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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP PLANNING COMMISSION

7525 Highland Road  
White Lake, MI 48383  
**March 1, 2018 @ 7:00 p.m.**

Mr. Anderson called the meeting to order at 7:09 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Fine, and Mr. Meagher were excused and Mr. Noble arrived shortly thereafter.

ROLL CALL: Steve Anderson - Chairperson  
Merrie Carlock  
Debby Dehart  
Mark Fine - Excused  
Rhonda Grubb - Secretary  
Anthony Noble  
Peter Meagher - Excused  
Scott Ruggles, Board Liaison

Also Present: Sean O'Neil, AICP, Community Development Director  
Mike Leuffgen, Township Engineer  
Lynn Hinton, Recording Secretary

Visitors: 20

#### Approval of Agenda

Ms. Carlock moved to approve the agenda with the removal of the Zoning Ordinance Amendment discussion and to move it to the March 15, 2018 agenda. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (5 yes votes)

#### Approval of Minutes

a. February 1, 2018

Ms. Grubb moved to approve the minutes of February 1, 2018 as submitted. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (5 yes votes)

#### Call to the Public (for items not on the agenda)

Mr. Anderson opened the discussion for public comment on items not listed on the agenda.

Dave Kostiuk, 9747 Mandon Road, indicated that he has talked to some of the township planners regarding the Farm Act and having some chickens on his property. The baby chicks are ready to come in and he is only looking to have a few for personal use. There are many communities that do allow them.

Mr. O'Neil stated that he spoke with Mr. Kostiuk and the Planning Commission has recently discussed the possibility of relaxing the regulations as it pertains to certain animals, but he is unsure

whether it will get to the point that it will benefit Mr. Kostiuk due to the zoning district he is in and how far the Board will go with lot reductions to allow this.

Mr. Kostiuk noted that currently people can have up to 7 dogs on their property and he personally feels dogs are worse than a few chickens.

Mr. Anderson stated the Commission would take that into consideration and review this again at their March 15, 2018 meeting.

**Public Hearing:**

- a. File No. 17-020 Aspen Meadows Phase II
- Location: Located on the south side of Grass Lake Road, west of Porter Road, adjacent to Aspen Meadows subdivision, currently zoned (PD) Planned Development District, identified as parcel number 12-16-361-002, consisting of approximately 40.77 acres.
- Request: Preliminary Site Plan Approval
- Owner: JFK Investment Company  
Mr. Joe Kosik
- Address: 43252 Woodward Ave., Suite 210  
Bloomfield Hills, MI 48302

Mr. O'Neil reviewed McKenna & Associates report in Mr. Elliott's absence and there doesn't seem to be any issues, but there are comments worth noting from the Fire Marshall regarding spacing requirements for hydrants, turning radius and cul-de-sacs.

Mr. Leuffgen of Johnson & Anderson reviewed his report dated February 1, 2018. This was their 3<sup>rd</sup> review of the final site plan. The plans have since been revised to reflect that sidewalks have been added. With regard to grading & paving, there is a steepness of the roads as they cross gas lines, but the OCRC has provided preliminary approval.

This is a difficult site from a storm water collection standpoint and there is burden on the applicant for compliance with ordinance standards. Water currently drains off east and south and they didn't want to impact any property owners in either direction. The engineer will put a natural buffer area of 40-50 ft. to slow water in these directions. It should not exceed what it is currently contributing right now. With the combination of buffers and storm water collection systems, they will not be exasperating water to any properties,

The applicant had previously proposed a detention pond on the north of the site with outlet to the east, but that caused concern and they changed from detention to a retention system so there is no longer a discharge point. The applicant is going to have a point discharge to the south over Alpine Valley ski property and the applicant has confirmed that they secured an agreement with the property owner.

Mr. Leuffgen feels the applicant has met engineering design standards for the purpose of the preliminary site plan. In addition, the Oakland County Health Department has given preliminary approvals for sanitary septic systems on this site.

Mr. O'Neil provided an overview and history of this property. The applicant always intended on doing Phase II, and now 17 years later, they are back. When a Planned Development (PD) request comes in there is a site plan and rezoning request that come at same time. This was done 17 years ago and since 2003, it's not allowed to go this way, but applicant is not penalized. The vacant parcel is already zoned PD. Mr. Elliott has stated that this is the second phase, and a Development Agreement was not required in 2003, but it is required now.

These are single family homes. There are 88 units in Phase I, and Phase II is proposing 39 units to be on lots of 21,600 sq. ft. All lot sizes meet the requirements of the ordinance. The homes will be served by municipal water, but will be on private septic systems. This is consistent with the zoning and Master Plan. Landscaping and lighting plans will be required at final. Architecture will be

discussed this evening and was provided in the packets. Materials are not required at this point. He did note that sidewalks will be required in Phase II, and road access has already been approved with no new access to Grass Lake Road.

Mr. O'Neil noted that PD projects are supposed to provide a traffic impact assessment. This could be waived, and the applicant is hoping it is since this is Phase II. RCOC will control the traffic and there won't be any curb cut on a main road. The township would not require this in small development like this.

There was also a review from Oakland County Airport, even though this development is 4.5 miles west of airport. Basically they are calling out that there is an airport and it will be loud.

Joe Kosik, the applicant, was present to answer questions/concerns from the commission and public.

Ms. Carlock asked Mr. Kosik to compare the size of lots. Mr. Kosik responded that they are the same relevant size as Phase I. Phase II is proposed to be 2 lots less than what was approved in 2005, from 41 to 39. Ms. Carlock asked what the ratio density units/per acre was. She thinks the area looks denser. Mr. Kosik stated the development has been pushed into the center due to the terrain that drops off to the east and to the shape of the triangle to the west. Compared to Phase I at 1.03 lots/acre, Phase II is .96 lots/acre.

Mr. Anderson opened the public hearing at 7:43 p.m.

Mr. Anderson read into record a letter of petition opposing the plan for Aspen Meadows. The petition was signed by the following Alpine Estates residents: Robert Turpin, Tom Manning, George Ewing, Tom Norek, William Maholick, Nancy VanHull, Tina Meyer, Jamie Meyer, and Randall Smith. The petition has been noted and taken into consideration.

George Ewing, President of Alpine Estates Subdivision Homeowners Association, 7500 Alpine View, indicated that they realize this is a done deal, but they wanted to share their concerns. The first and foremost concern is with water. He thought Phase II would be supplied through the pumping station on Grass Lake. Water levels will go down and they are concerned with their wells being drained. There is also concern with water run-off and with grading of the property. Where will the water retention be and where will the water flow? He wants to make sure it is not exasperated. With regard to the natural buffer zone, they would like the landscaping to stay rustic, not clear cut with arborvitaes. They are also concerned with what will happen to the habitat when they are displaced. Traffic is another concern. RCOC is responsible for Porter road, but Porter Road is a "pothole city" and you can't walk along the side of the road. With only one entrance from Grass Lake, they'd like to see a sidewalk down Porter Road to provide safer passage with the additional traffic.

William Maholick, 7300 Alpine View, stated that since this was approved, there have been other changes in the last 17 years. He questioned what variances were granted for Phase II. He also feels noise will be an issue and there will be a lot of intrusion. Site lines have been covered with clear cutting and the value of their homes are in jeopardy. The serenity of the area will be impacted and they would prefer to have the trees.

Steve Janowitz, 7351 Alpine View Court, stated that the septic rules and requirements have changed considerably since 2001. With the elevation of this property being 40-50 ft. above their properties, those septic fields and their run-off will affect them. He wants indemnification from the developer. Whatever Mr. Kosik could have put in in 2001, would not be permissible today. He questioned whether all the sites perked. Septic is a serious matter these days and those sites have to perk, have to show their perk, and show proof that this will not affect them in any way. He added that water studies are great, but they really don't know where the water will go. Another 39 homes will bring 80 cars up and down Porter Road, and this will be a big problem.

Tom Norek, 7450 Alpine View Court, commented on the water run off study that was done. He stated that 50% of this property is no longer dirt or grass, urbanization is that water has nowhere to go. He lives to the south and east where water will go. He would like to see sidewalks on Porter Road. There are teens walking up and down the road and there is a fear they will be hit, which would ruin

lives. Lastly, there are 20 lots left in Phase I, he questioned why they need to do this now after 17 years. Home values will decrease and they will have to drop prices on those homes.

Dr. Jamie Meyer, 7393 Alpine View Drive, stated he is very concerned. His wife literally walked through 200 homes and chose White Lake. They are concerned with this going in their back yard. They have a beautiful 2-acre lot and this will destroy their back yard, the deer will have nowhere to play. He asked the commissioners to please consider the value of White lake as a pristine community and what they would do to preserve that.

Tom Manning, 7210 Alpine View Court, wanted to add that Porter Road is falling apart and besides just increasing cars, what will be done with construction traffic when they bring in heavy equipment. Will they be on the hook to repair what they damage? There needs to be accountability for the road and what they do to it.

Mr. Ewing added that water is big issue and they would like to see a surety bond posted so after these homes are built they will have a recourse if well run dry. He urged the commissioners to consider this as a requirement.

Tina Meyer, 7393 Alpine, questioned how it was decided who was sent the letter notifying of this. Mr. O'Neil responded that state law requires the township to send notice to the newspaper 15 days before the meeting and in the same time period a letter to houses within 300 ft of the property. Any one who backs to this particular parcel got a letter.

Kevin Bragg, 6692 Steamboat Springs, stated that Phase I is not complete yet. He'd like to see that completed first before going to Phase II. This is the only entrance for 40 new homes, and it will tear up the roads. This has been going past his house every day for a year and there are 5 vacant homes in Phase I.

With no other comments, the public hearing was closed at 8:09 p.m.

Mr. Kosik addressed the concerns from the public. He stated that their intentions are for the township as well as the neighbors. His family has been involved in White Lake since 1960, and they developed Alpine Valley. This was excess land that was originally going to be a golf course. They are a family business, and they want to be good neighbors by giving a development that fits in a real community. This is substantially the same from the beginning. There is a real problem with county roads, not just Porter Road. He can't build a sidewalk along all of Porter Road, but he will help where he can.

With regard to the timing of the project, the housing market came to a halt in 2008. He develops communities and sells lots to builders. He contracted with a builder to build homes and he has permits on 11 of the 26 lots with contracts under 4. They keep ahead 5-6 lots in Phase I. With the housing market getting better, people want to be in White Lake. This is a preliminary review and the first of 3 meetings. This process takes time to get a development of this kind approved. Any construction would be at the end of the year, if this were approved. Their intent is to not have vacant lots. They will have Phase I complete and most likely start building Phase II next spring or next fall.

He concurred this is a high site and his engineers have worked hard to get storm water on the balancing of the site. Water that has to go to east, they are working on full retention so there is no fear of water coming onto their sites. They will work with J&A to maximize all precautions.

He built a large public water system that not only serves Phase I but can accommodate Phase II as well.

Addressing the concern for the habitat, given the density, there is still a lot that lived through Phase I. They did not do a full strip land balance. They have to do that on Phase II, but he prefers to keep trees. The landscape plan will show what they intend to do along their property line to minimize noise and the visual and he would be happy to do this first before they start construction.

Porter Road is a county road and they will all have to work together. They have to push to get improvement on that road. This is a never ending battle and he will work with the residents, not against them.

Regarding septic fields, he spent a lot of time with the Oakland County Health Department. Every few years requirements change and to make density work, he purchased acreage to the west, at which 22 acres is open space and green space that they will improve as part of their agreements with the health department. They met all their standards and will still have to re-perk lots before houses go in. Mr. Leuffgen stressed that this is county jurisdiction and the township does not have a say in this matter. He is confident the health department is conscientious of these concerns. He feels this will be a positive project.

Ms. Dehart asked what the square footage of the homes would be. Mr. Kosik stated they would be the same as Phase I, the smallest he can go is a one story ranch with 1,850 sq. ft. or they have a 2-story approximately 2,200 sq. ft. He will continue with the same mix of styles and same materials they are currently using.

The natural buffer will be 40 ft. natural and they will add to it. Mr. Carlock noted that there are invasive plants to be conscientious about. Mr. Kosik agreed that it's a challenge. He added that they would also have a 200 ft. buffer for Alpine.

Mr. Anderson asked how much the homes would sell for and Mr. Kosik responded with just over the \$300k range. They will be affordable, but not cheap, and good quality. He would expect a 5-7% increase 2 years from now in construction costs. This will not hurt values of homes, but rather new construction will create a higher end and he would bet this will not negatively impact the residents. He has permits and would like to have 4-6 units under various stages of construction. He will not put all 39 up. At the rate he is going, Phase I should be completed by the end of next year, adding 24-25 lots. His plan is to get approval on Phase II this year, but what will drive this is the sale rate.

Mr. Noble added that Mr. Kosik will pre-sell the homes before they are put up. Mr. Kosik agreed that he would have a few models up for people to view. As they get more contracts, they would pick up the pace. He has no desire to dilute the market.

Mr. Leuffgen expanded on the water issue. Phase I is connected to the municipal system and is a well system. The well house was designed for this development. There won't be any new wells in Phase II.

Mr. Ruggles noted that if there's a problem or issue with their water, it is the township's responsibility to fix it. This is funded by the Water Department, not the General Fund.

Pat McWilliams, engineer, stated that they have done extensive work on this. Natural run off soaks in, but with Phase II, anything possible to be picked up will be put in a retention basin on each side, and he added that the detention basin is going south to Alpine Valley and not across their properties. All water is being picked up on every road and every driveway. When on a hill, water will drain out front to the road to their system. At the back of the house, water will drain naturally off site and is less than what is going off now. In addition to this, the buffer will be left natural and it will be supplemented with added vegetation.

Mr. Anderson noted that this development meets Oakland County Health Division requirements and standards. They are the experts. Mr. O'Neil added that Matt Maynard is the Sanitarian from the health department that handles all perks and permits for the township. He is in the township office a few times a week and he can meet with them here.

Ms. Carlock requested they save trees on the site and fence off the area. Mr. Kosik stated they would fence this off before they start.

Mr. Anderson indicated that the traffic and community impact statement complies with section 6.6. Knowing that this is a second phase and because of the size of the development, it may not be necessary to do those studies.

It was noted for the record that the residents of Alpine Estates would like to petition to have a community impact statement and a traffic impact study done.

**Mr. Ruggles moved in File 17-020, Aspen Meadows Phase II to recommend to the Township Board approval of the Preliminary Site Plan and make the finding that the traffic study and community impact statement is not required, and to acknowledge all deficiencies, and that a Development Agreement be provided, which is a requirement, and to consider consultant and staff comments. Mr. Noble supported and the MOTION TIED with a roll call vote: Noble – yes; Carlock – yes; Dehart – no; Grubb – no; Ruggles – no; Anderson – yes. (3 yes votes; 3 no votes)**

**Ms. Dehart moved in File 17-020, Aspen Meadows Phase II to recommend to the Township Board approval of the Preliminary Site Plan, and to acknowledge all deficiencies, and that a Development Agreement be provided, which is a requirement, and that a community impact statement is required, and to consider consultant and staff comments. Mr. Noble supported and the MOTION CARRIED with a roll call vote: Noble – yes; Carlock – yes; Dehart – yes; Grubb – yes; Ruggles – yes; Anderson – yes. (6 yes votes)**

#### **Continuing Business:**

##### **a. Ordinance Amendment Discussion**

This item was removed from discussion this evening and will be added to the March 15, 2018 agenda.

#### **New Business:**

- |             |  |
|-------------|--|
| a. File No. | 17-018 White Lake Township Library   |
| Location:   | Located on the west side of Elizabeth Lake Road, south of Highland road and across from Town Center boulevard, currently zoned (AG) Agricultural, identified as parcel number 12-21-426-006, consisting of approximately 9.22 acres. |
| Request:    | Final Site Plan Approval   |
| Owner:      | White Lake Township Library  |
| Address:    | 7527 Highland road<br>White Lake, MI 48383   |

Mr. O'Neil reported that all comments relating to planning have been addressed. Way finding signs will be addressed as they pertain to width, so the signage is clear. The Fire Marshall had previous concerns that have been resolved and will be reflected in the construction set of plans. There are no deficiencies from a planning perspective. The recommendation is to move forward with final site plan approval.

Mr. Leuffgen reviewed his report dated February 9, 2018 and indicated this was their second review of final plan. The applicant has separated the engineering plans, which will be approved administratively. Future sign application will be submitted with administrative review.

For conversation this evening, the plan reflects the south side of the approach drive has hatched crosswalks, which are acceptable, but with the cross hatchings on the north as you leave handicap area, there is no where for them to land. He would recommend removing the hatch and put a parking space there. Cars will try to park next to it when people are being encouraged to cross there. This can be terminated at the handicap space. Typically if you encourage pedestrians to go somewhere, they have to have somewhere to go.

South of building there is sidewalk going from the library to the dumpsters and right now it's at grade with the pavement. They may want a little separation with thicken block so there is a grade differentiation. Mr. O'Neil added that this was the direction of the Township Board.

With regard to utilities, the plan acknowledges the need for a loop system in the water main construction, also which the township requires. They have addressed this on the plan and will also address this on the final engineering plans. The applicant has provided enough information on the plans to meet the Township Board's intentions.

Mr. O'Neil clarified the cross access. He showed on the map where access will be and when construction happens to the south, this is consistent with what they were directed to do.

Mr. O'Neil noted that the RCOC was aware of this final plan, but did not respond (twice). They had major input at preliminary and this plan is consistent with what they requested. They don't normally respond at final.

Mr. Ruggles stated he doesn't have an issue with plan and sidewalk/elevation. It also makes sense with adding the parking space and he would like to see that.

Mr. O'Neil noted on the plan that there is a covered drop off point shown and they intend to construct it, but if they choose not to, it is still approved and they can come back and construct it at any time.

**Ms. Carlock moved in File 17-018 White Lake Township Library to approve the Final Site Plan addressing all comments from the engineer, planner and Fire Marshall and any deficiencies that are incorporated in the reports. Ms. Grubb supported and the MOTION CARRIED with a roll call vote: (6 yes votes)**

#### **Liaison's Report:**

Mr. Ruggles reported that the Township Board approved the rezoning requests submitted by the Planning Commission; purchased a maintenance truck, a car, and a radar trailer; it transferred money from the General Fund to the Sewer Fund, at which the sewer debt is now paid in full. They also discussed the payback reimbursement from the Library. The township was paying their payroll for a number of months and the Library has entered into an agreement to pay a total of \$374k, or \$20k/month. This will be paid off when the bonds get issues. They also approved the purchase of new sign for the township hall. This will be digital with the ability of having photos on it too. The recommendation is for 25%:75, with 25% of the sign being permanent. They will not rent space on the sign.

Ms. Grubb reported that Parks & Rec looked at the proposed pathway project on the west side of Fisk Farm which should start when the weather breaks. The pathway will jog in slightly due to the placement of a utility and emergency alert pole. The Maintenance Fund is gradually going away and the committee will be seeking another .3 mills millage to be placed on the November ballot if the Board approves, but they will have to take action by July. This millage would bring in \$319k per year. It was noted that the renewal failed 6 years ago, but it was a very close vote and also a tough economic time. The committee will start campaigning for the millage.

Ms. Dehart reported that the ZBA meeting was cancelled last month, but there will be a meeting this month on March 22.

#### **Director's Report:**

Mr. O'Neil stated there have been a few snags with getting the environmental issues taken care of at 4 Corners. No other information at this point.

#### **Communications:**

##### **Next meeting dates:**

- Regular Meeting – March 15, 2018
- Regular Meeting – April 5, 2018

#### **Adjournment**

**The meeting was adjourned at 9:30 p.m.**