



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, MAY 8, 2018**

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

ROLL CALL: Novak, Owsinek, Palmer, Whitt, Wolfson

ABSENT: Hecht, Maurer

OTHERS PRESENT: Consultant Planner Deem, City Attorney Vanerian, Recording Secretary Pesta

**PC 05-01-18 MOTION TO EXCUSE CHAIRMAN MAURER AND VICE
CHAIRMAN HECHT FROM TONIGHT'S MEETING**

Motion by Owsinek, seconded by Novak, CARRIED UNANIMOUSLY: To excuse Chairman Maurer and Vice Chairman Hecht from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 05-02-18 APPROVAL OF THE APRIL 10, 2018 PLANNING COMMISSION
MEETING MINUTES**

Motion by Novak, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the April 10, 2018 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION: None

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

Planning Commission Case 266 – 416/430 Nicolet Lot Split

Open Public Hearing 7:32 p.m.

- 416/430 Nicolet – Lot Split

Audience Participation: None

Planning Consultant Mike Deem said the applicant applied to have a lot split for 416 and 430 Nicolet and it is currently a church. Mr. Deem said the property is zoned R1-B and the minimum lot size 9,600 square feet and the resulting split would result two half acre parcels. Mr. Deem said the applicant meets the lots size and setback requirements. Mr. Deem said two things need to be addressed one: separate utilities for house and for the church and second the applicant needs to supply parking requirements for the house. Mr. Deem said now that there is a residence going in the applicant would have to show how they are in compliance and add a driveway and the two spaces that are required. Mr. Deem said if the applicant meets these two items he recommends approval.

Mr. Martell said it currently has a gravel driveway that is overgrown with grass and he said he would put in the concrete driveway and he would put the separate water utility in.

PC 05-03-18 MOTION TO CLOSE PUBLIC HEARING

Motion by Whitt, seconded by Novak, UNANIMOUSLY CARRIED: To close public hearing.

Closed Public Hearing 7:35 p.m.

Discussion:

Commissioner Palmer asked if what the applicant submitted is sufficient and Planning Consultant Deem said yes.

PC 05-04-18 MOTION TO RECOMMEND APPROVAL FOR PLANNING COMMISSION CASE 266 FOR LOT SPLIT AND AT 416 & 430 NICOLET AND SEND TO CITY COUNCIL FOR FINAL APPROVAL & ADDRESS COMMENTS BY CITY PLANNER

Motion by Palmer, seconded by Owsinek, UNANIMOUSLY CARRIED: To recommend approval for planning commission case 266 for lot split at 416 & 430 Nicolet and send to City Council for final approval & address comments by city planner.

2. Public Hearing

Planning Commission Case 265 – Rezone

Open Public Hearing: 7:36 p.m.

- Vacant Lots by Mercer Beach – Rezone

Planning Consultant Deem said the next case is about the vacant lots across from Mercer Beach. Mr. Deem said the property is currently zoned C-3, which is the downtown zoning district and there is a conditional zoning application to rezone that to R1-B. Mr. Deem said the applicant is seeking part of those conditions are to allow lots size minimum less than 9,600 square that would be allowed in the R1-B for relief on the setbacks for a corner lots. Mr. Deem said corner lots have a setback requirement of 30 feet from each street and the applicant is asking to reduce that requirement to 20 feet. Mr. Deem explained rezoning looks at the Master Plan, land use development in the area, and zoning ordinance in the area. Mr. Deem said the Master Plan shows the area is identified as historic lakefront and it is intended as a dense walkable downtown. Mr. Deem explained the uses allowed are commercial and residential, the Master Plan describes residential in conjunction with commercial use. Mr. Deem said this is not what the request is because the applicant is seeking R1-B. Mr. Deem said the Master Plan explains the residential is supposed to be on the second level in the C-3 district. Mr. Deem explained the property to the east is zoned R1-B and the development there is a single-family home. Mr. Deem explained the uses allowed in the C-3 taverns, bars, office, or retail on the first floor. Mr. Deem said uses for R1-B single-family residential, clubs, or libraries. Mr. Deem said the application states adding the additional lots will help promote walkability. Is this use consistent with the Master Plan?

Audience Participation:

Dan Martin said he has a commercial building at 239 E. Walled Lake Drive and it is the property West of the vacant lots. Mr. Martin said he is in opposition to the applicant because he believes the Master Plan states it is one of the biggest assets in Walled Lake and it is intended as a business district. Mr. Martin said if a third of the business district is taken away it would impact the area greatly. Mr. Martin said residential being so close to a commercial district, the residential would not be able to have quiet enjoyment because businesses are trying to conduct business. Mr. Martin sees it as a problem and then contacting the city and police it is too much noise and litter because two districts fighting each other with no buffer zone. Mr. Martin explained he is for having residential in that zone but the residential should be on the second to develop the downtown area and make it a walkable community.

Mital Amin - 415 E Walled Lake drive – said one of her problems is when she bought her property she was expected to meet the setbacks. Ms. Amin said she has a problem with the applicant reducing the setback requirements and putting in smaller homes because it would bring down property values. Ms. Amin said another problem is an applicant can buy a commercial lot cheaper than residential lots. Ms. Amin said she wants to keep it a downtown.

PC 05-05-18 MOTION TO CLOSE PUBLIC HEARING

Motion by Hecht, seconded by Palmer, UNANIMOUSLY CARRIED: To open public hearing.

Closed Public Hearing: 7:45 p.m.

Discussion:

Danny Veri – the applicant for the potential rezone said he is with Livonia Builders and land developer for 30 years. He said he has built mixed use before and it was not easy to get rid of residential. Mr. Veri said there is a 15% to 20% vacancies, not only in the building next door but throughout the commercial area around the lake. Mr. Veri said adding more is not a solution to bring more people to the City. Mr. Veri said he is not building 1,600 square foot homes, they will be custom homes. Mr. Veri said one home is like a Nantucket type. Mr. Veri said he is proposing to build four homes and the three on the lake will be more expensive.

Commissioner Wolfson asked if there is a recommendation from consulting planner Deem.

Consulting Planner Deem said the proposed rezoning to residential is not a top use the Master Plan calls for. Mr. Deem there are options for public use and the commission should factor in the market and do homes fit in the downtown. Mr. Deem said the planning commission would make a recommendation to city council.

Commissioner Owsinek opined that four homes on the subject property will have less of an impact on the city's infrastructure.

**PC 5-06-18 MOTION TO RECOMMEND APPROVAL FOR PLANNING
COMMISSION CASE 265 FOR REZONE VACANT LOTS
ACROSS FROM MERCER BEACH FROM C-3 TO R1-B AND
SEND TO CITY COUNCIL FOR FINAL APPROVAL**

Motion by Owsinek, seconded by Novak, MOTION CARRIED: To recommend approval for planning commission case 265 for rezone of vacant lots across from Mercer Beach from C-3 to R1-B and send to city council for final approval.

Roll Call Vote

Yes (4)	Novak, Owsinek, Palmer, Wolfson
No (1)	Whitt
Absent (2)	Hecht, Maurer
Abstain (0)	

(4-1) MOTION CARRIED

**3. Public Hearing
1272 E. West Rd – Rezone**

Open: 7:53 p.m.

Planning Consultant Deem said the property is zoned RM-1 multi-family residential and the applicant wants to rezone it to C-2. Mr. Deem said the applicant has stated he wants to use the property for provisioning center. Mr. Deem said the commission is strictly reviewing the application for rezoning only. Mr. Deem stated this is not for approval of a specific use. Mr.

Deem said the planning commission is approving a change in zoning. Mr. Deem said the property is zoned for residential but it has not been used for residential. Mr. Deem said the site received a use variance from zoning board of appeals and one of the recommendation during that meeting was to rezone the property to a C-2 but to a schedule problem the rezoning process was too long. Mr. Deem said the Master Plan does not show the property as commercial. Mr. Deem said the property to the West is commercial and across the street is City Hall. Mr. Deem said multiple family is behind the property. Mr. Deem said the historical use of the property and what is adjacent is consistent with the Master Plan. Mr. Deem recommended approval of the rezoning request.

Audience Participation:

Dewain Diacono the applicant said he would like to rezone RM-1 to C-2. Mr. Diacono said out of the guidelines it is a wash from being a RM-1. Mr. Diacono said he would remodel the property and the property is currently surrounded by C-2.

PC 05-07-18 MOTION TO CLOSE PUBLIC HEARING

Motion by Palmer, seconded by Owsinek, UNANIMOUSLY CARRIED: To open public hearing.

Closed public hearing: 8:00 p.m.

Discussion:

Commissioner Palmer clarified this is only for rezone and the use will be another process.

Consulting Planner Deem said yes.

Commissioner Wolfson asked what O-1 stands for?

Planning Consultant Deem said Office and CS is community service and that is for City Hall.

Commissioner Whitt explained the vote is for only rezoning and the record should show that there is no license that has been approved. Mr. Whitt explained this is not contingent upon any future use by licensing by the state or anybody else. Mr. Whitt further explained the consistency of rezoning is appropriate for other reasons.

**PC 05-08-18 MOTION TO RECOMMEND APPROVAL FOR PLANNING
COMMISSION CASE 267 FOR REZONE ONLY FOR 1272 E.
WEST MAPLE ROAD FROM RM-1 TO C-2 WITH NO
APPROVAL ON ANY PENDING LICENSE THAT HAS BEEN
APPLIED FOR ON THAT PROPERTY**

Motion by Whitt, seconded by Palmer, UNANIMOUSLY CARRIED: To motion to recommend approval for Planning Commission Case 267 for rezone only for 1272 E.

West Maple Road from RM-1 to C-2 with no approval on any pending license that has been applied for on that property.

4. Discussion – Decker Road PUD Concept

Consulting Planner Deem said a revised plan was submitted and there has been a reduction in number of homes and an increase in the storm water management. Mr. Deem said now it is a retention pond from detention. Mr. Deem said the applicant revised the open space.

Commissioner Whitt explained that he had spoken with some people in the Decker Road area. Mr. Whitt said the applicant has gone from 44 to 36 homes. Mr. Whitt explained that all the city administration was provided was one sheet with the proposed changes. Mr. Whitt explained that the newest proposal is to enter off of Decker Road and he further stated that it sounds as if one of the big issues with a few of the residents is the water retention issue.

Steve Schafer the developer said he was at the planning commission four months for a public hearing. Mr. Schafer said there was a lot of concerns that he listened and has adjusted to overcome some of those challenges. Mr. Schafer said he looked at the condos at the end of Leon and saw the drainage issues that the residents brought up. Mr. Schafer said he does not want to be a part of the problem, he wants to try resolve the problem. Mr. Schafer said the intention is to not exasperate a problem that is already existing. Mr. Schafer said he had his traffic engineer look at the streets. Mr. Schafer said he adjusted the open space; it consists of five separate properties and there are three homes that would be removed. Mr. Schafer said he would redesign the basin and reduce some of the density and make the basin larger to pick up 12 acres of his storm water runoff and put in a retention basin where he holds all his own storm water. He designed this two back to back 100-year storms and added 25% capacity as a safety factor additionally on this basin. Mr. Schafer said this improvement would hold the water there and withhold the sheet fall from running to the lake. Mr. Schafer said this will be a better situation and capture all the run off. Mr. Schafer said he look at doing a vortex chamber to do additional cleanout before water would get to the lake. Mr. Schafer said he removed the road from Leon and reduced the number of homes from 44 to 36 homes with a larger footprint. Mr. Schafer he will have to tree survey and do the required tree replacement. Mr. Schafer explained he heard the residents say they would like to see houses along Leon and he is open to constructing two new homes that would be separate from the development and the homes would be custom. Mr. Schafer said he is also open to putting in a play structure in the open space for Leon residents.

Commissioner Wolfson asked about fire entrance.

Steve Schafer said there would be bollards or a knock box. Mr. Schafer said it is 20 feet now but can go down to 12 feet, it is a simple path. Mr. Schafer said it is adequate for fire safety and it is not a road for vehicles.

Commissioner Wolfson asked about the water issue in the area?

Steve Schafer said he will work with his engineers and work with Boss Engineering.

**PC 05-09-18 MOTION TO ALLOW THE PUBLIC TO SPEAK ON THE
DECKER ROAD PROPOSAL**

Motion by Whitt, seconded by Novak, UNANIMOUSLY CARRIED: To allow the public to speak on the Decker Road Proposal.

Randy Champe – 1275 Leon - said Mr. Whitt had not talked to him and Mr. Whitt acknowledged he had not spoken with Mr. Champe personally. Randy Champe said he did not get a notice and did not get a call to let him know about the meeting and that it is unfair. Commissioner Whitt explained to Mr. Champ he must have gotten notice because he was in attendance at this meeting. Mr. Whitt clarified that meeting is an update on information for the group and the Planning Commission is not going to vote on the proposal tonight. Randy Champe opined that he should be involved in the process. Mr. Whitt explained that the newest proposal was put on the agenda for discussion only and that Mr. Champe is in attendance here and has been allowed to speak on the proposal.

Mr. Champe said in building homes if you need to create a retention pond and special drainage it means you are building too much. Mr. Champe said if you have to create retention pond to direct things he thinks it is too much. Mr. Champe said the lots are not to be vacated on Leon. Mr. Champe said everything bigger is not better.

Scott Toth - 455 Sparks - said he talked to people with the drainage issue. Mr. Toth said he did not know of the meeting and that Mr. Shafer did not meet with him. Mr. Toth said there are concerns about lake access. Mr. Toth questioned if garbage trucks will have to back into the subdivision and would a school bus and garbage truck meet the radius? Steve Shafer said yes.

Scott Toth said Decker Road is a disaster. Mr. Toth what happens when Mr. Shafer 36-wheel axle truck come in when the project begins? Mr. Toth asked would he have to pay that bill? Mr. Toth have seen these developments before and the trucks are terrible. Mr. Toth said he appreciates that there are less homes but the homes on Leon are ridiculous.

Angela Wattle - 1344 Leon – said it would be nice to have custom-built homes on Leon and it is better than a park or open space. Ms. Wattle said she would rather have the custom homes but has concern of lake access.

John Henehan – 1545 Leon – explained that he did get a call and he did speak with Mr. Whitt on Friday about the discussion on the newest proposal. Mr. Henehan said a vote should not happen tonight. Commissioner Whitt agreed and said there would not be a vote on the proposal tonight but explained that the discussion on the newest proposal has to start somewhere. Mr. Whitt said he would consider hosting a meeting for Leon residents if it would be useful but if it were to be contentious there would be no point to the meeting.

John Henehan explained that he did received a phone call from Mr. Whitt and the he also received a letter from Mr. Schafer back in February.

Commissioner Whitt said the city just received the newest proposal and chose not to wait until the next meeting to have the discussion. Mr. Whitt explained that he asked Mr. Henehan to bring as many people as possible to have discussion on the new proposal. Mr. Whitt explained that the city administration will send out another public notice of a meeting to discuss the newest proposal.

John Henehan said at the February meeting a traffic study on Leon was discussed as well as water retention. Mr. Henehan said he has not seen a traffic study and thought the developer would include that information. Mr. Henehan said he does not know how zoning works but they are going to a quarter acre from one.

Commissioner Wolfson said because it was a new plan it is the commission's responsibility to listen and get the discussion started and to get comments from the residents. Mr. Wolfson said the next meeting, there will be more information provided.

Michelle Henehan - 1545 Leon - asked if the condos by Target and Catholic Central are Mr. Schafer development? Mr. Schafer said yes. Ms. Henehan said she is not impressed with the condos, the condos are square and two-toned and look like Lincoln logs.

Steve Schafer said there are two developments in Novi and Northville.

Mary Qualls - 717 Leon - said she has 1.5 acres and it butts up to the vacant property that is being proposed to be developed. Ms. Qualls said she read the Master Plan and it says the developer needs DNR approval. Ms. Qualls said there are deer and turkey and make sure nothing is endangered. Ms. Qualls said the traffic study should include a pedestrian study. Ms. Qualls said Leon is used as a short cut and there are joggers and children and it is a matter of public safety.

Mr. Schafer said he went out and walked the entire property. Mr. Schafer said he did not discover any regulated wetlands. Mr. Schafer explained when developing multiple homes, detention or retention is required by the county. Mr. Schafer said there is no issue within the master deed giving up any lake rights he has for docks. Mr. Schafer said there would be no claims to let people have boats or dock rights. Mr. Schafer stated he sent out 40 letters and only got 2 responses. Mr. Schafer would welcome a discussion at the City and bring some of his consultants and thinks it would be productive. Mr. Schafer said he submitted the traffic study with the requested issues and responded to Boss Engineering concerns. Mr. Schafer said he is planning on putting sidewalks in the proposed subdivision.

Commissioner Whitt explained that more information from the developer is needed and having a meeting with a one sheet proposal would not be productive. Steve Schafer said he would bring a traffic engineer to talk about the traffic study. Mr. Schafer said this is conceptual design and then it has to go to City Council and then a full site plan review will go back before the planning commission.

Commissioner Palmer suggested the developer show what the water flow is currently and compare. Mr. Palmer said this could improve the area and alleviate some of the issues.

Hailey Henehan – 1545 Leon – said she Googled what a retention pond is, and it is going to be a mosquito pit. Ms. Henehan asked how to prevent people from dumping in the pond? Ms. Henehan said East Bay’s area is maintained but there are tires and it is disgusting.

Steve Schafer said there is a landscape contract that maintains the lawns and the pond.

Sylvia Toth - 455 Sparks Lane - said East Bay does not maintain their property. Ms. Toth said the property in Novi all the open space is a trash dump. Ms. Toth said the traffic study is a problem and cannot wait to review it. Ms. Toth asked if Mr. Schafer took the metrics for the 100-year storm before or after Winwood.

Mr. Schafer explained there is no metrics involved and it is based on a calculation on the land mass.

Sylvia Toth said before Winwood was built there were trees that absorbed water. Mr. Schafer said the property owners have a right to develop their property. Ms. Toth said she is protecting her rights and has gone through a lot of problems with East Bay. Ms. Toth said her house is in water. Ms. Toth said the original plan showed detention and now it is retention.

Mr. Schafer said it was changed because he went out to the property and discovered that a detention would not be the best solution. Mr. Schafer said he wants to help and remedy the situation. Mr. Schafer said this is an improvement for the residents.

Commissioner Wolfson said this is preliminary and required to listen to the developer and appreciate the residents comments.

Kenneth Studt – 1634 Leon- asked what happens when people from Decker Road turn right onto Leon?

Chris Tamer – 435 Decker – said the traffic issue on Leon is serious and has been passed by automobiles and is unacceptable.

Richard Wattle – 1344 Leon Road – said Leon Road is a problem because people will take Leon to go to Wixom or Milford and there will always be traffic on Leon.

Commissioner Whitt said he met with representatives from Dover Hill and Wimbledon. Mr. Whitt said the developer made a lot of promises to the residents. Mr. Whitt said he would set a meeting with the developer before the case is brought back to the commission. Mr. Whitt said he would run a developer agreement by the city attorney. Mr. Whitt said Dover Hill is reasonable and has a right to be concerned and believes something can be worked out and moving in the right direction.

Lynne Levenbach - 1426 Dover Hill - said last month the question was a special land use for outdoor storage. Ms. Levenbach said the concern is with the special use of boats and recreational vehicles and would they be parked on the gas lines. Ms. Levenbach said the residents were

concerned with the wall and asked for it to be built taller and sensors on the lights, so the lights won't shine in the residents windows and the developer said he would meet those requests.

Commissioner Whitt explained that he will get something in writing first before bringing it back before the planning commission. Mr. Whitt explained that a developer agreement should protect the residents and the city's interest.

Ms. Levenbach said thank you and appreciates Mr. Whitt taking the time to meet with her and the residents and understanding their concerns.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report – April

PC 05-10-18 TO RECEIVE AND FILE THE MONTHLY CODE ENFORCEMENT REPORT

Motion by Whitt, seconded by Owsinek, UNANIMOUSLY CARRIED: To receive and file the monthly code enforcement report.

COMMISSIONERS COMMENTS:

PC 05-11-18 ADJOURNMENT

Motion by Novak, seconded by Palmer, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:09 p.m.



Chelsea Pesta
Recording Secretary



Neal Wolfson
Commissioner