



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, APRIL 10, 2018**

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

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

ABSENT:

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

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 04-01-18 APPROVAL OF THE FEBRUARY 13, 2018 PLANNING
COMMISSION MEETING MINUTES**

Motion by Novak, seconded by Palmer, CARRIED UNANIMOUSLY: To approve the February 13, 2018 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION:

Linda Gipson- 1657 Wimbledon Drive- is the President of the condominium expressed concerns about the 1215 Decker Road proposed project. Ms. Gipson said the project would create traffic problems because Swaney and Wimbledon Drive are close to that entrance. Ms. Gipson said the building is facing North and would like the building to face South. Ms. Gipson said the gas company is right across the street from the property and is concerned about the noise level. Ms. Gipson said the fencing is an issue and ten years ago the developer tore down everyone's fences and they had to replace the fences. Ms. Gipson asked if the fences are torn down will they get reimbursed? Ms. Gipson said another concern is the outdoor lighting will the lights be shining into Wimbledon's buildings. Ms. Gipson said she is concerned how the project will affect her property value.

Dewain Diacono- 1020 Decker also representing Pharmco. Mr. Diacono said he wants to rent a residential home to a dispensary company. Mr. Diacono said the house is across the street from City Hall on Maple Road. Mr. Diacono said the house is zoned RM-1 and he is requesting to zone it C-2. Mr. Diacono said he is here to make Walled Lake a place on the map.

Commissioner Whitt asked Mr. Diacono if he sent a letter opposing the project the planning commission is having a public hearing on. Mr. Whitt said he would like Mr. Diacono to respond to his letter he sent to city hall opposing the proposed project.

Dewain Diacono – 1020 Decker Road – said he submitted a letter to City Hall about 1215 Decker Road proposed project. Mr. Diacono said his company has been in the City for seven years and has brought many jobs to the City. Mr. Diacono said when he purchased his property he put storage in the back of his property. Mr. Diacono said he went through planning commission and city council and the storage was approved. Mr. Diacono said when he purchased his property the owners across the street purchased that property. Mr. Diacono explained that storage was being placed inside that building and basically fighting against him for storage when he was an approved company. Mr. Diacono said for seven years the property owner has been storing vehicles and boats on the property and it is a fire hazard. Mr. Diacono said there is no water pressure back there for fire hydrants. Mr. Diacono said that property owner should not be putting any storage back there, the owners have been storing illegally for the last seven years.

Commissioner Whitt corrected Mr. Diacono that he was talking about a different parcel than what was on the agenda for the public hearing. Mr. Whitt explained that the property that Mr. Diacono was referring to has been to court multiple times for the storage violations. Mr. Whitt clarified the letter was for the wrong parcel.

ATTORNEY’S REPORT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

PC 261 - 1215 Decker

Applicant: Joseph Altman

PC 04-02-18 MOTION TO OPEN PUBLIC HEARING

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

Open Public Hearing 7:47 p.m.

- 1215 Decker – Storage and Outdoor Storage

Mike Deem said this public hearing is for outdoor storage on Decker Road and the property is zoned I-1 which is industrial. Mr. Deem said the applicant is also proposing indoor mini storage. Mr. Deem discussed two factors of the proposed project the principal permitted uses for the I-1 zoning and special land use requirements. Mr. Deem explained mini self-storage is a permitted use that requires site plan and does not require a public hearing. Mr. Deem explained special land use asks for additional requirements that need to be met and because of that there is a public

hearing associated notices are sent out. Mr. Deem said the mini self-storage being proposed is a permitted use in I-1 and does not require public hearing. Mr. Deem said the outdoor storage requires a public hearing for the storage of outdoor vehicles. Mr. Deem said the location is on the most south side part of the property and the farthest away from the residential area. Mr. Deem explained the buildings being proposed meet the zoning requirements of minimum lot size and setback. Mr. Deem explained when an industrial zone is against a residential area landscaping and screening are required in addition to a perimeter. Mr. Deem said the applicant is proposing a six-foot perimeter wall. Mr. Deem said the applicant has modulation every 36 feet to break up visual impact of the wall with some pillars. Mr. Deem said the required parking for self-storage is ten (10) and eleven (11) are being proposed. Mr. Deem said there will be a dumpster enclosure and the applicant included those plans. Mr. Deem said four (4), eighteen (18) foot light poles and the photometric plan show the maximum light that was submitted meets the zoning requirements. Mr. Deem said for the special land use of outdoor storage the planning commission has to look at the surrounding properties and their uses. Mr. Deem said the properties to the south are industrial and the proposal would be adjacent to an existing property that is zoned industrial. Mr. Deem said the proposal will not negatively impact the community. Mr. Deem said the proposal is a consistent use for the zoning ordinance and recommends approval.

Rob Jenkin – 1468 Dover Hill South – said he is a member of the board when a project like this was proposed in 2006. Mr. Jenkin said that project was a nightmare and had four years of problems. Mr. Jenkin said the outdoor storage sounds like it is going by the high-pressure gas lines for Consumers Energy. Mr. Jenkin said previously it was going to be used for outdoor storage because the gas company has to have access to their lines. Mr. Jenkin said there were screening issues back in 2006, there was supposed to be masonry wall with decorative brick on the resident side and a twenty (20) foot green space and densely planted with trees. Mr. Jenkin stated he would like more information before anything is decided.

Commissioner Whitt explained he is the City Manager, but he also sits on the Planning Commission. Mr. Whitt said he was not here when the original proposal went through back in 2006 but when he arrived he had to deal with the mess that was made from the previous developer. Mr. Whitt said the developer ignored their responsibility.

Mr. Jenkin said the previous developer had a viable plan, but it was the way it was executed.

Commissioner Whitt said a similar plan was approved back then but the problem was the developer did not comply with what he had promised.

Mr. Jenkin said the city let him clear cut the property ahead of time and had a bond for a tree fund that was not used to replace the trees and it went elsewhere.

Mr. Whitt said that is not accurate. Mr. Whitt said there is a tree fund and the money still exists. Mr. Whitt said the new City Council did put up a fence and solve the problem for Dover Hill. Mr. Whitt said the money is there. Mr. Whitt explained there is always a starting process and he gets to vote, and his vote is currently no with the proposal presented. Mr. Whitt said the City has to start somewhere and if the City cannot come to an agreement we need someone from Dover Hill to prescribe what is acceptable.

Mr. Jenkin said where Dover Hill's property ends on the south side there is a three (3) to four (4) foot drop off. Mr. Jenkin said the applicant will have to bring in a lot of dirt to bring that up to grade to put in the screen wall. Mr. Jenkin said it was going to be the first thing put in from the previous project twelve years ago. Mr. Jenkin said it took four years to get a fence up and Dover Hill had to file a lawsuit.

Commissioner Whitt said he understands Mr. Jenkin's concerns and that he had to live through that cleanup when he arrived at the City. Mr. Whitt said everyone on this Commission are volunteers and do not get paid for their service. Mr. Whitt said this will be done right if it gets done at all. Mr. Whitt said there was something similar approved years ago and it was the developer that blundered the project. Mr. Whitt said the City cannot deny applicants the use of their property.

Linda Gipson stated from the previous project she did not know the project was going to be storage and came home to all the trees gone. Ms. Gipson said she called the City and was told the developer cut down the trees before the developer had the financing. Ms. Gipson said the City took \$84,000 to take down the trees and no trees were replaced. Ms. Gipson asked where the money is?

Sadir Abro said the property went to the County every year and he and his brother bought the property for \$100,000 to do something. Mr. Abro said he came to the City three years ago to try and build apartments. Mr. Abro said he has 9 acres and is trying to do make use of the property. Mr. Abro said he is planning on planting trees. Mr. Abro said there are easements on the property along the gas line. Mr. Abro said to tell him what is acceptable to build, people want it empty? Mr. Abro said he paid a lot of money for the property and requested he get his money back. Mr. Abro said the storage would be open from 8 a.m. to 6 p.m.

Commissioner Whitt said there were a lot of mistakes made in the past and residents have a right to be concerned. Mr. Whitt said it is wrong that Mr. Abro ask the people to pay him for his property. Mr. Whitt explained to the applicant that he should be listening to the residents' concerns and address them.

Chairman Maurer said the purpose of the public hearing is to talk about the special land use and have the applicant work with the residents; bring up the issues and work all together.

Commissioner Palmer suggested to set up a control sequence of construction and to get the wall up first. Mr. Palmer set the control sequence will lay out how the work is inspected and when it is constructed.

Sadir Abro said he would remove the big building in the front of the property and will only keep the small buildings and put in one small office.

Carol Antuna - 1456 Dover Hill S- said she lives in the back corner and her concerns addressed the lights the business is open from 8 a.m. to 6 p.m. which is a bonus. Ms. Antuna said the applicant would consider motion sensor lights, that's a good compromise and the height of the

brick wall would the applicant consider seven or eight feet as the height. Ms. Antuna asked if the applicant could plant taller trees, so they don't have to wait years for the trees to grow. Ms. Antuna said this was good to get to air our concerns with the applicant. Ms. Antuna said she wants the wall first and there are steps to follow.

Vice Chairman Hecht said this is zoned industrial and asked Consultant Planner Deem what the other options are that can go into Industrial zoning. Mr. Hecht said the business is open from 8 a.m. to 5 p.m.

Consultant Planner Deem said the permitted uses in the I-1 zone are manufacturing, low nuisance light manufacturing, petroleum, fertilizer, sauerkraut, salt works, musical instruments, electrical appliances, neon signs, central dry-cleaning plants, body shops and kennels. Mr. Deem said if it meets the standards of the zoning ordinance those permitted uses can be approved.

Commissioner Wolfson said there is U-Haul on Maple Road that has buildings and they have egress and the patrons have a key to enter the facility. Mr. Wolfson said there is very low traffic there and little noise.

Consultant Planner Deem said the barrier wall can go up to eight feet tall.

Bonnie Schilawske – 1588 Wimbeldon - said her home backs up to that property and asked if there will be time limitation on construction.

Sadir Abro said construction would start 7 a.m. or 8 a.m. to 4 p.m. Mr. Abro said storage is open from 8 a.m. to 6 p.m.

Commissioner Novak asked if there will be a security fence all around the entire property?

Mr. Abro said there will be a security wall will be around the property.

Karen Mazurie - 1498 Dover Hill N – said her concern is with the properties that are not being kept up. Ms. Mazurie said the businesses that come into the City should keep up their property.

PC 04-03-18 MOTION TO CLOSE PUBLIC HEARING

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

Closed Public Hearing 8:59 p.m.

Discussion:

Commissioner Whitt said he is not for the proposal right now. Mr. Whitt said the City needs thing in writing from the applicant saying the applicant will meet the residents' concerns. Mr. Whitt explained once assurances are in writing that will satisfy the residents at Dover Hill before he will consider the proposal. Mr. Whitt said there are some issues that need to be addressed

before going forward. Mr. Whitt said he will talk with the City Attorney and get a memorandum of understanding and attach it to the plan so if it does not occur the applicant will be sanctioned. Mr. Whitt said he will facilitate a meeting with the Home Owners Association of Dover Hill and Wimbledon.

Commissioner Palmer said there are still a lot of issues that have to be addressed from Boss Engineering's review letter.

**PC 04-04-18 MOTION TO LAY OVER THE PLANNING COMMISSION CASE
261 PROPOSAL TO THE NEXT MEETING UNTIL MORE
INFORMATION IS PROVIDED FROM THE APPLICANT**

Motion by Whitt, seconded by Owsinek, UNANIMOUSLY CARRIED: To lay over the planning commission case 261 proposal to the next meeting until more information is provided from the applicant.

2. Parking Ordinance Review

Planning Consultant Deem said the planning commission asked for a review of the parking ordinance. Mr. Deem said when businesses come in they end up doing paving for parking essentially for the days for Black Friday and Christmas and the rest of the year 75% of the parking lot is vacant. Mr. Deem said data has been collected and put together for individual communities to review and make the parking fit their needs. Mr. Deem explained instead of parking minimums, have a maximum amount. Mr. Deem said this is called low impact development design like impermeable pavement bios wales for storm water retention. Mr. Deem explained that if a business determines they need more parking they have the flexibility to do so and at the same time protect the environment of the City and lake. Mr. Deem said the benefits is to promote economic development. Mr. Deem explained by having parking maximum, the developer tells the planning commission how many parking spaces they need. Mr. Deem said he has revised the number of parking spaces allowed.

Vice Chairman Hecht said some of the numbers are a little too lenient. Mr. Hecht said for residential the revised number is only one space. Mr. Hecht asked if there can be special zoning in the downtown for only one car minimum but beyond that zoning require more parking spaces.

Chairman Maurer said the commission needs to do what is best for the City and optimize the plan.

Commissioner Palmer said the city needs to find more parking. Mr. Palmer asked for a layout from the downtown area to Maple Road.

Vice Chairman Hecht said by lowering the parking requirements in place is a good place to start. Mr. Hecht said the downtown is a different animal and the parking issues have to be attacked differently.

Chairman Maurer asked Mr. Deem if he has seen different parking requirements based on the zoning?

Planning Consultant Deem said yes.

Vice Chairman Hecht said to increase the density first and then worry about the parking areas. Mr. Hecht asked if applicants are coming in saying the parking requirements are holding up their proposal.

Commissioner Whitt said there is a reason to review the parking. Mr. Whitt explained that there are already people who do not comply with the current parking requirements. Mr. Whitt said some businesses do not use the space they have to provide parking to their patrons and they use other people's parking. Mr. Whitt said the City needs to get a parking ordinance that the City can enforce.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report – March

PC 04-05-18 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:

Dewain Diacono said he is applying for four (4) licenses and he wants a provisional license as well at 1272 E. West Maple Road and wants to rezone the property. Mr. Diacono said he had a hard time locating a C-2 location. Mr. Diacono said the property currently is zoned RM-1 which is residential, and it will never be residential, it should be zoned C-2. Mr. Diacono asked what he needs to press this through to get to City Council. Mr. Diacono said a location has to be on the application. Mr. Diacono said he would like to get the property rezoned and the footprint would stay the same but improved.

Commissioner Whitt asked what makes this presentation different than any other applicant applying. Mr. Whitt asked what happens if Mr. Diacono does not get a license, is he still going to rehab the property for another business? Mr. Whitt said it is a zoning issue.

Mr. Diacono said it is a purchase agreement as long as he can get approved for a C-2 and a provisioning license.

Consultant Planner Deem said Mr. Diacono will have to fill out the rezone application and answer the questions in the application. Mr. Deem said the review would entail looking at the future land use and this area is still zoned as multifamily residential. Mr. Deem said the planning commission does not want to go against the Master Plan. Mr. Deem said the commission has to

draw the line; where the appropriate uses are, and it is residential structure. Changing it to commercial goes against what the future land use says. Mr. Deem said it is an uphill battle.

Mr. Whitt asked if Mr. Diacono has applied for any licenses at the City?

Mr. Diacono said no probably within the next week.

Commissioner Whitt said the school board case went through a court hearing and the judge ruled for demolition of the Community Education Center building. Mr. Whitt said the City got their say but no individuals came forward to save the building.

City Attorney Vanerian explained because the Community Education Center is a school building all permits go through the state.

PC 04-06-18 ADJOURNMENT

Motion by Novak, seconded by Whitt, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:56 p.m.

Chelsea Pesta
Recording Secretary

Michael Maurer
Chairperson