

**WHITE LAKE TOWNSHIP
PLANNING COMMISSION**
Township Annex, 7527 Highland Road
White Lake, MI 48383
January 6, 2021 @ 7:00 p.m.

Chairperson Anderson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called.

ROLL CALL: Steve Anderson
Robert Seeley
Debbie Dehart
Joe Seward
Merrie Carlock
Scott Ruggles

Absent: Matt Slicker
Pete Meagher
Mark Fine

Also Present: Sean O'Neil, Community Development Director
Mike Leuffgen, DLZ (via Zoom)
John Jackson, Mckenna & Associates
Nick Spencer, WLT Building Official
Hannah Micallef, Recording Secretary

Visitors: 70+ members of the public present

Director O'Neil said Rhonda Grubb had resigned as she became an official employee of the White Lake Police Department. Mr. Robert Seeley was newly appointed to the Planning Commission. Mr. Seeley comes to the Planning Commission with many years of public services and works at Oakland County as the Chief of Emergency Management. He also welcomed the new recording secretary, Ms. Lisa Kane.

Commissioner Anderson thanked Ms. Grubb for her service.

Approval of Agenda

Director O'Neil asked to put on Preserve at Hidden Lake's Setback Clarification request under Other Business item b, and to shift item b. Election of officers and item c.

Commissioner Carlock moved to approve the agenda as amended to add Preserve at Hidden Lake's request to change their storm water agreement, and to move the election of officers and liaison assignments to items c and d respectively.

Commissioner Dehart supported and the MOTION CARRIED with a roll call vote: 6 yes votes. (Anderson/yes, Seeley/yes, Dehart/yes, Seward/yes, Carlock/yes, Ruggles/yes)

Approval of Minutes

- a. December 2, 2021

Commissioner Ruggles moved to approve the minutes of December 2, 2021 as presented. Commissioner Seward supported and the MOTION CARRIED with a roll call vote: 6 yes votes.

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

Tony Sisco, 620 Hillwood, wanted to know why the rezoning request was not notified to the public. Commissioner Anderson said the notice was communicated to residents by publishing it in the Spinal Column, and on the website. Director O'Neil added there was notices also posted on the doors of Township Hall, as well as a sign posted on the subject property. Residents within 300' of the subject properties were mailed notices as well.

Lori Bender, 826 Beachway, asked when would she be able to address the public hearing items. Commissioner Anderson explained the call to public was for items that were not on the agenda, and there would be a chance to address the public hearing items when the public hearing opened to the public.

Public Hearing:

- a) River Caddis Development, LLC Rezoning Request
Property described as parcel numbers 12-21-426-005 and 12-28-226-001 located at the southwest corner of Highland Road and Elizabeth Lake Road, consisting of approximately 73.41 acres.
Request: **Applicant requests to rezone approximately 44.8 acres of the approximately 53.41-acre parcel 12-21-426-005, excluding the northeasterly 8.61 acres, and the approximately 20-acre parcel 12-28-226-001 from (AG) Agricultural to (RM-2) Multiple Family Residential or any other appropriate zoning district.**
Applicant: River Caddis Development, LLC
1038 Trowbridge Road
East Lansing, Michigan, 48823

Mr. John Jackson, McKenna & Associates reviewed the application on behalf on the Township. In terms of the process, there would be a public hearing regarding the proposed rezoning and then the Planning Commission would vote on a recommendation to the Township Board. There was no site plan for the subject property at the time.

The master plan designation for the subject property was planned community. Planned community includes a mix of residential types and units, with a density of no more than 10 units per acre. The request to rezone the property from AG to RM-2 was consistent with the master plan.

The subject site was currently undeveloped, with some wetlands, and flat and relatively suitable for development. The applicant's request to rezone to MR2 was compatible with the subject site.

The surrounding uses were existing residential to the west and south. The lake served as a natural buffer to the existing residential to the south, and there would be adequate buffering to the existing residential to the west.

The subject site would eventually be served by water and sewer. The adjacent road system was suitable to carry a high volume of traffic. There was not currently any other undeveloped area in the Township zoned RM-2 in the Township, therefore making the requested zoning district in demand. There would be no isolated parcels adjacent to the subject parcel, as to not create a "spot zoning."

Mr. Jackson's recommendation to the Planning Commission was to recommend that the Township approve the applicant's request to rezone the subject parcel from Agricultural to RM-2.

Director O'Neil said he was in concurrence with the recommendation and the findings of Mr. Jackson's review.

Commissioner Seeley asked Director O'Neil what the density was for the 4 Corners project. Director O'Neil said the 4 Corners project had about 25 units per acre. The density in RM-2 was a maximum of 10 units per acre.

Matthew Schwanitz, Giffels Webster, was present to speak on behalf of the applicant. Mr. Schwanitz said the request was to rezone 64.8 acres. He understood the residents' concerns and acknowledged the subject site was sensitive due to the wetlands and the surrounding neighborhoods. He said the project would be a collaborative effort between the Township and the residents. He said the rezoning was the beginning of the process to meet with the residents and hear their concerns and ideas. The future project on the subject site would be an anchor for the Civic Center development project. Buffering the future project from the existing neighbors would be important and done the right way. The lake was a huge asset for the existing neighbors, the future project, and the future civic center development. It was important to keep the lake safe. As of right now, he thought the requested zoning would work, but there would be future phases and the subject site may end up being zoned Planned Development. The morning and afternoon peaks in regards to vehicle trips were 300 per the traffic study that was submitted. He reiterated that the development of the site would be interactive between the developer and current residents.

Director O'Neil added that the parcel was riparian, and the Township would object to keyhole access, meaning there would be no dockage or marina at the subject site. The access to the lake would be passive, and there wouldn't be development on the water. There could possibly be a pathway network to reach the Library, Stanley Park, and future Civic Center development. There would be no access to Hillway.

Mr. Schwanitz said the wetland line abutted to the water's edge, and EGLE would not allow vertical development in the wetland area as it was protected. The wetland was an asset.

Commissioner Anderson opened the public hearing at 7:42 P.M.

Phil Abbott, 325 Hillwood, appreciated the comments and said they were insightful, he appreciated hearing the limiting of access to the lake. His main concern was excluding the wetland from the rezoning into RM-2.

Christopher Yalko, 7008 Biscayne, wanted to know when the original master plan was adopted, and how often the master plan was updated. He also wanted to know when the zoning standards for RM-2 adopted. He said there was concern with new residents being brought into an area that would share the current resident's natural resources such as the lake.

Grace Springer, 676 Elkinford, said the neighborhood surrounding the subject site was single family. She said 10 units per acre could bring a lot more people, and single-family dwellings should be considered for the subject site.

Eric Walley, 819 Elkinford, asked what the definition of adequate buffering would be.

Brian Lovejoy, 1005 Schuyler, said the lake was the community's common ground, and calling the lake a buffer was unrealistic. He took exception to parcel # 12-28-226-001 being rezoned to RM-2. He said there was no reason to rezone parcel # 12-28-226-001 to RM-2.

Nikki Poland, 8651 Newport, said she was concerned about overdevelopment in White Lake Township, especially over the clearing of woods and displacement of the animals. She felt the roads were not adequate for increased traffic from new developments. She was opposed to the rezoning request as presented.

Dennis Anderson, 7484 Oak Bay Drive, said he rejected the idea of there not being other places for multiple family housing in the Township. Brendel Lake was unique and different from any other lake in this area, and there was a floodplain in the subject site's wetlands, and that's why it had not been developed prior. He wanted to know why parcel 001 was being rezoned as RM-2.

Randy Wojtaszek, 1530 Oak Bay Drive, said he agreed with his neighbors and said he didn't know what passive access to the lake meant. He asked why the wetlands couldn't be excluded from the rezoning.

Kristen Elam, 515 Hillwood, asked if the developer could donate parcel 001 to Stanley Park.

Ann Lovejoy, 1005 Schuyler, said there was a pair of nesting bald eagles on the lake and they needed to be protected.

Candice Rice, 8015 Elkinford, asked what would be done if development was complete, what would be done if damage was sustained to surrounding resident's septic fields.

Ron Creek, 291 Hillwood, said he didn't want the master plan in regards to minimum acreage to be changed without resident involvement. Director O'Neil objected to the statement, and said the Township did not have any meetings that would amend the master plan without notifying residents per state law.

Lori Bender, 826 Beachway Ct, said she wanted to know if someone from the Planning Commission would be involved with contacting EGLE about the wetlands. She wanted to know if an environmental impact study would be done in the future that would include light pollution. She added that stormwater run off was also a big issue.

Mark Lambert, 921 Schuyler, said the Planning Commission should be looking at a more in-depth topography map and information to make their decision.

Jennifer Szelestey, 521 Hillwood, was concerned about noise pollution in addition to potential light pollution.

Rita Doring, 7210 Capri, was concerned about utilities and structural changes to the Township affecting her taxes. She was concerned how her crops were going to grow.

Howard Meyers, 7367 Biscayne, said he was trying to understand tonight's process.

Ed Hennesey, 434 Sunset, asked if the subject site would be potentially able to be rezoned again. He asked why the developer would consider the lake as an asset.

Dawn Pratt, 630 Elkinford, said the back of her house backed up to the woods and wanted to know what type buffering between her home and the future property would be, and how close the future project would be to her home.

Lee Panoushek, 7525 Biscayne, wanted to know if the Planning Commission would consider another zoning district that had less impact than RM-2.

Grace Springer, 676 Elkinford, asked if other areas were considered for the future development.

Brian Lovejoy, 1005 Schuyler, said under RM-2 zoning, condos were a viable construction option and future condo owners would have riparian rights.

Nikki Poland, 8651 Newport, said water recreation was on the rise, but there were other outdoor recreation options available.

Commissioner Anderson closed the public hearing at 8:29 P.M.

Mr. Jackson said RM-2 zoning offered a minimum physical separation buffer of 20', and a 6' berm with landscaping or denser landscaping like preserved woods would be allowed. Commissioner Anderson said the Planning Commission were strong advocates of "green buffering."

Director O'Neil said the Master Plan was last rewritten and updated in 2011, and the master plan is required to be looked at every 5 years. The document as it stands was relevant for today's standards. 2003 was when the RM-2 zoning was last updated.

If the future project went forward, the Township could prevent keyhole access to the future residents and they would not be full riparian owners. The Township would not approve dockage or a launch. An environmental impact statement would be required, in the ways of a community impact statement as a CIS was what the Township ordinance required. Future rezoning requests would be able to be considered in the future. The future project would be connected to municipal water and sewer. In regards to topography, it would be reviewed by the Township Engineer, but the applicant has not brought a plan forward yet. The applicant had not purchased the property, and wouldn't until the rezoning was official. After the rezoning was adopted, the applicant would undergo the traditional site plan process through the Township Planning Department and have to meet requirements through the Township.

Mr. Schwanitz said if parcel # 12-28-226-001 was left out of the rezoning, it would create a "spot zone" and that's illegal per state law. He reiterated there would be no vertical development within the wetland area. He believed the lake was an asset because of the dramatic glimpses of the woods through

the lake. There would be nothing done to drop the water level, and the surrounding water table will be tested and analyzed. Test borings would be done to test ground water as well as the soil. He would take the bald eagles into future assessments. There was a new set of standards for stormwater coming from EGLE that would encourage filtration and percolation for stormwater runoff. Commissioner Anderson added that all stormwater management would be managed and monitored by the DPS Department and DLZ.

Director O'Neil added that there was a demand for the community because there was water and sewer within the Township. as far as there being another parcel suitable for this future development, the only other parcel that the developer could have considered was already underway for a larger residential development.

Commissioner Ruggles stated that the residents of Brendel Lake are passionate, and he benefitted from their comments. He said this was only the first step, and once a site plan was submitted, there would be more room for resident engagement. He said the best way to go about this would be to plan the property wisely, and take all the comments into consideration.

Commissioner Dehart said she agreed with Commissioner Ruggles statement, and said she believed in responsible development. The future development needed the density to help the Civic Center district thrive. She considered all comments made during the public hearing.

Commissioner Carlock said EGLE would definitely protect the wetland, and keep an eye on it as well.

Commissioner Anderson said over his years on the Planning Commission, the projects he has seen undergo scrutiny and are held accountable by the Township. He encouraged the residents to communicate with the Planning Commission more often for their concerns to be heard.

Commissioner Seward MOVED to recommend the Township Board approval of River Caddis, LLC's request to rezone approximately 44.8 acres of the approximately 53.41-acre parcel 12-21-426-005, excluding the northeasterly 8.61 acres, and the approximately 20-acre parcel 12-28-226-001 from (AG) Agricultural to (RM-2) Multiple Family Residential.

Commissioner Seeley SUPPORTED the MOTION CARRIED with a roll call vote: 6 yes votes. (Anderson/yes, Seeley/yes, Dehart/yes, Seward/yes, Carlock/yes, Ruggles/yes)

b) Taco Bell

Property described as parcel number 12-20-276-036, located at the northeast corner of Highland Road (M-59) and Bogie Lake Road, consisting of approximately 1.07 acres, currently zoned (PB) Planned Business District.

Request: **Public comment on the proposed preliminary site plan for the above Planned Business District zoned property, consisting of a 2,235 square foot drive thru restaurant.**

Applicant: Great Lakes Taco, LLC
8487 Retreat Drive
Grand Blanc, Michigan, 48439

Mr. Jackson said the subject parcel was one of the remaining out lots from the Meijer development. He had minor comments: lot coverage information was not provided on the plans, and there were 9 stacking spaces at the entrance of the site provided on the plan. There

need to be clear delineation on how vehicles would queue up in the drive thru. The 5' landscape on the east side of the property needed to be expanded to 7', and a full landscape plan needed to be submitted. The sidewalks along Bogie Lake Road and Highland Road needed to have their widths identified on the plans. The average curbs on the site were high, and lighting on the building needed to be detailed more. A full lighting plan would also need to be submitted. The signage package needed to be pared down in order to come into compliance with the Township's signage standards. The dumpster enclosure needed to be increased in height. The 60' setback as shown on Bogie Lake Road was not in compliance, but only the drive thru faced Bogie Lake Road. He suggested the Planning Commission giving the applicant direction on facing the building to Highland Road and Bogie Lake Road. He also added that the outlet to the north would have to have a consistent streetscape as the Taco Bell, provided that the northern outlet was developed in the future. Window coverage on the walls would need to be submitted as well. The applicant proposed a 20' pylon sign, and that wasn't allowed per Township ordinance.

Commissioner Anderson asked if the signage the applicant was requesting differed from the signage at the Taco Bell that was on Union Lake Road and Cooley Lake Road.

Mr. Leuffgen was present and went over his most current review. He said because the subject site was an outlet, some engineering issues were already taken care of during the development of the Meijer project. The site would need to meet ADA requirements, and some of the existing sidewalk on Bogie Lake Road would need to be repaired. Firetruck access was demonstrated, but a turn around movement would be required. Water service was demonstrated based on a 1.5" water service lead. The site would be connected into the Township's sanitary sewer system, and there was an existing pump station in front of the site. The plans showed the required 1000 gallon grease interceptor. The site demonstrated engineering feasibility.

Director O'Neil said Meijer was wrapping up the division of the subject site, and that was the reason why there was a delay in bringing the project before the Planning Commission. Reciprocal access between the subject site and McDonald's would also have to be worked out before final approval. There would be a maintenance agreement that would be shared by McDonald's and Taco Bell.

Greg Lautzenheiser was present to speak on the case. He said a lot of the minor details that were discussed were not a problem and would be taken care of during the final site plan process. He said the subject site was difficult as far as configuration. He said he considered flipping the building as was suggested by the Planning Commission, but that would cause more problems. He said the owner owned the other Taco Bells in the Township, and the final building would look similar to the others. Hardie board was no longer available, but alternative fiber cement board would be used instead. The cement board would be a higher quality material.

Commissioner Anderson asked the applicant if there was opposition to the Township's signage requirements. Mr. Jackson asked if wall signs needed to be on all 4 sides of the building. There would be no signage on the back of the building, and there wasn't adversity towards having wall signage on only two sides.

Commissioner Anderson opened the public hearing at 10:15 P.M. Seeing none, he closed the public hearing at 10:17 P.M.

Commissioner Seward **MOVED** to recommend to the Township Board approval of the preliminary site plan for parcel number 12-20-276-036 located at the northeast corner of Highland Road (M-59) and Bogie Lake Road, consisting of approximately 1.07 acres, currently zoned (PB) Planned Business District, subject to all consultant comments and Planning Commissioner comments, especially in regards to construction materials and signage. Commissioner Dehart **SUPPORTED**, and the **MOTION CARRIED** with a roll call vote (6 yes votes):
(Seward/yes, Dehart/yes, Carlock/yes, Ruggles/yes, Anderson/yes, Seeley/yes).

Continuing Business

None.

New Business

None.

Liaison's Report:

Commissioner Carlock said the Land and Water Conversation fund grant for Stanley Park was awarded to the Township for engineering services for the initial development of Stanley Park.

Commissioner Dehart said the ZBA will be holding ongoing discussions regarding portions of the zoning ordinance, and the sign ordinance would be reviewed as well.

Commissioner Ruggles said the Township Board met in December, the 4 Corners retail out lot preliminary and final site plan were denied. The Township Board approved their preliminary engineering costs for the paving project along Pontiac Road from Margie Drive to Kingston Street.

Planning Consultant's Report

None.

Director's Report:

There will be a meeting on the 20th to hold public hearings for the ComfortCare on Union Lake and for the Oxbow Lake Private Launch Association. Both projects went forward with publishing before review comments came back and will be tabled at the meeting as their plans were recommended for revision from staff and consultants

Other Business:

a) 8300 Pontiac Lake Road conceptual discussion (no action to be taken)

Michael Zeer was present to speak regarding 8300 Pontiac Lake. The property caught his eye, and has met with staff and consultants on what type of development could be the best fit. The subject site was difficult to work with, but he felt what he was presenting would make the subject site functional while meeting the standards that the Pontiac Gateway district presented. He wanted to put 52 multi family units on the subject site, along with a few docks. There would be a common area beach that the residents would have access to.

Director O'Neil said that the property used to have a mobile home park on it, and was a little over 3.5 acres in size. Another group had come in a year ago with a mixed-use conceptual plan for the site, but it never got off the ground. Docks wouldn't be a problem as the lake was public.

Commissioner Seeley asked Mr. Zeer if the buildings were all intended to be multi family, or would the buildings have a mix of commercial and residential? Mr. Zeer said there was currently a lot of commercial vacancy, and it would take time to fill those buildings. Most interested tenants would want to be directly on M-59.

Commissioner Seeley said his concern with keeping the buildings all residential was that the proposed development would need to have a price point that would drive interest. Mr. Zeer said the units would be beautiful, and even though he might struggle to find a tenant for the one commercial piece, he could do it. He felt like his plan would be the best fit for the subject site. He would be putting a lot of money into the project, and would have to repair the current seawall, as well as putting in a new pump station.

Commissioner Carlock asked Director O'Neil if there was enough proposed parking. Director O'Neil said the plans had not been reviewed with the ordinance standards yet.

Commissioner Anderson asked Mr. Zeer if there was a ballpark for the rental rates. Mr. Zeer said the prices would be around \$1400.00.

Commissioner Dehart asked Mr. Zeer if there was a need for more apartment like products in White Lake. Mr. Zeer said yes.

Commissioner Seeley said he would like to see the whole peninsula redeveloped, but this proposal would be a good start.

Commissioner Seward said the surrounding area has a lot of convenience stores, and he didn't like the concept of rentals in that area. Mr. Zeer said it could be challenging doing homes or condos on the subject site due to the properties that surround it.

Director O'Neil said the Township Board should also provide conceptual feedback before the applicant began the site plan process.

b) Preserve at Hidden Lake Unit Setback Clarification

Director O'Neil said he, Building Official Spencer, Mr. Leuffgen, have met all week in regards to the lake levels rising. Building Official Spencer said he went out to inspect the new homes and noticed they were much closer to the water. The footprint hadn't changed, so engineering went out twice to double check and it was confirmed the water had risen. The grade was shallow, and the water had spread 12'. The notes on the site plan call out the structure's setback 40' from the water's edge and now it's only 25' from the water. As the ordinance currently reads, he wouldn't be able to approve the decks in that area of the development too. There is a proposal of allowing a 12' maximum deck of any home that has the current 25' setback.

Director O'Neil said instead of measuring 40' from the water's edge, the new setback would be 25' from the freeboard level.

Building Official Spencer said the setback was originally based on the water's elevation. He couldn't technically approve the builds based on the current set of plans because of the water that rose. There wouldn't be a risk of the homes flooding; the basement elevations are 6-7' higher than where the water sits, and the soils were great in the area.

Mr. Pat McWilliams, Kieft Engineering, said that the original approved site plan showed lots to have a rear yard setback of 40' off of the original water level of 939.10. Due to the high amount of rainfall last year, the highest the water level has gotten was 941.50. He suggested a modification to the minimum rear yard setback that would result in 25' off of the 1' freeboard

line. Decks would be at least 12', and in the closest scenario, the remainder of homes affected would have a rear setback of 25' from the 1' freeboard elevation line of 942.30.

Commissioner Anderson asked how many lots this would impact. Mr. Craig Piasecki, developer, said in the worst-case scenario, it would affect 16 lakefront homes.

Commissioner Seeley stated the site was never deforested before this, and the forest absorbed a lot of that water. There was nothing that could prove the water wouldn't rise another 2' next year. Mr. McWilliams said the water rose and drop, and there would have to be another 5-6 100-year storms to flood the home.

Commissioner Dehart asked if the homes were in a floodplain and would require a future homeowner to get flood insurance. Mr. Piasecki said no, and other new residents have not needed to purchase floodplain insurance.

Mr. Leuffgen said once the landscaping was installed, it would help with run off. He was not concerned about the basements flooding, there was plenty of elevation. The conditions of the site were very sandy and didn't help the pond levels as they rose. The free board elevation was a 1' pike over the high water level, used as a factor of safety. The water had not gotten than high, and was used as the worst case scenario.

Building Official Spencer suggested using some of the excess water to irrigate common areas. Mr. Piasecki said he wasn't opposed to the idea.

Commissioner Seeley MOVED to recommend the Township Board approval of the modifications to Preserve at Hidden Lake's development agreement to allow staff to make a minor change to the approved site plan and incorporate the exhibit "Preserve at Hidden Lake Unit Setback Clarification" dated January 6th, 2022. Commissioner Seward SUPPORTED and the MOTION CARRIED with a roll call vote: (6 yes votes):

(Seeley/yes, Seward/yes, Ruggles/yes, Anderson/yes, Dehart/yes, Carlock/yes)

c) Election of officers

Commissioner Ruggles nominated Steve Anderson to serve as Chairperson of the White Lake Township Planning Commission for the remainder of 2022. Commissioner Seeley SUPPORTED and the MOTION CARRIED with a voice vote: (6 yes votes)

Commissioner Anderson nominated Commissioner Seward to serve as Vice Chair of the White Lake Township Planning Commission for the remainder of 2022. Commissioner Carlock SUPPORTED and the MOTION CARRIED with a voice vote: (6 yes votes).

Commissioner Anderson nominated Commissioner Dehart to serve as the Secretary of the White Lake Township Planning Commission for the remainder of 2022. Commissioner Carlock SUPPORTED and the MOTION CARRIED with a voice vote: (6 yes votes).

d) Liaison assignments

No action was taken.

Communications:

There would be meeting on January 20th.

Next Meeting Dates: January 20, 2021
February 3, 2021

Adjournment:

Commissioner moved to adjourn the meeting at 11:32 P.M. Commissioner supported and the MOTION CARRIED with a voice vote: 6 yes votes.