



**CITY OF WALLED LAKE
PLANNING COMMISSION
(ELECTRONIC MEETING PLATFORM)
TUESDAY, MARCH 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:

Chairman Wolfson requested to add a second audience participation after correspondence on *Edgewater* proposed development

PC 03-01-21 TO ADD SECOND AUDIENCE PARTICIPATION FOLLOWING COMMISSIONER'S COMMENTS ON *EDGEWATER* PRESENTATION

Motion by Wolfson, seconded by McComas, CARRIED UNANIMOUSLY: To add second audience participation following correspondence on *Edgewater* proposed development

APPROVAL OF MINUTES:

PC 03-02-21 APPROVAL OF THE FEBRUARY 9, 2021 PLANNING COMMISSION MEETING MINUTES

Motion by Wolfson, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve the February 9, 2021 Planning Commission minutes.

COMMUNICATION:

- 1. Schafer Development regarding Edgewater Development- Proposed Changes and Issues with the Current Planned Unit Development (PUD) Ordinance when Redeveloping Downtown Properties**

Recording Secretary Jaquays read into the record one letter of correspondence from Schafer Development dated February 24, 2021.

AUDIENCE PARTICIPATION:

Brian O'Leary- 202 Witherall Street - Mr. O'Leary said he does not feel that a reduction of two units will alleviate the potential parking issues that the proposed apartment development will bring. Mr. O'Leary opined that premier long-term renters does not make sense. Mr. O'Leary said he would prefer someone to buy the property because they will have a vested interest in Walled Lake. Mr. O'Leary said he would prefer condos over apartments.

Mital Amin – 415 E. Walled Lake Drive – Ms. Amin said the current ordinance for PUD eligibility does not allow for such developments like *Edgewater* because of the minimum requirement of three acres. Ms. Amin said that the developers are proposing an apartment complex and opined that the property should first be rezoned to residential. Ms. Amin said prior proposed residential developments on the property did not pass because the surrounding neighbors do not want that. Ms. Amin opined that there is not enough parking.

Recording Secretary Jaquays read into the record one email of correspondence from Roger Woznicki at 535 Winwood Circle.

PUBLIC HEARING

1. PC- 284- Lot Split- Address: 1409 Decker Applicant: Steven Cervin

7:55 pm Open Public Hearing

7:56 pm Close Public Hearing

PC 03-03-21 TO APPROVE PC CASE 284 LOT SPLIT AT 1409 DECKER

Motion by McComas, seconded by Owsinek, CARRIED UNANIMOUSLY: To approve PC Case 284 Lot Split at 1409 Decker

City Planner Ortega provided some suggestions on conditional approval to the lot split such as making sure that all taxes and financial obligations have been paid to the City, that any deed restrictions be listed in the deed, and that all easements and encumbrances on the title policy be added to the lot split.

PC 03-04-21**TO AMEND THE MAIN MOTION FOR APPROVING CASE 284
BY INCLUDING THE CITY PLANNER'S RECOMMENDATIONS
FOR LOT SPLIT APPROVAL**

Motion by Owsinek, seconded by O'Rourke, CARRIED UNANIMOUSLY: To amend the main motion for approving case 284 by including the City Planner's recommendations for lot split approval

UNFINISHED BUSINESS:

Commissioner McComas asked what the plan is to address the proposed Schafer development?

Chairman Wolfson said no formal application has been submitted to the board.

Commissioner Whitt said he does not see the proposed development moving ahead tonight. Mr. Whitt said his recommendation as a commissioner and as administration would be to conduct a study into how a PUD ordinance amendment would affect the City and future developments. Mr. Whitt said he believes the City Council will suggest a review.

Commissioner O'Rourke said it is important to honor the existing PUD ordinance requirements and the concerns that were voiced at tonight's meeting.

Commissioner Whitt said the PUD ordinance study would be to consider how a change in acreage, side yard setbacks, and other requirements would affect the City moving forward.

Commissioner O'Rourke questioned why the City would conduct a study when the ordinance states the required acres? Mr. O'Rourke asked if the study determines that an amendment change is feasible, but the community does not want the property to be utilized as such, what will happen?

Commissioner Whitt explained that the City Council will ultimately make that decision. Mr. Whitt said he believes the City has an obligation to the applicant to provide due process and explain why or why not the proposed development would be allowed in the City.

Commissioner Wolfson explained the process involved with applications. Mr. Wolfson said he believes a study will be insightful into how an ordinance amendment would affect the City.

City Attorney Vanerian said this issue is before the planning commission tonight as a proposal to consider an amendment to the zoning ordinance. Mr. Vanerian said typically when a member of the public wishes to amend a zoning ordinance, the planning commission would conduct a study to see what the thought of the public is, to get input from other professional consultants, and to have discussions about what the City's zoning goals are.

PC 03-05-21**TO RECOMMEND TO CITY COUNCIL THAT THE CITY PLANNER, LAWYER, AND CITY ADMINISTRATION CONDUCT A REVIEW INTO THE EFFECTS OF A PUD ORDINANCE AMENDMENT**

Motion by McComas, seconded by Owsinek, CARRIED UNANIMOUSLY: To recommend to city council that the city planner, lawyer, and city administration conduct a review into the effects of a PUD ordinance amendment

NEW BUSINESS:**1. PC – 287 – Site Plan – Zoning/ Site Plan- 850 Ladd Building A**

Attorney Nathan Shevick introduced the applicant Calvin Pattah who is proposing a class “C” grower facility and processor facility. Mr. Shevick introduced John Gumma who prepared the site plan drawings.

City Planner Ortega said the applicant is proposing a growing and processing facility in the existing building at 850 Ladd Building A. Mr. Ortega explained that the applicant has provided the required number of exhibits. Mr. Ortega said the operation section of the business plan should be revised to reflect that all business will be conducted within the building. Mr. Ortega said additionally, the floor plan should be revised to reflect which specific sections of the building will be used for cultivation and processing. Mr. Ortega said the applicant has provided the proposed disposal plan for medical cannabis; however, a recommendation would be to provide a cut sheet detail for the locking mechanisms for the dumpsters. Mr. Ortega said there needs to be verification of the completion of the property transfer prior to granting full site plan approval. Mr. Ortega said the applicant has provided the deeds and associated transfer, however, at this time no property transfer has been filed with the City. Mr. Ortega said any approval should be contingent on the police chief’s approval of the security plan. Mr. Ortega said a proximity map with property lines should be submitted to determine setbacks and distances. Mr. Ortega said the applicant is proposing removing all existing windows and fill them with brick or cinder blocks to match the existing façade. Mr. Ortega said if the planning commission wanted to address the exterior design of the building, he provided some alternatives to what could be recommended for ensuring security. Mr. Ortega said no separate landscaping plans have been submitted. Mr. Ortega said in regard to parking, the existing parking lot meets the ordinances requirements; however, the plans should be revised to include a barrier-free space. Mr. Ortega said in regard to site circulation the site has a direct access drive to Ladd road however it does appear that there is a one-way exit only from the drive. Mr. Ortega said the applicant should provide a cross-access easement agreement for situations when church parking spills into the building’s parking lot. Mr. Ortega said a parking sharing agreement should be provided as well. Mr. Ortega said the site plan needs to be revised to include a sidewalk. Mr. Ortega concluded that there is still an extensive amount of information that needs to be provided. Mr. Ortega said the use itself is compliant with the City’s medical marijuana requirements.

Commissioner McComas asked where the parking is located and if it would be appropriate to request a better look in the rear?

City Planner Ortega said having a landscaping requirement in the rear would be appropriate and would be consistent with providing a buffer.

Attorney Nathan Shevick said he would be willing to include a landscaping buffer. Mr. Shevick said the applicant intends to use the building and if the planning commission were to grant conditional approval, Mr. Pattah will close on the building so a property transfer affidavit can be submitted. Mr. Shevick said they have been in contact with the church and can provide the cross-access easement and parking sharing agreement.

Commissioner O'Rourke described the building's location and noted that the trailway is a popular asset. Mr. O'Rourke asked what the plan is to include a buffer or landscaping plans along the trail?

Commissioner Owsinek said a decorative fence is along the trail currently.

Chairman Wolfson listed the fire marshal's concerns to include a fire suppression plan. Mr. Wolfson summarized the violations cited at Orchard Grove Church and that the water tower must be removed.

Attorney Nathan Shevick said the water tower is not included in the purchase agreement and that it does not belong to the property.

Commissioner Owsinek said the water tower was put in place for water suppression for both buildings A and B when they were an industrial facility. Mr. Owsinek said it once serviced those buildings, however it has been since abandoned and remains under ownership of the property owner.

City Planner Ortega clarified that based on aerial photos of the property lines, after the creation of both parcels the water tower is now on the parcel owned by the Church.

City Attorney Vanerian said it is his understanding that the abandoned water tower is on a separate parcel of land, not on the same parcel of land that the applicant is in the process of purchasing. Mr. Vanerian said if it is not part of that parcel, it would be problematic to somehow tie action to their site plan to require they remove the water tower. Mr. Vanerian said some due diligence may be in order to see if there is some type of encumbrance. Mr. Vanerian said there may be some underground pipes that lead from the water tower to those buildings and those pipes may be on the parcel. Mr. Vanerian said if those are abandoned fire suppression systems there may be an obligation to deal with those pipes if they are located on their property.

PC 03-06-21

**TO APPROVE SITE PLAN APPROVAL AT 850 LADD BUILDING
A FOR CLASS "C" GROWER FACILITY AND PROCESSOR
FACILITY CONTINGENT UPON PLANNING CONSULTANT**

**REVIEW LETTER DATED FEBRUARY 15, 2021 AND FIRE
MARSHAL REVIEW LETTER DATED FEBRUARY 2, 2021**

Motion by Owsinek, seconded by McComas, FAILED: To approve site plan approval at 850 Ladd Building A for Class “C” Grower Facility and Processor Facility contingent upon planning consultant review letter dated February 15, 2021 and fire marshal review letter dated February 2, 2021

Roll Call Vote

Ayes (2)	Owsinek, McComas
Nays (3)	O’Rourke, Whitt, Wolfson
Absent (0)	Palmer, Novak
Abstain (0)	

2. PC – 288 – Site Plan – Zoning/ Site Plan- 850 Ladd Building B

Applicant Joseph Ruefiel said he is proposing a safety compliance facility at 850 Ladd Building B.

Attorney Doug Mains described the operations that happen within the safety compliance facility. Mr. Mains said the applicant was able to respond to the initial concerns identified by the planning consultant and that they have been working to include the recommendations that were listed after the second review. Mr. Mains said the architect is also available to answer any questions.

City Planner Ortega described the location. Mr. Ortega summarized his initial review comments and the comments addressing the revised submission. Mr. Ortega asked the applicant to integrate their revised plans with their initial submission if granted site plan approval so the records can be accurate. Mr. Ortega said the floor plans in Exhibit A need to be updated. Mr. Ortega said the applicant did provide revised plans for waste disposal; however, plans should be revised to reflect that the disposal receptacle inside the building will be secured. Mr. Ortega said the security plan will need to be approved by the Police Chief. Mr. Ortega said the proposed location meets the buffer requirement. Mr. Ortega said a revised landscaping plan has been submitted, but no proposes have been discussed. Mr. Ortega said no landscaping screening has been proposed on the north side. Mr. Ortega requested that the applicant submit all cross-access easements and parking agreements. Mr. Ortega said a revised photometric plan has been submitted and that the applicant is in compliance with the City’s ordinance.

Attorney Doug Mains explained the business operations that happen at a safety compliance facility.

Planning Commissioner McComas asked approximately how many people will be employed?

Applicant Joseph Ruefiel said his intentions are to begin with seven employees and ultimately have about 14.

PC 03-07-21 TO APPROVE SITE PLAN APPROVAL AT 850 LADD BUILDING B FOR SAFETY COMPLIANCE FACILITY CONTINGENT UPON PLANNING CONSULTANT REVIEW LETTER DATED MARCH 3, 2021 AND FIRE MARSHAL REVIEW LETTER DATED FEBRUARY 2, 2021

Motion by McComas, seconded by Whitt, PASSED: To approve site plan approval at 850 Ladd Building B for safety compliance facility contingent upon planning consultant review letter dated March 3, 2021 and fire marshal review letter dated February 2, 2021

Roll Call Vote

Ayes (4)	Owsinek, McComas, Whitt, Wolfson
Nays (1)	O'Rourke
Absent (0)	Palmer, Novak
Abstain (0)	

City Planner Ortega introduced his 2020 planning commission annual report and 2021 action plan. Mr. Ortega summarized the report and listed the various cases that were before the commission. Mr. Ortega said in the proposed action plan are suggestions that the planning commission can consider for the future.

City Attorney Vanerian said the planning commission should prioritize revising the City's current sign ordinance in that there is a Supreme Court decision that says the sign ordinance must be content neutral. Mr. Vanerian said it would be appropriate to move forward in drafting a text amendment to the sign ordinance.

AUDIENCE PARTICIPATION:

Attorney Nathan Shevick questioned what the next step would be for 850 Ladd Building A's application?

City Attorney Vanerian explained that since the motion to approve failed, the case can come before the planning commission next month as unfinished business since there was no motion to deny the application.

COMMISSIONERS COMMENTS:


NONE

PC 03-08-21 ADJOURNMENT

Motion by O'Rourke, seconded by Owsinek, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:20 p.m.



Hana Jaquays
Recording Secretary



Neal Wolfson
Chairman