



**CITY OF WALLED LAKE  
PLANNING COMMISSION  
TUESDAY, FEBRUARY 10, 2015**

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

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

**ABSENT:**

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

**REQUESTS FOR AGENDA CHANGES:**

**APPROVAL OF MINUTES:**

**PC 02-01-15 APPROVAL OF THE JANUARY 13, 2015 PLANNING  
COMMISSION MEETING MINUTES**

Motion by Novak, seconded by Robertson, **CARRIED UNANIMOUSLY:** To approve the January 13, 2015 Planning Commission Minutes

**COMMUNICATIONS:** 1.) Oakland County – Wolverine Lake Master Plan

Confidential Assistant informed Planning Commission of the two e-mails presented before them this evening for their review. She said there is a letter from Oakland County in their packet stating that they reviewed Wolverine Lake's Master Plan and see no inconsistencies with it, and they are moving forward.

**AUDIENCE PARTICIPATION:**

Marybeth Novitsky - 138 Sandy Lane – said she is the applicant asking for the boat slips for East Bay. She said she has answered all questions and concerns that the Planning Commission brought up during the last meeting. She explained what she is presenting before Planning Commission is moving the dock north and giving 100 feet between the boat and potential swimmers dock - closer to Leon. She made a correction and said the architect moved the swimmer dock further North. She said she does have the majority of East Bay residents in favor of this PUD amendment to pass. She said this is East Bay's second year trying to get boat slips. She is asking for an amendment. She said they have rights to the lake and are asking to leave a boat overnight there. She said East Bay wants their fair share. She said that East Bay does have lake frontage and that is the last piece of land that has frontage. She said the ordinance was a

concern last time and she cannot find anywhere where it says number of boats per footage it is all here say. She said she does not know the depth of the water because it is frozen and it will change again. She said it will bring up the property value and it will bring people into the City.

**UNFINISHED BUSINESS:** East Bay – PUD Amendment – Boat Docks

City Planner Jackson said the first question that Planning Commission needs to answer is, does Planning Commission want boats to be allowed at East Bay or not. He said the PUD amendment is a two-step process: hosting a public hearing first, and second, to finalize the details and recommend to City Council for final approval. He said the first question that Planning Commission needs to decide is if boats should be allowed at East Bay. He said the applicant has requested the Planning Commission approve a modification to the original PUD and intent of the project. He explained the second question to answer is the details of setbacks and standards for docks because there are a lot of standards in the ordinance. He reiterated, question one should East Bay have boats?

Commissioner Robertson said it says somewhere that two (2) boats for forty (40) feet, or in Novi one (1) for twenty-five (25) feet. He said East Bay is asking to change their Master Deed. He recommends against this PUD amendment.

Commissioner Wolfson said he is not sure about the PUD. He asked if the City is allowed to amend this PUD? He asked if City Council makes the decision.

City Planner Jackson said amending a PUD which is being requested is in the zoning ordinance, as well as how Planning Commission goes about amending a PUD. He said yes, East Bay does have a right to request a change to the PUD and Planning Commission has the right to review it, approve it, deny it, or approve with conditions all are recommendations from Planning Commission. He said ultimately City Council will make the final determination.

Commissioner Wolfson said he would like to approve East Bay's PUD amendment with maybe limitations on the number of boats. He said he has not seen any overwhelming issue to deny the amendment.

Commissioner Palmer said his concern is if the City allows the dock and what has been presented does not follow any of the guidelines. He said the architect should have known about the City guidelines. He said with this lot size East Bay has a twenty (20) foot setback from the lot line, that the boats have to be within, and it is not shown. He said the dock will be twenty (20) feet short on each end. He said as shown on the proposal, East Bay is starting with forty (40) feet gone; East Bay's boats are going to have to move over. He said he was part of the original Planning Commission group that approved the original PUD agreement and from that project the City became aware of how the City would handle future projects. He said that Planning Commission worked hard on this agreement and made a good PUD agreement with the stipulation that East Bay would not have boats. He does not support having the boats at East Bay. He said it was part of the original agreement and the City went through a lot to get things rolling.

City Planner Jackson said to clarify the Planning Commission will get into the details if they want to move forward with the PUD amendment because this project originally was for single family and multiple family zoning. He said there are two different standards in the ordinance and one is for a person with a dock on a single family lot and that is what the Planning Commission is mainly referring to, but the City also has standards for a collected family project. He said the Planning Commission will have to mesh both of those standards to make it fit appropriately with this amendment. He said he spelled out the standards that will be required by East Bay in the original review letter. He said that East Bay would basically have a marina and they would have to provide right parking, lighting, screening, and where the boats will be stored, in addition to the setbacks. He said again the PUD is a two step process. He said as you formulate your decision, include some of those criteria.

Marybeth said she added all the criteria that were discussed at the last meeting. She said even the Commission's own minutes says the decision was from the developer to the City. She said that is what the developer projected and what she calls "giving your first born away." She said the developer is not an owner. She said the developer is the one that decided to give the City no boat slips so he could build higher. She said it was the developer's decision.

Joe Navitsky, the architect for East Bay, said he appreciates the comments. He said he has no problem adhering to rules. He said they will stick to the rules. He said show him the books and he will follow them. He said he couldn't find the Zoning Ordinance.

Commissioner Palmer said it is in the City dock ordinance. He asked if he had a copy of the dock ordinance.

City Planner Jackson said the dock ordinance is in the packet and it is located on the City website.

Commissioner Novak said the 200 units were approved to be built without boat docks. He said people purchased the properties knowing this, and this is the third time someone has come to the board for the same issue.

Commissioner Robertson said East Bay is creating a marina because they will hold a lottery deciding who gets a boat. He said it does not increase property value like some believe because when you own a condo, you own a fraction of the limited common elements. He said with only twenty-five (25) boats and 200 people the City is going to hear about. He said when East Bay bought their condo, somewhere on the Master Deed it states no boat privileges.

**PC 02-02-15                    MOTION TO DENY EAST BAY VILLAGE CONDO  
ASSOCIATION REQUEST TO CHANGE THE PUD AGREEMENT  
TO ADD 25 BOATS SLIPS TO THE EXISTING LEISURE DOCK**

Motion by Robertson, seconded by Palmer, CARRIED UNANIMOUSLY: Motion to deny East Bay Village Condo Association request to change the PUD agreement to add 25 boats slips to the existing leisure dock.

ROLL CALL VOTE:

Yes (6)	Novak, Palmer, Robertson, Whitt, Cheney, Malone
No (1)	Wolfson
Absent (0)	
Abstain (0)	

6-1 MOTION CARRIED

**NEW BUSINESS:**

Commissioner Whitt explained the Foremost Development project is moving slowly along and they have been working with City Staff. He said Foremost Development submitted a preliminary site plan and the City has received and reviewed the plans. He said the City has gotten back the review letters from all the City consultants. He said that Terry Bailey is requesting a special meeting with Planning Commission for February 24, 2015. He said the City staff will have a pre-site meeting before the 24<sup>th</sup> and will make sure there is enough information for the Planning Commission to make a recommendation. He said the meeting is two weeks from today.

**PC 02-03-15 MOTION TO APPROVE A SPECIAL MEETING AND PUBLIC HEARING WITH FOREMOST DEVELOPMENT FOR FEBRUARY 24, 2015 AT 7:30 PM AT CITY HALL**

Motion by Malone, seconded by Robertson, CARRIED UNANIMOUSLY: Motion to approve a special meeting and public hearing with Foremost Development for February 24, 2015 at 7:30 p.m. at City Hall.

**ADMINISTRATIVE REPORT:**

1. Code Enforcement Report

Commissioner Malone asked how does a LED sign work for a commercial business. He asked is there any stipulation? Is there any difference between a commercial sign and the City sign?

Commissioner Palmer said the best thing to do is to go the Sign Committee the City has had before. He said there is an association of signs and the group has some good rules. He said the Planning Commission should look at the association to get ideas, like frequency, so it doesn't distract the driver. He said to get good signs that convey the message and is aesthetically pleasing.

Commissioner Robertson said another thing to decide is where the signs can be allowed within the City.

Commissioner Palmer said he would like to thank Jeff Rondeau for the work he does and how he is discrete with his report. He said Jeff does a lot of work and is professional at his job.

**DISCUSSION:**

**COMMISSIONERS COMMENTS:**

Commissioner Malone said there was a public hearing for the Airway Trail Master Plan meeting at Commerce Township today at 1 o'clock. He said it was for the 2015 – 2020 Master Plan. He said it is a requirement for grant purposes and they need a current one on file.

Commissioner Palmer said Parks and Recreation has a tight budget, but will have four bands for the free concerts. He said they are looking to do something in Sims Park. He said they are also thinking of doing some different advertising: perhaps selling pizza at the free concerts. He said if anyone wants to join Parks and Recreation, he would like to bring them aboard.

**PC 02-04-15            ADJOURNMENT**

Motion by Malone, seconded by Robertson, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:17 p.m.

  
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Chelsea Rodgers  
Confidential Assistant

  
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Reuben Cheney  
Chairperson