

Rik Kowall, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Michael Powell
Andrea C. Voorheis
Liz Fessler Smith

WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

WHITE LAKE TOWNSHIP PLANNING COMMISSION

7525 Highland Road
White Lake, MI 48383
September 7, 2017 @ 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: A full board was present.

ROLL CALL: Steve Anderson - Chairperson
Merrie Carlock
Debby Dehart
Mark Fine
Rhonda Grubb - Secretary
Scott Ruggles, Board Liaison
David Lewsley – Vice Chairperson
Peter Meagher
Gail Novak-Phelps

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

Visitors: 5

Approval of Agenda

Ms. Novak-Phelps moved to approve the agenda as presented. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (9 yes votes)

Approval of Minutes

a. August 17, 2017

Ms. Novak-Phelps moved to approve the minutes of August 17, 2017 as submitted. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (9 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. Capital Improvements Plan (CIP) 2018-2023

Mr. O'Neil presented the amended document that was reviewed on August 17 where changes were made resulting from that discussion. He recognized Mr. Iacoangeli, who was not present, for all his hard work on this document.

Mr. O'Neil continued by indicating there was public comment at the last meeting regarding item FA-005, Construction of a Municipal Building. To respond to that comment, he stated that this is a general project that doesn't get into the specifics. New facilities are needed and rather than decide what will go where, it was lumped it in with a \$20 million cost across all departments for all services the township provides. Resolution 17-37 will go to the Township Board on September 19 if approved this evening.

Mr. Lewsley questioned the \$20 million projected cost and whether the library's share was part of this or on top of it. Mr. O'Neil stated the library is Included. The general fund bond issue is tied to the millage request. The Library's \$8.6 million millage was approved to allow them to spend up to that amount. If the township also puts municipal offices at that location, there will be similar requests for police/fire etc. to do the same. The township owns the land and has spent \$1.6 million already as a general fund contribution. What is not contemplated is that the existing building land would be sold and redeveloped along with the fire station, and funds would be rolled into that. Item FA-005 is very generic as to not confuse the subject matter.

Mr. Anderson noted the township had a quote of \$7 million some years ago to renovate the existing building. It would not make sense to "throw good money after bad money". Mr. O'Neil added that costs have gone up in the last few years as well. The township now owns the land across the street free and clear. This is an indication of what the future holds.

Ms. Dehart asked whether the \$1.6 million paid for the land was included in the 20 million. Mr. O'Neil responded that the cost of the land will be a minor component in the total cost of this project. They did not try and factor in and estimate what current facilities would be disposed. He added that the township spent \$1.6 million, but \$400k came out of the Building Improvements Revolving Fund and the township disposed of \$1.2 million of property and reinvested it with the \$400k of general fund savings. Timing was good and this was a smart thing to do.

Mr. Anderson asked if the Library had a plan for their existing building. Mr. O'Neil wasn't sure. The new plan may be to leave it behind and when the existing township office property is sold or reused, that building would go along with it, including the park land. The Library does not own the building or the park land.

Mr. Anderson opened the public hearing at 7:20 pm. With no comments, the public hearing was closed at 7:22 pm.

Ms. Novak-Phelps moved to approve the Capital Improvements Plan for years 2018-2023. Mr. Fine supported and the MOTION CARRIED with a roll call vote: Ruggles – yes; Grubb – yes; Dehart – yes; Meagher – yes; Anderson – yes; Novak-Phelps – yes; Carlock – yes; Fine – yes; Lewsley – yes. (9 yes votes)

Continuing Business:

a. Zoning Ordinance Amendments Discussion

Mr. Anderson indicated that there has been discussion on home businesses and the Planning Commission had asked the consultant to see what other surrounding communities are doing with regard to this.

Steve Hannan of McKenna Associates stated that he found there were very few municipalities in the state that do anything different than what White Lake Township is doing. The goal is to determine what the next step is. Either move forward and forge amendments or accept that what the township already has is appropriate and acceptable and no changes are needed at this time.

Mr. Hannan reviewed his memo of May 12, 2017. He looked at other townships and municipalities on what they are doing with regard to landscape contractor yards as a home occupation. This would be potentially making changes to the Zoning Ordinance, which lets the township regulate land use of what you can and can't do with your property. Most common regulations are how much traffic is

generated, appearance, storage of materials, etc. Mr. O'Neil noted there are several violations in the township and the Township Board has asked the Planning Commission to have a discussion on whether it should address this through an amendment or whether the township needs to enforce its ordinance.

Mr. Hannan stated that most of the communities he looked at have a similar way to regulate this. This generally is a home occupation but the township can have use standard, i.e., screening materials, limit the number of vehicles on the road in front of the home, etc.

He referenced Tyrone Township, who did something slightly different. They have a lot of rural land and they have use standards specifically for landscape yards. He also looked at South Rockwood, which have had a few site plan reviews. He distributed written material on both cases.

Ms. Novak-Phelps stated that Tyrone doesn't have to do with the zoned area, but rather just the occupation. Mr. Hannan stated that they developed use standards in rural estates or farmlands, and large residential areas which can be regulated by zoning district, i.e., AG, SF.

Mr. Anderson asked what fall out came about this and were there repercussions. Mr. Hannan stated the referenced sites were small and they made sure they had screening and had to have an accessory building for outdoor storage.

Mr. Meagher questioned McKenna's memo and whether it lays out what our current ordinance is. Mr. O'Neil responded that it is basic and simple and lays it out for the most part. Any residential can have a home occupation. Mr. Meagher referenced where it states, "clearly incidental". To him, if the township wanted to be hard, it could go after any home occupation. Mr. O'Neil noted that the biggest issue is traffic and outdoor storage. If you have trucks and trailers coming in and out every day, it's clear. Some are easier to nail down than others. Trucking business with a pole barn behind the house is acceptable, as are hair and nail salons, if you follow the rules. The township is concerned with appearance and hours of operation. If we want to craft an ordinance, a big thing is to have screening, and limit the number of employees coming to the house. A reason to come up with standards is to have these uses regulated as a special land use, where the neighbors would have a say and this is why we are finding out about these violations. If we start with good intentions, it could be a domino affect. If we want to change in a few years, those businesses would be grandfathered and the township would be stuck with them.

Ms. Carlock stated it appears White Lake Township is comparable with the rest of the county and Mr. Hannan agreed.

Mr. Anderson stated that we don't want to limit opportunity to people as long as they are doing it within the situation. If they are taking advantage and pushing the envelope, there is reason for concern. Mr. O'Neil noted that often they start off as small businesses and grow where it's too big to run out of their home. This is not fair to the neighbors or competitors.

Commissioner Comments:

Ms. Grubb is worried that once an ordinance amendment is set in place, you can't change it. She doesn't know where you start this.

Mr. Dehart asked how many complaints are received each year. Mr. O'Neil responded there are a few complaints each year. The reason the Planning Commission is dealing with this is that the Township Board is hearing from the Ordinance Officer about complaints old and new. The Ordinance Officer is stating there are at least 6 home occupations in serious violation. Ultimately the township would have to take them to court to enforce ordinance. The Township Board felt if the Planning Commission made simple changes, maybe a few of these businesses would become more acceptable. Ms. Dehart questioned whether the township would have to take enforcement action and Mr. O'Neil stated that it would, but that the Township Board also wants the Planning Commission to look at this.

Mr. Ruggles added that past Supervisor Baroni sent a few letters out and when Supervisor Kowall took office, the township was alerted to an incident on Porter Road where the neighbor made a complaint. Since having discussions with the business owner, he has made some changes and stopped doing the really offensive things. This business owner is not the only one. If the township is going to look at everyone we have to make sure we have done our due diligence.

Ms. Dehart feels the ordinance should be left alone.

Mr. Meagher agreed with Ms. Dehart and feels we should leave what is currently in place. Be selective and enforce the most serious violations. He would not want these types of businesses next to him.

Ms. Novak-Phelps feels the ordinance should be left as is. She noted that this is not just landscaping, there are also issues with vehicle repair/garages. The new Ordinance Officer is fair and doing a good job. There are areas in the township where these businesses can go if they grow.

Ms. Carlock asked if there are places in this township where these businesses can operate. Mr. O'Neil responded yes, if they are producing 50% or more of their product. This is opening a Pandora's Box. A lot of things haven't been enforced over the years and this would be an issue if we were different from every other community in Oakland County. People get comfortable and make a mess.

Mr. Fine stated we have the ordinance and an officer who reads it. He asked who makes the decision when a complaint comes in. Mr. O'Neil stated the officer would call him or Mr. Iacoangeli and they work with him to make sure he has a correct interpretation of the ordinance. The Community Development department makes the final determination. Mr. Fine stated he would be angry if someone did this next to him. This is about aesthetics. He likes the current ordinance because it gives leeway to make decisions. He feels it is working. He likes that we can be subjective about it.

Mr. Lewsley agrees with Mr. O'Neil in that tinkering with ordinance could result in unforeseen consequences. The officer evaluates violations and tries to work with them. If we come across a business that is offensive, we should find a way to work with them to bring them into compliance. He would like to see them work with citizens rather than be an enforcer.

Mr. Anderson stated there is a majority and consensus this evening. We have to have laws and structure and we should not make changes.

Liaison Reports:

Mr. Ruggles reported that the Library submitted a site plan last month and there will be continued discussion at the next meeting.

Ms. Grubb stated the Parks & Rec has not met since the last meeting, but there are a few upcoming events: Halloween event at Fisk Farm; Hess Hathaway's Harvest Happening on October 1; and the Fisk Farm Fall Festival this weekend.

Ms. Novak-Phelps stated the ZBA has not met since the last meeting.

Director's Report:

Mr. O'Neil gave the audience members an invitation to participate in a Campus Study for White Lake Township. The Township Board hired a company to facilitate the study and they are looking for input on how residents think a new facility could function to best serve the needs of the community. There are (3) sessions at Lakeland High School: September 13, October 18 and November 8 focusing on Analysis, Ideas and Concepts, and a Draft Plan.

Mr. O'Neil reported that Lake Pointe (near Bocovina) is working on their final site plan. There could be projects across the street on Union Lake Road, and he will meet with prospective developers. The

demolition is almost done at 4 Corners. They are waiting for utility shut offs. They can't have a pre-con yet, but they are in the process of finishing the back check of the final site plan.

Ms. Novak-Phelps announced her resignation from the Planning Commission and Zoning Board after 20 years of service. Everyone wished her well.

Communications:

Next meeting dates:

- Regular Meeting – September 21, 2017
- October 5, 2017

Adjournment

Ms. Novak-Phelps moved to adjourn the meeting at 8:27 p.m. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (9 yes votes)