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## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP PLANNING COMMISSION

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

Mr. Anderson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Noble and Mr. Meagher were excused.

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

Also Present: Sean O'Neil, AICP, Community Development Director  
Greg Elliott, Township Consultant  
Lynn Hinton, Recording Secretary

Visitors: 12

### Approval of Agenda

Mr. O'Neil requested to put Item 8a: Discussion on PA116 for parcel 12-05-400-029 before Item 7a: Zoning Board Amendments.

**Mr. Fine moved to approve the agenda as amended. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (6 yes votes)**

### Approval of Minutes

a. December 7, 2017

**Ms. Carlock moved to approve the minutes of December 7, 2017 as submitted. Mr. Fine supported and the MOTION CARRIED with a voice vote. (6 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, but none was offered.

### Public Hearing:

a. File No. 17-021 Stulberg Rezoning  
Location: Located on the west side of Union Lake Road, Across from Carpathian Drive,

and north of Cooley Lake Road, currently zoned (R1-A) Single Family Residential, identified as parcel number 12-36-176-003, consisting of approximately 15 acres.

Request: 1) Rezone property from (R1-A) Single Family Residential to (RM-1) Attached Single Family Residential.

Owner: Stulberg White Lake Investments, LLC

Address: 342 Sycamore Ct., Bloomfield Hills, MI 48302

Mr. O'Neil indicated that rezoning requests do not require a site plan, but the township does ask the applicant what their intent is. In this case, the applicant has given a rough street layout and the project engineer, Cliff Seiber, is present this evening to add to the discussion.

Greg Elliott of McKenna & Associates reviewed his report dated January 8, 2018. The property owner is Cooley, LLC, and it has consented to the rezoning request. The site is undeveloped, located west of Union Lake Road, across from Carpathian Drive and north of Cooley Lake and Cooley Beach Drive. The applicant has submitted examples of proposed residential units; however, it must be kept in mind that this is a request for rezoning without conditions and so it does not commit the applicant to any certain unit type. All the uses permitted in RM-1 would be allowable.

The intent is to allow to 2-family dwellings. Once a satisfactory Rezoning Traffic Study has been provided, unless a waiver is obtained, McKenna would be comfortable, based on the findings, recommending that the Planning Commission recommend that the Township Board approve the request to rezone the site from R1-A to RM-1 for the following reasons: (1) The request RM-1 zoning district is consistent with the Master Plan and Future Land Use Map; (2) Rezoning the parcel to RM-1 is compatible with the character of the surrounding area; (3) Rezoning the parcel to RM-1 will not result in spot-zoning. Granting the rezoning of the parcel does not guarantee future site plan development approval, as those applications will still need to be made.

Mr. O'Neil indicated that a traffic study has been done and the township's traffic engineer's comments discuss the methodology and feels it meets the standards practices. If the property is developed at maximum capacity, another traffic impact study would be required, and traffic improvements would have to be made.

Mr. O'Neil continued that the applicant has no desire to make any connection on Casa Loma. There is a small jog and only 20 ft. of frontage, but this is a moot point because topography and logistics will not work for a cut through. While we are not to the site plan state yet, it has been made clear by the applicant that there is no intent to connect the two subdivisions.

Mr. O'Neil reviewed Johnson & Anderson's report and traffic study. The site will be developed at a lower density, and the traffic study is for maximum potential impact. An analysis or traffic impact study will be required, as well as fire department review.

Mr. Seiber, representing Stulberg White Lake Investments, stated that they think the rezoning makes sense since it is in compliance with the Master Plan use. Northeasterly is zoned neighborhood office and north off Carpathian is the newly Lakepoint project and business zoning. It is a logical to have single family to the west and south. They have done many layouts of units, but they don't think the maximum number of units is feasible because the property is used up with storm water detention and 20% maximum lot coverage with a park. He thinks typically they would be at 15-20% less density than what the traffic study shows. They submitted a plan to RCOC for geometric review, and the RCOC was not opposed. He's pretty sure they will end up with a center turn lane with Lakepoint coming in. This is a good way to coordinate what's going on with Union Lake Road. One advantage to the neighbors next door is with the introduction to public utilities. There will be connection to the south westerly corner, which will provide domestic and fire protection. They will eventually create a loop system with water. Sanitary sewer will be provided off Union Lake Road and it could possibly serve the development next door.

Mr. Anderson opened the public hearing at 7:29 p.m.

Paul Horn, 8706 Cooley Beach, indicated that currently there is a privacy fence and he questioned whether the builder would provide any wall or fence to prevent people from using his backyard as a cut-through. Other areas require a brick retaining wall. He has small children and would like to see a wall/fence to prevent cut-through.

Mary Jackson, 8739 Cedar Island Road, indicated that in the last few months she has orange and yellow flags through her yard that lead to her house. She stated in the past her yard has been dug up to install other lines and questioned whether this would happen again. This area is 6 ft. into her yard and the last time they dug, she requested topsoil but they didn't do that. She also asked whether trucks would be driving through her property again.

Connie Yo, 8714 Cooley Beach Drive, asked whether the developers and the township take into consideration when planning the quality of life for those that have been living here since the the 1970's. The amount of traffic is awful and they keep adding more.

With no other comments, the public hearing was closed at 7:36 p.m.

Mr. Seibert addressed the concerns from the public. With regard to Ms. Jackson, he indicated that the surveyors needed to know where the utilities were located and "Ms. Dig" came through and marked her property. There is no plan to connect in this location, as they can connect off Union Lake Road. He can't guarantee that 100%, it would be up to DTE and Consumers. There is plenty on Union Lake Road. They are showing proposed fencing for screening from Ms. Jackson's home and a storm water basin so there won't be any buildings next to her home. He is also showing an existing fence on the south property line, which would be Mr. Horn, and what they would propose is a good tree line, preserving what is there for natural screening. They will look at this again at the site plan approval stage.

Mr. Ruggles addressed Mr. Horn's issue. He noted that the Planning Commission and the Board of Trustees will review this many more times and Mr. Horn will have other opportunities to bring this up. He added that he personally does not have an issue with this rezoning.

Ms. Dehart thought it would be beneficial to the neighborhoods to create a Special Assessment District if the sewer did come down. Mr. Seiber indicated that they will meet with Johnson & Anderson to see what the Master Plan shows and how much is in that area to support this. Mr. Anderson noted there needs to have a looping system for clean water and pressure.

Ms. Carlock stated she is happy to hear they will save trees on the property line. She questioned tht if they did connect to utilities, for example, how would the sewer and water connect to other subdivisions if it were going to the road and back. Mr. O'Neil stated they would run a line down and stub it off and Mr. Seiber added that they would shift the pond up and stub the main.

Mr. Fine stated he lives close to this area and he relates to the cut through. He would like to see the trees kept and he agrees with putting something up there.

**Mr. Fine moved in File 17-021 Stulberg Rezoning, to recommend to the Township Board approval of the rezoning request from (R1-A) Single Family Residential to (RM-1) Attached Single Family Residential. Mr. Ruggles supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Carlock – yes; Ruggles – yes; Grubb – yes; Dehart – yes; Fine – yes (6 yes votes)**

- b. File No. 18-002 Mini Rezoning
- Location: Located on the north side of Highland Road, just east of Bogie Lake Road, currently zoned (LB) Local Business, identified as parcel number 12-21-100-075 (6785 Highland Road), consisting of approximately .58 acres
- Request: 1) Rezone property from (LB) Local Business to (GB) General Business
- Owner: A1 Management and Storage
- Address: 4829 Eagle Springs Ct., Clarkston, MI 48348

Mr. O'Neil indicated that this property is where the old trophy shop was located. Mr. Mini owns this and the marine shop next door. There was no traffic study required and no change in use plan that will be impactful.

Mr. Elliott reviewed his report dated January 21, 2018. McKenna is comfortable recommending that the Planning Commission recommend that the Township Board approve the request to rezone the site from LB to GB for the following reasons: (1) The request GB zoning district is consistent with the uses deemed appropriate for a Planned Community area; (2) Rezoning the parcel to GB is compatible with the character of the surrounding area; (3) Rezoning the parcel to GB will rectify an isolated area of the LB zoning that is no longer appropriate to the surroundings.

Mr. Anderson opened the public hearing at 7:54 p.m. With no comments offered, the public hearing was closed at 7:56 p.m.

Mr. Mini indicated that the potential buyer may want to open tile and granite store. A lot of the work is done in the field, so he'll get very little walk-in traffic.

Ms. Carlock stated she doesn't have a problem with rezoning.

Mr. Fine noted there is LB and GB zoning and he questioned the difference. Mr. O'Neil stated the difference is with the intensity. LB is more neighborhood convenience, i.e., intensity, hours of operation, etc. Mr. Fine asked if he could have a hair salon and Mr. O'Neil responded that all LB uses are allowed in GB as well. The potential is not for industrial use, but rather retail frontage with shop and tools in the rear. Any building or health code issues will be discussed and remedied.

**Mr. Fine moved in File 18-002 Mini Rezoning to recommend to the Township Board approval of the rezoning request from (LB) Local Business to (GB) General Business. Ms. Dehart supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Carlock – yes; Fine – yes; Grubb – yes; Dehart – yes; Ruggles – yes (6 yes votes)**

c. Zoning Ordinance Amendment Discussion

Mr. O'Neil indicated that over the past several months, the Planning commission has discussed amendments to various sections of Zoning Ordinance 58. The proposed amendments attempt to clean-up and clarify some of the language in the ordinance. His intention is to move through the amendments over the next month and eventually send formal recommendations to the Township Board in early spring.

Some of the amendments that have been red-lined pertain to the following:

Right to Farm Act; Maintenance of Animals; the Sign Ordinance; Auto Repair Facilities; Outdoor Storage; Sidewalks; and Backyard Chickens. A few comments were offered: They had to fix the Sign Ordinance to address concerns that came up in Gilbert, AZ, whereas the township has to have content neutral signs and treat with the same degree of fairness; Sidewalks must be on both sides of the street.

One issue that should be addressed is Backyard Chickens. The township's ordinance does not allow for them in residential R1-A,B,C,D. A resident had to remove chickens from his property after a complaint by a neighbor to the ordinance officer. This subsequently went to a district court, which ruled he was in violation of the ordinance and the chickens had to be removed.

Ms. Dehart noted that the city of Royal Oak allows chickens. Mr. O'Neil indicated that Mr. Elliott was asked to look at other communities that he also represents.

Mr. Anderson noted he grew up having chickens and there were certain things they had to do. It can become an odor issue and depending on how close your house is to your neighbor, it can have a tendency to smell when wind blows. Plus, chickens are noisy.

Mr. Fine googled "how to raise chickens", which states you need 2 sq. ft. per chicken. Mr. Anderson added that egg-bearing functions would need a coup, which would be a different scenario.

Mr. O'Neil will provide sample language. In a subdivision with bylaws, keeping chickens would probably not be allowed. This would be intended for maybe silent communities with older plats. However, if the township allows this, there could be fighting between neighbors.

With regard to Boat Storage, there are 30 named lakes and language should be drafted for AG and SF properties to be allowed to store boats. Carlock asked about RV storage, but Mr. O'Neil stated the argument is that there are dozens of lakes with thousands of boats. This amendment could address this need we have.

Mr. Ruggles added that any site has to be 200 ft. away from another boat storage site. Ms. Carlock asked how close to the property line and Mr. O'Neil responded that they have to meet side yard setbacks. We need lot coverage in the language, i.e., 3 acres, 5 acres with "x" amount. They would also have to bring in site plan and the stipulation to "seasonally" store watercraft on their property. Ms. Dehart questioned how this would tie in for people who have acreage and allow 4-5 friends store their boats on their property. Mr. Elliott stated you could have this as an accessory use.

Mr. O'Neil stated that this is for someone who wants to put 200 boats on his property. We don't have a lot of options here. There are businesses that need that type of zoning year round. This comes down to interpretation. A few versus 50 would have to be looked at. Mr. Anderson suggested the number of boats could be specified with acreage, and that would take care of the situation. Mr. O'Neil added that they have to do a site plan, which would also require a public hearing. They would have conditions.

Mr. O'Neil continued that he has drafted a correction for the Cluster Housing Option. If this is made a permitted use, there would be issues, but because it's a Special Land Use, it gives the township control to notify neighbors and require a site plan. Mr. Anderson stated this needs to be on the books, but 3 acres might not be enough, possibly consider 5 acres. Mr. O'Neil indicated there is also a concern with environmental impact. Mr. O'Neil also tried to clear up language for a density bonus and required open space.

#### **New Business:**

- a. Discussion on PA116 for parcel 12-05-400-029

Mr. Scott Ruggles asked to recuse himself from discussion.

**Ms. Carlock moved to recuse Mr. Scott Ruggles from the discussion on this item. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (6 yes votes)**

Mr. O'Neil indicated that this Act is not clear, but the requirement is to go to the Township Board for final approval. This is farmland preservation, which allows tax relief by the state government. The Oakland Conservation District sent a letter concurring that this is a working farm for cash crops, with 60 acres being used to grow crop out of the total 85 acres. This is a 10 year program and it's important to know that this has no impact on the township. The state will rebate a portion of their taxes back to them. Also needing consideration is the value of the property, which is \$970k of true cash value. The Oakland Conservation District confirmed that they agree with the application. Mr. O'Neil recommends a motion to the township with no objection of approval for a PA116 for this property.

Mr. Fred Ruggles stated that he has heard details from other farmers and this looks like a program that could be beneficial to them to continue a family farm. Taxes have increased over the years is another reason for wanting to consider this.

**Ms. Dehart moved to recommend to the Township Board approval of a PA116 for parcel 12-05-400-029 for Agricultural Preservation Program. Mr. Fine supported and the MOTION CARRIED with a roll call vote: Grubb – yes; Dehart – yes; Anderson – yes; Carlock – yes; Fine – yes. (5 yes votes)**

b. Master Plan Five Year Review

Mr. O'Neil indicated the township overhauled the Master Plan in 2011. It is the desire to utilize the existing Master plan for the next 5 years since the current plan is still relevant and reflects the Township's land use goals and objectives.

**Ms. Grubb moved to adopt the Master Plan Resolution as stated below:**

**WHEREAS, The Township of White Lake Planning commission is authorized by the Michigan Planning Enabling Act (P.A. 33 of 2008 as amended), to make and adopt a Master Plan for the Township; and**

**WHEREAS, the Township Master Plan serves as a guide for decisions and recommendations regarding the physical development of the Township and for the implementation of related plans, policies and programs; and**

**WHEREAS, The Township Planning commission reviewed the 2011 Master Plan at the February 1, 2018 Planning Commission meeting; and**

**WHEREAS, The Township Planning Commission finds that the current Master Plan still reflects the development goals and objectives of the Charter Township of White Lake and can still guide development and redevelopment in the Township; and**

**NOW THERE FOR BE IT RESOLVED that the Planning Commission of the Charter Township of White Lake hereby re-approves and adopts this Master Plan 2011, along with the text, maps, charts, graphs, and other descriptive materials contained in the plan for five (5) years or until such time it feels that it shall require amendment, or rewrite.**

**Mr. Fine supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Dehart – yes; Fine – yes; Anderson – yes; Ruggles – yes; Grubb – yes. (6 yes votes)**

**Liaison's Report:**

Mr. Ruggles reported that the Township Board discussed medical marijuana at their last meeting. To allow it in the township would involve growing, dispensing, transportation, testing labs, and processing. The Board decided to wait and see how other townships do. It was a strong argument that attracts other issues. The Board felt the article in the Spinal Column made them seem close minded and there was a lot of negative feedback. The Board will give it time and revisit another time.

Mr. O'Neil stated that he, the Police, Fire, and Township Attorney are all on the same page. There are more cons than pros. Mr. Elliott indicated that there is an excise tax, but the amount that comes back to the municipality is .25%, at which Mr. O'Neil added that the strain on police and fire could cost the township more than it would make. There may be a ballot issue for recreational use forthcoming.

Mr. Elliott indicated this is a new state law that went into effect December 15. There are numerous issues with the refining process and that they pump carbon dioxide into the houses. It was discerning to hear the Fire Marshall talk about this. All codes that deal with safety are absent here. Ms. Carlock noted that it is still federally illegal.

Ms. Grubb reported she was not at the last meeting, but the group talked about the Fisk Farm pathways and the discussion will continue at next week's meeting. She added that the 5 year Parks and Rec Plan was approved, which enables the township to apply for park grants.

Ms. Dehart reported that the ZBA had an applicant with a house on Jackson Blvd. that came in twice before and was denied. He came back with a significantly reduced plan. This was more of a lot coverage issue than anything. The ZBA subsequently granted the variances.

**Director's Report:**

Mr. O'Neil indicated there would not be a meeting on February 15, but the following meeting will have the Library and Aspen Meadows Phase II on the agenda.

Lakepoint is looking at storm water retention with RCOC to make it smaller and provide more greenspace as well as making the hole half the size. This is a 6 figure savings to them to do the redesign.

Redwood is coming along and it appears they may have residents in the next few days.

Lastly, the department has heard from developers that are looking at properties in the township.

**Other Business:**

a. Election of Officers for 2018

**Ms. Carlock moved to appoint Steve Anderson as Chairperson. Ms. Dehart supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)**

**Ms. Carlock moved to appoint Mark Fine as Vice Chairperson. Ms. Grubb supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)**

**Ms. Dehart moved to appoint Rhonda Grubb as Secretary. Mr. Fine supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)**

**Ms. Grubb moved to appoint Debby Dehart as the Liaison to the Zoning Board of Appeals. Mr. Ruggles supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)**

**Mr. Fine moved to appoint Rhonda Grubb as the Liaison to the Parks & Recreation Committee. Ms. Dehart supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)**

**Communications:**

**Next meeting dates:**

- Regular Meeting – February 16, 2018 (cancelled)
- Regular Meeting – March 1, 2018 (Mr. Fine cannot attend)

**Adjournment**

**Mr. Fine moved to adjourn the meeting at 9:12 p.m. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (6 yes votes)**