

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING, WEDNESDAY, JANUARY 18, 2023**

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, January 18, 2023, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**

Don Walker, PC Rep to ZBA	Scott Reynolds, Chairman
Don Gross, Vice Chairman	Joe St. Henry, Secretary
Kim Urbanowski, BOT Rep to PC	Jessica Gingell, Commissioner
James Cummins, Commissioner	

**PLANNING COMMISSION MEMBERS ABSENT:**

None

**1. OPEN MEETING**

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

**2. ROLL CALL**

As noted above.

**CONSULTANTS PRESENT:**

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

**OTHERS PRESENT:**

Dominick Tringali	Mitchell Harvey
Amy Harris	Scott Harris
Mike Lawrence	

**3. ELECTION OF OFFICERS**

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **nominate and elect** Scott Reynolds as the Chairman.

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

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission **re-elect** their current Vice-Chairman Don Gross and Secretary Joe St. Henry.

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

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that Planning Commission **appoint** Commissioner Walker as the representative from the Planning Commission to serve on the Zoning Board of Appeals for 2023.

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

Moved by Chairman Reynolds seconded by Commissioner Walker, that the Planning Commission **appoint** the current Site Walk members which are Secretary St. Henry, Chairman Reynolds, and Vice-Chairman Gross.

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

#### **4. MINUTES**

A. 12-21-22, Planning Commission Regular Meeting Minutes

Moved by Trustee Urbanowski, seconded by Commissioner Gingell to **approve** the minutes as presented. **Motion carried.**

#### **5. AGENDA REVIEW AND APPROVAL**

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, to **approve** the agenda as presented. **Motion carried.**

#### **6. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**

None.

#### **7. CONSENT AGENDA**

None.

#### **8. NEW BUSINESS**

A. PC-2018-49, Hills of Woodbridge Final PUD plan extension, located on a vacant parcel 09-26-451-004 north of 3805 S. Lapeer Rd., Vacant parcel 09-26-402-020, and vacant parcel 09-26-402-021 (both west of 40 Hi-Hill Dr.).

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

Mr. Daniel Spatafora with Hills of Woodbridge, LLC, the developer for Hills of Woodbridge PUD, presented.

Chairman Reynolds asked him to give an overview of why they are requesting this extension.

Mr. Spatafora stated that after they received a final PUD approval they immediately engaged at the beginning of the engineering and plat review process. Along the way, they ran into some lengthy delay processes mainly with the Michigan Department of Transportation which they still are going back and forth with them to obtain their permit. The Township had previously reviewed and approved a revised Traffic Impact Study with an engineer, MDOT, unfortunately, did not accept it because the traffic engineer that they had at the time apparently did not meet their current standards that they had. They changed the personnel with different reviewers, unfortunately, for them, and at their expense, they had to start that whole process over again. He added that they were asked to work cooperatively with Walley Edgar Chevrolet to the south of where they are located on the east side of Lapeer Rd. north of Silverbell Rd. They have been doing that, so they have been sharing engineering plans as well. As a result, the final PUD, to the point where they look to begin infrastructure construction probably in another month or two with mass land clearing. He respectfully requested that the Planning Commission give an extension of their Final PUD.

Chairman Reynolds asked what the timeline of the extension they are looking for was. Mr. Spatafora asked if they could have it for a year.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **approves** the Final PUD plan extension request for PC-2018-49, Hills of Woodbridge Final PUD plan for a one-year period. This approval is based upon the fact that they have been diligently working with the Department of Transportation relative to gaining access to Lapeer Rd. and they are coming close to making a final resolution.

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

## **9. UNFINISHED BUSINESS**

**A. PC-22-39, Hudson Square Planned Unit Development (PUD) Concept Plan, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021).**

Chairman Reynolds asked the applicant to state their name and address for the record. He added that they have heard this project in depth recently and asked to be postponed coming back with some conclusions on traffic mitigations.

Mr. Michael Wayne 3250 Auburn Rd. Auburn Hills, MI presented.

Mr. Wayne stated when they were in front of them last time on December 7<sup>th</sup> obviously one of the biggest question marks about their proposal was what is MDOT's response going to be to their proposed traffic volumes. This is something they have explored with MDOT exhaustively. He mentioned this in the past and they have spent the time since they were last in front of them doing exactly that. They have prepared a full Traffic Impact Study. They have gathered data they have analyzed it and it has been exhaustively explored. What they found out yesterday was that MDOT has made the decision that they will approve their Traffic Impact Study and they will permit the project. What that means is that there are really a few decisions that MDOT makes, the first is independently just accessing their project they determine whether the traffic impacts from the project are acceptable, and that is its own approval, that is the one they received. Then within MDOT, there are various other forms of approvals for specific improvements that they are going to make at a given intersection, it is a separate approval process. That approval process is still being contemplated by MDOT but the key approval that has been received as of yesterday is that they will permit their project today given the proposed volumes.

Mr. Wayne said that they do acknowledge that the traffic congestion at this intersection is a problem that they did not create. They mentioned that many times in the past, but they also mentioned that they want to be part of the solution, and they meant that when they said that. As a result of that they have committed to contribute \$25,000 towards whatever improvement decisions MDOT decides to make at this intersection. By doing so that money becomes the seed funding that MDOT needs to then internally create the rest of the funding to fund the improvement. That seed money is so critical because the reality with MDOT is that they have so many improvements that could choose to make they have to decide which ones they will do. The fact that this one has a private investment contribution would dramatically increase the speed at which MDOT is able to make those improvements.

Mr. Wayne stated that the Traffic Impact Study that they provided is the very reason they are aware of the need for these improvements. Between making them aware of the need for improvements and providing a \$25,000 contribution toward those improvements they feel like they have done their part to mitigate traffic impacts. That is the news they received yesterday. This was verbal, but the Township Engineer could verify what they were told. They acknowledge that any approval tonight would be contingent upon written documentation that is

consistent with what he is saying. They feel that it is sufficient to move this project forward toward final approval.

Chairman Reynolds said they are in flux between their previous Planner and their new Planner, they will talk about that later in the evening. This project is one of those that straddle the two plan reviews. There was a second review of the plans submitted in early January in preparation for this, which was in their packet this evening. If they have any questions, they can go over that four-page review in their packet.

Chairman Reynolds asked OHM if they could touch base on any additional items that they had.

Engineer Landis stated that they did have discussions with MDOT this week and they will be approving the drive permit for the project and are in general agreement with their traffic study. MDOT does have its own internal process that they go through in evaluating what mitigation may be required. They told them that nothing is finalized but it looks like they will probably want to signalize the crossover south of the intersection. The fact that this contribution is being made as part of the PUD, it does move the project up in the design construction priority list that MDOT has. While it wouldn't fully fund a signal it certainly does give it that boost that it needs. Based on that they have no further concerns relative to the traffic.

Chairman Reynolds stated that there were reviews from the Fire Marshal and WRC.

Chairman Reynolds said he would turn it over to the Planning Commissioners. He asked them to keep in mind that this is PUD eligibility, and one of the major points of contention is obviously traffic solutions and the impact of traffic. He thought that a couple of topics that were early on were the public contribution, the public benefit of the project, specifically some of the walkways, and also about landscaping. If there are any topics, he thought this would be the time to bring those up.

Vice-Chairman Gross stated that this is a request for concept approval and not for final site plan approval. There were some issues related to the site plan that was submitted with the concept relative to some variances that are going to be required. He thought that any action on the concept approval should not contain any waiver of any kind since that should be treated as a final site plan as opposed to the concept.

Chairman Reynolds asked if he was specifically referring to some of the setbacks. Vice-Chairman Gross replied yes. Chairman Reynolds asked if it was specifically the drive-through. Chairman Gross replied it would be the drive-through and setbacks for some of the townhouse units. Basically, it would be the setback on the north property line.

Chairman Reynolds stated that was one of his points of contention on the project. He was happy that the Traffic Impact Study and essentially where they have landed with the Lapeer Rd. intersection, that it is prompting the improvement that really needs to happen there either way, whether there is development on the corner or not. He agreed that the landscaping on the north side, the buffer, where they are going to have an issue with the setback distance but then with the turnaround, they are talking tens of feet to the west, and they have 30-ft. to the north. Yes, there is some multi-family up there but one of his driving concerns was the drive-through. At concept, he liked what was presented and thought that some of the technicalities are something that he would still like to see some improvements on.

Trustee Urbanowski said she did remember the conversation about the drive-through. The big sticking point at that time was the traffic, and she did appreciate the effort made and the contribution towards the mitigation. There was a concern about the drive-through and how it

was going to be configured. She thought it was a little too close to that north property line. They heard from neighbors that were much happier with this and she liked the concept as well.

Secretary St. Henry felt his biggest concern was the traffic issue and the intersection when they reviewed this last time. It does sound like they made a good-faith effort to address both of those. If the engineers and planners are comfortable with traffic study results, then he was comfortable with this development. They are going to put a light there and it was probably long overdue. If this seed money and this development prompted MDOT to move forward, he felt that would be good for the Township.

Chairman Reynolds thought they needed to circle back to the setbacks as a discussion item on whether people want to support or have a condition on the concept.

Trustee Urbanowski asked what setbacks he was talking about. Chairman Reynolds replied that if they go back to the original planner report it is where the charts kind of exist. Commissioner Walker asked if the report of 12/29/22 is what he was referring to, the summary of Zoning Ordinance compliance. Chairman Reynolds replied correct. Commissioner Walker thought it was summarized there and if the petitioner is ok with knowing that those things are not going to be waived at the concept stage, he has no problem with it.

Chairman Reynolds said that some of the issues were that the drive-through setback to the building measured 52.8 versus their standard being 100, and some of the greenbelts are reduced.

Chairman Reynolds stated that they discussed some of the setbacks for the drive-through restaurant and the distance to the north property line. The other discussion was the variation from the 35-ft. setback that the buildings are closer to 30-ft. The last one was the west side the turnaround was added because this was a dead end previously but gets reduced pretty significantly. As previously discussed, they talked about how there is some existing buffer on the other side of the property line but how it is going to be resolved on this parcel. Those are still some things that need to be resolved to provide a larger buffer to the west. He could see some plantings and things are proof that the 30-ft. works on the north, he was less concerned about the 30-ft. to the north for the residential he was more worried about the setback distance to the drive-through restaurant being that close to the north.

Trustee Urbanowski asked if they talked or asked about flipping it. Chairman Reynolds replied that he didn't know if they discussed there would be another orientation of this. He thought the big thing was just the fact that there is one way of circulation and maybe adding a bypass lane so that it is all pretty tight, but they are still putting something right up against that property line especially a drive-through which he was not in favor of. Trustee Urbanowski said it is not just a couple of feet it is half.

Mr. Wayne said he thought this came up at their last meeting. The technicality as to why this is not compliant is because the north property is technically zoned single-family even though it has an existing institutional use on it. If it was zoned something representative of that institutional use like commercial for example, that setback requirement would be reduced, and therefore, they wouldn't be as far out of compliance. He felt that should be considered on this topic that while the requirement is 100 because the zoning is technically single-family the building that is built there right now is a church. He felt the commercial setback should be considered given the reality of this location. He added with respect to buffers that is something that he has a lot of control over and can influence. The intent would be to work with the grade change and determine the most effective way to provide either landscape or berm/buffers for the north side and also to the west.

Mr. Wayne stated that they don't have a ton of flexibility when it comes to actual site layout, it is kind of a big majanga to try to make those three things fit with all the right parking. At the expense of some parking, they could increase setbacks but to keep their current parking count it would be a challenge to increase setbacks. They would have preferred to maintain the 35-ft. on the residential and preferred a larger setback by the drive-through, with the variables they were dealing with that is what they came up with.

Chairman Reynolds said that he wanted to be clear, as the concept, that they are talking about all of this stuff here in concept but the reality of the true setback distances. He agreed that there are some discussion points through final engineering and final PUD. He wanted to make sure it is clear that this is all kind of tightly packed in on there and whether they are good on the by-product of that as it sits right now or is there some kind of compromise that they are looking to have to increase those and address those conditions.

Trustee Urbanowski wondered what if it were to be zoned commercial what would the setback be. Chairman Reynolds said to keep in mind that for any religious facility, it is typical that it is on a residentially zoned parcel and that is technically what that parcel is zoned. Just because there is a church there now, they are kind of counting on that being rezoned in the future to address that buffer in a different way.

Planning & Zoning Director Girling stated that the drive-through has more of an extreme when it abuts residential. If they are saying that this drive-through was abutting a commercial then they would just have a normal setback, there is not an extreme, that would be a side and the normal side setback, or this particular use of a drive-through restaurant is going to be a side of 20-ft.

Secretary St. Henry wondered if the Township and the developer could find a compromise on this setback on the drive-through side. They are talking approximately a 48-foot difference. Chairman Reynolds said there is a buffer proposed, it is 30 feet of clear space, and then it is 52.8 feet to the building edge. Secretary St. Henry didn't think they needed to decide tonight but meet them in the middle. Vice-Chairman Gross said that a lot will depend upon what kind of landscaping is going in. Secretary St. Henry said exactly, which they will find out in the final site plan review. He wanted to place that seed with them that there is a possibility to find some compromise, especially considering they know that church is there that church has been there and he didn't think the church was going anywhere. To him, he thought it was a viable compromise.

Chairman Reynolds asked for additional thoughts on the drive-through setback. Trustee Urbanowski thought it should be a little bit more, if possible, to see if they can find some space for that.

Chairman Reynolds wanted thoughts on the residential apartments being 30 feet. Trustee Urbanowski thought on the north side it was fine there.

Chairman Reynolds said the one point of contention for him was it doesn't look like there was going to be much of a buffer to the west to the apartments and thought that was something that needed to be fixed moving forward. He thought by the time they landscaped that area there was not a whole lot there left and thought that was going to be a point of concern moving forward. If there was a way to present some compromise to some of the buffers or shorten some of these distances up. Secretary St. Henry asked what he was looking for there in terms of the additional buffer needed. Chairman Reynolds said right now it appears to him that it is less than 20 feet so if they look at the idea that it is multi-family abutting single-family typically, they are asking for quite a bit more than that, double that. He felt if there were measures of

landscaping and berms that addressed it but he thought that was a significant pinch-point there especially when they are talking about transition zones with a PUD. To him, he would like to see that they are making some compromises on the others and would like to see that one withheld, especially including that of the turnaround. Trustee Urbanowski agreed with that.

Chairman Reynolds said they had talked about this project quite a bit previously and there was the resubmission made. Additional thoughts on where it is for the sake of PUD Concept and Eligibility.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **forward a recommendation to the Township Board** to approve PC-22-39, Hudson Square Planned Unit Development Concept and Eligibility plan, located at 3030 S. Lapeer Rd. (Sidwell #09-26-101-021) for plans date stamped and received December 14, 2022. This recommendation to approve does not represent a final site plan approval or any variances under the current zoning ordinance. The applicant has met the following eligibility criteria of Section 30.03(B) of the Township Zoning Ordinance: with the recognizable benefit that the PUD will result in a recognizable substantial benefit to the ultimate users of the project and the community; the proposed type and density will not result in a material increase in the use of public services, facilities and utilities, in relation to what would be permitted if the property were developed without using the PUD; the PUD will not place an unreasonable burden upon the subjects surrounding and/or surrounding land and/or property owners and occupants or the natural features of the property; the proposed development is consistent with the intent and spirit of the Master Plan; the proposed PUD will result in a reasonable economic impact upon surrounding properties in relation to the economic impact that would occur from a more traditional development; the proposed PUD contains as much usable open space as would be required in the Ordinance for the most dominant uses in the development; the proposed PUD under single ownership or control such that there is a single person or entity having responsibility for completing the project with this Ordinance. This recommendation to approve is based upon the following conditions: the applicant has indicated a commitment of \$25,000 to use by MDOT towards the improvements necessary for traffic improvements on Lapeer Rd.

Discussion on the motion:

Chairman Reynolds asked if the motion maker would add the condition about the western buffer increase, he thought that was an important one to call out.

Vice-Chairman Gross said that he indicated that it does not include any waivers to the ordinance which includes setbacks and or landscaping and he would also include the west property line setback and landscaping.

Planning & Zoning Director Girling stated that the \$25,000 would be a payment to the Township that they would then pay to MDOT.

Vice-Chairman amended the motion, Commissioner Walker re-supported that it does not include any waivers to the ordinance which includes setbacks and or landscaping and he would also include the west property line setback and landscaping. Also, the \$25,000 would be a payment to the Township that they would then pay to MDOT.

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

B. PC-22-29, Baldwin Village Final PUD, located at 4410 & 4408 S. Baldwin Rd. (parcel 09-32-301-001), and unaddressed parcel 09-32-301-014 located at the NW corner of Morgan and S. Baldwin Roads, an unaddressed parcel 09-32-151-020 located north of 4408 S. Baldwin, and 4292 S. Baldwin Rd. (parcel 09-32-151-021).

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

Mr. Jim Eppink is a land planner located at 9336 Sashabaw Rd., Clarkston, presented. He was representing Red Equities and their development team led by Buzz Silverman. Buzz apologizes he has the flu but is participating online but doesn't have the ability to communicate with them but is watching currently.

Mr. Eppink said they had the opportunity to introduce themselves back in August. They have a robust team led by Buzz Silverman and his group. Also, joining as part of the development team is Moceris Jacobson Companies, Dominick Moceris is the lead there and Manny Kianicky is the lead representative for Jacobson. They are also led with the commercial portion by Alrig Development Gabe Schuchman and his representatives Mike Lawrence are here tonight. They also have their entire team here for any questions they might have Stonefield Engineering, AEW Engineering, and Dominick Tringali their architect is here. They have submitted what turns out to be perhaps the largest submission package he has submitted to a Township, about 178 pages. Their PUD process is a little unique compared to many communities, although it makes a lot of sense. In most communities, they are used to seeing a PUD go through that conceptual approval and then come in phase by phase for the final site plan. Orion Township in its wisdom says it is all interrelated it is all interconnected so let's look at the whole thing. They were there in August they appreciate the Commission considered it carefully and made a recommendation to the Board, the Board in turn granted them preliminary or conceptual approval of the PUD.

Mr. Eppink stated at that time what they tried to communicate to the community is that as indicated by their recommendation and the Board the project did qualify at least conceptually as a PUD. They dealt with not only the Township PUD ordinance but also the Gingellville Overlay District and so there are several components of their ordinance that came together here. They were able to go through and demonstrate their belief and they ratified that the plan certainly meets the goals and intents of the Gingellville Overlay District, as well as the PUD. He added that it also aligns with their Master Plan they found it intends to be the village center of Orion Township, so they tried to design Baldwin Village to exemplify the goals and the vision of their Master Plan. It is a mixed-use concept, and he will go through the uses that they went through in August. The plan is very similar to what they saw in August. What they have done in the meantime was brought in additional architectural amenities that really focused on creating a livable 15-minute neighborhood in Orion Township, picking up the vision of the Master Plan.

Mr. Eppink said between conceptual and final really most of their time is spent in engineering looking at infrastructure, doing traffic studies, working with the Township consultants, and with RCOG. They have provided several review letters and he knew that the consultants have provided a lot of time going through those reviews as well.

Mr. Eppink stated that they had presented the Gingellville Overlay Ordinance and really found that in every case they either met or exceeded that in their opinion and also the Township Master Plan.

Mr. Eppink said that what they have done since August when they received their recommendation and the subsequent Board conceptual approval they really focused not from a planner's point of view, the nuts and bolts are critically important and they are all here tonight, but really what their team is focused on is creating a place or what they call place-making and



he thought what Orion Township is recognized for. Everything they have done is in consideration of not only how it is going to work, how are the sewers, the road, the traffic, parking, and the lighting, how is all that going to work, but what is it going to feel like when people live, shop and dine here. What is it going to feel like to the neighbors and to the people driving up and down Baldwin Rd.? All the plans that are before them tonight all went from that conceptual stage to the final stage of really what is it going to feel like, how will it work, and what is it going to look like as it is built. Then more importantly, 5, 10, 15 years down the road they want to make sure that it is done in a very sustainable way, and a very infrastructurally sound way. Landscape architecturally will stand the test of time, is the quality there, and is really proud of the quality that they are bringing forth across the board on all these items.

Mr. Eppink stated that the plan is almost identical in terms of uses, layouts, densities, and everything that they brought to them in August. The one significant change is in the commercial area where they had previously proposed a carwash at the southern end of the site. That was recommended and approved but they understood that was conditional and they got a lot of feedback, and he thought good feedback that said, "is that really the highest and best for a village center". What they have done is they have removed that proposed carwash and replaced it with another restaurant. What they are proposing tonight is for that to be a Shake Shack restaurant, they will go through the details of that, but the carwash has been removed.

Mr. Eppink said everything else across the plan, this is a four-village concept, really remains very consistent with what they had proposed before. Phase one is the commercial center with various uses and is anchored by a grocery store. Phase two is really components because he thought the phases were intended to be interworking, so he will call them components. Component two is that Uptown Village or that for lease community of three-story apartments. What they have done is try to constrain the setbacks, and bring the project more towards the center, they heard a lot about what was called the ladle street off of Baldwin, so they tried to increase those setbacks to make sure they are preserving trees.

Mr. Eppink stated that the North Village remains very much the same. They worked hard on creating that significant pedestrian connection to The Cottages at Gregory. Opinions varied across the Board, the Planning Commission, and even within the community on whether or not that should be a vehicular connection, they are proposing that that is a pedestrian connection, really due to the significant grade change.

Mr. Eppink said the South Village remains consistent with what they had seen before. What they had done before they came before the Planning Commission and the plan that they recommended is that they deliberately changed out some previous ideas of townhomes along the western portion that abuts the Peppermill neighborhood those are now duets, two-family homes, or duplex homes, they are single story so these homes will be lower than the height of the adjacent homes. They have significant setbacks and they have increased that, and they will go through the landscaping.

Mr. Eppink stated what they are excited about is how this is going to look, feel and integrate with Orion Township. They still propose a grand entrance with significant landscaping up and down Baldwin. As they head west into the site that roundabout was designed to have a spur that would go off to the west. They named this in recognition of the history of the community and being in the Gingellville Overlay District they enter onto Gingell Ridge Rd. which really becomes the main spur going through the development. When they go into the development and turn south, they head into the commercial area. There are five different uses here anchored by 45,000-sq. ft. grocery, quite small or boutique in today's terms, but what they think is going to be a very exciting grocery market right on the corner. Then as they move south, they come upon these two multi-tenant buildings. What they have done is face them to the road, and have

brought patios out to the road, sidewalk connections, great architecture, trying to activate the sidewalk and the front door of Baldwin, and tucking all the parking behind the buildings.

Mr. Eppink said at the far south end is consistent with what they talked about in August is a proposed Chick-fil-A in Orion Township, which would be closest to Morgan Rd. Landscaped well around all its parameters, with heavy buffers to the west where it abuts the Shalom Baptist Church. They are bringing in the Gingellville Overlay District Design Standards in terms of benches, streetlights, pillars, fences, and landscaping as well.

Mr. Eppink stated in the middle between the mixed-tenant building and the Chick-fil-A is the proposed Shake Shack, so they have taken out that carwash. They were and are proud of the architecture for the carwash that they have proposed before and they will use that again. What is great about this is that these are smaller buildings now more pedestrian in scale, and less automotive even though the Chick-fil-A and the Shake Shack are proposed to have a drive-through but those are put off to the side and to the back.

Mr. Eppink said that the plazas and the patios will be certainly between and in front of the retail buildings in the front and obviously then the Shake Shack and the Chick-fil-A will also have outdoor patios with umbrella tables and activities throughout the building.

Mr. Eppink stated that the pedestrian connection is not only from Baldwin Rd. Planner Enos and the Planners recommended some additional sidewalk connections to Baldwin Rd. and they were in agreement with that and will strive to make additional connections onto Baldwin Rd. Equally important, they think that the pedestrian access points throughout Baldwin Village. They are bringing people through different areas of Baldwin Village down sidewalks, down paths, and down passageways so that people can walk directly from their homes into the shops. With that connection up to The Cottages at Gregory certainly, kids will be able to ride their bikes, and families will be able to walk down pushing strollers and get down to the restaurants without having to get out and having alternate routes other than vehicles.

Mr. Eppink said that the Uptown Village on the northwest corner is really anchored by a significantly large pond. Their detention pond will take almost all the stormwater throughout the development towards the pond, and a portion of the southern half will go into some existing storm sewers. Mitch and Steve, their two engineers, worked together to ensure that this really worked well. What is great about this is this is there is going to be an iconic vision as they come down Baldwin, it will have fountains, it will be landscaped, and it will be very parklike. They also have a pocket park along the front of the road. The frontage along Baldwin particularly as they are coming south and as they go north get through the roundabout, they are really greeted with almost a park-like experience with that pond on the corner.

Mr. Eppink stated the architecture like before they have gone through Dominick Tringali and his team have really spent a lot of time and they will see a lot of detail in terms of trellis work and architectural detail. What they have done is try to create not only the landscape not only through building architecture but through architectural elements, trellis work, benches, and public plazas. They have taken these through the entire community so there really is this celebration, which focuses on outdoor space. It is not just, is it landscaped, and do I walk by it and not notice it, but they have created many areas where people can stop whether they live in Baldwin Village or you are walking or driving through, there are gathering areas, there are places for families or people working from home that can take their laptop outside. There are a lot of outdoor activities which they were excited about.

Mr. Eppink said that the apartment buildings and the architecture throughout the development have been led by Dominick Tringali. He has worked with Alexander Bogaerts and other really

top-tier architects. It all has a really great modern farmhouse architecture. They deliberately tried to look forward in terms of the look and feel of the neighborhood. What it is really marketed towards is that more exciting youthful but still timeless architecture that is going to hold the test of time over the next 20-30 years. They deliberately got away from what might be typical for townhomes and buildings like this, the red brick materials are of great quality, and they have provided a lot of detail on the quality and the types of materials. Dominick has really led a great vision of this modern farmhouse style throughout all of their buildings.

Mr. Eppink stated that within Uptown Village or that second component to the northwest, there will be a clubhouse, the clubhouse will have a fitness room, meeting rooms, places to have baby showers, card nights, and those types of things. They will also have a big pool and activity area outside. The clubhouse will be available, because this is centrally owned and centrally managed, for all the residents of Baldwin Village. If they are in the apartments, townhomes, and duplexes they will be able to use the clubhouse, the pool, and everything. They thought that was a huge advantage because what they have seen in other communities is when they have these different components if there is not some kind of uniformity or ability to use all of the outdoor areas there is kind of this different factions. In this case, they are really looking at this as a very interchangeable flexible neighborhood.

Mr. Eppink said looking to the future, looking at how people live now, they have created a mail kiosk just outside of the clubhouse, and it will also be an Amazon station. They are bringing all the modern amenities that they have the advantage of as they build a new neighborhood in Orion Township. How do they build it for today and for the future?

Mr. Eppink stated that North and South Village just like the Uptown component was anchored by the pond. Really what, he thought, becomes the calling card of the neighborhood is the preservation of the wetland. They have a very significant very healthy wetland. It is a wooded wetland. It is not an accidental wetland. It is not something because of farming activity, it is a natural wetland, and it has significant habitat in it and water features in it. What they have done is focused, as they come into Gingell Ridge Rd., they will have a look right through a pocket park right into that wetland. All the trees and all the undergrowth is all preserved around that whole area. When they take, on top, the preservation of the entire buffer along the western buffer just that alone is over seven acres of preservation area. They will work to put woodchip trails through it but that really is intended to be left as a natural area. It is not only beautiful, but it creates a great buffer for their neighbors to the west, and Peppermill, as well as The Cottages at Gregory.

Mr. Eppink said that the architecture for both the North and South Village, again, continues that theme of the modern farmhouse. They have worked hard to have frontloaded garages, sideloaded garages, and even rear-loaded garages. As they move through the neighborhood the intent is that the buildings will be very similar in architecture and complimenting each other, have similar materials, and color pallets that are complimentary, but they don't have the same building repeated over and over, so every building is different. It gives them the opportunity to move cars into different locations. It gives them the opportunity to place trees, and landscaping in different ways, and make it so it is not boring and cookie-cutter. When they design large mixed neighborhoods like this, he always says does it pass the pizza delivery guy test, and that is, is my front door, building, or house, different enough that the pizza delivery guy says oh yeah that is where Jim lives, and it is easy to find as opposed to trying to squint for all of the addresses.

Mr. Eppink stated that the buildings will be different sizes, this is deliberate again so that everything is not just monolithic and looks the same. They will go from triplex homes, again they have the duplex up in the Southern Village but triplex all the way up to six-plex buildings

throughout the north and south buildings in South Village. All the buildings are two stories, some of them because of the grade as they go towards Gregory, they are three stories in front when the garage is in the front, but from the western point of view, all of the living would be just on two floors.

Mr. Eppink said they did an exhausted tree survey, they did replacement calculations, and they really tried to provide as much data as possible. Carlisle Wortman and OHM have provided really thorough reviews. They put together a quick response to the Planner's report because there were an awful amount of items on there. To him, it made sense for him to digest how they group those together. They submitted that to the Planning & Zoning Director Girling just in the last few days, those were his opinions of how he groups those together so that he could understand really the thoroughness of both OHM and Carlisle Wortman's reports. What it meant to him was that a great number of those items were part of or considered within the conditional recommendation and approval. Things like general layout, qualification for a PUD, and density were sent, and are less than half of what the Gingellville Ordinance would actually provide in terms of density. He tried in his mind and then he provided the Township with a list of what he thought was previously covered in terms of conditional approval or conceptual approval. Then there were things to him, that would typically be smart to note at this time but typically happens between final approval and permitting final engineering. Working with the Road Commission and final configurations and those types of things.

Mr. Eppink stated that there were, on a project of this size, a handful of things that he would call housekeeping, adding additional data, and a couple of extra numbers to the plans. The important thing is there is nothing at all that they disagreed with or said this is just not going to work. For example, that might be on the elevations, they noted the height of each floor but didn't provide the total height of the buildings. Those are the type of housecleaning items that they will come back and provide.

Mr. Eppink said that there were just four or five items that he thought were kind of opinions, these are things that they are asking for, like an LED light, they are proposing to have LED light fixtures with a style that will match the modern farmhouse as opposed to the light that is specified in the Gingellville Overlay District. Those were the type of things that are on that list, all of which they will respectfully ask for their consideration. To him, those seem manageable, and with the request that those would be, should they consider the recommendation, things that would be applied for conditionally. They can follow up even before they get to the Board should they head them in that direction with some of those additional details, and the acknowledgment that things would be handled down the road.

Planner Enos read through his review date stamped January 13, 2023.

Engineer Landis read through his review date stamped January 12, 2023.

Engineer Landis read through his Traffic Impact Study review date stamped January 18, 2023.

Chairman Reynolds stated that they did have reviews from the Fire Marshal and Public works. Overall, there were no major concerns, although there were a number of items to be essentially fixed or addressed. The Fire Marshal would be comfortable with an administrative review noting all of the changes and requested changes being made.

Chairman Reynolds said as previously mentioned this is a final PUD, so this is their opportunity to really dig into the details of this project. Since they went through the big picture overview of where they are at, and where the project is. He turned it over to their Planning Commissioners for their initial thoughts and discussion points.

Secretary St. Henry asked if they could provide a quick summary of the density of the development, and what it is zoned for. He thought it was mentioned that it is half of what it could be.

Mr. Eppink currently right now the total property is about 58-59 acres, about 11 when they take out the right-of-way is commercial, so the balance is residential. The Gingellville Overlay Ordinance provides a number of mechanisms that would allow this property to achieve a density of up to 20 units per acre. What that would equate to, and they went over that in the conceptual stage but was over 640 units or so, the total density was permitted under given open space, given excellent design, given all the criteria that Gingellville Overlay District could be achieved at 20 units per acre. Their density within the residential portion is 6.7, so when he said they were half of the density that could be theoretically conceived given their ordinances were at just under 10 units per acre, 9.7 units per acre. That goes all the way from two resident buildings all the way up to the apartment buildings which have 24 units per building within those. The total number of residents on this property will be 465 residences on the property, which is about half of what could happen. When he breaks that down between the villages, the Uptown Village or the apartments has 304 apartment units, the North Village has 79 townhome units, and then the South Village has a total of 82, 14 of those are duplexes, and then the balance would be townhomes in the South Village, 465 total or 9.75 units.

Vice-Chairman Gross said a big project, frankly, is very difficult to absorb in one meeting, especially when they are looking at over 175 pages that were submitted. The Planner had a 30-page document as to his analysis with a 6-page summary. 84 potential conditions to be considered. They indicated that a lot of those can be resolved very easily with some revisions to the plans. He had some specific questions. He asked if the entire site was in the Gingellville Overlay District. Planning & Zoning Director Girling replied that the Chick-fil-A and Shake Shack are (BIZ), and everything else is Gingellville.

Vice-Chairman Gross asked who is responsible for making approvals on the variances of the various ordinance requirements. Such as the size of the grocery store, and the setbacks, or are those things handled by the Zoning Board of Appeals, or through their PUD review process? Planner Enos stated that under the PUD Ordinance, they are given a tremendous amount of flexibility on modifications or waivers. He didn't want to use the term variances because that may conflict with the ZBA, that term. They do have the ability to really get down to the brass tax with setbacks, square footage, for example, the size of the grocery store, locations, and designs. All of this as part of their modifications under the conceptual plan review can be and has been incorporated into this plan. Planning & Zoning Director Girling said the Ordinance specifically says a PUD cannot go to the Zoning Board of Appeals. That is why they have signs within a PUD submittal because they would have to come back if all of a sudden, they found their signs did not meet the ordinance they would have to come back to the Planning Commission because it is explicatively in the Ordinance that they cannot go to the ZBA.

Vice-Chairman Gross asked if the signs have been included in the submittal. Mr. Eppink replied that they have not been submitted as part of the package as of yet. He added that they provided within the drawings the bases of the sign both for residential and commercial. The intent would be that the sign panel particularly for commercial would be dependent on what those tenants were but would fit within that sign panel. Their understanding is that they would be permitted to certainly not go back to the ZBA or go beyond the Ordinance but come back and apply for a standard sign permit at the time as long it met all of the ordinance requirements for the individual users and wall signs for the retail tenants.

Planner Enos said he would suggest, and that works for meeting the ordinance requirements for signage but also maybe as a condition that the signages are relatively uniform. He realizes that

Chick-fil-A and those others might have their standard signage but again they want to tie the entire project so he would say those signs would be relatively uniform in their design and materials. Mr. Eppink said he agreed and that is why they provided that kind of uniform stone base that will be along Baldwin Rd. both for the residential and for the commercial. It ties together with pillars that are outlined in the Gingellville Overlay Design Standards.

Vice-Chairman Gross asked if there were lighting standards that were in their plans. Chairman Reynolds asked if they had cut a sheet of the fixture that they are proposing at this time. Mr. Eppink said he said that one had been submitted but he didn't have one that he could bring up. The difference was that their light fixture, the Gingellville calls for a standard acorn light, kind of a historic nature because of their modern farmhouse look they proposed a light fixture that is a little more contemporary and a little sleeker in design. It also calls for an LED light source as opposed to an incandescent. He has seen a lot of the communities just starting to update those requirements in their ordinances. He added that they would meet the height requirements and those types of things.

Vice-Chairman Gross said this is their last shot at it and there are an awful lot of conditions that he wouldn't even know where to begin to add conditions that could be resolved by amendments or revisions of the plans, and he didn't mean the Master Plan.

Chairman Reynolds stated that he is always all for being redevelopment-ready and moving projects along when he sees fit. This is a large project; they have been working on it for a long while and there is a decent laundry list. His feeling is that a resubmission would bring some comfort and himself and some fellow Planning Commissioners. There are a lot of items that need to be addressed. He thinks it is worthwhile talking through some of their points of contention. He wants to give some direction. There are a lot of things that are subjective that could come back as not revised and they still discuss it. He wants to be respectful, and this is with all due respect for obviously submitting a response letter and speaking about some of those concerns and how they can be addressed. Either way they slice this, it is going to be a large project to review so for him it comes down to some of these bigger points of contention. He thought there were some changes through here, but he is still in support of the general concept of changing out from a carwash over to another drive-through with that kind of unit. There is some information to him that needs to be provided to bring some comfort, the gradings through residential areas, and some of the grading that has appeared now that they are in the final review is bringing some concerns. In the packet, for example, regarding the main entranceway, they spoke to elevations of some of the commercial buildings initially and he still has those concerns especially when they have a grocery of 40,000-sq. ft. up against Baldwin Rd. and now there is kind of this terrace effect. He thinks that there is still the need and warrants something that addresses Baldwin Rd. façade. All of those are potentially kind of adding to the laundry list that they have here but he thought it was worthwhile going through some of these points. Maybe starting with the idea of some of these bigger-picture discussions of drive-throughs and some of these setback modifications that are before them to talk through. He was thinking high-level, if someone feels otherwise that they want to work through a solution tonight, he was all for that too.

Commissioner Walker said one of his favorite expressions as he sits on this commission is he is not an architect and he is not an engineer, sometimes it is good and sometimes it is bad. He is sitting here overwhelmed by this. Did he hear correctly that the finish date is 2030? Mr. Eppink said when they projected out the traffic study likes to look at when will the different things come online. They are very bullish on Orion Township and on moving quickly forward. The commercial would start this spring, residential would also start, and they can talk about the phasing and the shared infrastructure. They look to begin all phases right away in the spring and the summer, following permitting and so forth. Commissioner Walker asked where the

completion date came from. Mr. Eppink replied that from a traffic study point of view, they project actual growth over a period of years. If they were to start in the summer of 2023 buildings may begin to open in the spring of 2024, and then they would continue to come online. They would expect the longest term might take another six years, which would be 2030, but they would expect that to be completely developed given everything in half that time. The total buildout would likely be in about 2.5 to 3 years. The traffic study does project it out longer, just so that they can apply those numbers. They expect it to be really built out in the next 3 to 3.5 years but the traffic study projects up to 6-7 years of construction.

Commissioner Walker asked why they are acting like the house is on fire today. There is a lot here to digest. We have our new Planner and there are a lot of moving parts to this. He has never seen so many moving parts in the application for the final site plan, ever, since he has been doing this. He knows that they indicated that most of them can be done administratively and even Engineer Landis indicated that a bunch of them can, but to him, there is a lot here to digest in an hour and a half of chatting with them. Mr. Eppink said that they have had the pleasure of working with Planner Enos and Carlisle Wortman, and OHM for many years, and frankly two of the best Planning & Engineering consultants. They have done a phenomenal job. What he thinks that both consultants did and thanked them for is to look very holistically. In his opinion, the Planner's letter in particular did a phenomenal job of really telling the total story. That is why he went through it because he thought that a lot of those questions were recommended at the Planning Commission stage. Appropriately to continue this package, for example, there were 84 conditions, one of those was the size of the grocery store whether it be 13,000-sq. ft. as the Gingellville Ordinance says or it 45,000-sq. ft. as they have proposed. His thought is that was part of that recommendation at conceptual, so that is in there and was one of the 84 but when he whittled down that list and took out a lot of those things that were discussed and he thought recommended at conceptual a lot of the things that would typically be done as they go into final engineering and permitting post-review then all of a sudden they are left with just a fraction of that list. As Engineer Landis pointed out, so many of those things are crosswalks, trees over utilities, all of those types of things that are certainly important but, in his opinion, won't fundamentally change the plan or the layout. They know from an infrastructure point of view that it works and thought that the Township has concurred with that in their reviews. They know from a planning point of view that it meets the ordinances. He was not trying to dismiss whatsoever his points and the number of conditions, but he thought a lot of those because of the way it is proposed four different villages really got four different reviews and so a lot of those 84, kind of repeat from one village to the next but they are really the same comment. That is why he said let me summarize this so he could digest it and were really left with five points that he put out in the letter that warrant a discussion and providing some direction, one of those is the LED lights others are the amount of open space and how they calculate that.

Chairman Reynolds said there is the introduction of the Shake Shack in lieu of the carwash. He thought that was a district that was worthwhile exploring. One of his points of contention on this list was some of these loading zones that are shown out in the parking zones didn't really seem to make sense in that there isn't justification for supporting that. Parking seems like they are starting to deviate from standards because they need more parking spaces and to him, that seems like maybe some of the retail or some of these center buildings are too large in nature. There are some of these areas that he is still not sold on. He thought with starting with the commercial grocer and the two center buildings, the elevation deviates from their Overlay Standards of a single-story and he didn't think that the architectural proposal fits with everything. Then they went into parking, and he didn't think they were just boiling this down to five things. He thought that they needed to talk about the final site plan that is before them and where they are seeing things that they support and things that they are not going to, moving forward. Those two center buildings to him it seems like their elevations he was still missing and that was

something they discussed at concept just how it fits within the district of this whole neighborhood feel. He asked the applicant if the plaza area that is out in front, is supposed to be this pedestrian plaza way but there is no connection through to Baldwin Rd. and it is not clear whether that is proposed to be a patio for the tenant or those are going to be directed toward those. Circling back on the earlier comment of the grocer they have kind of the front door facing the south and then the east and north facades are pretty bland, so he thought those were all important things in this commercial district that he still sees needed to address their ordinance or at least another pass at them. He said he wanted to turn it over to the Planning Commissioners for their thoughts on that. Maybe the commercial district and they can start there and maybe move around and discuss some of these points of contention. They talked about loading, elevations, and pedestrian ways.

Vice-Chairman Gross said he tends to agree with him in terms of getting an understanding of the elevations from Baldwin Rd. especially southbound Baldwin at the main entrance and the frontage along Baldwin Rd. for the grocery store. He thought that would be significant. The two commercial buildings he sees as being more secondary retail office type uses. He would like to see the elevation of those along Baldwin. The parking he was not too concerned with it he was satisfied with the parking being sufficient. In terms of the two restaurants, he thought that was fine. He was an opponent of the carwash from the beginning and thought that was a good solution for that.

Commissioner Gingell said she didn't like Chick-fil-A from the start, but she knew that was pivotal to the project. Then they are adding another high-volume restaurant that is super popular right now in an area that is supposed to be walkable. She thought they were putting in a lot of cars in this one little area that is supposed to be walkable, so she was struggling with that. She thought it was better than a carwash. There are Shake Shacks that don't have drive-throughs, and she didn't know why the drive-through was necessary. They could definitely do more parking instead. If they go to the one in Rochester where there is no drive-through it is all walkable. Because it is in the walkable mall area and it kind of fits a little bit better. She said the whole project gives her anxiety because it is so big.

Trustee Urbanowski said she was glad it was not a carwash as well. Shake Shack is really popular, and it can be a sit-down restaurant. She had forgotten that they had recently just gone there, and it was in Rochester in that walkable village.

Commissioner Gingell thought it was beautiful and done really well. She didn't know if it was Gingellville, it is not what she thinks of when she thinks of Gingellville.

Secretary St. Henry felt it would be a nice development if it goes through, but it deviates significantly from the look and feel of what he thought was envisioned for the Gingellville corridor and the community feel of it. He thought they had best-laid intentions here but going back to comments about just the back-to-back drive-throughs in such a tight area and then drive-throughs that will attract a lot of people both walking into the complex as well as driving into the complex. His concerns about this development back in August he had no question that at the end of the day, this would be a high-quality very attractive metropolis. That footprint is so big and what has been historically considered a village or a smaller community will change the look and feel of that area forever and it has to be done right. In regard to the elevations, they better be dead on with what they want. If that is what we want for Gingellville then we better be comfortable with it. The footprint is massive, that is why I asked about the density. He understood that they are obviously meeting those density issues. It is going to change the look and feel of Orion Township forever, so they better be comfortable with it.



Chairman Reynolds said they are past the concept and eligibility phase. When a use changes from the carwash to Shake Shack is that a point of discussion at this point, that they are still arguing that it is still the same concept now that there is a drive-through versus a carwash. Are they arguing that they could say yeah or nay to the drive-through or is it because it is past concept and eligibility at this point? Planner Enos asked when the Commission and the Board when the initially approved the concept plan, they removed the carwash but did they request or make the change that they would allow a restaurant at this location, or was it lets remove this carwash and you guys come back with something. Mr. Eppink said that his belief was that the carwash was conditionally approved but there was talk both during the meeting and after that they questioned if that was really what they wanted. He felt that the minutes would reflect that the carwash was conceptually approved. They took it to heart and said what is a different use a better use. What is interesting is that the lower southern portion is in the (BIZ) district so the underlying zoning is (BIZ) does allow a drive-through and so both of those uses the Chick-fil-A and the Shake Shack had they all been under separate ownership could come in individually and would meet the ordinance standards in terms of use and drive-through. What is interesting is they do an awful lot of large mix-use plans like this and there are both good and evil when they do large plans. Secretary St. Henry pointed out that it is big. It is the same 58 acres that might be immediately north on Baldwin Rd., which happens to be 20 different individual parcels. The advantage of those 20 individual parcels is they are kind of digestible. They are usually individuals or groups that they can deal with, and they are talking about one building at a time. The disadvantage, he thought, from a planning point of view is dealing with those 20 parcels under the same 58 acres, there is no ability for the Township and applicant to work together to solve larger regional issues like traffic. If I am just developing 2.5 acres just a quarter mile down the road, he didn't have to do a traffic study, or a cross parcel easement, shared parking all of those different things. He thought that they all could agree are really good things and will make Orion Township and certainly Baldwin Village a better place. They got the ability because they are one controlled PUD, they got the ability to talk about shared parking, and the ability to talk about the cross-access easement, and the ability to talk about shared infrastructure and creating large detention basins which are not only beautiful but are functional. They are not upsetting the ecosystem and topography of the land. Absolutely, it is a lot to digest but looking at 20 individual parcels just down the street on that same 58 acres he thought would be more challenging, would make Orion Township more fragmented, would not solve some of the regional infrastructure problems, some of their regional traffic issues would not make the investment into additional sidewalks and connections to paths, would not be planting greater than 12,000 trees and shrubs. There is an economy to scale, but he grants them he is right with them; it is not easy, but he didn't want to overlook the point that he does think that PUDs in general certainly in Orion Township have proven it and other communities. PUDs have a tremendous advantage because they allow this give and take and he thought they resulted in better projects. They can go back to those underlining zoning and at least say it is not a great departure from what their Zoning Ordinance has envisioned. They envision a (BIZ) district use there they are putting in a (BIZ) district use there. They think they are doing a better job because they are making it part of a larger PUD given all the other benefits.

Secretary St. Henry said he agreed with them that looking at this as one very large development they can design and plan it much better than if they had 20 individual projects. As he mentioned, a Planning Commission, perhaps at the Board of Trustee level has to be comfortable with how this will change the look and feel of that portion of the Township forever. If that is the future and everybody here is comfortable with that and they recommend that this goes through for approval and the Board of Trustees does the same thing, then that means that the folks that they have been put in place here to make these types of decisions they are comfortable with forever changing the feel of in that part of the Township. There are other parts of this Township that are going through the exact same evaluation and coming to grips with what is going on in their community. He was not saying that this development is not good or

bad, he was just saying that they have to be comfortable with the decision that they make because it will be there forever, long after we are long gone.

Trustee Urbanowski stated that they did say at the last meeting, that they did revise the motion to talk more about and make sure that they are following the Gingellville Standards for the commercial piece. She asked specifically what they are missing here, is it a flat roof? She asked if they were just talking about the grocery portion of this. Planning & Zoning Director Girling thought that they were looking at whether it was discussed in the motion at concept whether the drive-through was approved. Her recollection was that concept was approved and then there was a side note, but they really don't like the carwash so maybe take a look at that. Trustee Urbanowski stated that they said that before the motion was made. She added that she was just talking about going back to what Commissioner Gingell was saying.

Chairman Reynolds said to keep in mind that they are here at the final site plan approval. They talked about the concept and eligibility. They are here kind of hashing out some of the finite details, if they don't feel like it meets that criterion what operative is it that they want to be changed? For him, the flat roofs of the retail, he thought there was a better balance there. He was struggling with the walkability of the retail component that is there. The elevations of the grocery did improve the Baldwin Rd. façade from the concept but there is still a blank façade on the north that they would see driving down Baldwin Rd. The same thing they are going to see is the blank façade on the west. He thought that there were some of those components. For him, yes, at concept that is what they were looking at here but now they are talking about a parking deficiency of 20 spaces for the grocer. Then they are asking for deviations in their parking design standards. Is that something to where they are saying they are kind of ok with that or are they saying that they need to balance this out to say they are ok with the bigger grocer, but parking needs to be addressed? Those are some of the bigger pictures, they are kind of picking on the commercial district, but he thought that there were some items to be discussed.

Chairman Reynolds said he was in support of saying it either meets the Gingellville District Overlay or meets the architectural standards. He understood that Chick-fil-A and Shake Shack kind of have their own design standards but then they have standard retail that doesn't fit within the other context. That was one of his comments he was not in agreement with that. He was not in agreeance with deviating from their parking design standard to squeeze out a few more parking spaces because they have more retail, especially for those that they don't necessarily have designated towards an anchored tenant, their standard kind of spec building. The same thing goes with the walkability of that area in between, it is a plaza space, but what is it for, it doesn't connect to Baldwin Rd. Is it intended that it is something for those design intents? It is not like the area along Big Beaver where they are promoting walkability and that to be a front. Right now there is no connection to it in any way shape or form, besides the parking lot. Those are some of the things he is picking on to say, concept yes, we are still there but technicalities here they are looking at the finite details and is it what they want here.

Trustee Urbanowski said she understood that. There are design standards for Chick-fil-A and Shake Shack just like there were for the hotels when they were discussing those that were in (BIZ). She asked if there were design standards for whatever grocery store this is going to be. She didn't know.

Secretary St. Henry added that the sign standards that these companies that manage these restaurants have, but if they go to the Village and look where that Shake Shack there, and then you go to the Shake Shack that is behind Great Lake Crossing it is two totally opposite looks and feels. What is in the Village is they went into an existing building. There is some flexibility there.

Chairman Reynolds said there is a long list here and he was trying to get to the discussion of things that might prompt changes in the plans. If they are leaning towards not moving forward on a recommendation to the Board of Trustees this evening and they want revisions, what kind of revisions are they asking for? Or are they putting that back on the applicant to make those decisions?

Vice-Chairman Gross said he is not an architect but the elevation for the grocery store, for example, Meijer, the fake second-story elevations that kind of give it more of a homey feel as opposed to a big box feel. If that makes any sense. Chairman Reynolds said yeah, breaking down the scale to respond to a pedestrian scale. The large architecture has some response to that ask from architect terms.

Vice-Chairman Gross stated the same with the retail buildings the two buildings south of that. Again, providing some human/residential scale in terms of just a square façade.

Chairman Reynolds said he was ok to be clear with a modern façade. Even the façade that is being proposed on Baldwin Rd. now is much improved over what they saw at concept. His point would be that they are right on Baldwin Rd. and the north façade is still a blank façade. He still thought there were things on the Baldwin Rd. façade that could address some of those comments of Gingellville's desire for a walkable community. They are already deviating in a sense plus the idea of a larger grocer. Some of those components of that walkability between those few and Commissioner Gingell's point of the walkability of those restaurants are pretty vehicular driven at this point and time. He was ok with that of a balance but what is kind of circumventing those thoughts, and to him, it ties back to the lack of landscape islands and those types of deviations that promote the walkability in that even from someone driving into the site parking and walking in. To him, it comes down to square footage getting reduced or whatever, if they have a demand drive-through tenant then the retail what one of those is going to give if those are their two anchors especially if the grocer is the other end of it to make up for some of that lost parking there, especially the design standards, and that connection through. They are trying to say this all ties in and it is a big walkable district neighborhood. Where does that play into, specifically he was essentially picking on the grocery, the two retail components all through that district there?

Commissioner Cummins said he concurred with the comments on the architecture, and they are good-looking buildings, but they do lack on both Baldwin Rd. and the other roadside on the north and the east sides. The landscaping and the setbacks along Baldwin Rd. also are a little tight in scale for the size of the building that they have. The drive-throughs are the drive-throughs, if they approved them then they have to do what they can to get a little bit more landscaping in. The walkability and how they are going to get across through there is a different item and would take a little bit more work than they think that they will be able to tackle here tonight. Overall, the project when they start breaking it down into the components will probably start to flow better once, they get three-quarters of these items put behind them so they know that the project is actually going to finish up more in compliance than not. Especially with Gingellville because he was in the dark in regards to that Gingellville Overlay, he was not up to speed on that at this meeting.

Mr. Eppink said if they are moving away from the commercial he would like to read back what he heard so that they are clear on what they are trying to accomplish. Some of those he thought we easily addressable. When they are looking at retail like this and commercial like this there is a big move toward shared parking and that is really what they try to assume here. He added that they are 20 spaces short and a lot of those are in areas where there are greater than 20 spaces in a row without a landscape island, some of them are about 23 so it didn't make sense to break it up. What they did was two things, one relied on shared parking, and the idea

that the grocery store may not be as busy if they have some type of a diner or a restaurant, one of the multi-tenant buildings that they probably have opposing hours and so it makes sense to share parking as opposed to trying to maximize individual parking. In terms of island space, maybe one item he skipped over too quickly, as they got this greenway right through the middle of the parking lot and they showed an elevation of what that might look like as he was coming from South Village. If they look into the plans what that really is, is they have created central islands where they can kind of walk through that parking lot and feel safe not like they are jumping through parking lot islands. What they have is 10 ft. of landscaping, 5 ft. of sidewalk, and then another 10 ft. of landscaping to a total of 25 ft. wide islands by 40 ft. So, they are really large oasis points that he can safely cross with a crosswalk through the parking lot and he doesn't feel like he is sending his 10-year-old kid to ride a bike through a parking lot. In fairness, if they were to take those spots, and they are not suggesting that they would want to do this and spread that 25 ft. out and meet the ordinance of 10 ft. parking lot islands they certainly could do that, but he thought it breaks down the walkability of that commercial area. Some things like the Shake Shack and the drive-throughs absolutely. Years ago he was involved with helping design Rochester Village which is a different type of experience it is a larger regional mall that has enormous amounts of parking around the perimeters and actually up by the roads to kind of create that clustered feel in the middle. What they are trying to do, like they have done successfully in other parts of Baldwin Rd., is bring those buildings deliberately to the street. Absolutely they agree, and he mentioned that earlier was adding some additional sidewalk connections. Frankly, that was just an oversight on their part to get people into those buildings from the safety path on Baldwin. Their goal is to bring those buildings to the road and to really create that street front for Baldwin which they have done with some of the historic, as they move north, and with some of the newer retail buildings as they move south, and they thought it meets the intent of the ordinance.

Mr. Eppink stated that in terms of the grocer on the corner and its penetration points into the building, what they do know and what they have shown in their plans, is as they enter the new Gingell Ridge Rd. he is going up in elevation. They will see from their elevations, and their engineering plans, that the northeast corner of that grocery store is elevated. What they have proposed which they will find in their packets are beautiful landscape walls, and frankly, they are not really going to see them because they put so much landscaping in front of it and it is pedestrian-oriented landscaping. They have plenty of trees, they have a decorative wall that addresses that hill, and then they have benches, and a crazy amount of shrubbery but because they are centrally managed because they are one developer, and they will own it for the long-haul maintenance is not a question it will be beautiful, and it will continue to be beautiful. Those are the ways that they said, how do they bring a building to the road, how do they deal with that elevation, how do they make Baldwin flanked with parking lots? They think from an architectural point of view they have been very deliberate in terms of the materials and the designs. They do have a particular tenant for that grocery, they are under a nondisclosure agreement, and as they move closer to permitting they should be to a point where they will be able to have that grocer come forward. They do have a standard just like Chick-fil-A or those others do so they have tried very hard to maximize those standards realizing that it is a four-sided building it is not a building that is hidden in some alleyway. They are convinced between the landscaping, the walls, the architecture, and the quality of the materials, that that is a four-sided building will be attractive whether they are traveling north or south on that road.

Chairman Reynolds said he respects his thoughts toward those, even the pedestrian way he gets that. They are saying they are going to promote interaction through the site. They have a pedestrian way that goes south to Baldwin Rd., which they are trying to move people along, and then there is no connection to Baldwin Rd. That was what he was kind of struggling with. The grocery, whether it is a major tenant, mom, and pop who wants to occupy 40,000-sq. ft. he would still say those facades want to be something that presents well, they are right on Baldwin

Rd. Unfortunately, no amount of landscaping fixes a big ugly wall. He wasn't saying they were that but he thought there needed to be some look at that because it is something that they are going to be highly critical of now and moving forward.

Moved by Chairman Reynolds, seconded by Commissioner Walker, that the Planning Commission **postpone** action on PC-22-29, Baldwin Village Final PUD, located at 4410 & 4408 S. Baldwin Rd. (parcel 09-32-301-001), an unaddressed parcel 09-32-301-014 located at the NW corner of Morgan and S. Baldwin Road, an unaddressed parcel 09-32-151-020 located north of 4408 S. Baldwin and 4292 S. Baldwin (parcel 09-32-151-021) for plans date stamped received December 2022, for the following reasons: to allow time for the applicant to revise and resubmit to address the comments set forth in the Carlisle Wortman review letter along with the OHM review, and the address the comments brought forth by the Fire Marshal along with some of the discussion points that were brought forth here tonight by the Planning Commission.

Discussion on the motion:

Planner Enos said that this is a lot, this is one of the biggest projects he has worked on and he has been doing this for a long time. He appreciated the care in regard to what this is going to be when completed. He felt that once the applicant goes through their review, which they have, he appreciated that. This next submittal is not going to be as daunting to the Commission or himself, or to anyone looking at it from the Township standpoint because many of those issues are going to be addressed, and many of those bullet points are going to be added to the plan. This then allows them as a Commission to get down to the more detailed look of whether this is pedestrian-oriented, is this too much for the commercial areas if they say that, and start to talk from that standpoint. He would hate for this to get to the Board of Trustees level and then the Board says that they are not too happy with this either. Their jobs as Commissioners are to give them something that they are comfortable with. He thought knowing this team here, the next delineation plan that gets submitted is going to be a lot more comfortable to walk through the big issues.

Secretary St. Henry stated that this is the largest mixed-use development he has ever seen for however long he has been on the Planning Commission and living here for 40 years. There is a long tick list of items here, but some of them can be addressed real quick, some of them might take a little more thought, they have discussed a lot of those bigger issues tonight. He wanted to say that he would feel much more comfortable making a decision one way or the other with all of these issues addressed. This is a milestone development in this Township right off the highway that people will see for a long time. They just want to make sure they get it right; they must get this right.

Ms. Wendy Wroby 3986 Morgan Rd. had three questions. She wanted to thank them for their support in trying to keep the spirit of the community alive with these plans. She understood that progress is something that they all have to live with, but she has lived here for 30 years so it is a little bit difficult to take in. She asked if that was Morgan Rd. right on the side of Chick-fil-A. Chairman Reynolds replied correct. Ms. Wroby asked if there were any entrances to any of those going onto Morgan Rd. Chairman Reynolds replied no. Ms. Wroby said she had a huge concern about the drive-through with the Chick-fil-A and she knew that they talked about that several times. She thought they have all seen Chick-fil-A on M-59 where they have queues of cars in three or four lanes going through the strip mall to try to get to the drive-through. She is not an engineer or a planner, but she didn't see where they were going to be able to accommodate that. She didn't know if they experienced what she had experienced at Starbucks just a little bit down the road where people are backing up onto Baldwin creating a big safety concern.

She encouraged them to really think about that because she thought it was going to be a big mess. She thought that they talked about the safety paths that go around Judah. She asked if there were any plans for any safety paths around the Baldwin Rd. area. Her concern is those multi-family dwellings that are across Baldwin from Morgan. During the nice weather, there are all sorts of people that are walking, they walk across Baldwin by Morgan to go to the strip mall over there. This is going to bring a lot more people across Baldwin and she didn't think, especially the kids/teenagers, they are not going to walk all the way down to Judah to take the crosswalk and then up Baldwin Rd. She didn't know if that was included in any of their plans but she would highly recommend that they think of something. She thought it was just a matter of time with the way the traffic is, and with this even going to be more traffic, a safety issue is going to happen somebody is going to get hit by a car.

Secretary St. Henry said when they first look at these plans back in August traffic congestion issues and safety issues were discussed at length, so they are very aware of that.

Mr. Noah Stevens, 3507 Pasadena Dr. said his property is on the northwest corner. The plans that he reviewed online show that there is an acre between where his property line ends and the development, and he liked that. He was kind of concerned that they are looking at the shopping center below and saying they need more parking spaces or anything like that, that possibly this could get shifted where then maybe he doesn't have such a big buffer. That is a concern of his. He also likes that through The Cottages of Gregory is a pedestrian path instead of a driveway. He was happy to see the carwash removed. He was afraid as this corner gets developed more stuff will get shifted and lose some of that buffer there.

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

Mr. Eppink stated that their entire team truly appreciates the time and care that the seven Commissioners, Planning & Zoning Director Girling and her team, OHM and Carlisle Wortman, it is a big project. They are doing their job by engaging in the conversation and they continue to be committed to getting it right and working together. They will do that; they will take these comments seriously and come back to them.

#### **10. PUBLIC COMMENTS**

None.

#### **11. COMMUNICATIONS**

None.

#### **12. PLANNERS REPORTS**

Chairman Reynolds welcomed their new planner to the team. He thanked him for jumping out of the gate on the smallest project they have had in a while and submitting 40 pages worth of review. The Carlisle Wortman team was with them in the past and is back.

Planner Enos said that he was looking forward to working with the Commissioners. He is a Vice-President of Carlisle Wortman. His mentor was Don Wortman who spent many years working in the Township and he still communicates with Don but it has to be on a golf course. He has nothing to say but good things about this community. As he gets to know it and drives around it the Planning Commissioners, the Planners, and everyone in the past have done a great job. He was going to try to bring his experience, he grew up in Green Oak Township,

growing communities and some of the things he has done and just helped them along. He hoped that they would do that a little bit tonight. He thought that Secretary St. Henry made a good comment earlier, they are all playing the long game here in Orion Township and the long game in regards to Gingellville. Depending on how this project comes along and the things that they do and approve, change or modify, they are going to be requested to do some of those things in the future so they want to keep from too much modification because he knows they spent a lot of time on the Village Overlay District. He is looking forward to it and he will get the hang of the ordinance and be their assistant as much as they can be.

### **13. COMMITTEE REPORTS**

None.

### **14. PUBLIC HEARINGS**

None.

### **15. CHAIRMAN'S COMMENTS**

Chairman Reynolds stated that all of their seats are appointed and wanted to welcome Commissioner Cummins to the Planning Commission. He is a fellow architect and sat on the Commission with him in the Village for a number of years.

### **16. COMMISSIONERS' COMMENTS**

Commissioner Cummins said it was interesting to sit on a different Commission. He thought there couldn't have been three better items for the first meeting here. He thought that the direction they took tonight was probably the right direction but at least the number of items he saw open and the concerns with the Overlay District which he was not aware of. He thought it would be a much better project. Look at those elevations and take care of the walkable concerns.

Trustee Urbanowski welcomed Planner Enos and Commissioner Cummins.

Vice-Chairman Gross said ditto. Looking forward to a good relationship, welcome.

Secretary St. Henry said welcome to Planner Enos and Commissioner Cummins to the adventure. He appreciated them joining them, and said it was a good group to work with.

Commissioner Walker said to Planner Enos to tell Mr. Wortman the next time that he sees him on the third hole that he did say hello and he does miss him. He welcomed Commissioner Cummings. He added that he spent 11 hours at the Orion Public Library at the book sale. He wanted to remind everybody that that sale is running through Saturday. It started off really well yesterday and he stopped in there today and they are doing well. He thanked the community for supporting the library.

Commissioner Gingell welcomed both of them.

### **17. ADJOURNMENT**

Moved by Chairman Reynolds, seconded by Commissioner Cummins, to adjourn the meeting at 9:24 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton

PC/ZBA Recording Secretary  
Charter Township of Orion

February 1, 2023

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Planning Commission Approval Date