

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, FEBRUARY 2, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, February 2, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Scott Reynolds, Chairman	Don 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

1. OPEN MEETING

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

2. ROLL CALL

As noted

BOARD OF TRUSTEE MEMBERS PRESENT:

Chris Barnett, Township Supervisor	Mike Flood, Trustee
Donni 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	

3. MINUTES

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

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

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, to **approve** the agenda as presented. **Motion carried.**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

A. 2021 Planning Commission Annual Report

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

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

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

7. NEW BUSINESS

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

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

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

Mr. Wayne said the next challenge of single-family zoning is the high-water table. A geotechnical report that they conducted indicated that the subject parcel has groundwater at levels of about 3-6-ft. below grade. This makes the development of basements extremely challenging for obvious reasons, they are trying to dig a 10-ft. basement and there is water 3-ft. below the ground. It is very complicated in order to dewater the basement digs and to appropriately install the foundations and a lot of times it is completely cost-prohibitive. That really limits the demands of the developed home if it doesn't have a basement.

Mr. Wayne stated that these two things really lead to the economic viability of developing something that is consistent with the parcel as zoned. When they think about developing this parcel there are four main components the first is earthwork and site prep. In this case, based on a per-acre estimate this would be roughly about 4 million dollars. If they look at utility improvements it is another 2 million dollars. If they think about the roadway installation that is another half of a million dollars. Just for the sake of example if they predict the land cost from 2-3 million dollars that gives them a range of total development between 8 ½ and 9 ½ million dollars. Based on OHM's review of their density plan they stipulated that they felt they showed 28 single-family homes, they felt that they could get 26, dividing that by 26 just their raw cost of land per lot would be in the \$330,000 - \$370,000 range.

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

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

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

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

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

They have an interest in joining them on this project. They have come to a preliminary agreement to joint-venture with a group like the Schostack's and that is something they are very excited about.

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

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

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

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

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

Mr. Wayne said that also in exchange for the height, they are providing significantly more setback than what would be required in an R-2 or an RM-1 zoning ordinance so 230-ft. away when the ordinance calls for 100-ft. on the front setback, and then again on the sides and the rear they are 50% more in those cases.

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

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

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

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

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

Mr. Heffernan stated that there were a couple of comments about the EGLE wetlands. If they look at EGLE's interactive map online it is updated as developments appear, this area doesn't have any wetlands in this lower corner by M24 and Waldon. Now where there are wetlands, that is where they are putting the natural preservation area in that pond to the north. There is a big reason why they are developing where they are. Anytime they propose development in a wetland triggers EGLE, they can't do anything without their approval, legally. They will not be

impacting any wetlands nor are there any wetlands actually located in this exact area, they are designing it around them. He added that that goes for floodplains as well, as they did a check.

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

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

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

Mr. Wayne said in the case of environmental resources, obviously, preserving the natural resources of Orion Township is paramount. They can see an objective one, two, and three,

they feel that they achieve those objectives with The Woodlands project. Growth Management is calling for a balance of housing options. The Woodlands is a balance of housing options. It is also saying that direct higher-density residential commercial should be located in the appropriate areas in order to maintain the real character of low-density areas.

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

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

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

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

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

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

Chairman Reynolds asked Engineer Landis to touch base on wetland, where do they stand on that if it was reviewed or not? And is that typical for a concept PUD to have that and be reviewing it. Engineer Landis said it was their understanding initially that there was a wetland delineation done in particular for the wetland to the north because that impacts the density plan. They did receive late another copy of the wetland delineation that was for the previous Classic Car Club. If they recall that plan was reviewed and approved, they did receive a wetland permit for that particular site. Obviously, it is not the same impact what they are proposing is

something different, so it would have to be reviewed again. It was his understanding that if they do look at the MERS maps there is obviously a wetland complex to the north, limits to be confirmed by a wetland consultant. In the wetlands on the south, there is a ravine or stream type that flows through the south. He was confident with what they are showing there matches what was in the previous Classic Car Club study.

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

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

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

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

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

Vice-Chairman Gross said that the density was one of the major factors. The density issues impact's a lot of the provisions of the ordinance. The density is six times what the underlining zoning is he thought was an issue that needed to be addressed by the Commission whether they agree with that or don't agree with that. The density is also based upon the 27-acres of which only 20-acres is actually residential and there are 7-acres of (GB) but are taking credit for the entire 27-acre parcel. He didn't think that the proposal was consistent with complying with the underlying zoning or the Master Plan designation. He knew that the attorney has indicated that they can make adjustments to certain regulations but there are excessive requirements in the building ordinance. The building height is in excess of what the ordinance requires, the building length is in excess of what the ordinance provides for, and the parking location is in excess of what is in the ordinance. He assumed that all of those provisions in the ordinance have some logic behind them relative to height, length, and how far people have to walk from their cars.

Vice-Chairman Gross said that the high-quality architectural design is one of the criteria of the PUD and he wasn't sure that the mass and bulk of the buildings are consistent with the existing development in the area, and in his opinion, in compliance with being a high-architectural design because of the bulk of the buildings and the mass of the buildings. There are no carports or garages, the length of the parking to the units, flat facades, there are no balconies. The proposed restaurant did not provide any design criteria to what it would look like which is required under the PUD ordinance. He added that potential traffic, they talked about that ad nauseam, improvements have been identified but not addressed.

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

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

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

Mr. Wayne replied that the particular parcel is currently zoned the way it is but when they just look at what it is near it is still in that RM-1 category. He asked if it is bordering RM-1 to the north has it to the east, and to the south, how is it too dense when the density is consistent with those other neighboring properties? Trustee Urbanowski said she agreed that they are consistent and that is why the one to the south had that one right before they came to them, but they are setting that right in the middle of single-family homes. It is the transition area and is not consistent with what is surrounding it.

Mr. Wayne said there is also the R-2 parcel to the north which is even higher density 8 units/acre, it is also on Lapeer, it is a half of a mile to the north, and is arguably going to create even more traffic onto Waldon. He felt that being at 6 in relation to that and some of these other ones around was kind of tucking it in and fitting it into where it needed to be and there are other areas where more density or similar density in their immediate vicinity is either existing or it has been approved or will be built. It is challenging for them when they look at this density to think that it doesn't fit.

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

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

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

Secretary St. Henry said they did mention that if they did move the development further north somewhere and the fact that it would be further along that the people would have to drive to

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

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

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

Mr. Wayne said that he heard a lot of talks tonight about trees and the importance of trees in this neighborhood and obviously nature preservation was something they felt they were hitting on the head but also as it relates to trying to screen some of these issues and prevent against some of those more deficient setbacks, the solution if vertical, it's tall, its trees, and its buffers. When they do that, as an example, if they were to build basically what would equal a 13-ft. tall wall behind an adjacent single-family home then out their back window they are not looking at a car in their parking lot they are not looking at the building they can't even see it because they are looking at this wall of pine trees that now exist there. While he understands that in certain areas the setbacks are above the requirements but as for those areas where they are less or maybe smaller than would be desired, he thought was the most obvious perimeter of their

property as they are going north. Immediately on the other side of that while it is still single-family zoning is still a vacant farm field. They are not bordering a neighborhood on that as an example, they are not proposing that small of a buffer as if there were 20 houses immediately with their backyards right there. They are interpreting what exists and trying to put the buffers in place, the site design in a way that maximizes the areas as best they can around single-family. That was the intention of increasing the buffers to the residential to the south and also to the condos to the north. Given the fixed box that they have to work in here and given the part that they are working so hard to preserve these are the fit parameters and he felt that they did their best to help mitigate that. He thought that whatever can't be done with horizontal distance can be done with vertical distance.

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

Discussion on the motion:

Mr. Wayne said when they look at the site, they talked about some of the challenges, the existing zoning, and what is possible, they outlined that it is financially impossible to build as zoned. From that perspective that would imply that the property must be rezoned to be built on at some point trusting that their estimates are accurate. He asked in thinking about the need to have there be a viable path forward, is it multi-family specifically that is a concern? For example, if they were to look at RM-1 and try to apply for RM-1 with an ordinance and they were able to eliminate it if they have four issues currently, they are able to just need one variance on RM-1 would a rezone to RM-1 with a variance present a different perspective from the Planning Commission or not? Chairman Reynolds replied that they are there to evaluate what is in front of them. He thought that all of them are going to have different thoughts and perspectives on what would make everything work. He thought that there have been a number of items that have been discussed including in the motion that is on the table now to talk about underlying zoning. They are aware as a Commission the economics of the Township. They are aware of the missing middle they are working on their Master Plan and they have discussed this extensively. He thought the struggle they have here is, once again, is that they look at all of these factors as a whole and there is a push and pull. They

understand that economics influence a site and they also acknowledge that existing zoning does along with the zoning parameters which they layout. They ask for straight zone projects to apply for, yes there is a process of variances but in a lot of ways, it is very similar to a PUD. Is there any way that they could come to a different conclusion on this project, he was sure there were. Does it fit within the economics? Maybe not. Does it fit with compatibility? Maybe. They are always there to consider further thoughts and future projects. He commended them for what they brought forth and the effort that they have put forth in front of them. He thought that there were still some factors here that needed to be considered in part of this development.

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

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

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

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

15. COMMISSIONERS' COMMENTS

Commissioner Walker stated that he wasn't sure that they should have a discussion like they do with the applicants. When they say "what should they do" is that their job? He didn't think that anything gets accomplished during that. To ask them what they think he should do makes him feel somewhat uncomfortable. Are they there to help him accomplish his project, or are they to pass judgment on what he has?

16. ADJOURNMENT

Moved by Trustee Urbanowski, seconded by Commissioner Brackon, to adjourn the meeting at 9:58 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

February 16, 2022

Planning Commission Approval Date