



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, JUNE 11, 2019**

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

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

ABSENT: O'Rourke, Owsinek

OTHERS PRESENT: DDA Member Fernandes, Recording Secretary Gross, Consultant Planner Ortega, City Attorney Vanerian, Lt. Kolke

**PC 6-01-19 MOTION TO EXCUSE COMMISSIONER O'ROURKE AND
COMMISSIONER OWSINEK FROM TONIGHT'S MEETING**

Motion by Whitt, seconded by Wolfson, CARRIED UNANIMOUSLY: To excuse Commissioner O'Rourke and commissioner Owsinek from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 6-02-19 APPROVAL OF THE MAY 28, 2019 PLANNING COMMISSION
MEETING MINUTES**

Motion by Wolfson, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the May 28, 2019 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Public Hearing

1. PC 274 - Vacant Lot Chestnut Ridge – Lot Split
Applicant: Healy Homes

Consultant Planner Ortega explained the case for tonight is to consider the proposed lot split for a piece of property located at the dead end, if you will, of Chestnut Ridge. He said this existing parcel is 350 ft. wide by approximately 167 ft. deep, totaling approximately 1.34 acres and is located in the cities R1-B single family residential district. Mr. Ortega explained the applicant is proposing to take this parcel and split it into two; parcel A would be the parcel located on the north side of the lot and would be approximately 0.6 acres in size and parcel B on the south size of the lot would be approximately 0.74 acres in size.

Mr. Ortega explained when it comes to lot splits for the city, there are the dimensional standards for the existing zoning district that we consider to ensure that the proposed parcels meet those dimensional minimums and standards, such as a 9,000 square foot minimum lot area, an 80 foot minimum lot width, and in order to have a sufficient building envelope they must provide a 30 foot front yard setback, 5 foot side, and a total of both side yards must equal at least 20 feet, and then the rear yard setback has to be at least 35 feet. He said one of the parcels is about 0.6 acres or 26,136 square feet and the second is 32,234 square feet and based on the composed configuration the applicant does meet the lot with requirements and all other minimum dimensional standards as proposed. Mr. Ortega stated that additional reviews done by city officials that could be impacting the building official, police and fire chiefs, the assessor and so we would recommend any approval tonight be contingent upon their review and approval of the lot split. Mr. Ortega explain when it comes to our actual ordinance, Section 74-1.10 specifies exactly the different standards that we have to review a lot split to make sure that they are in compliance—that these proposed lots and these proposed configurations are in compliance with the standards. He said there are compliances with state law and state statute that governs the lot split and lot divisions and the proposal is in compliance with this standard. He said the dimensions requirements are in compliance with this proposed split. Mr. Ortega said the depth to width ratio is supposed to be 3-1, and the proposed lots do meet that standard. This parcel that exists does meet the standards for dimensions and for other proposed lots as well.

Mr. Ortega explained the access is another standard and one of the issues that came up based on the original submission is the applicant was proposing a T turn around into the sight and having a 50-foot radius was going to propose originally to have a 50-foot radius ingress/egress easement to the city and the applicant since then has provided additional information. Mr. Ortega explained the applicant also had a review from the engineer and the engineer provided them with the specific dimensional standards for the T turn around and the applicant has provided a revised lot split that would meet the engineering requirements; it has to have a total length of 120 feet to ensure the public safety vehicles have adequate turnaround and provide enough easement for all proposed utilities. He said the applicant is also proposing to have this become part of the city street network therefore it would meet our standards for access as the revised submittal that was given to us. He said city administration confirmed that there are no outstanding taxes or special assessments. Mr. Ortega explained the buildability of the site must be sure that the existing site is not inundated with certain slopes or soils that would prevent the site from having a buildable area and from this cursory information, it appears to be buildable however we would request from the application certification that it is capable of being a buildable lot.

He explained that proof of buildability could include a soil survey, national wetlands inventory maps, or if they have not conducted any type of field work into the sight. Mr. Ortega said at the

proposed configuration, they have presented that it does have a pretty decent building envelope in which a proposed house could be located, so as long as within that envelope there's no wetlands or significant detriment. Regarding other standards that need to be met in order to consider the lot split approval, with the consent of the title holder, the application has been signed by the existing property owner so they're the ones in agreement with proposing this lot split and easements must be indicated and identified on the site and they have been identified. Mr. Ortega explained this ensures that adequate utility easements are provided not only for the proposed structures, but also to ensure that it is located in such a way that it's not infringing on any existing easements and they are located on the lot split.

Mr. Ortega said the applicant did provide a revised lot split diagram and it did increase the length of the hammerhead to meet the engineering standard. The proposed line that would split the property into two has remained the same. Mr. Ortega said he would recommend approval contingent upon submittal documentation that adequate usable land of the building envelope exists, and any other conditions identified by other city officials and staff.

Chairman Hecht asked on the T-turn proposed he thought Mr. Ortega mentioned that the T would be the city's responsibility for maintaining.

Consultant Planner Ortega said right, in his original review there was no documentation to indicate what the applicant wanted to propose, if they wanted to be private or dedicated to the city. He said since that time we've received communication from the applicant that they are in favor of dedicating that land area as a public right away for the city.

Commissioner Whitt said this is already an existing community so the commission needs to hear from the people and see how it impacts their neighborhood. Mr. Whitt opined that this proposal can have an impact that is more than a simple lot split.

Chairman Hecht asked the commission heard this case about a year ago? Did we split this off before? What's the history of the lot?

Commissioner Whitt said the fire chief was concerned about being able to do that turnout. Mr. Whitt said this discussion is about more than just a lot split.

Chairman Hecht said he would like to hear from the applicant, the back story and what the plans are and then we'll open it up to the public.

Jack Healy with Healy Homes – said the subdivision got built about twenty years ago. Mr. Healy explained at that particular time; we had a design of four lots. He said it was kind of like a cul-de-sac and took up so much room on the lot that it was turned down by the city.

Chairman Hecht asked if he acquired the lot after the development was done?

Mr. Healy said that is true, he acquired the property after the subdivision. Since, we haven't done anything with it. I'm not exactly sure but someone came up with the idea of doing two lots and that made a lot more sense than four lots. He said his vision here is to build a little bit bigger

home than what's in there—maybe something like 2,800 or 2,700 square foot colonials. Mr. Healy said right now, it's not really attractive many weeds growing and thinks it will look a lot better with houses on there. He explained the choice of the T turnaround is kind of a safety thing where cars can come in a back out, so they are not stuck at the end of the cul-de-sac, which there's nothing there now. He said these diagrams with the houses on the plan are actually for 2,800 square foot home. Mr. Healy explained there's plenty of room to add a deck or a sunroom, so basically the lots are big. He said the 2 homes will have three car garages with a side entrance. He said the average house is a little bit bigger because interest rates are so much lower. Mr. Healy said when these were built the interest rates were probably 11 or 12 percent, and now it's at about 4. Mr. Healy said the lot split makes sense and it seems like something should be built there, so that's what we're proposing. Mr. Healy reminded the original concept was to try and fit four homes in, but it was too much for the space. Mr. Healy said as far as the soil boring, we built basically all of those homes right next to it, so he knows the soils very well. He said when he bought the property, he did a couple perk tests. He said there are no wetlands there, but the woods have grown over.

Commissioner Whitt said he would like to hear from the residents that live down there—what their concerns are. He said he gets what they are doing. But the residents will want to know what it will look like once you start building there and what it's going to do to their neighborhood.

Open Public Hearing: 7:52 p.m.

Audience Participation:

Ryan Woods - 111 Chestnut Hills - said he has some concerns. He said he is the president of the neighborhood association. Mr. Woods said it's nice to see from the original plan going from 4 to 2 homes, but still has some concerns. He said under section 21-28 of the zoning general provisions the original proposal didn't really show where the houses were and tonight the submission show the locations. Mr. Woods said everybody was concerned that if you split the lots into two, can you go further to split the lots into four? He said it's good to see where the lot lines are and where the property splits so the new submissions tonight kind of gives us some answers. Mr. Woods addressed the sewer utilities under general section number 21-28. He said they are supposed to have adequate services and utilities included sanitary sewers. Mr. Woods explained there was a video crew that actually went through the neighborhood last year showing the current infrastructure and the results showed a catch basin that is collapsing, as well as another catch basin that is right next to this property that has a couple voids in it that needs to be addressed. He said on the north west corner some homes had sewer backup in their basement and the Water Resource Commission and remove the blockage so, we have some concerns with the sewers in the area. He asked if there is a possibility, rather not have a detention basin, a detention is what the neighborhood has at the front end of the sub. Is there actually a way to clear that out a bit to get some adequate area to help out in this area? If there is a requirement for doing a detention pond, maybe we can address something at the front of the neighborhood. Mr. Woods said the location of this area was actually Phase 2, of the planned subdivision itself, when the proposal came for 4 houses and then it came back for 3 with a retention pond, it was deemed inadequate to have sewer capacity for the amount of runoff that was going through. He said there is a picture showing the collapsed basin and where it's located, and the current

detention pond is on the right on Pontiac Trail, half-way between the collapsing catch basin and Pontiac trail is right where our blockage was, and then the void in the catch basin which is actually right at the end of the subdivision.

Mr. Woods said the other concern is the road is over 20 years old. As we're talking about infrastructure in Walled Lake, our concern is the detrimental effects of equipment coming up and down our road. How can we take care of this? He said a couple years ago our road actually rated medium in terms of the value of what the road was throughout Walled Lake. Mr. Woods said going into the neighborhood the road is falling apart quickly and is concerned about the heavy traffic going through the neighborhood.

Mr. Woods stated the original plan property Phase 2, was a part of the subdivision so one of the concerns for us is we have a neighborhood association and since it was an original part of a plan development as plan 2 we'd like to make sure that these two houses actually get rolled into our neighborhood association. He said the sub has common areas throughout the area, that we have to take care of so we would like the houses that are coming in the area share the dues that help take care of the neighborhood, and the lights that are at the front of the sub. He said the cost is two hundred dollars a year, it's very low and said we do a very good job of taking care of the area with that low cost as an association member.

Mr. Woods discussed the current sidewalks and how the association just got approved to redo some of the broken sidewalks throughout the neighborhood with the City's assistance. He said he has talked with the city over the past couple of years on what we can do to get sidewalks in and out of our neighborhood to have access downtown, have access to the beach, and have access to the schools. He started down the route to look at what we could do inside Walled Lake itself going through the north area into Glenwood. He said that area was a little too tight and the easements were too tight going through there for the neighbors. So, we started to look through at taking Pontiac Trail all the way down to where the Villas are and there's a cross walk there. He said one of the council members that we had talked to said they had looked into the situation and all of the houses that were there were at a meets and bounds type of boundary so the ownership of their land actually goes all the way to the center road. He said if we put houses in these locations, then we're stuck with the Pontiac Trail location.

Mr. Woods brought up the proposed turn around, the T turn. He said the T turn doesn't match the existing development. Mr. Woods said in the commerce area has three cul-de-sacs, Glenwood has 4, Chestnut Ridge has 3. He said the original proposal of 4 houses in that area did have a cul-de-sac, but if you go to section 21-28 the statement of purpose under number 1, consult cooperation, part of the site plan review is to try and provide harmony within the area. He said a cul-de-sac in that area, or a turn around matches what we have in that area. Plus, as the police go through that area, they hit the north-east corner of the property and then go back through as they go back to Pontiac Trail. He said but if we were to have a cul-de-sac, as they do their cycles and tours through that area, it will give them a nice turn around to turn back around. He said two houses are nice, they are a lot better than four. Mr. Woods said from a neighborhood association I think there's room here to make something happen, but we would like to see if we can get some of these concerns addressed, so that's on the table. Thank you.

Chairman Hecht said the main thing it sounds like you're trying to propose is to encourage to take care of a few structural things such as the roads and the sewer, and not so much against the two houses. He said if the commission were to improve the infrastructure Mr. Woods would be all for it.

Ryan Woods said for a majority of the neighbors there, yes. He said there's some that have some concerns that are beyond that. Mr. Woods said for us, having the two houses there does keep the in and out right to one area off Chestnut Ridge. He said it cuts any opportunity to turn around or U-turn through the whole neighborhood. Mr. Woods said there are a lot of kids in the neighborhood so the less traffic the better. He said he knows the heavy equipment is going to degrade the roads and there are already problems with our sewers that need to get addressed. He said more water flow through the sewers is going to be a problem for us down the road.

Commissioner Wolfson asked the roads going through there now are private roads?

Ryan Woods said it's a city road, but our association does have by-laws that do cover any improvements to the rights of ways. He said so, if there's trees or anything, we have an opportunity for us to do something. If we do something, it requires a majority vote within our neighborhood.

Commissioner Whitt said we paid part of it. Mr. Whitt explained we just did a deal with them to partner with them for the sidewalks. Mr. Whitt said with Chestnut Hills, it's a good partnership. He said the city does the roads, the maintenance, the cutting of bushes if they're in the way. Mr. Whitt said the City has a good partnership with Chestnut Hills. He explained all of that needs to be looked at. Mr. Whitt said he agreed with some of what was discussed but doesn't know if we can hold the two houses hostage to get all of the improvements done over there. Mr. Whitt explained what we do is we factor in a design, if we're moving ahead. He said he didn't hear an opposition to the lot split, but what I do hear we need more definite plans before we finalize this. Mr. Whitt said everything discussed from Mr. Woods is true in terms to what we need to pay attention to as the city. He said the maintenance of stuff, that's a joint responsibility but that can be worked out and that shouldn't get in the way of development if that's what works for the community. Mr. Whitt said if this parcel that undeveloped was part of an original plan, it should probably be looked at in a way that is folded back into as an association. Mr. Whitt said the cul-de-sac idea from where I sit well, we all like that idea. I think we should take another look at how we get this thing to advance. Mr. Whitt said he is not sure we're going to be able to do that tonight.

Ryan Woods said originally was the floor plan 3. He said three home plan with retention area was shut down for sewer capacity. He said that's the history, so if there's a way to dig out or clean out the retention in the front of the sub that covers everything, we need to look at that.

Chairman Hecht asked if there was anything in the plans to add these two homes to the association.

Mr. Ortega said there's nothing in the plan that indicated they would be a part of it.

Chairman Hecht asked how would they go about adding that, if they did?

Mr. Ortega said that would be a question for the attorney.

Commissioner Whitt said if this was part of an original plan unit development, but he does not know if it was, but a new one can be created.

City Attorney Vanerian explained this is typically done through a deed restriction. He said if the current owner conveys the property by way of the deed there would be a requirement within that deed, a deed restriction, that requires them to be a part of the homeowner association.

Mr. Healy said he would be happy to be part of the homeowner's association.

Commissioner Wolfson asked in the event, let's say there's damage to the existing road from builders' truck or whatever is coming through there would the builder be partially responsible or fully or would that be the city or association?

Commissioner Whitt said typically the city does try to hold developers responsible if they do damage to the roads. Mr. Whitt said sometimes it turns into bit of a wrestling match of some kind. Mr. Whitt said an example is the construction going on in Commerce on Decker and 14 Mile but the entrance is on our road. Mr. Whitt explained that the city has been grappling with the construction companies to get them to do what they are supposed to. Mr. Whitt said if you're going to increase the weight of what's going through there, it could damage a road that's already degraded. Mr. Whitt said it seems that the developer is ready to do that deal. Mr. Whitt asked that people get together, including Mr. Woods who is the association spokesman, to cut whatever deal can be made and then advance it forward. Mr. Whitt said that voting tonight in hopes to get it all right should happen. Mr. Whitt said he didn't hear an opposition but heard that Mr. Woods wants to know the details of how this is going to get done.

Commissioner Whitt said Mr. Wood is doing a good job of putting all of the other issues on the table that we've already been discussing, and we're going to be addressing that. He said they're good ideas, but it's about timing. He said if there is an opposition of development, then there is a problem. Mr. Whitt said if they're wanting to move ahead then we have an obligation as city staff to get it right. Mr. Whitt stated he does not think we're going to get it right without more meetings with the developer and association and anyone else that thinks they have an idea to fix it. Mr. Whitt said we can do it next month with a special meeting if needed and believes the planner has to be involved as well as the engineer and working out the details of making the association happy is particularly important.

Mark Lariviere - 121 Chestnut Ridge said he has lived in this subdivision for twenty years. He said this is a sensitive topic due to the fact that his children were raised here. He states that the kids love the property to play on. Mr. Lariviere admits that even though the property does not belong to them, it's been cut back about thirty feet, and that the residents manicure it to make it so kids are able to play on it. He said they have wanted a cul-de-sac due to the safety of kids, but the development is not wanted. Mr. Lariviere would not like to see the property developed. He understands that it is a piece of property that someone else owns and that there is potential for it

to happen and knew it would be developed at some point. Mr. Lariviere said he has a pool in the backyard of his property with no easements on that side, he states he is a foot off that line. Mr. Lariviere said when he sees the proposed easements in this T-turn around, he does not want it. He can't move his pool, and the other owners will probably be concerned as well regarding their property.

Chairman Hecht asked what are the setback requirements of a pool?

Consultant Planner Ortega said he would look into it.

Mr. Hecht asked what the setback is from a pool for the next property?

Consultant Planner Ortega said he can check and see, but if the setback for accessory structure in the rear yard is 0 or 3 feet then that could be what it is. Typically, pools are an accessory structure.

Chairman Hecht asked if this would be a setback from the public road.

Mr. Ortega said he is not sure how far away the home is setback, but it might not impact it.

Mr. Lariviere said the reason he brings it up is because he doesn't want a road right next to him.

Consultant Planner Ortega said when it comes to a cul-de-sac for an actual fire truck, it can't just be an eyebrow. He explained that's what you see when you're going North on Chestnut. He explained it would be a full circle, a large radius. He said it would eat up more land into the site itself.

Dave Panken: 1580 High Pointe said his concern is that one of the selling features for when they bought their home, is the beautiful view of woods and forest landscape. He said his biggest concern about the development is if new development was placed there, they would be looking right into the backyard of someone else's home. He said it could decrease the value of his home. He said although he does oppose it, if the development were approved, he asks for some type of easement for wood space still.

Mindy Fernandez -45400 Pontiac Trail said she lives in the 90-year old bungalow that sits in the front. She said her house sits near the back and in the front of the yard sits detention pond for the hardscape on the sub. Ms. Fernandez states that when she purchased her home 20 years ago, that area was completely dry. She said over the last five years, it's been filling with water. Her concern is safety for her kids and playing through that pond, and as far as the development proposal stands, she believes that it will make the hardscape even worse. She said her second issue is the construction time. Ms. Fernandez said she would like to know what the time frame is for building the homes so she can plan accordingly and be prepared for a lengthy time of construction. She also agrees that the land is indeed a great selling feature for the houses, including hers. Her next concern is that the subdivision is nicely wooded, and it is considered a tree subdivision. Ms. Fernandez emphasizes that if the development was to proceed, there should be agreement to maintain the wooded area.

Chairman Hecht asked what is the requirement for tree removal on a development like this size? Mr. Ortega said he does not know our tree ordinance would cover it because it's an individual lot. He said it wouldn't be any type of condo or platted development or PUD. He said he would have to check and see it's applicable, but his guess would be that it's not. Mr. Ortega said for the accessory structures, like swimming pools are required to meet the minimum side yard requirements of the district. He said in this case, it would be at least a minimum of a 5-foot set back.

Mike Leblanc - 130 Chestnut Ridge – said he has a property that sits right next to the proposed development. He said his concern is losing the wooded area, especially since that it was what attracted him to purchasing his house years ago. Mike states that he would consider moving out of the subdivision due to the fact that they have been keeping up with that land, fertilizing it, making it safe for kids, and that he would hate to see it go. He said the biggest concern for him is tying up the pipes, sanitary and storm.

Debra Kaywood – 340 Alexander Drive said she too enjoys the woods. She states she would also like to see some sort of setback if this was approved so that she wasn't staring into someone's backyard. She would like some sort of greenspace in between.

Pat Gaffney - 115 Chestnut Ridge – said he lives on the corner of the street where it dead ends. His first concern is when the work is being done, what time frame of the work is allowed. He would appreciate construction to end at 5 p.m. and if construction was at a halt for when kids get out of school, as well as eliminating work on Sunday's. He states that the people in this neighborhood maintain an atmosphere in the neighborhood. He admits he is not necessarily against the new building but emphasizes that the neighborhood harmony should be respected and sustained.

Commissioner Whitt states there would be a city ordinance for noise during development, but not an ordinance for work time frame. He said it would have to be added in within the agreement. He said this started as a lot split. He said if the developer wants a lot split, he needs to work with us which is the city, the neighborhood, and the association.

Paula Snively - 360 Alexander Drive – said her concern is that 20 years ago, when her and her husband moved in, her development promised them they always be able to enjoy the woods. She said her lot goes far back and they removed some of the wooded area so they could have more space in their backyard, but they left a beautiful oak tree. She said there are many trees around so that they don't have to see the Chestnut Ridge neighborhood. She is in Commerce Township, and said one of the things why the developer said he wasn't going to clear that land out was to change the land with Walled Lake's septic field. She emphasizes she does not want that run off, and that she hopes Walled Lake would consider that. Mr. Snively expressed, like other participating audience members, that the property value of their houses will go down.

Close Public Hearing: 8:35 p.m.

Discussion: None

**PC 6-05-19 MOTION TO TABLE PLANNING COMMISSION CASE 274 FOR
LOT SPLIT AT CHESTNUT RIDGE UNTIL THE NEXT
MEETING OR WHEN DEVELOPER HAS ADDRESSED SOME OF
THE ISSUES DISCUSSED**

Motion by Whitt, seconded by Hecht, Unanimously Carried: To table planning commission case 274 for lot split at chestnut ridge until the next meeting or until the developer has address some of the issues discussed.

COMMISSIONERS COMMENTS:

PC 6-06-19 ADJOURNMENT

Motion by Novak, seconded by Hecht, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:45 p.m.

Miranda Gross
Recording Secretary

Kyle Hecht
Commissioner