



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
TUESDAY, SEPTEMBER 11, 2018**

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

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

**ABSENT:** O'Rourke

**OTHERS PRESENT:** Consultant Planner Deem, Recording Secretary Gross, City Attorney Vanerian, Assistant City Manager Pesta

**PC 09-01-18 MOTION TO EXCUSE COMMISSIONER O'ROURKE FROM TONIGHT'S MEETING**

Motion by Palmer, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Commissioner O'Rourke from tonight's meeting.

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**PC 09-02-18 APPROVAL OF THE JULY 10, 2018 PLANNING COMMISSION MEETING MINUTES**

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

**COMMUNICATION:** None

**AUDIENCE PARTICIPATION:** None

**ATTORNEY'S REPORT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Planning Commission Case #270  
546 N. Pontiac Trail – Site Plan  
Cold Storage

Consultant Planner Deem said the applicant is requesting a 300 Square foot cold storage area that is essentially enclosing the existing drive through for the old bank and is going to be used for

storage. Mr. Deem explained he reviewed the plans for zoning, setbacks, and landscaping. He stated that the existing building meets all the parking requirements and landscaping requirements. Mr. Deem noted two minor items for consideration. One, the plans submitted were not sealed which is one of the requirements. The other is that the site plan must note that the split face masonry block to be added will be painted to match the existing building. Mr. Deem said the applicant does meet all the city's zoning requirements. Mr. Deem said he recommends the board approve the request and the applicant is present if the Commission has questions.

**PC 09-03-18            MOTION TO APPROVE PLANNING COMMISSION CASE 270  
FOR COLD STORAGE AT 546 N. PONTIAC TRAIL  
CONTINGENT UPON FOLLOWING MCKENNA REVIEW  
LETTER**

Motion by Whitt, seconded by Palmer, UNANIMOUSLY CARRIED: To approve planning commission case 270 for cold storage at 546 N. Pontiac Trail contingent upon following Mckenna review letter.

**2. Public Hearing**

Planning Commission Case #264

Applicant: Frank Asmar

Special Land Use: Outdoor Boat Storage

Open Public Hearing 7:43 p.m.

Consultant Planner Deem said this is another outdoor storage on Decker road at 1109 Decker road. This property is just south of a review the board did a couple months ago for mini storage. Mr. Deem mentioned outdoor storage is a special land use and that is why there is a public hearing tonight. Mr. Deem did a review and looked at the dimensional standards, setbacks and lot size. The side yard, front yard and rear yard setbacks weren't necessarily shown on the site plan, which the board has a copy in front of them. Mr. Deem stated the site plan essentially shows existing conditions. It's showing where the applicant could store boats or other outdoor equipment. The landscaping plan was not provided, which is still needed. Although this is a property away from residential property you still have those views. Those properties on Decker road looking south can still look onto this site. Mr. Deem said if you look at the site plan regarding the location of the outdoor storage, the applicant shows three rows. The back two rows are directly next to each other which creates some issues in regard to access. If there is a fire for whatever reason, access is not available. That is one of the things that needs consideration tonight. The applicant updated their plan to provide the minimum required parking of 5 spots. Overall, Mr. Deem found that the plan is still lacking in detail that is necessary for the board to make an informed decision. Mr. Deem has also noted easement access. The parcel only has a driveway off Decker road as a flag lot to that south parcel. An easement should be secured for access to the parcel to Decker road using the driveway, which has not been noted on there. Regarding paving, the applicant is proposing gravel. The zoning ordinance required that the vehicle maneuvering lane shall be a hard surface of asphalt or concrete in accordance with city standards and has not been noted on the plan. Since this is a special land use, Mr. Deem said he has a set criterion to look at for those standards. What's the compatibility with the zoning

district? Is it zoned I-1 limited industrial district? is it the appropriate zoning district? Is it consistent with the intent of the ordinance? Is it compatible with the natural environment? For this area the outdoor storage is not anticipated to have any significant impacts on the natural environment. It is consistent with the existing and future land use. It is consistent with the existing and future municipal services as well. There is limited impact on those services. Mr. Deem stated as we go through the special land use criteria it appears that the applicant may be able to meet those. Going back to the site plan we still don't have enough detail. Mr. Deem mentioned there are several items that still need to be addressed prior to final site plan approval and special land use approval he recommends the plans be revised and resubmitted. Mr. Deem said the board also has a letter from the fire chief. As part of his review, he reviewed the plans according to the 2012 national fire code and he identified that the dead-end fire apparatus roads of more than 150 feet should be provided within turn around provisions in this case a 96 ft diameter cul-de-sac or 120 ft hammer head turn around located at the end of the lot, that has not been provided. The fire chief does not recommend approving this until that issue has been addressed. The applicant is here, and this is scheduled for a public hearing. Mr. Deem stated he is here to answer any questions the board may have.

Audience participation: None

*Discussion:*

Commissioner Hecht asked for clarification on if we were just getting the proper approvals on the property for boat storage because he was under the assumption it has been boat storage for a while now. He also asked if this was in front of us a couple months ago.

Consultant Deem stated he was unsure if it has been used for boat storage previously and clarified it was a different parcel that was in front of the planning commission for storage on Decker road a couple months ago. He also mentioned there has been a lot of outdoor storage in this area.

Commissioner Palmer said we are having a public hearing to get input on this, but we can't get input on something without all the details. Mr. Palmer said what's shown now is not what we required. There were sufficient details in the original request, the applicant just hasn't met them.

Consultant Deem stated we sent the applicant our review letter and asked them to revise and resubmit the plans before coming in front of the planning commission. The applicant provided a response letter and didn't address the concerns we had. There were still issues with landscaping and parking. Mr. Deem said he doesn't believe we have an easement agreement to access the parcel. That has been a historical issue that the city has been dealing with and would like it addressed.

Commissioner Palmer stated we should just hand it back to them and have them get that information. He asked, why have the meeting if we don't have the information requested.

Commissioner Whitt said we should still have the public hearing, we are here for that reason. Mr. Whitt stated there are some serious issues there, but they can be remedied.

Christian Hauser introduced himself as Frank Asmar's attorney and said he wants to clarify some of the inaccuracies but more importantly get a definite and defined articulation of points and clarifications that the board needs from us to move this thing forward. Mr. Hauser said he believes there are some grey areas and he can represent to the board that Mr. Asmar is doing what is requested. Mr. Hauser also mentioned he thinks the line of communication has been a little blurred. Mr. Hauser and Mr. Asmar stated they are here to clarify and get direction, so we can move forward and proceed because storage season is coming up very soon with respect to boats and we don't want to miss out on that. Mr. Hauser wants to clarify, yes this has been used as boat storage since about 2003. It's seasonal for pontoon boats and small recreational vehicles. No one is going in and out from mid-October through mid-May. A third party brings the boats in, lines them up and in May brings them out. One of the issues is landscaping and our concern is the necessity for landscaping. Mr. Hauser understands what the regulations say but part of this process is to seek a variance or waiver of those requirements based on the location of this particular parcel. Mr. Hauser said it cannot be seen from the road, it cannot be seen from any houses and you cannot see it from here. You can only see it if you go down that private road. With respect to landscaping Mr. Hauser said Mr. Asmar and himself are willing to listen to recommendation, but he wasn't aware until recently landscaping was needed. No one goes back there so the expense shouldn't be warranted under the circumstances. Mr. Hauser thinks the parking requirements aren't fitting for the property. He says he is looking for some relaxation for the rules and setbacks. Mr. Hauser asked for clarification on where the city wanted the cul-de-sac.

Consultant Deem suggested that be a discussion with the fire chief. He also mentions the letter from the fire chief was dated June 25<sup>th</sup> and Mr. Hauser had time to get further clarification on exactly what the fire chief wanted.

Mr. Hauser said all that the letter said was that he recommends rejection.

Consultant Deem asked if he called the fire chief.

Mr. Hauser said no.

Commissioner Hecht said when you say no one is going to see the property that is incorrect. He said he recommends Christian Hauser check out the trail because he mentioned multiple times the property won't be seen by people, but the trail goes through Decker road. Mr. Hecht stated Mr. Asmar's property is not something he wants to represent Walled Lake.

Commissioner Whitt explained that when he took the job with the city in 2010 the lot at issue was a vacant lot with many trees and opined that the lot was improperly and illegally developed. Mr. Whitt explained that whoever removed the trees owes a debt to the city and that the attorney's statement that the vacant lot has been outdoor boat storage since 2003 is not correct. Mr. Whitt stated that Mr. Asmar property and this property was allegedly taken over by another individual who improperly and illegally developed it. Mr. Whitt said the only thing we need to get this done is get the facts, get it straight and clean up the mess on the property that was made in the past and the applicant can get this approved. Mr. Whitt stated to put the facts on the table,

but this vacant lot has not been a boat yard or storage facility since 2003 as stated as fact by the attorney.

Mr. Asmar said the south end had the trees. Adjacent to Fastdeck, by the fencing 100-200 feet away was 8-10 semi-trailers parked on there with a lot of metal on the floor everywhere. Mr. Asmar said he cleaned that, and he cleaned all of that mess, he had them take out the semi-trailers.

Commissioner Whitt said in order to get this done he wanted the record straight. Mr. Whitt stated that this vacant lot had never been a boat storage facility until after 2010 and the applicant didn't develop it someone else did. Mr. Whitt explained that it was a part of a parcel, it was a common area and Mr. Asmar claimed that he won a dispute with the neighbor who bought the adjoining property at a tax sale. Mr. Whitt stated that the neighbor bought the other facility and he was using it as one, that was never developed but on the lot, there were abandoned trailers in violation of city code so there wasn't a storage facility those were violations of the city code. Mr. Whitt said let's get the records straight, so the board knows, lets get the plans right, let's get the landscaping done. Mr. Whitt restated that whoever removed the trees, owes a debt to the city.

Mr. Asmar claimed he didn't know about it, he came one day, and it was gone. Mr. Asmar said that's when he came to the city.

Commissioner Whitt said the reason we know the lot wasn't developed until after 2010 is because multiple neighbors with boat storage facilities made complaints. Mr. Whitt explained that it doesn't mean the request shouldn't be approved, but the applicant ought to comply with the code. Mr.

Mr. Hauser stated the easement document were sent multiple times but if the city doesn't have it he will send it over again. He also asked what the process is that Mr. Asmar can do to informally/formally sit down with the city and get an agreement on what landscaping is necessary, what setbacks if any are necessary, and any other issues that might be warranted or mandated by the city, so we can bring this back one more time for approval by Mr. Whitt and the rest of the members.

Commissioner Hecht said it sounds like first the applicant needs to address the fire marshals concerns and as far as the landscaping the applicant should go back to the minutes from a couple months ago where a similar facility came in front of the planning commission to find out the required landscaping. Mr. Hecht said if he recalls correctly it is some kind of tree blockage along side the property to block off the trail.

Commissioner Palmer asked Consultant Deem to repeat exactly what the applicant said they would be storing in the proposal.

Consultant Deem read aloud exactly what was in the site plan proposal.

Commissioner Palmer said if we are going to go forward we need to determine exactly what's going to be parked on the property. Mr. Palmer requested if vehicles are not being stored on the property then the applicant take it out of the proposal.

Commissioner Owsinek mentioned that a lot of the boats that are made today are made of fiberglass and fiberglass burns like a son of a gun and all you need is one of those boats to catch fire and it will spread to the rest of them, so the applicant will need some form of fire suppression. Mr. Owsinek said there is a need for water.

Commissioner Hecht mentioned the applicant may need a variance for the paving of the road.

Commissioner Owsinek said as a point of order the planning commission does not grant variances on this board that is the zoning board of appeals. That is another step the applicant would have to do.

Commissioner Whitt asked who owns the private road?

Mr. Asmar said Johnnie Semma.

Commissioner Whitt said the applicant's relationship may be good today, but the point is if Johnnie Semma closes the road then the city wouldn't have access, the applicant would be landlocked. Mr. Whitt then asked about any easements the applicant may have with his neighboring properties so if any disputes occur he has access through another neighboring property.

Mr. Asmar asked why Fastdeck doesn't have the turnaround at the end of the street like he is being required to have.

Commissioner Whitt said that may be the case, but the standards were different in the past and we can't go backwards we can only address issues, going forward. Mr. Whitt asked that Mr. Asmar call administration and go through Assistant city manager Pesta to schedule a time to sit down with the city's consulting planner.

Mr. Hauser stated that Mr. Asmar will call tomorrow.

**PC 09-04-18                    MOTION TO CLOSE PUBLIC HEARING**

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

*Closed Public Hearing: 8:16 p.m.*

**PC 09-06-18                    MOTION TO TABLE TO A TIME CERTAIN AFTER APPLICANT  
ASMAR CONTACTS ADMINISTRATION AND ADDRESSES ALL  
ISSUES IN PLANNING AND FIRE REVIEW LETTERS.**

Motion by Owsinek, seconded by Palmer, UNANIMOUSLY CARRIED: To table to a time certain after applicant Asmar contacts administration and addresses all issues in planning and fire review letter.

**COMMISSIONERS COMMENTS:** None

**PC 09-08-18                    ADJOURNMENT**

Motion by Whitt, seconded by Palmer, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:17 p.m.

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Miranda Gross  
Recording Secretary

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Kyle Hecht  
Vice Chairman