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WHITE LAKE TOWNSHIP

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WHITE LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting
7525 Highland Road
White Lake, MI 48383
June 5, 2014 @ 7:00 p.m.

Ms. Dehart called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called: Mr. Meagher and Ms. McNulty were excused.

Ms. Novak-Phelps moved to appoint Mr. Lewsley to act as temporary Chair for this meeting, in the absence of the Chair and Vice Chair. Mr. Anderson supported and the MOTION CARRIED with a voice vote. (7 yes votes)

ROLL CALL: Steve Anderson
Matt Carr
Debby Dehart, Secretary
Rik Kowall, Board Liaison
David Lewsley
Sarah McNulty, Vice Chairperson - Excused
Peter Meagher, Chairperson - Excused
Gail Novak-Phelps
David Pegg

Also Present: Sean O'Neil, AICP, Community Development Director
Greg Gucwa, Township Engineer
Lynn Hinton, Recording Secretary

Visitors: 8

Approval of Agenda

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

Approval of Minutes

- a. March 20, 2014
- b. April 17, 2014

Mr. Anderson moved to approve the minutes of March 20, 2014 as submitted. Mr. Kowall supported and the MOTION CARRIED with a voice vote. (7 yes votes)

Mr. Anderson moved to approve the minutes of April 17, 2014 as submitted. Ms. Dehart supported and the MOTION CARRIED with a voice vote. (7 yes votes)

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

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

61
62 **Continuing Business:**

- 63
64 a. File No. **13-017 Ivy Glen Park (fka Whispering Forest)**
65 Location: Property described as parcel number 12-36-426-023, located on the west
66 side of Williams Lake Road, just north of Cooley Lake Road, consisting of
67 approximately 12.74 acres.
68 Request: 1) Final Site Plan Approval
69 2) Planned Development Agreement
70 Applicant: BPH Development
71 Mr. Craig Piasecki
72 376 Beach Farm Circle #231
73 Highland, MI 48357
74

75 Mr. O'Neil reviewed Mr. Birchler's report. Birchler Arroyo has done two reviews of this file, May 9 and
76 May 23, and he believes this is eligible for Final Site Plan approval subject to the applicant illustrating the
77 conservation easement on the site plan and providing a new Article in the Development Agreement with
78 appropriate descriptive language to protect the open space/common element. This should be delineated
79 very clearly with regard to the common area that is lasting and attractive and no encroachment into that
80 area.

81
82 Mr. Gucwa reviewed his report. The majority of items have been addressed, with the exception of
83 permanent electrical service at the pump station. Mr. O'Neil noted that easements are in place and
84 issues from building official and engineer have been addressed with regard to sanitary hook up and
85 electrical service. The site plan will attach to the Planned Development Agreement (PDA) for reference
86 purposes. He added that there is an existing walnut tree near the closest neighbor to the development
87 and that neighbor has asked if it were possible to save the tree. The developer stated the tree sits 40 ft.
88 into his property line and has a 50 ft. canopy. It doesn't appear it can be saved.

89
90 Regarding the PDA, Clearzoning had 2 provisions listed in their May 23, 2014 review. First is the
91 maintenance of storm water. The pumps will operate as needed. Secondly, a new Article should be
92 added for the conservation easement and designated open space, and the area it will protect. The
93 applicant can leave the date blank until this is granted.

94
95 Mr. O'Neil gave a brief summary the township attorney's review. A few items of importance are that the
96 applicant should provide a document of title commitment; and they must provide all necessary
97 easements. With regard to the requirement for a traffic assessment and community impact statements,
98 both could be waived since there would not be a traffic impact outside of what it could have been
99 developed originally. If waived, a statement to that respect should be added to the PDA. The applicant
100 also needs to add the dates that the plan was first considered, the date of the public hearing, and recitals
101 that the PDA be executed between parties. There are also some minor housekeeping issues with the
102 language, i.e., typos. The developer cannot deviate from the standards in the PDA and must comply with
103 township ordinances, except where otherwise stated in the PDA.

104
105 Mr. O'Neil added that there are references to maintenance being done by developer and the
106 Homeowners Association in other places in the PDA. As long as the developer is in control they are
107 responsible, and when the Homeowner's Association takes over, then they are responsible. This is
108 critical and needs to be stated in the PDA.

109
110 An Escrow deposit of 15% will be required and held in escrow by the township for the total cost of a
111 permanent pump for the storm water system. The applicant will get that information to the township
112 engineer when they get the total cost. No one expects the pump to fail however, 15% feels adequate in
113 case the township has to pump at any time in the future.

114
115 Mr. Lewsley asked whether the 15% would remain in escrow or if it is intended to be a bond. Mr. Kowall
116 felt it was in escrow as seed money and somewhere in the agreement they should have a dollar amount
117 per year going into the fund as part of their dues, so within the 10-12 years when failure is a greater

118 possibility, the money will be there. He would like this added to the PDA. Mr. Anderson asked if the
119 agreement should also state a certain time period, and whether there will be enough money to handle this
120 10-15 years from now. Mr. Kowall stated the total amount of the equipment could be divided by the
121 number of parcels to get a balance.
122

123 Mr. Lewsley sees a potential problem with this strategy. We're hoping the temporary arrangement will
124 work, and a permanent pump is never needed. Mr. Kowall replied that in event of non-use of this pump, a
125 clause could be added that if more money is in there, it could be used to maintain the system, and any
126 shortfall could be handled with an SAD. This is unlikely, but there needs to be a failsafe device in place
127 to protect the homeowners.
128

129 In summary, the township wants to see an escrow account established with 15% of the total cost of a
130 permanent pump, and the escrow account could be used by the Homeowner's Association after the
131 developer turns over to the association for purposes of renting, maintaining pump station and retention
132 basins, or putting in a permanent pump. Mr. O'Neil added that the timing for collection could be no earlier
133 than the pre-con, and no later than the issuance of the first C of O on the first home.
134

135 Regarding a model home on the site, Mr. O'Neil stated his office will discuss this further with the
136 developer. They have to be reasonably well along with the development. The township will collect a new
137 punch list, and allow permits to be issued, with a bond in place of 125%.
138

139 The attorney for the developer, Bruce Hutt, stated he does not have any problems with what is being
140 asked by the Commission.
141

142 Resident Diana Miller, 8060 Casa Mia, stated she owns the home behind the proposed retention basin.
143 She feels there is a lot of discussion about the temporary pump and having funding for a permanent one.
144 She feels a permanent pump should be put in from the beginning. The retention goes into her property
145 and she is concerned with flooding issues, especially with her septic field. There is a clay boundary that
146 comes into her property at her septic field. Once the houses are built and trees are removed there will be
147 a lot of runoff. Ms. Novak-Phelps asked Mrs. Miller whether her septic has failed since she's been there
148 and Ms. Miller stated that it had not, but they reworked a few areas and emptied the tank in lieu of having
149 a new field put in. She added on another note, that she has seen what is being proposed for landscaping
150 and requested it be changed to have decorative tall grasses or something natural. Pine trees would be
151 killed with fungus and shrubs are constant maintenance. Mr. Lewsley felt this could be addressed in the
152 final construction plans.
153

154 Mr. O'Neil addressed Mrs. Miller's suggestion of putting a permanent pump in. The discussion was that
155 the developer didn't want to do a permanent pump because a temporary pump will function with no
156 problems. Johnson & Anderson is also comfortable with this. They are putting in the overflow system
157 minus the pump, and groundwork has already been laid out. The developer has gone above and beyond
158 what is required by the ordinance. At this point, the Board is approving of the design and the 15%. He
159 also feels decorative grasses sound less expensive and could be a viable option.
160

161 Ms. Dehart asked for more discussion on the conservation easement. Mr. Lewsley noted that it's a
162 condition of the final PDA. They have to illustrate the open space of the conservation easement on the
163 site plan. Ms. Dehart also stated it's important that it's referenced in the documents that they can't touch
164 the easement and it should be linked between the PDA and condo by-laws and master deed.
165

166 **Ms. Novak-Phelps moved in File 13-017 Ivy Glen Park to approve the Final Site Plan with all**
167 **conditions set forth from the township consultants and the Community Development Department.**
168 **Mr. Kowall supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Novak-**
169 **Phelps – yes; Kowall – yes; Pegg – yes; Lewsley – yes; Carr – yes; Dehart – yes (7 yes votes)**
170

171 **Ms. Novak-Phelps moved in File 13-017 Ivy Glen Park to recommend approval of the Planned**
172 **Development Agreement by the Township Board subject conditions by the Community**
173 **Development Director and township consultants; that the traffic assessment and community**
174 **impact statement be waived; that there be a 15% escrow account arrangement for maintenance**
175 **and provision of a temporary pump and possibility of a permanent pump and that the developer**
176 **and the homeowner's association be required to maintain funding at that level; and that the**

177 language clarify the responsibilities of the development with the developer and the homeowner's
178 association for maintenance of the pump and retention ponds; and any reference to the developer
179 would carry over to the homeowner's association; that the Planned Development Agreement be
180 referenced in condo association's master deed and bylaws; and that there be a delineation of the
181 open space conversation agreement on the final site plans referenced within the Planned
182 Development Agreement. Mr. Anderson supported and the MOTION CARRIED with a roll call vote:
183 Anderson – yes; Lewsley – yes; Kowall – yes; Novak-Phelps – yes; Carr – yes; Pegg – yes; Dehart
184 – yes. (7 yes votes)

185
186 **New Business:**

- 187
188 a. Presentation by Dr. Lance Stokes and Mr. John Wischman regarding parcel number 12-25-226-
189 008, located on the north west corner of Summit Ridge and Williams Lake Road, consisting of
190 approximately 3.58 acres and is currently zoned Planned Business District (PBD).

191
192 Dr. Stokes gave a powerpoint presentation on a proposed project, Residential Upscale Self Storage. He
193 gave a brief overview of the area south of Elizabeth Lake road and West of Williams Lake Road. He is
194 looking for the commission to amend the Planned Business District zoning to allow this type of business
195 in that area. He continued that Residential Upscale Storage is a different concept. It is storage of
196 residential property in an area with pleasant surroundings in a non-industrial area. They are proposing
197 three 1-story structures, each 170x250 ft.

198
199 He reviewed a rendering and if conceptually approved, they would bring back professional engineering
200 plans. He made it clear there would be no outside storage of any kind. A special feature is an
201 impermeable membrane to store couches without having mold set in. They will also have lighting,
202 security, cameras, and fire suppression, but no sanitary facilities on the property.

203
204 He continued that the property was proposed for residential dwellings, and they did make inquiries, but
205 there were inhibitors. There is no sewer to that property; and the document signed by Mr. Sherlock
206 states those requirements. They don't have this within their economic development plan and there would
207 be problems with the number of units that could be put on the property, which limits income. He feels
208 there is a demand for upscale self-storage.

209
210 Mr. Pegg asked what the intended use of the rest of the property would be. Mr. Stokes stated he is
211 opposed to disturbing the ground. They propose stones/gravel and would sustain the green area. The
212 total site is 3.68 acres and they are just using a portion of it on the west side. The area needs work to be
213 evened out and prepped. Mr. Wischman added that they would like to one day put in an apartment
214 building when the sewers eventually come in.

215
216 Mr. O'Neil indicated that he has talked with Mr. Stokes and Mr. Wischman for several months and has
217 told them this is not the best use for this property. The industrial district is the best for what they are
218 proposing. He noted that this property was rezoned to PB, which is not consistent with the Master Plan.
219 All those properties will be on sewer at some point and the applicant could development a multi-unit
220 residential by bringing 360 ft. of sewer to that property. The PB zoning stands alone and Mr. O'Neil would
221 caution the township in moving in that direction. The PB was created to provide a cohesive well-planned
222 out development. Mr. Stokes proposal is contrary to what the PB is designed to do. This site would be a
223 better location for assisted living, etc. He doesn't have a problem with what they want to do, but rather
224 with where they want to do it. There are many retail uses that would be well received and the township
225 wants to push to have something appropriate, needed, and would be willing to bring water/sewer in. Mr.
226 O'Neil opposes a request to veer from PB.

227
228 Mr. Stokes stated they could not be expected to put in sewer the length of a football field. He said the
229 back part of the property is owned by someone else and maybe they would be interested. Mr. O'Neil
230 stated that when commercial property is involved, they extend the water/sewer. Additionally, the
231 township does not allow unpaved parking lots and there has to be storm water facilities, etc. This is just
232 not the right fit for this property.

233
234 Mr. Stokes asked for a vote from the commission on whether it would amend the PB district zoning to put
235 in an upscale storage facility.

236 The consensus from the Commission is that there is no interest to initiate an amendment to the PB
237 ordinance.
238

239 **Liaison's Report**

240
241 Mr. Kowall reported that the township came through the Plante Moran audit with flying colors; millages for
242 the library, police and fire will be on the election ballots; (4) bids were received for putting more parking
243 on the west side of the township hall and changing the landscaping; the township hall is getting a new
244 boiler system; new vehicles have been purchased; and there has been some discussion regarding the
245 Parks & Rec pedestrian bridge along M-59.
246

247 The board also had discussion regarding an amendment to Oakland County's solid waste plan, and a
248 new facility is trying to be set up in Pontiac, which would serve the surrounding communities. The White
249 Lake Presbyterian Church was denied an extension of their permit. The 2014 Fireworks were approved.
250 The Fire Chief requested to update fire equipment. The sewer issue is still not resolved yet because of
251 new information that was presented at the end of their last special meeting. It appears there will be multi-
252 faceted solutions. And lastly, a binder of Annual Departmental Reports was created and is available to
253 any of the commission members for review.
254

255 Mr. Pegg reported that the Parks and Rec signs are going in; the Movie in the Park event has been
256 scheduled; they are making progress with the M-59 pedestrian bridge; and a doggie waste station was
257 installed at Bloomer Park.
258

259 **Consultant's Report**

260
261 Via Mr. Birchler's email dated May 31, 2014, he and Mr. O'Neil attended the National Planning
262 Conference in Atlanta and there were a great number of "take-aways" from the sessions they attended.
263 His newsletter this month summarizes many of the trends that were discussed at this year's conference.
264

265 **Director's Report**

266
267 Mr. O'Neil indicated the "One Stop Ready" email went out yesterday. There are 4 dates available for
268 commission members to select any or all sessions and these could be registered for online.
269

270 The Szott project will be resubmitted next week.
271

272 The township received an \$1,800 grant from DTE to plant trees, at which the township also contributed
273 \$3,000.
274

275 Interest is picking up for development within the township.
276

277 **Communications:**

278 **Next meeting dates:**

- 279
- Regular Meeting – June 19, 2014
 - Regular Meeting – July 3, 2014
- 280
281

282 **Adjournment**

283
284 Ms. Novak-Phelps moved to adjourn the meeting at 9:10 p.m. Mr. Anderson supported and the
285 MOTION CARRIED with a unanimous voice vote. (7 yes votes)