



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, FEBRUARY 13, 2018**

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

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

ABSENT: Whitt

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

**PC 02-01-18 MOTION TO EXCUSE COMMISSIONER WHITT FROM
TONIGHT'S MEETING**

Motion by Novak, seconded by Owsinek, CARRIED UNANIMOUSLY: To excuse Commissioner Whitt from tonight's meeting.

REQUESTS FOR AGENDA CHANGES:

Recording Secretary Pesta added under Administrative Report the Code Enforcement Report from December 2017.

APPROVAL OF MINUTES:

**PC 02-02-18 APPROVAL OF THE NOVEMBER 14, 2017 PLANNING
COMMISSION MEETING MINUTES**

Motion by Novak, seconded by Hecht, CARRIED UNANIMOUSLY: To approve the November 14, 2017 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION:

179 Spring Park – discussed the medical marijuana ordinance.

340 Arvida – asked if East Bay Village is allowed to have boats on the lake.

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. PC Case 245 – 861 N. Pontiac Trail – Request for Extension

Planning Consultant Deem explained that according to the City's Zoning Ordinance, applicants have a year to pull a building permit unless the Planning Commission grants an extension. Mr. Deem said the Commission should consider if there have been any changes to the Zoning Ordinance that may affect the applicants request for an approval for the extension.

Applicant Jim Maher asked the Commission to grant his extension. Mr. Maher said the current site design had zero changes to the site plan that was approved prior by the Planning Commission. Mr. Maher said there are a couple items left which include an easement and ROW permits from Oakland County.

PC 02-03-18 MOTION TO APPROVE EXTENSION FOR 6 MONTHS FOR PC CASE 245 – 861 N. PONTIAC TRAIL TO RECEIVE A BUILDING PERMIT WITHIN SIX MONTHS FROM THE DATE OF FEBRUARY 13, 2018

Motion by Palmer, seconded by Novak, UNANIMOUSLY CARRIED: To approve extension for 6 months for PC case 245 – 861 N. Pontiac Trail to receive a building permit within six months from the date of February 13, 2018.

2. Public Hearing

PC 02-04-18 MOTION TO OPEN PUBLIC HEARING

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

Open Public Hearing 7:44 p.m.

- 1364 Beverly – Lot Split and Lot Combination

Applicant Ed Derocher said he is applying for a lot split and lot combination on Beverly Boulevard. Mr. Derocher said there was confusion with lot lines. Mr. Derocher explained the case went into mediation to purchase a part of the lot.

Planning Commission Member Owsinek said the information provided a consent judgement and case was decided without prejudice.

Planning Consultant Deem said the intent is to turn 3 lots into 2 lots. Mr. Deem referenced his review letter dated January 12, 2018, the setback and lot size are in compliance with the Zoning Ordinance.

Audience Participation:

Chris Bergman-1400 Beverly – said the court order states the property can only be split this one time and the applicant, Mr. Derocher does not have the right to sell for five years. He said he did not want to lose the piece behind lot 4.

Brian White-1344 Beverly – said he has lived in his property for 10 years and the fence was put up in the last year. He said there was never any intent from 1400 Beverly to use the lot.

PC 02-05-18 MOTION TO CLOSE PUBLIC HEARING

Motion by Hecht, seconded by Owsinek, UNANIMOUSLY CARRIED: To close public hearing.

Closed Public Hearing 7:55 p.m.

Discussion:

Planning Consultant Deem said it meets the request and meets the Zoning Ordinance requirements.

Chairman Maurer asked how the lawsuit is addressed.

City Attorney Vanerian said there is a consent judgment the Planning Commission does not address this issue.

PC 02-06-18 MOTION TO RECOMMEND APPROVAL FOR LOT SPLIT AND LOT COMBINATION AT 1364 BEVERLY AND SEND TO CITY COUNCIL FOR FINAL APPROVAL SHOWING THE SETBACKS ON SUBMITTED SURVEY

Motion by Hecht, seconded by Palmer, UNANIMOUSLY CARRIED: To recommend approval for lot split and lot combination at 1364 Beverly and send to City Council for final approval showing the setbacks on submitted survey.

3. Public Hearing

PC 02-07-18 MOTION TO OPEN PUBLIC HEARING

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

Open Public Hearing 8:17 p.m.

- Decker Road – PUD Concept Plan

Applicant Steve Schafer, from Schafer Development – said he is here to propose a Planned Unit Development (PUD) which would consist of 44 homes. Mr. Schafer said he has met with the City Planner. Mr. Schafer said they are proposing a development with 24.5% of open space which exceeds the required amount of 10%. Mr. Schafer said the total area when completed will be 11.4 acres. An environmental assessment has been done and the next phase will be a tree survey to address the tree replacement. Mr. Schafer is asking for consideration for a PUD approval, this project will add to property values with a selling point at the mid \$300,000. Mr. Schafer said he has a solution for the private road proposed on Leon Road. Mr. Schafer said the roadway on Leon can be designed to create open space for a 15-foot path just for emergency traffic and the developments main traffic would be off Decker Road. Mr. Schafer said the vacant lots on Leon could also be used to create a park area for the neighborhood. Mr. Schafer said the subdivision to the north and the properties have been owned since the 40s and the residents are looking for an exit strategy; the PUD would allow to keep the tree buffer.

Planning Consultant Deem reviewed his letter dated February 8, 2018, he said the property is zoned R1-A and under the plat process no public hearing is required and it could be developed with 40 homes. Mr. Deem explained the City has a PUD process to control developments to work with the developer to create a better product for the community rather than the plat process under straight zoning. Mr. Deem said the process for a PUD requires at least one public hearing, the Planning Commission may have more. He said the Commission is looking to see how the concept proposal fits on the property. Mr. Deem said the Planning Commission reviews and makes a recommendation to City Council, who has the ultimate decision. He said the minimum lot size requirement is met since it is over 3 acres and the developer are doubling the open space requirement. Mr. Deem said this is an eligible project for a PUD process and if it is eligible the Planning Commission will move onto the project design standards. Mr. Deem said one issue to discuss is the access to the site. Mr. Deem said this is a concept plan the applicant still needs full engineering plan review and the potential traffic impacts. Mr. Deem said the key tonight is to look at the plan and see how it aligns with the Zoning Ordinance and does it have enough detail to move forward.

Planning Commissioner Hecht asked about lake access and can that be adjusted ahead of time. Mr. Hecht asked is the development eligible for lake access if they build single family homes on Leon.

Mr. Schafer said he would relinquish all rights to the lake as it would not be fair to the people since he is increasing the homes on the land. He said as of now they are proposing to keep vacant areas as open space. He said the design was to comply with public safety. Mr. Schafer was not going to go for a variance. He said he would agree the design should not carry any residential traffic on Leon Road.

Planning Commissioner Novak asked about square footage.

Mr. Schafer said the homes will be over 1200 square feet. Mr. Schafer said there is a similar development on Wixom Road and Grand River near Catholic Central.

Audience Participation:

Fred Chumack-340 Arvida – asked about the Wixom development and how many homes per acre. Mr. Chumack said East Bay did a traffic study on Leon and said there is a lot of traffic with no sidewalks.

Rebecca Williamson - 1530 Leon – asked about zoning requirements; is the road width different in a PUD. Ms. Williamson asked about drainage issues. Ms. Williamson said mistakes were made with East Bay Village and could be costly to the city. Ms. Williamson is against the PUD and any rezoning, this is a lake community. Ms. Williamson said if the Cohens wait to sell their property, someone will come in and pay a good price and build a house on the 3 acres.

Randy Champe -1275 Leon – said his family has been there over 70 years. Mr. Champe said all of the those lots were designed to be large woodland estates. Mr. Champe said the lot is designed for residential use not a road. Mr. Champe said he is opposed the PUD project the land is zoned for estate lots.

Brian Harris - 1576 Oak Grove Drive – said he is shocked about 44 homes going on behind his home. Mr. Harris said people are telling him there will be drainage issues and hopes the city engineer is better than Livonia's. Mr. Harris asked how many trees will be removed and what will he be reimbursed for loss of habitat, trees, and bushes.

Ruth Stice- 541 Winwood – said she keeps hearing the words condos and homes, are they interchangeable. Ms. Stice said water and traffic are the two issues that need to be addressed. Ms. Stice when Foremost came in they were worried about the density and Walled Lake is a gem. Ms. Stice said the school busses cannot get up and down Decker.

Nate Markou-115 Arvida – said he has young children and the traffic is terrible on Leon Road. Mr. Markou said he does not want to put more stress on the road than what needs to occur.

Eli Williams - 717 Leon – said the roads cannot handle this new development. Mr. Williams said the Planning Commission needs to pay attention to the Master Plan and the quality of life for the people who live there.

John Henehan - 1545 Leon – said people are here because they are concerned about this development they do not want this in their backyard. Mr. Henehan said he started a petition. Mr. Henehan spoke for 10 minutes. Mr. Henehan stated the City is sitting on an Indian trail from Detroit. Mr. Henehan said the Master Plan provides a vision of what the city can become on the future building neighborhood community and identity. Mr. Henehan stated he does not want to see a concrete jungle.

Scott Toth - 455 Sparks Lane – said with all the traffic issues on Leon Road he is very concerned with the engineer issues and drainage pond. Mr. Toth said his property backs up to East Bay's drainage pone and floods terribly up to 3 feet at a time.

Angela Salveta - 1344 Leon – said her main concern is with the drainage pond; it will become a mosquito pit.

Bob Daar - 148 Arvida – said his concern is increasing traffic flow and the children that live in that area. Mr. Daar said Arvida is the first street used when Leon is backed up. Mr. Daar said 44 homes is a lot and this development will hurt the quality of life of those around it.

Elizabeth Tamer - 435 Decker Road – said 40 some houses is way too many and Decker cannot handle the increased traffic.

Ryan Bisanot - 1345 Leon – said traffic is going to be an issue especially since Leon has no sidewalks and people use Leon as a pass-through street. Mr. Bisanot said the other major concerns are the water issues there is no getting around the severe water issues.

Michael Wagner - 447 Sparks Lane – said in 2015 one of East Bay's retention flooded over the berm into his backyard and his home flooded. Mr. Wagner said the pump was eventually fixed.

Hailey Henahan - 1545 Leon – said the road is going to go next to her house and no one has talked about the rezoning of the property. Ms. Henahan said she joined a gym because there is not a sidewalk on Leon Road to walk on.

Tina Harris - 1650 South Drive – said she has lived in the City for 5 ½ years. Ms. Harris said she loves the wildlife that is there now and there is a water issue in their backyard that creates a pond and is opposed to the development.

Sylvia Toth - 455 Sparks Lane – said it is great to live in Walled Lake. Ms. Toth asked about the environmental aspect and where is the drainage proposed to go into the lake and how it will affect the lake?

Richard Wattle - 1344 Leon and 315 Arvida – said he was around when East Bay was developed and there are still a lot of vacancies there. Mr. Wattle said he recently bought a house and the basement wall caved in from water damage and the development will not help the issue.

Cheryl Cooper - 1570 Oak Grove – said she is upset about the development. Ms. Cooper said money talks and hopes the City takes into account a tree border along the property lines or a wall. She said she wants a buffer.

Jennifer Mace - 153 Welfare – asked about 10% to 25% open space. Ms. Mace said she has a problem with the water and when the trees the developer is taking down is taking your water and then when build they build clamp these trees cause the developer has to plant the trees, what happens when the trees get bigger. Ms. Mace said the developers do not care and will cut the trees down because they hit the roof. Ms. Mace said if the road off Leon is turned into an emergency lane people will still drive down the road. Ms. Mace said she would like sidewalks and asked how they can get sidewalks.

Ralph Arning - 1552 Oak Grove – said he has lived here 31 years the traffic flow needs to be reviewed. Mr. Arning said his house backs up to the development and the water drainage must be reviewed again. Mr. Arning said to include Oak Grove Drive in the Traffic Study. Mr. Arning

said he is worried about the tree lines and the density is ridiculous. Mr. Arning said this is a hideous proposition and this is Walled Lake not Novi.

Colleen Borran - 761 E. Walled Lake Drive – said she has two small children and it is scary to walk down Leon and East Lake Drive is going to get busier, it is backed up to 14 Mile. Ms. Borran said is worried about drainage into the lake.

Dan Cleminte – 1286, 1278, & 1370 Leon – said he just finished building several homes on Leon Road and Walled Lake engineer is lacking common sense. Mr. Cleminte said when you come in and do a soil test, it does not matter what it says, it will pass.

PC 02-08-18 MOTION TO CLOSE PUBLIC HEARING

Motion by Hecht, seconded by Owsinek, UNANIMOUSLY CARRIED: To close public hearing.

Closed Public Hearing 9:13 p.m.

Discussion:

Mr. Deem said this request is not for rezoning but it has characteristics of a rezoning.

Chairman Maurer said there has been a lot of discussion on issues of traffic and water those need to be addressed.

Mr. Deem said it would change the amount of homes that would be allowed on there. It will affect the traffic on Decker and the side streets. Mr. Deem said the City needs to look at the other streets including Arvida, Oak Grove, and Sparks Lane.

Commissioner Palmer said if the developer does create a road for a fire lane that would not allow for normal car traffic. He said there needs to be more room on Decker Road.

Vice Chairman Hecht said the lots on Leon Road are for single family homes not an access point and it needs to be addressed. He said more facts needs to be provided.

Mr. Deem said this is a multi- stage process and step 1 is the presentation of the concept plan. He explained step 2 is the nuts and bolts looking at the engineering and environmental. He said addressing water issues are in step 1.

Commissioner Owsinek said there is a lot of land covered with asphalt and buildings this will create a drainage issue. He said modifications need to be made to retain as much of his water on his own property and not impact anyone else. He said the other issue are the roads substantial modifications need to be made.

Planning Consultant Deem said the ordinance states at least one public hearing be held. The Planning Commission has the preliminary plan which is now being reviewed. He said once a

plan is provided that is acceptable the Commission can move on. The next step is site plan approval from the engineer and Oakland County, before coming back to the Planning Commission. The Commission will not see a plan that the engineer did not approve for drainage. He said after engineering approval the Commission makes their recommendation to City Council who makes the final decision. He said the Commission also has the option to table the applicant tonight

Mr. Schafer said he did look at drainage patterns and assessments there were no wetlands. He explained the excess water from the development would be pushed towards a basin and it could be different if Oakland County has requirements. He said he knows he will have to meet those requirements and he may need to expand the detention. He said it was prudent to keep the land open and he is open to change. He said his goal is to have a happy ending and is willing to meet with the residents and if any of them want some trees to screen their backyards he is welcome to plant them for those residents. He said he put in a vortex chamber to protect the lake.

City Attorney Vanerian said the City has zoning ordinances in place. He said the City cannot say someone cannot use their property.

Planning Consultant Deem said there are multiple documents the Zoning Ordinance is the law and the Master Plan are recommendations. He said this process allows residents to state their concerns and they are heard this helps the Planning Commission make an informed decision.

Chairman Maurer said the Commission members donate their time to serve on the Commission to make the best decisions for the residents.

Mr. Deem said the revised traffic study needs to show the impacts on Leon Road under current configuration of project and the impact on Decker Road if the access to Leon Road is revised, level of service on Arvida, South Drive and Sparks Lane, and potential traffic conflicts with Dogwood Drive. The applicant needs to meet with the neighbors prior to the next Planning Commission meeting.

PC 02-09-18

MOTION TO TABLE THE REQUEST TO COLLECT AND INPUT A NEW TRAFFIC STUDY AND APPLICANT MEET WITH THE NEIGHBORS RECOMMEND APPROVAL FOR DECKER ROAD PUD CONCEPT PLAN MOVE FORWARD AS IT MEETS ALL ZONING ORDINANCES REQUIREMENTS TO MOVE TO THE NEXT STEP OF THE PROCESS BY PROVIDING A FULL SITE PLAN AND PROVIDE MORE INFORMATION REGARDING THE TRAFFIC IMPACTS ON LEON ROAD UNDER CURRENT CONFIGURATION OF PROJECT AND THE IMPACT ON DECKER ROAD IF THE ACCESS TO LEON ROAD IS REVISED, LEVEL OF SERVICE ON ARVIDA, SOUTH DRIVE, AND SPARKS LANE, AND POTENTIAL TRAFFIC CONFLICTS WITH DOGWOOD DRIVE PRIOR TO PRELIMINARY PUD APPROVAL

Motion by Hecht, seconded by Wolfson, UNANIMOUSLY CARRIED: Motion to table the request to collect and input a new traffic study and applicant meet with the neighbors recommend approval for Decker Road PUD concept plan move forward as it meets all zoning ordinances requirements to move to the next step of the process by providing a full site plan and provide more information regarding the traffic impacts on Leon Road under current configuration of project and the impact on Decker Road if the access to Leon Road is revised, level of service on Arvida, South Drive, and Sparks Lane, and potential traffic conflicts with Dogwood Drive prior to preliminary PUD.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report – December and January

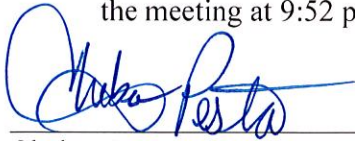
PC 02-10-18 TO RECEIVE AND FILE THE MONTHLY CODE ENFORCEMENT REPORT

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

COMMISSIONERS COMMENTS: None

PC 02-11-18 ADJOURNMENT

Motion by Wolfson, seconded by Robertson, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:52 p.m.



Chelsea Pesta
Recording Secretary



Michael Maurer
Chairperson