



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
TUESDAY, SEPTEMBER 13, 2022**

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:** Novak, Palmer

**OTHERS PRESENT:** Confidential Assistant Jaquays, Planning Consultant Ortega, City Attorney Vanerian, City Clerk Stuart

**REQUESTS FOR AGENDA CHANGES: NONE**

**APPROVAL OF MINUTES:**

Ms. Jaquays informed the commission that there were a few clerical issues in the minutes in regard to roll call that will be corrected to show who was and was not in attendance.

**PC 09-01-22 APPROVAL OF THE JUNE 14, 2022 PLANNING COMMISSION MEETING MINUTES AS AMENDED**

Motion by Robertson, seconded by Whitt, CARRIED UNANIMOUSLY: To approve the June 14, 2022 Planning Commission minutes as amended

**AUDIENCE PARTICIPATION: NONE**

**COMMUNICATION: NONE**

**UNFINISHED BUSINESS: NONE**

**NEW BUSINESS AND PUBLIC HEARING:**

- 1. PC300- Lot Split- 1881 N. Pontiac Trail**

**Open Public Hearing 7:35**

**Close Public Hearing 7:36**

City Planner Ortega described the site dimensions, what currently exists on the site, and the dimensions of the child parcels. Mr. Ortega said child parcel A is the East portion and would include the access drive to 1885 N Pontiac Trail and child parcel B is the West portion. Mr. Ortega said as proposed, the lot split would be in compliance with Walled Lake's zoning ordinances. Mr. Ortega said there are a few outstanding items such as confirmation that there are no unpaid taxes, confirmation if there are any deed restrictions, and if there is a need to establish any public easements. Mr. Ortega said the applicant has already dedicated the ROW to Oakland County.

Chairman Wolfson asked for clarification on the minimal area for lot dimensions for parcel A.

Mr. Ortega said based on the information provided, parcel A does meet the minimum area requirements at 16,900 square feet in area.

**PC 09-02-22                    MOTION TO APPROVE PC CASE 300 FOR A LOT SPLIT USE  
CONTINGENT UPON MEETING THE CRITERIA FROM  
CONSULTANT CITY PLANNER DATED SEPTEMBER 7, 2022**

Motion by Robertson, seconded by O'Rourke CARRIED UNANIMOUSLY: Approve PC Case 300 for a lot split use contingent upon meeting the criteria from consultant city planner dated September 7, 2022

**2. PC301- Lot Split- 100 Decker**

City Planner Ortega described the existing parent parcel dimensions and said the parcel includes part of the parking lot and the Decker road access driveway and noted that the remainder of the development is located in Commerce. Mr. Ortega described the dimensions of child parcel A and child parcel B. Mr. Ortega said this is a unique situation in that there is a consent judgement and easement that exists. Mr. Ortega said the purpose is to correct an issue with the deeded portion of the land. Mr. Ortega said they technically do not own the 30ft segment located within the tax parcel description, however, they are still paying taxes on it. Mr. Ortega said this is a unique situation in that a part of the site is fronting in the City while the remainder is being developed in the Township. Mr. Ortega said child parcel B does not meet buildability requirements, however, looking at the special circumstances, a deed restriction that would go with parcel B and the parcel in Commerce Township noting that it cannot be separated through sale or rental from the larger parcel that would be developed could resolve that issue. Mr. Ortega listed a few recommendations including revised surveys that accurately describes and labels the parcels and dedication of the 60ft future right of way of Decker Road to the City.

Attorney Gudmundsen said the purpose of the lot split is to resolve a discrepancy between the tax assessment description and the legal description for the parcel ending in 054. Mr. Gudmundsen said this is a unique situation in that portions of the parcel are in Walled Lake and some are in Commerce Township. Mr. Gudmundsen said an updated survey has been provided. Mr. Gudmundsen stated that parcel 054 is not entirely owned by '100 Decker Road.' Mr.

Gudmundsen said in reviewing land division requirements, the requirements should be applied to the entirety to parcel A and B and not the ones that are just located in the city. Mr. Gudmundsen said he believes that at the initial time of the development the split was to occur in concert with the Township, which did not happen. Mr. Gudmundsen requested the requirements be applied to the entire parcel and submit that the child B parcel in effect be the entire parcel.

Commissioner Whitt asked Mr. Gudmundsen what the consent judgement is? Mr. Whitt also noted that the old leadership of Commerce Township was not helpful.

Commissioner Owsinek noted there are some differences in the surveys.

Mr. Ortega said the original documents reflect the initial conditions. Mr. Ortega said they were attempting to do two things at once, which is why the surveys would need to be updated to clarify what is going on. Mr. Ortega said on the revised survey provided, parcel A1 is the City property that includes the parking lot. Mr. Ortega said parcel A is the one that includes the building in Commerce Township. Mr. Ortega said B1 is the 30ft southern segment that the applicant is requesting to be separated from the original parent parcel. Mr. Ortega said he would request two surveys- one showing the existing conditions and two, the proposed child parcels. Mr. Ortega said there should be separated surveys and descriptions.

Commissioner Owsinek noted that parcel A1 does not indicate the right of way.

Mr. Ortega said the future right of way could be resolved through a quit claim deed to the City with the correct description.

City Attorney Vanerian clarified that the consent judgement did not include the City so the consent judgement is not binding. Mr. Vanerian said the consent judgement does not have a lot of legal impact on what the planning commission is trying to do.

Commissioner Whitt questioned if more time is necessary to ensure that the lot split is done correctly with the right descriptions and surveys?

City Attorney Vanerian said a key to this situation is getting some type of instrument that would marry the 30 x200 ft strip to parcel B, so the parcels could not be conveyed independently which resolves the buildability concerns. Mr. Vanerian said an instrument of conveyance would be needed.

Chairman Wolfson asked for clarification on parcel C?

Mr. Ortega said the applicant is proposing that parcel B will be developed with parcel B1. Mr. Ortega suggested some type of conveyance that would marry B1 with B so B1 does not get tied to C or sold separately.

Mr. Gudmundsen described the surveys provided and the color-coding descriptions. Mr. Gudmundsen said there is a discrepancy between the tax assessment description which would indicate that his client owns A1 and B1 and the deeded legal descriptions. Mr. Gudmundsen said

pursuant to the deeded description, his client only owns parcel A1. Mr. Gudmundsen said B1 is owned by the owner of parcel B.

Mr. Vanerian asked if the owner of parcel B used to also own parcel A and then conveyed it to Mr. Gudmundsen's client?

Mr. Gudmundsen said correct.

Mr. Vanerian asked when the owner of parcel B owned both parcels, were they separate or one single contiguous parcel?

Mr. Gudmundsen said it was one parcel.

Mr. Hamza Sikander explained that it has been a mess dealing with Commerce Township and the bank. Mr. Sikander said there is a substantial monetary loss that is happening to him as an owner. Mr. Sikander said he is willing to provide the surveys needed. Mr. Sikander said he is not looking to develop anything, there will be a recorded easement.

Commissioner Whitt said thank you for the explanation.

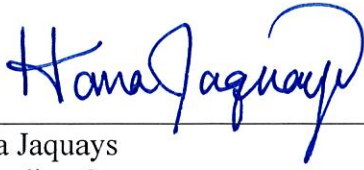
**PC 09-03-22            MOTION TO APPROVE PC CASE 301 FOR A LOT SPLIT USE  
CONTINGENT UPON MEETING THE CRITERIA FROM  
CONSULTANT CITY PLANNER DATED SEPTEMBER 6, 2022  
AND CONTINGENT UPON SUBMITTALS OF SURVEYS  
INDICATING EXISTING CONDITIONS AND HOW THE LAND  
WILL BE DIVIDED WHICH WILL BE SUBJECT TO REVIEW  
AND APPROVAL BY CITY ATTORNEY, CITY PLANNER, AND  
CITY MANAGER AND SUBMITTAL OF DOCUMENTATION  
THAT COMBINES PARCEL B AND B1**

Motion by O'Rourke, seconded by Robertson CARRIED UNANIMOUSLY: Approve PC Case 301 for a lot split use contingent upon meeting the criteria from consultant city planner dated September 6, 2022 and contingent upon submittals of surveys indicating existing conditions and how the land will be divided which will be subject to review and approval by city attorney, city planner, and city manager and submittal of documentation that combines Parcel B and B1

**COMMISSIONERS COMMENTS: NONE**

**PC 06-04-22            ADJOURNMENT**

Motion by O'Rourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To adjourn the meeting at 7:52 p.m.



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Hana Jaquays  
Recording Secretary



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Neal Wolfson  
Chairman