dr                |
| City: Fond du Lac                      |
| State: WI                             |
| Zip: 54935                            |
| Phone: 920-926-9800                    |
| Cell: 920-980-5652                     |
| Fax:                                 |
| Email: jason.d@excelengineer.com      |

| Name: Quattro Development, LLC        |
| Address: 1100 Jorie Blvd., Suite 140 |
| City: Oak Brook                      |
| State: IL                            |
| Zip: 60523                           |
| Phone: 630-870-1921                   |
| Cell: 630-639-0952                    |
| Fax:                                 |
| Email: brett@quattrodevelopment.com  |

Version 12/7/20
Page 1 of 3
Sidewell Number(s): 0932377057

Location or Address of Property: Just north of 4983 S Baldwin Rd (Huntington Bank)

Side of Street: East Nearest Intersection: Brown Rd & Baldwin Rd

Acreage: 0.39 acres Current Use of Property: Vacant

Is the complete legal description printed on the site plan? □ Yes □ No (if no please attach to the application) See attached legal description.

Subject Property Zoning: BIZ Adjacent Zoning: N. BIZ/GB S. BIZ/GB E. BIZ/GB W. BIZ/GB

List any known variances needed (subject to change based on Township consultant’s review) See attached waiver description request

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed. Approx. 3,160 SF retail building with associated parking.

Pursuant to Zoning Ordinance 78, Section 30.01 C. a copy of this application and two copies of the site plan must be submitted to the each of the following agencies. Please provide the Township with a copy of each transmittal as proof of delivery.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T</td>
<td>54 Mill St. 530 W. Willow St. 1970 Orchard Lake Rd. 1200 N. Telegraph Rd. 800 Vanguard Dr. 1200 N. Telegraph Rd. 800 Vanguard Dr. 1200 N. Telegraph Rd. 800 Vanguard Dr.</td>
</tr>
</tbody>
</table>

I/We, the undersigned, do hereby submit this application for Site Plan Approval, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.01 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: _______________________________ Date: 1/21/22

Print Name: _______________________________

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner: _______________________________ Date: _______________________________

Print Name: _______________________________

Version 12/7/20
Sidwell Number(s): 0932377057

Location or Address of Property: Just north of 4983 S Baldwin Rd (Huntington Bank)

Side of Street: East Nearest Intersection: Brown Rd & Baldwin Rd

Acreage: 0.39 acres Current Use of Property: Vacant

Is the complete legal description printed on the site plan? [ ] Yes [x] No (if no please attach to the application) See attached legal description.

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List any known variances needed (subject to change based on Township consultant’s review) See attached waiver description request

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed: Approx. 3,160 SF retail building with associated parking.

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<table>
<thead>
<tr>
<th>AT&amp;T</th>
<th>Consumers Power Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>54 Mill St. Pontiac, MI 48342</td>
<td>530 W. Willow St. Lansing, MI 48906</td>
</tr>
<tr>
<td>DTE Energy Co. ATTENTION: NW Planning &amp; Design</td>
<td>Oakland County Health Department</td>
</tr>
<tr>
<td>1970 Orchard Lake Rd. Sylvan Lake, MI 48320</td>
<td>Building 34 East</td>
</tr>
<tr>
<td>Michigan Department of Transportation (if applicable) 800 Vanguard Dr. Pontiac, MI 48341</td>
<td>1200 N. Telegraph Rd. Pontiac, MI 48341</td>
</tr>
<tr>
<td>Oakland County Water Resources</td>
<td>Road Commission of Oakland County (if applicable) <a href="mailto:ssinthowski@rcoc.org">ssinthowski@rcoc.org</a> (electronic submittal only)</td>
</tr>
</tbody>
</table>

I/We, the undersigned, do hereby submit this application for Site Plan Approval, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.01 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: ___________________________ Date: ___________________________

Print Name: ___________________________

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner (if the deed of ownership does not show an individual, ie is a corporation, partnership, etc., documentation must be provided showing the individual signing this application has signing rights for the entity): ___________________________

Print Name: ___________________________ Date: 1-26-2020

Version 12/7/20

Page 2 of 3
Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name: Quattro Development Retail Building

PC#: Parcel#(s) 0932377057

Please select an option below:

☐ Permission to Post on Web Site
By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

Signature of Applicant

Printed Name of Applicant

Date

☐ Do not want plans posted on Web Site
January 25, 2022

Project Narrative – Waiver Requests

Project: Quattro Development – Retail Building
Address Unassigned – Site is Immediately North of 4983 S. Baldwin Road
Lake Orion, MI

Quattro Development is requesting site plan review and approval for development of parcel number 0932377057 located just northwest of Huntington Bank located at 4983 S. Baldwin Road in the Charter Township of Orion. The proposed development is a 3,153 square foot retail building with associated parking. The property area is 17,018 square feet (0.39 acres) and is currently zoned BIZ (Brown Road Innovation Zone); the proposed land use is permitted.

The following waivers are being requested from the Charter Township of Orion zoning code for the proposed development.

Setbacks

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Building: 40’</td>
<td>Front Building: 30’</td>
</tr>
<tr>
<td>Side Building: 20’</td>
<td>Side Building: 15’</td>
</tr>
<tr>
<td>Side Pavement: 20’</td>
<td>Side Pavement: 6’</td>
</tr>
<tr>
<td>Sign: 30’</td>
<td>Sign: 15’+-</td>
</tr>
</tbody>
</table>

The overall property is generally small which limits design options. The requested relief to the front and side building setbacks will be balanced and in line with the commercial properties to the north. The reduction to the side pavement setback on the south side of the development does not harm the neighboring business as this portion of the neighboring property is used strictly for their access drive. The reduction in pavement setback on the north side of the development will not negatively impact the neighboring business as the grade of the proposed development site is lower in elevation and separated by a retaining wall; this will prevent headlight shine into the neighboring business. The proposed location of the monument sign is in line with neighboring developments signage to the north and south. The proposed development will fit in with the existing developments in the area and requested setback reductions will not be detrimental to neighbors.
Parking

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 stall / 200 SF = 16 stalls</td>
<td>1 stall / 243 SF = 13 stalls</td>
</tr>
</tbody>
</table>

The proposed retail development will have adequate parking with 13 stalls. A maximum of two (2) employees will be on site during operational hours. An average of 5 customers per hour are anticipated.

Lot Area

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 SF</td>
<td>17,018 SF</td>
</tr>
</tbody>
</table>

The overall property area is 17,018 square feet. Relief from the minimum lot size required by the zoning ordinance will be required to allow for any development of the property.

Tree Survey Requirement

A tree survey would be unnecessary on the small site because majority of trees will to be removed for the development. Any suitable existing healthy plant material will be considered for preservation; however, it is unlikely that any existing trees will be able to remain. A landscape plan is included for review; the plan will provide attractive landscaping in an approach that complies with ordinance requirements and at the same time ensures species resiliency and complimentary aesthetics.
STAKEOUT INFORMATION:
VERIFY STATION FOR INLET LOCATION. REFER TO STAKEOUT POLICY FOR STAKEOUT LOCATION AND OFFSETS.
VERIFY STATION FOR INLET LOCATION. REFER TO STAKEOUT POLICY FOR STAKEOUT LOCATION AND OFFSETS.
### Landscaping Planting Schedule

<table>
<thead>
<tr>
<th>Number</th>
<th>Existing Tree Location</th>
<th>Boreal Snowberry</th>
<th>Northern Red Oak</th>
<th>Unplanted Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>North Side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>South Side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>East Side</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>West Side</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Landscaping Calculations

- **Total Area:** 1000 sq ft
- **Soil Type:** Clay Loam
- **Planting Distance:** 20 ft
- **Planting Density:** 100 trees/acre

- **Total Number of Trees:** 100
- **Total Cost:** $10,000

- **Plant Type:** Evergreen
- **Plant Size:** 3" caliper

- **Planting Date:** Jan 25, 2022

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**NOT FOR CONSTRUCTION**

**PROJECT INFORMATION**

EXCELINEER, INC.

100 Camelot Drive
Fond Du Lac, WI 54935

Phone: (920) 926-9800

www.EXCELINEER.com

**PROPOSED RETAIL SHELL BUILDING FOR:**

**QUATTRO DEVELOPMENT**

4938 BALDWIN ROAD ● ORION CHARTER TOWNSHIP, MI
ALL INTERIOR DIMS. ARE FROM FACE OF STUD TO FACE OF STUD.

- ALL INTERIOR WALLS TO BE 2x4 OR 2x6 @ 16" O.C. (SEE FLOOR PLAN FOR SIZE) W/ 1/2" OR 5/8" GYPSUM BOARD BOTH SIDES - EXTEND TO BOTTOM CHORD OF TRUSSES / UNDERSIDE OF DECK.

- ALL INTERIOR WALLS TO BE 3 5/8" OR 6" METAL STUDS @ 16" O.C. (SEE FLOOR PLAN FOR SIZE) W/ 5/8" GYPSUM BOARD BOTH SIDES - EXTEND TO BOTTOM CHORD OF TRUSSES.

- PROVIDE 3 1/2" SOUND BATT INSULATION AROUND PERIMETER OF TOILET ROOM AND OFFICE WALLS.

- PROVIDE WOOD BLOCKING FOR ANY FURNISHINGS BY OWNER. (VERIFY LOCATIONS)

- ALL EXTERIOR WINDOWS TO HAVE ALUMINUM FLASHING RETURNS AT HEAD, JAMBS, AND SILL OF ALL WINDOWS.

- ALL EXTERIOR WINDOWS TO HAVE GYPSUM BOARD RETURNS AT HEAD AND JAMBS AND PLASTIC LAMINATE COVERED WOOD SILL.

- INTERIOR GLAZED OPENINGS IN OFFICES TO BE 1/4" GLASS SET IN OAK JAMBS AND STOPS (SEE PLAN FOR SIZES).

- SEE A4 SHEETS FOR TYPICAL CONTROL JOINT DETAILS.

- SEE A7 SHEETS FOR TYPICAL ATTIC ACCESS PANEL.

- SEE A7 SHEETS FOR TYPICAL MECHANICAL PIPE PENETRATION THRU CEILING VAPOR BARRIER.

- IN RETAIL STORES WHERE COUNTERS HAVE CASH REGISTERS AND ARE PROVIDED FOR SALES OR DISTRIBUTION OF GOODS OR SERVICES TO THE PUBLIC, AT LEAST ONE OF EACH TYPE SHALL HAVE A PORTION OF THE COUNTER WHICH IS AT LEAST 36" IN LENGTH WITH A MAXIMUM HEIGHT OF 36" ABOVE THE FINISH FLOOR. COUNTER SHALL BE ON AN ACCESSIBLE ROUTE COMPLYING WITH A.D.A. GUIDELINE 4.3.

- SALES & SERVICE COUNTERS

- ALL CABINETS AND COUNTERTOPS TO HAVE PLASTIC LAMINATE FRONTS AND TOPS.

- KITCHEN AND CABINET W/ COUNTERS BY GENERAL CONTRACTOR AS REQUIRED

- ALL CABINETRY AND EQUIPMENT BY OTHERS - SEE EQUIPMENT DRAWING BY INTERIOR DESIGNER FOR REQUIREMENTS.

- FOOD PREP AREA TO BE VERIFIED W/ OWNER. PROVIDE SHOP DRAWINGS ON EQUIPMENT.
Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5000; Fax (248) 391-1454

TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: February 11, 2022

RE: Open Air Business Discussion

The Zoning Ordinance #78, Article 30.11, F gives the authority to approve an Open Air Business to the ZBA. Recently, while reviewing this section related to a possible change, I questioned why this type of approval would not come to the PC instead (considering the criteria to be used to approve the use). I have attached the relevant sections of the Zoning Ordinance and I would like to have a brief discussion of if the Commission feels a change making the PC responsible for this type of approval is desired.

If you have any questions, please feel free to contact me.
Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located. (See Illustration 2.7)

Nuisance: An act, condition, thing, structure, or person which is offensive, annoying, unpleasant, and/or obnoxious.

Nursery, Plant Material: A space, building or structure, or combination thereof, for the growth and storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Occupant Load: The occupant load of an establishment or use is the maximum number of persons who can avail themselves of the services or goods of such establishment at any one time with reasonable safety and comfort, as determined by the Township's adopted Building Code, Ordinance No. 130, as amended.

Open Air Business: A business operating on a seasonal or temporary basis which is wholly or partially conducted outside of a building. This may include temporary locations for Christmas trees, pumpkins, fireworks, etc., but shall exclude outdoor display and sales as defined below. (amended 06.04.12)

Outdoor Display and Sales: Incidental sales and display area located outside of the principal building which does not exceed ten percent (10%) of the principal building area or one thousand (1,000) square feet, whichever is less. The outdoor display and sales shall be related to the existing principal use of the property. (amended 06.04.12)

Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. (added 02.01.16)

Outlot: A parcel of land not subject to other conditions of a plat but which must be designated on a recorded plat as an outlot before it may be legally considered as such.

Parcel: (amended 08.07.97) A piece of land under single ownership and control that is at least sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such parcel shall have frontage on a permanent easement, or a dedicated roadway or on a permitted private road as may be provided by appropriate ordinance. Such parcel may consist of:
B. Preliminary Application. The Enforcement Officer may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the Enforcement Officer may, on such preliminary submittal, take the formal action of tentative denial or tentative approval.

C. Issuance of a Permit. If the proposed construction, moving, alteration, or change of use set forth in the application is in conformity with the provisions of this Ordinance, the Enforcement Officer shall issue a permit. If an application for such permit is denied, the Enforcement Officer shall state in writing on an appropriate form the reason for denial. The denial form shall be forwarded to the applicant. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

D. Valid Period of Permit. A building permit issued pursuant to the provisions of this Ordinance and/or the Orion Township Building Code shall be good for one (1) year from date of issue. Failure to begin work authorized by the permit within six (6) months from date of issue shall cause the permit to become null and void.

E. Inspection of Completed Work. The holder of any building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Orion Township Building Official, or his designated representative, immediately upon completion of the work authorized by such permit for the necessary inspection. This provision includes the final inspection. After receiving a final approved inspection, an application shall be made in writing on forms furnished by the Orion Township Building Department for a Certificate of Occupancy.

F. Temporary Use Permits. (amended 03.09.00, 07.07.03, 02.16.10, 06.04.12, 01.06.14)

Temporary use permits may be considered by the Township for the following uses:

Outdoor Display and Sales
Open Air Business

I. Initial Application and Procedures for Review

a. Outdoor Display and Sales

1) Temporary use permits may be issued administratively by the Planning Department (amended 05.04.20) for Outdoor Display and Sales for the marketing of goods or products which do not exceed ten percent (10%) of the principal building area or greater than one thousand (1,000) square feet (whichever is less). This shall exclude Outdoor Display and Sales areas normally allowed as a principal use within the GB zoning district.

2) Outdoor Display and Sales shall only be conducted on a parcel of land owned or leased by the operators displaying and selling goods. Proof of ownership or lease shall be furnished to the Township upon request.

b. Open Air Business

1) The Zoning Board of Appeals shall have the authority to review and approve an Open Air Business involving seasonal display of goods such as Christmas trees, pumpkins, fireworks, etc. This shall exclude lumber yards, outdoor garden shops, or other outdoor sales normally allowed within permitted zoning districts.

2) Temporary use permits may be issued for Open Air Business. The Zoning Board of Appeals shall have the authority to specify conditions, including duration of use and hours of operation, in order to ensure compliance with this Ordinance. Property owners and residents within three hundred (300) feet of the zoning lot on which the proposed Open Air Business is to be located shall be notified at least fifteen (15) days in advance of the meeting at which the application for the temporary use permit will be considered.
2. **Required Conditions for Outdoor Display and Sales or Open Air Business**
   
a. The temporary use for Outdoor Display and Sales or Open Air Business shall not occupy any essential parking spaces or maneuvering lanes associated with an on-site permanent use.

b. To ensure the continued safety of the customers, when located adjacent to a vehicular traffic area, the temporary sales area for Outdoor Display and Sales or Open Air Business shall be fenced or provided with appropriate barriers to ensure pedestrian safety and pedestrian passageway with a minimum of five (5) feet of clearance. Materials shall be displayed no closer than ten (10) feet from building entrance doors.

c. Access for Outdoor Display and Sales or Open Air Business shall be provided via a paved driveway.

d. Dedicated parking areas for Outdoor Display and Sales and Open Air Business shall be provided and shall not extend over sidewalks or safety paths.

e. Due to traffic safety concerns, no temporary sales for either Outdoor Display and Sales and Open Air Business shall be permitted at facilities dispensing flammable products such as vehicle fuels or propane.

f. A sketch plan and floor plan, drawn to scale in a manner acceptable to the Building Department, showing location of the stand or tent, setback from the rights-of-way, distance to nearest building or structure, placement of fire extinguishers, all entrances and exits, storage areas, pedestrian traffic flow, parking areas and vehicular traffic flow, and nature of occupants of nearest buildings shall be provided in the application.

g. Detailed information on the materials and wind load capability of the tent or stand to be erected on the site shall be provided in the application.

h. Detailed information regarding the plan for storage of display items during booth open and closed hours shall be provided in the application.

3. **Additional Requirements for Open Air Business**
   
a. All products for an Open Air Business shall be compatible with the permitted uses of the respective zoning district within which the site is located. The Zoning Board of Appeals may deny any application for temporary use if it is found that the proposed use is not consistent with the intent of the Zoning District in which the property is located or is incompatible with the permitted uses allowed within the Zoning Ordinance.

b. Flammable products for such as fireworks shall be stored in accordance with National Fire Protection Association Standards (NFPA 1124, 2006) and as determined by the Fire Chief of the Charter Township of Orion.

c. All signage shall comply with the requirements of the Charter Township of Orion Sign Regulations (Ord. No. 153). As a condition of approval for Open Air Business, the ZBA may impose more restrictive sign regulations than those sign regulations specified in Ordinance No. 153, where traffic safety or impacts to neighboring properties are a concern.

d. The Zoning Board of Appeals shall deny a temporary use permit for Open Air Business if the requested temporary use is located one mile (5,280 ft) of similar Open Air Business use which sells the same or similar product.

e. An Open Air Business shall only be conducted on a parcel of land owned or leased by the operators of the Open Air Business. Proof of ownership or lease shall be furnished to the Township upon request.
Article XXX

Administrative Procedures & Standards

30.11 Permits to Construct, Move, Alter or Change Use

f. An Open Air Business shall only be conducted on the following commercially zoned properties: RB, GB, B1Z or on non-residential institutional sites, such as churches or schools, within residential zoning districts.

g. The above listed regulations for Open Air Business shall exclude a permitted agribusiness such as farm markets, fruit and vegetable stands as permitted in Section 5.02.

h. A record of temporary use Open Air Business permits granted by the Zoning Board of Appeals shall be maintained by the Planning Department (amended 05.04.20). Each file shall include at least the following: the original application, the terms of approval of the initial application, and any written complaints received by the Township regarding the use.

i. The Zoning Board of Appeals shall review the file for the temporary use/ Open Air Business prior to a decision on renewal of a permit.

j. The temporary use/ Open Air Business shall not be transferable to another individual, entity or corporation.

k. The owner of the property on which the temporary use/ Open Air Business is requested shall jointly sign the application for temporary use or shall provide written permission for use of the property as a temporary use. The property owner shall jointly be responsible for all property clean up.

l. The Open Air Business site and associated structures for sales or storage of goods shall not be used as living quarters or as a temporary dwelling.

m. The Zoning Board of Appeals and or the Planning Department (amended 05.04.20) shall require a performance guarantee in the form of cash or letter of credit to insure compliance with the conditions of a temporary use permit for Open Air Businesses. (amended 08.15.16)

4. Renewal Of Temporary Sales Permits

a. Once a temporary use permit for Open Air Business has been granted, the use may be reinstated only by way of a new application and review by the Zoning Board of Appeals in accordance with Section 30.11F.

b. Renewal of Outdoor Display and Sales permits may be issued through the Planning Department (amended 05.04.20).

Section 30.12 – Nonconformities

All nonconforming uses, structures, sites, or lots shall be subject to the provisions set forth in Section 27.01 of this Ordinance.

Section 30.13 – Certificates of Occupancy

A. Scope of Application. No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no vacant land shall be used for any purpose until a Certificate of Occupancy has been issued by the Enforcement Officer. No change in a use shall be made until a Certificate of Occupancy has been issued by the Enforcement Officer. Every Certificate of Occupancy shall state that the use of occupancy complies with the provisions of this Ordinance. Certificates of Occupancy, as required by the Orion Township Building Code, shall also constitute Certificates of Occupancy, as required by this Ordinance.

B. Application. Applications for Certificates of Occupancy shall be submitted to the Enforcement Officer.

C. Issuance of Certificates of Occupancy. Certificates of Occupancy shall be issued, if so requested by the owner, for existing buildings, structures, or parts thereof, or for existing uses of land if, after inspection, it is found that

Revised 05/21/20

Charter Township of Orion Zoning Ordinance 78

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The COVID-19 pandemic disrupted many aspects of our lives, including how we work. With shutdowns and social distancing measures put in place, over one-third of US workers teleworked between May and June 2020, a 500% increase from those who worked exclusively from home in 2010. By August 2020, about a quarter of the workforce continued to telework. After this quick switch to telework, many people were in violation of zoning laws either unknowingly or without concern. Fortunately, despite the large number of people working from home, increases in permits and complaints for home uses did not occur. However, it is something for local governments to address. This article will provide an overview of what home occupations are, their benefits and the purpose of related regulations.

Benefits of home occupations

While not tied to the regulation itself, allowing home occupations can have many positive impacts on a community, such as:

- additional economic opportunities and employment within a community (especially in smaller towns);
- providing residents of all resource levels a low-cost way to start a new business;
- supporting a better work-life balance by allowing for childcare and work to occur simultaneously and reducing commutes; and
- creating opportunities for those with physical barriers to leaving home to have meaningful and gainful employment.

Given the likely growth of home occupations local governments should review their zoning laws to ensure that home occupations appropriately define telework/telecommuting, permit office activity done by homeowners and renters that does not cause a nuisance to others, and ensure consistency between zoning laws and actual uses allowed as home occupations in the community.

Types of Home Enterprises

“Home enterprise” is the broadest term used to identify business uses that could occur in a home. Within this, there are four categories within that further describe business-related uses within a home.

1. Home-based business – business where at least half of the home is used for business purposes; these are often found in agricultural and forestry districts, such as a cabinet maker operated out of a home.

2. Home-based cottage industry – business where at least half of the home is used for business purposes; often occurs in a mixed use residential/commercial district in resort areas, such as a café operated out of a home or bed and breakfast.

3. Home occupation – a customary, incidental, secondary, and subordinate use to the residential use. Benefits of operating the business go to the homeowner, and there can be in-person transactions that occur on the site. Home occupations do not include hobbies or group living activities.

4. Telecommuting/Telework – “an arrangement between an employer and employee for performing work at a location other than the primary work location, such as at the home of an employee or in a satellite office, and sending and receiving material by phone, email or other electronic means”.

It can be difficult to know where home occupations occur. The picture on the left may show a home-based cottage industry, with a sign in the front yard identifying the business and it’s location in a residential/commercial area. The picture on the right could be the site of a home occupation, telecommuting/telework, or simply a residence.

Image Source: Giffels Webster
Other related situations

_Uses that are not home occupations but need to be addressed:_

Some people use their homes for uses that do not fall under the definition of a home occupation, such as group living facilities (some of which may not be locally regulated), hobbies, public accommodations, and temporary uses. These should also be addressed in the ordinance.

_Uses that are home occupations but cannot be locally regulated:_

The Michigan Zoning Enabling Act, Section 204 (MCL 125.3204) states that instruction in a fine art, music or is a permitted home occupation by an occupant of any single-family dwelling located in any district.

Purpose of home occupation regulations

As with anything, it is important to keep the purposes of home occupation regulations in mind. Some of these purposes include:

- permitting no-nuisance commercial uses (e.g., telecommuting) and home occupations while maintaining a residential area without excessive noise, light, or other nuisances that undermine the purpose and character of the residential district;
- allowing low-nuisance business uses within a residential area with appropriate standards that ensure any nuisances that may arise are minimized;
- ensuring that home occupations remain a subordinate and accessory use to the residential use of the site;
- reducing worker and government burden to submit and review applications for telecommuting and related invisible and no-impact uses;
- ensuring that the location of the home occupation is occupied and operated by persons of legal or equitable interest in the dwelling unit.

The future of work

Many people, workers and employers alike, have experienced the benefits of work from home, and are hoping it will continue to at least some extent. Research done by a group from the National Bureau of Economic Research indicated that of those able to work from home, only 22% would like to return to the office full time, with almost half (38.5%) indicating that they would like to telecommute at least four days a week. Since home occupations are not likely to go away, communities should carefully review their regulations for home occupations to promote economic activity while maintaining the character of residential districts, streamline administrative and planning commission responsibilities, and ensure equal treatment and uniform enforcement for those seeking or limited to work from home.

More resources on home occupations

For more information on regulating home occupations, see the publication by Gerald Adams, Kurt Schindler, AICP, John Wallace and Mark Wyckoff, FAICP in the September 2021 edition of _Planning and Zoning News_.

Giffels Webster News

_Our team in leadership._ The Michigan Association of Planners has selected Jill Bahm, AICP, and Partner at Giffels Webster to be on their Board of Directors. She will serve in that role through 2024. Congratulations Jill!

For more information, please contact Giffels Webster at 866.271.9663. [www.giffelswebster.com](http://www.giffelswebster.com)