



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
DECEMBER 9, 2014**

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

Pledge of Allegiance to the flag.

**ROLL CALL:** Cheney, Malone, Novak, Palmer, Robertson, Wolfson, Whitt

**ABSENT:**

**OTHERS PRESENT:** Planning Consultant Jackson, City Attorney Vanerian, Confidential Assistant Rodgers

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

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**PCM 12-01-14      MOTION TO APPROVE THE OCTOBER 14, 2014  
MINUTES**

Motion by Robertson, supported by Palmer: **CARRIED UNANIMOUSLY:** To approve the October 14, 2014 Planning Commission minutes.

**COMMUNICATIONS:** 1.) Oakland County Coordinating Zoning Committee Letter

Confidential Assistant Rodgers explained that the Village of Wolverine Lake is updating their Master Plan and are asking for comments. She said the Planning Commission has sixty-three (63) days to respond.

2.) Mr. Ronald Tobolski

Confidential Assistant Rodgers said the letter from Mr. Ronald Tobolski is for the public hearing.

**AUDIENCE PARTICIPATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

## Public Hearing

Open Public Hearing 7:35 p.m.

1. **Foremost Development – CPD Proposal**  
**17-34-427-011, 17-34-410-004, 17-34-410-002, 17-34-410-003**  
**PC Case #244**

Planning Consultant Jackson said the City has received an application from Foremost Development for a Commercial Planned Development (CPD). He said the project consist of seventy-one (71) units in a three story building and on the northeast corner of Walled Lake Drive and Ferland Street, also known as the Central Business District. He said the project is going through the CPD process which allows additional flexibility in terms of the development standards. He said at this point the applicant has submitted a preliminary plan and there is still some information that needs to be submitted and reviewed. He said City Council determined the application was appropriate to be considered a CPD project. He said no decisions have been made, no approvals have been granted; the process has just begun. He said the second step is a public hearing with Planning Commission, and he explained the purpose of tonight's meeting is to listen to public comments on the proposal and to find out what questions there are that need to be answered as we continue with the process. He said he has done a preliminary review on what was submitted; there is additional information that needs to be provided before the Commission can make a final recommendation.

Chairman Cheney asked Planning Consultant Jackson to explain the difference between a Commercial Planned Development and Planned Unit Development (PUD).

Planning Consultant Jackson said the City of Walled Lake has two provisions: one is called Commercial Planned Development and the other is Planned Unit Development. He said the CPD allows the City to review an application and apply flexibility on how the zoning ordinance is applied. He said an applicant can submit a proposal that may require a variance for height, which is the case here. He said the applicant is proposing a three story building when the maximum height in the Central Business District is two stories. He said the developer is asking for a modification to the zoning ordinance. He said the City has the ability, after Planning Commission hears the proposal and makes their recommendation to City Council, to allow three stories. He explained it gives the City flexibility to encourage creative development and have control of what it looks like, and the impacts of the project can be addressed.

Terry Bailey said he is with Foremost Development and introduced his civil engineer, traffic engineer, and his partner to the Planning Commission. He said he has had a lot of positive feedback from the downtown businesses about the proposal. He said this project is a game changer for the City. He said it is going to improve the downtown area and there will be more businesses, which generate more revenue for the City.

## AUDIENCE PARTICIPATION

Tim Moore - 207 Neptune Drive - said he is Chairman of Parks and Recreation for Walled Lake and his main concern with this project is the City beach and the additional parking. He said if a

couple of people in the new complex have a party, they are going to fill up all of the parking at the beach area and they will treat it as a private beach. He said it is a public beach. He said Parks and Recreation throw several activities down at the beach and that is another concern on how those events will be conducted.

Marsha Nemon - 598 Winwood Circle - said she has owned a condo in Winwood Circle Condominiums for seventeen years and over time she has seen part of the Walled Lake community change and evolve in some way she likes and some she does not like, but what has kept her here is that it is a thriving mini community set in a natural setting. She said as a representative as a Planning Commission Member, your commitment to the residents should lead the Commission to deny the project. She said this luxury apartment is to be built on small land parcels and involves closing Witherall. She said this will destroy the natural area by the public beach and increase traffic flow. She explained the parking on the streets will be limited parking and will not be able to accommodate the visitors of the tenants. She said access to the lake will be limited, wildlife will be threatened, and pollution will increase. She said the sewer systems are old and how will they handle the density. She said she is concerned the reduction of the property values of the condo. She asked what happens when they cannot rent the apartments out and have to reduce the price and, therefore, cannot maintain the property? She said there is a bigger threat, and that is crime to Walled Lake. She said there should be more effort in finding businesses to come into Walled Lake. She said the Commission should be more concerned with the people already here, and committed to a livable and viable community.

Mark Fursht - 508 Winwood Circle - said he is here because he wants to be here. He said this is a big project, and wait until you get these apartments up and the streets won't be wide enough anymore. He said Bayside won't sponsor the boats anymore, there is no space for them, so the people will be losing things on stuff they have been paying taxes on. He explained it will affect one church on Witherall. He said he thinks Planning Commission should give a vote on it at the next election.

Ruth Ann Dougher - 541 Winwood Circle - said she has been to all the meetings. She said Walled Lake has been renowned for giving back to the community, having all the extra parades and boat races. She said it is a historical area. She said if you put in a three story building, it is a sore thumb and is a concrete monster for 71 units. She said these luxury apartments are only sixty (60) square feet. She said if Bayside has their party on Friday or Saturday night, she will be going driving in circles to find a parking spot. She stated when the City gets five (5) feet of snow and has an emergency snow removal, where is she suppose to move her car? She said it is oversized and endangering our lake that is already in jeopardy. She said she also spoke with several of the downtown business owners and she said they are not happy about the project. She said she loves the community and wants to keep it like a family. She said when you get an apartment normally they are transient and then they will move on in a year and then the residents are stuck with the bill.

*Ruth Ann Dougher read a letter into the record for Roger Winsicky - 535 Winwood Circle - Let's not move forward with this project. Wwe have a jewel in our City and its namesake, Walled Lake. I believe this planning committee should pursue capitalizing on the jewel by generating scheduled events and activities which would bring in more people into Walled Lake on what she has to offer. With all the restaurants, why not a taste of Walled Lake? Why not*

Winter Carnival? Tip Up Town with games and local vendors? We have the summer boat races and the Fourth of July fireworks. Our high school bands could perform or perhaps challenge other schools to show their stuff. The high schoolers could sell tickets and sell pop and chips, whatever, to help their fund for future school events. This planning group should look at each parcel as parts of a proposed Walled Lake community center, a community building and band shall host these events on one parcel, so a meter parking on the other parcel. If one wants a great parking spot during City events deposit your dollars and Walled Lake gets added income. This would be a bad place to bring family or friends with this unit being here and this is the jewel of Walled Lake. Please, by not moving forward on this proposed project. If not moving forward on this proposed project Witherall would remain open keeping the Walled Lake residents, the three churches, and the funeral home which is used during commutes to keep everyone happy. I might also add the City Council will listen to the people who have elected them.

Beverly Bubb - 519 Winwood - said she has only lived here for 5 years. She said after renting a condo for a few years and falling in love with Walled Lake, decided to purchase a condo because she enjoyed walking by the lake going down to the beach with her grandkids. She said the City is making a mistake if the City put generating finances in front of aesthetics. She said she believes so often we have seen this in high school when they degrade the arts or the sports; the children lose their enthusiasm. She said part of what that lake does for us, you can't put a price on that. She said she just sits on the steps at the Baptist church to look at the beautiful lake. She said she has concerns with the covered parking. She said it has no door. She said who knows who can hide in there. She said it just calls for crime. She said a woman can be raped or abused. She said if we close Witherall, then Liberty will be over crowded. She wants to ask Council and Planning Commission, what do we, as residents, consider social activities? She said she does not consider an apartment social.

Reverend William Roberts – 584 E. Walled Lake Dr & priest at 430 Nicolet – said his primary concern is the closing of Witherall. She said it is shifting more traffic onto Hillcroft, which is not even a regulation City street. He said it is not wide enough. He also said when there are events going on downtown Witherall is a normal detour up to Nicolet and out to Pontiac Trail and will impact that. He said the property is zoned for development and, ideally, to be developed within the zoning without the closing of Witherall. He said then some resolution can be worked out.

Margaret Walbridge - 1135 Asher Court - said she has lived in Walled Lake for 35 years and goes to St. Ann's Church. She said she loves going down Witherall and seeing the beautiful lake. She said she does not want something to block the beautiful view and won't do any good for the community.

Rich Gunther - 486 E. Walled Lake Drive – said he understands the City's desire for the increased revenue involved in a multi-family and commercial development project for the proposed project east of Ferland Street. He said he is very concerned by the density proposal that this development company has requested from a public safety, traffic and appearance standpoint and doubts the proposal that they have is financially viable without the high density they have proposed. He said the CPD option intent as stated in 30.01(d) states that the site improvements should relate to the adjoining existing and planned uses so they have no material adverse impact of one use on another. He said he highly doubts that any rational individual would think that the homes on Witherall, Ferland, and Hillcroft will relate to a 45 foot tall apartment complex and is

fairly confident everyone will agree that this three (3) story strip development, which exceeds the 150 foot building length requirement, will have an adverse impact on said adjacent and surrounding homes. He explained in Section 30.01 (e) states that it is intended to permit reasonable development of lands that were subdivided prior to current ordinance and would otherwise be restricted from development because of existing nonconformities. He said there is no reason that the current Commercial property at 1 acre and the existing residential property at 1 acre could not be reasonably developed as they exist. He said there is no reason to remove the road and the DDA, Planning Department and City Council invoking the CPD option is an unnecessary end run of the current City ordinances. He said while there is a number of reasons in the intent section of the CPD ordinance that clearly make the CPD option invalid- the most obvious item is its clear attempt to circumvent the current zoning density ordinance - which is explicitly forbidden in 30.03 (g). He explained he hasn't seen all the documents from the developers proposal but understands that the proposal is for 50+ apartments, far exceeding the RM-2 maximum density of 11.4 per acre if they were all 1 bedroom efficiency units set in Article 17.0. He said this proposed strip development is prohibited under the City's Master Plan in the historic lakefront district. He said on page 13.4, removal of the road clearly isn't "providing pedestrian and other connections with the lake" as it is a main objective of the master plan. The addition of a large number of apartments with minimal on-site parking and increased traffic congestion - will aggravate an already terrible rush hour condition on East Walled Lake Drive. He said he would recommend an independent traffic study as opposed to relying on anything from Foremost Development. He stated he understands the need to develop the downtown district, generate new revenue, and improve to the Historic Downtown District; however, he is concerned by this proposal and would rather see its density and layout on the magnitude of the buildings around the density of East Bay rather than a bunch of 600 and 700 square foot apartments above a long strip-mall. He said a multi-family development of this type would better be served on Pontiac Trail or over by the Walled Lake Villas, but certainly not encroaching (and absorbing) the R1 Neighborhood.

Sue Helke – 1361 Shaw - said she has been a resident of Walled Lake for 23 years and a member of the Methodist church in downtown. She said she has many objections to the project: 1.) parking with seventy-one (71) units and only 30 parking spaces means a lot of cars will have to park on the street, and many will find it convenient to park at the church parking lot. She said she doesn't mind sharing the parking lot, but they have a lot of events at the church and the church will have to fight with the perspective residents for parking spots or will be calling the police all the time. She said the developers are aiming at young adults and retirees. She said young adults do not live alone and they each will have a car because we have no mass transit so that will double the parking requirements. She said for the retirees, there aren't any elevators. She explained this experiment has been tried in Canton where they built Cherry Hill Village, where people would be able to stay in one spot and walk to downtown. She said Canton didn't have parking spaces, so they ended having to buy another parcel to provide parking for people. She said the City has a lot of events that are staged and held down on that property and if this project moves forward and is built, and the City finds the building is ugly or attracting transients, animals, rapist, or the parking turns out to be unacceptable, it will be too late.

Brian O'leary - 202 Witherall Street - said he has lived here eleven (11) years and Mercer house was still there but still could see the lake. He said then some things changed and his view became spectacular. He said if he came in from Garden City and saw the apartment complex, he never

would have bought the house. He said the apartment complex goes up; no one is buying my house because his value is going down. He said he spoke with the liquor store owner and he does not want this complex to go in. He said the one thing the developer is selling us on is the tax money. He said he did not hear anything about a luxury parking structure.

Lauren Dewer – 541 Winwood Circle – said she is 17 years old and said she and her friends walk and bike up and down the street the developer will be closing. She said the developer is endangering the lake and the developer is targeting young people, is not the case.

Kenneth Lewis – 455 Winwood Circle – asked if the revenue the City will get off the project would cover the police and fire for the City. He stated he does not think so and the City is bringing in a drug bin.

Carol Briner - 485 Winwood Circle – said she agrees with everything everyone else has said. She said the project is too big, too dense, and unsafe. She asked why not develop a small business or a restaurant, maybe two stories with a place to live above; more in flavor with what is already going on down there. She said putting in this big skyscraper, has anyone heard of the American Disability Act. She asked if anyone heard of elevators? She said don't close the road.

Cindy Pung - 202 Witherall – said she can see the parking lot on the weekends and cannot keep people off their lawn when the City events are going on. She said a busy night at Bayside, the bank's parking lot is full and, outside her bedroom window, with the fights in the church parking lot. She asked how many of those is she going to have to deal with? She stated it will increase. She said, on a personal level, if there was a luxury house to go in, she would get one (1) good neighbor, and with an apartment, she would have 150 neighbors. She said the City should have Novi here because if those apartment people find a way to put a boat in the water, they will and Novi has an investment in the lake as well.

Kevin Reynold - 513 Winwood Circle – said he is in agreement with many comments and would like to find out if anyone has checked because it seems like, the City has a glut of apartments in the area, a ton of them, right down the road from downtown Walled Lake. He asked if anyone has checked out the occupancy rate because half of the apartments are empty. He said this area does not need any more apartments.

Sheila Tef - 220 Hilcroft - said she hasn't heard what is happening on Hillcroft Street. She said it is so small. She asked what will the developer do to expand the street?

*Close Public Hearing 8:19 p.m.*

## **DISCUSSION:**

Chairman Cheney asked Planning Consultant Jackson if they have to get a zoning change for the density?

Planning Consultant Jackson said no, that is the purpose of the CPD. He said it is to allow flexibility with respect to setback, building heights, density, and all those sorts of things can be done through the CPD process.

Commissioner Robertson said if you go through with the process, what happens next?

Planning Consultant Jackson explained the process begins with a determination by Council that it can be reviewed. He explained it is now in the review process. He said Planning Commission will review the site plan and make sure it is consistent with the Master Plan. He said then the Planning Commission will make a recommendation to City Council who will make the final determination.

Commissioner Robertson said typically when City Council makes a recommendation the City Council would normally have an approved site plan to review. He said any decision made tonight would still require those things. He said there are some issues that were brought up tonight with the drainage system underneath the parking lot, which is quite popular. He said it was done by this Planning Commission. He said for example, CVS has underground water storage which eventually releases into the storm drains but not all at once. He stated he agrees that the parking is not ideal and should be reviewed. He said he doesn't think Hillcroft is not a viable option at this time. He said there is not enough information to make a decision tonight. He said the best motion tonight might be to table until further information is provided.

**PCM 12-02-14          MOTION TO TABLE PC CASE #244**

Motion by Novak, supported by : CARRIED UNANIMOUSLY: To table PC Case #244

**DISCUSSION:**

Commissioner Palmer asked what do you want to add to that motion.

Planning Consultant Jackson said if the Planning Commission is going to schedule a specific time for the follow up meeting, they may want to ask the developer when he will have the information available.

Chairman Cheney asked the developer when he would have additional information available?

Terry Bailey said he would like to suggest working with the City's Planning Consultant. He said that there should be some discussion about some of these items, and what depth it has to be. He said maybe the City's Engineer would be involved in those discussions. He said once he has the meeting with everyone, his team would have a better idea of when they can get more information. He said he is talking about conceptual and schematics, not construction documents or development documents (DDs). He stated so he can give the Planning Commission a concept; but when it gets to details, that is a different level of plans.

Planning Consultant Jackson asked how long until some detailed plans can be delivered.

Terry Bailey said we need to set up the meeting immediately. He said he can't put it off a month because that moves him out and he has some target dates with the financing on this project as of the 31<sup>st</sup> of January.

Commissioner Palmer said the Planning Commission needs a concrete idea of what the developer is proposing and what the streetscape is going to look like. He said the Planning Commission also needs to address some of these issues density and parking and take a hard look at that. He said the audience has a lot of questions. He said the Planning Commission need to come up with exactly what the developer is proposing as economical as possible to meet all the requirements. He stated that project is going to be built, completed, and fully rented prior to occupancy; that is how the developer has done them before. He said you have to bring in people to increase your downtown businesses.

Terry Bailey said it will be leased in phases. He said his market study shows that they are able to lease twenty (20) units a month, it will take three months. The time frame to build the complex is twelve months. He said after the fifteenth month, it should be at 90% occupancy.

**PCM 12-02-14        MOTION TO AMEND PCM 12-02-14 TO TABLE PC CASE #244  
UNTIL MORE INFORMATION IS PROVIDED**

Motion by Novak, supported by Palmer: CARRIED UNANIMOUSLY: To amend PCM 12-02-14 to table PC Case #244 until more information is provided.

Vice Chairman Malone said his support for the motion is there. He said there has been a lot of great points and great feedback for the Commission and Terry Bailey. He said the sad fact is the Commission has nothing to do but table because there is not site plan. He said he is surprised with a time frame that no site plan has been drawn up. He said the Planning Commission really needs to see what the project will look like.

**ROLL CALL VOTE**

YES (7)        Malone, Novak, Palmer, Robertson, Wolfson, Cheney, Whitt  
NO (0)  
ABSENT (0)  
ABSTAIN (0)

**Correspondence:**

Mr. Ronald Tobolski submitted a letter for the public hearing.

11-27-2014

Chelsea Rodgers,

Not being a public speaker, we still would like to be heard. We feel it is unconscionable that the planning committee would even consider closing down Witherall Street for this project. Besides the fact that people use this thoroughfare to access (and) egress their homesteads, there also are three churches that their congregations use Witherall to get to their services. We cannot understand how you could consider closing a street or any street. Very concerned.

Sincerely,

Ronald & Marcella Tobolski

462 Winwood Circle

Walled Lake, MI 48390

Received a letter on November 24, 2014 that stated: "We support this." Pauline Abbo, Member Edgewater Properties, LLC

Received an e-mail on December 8, 2014 with a letter attached that reads:  
City of Walled Lake Planning Commission  
Attn Chelsea Rodgers  
1499 E. West Maple Rd  
Walled Lake, MI 48390

RE: Public Hearing Tuesday December 9, 2014

December 4, 2014

Dear Commissioners,

I understand you are reviewing a 3 story multiple family project located at East Walled Lake Drive. First off, I would like to say that I believe the community needs development and construction, but I think there is development that is good for the city and then there is development that is not so good. In reviewing the plan being presented, I noted some concerns and ask that you consider them:

- How does this project compare to the master plan? The Framework addendum? The Main Street development plan? I think a case can be made that it doesn't seem like a good fit.
- This development is projecting 71 units and 70% of them are about 700 sq ft, 1 bedroom or studio apartments. That is an incredibly small space to live in. Only 30% will be 2 bedroom. They are woefully short on parking and they are including city street parking in their calculations, which will take needed parking from existing businesses. Make them account for all their parking on-site or make them provide a specific storage/parking lot.
- Their counts per bedroom is comical. No one can actually live here, this is a college dorm environment and Walled Lake is not a college town. These living densities are not a desirable environment. I believe this is 35 units per acre. It's way too much. You can expect about 150 residents if this development were sold out. That's at least 150 vehicles at this density.
- In the last few years, I am aware of 3 developments that have been built in the City that were like this, and all are categorical failures.
  - Legato Point – small, 3 story living spaces with lots of stairs. Hard to live in, hard to sell. Values have fallen.
  - Stanley Commons - small, 3 story living spaces with lots of stairs. Hard to live in, hard to sell. Values have fallen.
  - East Bay Village - small, 3 story living spaces with lots of stairs. Some are 2 story. Hard to live in, hard to sell. Values have fallen. I don't have to remind you about the flooding problems.
- They are adding lots of hard surface, where is all the rainwater going? This will cause overflowing and sewer backups. Even if they store the rainwater onsite and release it slowly, the added volume to the sewer system will cause problems. East Bay developers said there wouldn't be flooding problems.

- Docks and boats. Please make sure you specify that there are to be no boats. No mooring in front of the beach or anywhere else, and no docks. Developers tend to agree to this and then later try to keyhole the entire project on 1 tiny access lot.
- Again, I think the right development is a positive thing. Please consider my comments and utilize your powers to shape the project into something the City wants, and something that fits in with the Master Plans. Make Walled Lake improvements into something valuable. Please consider the 3 earlier failed developments, they are all similar. There is no reason to expect a different outcome this time.
- Strictly define the parking, the density, the size of the apartments, traffic flow, everything. Adding 112 cars for parking and traffic flow will greatly affect the area.
- These places are too small, they are not reality.
- The rents they are projecting are too cheap. Apartments in low rent neighborhoods go for these amounts of money. Consider the resident you want to attract to your city, the resident you want to interact with on a regular basis.
- Exactly where will traffic flow in and out of the site? All up Ferland and then Market street. This is a poorly designed flow.

Thank-you, Frank Christopher

*Recess at 8:37p.m.*

*Reconvene at 8:45 p.m.*

## **ADMINISTRATIVE REPORT:**

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

No questions.

## **DISCUSSION:**

City Manager Whitt said the City Council passed an ordinance making him a member and he is to sit or designate someone to the Planning Commission. He said he will be looking for a responsible person to join the Planning Commission. He said the Mayor nominates and gets approval like every other member. He said two elected officials cannot serve - only one - but his role is appointed, so he serves as ex officio with full voting rights. He said he will give the Planning Commission the information the Commission needs for the next meeting. He said it is obvious tonight it will be a tough decision. He said the Planning Commission has to give them an opportunity to speak again. He said he doesn't care about the developer's schedule, it is about the people.

Commissioner Palmer said for the people in Walled Lake the City has to do something or the City is going nowhere. He said the City has to have people down there; that is what makes a downtown. He said it is a good development; you just have to see if the Planning Commission can make it smaller and make it work for the City. He said this thing will be built in a year. He said there are people who want a small place. He said at his work he has a lot of new people,

young people, who live in a small place. He said one co-worker lives in Royal Oak and loves it because everything is right there and believes Walled Lake needs to do something. He said the Planning Commission has talked about this before and if we get something like this in, then maybe we can finally fix Pontiac Trail and finally be a walk able community. He said you have to have some revenue dollars and that is where it is at.

City Manager Whitt introduced Mike Boss from Boss Engineering, City Consultant. He said the residents said some really good things and the Planning Commission will probably need another public meeting. He said he can work with Commissioner Cheney and the staff to get things together. He said the developer's traffic study was done at the wrong time and left it to your imagination. He said the City is taking several looks at it. He said the Planning Commission will have to listen to Planning Consultant Jackson and if it goes along with the Master Plan. He stated one of the biggest misconceptions is it is a City park. He said what happens if the City does not allow the gentleman to develop his property. He said it is as simple as this; he fences it in and all the space is gone anyway. He said the only reason it looks the way it does now is because several years ago he and the owner had an understanding and the City began to clean up the property, and now the residents believe it is a park.

Commissioner Robertson said he is curious about the elevator situation.

Commissioner Wolfson said the development on 15 Mile and Haggerty has some elevators.

**COMMISSIONER COMMENTS:**

Vice Chairman Malone said he is sad to see that Melvin's is going out of business. He said he wants to commend Commissioner Ankrom for his service to the Planning Commission.

Commissioner Novak said he thanks everyone for coming tonight.

**PC 12-03-14 ADJOURNMENT**

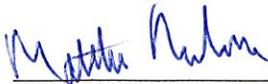
Motion by Malone, seconded by Novak, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:04 p.m.

**VOTE:**

**UNANIMOUSLY CARRIED**

Meeting adjourned at 9:04 p.m.

  
Chelsea Rodgers, Confidential Assistant

  
~~Reuben Cheney, Chairman~~  
Matthew Malone, Vice Chairman

\* Chairman Cheney Absent 1/13/15