



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, MAY 10, 2016**

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

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

ABSENT:

OTHERS PRESENT: Planning Consultant Deem, City Attorney Vanerian, Recording Secretary Rodgers, City Engineer Jones, Finance Director Coogan

REQUESTS FOR AGENDA CHANGES:

PC 05-01-16 MOTION TO MOVE NEW BUSINESS ITEM #1-2016 MASTER PLAN IMPLEMENTATION TO NEW BUSINESS ITEM #3

Motion by Robertson, seconded Palmer, CARRIED UNANIMOUSLY: To move new business item #1-2016 Master Plan Implementation to new business item #3

APPROVAL OF MINUTES:

PC 05-02-16 APPROVAL OF THE APRIL 12, 2016 PLANNING COMMISSION MEETING MINUTES

Motion by Wolfson, seconded by Novak, CARRIED UNANIMOUSLY: To approve the April 12, 2016 Planning Commission minutes

COMMUNICATION:

AUDIENCE PARTICIPATION:

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

Open Public Hearing 7:35 p.m.

1. 274 W. Walled Lake Dr. – Special Land Use

Applicant: Janine Feinberg

City Planner Deem reviewed the application for site plan and special land use approval for a site that is zoned R-1A to re-use the site as a recovery home. He explained “family” as an individual or group of two or more persons related by blood, marriage or adoption, or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single non-profit housekeeping unit. He explained the Zoning Ordinance section 2.02: *recovery home as a dwelling as their principal residence by up to 12 handicapped persons who are in need of a supportive living arrangement to help recuperate from the effects of drug or alcohol addiction who reside together as a single housekeeping unit, in which staff person shall provide supervision, counseling, treatment, or therapy for the residents within.* He stated the letter from the applicant dated December 18, 2015 states the proposed use is a “Sober Living” and is not classified as a recovery from alcohol/drugs”. He explained if the applicant is not classifying her business as a recovery home, the use would be non-conforming for the zoning district and not allowed. He stated the information provided by the applicant does not meet the definition of “family” and the nature of the individuals living together is of a transient nature. He explained that with a Special Land Use application in *Section 4.03* does allow a Recovery Home as a Special Land Use in the R-1A Zoning District. He said at this time an incomplete Special Land Use application has been provided by the applicant. He explained the tenants have no effect on neighborhood safety and the applicant has only provided information regarding fire safety. He said no information has been provided about resident safety or screening. He stated all residents are of 18 years of age and the applicant said all residents are female. He explained the City does not have the full picture and it is his recommendation to table the application until the required information has been submitted.

City Attorney Vanerian explained the Federal Fair Housing Act (FFHA) can potentially require reasonable accommodation which is something easily stated but it is much more difficult to apply. He stated what the Commission will need to make a final decision, when the additional information is provided, is a legal review as well on what the reasonable accommodation standard requires so that can be factored in by the Commission. He explained right now until the Commission has additional information it would be premature to do a legal review right.

Marla Linderman said she is Ms. Feinberg’s attorney. She said she has been practicing civil rights laws for the last twenty (20) years and over the last fifteen (15) she has written the Institute of Continuing Legal Education, Causes of Action book on how to sue the Commissioners on this issue. She stated she would provide to the Planning Commissioners a background that and she knows what she is talking about. She said she appreciates the work the City Planner did. She stated the problem is that the city’s Ordinance is facially *invalid*.

She stated the Commissioners can’t ask for the information they are asking for under the law. She said the Commissioner’s can’t ask the Police Chief to do background checks. She said the City Planner discussed through the APA these sober houses have no affect on safety. She said to go and make a regulation where you are asking people to give their private information and to treat them differently because they have had addiction issue before, you can’t do that there is no link. She said without that link it’s a denial of equal protection. She said you don’t just have the

FFHA but she is sure Mr. Vanerian has done the research and told the Commission. She said this case has already been *tried*.

Attorney Linderman stated it was in the Western District Federal court in front of Judge Krist and there was a very similar ordinance and the Department of Justice and HUD came in and sued. She said the Commission knows the Department of Justice and HUD is investigating the situation; not only did they find it facially invalid but that City had to pay \$75,000 to the sober house. She said just because it isn't in the Zoning Ordinance doesn't matter the City has to fix it. She said the City is facially invalid without a doubt. She said she is a little concerned also, because on April 18, 2016 all the questions the Planner said there was no information, was provided. She said there are 10 women, the duration is 3 to 6 months, payment by checks, there are no sex offenders, there is no one convicted of a crime or assault of a crime. She said the residents are referred by treatment facilities and physicians so the hospital's themselves are screening these people. She said there is employment but employment is not a requirement but most are employed. She said this isn't a place where the applicant is providing services, just because she tells people they have to go to twelve step programs it is not being provided internally. She stated as for litter or noise issues, you have to show that there is something going on. She said this is not someone who has litter or noise violations, the applicant has been there for a long time. She said unless you can show there is a problem, what is the applicant suppose to prove, there is nothing to prove. She said the proof is there are no violations or building code violations. She asked how many other houses are you going to, to check people who are living together, friends, this happens all over the place. She said they are in our community. She said this information has been given. She said this is all the information the Planning Commission needs. She said there is a requirement under the law that there are reasonable accommodations we have our own person's with disability civil rights acts that would be violated if this house is not allowed to go. She said this isn't even a close question.

Commissioner Whitt asked Attorney Linderman a question. Commissioner Whitt stated: "If you do not believe there is any validity to City law and it doesn't apply why you are here?" He stated to Ms. Linderman that she is the applicant's lawyer and counselor, and he asked again why they were before the Planning Commission. Commissioner Whitt presented another question to the attorney and the planning commission members; stating if they were already occupying the house and none of this applies, then, "Why is Attorney Linderman telling the Planning Commissioners to vote?" Commissioner Whitt said he would vote no because the homeowner is not following the city ordinances as it may apply with reasonable accommodations.

Attorney Linderman said she is here because this has come up. She said they live in the community and they want to work with the City and they have a right for the City to allow them to be here. She said they have a right for the City to make a reasonable accommodation. She said under the persons with Disability Civil Rights Act the *Commission members are all individually liable for violations*. Commissioner Whitt stated that sounds like a threat.

Commissioner Whitt said there are people in the audience who want to exercise their right under the public hearing act and the home owner's lawyer stands up and tells them they are individually liable. Commissioner Whitt said the Planning Commission is going to make reasonable accommodations but he said he doesn't believe the attorney is being fair if she is a

lawyer to tell the audience that none of this means anything and that it is a done deal. Commissioner Whitt stated this case is not tried; cases are tied on the law and facts and the facts are different here. Attorney Linderman said this is on the law, the face of the law would be violation.

Commissioner Whitt asked the Attorney Linderman again why was she before the Planning Commission if none of this means anything and if the applicant has already opened her business and has people in her home. Attorney Linderman said she is here because it was made an issue. She said the applicant is trying to work with the City and she has a right to come to the City and say you have to let me do this business. She stated the law says these kinds of uses are allowed under the law. She said they are not bad for the community; they don't hurt the community and have a right to exist.

City Attorney Vanerian asked if the Attorney Linderman believes that the City cannot require any form of Special Land Use approval for a recovery home or sounds like Attorney Linderman is taking more of an issue with the requirements under the Special Land Use approval process as oppose to saying the City can't require any type of Special Land Use approval at all and the applicant can do what she wants.

Attorney Linderman agreed with City Attorney and stated the City can have requirements and some of the requirements are fine. She said she answered some of them but asking for background checks, asking them to work with the police, and asking for that kind of information and asking for additional security, what kind of additional security is necessary.

City Attorney Vanerian suggested that Attorney Linderman provide the Commissioners with some type of list or memo that identifies the specific requirements in the city ordinance that she sees are problematic or the applicant doesn't have to comply with and he will take a look at the list and provide the Commissioners with his opinion on the issue.

Attorney Linderman said that is why we are here because we still want to work together. Commissioner Whitt said so far he has not seen that, but he thinks it is a good beginning. He said he makes a motion to table the application until more information is provided.

City Attorney Vanerian said if there are requirements in the city ordinance after he looks at and evaluates them and comes to the conclusion, maybe this particular requirement probably is not enforceable as long as he can find legal authority that supports that. City Attorney Vanerian said he encouraged Ms. Feinberg's attorney to provide him with whatever legal authority she thinks she has that says that a particular requirement isn't enforceable. City Attorney Vanerian explained that would at least eliminate narrow down the list of requirements that the City can agree on and provide a starting point in terms of the information needed that all parties can agree on. Attorney Linderman said that is a great suggestion and happy to work with him and she is willing to work with the City.

Commissioner Wolfson asked, "What is the difference between a sober house and a recovery house?" Attorney Linderman said a recovery home gives treatment, it is going to be something that needs to be staffed, and it is going to be something that perhaps someone that works with

people to help them recover. Attorney Linderman explained that a sober house is a group of people that come together to agree not to have alcohol or drugs in the house and that is it. She said that is what the applicant is talking about. She said most houses that everyone lives in have agreed to the same thing.

Commissioner Wolfson said the House Rules appear to apply to what a recovery house would be. Attorney Linderman explained this is just when people are sober it is recommended to continue to go to AA to have that support and make sure they don't revert. She stated the house is for people who truly want to be sober. She stated it is a way of life.

Chairman Malone asked, "How does that differs from a single family definition, how do you explain how that would fit with our definition of a single family/residential facility?" Attorney Linderman stated you just have a group of people who decided that they are going to live together in a non-transient way.

Chairman Malone asked, "What is her definition of transient? Attorney Linderman said when you are looking at people who are weak. She said when you talk about an extended stay perhaps in a hotel for about 3 to 6 months is non-transient. Chairman Malone stated to the attorney that she was talking staying at a hotel not a single family home. Attorney Linderman said she was just giving an example. She said when they come in for a week these are people who stay for extended stays anywhere from 3 to 6 months is the recommendation. She stated it is not likely they would live there for a year it is however long they need to stay.

Chairman Malone asked how long has this business been in operation at this current address.

Attorney Linderman said five (5) years.

Chairman Malone said the LLC was established in 2010 so why is the applicant coming to the Commission now and not five (5) years ago. He stated if there are no incidences then why is applicant here now.

Attorney Linderman stated there was an incident and obviously there is an issue now.

Chairman Malone asked what is that issue.

Attorney Linderman said it wasn't something the applicant was going to do, it was brought to the applicant's attention that she needed to do it, and she decided to go and try and work with the City. She said there are some problems here because people don't understand the law. She said this is one of the things that is allowed to be in your community.

Chairman Malone stated she mentioned a case that went to trial.

Attorney Linderman said it did not go to trial, it was determined by a consent agreement it didn't need to go to trial. She said this is facially invalid.

Chairman Malone asked if the consent agreement was in Michigan. He asked if the zoning ordinance material was similar to the City's.

Attorney Linderman said yes. She said the case is the United States vs. Delta Township, Michigan on February 10, 2011 the court entered a consent agreement resolving U.S vs. Delta Township the complaint filed allegedly on July 20, 2010 alleged the township violated the Fair Housing Act and Americans with Disability Act when it refused to grant reasonable accommodations permitting the operations of a group home from persons recovering from alcohol and drug addiction. She said under the terms of the consent agreement the sober home is allowed to operate. She stated the agreement also provided \$55,000 in damages to the owner of the property paid by the City and \$7,500 civil penalty to the United State government. She said the lawsuit arose of a complaint filed with the U.S. Department of Housing and Urban Development of owner and operator known as Serenity Shores, so we are speaking of the same kind of house.

Planning Consultant Deem asked how many people Serenity Shores had in the house. Attorney Linderman stated she believes six (6).

Commissioner Whitt stated the City has a duty to the residents; there are some issues that are not on the table tonight. He said the Planning Commission needs to hear from the residents. He said he has heard complaints about safety issues about people living in the basement.

Commissioner Whitt said the City does not have to give reasonable accommodations to live unsafe. He said he wants to hear from the residents, the residents are not complaining about the sober house or whatever it is. He said the residents are concerned about safety issues. He stated the house was there before the applicant ever tried to comply with whatever she is trying to comply with now. He explained a consent judgment doesn't mean the case is binding it has to do with laws and facts of each case.

Attorney Linderman said you can have a bedroom in the basement as long as you have an egress and ingress window and the applicant does. She said as far as the safety of the people in the neighborhood again as Mr. Deem explained there is no link between safety issues in the community with having a recovery home or sober home.

Commissioner Whitt said she does now.

City Attorney Vanerian said it needs to be nailed down what the specific use is. He stated to the Attorney that she indicated the applicant is providing a sober living environment for people who want to live in a sober living environment. He said that means the applicant has certain house rules for those who live in the house must obey by. He stated the tenants can't use or abuse drugs or alcohol, or be intoxicated. He said the women must be willing to subject themselves to additional rules and to make sure those rules are being followed such as opening their bedrooms to be inspected upon request and the applicant does require daily Preliminary Breathalyzer Test (PBTs).

Attorney Linderman said they are random, not daily.

City Attorney Vanerian asked is this sober living environment open to anyone who wants to live in a sober living environment including someone who is not a recovering drug addict or alcoholic but just wants to live in a sober environment, could they live there.

Attorney Linderman stated no one has ever asked to do that but was sure if someone wanted to live in that environment and they were willing to obey the rules there is no discrimination.

City Attorney Vanerian stated then the applicant would open her house to a person who wanted to live in a sober living environment but who is not necessarily a recovering alcoholic or drug addict.

Attorney Linderman stated she does not believe there would be any discrimination but she has not asked her client that question. She stated again the point is to have a supportive environment of people who have chosen this life style.

City Attorney Vanerian stated the tenants can stay as long as they want. Attorney Linderman said as long as they are contributing towards the house.

City Attorney Vanerian stated as long as the tenants are following the rules and paying their rent. He asked are they required to execute lease agreements. Attorney Linderman stated she did not know the answer and she believes they are not required to do leases.

City Attorney Vanerian stated the tenants are not leasing just paying by the week or by the day. Attorney Linderman said no it is like a rent payment just like any other rental. She said you don't have to have a lease to have rentals.

City Attorney stated the tenants are not asked to leave after a certain period of time like after six (6) or eight (8) weeks saying ok this is just a six (6) or eight (8) week program and it is time for the tenant to move on to the next step whatever that next step may be. Attorney Linderman said no. City attorney Vanerian stated the tenants can stay as long as they want as long as they keep paying rent and abide by the house rules.

Commissioner Wolfson asked how many people reside in the home today. Attorney Linderman said she doesn't know exactly but went to the home and met six (6) people. She said there has been up to ten (10) people at a time.

Commissioner Wolfson said the one drawing shows four bedrooms and the small drawing shows six (6) it doesn't seem to be accurate. Attorney Linderman stated there have been changes to the home but believe they have been done legitimately there should be paperwork showing the changes. She said the hospitals are the people who are recommending the women to go to her house. She said these programs believe in her. She stated the hospitals know that Ms. Feinberg has had the success and that she has been able to help the women transition.

City Attorney Vanerian said some of the women come out of a structured treatment facility and move into Ms. Feinberg's home which is a transitional phase of their recovery process. He said

it sounded like some of the women actually have other permanent residences elsewhere. He said it sounded like the women go into treatment, then go into Ms. Feinberg's sober living home but, the women have a home where they live full-time that they eventually go back to.

Attorney Linderman said the women could go back to. She explained a lot of time when they were in those environments they were unhealthy environments. City Attorney Vanerian stated he understood why the women couldn't live in their actual home for a while and why the women need to live with Ms. Feinberg but they do have another actual home.

Attorney Linderman said when the women live with Ms. Feinberg that is their actual home. She stated legally she can't agree with that statement. City Attorney Vanerian asked if her tenants list Ms. Feinberg's address on their voter registration; is her address listed on their driver's license. Attorney Linderman said she guesses they could. She said the women get their mail at Ms. Feinberg's home and that is where they are actually living.

City Attorney Vanerian said but not all of them. He stated that it sounds like some of the women have an actual home and they just stay there for a temporary stay while they are transitioning back into their full-time home as part of their recovery process.

Attorney Linderman said she doesn't believe that is necessarily true. She explained that some women could return to their homes and have been able to go work together to fix whatever the environment was but that is not that plan. She further explained that the women are not there for a little bit then able to go back to their home because it does not work that way. She explained that some of the women may have a house or a spouse but they never go back.

City Attorney Vanerian said then that is what is needed, more detail exactly on what the situation is there.

Audience Participation:

Janice Tuttle Leonhardt – 232 W. Walled Lake Dr. - said she has never met Ms. Feinberg and there was a situation back in the winter of 2010 or 2011, there was a young lady on her porch and she had no coat, only a shirt and jeans. She said the lady asked to use her phone and when she asked where she was from the lady stated the rehab house down the street and the woman who runs it hit her. Ms. Leonhardt called the police and said an officer came to the house and had no knowledge of a rehab house. She said she has seen a lot of cars come and go. She said she feels as a resident she should know what is going on in her neighborhood. She would like to know if this is a non-profit or for profit. She stated if she wants to sell her house how that affects her selling her home.

Danielle Sawdon – 287 W. Walled Lake Dr. - said she is a nurse practitioner with St. John's Hospital and assured the Planning Commission that St. John's in no way endorses this recovery facility. She stated that the women staying at the home are there anywhere from three (3) to six (6) months and no one is signing a lease, they're free to come and go and by the amount of traffic the turnover is awful. She stated this has only been a legal issue over the past year or so since the incident in the basement, that she saw from her window but she knows they have been

operating this business for five years because the traffic is nonstop. She said this is a lovely place to live and the whole street is full of historic homes, it is a great community. She said she has nothing against people trying to get well but she bought a home in a single family residential home and did not buy a home across the street from an apartment complex. She said she does not believe it is the right setting for the environment by the volume of people and traffic happening at the location.

Vicky Marnon – 248 W. Walled Lake Dr. – stated she knows the business has been operating for five (5) years and out of those five (5) years she is curious to know out of those success stories. She asked how many referred to Ms. Feinberg has been taken out of the home by ambulance or has been evicted from the home. She said if Ms. Feinberg wanted to work with the City she should have come to the City in the first place. She said there seems to be a lot of traffic coming and going. She said to it is not hard to work with the City and believes there would be no problem, if the applicant explained to the neighbors or the City this was her plan and this was what she wanted to do. She stated her husband and daughter was almost hit by a car going down the street so fast and when her husband went to the home five (5) women answered the door and nothing was resolved. She said the applicant's website states there are twelve (12) maximum occupancy in her home allowed and it is up to the City, not a state issue the licensing board will decide how many people are allowed in each bedroom. She explained if there are five (5) bedrooms and twelve (12) people in the house where are the two (2) other occupants living, in the basement with the new egress window? She said she believes in helping people and what the applicant is doing is a good thing.

Sandy Bodimich- 1491 W. West Maple Rd.- said she has been in recovery for twelve years. She said she has worked for Brighton Hospital which is owned by St. John's and the house that Ms. Feinberg's owns is a recovery house. She said she has known Ms. Feinberg for 10 years and knows what happens in that house. She said she does volunteer work at Oakland County Jail and has done evaluations on girls who have lived with Ms. Feinberg. She said this is our community and people in the community are involved with Families Against Narcotics (FAN) and the first meeting had 20 people and the second had over 130 people show up from this community that need help and we are a community not just one person. She said everyone that comes in the house has to go to therapy and a lot of them are on probation because of a DUI. She said there is therapy that needs to be done, meetings that have to be attended. She admitted to there being some traffic but everyone is assigned a parking space there. She said if the girls don't follow the rules then they are out; compliance is necessary. She explained the intent is to do good work and the cooperation between our community and the well being and mental health with our community has to start somewhere. She expressed she understands the concerns. She said a halfway house is different from a sober house. She explained they don't have the restrictions that a halfway house or three quarter house which still has restrictions. She said this is a community that has to come together and compliance of roses is great but times are changing here and we have to come together as a community. She said the basement is fully tiled, it has walk-in closets this is not a basement that has cement ceilings, and this is an upscale basement. She said is there a middle ground we can't make everyone well but are there accommodations to protect people's privacy, isn't that what HIPPA is all about.

Tom Langan- 131 Osprey – said it is a community and it seemed like to him that the City should have room for houses like this. He said it sounds a lot less than a half way house but can appreciate the concerns of residents like himself. He said the residents want to have some control with who is moving in and out of a house like that. He said it seems like a good opportunity for the Commission as well as the City Council to look at the adoption of the necessary rules not just for this house but suspects for any house. He said in any event traditional zoning is a little out of date and also thinks in the context of how many people are living in any giving dwelling there should be some input of control on the community side so houses are not overloaded. He stated if something happens, there is a fire, like there was last week in Novi you do not want eight (8) to ten (10) people burned to death because they could not get out. He said he recognizes the need in this community for opportunity for people who have addictions they are trying to defeat to try and get into an environment like this and if it is handled properly the Planning Commission and City Council can come up with ground rules to assure that public safety is addressed as well as concerns of resident that people moving in do not have more significant criminal backgrounds like a DUI or some sort drug alcohol offense.

Close Public Hearing 8:42 p.m.

Discussion:

Commissioner Palmer expressed the main concern is the traffic problem. ????? He stated there has to be a way to control the traffic. He explained the police need to know who is in the house in case there is an accident the police need to know who is there driving what vehicle.

Commissioner Robertson said there is not enough information and he would like the attorney's input and the application should be tabled until more information is provided with the Attorney's opinion.

Commissioner Whitt said the issues that the Planning Commission would be allowed to deal with need to come from the City Attorney. He stated it is interesting some of the issues that were pointed out by the neighbors that are safety issues. He said he is concerned for the people who go to the home. He said the people who go there are vulnerable and if they are being abused and beaten up there needs to be a way to control that otherwise the City will be held accountable. He said the safety issue for the people who are there is what the priority is. He said the City will comply with federal statute.

PC 05-03-16 MOTION TO TABLE THE REQUEST FOR SPECIAL LAND USE APPROVAL OF A RECOVERY HOME, LOCATED AT 274 W. WALLED LAKE DRIVE, DUE TO AN INCOMPLETE APPLICATION SUBMITTED; AND REQUEST FOR CITY ATTORNEY'S OPINION; WITH APPLICANT TO REVISE AND RESUBMIT APPLICATION

Motion by Robertson, seconded by Whitt, CARRIED UNANIMOUSLY: To table the request for Special Land Use approval of a recovery home, located at 274 W. Walled

Lake Drive, due to an incomplete application submitted; and request for City Attorney's opinion; with applicant to revise and resubmit application

Roll Call Vote:

Yes: (6) Malone, Palmer, Robertson, Whitt, Novak, Maurer, Wolfson
No: (0)
Absent: (0)
Abstain: (0)

(6-0) MOTION CARRIED

2. 861 N. Pontiac Trail – Site Plan – Jim Maher

Consultant Deem said the property is zoned C-2 General Commercial and this is just site plan and a permitted use. He said it is in the Downtown Overlay District. He explained the dimension standards and the building meets the minimum lot size. He explained the proposed building height is thirty (30) feet and it does meet the zoning requirement. He explained the zoning for front yard setback and with the building being located on a corner lot; both Pontiac Trail and Spring Park Avenue are considered as a "front yard" by Ordinance definitions. He explained the location is in the Downtown Overlay District, so a 15-foot setback is required for both streets. He stated the building has a two foot setback along Spring Park Avenue. He stated the building has 7.5 foot setback along Pontiac Trail for the entry architectural bump-out and 11.6 feet for the remainder of the building. He stated the location of the building is consistent with the intent of the Downtown Overlay District to promote walk-ability and pedestrian access. He said a variance will be required for the front yard setbacks as a condition of any approval. He said the rendering will need to be reviewed. He said the only green area will be the detention area along the south property line. He said the applicant must supply a landscape plan consistent with the Downtown Streetscape design criteria. He said there needs to be a residential screen and the plan shows a six (6) foot masonry wall between the business and residential area. He further explained pursuant to Article 21, Section 21.30 – Performance Guarantees, he recommends that the Planning Commission require a financial security acceptable to the City to insure compliance with this ordinance and any conditions imposed under this ordinance, including the installation of landscaping, screening wall, and any work performed in the right-of-way. He recommends site plan approval with following conditions variance must be granted by zoning board of appeals.

1. A variance must be granted by the Zoning Board of Appeals for the building's front yard setback and parking setback from a residential zoning district;
2. A revised landscaping plan meeting the zoning ordinance requirements be submitted and approved administratively;
3. The screen wall detail should note that foundation planning's, along with, piers, pilasters, or other ornamental architectural elements will be provided as required by the ordinance;
4. Signage will be reviewed under a separate permit;
5. Receive City Engineer approval; and
6. The applicant provide a financial security acceptable to the City to insure compliance with this ordinance and any conditions imposed under this ordinance.

Boss Engineering Marc Jones said he has worked with Mr. Maher on the storm water detention and various other items. He said he does have some issues that address some minor grading issues and inconsistencies with the plan, just some general things that can be addressed during construction plan review. He recommends approval with condition the items listed in his review letter dated May 5, 2016 will be met during the construction plan review phase. He said the site plan works but can work better but again it can be worked out during the construction plan review.

Jim Maher said Wendall Allen is the project director and will be seeing the project through from start to finish. He said he took every item that was addressed since his last visit with the Planning Commission. He said his first site plan one concern was about the zero foot setback. He said since then he moved the building back 11.6 foot and from the canopy seven foot six (7.6) feet. He said the original height was about 39 feet the first time around and it was now reduced to 30 feet and which meets the ordinance. He said he changed the design of the building and made a flat roof. He said he also included the dumpster location and details in this plan. He said he added a lighting plan this time around. He discussed the storm water and where it is going. He stated it does meet Oakland County requirements now. He said he is confident that the things mentioned by Marc Jones, from Boss Engineering, can be addressed during construction. He explained the original plan for residential screening was not to have a block wall along the back side, and now the plan shows a six (6) foot masonry wall and having it taper down towards Spring Park. He explained DTE came in and leveled out all the trees and now the fence is there. He explained the use of the building is a restoration remodeling company. He further explained current operation is local remodeling restoration company with emergency service and remodeling services. He said he has service trucks, small dump trucks, back-hoe, emergency lighting. He said the goal is to get everything under one roof. He said his business has been in the City for eight (8) years. He said his use is primarily warehouse to hold all the equipment and then have the office area up front.

Commissioner Robertson asked. What would happen with the Quonset hut?

Mr. Maher said there is an engineering firm, Core Engineering, which lease out part of space. He said he like to see them take it over. He said the sea container will be removed.

PC 05-04-16 MOTION TO APPROVE 861 N. PONTIAC TRAIL MAHER RESTORATION SITE PLAN SUBJECT TO ZONING BOARD OF APPEALS APPROVING THE FRONTAGE SETBACK AND ADDRESSING MCKENNA AND BOSS ENGINEERING'S REVIEW LETTERS BEFORE CONSTRUCTION BEGINS

Motion by Whitt, seconded by Novak, CARRIED UNANIMOUSLY: To approve 861 N. Pontiac Trail Maher Restoration site plan subject to Zoning Board of Appeals approving the frontage setback and addressing McKenna and Boss Engineering's review letters before construction begins

3. Discussion – 2016 Master Plan Implementation

Mr. Deem introduced the Master Plan Implementation to redevelop the downtown area by Walled Lake Drive. He discussed the Pepino's site was non-conforming situation and serving alcohol was not allowed in that district and if Pepino's wanted to come back it would not be allowed with the zoning today. He discussed the Master Plan and some areas for implementation to help promote redevelopment of the downtown area. He discussed rezoning the commercial district to C-3, Central Business District from C-1, Neighborhood Commercial District and C-2 General Commercial District that are sort of mismatched in that area now. He stated the intention is to bring consistency to that area. He said there will be some changes to the design standards. He said he is also looking at making the same changes to the setback requirements along Walled Lake Drive to match the setback along Pontiac Trail. He said it would change the setback from fifteen (15) to zero to five (5) feet. He stated the changes are to promote economic develop and redevelopment along the lake.

Commissioner Whitt said this is the opportunity for the City to redevelop. He explained the Planning Commission needs to rethink all the zoning and be ready for redevelopment in the downtown.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report December
2. Code Enforcement Report January

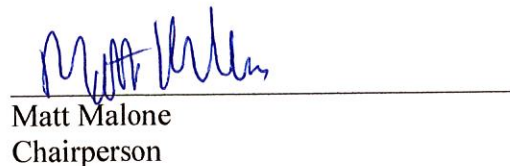
DISCUSSION:

COMMISSIONERS COMMENTS:

PC 05-05-16 ADJOURNMENT

Motion by Robertson, seconded by Palmer, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:45 p.m.


Chelsea Rodgers
Recording Secretary


Matt Malone
Chairperson