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Terry Lilley, Clerk  
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Trustees  
Scott Ruggles  
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Andrea C. Voorheis  
Liz Fessler Smith

## WHITE LAKE TOWNSHIP

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### WHITE LAKE TOWNSHIP PLANNING COMMISSION

7525 Highland Road  
White Lake, MI 48383  
May 18, 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: Mr. Lewsley was excused, Mr. Fine and Ms. Dehart were not present.

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

Also Present: Sean O’Neil, AICP, Community Development Director  
Lynn Hinton, Recording Secretary

Visitors: 10

#### Approval of Agenda

Mr. O’Neil requested to add to the agenda the hours of operation for Tim Horton’s, and to confirm that the purchase agreement language meets the intent of requiring the operator to be open 24 hours.

**Ms. Novak-Phelps moved to approve the agenda with the addition of 4 Corners Square – Tim Horton’s Hours of Operation to be added under “Continuing Business”. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (6 yes votes)**

#### Approval of Minutes

a. May 4, 2017

**Ms. Carlock moved to approve the minutes of May 4, 2017 as submitted. Mr. Meagher 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.

#### Public Hearing:

a. File No. 17-006 Lake Pointe



117 With regard to parking, Mr. Nelson indicated that they are 92 spaces over the requirement. They are not  
118 prohibiting street parking, but Mr. O'Neil would like to see one side posted as a fire lane.  
119

120 Ms. Novak-Phelps questioned that if the commission requires an 8 ft. pathway out front, whether it would  
121 be consistent with what Independent Village has. She would have a problem with different widths along  
122 Union Lake Road.  
123

124 Mr. Elliott indicated that the applicant shows a connection from their development to Independence  
125 Village. Independence Village does not currently have a sidewalk on Union Lake Road and what they  
126 have proposed is to make a 5 ft. wide pathway connection to the walk that is at the edge of their parking.  
127 He doesn't see an issue with 8 ft. along the Union Lake Road frontage. Mr. O'Neil stated that MDOT will  
128 make them cross walkers to the other side and where they are proposing this will not be acceptable with  
129 the Road Commission. Mr. Lueffgen added that they have to give pedestrians a landing spot. If he's off  
130 site, he could stop short of the drive and not be required to go through.  
131

132 Mr. Anderson indicated a public hearing was held at the last meeting and comments tonight are a  
133 continuation of that public hearing portion.  
134

135 Don Sectner, 8400 Solka Drive, is concerned with Carpathian Drive, which curves pretty sharp and cars  
136 are going quickly. It is hard to see, especially if they block their view with a berm. This is a safety issue.  
137 Their site of vision will be limited, and it's already tricky. Also, snow removal gets piled up too. He asked  
138 how far out will they come with the berm on that corner and would there be an expansion of the road to  
139 the approach.  
140

141 Mr. O'Neil stated that there would be a lot of tree clearing on the site and there will be better visibility.  
142 The sidewalk shown now is further back Mr. Sectner noted that they could see under the existing trees  
143 now. Mr. O'Neil stated there would not be any obstruction from the sidewalk to the road and he feels  
144 things will be the same or better on this corner.  
145

146 With no other comments, the public hearing was closed at 7:37 p.m.  
147

148 Mr. Nelson responded to Mr. Sectner. The proposed sidewalk is 60 ft. from the center of Union Lake  
149 Road, and they are 48 ft. back from the edge of the road to the sidewalk. The berm would go beyond that  
150 with a smoother arc of transition. Any vegetation that exists now, he doesn't see a problem with it  
151 obstructing anything, and also feels it will be better than what was there now.  
152

153 The objective is to have an empty nester community. Many units are shown at 3-bedroom, but units are  
154 set up as 2-bedrooms with an optional 3<sup>rd</sup> bedroom or loft area.  
155

156 Regarding spacing between buildings, they show 20 ft., and based on township requirements, they would  
157 have to increase spacing by 2 ft. To do this would start squeezing and pushing the buildings around.  
158 They tried to open this up to see open space when you enter and another open space at the end of the  
159 boulevard. Squeezing units would make the duplex a threplex. They feel this is an advantageous layout  
160 and they would like to keep the spacing as proposed. Mr. Anderson thinks what they are doing is fine to  
161 have the break and make it look more residential.  
162

163 Mr. Nelson continued that the berm is not intended to be 6 ft. high. It will be staggered on either side, if  
164 more is needed, they could add a privacy fence or something to give additional screening. The berm is  
165 shown at 3.3 ft. with plantings on top and 5 ft. in the other area. This will vary on existing elevations.  
166 There is a nice row of evergreens that run along Carpathian that provide screening as well.  
167

168 Mr. Nelson stated he does not have a problem with adding a few more fire hydrants and he is also not  
169 opposed to increasing the pathway from 5 ft. to 8 ft.  
170

171 With regard to recreation space, they show small areas that could be open space or recreation. They  
172 weren't thinking of a playground with swingsets. This is open more than what was originally proposed.  
173 They would have some benches in those areas and when they get 50% of sales, they intend on having  
174 an association meeting to see what the residents want in those open areas.  
175

176 Ms. Carlock stated she would prefer that the 10,000 sq. ft. is contiguous. The detention basin is eating up  
177 the space, but in this case, it is what it is. She also would like to see a conceptual landscape plan now at  
178 this part in the review. She is against giant berms, and would like areas made soft. She asked about  
179 natural features, whether this was a heavily vegetative site, whether there are landmarked trees. She  
180 wants to know what exactly will come out of the site. There are units backing up to Carpathian and she  
181 questioned that there is no requirement to walk along that road. Mr. O'Neil stated there are no sidewalks  
182 in that neighborhood. Mr. Carlock feels sidewalks are necessary and perhaps the Parks & Rec can look  
183 into this. Independence Village has craft shows and events open to the public and she appreciates the  
184 connection.

185  
186 Mr. Meagher asked what features lead them to presume this will be a magnet for empty nesters. Mr.  
187 Jackson stated people are selling their larger homes and downsizing and snowbirds just want something  
188 in the 1,400-1,600 sq. ft., range. Seventy percent of their sales will be to empty nesters.

189  
190 **Ms. Novak-Phelps moved in File 17-006 Lake Pointe to recommend to the Township Board to**  
191 **rezone from (R1-C) Single Family Residential and (LB) Local Business to (PD) Planned**  
192 **Development. Mr. Meagher supported and the MOTION CARRIED with a roll call vote: Anderson –**  
193 **yes; Carlock – yes; Grubb – yes; Ruggles – yes; Novak-Phelps – yes; Meagher – yes. (6 yes votes)**  
194

195 **Ms. Novak-Phelps moved in File 17-006 Lake Pointe to recommend to the Township Board to**  
196 **approve the Preliminary Site Plan, subject to comments from the consultants and staff. Mr.**  
197 **Meagher supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Meagher –**  
198 **yes; Carlock – yes; Novak-Phelps – yes; Grubb – yes; Ruggles – yes. (6 yes votes)**  
199

200 **Continuing Business:**

201  
202 a. 4 Corners Square review of Tim Horton's Hours of Operation

203  
204 Mr. O'Neil indicated that Randy Martinuzzi could not be present this evening due to a family emergency.  
205 He asked Shakeer to be present this evening to answer questions.

206  
207 Mr. O'Neil stated that at the last meeting, the commission wanted to see a franchise agreement stating  
208 that they want 24 hours of operation, since it was conveyed that they needed those hours. The township  
209 does not have a law or regulation that says they can't have 24/7, but the commission could limit the hours  
210 of operation. They have presented a broad blanket for a franchisee to open and operate 24/7. The copy  
211 was executed and notarized on December 13, 2013 and anything opened after this date should follow this  
212 agreement. Mr. O'Neil indicated that he reviewed this agreement with the township supervisor.

213  
214 Mr. Anderson indicated that the commission approved the idea at the last meeting that the motion would  
215 be based on documentation being provided that states the new Tim Horton's store has to be open 24/7.

216  
217 Shakeer stated that the tenant owns 5 other Tim Horton stores, all of which are open 24 hours per day, 7  
218 days per week. Tim Hortons went through new requirements, and they now have bakers present on site  
219 from 12:00am-6:00am. Their business model is to keep the drive thru open 24/7 to pay the wages of  
220 bakers throughout the night. They are willing to abide by the township's sound requirements, but will lose  
221 Tim Horton's as tenants if they don't get the 24/7 drive thru. There were no regulations in the  
222 Neighborhood Mixed Use, so he assumed this would not be an issue. They will have good sound barriers  
223 as to not affect their tenants or others.

224  
225 Mr. O'Neil stated that they conveyed to Taco Bell and Tim Horton's the lowest number of sound, which is  
226 45 decibels from 9:00pm-6:00am.

227  
228 Mr. Anderson again questioned why the issue of 24 hour operation never came up before the last  
229 meeting. Shakeer stated the ordinance is silent on this and they were not aware. Mr. O'Neil noted that  
230 most Tim Horton's are open 24 hours, with the exception of the White Lake location.

231  
232 Mr. Ruggles stated there is not much traffic from 9pm-6am and he is not opposed to the 24 hour  
233 operation.  
234

235 Ms. Grubb does feel this is a disservice to the residents, but she is ok with this since it will be random  
236 traffic. With regard to sound, the lake owners have concerns with sound traveling over the lake. She  
237 thinks additional trees will help offset this.

238  
239 Mr. Anderson stated the residents will be sleeping and he is thinking more of the value of the property  
240 and doesn't want to see units sitting vacant.

241  
242 **Ms. Novak-Phelps moved to find that we allow the Tim Horton's to operate a 24 hours per day, 7**  
243 **days per week drive thru and make all effort to mitigate all noise up to and ongoing, and adhere to**  
244 **the maximum allowed decibels of 45 for the entire site from 9:00pm to 6:00am per the Zoning**  
245 **Ordinance. Mr. Meagher supported and the MOTION CARRIED with a roll call vote: Anderson –**  
246 **no; Carlock – yes; Grubb – yes; Ruggles – yes; Novak-Phelps – yes; Meagher – yes. (5 yes votes,**  
247 **1 no vote)**

248  
249 **New Business:**

250  
251 a. Zoning Ordinance Amendments Discussion

252  
253 Mr. O'Neil indicated that a few months ago, there were issues with some zoning ordinance violators with  
254 illegal home operations. This came to the board with enforcement issues. The board wanted the  
255 Planning Commission to look at this further. The goal is to possibly amend the ordinance to allow home  
256 occupations, but some businesses should be limited to large acre parcels and not in residential  
257 neighborhoods, i.e., SF and AG parcels with a Special Land Use to allow the township to place  
258 restrictions on acreage and buffers, hours of operations, etc. and to keep any nuisance from neighbors.

259  
260 Ms. Carlock indicated there is a business on her street that has a lot of employees. Mr. O'Neil stated they  
261 are in violation. The intent of home occupation is there is little knowledge there is anything going on at  
262 that residence. We want to keep current home occupation in the ordinance as is, and create a new  
263 special class where they have to come in with a layout of the property showing what they want to do. We  
264 can give them an avenue to get approval. The goal is to make sure they are not a nuisance to the  
265 neighborhood. This is an ancillary use and they would all be required to get a Special Land Use  
266 approval.

267  
268 Mr. Elliott continued that home occupations are carried on by people who live there and use the home for  
269 some business activities within. A Class 2 home occupation can have employees and they can use  
270 buildings that are dedicated to use other than strictly residential use, i.e. accessory buildings. Those are  
271 then Special Land Uses that require a site plan and discretionary approval. The site plan requirement  
272 has the added benefit of being a regulatory document that shows how the property is to be operated.  
273 Staff can check and make sure it is being used as described.

274  
275 When amending the ordinance, things to be considered are whether you'll allow anything outdoors; can  
276 commercial vehicles come through the property; criteria for nuisance; performance standards; can  
277 anything be sold from the property; and hours of operation, to name a few. If the idea is to allow in AG  
278 and SF, what size parcels prevail in those districts and look at what's there that you want to allow to  
279 continue or not and do the aspects of the use seem reasonable? You can set hard and fast rules, but is it  
280 better to set discretionary standards.

281  
282 Mr. O'Neil stated the township will have people coming here trying to seek out properties, and we can  
283 provide an avenue for those to get approval. He would rather over correct and be conservative and see  
284 where we are at in a year or so.

285  
286 The board wants the commission to figure something out to allow some of these that aren't a nuisance,  
287 while enforcing those that are. Most in violation have lived here a long time. We don't want to encourage  
288 new uses, but we don't necessarily want to throw them out of town.

289  
290 Karen, a resident of the township, stated there is a big difference with some of the uses here. The  
291 question should be who's benefiting from the use. Taxpayers? The township? How is the use benefiting  
292 the community? As an example, boat storage only affects traffic twice a year. She feels this is a big task  
293 for the commission. North of M-59 is mostly affected. She would like to see an environmentally sound

294 thing put together. She complimented Mr. Ruggles on his contribution to the community. On another  
295 note, she would like to see more pathways and connectivity in the township.  
296

297 Mr. Anderson suggested a joint session with the board.  
298

299 Mr. O'Neil stated the goal is to circulate and discuss this over the next few months and get public input.  
300

301 **Liaison Reports:**  
302

303 Ms. Novak-Phelps reported they will see 2 cases next week, one that was tabled at the last meeting.  
304

305 Ms. Grubb reported Parks & Rec had a visioning session last Wednesday on what they would want or not  
306 want in the township; what the township does well and what could be better. The group voted on  
307 priorities and created a wish list for projects if funding was not a factor. There were a lot of good ideas.  
308 Survey monkey is still open for another week or so. Info will be compiled and reviewed at the next  
309 meeting.  
310

311 Mr. Ruggles reported that the board closed on the property at M59, they swore in a new officer, and  
312 leased a new copy machine.  
313

314 Mr. O'Neil reported that Mr. Iacoangeli was promoted to Senior Planner. He's been doing a great job and  
315 assumed many added responsibilities over the years without being recognized.  
316

317 Construction started on Ulta/Hobby Lobby.  
318

319 **Communications:**  
320

321 **Next meeting dates:**

- 322 • Regular Meeting – June 1, 2017
- 323 • Regular Meeting – June 15, 2017

324 **Adjournment**  
325

326 **Ms. Novak-Phelps moved to adjourn the meeting at 9:17 p.m. Ms. Meagher supported and the**  
327 **MOTION CARRIED with a voice vote. (6 yes votes)**