



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
TUESDAY, OCTOBER 8, 2024**

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

Pledge of Allegiance led by Chairman Wolfson

**ROLL CALL:** O'Rourke, Owsinek, Robertson, Whitt, Wolfson

**ABSENT:** NONE

**OTHERS PRESENT:** Assistant City Manager Jaquays, Planning Consultant Ortega,  
Finance Director Pesta, City Clerk Stuart

**REQUESTS FOR AGENDA CHANGES:**

Planning Commissioner Owsinek requested to change the agenda to address Unfished Business first, before holding the Public Hearing.

**APPROVAL OF MINUTES:**

**PC 10-01-24 APPROVAL OF THE SEPTEMBER 10, 2024 PLANNING  
COMMISSION MEETING MINUTES**

Motion by O'Rourke seconded by Robertson, CARRIED UNANIMOUSLY: To approve the September 10, 2024 Planning Commission minutes.

**AUDIENCE PARTICIPATION:**

Tracey Millman, 741 Woods Court – Ms. Millman said she has done research on altering a flood plain and she is aware of the federal Migratory Bird Protection Act. Ms. Millman asked where all the water will go when the development goes in. Ms. Millman said she spoke to the Federal Authorities and the State Authorities and the EPA. Ms. Millman said any changes should go through the Floodplain Protection Act and opined that they need certain permits to do work in the wetland areas. Ms. Millman said she will file a complaint with EGLE. Ms. Millman said she will find the endangered species. Ms. Millman submitted information to the Planning Commission.

**COMMUNICATION:** NONE

**UNFINISHED BUSINESS:**

**1. PC 314 – Decker and EW Maple, Vacant Lot  
Site Plan and Special Land Use  
Applicant: Agree Development**

City Planner Ortega said tonight we are here to continue discussion on the proposed automobile fuel station at the southwest corner of Decker and East West Maple Road. Mr. Ortega said the site is zoned C-2 general commercial. Mr. Ortega said gas stations require site plan and special land use approval. Mr. Ortega said there were some outstanding site plan issues that have been addressed. Mr. Ortega said the plans have been modified to reflect the dedication of the Right-Of-Way, the applicant has provided truck circulation plan, and the applicant has provided additional details to the landscaping plan. Mr. Ortega requested additional clarification be provided as to which trees will be saved, and that there are some opportunities to preserve existing trees along East West Maple Road. Mr. Ortega said the applicant has also provided dumpster enclosure details and an updated photometric plan. Mr. Ortega said in regards to signage, the applicant will be proposing signage compliant with the City's zoning ordinance and will not be requesting a variance. Mr. Ortega noted that the City Engineer was able to provide a cursory review and a more extensive review will be completed during the building/construction phase. Mr. Ortega noted on the City Engineer's review, the detention pond has been enlarged beyond capacity that is necessary for compliance with Oakland County compliance. Mr. Ortega said based on the revised site plan, the City recommends approval.

Project Manager Mandy Gauss identified herself as the civil engineer with CESO for the proposed project. Ms. Gauss said she met with some neighboring residents and took into consideration some of the comments made at last month's meeting. Ms. Gauss said she spoke with representatives at Oakland County regarding the maintenance of the Greenaway Drain and that Oakland County conducts routine maintenance on the drain; the last maintenance inspection was completed in 2022 and the County will return in 2026. Mr. Gauss said if any residents experience drainage issues, to contact the Water Resources Commissioner (WRC) to address it. Ms. Gauss said the pond has been oversized by 26% to alleviate any stormwater going to that drain quickly and allow more storage. Ms. Gauss said the trees that were recommended to be left in place are still shown on the site plan and have been removed from the demolition plan. Ms. Gauss said new landscaping has been provided. Ms. Gauss said the plans have been revised to include a right-in, and right-out entrance off of East West Maple Road. Ms. Gauss said the center island will be designed to MDOT standards. Ms. Gauss said additional proposed signage includes no left-turns in and no left-turns out. Ms. Gauss said we are not requesting a variance for signage. Ms. Gauss said we appreciate everyone's concerns and comments.

City Planner Ortega said the laws that were mentioned are applied to a site based on the State Inventory map, through the Michigan Department of Environmental Quality and the Michigan Department of Natural Resources. They keep maps on file identifying and location of these protected species and areas. Mr. Ortega said if this was located in a floodplain, the laws would regulate what can and cannot be developed in that area. Mr. Ortega said based on the City's knowledge and information from the State, this site is not located in a flood plain or flood way. Mr. Ortega said this site is part of the County's drain system. Mr. Ortega listed different



Roll Call Vote

AYES: (5) O'Rourke, Whitt, Wolfson, Owsinek, Robertson  
NAYS: (0)  
ABSENT: (0)  
ABSTENTIONS: (0)

**PUBLIC HEARING:**

**1. PC 315 – 307, 323, and 335 E. Walled Lake Drive  
Applicant: Watermark Terrace**

City Planner Ortega described the site characteristics and current zoning. Mr. Ortega said the applicant is proposing a three-story mixed-use building to include office space and a total of 17 apartments. Mr. Ortega said the applicant is applying through the Commercial Planned Development (CPD) process. Mr. Ortega said after a presentation at the August City Council Meeting, City Council determined that the applicant met the required qualification criteria for CPD approval. Mr. Ortega said tonight, the Planning Commission is holding the required Public Hearing. Mr. Ortega said the applicant has submitted a revised plan. Mr. Ortega said the applicant has provided a truck circulation plan; it is in compliance for vehicles. Mr. Ortega said the applicant has provided photometric plans, and dumpster enclosure details. Mr. Ortega said the applicant is requesting modifications to the height of the structure, they are they are proposing a three-story facility. Mr. Ortega said they are requesting side setbacks modifications. Mr. Ortega said the City's Zoning Ordinance has a maximum building setback of 5 feet. Mr. Ortega said the applicant is proposing a setback of 11 feet on Witherall and Ferland. Mr. Ortega said the applicant is also requesting a parking setback; the City's Zoning Ordinance requires a 5 foot perimeter setback, there are some places in the parking lot where they are requesting a 2 foot setback due to the grading and configuration of the parking lot. Mr. Ortega said there are three different aspects that result in a reduction of parking for this site; One, residential uses and new uses may reduce the required parking up to 50% in the C-3 overlay district. Two, on street parking may be counted to meet parking requirements with the approval of the Planning Commission. Three, the parking required for multi-family dwelling units may be provided and jointly used by offices not normally operated in the evening hours. Mr. Ortega described the different parking requirements outlined in the City's Zoning Ordinance. Mr. Ortega said 24 office parking spaces are being provided and 23 multi-family parking spaces. Mr. Ortega said modifications to the public infrastructure can be one means of an exemplary development, in turn for having a three-story building. Mr. Ortega said the Planning Commission and developer may also consider improvements along E. Walled Lake Drive. Mr. Ortega said this site is expected to have improved infrastructure in the future. Mr. Ortega said the developer may consider improvements in the right-of-way to compensate for the future, planning for the future which would provide a substantial and very important improvement for the Downtown area.

Chairman Wolfson asked how many parking spaces are available on-site?

Mr. Ortega said 47.

Commissioner O'Rourke asked what the size of each parking space is?

Mr. Ortega said 9 feet wide by 20 feet deep.

Commissioner Owsinek discussed the stormwater retention and asked what the impacts of the proposed development would have on the City's plans to address the issues downtown. Mr. Owsinek said he would like to see a combined effort between the developer and the City.

Mr. Ortega said the developer is following Oakland County's standards and they are proposing an underground detention system. Mr. Ortega said there is potential for coordination.

Applicant Daniel Stakhiv introduced his Architect, Civil Engineer, and two building partners. Mr. Stakhiv said soil borings have been completed and contamination was found where the site used to be a gas station. Mr. Stakhiv said he visited some of the nearby businesses to hear their concerns. Mr. Stakhiv described the site and provided a historical background of the site, noting that the site has been vacant for at least 2 decades. Mr. Stakhiv said the site is in the historic downtown and C-3 overlay district. Mr. Stakhiv said the parking is located behind the building to showcase the views of Walled Lake. Mr. Stakhiv said he is open to exploring different on-street parking arrangements. Mr. Stakhiv provided a PowerPoint presentation. Mr. Stakhiv described the site characteristics, noting that the site is not level and there is an elevation change. Mr. Stakhiv explained his business, FOLIO, and shared statistics on the co-working space. Mr. Stakhiv said the main entrance is on the southwest corner. Mr. Stakhiv said each unit has a covered staircase, premium finishes, and water views. Mr. Stakhiv described the exterior elevations. Mr. Stakhiv described the different curb cuts. Mr. Stakhiv described the co-working membership options of the office spaces.

### **Open Public Hearing 8:40 PM**

Rich Gunther, 486 E. Walled Lake Drive - Mr. Gunther said the three-story development is very interesting. Mr. Gunther asked what ordinances are they requesting a variance from? Mr. Gunther opined that it is a lot of extra cars. Mr. Gunther opined that condominiums would be nice and provide revenue to the City.

Aaron Freedman – Mr. Freedman identified himself as one of the operating partners of FOLIO office spaces. Mr. Freedman said the objective is to expand the FOLIO business to other small downtown communities. Mr. Freedman described the different membership opportunities. Mr. Freedman said he is local to the area and has intentions of staying. Mr. Freedman said he is here today to hear everyone's concerns.

Mital Amin, 415 E. Walled Lake Drive – Ms. Amin opined that the proposed modern building is not a significant contribution to the City. Ms. Amin said people unofficially utilize Witherall for street parking and typically there are six cars there and opined that the development would be taking away two parking spaces. Ms. Amin said the proposed location for the building is not in line with the buildings on the right and left of it. Ms. Amin said she believes the lot can be developed while following the City's Zoning Ordinances. Ms. Amin said the other downtown business have been grandfathered in and use the nearby parking. Ms. Amin said around 5PM,

traffic is backed up and travelers use Witherall to get around the traffic. Ms. Amin opined that an access point off of Witherall would add to it. Ms. Amin said she is failing to hear the benefit of the development. Ms. Amin asked for clarification of the usable space and how the 2,000 square feet was calculated for parking. Ms. Amin said the beach goers visit the beach earlier before 5PM. Ms. Amin opined that the public was wishing for a reduction of units that was in compliance with the Zoning Ordinance. Ms. Amin said all the other businesses in Walled Lake have parking in front of their building.

Dan Martin, 239 E. Walled Lake Drive – Mr. Martin said many of the businesses have already been granted variances for using parking off-site and listed the different businesses. Mr. Martin said he doesn't see the benefit of the development to the residents and noted that it is a members-only business. Mr. Martin said the development will clean up the downtown. Mr. Martin said the City will need more parking. Mr. Martin said the residents in the building will need parking. Mr. Martin discussed different configurations of the apartment units. Mr. Martin said we gotta think outside the box. Mr. Martin opined that the City should commit to spending money in the downtown area to improve the parking situation. Mr. Martin described how he approached the City to have Ferland Street become a one-way.

Bryan O'Leary, 202 Witherall street – Mr. O'Leary asked for clarification on the previous development, confirming that it was denied. Mr. O'Leary opined that the development would look nicer if the parking was in front and the building set on the rear of the property. Mr. O'Leary said he doesn't understand the comparison between Berkley and Walled Lake, opining that they are different.

Nate Markou, 115 Arvida – Mr. Markou said first off, said the applicant could build what they are requesting; the developer is asking for a third-story variance that will impact the line of sight for most of the residents. Mr. Markou said the proposed development will impact the City's walkability. Mr. Markou said there is not enough parking. Mr. Markou opined that it does not have to be three-stories. Mr. Markou questioned what the public benefit would be.

James Dean, 239 E. Walled Lake – Mr. Dean identified himself as the owner of "Game and Company". Mr. Dean said one of the biggest complaints he has received from customers is the lack of parking. Mr. Dean said there will competition for parking during the summer for beach-goers.

Tom Fewless, 131 Ferland – Mr. Fewless stated there was miscounting of parking spaces, noting that two of the parking spaces were for his building. Mr. Fewless asked if there has been appropriate planning for vapor intrusion for the contamination. Mr. Fewless asked if there is a mitigation system to ensure the residents are protected. Mr. Fewless opined that the development does not add to Walled Lake's crown jewel, the lake. Mr. Fewless opined a modern building in the historic district does not fit. Mr. Fewless questioned if there will be enough parking and noted that there will be overflow.

**Close Public Hearing 9:07 PM**

Mr. Stakhiv said for a condo development, an HOA would be established and typically HOAs are based out of state. Mr. Stakhiv said as the landlords, and being in close proximity, they would be able to maintain and visit the site. Mr. Stakhiv said the site has been vacant for over 15 years. Mr. Stakhiv referenced the City's Zoning Ordinance and the space requirements for apartment units. Mr. Stakhiv said he understands the parking concerns. Mr. Stakhiv said he is open to exploring the addition of a bike lane or expanding the sidewalk. Mr. Stakhiv addressed the parking issues along Witherall. Mr. Stakhiv said an active mitigation system will be considered.

Commissioner Whitt said the City and the DDA have committed to funds for surveying the entire downtown area, with the intention of establishing a Special Assessment District (SAD) downtown. Mr. Whitt said when the City finds out where those easements are, the City will begin the legal taking process. Mr. Whitt said there will be improvements happening, and it will be funded through the SAD.

City Planner Ortega explained the calculations for usable floor space.

Chairman Wolfson asked if there will be special access for people living or working onsite?

Mr. Stakhiv said he understands that is an expressed concern from residents and beach goers. Mr. Stakhiv said right now, it will be monitored via cameras.

Chairman Wolfson said on warm days, Witherall and Market Street are packed with cars.

Commissioner O'Rourke said during rush hour, E. Walled Lake Drive can be backed up. Mr. O'Rourke said he understands that there are a finite number of parking spaces near the beach. Mr. O'Rourke suggested a traffic study be completed. Mr. O'Rourke questioned how snow removal will be managed?

Mr. Freedman said what FOLIO is considering is potentially offering a discounted membership for members who bike or walk to the facility. Mr. Freedman said FOLIO tries to be a green company.

Mr. Stakhiv said he would inform their snow removal contractor to keep the snow on-site, or have it hauled out.

Commissioner Owsinek said the City Engineer is currently preparing a survey that will help the City address the stormwater, parking, and sidewalk concerns.

Commissioner Whitt said City Council will make the final decision. Mr. Whitt said the City and the property owner have a good working relationship. Mr. Whitt said the property owner has allowed the City to utilize the space as a park. Mr. Whitt said with the property owner's approval, the City cleaned up the site.

**PC 10-04-24**

**MOTION TO RECOMMEND APPROVAL OF PC CASE 315-  
WATERMARK TERRACE TO CITY COUNCIL CONTINGENT  
ON CITY COUNCIL REVIEWING THE DOWNTOWN PARKING**

