

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-22-39, HUDSON SQUARE PLANNED UNIT DEVELOPMENT (PUD) CONCEPT PLAN
JOINT PUBLIC HEARING – WEDNESDAY, NOVEMBER 16, 2022**

The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, November 16, 2022, at 7:05 p.m. at the Orion Township Municipal Complex Board Room 2323 Joslyn Road, Lake Orion, MI 48360.

PLANNING COMMISSION MEMBERS PRESENT:

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

PLANNING COMMISSION MEMBERS ABSENT:

Don Gross, Vice Chairman

CONSULTANTS PRESENT:

Jill Bahm, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Lynn Harrison, Planning & Zoning Specialist

OTHERS PRESENT:

Amy Harris	Scott Harris	Matt Malenich
Ray Harris	Greg Moran	Amy Keyzer
Sherley Moran	Emily Glassford	David Steuer
John Slocombe	Elizabeth Glassford	Lorita Woznick
Diane Glassford	Sydnee Keucken	Mary Mansfield
Ari Geczi	Jen Geczi	Terry Clissold
Fred Glassford	Elizabeth Fenwick	Sharon McQueen
Susan Johnston	Marcie Ramsey	John Whitley
Alicia Lawson	Matt Lawson	Melissa Canelis
Giselle Graham	James Graham	Tracy Deuman
Kelly Mihelich	Ryan Soldan	Al Hassnan

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

Chairman Reynolds asked the petitioner to make a presentation.

Mr. Michael Wayne with Detroit Riverside Capital located at 3250 Auburn Rd., Auburn Hills, MI presented.

Mr. Wayne stated that they were there to share with them a proposal that cultivates the vision of the Orion Township Master Plan and practices responsible development on a currently underutilized parcel.

Mr. Wayne said that this project is not The Woodlands. This proposal has nothing to do with The Woodlands and it is a completely separate project. He added that the adjoining 20 acres that were previously part of The Woodlands proposal is not a part of this proposal, and they have no intention to combine this with the adjacent parcels.

Mr. Wayne stated that the history of this site is interesting because following The Woodlands proposal Dr. Canine was left with a choice of what to do with his land. He met with various members of the Township and through those meetings created some ideas, and the output of those ideas is what they have here tonight.

Mr. Wayne said the existing subject parcel is 7.07 acres. It is located on the northwest corner of Lapeer and Waldon, and the address is 3030 S. Lapeer Rd. The current zoning of the parcel is split between

General Business (GB), and (R-2) single-family. They are bordered to the south by (OP-1) to the east by (RM-1) and to the north, by (R-2) although the current land use is institutional a church being built there and then north of that is (RM-1), to the west is (R-2) residential.

Mr. Wayne said that as of today there is a project that is currently approved on this site. This project features 26,000 total square feet of office space as well as a 4,000 square foot free-standing restaurant. He added that the majority of the office space was being built on spec to complement the car club. But, in a post-pandemic environment, the demand for office space has completely fallen off a cliff. As an example, in Oakland County there are 54 million square feet of office space in total, currently, 24% of that office space is vacant. That leaves 12 million square feet of office space in Oakland County currently vacant. Not a good time to build spec office space.

Mr. Wayne stated that there was another challenge facing this site and that was the adjacent three acres that by building the subject parcel really limited the future development potential of the property to the west. When faced with the economic challenges of office space, as well as the underutilized land, Dr. Canine knew that he had to rethink his approach to this site. So, they collaborated with Dr. Canine and created Hudson Square. They feel that Hudson Square is a tremendous project that meets the relevant needs of the community today as compared to what is currently approved.

Mr. Wayne said that Hudson Square site plan has four main components. On the southeast is the restaurant which is also attached to the car club. The northeast is the drive-through Biggby Coffee and to the west is the for-lease residential. Now, of all of these uses, they need a total of 128 parking spaces of which they provide 130, so parking is not an issue.

Mr. Wayne stated that every (PUD) must bring along with it public benefits, and Hudson Square has numerous. Many of those were mentioned by the Giffels Webster review, which they will hear about later tonight. A couple of those benefits include the preservation of natural features. On the southwest portion of the site, they have a beautiful water feature and that was certainly key in their site design to preserve and not disturb that wetland area. Furthermore, Waldon Rd. features a beautiful tree line as they are driving toward Lapeer and it was really important to them to preserve that tree line, in doing so they did not create any access from the property to Waldon Rd.

Mr. Wayne said that Hudson Square also brings improvements in public safety through the additional construction of safety paths. Of course, this is beneficial just for their site alone, but when they look at the macro situation there is an existing safety path that runs about 3,000-ft. north to south just south of Summerfield Condo community all the way up to the Home Depot. That stretch of safety path doesn't currently connect with the existing three-mile path that is to the west along Waldon Rd. in between Lapeer Rd. and Baldwin. Hudson Square will provide for the connection of almost four miles worth of safety paths which currently are inaccessible to one another.

Mr. Wayne stated that open space and nature preservation were important to them so open space was another public benefit. They have been able to generate 40% of the site to remain as open space, and this is more than double what the ordinance requires.

Mr. Wayne noted that high-quality architectural design is another public benefit listed in the (PUD) application and it is certainly applicable to Hudson Square. Between the commercial and residential uses they have identified façade materials that are not only high quality and durable, but also very aesthetically pleasing and that is represented in some of the elevations and renderings that they will see tonight.

Mr. Wayne said that his favorite public benefit is the public art feature which is proposed at the southeast corner of the site. This is a 10-acre patio space that will be centered by public art piece. He will collaborate with some of the various art institutions, perhaps the DIA to come up with a sculpture design and then propose that for approval to the necessary township boards. They feel that this is a really great

way to accent a popular corner and display a cornerstone piece that can be representative of Orion Township.

Mr. Wayne stated that accessing (PUD) compliance with the Master Plan is critical. One of the ways to do that is to look at the Future Land Use designation. This site on the west portion is high-density residential in the Master Plan and on the east portion is General Business (GB). The Master Plan also calls for higher density residential near commercial thoroughfares, of course, that applies here. It looks like they are missing middle housing types that specifically name quadplexes as one of those and that is what they were presenting tonight.

Mr. Wayne said it calls for the clustering of residential units around natural features and open space, he explained how that was achieved by this site plan. Lastly, it mentions that commercial corridors should be placed along major thoroughfares, of course, they are the most major thoroughfare in the Township.

Mr. Wayne stated that the Giffels Webster review letter notes a number of these, and they stated that the project was generally consistent with the Master Plan and the Future Land Use, and they agreed.

Mr. Wayne said with this project there are four key components; the first is Sweet Amy's Eating House. This is a 4,000-square-foot upscale restaurant that has over 1,000 square feet of outdoor dining space. Then they have Biggby Coffee which is a 1,700-square-foot drive-through, quick-service restaurant. They have the Orion Classic Car Club, which is 3,000 square feet and again is connected to the restaurant. And lastly the 24 residential for lease units. They are going to break down each of these components. He asked Amy Harris the owner of Sweet Amy's and Biggby Coffee to come up and share a few words.

Mrs. Amy Harris 943 Watersmeet Dr., Oxford, MI presented.

Mrs. Harris said that she has lived in the area for ten years. All four of their adult children went to Lake Orion High School. They are affiliated with Lake Orion although they technically are in Oxford. She stated that she owned Sweet Amy's Eating House in Lake Orion for six years. She said she worked in restaurants for seven years throughout high school and college. She then went into advertising and worked 18 years at a larger advertising agency managing a multimillion-dollar automotive, casino, and healthcare accounts. After those 18 years, she got burnt out in corporate America and she always had the desire to open a healthy restaurant. Her family eats very healthy and clean, and her daughter has 10 plus anaphylactic food allergies. No restaurants in the area can truly accommodate her allergies. They did some research and found there was a need for a healthy primarily non-GMO restaurant in the area that does accommodate individuals with special dietary restrictions. They decided to open an Honest to Goodness Breakfast & Smoothies in May of 2016. That evolved into Sweet Amy's Eating House during COVID as people were not so apt to go out for breakfast. They had to pivot and change their primary focus to lunches and dinners, and still served the breakfast that they were known for. They were an award-winning restaurant for six years; they won various awards, everything from best breakfast to best lunch in the local advertiser and as well as the Oakland Press. They were consistently rated 4.5 and higher on all social media. With heavy hearts, they had to make a decision to close their doors on January 30, 2022, due to the everlasting effects of COVID. They were not able to maintain a kitchen crew, they tried for over 6 months to no avail. They had to make a hard decision and take a break and close at that location. However, the intent was always to open in a better location. They have been interested in partnering with Dr. John Canine for years. It just recently came to the realization that they were going to be part of this Hudson Square plan, within the last year. She added that two years ago she was diagnosed with celiac. Between herself and her daughter's allergies, they understand the challenges that the community and people with special dietary restrictions go through on a daily basis. There is literally nowhere in town where she can feel comfortable dining, or her daughter, that she won't have a severe allergic reaction and end up in the hospital. Restaurants say they can accommodate but the reality is most can't. Therefore, she always felt Sweet Amy's was her way of giving back and helping others in the community that goes through similar challenges.

Mrs. Harris added that they did previously own Sweet Amy's Eating House located at 1166 S. Lapeer Rd. in Orion Township. It was located in the Sherman Williams Plaza just north of OSB across from Planet Fitness. They developed quite a following as they were a scratch kitchen 90% non-GMO and accommodated special diets such as celiac, vegetarians, and vegans, and did their best to accommodate those with anaphylactic food allergies. In her kitchen, they would utilize only the highest ingredients such as nitrate-free breakfast meats, cage-free eggs, grass-fed beef, wild-caught salmon, and as much organic dairy and produce as they could. All of their sauces, pancake mixes, and salad dressings, were made from scratch, handmade. Just as an example they had three varieties of their pancake mix, organic buttermilk, gluten-free dairy free, and a vegan mix made without eggs and dairy. They take their allergies very seriously. On that note, they had a separate gluten-free griddle, gluten-free fryer, that only touched potatoes, gluten-free toaster, and a gluten-free prep area to avoid contamination with gluten and other major allergens. Many of their breakfast, lunch, and dinner options are naturally gluten-free since they are making items from scratch. Some of their local favorites were gluten-free dairy-free carrot cake pancakes, gluten-free eggs over ham hash, gluten-free vegan hash, grass-fed burger slider that had an option for gluten-free slider bun, and 100% gluten-free fried varieties.

Mrs. Harris noted that this new Sweet Amy's Restaurant would follow suit with the same scratch kitchen model that accommodates special diets, however, this restaurant will be primarily focused on dinners with a brunch offering on the weekends. In the renderings, it displays that they are proposing a 4,000-square-foot building with a 1,000-square-foot mezzanine above it for VIP social gathering space. It would have a minimum of 1,000 square foot patio surrounded by beautiful foliage that overlooks the pond. There would be lots of glass so even those dining from inside would be able to enjoy the beautiful scenery. The overall look will be upscale in nature, two unique aspects of their restaurants to the area would be the fact that they would have a private dining room fishbowl style, so it would be open surrounded by wine on the walls. They are going to have soft seating in the front all the way to the middle of the restaurant where there will be sofas, tables, and chairs so people can come and socialize over appetizers and hors d'oeuvres. In addition, they are going to have a window that showcases and displays one of those luxury classic cars that Dr. John Canine would have in his car club. Truly nothing like it from an ambiance perspective along with food offerings in their area. They would need to drive to southern Oakland County or Detroit to find something comparable. They are excited to bring the second rendition of Sweet Amy's to Lake Orion. There is a need for Sweet Amy's number two in Lake Orion, additionally, there is a need for another coffee venue in Lake Orion. They would like to bring a Biggby Coffee to the area. There are currently no Biggby Coffee locations in Lake Orion. The closest Biggby Cafes are in Metamora, which is 16.3 miles away, 27 minutes north, and in Auburn Hills 4.5 miles away, 9 minutes southwest. Additionally, there is no coffee venue with a drive-through once you pass Tim Hortons on Lapeer Rd. Tim Hortons is 2.6 miles away. The closest non-drive-through coffee shop is Lava Mountain which is 1.7 miles away. Their new big café will fill the void of a somewhat coffee dessert area for morning commuters. Especially for those moms with young children or those in a hurry looking for a quick convenient drive-through venue. For those who drive Lapeer Rd. every day you can't help but notice the backed-up traffic at Starbucks and Tim Hortons where the traffic wraps around the road. This would help alleviate that backup by providing another coffee venue. For those looking for a place for a business meeting, or to work remotely, there will be a café available for them. Biggby offers a wide array of unique coffee drinks and hot and cold beverages such as Biggby Blast energy drinks. Biggby also serves items such as bragel sandwiches and baked goods. Because of her personal issue with celiac, she is passionate about adding a gluten-free component to Biggby's model. They are currently working with a local baker that can potentially produce mass quantities to see if they can make this happen. Biggby is a Michigan-based company. The first Biggby Café originated in Lansing, MI in 1955, and its headquarters is based there to this day. The rendering is of an existing Biggby Café that resides in Allegan County, and theirs will look very similar to that. For all of these reasons and more, they feel the addition of this Biggby Café with a drive-through will be a positive addition to the community.

Mr. Wayne said that the third component is the Orion Classic Car Club. This was a concept that was approved by this Commission previously. What is most critical about it is that it is really a one-of-a-kind destination, it is about more than storing cars, this is really a community in that these gentlemen and

ladies share a love for cars over and use it to create that community and socialize. Nothing like this in the Township currently and certainly creates a unique asset.

Mr. Wayne stated that for the fourth component they are presenting Hudson Valley which is six individual buildings with four homes in each. These are two-story structures, and the maximum height measured to the midpoint of the roofline is about 27-ft. They know that height is critical and that was a key element to this design. Each building has two, two-bedroom units on the first floor, over 1,100 square feet of living space plus a 420 square foot garage area, and a 200 square foot outdoor patio. A short trip up the steps and they will arrive at the three-bedroom units located on the second floor. Those enjoy 1,600 square feet of living space plus a 420 square foot garage, and over a 400 square foot rooftop patio. The variation between the two and three bedrooms allows them to attract a wide range of demographics in terms of the renter base. They really envision two primary demographics with these homes. First, it would be young families, a married couple with a dog and a kid on the way might be in between housing options, maybe not quite ready to buy a home. This serves as a perfect way to keep those people in the community and give them a housing type that is conducive to their needs. The second would be the late baby boomer generation so perhaps empty nesters free of kids looking for a hassle-free, maintenance-free, living environment. This serves perfectly for those demographics. Keep in mind that these residential dwellings are very high-end. The rental rates on these drawings will be comparable to the monthly mortgage payments of many homes in the surrounding areas. This demonstrates that the demographic will blend nicely with the existing landscape. Another feature of the Hudson Valley design is that all garages are side entry. This means that from the front façade view as they walk down the street no garages are visible, which gives it a quiet neighborhood feel. One other item of note would be that half of the homes are handicap accessible.

Mr. Wayne said when they compared this product type to others in the area and they found a very similar example and that would be in the Summerfield Condo community. This property is just to the north of the proposed site, and these are two-story condos that were built in the early 2000s. The similarities are strong between the two structures both from a height perspective as well as a general overall architecture mass and scale. They blend nicely with the existing landscape in the area, they do not immediately abut the Summerfield Condo community so it is an example of a similar product type in the surrounding area but there is no visual connection between the properties.

Mr. Wayne stated that there is a tremendous need for residential housing options in the community and the existing ones are at their capacity. In order for the Township to continue to grow responsibly it must add housing options of this type to support this need. Since 2000 they have only seen 353 for-lease residential dwellings built in the Township. Despite the 15% population growth over that same period, so clearly a big need in the community today. Mr. Wayne said when apartments are built in Orion Township, they lease out immediately.

Mr. Wayne said regarding density and public resources. From a commercial density perspective, their proposal is 21,000 square feet less of total commercial space as compared to the already approved site plan. They reduced that density by 71% in this proposal. From a residential perspective, the Future Land Use on the parcel is high-density residential, which means 3-5 dwelling units per acre, they are proposing 6. This meets the intent of the Future Land Use of high-density residential. One extra unit per acre on a 4-acre site they are only asking for a total of 4 additional units compared to the underlining future land use permitted density. If they take that a step further and assume that there are two people per one of those dwelling units that is a total of 8 additional heartbeats for public resources like police, fire, and EMS demand. The (RM-1) density category of 6 units per acre is what they are proposing. This exact zoning designation exists to the east, north, and also partially to the south. He thought they were in good company as far as the (RM-1) category is concerned.

Mr. Wayne stated in terms of Stormwater Management one of the most critical aspects of every development is to effectively manage that stormwater and ensure that it has no negative effects on surrounding properties. They will show this through an underground series of catch basins with

underground storage on site. He added that they are going to work with OHM to ensure that their design meets the ordinance. This is the same ordinance that of course is designed to prevent this exact issue from happening. So, trusting with collaboration with OHM they will develop a design that has been thoroughly reviewed and confirmed that it meets the standards of the ordinance.

Mr. Wayne said that OHM acknowledges in their review letter that the stormwater on this site flows to the southeast. The southeast corner of the Hudson's proposal is at the corner of Waldon and Lapeer Roads. There are no properties to the east for any of their stormwater to flow onto. On the contrary, all of the properties surrounding them are flowing toward their property. This really eliminates the potential of their site depositing any stormwater or disturbing any surrounding property as a result.

Mr. Wayne stated that as it relates to site circulation and traffic this was a key component of their site design. They did not provide access through Waldon Rd. This was deliberate for two reasons, the first was to preserve the tree line, and the second was to not deposit any new traffic volume onto Waldon Rd. roadway. They understood that there are some existing concerns over traffic at this intersection and they believe that Hudson Square could potentially be the impetus to solve this problem through collaborating with MDOT. They have submitted a traffic study to the Township. It is currently in review, and they also submitted the study to MDOT. They look forward to working with MDOT to develop whatever mitigation requirements MDOT deems necessary, they are willing to provide. They look forward to that process to ensure that they are mitigating traffic congestion to the fullest extent.

Mr. Wayne said that nature preservation was a really critical piece of their design. The large part of the natural water feature but also the buffering surrounding the site gets them to the 40% open space. Of that total ruffly 30% will be completely preserved in its natural habitat.

Mr. Wayne said lastly, they are bringing walking trails to the natural features so existing they are completely inaccessible. Through the construction of both the safety paths as well as their interior site circulation these natural features will be able to be enjoyed by residents, customers and businesses in the community alike.

Mr. Wayne stated that they are at a public hearing, so they wanted to share some feedback that they got from the virtual town square, Facebook. Their proposal was posted on the Orion Township Facebook group as well as a couple of various other groups within the community. The results were overwhelmingly positive. Almost 500 total likes between the posts, and over 250 total comments, and when they compared the positive comments to the negative comments, they saw about 96% positivity for the project. Clearly, hundreds of their community members have spoken and 96% of them were supportive of this project.

Chairman Reynolds asked if there were any public comments. He asked them to limit themselves to 3 minutes. He added that they were taking notes so if something was mentioned previously, they will have that in their notes when they further deliberate on the project.

Ms. Tracy Deuman 270 Waldon Rd. She is the west property adjacent to the proposed property. She really appreciated Mr. Wayne's how he addressed a lot of their concerns. The three main points that she heard were that there was no intent to combine the adjacent parcel behind her property, so she was very impressed by that and hoped that stood true. The next one is that there is no access off of Waldon Rd. Currently, there is an unofficial driveway on Waldon Rd. already and there is a mailbox there. She asked if that would be blocked. She appreciated the preservation of the tree line on Waldon Rd. Her personal concern for her property was she hoped they could keep the tree line and the berm that is on the west side of the property, so adjacent to her property. I would provide light pollution coverage, so it would block the light and privacy from the apartments. Also, there is a big fence there that was put up intentionally and she wanted to make sure that they keep that fence. She has a half-acre pond, and it could be a liability problem with her with an apartment next to her. She was worried about the traffic, and the water runoff.

Al Hassinger 1600 S. Baldwin Rd., Brandon Twp., is a property owner in Lake Orion Village. He wanted to say that getting to know Amy and Scott and really admiring their entrepreneurial spirit, wanting to pick up again where they had to leave off through no fault of their own and bring a fantastic business to Lake Orion. He thought it would be a tremendous addition and a great gateway into and out of the town.

Matt Malenich 4014 Sunfish Dr., Lapeer, was there to speak on behalf of Scott and Amy Harris. First, he would like to say that he wholeheartedly supports the business ventures that Scott and Amy are taking. His wife and he are regular patrons of the Lake Orion community and would love to see an upscale restaurant added to their dining community. As a patron of Scott and Amy's previous restaurant, he can speak from experience about the quality of food and service that was provided. Everything was created with the highest standards in terms of the foods that were used, the presentation of the food, the taste of the food, which for him is the most important, and the service in which it was provided. He truly believed that adding an upscale restaurant to their community run by Scott and Amy would be beneficial to all and would run successfully. He also believed that adding another coffee venue to the Lake Orion community would be beneficial as well. He knew that there are plenty of places to get coffee in Lake Orion, but to his knowledge, there are only two venues with drive-through services. He believed that adding another coffee place with a drive-through would benefit the members of their community and those who travel through their city every day simply due to convenience. He has known Scott his entire life and his wife for many years. In terms of Scott, he didn't think there was anyone who could talk about his character better than him, except for his parents or his wife. Scott is the most dedicated hard-working person that he knows. It doesn't matter if it is in his professional or his personal life, if there is something that needs to be done there is nothing that would stop Scott from doing it. He also saw the driving dedication that Scott and Amy put into their previous business venture. The amount of sacrifice and time they put into their restaurant shows they are willing to do whatever it takes to be successful in their ventures. There is no doubt in his mind that approving these two venues would be beneficial to the Lake Orion community.

Mr. John Slocombe 3066 Waldon Meadows Dr. said that a personal friend got killed on Lapeer Rd. last year and he lost a very dear friend from England, it is a very dangerous road. He has nothing against the project, he hopes it works. He hoped the city would do something about the traffic situation because more traffic would mean it is harder to get off Waldon. He goes out onto Waldon Rd. sometimes and some people are frozen in terror, they just sit there. There are 14-18 people trying to get out. He knew it had nothing to do with the development, but they already have a dangerous situation, he has lost a personal friend and he will never be the same after it. He hoped in partnership with these people that they put a traffic light in. He would like to know what the details were and that they can make it all work and make it less dangerous for people.

Ms. Elizabeth Glassford 389 Hunters Rill, Oxford, MI, said she has been in the food industry for 10 years and an operating partner for 6 years. What she has noticed is it is impossible to fully accommodate severe allergies. The model she has can suffice multiple allergies, and felt it would really create a positive buzz for the community because it is something that not everybody offers. She also does drive down Lapeer Rd. southbound toward 75. The few coffee places that do have drive-throughs are very busy in the morning and she felt that adding the Biggby would be great, a great spot, a great location, and definitely the customers to pull from. She moved out to Lake Orion a couple of years ago. When she was looking, she was looking for 2-3 bedrooms with 2 baths, with amenities such as a washer and dryer, and it was very difficult to find availability in the area. It actually took her over six months, and she had to pay double rent for 4 of those months just to ensure that she had a place locked in. She felt that adding those residential properties to the community would definitely be a positive for the community as well. As far as ownership, great customer service, and having owners that live in the community are very positive when it comes to retention, profitability, and just maintenance, maintaining the area as well.

Ms. Emily Glassford 24 Leslie Lane, Waterford, MI, said she has a lot of family in the Lake Orion/Oxford area, so she is frequently out here. She was a patron often at Sweet Amy's restaurant and since they have had a shutdown it has been hard. A lot of her family does have very severe food allergies. It is hard going to restaurants and feeling safe enough to have them eat there without wondering if they are going to

end up in the hospital because of an anaphylactic issue. She is extremely happy to hear that Amy and Scott Harris are trying to make another location, their family has really missed it.

Ms. Linda Martin-Seng 6625 Shelley Dr., Clarkston, MI, said both she and her husband both have food allergies, especially her husband, his are pretty severe. They have been patrons of Sweet Amy's for many years, and they really trust the owners to take the care that is necessary to make food that is safe for them to eat, and her husband won't be sick for a week after eating there. Their food is delicious and well-presented and the owners and the people that work there are all wonderful. They have really missed it since they have been gone. Also, as for Biggby Coffee, she is not a Starbucks fan she likes Biggby way better and there is always a line at the Starbucks on Lapeer Rd. You can't get in it backs up onto Lapeer Rd. She thought another coffee shop with a drive-through would be a real benefit to the area. They also bring lots of family members to their facility. They celebrated their Mother's Day there one year. They then go into Lake Orion and do shopping, so they bring business to the area as well. She did know a lot of other people, her friend from Rochester loves their restaurant. Her friend from Royal Oak drives up here and eats at their restaurant. She thought it would be a benefit to the community overall. She loves them as people and also their food.

Ms. Kelly Mihelich 275 Waldon Rd. said over the last few months their neighborhood has been here quite often because of the proposed Woodlands development. Once again, she wanted to reiterate that her neighborhood on Waldon Rd. does not come out and fight against development. She lives right next door to the Orion Kennel Club and the new Vet Clinic; they are wonderful neighbors. She has the driving range directly behind her, they are also wonderful neighbors. She knows that Sweet Amy's restaurant obviously everybody loves, its wonderful food, and there is a need for it in their Township. Biggby Coffee is wonderful. Her only concern is the apartments and where they are going to be located. She was concerned that even though they have a dense tree line on Waldon Rd. she was concerned that they are going to see a lot of rooftops and a lot of light pollution, flood lights, that type of thing. They did have to go to the Kennel Club and the Vet and ask them to please tone down their night security cameras because their house was lit up at night, and they had to put extra shades up, it was not good. They cooperated and it is wonderful. So far, she was impressed with what she has seen, she doesn't have any objections, her only concern is the traffic because it is already terrible for them to get out of Waldon Rd. She hoped that they could get a traffic light, the noise pollution, and she is worried about the ponds. The owner of that property used to have a running windmill that he used to keep his pond full. That has not been in operation since he passed away a number of years ago. His pond is way down, and Tracy's Pond at 270 Waldon is way down. She was concerned that the ponds were going to get dried up. Are they going to bring the windmill, which was beautiful, or are they going to put that back into operation to help the ponds and keep everything healthy? Other than that, she really can't see anything to object to at this point. She asked if anyone addressed getting a liquor license for the restaurant. She might have a concern about that, other than that she was impressed with what she saw.

Ms. Elizabeth Fenwick 1133 Devon St. stated she thought that his project would be a great asset to the community. She enjoyed hearing more about it, but she was excited about it already. Seeing it broken down was a lot more exciting. Ever since Sweet Amy's closed, she hasn't been able to find a restaurant that can meet her dietary needs. She works in Rochester and has sent a lot of the Rochester community here too and they are eagerly awaiting their reopening also for the same reason, you can really find a place like that. She felt for them as people and their businesses were a great asset to the community when they were in business and is eager to see them reopen.

Ms. Melisa Canelis, 986 Maloney Ave., Oxford, MI, said she was a resident and a business owner in northern Lake Orion (Oxford). She wanted to be here in support of Amy and Scott Harris today. They did buy a home this last year, having a boy and a girl there was nowhere they could live without a three-bedroom. Fortunately, they found a house they could buy but there were not a lot of options when it came to apartments with three bedrooms, so she really liked and appreciated that. Anybody that drives south on M24 does see a backup, and as an insurance agent she is terrified that her insurers are going to get rear-ended or rear-end someone else on a daily basis, hopefully, that would cause a little less panic attack.

She liked the idea in general of having the drive-through with the convenience and everything else. She did like the idea of a stoplight because she used to live at Joslyn and Silverbell and anytime, they took that way down it was terrible. Outside of the consumers' side, she was there as personal support for Scott and Amy. Her husband was a chef at their restaurant for multiple years. Not only was he a chef at their restaurant but they also became close friends with them. On top of that anything that they did, they took more care than many other business owners she had ever seen. They were much more thorough than many other business owners, herself included and she is a crazy analytical person. They were genuine anytime from the pandemic to struggles with seating, or anything to do with the restaurant, loss of business, closing down, reopening, and shutting down officially, every step along the way they communicated with the staff, they were incredibly professional and organized. Genuinely as humans they are amazing people, and she would love to see them own another restaurant in the area and more.

Ms. Jen Gaczi 776 Fairledge, Lake Orion said the coffee shop would be amazing. She lives off of Heights Rd., so they get stuck by all the traffic-stopping for Starbucks and blocking all the traffic. That would be a phenomenal idea to have another option. As for Sweet Amy's, her family of seven has multiple food allergies and it has been missed greatly. She really appreciated it when they went into the restaurant, it wasn't just a restaurant it was like a family, they were very kind and considerate, they knew them. Whether you had not been in for a while or you were there all the time, they knew them. They recognized them tonight and she hasn't seen them in probably 9 months. She really would appreciate this being approved.

Ms. Susan Johnson 348 Four Seasons Dr., which is the condo development north of the church. It doesn't sound like it, but she was wondering if there were plans for outdoor car shows like Culvers with music and people showing off their vehicles. She didn't want to listen to 50's music which she would hear if there were something like that planned in the works once a week, or even once a month might be too much. The other concern she had was the traffic. For them to go north on 24 and to have to use the turnaround, people are afraid to go they sit there forever, or other people go when they shouldn't, it is dangerous already, and this is going to add a lot to it. She was also wondering about air quality there will be a lot of idling vehicles maybe only morning and night but in that line for the coffee shop where is all that exhaust, is it going to concentrate in her backyard, she is on the south side of her condo development. Having a coffee shop with high-calorie sweet drinks within walking distance is going to be dangerous for her.

Mr. John Whitley 6581 Eastlawn Ave., Clarkston, MI, is a former resident of Lake Orion. He has known Scott for 25 years and Amy for about 10 years. He is a small business owner as well in the area, they are very fortunate to have small business owners like Scott and Amy, very high-integrity people. His wife and he are both vegans, so they appreciate the ability to have vegan alternative and was a big fan of Biggby as well.

Ms. Mary Ann Ryan, 301 Waldon Rd., lives across the street from this development. The parcel of property that sits on the corner of M24 and Waldon Rd. was previously owned by Tim Jones. People might remember the flower shop that existed there, but she was a guest that was frequently invited to the rest of the property. Tim had done landscaping, but that doesn't adequately describe what he really did, he was an artist. Flower trees and bushes planted on this piece of heaven are beyond description. The number of annuals, biannuals, and perennials that bloomed throughout the year was stunning. He would sit on his patio which overlooked the pond and bask in the peace and tranquility of the place. She can't think of a better use for this property than a restaurant with a patio overlooking that pond. She was sure that the vegetation that he planted remained to some degree. She believed that the citizens of Orion Township deserve to experience the solemn beauty of the place. It would honor Tim if others could enjoy the environment he sought to create. She and the neighborhood have been expecting the antique car club to appear for a very long time now, they have no idea why it hasn't. As for the apartment density, she leaves that to the Zoning Board to sort out.

Mr. Ryan Soldan 4124 Calumet Dr., Oakland Twp., was there to support Scott Harris and his wife Amy. He has known Scott for over 15 years echoing some of the people that have spoken before him. Scott is a very passionate individual and anything he commits to is in it 110%. What he has seen and heard tonight about their plans and their development is very impressive. He is a big dog owner so his route is right there on Waldon and a Biggby would be awesome because he would go there and get his coffee and then take his dogs and life would be good.

Ms. Shirley Moran said that Scott Harris was her son, and Amy was her daughter-in-law. They live at 9257 Monica Dr., Davison, MI. They frequent their restaurant at least two times a month. They have to drive 40 minutes to get there but they appreciate the quality of the food. She is also a Naturopathic Doctor so the types of food that her family eats are very important to her. She appreciates going to a restaurant and she knows that the quality of the food is there, and it is what they say it is. It always tastes very good no matter what they eat. She thought that the addition of this restaurant would be a great addition to Lake Orion and for health reasons too.

Ms. Marcie Ramsey 335 Waldon Rd. said it was her understanding that the restaurant, the car club, and a coffee shop were already approved so it was just the four-family housing that was what this meeting was really about. She would really love to have the restaurant, the car club, and all of it approved as long as they can somehow get that traffic light in at Waldon and Lapeer because it is a traffic nightmare, pretty constant to get off Waldon onto Lapeer Rd. If there are accidents somewhere in the area, they take off and come back down Waldon Rd. and sometimes it is a mile backup. That is her only concern. She was concerned about the wildlife, but it sounded like that is kind of being addressed so she appreciated it.

Mr. Scott Harris 947 Watersmeet Dr., Oxford, MI stated that the thought that came to his mind was the conversation he had with his wife in late summer or early fall of 2015. He got a different rendition than a burnout on marketing, she was actually in a company where they lost two major accounts back-to-back and was caught up in a riff. They lost the Greek Town Casino account and the Blue Cross Michigan account. They had been talking about this restaurant concept for some time and her desire to do something special. They talked about creating this little brunch/breakfast spot where she would know everyone's name like Cheers, and it was a common conversation in their house. For those who know him, he was a former commercial banker turned insurance consultant, pretty conservative by nature. When she asked to turn this from something that they were just talking about to something that they actually might do the thing he told her was you don't start a restaurant or business because it would be cute or nice, you do it because there is a business need. Her due diligence literally went from the top of Oxford when the Palace was still standing to where the Palace was, and they did the same thing on Baldwin Rd. They got the menus from every single restaurant and evaluated them, dined in many of them, and determined that nobody was doing what she envisioned. Nobody was doing upscale in Lake Orion, so they started just two years into their marriage and blended family they said they are going to do this crazy restaurant thing. For those of you who have patronized her restaurant you know the rest of the story. It was a great business not because they made a lot of money because it was always a challenge for those who knew the location was at but because they put every ounce of everything into this restaurant in order to build something that helped the community. Fast forward to today, with the absence of her restaurant there is still no one doing what she and her team did, the way they did it. By this time division is even grander. For the same reasons that Honest to Goodness became a reality in May of 2016, they are hopeful that once again this will become a reality sometime around the summer of 2024. Just like there is a business case for Amy's Restaurant there is also a business case for all of the other components of this development. The car club, the Biggby, and the new luxury dwelling units, all have a need for a purpose that will provide value and benefit to his Lake Orion community. Hence, he enthusiastically supports this project and respectfully requests the Planning Commission to also share in his excitement by providing conceptual approval this evening.

Chairman Reynolds asked Secretary St. Henry to read the citizens that they received into the record.

Secretary St. Henry said they received a total of 10 letters, 6 were in favor of the development, and 4 were opposed. The residents that sent letters were Cheryl Querro, Michael Caldwell, Beverly Walton, Linda and Michael Seng, Amy Harris, Rilee Harris, Giselle Graham, Carlee Hass, and Jessica Williams. For those that supported the development, the overall general theme was how much they enjoy Sweet Amy's restaurant and recognizing the need for additional dining options in the community. Those that were against it had concerns about traffic and the size/footprint of the development. The applicant covered some of the statistical bullet points that came from Facebook. Amy Harris provided a letter that reiterated those in terms of general feedback that resulted from the Facebook postings: they had 494 overall like posts, 151 overall love posts, 8 overall wow faces, 1 sad face, 2 overall care faces emojis with hearts, 249 positive comments, 11 negative comments, 191 positive likes to the comments, 17 positive loves to the comments, 3 positive care to the comments, 8 negative likes to the comments, it was shared 27 times, and there were 6 individuals provide negative comments.

Chairman Reynolds turned it over to the Planning Commissioners for any comments or questions they would like to add during the public hearing portion of this evening. No comments.

Chairman Reynolds turned it over to the Board of Trustees.

Supervisor Barnett asked if there were any comments or questions from the Board of Trustees.

Trustee Flood said he thought people liked the restaurant. He counted 18 folks coming to that podium and 75% 12 out of 18 were good. Usually, they come to these, and they hear the opposite, displeasure, not pleasure. This is not their first rodeo on this parcel. Compared to what they had before he likes to see the open space and all that property along Waldon Rd. preserved, especially those pine trees. He liked the concept of not having an entrance on Waldon Rd. He understood the need for a traffic light, he had lived out here all his life and agreed it was not going to get any better. If they didn't have all the development to the north of them keep those people from northern Orion otherwise known as Oxford coming down through there, they would probably have a lot more space. The Planning Commission is going to have a lot of work to do; he has read all of the review letters from the Planner, OHM Engineering, and the Fire Marshal. He was very confident that the men and women that represent the Planning Commission would do their due diligence along with our consultants and go through this diligently. As has been previously stated in the past, someday somehow somewhere this property will be developed. The property owner has the right on private property to come forward to this body and go with (PUD), it is part of our ordinance, our zoning, and our Master Plan. Looking forward to the Planning Commission doing their due diligence and finding out what recommendation is to the Township Board.

Trustee Steele thanked everyone for coming. She always appreciates community involvement because that is what makes a good project a good project. She thanked the developer and felt they had been very diligent and patient. She asked regarding the community benefit and wanted to see if the water feature and the tree line features were just actually part of the green space and the water retention and not necessarily additional green space and water space. The safety path connection yes connects safety paths, but what is the actual contribution that they are making, in addition to what is already required for that development? She knew there was a gap on M24 because the land was never equaled out very well and so there is a big gap on M24 if that is what they were referring to. Height of the design, she knew that height was an issue on the other development and didn't know if they were in the guidelines of where it needed to be or if it higher than normal. She knew that single ownership was one of the criteria and it seemed to her there might be two or three, she wasn't sure how that was going to work. Regarding the drive-through use with the coffee, she asked if that was a Special Use, or if it is allowed because it is a (PUD). The price point of the apartments and to just verify that they are looking at the water drainage because she knew that had been an issue from day one. She asked if that back lot is back up for sale or is that a development that is going to come down at a different time.

Supervisor Barnett thanked everyone for coming. He said if he thought you ever wanted to have anything positive done, he is going to call Scott and Amy to run PR. He thought that this was a tough site, and they

knew the issues. When he reviewed the notes this afternoon from the last couple of times, they were in front of them and the notes he had was the main concerns were traffic, preservation of wetlands, and natural resources, the height, and the general fit of the building for the area, and the storm drainages came up over and over in that area. They have had lots of conversations to the credit of the Detroit Riverside Capitol, and they have been extremely diligent working with our consultants, OHM, and our team to try to do the best they could to take the feedback they received over the last few opportunities that they presented in front of them and put all that together. He thanked them because they don't always get that. A lot of times when people don't get their way, we get lawsuits and so thank you for not doing that. That doesn't always bode well for the Township, unfortunately. He agreed with what Trustee Flood said, he generally sits at these meetings because a lot of times this is the only time, they see some of them when something is going to be built in their backyard and they want to come to tell them how they feel about it. They want to see them but are happy to see them anytime. It is a challenge because as Trustee Flood said this is the busiest road in northern Oakland County, and it is not a park. He appreciated Mary Ann's comments because he didn't know the previous owner, but he got to know her 10 years ago when he was first running for this job. There is a lot of history on this site, he used to buy flowers there too. It was a very unique piece. People get very passionate about these things, they know it is not a park, and the Township doesn't own it, so unless they decide to do that it will never be a park. It is nice when they do have developers that do want to work with them and property owners as Dr. Canine to his credit have really come to them multiple times and asked what he thought the Township would want to see there. Not everyone is going to be happy with what goes on this corner, but he personally thinks this is a lot better than what they have seen in the past. He felt that they have addressed a lot of the issues that have been brought up by the people that live around there. The one thing that he told them all about is the traffic and the traffic lights. He and Jim Stevens from OHM met with MDOT the director of MDOT for their region a couple of months ago, on a few areas on Lapeer Rd. They are under their jurisdiction the Township owns no roads. Waldon is the Road Commission, but MDOT is the organization that they would work with on this project. He stated that they specifically asked about a light at this intersection, will they require it, and will they put the light in because there is a ton of traffic there. This is generally considered a small-scale development a drop in the ocean, and to require this developer to bear the cost of that traffic light which would be very costly is a challenge as well, probably making it a no go. They are working with MDOT and ultimately, they are going to be the ones what improvements will be required there. Their conversations with the developer have been really positive, and MDOT. Once MDOT reviews all of these things they will be able to make those determinations as to what improvements will be needed if any. There are lots of places that need traffic improvements. The challenge is they have no jurisdiction except they can sometimes be a squeaky enough wheel to force improvements. He thought it was great to see positive support. They worked a lot together on their first site, the food was amazing, parking was tough, and the location was you drove by it before you saw it, it was a tough spot for a restaurant. Obviously, they have a great following and great food. He did think it was the first time they had emojis read into the record. He explained that they will close their Board of Trustees public hearing and the three of them will leave. This is a multi-step process so he was sure he would be watching the rest of this meeting as well as his colleagues, but they were not leaving because they were not interested.

Chairman Reynolds said he wanted to address some of the comments from the petitioner. Supervisor Barnett talked a little bit about it, but can they just touch base on traffic mitigation, runoff, and drainage those were a couple of topics here, and then they have a few more.

Mr. Wayne said the traffic topic as the Supervisor outlined is an MDOT-controlled road. No one in this room has any authority on whether or not they could put a traffic light there. All they can be is the squeaky wheel. In this case, they might be the only wheel because absent of another development proposal that produces a traffic impact study and hands it to MDOT they are never going to look at this intersection. Really by proposing this and submitting this traffic study they are forcing them to identify the problem. What they decide to do about the problem is completely up to them. There are a lot of variables that they have to consider. There is a lot of traffic volume on Lapeer Rd. as they know. The idea of stopping it at a traffic light may not be their first reaction. Certainly, their job in this state is to ensure that they have drivable, functioning, hopefully, well-operating roads. They trust that they will do this for this project. As

far as their current process with them they have completed the TIS they have submitted to them, they have also submitted it to the Township. It didn't get fully reviewed before the meeting because they were late on the submission of that. What that traffic study basically says is that the existing conditions warrant a stop light at that intersection, today without their project warranting that stop light, it recommends the mitigation of that stop light. The determination on how or if that can happen is not theirs. They will certainly be the biggest cheerleader and be adequately working with MDOT to try to deliver that solution.

Mr. Wayne said regarding drainage the best way he can describe this is that the whole corner drains to that southeast corner of the site. If they drew a 45-degree line that hit that corner that basically is where all the flow of water is going. Notice none of the surrounding properties that have a concern about stormwater are in that flow, the water is flowing from the surrounding properties onto their site into the culvert that goes under M24. It would completely have to reverse stream and go in the opposite direction from the way that gravity is pulling it in order for the water to move in that direction. That is just a general concept, but on top of that of course they have to manage the stormwater from their site and make sure that despite any of their developments that it doesn't now all of a sudden go to a neighboring property and that is what their stormwater management system will do. That underground detention, they will go through the ordinance, and they are aware of what those requirements are. They briefly designed a system with their civil team. At this stage in the process, it is a little too early to get tremendously detailed about that. They understand it will be a thoroughly reviewed system and it will meet the ordinance. They have faith in satisfying that and eliminating stormwater concerns.

Mr. Wayne stated that there would be no connection to the adjoining 20-acre parcel and no intent to connect. There is a road on Waldon Rd. existing, it was an old service drive, and their plan calls for it to be turned into a pathway, so just a walking path, not a driveway, it will be eliminated there is no chance of a car coming by. He added as far as the fence he was not aware of where that was but will make himself aware of it and will make sure that they do what they can to mitigate that.

Mr. Wayne said as far as the apartment themselves and light pollution, one thing they have going for them just on their apartments themselves which of course is the furthest west is that because of the residential character they would have similar lighting to what a single-family home would have. It would likely have a couple of garage lights adjacent to the entry point of the garage, then a couple of lights along the front façade. They are not talking about huge parking lot lights lighting up a big sea of parking for the apartments. The commercial lights will be blocked from those houses by the apartments as they sit in between them but even still those lights will point in the direction of the light down to mitigate light pollution as much as possible, and that is also covered in the ordinance so they will achieve that.

Mr. Wayne stated as far as noise is concerned these are residential dwellings there are only 24 of them, he didn't think that they would create any kind of noise above and beyond what typical single-family homes would do, the garage door opens, and dog barking but that is about it.

Mr. Wayne said as far as ponds not remaining full as he had mentioned the water all does drain there. Not being a civil engineer himself he doesn't have a hypothesis as to why that is, but he understands the general flow is to that southeast corner.

Mr. Wayne stated regarding the outdoor car shows he can't speak for Dr. Canine he was sure he could answer that question but that is not an intent of the development, the goal is to be able to store the cars inside the structure and that is what the building is there for.

Chairman Reynolds asked about control and ownership. Mr. Wayne replied that the site is currently controlled solely by Dr. Canine. There are agreements that are formulated for each of their respective parties DRC, Scott, Amy, and Dr. Canine being one of them to purchase these individual parcels following the approval process, but for the sake of this application, the land is currently owned by one individual.

Chairman Reynolds closed the public hearing at 8:24 p.m.

Moved by the Trustee Flood, seconded Trustee Steele by that the Board of Trustees adjourns their special meeting of the Township Board at 8:24 p.m.

Respectfully submitted,

Debra Walton
PC/ZBA Clerk
Charter Township of Orion

December 7, 2022

Planning Commission Approval Date