



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, AUGUST 11, 2026**

The Meeting was called to order at 7:30 p.m.

Pledge of Allegiance led by Commissioner Martin.

ROLL CALL: Amin, Bashi, Martin, Schinzing, Swiatek, Whitt

ABSENT:

OTHERS PRESENT: Planning Consultant Ortega, City Attorney Vanerian, Council Member Woods, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

PC 08-01-26 APPROVAL OF THE JUNE 9, 2026 PLANNING COMMISSION MEETING MINUTES

Motion by Swiatek, seconded by Bashi, CARRIED UNANIMOUSLY: To approve the June 9, 2026 Planning Commission minutes.

AUDIENCE PARTICIPATION: None

COMMUNICATION: None

UNFINISHED BUSINESS:

1. C-377-26 Amendment to Chapter 51, Article 16 Planned Unit Development

Chairman Schinzing asked the commission if they have had time to review.

Commissioner Amin said there is intent, but she has issues with implementation. She said she went through the ordinance revisions and the issue, as she sees it, is the variance option allows applicants to slip through without a vote. She said if a plan approves a project with no identified variances, the variance must show hardships and show it separately. She said City Council also has ability to approve, nobody knows what the city council may waive. She said the purpose of these amendments is to fix loopholes. She explained combining the PUD and CPD ordinances into one new ordinance. She said then the city council can modify it up to 10 percent. She said

the master plan right now requires the developer to spend heavily creating full plans, traffic studies, etc. even before eligibility is determined. She said they have already spent money and time even before eligibility is determined. She said spot zoning is problematic. She said if coming in for a PUD and already zoned for PUD, does master plan say single family homes. She explained if yes, then the planning commission could say yes, waiving lot requirements, and density issues. She said if the applicant wants multi story apartments and the underlying is not zoned for this; we can be taken to court. She said we need to remove the inconsistencies. She said we already have the ordinances in place; there are already allowances but the language density is not clear; things need to be excluded so numbers and density cannot be manipulated. She said if the applicant can list every departure, the city council can modify how they feel.

Chairman Schinzing asked City Attorney Vanerian and City Planner Ortega if what Commissioner Amin said made sense.

City Attorney Vanerian explained regarding a variance, we have an administrative process already in place with city planner, fire, engineering, etc. to review plans to ensure they are complete with required data by city ordinances. He said there is a process in place before plans even come before the planning commission or city council. He explained the process already in place provides that if zoning necessities are not satisfied, in terms of information and requirements of submittals applicants must revise and resubmit.

Commissioner Swiatek asked if the current process requires applicants to spend a bunch of money on plans prior to official submittal.

Commissioner Amin explained the way the ordinance is written is wrong and she has no problem rewriting it.

City Planner Ortega explained the distinction between a standard site plan and a Planned Unit Development (PUD) or Conditional Planned Development (CPD). He explained that, with a standard site plan, the applicant is required to demonstrate full compliance with the City's current ordinances and development standards before the project is presented to the Planning Commission. In contrast, a PUD or CPD allows the applicant to specifically identify and request modifications to otherwise applicable standards. Mr. Ortega explained that the key purpose of the PUD/CPD process is to clearly identify the modifications being requested so that the Planning Commission and City Council are aware of the proposed deviations in advance. He explained that the requested modifications would be incorporated into the development agreement. For example, if the applicable district has a maximum height of 35 feet and the applicant is requesting a height of 43 feet, that modification would be specifically identified in the development agreement. Mr. Ortega explained that a PUD or CPD modification is not the same as a variance. A variance involves relief from a zoning requirement based upon specific physical or dimensional circumstances and is subject to the Zoning Board of Appeals (ZBA) process. He noted that PUDs and CPDs may restrict or eliminate the ability to seek a variance; however, an applicant may instead request a modification through the PUD or CPD process. He said he would like to have the agreements reviewed by the planning commission and as well Mr. Ortega said that PUDs are generally more restrictive than by-right development because

specific standards and conditions are established as part of the approval process. Planning staff make recommendations, with final approval resting with the City Council. He further explained that, for the right use, certain requirements, such as the quantity of required trees and other applicable standards, may be addressed administratively when the proposal complies with the ordinance.

Commissioner Swiatek clarified that the definition of modification does not include rezoning.

Mr. Ortega replied yes.

Chairman Schinzing asked how the 615 N Pontiac Trail PUD project got so far down the path if the applicant did not clear the hurdle.

City Planner Ortega explained that, as noted in his initial review letter, the proposed use was not consistent with the existing zoning designation or with the City's Master Plan. He explained that because the application had been formally submitted and received, it was required to undergo review. His initial recommendation was that the applicant address the zoning and Master Plan inconsistencies before proceeding. Mr. Ortega explained that the applicant was also requesting a modification to the permitted density that exceeded the applicable quantitative standard. He stated that he identified this issue in his review and questioned the need for the additional density modification, particularly because the current ordinance already allows for additional density under certain circumstances. Mr. Ortega explained to the commission, if they do not believe the existing ordinance provision is appropriate, the City could consider removing or revising that provision.

Commissioner Amin said things don't work. She said she has her own team of lawyers and she reviewed with them. She said the city treats the master plan as a suggestion. She said developers are still spending \$30-\$40,000 dollars before they can even be considered. She said overstepping and going being the authority is how the city operates right now with the city council having the option to override. She said we should not allow a PUD to go around the ordinances. She said they use a PUD to get what they want. She said the developer if they wanted to do it properly, there is nothing in place to do so. She said the way the ordinances are written; the developer does not have a clear path. She said the PUD asks for a modification not a variance. She is asking for a modification to the PUD, to be specific and anything else after would require a variance from the ZBA. She said the applicant must show hardship before the ZBA. She said this way the applicant has shown the hardship and was approved by the ZBA. She said our master plan is way over with apartments and commercial. She said we don't have enough residential. She asked if the PUD and CPD can be combined. She asked how many commercial spots the city does have left for development. She said there are ways to close loopholes, that is why the commission is here discussing them; it does not work. She said from her personal experience with developing things and when Mayor Gunther approached her to review this because this is messed up. She said it is really hard to distinguish between variance versus modification. She asked how much one board can review and can that board deny items.

City Attorney Vanerian addressed the provisions regarding modifications and deviations under the PUD ordinance. He explained that, under the applicable provision, City Council may approve or conditionally approve a requested modification or deviation only upon recommendation from the Planning Commission. Therefore, the Planning Commission must first make a recommendation regarding any requested modification or deviation before the matter can be considered for approval by City Council. Mr. Vanerian explained that the ordinance limits modifications and deviations to zoning standards or regulations that are expressly identified in the PUD ordinance as being subject to modification or deviation. He provided building height as an example. The ordinance requires buildings within a PUD to comply with the height requirements of the underlying zoning district; however, it expressly authorizes City Council, upon recommendation from the Planning Commission, to modify the building height requirement. Therefore, building height is a standard that may be modified through the PUD process. Mr. Vanerian explained parking and loading requirements require a PUD to comply with the parking and loading requirements contained in Article 19, but does not expressly authorize the Planning Commission or City Council to modify or deviate from those requirements. Accordingly, the PUD process does not provide the authority to grant a modification or deviation where the ordinance does not expressly permit one. Mr. Vanerian explained that the modification and deviation provisions are therefore not intended to create an unrestricted process for applicants to obtain relief from zoning requirements. The requested modification or deviation must first be expressly authorized by the PUD ordinance. He explained that the applicant may provide corresponding improvements that enhance the quality of the development, including improvements to aesthetics, architectural features, utilities, infrastructure, facilities, or roads, beyond the quality or extent of improvements that would otherwise be obtained through conventional zoning review and approval. Mr. Vanerian explained that the provisions require the applicant to provide something of corresponding value in exchange for the requested modification or deviation. He acknowledged that the Planning Commission and City Council retain discretion in determining whether the proposed improvements are sufficient to justify the requested modification. Mr. Vanerian further explained that if the PUD ordinance does not expressly authorize a particular modification or deviation, the applicant would need to pursue a variance through the Zoning Board of Appeals (ZBA) and satisfy the applicable stringent standards for obtaining a variance under conventional zoning. Mr. Vanerian agreed with Planner Ortega that involving the ZBA in the PUD process is somewhat unusual. He explained that, historically, the City's PUD ordinance expressly excluded the ZBA from involvement in the PUD process, which he noted is typical in many communities. However, the ordinance was subsequently revised to include ZBA involvement based upon direction from City Council.

Chairman Schinzing asked City Planner Ortega about the possibility of combining the current CPD and PUD ordinances into one.

Commissioner Amin said making the process more efficient, simplifying the process, not fall into spot zoning. She said if it is not already zoned or in master plan, it stops right there.

City Planner Ortega asked Commissioner Amin what her definition of spot zoning was.

Commissioner Amin responded that the state has a description.

City Planner Ortega explained the concept of spot zoning and its distinction from the PUD process. He stated that spot zoning is a consideration for the Planning Commission when an applicant requests that a property's zoning district be changed from its existing classification to a different zoning district that is inconsistent with the City's Master Plan. Mr. Ortega explained that if the Planning Commission recommended such a rezoning and City Council subsequently approved the change, the action could constitute spot zoning. He emphasized that this involves an actual change to the property's zoning district. Mr. Ortega clarified that the PUD process is different because the underlying zoning designation remains unchanged. Instead, the PUD functions as an overlay or development mechanism applied to the existing zoning, allowing certain standards to be modified where expressly authorized by the ordinance. Accordingly, he stated that the PUD process itself does not constitute spot zoning. Mr. Ortega explained that even in communities where a PUD is established as a separate zoning district, the process is generally not considered spot zoning because the Planning and Zoning Enabling Acts specifically authorize PUDs and allow for modifications to otherwise applicable zoning standards. Mr. Ortega emphasized that avoiding spot zoning is important and the city has historically not engaged in spot zoning.

Commissioner Amin explained she is not saying that we've done it before. She said what she is saying is what we want to do or ideally if it's not zoned have a process so that we can follow it without getting into trouble. She explained if we can make that the first step, it would make it a lot simpler and more cost effective for the developers.

Planner Ortega said at the administrative level, we do our job to ensure review of plans before plans ever get to the Planning Commission. He said he agrees on ways to streamline existing language and remove contradictions, combining them is not a problem.

Commissioner Amin said she does not know what the master plan says. She said maybe we can authorize a study to be done, to make sure everything matches. She said we need to clean up the contradictions.

Commissioner Swiatek said Ms. Amin has ideas some we understand some are over our heads and suggested having Commissioner Amin redline the changes and provide to the commission.

Planner Ortega said it would make it quicker if Commissioner Amin could point out the inconsistencies she found and City Attorney Vanerian and he can revise to present to the commission.

Commissioner Amin said if she has to go through seeking every inconsistency, it is a lot. She said she has lawyers on retainer, and she would have them review. She said the redlined document provided by City Attorney Vanerian and Planner Ortega does address items she found. Commissioner Amin said all modifications should go through the ZBA.

Planner Ortega explained that a variance is not intended to provide an opportunity for an applicant to simply avoid or circumvent an applicable zoning requirement. He stated that there must be a unique physical characteristic or condition of the property that creates a practical difficulty or hardship preventing the property from complying with the applicable standards. Mr. Ortega emphasized that the variance criteria are intentionally stringent and require a compelling, site-specific circumstance. He noted that the hardship must not be self-created and that the applicant must satisfy the other applicable statutory and ordinance requirements for granting a variance.

Commissioner Amin said we should have quantifiable measures and not open-ended sky's the limit. She said we need to put something together to present something to City Council. She said after being presented to City Council, they may have items to add, and it will come back to Planning Commission. She said we cannot nitpick we need to move forward.

Planner Ortega stated that it is the Planning Commission's role to engage in difficult discussions regarding appropriate development standards and to determine the numbers and limitations it believes are appropriate. He noted that the majority of the Commission should work toward establishing consensus on the standards it would recommend. Mr. Ortega suggested that the Commission consider identifying specific provisions for modification. He stated that the 10% limitation could remain in place and that the Commission could determine whether it is appropriate to retain modification authority for specific standards, such as building height. He recommended removing provisions that are overly broad or subjective and that do not establish a sufficiently quantifiable or measurable limitation on the requested modification.

Commissioner Amin said she will create a clean version, clear out the conflicting things, she already spoke to Mayor Gunther, and this will be a good starting point.

City Manager Whitt stated that, in his opinion, decisions made by the city in the past were legally permissible, even if some of those decisions may not have been well received. He emphasized that the City's ordinances are legal and that the City has not relied upon loopholes in administering the PUD and CPD provisions. Mr. Whitt stated that the PUD and CPD processes are established within the City's ordinances and indicated that, if the provisions can be simplified and made clearer for the public, he would support doing so. He also stated that regard should be given to the City Council with respect to its role in making final decisions. Mr. Whitt said that the Planning Commission has additional work to undertake regarding the City's Master Plan. He explained that the Master Plan serves as a policy document and stated that the next step should be to begin the process of updating and rehabilitating the Master Plan to ensure that it remains current and consistent with applicable law. He said the old school property does have a zoning concern as the underlying zoning and what the development may ultimately be permitted.

Commissioner Swiatek stated that he agreed with City Manager Whitt's comments regarding development and the need to consider the broader interests of the community. He explained that developers may primarily evaluate projects based on their potential profitability rather than what they can contribute to the city and its residents. Commissioner Swiatek explained that development places additional demands on City resources. He said from a resident's perspective,

there are limited opportunities for developers to construct affordable single-family housing, noting that new homes of approximately 1,500 square feet are not commonly being built while larger-scale apartment developments continue to be proposed.

PC 08-02-26 MOTION TO COMBINE THE CURRENT PUD AND CPD ORDINANCES TO CREATE A NEW PD ORDINANCE AS WELL AS UPDATING THE USE MODIFICATIONS, KEEPING THE QUANTIFIABLE MODIFICATIONS AND ELIMINATING ANY THAT ARE TOO OPEN FOR INTERPRETATION

Motion by Schinzing, seconded by Martin, CARRIED UNANIMOUSLY: To combine the current PUD and CPD ordinances to create a new PD ordinance as well as updating the use modifications, keeping the quantifiable modifications and eliminating any that are too open for interpretation.

Roll Call Vote

AYES: (6) Amin, Swiatek, Whitt, Bashi, Martin, Schinzing
NAYS: (0)
ABSENT: (0)
ABSTENTIONS: (0)

PC 08-03-26 PRE APPLICATION PROCESS BEFORE GOING INTO THE OFFICIAL APPLICATION PROCESS

Motion by Amin, seconded by Bashi, CARRIED UNANIMOUSLY: To create a pre applications process before going into the official application process.

Roll Call Vote

AYES: (6) Swiatek, Whitt, Bashi, Martin, Amin, Schinzing
NAYS: (0)
ABSENT: (0)
ABSTENTIONS: (0)

2. C-378-26 Amendment to Chapter 51, Article 30 Commercial Planned Unit Development

Discussed earlier in meeting, see motion PC 08-02-26.

3. Commercial Design Standards

Chairman Schinzing suggested to table for next meeting, commission agreed.

4. Educational Opportunities

Planner Ortega said it is important for the commission to pursue the training, these opportunities will help the commission.

Discussion was held on potential meeting dates.

Chairman Schinzing asked for Mr. Ortega to provide a report of developers or individuals he meets with so the commission understands what may be forthcoming.

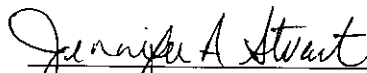
DISCUSSION: None

COMMISSIONERS' COMMENTS:

City Manager Whitt said the rumors that the Tiki Bar was selling. He said there is truth to the rumor, we will know when we receive the property transfer affidavit. He said the Auora group, who also owns Prime 29, Detroit Prime and Auora on the Lake, may have an interest in this property. He said if that occurs, downtown will change dramatically.

PC 08-04-26 ADJOURNMENT

Motion by Bashi, seconded by Amin, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:31 PM



Jennifer A. Stuart
City Clerk



Russ Schinzing
Chairman