



**CITY OF WALLED LAKE
PLANNING COMMISSION
(ELECTRONIC MEETING PLATFORM)
TUESDAY, JUNE 9, 2020**

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

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

ABSENT: Novak, Palmer

OTHERS PRESENT: Recording Secretary Pesta, Confidential Assistant Jaquays,
Planning Consultant Jackson, City Attorney Vanerian

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 06-01-20 APPROVAL OF THE MAY 12, 2020 PLANNING COMMISSION
MEETING MINUTES**

Motion by O'Rourke, seconded by Wolfson, CARRIED: To approve the May 12, 2020
Planning Commission minutes.

COMMUNICATION:

Recording Secretary Pesta read into the record one letter of correspondence.

*Walled Lake Planning Commission
1499 E. West Maple Road
Walled Lake, MI 48390*

Walled Lake Planning Committee,

*I am writing to give input on the current proposal by Jim Maher to convert 152 Spring
Park from a residence to a business and parking lot. Although I have little hope that my
concerns will be addressed and suspect that this project will forward despite concerns of
the residents on Spring Park who have been subject to inconveniences and often
dangerous congestion at the end of our street over the past several years.*

*I did not complain when Mr. Maher proposed to take away the green space at the end of
the street. I thought that the proposed building would block some of our street noise.*

However he has not conformed to regulations in regard to parking on the Spring Park side of the building. If one drives down the street and pick-up trucks with trailer hitches on them are parked, they protrude into the street. Unacceptable and dangerous!!

Traffic into the street has increased exponentially since the building of Lume, due to the fact that Mr. Maher allows his alleyway to be used to access Lume. There are often cars lined up to use this alleyway prohibiting access from Pontiac Trail on to Spring Park.

Now he is proposing another potential increase in traffic by building an office building and parking lot at a residential site. Despite assurances that residents will not be impacted since there will be another entrance off Eagle Pond. Mr. Maher continues to disregard long term residents. His assurances are not to be trusted since past performance predicts future performance.

I have been here 45 years and invested thousands of dollars into my property in hopes that my disabled son, who has lived here all his life, will have a permanent peaceful place to live after I am gone, living here is no longer pleasant and stress free.

I urge you to put a stop to Mr. Maher's expansion and take over of this long-term residential community.

Best Regards,

*Nancy Fassinger
178 Spring Park*

ATTORNEY'S REPORT: None

UNFINISHED BUSINESS:

NEW BUSINESS:

Public Hearing

1. Proposed Amendment of Section 21-50 of Marijuana Facility site plan Expiration Provisions

City Attorney Vanerian explained that the current ordinance has a shortened site plan expiration provision of 180 days. Mr. Vanerian explained that the initial thought was to not tie-up applicants during the process since the city has a limited number of applicants they could approve. Mr. Vanerian pointed out that this has been unworkable despite due diligence from the applicant in cases where they are building a new facility. Mr. Vanerian said that the proposed amendment would adopt a one-year site plan expiration for marijuana facilities.

Open Public Hearing 7: 34 p.m.

Close Public Hearing 7: 35 p.m.

Chairman Hecht clarified the initial purpose for the 180-day expiration. Mr. Hecht opined that a longer site plan expiration may help reduce future problems with construction.

Commissioner Owsinek agreed with Chairman Hecht that consistency across the board can help prevent future issues.

**PC 06-02-20 MOTION TO RECOMMEND AMENDMENT OF SECTION 21-50
OF MARIJUANA FACILITY SITE PLAN EXPIRATION
PROVISIONS TO CITY COUNCIL FOR SECOND READING**

Motion by Wolfson, seconded by Owsinek, CARRIED: To approve recommendation for amendment of section 21-50 of marijuana facility site plan expiration provisions to city council for second reading.

**2. Proposed Amendment to Article 21, General Provisions, Section 21.49 Residential
Designs Standards**

Chairman Hecht provided an overview to the concerns regarding modular homes. Mr. Hecht explained the purpose for a refined ordinance.

Planning Consultant Jackson highlighted the changes that have been made such as clarification between what a site-built home is versus a manufactured dwelling. Mr. Jackson pointed out the refined definitions. Mr. Jackson emphasized that mobile homes are those that are located in a mobile home park. Mr. Jackson said that all mobile homes must be built in compliance with the mobile home commission act. Mr. Jackson said this makes sure the city is treating those types of developments fairly.

Mr. Jackson highlighted the general design standards and explained the different standards to ensure compatibility with all dwellings. Mr. Jackson emphasized that any site-built home or any manufactured home that is permanently anchored on to a single-family lot in Walled Lake, has to meet the design standards that are described to ensure compatibility. Mr. Jackson said if it is built in a mobile home park, it will be subject to different design standards. Mr. Jackson further explained that the design standards are to promote compatibility and ensure the use of quality materials.

Open Public Hearing 7:44 p.m

Close Public Hearing 7: 45 p.m.

Chairman Hecht questioned the language surrounding footage.

Planning Consultant Jackson directed Chairman Hecht to page 12, #13.

Chairman Hecht opinioned that 1,000 ft was not narrow enough. Mr. Hecht opinioned that it is a wide scope. Mr. Hecht wondered if 500 ft would be more appropriate.

Commissioner Owsinek clarified that compatibility is for aesthetic purposes and agreed that 500 ft would be appropriate.

Planning Consultant Jackson explained that the intent of the language was to consider the bulk of the homes within 1000 ft and not specifically one subject. Mr. Jackson said he believes the proposed amendment drives toward the objective.

Commissioner O'Rourke said he agrees that 500ft would be appropriate.

Commissioner Owsinek suggested to make a motion to present to council to include the 500ft language for #13.

**PC 06-03-20 MOTION TO RECOMMEND PROPOSED AMENDMENT TO
ARTICLE 21, GENERAL PROVISIONS, SECTION 21.49
RESIDENTIAL DESIGNS STANDARDS TO CITY COUNCIL
WITH LANGUAGE INCLUDING 500 FT SCOPE FOR EXISTING
STRUCTURES**

Motion by O'Rourke, seconded by Owsinek, CARRIED: To recommend proposed amendment to article 21, general provisions, section 21.49 residential designs standards to city council with language including 500 ft scope for existing structures.

**3. PC 281 – 900 Ladd Road – Caregiver Site Plan
Applicant: Dylan Putrus**

Consultant Planner Jackson provided background on the site and explained that applicant is proposing to establish two caregiver grow operations, each of which will be separate. Mr. Jackson said in order to determine compliance, each caregiver must provide copies of the registered patient ID cards and the caregiver. Mr. Jackson explained that one ID card must be provided for every twelve plants. Mr. Jackson said the applicant must provide this information.

City Attorney Vanerian said the recent Supreme Court decision does allow for some zoning review for these types of facilities, but the Court did emphasize that the city is required to permit them subject to the zoning review.

Commissioner Owsinek expressed his concerns regarding the proximity to a residential home. Mr. Owsinek additionally pointed out that the plans indicate that the units are interconnected

with walkways and doorways. Mr. Owsinek questioned how they could be separate grow facilities?

City Attorney Vanerian explained that because it is a caregiver facility, it does not fall within the scope of the ordinances that the city has that regulates the licensing of medical facilities or adult use recreational facilities. Mr. Vanerian explained there are state limitations in place for caregiver facilities such as amount of plants and patients. Mr. Vanerian said as presented, the applicant is limiting their plants to the appropriate number that they can have under the Michigan Medical Marihuana Act.

Mr. Vanerian said under zoning review, the city has limited regulatory authority. Mr. Vanerian explained that a caregiver facility falls under state law.

Applicant Dylan Putrus explained that they will be following all applicable local and state laws surrounding caregiver facilities. Mr. Putrus indicated that there are access points on each respective side, and that that units will be treated uniquely. Mr. Putrus said that only the caregiver will be able to access the unit. Mr. Putrus said there will be no access point from suite A to suite B, they will be locked and enclosed.

Chairman Hecht asked if the application would not apply for special zoning?

City Attorney Vanerian said that the property is zoned industrial, and their application does fit within an industrial district because they are producing a product. Mr. Vanerian said we cannot regulate caregivers, in the same capacity as a commercial grower.

Commissioner O'Rourke questioned if the proximity of the applicant's location to the trail, now a linear park, would infringe on their boundaries.

City Attorney Vanerian said he does not believe the city has legal authority to deny a caregiver to engage in their business because they are within proximity of a park. Mr. Vanerian said he can research further.

Commissioner Whitt said that it his understanding that caregivers can sell to commercial establishments. Mr. Whitt said the purpose of tonight is to invite the public to talk about the facility. Mr. Whitt encouraged the commission to send the case to administration for final review. Mr. Whitt said he understands that this area of law is changing, and if the city attorney finds any legal objections, the case can be denied administratively.

**PC 06-04-20 MOTION TO APPROVE PLANNING COMMISSION CASE 281
SITE PLAN AT 900 LADD ROAD FOR CAREGIVER FACILITY
SUBJECT TO FINAL REVIEW OF ADMINISTRATION**

Motion by Owsinek, seconded by Hecht, CARRIED: To approve planning commission case 281 site plan at 900 Ladd road for caregiver facility subject to final review of administration.

Roll Call Vote

Ayes (4)	Hecht, Owsinek, Whitt, Wolfson
Nays (1)	O'Rourke,
Absent (2)	Novak, Palmer
Abstention (0)	

4. PC 282 – 152 Spring Park – Office/Parking Lot Site Plan **Applicant: Jim Maher**

Planning Consultant Jackson explained that the applicant is proposing to develop a parking lot while retaining the small office on the site. Mr. Jackson explained that the parking lot needs to have a 20 ft setback from Eagle Pond Drive. Mr. Jackson said the applicant has provided revised plans which indicate a 10 ft setback. Mr. Jackson said that the planning commission does have the authority to modify the setbacks if they feel that there are specific conditions that would create a practical difficulty in meeting the setback. Mr. Jackson said that the original plans did not meet the side yard setbacks of 7 ½ ft. Mr. Jackson said the revised plans now provide an 8ft setback.

Mr. Jackson said that the applicant is proposing 36 parking spaces, while the site only requires five. Mr. Jackson said the city's zoning ordinance allows for a shared parking lot for uses that are within 300ft, a shared parking agreement is required that shows that they have access and right to use parking lot. Mr. Jackson further explained that the revised plans indicate the drive isles are in compliance. Mr. Jackson questioned the height of the existing building to determine the height of the light fixtures for ordinance compliance.

Mr. Jackson said that the site plan needs to be revised to reflect ADA compliant pedestrian sidewalks on the east of Access Drive. Mr. Jackson said on the south side of Spring Park, similar ADA compliant sidewalks and ramps need to be included.

Mr. Jackson said the landscaping plans have been revised, and he recommended that shrubs be provided for the parking and headlights facing Spring Park.

Applicant Mike Powell explained that Mr. Maher is looking to maintain the office on site while including parking for his properties and businesses located on the same block. Mr. Powell said in regard to lighting, the existing building is 20ft tall and he believes the 20ft proposed light poles will be compatible with the zoning ordinance. Mr. Powell said they are asking for a 10ft buffer along the sidewalk and the start of the parking lot along Eagle Pond, which can be heavily landscaped. Mr. Powell said they can provide the buffer along Spring Park.

Mr. Powell said they are willing to include hedges along the parking lot to prevent any headlight glare. Mr. Powell said the applicant is also in agreement to include ADA accessible handicap crosswalk between the sites.

Chairman Hecht brought up his concern regarding of proximity to residential houses.

Commissioner Owsinek brought up his concern with the parking of cars along Spring Park for Lume. Mr. Owsinek said he does not want to see residents along Spring Park affected, and questioned what kind of accommodations can be made with the parking lot to ensure that Spring Park does not become a thorough fare.

Commissioner Wolfson questioned the development of traffic alongside Spring Park?

Chairman Hecht said he believes that Lume customers have taken to parking along Spring Park, thus creating traffic. Mr. Hecht said an organized parking lot may help alleviate that stress.

Commissioner O'Rourke said he would appreciate having the public parking lot for the trail be used for trail users, a designated parking lot for business members and their customers would be nice.

Applicant Mike Powell said Mr. Maher addressed Spring Park's concerns during an open house and clarified that his goal was to not put any parking in front of the office building. Mr. Powell said his intent was to make the parking lot look very residential. Mr. Powell explained that plans have changed, to encourage users to leave through the Eagle Pond Drive and not strictly use the Spring Park drive.

Commissioner O'Rourke questioned if it was possible to include a walkway from the parking lot and only vehicle access on Eagle Pond Drive.

Mr. Powell explained that if folks are going to Lume or Maher's construction building they would be driving into Spring Park drive looking for a place to park; if there is no place to park now they are forced to go to the end of Spring Park and turn around in someone's driveway and come out because there is no obvious direction to go into the parking lot. Mr. Powell said the proposed design will keep the commercial traffic east of the residential property and still provide for a nice flow-through for the parking lot.

AUDIENCE PARTICIPATION:

Ryan Woods – 111 Chestnut Ridge – Mr. Woods said he echoes some of the concerns Commissioner Owsinek mentioned. Mr. Woods brought up his concern regarding water flow and storm drainage, questioning where the storm water would go to? Mr. Woods touched on landscaping and light shielding concerns.

Mr. Powell said the city's ordinance prevents any additional stormwater from running off into any street or adjacent properties. Mr. Powell said they are proposing an underground storage system to hold storm water, and that they will work with the city's engineer to ensure that they do not let any storm water off into any residential property. Mr. Powell said they can include a higher hedge. Mr. Powell said the photometric plans calls for no leakage of light across property lines, in accordance to the city's ordinance.

Tyler Johnson – 193 Spring Park – Mr. Johnson expressed his concerns with the increased pressure from traffic on Spring Park from the recent developments. Mr. Johnson said he believes it is an infringement on Spring Park. Mr. Johnson said he finds it unfair and frustrating and hopes for peace and quiet within the neighborhood.

Chairman Hecht asked if a parking lot would help with the coordination of traffic?

Mr. Johnson said he is most concerned with the access to Spring Park. Mr. Johnson said with an increase of traffic and congestion, residents are unable to enter and exit their neighborhood.

Commissioner O'Rourke questioned if all access to the parking lot was made on Eagle Pond Drive, and a walkway was designed between the parking lot and other businesses, do you think that would be appropriate?

Mr. Johnson said yes, that would be appreciated.

Karen Kolke – 179 Spring Park – Ms. Kolke said she did not realize that C-2 allowed for surface parking for principal use, as proposed. Ms. Kolke said she was under the impression that overview flow parking was going to be across the trail at the old insurance building. Ms. Kolke said there are two big oak trees, and questioned if they were going to be coming down too?

Jerry Millen – 103 E. Walled Lake Drive – Mr. Millen explained that the initial purpose of curbside pickup was in response to COVID. Mr. Millen said he had spoken with representatives at the MRA and that curbside may continue and Mr. Millen opined that curbside will remain legal.

Mr. Powell stressed that this is not a Lume parking lot, and its purpose will be for Mr. Maher's construction business. Mr. Powell said they could include signage to direct users to leave through Eagle Pond Drive.

Chairman Hecht said he understands the concerns brought up in regard to Spring Park's access and walkways.

Commissioner Whitt said that Spring Park has suffered from the construction, and through his observation he believes the residents were given very little consideration. Mr. Whitt said the Spring Park residents have a right to be angry and suspicious. Mr. Whitt said his vote tonight will be "no", and he will remain opposed until complete plans are presented.

Mr. Powell said they are willing to have all construction for the parking lot be done through Eagle Pond Drive and that Mr. Maher understands the hardships faced by those on Spring Park.

Commissioner Whitt said his concern is for those on Spring Park.

**PC 06-05-20 MOTION TO DENY PLANNING COMMISSION CASE 282 FOR
SITE PLAN AT 152 SPRING PARK FOR OFFICE SPACE AND
PARKING LOT EXPANSION**

Motion by O'Rourke seconded by ,

**PC 06-06-20 MOTION TO AMEND ORIGINAL MOTION TO TABLE
PLANNING COMMISSION CASE 282 FOR SITE PLAN AT 152
SPRING PARK FOR OFFICE SPACE AND PARKING LOT
EXPANSION UNTIL COMPLETE PLANS ARE SUBMITTED**

Motion by Whitt, seconded by O'Rourke, UNANIMOUSLY CARRIED: To approve planning commission case 282 for site plan at 152 Spring Park for office space and parking lot expansion until complete plans are submitted.

Roll Call Vote

Ayes (6)	Hecht, O'Rourke, Owsinek, Whitt, Wolfson
Nays (0)	
Absent (1)	Novak, Palmer
Abstention (0)	

AUDIENCE PARTICIPATION: Addressed earlier in the meeting.

COMMISSIONERS COMMENTS:

Chairman Hecht reiterated the need for addressing the parking situation.

Commissioner O'Rourke agreed with Chairman Hecht and Commissioner Whitt in regard to parking.

Commissioner Owsinek said he is still hesitant on any future proposals.

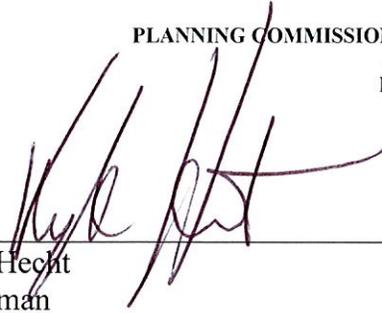
Commissioner Wolfson said it is a tough situation and will need some time to think about it.

PC 06-06-20 ADJOURNMENT

Motion by Wolfson, seconded by Hecht, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:10 p.m.



Hana Jaquays
Recording Secretary



Kyle Hecht
Chairman