



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, JANUARY 13, 2015**

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

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

ABSENT: Cheney

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

PC 01-01-15 EXCUSE COMMISSIONER CHENEY FROM THIS MEETING

Motion by Robertson, seconded by Wolfson, CARRIED UNANIMOUSLY: To excuse Commissioner Cheney from this meeting.

REQUESTS FOR AGENDA CHANGES:

APPROVAL OF MINUTES:

PC 01-02-15 APPROVAL OF THE DECEMBER 9, 2014 PLANNING COMMISSION MEETING MINUTES WITH CHANGES

Motion by Novak, seconded by Robertson, CARRIED UNANIMOUSLY: To approve the December 9, 2014 Planning Commission Minutes with corrections.

Commissioner Wolfson said on page 12 it should read Maple and Haggerty not 14 Mile and Haggerty.

COMMUNICATIONS: None

AUDIENCE PARTICIPATION: None

UNFINISHED BUSINESS: Wolverine Lake Master Plan Review

City Planner Chris Korhey, *substituting for John Jackson*, said he sees no problem with Wolverine Lake's Master Plan. He explained it is the Planning Commission's choice to say something or not. He said if the Planning Commission would like McKenna or the City to write them a letter, he would be happy to write the letter.

**7:36 Palmer arrived.*

Commissioner Palmer said the boundaries are the same and that he sees no problem with Wolverine Lake's Master Plan.

**PC 01-03-15 MOTION TO HAVE CITY ADMINISTRATION WRITE A
LETTER TO WOLVERINE LAKE APPROVING THEIR MASTER
PLAN**

Motion by Robertson, seconded by Novak, CARRIED UNANIMOUSLY: To approve City Administration to write a letter to Wolverine Lake approving their Master Plan.

NEW BUSINESS:

Public Hearing

Open Public Hearing 7:40 p.m.

- 1. Applicant: East Bay Village
 Location(s): East Bay Village
 PUD Amendment – Boat Docking & Mooring**

Planning Consultant Khorey said the original approval back in 200 for East Bay Village was 284 units, He said at the time explicitly no parking of motorized boats on the dock, the dock is used for passive use of the lake. He explained the use of no motorized boats was not a decision by the City but by the developer. He explained possibly because of the increase density of the development which is twice as dense that would be allowed without a Planned Unit Development (PUD). He said today that same development is at 269 units and some are still under construction and there are still no boats allowed on the dock. He said the application is to add twenty-five (25) boat slips. He said it is not clear on how East Bay would be distributing the boat slips, whether it is a lottery or a waiting list. He explained in order to be eligible for PUD change there are criteria in the Zoning Ordinance section 16.02: recognizable benefit to public at large and community, meets the minimum size criteria, the public services will not be burdened or affected by the change, that it is compatible with the Master Plan, it will have a positive economic impact, the change does not reduce the usable open space below the requirement, and finally the applicant has ownership of the project because there is no evidence that the applicant has the backing of the home owner's association. He explained there are use standards for docks, when docks go in a non PUD they require special use approval and in order to get that special use approval they do have requirements to do with parking, storage, lighting, and screening to have the dock approved. He said even if the City Council decides to amend the PUD.

Commissioner Malone said this is the first time seeing a PUD amendment and asked what the process is.

Planning Consultant Khorey said like the PUD the first time there would have to be meetings to define the scope of the PUD amendment and tonight the discussion is whether to open up that discussion at all.

Mary Beth – East Bay Village - Applicant – explained she is on the board for East Bay Village and said currently 210 units and 49 more to build and the foundations are in and have absolved 25 units. She said there is an area that will not be developed, that is twenty-five (25) units that has been absorbed back into the community due to no foundation has been placed in a ten (10) year period. She said East Bay has 310 feet of lake frontage. She said East Bay feels they are a big tax base for the City. She said the benefit for the City is the property value should increase.

She said the property tax will increase for the City. She said she is asking only for 25 slips which is less than 10% of our owner representation. She said that is a controllable number. She said the Board will have a lottery. She said to choose who gets a slip the people have to be in good standing, be owners, be current with their dues, and many things have been put in consideration. She said East Bay will not be a nuance. She said her people are in the lake all the time. She said for the record \$28,000 has been paid to the Lake Board for weed control and that is equivalent to thirty (30) properties. She said Walled Lake is public not a private lake. She said most people who own a boat will find their own storage space. She said the dock would be off at the end of their dock now and adjacent to Leon. She said the new part of the dock will be about the same size of the dock they have now.

Commissioner Palmer asked if the boats will be left there in the off season. How will you store the boats.

Marybeth said no, she would follow Walled Lake ordinance. She explained the storage will be the responsibility of each boat owner.

Commissioner Robertson said if I win the lottery, is it a one year commitment, or if I don't want it anymore.

Marybeth said if this is granted the Board may fine tune it but now the Board will do a lotto system, like a sports pool, an owner will place a ping ball in for each year they have owned, and it will be picked that way. She said that is fair and then the owner should have the boat slip for life.

Commissioner Wolfson said in the future what if East Bay wants to add more boats.

Commissioner Novak said right now they have been told there are too many boats on the lake.

Marybeth stated "The Board will be satisfied with twenty-five (25) boat slips, trust me." She guaranteed that the Board will be happy with twenty-five (25) boats slips. She said she thought the standard was four boats per fifty feet. She said a lot of East Bay is on Walled Lake already and it is not going to be a big difference except that the owners can keep the boats up front instead of driving to a different location.

Commissioner Robertson said the Commission will have to double check Walled Lake's docking ordinance.

Mike Walker – 100 East Bay Drive - said he has been sailing on the lake by leasing a separate piece of property. He said he has counted the number of boats around the lake and there are more than 450 boats. He said so by allowing East Bay the 25 boat slips you are talking about a 5% change. He said normally on a weekday there will only be five (5) to ten (10) boats on the lake. He said it is not an overly used lake.

Jerry Anderson - 127 S. Pontiac Trail – said he is President of the Lakes Area Home Owner's Association and was in front of Planning Commission back in August and submitted a similar letter that is before Planning Commission tonight. He said he has been here thirty-six (36) years and was here when the PUD was brought up and all the houses were cleared out. He said back then was told that East Bay would be the salvation for Walled Lake. He said then East Bay came

back with continued increases in density, height changes, setbacks to their neighbors, and elevation changes. He said the City has given up so much that when the developer said he had no problem giving up his boat rights; the City agreed to that because up to that point the City kept giving to make the project viable. He said the City has a contract and the contract is based on no boats. He said every three years it seems that East Bay comes back to make another amendment to their agreement. He said since the City has made a dock ordinance, it is not attainable. He explained East Bay currently pays 8.1 units of benefit per property serviced towards the Special Assessment District (SAD) for the weed control, the same as any other structure that has no boat rights. He said East Bay is the most delinquent for the SAD money. He said the Home Owner's Association would request the proposal not be considered and put this to bed.

Rich Gunther - 486 East Walled Lake Drive – said there are twelve (12) lake front condos so he doesn't know if the number become twenty-five (25) or twelve (12) but he can see a legitimate argument that East Bay wants to express their rights. He said if we think most of East Bay have boats don't actually have their boats on the lake they are doing it anyway. He said they are paying someone to keep their boats. He said he thinks the boat dock is a revenue generator. He thinks it is a good idea.

Phyllis Turner – 310 Arvida -- said the lake is overcrowded. She said she doesn't even go out on the lake on the weekends because of the partying at the end of 14 Mile Road. She said she does not see East Bay donating money to the City.

Jim Tesorer - 1627 West Lake - said he moved on the lake because of its private access. He said the lake does have restricted access over the years. He said properties off the lake, a block away, knew at that time when they purchased their property if they had access to the lake or not. He said so if you let East Bay put boats on the lake it will only bring in 100 more wanting access because they will expect the same privilege to get a dock on the lake. He said if the City allows East Bay now, then Bristol Corners will come back and want to key hole themselves in. He said this needs to be studied. He asked the Planning Commission if they have ever heard of the Riparian Rights and that it needs to be considered. He said when the development was there they were granted egress and ingress into the lake through anything they can carry in. He said they are not being denied access to the lake. He said the DNR has established several lakes, in a fantastic program, that allow people to have access to any lake through public ramps and public system.

Donna Blanced - 137 Arvida - said she has 4 acres of property and her properties touch a lot of East Bay. She said the City promised that East Bay would not be given access to the lake when it was originally agreed upon. She said now since East Bay has gone in it has done nothing for her neighborhood. She said she does not want to turn into every other community. She said she does not want to be like every other overcrowded community.

Mark Adams - 1721 East Lake Drive – said he lives in Novi and asked the Planning Commission not to amend the PUD agreement. He said there is no public benefit to Walled Lake or residents of Walled Lake. He said he did the warranty work for East Bay and all that bought at East Bay knew before they purchased their condo that they did not have lake access. He said there is something in the condo by-laws that addresses no lake access. He explained that before any by-laws can be changed it has to go to City Council. He said today East Bay is asking for twenty-five (25) once they are full East Bay will be back for twenty-five (25) more. He said he agrees with all the other comments said so far.

Derrick Rea - 745 East Lake Drive - said he is the fourth house after Leon and is opposed to the amendment change. He said basically a deal is a deal. He said with access there will be more traffic and more than just twenty-five (25) people. He said a lot of people are sneaking on the lake. He said with the proposal it looks like the first couple boats are really close to the shore and it will be bigger than the picture and an eye sore. He said ever since East Bay has been put in there has been more crime. He said he is opposed to it.

Randy St. Laurent – 159 East Bay Drive - said to say East Bay is the source of the riffraff and drinking he can confidently say it is the current residents that live on Walled Lake and takes offense to the accusations. He said he wants to know what data was used to say the lake is overcrowded. He said let's talk about civil rights, the right to vote, those things have change. He said the developer had his own agenda of selling condos, not lake access. He said East Bay's residents have 310 feet of lake front and thinks it is fair for them to get lake access. He said if East Bay were to get twenty-five (25) boat slips only five (5) will be out on the lake at a time. He said the residents of East Bay are not the contributors to the riffraff on Walled Lake. He said East Bay has 310 feet lake property and wants access to it.

Brian Masi – 163 East Bay Drive - said he moved to East Bay in April and said he does take offense to some of the comments. He said East Bay is a nice community and that is what he and his wife were looking for, a group of professional people to be around. He said they do not have boats on the lake so East Bay cannot be the contributors to the riffraff. He said the only constant is change.

Mary Whalen - 539 Rivera Court - said she is an engineer and a professional. She said she has always lived on lakes. She said she knows boat laws and know how to respect those laws. She said what she likes about Walled Lake, it is relaxed and the people are friendly. She said she has been on people boats in Walled Lake and loves this lake. She said she can easily walk to the downtown. She said she appreciates having access to Walled Lake and would like to have a boat on the lake so she can meet the people in her community.

Meghann Lloyd – 421 Village Drive - said she is a young professional as well as an engineer. She said the benefit to the public at large since the time she has lived at East Bay she has encouraged countless number of friends who did not even know that Walled Lake existed. She said her friends did not know about the cute little town with the shops or Bayside Grille. She said East Bay would not be over burdening Walled Lake public services because they will be policing their dock. She said the positive impact is she has brought many people to Walled Lake and she is just one person. She explained the economic impact by patronizing the shops and by bringing people to Walled Lake and to their shops.

Wendy Brown – 120 Sandy Lane – said she lives in East Bay said she also is a professional. She said she has raised three kids and sent them to college and her and her husband decided to downsize. She said everyone keeps saying a deal is a deal but you know what her deal is when her condo was built that she would pay \$309,000 for it and today with an appraisal it is worth \$130,000, a loss of \$179,000 for her condo. She said getting the boat slips will increase property value, which in turn, is going to increase revenue to the City, and hopefully decrease the foreclosures and decrease the 15% of renters in East Bay because the property value will go up. She said people in East Bay are already in Walled Lake. She said she has heard of people renting out their boat slips so just make this legal. She said go through the City and do it the right way.

She said the boat slips are the only chance to increase the property value and keep East Bay a luxury community.

Mark Miller - 1957 West Lake Drive – said he has been a professional for twenty-eight (28) years and in the automobile business for 30 years and when you sign a contract with the supplier it is a contract you cannot go back in and change it because you do not like it anymore, so the builder sign a contract with the City of Walled Lake and the City allowed the developer to build the complex and since then the developer has moved on. He said the residents of East Bay signed a contract to purchase their property and it did not allow lake access for boating and if the City allows this to happen the City will open the gates for everyone to change their contract. He said it is a matter of principle at this point.

Joe Navintsky said he the principal of an architect company that does this quite often and himself is on Planning Commission for many years in his community. He said nothing stays the same. He said he is proud of this community but we are all one thing and participate at a different level. He said there is a distance between what everybody thinks and feels here. He said East Bay does have some rights. He said this is the first step for these people and their rights.

George - 514 Rivera Court - said East Bay is a nice development and would like to see this move forward with the process. He said he came because he is more interested in learning if his fees will go up because of the boat docks and how East Bay will be selecting who will get a boat slip or not.

Close Public Hearing 8:36 p.m.

DISCUSSION:

Commissioner Robertson said there are a lot of things here. He said he would like to get more facts about the boating ordinance. He said an agreement is an agreement and if the City allows this dock and start with twenty-five (25) boat slips what is to say East Bay won't come back for more. He said at what point is a deal a deal. He said the developer perhaps signed away East Bay's boating rights but all of East Bay residents bought the condo and all received a document called the Master Deed and in there it clearly states that East Bay residents have no boating rights on the lake unless you can carry it in or out.

Commissioner Palmer said he needs to get the facts; there are ways to make changes. He said he is concerned with the rental of the docks and that needs to be addressed. He said there is an ordinance to be followed. He said let's stick with fact and stop with the name calling. He said the problems around the lake are not coming from East Bay. He said he was on the original Planning Commission when East Bay went in and some things were missed. He said the Planning Commission does need to address the facts, is this going to grow greater and greater needs and quit making changes. He said East Bay does have lake frontage and has some rights.

Commissioner Wolfson said he doesn't see how East Bay is going to police their dock. He asked does Novi and Walled Lake have an ordinance prohibit an owner of the dock from renting that to a friend. He said people are not hurting anyone by boating on a pontoon. He said agreements can be changed. He said the lake population will increase by allowing these boats slips. He said he sees no problems with the boats on the dock.

Commissioner Novak said the people signed a contract that explained they do not have boat rights so there are no boat rights.

Commissioner Malone said this is just the first step with multiple steps involved. He asked how big the dock is going to be. He said the real option tonight is to wait to make a recommendation.

PC 01-04-15 MOTION TO TABLE THE PUD AMENDMENT UNTIL MORE INFORMATION IS PROVIDED: WITH THE DOCK ORDINANCE, A STATEMENT FROM THE APPLICANT ON WHAT THEY ARE PROPOSING TO PUT IN, ON HOW DEEP THE WATER IS, LOOK AT THE DENSITY FOR THE BOATS ALLOWED AND A SUMAMRY OF THE STEPS TO FOLLOW FROM THE CITY PLANNER

Motion by Palmer, supported by Robertson: CARRIED UNANIMOUSLY: To table the PUD amendment until more information is provided with: the dock ordinance, a statement from the applicant on what they are proposing to put in, how deep the water is and look at the density for the boats allowed and a summary of the steps to follow from the City Planner.

ROLL CALL VOTE:

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

6-0 MOTION CARRIED

ADMINISTRATIVE REPORT:

1. Code Enforcement Report

No questions.

COMMISSIONERS COMMENTS:

Commissioner Palmer asked where the City is with the developer with the apartment proposal.

Commissioner Whitt said the developer is behind schedule. He stated the developer knows the City does not want to see anymore slide shows. He said he will make sure there is a legitimate site plan submitted before the developer comes back before the Planning Commission again.

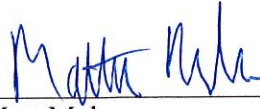
Commissioner Malone said he noticed the Michigan Independence office is closed and moved to Southfield. He said that property is vacant. He asked what the zoning is for the office space. He said if the state took care of the building then it should be move in ready. He said it would be good for a medical office.

PC 01-05-15 ADJOURNMENT

Motion by Robertson, seconded by Palmer, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:08 p.m.



Chelsea Rodgers
Confidential Assistant



Matt Malone
Vice Chairperson