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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Dublin Community Senior Center 685 Union Lake Rd. White Lake, MI 48386 May 4, 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. Fine and Mr. Ruggles were excused.

Steve Anderson - Chairperson

Merrie Carlock Debby Dehart Mark Fine - Excused Rhonda Grubb - Secretary

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

Peter Meagher

Gail Novak-Phelps - Chairperson

Sean O'Neil, AICP, Community Development Director

Lynn Hinton, Recording Secretary

Visitors: 27

Also Present:

ROLL CALL:

Approval of Agenda

Ms. Novak-Phelps moved to approve the agenda as presented. Ms. Carlock supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Approval of Minutes

a. March 16, 2017

Mr. Lewsley moved to approve the minutes of March 16, 2017 as submitted. Ms. Novak-Phelps supported and the MOTION CARRIED with a voice vote. (7 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.

Randy Knox, 8549 Cooley Beach Drive, White Lake, is concerned with water runoff from this development into Cooley Lake. He is urging the commission to call for a retention pond on this site. He referenced Independence Village, who has a fountain feature with their retention pond.

James Goff, 1411 Union Lake, White Lake, stated that his property is just north of where this development will be. He asked if there would be a fence or trees separating their property from his. Also, he does not want a thoroughfare through his property. Mr. O'Neil indicated that Mr. Goff's

property has been used as residential, but zoned commercial and doesn't have the same landscaping requirements. Mr. Anderson stated that the commission will review this when they discuss the landscape plan at final approval. Mr. O'Neil noted that the applicant would be on the June 1 or June 15 agenda for final site plan review. Mr. Goff asked what kind of material would be used for the buildings. Mr. Martinuzzi responded that the buildings would be constructed of brick and steel, no siding. He showed Mr. Goff elevations of the building.

Mr. Clauder, 8145 Springdale, White Lake, state his concern is with them providing a barrier between their development and Weatherstone. Mr. O'Neil indicated that his office has met with other residents of Weatherstone on this same issue. The developer will plant trees to buffer from the parking lot. Mr. Lewsley added that Mr. Clauder could go to Planning Department and discuss this further with the staff.

Mr. O'Neil reported that a few key things have happened since the last meeting. The developer has reduced the number of units by 3, per the Township Board, which reduced the number of parking spaces required, and banked spaces were pulled out. Mr. Martinuzzi added that they have done 4 parallel parking spaces to have a nice 20-25 ft. buffer for trees, and they did not go into the buffer between them and Weatherstone.

 Mr. Danto, 8402 Sable, White Lake, asked what the maximum height of the buildings would be and whether that has changed. Mr. O'Neil indicated that there is a maximum height requirement for the zoning and the applicant was granted a variance to decrease the height. They are proposing 2-3 story units with underground parking, and there is no issue with height.

Public Hearing:

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: Applicant:

1) Special Land Use 4 Corners Square, LLC

Randy Martinuzzi

29580 Northwestern Hwy, Suite 1000

Southfield, MI 48034

Mr. Anderson indicated that the purpose of the meeting tonight is to consider Taco Bell and Tim Horton's request for a drive thru and outdoor seating, to discuss noise and light and how it will be buffered or screened, and to determine the hours of operation.

Mr. Martinuzzi began by noting that Tim Horton's is a private owner and he personally would address questions from the public on his behalf.

With respect to outdoor seating, this is NMU and the idea is to create a community within a community and set a standard on the corner that neighboring communities could follow. They were asked to put park benches along Cooley Lake Road and possibly within the site. They were also asked by the Board of Trustees to make sure they have pedestrian friendly walking paths throughout the site.

On the site plan, they have proposed a restaurant on the corner with a 1,500 sq. ft. patio. There are 2 other patios in the strip center. Tim Horton's would be using one and the other could be used for a few benches or future use by a tenant. Taco Bell also has an area for outdoor seating within their site plan. These outdoor seating areas are more ancillary as opposed to serving patrons and did not require more parking.

Mr. Carlock asked if there was seating on the sidewalk in front of Tim Horton's. Mr. Martinuzzi confirmed there was a small area for outdoor seating and that everything proposed has met ADA compliance. Ellen,

the Taco Bell representative, stated Taco Bell would have a few benches and an umbrella, no tables and chairs.

With regard to the drive thru's, Mr. Martinuzzi stated that the Tim Horton's franchise agreement requires him to be open 24 hours and maintain the drive thru 24 hours a day. Tim Horton's starts to get busy at 4:30 am, with the peak hour at 6:00 am. Taco Bell originally wanted a 24 hour business, now they are requesting a 6:00 am opening and a 4:00 am close.

Mr. Martinuzzi continued that they have been asked to do many things since they first came in with a conceptual plan. They are at 60% detention for all surface groundwater that goes into lake and are now asked to put in 4 treatment centers for the water on anything that is being released. They have the DEQ/BP issue and they are doing everything in their power. They are seeking help from Oakland County Health Department to get closure of that site. The way they can do all this is by getting tenants. With respect to Tim Horton's and Taco Bell, he is asking that the commission grant the request for 24 hour ability to have the drive thru open. Barriers are important, and he understands that.

Mr. Martinuzzi stated that the Township Board also requested them to move the dumpster from the east corner to the west, which gives a 6 ft. barrier. The dumpster will absorb sound. This is not just a flat wall; there are nooks and crevices that will also absorb sound. There is a 35 ft. building between this development and Weatherstone and there will be Zero impact to anyone outside of their site. He has been assured by Tim Horton's and Taco Bell that the boards are state of the art. Plus, the decibels will go down at night. He noted that there is a McDonalds ¼ mile to the east that is open 24 hours. Tim Horton's has made it clear that it is important they be able to compete with McDonalds. This corner will be here for many years and restrictions on this center may not bode well. Waterford has already given a 24 hour drive thru and he hopes everyone else will match off this project. He added that the project is at \$16 million and they need these leases to make this go.

Mr. Anderson stated that when he looks at business plan, he looks at impact. This is first time this commission has heard of the 24 hour request. We've been talking about this for a year and he questioned why at the last moment Mr. Martinuzzi is bringing this up. Mr. Martinuzzi stated he assumed it was understood what the requirements were. There is a Tim Horton's on M-59 and he did not expect this to be an issue.

Mr. O'Neil stated that White Lake Township has 2 McDonalds, only one is open 24 hours. The Tim Horton's on M-59 is open from 4:00 am to 11:00 pm. Mr. Martinuzzi indicated that the 24 ours for Tim Horton's may not have been anticipated. There won't be as much traffic at this corner which is why they may need the 24 hours. You have to push product to make the lease work.

Mr. Anderson opened the public hearing at 7:52 p.m.

Pam Isson, 8199 Springdale, White Lake asked whether there would be a full service restaurant in addition to Tim Horton's and Taco Bell and Mr. Martinuzzi confirmed there would.

James Goff, 1411 Union Lake, White Lake, said there are 4 addresses on the notice and asked if there would be 4 drive thrus. Mr. O'Neil explained that there are 4 parcels that make up the lot. There are only 2 drive thrus being proposed. Only Tim Horton's and Taco Bell are asking for a drive thru operation. The Special Land Use attaches to the site plan and can't be deviated from. Mr. Goff is still concerned with traffic, it is 29k per day currently and will increase with 24 hour business. He feels this is too big for this corner and the residents just want a fair chance.

Pauline Whitworth-Smith, 8741 Cooley Beach, stated that she looked at the traffic report and delay in the lights, and she is trying to understand this because of the drive thrus. There are D, E and F ratings and this operation will triple the waiting time. These are reactive lights and they will hold the people trying to make a left from Union Lake to Cooley Lake. They've been dealing with this and the Road Commission has said that nothing will be done. Also, people like Taco Bell, just not in this location. Other locations would not have the traffic implications. From the 2 traffic reports done this will add 448 new trips per day, and a project total of 2,913 trips per day. She asked the commission to keep in mind what it can do. You don't have to have the drive thrus.

 Dave Hammineck, 8794 Charbay, indicated that he has been to several meetings. The conclusions are optimistic but lack any way of verifying the assessment. Where is the evidence that the shape of the building will absorb sound? The sound will bounce off the lake. He questioned what the hours of operation would be for the full service restaurant, will they service alcohol, and will there be restrictions? Will lighting be compliant and downward directed? The new tenants will be so called luxury. He wouldn't think people would pay for luxury backed up to Tim Horton's and Taco Bell. Someone wanting a luxury experience will not move next to two drive thrus. He would like to see examples of where this has worked before.

Greg Styrna, 1537 Sable, Commerce, is concerned with public safety. People almost get hit just walking across the street to CVS, and now traffic will double.

Pauline Whitworth-Smith commented that the Master Plan is nice and she wished this development looked like that. She asked who the restaurant would be and who would want to be in the restaurant with the other two being open those late hours. People will sit outside enjoying cocktails and something else will go along with this very visible property. She asked the commission to be mindful of the Master Plan and how important this area is.

Randy Knox, 8549 Cooley Beach, mentioned that less than 1/8 mile away is Colony Ridge being built and they have a retention pond in the back. Also, a development on Williams Lake Road has a detention pond with a fountain. Independence Village has a fountain and benches. He would like them to really consider a retention pond and also reduce the number of units from 80 to 60 with a lowered height. "This will impact the lake for a century, please don't let this happen."

With no other comments, the public hearing was closed at 8:11 p.m.

Mr. Martinuzzi addressed the concerns from the public.

He confirmed that there would only be 2 drive thrus. Regarding height, this is a NMU and they did not require a variance, nor did they get close to meeting the variance, but they kept the height down. There are multiple tall buildings along Cooley Lake Road. He confirmed there would be a full service restaurant and they are working on conceptual plans, but it would not be anything less than what has been presented.

With regard to pedestrian traffic, Oakland County redid the corner and put in pedestrian traffic crossing. With this development's site plan, they doubled sidewalks within the center so they have full pedestrian movement around without having to go through the parking lots. He noted that they took every request and requirement from the Township Board and addressed those issues.

They are making an investment and there is a significant landscape plan. LED lighting will be directed down. They will make this site work and make the commission happy when they come in for final. The engineer has redone everything from the original proposed to deal with detention due to mandates from the township and the DEQ.

Mr. Martinuzzi stated that they have to have a national tenant. If Tim Horton's backs out, this would stall the project. He hopes the commission can give what they are requiring.

Regarding sound masking, Mr. Martinuzzi stated that with technology today, they will be able to reduce the decibels as required and they will meet the ordinance. The building masonry has sound block and certain materials will absorb. This is a non-factor for Weatherstone. Tim Horton's does not face the lake and there are 30 ft. buildings between the two developments. He doesn't think there will be any impact.

Commissioner Comments:

Ms. Dehart asked about the sound from Tim Horton's and whether the trees at each end of the island would also buffer the sound. Mr. Martinuzzi confirmed that there are trees in every island with evergreens or arborvitaes. The entire east/west has bushes and a significant amount of trees to help with light and noise.

236 Ms. Grubb stated she is not keep with 24 hour service. There will be drive thrus and through traffic.

Mr. Lewsley stated he was taken by surprise with the request for 24 hour service at Tim Hortons. He understands that the franchisee has an agreement with Tim Horton's to have the store. He questioned whether there would not be a Tim Horton's if they can't have a 24 hour operation. If there is a 24 hour drive thru, there has to be restrictions and concessions with sound and light. With regard to sound block, there has to be masonry to absorb sound. They will also need something towards the lake to curtail the sound. Mr. Martinuzzi stated he could install 10 ft. evergreens to cover the area temporarily, and he is acceptable to this.

Mr. Anderson noted that the owner of Tim Horton's has 3-4 stores and they are not corporate stores, but owned by the individual. He went to the website which states corporate stores have to be open 24 hours. He questioned whether this was changed. Mr. Martinuzzi stated that Tim Horton's is eliminating corporate stores. They went through major restructuring and they are pushing franchises. Ellen from Taco Bell added that Taco Bell will still have corporate stores but they are franchising too. Mr. Anderson stated that whatever the franchise agreements are, he did not see any indications that it has to be a 24 hour operation. This has to be related to an agreement and not dictated by corporate to the franchisee. It would have been nice to know this well in advance.

Ms. Novak-Phelps feels this is an additional benefit to the area. We can't tell who will move into this unit, but regardless, this will be a nice buffer between retail and the community to the north. She likes that Mr. Martinuzzi is dealing with the contamination. Another restaurant with outdoor seating will be nice addition to White Lake. Regarding comments on the Master Plan, there were public visioning sessions and the residents talked about a development like this on this corner. The developer is addressing this for what it is zoned. If there are problems with traffic and cut thrus, she urged residents to contact the police. They will put a police car on the corner and they will start issuing tickets for illegal turns, etc.

Ms. Carlock moved in File 17-004, 4 Corners Square, to approve the proposal for outdoor seating at Taco Bell, the retail plaza, and the future restaurant pad. Ms. Novak-Phelps supported and MOTION CARRIED with a roll call vote; Anderson – yes; Carlock – yes; Dehart – yes; Grubb – yes; Lewsley – yes; Meagher – yes; Novak-Phelps - yes. (7 yes votes)

Mr. Lewsley stated that in lieu of the fact we have another Taco Bell and Tim Horton's in the community with different hours of operation, the commission could approve the Special Land Use for the current hours of operation and empower the Planning Director to adjust those hours if documentation is provided by the franchisee that they are required to have their drive thru open for a longer period of time. Also, if we have issue with volume and noise that it be reviewed by the department and adjusted accordingly, with additional sound buffering installed at the location of the future restaurant until such time restaurant is there.

Ellen from Taco Bell, 520 S Main, Akron, OH, stated she has been here on behalf of Taco Bell since the beginning. She cannot produce any documentation for required hours for a franchisee. The White Lake Taco Bell's hours are Sun-Thurs 7:00 am to 1:00 am and Fri-Sat from 7:00 am to 3:30 am. She is requesting the commission to consider the hours of 6:00 am to 1:00 am Sun-Thurs and 6:00 am to 3:30 am Fri-Sat.

Mr. Lewsley moved in File 07-004, 4 Corners Square, to approve the Special Land Use for a drive thru for Taco Bell, conditioned upon the reduction of sound and light to meet ordinance requirements at the times specified and for the drive thru to operate from 6:00 am to 1:00 am Sunday through Thursday; and 6:00 am to 3:30 am Friday and Saturday with appropriate sound buffering being put in place by the developer, and other issues in the future be addressed by the Planning Director. Novak-Phelps supported and the MOTION CARRIED with a roll call vote: Meagher – yes; Dehart – yes; Lewsley – yes; Anderson – yes; Carlock - no; Novak-Phelps – yes; Grubb – yes. (6 yes votes; 1 no vote)

 Mr. Lewsley moved in File 07-004, 4 Corners Square, to approve the Special Land Use for a drive thru for Tim Horton's, conditioned upon reduction of sound and light to meet ordinance requirements at the times specified and for the drive thru to operate from 4:00 am to 12:00 am unless the franchisee presents a copy of an agreement dated before today that there must be a 24

hour drive thru window seven days a week. And that a temporary buffer be installed on the restaurant pad until the restaurant is constructed; and also any issues with noise even though it meets ordinance, be brought to Planning Director's attention. The MOTION CARRIED with a roll call vote: Meagher – yes; Dehart – yes; Lewsley – yes; Anderson – yes; Carlock - no; Novak-Phelps – yes; Grubb – yes. (6 yes votes; 1 no vote)

b. File No. 17-006 Lake Pointe

302 Location: 303

Located on the northeast corner of Union Lake Road and Carpathian, currently zoned Single Family Residential (R1-C) and Local Business (LB), identified as parcel numbers 12-36-177-002 (983 Union Lake Road), 12-36-177-003, consisting of approximately 13.32 acres.

306 Request:

1) Rezone from Single Family Residential (R1-C) and Local Business (LB) to

Planned Development (PD)

2) Preliminary Site Plan Approval

Applicant:

DG Residential Sales, LLC

George Verstraete PO Box 1265

Birmingham, MI 48012

Mr. O'Neil stated that by law signs regarding a public notice have to be up 15 days prior to the public hearing and in this case, they were not up in time to take action this evening. We will go cover comments, hear from the applicant, have the public hearing, and answer questions, but the Planning Commission will suspend the public hearing until May 18 until all notification requirements have been met.

Mr. O'Neil indicated that the applicant has revised and resubmitted their plans. This is an appropriate use from a planning standpoint to have senior type housing, and this is a use the township needs. This plan is still in the preliminary stage and there is not a lot of detail on landscaping. We will be having this same conversation in two weeks.

Cliff Seiver of DG Residential Sales and Jack Nelson, the project engineer, were present to address the board. Mr. Seiver stated that this project was in front of the Planning Commission 12 years ago proposing an 89 unit condo development, and the maximum density allowed was 91. In October of 2005 the Township Board reached a consensus of 78 units, which was a big reduction for them. They have come back 12 years later proposing 57 units, a reduction from what the board was comfortable with in 2005. The units are larger, ranging from 1,450 to 1,800 sq. ft. They are mostly 2-bedroom with an optional 3-bedroom unit.

Comments from J&A were that they were less excited with the retention system. They wanted them to explore storm water outlets. He brought up Cooley Lake, and was told that was not a good idea. After that meeting, they concluded to not let water leave the site. They found sandy soils, and for a 100 year storm, they can dewater the in a few hours. The pond size on this site is very large. They tried to do a few things to reduce density.

The entrance is a boulevard with an additional 60 ft. of width on each side, or 180 ft. opening with landscape area adjacent to the boulevard. They left open space to give a more open feel as you enter the development.

The consultant's concern was with the units backed up to Union Lake and Carpathian. They added a berm and additional landscape screening. They also made those units smaller by making them duplexes so they look more like a house rather than a long building. They added the extension of sidewalks to create a network with Independence Village. A walkway connection between the two will allow residents to visit back and forth. They made a significant effort to reduce density by 27% from the board's original approval.

 Ms. Novak-Phelps asked Mr. O'Neil what the maximum number of units are for having only one entrance. Mr. O'Neil stated the Fire Department does not have an issue because they are proposing a boulevard with two wider lanes.

Ms. Carlock asked what elevation the water level would be maintained at. Mr. Seiver stated they have a stone area and there would not be a permanent water elevation. Ms. Carlock feels it will be difficult to maintain and to look at a pond. Mr. Seiver felt a pond would be small. They could put in a clay liner, but J&A might not want that. Ms. Carlock feels a stone area will be a disaster.

Ms. Dehard asked if all the units would be ranch construction. Ms. Seiver stated they would have basements and the optional 3^{rd} bedroom units will have the upper level.

Mr. Lewsley would like to see detail at final on recreation areas and would also like to see something more than grass in the corner. Mr. Nelson noted that when they sell 50% of the units, they get the association involved and ask the residents what they want. They want to keep their clients happy and get their input.

Mr. Meagher asked what the current township guidelines were on sidewalks. Mr. O'Neil indicated that the standard is to have sidewalks on both sides of the street, but with a Planned Development, you have flexibility.

Mr. Anderson opened the public hearing at 9:32 p.m.

Mr. Danto asked what type of material would be used.

Bob Lowers, 915 Bocavina, asked what the base price would be. They would like to see some nice play areas so these residents would not be using their areas.

Louise Parker, 903 Roman Drive, would like to see a berm with trees to buffer noise. It's quiet and they want to keep it that way.

Kathy Glick, 8516 Tarro Lane, asked how tall the units would be with the 3-bedroom units.

With no other comments, the public hearing was suspended and carried over to the May 18, 2017 meeting.

Mr. Sievert addressed comments from the public. He indicated that the building would be brick construction.

Mr. Nelson indicated that the base price is \$260k, but he can't promise that will be the price 2 years from now. They are looking at baby boomers downsizing and they want to keep it very nice. There will not be any 3 car garages. People will have the option of having a 3rd bedroom or loft upstairs, but looking from the front of the house you wouldn't be able to tell. There will not be a club house or pool.

Mr. Sievert stated the height is measured on a pitched roof, putting most units at 26 ft. Carpathian makes their development 22 ft. lower so Bocavina residents will be looking at rooftops.

Ms. Novak-Phelps moved to table File 17-006 rezoning from (R1-C) Single Family Residential and (LB) Local Business to (PD) Planned Development, and the Preliminary Site Plan approval and carryover the public hearing to May 18. Ms. Grubb supported and the motion carried with a roll call vote: Meagher – yes; Dehart – yes; Lewsley – yes; Anderson – yes; Carlock - yes; Novak-Phelps – yes; Grubb – yes. (7 yes votes)

Liaison Reports:

Ms. Novak-Phelps was not present at the meeting, but reported that one case was tabled at the last meeting and will be on the agenda this month.

Ms. Grubb reported that there was not a quorum at the last meeting. There is a public visioning session at the Dublin Center on May 10 to discuss recreation in the township.

Mr. Ruggles was not present to give a report.

413 414 415 416 417 418	Mr. O'Neil reported that the Township Board purchased the parcel off Elizabeth Lake Road after many years of trying. The parcel is 22 acres. The library recently purchased 7 acres to the north of this. The township paid 1.6 million, at which 1.2 million was from the sale of the farm and property across from Meijer; and the library paid 750k for their parcel.
419 420 421	They are also looking at a 2-tiered Home Occupation Ordinance, having a minimum of 10 acres for SF and AG and to impose restrictions and have isolation distances. The township needs standards for these types of businesses to follow.
422	types of businesses to follow.
423	Also noted is that Redwood had their pre-con meeting; Kroger is wrapping up their project; Cedar Meadows is building; and Brooks Elementary is closing.
424 425	Meadows is building, and brooks Elementary is closing.
426	Communications:
427	Next weating dates.
428	Next meeting dates:
429	Regular Meeting – May 18, 2017 Resular Meeting – June 1, 2017
430	Regular Meeting – June 1, 2017
431	Adjournment
432	Ms. Novak-Phelps moved to adjourn the meeting at 9:53 p.m. Ms. Carlock supported and the
433	
434	MOTION CARRIED with a voice vote. (7 yes votes)