



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, JULY 11, 2023**

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

Pledge of Allegiance led by Chairman Wolfson

ROLL CALL: O'Rourke, Owsinek, Whitt, Wolfson, Robertson

ABSENT: Robertson

OTHERS PRESENT: Assistant City Manager Jaquays, Planning Consultant Ortega, City Attorney Vanerian, City Clerk Stuart, Council Member Woods, Council Member Ambrose

**PC 06-01-23 MOTION TO EXCUSE PLANNING COMMISSIONER
ROBERTSON**

Motion by ORourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Planning Commissioner Robertson

REQUESTS FOR AGENDA CHANGES:

APPROVAL OF MINUTES:

**PC 06-02-23 APPROVAL OF THE APRIL 11, 2023 PLANNING COMMISSION
MEETING MINUTES**

Motion by ORourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve the April 11, 2023 Planning Commission minutes

AUDIENCE PARTICIPATION: NONE

COMMUNICATION: NONE

PUBLIC HEARING:

- 1. PC CASE 304 – 800 N Pontiac Trail - Site Plan and Special Land Use
Applicant: Black River Bells LLC**

Excel Engineer and Black River Bells LLC Representative Ben Marschall introduced the case. Mr. Marschall said there are two existing entrances off of North Pontiac Trail, Excel Engineering is proposing to close off the southern most entrance. Mr. Marschall said in regards to stacking concerns, the entrance was designed to reduce overflow from the drive-through on Pontiac Trail. Mr. Marschall noted there is an electrical easement that puts some restrictions on the site design. Mr. Marschall said there is a storm water detention pond on the east side of the site.

Chairman Wolfson asked about their plan for emergency vehicles and delivery vehicles.

Mr. Marschall said Taco Bell's intent is to use box truck for delivery instead of the truck-trailer vehicles to accommodate the tighter spaces. Mr. Marschall said for emergency vehicles, the space may be tight however that will need to be determined after running the dimensions through their software.

Mr. Wolfson said the review letters state concerns about site circulation for emergency vehicles and dumpster removal. Mr. Wolfson said revisions will be necessary to ensure effective access.

Planning Consultant Ortega gave a brief description of the site characteristics and the proposed plans for the site. Mr. Ortega said from the information the City has received, the applicant is the current owner of the existing Taco Bell; they are proposing to demolish the current building and relocate their business to a newly constructed drive-through building. Mr. Ortega said there are two characteristics that are reviewed for special land use- compatibility and location. Mr. Ortega described the compatibility with adjacent properties. Mr. Ortega said the proposed on-site circulation pattern results in some questionable traffic movement. Mr. Ortega said the applicant has not demonstrated that emergency vehicles and truck-trailer delivery vehicles or trash hauling vehicles can effectively travel in and out of the site. Mr. Ortega described the location and that it meets the location requirements.

Planning Commissioner Owsinek said he has concerns with the traffic interference coming off of North Pontiac Trail. Mr. Owsinek noted the different nearby properties that may cause interference. Mr. Owsinek emphasized public safety.

Planning Commissioner O'Rourke listed various high-volume businesses located nearby and noted how they could potentially create traffic interference. Mr. O'Rourke said he has concerns with emergency vehicles and their ability to access the site. Mr. O'Rourke also questioned if the proposed parking lot can accommodate the amount of customers.

Mr. Ortega said a traffic impact study was completed and reviewed by the City Engineer. Mr. Ortega noted in the Engineer's review letter that they suggested a deceleration lane. Mr. Ortega emphasized the concern with site circulation. Mr. Ortega said at a minimum, a revised plan is needed showing how emergency vehicles and delivery trucks will maneuver on-site.

Mr. Owsinek asked if the applicant has documentation of all the recorded easements for the property? Mr. Owsienk said he would like to review those easements to know who does and who does not have access to the property.

Open Public Hearing 7:45 PM

Close Public Hearing 7:46 PM

**PC 06-02-23 MOTION TO TABLE PC CASE 304, 800 N. PONTIAC TRAIL FOR
SITE PLAN AND SPECIAL LAND USE**

Motion by Owsinek, seconded by Whitt, CARRIED UNANIMOUSLY: To table PC Case 304, 800 N. Pontiac Trail for Site Plan and Special Land Use

Discussion

Commissioner Whitt said there is a concern for blocking off access to existing businesses. Mr. Whitt said for the businesses that are next to the site, they need access for their traffic flow and garbage pick-up; easements need to be recorded so their traffic flow is not interrupted.

Roll Call Vote

AYES: (4)	O'Rourke, Whitt, Wolfson, Owsinek
NAYS: (0)	
ABSENT: (1)	Robertson
ABSTENTIONS: (0)	

**2. PC CASE 305 – Decker Road & EW Maple, Vacant Lot – Site Plan and Special
Land Use
Applicant: Kum n Go**

Mr. Ortega described the site characteristics and the proposed development for a Kum n Go gas station including 6 fuel-pump islands and a 3,968 square foot convenience store with food service located on the northern portion of the site with the southern half of the property remaining undeveloped. Mr. Ortega said gas stations are considered automobile service stations and require special land use approval in the C2 district. Mr. Ortega described the surrounding sites and their zoning districts. Mr. Ortega described the compatibility and location of the proposed development. Mr. Ortega said for gas stations, all buildings, awnings, and air stations are required to be setback 35ft from the setback measurement line and noted an air machine that will need be relocated. Mr. Ortega said there should be a minimum 10ft landscape setback from the side and rear lot lines, the landscape plan does not show any proposed landscaping and requested a revised landscaping plan be submitted showing the 10ft screening area. Mr. Ortega said the site is generally in compliance and recommended that any special land use approval be contingent on addressing the outstanding issues noted in the site plan review.

Applicant Dave Lemons with Kum & Go said he is here representing Kum & Go. Mr. Lemons said Kum & Go is expanding into Michigan and is based in Iowa. Mr. Lemons presented a slideshow with information on the company, their business model, and the proposed development.

Eric Lord with Atwell Engineering presented the site location, proposed site layout, building elevations, and the traffic impact study. Mr. Lord said the proposed development will cover approximately 2 acres of the 5 acres site, with the southern half of the property being undeveloped. Mr. Lord said they are proposing to include a pedestrian sidewalk to access Decker Road and two driveway locations. Mr. Lord said the intersection corner is open for design recommendations to create an appealing feature as this site is a gateway into the community. Mr. Lord said they are proposing benches, pavement area, landscaping, and walls to enhance the corner element. Mr. Lord shared the floor plan. Mr. Lord shared the building elevations. Mr. Lord said a traffic study was completed and the results of the study indicated a deceleration lane on EW Maple.

Commissioner O'Rourke asked about packaged alcohol sales?

Mr. Lemon clarified that it would be wine and beer sales, not liquor.

Open Public Hearing 8:12 PM

Jane Victor, 740 Woods Court – Ms. Victor identified herself as the Treasurer of the Tamarack Woods Court Association. Ms. Victor said there is a creek that goes through the back of their neighborhood that she is concerned about, specifically gas leaks and garbage. Ms. Victor opined that she does not want the proposed gas station and listed various businesses similar to K&G in the area. Ms. Victor described the traffic on Maple Road. Ms. Victor opined this is not what she wants.

Jannette DeCourcy, 773 Woods Court – Ms. DeCourcy identified herself as the Vice President of the Tamarack Woods Court Association. Ms. DeCourcy said according to the bylaws of their association, they pay insurance for the surrounding area of their neighborhood. Ms. DeCourcy said she is liable for keeping that creek clear. Ms. DeCourcy asked what liabilities would K&G take on if a leak occurred? Ms. DeCourcy asked about the noises and smells from K&G? Ms. DeCourcy described the traffic on Maple Road and said she experiences problems with entering and exiting the subdivision.

Marilyn Amberger, 704 Woods Court – Ms. Amberger said she is on the end of the cul-de-sac. Ms. Amberger said all the trees will be taken away and a big cement gas station will replace it. Ms. Amberger described the various businesses at the intersection and opined that the proposed business would not be inviting to the community to include another gas station. Ms. Amberger said she is concerned with public safety. Ms. Amberger said she is also concerned with the traffic on Maple Road. Ms. Amberger questioned how it would affect her property values.

Linda Wisckol, 839 Woods Court – Ms. Wisckol said she is against the proposed gas station.

William Victor, 740 Woods Court – Mr. Victor said his backyard is filled with woods. Mr. Victor said when they put in the gas station, it will be lights from the gas station.

Tom Valliere, 1412 Oak Grove Drive – Mr. Valliere said he is against the proposed gas station. Mr. Valliere said there are many gas stations in Walled Lake. Mr. Valliere opined that the intersection is already a mess.

Pat Valliere, 1412 Oak Grove Drive – Ms. Valliere said she is concerned about the environment and the effects the proposed gas station may have on the Greenaway Drain. Ms. Valliere questioned what tanks will be put in and how will K&G make sure there are no leaks.

John Copland, 1418 Oak Grove Drive – Mr. Copland emphasized public safety and the environmental concerns that were raised during the meeting. Mr. Copland opined that the City does not need it.

Tyler Davis, 720 Woods Court – Mr. Davis said he recently purchased the property and noted the heavily wooded area that offers seclusion. Mr. Davis said it is dangerous.

Leigh Emmett, 120 Glenwood Drive – Ms. Emmett opined that Tamarack Woods is a gem of the community and questioned why a gas station would be put there?

Close Public Hearing 8:28 PM

Commissioner Owsinek discussed the traffic and public safety concerns.

Commissioner Wolfson discussed the traffic and public safety concerns.

Commissioner ORourke said the zoning of that parcel is C2.

**PC 06-03-23 MOTION TO TABLE PC CASE 305- DECKER AND EW MAPLE,
VACANT LOT FOR SITE PLAN AND SPECIAL LAND USE**

Motion by Whitt, seconded by Owsinek, CARRIED UNANIMOUSLY: To table PC Case 305- Decker and EW Maple, Vacant Lot for Site Plan and Special Land Use

Roll Call Vote

AYES: (4)	O'Rourke, Whitt, Wolfson, Owsinek
NAYS: (0)	
ABSENT: (1)	Robertson
ABSTENTIONS: (0)	

3. Proposed Amendment to Chapter 51, Article 21 Section 21.50 “Marijuana Facilities”

Attorney Vanerian said presented before the board is a proposed amendment to the zoning ordinance provisions of the City’s marijuana facility regulations. Mr. Vanerian said it provides a liability waiver for additional legal protections for the City. Mr. Vanerian said applicants would be agreeing to waive any liability claims against the City arising from any action the City may

have took on any of their application materials. Mr. Vanerian said City Council approved first reading.

Open Public Hearing 8:40 PM

Close Public Hearing 8:42 PM

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

**1. PC CASE 297 – 850 Ladd Building E – Zoning Site Plan
Applicant: LR Collective**

Mr. Ortega described the site characteristics and what currently exists. Mr. Ortega said there a few inconsistencies presented on the site plan. Mr. Ortega asked for clarification on the total number of plants and for how many grow licenses they are applying for. Mr. Ortega asked for clarification on the process of the waste disposal plan- what equipment will be detailed within the building plans and the equipment list. Mr. Ortega requested the applicant submit elevation drawings, landscaping, details for dumpster enclosure, and a revised lighting plan for fully-shielded and downward-directed lighting.

Commissioner Owsinek said he believes some of the outstanding issues can be resolved administratively.

**PC 06-04-23 MOTION TO APPROVE PC CASE 297 FOR SITE PLAN
CONTINGENT UPON MEETING RECOMMENDATIONS LISTED
IN CONSULTANT CITY PLANNER ORTEGA’S LETTER DATED
JUNE 30, 2023 AND FIRE MARSHALL GONZALEZ’S LETTER
DATED JUNE 23, 2023**

Motion by Owsinek, seconded by Whitt, CARRIED UNANIMOUSLY: To approve PC Case 303 for special land use contingent upon meeting recommendations listed in consultant City Planner Ortega’s letter dated April 6, 2023 and Fire Marshall Gonzalez’s letter dated March 7, 2023

Roll Call Vote

AYES: (4)

O’Rourke, Whitt, Wolfson, Owsinek

NAYS: (0)

ABSENT: (1)

Robertson

ABSTENTIONS: (0)

2. PC CASE 306 – East Bay Village – Site Plan Amendment
Applicant: East Bay Village

Mr. Ortega described the site characteristics and the proposed plan to install a fence on East Bay's waterfront lot. Mr. Ortega said the applicant has submitted revised plans with a cross-section of the depth of the post and fence elevations.

Applicant Erika Muir identified herself as the president of the HOA. Ms. Muir said she would like a 4ft variance to meet the height of the other fences along E. Walled Lake Drive.

Mr. Vanerian said in most situations, a variance would be requested from the ZBA. Mr. Vanerian said because East Bay was approved as Planned Unit Development, the planning commission does have authority to deviate from the strict compliance of the dimensional requirements of the zoning ordinance.

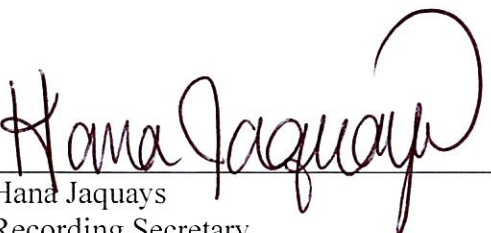
**PC 06-05-23 MOTION TO APPROVE PC CASE 306 FOR SITE PLAN
AMENDMENT TO INSTALL A FENCE ON THE EAST BAY
WATERFRONT PARCEL ALONG E. WALLED LAKE DRIVE,
AND FOR THE DESIGN TO BE CONSISTENT WITH WHAT
CURRENTLY EXISTS ON-SITE AND NOT TO EXCEED 4FT IN
HEIGHT**

Motion by Whitt, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve PC Case 306 for site plan amendment to install a fence on the East Bay Waterfront parcel along E. Walled Lake Drive, and for the design to be consistent with what currently exists on-site and not to exceed 4-feet in height

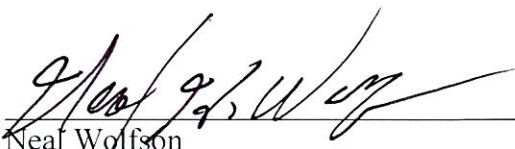
COMMISSIONERS COMMENTS: NONE

PC 06-06-23 ADJOURNMENT

Motion by O'Rourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:43 p.m.



Hana Jaquays
Recording Secretary



Neal Wolfson
Chairman