



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
APRIL 8, 2014**

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

Pledge of Allegiance to the flag.

**ROLL CALL:** Present: Ankrom, Cheney, Gersten, Malone, Novak, Robertson,  
Wolfson  
Attorney: Vanerian  
Absent: Mendelsohn, Palmer  
Planner: Jackson

There being a quorum present, the meeting was declared in session.

**REQUESTS FOR AGENDA CHANGES:** None

**PCM 04-01-14 MOTION TO EXCUSE COMMISSIONER'S MENDELSON  
AND PALMER FROM TONIGHT'S MEETING**

Motion by Robertson, supported by Malone: **CARRIED UNANIMOUSLY:** To excuse  
Commissioner's Mendelsohn and Palmer from tonight's meeting.

**APPROVAL OF MINUTES:**

Commissioner Gersten requested page 1, second paragraph be corrected for clarification to read "*which states he brought this up to the Parks and Recreation Commission*". Also, the last sentence of same paragraph is corrected to read, "*Who will prepare it?*"

Also corrections to paragraph 5, delete "...this was the plan to draft" from the first sentence. Also after sentence three to add, "*Also, submit the report to whom? He was told to the Michigan Department of State.*"

**PCM 04-02-14 MOTION TO APPROVE THE MARCH 11, 2014 MINUTES WITH  
CORRECTIONS**

Motion by Ankrom, supported by Gersten: **CARRIED UNANIMOUSLY:** To approve  
the March 11, 2014 minutes with corrections.

**VOTE: UNANIMOUSLY CARRIED**

**COMMUNICATIONS:**

Communication provided at tonight's meeting:

- Request from Penny Lake Market Firework Sale from the Building Official
- City Attorney provided updated liquor license information
- City Planner provided copy of revised 2013 Annual Planning Commission Report

**AUDIENCE PARTICIPATION:** None

**UNFINISHED BUSINESS:**

1. Text Amendments to Zoning Ordinance
  - i. *Section 2.02: Definitions*
  - ii. *Section 8.04: Special Uses in the O-1, Office District*
  - iii. *Section 9.03: Special Uses in the C-1, Neighborhood Commercial District*
  - iv. *Sections 11.02 and 11.04: Permitted and Special Uses in the C-3, Central Business District*

**PCM 04-03-14                      MOTION TO UN-TABLE DISCUSSION PCM 03-03-14 TEXT AMENDMENTS TO ZONING ORDINANCE**

Motion by Gersten, supported by Ankrom: CARRIED UNANIMOUSLY: To un-table discussion PCM 03-03-14 Text Amendments to Zoning Ordinance.

Mr. Jackson said the Commission proposed a series of text amendments to allow restaurants with alcohol, bars and taverns in the downtown and elimination of the steps in the review process by eliminating public hearing in the Special Land Use.

Mr. Jackson said criteria for liquor license are more detailed than special use request. He suggested reestablish to City Council for review of liquor license applications. City Attorney agreed.

City Attorney stated per State law, local government is not required for liquor license transfer. Currently, there is nothing in the City code to do this. If the Commission chose to have local consideration, Special Land Use would permit that. It would become a zoning based decision and approval would run with the land not the business.

Discussion was held on “transfer in” liquor licenses, issuance of new liquor licenses, and best method of local control and approval within the City.

Mr. Jackson said the current proposed text amendments only pertain to O-1, C-1, and C-2 zoning. If the Commission wishes to address C-2 as well, another public hearing must be held. City Attorney agreed.

**PCM 04-04-14                      MOTION TO TABLE DISCUSSION AS TO INCLUDE THE C-2 ZONING DISTRICT AND RE-ADVERTISE FOR PUBLIC HEARING**

Motion by Robertson, supported by Ankrom: CARRIED UNANIMOUSLY: To table discussion as to include the C-2 zoning district and re-advertise for public hearing.

Mr. Jackson asked if Council is aware the Planning Commission is working on these text amendments. He said this process was started to remove obstacles for establishments to come into the City. Instead, the Commission is now adding an obstacle by making the C-2 zoning district a Special Land Use request to serve alcohol.

City Attorney Vanerian clarified that a restaurant serving alcohol is a permitted use currently in C-2. The Commission could narrow the Special Land Use requirement to those establishments who have not already received local review initially.

## **ADMINISTRATIVE REPORT:**

### **1. Code Enforcement Report**

Commissioner Ankrom questioned last sentence in report, he felt it was a political statement. What is it was referencing. Commissioner Robertson said a home was purchased from a bank and new owner was doing a lot of remodeling themselves without permits. Ankrom said he would like to see the City explore a rental ordinance.

## **DISCUSSION:**

Mr. Jackson said the City recently addressed the illegal installation of two brightly colored palm trees at a shopping complex. The ordinance does not permit them. This was relayed to Code Enforcement and property owner was told to remove them. The property owner was provided information for other avenues of advertisement. For example, the DDA Façade and Sign grant program.

### **1. 2013 Annual Planning Commission Report**

Commissioner Gersten requested corrections be made to the 2013 Annual Report page 2 very last paragraph, last line, . Last Page item 5, inferred that the report will be submitted to the MDNR. He would like it to state "...years 2015-2020 to the MDNR."

Gersten said the Downtown Parking Review was referenced at the last meeting, he requested it be added to annual report.

### **2. Penny Lake Firework Sale Request**

Commissioner Ankrom stated he specifically remembers this being discussed that this applicant may creep additional items in that were not part of the Special Use approval. He is strongly against this.

City Attorney Vanerian said applicant may apply for an amendment to their Special Use approval. He reviewed their original application and it is specific to flowers, plants and produce. However, motion reads "include seasonal items". If applicant wishes to sell fireworks, they will have to come before The Planning Commission for amendment. This was also explained to the Building Official.

Mr. Jackson said owner of [property at 14 Mile and Decker Road on the northeast corner has been to site development with Starbucks Coffee which would be part of larger scale development he is trying to put together.

Mr. Jackson said a request for a Jet Ski rental facility came before the City in the C-3 zoning district on the lake. The proposed site does not accommodate requirements for marina use.

Vice Chairman Malone asked about the brand new cars parked at the Community Education building. He said they were at the Farmer's Market site and then moved. The City has zoning ordinances in place that do not allow this. Who gave permission for this? Commissioner Robertson said it was temporary and he suspected it wouldn't last a lot longer.

## **COMMISSIONER COMMENTS:**

Commissioner Gersten - None

Commissioner Novak – None

Vice Chairman Malone – None

Commissioner Robertson - None

Commissioner Wolfson – None

Chairman Cheney – None

**PCM 04-05-14 Motion to adjourn**

Motion by Gersten, seconded by Ankrom to adjourn.

**VOTE:**

**UNANIMOUSLY CARRIED**

Meeting adjourned at 8:55 p.m.

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Jennifer Stuart  
Planning Secretary

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Reuben Cheney, Chairman