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



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

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**Old Business:** 

WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

7525 Highland Road White Lake, MI 48383 August 3, 2017 @ 7:00 p.m.

Mr. Anderson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Ms. Dehart was excused; Mr. Ruggles and Ms. Novak-Phelps were not present.

ROLL CALL:

Steve Anderson - Chairperson

Merrie Carlock

Debby Dehart - Excused

Mark Fine

Rhonda Grubb - Secretary

Scott Ruggles, Board Liaison - Absent David Lewsley - Vice Chairperson

Peter Meagher

Gail Novak-Phelps - Absent

Sean O'Neil, AICP, Community Development Director Mike Lueffgen – Township Engineer, Johnson & Anderson Greg Elliott, Township Consultant, McKenna Associates

Lynn Hinton, Recording Secretary

Visitors:

Also Present:

Approval of Agenda

12

Mr. O'Neil indicated that the applicant was running late and ordinance amendments could be discussed until he arrives.

Mr. Meagher moved to approve the agenda as presented. Mr. Lewsley supported and the MOTION CARRIED with a voice vote. (6 yes votes)

# **Approval of Minutes**

a. May 18, 2017

Mr. Meagher moved to approve the minutes of May 18, 2017 as submitted. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (6 yes votes)

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

Mr. Anderson opened the discussion for public comment on items not listed on the agenda, but none was offered.

a. Zoning Ordinance Amendments

 Mr. O'Neil asked Mr. Elliott of McKenna to review some of the proposed Zoning Ordinance amendments.

 Mr. Elliott stated that some home businesses in the township are violating the home occupation ordinance and the Township Board has asked the Planning Commission to look at this section. The thought is to make this a Special Land Use type of approval where they would have to meet criteria, i.e., hours of operation, noise, traffic, etc. and have conditions put on their approval so this is not allowed by right.

There could be potential for a possible second category of operations to allow certain types of business. His reservations are that if someone wants to run contractor's type establishment, they should be in an industrial district, however the township doesn't have much industrial land available. A landscaping business with a few trucks and a few employees may be acceptable, but running a supply yard with excavating could be more disruptive and not harmonious with residential properties. Most of this type of activity is going on in the northern half of the township.

When this was previously discussed, McKenna provided a chart and went through the common use standards for home occupations and home based businesses. It's important to note that whether home occupations or home based businesses (defined as if they have employees or not), none of them provide for landscape contractors. These are commonly deemed to be more industrial in nature and some of those already exist in the township.

Mr. Elliott found that Tyrone Township has defined this use in a "Contractors Limited Storage" section in their ordinance, and they have it listed as a Special Use. Also provided are the standards that they hold those uses to. One requirement is a lot area of 3 acres or more. He looked at White Lake operations and some are on smaller than 3-acre sites. Depending on the goal of addressing this issue, you can legitimize what they are doing, without creating opportunities for more. When adopted, you could also create a minimum lot area where appropriate, but grandfather smaller lots if they can meet the use standards. He added that screening was the big thing that didn't seem to be present. This is potentially rectifiable in addition to places for parking and storage, etc., which can be addressed as part of the process. He is open to thoughts and suggestions to craft the intent of the Planning Commission.

Mr. Lewsley cautioned that when the township goes down this course, to be aware there are a lot of landscape and building contractors operating out of their residential properties. There are literally dozens and he questioned how this would affect their existing operations. Mr. O'Neil stated there are a few that may be compliant such as were a crew meets them on the job, the truck is brought home, and the accounting is handled from the home. The biggest problem is with landscape contractors and equipment. Granted there are probably many nail salons, etc. being run from homes, but they are more discreet and not disruptive to other residents. Mr. Lewsley stated that this will affect a lot of people and many of them will not be able to come into compliance. Mr. O'Neil responded that the township enforces ordinances when there is a violation. This issue came about when 3-4 residents came in at once to complain. The drafters of the ordinance did not consider this when the ordinance was drafted years ago. This will not fix all the issues, but it can fix some to bring them into compliance.

Mr. Fine agreed with Mr. Lewsley and added that someone complained and the township has to inspect and enforce. The process seems to be working at this point. Mr. O'Neil stated there are a lot of people violating the ordinance and we need to simply discuss to see whether it is prudent to target and allow for amendments to the ordinance. The goal is to bring them into compliance with minimal issues.

Mr. Anderson suggested looking at industrial versus non-industrial and structure this with the idea of what is actually done. If we look at it from an equipment standpoint, is the equipment housed?

Mr. Meagher stated that the Township Board asked the Planning Commission to look at this ordinance. He questioned whether the board was dissatisfied. Mr. O'Neil stated that rather than taking 15 people to court, we could possibly amend the ordinance so it is not out of complete harmony. This is a first flush to see if the ordinance is so outdated that it needs work. There are so many people operating illegal home occupations. We don't want to open this up for people to buy 5 acres and operate a landscape supply. Mr. Anderson noted that there could be an opportunity for an existing business to grow and development. Mr. O'Neil indicated that there is also the issue with those businesses not paying taxes either.

Mr. O'Neil referenced another example where a woman wants to store boats on her property. She has 20 acres and no one would ever know the boats were there. Similar homeowners hide the boats on a farm until they're caught, then they move to another farm the following year. The Planning Commission is being asked to look at these situations too. This is an ancillary use and there are fire hazards and nuisance issues too. Mr. Anderson noted that at one point in time there will be lots of activity coming in and out at the beginning and end of each boating season. Mr. O'Neil stated the township is trying to enforce this as well. Any community like White Lake has this issue.

Mr. O'Neil stated there would be more discussion on these issues at the next meeting in 2 weeks when the 6-year CIP update is reviewed.

Mr. Anderson stated that we don't want to curtail the business opportunity, but we also have to look at how it impacts the community and the residents around them. They have their say also, and they didn't buy in this area to have their neighbor running a business. We need to determine what the impact is on those people. We will hear this in a public hearing, but he wants to know beforehand. Mr. O'Neil added that we also need to look at distances to avoid clustering, which could help mitigate the impact.

Ms. Carlock stated she would like to know what every other township in Oakland County is doing. Mr. O'Neil stated that other communities have the same issues and are dealing with them similarly. Mr. Elliott added that none of the other communities allow landscape contractors as home businesses.

Mr. Anderson suggested that Mr. O'Neil work out some bullet points and send them before the next meeting so they can give feedback. Mr. O'Neil indicated they wouldn't have a lot of time to work on this, but would try to get something out a few days beforehand.

## a. File No. 17-004 4 Corners Square

Location:

Located on the northeast corner of Union Lake Road and Cooley Lake Road, currently zoned Neighborhood Mixed Use (NMU), identified as parcel numbers 12-36-478-028 (1451 Union Lake Road), 12-36-476-030 (8752 Cooley Lake Road), 12-36-476-029 (8198 Cooley Lake Road), and 12-36-476-025 (8080 Cooley Lake Road), consisting of approximately 6.25 acres.

Request:

1) Final Site Plan Approval

Applicant:

4 Corners Square, LLC

Randy Martinuzzi

29580 Northwestern Hwy, Suite 1000

Southfield, MI 48034

Mr. Elliott reviewed his report dated July 17, 2017. They have reviewed this plan a few times and there aren't many new items, but there are still outstanding issues noted below:

With regard to site circulation and parking, the commercial drives accessing Cooley Lake Road do not comply with the spacing requirements contained in Section 6.4(C) as they relate to the nominal speed limit on Cooley Lake Road and their relationship to drive openings across the road. The posted speed for Cooley Lake Road is 40 mph, which would normally require 300 ft. of driveway separation, center to center. The westernmost drive unto Cooley Lake Road is 227 ft. from the intersection with Union Lake Road. The center drive is approximately 273.5 ft. from the westernmost drive and approximately 115.7 ft. from the Taco Bell drive. The Taco Bell drive is approximately 70 ft. from the neighboring drive to the east. Driveways on the opposite side of Cooley Lake Road have not been depicted on the site plan. The Planning Commission must weigh in deciding whether a modification of the access standards is appropriate. This is not an issue for Union Lake Road, only Cooley Lake Road, and all per substantial discussions with the Road Commission.

Parking spaces are correct in relation to the variance granted by the ZBA for 340 spaces, of which 13 will be land banked.

The length of the stacking spaces needs to be dimensioned for the Taco Bell site. The Planning commission should confirm that the lack of a full escape lane for Taco Bell is acceptable. As designed, 6 of 8 vehicles would be able to leave one in line.

The following comments are offered with regard to Landscaping & Screening:

 For the Taco Bell site, 6 trees and 51 shrubs should be provided. It appears that only 2 ornamental trees are provided. The Commission should consider whether or not additional frontage trees should be required. The site as a whole is fully landscaped with canopy trees. Mr. O'Neil noted that the township has asked from the developer that everything be put on one page, but it hasn't happened yet. It all has to be put together into one plan.

The percentage of interior landscaping is compliant.

An area that is deficient is parking lot landscaping, which requires 20 sq. ft. per commercial space and 15 sq. ft. of parking lot landscaping per residential space. Most of what is proposed is around the perimeter and not internal, which is the ordinance does not allow. He has suggested looking at screening between residential use and the Tim Horton's drive thru. No effort has been made to do buffering from cars stacking and Wattey Blvd.

The lighting plan needs fixtures details for the Taco Bell site, and also needs dimensioning for the signs shown. For a monument type sign, it should be placed on a decorative masonry base, and the applicant has depicted an aluminum cabinet. This should be discussed further. Also, there are too many wall signs on Taco Bell's elevations.

And lastly, there is an issue with the materials proposed for the trash enclosures. The standard is a 6 ft. wall on 3 sides with an obscuring wood gate on a steel frame. The Taco Bell enclosure has plastic or simulated wood, and this does not comply.

With the exception of the issues identified, McKenna Associates is comfortable with the site plan. If the Planning Commission agrees and wishes to grant final site plan approval, Mr. Elliott is suggesting doing so subject to conditions.

Mr. Lueffgen of Johnson & Anderson reviewed his report dated July 27, 2017. This is their third review of the site overall and the second review of Taco Bell.

They would like an explanation from the applicant to discuss known containments on the property and what will be done with the monitoring wells on the site.

With regard to Grading and Paving, retaining walls on site need more details, and will be addressed on the architectural plans for the building so we know how high and they must also comply with building code

This is a unique development and they are proposing underground parking. They have shown storm sewer structures in this area and J & A has not received details for looking at grading on this.

J & A is asking for details to be added to the plan to make sure sidewalks are ADA compliant on the site. Also, the building department may need to review the railings on the Union Lake Road sidewalks with stairs.

Additional cross sections are needed to show grading and intent.

Parking striping is shown as single lines, and the township standard is dual lines boxed parking striping.

Storm sewer and detention will be an item for discussion. Lengthy reviews were done and the applicant has been asked for items to be updated. J & A has evaluated the overall size and feel system is appropriate for development, but calculations need to be updated.

A major component or requirement regarding storm sewer is that J & A wants a maintenance agreement to be part of the approval for the site. This is critical for long term health and the operation of the storm sewer.

 They have an MDEQ permit for the water main extension and there were conditions by the DEQ on construction in regards to known contaminants on the site. There should be conditions on the site plan so contractors know this during construction.

With regard to sanitary sewer, they are still looking for a permit from the Road Commission to pass to the DEQ for state approval.

Storm sewer and detention is sized appropriately for the area, but they need revisions to the calculations.

In conclusion, Mr. Lueffgen feels the outstanding issues are minor in nature and can be addressed prior to the pre-con meeting.

Mr. O'Neil reviewed the Fire Marshall's July 17, 2017 report. He looked at the building and site plans with regard to hydrant and apparatus spacing, and he will be involved on an ongoing basis so any issues that arise can be addressed.

Mr. O'Neil added that a condition was placed on the applicant for the Special Land Use that until the building is built, it will act as sound buffer. The applicant was asked to plant a substantial number of trees to buffer the lake area from the parking lot. He asked what the commission felt about the 5 evergreens that are proposed on the plan.

Mr. Anderson stated there have been two public hearings on this case, but he would accept unofficial comments from the public this evening.

Ken Palarski, 8315 Cooley Beach Drive, stated he lives on the lake and as far as he knows about storm water runoff, they intend to put a 60" pipe under Cooley Lake Road. He'd like to see a filtration system for toxins and he wants a maintenance agreement to monitor for brake dust, oil and contaminants that could potentially still be on the site. He would also like to see something in place for the parking structure if it were to flood. A 100 year rain will not slow water from coming through a 60" pipe.

Pauline Whitmore-Smith, 8741 Cooley Beach, asked about the lighting plan for Taco Bell. Since the building will be closed late at night, she questioned where the guys would go to the bathroom in the middle of the night. Motion sensors for the lights to come on would deter middle of the night bathroom breaks. She also submitted something for odor control. Her concern was with putting 3 restaurants in front of residential area. She thought the apartments could be more upscale if odor was not present.

Gail Casebolt, 2861 Cooley Beach, asked if these units were apartments or condos.

Sam Buckholter stated he is new to the area and asked if there would be future development going on the lakeside of Union Lake Road. He heard a rumor for a marina. Mr. O'Neil stated that a marina is not allowed under the ordinance, nor would the township allow this.

Clark Pierson, 8281 Cooley Lake Drive, stated there was previous discussion of 19 missing parking spaces they were required to have and now they are 45 short, and a variance was granted for this. Mr. O'Neil stated there is a deficiency, but the applicant has also eliminated 3 apartment units, so the number of spaces required has decreased. They went through a different process and were granted variance from ZBA.

 Randall Knox, 8449 Cooley Lake, and President of the Cooley Lake Association, stated that the township is giving variances left and right, and he asked who would stop the marina. Also, he asked why the township is considering another drain pipe into Cooley Lake. They should be able to do something else with the drain water. Lastly, so much is being built on this corner. Why would the township allow all this stuff to be crammed on 6 acres?

Richard Hammond, 8533 Cooley Beach Drive, questioned the distance between the sidewalk and Cooley Lake Road. It looks like there is 10 ft. between the road and where the parking spaces will be. He also thought there was supposed to be an 8 ft. sidewalk. Mr. O'Neil responded that there is a 6 ft. sidewalk across Cooley Lake and 8 ft. on Union Lake. Mr. Hammond questioned the size of the buffer and the

need for a 3 ft. retaining wall that would come into play if they didn't have a number of feet. Mr. O'Neil stated the applicant got a variance from that requirement.

Mr. Martinuzzi addressed the items brought up this evening. He distributed the elevations for the buildings to the commissioners. He reviewed the commercial rendering and stated that Jay Johnson, the engineer, was also present this evening to discuss any concerns. With regard to Taco Bell's site plan, Mr. Martinuzzi thought the township offices had them. Mr. O'Neil stated the site plan was emailed, but they never received hard copies.

Mr. Martinuzzi reviewed the overall site plan. Changes that were requested by the Planning Commission were to make sure there were a lot of internal pedestrian walkways and they have since been added. They relocated the dumpsters and grouped them together to provide additional screening for the board. Regarding contamination they are now at the point where everything has come up clean. BP is assuring us that they do not have to do any more remediation. The plume goes to the south and does not travel to the north. If looking at monitoring wells, 90% are within an area. There are significant wells to the south of Cooley Lake and they have put agreements together with BP as to vacating those wells. They are doing additional soil borings and Phase II is going on. They will put in all the infrastructure and leave the area green belted. They also met with Supervisor Kowall and the Oakland County Health Department. Since 2001, nothing has been done on the site. They met with engineers on how to get BP to move. Ground water supplies are reading negligible and there are no issues with potable water or drinking water. Water and sewer was moved off the southern part of property and over to Wattey Blvd. The DEQ requested special gaskets. As more sampling is done under the due care plan, they have a tentative agreement with BP and they will have someone on site at all times, in addition to their own industrial engineering on site as well. It will be a long process with getting monitoring wells. They impact all grades and parking lots, so they can't develop this portion of the property right now, but they will beautify it with green.

With respect to hours of operation, there is significant sound decibel and vendors know they have to follow it.

Mr. Martinuzzi indicated that changes were made requested by Fire Marshall. They eliminated parking and created a larger radius designed for a 50 ft. truck, even though White Lake Township's requirement is currently 40 ft.

Regarding the lighting plan, Mr. Martinuzzi stated the spec is LED energy efficient. Ms. Carlock questioned whether it was dark sky compliant, but Mr. Martinuzzi didn't know.

With regard to the Landscape Plan, Mr. Martinuzzi stated Taco Bell is a part of their overall approval and they will have to comply. He understands approval is conditioned upon full compliance. Also, he was asked to get rid of some of the bank on the restaurant size, so he did add it elsewhere on the site.

Currently there is a wooded area on the site and Mr. Martinuzzi is asking to leave that area, but clean it up. Mr. Lewsley felt it didn't make sense to clean up the site and leave wooded area. Mr. Martinuzzi stated they would grade it out and bring it back to green. There are 8-10 monitoring wells and the grade will have to stay wherever it's at until the wells can be vacated. Mr. Lewsley stated that the township doesn't want noises echoing across the lake. Ms. Carlock added that the township wants a lot of green and she would like the existing trees kept. Mr. Martinuzzi agreed to put spruces where vegetation stays through the winter. If 10 or 15 trees are needed, they would put in 10 or 15. He thought there was a footnote "as required" on the plan. Mr. O'Neil stated the township needs something on file of how that portion of the site would be left temporarily. If trees will be left, there needs to be temporary grading and landscaping plan to incorporate all of this and it has to be fluid. Mr. Martinuzzi stated he would do whatever the township tells him to do.

Mr. Martinuzzi indicated that he talked to Taco Bell regarding the traffic stacking and their position is that 6 cars would able to escape and they are comfortable with that.

Mr. Jackson answered the question from the public comment regarding distance from the road. It was determined it is 25 ft. from the parking lot to the edge of Cooley Lake Road. On Union Lake Road, it appears to be about the same, maybe 23 ft., with an 8 ft. walk.

Mr. Martinuzzi stated that they lost some landscaping when they put the sidewalk in. It was made clear by the township that they wanted a clear pathway for pedestrians. They put as much as they thought was viable to insulate the apartments. Mr. O'Neil noted that the walkway was added by the Township Board and they wanted the site reconfigured for emergency vehicles and snow storage. Internal connectivity allowed them to put the sidewalk in as dictated by Township Board. Also, Mr. Martinuzzi will put in as many trees and shrubs as he can, and planter boxes can also be looked at. Ms. Carlock feels that if he starts putting landscape in the parking lot, it wouldn't make sense. Mr. Elliott stated that you don't count what's in the perimeter. The numbers were related to parking lot landscaping within the lot, i.e., internal islands, but the Planning Commission may waiver this by counting the perimeter.

With regard to the type of materials proposed for the trash enclosure, Mr. Martinuzzi stated if wood was necessary, they would put wood, however Treks would hold up better in the long term. Ms. Carlock asked whether Mr. O'Neil could make that determination. Mr. O'Neil indicated that at least on the dumpster, the enclosures have to be split block, not stamped concrete where colors can run and fade.

Mr. Martinuzzi showed renderings of the commercial building. They are proposing burnished block on the lower part of the building and a nice wainscoat that will tie into the residential building. He has submitted prints of the building to the building department for their review. He added that the top half of the building is cultured stone, Fossil Reef. The roof treatment requires screening of mechanicals and he stated that the parapet will cover all of it. They put in a large mechanical room so the back wall is aesthetically clean as requested by township. Those plans have been submitted for permitting. Decks will be fully enclosed. Units will be for lease at \$1,595 for a 2-bedroom unit and \$999.99 for a 1-bedroom. They also have a 1,400 sq. ft. corner unit with a full lake view.

Mr. Jackson discussed the detention plan. He stated they took the natural site and weighed impervious surfaces. There would be 23,000 cu. ft. of water stored in underground tanks. There are perforated areas that will infiltrate into the ground. As water collects, it will be treated to get pollutants and sediment out, then held. It then percolates in the ground and comes out to a 1" restrictor plate and releases over 24 hours.

A resident asked if there was a monitor of the toxins. Mr. Jackson stated that monitoring comes from MDEQ by testing the flow into the lake and they sample once per year. Mr. Martinuzzi added that there are 4 different parcels, if each had separate detention, they would just perk into the ground. The lake to the west appears to have evaded what happened 25-30 years ago. Mr. Lewsley noted that this is a 4-stage filtration system, where there is nothing right now. Mr. Anderson agreed that they have had nothing for years and now there is something positive for filtration into the lake. The maintenance agreement will ensure they will do what is appropriate with regard to filtration and detention.

Mr. Lewsley stated that the Planning Commission has been asked to make a determination regarding access management however the Road Commission has indicated how they want it put in. There are dozens of things that have to be addressed before this can be developed. They must meet conditions in the consultants' reports. Every detail has to be incorporated onto one plan. Mr. Fine and Ms. Carlock agree that the conditions have to be met.

Mr. Meagher stated that with all of these comments/issues brought up, the purpose of approving the final site plan tonight as opposed to rejecting it, is that if we approve, we make the assumption that the applicant will comply, and this allows them to move forward without stalling the project. The Planning Commission unlocks the gate, and allows staff to hold them to the fire. Every condition will be met before a shovel goes into the ground.

Ms. Grubb stated she is disappointed in the number of issues that still remain, but she is more comfortable with the storm water detention and treatment.

Mr. Anderson indicated that the applicant has heard a lot from the commission and the public. He wants them to understand that we want to be sure all these issues are met. He has no problem coming back with something if things change. This is a lot and a major burden. He doesn't know why this has taken so long. Our consultants have been very clear on what they have to do and some of these things should have been taken care of in advance and not leaving this lump sum for the Planning Commission. It is not

a burden to call the commission back in. This is a good development with a good appearance, and hopefully everything will work out positively.

Mr. Lewsley moved in File 17-004 4 Corners Square to approve the Final Site Plan, subject to

Mr. Lewsley moved in File 17-004 4 Corners Square to approve the Final Site Plan, subject to finding the access management plan standards have been met and are consistent with the Road Commission's requirements, and subject to all conditions and recommendations by staff and consultants be met to the satisfaction of the Planning Director. Mr. Fine supported and MOTION CARRIED with a roll call vote: Grubb – yes; Meagher – yes; Lewsley – yes; Carlock – yes; Anderson – yes; Fine – yes; (6 yes votes)

422 Liaison Reports:

Ms. Novak-Phelps was not present to give a report.

Ms. Grubb stated the Parks and Rec met in June. Discussions were regarding the Fisk Farm pathway improvement; an offer to purchase the old Kelly Tree Farm. Mr. O'Neil added that the property was put up for tax sale and the township may have bought it. Also, Redwood did the design for 200 ft. of pathway at a cost of \$14k to the township.

Mr. Ruggles was not present to give a report.

# **Director's Report:**

Mr. O'Neil did not have anything further to add.

#### Communications:

## Next meeting dates:

- Regular Meeting August 17, 2017
- Regular Meeting September 7, 2017

## Adjournment

Mr. Fine moved to adjourn the meeting at 10:10 p.m. Mr. Meagher supported and the MOTION CARRIED with a voice vote. (6 yes votes)