



**CITY OF WALLED LAKE
PLANNING COMMISSION
(ELECTRONIC MEETING PLATFORM)
TUESDAY, FEBRUARY 9, 2021**

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

ROLL CALL: McComas, O'Rourke, Owsinek, Whitt, Wolfson

ABSENT: Novak, Palmer

OTHERS PRESENT: Confidential Assistant Jaquays, Planning Consultant Ortega, City Attorney Vanerian, Assistant City Manager Pesta

REQUESTS FOR AGENDA CHANGES:

Commissioner Owsinek requested to add an election of officers as the former Chairman no longer lives in Walled Lake.

**PC 02-01-21 NOMINATE COMMISSIONER WOLSON AS CHAIRMAN AND
COMMISSIONER O'ROURKE AS VICE CHAIRMAN**

Motion by Owsinek, seconded by McComas, CARRIED UNANIMOUSLY: Nominate Commissioner Wolfson as Chairman and Commissioner O'Rourke as Vice Chairman

APPROVAL OF MINUTES:

**PC 02-02-21 APPROVAL OF THE SEPTEMBER 8, 2020 PLANNING
COMMISSION MEETING MINUTES**

Motion by O'Rourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve the September 8, 2020 Planning Commission minutes.

COMMUNICATION:

PRESENTATION:

**1. Conceptual Presentation Mercer Beach Property Proposed Development
(Edgewater A Mixed- Use Development By: Schafer Development)**

Applicant Spencer Schafer said the proposed development will be located across from Mercer Beach on the North side of East Walled Lake Drive. Mr. Schafer gave a description of the nearby

properties and identified commercial uses in downtown Walled Lake to the West and residential homes to the East. Mr. Schafer said the proposed property is currently zoned C-3 and is in a transitional zone between the two uses. Mr. Schafer said Schafer Development is proposing a mixed-use development with corner retail and a combination of residential flats and apartments.

Mr. Schafer discussed the floor plans. Mr. Schafer said on the southeast corner of the site will be 1600 square feet of retail. Mr. Schafer said on the first floor they are proposing six units that resemble flats. Mr. Schafer said they are considering an elevator in lieu of a second staircase. Mr. Schafer said on the second and third floors there will be a mix of two-story units and one-bedroom units. Mr. Schafer said in total they are proposing 22 units and will be providing 44 parking spaces that will be dedicated to the residents. Mr. Schafer said he understands that there are parking issues downtown and that he does not want this development to exacerbate those issues.

Mr. Schafer said he wants this development to be a premier, upscale, rental community in Walled Lake and surrounding areas. Mr. Schafer said he hopes this development attracts those with high disposable incomes. Mr. Schafer said the proximity of this development to downtown Walled Lake and Mercer Beach offer attractive amenities. Mr. Schafer described the renderings and how they will offer an upscale and high-end living space.

Mr. Schafer said in the 1600 square feet retail space, they are proposing a local boutique/ private gym/ yoga studio. Mr. Schafer said they are looking to do a low-intensity space that will not generate a lot of traffic. Mr. Schafer described the renderings for the retail space. Mr. Schafer said they are looking to have high-end, condo-like finishes. Mr. Schafer described the designs in the kitchen, living space, and bedroom.

Mr. Schafer talked about the roof-top amenity that has enhanced landscaping inspired by Zen-type gardens with a chic fireplace and high-end outdoor furniture. Mr. Schafer discussed the highlights and benefits of the development such as a host of amenities such as proximity to downtown Walled Lake, beautiful views of Mercer Beach, and upscale modern living, rooftop terrace, and high-end facades. Mr. Schafer reiterated how it is a transition zone between commercial and residential. Mr. Schafer described the James-Hardie materials that will be used and how they mimic the materials of the home adjacent to the property.

Mr. Schafer opined in order to have successful retail and commercial spaces, there needs to be high-quality residential to support those businesses. Mr. Schafer identified some vacant commercial properties in Walled Lake. Mr. Schafer said Schafer Development is proposing something that would resolve these issues and not make it worse.

Commissioner Owsinek brought up the concern of runoff from the parking lot and how there are current issues with the drainage downtown. Mr. Owsinek asked what the developer's plans are for integrating into that system?

Mr. Schafer said the developers are open to working with the City's engineers to not exacerbate any current issues, but instead find solutions that would be beneficial for the community. Mr.

Schafer said their engineer has been in communication with Boss Engineering to identify what could work in the area.

Commissioner Owsinek said he is aware of the Beachwood development and that it seems to be working well; and that if something similar could be accomplished here he would be very disposed that this project would be an enhancement to the area.

Commissioner Wolfson recalled a previous proposed development on the property and noted that there were drainage concerns. Mr. Wolfson asked if these would be rentals?

Mr. Schafer said yes, these would be rentals.

Commissioner Wolfson said in the front units facing Mercer Beach, there might be a parking issue since those renters do not have parking spaces in front of their units and may want to park at Mercer Beach. Mr. Wolfson asked for clarification if there is no egress from the rear of the building to the first floor.

Mr. Schafer said the units on the first floor only have access from the front and that they would have to walk behind the building. Mr. Schafer said the frontage of the site is about 200ft, it would be a short walk to the parking lot which will have covered and dedicated parking spots.

Commissioner McComas said if he was a visitor for the first floor, he would park across the street. Mr. McComas said the visitor parking is limited. Mr. McComas noted the beach's popularity during the summer and that many of those visitors park in that vacant lot. Mr. McComas brought up the concern that those visitors will not have a place to park.

Commissioner Wolfson said the reality is, the lot is private property and the people who own the property can sell it. Mr. Wolfson said they have been very gracious in letting people park there when we have had events downtown, but they do have the right to sell it for commercial uses. Mr. Wolfson said that is one of the issues downtown and how to provide parking.

Commissioner McComas agreed that it is private property; he was just concerned about how the City will address those parking issues when it happens.

Commissioner Wolfson said this development would be a good addition to the City but did agree that there will be parking and drainage issues.

**PC 02-03-21 TO ADD SECOND AUDIENCE PARTICIPATION FOLLOWING
COMMISSIONER'S COMMENTS ON *EDGEWATER*
PRESENTATION**

Motion by Whit, seconded by O'Rourke, CARRIED UNANIMOUSLY: To add second audience participation following commissioner's comments on *Edgewater* Presentation

Commissioner O'Rourke said he believes that C-3 zoning is limited to only two-story developments. Mr. O'Rourke said all the surrounding properties are two-story so when we think about consistency there may be an issue with the proposed three-story structure.

Mr. Schafer said they are looking to propose a PUD development, similar to *Forestbrook*, which would allow a three-story development that allows some flexibility. Mr. Schafer said that would need to be talked about when being presented.

Mr. O'Rourke said he did have concerns about comparing a three story commercial business to something that is residential. Mr. O'Rourke said the commission should be mindful about comparisons for this proposed project. Mr. O'Rourke said he had concerns about the retail space and what it can be used for and to look at that more closely in consideration of what is nearby.

Mr. Schafer discussed sidewalk enhancements and potential curbing to provide a public benefit to those who visit Walled Lake. Mr. Schafer said an alternative use to the gym would be a shared office space; ultimately it would be something that compliments the area and is low-intensity

Commissioner Wolfson asked where the snow will be put in the winter time?

Mr. Schafer said there might be some areas on the site where that could be put.

AUDIENCE PARTICIPATION:

Brian O'Leary – 202 Witherall Street- Said 22 people in that spot is going to be difficult and that there will not be room for any guests. Mr. O'Leary said where are the guests going to park? Mr. O'Leary said in his view, it does not seem to fit.

Lena- 895 South Pontiac Trail- Described the parking situation at Shoreline Condos. Lena said as the president of Shoreline Condos a struggle is parking and renters. Lena asked how the apartments will be rented? Lena described her experience with guests and limited parking. Lena said there will be other problems with renters and parking.

Gunther- 486 E Walled Lake Drive - Said there is nothing shielding the residential homes from the parking and commercial use on the proposed development. Gunter opined that the proposed development is obstructive to the residential neighborhood next to it.

Mital Amin - 415 E Walled Lake Drive- Ms. Amin clarified that her home is a two-story residential home, but because of the topography and hill it appears to be three-stories. Ms. Amin said the Edgewater proposal by Schafer Development is an apartment complex being presented under the disguise of a mixed-use development. Ms. Amin said If they are allowed to use the Planned Unit Development (PUD) loophole, then they will have a way to go around various applicable zoning ordinances, bypass requirement standards and avoid the standard approval process. Ms. Amin said she objects to the Edgewater proposal due to the following issues. Ms. Amin said the proposed development is incompatible with Walled Lake's master plan and has an adverse impact on the city. Ms. Amin said per the statement of purpose C-3 Central Business District Requires (ARTICLE 11.00 Sec. 51-11.03.), where any mixed use is proposed, pursuant

to section 51-11.04(8), any residential use shall constitute no more than 50 percent of the gross floor area of any building; So, the entire first floor should be commercial space and second floor can be residential space, but the Edgewater development uses 94% of the 26,400 square foot space for residential apartments. Ms. Amin said since only 6% of the space totaling 1,500 Square feet is set aside as commercial shared office space for tenant use, it is not truly a mixed-use space but an apartment complex with an added tenant amenity. Ms. Amin said the development does not contain any other commercial space such as retail, professional offices, services, or restaurant, which would promote new economic growth and draw people in from the surrounding area to boost the downtown business district as intended by C-3 zoning in spirit of the master plan. Ms. Amin cited Article 11.00 Section 51-11.02 which states residential uses above the first floor of mixed-use buildings the individual units must be a minimum of 950 square feet. Ms. Amin said the eight one-bedroom apartments are only 675 square feet and the fourteen two-bedroom apartments are just barely over the 950 square feet requirement. Ms. Amin opined this is an example of high-density housing versus high end luxury apartments. Ms. Amin said per Walled Lake's master plan, around 23% of the existing land is already being used for multi-family residential use. There is also multi-family zoned vacant land available within the city. So, it does not make any sense to throw away the downtown lakefront land's potential by downgrading the master plan C-3 zone to multiple family zone just to build more high-density housing such as the Edgewater development. Ms. Amin said a 22 unit apartment complex built on a 0.83 acre lot, violates majority of multiple family building ordinances and requirements. Ms. Amin opined the maximum density in units per acre would make Edgewater apartment building one of the most densely packed complexes per parcel of land with the least amount of corresponding green space in all of Walled Lake. Ms. Amin said the proposed short term monthly apartment rentals would bring in a steady influx of individuals who are just passing thru with no ownership stake. Ms. Amin opined this has been proven to be especially problematic for waterfront properties with high percentage of renters. Even waterfront condominiums such as Shorelines Condos which are larger units struggled for years with numerous problems and deteriorating conditions as a direct result of 50% rental occupancy rate. They were only able to control the problems by limiting rentals to 20% of the property with one-year minimum rental agreements. Ms. Amin said a mixed use development placed in the transition zone as intended by city master plan with retail, offices or restaurants would not only be beneficial for the immediate area but benefit the City as a whole. Ms. Amin opined that if the densely packed Edgewater apartment complex is built in the transitional zone, it would cause numerous problems for the surrounding area and result in deteriorating property values. Ms. Amin said the proposed development does not meet the PUD eligibility criteria. (ARTICLE 16.00. -Sec. 51-16.02.) The minimum size of a planned unit development shall be three acres of contiguous land. The proposed site lot is only 0.83 acre. Ms. Amin said the proposed development violates numerous City ordinances and specific standards. Ms. Amin said the C-3 Central Business permits a maximum of 2 stories. The Edgewater proposal has 3 stories, which does not conform to the other surrounding commercial buildings which are a maximum of 2 stories. Ms. Amin said the mixed-use building requires 30 ft setbacks required along E Walled Lake Dr, Witherall St and Market St per commercial zoning ordinance and noted that the Edgewater proposal falls under high density housing which has increased setback requirements per Multiple-family ordinances. Ms. Amin said the site lot does not have any specific condition, topographic hardships or exceptional difficulty claim to justify any code variances. A developer's desire to squeeze in the largest building possible on a given lot is not enough justification to waive or modify setback

requirements which are essential to providing adequate green space per master plan. Ms. Amin said the building and paved parking lot well exceed the maximum 35 percent of the lot coverage. Ms. Amin said the developer needs to provide a plan to control surface drainage to prevent water run-off. The storm drains along E Walled Lake historic business district are severely compromised and collapsing in various sections. Ms. Amin opined the site property will need to have an engineered underground surface water retention and controlled release system in place to prevent flooding the adjacent roadways and contaminating the lake. Ms. Amin opined the Edgewater proposal did not take into consideration the need for additional parking spaces for guests and visitors. Ms. Amin opined this will place an unreasonable burden upon surrounding area and significantly increase the use of street parking spaces. Ms. Amin said she implores the planning commission to reject the Edgewater proposal on the basis that the historic lakefront downtown site should be utilized to its full potential as a mixed-use property. Ms. Amin said just placing more of what the city already has in the form of high-density housing is not necessarily in the best thing for Walled Lake and its future. Ms. Amin said she encourages the board to work with Schafer Development and/or other developers, who are willing to build an actual mixed-use space, which follows Walled Lake ordinances and address the above concerns in order to ultimately achieve the goals and objectives to the benefit of the entire city.

PUBLIC HEARING

1. Proposed Amendment to Chapter 51, Zoning Section 14.02 and Section 21.50 “Permitted Principal Uses” and “Marijuana Facilities”

City Attorney Vanerian said this proposed zoning ordinance amendment would require medical marijuana caregiver facilities to be located in the industrial district and would prohibit caregiver facilities to be in any other district. Mr. Vanerian said it would require site plan review and approval before the planning commission and compliance with all State law requirements. Mr. Vanerian said the difference between a caregiver facility and a provisioning center is that caregivers are on a smaller scale type of use. Mr. Vanerian said recently a Supreme Court opinion determined that local communities could regulate these facilities by restricting them to certain districts. Mr. Vanerian said these facilities have been problematic to Walled Lake in that residential homes have been rented out for caregiver operations, this will address that problem going forward. Tonight it is before planning commission for public hearing.

PUBLIC HEARING

8:26 pm Open Public Hearing

Gunther – Said he cannot believe the City is allowing more facilities in Walled Lake.

8: 28 pm Close Public Hearing

City Attorney Vanerian clarified that this is not what this ordinance does. Mr. Vanerian said without this ordinance caregiver facilities would be unregulated, which basically is what has been happening up till now and there could be an unlimited amount of them in any district. Mr.

Vanerian said what this ordinance does is regulating them to only be allowed in the I-1 district. Mr. Vanerian said they would also be required to get City approval.

Commissioner Wolfson said with this zoning ordinance it will be help regulate caregiver facilities.

Commissioner O'Rourke asked what the industrial district is on the Walled Lake zoning map?

City Attorney Vanerian replied I-1.

Commissioner O'Rourke listed the I-1 districts in Walled Lake.

Commissioner Whitt said the intent of this ordinance is to regulate caregiver facilities outside of residential areas and neighborhoods.

Commissioner O'Rourke agreed that I-1 is an appropriate place, however Mr. O'Rourke said his concern is with the district's proximity to the Walled Lake linear trail.

City Attorney Vanerian said legally what is allowed, caregiver facilities can be regulated by way of zoning district. Mr. Vanerian said in the future there may be additional ways to regulate but at this time that is how these facilities can be regulated.

Commissioner O'Rourke said his only concern is with the park component and where those districts are in relation to the Walled Lake linear trail, but agreed that I-1 is the best district. Commissioner Wolfson asked if the ordinance included language about distance from schools and churches?

City Attorney Vanerian said there is language in the ordinance that addresses those buildings.

UNFINISHED BUSINESS:

1. Discussion – Fence Ordinance Update

Planning Consultant Ortega said several months ago the Planning Commission began discussion on the current fence ordinance and accessory structures on water front lots. Mr. Ortega said there was a concern raised about the ability to allow some type of perimeter identification on those water front lots and to possibly allow some accessory structures. Mr. Ortega said currently our ordinance does not allow for such improvements. Mr. Ortega summarized the draft language and said it would allow for decorative fences, nothing that is intended to obscure the view of the lake. Mr. Ortega said for accessory structures there is language that would place limitations on their setbacks. Mr. Ortega said the language is similar to other lakefront communities.

Commissioner O'Rourke asked what is the rationale for 30ft setbacks on lakefront properties for storage structures?

Mr. Ortega said the idea is so accessory structures do not contribute to the erosion along the lake. Mr. Ortega said the setback could be adjusted.

Commissioner O'Rourke said yes he would like that adjusted.

2. Discussion – C -354- 20 Residential Design Standards

City Attorney Vanerian said in January, City Council had its second reading and has since fully adopted these design standards, there is no action needed from the Planning Commission.

3. PC – 280- Site Plan Extension – Public Storage

Applicant Joe Mayer with Kimley-Horn said he is an Engineering consultant presenting on behalf of Public Storage. Mr. Mayer said a year ago, the Planning Commission granted Public Storage site plan approval to do a single-story, climate controlled, self-storage building on their existing property. Mr. Mayer said Public Storage experienced delays with the COVID-19 pandemic. Mr. Mayer said Public Storage is still interested in moving forward with the site plan, however they are against the clock in pulling building permits as their one-year expiration is coming up. Mr. Mayer said in order to give City staff enough time to review their building permits they are requesting site plan approval extension.

Commissioner Wolfson asked if the site plan is similar to the one approved last March?

Mr. Mayer said yes, there are minor engineering comments that have been resolved.

Commissioner Owsinek said it would be in the best interest of the City to grant the applicant an extension.

PC 02-04-21 TO GRANT PUBLIC STORAGE A SITE PLAN APPROVAL EXTENSION FOR 6 MONTHS

Motion by Owsinek, seconded by O'Rourke, CARRIED UNANIMOUSLY: To grant public storage a Site Plan Approval Extension for 6 Months

4. PC – 283- Final PUD Site Plan – Forestbrook

Applicant Spencer Schafer said *Forestbrook Park* will be located on the Southeast corner of Pontiac Trail and Decker. Mr. Schafer presented their landscaping plans that will have enhanced streetscape. Mr. Schafer noted the changes such as an addition of evergreen trees in front of the building, which will provide better screening. Mr. Schafer said they will be preserving a large portion of the woods; a small portion will be impacted by the retention basin. Mr. Schafer said they are proposing nice amenities such as a bike rack, BBQ areas and sitting areas, a nature trail, and monument. Mr. Schafer said the colors of the vinyl sliding have changed. Mr. Schafer described the floor plans and finishes in the kitchen and bedroom. Mr. Schafer said they are

working with City Attorney Vanerian to complete their PUD agreement that will go before City Council.

City Planner Ortega summarized the PUD process and provided history on *Forestbrook's* preliminary site plan approval. Mr. Ortega said the open space provided exceeds the minimum requirement for useable open space. Mr. Ortega said it meets the eligibility requirements. Mr. Ortega said in regard to design standards, Mr. Ortega said the review considers density. Mr. Ortega said the plan has been revised to reflect a calculation of 10.8 dwelling units per acre. Mr. Ortega said the proposal is above the normal 10-unit maximum. Mr. Ortega said City Council has the authority to exceed the 10-unit maximum. Mr. Ortega said in addition to the density waiver, Mr. Ortega said the proposal will require a front-yard setback waiver due to the balconies that will be encroaching into the 40-foot setback. Mr. Ortega said with the landscaping plan, the evergreen trees will provide screening however it may take some time till they grow to that height of significance. Mr. Ortega said the planning commission has the discretion to require additional street trees or to propose an additional variety. Mr. Ortega pointed out the proposed building material of vinyl siding.

Commissioner McComas questioned the rent prices?

Applicant Spencer Schafer said for the two-bedroom apartment they are considering \$1,600 to \$1,700 range and for one-bedroom around the \$1,400 range. Mr. Schafer said the goal is to have above average rents as the finishes will be of a high quality. Mr. Schafer listed nearby rent prices. Mr. Schafer said he wants to utilize materials that won't degrade in quick fashion, so they will be using a higher-grade material for siding.

Commissioner McComas asked if the developers considered a mix of materials that other developments have such as brick and siding?

Mr. Schafer said the architecture has proposed a mix of LedgeStone and vinyl. Mr. Schafer said they will be using high-quality vinyl that will be dyed.

PC 02-05-21 TO APPROVE FINAL SITE PLAN APPROVAL FOR FORESTBROOK PARK AND FORWARD TO CITY COUNCIL FOR FINAL APPROVAL CONTINGENT UPON MEETING THE CRITERIA FROM CONSULTANT PLANNER DATED FEBRUARY 4, 2021, AND CONSULTANT ENGINEER LETTERS DATED FEBRUARY 5, 2021, JANUARY 30, 2021 (WETLAND STUDY), AND FEBRUARY 5, 2021 (TRAFFIC STUDY), AND FIRE REVIEW LETTER DATED FEBRUARY 2, 2021

Motion by Owsinek, seconded by O'Rourke, CARRIED UNANIMOUSLY: To approve final site plan approval for *Forestbrook park* and forward to City Council for final approval contingent upon meeting the criteria from consultant planner dated February 4, 2021, and consultant engineer letters dated February 5, 2021, January 30, 2021 (Wetland study), and February 5, 2021 (Traffic study), and fire review letter dated February 2, 2021

NEW BUSINESS:

1. PC – 286 – Site Plan – Consumers Energy City Gate

Applicant Joe Lawson provided a brief summary of the proposed Consumers Energy City Gate, a natural gas facility, that will be located on the West side of Decker Road between Pontiac Trail and West Maple Road. Mr. Lawson said currently there is an existing gas facility directly across their proposed location. Mr. Lawson said the existing facility will be retired and restored to a natural state. Mr. Lawson said the proposal includes a gravel site with a 48 feet by 44 feet building. Mr. Lawson said Consumers Energy presented their proposal before January’s Zoning Board of Appeal meeting to receive a variance for their fence, which will be a 7foot tall ornamental fence. Mr. Lawson described the materials that will be used on site. Mr. Lawson described the lighting and the timing of when they will be used.

Commissioner Wolfson questioned the tree replacement and where those would be placed or if the applicant will be pay into the City tree fund?

Mr. Lawson said they would be willing to pay into the City tree fund.

City Planner Ortega said the proposed angled light fixtures would need to be adjusted since the City’s ordinance does not allow angled lights.

Doug Scott said the proposed light fixtures will be downward directed; unfortunately the fixture detail is the only one the manufacture has, however they will be rotated down and they will be locked as such and will only be on when work is being done on-site.

Commissioner Owsinek asked if the facility across the street will be maintained?

Mr. Lawson said they will retire that site and return it to its natural state.

PC 02-06-21 TO APPROVE SITE PLAN APPROVAL FOR CONSUMERS ENERGY CITY GATE CONDITIONAL TO ZBA’S APPROVAL AND MEETING THE CRITERIA FROM CONSULTANT PLANNER DATED JANUARY 7, 2021, CONSULTANT ENGINEER DATED JANUARY 5, 2021 AND, FIRE REVIEW LETTER DATED JANUARY 8, 2021

Motion by McComas, seconded by O’Rourke, CARRIED UNANIMOUSLY: To approve site plan approval for consumers energy city gate conditional to ZBA’s approval and meeting the criteria from consultant planner dated January 7, 2021, consultant engineer dated January 5, 2021 and, fire review letter dated January 8, 2021

2. Nomination of Liaison to Zoning Board of Appeals

PC 02-07-21 TO NOMINATE NEAL WOLFSON AS LIAISON TO THE ZONING BOARD OF APPEALS

Motion by Whitt, seconded by Owsinek, CARRIED UNANIMOUSLY: To nominate Neal Wolfson as liaison to the zoning board of appeals

AUDIENCE PARTICIPATION:

NONE

COMMISSIONERS COMMENTS:

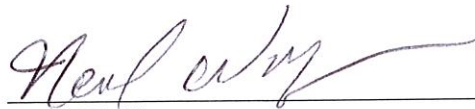
Commissioner Wolfson welcomed Commissioner McComas to the Planning Commission

PC 02-08-21 ADJOURNMENT

Motion by McComas, seconded by O'Rourke, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:30 p.m.



Hana Jaquays
Recording Secretary



Neal Wolfson
Chairman