



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, OCTOBER 14, 2014**

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

ROLL CALL: Ankrom, Cheney, Malone, Novak, Palmer, Robertson, Wolfson

ABSENT: Mendelsohn, Gersten

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

**PC 10-01-14 EXCUSE COMMISSIONERS GERSTEN AND MENDELSON
FROM THIS MEETING**

Motion by Malone, seconded by Palmer, CARRIED UNANIMOUSLY: To excuse Commissioners Gersten and Mendelsohn from this meeting.

REQUESTS FOR AGENDA CHANGES:

Commissioner Robertson said to place Terry Bailey with Foremost Development on the agenda under new business number 2.

APPROVAL OF MINUTES:

**PC 10-02-14 APPROVAL OF THE SEPTEMBER 9, 2014 PLANNING
COMMISSION MEETING MINUTES WITH CORRECTIONS**

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

Commissioner Palmer said after administrative reports under Commissioners comments to change "Commissioner Jackson" to "Planning Consultant Jackson."

AUDIENCE PARTICIPATION:

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. KMG Prestige, Inc. – Site Plan Review
Walled Lake Villa, 1035 Villa Drive
PC #242

City Planner Jackson said the proposal needs site plan approval which is a straight forward process. He said the owners are adding a small addition onto the existing building which includes area for the existing residents, it is internally accessed, no external access, it is primarily intended for the people who live at

the facility. He said there is an existing garage that will be removed. He explained the owner's are not increasing the impervious surface. He explained that he tried to have go through administrative review and that is came close but over that and that is why it has come to planning commission for site plan approval. He explained the consent judgment has nothing to do with Planning Commission and all that Planning Commission has to do is to review the site plan and that it meets the ordinance requirements.

Ann Donosky explained the property is trying to refinance and is owned by a non-profit and have an opportunity to reinvest \$7.5 million dollars into the property and they looked into the amenities that are available to the seniors that live there. She said because it is masonry reconstruction, and the time it was built, the community space that was built is broken up by masonry walls that limit one large gathering space for like a pot luck or dancing and that is why the owner's want to do the addition. She said build a new community room so everyone can be in the same room together.

Commissioner Ankrom said is there any future discussions regarding to use the room for rental use for the community.

Ann Donosky said it will not be rented out to the community.

Planning Consultant Jackson said it is not permitted to rent it out and use as a banquet hall because it is not zoned for that type of use.

Commissioner Palmer said there is a maintenance shop and asked if gasoline or power tools are stored in the maintenance shop that use to be there. He said since it is adjacent to the banquet hall it cannot have anything like gasoline or power tools stored in there.

Ann Donosky said she would be taking the plans to the building official and the fire marshal to review and all of that would be addressed. She explained they do have a separate garage on the property.

Commissioner Palmer said it needs to be properly reviewed by the Fire Marshall before and not after the fact.

City Manager Whitt said this proposal came with a few loose ends and Ann is here to talk about the zoning issues that Planning Commission handles, if it is not in court. He said it is in court from a 1976 consent judgment which means anything the City does starting with this Commission then it would go to the City Attorney who then negotiates and finalizes it. He said Planning Commission's total input the City is requesting and administration has no objection to the proposal. He said that site plan was approved by the courts and what exists now will have to be changed by a court order once the City gets an input from the commission here. He said he asking the Planning Commission to proceed ahead but the City still has a lot to do on what she and her group is trying to do, it does not mean it is going to happen because the City will be in negotiations about how the Villa fund the project and how it impacts other parcels related to that project. He said Planning Commission is only dealing with what Ann Donosky said tonight. He said the City is asking Planning Commission to only approve that addition so administration can recommend to City Council and then give to the City Attorney to get an adjustment in court. He said if the City can have agreement on other parts of the court order the City can add stuff to it and the City can probably add Planning Commission's suggestions do that too.

Discussion was held about signatures on the application.

City Attorney Vanerian said there is no problem with the signing of the application. He explained it is the first step in the process. He explained Planning Commission's job is to review the site plan and application and if it meets the zoning ordinance, it does not mean the owner's can build the project. He said simply because Planning Commission approves the Villa's site plan it does not alter the requirement of any legal judgment that is out there.

PC 10-03-14 MOTION TO APPROVE KMG PRESTIGE INC. SITE PLAN APPLICATION PC #242 TO MOVE FORWARD TO CITY COUNCIL WITH CONDITIONS: MAINTENANCE SHOP OPERATION AND MATERIAL STORED NEED TO BE REVIEWED AND THAT IT MEETS THE FIRE CODE, AND THAT THE HALL IN THE NEW ADDITION WILL NOT BE RENTED OUT TO THE GENREAL PUBLIC.

Motion by Palmer, supported by Robertson: CARRIED UNANIMOUSLY: To approve KMG Prestige Inc. site plan to move forward to City Council with conditions: maintenance shop operation and material stored need to be reviewed and that it meets the fire code, and that the hall in the new addition will not be rented out to the general public.

ROLL CALL VOTE:

Yes (7) Palmer, Robertson, Wolfson, Ankrom, Cheney, Malone, Novak
No (0)
Absent (2) Gersten, Mendelsohn
Abstain (0)

7-0 MOTION CARRIED

City Manager Whitt introduced Terry Bailey from Foremost Development for the downtown lakefront property. He said Terry Bailey has submitted a proposal and is here to introduce and go over the proposal. He said Terry Bailey has submitted an application and official fees.

Terry Bailey said the project is called Lighthouse Villas at Mercer Beach. He explained it is a seventy-one (71) unit ultra-luxury apartment and the target market is 22- 32 year olds, young professionals and fifty-three (53) and older, empty-nesters. He said there is 1.73 parking spaces per unit with twenty-three (23) tucked in parking spaces in the back of the building. He said there is some parking along Walled Lake Road, along Ferland, and Market Street. He explained that Witherall will be vacated for the project, taking 2.5 acres. He explained it will allow consistent flow throughout the area and creates a new structure along the street. He said there are amenities attached to the building, which is called a lifestyle project, where amenities are created within the project for the residents. He said there will be 68% are one bedroom and 32% are two bedrooms and the size will be from 650- 720 square feet for the one (1) bedroom and 850 square feet for a two (2) bedrooms and bathrooms. He explained the units are upgraded throughout, with granite tops, stainless steel appliances, cabinetry upgrade, and premium view of the lake. He explained in the blue areas there is a yoga room, exercise room, leather chairs, and a cinema for the residents. He explained at one end of the facility there will a simulated lighthouse and the materials will be split base block on the first floor.

Commissioner Cheney asked Terry Bailey what the rent cost will be for the apartments.

Terry Bailey said a \$1,000 a month for one bedroom and \$1,400 for two bedrooms. He said he has a market study and traffic study. He explained Walled Lake as a whole average age is 40 years old and his vision is attracting the younger professionals to the downtown area to help the other businesses and hopefully get the businesses upgrade their buildings.

Commissioner Ankrom asked who the managing company is for this facility.

Terry Bailey said KMG is the managing company for the apartment. He said it is three stories, the units will have nine (9) feet ceilings and the building itself 34 feet tall. He said the building will not have a steep height pitch roof, it will be fourfold flatter roof. He explained with Witherall closed access points will be from Liberty Street to Walled Lake Dr. He explained the traffic study shows to accommodate for

the new project and that it increases only by 2%, so little effect on this project even if you eliminate Witherall.

Wolfson said what will happen to the DDA events for the Beach Party and Pet Awareness Day. He asked how will the residents get to their apartment with City events.

Terry Bailey said there will have to be a way to enter the street. He said there will be no elevators. He explained he will promote pets and have a small pet park, and a rose garden which the residents will take ownership of. He said his goal is to keep our residents close to home. He said he was in town two weeks ago around two o'clock in the afternoon and fifty percent (50%) of the shops were closed, he wants to make all the businesses opening.

Commissioner Cheney said the City currently use the lots for Memorial Run and other events.

Commissioner Malone stated to Terry Bailey that he calls them luxury apartments and Malone's thought is the rent would be more and with a project like this has there been any impact to other Cities, like Walled Lake, that help increase the downtown.

Terry Bailey said those are performers rent. He explained he is continuously updating his market study and uses his comps and what the market will bear. He informed that he has done this thirty years and has built about 20,000 units and almost three (3) billion dollars. Terry said his comps he has used like this have come from California and the east coast and the west coast is going to see a wave of projects like this. He said Walled Lake has the chance to get out there before anyone else.

Planning Consultant Jackson said in Royal Oak before their City got people moving into the downtown area it was slow and as soon as people moved into the condos it greatly increased the lively hood of Royal Oak. He said the tipping point is if the City has people living downtown brings more vitality.

Commissioner Novak said this is something the City wants in the downtown and will get the shops opened up.

Commissioner Robertson said this project will come in at \$8.1- \$8.4 million dollars.

Terry Bailey said once they break ground KMG will set up shop to start pre-leasing the apartments. He said on most of the building with masonry with metal panels and some stucco. He said there is some elevations issues to the back but with the engineer his team will figure out a way to make it work. He said he wants to make this a walk able community.

ADMINISTRATIVE REPORT:

1. Code Enforcement Report

DISCUSSION:

COMMISSIONERS COMMENTS:

Commissioner Malone said he like to thank Commissioner Gersten and Commissioner Medelsohn for their service on the Planning Commission.

Commissioner Palmer said is this something the state of Michigan requires or is it the City chose to do.

Commissioner Ankrom said why is he just now hearing the State law if it has been enacted since 2008 because he just heard about it when he saw the memorandum. He said being familiar with City Government he knows this had to have been discussed with the City Council.

City Attorney Vanerian said Planning Commission is in compliance, the statute gives certain options as the composition of the membership and the City has the discretion to make decision to what option they want to go with and that is the outcome the City Council chose to go with, a seven (7) member commission in the best interest of the City. He said Planning Commission has been in compliance but the City Council mad.

Commissioner Ankrom said that instead of springing this on the Commission, at least told the board that this is in the works; maybe ask for volunteers to leave the board. He said he is not arguing that it is state law; he just finds it troubling that they were not informed of the decision. He said people volunteer to be on this board and this could have been handled more appropriately.

Commissioner Robertson said he would like to thank Jennifer Stuart for work with the Planning Commission and is moving on to becoming City Clerk. He said that the Commission should send a thank you letter to Phil Gersten and Ann Mendelsohn.

City Manager Whitt said the Mayor has drawn up a resolution for City Council recognizing Phil and Ann for their work on the Planning Commission. He said the Planning Commission was traveling on a 1931 law, which is completely legal on its own. He said the 2008 state law that Planning Commission move in to that type of style and there was never noncompliance that is not a fair statement. He said there was a different approach and there were some changes. He stated to say this is just springing up is incorrect; it has been on the last two agendas. He said the final discussion was held last month. He said the City Council kept the seven who had the most time in their current term so that their term would expire sooner. He said the intent was to pick the people to retire so they can be up for the next appointment because by law the Mayor makes the appointments. He said if Council did not do it that way there would be no reappointment for the following year. He said he apologizes for not having City Council come to Planning Commission to say can we pass this ordinance. He said if you want to blame someone blame me. He said I am the administration and you get the agendas and packets and wishes there is a better way to do it, the with administration follows the rules of City Council, City Council makes the decisions that are best for the City. He said he is sorry if you believe I should come to you before the resolution passed he apologizes. He said the administration wrote the memo on a resolution that has been in discussion for three (3) months. He said it was all public record and he makes the assumption that as board members Planning Commission reads the public record, perhaps he should have been here to tell Planning Commission what is on City Council agenda.

Commissioner Malone asked is having (7) seven members a requirement or just an option.

City Attorney Vanerian explained it is an option. He said it was a legal option that Council had to go from nine (9) to seven (7) which was the best interest for the City. He said it is difficult to find people to fill all the seats for all the various boards and it is a legitimate challenge for Council and that is maybe what motivated them to do that. He said City Council discussed does the City of Walled Lake really need the biggest possible Planning Commission in order to serve the City or is it better to have a seven (7) board and they decided it is the best decision to serve the City.

Commissioner Wolfson said at one time there was a liaison between City Council and Planning Commission.

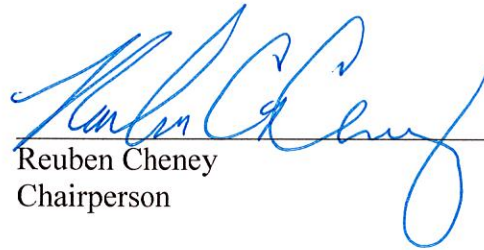
Commissioner Cheney said thank you to Commissioner Gersten and Commissioner Mendelsohn for their service on Planning Commission.

PC 10-04-14 ADJOURNMENT

Motion by Palmer, seconded by Wolfson, CARRIED UNANIMOUSLY: To adjourn the meeting at 8:38 p.m.



Chelsea Rodgers
Confidential Assistant



Reuben Cheney
Chairperson