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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
Lakeland High School – Auditorium
1630 Bogie Lake Rd.
White Lake, MI 48383
June 2, 2016 @ 7:00 p.m.

Ms. Novak-Phelps called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Fine was excused.

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

Also Present: Sean O'Neil, AICP, Community Development Director
Jason Iacoangeli, AICP, Staff Planner
Lisa Hamameh, Township Attorney
Patrick Sloan, Planning Consultant
Lynn Hinton, Recording Secretary

Visitors: 100+

Approval of Agenda

Mr. Anderson moved to approve the agenda as presented. Mr. Kowall supported and the MOTION CARRIED with a voice vote. (8 yes votes)

Approval of Minutes

a. May 5, 2016

Mr. Anderson moved to approve the minutes of May 5, 2016 as submitted. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (8 yes votes)

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

Ms. Novak-Phelps opened the discussion for public comment on items not listed on the agenda.

Susan Beal, 9170 Twin Lakes Drive, White Lake, MI 48386, stated she understands this is a 2-part process, (1) to consider the rezoning, and (2) this may be the only opportunity they will have to voice their opinions on the use.

Public Hearing:

- a. File No. **16-007 Calvary Evangelical Lutheran Church of Clarkston Rezoning (Edyth Franklin)**
- Location: Located on the south side of Highland Road between Fisk Road and Sunny Beach Blvd., currently zoned (R1-C) Single Family Residential, identified as parcel 12-23-227-003 (9101 Highland Road, consisting of approximately 4.92 acres)
- Request: 1) Rezone from (R1-C) Single Family Residential to (R1-A) Single Family Residential
- Owner: Calvary Evangelical Lutheran Church of Clarkston
- Applicant: Edyth Franklin
200 West Second St.
Royal Oak, MI 48068

Mr. O'Neil explained that tonight's public hearing is for the purpose of discussing the rezoning request. The Planning Commission will make a recommendation on the rezoning only. If rezoning is successful, the applicant can come back to seek a Special Land Use for the adult home. The special land use requires a public hearing, like this evening. No use will be approved tonight. There is a second step that requires the applicant to come back for another public hearing on the use, and residents will be notified. No matter what happens tonight, no permission is given to open anything until the steps of the process are completed.

Mr. Sloan of McKenna Associates reviewed his report dated March 21, 2016.

This is a 4.92 acre parcel and the church proposes to construct an addition and establish a use that allows up to 12 residents for an adult foster care home. Adult foster care/small group homes are permitted in the R1-A district.

The current R1-C zoning covers most of the same uses as R1-A in the Master Plan, and they are not aware of any negative impacts based on what both district allow. If the site were not to meet the standards for a small group home, the applicant would have to establish the home in an area where the use is permitted. An adult foster care group home allows 7-12 individuals under the R1-A zoning, where only up to 6 individuals are permitted under R1-C zoning.

They are recommending that the Planning Commission recommend to the Township Board approval of the request to rezone the site from Single Family Residential (R1-C) to Single Family Residential (R1-A) for the following reasons:

1. The requested R1-A zoning district is consistent with the Master Plan Future Land Use Map and recommendations for the Public and Quasi-Public uses and development.
2. Both the R1-C and R1-A districts permit most of the same uses.
3. The site has frontage along Highland Road, a five-lane paved thoroughfare that is capable of supporting the additional traffic from additional R1-A uses.
4. R1-A uses on the site will not place an additional burden on the available infrastructure or municipal facilities.
5. If the rezoning to R1-A is approved, the applicant still must apply for a special land use permit for a proposed adult foster care small group home and meet all of the standards of review for that use.

Mr. Kowall asked whether this would be consistent with adjacent property values. Mr. Sloan read a section of the ordinance pertaining to the potential influence on surrounding property values, i.e., traffic, etc. and they are not aware of any such studies that would impact property values.

Ms. Dehart noted that there is no R1-A zoning surrounding this. Mr. Sloan stated one consideration is the adjacent zoning districts and whether the proposed zoning is compatible with surrounding uses. R1-A allows most of the same uses as R1-C (with the exception of three), and it is compatible.

Ms. Novak-Phelps noted that 1-6 people are allowable in R1-C, and 7-12 people are allowable in R1-A.

Mr. Anderson asked that if nothing changes with the zoning, and without a special land use, R1-C could allow for 1-6 individuals? Mr. Sloan confirmed, and added that this is the state law. Mr. Anderson asked where the nearest R1-A zoned location is from this area. Mr. Sloan responded there is a site one mile northwest and less than a mile southwest. There are a lot of areas nearby where these 2 zonings are adjacent to each other.

Ms. Carlock asked Mr. Sloan to reiterate R1-C and R1-A uses. Mr. Sloan explained that all principle permitted uses are exactly the same. In a special land use, both are the same with the exception that R1-A has 3 additional uses; cemetery, group day care home, and small adult foster care home.

The applicant, Jonathan Heierman, 34 N. Holcomb, Clarkston, MI, addressed the commission. He stated they are requesting rezoning because it will give the congregation more flexibility to meet the needs of the community. They mailed 500 letters, visited nearby businesses, and held informational meetings at the church in an effort to raise awareness of human trafficking.

They do not have any plans to expand the site for additional population, but rather Sanctum House will serve other populations at other locations. They will use half of their church facility on Highland Road as a recovery program to help 12 women find hope and a second chance. These women are choosing to enter a 2 year program to learn life skills in a place of sanctuary. He feels a welcoming community like White Lake is a good location for such a use. Their mission is to address the needs of the most vulnerable in our community, and to love and serve others. They have always been an outreach oriented congregation, with a strong commitment to the community. They offer \$7,500 annually and partner with Open Door for distribution of food to help stamp out hunger; they provide land and volunteers for the White Lake Community Garden, where they distribute over 5,000 lbs. of produce to people each year. They distribute 10,000 Easter eggs for the Fisk Farm activity. They built an access ramp for a White Lake resident, among the many other ways they are serving the community.

Mr. Heierman wanted to assure that what they are proposing is in the best interest of the community. Michigan is #2 in human trafficking and there is an opportunity to partner with Sanctum House. The intent is to provide hope and help to these women who desire to be free. Long term life skill training will help better their lives. They have compassion for these victims. There are questions on whether this is the right location, fear of the unknown, and how property values will be affected. They have not found evidence to support these concerns and don't feel this will negatively impact the residents or the nearby children. He would hope that White Lake would want to be on the forefront with this type of program. He is aware they could open a facility and house 1-6 women without rezoning, but he feels the best use of the property is to rezone so they can serve 10 women rather than 6. He is asking for openness from the commission to learn of this tragedy that affects us all.

Ms. Novak-Phelps opened the public hearing at 7:43 p.m.

She noted for the record that letters in opposition were received from Maurice Yaklin, 8985 Huron Bluffs Drive; Bethany Gregory, 919 Sunny Beach Blvd.; Elizabeth Visliklis, 715 Robar Circle; Hal Duluth, 5678 Teton Trail; and Sheldon Greenblack, 9055 Huron Bluffs Drive.

Also noted for the record are two petitions received in opposition, one consisting of 58 pages of signatures, and the other consisting of 13 pages of signatures.

Emails were received in favor of the request from Bruce Kochenderfer of Waterford; Lindsay Tacia; Colleen Thompson; and Stephanie Mercier.

Ms. Novak-Phelps opened the public hearing at 7:48 pm.

Jim Kushenidt, 410 Berry Patch Lane, stated he attended the meeting at the church last week. Without the community support and involvement, he doesn't feel this would be a good location for this type of use.

Sheldon Greenblack, 9055 Huron Bluffs Drive, stated he submitted an objection in writing and would like it attached to the minutes of this hearing. This is a 2-step process. It is unique in that the underlying reason cannot be separated from the application itself. In this case, the request is to accommodate a

proposed lease with the church and Sanctum House, a non-profit organization that provides rehabilitation for trafficking victims. He believes the Planning Commission needs to look at the proposed use. This is clearly not an adult group home. He would like his objection placed on the record.

Susan Beal, 9071 Twin Lakes Drive, distributed copies of her presentation for the members to follow along. There are significant discrepancies in this application. This is not an adult foster care. A previous letter from the Pastor states a request to rezone to a multi-family use. Also at a public meeting at the church, it was noted that Sanctum House does not require approval to operate. She also noted that under a special land use, day care and adult foster care uses would require licenses from the state. Sanctum House is ineligible for this use. The entire configuration will be illegal regardless of zoning.

Jeff Thomas, 9610 Woody Court, supports the rezoning and the use. He admires the church's desire to want to serve women who have been enslaved. For those who oppose, he encouraged them to go to a meeting and listen to what the church wants to do. He feels our community needs to do more of this.

Rod Blought, representing Rainbow Child Care, 1732 Crooks, Troy, MI, stated he has been to numerous meetings and hasn't seen this big of a turnout against a project. This proposal next to the child care center is disturbing. Sanctum House will be an unsupervised establishment. Rainbow Child Care supports the program, but not the location. The church is 75 ft. from the building playground. The women will be coming out, possibly smoking, arguments, fights, etc. and the people they have been rescued from may try to get them back into that life. Women may have been taken away from their own children and he fears they could kidnap the children at his center. We have children ages 6 weeks to 6 years old. The adult to child ratio is 1:4 infants and 1:20 preschoolers, which makes it difficult to monitor. Rainbow is a business, and with this much negative feedback from the community on who their clients will be, he feels there will be a negative impact to his business.

Robert Zawideh, 440 Berry Patch Lane, feels this is a security issue. The township should not compromise the health safety and welfare of its residents. He has serious concerns with what unwanted activities will be drawn there if the ultimate use is approved. These are victims of crime trafficking, a criminal enterprise. The township is going about this the wrong way. It is announcing to the world by making them public. This is not an adult foster care use. This falls elsewhere within the zoning ordinance dealing with healthcare/rehabilitation and this use should end up in a business district or planned district. Sanctum House was organized in 2014, and does not have much experience or a track record. No facts or studies have been presented and there is no evidence to support this use.

Beverly Gentilla, 380 View Drive, questioned why the township would consider expanding a non-profit property at the expense of eliminating the child care center, which does pay taxes. What would prevent 7-12 turning into 10-20 women? What safeguards do residents have?

Sharon Keranen, 9393 Steep Hollow Drive, stated that Sanctum House has a humanitarian cause, but the location of the facility is the concern. It's adjacent from a child care facility that has served White Lake for many years. These are women with a history of drug abuse and prostitution. The safety of White Lake residents should remain paramount. Sanctum House noted in their application that it recognizes the need for securing the property with cameras and block windows. The Department of Health and Human Services cautions not to assume the shelter is secure. Pimps may hang out aiming to recruit new victims. Twin Lakes Subdivision is behind the church it is thriving with 400 homes. There are children at bus stops, the lake, etc. This use would further endanger our safety. She feels we would be inviting another tragedy. She has concerns with murder, the location and safety.

Joseph Jereckos, 852 Sunny Beach, indicated there are technical issues with rezoning. The purpose of the rezoning is to allow Sanctum House to renovate the church. He asked the commission whether they qualify for a special land use. Adult foster care facility does not apply for this use. This is a rehab facility or half-way house. Adult foster care is defined as adults who are aged, mentally ill, or physically disabled that require monitoring. This use is not for alcohol or substance abuse rehab, adult correctional, or a maternity facility. Foster care is defined as being supervised by resident physician. He asked the commission to deny this application until they can meet requirements for adult foster care.

Ann Thompson, 9515 Steep Hollow, indicated that the church owns this land and cannot use it for anything else. They can put 6 women here without anyone's permission. She applauded them for

making them a target for rumor and innuendo. All of these scary stories going around if these poor women were in our neighborhood. She approves this type of use and would like to allow the rezoning. She likes the idea of a church reaching out to this community. This boils down to, "not in my backyard", but she says, "Welcome".

Paul Cain, 608 Sunny Beach Drive, indicated that he was at meeting held by the church. Being a good neighbor means not causing trouble for your neighbors, and if there is a threat, you battle it. He noted that Lt. Wendy Graves from the Oakland County Sheriff's Department was present at the meeting and said there is a brain change with these victims where connections disconnect and they don't act normal. It is very common for the trafficker to come looking for the victim. It concerns the residents very much when you have a Sheriff telling them a Trafficker will come looking for these women. Because of state law, we may be forced to rezone, but he asked for the commission to "please protect us".

Maury Yaklin, 898 Huron Bluffs Drive, asked that his written comments be attached to this evening's minutes. Petitions were submitted on May 31 and June 2, with 450 signatures opposing the request. Within Twin Lakes Village, over 75% have signed opposing the request. Additional petitions are forthcoming. He asked the commissioners that when they vote, to please hear their voices.

Allyson Zawidh, 440 Berry Patch Lane, indicated that the White Lake Zoning Ordinance does not permit or provide for this type of use in this location. No information is available for anticipated township police and fire services, nor is there information as to the benefit on White Lake Township. If the township will have this type of use agreement, will it be a taxable benefit to the township as well?

Theresa Johns, 9105 Steep Hollow, is opposed to the rezoning request. The details of Sanctum House have changed. She is concerned with comments made 2 days ago, where they believe the church is ideal for other populations in their 2/5/10 year plans. An apartment type complex is in the vision. Originally it was said they had no plans to expand on the property. That was being said to appease the residents. They will be able to expand if the rezoning is granted. She urged the commission to deny this application.

Scott Smetana, 9170 Twin Lakes, has been here for 12 years. When talking about zoning issues only, the process has been compromised. (1) The Pastor changed his application to say this is a zoning application. We can't entertain changing the process. (2) A vote tonight will be on the assumption of the consultant's report. McKenna made the assumption that this would be an adult foster care. No one knows what this application is about. The commission is under no obligation to change the zoning. (3) There is a clear conflict between the text and zoning matrix. He would recommend that the commission follow through on the update of the Master Plan and update the zoning. He feels the church should withdraw their application. He asked the commission to deny the rezoning.

Matthew Sorenson, 9355 sunny beach, he has a 10 yr old daughter and another on the way. He wasn't concenernd for her safety. He is concerned now with potoential dangers for his family. There will be people coming around for these victims. He would hope they take ito consideration to keep the families safe. This needs to stop at the first step in this process.

Thomas Johnson, 9136 Buckingham, feels Sanctum House tried to mislead them. He cautioned the commission to be careful in rezoning, as it will affect property values. They have said they would bring 3 women in that don't need supervision, which means they will be on their own.

Renee Drap, 8970 Huron Bluffs Drive, hopes the board hears these concerns openly tonight, as their concerns are important. The fears they are bringing to the table are relevant because they are gathered from Calvary/Sanctum, and the women come with criminal backgrounds and drug addiction issues. As a mother of 2 young girls, that is legitimate fear for her. As for the care of these women, those opposing this sound like they care less about their wellbeing. She supports all people who are struggling, but this is proposed to be next to a day care facility. These women need proper support and she doesn't feel they would have it at this location.

Doug Rouse, 470 Berry Patch, feels this is urban decay. All of our communities around Detroit have suffered some sort of decay. His family got out of that environment, and they picked White Lake for the

lakes and environment. He feels if the township opens this Pandora's Box, the decay will creep into his environment, and he doesn't need this.

Nik Schillack, 8914 El Dorado Court, stated the issue at hand this evening is rezoning the property. Deeper than that is that this is a tough issue our country has faced. These people have been enslaved. We have to ask what kind of community do we want to be. People do things in front of grocery stores that he wouldn't want his kids to see. He feels we have to welcome one another and welcome these victims. He wants a community that also loves victims who do not have a voice for themselves.

Andre Arbelaez, 8970 Sandy Ridge Drive, stated he has listened to comments, and as an international automotive business executive, he has seen sex trading at facilities, and it's terrible what you see. The people who are organizing this are very bad people. He left Detroit for a better life. It is intellectually dishonest for the Planning Commission to approve this process because it feels it provides a conflict for the neighborhood. This is insulting to our intelligence.

Paul Harvey, 843 Sunny Beach, has lived here all his life, and his concern is for area businesses and that this could threaten the economics of the area. This is a tough decision.

John Stepanek, 8669 Scenic Bluff Lane, has reviewed McKenna's report. They are recommending approval of the rezoning based on the criteria they used. Public safety has not been addressed. He knows a primary purpose of government is to protect its residents. On January 18, 2015, a murder came 1.5 miles from this proposed rezoning, where a man was run over by his own truck by woman who walked away from a rehab facility. She was convicted of murder. Also, from what happened in Flint, government can and has failed to protect its citizens. If this is approved, he would like to know what the township will do to protect the children 75 ft. away and the residents of Twin Lakes Village.

Billy Ray Barnett, 706 Sunny Beach, doesn't think this project is right for White Lake because of the nursery school and the neighborhood of Twin Lakes with young people. What has happened to community involvement and good karma? Maybe lending support to this organization and having a center like this in Clarkston. It would be more at home there, or possibly Pontiac. He'd like to help and volunteer at the church.

Cheryl Kushenerit, 410 Berry Patch Lane, has concerns with the day care center next door being so close. She has 4 grandchildren and there is no way she would put her kids there. She feels compassion for these people, but putting them next to a day care, she can't believe the township would think this would be a good thing.

William Darvey, 9633 Steep Hollow, has listened how this won't impact the community in a negative way. He has lived in Detroit and has seen murder for senseless things right next to him. He has compassion for the church and the woman who have been abused, but once you bring them here, the bad elements will follow them, guaranteed. He'd like to know what the township will do to protect the residents. This element is like a monster. This will open up a new can of worms that the township has no idea. He moved to White Lake to safe, not to live the nightmare he did in Detroit.

Wojciech (Vic) Dlugoszewski, believes the United States is a great democracy. He came from a country that wasn't ruled by a democratic government. He asked the commission to hear our voices and vote according to the voices of the community. "You are servants for our community and we trust you."

With no other comments, the public hearing was closed at 8:59 pm. Ms. Novak-Phelps called for a 5 minute recess.

The meeting reconvened at 9:08 p.m.

Ms. Novak-Phelps indicated that only rezoning is being considered this evening.

Mr. Meagher stated he is struggling with the separation issue. Residents are here tonight to reveal the intended use, and rezoning is a threshold. You have to separate the use from your head, and this program may not get through the special land use process. The consultant formed a recommendation, but he personally is struggling with the legality of the rezoning itself. He questioned whether there was a

legal with flat out voting on the rezoning tonight. Mr. Lueggen stated to have an existing R1-C use, it is not unusual to have zonings about. Regarding the perspective use, the application didn't specifically say adult foster care. It is up to staff and consultant on what they think. The zoning ordinance defines adult foster care as a government establishment providing foster care for adults requiring continuous care, with no alcohol or substance abuse. If the use ultimately proposed is for substance abuse or a correction facility, that use would not meet the description of the zoning ordinance, and a special land use application would come after the rezoning. Also noted, they may not meet the state licensing requirements for an adult foster care.

Lisa Hamameh, Township Attorney, stated that the Zoning Ordinance lists out criteria and the commission is charged with evaluating whether it qualifies. If the request meets all criteria, then the property should be rezoned.

Mr. Anderson stated each of us has to go through a process on making decisions for the community. We continually go through and evaluate what is best for the community. Take out the emotional part and consider factual information. This is a step by step process and if we move forward, we will continue to evaluate the process.

Mr. Lewsley stated that this has been repeated, but the hearing tonight is on rezoning and rezoning only. The intended use is not an issue being addressed tonight. When rezoning is brought to the Planning Commission for review and to make a recommendation to the Township Board, is it consistent with the ordinance and Master Plan. Making that determination is not voting on a referendum on a ballot. They are strictly asked to look at the application and whether it is consistent with Zoning Ordinance and Master Plan. The residents are upset with the intended use and those issues will be addressed down the road, i.e., licensing issues and special land use. They are only looking at the rezoning request, from one residential classification to a less dense residential classification. If it meets the criteria, they can only vote one way.

Ms. Novak-Phelps added that she has lived here for 30 years. The commissioners have to rule based on the facts only. They have concerns just as the residents do, and she is glad to see them come out for this public hearing. They have to follow the process and not let emotions come into factor. She encouraged residents to come and serve on a committee or board. There will be a visioning meeting or group get together where they will look at zoning ordinances.

Mr. Lewsley made a motion to recommend to the Township Board of Trustees approval of the rezoning request from (R1-C) Single Family Residential to (R1-A) Single Family Residential for File 16-007 Calvary Evangelical Lutheran Church of Clarkston for the following reasons: (1) The requested R1-A zoning district is consistent with the Master Plan Future Land Use Map and recommendations for the Public and Quasi-Public uses and development. (2) Both the R1-C and R1-A districts permit most of the same uses. (3) The site has frontage along Highland Road, a five-lane paved thoroughfare that is capable of supporting the additional traffic from additional R1-A uses. (4) R1-A uses on the site will not place an additional burden on the available infrastructure or municipal facilities. (5) If the rezoning to R1-A is approved, the applicant still must apply for a special land use permit for a proposed adult foster care small group home and meet all of the standards of review for that use. Mr. Meagher supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Carlock – no; Grubb – yes; Kowall – no (he disagrees with Section 7.17b that property values could be affected, and this could in theory affect our infrastructure); Lewsley – yes; Meagher – yes; Novak-Phelps - yes; Dehart – no. (5 yes; 3 no)

Liaison's Report

Ms. Grubb reported there was no Parks & Rec meeting last month.

Mr. Kowall reported that at the last board meeting, May 17, they listened to a recycling presentation made by Simple Recycling, and they are doing further research. A brochure is available at the township hall. They will pick up oddball stuff, i.e., furniture, clothing, etc. at no cost to the township and the township will get a monetary compensation at \$20/ton. The Supervisor is looking into a contractual agreement to service the township. This is in addition to our current trash removal service. The board did an extension of the current towing contract; they purchased a large printer copier with formats that are coming in now;

there has been repair work on Station 3; they entered into a Twin Lakes Traffic Enforcement Agreement; they set up SAD's and the township is not getting money back for Lake Neva and Cedar Island Main SAD; they granted many fireworks displays; they had a first reading to adopt a soil erosion ordinance, which was tabled; they had discussion on water tower preventative maintenance.

Ms. Novak-Phelps no zba meeting

Consultant's Report

Mr. Sloan had nothing further to report.

Director's Report

Mr. O'Neil reported that Kroger is looking at a fall opening; Modern Messages Dance Studio is in the progress of putting in their basement and will be tied into water and sewer; Bloomer Park repairs have been made. There were continual problems with horses and motorbikes and the trailways were improved; The Crossing turned over the final phase with 2 dozen lots to EPH, who will break ground on water/sewer and do road improvements to bring it into Phase 3; Ivy Glen still doesn't have the final pump in, but should be up and running by the weekend; they got a new printer for building department and purchased a scanner also. This will reduce the amount of area in the building for storage; Exodus Ride Shop will relocate to the building next to Kohls. This is a skateboard shop that is growing and he is moving and occupying a building that needed some attention. He's doing internal construction now, and very little site work is needed; Cedar Meadows, consisting of 38 homes, is finishing up their construction plan and will be applying for a pre-con meeting next week; Zoning Ordinance amendments/housekeeping items will be discussed at the next meeting, then will go to a public hearing.

Communications:

Next meeting dates:

- Regular Meeting – June 16, 2017
- Regular Meeting – July 7, 2016

Adjournment

Mr. Anderson moved to adjourn the meeting at 9:40 p.m. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (8 yes votes)