

CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, NOVEMBER 17, 2021

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 17, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

PLANNING COMMISSION MEMBERS PRESENT

Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC
Derek Brackon, Commission

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
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

Ryon Barker	Dave Duggan
David Steuer	Bill McNabb
Pam McNabb	Chris Kryster
Jim Butler	Alec Harris
Amy Keyzer	

3. MINUTES

A. 11-03-21, Planning Commission Regular Meeting Minutes

Moved by Commissioner Brackon, seconded by Commissioner Gingell, to approve the November 3, 2021 meeting minutes, as submitted. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to **approve** the agenda as amended. **Motion carried (Moved 8A to 7B)**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

A. PC-2019-06, Silverbell Pointe PUD Site Plan Extension, located on 4 vacant parcels south of Silverbell Rd. on the east side of Joslyn Rd. (Sidwell #s 09-33-201-001, 09-33-128-001, 09-28-379-001, 09-28-451-001).

Chairman Reynolds asked if the applicant or representative was present?

Mr. John Thompson with PEA Group representing Franklin Ridge Homes.

Mr. Thompson stated that they also had the applicant with him if there were any questions from him, David Steuer.

Mr. Thompson stated that Silverbell Pointe is located on Joslyn Rd. south of Silverbell Rd. The total site is 74-acres. They have proposed to develop only 28-acres for a single-family 46-unit community. Back in late 2020, the Board of Trustees approved their second reading the final PUD for the site. There were some items that were contingent on that approval. Since the approval, they have immediately started working on construction drawings and pursuing the permits necessary for construction. The major permits that were involved in this project besides the Township Engineering approval were Road Commission approval for designing an extended lane on Joslyn Rd., trying to obtain a vehicle assessment from CN Railroad, and DEQ permitting. In short, they have been diligently trying to obtain those permits, they have received RCOC's permit and they have received an initial permit from DEQ which they are still in the process of getting that final. The CN Railroad access has been denied, that took besides the fact that things were slowed down due to COVID that took months and months to try to get CN to respond let alone get anything further from them. They have had several meetings with CN they have involved the Supervisor he has had several meetings with CN. So, the end result of that and just recently CN has finally indicated that they will not give them a crossing for the railroad. They are in the process of finalizing their drawings they are going to use a fire sprinkling for each one of the homes, and they expect that they should be back within the final month or so for final engineering approval with the understanding that construction would start in the spring. With that, they are requesting an extension to their site plan.

Chairman Reynolds asked what the extension duration would be? Mr. Thompson replied one year.

Chairman Reynold thought that the project was moving along. He did some backlog research and that was a condition, they needed that agreement essentially to provide access to the site. Either it needs to be two means of access and if not, it needs to be suppressed. He spoke with Planning & Zoning Director Girling and her team today and they have been moving along with the project on other fronts and the logistics of working with outside entities and influencers.

Commissioner Brackon asked if this was the first request? Chairman Reynolds replied yes.

Trustee Urbanowski asked what was happening with CN? Mr. Thompson replied that they had petitioned CN Rail to put a driveway across the existing railroad. That location was adjacent to the pond, so it would connect Joslyn across CN and then into the subdivision near the detention pond. The end result from CN was that they were requiring 2-3 closings of roads in order to get one. They said they need to close their access to Silverbell and whatever the next street down is. They said they wanted a 2 for 1 ratio, they give them 1 they take away 2. They said they can't control anything except their property. That is why they talked to Supervisor Barnett and asked if there was something they could help them out with. They talked to the County to see if there was anything they could do along the CN crossings and road structures throughout, and no one would close down a road for them.

Chairman Reynolds said it was a fire code issue, essentially there needs to be two access means or fire suppression provided.

Mr. Thompson said that they actually closed the door on that and they are going to use fire suppression. But they also have to have the railroad redesign for the expansion for Joslyn Rd. and that is still outstanding.

Chairman Reynolds thought there was plenty of wheels in motion, he would be in favor of a year extension just based on everything that he put together with this. They are not in a stall where they are actively seeking solutions to the problems that are withholding the site plan.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission **approves** the site plan extension request for PC-2019-06, Silverbell Pointe PUD for a one-year period. This approval is based on the findings of fact: that the applicant is moving forward with the project, there are some delays that are not a result of their problem but some external problems and the one year should assist them in resolving those issues.

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

B. PC-2017-14, Orion Commons PUD Commercial, requesting site plan extension, located at the vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel #09-23-100-004).

Mr. John Thompson with PEA Group, representing Orion Commons LLC.

Mr. Thompson stated that some of the commissioners hadn't seen the layout before, and he showed them a PowerPoint of the plans.

Mr. Thompson said that Orion Commons Commercial North units one and two were originally approved in 2017. It has been extended three times now, 2018, 2019, and 2020. They are there to request one additional extension for one year. At the October 6, 2021 PC Meeting they had a 3-3 decision that decision failed due to the tie, so he was there before them with a full house of 7 to again request that extension.

Mr. Thompson said that generally, the retail in the industry has not rebounded post-COVID. New developments particularly ones that involve small tenants are still at a standstill. Lormax who is the parent company to Orion Commons, LLC has been working diligently trying to find a tenant, however, most of their effort has really been on the focus of keeping existing tenants. From their perspective for trying to find a new tenant having an approved site plan is a huge advantage to try to, over the competition when a tenant is trying to find a space. They got it approved they can go with it immediately they don't have to wait for 6-months to a year for that final approval. Over the last two years, they have had multiple concept plans with various tenants including a hardware store, restaurants, small retail, they even tried an apartment complex. Two months ago, they had a national coffee vendor look at the property as well. However, to date, they have not been able to lease the site. It is their feeling, and from some of the resent petitioners that they have seen, there is going to be a rebound starting soon. They talked about that at the last meeting and Commissioner Walker said he was hearing that it could last a whole year and they are hoping that it doesn't but they would like to have a shot with an approved site plan to continue to pursue these things.

Mr. Thompson said he knew as a general rule that they don't like plans sitting around forever, and they want to move things forward or get them out. They think that they have effectively lost the last two years due to COVID. It shut down the industry and they are hoping that they see a rebound in the next year. He suggested the following findings of facts such as they are not setting precedence. Firstly, this is a PUD so any changes to the site plan would require a major amendment. Second, since the original site plan was approved there have not been a lot of changes in the requirements of the community. So, there should not be any non-compliance situations. Finally, the development has stalled because of COVID.

Chairman Reynolds said he knew that they were somewhat divided, previously the applicant gave a good overview. He knew from his personal experience there has been some good faith in trying to bring tenants to the space and he agreed that it is a (PUD) so there would have to be a major amendment if anything significant changed in the ordinance, and in general supports what they are seeing here as the initial concepts.

Commissioner Walker said he is not an economist when he made that statement, he has no training as an economist. He asked what was different from their proposal today than it was on October 6th? What is going to convince him to change his vote? Mr. Thompson said that he has no additional information. He said in the last two months there hasn't been any movement so there is nothing additional that he can offer.

Secretary St. Henry asked if they could give them an idea of what some of the challenges have been or some of the pushback that they received from different potential companies that have looked at this property. Mr. Thompson said that he didn't think there was anything specific to the property that is an issue. He thought it was just a matter of being able to tenant it at the right price, the right solution, with the right group of people. So, the details behind why the deals didn't go through specifically he didn't have. For whatever the case they haven't been able to make the deal to move it forward.

Secretary St. Henry asked from 2017 till now how is their thinking changed on the type of tenant that they are looking for in this space, or are they just wide open now because it has been sitting so long. Mr. Thompson said it has been wide open from day one and continues to be wide open.

Secretary St. Henry said that there is the possibility that they would try to put drive-throughs in there for example if, it was mentioned that a coffee company, he assumed it was on the right side of the road and a coffee company.

Planning & Zoning Director Girling said that they have pre-apps on a regular basis, there have been some discussions on this and the Township has held firm based on the minutes from the Planning Commission when this was approved that it is a soft casual drive-through and that it was one that would not have a large amount of stacking and was not one that would have a peak hour. Those types of things show that they are following what the approval was but that does make it difficult on some of the tenants that they might have that have an interest. The discussion on this site was it was approved for one drive-through but it shouldn't be the typical golden "M" drive-through that it was described as being soft-casual which would be 60% sit down 40% drive-through or vice versa. Based on that it does make the number of people that come in and use that drive-through limited.

Secretary St. Henry said the reason he brings up the drive-through is that they see backup drive-throughs as a major issue traffic-wise on Lapeer Rd. They are dropping this potential site for a drive-through would be in what he considers and he thought a lot of them do at the most congested intersection in the Township along Lapeer Rd. Planning & Zoning Director Girling

said that it had been their point when they were against a drive-through in the first place and then based on the description of what the drive-through would be they said they would try the one maybe they would talk about the second after the first one, but that was the main point, that the traffic and the congestion in this area a typical drive-through that has a peak hour and a large stacking would not work here. Secretary St. Henry said yet they were entertaining a coffee company. Planning & Zoning Director Girling said if they have someone interested, they have a discussion and then you go back to the minutes and see that.

Commissioner Brackon said his concern was this is the 5th request it has been going on since 2017. He agreed with Commissioner Walker that the economic outlook is dismal, the traffic concerns, and he thought it was time to start from scratch on this.

Chairman Reynolds said he would beg to differ that it is part of a bigger (PUD) development that was looked at. They are looking at one component to this. He didn't know if starting from scratch was the right answer from his perspective. He understood that it is frustrating to be back here for the 4th extension. His perspective is they have lost a year with COVID, let's ride course this is the last and final extension that they are going to give, and potentially over that year, they need to rethink what is going here or change some parameters or at least reduce density to address drive-through or something along those lines. He didn't know if starting over is the right answer either just the way that that (PUD) was developed in that vision that was there for those present at that time.

Trustee Urbanowski said that was her opinion too. Because it is part of the (PUD) it would have to be changed anyway. She thought having an actual site plan is easier to try and sell than having no site plan. She did initially say that she would be ok with one more year. But in that time be thinking of other alternatives if it doesn't look like it is working out.

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, that the Planning Commission approve the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for one year. This approval is based on the following findings of facts: they are still attempting to market this place and they have spoken to businesses; COVID was difficult; it is part of a PUD and would still have to come back here regardless of site plan approval.

Discussion on the Motion:

Chairman Reynolds said when he looks at this he still sees and desires retail whether it needs to be reconfigured in a way on the (PUD), what other uses are going to go there. Retail has been a difficult market. He was hit or miss on a drive-through, obviously, he would agree in the bigger picture comments that it needs to be the right fit.

Secretary St. Henry said four years ago in 2017 a lot of the issues that they are bringing up today were brought up then. There were concerns about the size, depth of the lots of a traditional commercial development including the retail. They also talked about Office Professional and what else could go there, then soon afterward they did see the daycare center go in and that seemed to work out to be an ideal fit. There have been significant changes to that portion of the Township since then. They just approved a commercial development at Stadium and Lapeer Rd. that will have another drive-through and that is up in the air right now because the developer realized just how heavy that traffic is, they made some miss calculations, they admitted to it. That is within a half of a mile or less of this existing spot. That is going to happen eventually and more traffic on Lapeer Rd. now with the school, than ever. He agreed with Commissioner Brackon that maybe it is

time for someone else to give it a shot because this developer has had four years to come up with something that works. They brought them all these issues four years ago and they haven't been able to do anything with it.

Chairman Reynolds said this is a motion to grant a one-year extension for PC-2017-14 Orion Commons Commercial PUD amendment for the site plan. The movement that is occurring and desire to obtain additional tenants, and also that the economic atmosphere of COVID is present.

Roll call vote was as follows: Urbanowski, yes; Gross, no; Gingell, yes; Walker, yes; Brackon, no; St. Henry, no; Reynolds, yes. **Motion carried 4-3**

C. PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel 09-35-200-035).

Chairman Reynolds asked if the applicant was present?

Chairman Reynolds said that the applicant Mr. Sam Ashley and him are currently engaged in business he was on the construction side, he is an architect, he has no interest in this project, he just wanted to disclose the relationship. He didn't believe there was any potential conflict but if anyone feels there is he was happy to recuse himself. He wanted to disclose that they have done business together. There were no issues.

Mr. Sam Ashley with Cunningham-Limp, 28970 Cabot Dr. Suite 100 Novi, MI presented.

Mr. Ashley said they were there on behalf of KPMF USA. He had representatives from the business present, as well as their civil engineer from PEA was there as well to address questions.

Mr. Ashley said that they submitted this and had the opportunity to pole their Planning Commission up to this meeting, they did that. They were receiving comments from consultants as soon as yesterday. They did submit a full response point by point, as well as some supplemental information last night. He totally understood if that hadn't been able to be fully read and digests but wanted to disclose that for the group.

Mr. Ashley noted that this site specifically is zoned Industrial Park (IP). The existing building that is on this property right now is just over 36,000-sq. ft. it is a manufacturing use, that was constructed in 2014. As of 2019, there was a site plan proposal that was extended through 2019 and into 2020. Since that time frame that site plan approval has expired, there have also been some substantial changes for the benefit of the business. There was a change in ownership of the business itself which has allowed them to reevaluate the business plan of what the intended initial site plan approval request was to properly outfit is based on the business plan and really right size the footprint. This is why they took a fresh start at this and a brand-new submittal for what they are going to see before them today.

Mr. Ashley said that the proposed business itself is just over 84,000-sq. ft. there are 92 additional parking spots being located on the west on the front of the building, between the building and Lapeer Rd. They received comments from all of the consultants and in the letter, they did address those from a point-by-point standpoint. He added that if they haven't read the letter, he asked them to do so. But really the comments that were addressed were accepting of all of them. There are two points specifically that he wanted to clarify for Planning Commission and was sure that they can come to a consensus on how they will address those in a revised submittal packet that they bring before them.

Mr. Ashley said from a site plan standpoint a few of the comments were a safety path connecting the proposed additional sidewalk to the existing safety path which is in the right-of-way of Lapeer Rd. The existing safety path doesn't show up well in the drawings because it is a very light line weight but they will add the connective safety path to connect the sidewalk to the existing safety path. In their initial submittal, it was a void of a photometric plan and light fixture specs those were submitted in that packet that they set over just recently. The photometric plan when they look at it, they are a zero-light reading on three points of the property line. The south property line there is above the standard but it should be noted that the same owner owns the building to the south, as well as, this building and they are complementary businesses owned by the same entity and they share resources back and forth.

Mr. Ashely said there was a note to add wheel stops they will add those into the drawing and into the plan, as well as, adding turning movements for fire apparatus throughout the site plan. There were two points on the fire access drive, the drive that is on the north of the building, so it runs east/west it is at the top side of the building, initially right now it is a fire lane so it has an approximate 18-ft. width and its existing condition. They did widen it to 22-ft. to allow for two-way traffic on that fire lane. When they look at the plan it is a little deceiving the darker shading on that drive is the new proposed asphalt that goes in there. When they look to the leg of that drive that is adjacent to the existing building, they will see the lighter part that is existing, that it narrows down, it actually continues but they are preserving some of that existing drive. There was also another comment from the Fire Marshal as it relates to the drive pathway fire lane through the parking lot on the west side of the building to widening that to 26-ft. They will do that they have enough green space to shift the lot out to pick up the additional width required to meet the Fire Marshal's request.

Mr. Ashley stated that going into the façade he thought it would be helpful. They did read through the comments from Giffels Webster. Just from a comparative standpoint, the approved site plan is from 2019 it was primarily all-metal panel very narrow strip windows on what would appear to be the second floor, as well as, the ground level floor. He would say it was a very simple streamlined façade in comparison to what they are proposing and bringing before the Planning Commission tonight. He showed the Planning Commission the front façade in a PowerPoint presentation.

Mr. Ashley said that this is approximately 41-ft. tall high based structure that is being constructed as a result of the equipment and process that take place inside the building. When they have that height of a building and they bring into it a two-story office component, typical two-story offices are about 30-ft. or 15-ft. floor to floor. So, in doing so, in setting this up to adjust through the massing they do have decorative architectural metal, there is masonry that is happening on the wings off to the sides of where the office profile is, as well as, there is a narrow masonry sill wall that goes underneath the office profile. It is really an upgraded architectural metal panel that fills the field of where the two-story office is and then the window ways. There was also a comment as it related to canopies, both of the main entrances, the employee entrance, and the main entrance have canopies over them, as well as, the primary main entrance. He understood the requirements of the Lapeer Rd. Overlay District that is there. This does have a combination of those materials, there is some deviation in plane when they look at it from the office component to the high bay component that is there.

Mr. Ashley said on the end of where the two-story office is it is actually not building between that it is behind the wall panel there that is actually an extending screen wall to screen the operating equipment that goes into this. It is a large custom oxidizer that gets placed there. Very similar to what is at the existing building and again they wanted to make sure that they overly screen that so they carried that profile across.

Mr. Ashley said if anyone has gone out and looked at the existing façade that is there that faces to the west and Lapeer Rd. it is as basic as it gets. This was built in 2014 with the intent to add onto it, that was really the primary reason so it siding the grade that is there today. Again, they feel that what is being proposed today is well above and beyond what was proposed and approved back in 2019 and certainly an upgrade to what is currently there in place.

Mr. Ashley showed them a graphic of the different materials that will be used on the various facades. Both facades on the north and south of the building based on building code setbacks will be constructed as three-hour rated walls. This is consistent with the original construction that was done in 2014. Because of that wall assembly, they are limited to the types of materials because they do have to make sure that they meet that three-hour rated wall condition.

Mr. Ashley said the existing wall was to the right there is a demising wall that will separate that existing operation from the addition that takes place. This is an integrated addition and process that complements the existing process. Things such as waste removal, dumpsters, will utilize the existing trash compactor that is already there. They have already evaluated for capacity and scheduled that, it has enough space and capacity to handle the new load. He showed them the two linear equipment lines really are the heart of the operation, they can see the oxidizer that feeds that operation to the bottom of the page south of the building. The open primary high based base is really filled with a vertical rack spooling system, it is an unoccupied equipment mezzanine where that product is stored and cycled as it feeds through their process line.

Mr. Ashley said that they do have a small office on the first floor, and a small occupied mezzanine that goes above that as they walk in, but the primary use of this is for their manufacturing process.

Mr. Ashley said as soon as they got their last comment letter from the Fire Marshal at 5 o'clock they finalized their letter and set it over so it could be recorded into it. They are accepting all of the conditions that have been pointed out, there is no discussion there. They would like to continue with the façade that they have proposed. From a traffic study standpoint, they have provided the calculations to outline that their counts are well below the requirements to require a traffic study. Their ask is at a minimum if it would be entertained to have a conditional approval knowing that they will submit with these items, the submitted that they will do that into the record but will respect the decision that was made tonight.

Planner Wojciechowski read through their review date stamped November 11, 2021.

Engineer Landis read through his review date stamped November 10, 2021.

Chairman Reynolds said they did have additional reviews one from Public Services Director that was just reiterating asking for the items to be corrected per OHM review before any further approvals are given.

Chairman Reynolds said there was a review from the Water Resource Commission just a general overview of asking for specific permitting.

Chairman Reynolds said that a site walk was completed by the Site Walk Committee.

Chairman Reynolds said that the Fire Marshal is not recommending approval at this point pertaining to the turning radius overlay and also the increase of drive aisle widths.

Planning & Zoning Director Girling stated that the application for this was received one day after the application deadline to be on this meeting. They were going to have to cancel this meeting they had no items they have three on the next one with the joint public hearing. She reached out to the applicant and they said would they agree to being on tonight's meeting to try to make the workload less. He got his reviews and the consultants did a wonderful job of getting them for us a day shorter than it should be but unfortunately, the Fire Marshal was on vacation and so his did just come in. Thanks to the Fire Marshal for doing that quickly upon his return but that is what he was alluding to on agreeing to move meeting dates.

Chairman Reynolds said that there was some correspondence received and uploaded in their packet within the day. Agreeing to what was verbally said here for changes to be provided.

Trustee Urbanowski asked if the façade fit in the Overlay Standards? Or do they still need to provide a waiver for that? Planner Wojciechowski said that the tricky part is that they require façade colors, he hasn't seen any color elevations so it was hard for him to comment on that. He didn't know if he had seen enough detail here tonight. He didn't think that anything has changed in that regard since they have seen it. He would say that it is probably a little deficient of what the Lapeer Overlay requires. It certainly is more than what was previously approved but that doesn't mean it meets the current standards.

Trustee Urbanowski said that in 2019 it was a different approval that has now expired but it was another owner, and now this is a new owner. Mr. Ashley said in 2019 and it went through a series of site plan approval extensions, this was the final version of what was extended in 2019 and carried through. It was a different owner, a different individual's vision for the building and how dollars are invested. What he can say from a cost, professional, and investment standpoint what is being proposed today is of far more value from a dollar standpoint, and in their opinion is a much better representation of what should be done to have a roadside face.

Chairman Reynolds asked if they could go over the façade materials that were proposed, and is that proposed to match existing materials or adjacent buildings? He had mentioned that there was an interaction between the two. Mr. Ashley said that the building to the south, and the addition that is before everyone tonight, and there is a comprehensive Master Plan based on the new ownership. Certainly, they are not going into details on the existing building to the south but the goal is to make them in harmony with their corporate brand standards for the parent companies Orafol USA that is headquartered out of Georgia then reports back to Orafol Corporate which is in Germany. There are corporate brand standards that they are bringing into this. Given the fact that they have an existing building with a gray tone to this, they will be carrying that tone through on the siding and it will have more of a timeless look to it, so it will be in the grayish palette of what is there. The masonry that will be applied to it will be a darker tone masonry product. They are still looking at the final assembly of the ACM panels that will take the field for the façade but those would be in an accent color but complementary to a gray tone to it. It will have a more tech image to it but more of a timeless appearance to it.

Commissioner Brackon said he wasn't sure that the color issue was addressed. It says to follow KMPF corporate branding standards. Mr. Ashley said they would be happy to submit that in what they resubmit. They know that they are going to have to make a resubmittal to address these comments that go through and they would be happy to incorporate that with color renderings with a color pallet and samples as well.

Commissioner Brackon stated that there was a comment about the greenbelt is not going to be proposed there will just be hedges. Mr. Ashley said that in the comments from Giffels Webster there was an either-or scenario they are committed to doing a hedgerow along that area as it has been outlined as a suggestion.

Commissioner Brackon asked why the hedgerow as opposed to the greenbelt? Mr. Ashley said if they look at the site plan, they have forebay and post bay detention ponds that go in and many of the plantings will have to be outside of that area, and they will just run into a condition where there may not be enough greenbelt space to address those accommodations.

Planner Wojciechowski stated that there is significant landscaping in the front yard between the parking lot and the Lapeer Rd. front yard line. There is the detention pond, and then they made the note about the powerlines overhead, so there is sort of a conflict there. The greenbelt would incorporate the powerlines and they would be really close. Given that they have a significant amount of trees in the front yard they thought that putting a wall there would really kind of not flow naturally with the way the pond and the landscaping are set up. That is why they looked at the purpose and the intent of what the ordinance was trying to do which is to screen the cars from Lapeer Rd. passing traffic. One of the options is to construct a low hedgerow and thought that was an appropriate suggestion.

Secretary St. Henry asked if the landscaping flow with the existing landscaping. Mr. Ashley replied correct. Secretary St. Henry asked if he was doing it for consistency purposes as much as anything, the existing building has been there for 25-years. Mr. Ashley replied correct.

Commissioner Brackon asked why no traffic study? Mr. Ashley replied that for the proposed addition based on the ITE trip generation land use is manufacturing, land use code is 140 based on the building expansion area of 84,300-sq. ft. AM peak is 40 in, 12 out, a total of 52 that is below the criteria. PM peak 18 in 39 out is 57 again below the criteria total workday trips at 445 and he believed that the ordinance is 750 or 770 to justify a traffic study for it. Again, they can revise this to include the existing building as well.

Commissioner Brackon said this is kind of what they talked about the center of the congestion on Lapeer Rd.

Secretary St. Henry said Lapeer Rd. in general is congested but if Commission Brackon is referring to the last case it is a couple of miles away.

Mr. Ashley said that there is no exiting traffic from this site onto Lapeer Rd., everything is exited onto Kay Industrial Dr. which either has the opportunity to immediately exit onto Lapeer Rd. or loop south through Kay Industrial to the next road further south back onto 24.

Secretary St. Henry said the shift changes, some of them have been to that site before and have been inside with the last expansion. There are people there but it is not 8a-5p. He has driven by there many times and he barely sees any traffic coming out of there, he thought because the shifts and hours are different.

Mr. Ashley stated that part of the reason why, if they look at their parking counts, they are substantially overparked. Part of the reason to do so is to make sure that they are mitigating issues during shift change with having an abundance of parking. They have several parking spots existing already to the east and then the addition of 92 spots to the west.

Mr. Dave Duggan with Kay Automotive Graphics and KPMF USA, 57 Kay Industrial Dr. stated that they do run on three shifts for their hourly staff, they are staggered shifts compared to their salaried staff. They have the heaviest shift would be the daytime shift for the hourly and they would be getting out around 3 p.m. till 3:40 p.m., where the office staff would be departing the building between 4 p.m. and 5:30 p.m. That is where the heaviest headcount would be within in the building, they staggered it for primarily that purpose.

Chairman Reynolds asked if there were additional thoughts. He said that there is obviously a handful of conditions and items to be addressed and review letters. In his general overview, the Lapeer Overlay Standards there is some design discretion there that he personally has struggled with on both sides of the fence here. They are expanding an existing building, he thought that the goal here was not to end up with just one huge square box. They have two buildings that are adjacent to one another. The primary façade that they are going to see to the west has the office addition where it steps down, there are some windows breaking that up. The one item it would be nice to see some pilasters or things but a lot of times that is faux and is inspired by the structure type, so he was indifferent about that. There are some canopies being proposed and he agreed that the current proposal is a nice improvement to what was previously approved. Photometrics, it seems like some of the other comments just in general were at least agreed to be addressed so he would be open to moving forward with this with a condition seeing that it would be approved by their consultants just to adhere that all those comments are addressed per to essentially the satisfaction of the ordinance.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **grants a façade & exterior wall design waiver**, with an Overlay District façade as presented this evening, and that it be approved as part of the overall site plan since the design proposed is consistent with the parent building to the south with the plan of PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel #09-35-200-035). This does reflect the existing development of a major business and a major employer within the community and the standards that are have been presented are reasonable for the site and the existing site design including the architectural parking driveways are placed in a matter that makes the applications of the standards practical with the fact that it is a companion to the property to the south.

Discussion on the Motion:

Planning & Zoning Director Girling asked if the motion waived all of the ones that were within the review as being deficient? She wasn't sure that she could pull that from the motion? She believed that it was exterior wall design, building entrance design, and material and color. Vice-Chairman Gross said as presented this evening.

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

Vice-Chairman Gross said there have been a lot of discussions relative to the planners and the engineer's reports and the applicant has responded to the fact that all of the issues that have been presented have been or will be appropriately revised in a revised site plan.

Moved by Vice-Chairman Gross, seconded by Secretary St. Henry, that the Planning Commission grants site plan **approval** PC-2021-88, KPMF Expansion Site Plan, located at 67 Kay Industrial Dr. (parcel 09-35-200-035) for new plans to be submitted following the discussion this evening, and those plans would meet all zoning ordinance requirements and as presented this evening the plans to be revised, submitted, and reviewed accordingly by the planner and engineer for compliance with the respective reviews of the November 10 & 11 letters.

Discussion on the Motion:

Chairman Reynolds asked if it is intended that all of the Fire Marshal's comments would be addressed also? Vice-Chairman Gross replied yes.

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

D. PC-2021-78, The Woodlands Planned Unit Development (PUD) Concept, located on a vacant parcel located east of 310 Waldon Rd., Sidwell #09-23-351-024.

Chairman Reynolds asked if the applicant was present tonight? He knew that they submitted a letter for the record of what their intentions were this evening.

Mr. Michael Wayne 3300 Auburn Rd., Auburn Hills presented.

Mr. Wayne said they were there tonight recognizing that they have a little bit of work to do in terms of revising the plan that they have seen to date. They saw this as an opportunity to come in front of the Planning Commission tonight to let them know that they are still very excited about this project and look forward to getting to their deliberation period. When they realized that some revisions needed to be made it created a timeline that put them ruffly around the December 15th meeting for deliberation and they have a resubmission for their project coming up next Tuesday. The opportunity presented itself and he requested to be on the agenda tonight because while they had the public hearing, they didn't have a chance to elicit a significant amount of feedback from them, and that is certainly something that they very much value, and while they still have the time to incorporate that into their resubmission, they would love to hear some comments from them regarding their project.

Mr. Wayne said he wanted to refresh everyone's memory of what they presented during the public hearing. The Woodlands is a 190-unit multi-family development located at the corner Waldon and Lapeer Rd. Some basic project specs on it, it sits on 21-acres they would build on about 8-acres of those, and they would preserve about 13 of those acres to be conserved as a natural landscape for the rest of their residents to enjoy. It is a mix of one, two-, and three-bedroom units. He thought it was important to iterate that The Woodlands is a one-of-a-kind multi-family community, the intention is that it is unique, it is amenity-rich, and that it is an extremely desirable place to live. They expect that their residents will be working professionals perhaps empty-nesters looking to downsize and overall contributing members to the community. As they mentioned they got some comments and so he just wanted to overview what they were and how they are attending to them in case it sparks any thoughts for them to share with them after.

Mr. Wayne said that the planners mentioned that they needed to provide some cross-sections of the transition areas including the north, east and south areas, and then also some of the proposed grade changes. They are prepared to do that, they recognize that it is important and he thought what they will highlight is that they are making a strong effort to ensure that they are preserving the views of the neighboring properties he knew how important that was to those property owners and also for the overall community, and they certainly are going to do that. There are a number of comments regarding the pathways both on Waldon Rd. and then the internal pathway, as well as, the public pathway and how it connects to the Orion Car Club development. Those are all items that are very easy for them to adjust on the plans and those have been included in the next revision.

Mr. Wayne said a lot of public comments and also some comments from the engineers regarding the way stormwater will be managed. They are happy to provide these details both in the next revision and also in some of the more detailed ones during the final PUD session. He was happy to provide these details both in the next revision and then also some of the more detailed ones during the final PUD session. He thought that the most important thing to mention

about stormwater is that as the site exists today it is a natural virgin landscape. The typical grade change from north to south slopes toward the south and so there is a lot of concern from members of the public regarding, will this development cause flooding in their backyards, or how will the stormwater be managed. They fully commit that the stormwater following the construction of this project will be managed more effectively than it does today in its native environment due to the stormwater infrastructure which will be beneath the parking lot. In addition to that, there are a couple of comments regarding their density plan, this is the plan that shows what is permitted under the existing zoning and so a couple of items that they need to add to that they can certainly do so.

Mr. Wayne said there was a question about a wetland delineation report, they have not conducted a wetland delineation report, and they will do so if it is deemed necessary during the final PUD. The line share of their projects really is nowhere near the wetland and the wetland is mostly butting the nature area but if the Planning Commission deems it necessary, they will certainly do that.

Mr. Wayne said a couple of clerical issues they need to show the pond and wetlands south of the site and the river that crosses they can add that.

Mr. Wayne said in respect to the traffic study that is a concern that has been mentioned by the public and they understand that it is important particularly given this intersection. That is the specific need to extend their timetable because that is currently being revised and resubmitted based on some comments that were shared by OHM. That will be included in the next revision and they look forward to getting that to them.

Mr. Wayne stated that there was a question about the materials to be used on the wooded path. They wanted to keep this as preserved as possible so the intention would be to utilize woodchips in this area for that nature area. A preliminary woodlands assessment was also requested they thought their landscape architect would do so, and he had some information later on that he will show them as it pertains to that. They are certainly going to do a tree survey that would be provided in the final (PUD).

Mr. Wayne said that they had unified control of both of these parcels both the 21-acre parcel and also the 7-acre parcel adjacent to it, and he will explain it more in a moment about what the connection is between those two sites but they have provided that and thought they could get that over to the engineers.

Mr. Wayne stated that there were some questions regarding elevations, materials, material detail, and recognizing that they have a need for density credit here. They understand that high-quality architectural design is a component of that and so they fully intend to provide as much detail as possible at this stage of the project. The challenge is as the project develops over time and morphs the interior floorplan gets finalized it does influence the exterior so they can certainly provide sort of inspiration and sample materials but sort of a final building elevation would be something that is really not feasible to present at this stage but certainly something a little bit more robust at the final stage.

Mr. Wayne said that the legal descriptions they would be happy to provide.

Mr. Wayne said there was a question regarding the proposed zoning category and suggested that they didn't recommend one and hoped to get some clarity on this tonight from them or the planning consultants because their intent is that this be zoned as a (PUD) and that is how they intend to permit the project.

Mr. Wayne said that there were also a couple of items that they asked that they provide commentary to, or that they address. One of them was any existing trees surrounding the individual proposed buildings that are intended to be preserved. He showed a PowerPoint presentation showing red lines are areas of the site that contain not only a lot of trees but also the oldest and largest trees. The intent is any tree that is within any of these red boxes is intended to be persevered. It is really their intention throughout the whole project to preserve as many trees as possible, it is called The Woodlands for a reason.

Mr. Wayne stated that next, it was asking how the east property would be incorporated into the proposed (PUD) with respect to the existing conditional rezoning, so he recognized this was a little confusing, there are two parcels here they are proposing a (PUD) on one of them. For clarity the reason that they are purchasing that and in fact, one of the core reasons that they are purchasing that is simply to provide access to the site. In order to control that and ensure that they can have that Lapeer Rd. access they made a commitment to purchase that site. Also, with making an investment on the back parcel to produce the residential community it is important that they have influence and are comfortable with what ends up getting built on the front site. Certainly, the car club and restaurant proposal that is currently conditionally rezoned is something that they support and Dr. Canine has shared with him that is still something that he wishes to do but it has been put on pause while they go through this process. That front parcel would certainly be something in the commercial realm, they would like to see the car club and restaurant, or perhaps something else that is conducive to the area. He knew that one of the public comments suggested that there weren't many places to eat in this area, so he thought a restaurant or some semblance of retail on that corner would be beneficial to the community and that is the avenue that they intend to go. They simply proposed the (PUD) on the 21-acres because there is an existing conditional rezone and it wasn't clear at that time what the future of that was and so they wanted to get the apartment process started. He hoped that helped add a little clarity to that situation.

Mr. Wayne showed them a sample of how their drive aisle can connect into the existing conditional rezone on that front parcel. It would require modification to the approved site plan. This is just to exemplify that it is possible to connect through that site and work on the confines of modification to the underlining site plan approval.

Mr. Wayne said that they asked that they address how the project was designed and minimize the impact of traffic generated by the proposed development on the surrounding uses. They are purchasing that front parcel solely for that access. That is critical to traffic generation because it provides two means of accessing the site. One that outlets to Lapeer Rd., and then of course one that outlets to Waldon. Naturally, they feel anyone that is heading to the west might choose to go west straight out unto Waldon and avoid Lapeer Rd. altogether, and then certainly someone going south on Lapeer is not going to congest Waldon Rd. unnecessarily and they instead would exit using the Lapeer Rd. exit. When asking how the project was designed to minimize the impact of traffic the answer is entirely because they recognize how important that component is to this project.

Mr. Wayne stated regarding setbacks and buffering to the existing residential uses to the north, south, and southwest, there is a comment that they are not robust for such significant changes in density. They are making every effort to provide as much buffering, screening, and setback as possible. Obviously, working within the confines of parking requirements setback codes, and such. They have done what they feel is the best they can at this point. They want to explore other options but the critical thing to understand is the areas that are within the residential landscape are going to have a significant amount of existing natural trees to remain, as well as, the buffers and the landscaping features that they add to the site.

Mr. Wayne said lot coverage is about 60% lower than what would be required. The front setback is almost 8 times larger than what is required. Side setback again about 6 times and rear setback about 2 times. In regard to height, they mentioned this in the previous meeting but in order for them to be able to provide the nature area it does require that they go to a third story on the residential side. In exchange for that third story, it unlocks the potential for them to provide this large nature preserve for residents and for the other community members.

Mr. Wayne said that the intent is that there will be a study included with the next submission that explores significant and plant habitats evident on the site and the results of that study where there were no significant animal habitats, there were some landmark trees, those exist predominately on the property lines. He showed them a 1940's illustration that showed that this property was mostly agricultural fields and therefore the tree lines grew right on the property lines. And therefore, the largest and most significant are there on those lines and thus would be able to be preserved in most cases.

Mr. Wayne said it was asked that they comment on how the site was designed in relation to the potential impacts on the adjacent residential uses to the north and east of the site. This site was designed completely with the Summerfield Condominium complex in mind, as well as, some of the other neighboring properties. It is important to note that if they proposed two-story garden-style apartments those would completely absorb that nature area and be built basically completely surrounding that other end of the Summerfield Condo complex. In this way, they have been able to mitigate that and keep that nature preserved in perpetuity. It was designed specifically around that aspect and with the adjacent property owners in mind.

Mr. Wayne appreciated them letting him go through that, he wanted to share those comments so as to perhaps any thoughts that they may have that they would like to share. They understand that they are not there to be deliberated on and certainly the intent was not to waste anyone's time. They just wanted to appear in front of them to allow them an opportunity to share any feedback that they have with them while there is still time for them to incorporate that into their resubmission and they look forward to that deliberation about a month from now.

Chairman Reynolds thanked them for the in-depth overview and for walking through some of the comments. As previously mentioned, to hear some comments from the Planning Commission after having had public comment from our public hearing a few backs now. The project was submitted and formally reviewed by their consultants to receive feedback.

Planner Wojciechowski read through their review date stamped 11/17/2021.

Engineer Landis read through his review date stamped 11/17/2021.

Chairman Reynolds said that there were also reviews from their Fire Marshal and Public Service Director just a general overview of what was submitted at the time. There are a least no immediate concerns same thing goes for public service there is some information to be woven into the plans as the applicant has readily kind of provided and spoken their developing but looking for some feedback here from the Commission.

Chairman Reynolds noted that they have received additional letters after the public hearing that are in all of their packets. There was a site walk completed so their in-depth review of their projects as their typical kind of standards. The applicant is looking for some general discussion points and feedback on the project to kind of keep moving forward and tweaking and improving the plan.

Trustee Urbanowski said they were talking about the underlying zoning what it is now and what it would be these 17 lots on the one spot or just the one area? Engineer Landis replied on their density plan. Trustee Urbanowski said just includes the part with the apartments they are not talking about the whole. Engineer Landis said their parallel density plan that is included that basically shows how many lots they could get under the existing zoning.

Trustee Urbanowski asked if they were including the preserved part? Engineer Landis replied it does. Chairman Reynolds said that the density plan would include, Engineer Landis's comments are regarding, does the density plan include the realistic wetlands that wouldn't be developable that would potentially reduce the number of good lots.

Mr. Wayne said in their revised plan they are going to feature wetland lines they are getting a couple of recommendations from the engineering consultant as to where to show that from and will be represented in the update.

Chairman Reynolds said it is a tool in their ordinance that essentially parallels to help understand density that would be possible on the parcel. Or another iteration, some people have brought forth (R-1) zoning when they are at a higher density or things like that. It is essentially a graphic representation of what would be possible on that parcel with the zoning that they are choosing to represent.

Vice-Chairman Gross stated that the traffic study is being revised or supposedly being revised. He asked if that takes into account existing traffic counts on Waldon that would be analyzed so that they can determine what the traffic impact on Waldon is with the new developments? So, they would be expecting to see traffic counters on Waldon then to see the traffic counts by the time of the day? That was a big discussion at the last meeting was the traffic count on Waldon and he thought that they needed to get that clarified as to how much traffic is actually on Waldon currently. Engineer Landis replied yes, Waldon Rd. is the scope of review.

Vice-Chairman Gross said he thought that Giffels Webster did a good job in analyzing the project and the ordinance requirements, and indicating that the proposed density does not comply with the (PUD) ordinance by meeting the density of the underlying zoning. In fact, the density is in assess of 8 times what any of their other ordinances including multiple-family would allow. He thought density is a big concern that he has at this point.

Vice-Chairman Gross said that the planner's report indicated that this project would not be permitted in any other residential zoning district in the Township because of the density.

Vice-Chairman Gross said the proposal is for a three-story development, three-story is not permitted within any of their residential zoning districts. The maximum building length in apartments is 200-ft., this building he believed was proposed at 380-ft. The architecture would come at a later point and time.

Vice-Chairman Gross stated not getting into the details of the setbacks, the grading, the applicant has indicated they will be providing that information.

Vice-Chairman Gross said that the intent of the Planned Unit Development Ord. is to allow flexibility and the strict application of certain provisions of the Zoning Ord. It does not in his opinion give the authority to the Planning Commission to waive some provisions of the Zoning Ord. For example, they can grant density above existing zoning proposed density is above any existing zoning, or the Master Plan designation. There is a three-story height limitation and the building's length of 200-ft. for an apartment building. He didn't believe that the Planning Commission has the authority to waive those provisions of the Zoning Ordinance. He added

that they can submit a plan but didn't think that they had the authority to approve it. He didn't believe that they can make those waivers.

Commission Brackon stated aside from what has already been said, and he thought that OHM addressed it, one of the various concerns he has heard from various people in the letters and emails sent are with regards to the stormwater, and the ponds. He thought that the overall reference to the parking lot and the drains will take care of it he thought was insufficient to handle the concern. So, if they are looking for advice as to how to present it, he thought that was an area that needs to be addressed with charts, graphs, whatever OHM requires, using statistics from this past summer rain and the totals. And whether or not those drains and the storm drains and how, where they are going to drain using this past summer statistics. Whether what they propose will actually do that and not necessarily by just them saying it will, by experts saying it will. Mr. Wayne replied understood. He said he spoke with his civil engineer on this topic and he was going to present a preliminary analysis that would contain some of the figures that they are referring to with regard to the full story water management system. That is something that is very time-intensive to produce in terms of what the final design would look like. What they can do is show them numbers on vacant land in terms of drain capacity compared to what a proposed system like this would require. The intent would be just what would automatically be required by the ordinance as far as stormwater management is concerned. His thought process is that that should probably already exceed or be an improvement upon what is existing but certainly whatever accommodations that they need make in that respect they understand the importance. They can provide a preliminary analysis but the more in-depth calculations are something that would be near a final PUD. He thought the overall sentiment from them is that they recognize stormwater as an important management and they are going to propose a system and the Township Engineers are going to have to approve the system that they all feel is sufficient to handle it but they are not proposing that they flood people's back yards.

Commissioner Brackon said he didn't think sufficient was enough was what he was trying to tell him.

Secretary St. Henry said he knew at the last meeting that there were several people from the community that they already have some drainage issues, and they were concerned about what this development do so, to sit there to say sufficient to take care of their development he didn't see that as a benefit to the area because they are already struggling with drainage issues. He thought to Commissioner Brackens' point, there is a good possibility that they are going to see a lot more rainstorms like they saw this summer and moving forward and they have to be able to address that. They saw that this Township was grossly deficient in being able to handle a lot of that water in some of the developments that have gone up in the last few years. In some of the cases, the systems were inadequate and in other cases, it was just a once in a million-year rainstorm. Rather than just providing just a preliminary study he thought they wanted to see exactly what they propose and if it cost you money to do that so be it, if they want this development to prove to them that they have a viable system to handle the drainage in the area, to him that is a deal-breaker. If they have to spend money to do it, so be it.

Chairman Reynolds said a (PUD) is a complex and in-depth process that involves a lot of entities and this is a challenging parcel there is a lot going on here. They are proposing a concept that obviously has some density, height, it is challenging the area in some ways. With the idea of (PUD), he would like to go back to their initial criteria of why they go down the (PUD) path. Yes, there are technical items that get figured out through the process, there are multiple stages that exist in the (PUD) process but community benefit. Recognizing all of those things, understanding in the bigger picture of their Master Plan some of their goals. They have been meeting monthly here if not more than that discussing and one of the items that have been

discussed in the past is a (PUD) is a creative zoning tool not as a tool just to gain ways around the ordinance. They are very aware of that as an item when (PUD)'s come about, he also recognized that they have a site that is challenging in a lot of ways has a lot of natural features that make things challenging to where if it was straight zoned and they were limited to minimum lot widths and a lot of those items it would be undevelopable, hence why (PUDs) exists. He thought that the surrounding neighbors have brought up some very valid concerns and he thought moving forward in the initial stages of the (PUD) understanding a (PUD) in a concept there are some things that are hanging out there that are going to be as Secretary St. Henry mentioned some make or break items that need to maybe be front-loaded and be considered as a viable or proactive solution to what they know they are going to embark on in future phases of the (PUD) process. He thought that the idea of the development and concept amenities are appealing, he is a young professional, he has lived in Orion the better part of his life with a gap of going to get higher education and coming back. He recognized that there are things in other communities that he has lived in that don't exist here and that is great but they also have to recognize where these things are being proposed, what the adjacent zoning is, (PUD)'s in the Zoning Ordinance also recognizes transitional areas and things, he thought they were aware of those items. He thought there needs to be a very robust conversation and entertain some of those things. When they come in and they say they are proposing so only a higher density but also higher heights. An earlier comment that he wrote in his notes was elevations, he is an architect he gets it, it is going to change, the architect is going to change eight times just to humor himself. The point is what are they doing to proactively address those concerns in height. He thinks in some ways their ordinance limits a quality solution from a height perspective and he didn't mean that a project isn't possible via the zoning, but understanding based on certain design criteria that they are putting forth that they might challenge those ordinance items. If they are challenging it, why, and how are they doing that? Are they saying that the overall height is taller but they are kind of hiding the height in a story and a half design? In his experience that has been (PUD)'s as they have existed to say look, we need density to make this development happen but it is still fitting in the neighborhood because the upper level has gable dormers or things but it is still occupiable so that story isn't really visible except an architectural perspective. He did think that some of those items are going to be important to bring forth as the discussion.

Chairman Reynolds said he would also like to challenge, and he understood that the connector through the parcel that borders Waldon and Lapeer Rd. because of the importance of the access from Lapeer Rd. When he looks at this plan, he still recognizes that access as even though he knows M-24 is the primary access way as Waldon has a boulevard and some other features and things. He would challenge and potentially ask to say, so what are you doing what measures are you taking to make that Lapeer Rd. entrance the primary and the other one the secondary? To mitigate some of those concerns of traffic on Waldon Rd. that residents and neighbors have brought forth.

Chairman Reynolds said there is a great start to speaking to some of the buffers and he appreciated the 3-D imagery. He thought that some of the comments that have come up are correct. It is one thing to say they intend to if they prove it and they say here are the measures and what are we doing. A (PUD) is a complex process and therefore should be a very thoughtful kind of a puzzle being brought together and it isn't just about relying on our professional consultants to agree, it is about leading the way to say there is a challenge here, they are all recognizing that and this is how they are going to find a viable solution for this parcel.

Secretary St. Henry said that most people on this commission as well as many people in the community recognize that there is a need for this type of housing in our community. They want to attract future generations of residents and keep some of our current residents, their children,

and even perhaps their parents in the area. Not everyone wants to live in a 2,000-5,000-sq. ft. home. This development as presented to this point is very attractive and it probably will sell very well. They know that there is demand for it. He is concerned about the location of it he thought there may be other more viable places for this in their Township that would be a lot easier to work through and approve. If the applicant is dead set on this particular location, he hopes that they take all of these considerations and the ideas that were brought up today, so when they do meet again and start looking at specific plans and so forth that at the very least, they know that everyone is making a good faith effort to try to accommodate. Whether it is the drainage issue the height issue which is very real, the density issue is probably the biggest issue with these types of developments. The density issue is like a domino effect with all the things that they are talking about. He hoped that they take that into serious consideration. He totally agreed with Chairman Reynolds that a (PUD) is not an end-around for a developer to come in and try to build something in any community. It is a creative way for reasonable changes when it comes to their zoning.

Trustee Urbanowski said she agreed that the density is what was eating at her, it is a lot of units, way above anything they would be able to get for a straight rezone. She is not a fan of the density of it especially in that area it felt very off to her to be stuck in the middle of those homes that are nowhere near that style. She did think that they have purposely put plans in place in other places in the Township that this would fit in better in her opinion. She was having a hard time with the density. Some of the eligibility criteria in a (PUD) it's going completely the opposite, improvements and public safety or welfare. They are adding 190 units that are potentially going to put a strain on their public services. Mr. Wayne said that the questions on density are natural and he certainly understands them. It is important to recognize that they are adding to the public infrastructure usage but they are also contributing. In terms of a per household contribution apartments can be higher than single-family homes in certain instances in terms of quantity of taxes paid per unit, in most cases are. Certainly, they utilize the public infrastructure but at the exact same token, it is going to create significant tax revenue that is going to contribute back to those resources.

Mr. Wayne said it was stated that this amount of density is not permitted in any zoning district within the Township, but he did read about the BIZ zoning and the 12-units per acre that are permitted. He wasn't sure if he was misunderstanding that but he wanted the Planner to clarify what that permits in terms of units per acre. Planner Wojciechowski said it was based on form-based zoning when they look at the Master Plan the density, the vision, and the future land use of 9-units per acre are the highest and the density. Mr. Wayne asked if the BIZ added to that scenario? Planner Wojciechowski said that would be something for them to provide when they are suggesting the underlying zoning, he didn't compare this to the BIZ standards. But as far as the actual density outlined in the Townships Master Plan it is not a vision anything planned.

Secretary St. Henry said he wanted to caution him on bringing up tax issues. If that was their number one concern is how much tax revenue a development commercial residential could bring into our Township, they would have skyscrapers everywhere there wouldn't be any green space in Orion Township. They understand that, and he thought that the residents understand that because they have seen a lot of infrastructure changes and amenities come into their Township over the last 30-years that perhaps would not have been possible given if there wasn't a lot of the development that went on. He didn't think it was in his best interest to bring that up as a selling point. They know what that is all about but they also know that they live in this community and the character of the community is just as important to the residents of Orion Township as how many amenities they have, how big our Fire Department can be, how much wider they can make the roads, the schools, just keep that in mind. Mr. Wayne replied that he wanted to clarify that he is not necessarily suggesting that that is a justification as opposed to just highlighting the fact that while they are utilizing public infrastructure, they are also

contributing back to it, paying the far share, was the point he was trying to make as opposed to seeing that as a benefit.

Chairman Reynolds said that density is one thing and it is one thing to say where they allow it in the Township, he thought it was another to transition the conversation from its current zoning to essentially the densest. That to him is one of those things to kind of help paint the story and help them understand why they are getting to that point beyond just economics, and what else are you doing in order to achieve that or in lieu of that. They have seen other projects they can go through their minutes and other experiences they have mentioned to early today about projects that have said "Hey here is some nature preserve" and the Township is aware that they have some of these challenging wetlands and areas that are undevelopable components. He thought that community benefit isn't always just that we are locking a hand full of acres. He thought it needs to be a very robust and thoughtful presentation, not that it hasn't been to date. He appreciates the information that he brought forth but there are going to be some things that need to be frontloaded and proactive in order, he thought to move this project through at concept PUD approval, and in order to even go through final.

Planning & Zoning Director Girling wanted some clarification on Vice-Chairman Gross's comments when she heard the word authority she was concerned. Was there something that they wanted a legal opinion on? If they are going out and making a revised plan and they are being rereviewed if they have a concern that there is something that the PC doesn't have the authority to do on whether the Planning Commission would like to get a legal opinion on something specific. Vice-Chairman Gross replied that he knew there was some prevision on the PUD Ordinance where the Planning Commission and the Township Board can make some adjustments to some of the regulations of the Zoning Ordinance but he didn't believe it was the intent of the writers of that Ordinance that it would unilaterally be ignoring the Zoning Ordinance requirements. That is his opinion, it may not be the opinion of the rest of the Commission. He just sees that there are too many factors too many things that do not meet ordinance requirements either under existing zoning or another zoning district are in noncompliance.

Chairman Reynolds asked if this was something they would like an opinion on just to clarify? Secretary St. Henry said he thought that would help. They are looking at substantial variances here. He thought that any legal opinions that would help them one way or the other feel comfortable making those decisions would help them move forward in this. He asked Vice-Chairman Gross that the nature of these variance requests was so significant given this development, that is where he is uncomfortable? Vice-Chairman Gross replied yes, they are not minor adjustments to the ordinance.

Secretary St. Henry asked if they could get a legal opinion on that? Chairman Reynolds said specifically to the eligibility of a PUD.

Commissioner Walker said he can't believe that this discussion is occurring here. He has been on this board and other boards for a long time he has never seen an applicant come in just for a Q & A with the board. He didn't know if that serves any useful purpose. He hears the questioning back and forth and the different opinions that they have. He purposely didn't ask any questions he wasn't going to ask any question because he doesn't think that is his job, he thinks that is his job to acquire information, the applicant, and does a great job, he does his professional job of presenting stuff as he has ever seen around here. But at the same time, he has the information from the planner, and the engineer, he has all that stuff. Now he is asking them to give him thoughts and ideas to finish his project he didn't think that was his job. He didn't think they should get a legal opinion he didn't think that this panel should be discussing legal opinions in the first place, they have a lawyer for that.

Vice-Chairman Gross said he didn't have a problem getting an opinion from our legal counsel. Chairman Reynolds said he didn't either, he was not looking to do it because he is looking to push the limits, he thought it was reiterating the idea of some of the PUDs if some other people are not agreeing to that he was open to that just as a discussion point of the potential approved criteria but if the majority is against it, then he is also ok with that.

Secretary St. Henry said that the applicant wants some initial feedback from them based on their presentation from a couple of weeks ago, the presentation again tonight, what they heard from the public a couple of weeks ago, now the Planner and OHM, are giving them feedback and initial thoughts. He is not saying they are tipping their hat either way, if anything he thought that they come away with the idea that there are a number of serious concerns and they have to be addressed or this rezoning will not happen.

Trustee Urbanowski said she understood his point. She thought he was right there are a couple of things in this that are just vastly beyond what regular zoning would allow and she didn't think there was anything wrong with just asking. If they are ok with making decisions that are outside of that scope.

Chairman Reynolds asked to go around and get a verbal just so everyone is on the same page.

Moved by Chairman Reynolds, seconded by Trustee Urbanowski, that the Planning Commission requests to get an opinion from the Township Attorney on the abilities that they have as a Commission via a (PUD) granting approvals potentially those that exceed the requirements or regulations that are set forth in their standard ordinance.

Roll call vote was as follows: St. Henry, yes; Urbanowski, yes; Brackon, no; Walker, no; Gross, yes; Gingell, yes; Reynolds, yes. **Motion carried 5-2**

Mr. Wayne said that they understand that this is "A" typical this doesn't happen all the time when they come forth before a deliberation period. Their intent isn't to dot the i's and cross the t's for them, the intent is they are the ones that will make the decision ultimately whether this project moves forward or not, and understanding the concerns many of which they have shared tonight are enormously helpful for them as they consider what else they can do all be it design, research, and due diligence. He thanked them and said they were satisfied at this point, certainly if there is any other feedback, they will gladly take it but they understand that they have more on the agenda and they respect their time.

Trustee Urbanowski said just be a good neighbor.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **postpones** PC-2021-78, The Woodlands preservation Planned Unit Development to a future date.

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

E. 2022 Planning Commission Meeting Dates

Chairman Reynolds said per their Open Meeting Acts they have to post the dates on which they intend to meet. Just to clarify our meetings that will start in 2022 to abide by the Public Meeting Act and our zoning regulations they meet on the first and third Wednesdays of each month starting on January 5, 2022, and terminating on December 21, 2022. These meetings will be held at 7 p.m. and will be held at the new Township Hall location at 2323 Joslyn Rd.

Moved by Trustee Urbanowski, seconded by Commissioner Brackon, that the Planning Commission approves the 2022 PC Meeting Dates Resolution as **presented and forwards to the Board of Trustees for adoption.**

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**

8. UNFINISHED BUSINESS

PC-2021-07, 5-Year Master Plan Update

Chairman Reynolds said their Workshops are once a month at their second meeting. They are rounding out the process so dually that they entertain public involvement and also there will be our final Open House occurring here in the near future and then adoption of that. The timeline was mentioned at their previous Workshop meeting at 6 p.m.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

A. Village of Lake Orion Master Plan Update Amendment

Chairman Reynolds asked that everyone takes a look at this, it is important and does influence them, there are a number of areas that they are recognizing as changed areas. There is a term they are using areas of influence or change just recognizing some of their opportunities. There is a handful of their own development that is going including some projects on the table for the Ehman Center PUD that has been conceptually approved by their Planning Commission.

Planning & Zoning Director Girling said she didn't believe that they ever received notice of this. They didn't know until they received the review by the Coordinated Zoning Committee through the County which is a step that has to occur. She says that because comments are due by the 29th. It is fine to go home and look at it and say hey Tammy as a Planning Commission member wants to forward this comment that is fine, she didn't think it had to come as speaking as a Commission.

Moved by Chairman Reynolds, seconded by Vice-Chairman Reynolds to receive and file the Village of Lake Orion Master Plan Update Amendment.

Motion carried.

11. PLANNERS REPORTS/EDUCATION

None.

12. COMMITTEE REPORTS

None.

13. FUTURE PUBLIC HEARINGS

A. 12-02-2021 at 7:05 p.m., PC-2021-90, Ridgewood Planned Unit Development (PUD), located at 625 W. Clarkston Rd. (Sidwell #09-15-226-007), the vacant parcel west of 625 W. Clarkston Rd. (Sidwell #09-15-226-006), and the vacant parcel east of 625 W. Clarkston Rd. (Sidwell #09-15-226-008), requesting to rezone the properties from Single Family Residential-1 (R-1) to Planned Unit Development (PUD).

14. CHAIRMAN'S COMMENTS

Chairman Reynolds said now that they are rounding out their Master Plan update let's try and rally up some of the community involvement for that kind of termination and some of those other comments that they discussed early today. He thought it is a very important tool as they see a lot of (PUDs) and it is their road map and are they on the right track. It is not just about saying hey how do they make development happen it can also be about preserving the character and about essentially establishing a commitment to other zoning types. He thought it was a great tool and people shouldn't just be showing up for when the (PUD) shows up in their backyard.

15. COMMISSIONERS' COMMENTS

Commissioner Brackon stated that the Lake Orion Hockey team has a game tomorrow night at 6 p.m. Detroit Skating Club against a very good Canton Team, and Saturday at 3 p.m. against a very good Marquette team that is coming down to play them and Brother Rice and CC only, they chose Lake Orion as one of the teams to play.

Trustee Urbanowski said that the marching band won 3rd place in the state finals.

Secretary St. Henry said businesses out in Lake Orion the County has just launched a new program called advantage of apprenticeships. They have \$625,000 to fund 250 apprentices at various employers over a couple of years. They have to have a registered apprenticeship program to participate. This is well beyond your traditional apprenticeship employers in the skilled trades, it involves advanced manufacturing, information technology, health care, and a variety of other industries. This is one of the things that the County is doing to help address the long-term future worker shortage needs. If they are interested go to the County website under workforce development.

Commissioner Walker stated that the Friends of the Orion Library silent auction holiday basket ends on Saturday at 2 p.m. If they haven't been there to bid on a basket or two you still have a few days.

Commissioner Gingell said that they have 6 basketball games this weekend.

Planning & Zoning Director Girling said in regards to the Future Public Hearing although Township staff will be moved to the new Township Hall by that date, that public hearing will still be conducted at the Orion Center.

ADJOURNMENT

Moved by Commission Gingell, seconded by Trustee Urbanowski to adjourn the meeting at 9:17 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

December 15, 2021

Planning Commission Approve Date