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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
7525 Highland Road
White Lake, MI 48383
January 16, 2014 @ 7:00 p.m.

Mr. Meagher called the meeting to order at 7:20 p.m. and led the Pledge of Allegiance. Roll was called: Ms. McNulty and Mr. Pegg were excused.

ROLL CALL: Steve Anderson
Debby Dehart, Secretary
Rik Kowall, Board Liaison
David Lewsley
Sarah McNulty, Vice Chairperson - Excused
Peter Meagher, Chairperson
Gail Novak-Phelps
David Pegg - Excused

Also Present: Sean O'Neil, Community Development Director
David Birchler, Township Consultant
Greg Gucwa, Township Engineer
Lynn Hinton, Recording Secretary

Visitors: 26

Approval of Agenda

Mr. Kowall moved to approve the agenda as presented. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (5 yes votes)

Approval of Minutes

a. November 21, 2013

Mr. Lewsley moved to approve the minutes of November 21, 2013 as presented. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (5 yes votes)

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

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

Lance Stokes gave a Powerpoint presentation on a concept that will be forthcoming through the application process for self-storage units. He has a property in the township at Elizabeth Lake and Williams Lake Roads, which is currently zoned (PB) Planned Business. The property is 3.6 acres and is bordered by Hilltop Apartments and vacant land. They are proposing 1.5 acres for the self-storage units, and he noted there would be no outside storage. There will be minimal impact to the topography and the existing tree line will act as a buffer. He added that the development would be environmentally friendly.

Mr. O'Neil stated Mr. Stokes has met with the Community Development Department staff and is present this evening to pitch the idea. He noted that the PD district does not allow for this type of use, and the ordinance would have to be amended from PD to Light Manufacturing.

Public Hearing

- a. File No. **13-017 Whispering Forest**
Location: Property described as parcel number 12-36-426-023, located on the west side of Williams Lake Road, just north of Cooley Lake Road, consisting of approximately 12.74 acres
Request: 1) Rezone from (R1-C) Single Family Residential to (PD) Planned Development
2) Preliminary Site Plan Approval
Applicant: BPH Development
Mr. Craig Piasecki
376 Beach Farm Circle #231
Highland, MNI 48357

Mr. Birchler reviewed his report dated December 18, 2013. He is recommending approval of the rezoning and preliminary site plan for the reason that the applicant is consistent with the Master Plan and the intent of the Planning Development District.

The preliminary site plan demonstrates preservation of open space, and the Whispering Forest PD will include a street connection with Bocovina East, a sidewalk connection to an extension of the Township's pathway system and connection with the Whetherstone Condominiums. The property is currently undeveloped and there are existing wetland areas on the eastern portion of the property.

Mr. Gucwa reviewed his report dated December 19, 2013. In general, he feels the proposed development layout and the water system look acceptable, the sanitary system looks ok with further analysis of the existing sanitary pump station, however, he has major concerns regarding the storm water management system. There has not been sufficient information provided and calculation to support the proposed system. A retention system must be capable of infiltrating 100% of the storm water because there is no storm water outlet for the system. Failure of the retention basis to do this will result in localized flooding most likely on the adjacent development. Therefore, Johnson & Anderson do not recommend approval to the proposed site plan until the storm water management system documentation is provided.

Since the first review on December 19, 2013, there has been a second review on January 6, 2014. A third sheet has been added to the proposal with calculations for storm water runoff for infiltration on Basin B. The route for the emergency overflow is also shown.

Mr. Gucwa still has major concerns with the revised storm water management. There is some filling of the wetland, and on Lot 21. This is non-regulated wetland and the proposal is to fill part of it and excavate. The proposed storm system indicates there is a large retention basin on the south side of road, which could handle the development and two 100 year storms, and information provided to date indicates that it will work, but there needs to be further testing of the soil to verify the proposed infiltration rate. He added that there is a natural drainage going to the south across properties. What is being proposed could prevent those properties from flooding, but the 12" pipe would not handle a complete flow off of the site. Several details will have to be discussed before approval is recommended.

Mr. Kowall stated his biggest concern is with the homes to the east and south in the event there are some bad storms. While it's more costly, he questioned whether an underground retention is a possibility. Mr. Gucwa stated it's possible, but it would be extremely expensive. Again, the proposed system could work, but further testing on the soils is needed to verify the infiltration rate they are suggesting.

Mr. Lewsley noted that many preliminary site plans are very often engineering issues that need to be addressed, however this plan seems different from the others and he questioned whether it would work. Mr. Gucwa stated the plan is feasible, but more testing is needed.

Mr. Lewsley asked Mr. Birchler whether sidewalks should be on both sides of the road. Mr. Birchler will check whether these lots could require sidewalks on both sides.

Jim Sharl of Keef Engineering gave a brief history of how they got to this point. This originally came to the township in 2004 by another developer. At that time, the cluster/density plan indicated that 21 lots were available and could be feasibly constructed on this property. After 2006 when the project stalled, the property sat vacant and a new developer came to him to analyze the property. When reviewing the plan for 21 lots, it showed areas of storm drainage and also in the file were comments regarding the proposed storm drainage system. Johnson & Anderson raised serious questions, and they have looked at this and spent a lot of time redoing the plan. The area needed for an adequate storm drainage system would be for a cluster option.

Mr. Sharl indicated that they met with Mr. O'Neil and talked about many things. They came up with the proposed rezoning to shrink the size of the lots to a plan that allowed them to come up with a storm drainage system that would work at this juncture. This system has been extensively worked on, and they've also worked closely with Johnson & Anderson. They recognize the fact that along with the PD zoning, this is tied together with the site plan and in order to make this work, they have to satisfy the requirements of the township. They've contacted geo-technical firms to provide for the type of engineering details necessary for soils, and it is their intent to pursue an overflow system to protect the residential in the area. If found this proposal doesn't work, they will rework their project.

Mr. Kowall asked the applicant to explain to the audience how many feet of water would have to come up for properties to flood.

Pat McWilliams, and engineer for the project, explained that to the north of the property there is an existing pond with a berm and wetlands. The wetland and pond are at the same water elevation. If considered the 12 acres off site, the land has enough room to store 2-100 year storms before it would overflow into the southern elevation. The natural existing 2-100 year storm elevation is 977.50, and it would naturally overflow at that level. What that means is house 1176 has a finished floor elevation of 981.62, which is above the overflow elevations. Their proposed plan is the northern wetland pond is matching and they are reconfiguring the one side of the basin and leaving it at the same capacity while decreasing how much goes to that site.

Mr. Kowall noted that the water would have to rise over 6 ft. before it got to the homes. Mr. McWilliams added that the system would be improved by being lower. If the water were sitting there now, it would still be 3 ft. lower.

With regard to the southern basin, this is a shallow, unregulated wetland that will be enlarged significantly to provide for two 100-year storms. They are allowing it to capture what is overflowing from the north. They've used older information from the previous design and they will be moving forward with soil testing to verify the infiltration rate. If nothing were done, what would happen today is that it would go on back onto Lots 8, 9 & 10. It's never overflowed to the street system and they don't feel it would flood the houses as it is now, but could be bothersome to their septic fields. With their proposed system, they would still want to have extra assurance to the residents that it would not get that high. The water would go through a 12" storm pipe to disallow it going to their property. If it exceeds the storm level, it will flow through the pipe and be received in the Whetherstone project, where they have a 12" pipe for that purpose.

Ms. Novak-Phelps stated she has seen 2-100-year storms back to back and it has had flood disasters. She is concerned with homes having sump pumps running all the time. She asked Mr. Gucwa whether this would be an engineered home on Lot 21 that will have a continuous running sump pump. Mr. Gucwa indicated the basements of the homes would be at 980 and Lot 21 would be 2.5 ft. above the high water level.

Mr. Lewsley referenced the sanitary sewer system and that the township engineer wants a complete analysis of the pump station. Mr. McWilliams stated they have done a preliminary evaluation and it would be part of their costs.

Mr. Meagher opened the public hearing at 8:05 p.m.

Diana and Kevin Miller, 8060 Casa Mia, Lot 8, asked for a visual of where the drain will be going between her and her neighbor, Mr. Hyde's, lots. The drain is proposed to go through Lot 9, across the street, and down almost a mile. Mr. Miller continued to say that rezoning the property to PD would not be able to sustain a multi family development. Building in the wetland and providing drainage and a retention basin behind his home is unacceptable to him. There is no pump for the still water and no sprayer for mosquito well. The basin is insufficient in depth. He feels this needs to be a monitored pump and needs to go out to Williams Lake Road, not through his lot and his neighborhood. Lots 8, 9 & 10 will not be protected from flooding and he is angry that his subdivision will serve as a drainage ditch for this development. Verbal assurances and number crunching are meaningless to him. He needs guarantees. He is also concerned with any digging done near his slab, which could erode his property. They are opposed to this development.

Rose Rehbein, 8097 Casa Mia, doesn't see the need for adding population to the area. White Lake Township has not lost population. If the developer can't build, it will be a hardship to the developer, but if they do build, it will be a hardship to the residents. She indicated that the history of this developer is that they put up what they want after they get approval, and a PD zoning doesn't have any limitations. Roads haven't been upgraded, nor utilities and there are no sidewalks or bike paths. She hasn't seen any traffic studies and currently there are many people coming through their neighborhood that adds more traffic into a blind curb. She is projecting there will be 2-3 more cars per household with 21 new homes. She feels the traffic is unmanageable as it is let alone with more added to it. She also questioned whether the sewer and drainage would meet federal guidelines. She is opposed to this development.

Michelle Spencer, 8200 Carpathian, stated she is not against development, but rather is disappointed that this developer didn't come to a subdivision meeting to talk to the residents before presenting this. The developer is asking to use their sanitary sewer, run drainage through their neighborhood, etc. and wants to go from an R-1C zoning to PD. The only reason for the rezoning is for builder profitability. They are looking for rezoning without building elevations. She asked what the houses would look like. She added that R-1C zoning currently has 100 ft. wide lots, and the previous cluster had a proposed 85 ft. Now this developer is asking for 60-75 ft. lots. This appears to be in line with what the township wants for mobile homes. She appreciates the zoning ordinance and master plan, as it keeps in mind concerns of the residents. The previous development was a cluster option however it had 2.84 acres of common element area. This new proposal has 2.41 inclusive of the storm water area. Typical cluster options do not allow for storm water facilities included in their park area. PD in the zoning ordinance has a 25 ft. side yard setback on each side of a home and she can't see the homes being 10 ft. wide after meeting the setback requirement. They will want variances. She does not agree with their storm water calculations. She referenced their plan for pipe and soils and also disagrees with what they are proposing. She wants to see more shallow lots and more trees kept in the subdivision, and the conservation area increased.

Michael Young, 1176 Williams Lake Road, stated that traffic is his main concern. Adding 21 more families will add 50 more cars coming in and out of this area. He gets headlight traffic as it is and he asked what the requirements/stipulations are for more streetlights.

C. Cooley, 1160 S Williams Lake Road, stated they had this problem back in 2005. He is concerned with what will happen to his pond. The water level at that time was 2 ft. deep and the level is at 5.5 ft. in the spring after the thaw. Their pond has currently maintained a certain level for 20 years. Looking at where the developer is proposing to excavate, he fears it will drain their pond. This pond is for their enjoyment year round. It is stocked with fish, and they have used it for paddleboats, ice skating, etc. When the development is done they will be stuck with a large, dry hole and it will decrease their property values. He also questioned what would happen when the new homes start fertilizing lawns and salting roads and how this will affect their wells and drinking water. How much lower will the water tables go before they start sucking up sand?

TJ McClure, 989 Muldovia Drive, commented on the sign that was posted regarding the rezoning, and questioned the guidelines for posting a sign. Both signs on Williams Lake Road are sitting at 18". The sign was posted on December 18 and after 18" of snow the sign is no longer visible. He doesn't feel the zoning change request was advertised properly. The variance requested is from R1-C to PD. The general variance clearly spells out only 5-6 reasons for zoning change. He doesn't understand the reasoning for going to 66-70 ft. lots. Also, the ordinance states that economical hardships cannot be considered.

Brian Oltrogge, 1200 S. Williams Lake Road, Site 21, is concerned with the possibility of 12 ft. of dirt over the existing wetlands. During spring and summer, there is 2-3 ft. of water flowing over the land into this area. He feels attempts should be made to preserve the existing character on the site. The proposal would also do away with the view corridor. He stated his house has a front row seat to all the headlights and noise and this proposal offers no buffer for him. There is potential for structure damage to his house by stacking dirt that could cause erosion over time. He submitted a drawing to the commissioners reflecting the existing condition. He'd like to see a 25 ft. buffer zone added that would take steps to buffer out the increased headlights that would come from this development. He is asking for 1/3 of the same consideration afforded to everyone else.

Tim Strelecky, 999 Suchava, indicated he lives on the dead end where the road does not go through. He has consulted with an attorney and has been assured continuing the road is not possible. He spoke with Mike Kowall 2-3 years ago who informed him at that time that the stub road would not be connected. Further, the proposed homes are significantly smaller and not conducive to the subdivision to the north.

Joseph & Jennifer Cooper, 8226 Carpathian, have concerns with added traffic. They live at the stop sign and drivers are always speeding through with radios blaring. There are already traffic and safety concerns without adding to them. They don't have sidewalks and they are not sure what the new development's sidewalks will be connecting to. Property values and tree lines are a concern, as is their septic system and potential drainage issues. There are a lot of unanswered questions. The PD gives too much freedom and increased traffic. They noted that the rezoning notice sign in the sub is barely visible and the notice in the mail came late.

Neal McPherson, 8123 Carpathian, stated there are multitudes of concerns, one in particular with the sewer issues. His concerns are with looking at the differential of the size of homes the developer is proposing, and with the additional cut-through traffic that will come. Traffic on Union Lake is already awful and there will be too much in such a marginal space. Decreasing home values and safety concerns are troubling.

Therese Truand, 951 Datchia Court, feels an opening statement by the developer for the reason of connecting the roads for the sake of children having additional playmates is not the issue here.

James Hutchinson, 8080 Casa Mia, has been in his subdivision for 28 years. More housing for the quantity and quality is not fair to them.

George Badallutz (developer for the Bocovina subdivision), 931 Datchia Court, feels people who buy land have the right to develop it, but traffic and congestion is a concern. He once offered to buy that property to combine it with Bocovina, but it wasn't for sale at that time. He doesn't have problems with developing, but the restriction on the property was that it was zoned R1-B like Bocovina and now it is R1-C. He feels it should be maintained with this current zoning. When he developed Bocovina, he wanted a cul-de-sac and was denied so he opened the road, which has been good for the fire department and the schools. He sympathizes with the residents. He also noted that when he developed, his proposed 3-acre retention area was not big enough. He added a 30" pipe and 7,000 tons of gravel to enlarge the retention area. He has no problem with developing a site condo, but the lot size should conform with the zoning ordinance and master plan.

The public hearing was closed at 8:55 p.m.

Mr. O'Neil responded to some of the public comments. With regard to the rezoning request, he stated that the applicant could petition for what district they feel is appropriate. The density is consistent with what the master plan calls for in this area and a PD zoning gives the ability for a developer to propose and enter into an agreement with the township. R1-C zoning was discussed with the developer, however PD zoning would give them the ability to come back. This is an option for anyone that has more than 10 acres. In addition, this gives the township the ability to request certain things from the developer and allows for negotiation. If the developer meets current design standards and density, and is appropriate to the master plan, then the Commission is obligated to grant the request.

With regard to signage for rezoning, unfortunately snow was plowed and made the sign less visible, but Mr. O'Neil feels the sign met the requirement of the ordinance. Notices to property owners within 300 ft. were sent within the required timeframe and notification was also posted in the newspaper within the required 15 days. All requirements were met with pertaining to notifications.

Mr. O'Neil stated that it is legal to connect private roads to public roads, but he was unsure whether there are existing easements in place for this area. The township advocates for road connections and pathway connections, which actually improves traffic flow.

The developer/applicant, Craig Piasecki, distributed elevations of the proposed development. He noted that the price of the homes would be in the \$250-\$300k range. This is a preliminary process and details will be worked out. He encouraged the Commission and the audience to visit his latest development off Ormond Road if there are concerns with the quality of his work. With regard to buffers, he would be willing to go 40 ft., which would give 85 ft. from the property line. He stated they are improving the storm system, not making it worse. He added that his intention is not here to clear the land and feels the less that is cleared, the better. They want to help the neighbors out as much as possible.

Mr. Kowall stated that Mr. Piasecki has the right to develop the land. He would like to personally drive through the other site and encourage the residents to do the same. He noted to Mr. Piasecki that it is important that any activity that happens on the upper wetlands area does not have adverse affect on anyone's current situation. He feels there should be some consideration for the line of site for homes along Williams Lake Road, and concerns from the property owners on Casa Mia should also be addressed. This is their number one asset and they assurances.

Ms. Dehart stated she has similar concerns. She is very concerned with the pond to the north and whether it would be drained when the retention basin is put in for this development. She agrees that the township wants connectivity rather than a cul-de-sac. She would also like to see sidewalks all the way around the development and definitely protection from headlights for the homeowner on Williams Lake Road. Mr. O'Neil added that the stub road needs to be investigated as to whether proper easements are in place. If they are in place, it's the Planning Commission's discretion. If not, it's up to the residents and it will not go.

Mr. Anderson indicated there was some concern that the developer didn't contact the homeowners prior to this public hearing. He stated that the developer went through the procedures the township asked them to. However, something like this may want to be addressed beforehand. He assured the residents that this proposal is not at the final stage. Any preliminary proposal, residential or commercial, has to go through a lot of processes to do this. As a Planning Commission, they will consider all comments and not disregard any of them. The issues with drainage are a huge concern for him. He added that the Parks & Rec wants to ensure sidewalks for safety and kids.

Ms. Novak-Phelps agrees that the developer has a right to develop the property. She does not like the density and thinks the open space can be preserved better. She has concerns with the easements, but noted the easement does not belong to the residents. She also noted that the Planning Commissioners are appointed, not elected, they are citizens that live in the community. She understands and agrees that traffic is a problem. Typically, developers come to the commission for conceptual review and comments before going to a public hearing. She would not be happy to approve this tonight since there are too many unanswered questions.

Mr. Lewsley is not opposed to this conceptually, but feels PD might be inappropriate. He is very concerned with storm water and with the adjoining neighbors property. He believes this came before the board years ago, but he's not sure this was addressed back then. This needs to be more fully explored before going ahead with approval this evening. He questioned Mr. Gucwa whether the northern pond could be lost. Mr. Gucwa stated that it could, but they are on a perched water table and more soil borings are needed. From a conceptual standpoint, the south should be able to drain to the set levels, but there isn't hard documentation that says this will occur.

With regard to the side yard setback issue, Mr. Birchler stated that the PD doesn't have specific setbacks. The 25/50 ft. minimum is for a PD other than a single-family proposal. This is not individual lot setback requirement, but rather for a much larger lot district in the zoning ordinance.

Regarding sidewalks, Mr. Birchler stated that the township wants neighborhoods interconnected for safety reasons, and so people don't have to go on main roads to get to their neighbors. Further, EMS and Fire needs to be able to get through. It is for these reasons that the community believes sidewalks are an important element to be connected to one another.

Mr. O'Neil added that there is a perimeter buffer and park proposed, and he would like to see a conservation easement on these. He made it clear that nothing is to be removed from the conservation area without township approval on a lot-by-lot basis. Any vegetation that would improve a buffer should be left alone.

Ms. Novak-Phelps moved to table File 13-017, Whispering Forest, for rezoning and preliminary site plan approval based upon issues stated and further testing on the site being done. Mr. Lewsley supported and the MOTION CARRIED with a roll call vote: Kowall – yes; Novak-Phelps – yes; Meagher – yes; Lewsley – yes; Anderson – yes; Dehart – yes. (6 yes votes)

Other Business

a. Election of Officers

Ms. Novak-Phelps moved to elect Pete Meagher as Chair, Sarah McNulty as Vice Chair, and Debby Dehart as Secretary. Mr. Lewsley supported and the MOTION CARRIED with a unanimous voice vote: Anderson – yes; Dehart – yes; Meagher – yes; Lewsley – yes; Novak-Phelps – yes; Kowall – yes. (6 yes votes)

Liaison's Report

Mr. Kowall reported that the Board discussed the Fee Ordinance and has since been standardized. A new bus was ordered for the senior center. A rezoning request has come in for the Salvation Army to break off one parcel and do a combo of 2 parcels, as there is a higher desirability for 2 parcels along M-59. There has been progress on the Gateway project. They are looking at an SAD for emergency hookups to the sewer system, and there is \$300k earmarked for that purpose. He is now a member of the Wellhead Protection board, which will develop a plan to identify sources of contamination in township and create a map and do classroom demonstrations. There has been conversation that the township should look at residential hazardous materials disposal and he urged residents to voice concerns via email to the township.

Consultant's Report

Mr. Birchler had nothing further to add.

Director's Report

Mr. O'Neil indicated that Mr. McMacken, owner of the Salvation Army property, wants to come out of PB district and go GB to split off 1 acre to the east and combine it with Sonic.

The Gateway project is not being pushed at this time and they are expecting a March public hearing for rezoning.

The Township Board is deciding how to allocate \$147k funds earmarked by the federal government. There are many needs around the township and many projects have been discussed. Use of the funds stipulate that they must be spent for improvement along the M-59 corridor. Any ideas should be emailed to Mr. O'Neil. A bridge over the creek by the church was a viable suggestion from the Planning Commission.

Communications:

Next meeting dates:

- Regular Meeting – February 6, 2014
- Regular Meeting – February 20, 2014 (possible cancellation)

Adjournment

Ms. Novak-Phelps moved to adjourn the meeting at 9:50 p.m. Mr. Anderson supported and the MOTION CARRIED with a unanimous voice vote. (6 yes votes)