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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP ZONING BOARD OF APPEALS

March 23, 2017

White Lake Oaks Golf Course
991 N. Williams Lake Rd.
White Lake, MI 48386

Ms. Spencer called the regular meeting of the White Lake Township Zoning Board of Appeals to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Erlich was excused.

ROLL CALL: Joseph Erlich – Chairperson - Excused
Gail Novak-Phelps
Mike Powell – Board Liaison
Josephine Spencer – Vice Chairperson
Dave Walz - Secretary

Also Present: Jason Iacoangeli, AICP, Staff Planner
Lynn Hinton, Recording Secretary

Visitors: 14

Approval of Agenda:

Ms. Novak-Phelps moved to approve the agenda as presented. Mr. Walz supported and the MOTION CARRIED with a voice vote. (4 yes votes)

Approval of Minutes:

- a. Zoning Board of Appeals Meeting of January 26, 2017

Ms. Novak-Phelps moved to approve the minutes of January 26, 2017 as corrected. Mr. Walz supported and the MOTION CARRIED with a voice vote: (4 yes votes)

New Business:

- a. **File 17-007**
 - Applicant: 4 Corners Square, LLC
29580 Northwestern Hwy., Suite 100
Southfield, MI 48034
 - Location: (1) 1451 Union Lake Road, White Lake, MI 48386, identified as 12-36-476-011; (2) 8198 Cooley Lake Road, White Lake, MI 48386, identified as 12-36-476-012; (3) 8152 Cooley Lake Road, White Lake, MI 48386, identified as 12-36-476-013; (4) 8080 Cooley Lake Road, White Lake, MI 48386, identified as 12-36-476-025

Request: (1) Article 3.1.13 Neighborhood Mixed Use (NMU); (2) Article 5.9 Signs; (3) Article 5.11 Off-Street Parking; (4) Article 5.19 Landscape and Screening Requirements

Ms. Spencer noted for the record that property owners within 300 ft. were properly notified of the request. Information is available in the Community Development Department.

Mr. Iacoangeli reviewed his report dated March 13, 2017. The properties listed are zoned Neighborhood Mixed Use (NMU). The parcels together total approximately 6.6 acres. Currently this property is not served by public sewer or water and it would be a condition of the site plan approval to extend these utilities to the above mentioned properties.

The applicant has rezoned the parcels listed from (RB) Restricted Business to (NMU) Neighborhood Mixed Use. The rezoning was approved by the White lake Township Board on October 18, 2016, in order to allow a mix of both residential and commercial uses to coexist in the same development. The township's Master Plan treats this area of the township as a Focus Area. The Master Plan envisions this area as walkable, with a "unique neighborhood character". The applicant's site plan utilizes the NMU zoning to achieve both a residential and commercial component of the project.

The variances requested would be required for the applicant to receive preliminary site plan approval, and move forward with final approval at the Planning Commission. The variances have been broken out by Section and will be addressed one section at a time to avoid confusion on the complexity of this request.

Section 3.1.13 Neighborhood Mixed Use (NMU)

The NMU District requires that buildings be a minimum of (2) stories, and that the buildings be built along the street at a zero setback. This would allow buildings to be built with retail on the ground floor, and residential above. This zoning district was placed in the Ordinance to provide for higher density within a more village, or downtown type setting. Due to contamination on the development site, two parcels along Cooley Lake Road are restricted from residential development. The applicant is proposing more conventional commercial buildings along Cooley Lake Road. These buildings will only be one story, which will require a variance from Section 3.1.13D to allow one-story buildings. Further, these commercial buildings and the residential building will use more traditional setbacks along the corresponding road frontage. A variance from the Section 3.1.13D Build-to-Line coverage of 60% be granted.

Section 5.9 Signs

The intent of the NMU District was to have buildings oriented at the street. These buildings would typically utilize wall signs in order to advertise the various tenants in the buildings. Because the buildings being proposed as part of the 4 Corners Square development will be more consistent with the other commercial districts in the Ordinance, the applicant is seeking a variance to allow for free standing (monument) signs. The number, size and location of the signs will need to be approved as part of the Final Site Plan. All signs should meet the freestanding sign standards for General Business (GB) district subject to Section 5.9.I.i. Residential freestanding signs should also meet the standards per Section 5.9.H.

Section 5.11 Off-Street Parking

The site plan for 4 Corners Square does not meet the requirements for Section 5.11 Off-Street Parking. The applicant is seeking variances to allow for a reduction in the amount of spaces necessary per the Zoning Ordinance. Of the required 385 spaces per the Ordinance, the applicant is supply 340 of the parking spaces. Twenty-nine (29) of the provided spaces are banked parking spaces, which will not be built initially, but could be in the future based on demand. The parking requirements and deficiencies are listed in detail in the staff planner's report dated March 13, 2017.

Section 5.19 Landscape and Screening Requirements

The majority of the landscape and screening requirements for this project have been met, or exceeded with one exception. The development will require a variance from Section 5.19, which requires a 20 ft. greenbelt between non-residential parking and road right of way. The applicant is proposing to provide a greenbelt ranging from 14.5 ft. to 10 ft. along Cooley Lake road. The applicant will require a variance of 13 ft. to allow for the proposed landscape plan. This will also grant relief from Section 5.11.A.iv. Off-Street Parking, which also requires that non-residential parking in the front yard must have a minimum of 20 ft. of greenbelt.

Randy Martinuzzi of 4 Corners Square, LLC and Ellen Selly of Taco Bell were present to answer questions from the board members and the public.

Mr. Martinuzzi indicated that when they originally started this project conceptually last year, there were meetings with Weatherstone, and when they went in for rezoning the property, there were concerns from residents with their proposed building towering over the lake or their neighborhood. As a result of those comments, they pushed their building as far back from the lake and Weatherston as they could, but also got away from the build-to line requirements. The Township advised them that there was an overall plan for this "4 Towns Area" and the idea was to have same set up as neighborhood mixed use, which pushes everything to the line. They could have left the front as commercial and built residential in the rear, but that would have required more setbacks and they would have lost the overall concept of what the township wanted. They kept the same concept with residential and commercial.

Mr. Martinuzzi continued that Taco Bell did a great job with bringing in the same aesthetics and color scheme. This is relevant because they have made every effort to take this to the requirements of the township conceptually. By moving off the build line, they now needed signs. They propose to move the "Welcome to White Lake" sign to the corner of the property. Also, when the buildings moved, and the parking got flipped from back to front, they found they now had problems with the greenbelt requirement. These parcels have a deep restriction regarding residential and they are working with BP and the DEQ to do carbon injections to reduce fossil fuels in the ground. It is mandatory that no residential go on those front parcels, as stated in a consent judgment. The setback is 89 ft. off line and Taco Bell is 69.4 ft. They need to go from 2-stories to 1-story on commercial, and the Taco Bell tower is at 24 ft., with the rest of building at 20 ft. The additional 4 ft. allows for screening of the mechanicals.

With regard to parking, it seemed parking was the single issue as they went through preliminary site plan approval. They have allotted for 188 spaces, which is 2.25 spaces per unit. They are comfortable that this gives them what they need. They will have 1 and 2-bedroom units. The Planning Commission was concerned they would bank 20 spaces, taking them to 168 spaces, or 2 per unit. If there were a visitor, the concern was where would they park. With final site plan approval they intend to remove one of the banked spaces on the southeast residential, which they can move without cutting into any greenbelt. They have 8 spaces banked behind the commercial, which will be usable for the apartments. This will give an extra 9 spaces for visitors if needed. When looking at the 188, those 8 on Wadi Boulevard are not considered in that calculation, they are in the commercial, and those 8 will take up to 196 spaces versus 188. They will be 11 spaces short under the ordinance.

Ellen Selly of Taco Bell showed graphic site plan with parking. She indicated that Taco Bell is requesting a variance of 3 spaces. There is room for seating of 40 people inside and the standard drive through is 80%. They like to see 25 spaces with 8 drive thru stack. On this site, they have 26 and feel they have ample space to achieve what Taco Bell wants. With regard to the build-to line, if they moved the building to the front of the lot they would have a problem with the drive thru lane. Pushing the building back helps the overall function and the cross access lane is perfect. This site works well for them. They are proposing a monument sign 32 sq. ft. and 10 ft. high. This is the maximum allowable for a commercial site. The height of the building is set up with the

front entryway on Cooley Lake Road. The height at 20.6 ft. with the tower at 24ft is adequate. Quick serve restaurants are allowed, but a higher building does not add any value. They are also proposing architectural enhancements and she noted that the lighting would only show on the building.

Mr. Martinuzzi noted that both Tim Horton's and Taco Bell's business is 80% drive thru business. Township requirements of having a 2,300 sq. ft. building in commercial space causes significant parking requirements. Tim Horton's position is based on what is required, but what they would really need is 50% of this. They have no concerns with the amount of parking on commercial and Tim Horton's is a morning-type facility. They will have a cross parking agreement, where Tim Horton's customers can park in Taco Bell, and when Taco Bell is busy at night, customers can park at Tim Horton's. With the hours of operation of each entity, there should be zero parking concerns.

Regarding the greenbelt, Mr. Martinuzzi indicated that they could put up a 30-inch wall, but along the front of the site is not what was envisioned and would not be in the best interest of this site or the intent. They feel there is a significant enhancement and a wall is not the appropriate response. Lights and park benches are being considered for the final site plan approval. With regard to signage, they have the same concept by moving buildings off the line.

There are environmental concerns with the property. Ground water is at 6-7 ft. and there would be no excavation for putting a water line through there. Sewer and water would run through center of property along Wadi Boulevard.

Ms. Spencer opened the public hearing at 7:38 p.m.

Scott David, 8070 Brendon Drive, White Lake, stated that it seems like the Master Plan is not being looked at with what they are trying to accomplish. Traffic lines up from Williams Lake Road to that intersection. Visitors will need parking. The whole conceptual is fast food and he doesn't feel this is what White Lake is looking for on this site.

Randy Knox, President of the Cooley Lake Association, 8549 Cooley Beach Drive, White Lake, asked whether the Taco Bell sign would be on the building or if there would be an additional monument sign on the street. He can't figure out the 3-story building with more metal to make it look larger. It will already be dominant. He doesn't understand why they have to look at the building and why the zoning is higher for the building. There will be light polluting the building that will be dominating. He hopes the board will not allow extra footage on top of the building. He feels eliminating the 3rd floor on building one will help the view from the west elevation. He also asked where the drain water would go.

Jim Goff, 1411 Union Lake, asked how close the building would be to Union Lake Road. From his home, he will look at the buildings now. He is 1.5 stories and from the road, these proposed buildings will be 3 stories. He also feels traffic will be an more of an issue than it is already and nothing has been done with the roads. It is difficult for him to go from his driveway to Union Lake Road. He has to sit through 4 lights, and traffic is a nightmare.

Stanley Piatowski, 1398 Waverly Drive, stated that they met with the developer and the planning department to see what their options are to be protected. There are two options. One, erect a masonry wall, and two, leave the existing fence and put in 12 ft. high pine trees. He asked when the will trees be started, and also wants to know if they have taken into consideration if the trees get diseased.

Ken Palarski, 8315 Cooley Beach Drive, stated there are 3 entities with 3 different positions. The developers who want to maximize their profit and they generally don't live in the areas, then there are the locals who are concerned with traffic and water run off. They are affected with economics, safety, etc. And third, the Township Board, who wants to maximize its tax base and increase

jobs. He sees this development moving forward and everyone wants the corner improved, but he thinks it can be done in a very responsible way. Issues with water runoff is huge, and all water goes into their lake one way or another. He asked what happens to heavy metals and whether there is oversight. This has to be prepared for a 100-year storm, which could happen at any time. He hopes this goes on in a responsible way. The footprint is small for what is being planned.

With no other comments, Ms. Spencer closed the public hearing at 7:51 pm.

Mr. Martinuzzi addressed the concerns from the residents.

With regard to traffic, the engineer of White Lake had determined they would put a center turn lane in on Wadi, which will be able to pull some traffic making a left, and will make the situation better than worse to what is existing.

Regarding building height, the residential portion does not need a variance. It is within the NMU requirements. They went with a flat roof, which kept them under the maximum of 35 ft. They are at 31 ft. Mr. Powell asked if the 31 ft. included architectural features. Mr. Martinuzzi stated it would be 37 ft. and 41 ft. at various places. Mr. Powell asked if there would be access to the rooftop in any of the buildings, i.e., an observatory. Mr. Martinuzzi stated he doesn't think it is economically feasible. It would be nice looking out at the lake from a rooftop patio, but it is not within their plan at this time. Mr. Iacoangeli clarified that the maximum height for residential is 3 stories, or 40 ft., whichever is less.

Mr. Martinuzzi continued by addressing water runoff. They are requesting a variance on the greenbelt to go to 7 to 14 ft. at various spots. They meet the land area requirements with respect to ratios on pervious and impervious areas. They will not ask for more impervious area, they are strictly asking for area off the greenbelt.

With regard to Mr. Goff's concerns, he is one reason why the building was set off the road. If they built to the zero line, they would have been blocking his view. Their building will protrude a little further than his house, but the variance requested is to move the building back, not forward. They tried to minimize any impact this would have on Mr. Goff and he makes the case to grant this variance.

Ellen Selly addressed the concern with Taco Bell's signage. They will have separate wall signs and are proposing a monument sign. Mr. Powell asked if Taco Bell would be missed without the monument sign. Ms. Selly stated they would like one at the entrance.

Ms. Novak-Phelps moved in File 17-007 to approve the variance requested by 4 Corners Square LLC in order to move forward with applying for Final Site Plan. The variances requested are for Section 3.1.13D to allow for One-story Buildings, and to allow the reduction of the Build-to-Line from 60% to 0%. Mr. Walz supported.

Discussion on the Motion:

Mr. Powell indicated that this site is master planned for a very dense use and this type of zoning yields the end result that the Zoning Ordinance is looking for. He asked Mr. Iacoangeli what Mr. Goff's property was zoned. Mr. Iacoangeli stated his property is zoned Restricted Business (RB). It is used residential, but it is not zoned residential. Both parcels to the north and to the west are also zoned (RB), as they were intended for this area to be business. Mr. Powell recognizes the fact that the building on Union Lake Road was supposed to be out to the building line, but by moving it back, it preserves Mr. Goff's view to the lake as maximum as possible. If not granted, Mr. Goff would be impacted 30 ft. to the east. He is lending to be in favor of these 2 variances.

Ms. Novak-Phelps addressed Mr. Palarski's comments. She stated that the ZBA members are appointed by the Township Board. The township held visioning sessions when it did the Master

Plan, all of which were open to the public. This parcel was talked about at a session and posted in the paper. This is not new. She commends the developer for addressing many things to make this a nice corner and he's cleaning up the site. This is a great improvement to the site. She has concerns with making the buildings taller to make them comply with meeting our requirement. She has worked with the Planning Commission and they don't have more leverage with this. She is not opposed to approving this variance. The final site plan review would be to bring the height down. Extra height is not necessary just to make them look taller.

Mr. Walz commented on the traffic issue. He stated he lives nearby and he shares the pain with everyone else going through that intersection and he is not pleased. There was a traffic study and it's challenging. This has not gone unrealized.

The MOTION CARRIED with a roll call vote: Spencer – yes (this site has some hardships with contamination and the DEQ); Powell – yes (for the same reason that there is a hardship with contamination and the DEQ, and he feels 1 story look will be less intimidating than 2 story buildings on the residential); Walz – yes (the existing site is old, dated, and run down and this will be an improvement to the area); Novak-Phelps – yes (for reasons stated. (4 yes votes)

Mr. Walz moved in File 17-007 to approve the variance requested by 4 Corners Square LLC. The variance requested is for Section 5.9 Signs to allow for residential and non-residential freestanding signs in the NMU district, subject to the following conditions:

- 1. That non-residential signs are treated as those in the Restricted Business (RB) district and meet the requirements of Section 5.9.I.i.**
- 2. That residential freestanding signs meet the requirements of Section 5.9.H residential district regulations.**

Ms. Novak-Phelps supported.

Discussion on the Motion:

Mr. Powell asked how far back with these requirements do they have to be from the road right of way for the signs to be placed. Mr. Iacoangeli responded that the minimum setback is 10 ft. and for every foot of setback, they would get 2 sq. ft. of sign space. Mr. Powell asked how the signs would be lit. Mr. Iacoangeli stated that the ordinance does not allow for uplighting or exposed bulbs.

Mr. Powell questioned why 2 signs are shown in the center of the plaza location? Mr. Martinuzzi indicated that a second sign was put there with respect that they have a restaurant. Mr. Powell noted that the restaurant has another sign on Union Lake Road. Mr. Iacoangeli stated the the proposed restaurant parcel would be allowed 2 signs, one on a major thoroughfare. The corner lot is eligible for 2 signs. Mr. Martinuzzi indicated that the final detail and sign locations are required at final site plan review.

Mr. Powell asked how individual tenants will be identified. Mr. Martinuzzi responded that they will have a sign marking their space, and this is allowed by the ordinance. Each tenant is allowed 10% of their façade and it's up to the applicant if they want one monument sign with several tenants on the sign, or have a multi-tenant sign.

Mr. Powell asked if there would be directional signs on site, and whether they are allowed, or if they reduce the maximum allowable. Mr. Iacoangeli indicated that wayfinding is detailed in the site plan, but does not get calculated in overall total. Directional signs for Taco Bell are also permitted. Any directional signs and interior signage will be reviewed at final review. Anything externally will be reviewed by RCOC.

The MOTION CARRIED with a roll call vote: Powell - yes; (for all reasons mentioned); Novak-Phelps – yes; (with the agreement we will move the other monument sign to a different spot); Spencer - yes; (for reasons stated); Walz – yes (due to the hardship of the site and for the reasons stated). (4 yes votes)

Mr. Walz moved in File 17-007 the variance requested by 4 Corners Square LLC. The variance requested is for Section 5.11 Off-Street Parking to allow the a reduction in the number of required parking spaces for the development from a total of 385 spaces to 340 spaces as calculated on the preliminary site plan. Ms. Novak-Phelps supported.

Discussion on the Motion:

Ms. Novak-Phelps stated that this was talked about at the Planning Commission that there wasn't enough parking given for the residential area with 1 bedroom compared to 2 bedroom units. There may be a need for more parking to accommodate visitors.

Mr. Walz asked whether handicap parking on the site is specific to each location and Mr. Martinuzzi responded that all handicap requirements have been met.

Ms. Novak-Phelps noted that some spaces are land banked and Mr. Martinuzzi has added 9 more spaces to the development by taking them out of the bank. She asked who would monitor this. Mr. Iacoangeli responded that eventually their residents would complain there is not enough parking, which would prompt them to go to the township, which would get with developer to unbank the parking per the plan. When the necessity arises, we will ensure it becomes parking. Per the discussion this evening, the overall totals stay the same. The Planning Commission was concerned with the north side residents and those areas will be buffered by pine trees to not disturb other residents.

Mr. Powell asked about the cross parking agreement between parcels and how it will be worked. Will commercial be allowed on residential and vice versa? Mr. Martinuzzi stated that Wadi Boulevard will be open for everyone's use, but they do not expect commercial to use this. Wadi is being treated as a common element for upkeep. They will have continuity snow removal and landscaping this is in the lease with Tim Horton's and Taco Bell. Within that, they could spill into Wadi if they choose. Mr. Powell's concern is with the restaurant on Union Lake Road being so productive and popular that there won't be enough spaces and parking will spill to Wadi Boulevard and the residential. He asked if there was the ability to block Wadi parking to be used at specific times. Mr. Martinuzzi indicated that he could prohibit parking on Wadi, but he doesn't feel this would be wise to do so. He has 57 spaces within the retail center and he thinks people will use those spaces along the front of and behind the retail center before they would get on Wadi. That is 57 on top of the 69 provided. There was an 11 space deficiency on the restaurant but it does pick up 57 spaces with the center. Mr. Powell likes banked parking and he looked at the north side of property. He is in favor. He also likes the pine trees and asked whether Mr. Martinuzzi discussed with Weatherstone to have a walk way through their fence. Mr. Martinuzzi indicated that Weatherstone does not want access, they want protection and privacy of having the fence and they were very clear on this. Mr. Powell also commended Mr. Martinuzzi for putting parking under the building.

The MOTION CARRIED with a roll call vote: Spencer – yes (for reasons stated); Novak-Phelps – yes (there is no concern about Taco Bell's variance and she hopes concerns with any overflow of parking that they will be proactive and act with the Planning Department to unbank the parking); Walz – yes (there is a hardship with the site and for the reasons stated); Powell – yes (he believes there is a hardship. The ordinance is requesting density and the applicant did a good job preserving open space and putting parking below the building). (4 yes votes)

Mr. Walz moved to approve the variance requested by 4 Corners Square LLC. The variance requested is for Section 5.19 Landscape and Screening Requirements to allow for a reduction in the amount of required greenbelt from 20 ft. to 10 ft. for non-residential parking areas abutting road right of way. Also, for relief from section 5.11.A.iv to allow for 7 ft. of greenbelt as part of the Ordinance standards for Off-Street Parking. These variances are subject to:

1. The Planning Commission retains the right to require if they so choose a 30 inch knee wall in conjunction with 5 ft. of green space per the Ordinance. This decision can be made at the time of final review.

Ms. Novak-Phelps supported.

Discussion on the Motion:

Mr. Powell had a discrepancy on stackable parking at Taco Bell. Ms. Selly clarified on the plan. He asked how many seats would be in the new restaurant. Mr. Martinuzzi stated that they were not at that point. The restaurant is coming down the road and there are significant monitoring wells that have to be monitored by DEQ. They are continually working with BP and DEQ. Mr. Powell noted that the applicant was almost forced into requesting this variance. If the buildings came to the property line, this request would not be necessary. As a personal request, he would prefer to see landscape or a bush hedge rather than hard landscaping. And he also doesn't want headlights to shine on Cooley Lake Road.

The MOTION CARRIED with a roll call vote: Powell – yes (for reasons stated); Novak-Phelps – yes (she prefers plantings and any landscaping will be required to have irrigation and be maintained); Spencer – yes (for reasons stated); Walz – yes (there is a hardship on the site and for the reasons stated). (4 yes votes)

Next Meeting Date:

- a. Regular Meeting – April 27, 2017

Adjournment:

Ms. Novak-Phelps moved to adjourn the meeting at 8:49 p.m. Mr. Walz supported and the MOTION CARRIED with a voice vote. (4 yes votes)