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 Walker, PC Rep to ZBA  
Don Gross, Vice Chairman  
Joe St. Henry, Secretary  
Kim Urbanowski, BOT Rep to PC  
Jessica Gingell, Commissioner  
Derek Brackon, Commissioner

**PLANNING COMMISSION MEMBERS ABSENT:**
None

**BOARD OF TRUSTEE MEMBERS PRESENT:**
Chris Barnett, Township Supervisor  
Mike Flood, Trustee  
Donnie Steele, Treasurer  
Julia Dalrymple, Trustee  
Kim Urbanowski, 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  
Marie Eynon  
Marcie Ramsey  
Robert Ramsey  
Tracy Deuman  
Kim Hunter  
Gordon Nickel  
Alicia Lawson  
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 home 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 those 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 over burden 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 impatients 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 a mess. 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 turnaround by developer purchasing the property after the first developer reconsidered due to wetland constraints. This PUD does not produce a responsible and harmonious growth plan failing on many counts. 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 DRG 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 accepitive 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 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 attributed 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

February 16, 2022  
Planning Commission Approval Date