



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, APRIL 11, 2017**

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

ROLL CALL: Malone, Maurer, Novak, Robertson, Whitt

ABSENT: Palmer, Wolfson

OTHERS PRESENT: Planning Consultant Deem, City Attorney Vanerian, Recording Secretary Rodgers

PC 04-01-17 MOTION TO EXCUSE COMMISSIONERS PALMER AND WOLFSON

Motion by Robertson, supported by Maurer, CARRIED UNANIMOUSLY: To excuse Commissioners Palmer and Wolfson from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

PC 04-02-17 APPROVAL OF THE JANUARY 10, 2017 PLANNING COMMISSION MEETING MINUTES

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To approve the January 10, 2017 Planning Commission minutes.

COMMUNICATION: None

AUDIENCE PARTICIPATION:

Dennis Burks – 206 Spring Park – stated, “As a resident of the State of Michigan, County of Oakland, City of Walled Lake I request a full quorum be here. You don't have one so you cannot have a meeting, okay.” Mr. Burks further asked, “Is there a city clerk present? The state law requires a city clerk be at the meeting. Does anyone know the state law? Ok.” Mr. Burks questioned the planning board and development, stating that he does not know if it is a board because it is not listed on the website. Mr. Burks said it starts with Dennis Whitt, Jim Wright, Jeff Rondeau and he asked, when does the board meet?

Mr. Burks asked who is responsible for the Commons Building being built, did it come before this board and who approved the building and plans for the Commons Building. Mr. Burks said it is eight (8) feet over-grade now and is flooding out Gamma, Leon, and Sparks Lane.

Mr. Burks said the Commission wants to push something through to tax the citizens to cover up that mess because they are greedy for tax money. Mr. Burks accused the board of not planning on sending out notices to the residents when Pepino's was rezoned. Mr. Burks asked if there is going to be a meeting on this or they trying to smooth it through like the Commission did on the people at Spring Park. Mr. Burks asked if the Commission approved the Maher plan. He said Maher's building is out of code and zoning and asked if the board had anything to do with that. Mr. Burks said he is looking for a yes or no, "it is a simple question."

Chairman Malone said it is not questions and answers, you can make any comment you want. Dennis Burks asked, why does the board have meetings then if the board is not going answer any questions. Mr. Burks said the board makes themselves look really good in front of the public.

Karen Kolke – Spring Park - asked about the sub division behind Save-A-Lot. She said it is all flooded and that it is probably due to the condominium complex put there. She clarified that is what Mr. Burks was talking about. She asked who does take care of that, is it City Council or was the plans brought before the city. She asked if the planning commission is going to correct the drainage on the piece of property back there. She said she is talking about Gamma and all those places back there and has never seen the roads so flooded.

City Attorney Vanerian said there has been flooding issues in the past. He said if their facility is not working, the City has been on them to repair it. He said there has been upgrades to the area in the past but it is a low area.

Karen Kolke asked about the big house being built, it looks quite elevated and it is going to be a big house. She believes that it would affect the drainage over there also. She did not know anything was being built and asked if it came before the board.

Commissioner Robertson said it was an intense engineering process for the construction of that house to be approved.

ATTORNEY'S REPORT:

1. Update – Sign Ordinance Amendment

City Attorney Vanerian said he has been working on the legal updates to the sign ordinance. He said it has not been reviewed in over 10 years. He explained that the zoning ordinances periodically need to be updated based on developments and the law. He said the planning consultant, Mike Deem, is working on it as well with some text amendments.

Planning Consultant Deem explained step one is the technical review. He said he looked at two aspects of the sign ordinance. He explained one is for content neutrality which is based on a Supreme Court decision in 2015. He said it talked about what can and cannot be on a sign message. He explained the other aspect for review was for clarity. He said for example, the

number of signs one business can have. He said the planning commission can regulate the size, the material and colors but, cannot regulate the message itself. He said the commission can regulate the location of a sign, whether it is free standing or attached to the building. He said the commission can regulate if a sign is lit or not, or if it is a fixed message on an electronic sign. He said there are regulations to content. He said political signs are no longer allowed to be regulated. When considering political signs, the commission could create a category for non-commercial temporary signs and have limits to the number of those signs allowed on a property. He said the bigger issue is; clarity of the zoning ordinance relating to signs. He said signs are a way for a business to advertise who they are and what they sell. He explained it is important they meet the character of the city and what the city expects from them. He said there are conflicting areas in the zoning ordinance and it is not clear how they relate to each other. He said he has identified the issues and put together the technical review for the commission to review. He said the intent is not to change the ordinance but to clarify and bring into compliance with federal law.

Chairman Malone explained the ordinance in Farmington Hills addressed rope lights that frame around windows and shielding the intensity of those lights. He said that may be something to address.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Discussion – Outside storage bins (collection bins) site plan compliance

Recording Secretary Rodgers said there has been an increase of calls about more of the outdoor collection bins popping up in parking lots. She said there needs to be a discussion about an ordinance amendment pertaining to outdoor donation bins. These donation bins are not part of the original site plan approval. She explained there was national news about a woman getting her arm caught in one and passing away and now is the time to address the donation bins and the businesses coming into compliance with their approved site plan.

Commissioner Whitt said the issue is a violation, if any. He said it is outdoor storage bins are out there for a month and once it is full then more bins pop up on the same site. He said it is outdoor storage and now it is becoming a nuisance. He said the commission needs to direct the consultant planner to see what other communities are doing along with the attorney to see how the commission can enforce it. He said if it is nothing more than a site plan violation, currently the commission calls it as outdoor storage. He said the other issue is once the bins are full people are still throwing their bags outside the bin. It becomes a dumping ground and becomes another code issue.

City Attorney Vanerian said most of the outdoor storage bins are violations based on what is currently in the ordinance. He said if it is not part of the business' original site plan approval it is a violation or could be a blight issue. He said he will look at the type of facilities, however, in all likely hood the donation bins can be addressed with what the city currently has in place.

Commissioner Robertson said besides the collection bins overflowing there is the same issue with Salvation Army on Sundays. He explained since the business is closed that day people still drop their stuff off outside and then others start rummaging through the bags. He said by Monday mornings there are piles of bags everywhere. He said that is a nuisance as well.

Commissioner Whitt said the city does get complaints that people are stealing from the bags being dropped off outside the Salvation Army. He said another code enforcement issue. He said the commission can improve what is currently in place so code enforcement knows what he can do within his power.

Code Enforcement Officer Rondeau said there used to be only three or four boxes and now there are over forty.

ADMINISTRATIVE REPORT:

1. 118 W. Walled Lake Dr. (old Pepino's location)

Executive Director Whitt said people are asking about the construction items that are there from the neighboring site. He said is some construction being done. He said business owner Mr. McDonald left the construction material on the property of Pepino's. He explained the owner is trying to get the work done and the city is trying to work with business owner. He said the DDA instructed staff to contact Pepino's with helping them sell the property in the DDA district.

2. 1237 E. West Maple Rd. – Fisher Maple LLC (old Exxon)

Code Enforcement Officer Rondeau explained a few years ago a gentleman came to the city to apply to do business as a repair facility. He said one guy left to another location and the person left in charge was not aware of what he could and could not do with the property. He said over time he has opened a U-Haul and has also increased the outdoor storage use. He said he looked at the plans and there was an agreement that there was not going to be any outdoor storage. He said he drafted a letter to the property owner about a citation. He said the owner has discontinued the U-Haul but is still working with the outdoor storage problem. He said over the years the back of the property has turned into a junk yard. He said there is an asphalt company that stores their equipment there. He said there has been some progress but there is more to address in the back of the property.

3. 1109 Decker Road (old foundry)

Code Enforcement Officer Rondeau said a gentleman opened an outdoor facility and there were certain conditions he had to meet. He said in 2006 or 2009 one condition he had to put up a screen around the property. He said overtime some screening went up and other screening came down. He said long story short it is still not screened all the way around and he wrote a citation for that. He said currently there are 400 to 600 boats stored on the property now. He said when the fire marshal went indoors he realized there were more boats stored inside. He said in the fire code the building needs to be sprinkled or divided. He said the owner knew that way back when he came before the planning commission. He said both situations the attorney has orders

stopping the owner from using the property at all, legally he cannot use the property for indoor or outdoor storage.

4. 1501 & 1507 E. West Maple Road (veterinary office)

Code Enforcement Officer Rondeau said he wrote a citation to the vet clinic because he came to a city council meeting saying he was operating a business out of the barn. He said the vet is operating a fish growing facility in the barn. He said over the years' work has been done inside. He said the barn has been heated and insulated. He said there are pumps and hot water tanks that are thirty-feet-long by 20-feet wide for growing shrimp. He said the vet is growing shrimp. He said however when he spoke with the vet he claimed it is aquatic and he is fixing sick shrimp. He explained the citation is about the building and that he did work without approval or any permits.

City Attorney Vanerian said the vet was in court last week and one issue the city was dealing with was doing work with no permits. He said the vet indicated he had the permits with him at court. He explained the idea was he would have permits issued and get his inspections with a certificate of occupancy issued. He said there may be other issues to work out with the city about the zoning and the use of business being operated. He said he is working with the current violations and then decide what direction to go from there.

Planning Consultant Deem said he reviewed the zoning ordinance to see where a shrimp farm is permitted. He said it would be treated as a special land use in a C-2 area.

Commissioner Whitt discussed a neighborly dispute on Coalmont Street. He said the dispute was about docking privileges, on what is a park at the end of Coalmont Street. He said the complainant in the police report was claimed that people were using the docks and that they did not have a right to the docks. He explained her lawyer sent the city a letter of cease and desist and that the city was to enforce her position that the other people on the block had no rights to use the lake. He said by Monday he discovered there was a lawsuit and the woman is a defendant and the rest of the street owners are the plaintiffs. He said they are fighting between the few property owners at the end of the street and then the rest of the property owners behind them. He said the couple people at the end of the street believe they are the only one who have access to the public park. The city is getting FOIAed and all property owners have been assessed as having access to the lake. He explained it is about riparian rights. He said it is in court now and the city nor the police can get involved because it is a civil dispute.

Code Enforcement Officer Rondeau said when he went down there he spoke with someone named Kate. He said he knows it is a park and that is 248 feet across along the water. He said Kate insisted when he was there that there were too many docks and he needed to tag this one and that one. He said that is not what he is doing and he put a sticker on the sign that said Walled Lake outfall. He said the sticker explained that there can be one dock every forty feet.

City Attorney Vanerian said lake frontage disputes are common and are civil disputes about who has what private property rights and interest on a particular parcel. He said there may be some land use or code enforcement issues. He said it is not up to the city to decide who has what property rights or interest. He said it is in circuit court and the court will take action and decide.

Commissioner Whitt said the city is not picking a side in the dispute of riparian rights. He said the police department was instructed to not get involved. He said once it is in court they are required to go through the court to get relief. He said the city is not in the business of enforcing their cease and desist letter and enforce their position because it is a civil dispute. He said if anyone gets a call they are to refer people to their own lawyer. He said once the judge issues the order the city will then know what the rules are in terms of enforcement.

5. Code Enforcement Report December

DISCUSSION:


Chairman Malone asked about the church off Ladd Road. He said it was packed on a Tuesday night.

COMMISSIONERS COMMENTS: None

PC 04-03-17 ADJOURNMENT

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:21 p.m.


Chelsea Rodgers
Recording Secretary


Matt Malone
Chairperson