

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, MAY 4, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, May 4, 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

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:

Michael Henry	David Gammon
Robert Bambach	Susan Johnston
Terry Clissold	Kim Hunter
Tracy Deuman	Marcie Ramsey

3. MINUTES

A. 4-6-22, Planning Commission Regular Meeting Minutes

B. 4-6-22, Planning Commission Public Hearing Minutes for PC-2022-10, The River Church Special Land Use for a Church

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to **approve** both sets of minutes as presented. **Motion carried.**

4. AGENDA REVIEW AND APPROVAL

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

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None.

6. CONSENT AGENDA

None.

Chairman Reynolds recessed the regular meeting at 7:03 p.m. and opened the public hearing at 7:05 p.m. for case PC-2022-16, Lava Mountain Coffee Special Land Use for a Drive-Thru, 100 Casemer Road 1472 S. Lapeer Rd., 1480 S. Lapeer Rd., 1488 S. Lapeer Road parcel 09-14-100-074, and 1476 S. Lapeer Rd. 09-14-100-073.

Chairman Reynolds closed the public hearing for PC-2022-16 at 7:10 p.m. and reconvened the regular Planning Commission meeting.

7. NEW BUSINESS

A. PC-2021-43, Orion Lakes Community Center, request for extension of a revised site plan approval, 47 Bluebird Hill Dr., 09-35-300-001.

Chairman Reynolds asked the petitioner to state their name and address and give a background for the request for the extension.

Ms. Kimberly Mansour the Community Manager of Orion Lakes Community Center at 47 Bluebird Hill Dr.

Ms. Mansour stated that they have a community clubhouse to be done this past year. However, just due to Covid they had a huge spike in their delinquency as well as the cost of materials and everything has gone up, so they were just not able to release those funds. That is why they are filing for this extension. It is set to be completed next summer.

Chairman Reynolds asked what was the length of extension they were seeking? Ms. Mansour replied that she would say to be safe in August 2023.

Chairman Reynolds said they typically grant, and thought he was only allowed to grant an extension for one year, site plan approval can be extended for that period, so they will put them in for the request for a year.

Chairman Reynolds asked if there has been any progress on their site plan approval submission and the sense of the conditions that were put forth on that previous approval? Were they still at engineering, where is the project in the process? Ms. Mansour said that they have everything planned out and know exactly what they are going to do on the site, none of that scope of work is going to change it is just really extended due to Covid which they had a huge spike in delinquency and the cost of materials.

Chairman Reynolds thought that there were still some conditions to be met from that site plan approval essentially comments or conditions that would have been officially signed off on. They would like to make sure those get addressed. He didn't have an issue with a one-year extension finding that they still address the conditions that were previously made. Obviously, Covid has made a big impact on occupancies and then also the cost of materials so he would be in support of a one-year extension finding that the conditions still be met and essentially the revised site plan be provided to them.

Trustee Urbanowski stated that she would be in support of that as well. She knew that they had heard about some demolitions or taking some out and putting new ones in, she knew that takes some time. This is their first extension so she can understand that and would be in support of it.

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, that the Planning Commission **approves** the site plan extension request for PC-2021-43, Orion Lakes Community

Site Plan for one year, until April 26, 2023. This approval is based on the following findings of fact: that they are in need of extra time due to Covid and cost constraints.

Discussion on the motion:

Chairman Reynolds asked if the motion maker could add the condition of submitting the revised site plan drawings to the motion. He didn't know if they wanted to put a timeline on that or if they are comfortable with the larger window? Even 6-months, something that makes a motion on it, it seems that there were site plans drawings that the previous approval was approved conditional upon addressing some items. That was what he was looking for, he didn't want to leave the site plan condition out there, he would like to button that up.

Trustee Urbanowski amended her motion, and Commissioner Gingell re-supported to add that within 6-months they need to submit the conditions of the previous approval with a one-year extension.

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

B. PC-2022-16, Lava Mountain Coffee Site Plan & Special Land use for a Drive-Thru, 100 Casemer Road, 1472 S. Lapeer Rd., 1480 S. Lapeer Rd., 1488 S. Lapeer Rd. parcel 09-14-100-074, and 1476 S. Lapeer Rd., 09-14-100-073.

Chairman Reynolds asked the applicant if they would like to add anything to their presentation? If not, they will hand it over to their consultants for their reviews.

Mr. Mitchell Harvey Stonefield Engineering 607 Shelby St. Detroit, MI.

Mr. Harvey said what they are looking to do here is to reconfigure the parking area to add the drive-thru lane. He showed the Planning Commission how the drive-thru lane was configured. The majority of traffic would come off of Lapeer Rd. and circle around the coney island and then enter the drive-thru lane and turn and pick up their coffee. Beyond that there will be some minor pavement changes, adding a curbed island, stripping the area out to kind of further define traffic, and doing some minor ADA improvements to the sidewalk to make sure everything is up to code.

Mr. Harvey wanted to briefly respond to the review letter prepared by Giffels Webster and OHM. He stated that in the Giffels Webster review letter comments 1-3 they are agreeable to they will seal the plans, provide a tree survey, and will be providing the maximum speaker decibel volume on the plans. No changes are being made to the site lighting so they would like to keep it the way it is but if a photometric plan is required, they can provide that. Parking waiver, they are proposing 53 parking spaces where 59 are required. This was largely a result of some of the changes that they made to reconfigure the parking lot and make it compliant. The one thing that they wanted to talk about the site as an overall view is the northern tenant is the Orion Coney Island and then in the southern building they have three tenants, they have the Lava Mountain Office Company, they have Golden Paws, it is a pet groomer, and then the southern tenant is a Chicago Brothers Pizza. Really what they are anticipating is these users peak at a different time for parking demand. Generally, the coffee shop will be most busy in the morning times, people are on their way to work so around that 8:30-10 a.m. timeframe, where the coney island and the pizza place are going to be busier at their lunch and dinner times. The dog groomer in the middle is a very low traffic generator and parking demand generator but is pretty

steady throughout the day. They feel that the six spaces that they are short will not hinder the site from a functionality standpoint.

Mr. Harvey said in comment number seven the maximum height of the building will be included. Just a point of clarification under comment number seven both parcels are under the same ownership so they will be able to set the easement for the cross-access for the southern property to circulate through the northern property and vice versa.

Mr. Harvey stated that the truck turning exhibit was one that came up on both the Giffels Webster and the OHM review letter. He wanted to point out a few things, he showed them a truck circulation exhibit for an F150 Super Cab, so the largest F150 that they make. There is a slight overhang for the truck to make that turn. They would like to keep it the way it is because it would eat into their parking if they had to reconfigure this and push the stripping further south. He showed them a Ford Escape and thought it was a representation of the typical car that they will see there. There will be some people that have the larger pick-up trucks, but they wouldn't consider that the norm, that was their justification there.

Mr. Harvey said the last comment is regarding adding a landscape island to prevent vehicles from coming straight into the drive-thru lane as well as prevent vehicle headlights shining out onto Lapeer Rd., as well as screen the drive-thru from Lapeer Rd. He added that speaking with the operator of the site they really want to keep that area open and not put a curbed island there for vehicle circulation and they feel that stripping will be sufficient to kind of direct traffic. They would be agreeable to putting some sort of hedgerow or some type of vegetative screening in that area and felt it would accomplish the same intent of screening those headlights as well as screening the drive-thru lane itself.

Mr. Harvey stated that was the Giffels Webster letter, he will spare going through the OHM letter in detail but comment number one refers to the truck turning exhibit so that was kind of the same answer. All the other comments they are agreeable to and will include them on the plan and felt they were straightforward and thought they could work together to get those accomplished. They humbly request a conditional approval as well as special land use approval on the condition that they work through the comments with not only Township staff but OHM and Giffels Webster. They would like to exclude the inclusion of the landscaped island.

Planner Arroyo read through his review date stamped April 28, 2022.

Engineer Landis read through his review date stamped April 27, 2022.

Chairman Reynolds stated that going through the other reviews, the Fire Marshal did review the plan and had no additional comments. The Public Services did a review same thing with WRC, there was a site walk that was completed by the Site Walk Committee.

Vice-Chairman Gross asked what were the hours of operation for Lava Mountain? Mr. Harvey replied that Monday – Saturday they are 7 a.m. to 6 p.m. and Sunday they are 7 a.m. to 4 p.m.

Chairman Reynolds asked if they foresee maintaining those hours of operation? Mr. Harvey replied no change.

Vice-Chairman Gross thought there must have been some idea as to how many cars are going to be required at any one time for the drive-thru, and the stacking needs. He asked if they had any ideas of what that is based upon the current volume? Mr. Harvey stated it was kind of difficult to speculate because this isn't a Starbucks or a Duncan Donuts, this is their location, and they have clients that are very loyal to them. When they designed this, they wanted to have

plenty of room for overflow stacking but thought that the number they were throwing around that they would see would be 4-6 car stacking. Do they have any data that says that is going to be the number, no, but it is not going to be 15-16 like they see with a Starbucks.

Vice-Chairman Gross asked if this would be considered fast-food coffee versus the Starbucks specialty coffee? Mr. Harvey replied that they do have some specialty items but didn't know their menu in-depth but thought they could get a latte there he didn't think they had as big of a menu as Starbucks. Vice-Chairman Gross said his concern was the wait time of somebody getting coffee is it going to be a minute or ten minutes? Mr. Harvey replied that he thought they shoot for two minutes of turnover time for each customer.

Vice-Chairman Gross said he was not crazy about the existing stacking arrangement; in fact, he would prefer it just go back to drive-in and pull up and get your coffee and go. This would require extensive signing to identify where the stacking would take place because someone entering the site, as the Planner indicated, is going to go for the shortest distance. To try to direct that person around circumventing the entire site he thought it was going to be a challenge to the customer as opposed to just driving up and placing your order.

Vice-Chairman Gross asked if there was a drop-off window and a pick-up window? Mr. Harvey replied no there is a menu board with a voice-box where they order, and then a pick-up window. Vice-Chairman Gross said and then it goes to a different window. Mr. Harvey said there are not two windows there is just an order point and then the pick-up window.

Mr. Harvey said to answer the question on the traffic circulation, they did identify that early on as something people would likely do so they included some on-site wayfinding via small signs that they post, along with some pavement markings, and directional flow arrows to move customers in the right direction.

Vice-Chairman Gross asked regarding exiting it is around the back of the building and then back to Casemer or out to Lapeer? Mr. Harvey said they would exit around the back and circulate around. It kind of keeps the traffic away from the main entrance of that building either entering or exiting. Vice-Chairman Gross said there is not going to be a reverse u-turn for people wanting to go back into the coney. Mr. Harvey said if they wanted to back into the coney from there they would head down and then shoot up and then they are back into it.

Commissioner Brackon asked on the order board and the menu is that on the north side of the island or the south side? Mr. Harvey replied that is on the south side, it is actually mounted to the building. They would be right where the building ends, they would be able to see it sticking out that would be the menu and order location.

Commissioner Brackon said what his thinking was to avoid the situation where people just driving straight through is if they had the voice-box on the island and they could only order on the northside of that island it would prevent people from driving straight in because they wouldn't have the opportunity to order.

Commissioner Brackon asked what is the objective of the island? Mr. Harvey said that the developer felt really strongly about it, he does anticipate coming directly in because there is not going to be a significant amount of stacking, and he doesn't want to force everybody to go around if there are one or two cars in the lane. There is room for four right along the building and that is what he felt would be fairly sufficient for most times. When customers coming in recognize it is full then they would circulate around and go into the additional stacking area. That is why he feels strongly and wants to keep that open.

Commissioner Brackon said even with the signs telling them to turn right at that entrance he still wants to encourage people to go straight through? Mr. Harvey stated that he wants to keep it as an option. In theory, they are supposed to go all the way around enter the lane and go around but if there are two cars in the lane, he would like to keep that open.

Trustee Urbanowski said it doesn't account for people who might be on the far end who may have driven up. She thought it was a conflict, it might not look like someone is queuing in the line if they are not that close to the building but there could be someone on the other side. She thought that there needed to be some sort of island separation there for sure. If she is going in for coffee that means that she is not already caffeinated, it is confusing.

Secretary St. Henry stated that he agreed with Trustee Urbanowski. People just are not bright enough sometimes to navigate that, he has never seen anything like this before. If they are expecting drivers to know inherently that they are supposed to go to the right around another building or restaurant to get to a drive-thru lane he just didn't see that working. If they are looking at 4 – 6 cars stacking at any one time, that is what they are expecting, why do they have this routing around the other building? That would accommodate 20 cars or more. It seemed much more complicated than it needs to be. Mr. Harvey said that was the initial idea was if they could make that area a lane, the problem is if they get 6-7 cars now, they have cars stacking as they are trying to get in, and they didn't want to spill over into Lapeer Rd. at all. Secretary St. Henry appreciated that because they see that as an issue in other places in the town. He thought it seemed very complex for a cup of coffee.

Commissioner Brackon asked why couldn't they stay to the north when they came in and wrap around and come back toward Lapeer Rd? Mr. Harvey replied he thought it would be going against the natural traffic pattern for the coney island, he thought it was one-way around there. He said they could look at that to see if that was an option, but they would still run into that same u shape.

Chairman Reynolds said that he echoed a similar concern about the current traffic flow traffic pattern around the building. He understood it was an existing location and obviously everyone here including the developer and the occupant is trying to look at the least impactful improvement to add a drive-thru. Although he still finds it necessary to provide similar stacking to all other drive-thru's that they have in the Township because although there are no traffic data specifically for Lava Mountain Coffee, they have seen plenty of other locations that stacking even when addressed creates really detrimental traffic patterns and issues that they want to avoid. That is kind of a huge issue he would much rather see the permanent island be provided and at least that way they gain some additional stacking spaces that provide the opportunity for the proposed signage to be moved out a little bit further to create some more wait time between wait time and service if that was so desired. He thought that since the traffic patterns already on that site kind of go to the right to support the coney island he didn't see a major issue with having it be in the same sequence with the coffee area and then provide an adequate turning radius. He didn't foresee the factious stacking that is being provided was going to meet the need of the traffic patterns and having a drive-thru. That is why there is special land uses for that.

Chairman Reynolds said he also has a concern with the fact that even the current area of defining the road versus the landscaping, from his understanding, proposed flush curb, not an actual rolled curb or having height. He thought it leads to this very ambiguous traffic pattern around this proposed use.

Chairman Reynolds thought that Lava Mountain is great he understood it was an existing building it is a tricky traffic flow but thought that if this was to be added to this proposed use it

needs to be in compliance with the ordinance and address similar traffic patterns that they ask of other proposed projects.

Chairman Reynolds added that he was ok with the parking calculation waiver that they are requesting just in the sense of he agrees with not overparking something in the sense of parking it smart. With morning coffee and evening pizza, he was fine with that. He didn't feel a photometric is needed unless there is proposed lighting that is going to be added and anything that is modified, he would want to make sure is spoken to meeting the ordinance. Seeing that he is on the Site Walk Committee the other question is that being the landscaping on this parcel is very minimal, it is an existing building, and it is an existing development, it would be nice to see some additional plantings be provided if they were provided initially a lot of them have died off or not been maintained. Just another talking point he knew that was in Giffels review to just talk about the landscaping improvement.

Trustee Urbanowski said she wanted to point out number two in the OHM review about the connection between the internal site sidewalk and the public pathway. That is something that they have been focusing on a lot lately she would like to see that as well for those people who might be walking. Chairman Reynolds said he believed that was something that they were willing to address. Mr. Harvey replied yes of course.

Planning & Zoning Director Girling questioned the tree survey. This is an existing site having been on the site she asked if there was anything coming out from the middle where this is going? So, a discussion on is it a full tree survey. Chairman Reynolds replied that his belief would be if they could get identification of what those trees are and the estimated size so if they are landmarked that they essentially adhere to their Tree Ordinance he would be fine with that. He would be willing to kind of push and pull since it is an additional or expansion of use on an existing facility. Being on site it didn't appear that may be some of the evergreens that are proposed adjacent to the building maybe removed if he was correct, where the drive-thru lane would be, but it didn't seem like many other trees would be affected. There is some landscaping as it was required for the coney island or previously the Checkers and some of these other landscape items are a little bit barren and he hates to add all of these conditions but that is why they are here with the site plan reviewing it and considering what is a reasonable request.

Trustee Urbanowski said she agrees with the parking calculation, and she wouldn't be too concerned. People are dropping off their dogs they are not staying for very long. She thought that Lava Mountain would be the only place that they will sit and stay for a while.

Secretary St. Henry said he has never seen that parking lot very full. He thought that those three businesses were very compatible when it comes to that.

Secretary St. Henry said they have three motions in front of them, one for the Special Land Use, which is straightforward. Chairman Reynolds said he believed the way it was proposed right now there is a detrimental to traffic based on stacking. Although in a general sense he was ok with the special land use he was reluctant to proceed with a special land use approval based on what they are seeing here right now.

Trustee Urbanowski felt that they should wait on the other waiver too if they are going to reconfigure the site plan.

Chairman Reynolds said as a general discussion item leaning toward postponement and asking for revisions to be addressed. If there isn't a comfort level with the special land use, and the parking calculation waiver, if someone is willing to make that motion to postpone and provide

some feedback based on some of the comments. Obviously, if a motion is made, they can further discuss it to clarify some of these things.

Trustee Urbanowski asked if it would be appropriate just to do a postponement on the site plan and just address the other two? Planning & Zoning Director Girling said they can't give a site plan approval if they haven't granted the Special Land Use. If she was hearing them correctly a motion could be that they are postponing deliberation on the special land use and site plan and they don't have to mention the parking calculation waiver.

Chairman Reynolds thought that it would be appropriate just to make sure that the motion covers both items if there is a special land use, and a site plan approval.

Secretary St. Henry said for them to come back with all three again with a new site plan.

Moved by Trustee Urbanowski seconded by Commissioner Walker, that the Planning Commission **postpones** PC-2022-16, Lava Mountain Coffee Special Land Use for a Drive-Thru, 100 Casemer Road, 1472 S. Lapeer Rd., 1480 S. Lapeer Rd., 1488 S. Lapeer Rd. parcel #09-14-100-074, and 1476 S. Lapeer Rd. 09-14-100-073 for plans date stamped received April 13, 2022. This postponement is based on the following findings of facts: they need to see a different site plan addressing the turning radius of the drive-thru, the addition of some landscaping along the front side, addressing some pathway from the internal parking lot to the pathway on Lapeer; they can address the Parking Calculation Waiver once there is a site plan resubmitted.

Discussion on the motion:

Chairman Reynolds wanted clarification in regard to whether it was their intent for the applicant to address all the Planner's comments and all the Engineer's comments. He thought it would be helpful to provide direction on the tree survey and lighting regarding the photometric.

Trustee Urbanowski amended her motion, and Commissioner Walker re-supported that all of the things in the OHM letter, and the Giffel Webster letter be addressed. A tree survey was not required due to the limited removal of trees. The same with the photometrics because no new lighting was proposed they are not requesting a photometric. This is for both the Special Land Use and the Site Plan are both being **postponed** for 6-months.

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

8. UNFINISHED BUSINESS

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

Chairman Reynolds stated that the Planning Commission is a recommending body. Their previous recommendation was to deny. With a PUD it is a multi-step process that also engages the Township Board. That recommendation to deny went to the Board of Trustees and there were discussions and a proposal made for the Planning Commission to consider the revised site plan that was discussed and presented to the Board of Trustees. He added that with a PUD process that is an opportunity and an option for the Board of Trustees to push it back to the Planning Commission. This is not a public hearing, which has occurred in the past so there will not be a public hearing this evening. There will be further deliberation on the PUD Concept

plan, there will be a brief presentation from the applicant and then they will go over their consultant reviews based on the revised plan submittal that is being presented. Then when there is a motion on the table they will deliberate at that point and time like the other motions that have been made in the past, and the public will be able to make a comment based on the motion that is being made.

Chairman Reynolds asked the applicant to state their name and address for the record and to give a brief overview of the revisions to the project so they can discuss and turn it over to their consultants for their review too.

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

Mr. Wayne said that the last time they were there they understood that they had some work left to do. In order to be back in front of them tonight, they have spent a lot of time rethinking things and following their denial during the last Planning Commission meeting.

Mr. Wayne stated that they have made some modifications ahead of going back to the Board of Trustees. Those modifications were very well received by the Board members and so they wanted them to come back here to show them to the Planning Commissioners.

Mr. Wayne said they initially began The Woodlands proposal they were seeking 190 units across a 20-acre parcel. This was a density of about 9.2 units per acre. They are also leaving the adjacent 7-acres which they have under contract to purchase as well for future development. Following some feedback from the Planning Commission members and members of the public, they understood that they still had some work to do and so they modified that plan by first including the adjacent 7-acres to bring the total acreage of the development to 27-acres. They added about 15,000-sq. ft. of buffer space along the adjacent residential uses. They also removed 24-units which was a 20% decrease in their total unit count. In doing so, they also reduced about 40,000-sq. ft. of the building. Moving those units also allowed them to locate the building about 100-ft. further from the property line. After initial feedback on this plan and of course their last meeting here their work was not yet done. He added that this led them to continue to listen and improve their plan and they have worked very hard to do so.

Mr. Wayne said that in their most recent revision they have added an additional 15,000-sq. ft. of buffer space, specifically along the west side of the property line. This was their smallest buffer before it measured only about 11-ft. and they have quadrupled that buffer to be a total of about 40-ft. now. They have also relocated 32 of their units to the east portion of the site, in doing so, they have moved some of the residential closer to Lapeer Rd., closer to some of that high-traffic area, and away from some of the residential uses. This was a specific aspect of their redesign that was well received by Board members. They also reduced 50% of their building footprint to two stories, he had a lot of detail on that and would come back to that.

Mr. Wayne stated that while they were very excited to bring a restaurant to Orion Township, they understood that that added some complications and specifically it created a significant amount of traffic. Traffic in this case is a very important topic and is something that is a big concern for the Planning Commission and community members, so they decided that it was in the best interest of this project to just focus on what is most important to them and what they feel is the most important need in the community being residential housing. Their newest proposal is purely residential, and they have eliminated the restaurant.

Mr. Wayne said that they have added a boulevard at Lapeer Rd. This designates this as their main entrance and exit point so as to keep traffic flow moving toward Lapeer as opposed to Waldon. Furthermore, they took the Waldon Rd. exit and made it a right-turn-only and so no

traffic will be exiting the property for the Lapeer and Waldon intersection, any traffic exiting onto Waldon will be making a right turn moving away from Lapeer.

Mr. Wayne showed the Planning Commission the plans and stated that the boulevard measures about 75-ft. in length. He felt it was significant and the plan is to really make that the designated main entrance.

Mr. Wayne said that buildings C & D are the 32 units that they relocated. Those are two-story buildings walk-up style with no common hall. They abut the nature area to the south of them and as they move further west in the site plan, they have added onto the plan some carport areas, in the shaded parking space area, and added about 85 of those. He said the lightly shaded areas within the main buildings of A & B represent the areas that are now two-story. The dark shaded areas represent the areas that are three stories.

Mr. Wayne said that The Woodlands has the appearance of two stories from its surroundings. On the outer perimeter of the building, they have added the two-stories, and then that connects to the three-stories portion threw a large, pitched roof. It effectively shields the entire three-story portion of all the surrounding areas. The only way that the three-story portion is visible is from the interior courtyard area to the rest of the development. None of the neighboring properties are going to be viewing that three-story aspect. This is a two-and-a-half story design, and it is 35-ft. tall. The rationale for that is that 50% of the building is two stories, and 50% of the building is three stories. Without a clear definition in the Zoning Ordinances that they are aware of this is two and a half stories.

Mr. Wayne showed them a rendering of what the two-story side of the building will look like to all the surrounding areas. He thought that there was no visibility whatsoever of a third story. He showed them the entrance from the end of the Waldon Rd. entrance and it was already 350-ft. off the road looking directly at the building from the entry point. From all the neighboring properties there is a 5-ft. high buffer and a significant amount of landscape added to those areas.

Mr. Wayne felt that this mass and scale were much more conducive to the area than the 3-story previous design.

Mr. Wayne said that the look and feel of The Woodlands was something that they were very proud of. He showed them a rendering of the view as they enter from Lapeer Rd. The driveway was about 750-ft. long so it is longer than two football fields going from Lapeer Rd. into The Woodlands, they could hardly see the building from the road. As they are driving in the two-story buildings, they are adjacent to the nature area and the detention pond to the south and they provide the same finish quality and access to all the same amenities, but it is a slightly different product. As opposed to a common hall elevator building it is a two-story walk-up building. He thought it gave a little bit more versatility and flexibility to the development as compared to the previous design. Once they get to the end of that 750-ft. driveway, they are greeted by a roundabout circle. What is behind that is the main leasing office amenity space and then connecting it to the 4,000-sq. ft. amenity space just beyond the building. He added that if they were to drive into the development from Waldon Road, it is about 350-ft. off the road and is a football field away from the entry point. As they are driving in, this vantage point of the building is two stories.

Mr. Wayne stated that it was mentioned in some planning reviews and at previous meetings that they haven't given a lot of detail on what the exterior façade materials of The Woodlands will feature so they wanted to do that tonight.

Mr. Wayne said that the brown and charcoal colors that they see are a natural woodgrain composite siding, it is a tremendous product it is called Diamond Kote, and it is made from aspen pine. What is unique about it is that it is one of the most durable wood materials that they can create composites from. It starts at about 4-inches thick, and they can press it down to just about 3/8 of an inch. It is much sturdier than fiber cement board and a lot more durable, so it is extremely high-quality. It also comes with a 30-year no fade on the paint guarantee. What that means is that they use mineral-based paints so over time there will be no sun fading or fading of the color of the façade. Very high-quality very durable material and they think it gives a great aesthetic to the building, as well.

Mr. Wayne added that in addition to the natural grain composite they have also included some stone accents to break up the façade and give it a little bit more depth. They are considering the fond du lac natural stone for one portion of the building. He also wanted to make sure he mentioned that nearly every unit in The Woodlands does feature a balcony. He thought there was some confusion at their previous meeting that there were no balconies, nearly all the units do have balconies with railings.

Mr. Wayne thought it was important to update their shadow study following this latest redesign. With 50% of the main buildings being two-story it further reduces the shadow created by the building to the point where it is almost unseeable. It really, as a result, shows that The Woodlands creates no sun screening from the adjacent residential uses regardless of the time of day or season. That was a concern that some of the public shared during the public hearing and wanted to make it very clear that the shadows should not be a concern with this development.

Mr. Wayne stated that there was also a concern that The Woodlands would overburden public infrastructure. This was something they shared the last time but didn't know if it was fully understood in terms of what they were saying. He provided a visual for them. They had Stonefield Engineering conduct an analysis of the existing conditions of the site compared to the developed conditions of the site and what the water discharge rate looks like in each instance. In the case of the developed 80% reduction in the discharge rate of water from the site. The reason being is that the current site has roughly about 3-ft. grade fall on the north end of the property to the south end. Of course, being natural land, the water just flows wherever it pleases, and the path of least resistance is toward the houses on Waldon Rd. to the south. That could certainly be leading to some of the flooding issues that some of these adjacent properties are currently having. In the post-development environment, they are creating a large flat surface which is utilizing the stormwater management system and a retention pond to manage the water. The water is going from wherever it wants to go to going through a stormwater management system and is being effectively discharged into the detention pond and eventually into the city stormwater management. As it relates to water and sewer capacity it has been confirmed by the Department of Public Works that there is adequate capacity for both sewer and water capacity, so in that respect, The Woodlands poses no threats to those systems.

Mr. Wayne said that traffic has been a highly discussed topic in this project. Their latest design reduces the amount of traffic proposed as compared to the original by 60%. The reason being is that the original design had 190 units and featured a 4,000-sq. ft. restaurant and it had a 14,000-sq. ft. office building. When they add in all of those different uses, they get a much higher total amount of trips as compared to purely residential. In the case of the original proposal, their total a.m. and p.m. peak traffic was 383 trips as compared to the new proposal of 154 trips. Again, compared to the original amount of traffic volume they have reduced that by 60% with the new proposal. If they take this a step further and compare the proposed amount of traffic to what is currently approved on the site, it is actually less than what is currently

approved. A conditional rezone that provides for the restaurant, and the car club or office building creates a total of 61 trips from the office, and 146 trips from the restaurant and the current proposal with 166 units only produces 154 trips. They are actually reducing what is currently approved on the site by about 34%.

Mr. Wayne felt that the location of this project or the proposal is actually a strong benefit to the site. While there are perhaps other sites that could feature multi-family elsewhere in the Township it may be located further north, The Woodlands sits immediately adjacent to Lapeer Rd. the busiest road in Oakland County, and everyone goes south to work. By locating The Woodlands in the lower third of the Township they are preventing 154 cars from needing to go through downtown and travel through Lapeer Rd. or other areas of the Township that may already be congested. They get to skip that, and they get to head straight south from Lapeer Rd. on down and felt it was the perfect location as a result of that.

Mr. Wayne said as it relates to existing supply, they all know it is full. Since the last time they were there, it is even more full. They just checked today before coming in, there is not a single apartment available at six of the apartment complexes in the Township. The first one that is available is in June. He knew that they all could agree that apartments are tremendously important to the further growth of Orion Township and the future expansion, and The Woodlands delivers exactly that.

Mr. Wayne said that the other thing that The Woodlands does is brings a new product type. He wanted to reiterate this because there is nothing like this in the Township. It is going to do a couple of things; it is going to help to retain a lot of that young talent that may be heading off from Orion Township to other areas of Oakland County that may feature higher amenity properties such as The Woodlands because those options don't exist here currently. It is not just the younger demographic. This would be one of the only developments other than in downtown Lake Orion that would feature an elevator in an apartment complex. They could certainly attract an older demographic, as well, that are looking for the amenities and the natural landscape and 12-acres nature preserve to enjoy, it would attract those residents as well. They felt that it was really important to the future of Orion to get a project like The Woodlands that not only attracts the younger demographic but also has benefits and a draw for other demographics, as well. It is also extremely high-quality, some of the existing products in the area may not fit that same description but The Woodlands would be a best-in-class asset in the area.

Mr. Wayne said that he has been told a number of times particularly, in their last trip to the Planning Commission that there is no recognizable benefit of The Woodlands. Section 30.03 states that a PUD should result in a recognizable and substantial benefit both to the residents of the project and the overall quality of life of the Township, then it lists these seven items. When they look at these, they scratch their heads to understand how The Woodlands doesn't fit these items. When they look at the preservation of natural features, they have over 12-acres of preserved nature on land, which is something that no other property or no other apartment community in Orion Township or even the rest of Oakland County can offer their residents and offer their community. It is important to mention that they have identified the gravel pathway that enters from Waldon to the nature preserve as publicly accessible. They plan to fully allow all neighboring properties and other members of the public to enjoy this fantastic community amenity. They also plan to pursue a conservation easement on this land so there will be no question of their intent in the future by providing a conservation easement they are effectively eliminating the potential for these 12-acres to ever be developed. They see this as a huge benefit to the Township.

Mr. Wayne said that the second item was the preservation of historic buildings of course they have none, so this is not applicable. As it relates to traffic patterns The Woodlands actually

reduces the amount of traffic compared to what is currently approved by about 34%. It will be the impotence for MDOT to finally explore the traffic volumes at the corner of Waldon and Lapeer. He spoke to a representative at MDOT, and she said that the only way that MDOT starts to consider adding traffic lights or making improvements is when they are presented with the traffic study that shows that there is a need, they have that, and they will present that to them. It is very likely that The Woodlands could be the very reason that MDOT inevitably locates a traffic light in this area. He wanted to be clear they cannot promise a traffic light here, it is not their decision it is up to MDOT, but they will certainly be the first to note it, encourage it, and demonstrate through their traffic study that it is very necessary. The existing level of service in this area already warrants that and that is represented in their traffic study. This may be the very reason that it inevitably gets done which would be a benefit to the community if there was a light placed at that intersection.

Mr. Wayne said improvements and aesthetic qualities, of course, this site features nature preservation. It also features unique site design features specifically the 4,000-sq. ft. of amenity space or the thousands of feet of greenway connections. There is about 1,500-ft. of safety path connection that was provided from the edge of their property on Waldon Rd. all the way around to the condo community to the north end which again is a major public benefit in their eyes. This will allow community members and residents to connect to this pathway system and move about throughout the community.

Mr. Wayne stated the improvements in public safety or welfare, stormwater management is going to tremendously improve as a result of The Woodlands. They have seen an 80% reduction in the discharge rate of water from the site and this will eliminate flooding as a result of their property on neighboring parcels.

Mr. Wayne said high-quality architectural design, they felt this project was extremely high-quality. Discussed tonight were some of the materials they plan to use, they have talked in the past about some of the interior features, and he thought there should be some strong consideration given to the view that this is a high-quality project, and a high-quality proposal and they feel they absolutely meet that criterion.

Mr. Wayne said that lastly is the provision of transitional areas. They have over 30,000-sq. ft. of buffer space that has been added since their original proposal. Specifically, on the west buffer, they have quadrupled that from about 11-ft. total to about 40-ft. in total.

Mr. Wayne said when they look at these in the total, they see tremendous benefits from this project.

Mr. Wayne said in summary they are here again because they have continued to learn, listen, and address concerns. They feel that they have addressed the following key concerns: traffic – reduction of 60%, quadrupled the west buffer, reduced the height of the building from three stories to two and a half stories in order to comply with the RM-1, they have analyzed the stormwater management system and showed that they will produce an 80% reduction, and finally they have reduced their density below the lowest permitted multi-family density in the community. He thought that fit strongly of not losing an outlandish amount of density that exists nowhere else in the Township, this density exists in many places throughout the Township and certainly higher densities are permitted elsewhere.

Mr. Wayne said that he asked that they reconsider their decision on The Woodlands because they feel that this would be a tremendous project for the community, and they feel that they did everything in their power to adopt this project to meet the needs of the community and the desires of the Planning Commission.

Planner Arroyo read through his review date stamped May 2, 2022.

Engineer Landis read through his review date stamped April 27, 2022.

Chairman Reynolds stated that there were reviews completed from the Fire Marshal stating that he had additional comments even with the revised plan.

Chairman Reynolds said that the same thing occurred with the Public Service review by Director of Public Works Jeff Stout.

Chairman Reynolds stated that as a typical process for their application there was a general preliminary review from Water Resource Commissioner just stating their general comments.

Chairman Reynolds said at this time there are not any additional reviews to read into the record. They did receive two resident letters that Secretary St. Henry to state their names into the record and just general support or opposition to the project so those can be read into the record.

Secretary St. Henry said that they have received a letter from Richard and Cora Darrin at 460 Waldon Rd., and they are against the project primarily for, they are long-standing residents of the area, and their biggest concerns focus on draining issues, traffic issues, and the compatibility of the development with the Townships Master Plan.

Secretary St. Henry said they received the second letter from a Desirae Langlois who resides at 3053 Waldon Park Dr., is also against this development and is primarily concerned regarding the drainage, traffic, and negative impacts on the wildlife in the area.

Chairman Reynolds turned it over to the Planning Commissioners for their initial thoughts.

Commissioner Brackon asked if having the combinations of the two and three stories, does that meet the Zoning Ordinance requirement, and does RM-1 allow for 2 ½ stories? Mr. Wayne replied that he was not making that claim, what he was claiming was to their understanding there wasn't a clear definition of what exactly 2 ½ stories mean, there is sort of an understood principle. The advisement from their consultants has been if that last floor is half the floor area beneath then that is considered 2 ½ stories. Also just thinking logically about it if 50% of the building is 2 stories, and 50% of the building is 3 stories if they average those out it equals 2 1/2. To Planner Arroyo's comment, the intent they feel is what they are meeting here. The intent here is to ensure that the neighboring properties see 2 stories from the vantage points and in no case are any of the 3 stories aspects of the building visible from any of the adjacent single-family, or condo communities. Commissioner Brackon asked if they are relying on some sort of ambiguity in the Zoning Ordinance about the definition of 2 ½ stories? Mr. Wayne replied he was simply stating that there is no definition of 2 ½ stories in the Zoning Ordinance that he was aware of or had been able to find. He also reached out to Planning & Zoning Director Girling and asked for one and was not provided a clear definition.

Mr. Wayne wanted to point out that they are pursuing a PUD and so their comparison consistently to RM-1 is purely for consideration. Obviously, with a PUD they are not looking directly at RM-1 and looking for compliance they are simply using this as a basis of comparison.

Commissioner Walker said that they indicated that the ultimate number of units was 166. He thought that they said that the number of in-and-outs of the residents would be 154. He asked what they based that on? Mr. Wayne said the 154 number is just the sum of the a.m. peak traffic and the p.m. peak traffic. It is basically looking at morning hour peak traffic and evening

hour peak traffic. Using that as a comparison to that same number in the previous proposal. What he was basing it on was a traffic study conducted by Row Professional Consultants, he had it, and was happy to share it with them, he knew it had been submitted to the Township. All of the trip volumes and generations are within that report.

Commissioner Walker asked if that report indicates to him, that not every person that lived in that development would leave the development every day with one car? Mr. Wayne replied that was not his understanding, what his understanding of this is, it is during those peak hours. It is correct to say not every person in the development would leave or enter during the peak hours meaning the a.m. peak and the p.m. peak it is the typical construct that is used in the traffic studies that look at the busiest times, when everyone is leaving for work and when everyone is coming back. That is purely what he was comparing that too was peak time. It doesn't suggest that someone is not going to leave all day it just means that they might leave at 10 a.m. instead of 8 a.m.

Commissioner Walker said traffic is one of the key issues in this whole discussion. They can't tell him how many additional cars will impact that intersection of Waldon and M24 from their development. Mr. Wayne said what he can tell them is that during the morning hours the results of the traffic study indicate that there will be 76 cars that enter during that period, which is during that peak time. As far as, the total number of cars entering throughout the day he could review the traffic study but typically the focal point of the traffic study looks at those peak times as opposed to just the total amount of cars throughout the day. The majority of the time there is a lot less traffic than there is during those peak times, which is why they really hone in and focus on the peak times because that is the biggest concern. He added that as far as the Waldon and Lapeer intersection was concerned, he didn't know if they identified this, but they will not be adding to that intersection at all. No one will be able to turn left out of the development to go in that direction. If they wanted to go south on Lapeer what they would have to do is an exit on their Lapeer Rd. entrance and then head south that way. That was very deliberate to not add to that particular intersection because they know that is one of the most concerns.

Commissioner Walker asked that over half of the people in this development will not be getting into their cars and leaving during the course of the day? Mr. Wayne replied no, all he was referring to is just during the peak times. The 154 number was really just a comparison to the 383 number. What they are doing is adding the morning peak and the evening peak to look at the total peak traffic that is getting added during the hot button times, and that is what they are using to compare but 76 is referring to the morning hour and 78 is referring to the p.m. hour. He was not saying that someone will not leave the development all day they just might leave at a different time than the peak time so therefore they are not counted in that number.

Vice-Chairman Gross said as a Planning Commission they are charged with reviewing the ordinance and the plans as it relates to the Zoning Ordinance. He thought that is where this project runs into some difficulty because in his reading of the ordinance it does not comply with the criteria for a PUD relative to establishing a density that is compatible with the underlying zoning classification of the property, and or it's not consistent with the current Master Plan. It shows the property as being medium-low density, and low density residential. He thought it was difficult to waiver from that and say let's go to a different zoning classification RM multiple-family and try to apply those regulations to this property and the zoning doesn't reflect that. He was having trouble rationalizing 166 units on a parcel of property that is not satisfied under the underlying zoning classification.

Vice-Chairman Gross said trying to relate this plan to RM standards which it doesn't but the one thing that he found interesting was that the main buildings are in excess of 300-ft. in length, which is the length of a football field. To place that in this type of single-family residential area is

out of character. He was struggling with trying to rationalize the density of 166 units on a parcel that under the zoning doesn't support it.

Secretary St. Henry appreciated the fact that they have come back to the drawing board two or three times now. This current plan is much better than the original site plan from a few months ago.

Secretary St. Henry said he did agree with Vice-Chairman Gross that the overall footprint of the development including the size of the buildings to him is out of character in this part of the Township. He has seen developments exactly like this in other parts of the country, they are very nice, they attract young professionals. He was wrestling with the location of this development. He understands why they want it there; he understood the traffic flow moving towards Lapeer Rd. and locating it in the bottom third of the Township he was just not sure if this particular location is the right place for a development like this in their community. He added that the zoning issues, that is what a PUD is all about sometimes they work through those but in this particular case he concurs with his fellow Commissioners' that he still has issues with the location of it.

Trustee Urbanowski said that this was brought back because there were a couple of things that changed or proposed to change. To their credit, they did address some of those things but there are still underlying issues. They moved some of those units closer to Lapeer, which was a nice move, but she thought that moving more of them or breaking the building up into smaller pieces, she didn't know how big the units themselves are going to be, but 390-ft. is significantly more, and her concern would be public safety not having a negative impact on public safety in terms of fighting fires and that type of thing. They broke out two separate buildings which she didn't think was enough. She appreciated the conservation easement but thought the number was still just a little too high. She thought that there will still be people coming out on Waldon and there is still going to be a lot of traffic there. She thought it was a good attempt it is just still very dense and very chunky, long buildings that are too big.

Chairman Reynolds said he did appreciate them coming back with the numerous revisions that have been proposed to essentially address some of the previous concerns that they had. He did think that this was a nice product that would be very beneficial to Orion Township. As he goes through the PUD eligibility requirements, they have checked a handful of those boxes for him, but he would tend to agree with Vice-Chairman Gross and some of the other comments that have been made on the density impact for the sense of the PUD and the Township Master Plan. He struggled to jump from the current zoning to an RM parallel in a PUD and then also its consistency with the Master Plan. He did recognize that M24 would be a good location for RM as it exists along M24 already, but they are talking about parts of the parcel that border significantly lower density levels, and that is where some of his struggles come in from a density impact as it relates to the PUD and essentially the criteria that they have set forth for them when reviewing these projects. He didn't deny the fact that a PUD is a very viable tool and is likely going to be a tool on anything that gets developed on this parcel because of its complex nature and its zigzag of a parcel and limited wetlands that are going to create some issues. That was where his main issue stands not because it doesn't appear to be a high-quality project but the improvement of the aesthetics and the quality to the neighbors was a struggle for him still even with the buffers and with the 2 ½ story proposal. He thought it was the density as it relates to RM more so than anything for him was where he was struggling with this project because he wants to see it in their Township. The struggle of the underlying zoning as they paralleled it to RM versus the R-2 and the SE or SF that is adjacent in the further piece.

Secretary St. Henry wanted to add that in the letters he didn't read them verbatim, but he knew there were issues about drainage, and he knew there had been drainage issues in that part of

the Township and those pieces of property in that area has been developed over the last several years. The drainage issues are significant, and he wasn't a civil engineer but that 80% reduction in stormwater seemed to him very ambitious. He was very sensitive to water, standing water, and water damage and he knew it was an issue on those lots on that end of the Township. He was not convinced that any development that goes in there will have to wrestle with that and figure it out. A development of this size with so much ground covered makes him nervous given if they walk the area they understand why.

Trustee Urbanowski said that those have been the conversations that she has had with people as well about this about the water. She thought that 80% was ambitious just according to what Engineer Landis said anything done should be just keeping it status quo is what she understood he said. That might be hard to do adding more surface and could potentially make it worse for the people surrounding. She lived in an area that had a wetland in her backyard and every spring it was covering her backyard. If someone would have put something closer to her it would have gotten worse. It is still a lot of areas that would be torn up and would have to be mitigated.

Mr. Wayne said regarding the stormwater he is not an engineer but the people that are licensed engineers it is a valid study it has been reviewed by the consultants. What it says is not that the water is going to be reduced by 80% it says that the discharge rate of water from the site reduces by 80%. His understanding of that is that instead of the water discharging at whatever rate the natural slope of the grade takes it away from the site now it is going to discharge at a slower rate because it is going to be contained it is going to be funneled into the stormwater management system and it will be sent down into the system. They are not saying there is going to be 80% less water, he understood the hard surfaces, they collect water more than porous natural surfaces do. The point being is that they are now being directed into an area in which they are being managed, right now they are not being directed at all they are flowing as they please.

Mr. Wayne said the second piece with the stormwater management system is that they don't need to take their word for it, their engineers will thoroughly review their stormwater management system as they know. They will confirm that it is sufficient in their eyes to meet the needs. They don't need to take his word for it or the 80% word for it because all of that gets validated. They are not going to be given an engineering permit to build this project until they are comfortable that their stormwater management system isn't an issue.

Mr. Wayne said as it relates to length, this in their mind is really the only deviation from the standards of RM-1. This really has to do with a couple of things. The rationale for that building being that length is so that they can maintain that preserve nature area. He thought maybe they could cut it and make a separation there. Really that is there for these 12-acres of the conserved nature in perpetuity. It is also important to know that the façade is not just flat it has deviations it has details to it, and it is not simply a bland boring building that they are looking at for a football field, it is unique and interesting with the façade.

Mr. Wayne said that they can't see 390-ft. from any one place until they are to get beyond their landscape buffers. If they were standing in the backyard of an adjacent property, they would not be able to see the full building because of buffering that they are going to provide. While the building does sit 390-ft. the vantage point of the building would not be viewed that way from any of the neighboring parcels until they get beyond the preserve area.

Mr. Wayne stated as it relates to the density credit when he reads what is in the review here it talks about the following items: high level of cluster development or at least 20% PUD open space, the proposed plan is designed to enhance surface water quality and groundwater quality,

provisions and designs that preserve natural features, donation or a contribution to land or amenities that represent significant community benefit, he felt he met all of these. He has offered to donate this land they would still donate this land, happily. They certainly look to have some sort of consideration for that. When they look at that it is basically four of the six items that they feel they strongly meet and that is what helps them to request this density credit is the fact that they feel like they are meeting what is stipulated here in four out of six times.

Mr. Wayne said as it relates to density, he would ask the Commissioners if their density is a very dense word, there is a lot to it. When they share their concern is density, he would love a little bit more as to specifically what it is because it relates to all of the other things, they are talking about, traffic, the number of people, mass, and scale of the building. He would like to understand specifically what about the density is a concern. As it relates to the adjacent uses as they identified in the last presentation there are significant amounts of RM-1 around them, it is to the north, east, and south, and there is R-2 just to the north a couple of hundred feet. It is not as though they are proposing six units an acre in a sea of one unit an area, they are proposing 5.9 units an acre next to the busiest road in Oakland County, across the street from 300 apartments, and just to the south of multi-family. That is why they feel as though while it sits on the edge of low-density residential on the other side it also sits on the edge of being the busiest road in Oakland County. Then as it relates to the traffic piece there is a number of ways to look at that. They are significantly less than they once were, they are also even less than what this commission has already approved as far as traffic density is concerned. The currently approved site plan creates more traffic than this project does. They don't have to take his word for it, but he had the traffic study with him and was happy to share it but it actually was less than what is already been permitted once.

Mr. Wayne said when they look at density, they started at 9.2 and if they were still there, they would certainly understand more of the concerns, but they have come to this point where they are sitting at 5.9 the lowest multi-family density in the Township and is below that six units per acre. As it relates to the need there is a need for density not just in the economics of the project and is not worth discussing and he didn't intend to, the need for density is in their Township. There is a need for 166 units. He showed them 6 apartment buildings that are 100% full right now. They just want to provide for that need. With GM coming in with 3,000 new people coming here what a shame it would be if those people had to go live somewhere else, not because they wanted to but because there was nowhere for them to live.

Mr. Wayne said approving this project at this time is the perfect way to counteract that issue. These timelines would nicely align with a lot of the improvements that are going to be made at GM which is 3.2 miles from the site. They anticipate that a ton of their residents will come from that development. They recognize the need, and they are proposing this density because they feel that the Township needs it.

Mr. Wayne stated lastly as it relates to neighboring properties, they have done what they feel is really their best foot forward in mitigating that. They don't feel that they are disturbing any adjacent uses or any adjacent visuals in any kind of detrimental way. Is he going to sit here and tell them that they won't see the apartment building; no, he would lose his credibility. There will be some visibility of the apartments and they recognize that but there is visibility of their neighbors are all over the place. By doing it in a way that they are drastically mitigating that they feel like they are putting their best foot forward to blend with the surroundings and conform to what exists in this area.

Chairman Reynolds said that his own personal response to the struggle of the density impact, similar to how his plan review Giffels responded and gave them a chart of them tonight. If they were to follow RM-1 as a parallel looking at this PUD and not including the commercial zoning

six units per acre if it were zoned that would be 123 units. If it were to be looked at as RM-2 and not including the commercial district it would be 165 units. He was just reading this verbatim off of Giffels Webster's review. If they were to consider the entire property as RM-1 zoning that is where they get to the 166 units that are being proposed. To echo some of the comments that he made earlier, he thought that the project had a great opportunity to provide housing to Orion Township. He thought it did have a lot of commendable amenities being proposed to it. The struggle that he has is the PUD ordinance that they sit up there and review these criteria of density impact and recognizable benefit, yes, they are tempting to address a lot of those items. Density impact as it relates to the surrounding area and the parcel, they are kind of saying hey this is similar to RM zoning, well, not necessarily a straight shot they are assuming that the whole piece, yes under a PUD would be rezoned. He thought that where some of the struggles are they are along M24 which is one of the busiest thoroughfares in Oakland County they are also talking about being adjacent to large single-family home parcels and that is a concern of himself, and he believed his fellow Planning Commissioners.

Chairman Reynolds stated that if they were talking about a lower density that was still clustering and providing these other amenities it is a great approach. He just struggled with the number of units being proposed assuming that it is the entire parcel which they are sitting up there critically looking at it from some other perspectives on top of how they look at it in the sense of the Master Plan which unfortunately does consider factors like drainage, development ability of parcels in certain segments of the Township. That is his personal response to the feedback they were requesting on density and where they are going with it.

Trustee Urbanowski said after the Board of Trustees meeting, she went through and made a list of all of the things that have been recently approved, where they are with that, and what kind of things are actually out there still. They do need apartments, she thought they all agreed to that. There are still lots of things in this Township that have yet to be built that are for-rent units. She knows they don't have anything to do with the Village, but it does still impact them in terms of public service, their police, and fire, and they do an excellent job, obviously. She thought that they needed to be mindful of the slow potential for creating issues for those services because they don't see these things up yet. That is where she is concerned about density, 166 units is a lot in this area. Density is still a consideration, and she knew that there was similar zoning around there but the majority of stuff around them is still single-family, the density is still too high for her.

Vice-Chairman Gross stated that this request has been revisited by them at the request of the Township Board and reflects modifications made from the original submission by the applicant.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forwards a recommendation to the Township Board to **deny** PC-2021-78, The Woodlands Planning Unit Development Concept and Eligibility plan, located on a vacant parcel located east of 310 Waldon Rd. Sidwell #09-23-351-024 and 3030 S. Lapeer Rd. Sidwell #09-26-101-021 for plans date stamped received April 13, 2022. The reasons are that this application has not met the eligibility criteria of section 30.03(b) and the intent of the Planning Unit Development ordinance section 30.03(a) for the following reasons: 1) the requested 166 dwelling units is a density of 5.9 dwelling units per acre whereas the underlying residential zoning district permits a density of 3.2 dwelling units per acres, and the proposal as revised represents an increase of six times the underlying zoning district which is a provision of the Zoning Ordinance 2) the current Master Plan designates the area as single-family medium and single-family medium-low density; the concept plan as submitted is not consistent with the spirit and intent of the Master Plan. He would note that the Master Plan is currently being updated but the current designation has not been recommended for change at the current time; 3) this proposal is presented and requested to be considered using the RM-1 standards which is not

the underlying zoning, the RM standards do not permit three stories, the RM standards limit the length of the building to 200-ft. and the proposed building length of the proposal is an excess of 350-ft. the length of a football field, two and a half to three-story height is out of character with houses in the area which are one and two-story dwellings; 4) the proposal would have potential/negative impacts on the properties to the west which are large, deep acreage parcels fronting on Waldon Rd. which would be impacted for additional development potentially of the same nature; 5) the traffic study does not include traffic volume analysis to assist and evaluating the traffic signal warrants and does not indicate any potential cost-sharing, if possible, related to any traffic increases.

Discussion on the motion:

Mr. Wayne thanked the Planning Commission for the very detailed motion. The item that he wanted to share that he thought was important for the Commission recognizes is that something will be built here someday, and they feel this is the best thing to build here. That is why they proposed it that is why they have been back to them. They understand their perspective and appreciate their analysis but felt there were a couple of things in the motion that he felt were not accurate, perhaps maybe not inaccurate but in his opinion requires some more discussion, and that is that the 2 ½ to 3 stories that Vice-Chairman Gross identified as not consistent with the character of the surrounding area, a lot of the surrounding homes are two-story and what those homes would see of their development is also two-story, none of the homes can see any of the three-story. In his opinion, it is consistent in that respect. He believed that item number six related to traffic, as he mentioned a number of times tonight the site is currently approved for a project that generates more traffic and he struggled to see how traffic and the justification for denial when there is already a project that is approved that would generate more traffic than that.

Mr. Wayne understood that the Master Plan was single-family, but he also understood that there is a tremendous need for apartments in this community. When that occurs, he felt there should be some consideration given to modify or utilize the creative instrument of the PUD to adapt to that need and that is what they are requesting tonight.

Mr. Wayne stated that it was mentioned before in the motion about not meeting eligibility, but they certainly feel it does.

Chairman Reynolds asked if there was any public comment on the motion. He asked them to leave their public comments for less than three minutes and to state their name and address for the record.

Mr. David Gammon lives in Summerfield Condos and is on the Board there. He totally appreciates their concerns about the density and is also very concerned and appreciative of their thoughts about the water run-off. The south side of their condos which would fall right behind where this building would be is underwater 90% of the time and they can't get a lawnmower in there or mow and have been spending money trying to drain the area. All of the water that they get behind the condos there is coming right out of this area, where these are being built. It's not running on top of the ground, but it is just coming through the ground. He felt that this would exacerbate that problem for them that they are trying to control and appreciated their concern in that. They mentioned that on the west side they moved the buffer zone from 11-ft. out to 40-ft. He asked what was the buffer zone would be between their buildings the condos and also the school next door? Nowhere has he seen, what that buffer zone would be. Mr. Wayne replied showing them a rendering of the 153-ft. is the distance between the end

of their structure and the beginning of the closest structure in the condo community. The particular buffer zone with the berm and trees is about 35-ft. The school zone is identical to that it is about 40-ft.

Ms. Kim Hunter lives at 310 Waldon Rd. Her opinion on the development really hasn't changed since she first came up and spoke. She still vehemently opposes The Woodland project. Some of her concerns are traffic and water are the same concern that they have. She has four children and the proposed drive directly next to her property definitely brings her concern for their safety was her top priority. They all know that traffic especially during school times and bus stops can be extremely scary, they have had several instances. Making that right turn onto Waldon while she can appreciate them trying to defer some traffic making that right turn out of that complex still defers them directly in front of her house with their 154 peaks in and out time during peak hours which is bus stop times, which doesn't really deflect the traffic from their property. The other issue she had with deflecting it, the whole Waldon M24 intersection no matter which way they look at it, is it has a "D" rating, it is not great but then they deflect the traffic onto M24 they are turning right onto Waldon to go southbound they are also trying to turn right from Waldon to go southbound they come out of their complex. They bank on that light at Home Depot every single day to turn red to get out if they have both of them turning no stoplight is not going to make that traffic intersection any better. Deferring them off of Waldon to go to M24 is kind of a wash in her opinion they are not turning left there but they are also coming out. She didn't know how many feet away from the entrance of Waldon is to the planning development but both turning right at the same time doesn't relieve any traffic from the Waldon and M24 intersection. They have numerous pictures in their community and wished she would have emailed them to the Board so that they can see the immense amount of flooding that they have. Springtime, rain, snowmelt, they can't even use half of their backyard it completely covers her children's play area and things they do outside they are completely underwater, and it takes sometimes weeks to months to recede and dry up. The back part of the property that they are proposing to develop was completely underwater for several months already. She wasn't sure if anybody who doesn't live in that Waldon Rd. section that has that creek that runs between 310 and 350 to the back of the 310 property into the pond at 270 really knows the intake of water that that area has, they see it every single day. At the last meeting, they talked about the water basins and how they were going to control some of the water intakes and slowly release them. She wondered with the two buildings being there were the water basins being moved? The other big thing was the nature preserve being a big benefit to the community, Orion Township boasts of its parks, green space, county, and state parks, they have a ton of nature reserves, they have a ton of hiking paths, and adding twelve acres of wetlands is not a community development in her opinion.

Ms. Tracy Deuman 270 Waldon Rd. stated that she is directly in front of the proposed development with the pond in front. Her feelings have not changed she is still opposed to this development. With a primary focus on privacy, security, traffic, and her water table. Privacy she would be very interested to see the site section for her property. She guaranteed them from her backdoor to the parking lot will be 40-ft. if that. That leads to her security, she understood they were going to put a 5-ft. berm with all these mature trees, but people can still walk into her property. She really encouraged a fence or some type of security to be put up. The traffic study, she can barely get out of her driveway and turn left on Waldon after 7 a.m. With the traffic study, she hasn't seen a new updated one and thought that all the traffic blah blah is coming from the August 24th on a Thursday, where they did the traffic study from 7-9 a.m. and then 4-6 p.m. She wasn't sure that was even relevant? Another point she wanted to make about her pond was in

one of the studies that she read they encourage the developer's pond to be expanded, what about hers? It is a watershed her pond feeds into his pond what are the ramifications? She didn't want her and her house to be collateral damage for this.

Ms. Pam McNabb 350 Waldon Rd. said that she has lived in this area since 1978 and she has not changed her opinion of this either, it is not something they need in their area. The zoning doesn't meet, the density doesn't meet, and the community benefit of a 12-acre parcel that is underwater is not a community benefit they have county parks, and state parks and they are surrounded by a state park. It doesn't meet the Master Plan but the biggest concern for her is the water. They moved there in 1978 she grew up there. Over the years the water has gotten worse and worse. In the early 1990s when they paved the road and put the water and sewer in the water came through that creek at a rate that washed their pool away. Forward a few years they got a new subdivision up the street from them, there is more water flowing down the road. On their side of the road, the water comes down the road and when they get heavy rain they can stand in the front window, and they can watch the water come down water road and wash out their front yard to run into that creek. This is after they did all the improvements to it when their front and back yard washed away when they paved the road. So, over the years they now have the dump, they have three new subdivisions to the west of them, all of that has contributed to the water. When she was in Florida this year, she got pictures sent to her almost every day that the snow melted the water from the creek that runs between 350 and 310 Waldon was up to the bricks on their foundation. Their backyard is constantly washed out their front yard is getting to the point where it is washed out. There is a small ditch that the county did when they redid the road for the new subdivision up the street it is constantly overflowing. She asked who holds the liability if this damages their homes. They have lived in this area for a long time and no one is going to convince her if they start doing more building, they have been approved down by Willow Creek, and they now want to put in different ponds. There is nothing there that has been able to stop it from doing damage to their property. They continually have to have dirt and have work done to their yards to keep from losing their homes. And adding some type of development like this is going to be detrimental to the five properties, especially those that have that water running through their yards.

Ms. Mary Ann Ryan 301 Waldon said she wanted to thank them for maintaining the integrity of their neighborhoods. Single-family neighborhoods should not be sacrificed for development, and she appreciated them caring about them.

Ms. Susan Johnson 348 Four Season said she did email a letter to Planning & Zoning Director Girling but thought that she was too late to get included. She appreciated the motion and agreed with all of the Planning Commissioners on all of their points. She wanted to say that she didn't buy where two stories on one side and three stories on the other equals two and a half. She thought that the issue thereof the three stories is the height, the height is the same on that part of the building. She also appreciated them considering the spirit of the Master Plan and the area. She really hoped that the other Board will actually drive out there and experience that spirit in person to see that this does not fit that area as they all have already determined.

Ms. Marcy Ramsey 335 Waldon Rd. had quite a few comments, but they would just be reiterating what everyone else said. She did really appreciate all of their comments and taking them into consideration. She did have a couple of things nobody is talking about the displacement of the wildlife in that area, and there is a lot of it on that acreage. They would just be additionally pushing them out of their environment which is already been happening because of the construction that has already taken place. Also, she was

wondering if the Clinton River Watershed Council or the DNR has to approve any of this and if so, has it been done?

Chairman Reynolds reminded the Planning Commissioners the motion was to deny PC-2021-78 finding that it does not meet the criteria of their PUD eligibility and concept plan of 30.03(A) and 30.03(B) for the five following items: density of 166 units at 5.9 units per acre is significantly higher than the underlying zoning up to three times as great as the underlying zoning; it does not meet the Master Plan criteria including the future Master Plan that is in the works that calls out the parcel to be (SF) medium and (SF) medium-low densities; the RM-1 standards that were being applied the inherent three-stories of the buildings does not comply with that nor the overall 350-ft. or larger façade lengths that are there, even as a two and a half story building the motion was to be found incompatible with the adjacent one to two story residential units that exist adjacent; the potential approval of this project could present a negative impact to developments to the west and encourage future growth at a similar density; and the concerns with the traffic study and the presented facts there and that there is no current contribution to cost sharing to improving that. A yes vote would be to recommend denial to the Board of Trustees.

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

B. PC-2022-12, Planning Commission By-Laws Amendment

Chairman Reynolds asked Planning & Zoning Director Girling to give a brief overview.

Planning & Zoning Director Girling stated that she worked with the Township Attorney to make sure that they were in compliance with regulations. They looked for consistency between the Planning Commission and the ZBA, and they should be similar. The ZBA has already approved and is waiting for theirs to go coupled with it to the Board of Trustees.

Planning & Zoning Director Girling asked the Board of Trustees if they had any comments and they had none. The Planning Commissioners have had ample time to look at it and she has received no comments.

Chairman Reynolds stated that he had no major issue. The only item that he was asking for was there were two number tens on the final page. He didn't have any issues, but the numbering doesn't look like it was picked up, all the other renumbering did.

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that the Planning Commission adopt the Planning Commissions Amended By-Laws as discussed as a minor amendment to those presented that there were two number tens on the final page if that can be renumbered appropriately and **forward that adoption to the Board of Trustees** for approval.

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

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

Planner Arroyo reminded the Planning Commissioners that Master Plan Open House will be at their next meeting on May 18th between 4-6:30 p.m. and it will be here. Planning Commissioners, it is important that you come to that. This is their Master Plan and when the public comes it is nice that they can be there along with the consultants to talk about that. He appreciated their attendance and looked forward to seeing them there.

Secretary St. Henry said he would like a printed version of the Master Plan.

Planner Arroyo said the electronic version will be on the website tomorrow.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

None.

14. CHAIRMAN'S COMMENTS

Chairman Reynolds appreciated the process and didn't mind when the Board of Trustees kicks a project back to them, obviously, a project that was presented here tonight is not an easy discussion and appreciated everyone's time reviewing and considering it. He did think that they had criteria that they have to rely upon and evaluate projects equally against.

15. COMMISSIONERS' COMMENTS

Commissioner Walker said that May 17 is the next library book sale running from the 17th through the 21st.

Secretary St. Henry said that he has been to other community library book sales and Orion Townships is by far one of the best he has been to, it is big, and it has everything.

Secretary St. Henry stated in the Master Plan in their discussion over the last couple of years they have all talked about the need for additional housing options. They all agree that apartments are needed in the community for a lot of reasons. At some point and time, they are going to have to make some tough decisions about different development and locations. This one he thought they were all on the same page, but there are going to be others. If they are serious about the long-term viability of this community, they are going to have to come up with some other housing options.

Chairman Reynolds said that he did think there needs to be some discussion against density. It is a hot topic to this and thought that one of his big thoughts here was the transition of density between single-family and Suburban Estates against the two, but he thought it was important to look at the like the proposal they had tonight had one-, two-, and three-bedroom units, and that looks different when they are looking at units per acre. He thought sometimes they have to look creatively against some of these projects and what projects they want to see not differentiating the feelings of the project tonight but just saying as their Master Plan outlines some of the missing middle that they are encouraging some of those kinds of descriptions sometimes work some of that and thought there was some push and pull there.

Secretary St. Henry said there is plenty of compromises and was sure that there will be there are instances where they have to make some tough decisions.

Trustee Urbanowski said she just started looking at things from a different perspective in terms of what have they approved already and what is still to be built. When she was reading though

trying to make sure they are not having a negative impact on certain parts of their Township in terms of service. She will move forward being very intentional and thoughtful about those kinds of things because they had some extra time to think about it.

Trustee Urbanowski said that the 17th and the 19th are when she will be at the library sale.

Planning & Zoning Director said promoting educational opportunities there is one through MTA which she knew that Chairman Reynolds just went to a conference put on by them and based on a conversation with him he was impressed with the material. She strongly encouraged it is in Frankenmuth. It does say that it would be recorded also. If someone looks at the description and doesn't want to drive to Frankenmuth, however, they would be interested in watching it again reach out to her because she has money in the budget for education.

The Planning & Zoning Director stated a little over a year ago they had a joint meeting a special committee was created on the fence because the Zoning Board of Appeals was concerned about the number of cases that were coming in. The Planning Commission didn't want to change it ZBA did, so they had a committee. They still haven't been able to come up with a consensus. They were given to each of them comments from anyone that offered comments from the committee meeting. It will be coming back to them for further discussion on fences even if it is something as simple as nice side out. Fences need to be discussed again, so please look over the material they will be discussing it.

Chairman Reynolds said that MTA has been a very good resource and has found great value in allocating some time towards their training.

16. ADJOURNMENT

Moved by Trustee Urbanowski, seconded by Chairman Reynolds, to adjourn the meeting at 9:42 p.m. **Motion carried.**

Respectfully submitted,



Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

May 18, 2022

Planning Commission Approval Date