

**WHITE LAKE TOWNSHIP
PLANNING COMMISSION**

Township Annex, 7527 Highland Road
White Lake, MI 48383
January 20, 2022 @ 7:00 PM

CALL TO ORDER

Chairperson Anderson called the meeting to order at 7:01 PM and led the Pledge of Allegiance. Roll was called.

ROLL CALL

Steve Anderson
Merrie Carlock
Mark Fine
Debby Dehart
T. Joseph Seward
Matt Slicker

Absent: Scott Ruggles
Robert Seeley
Pete Meagher

Also Present: Sean O'Neil, Community Development Director
Justin Quagliata, Staff Planner
Lisa Kane, Recording Secretary

Visitors: 40+ members of the public were present

APPROVAL OF AGENDA

Director O'Neil asked that the agenda be amended to remove 10. A. "Election of Planning Commission Secretary" and replace it with "Appointment of Liaisons."

Commissioner Carlock moved to approve the agenda to strike 10. A. Election of Planning Commission Secretary and to add 10. A. Appointment of Liaisons. Commissioner Fine supported and the MOTION CARRIED with a voice vote: 6 yes votes. (Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)

APPROVAL OF MINUTES

- a. Regular meeting minutes of January 6, 2022

Director O'Neil asked that the minutes reflect that Debby Dehart was nominated for the position of Secretary and the motion carried unanimously.

Commissioner Dehart moved to approve the Minutes of January 6, 2022 with the correction that the minutes reflect that Debby Dehart was nominated for the position of Planning Commission Secretary and the motion was supported and carried with a unanimous vote. Commissioner Seward supported and the MOTION CARRIED with a voice vote: 6 yes votes. (Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)

CALL TO THE PUBLIC (FOR ITEMS NOT ON THE AGENDA)

No members of the public spoke.

PUBLIC HEARING

A. **Comfort Care White Lake**

Property described as parcel number 12-36-176-002, located on the west side of Union Lake Road, between Hutchins Road and Cooley Lake Road, consisting of approximately 8.7 acres.

Request:

- i) Rezoning (from (LB) Local Business to Planned Development (PD))**
- ii) Preliminary site plan approval**

Applicant: Comfort Care, LLC
4180 Tittabawassee Road
Saginaw, MI 48604

Mr. Quagliata presented the preliminary site plan which showed a single-story building which contains 40 assisted living apartments and 30 independent living units. The floor plan shows a common area, dining room, salon and theater for the residents.

The Planning Commission recommended waiving the minimum lot size for this project of 10 acres at a prior meeting and the Township Board approved that request in September 2021, allowing this property to have 8.7 acres. The subject site would be served by public water and sanitary sewer systems.

The Master Plan calls for a net density of 2-8 dwelling units per acre and the reduction of 6 units would meet that requirement of the Master Plan.

Staff reviewed the traffic study, there are still some outstanding issues on the traffic study that will be addressed and presented at the next meeting.

Mr. Quagliata stated that waivers were requested for the north 75 foot setback to accommodate a canopy at the front entrance, the rear property line 45 foot setback, for the front property line 20 foot greenbelt requirement, for screening at the rear property line and to reduce the required loading area from three spaces to one.

Staff recommendation is to table both requests so that the revised plans can be reviewed. Once the revised plans have been reviewed, staff will provide a report at the next meeting that summarizes the revisions. The applicant has revised and re-submitted addressing comments in the traffic study and that will be available for Planning Commission review at the next meeting as well.

Mr. O'Neil informed what to expect after a preliminary site plan has been tabled. In order for this project to continue timely, the applicant seeks an extension so that applicant has the opportunity to address the

traffic study and engineering comments. Because of the nature of the requests, public hearings are required therefore will continue at this meeting as planned.

Mr. O'Neil presented DLZ's Engineering recommendations which are dependent on the West Valley site's utilities being available for connection to this project. The Planning Department's recommendations are not co-dependent of the West Valley project, but Engineering's recommendations are. The West Valley site may be requesting an extension for more time from Engineering to evaluate the storm water overflow. A revised plan has been submitted to address all of the Engineering comments.

Commissioner Seward inquired if the public will get an opportunity to comment at the next meeting if they table tonight's vote.

Director O'Neil responded that the public would have the opportunity to speak at the next meeting but they are not required by law to publish again prior to the meeting as they were for tonight's meeting.

Commissioner Anderson asked for the total number of units for memory care & independent living and if memory care units need to be housed in a separate building. He also asked what the timeline was for West Valley.

Mr. Quagliata responded that there will be 40 total assisted living units and that memory care units are included in the number of assisted living units. The memory care units are in their own wing of the building. Memory care units are accessed from the interior of the building and some of the independent living units are accessed from the exterior of the building.

Director O'Neil responded that the timeline for West Valley is not yet known and this project will be delayed if West Valley is delayed.

Commissioner Slicker inquired about if many of the residents are anticipated to have vehicles and if there would be adequate parking for visitors.

Mr. Quagliata stated that for the independent living units they anticipate one (1) vehicle per unit, however, they do not anticipate any parking needs for those who reside in assisted living and memory care. The parking requirements for the entire site was 56 spaces which would be adequate for the resident's vehicles, visitors and staff.

Director O'Neil added that many residents will use public transportation, have family who will transport them or utilize the transportation provided by the facility.

Applicants present: John Costa, Architect and Rudy Quaderer, Civil Engineer, representatives for Doug Boehm and Comfort Care Senior Living.

Mr. Costa presented that Comfort Care has 500 employees and operates sixteen (16) of these types of facilities. He clarified that these facilities are not nursing homes or convalescent homes, but are licensed home for the aged through the State of Michigan. This facility provides congregant activity areas for all residents to have access to as well as a salon, spa, physical therapy room with a whirlpool tub, entertainment theater and library. Usually, these units are occupied by one individual but may house some couples and very few of the residents drive. Comfort Care has a minibus that offer transportation to the residents. There are three (3) types of units; studio, 1 bedroom & 2 bedroom and the numbers are reflected on the conceptual plan. All issues brought forward have been addressed in the updated plans that have been submitted to the Township.

Mr. Quaderer commented on the site plan that was presented and stated that issues that were brought forward from Planning have been addressed in the revised plans that were submitted. In regards to West Valley, they have been in communication with them regarding coordinating the emergency access and joining for water access. They are also communicating about storm water management and retention, they are considering alternatives if that is not possible. Alternatives for emergency access has also been

considered if they aren't able to connect to West Valley.

Mr. Quaderer commented on the waivers that they were requesting and how the Road Commission of Oakland County's possible requirement changes would affect waivers.

Discussion occurred regarding landscaping and whether they would have "planter" boxes or "window" boxes and that there was concern about the front façade of the building.

Mr. Quagliata stated that the final site plan will include samples for the façade and detail including colors and elevations for Planning Commission approval.

Mr. Quaderer stated that the parking was adequate for the number of residents and meets the Township's requirements.

Director O'Neil clarified that this project as it currently was designed cannot move ahead without the project West Valley, therefore if West Valley does not proceed there will need to be revisions submitted to accommodate for that.

Director O'Neil introduced the traffic report from DLZ Engineering, the Township's engineer. The report indicates that the zoning change would not significantly impact traffic. The type of traffic anticipated from the proposed new use is much less than current zoning has potential for. This report will be in next meeting's packet.

Commissioner Dehart asked if the building that the applicant constructed on White Lake Road was the same length as this project and will rehabilitation be offered in this facility. In relation to the need of this type of facility in the community, are other facilities nearby filled to capacity.

Mr. Costa stated that the building was about the same square footage but not same design. No rehabilitation services would be offered at this facility. Mr. Costa was unaware of the market study that was performed.

Commissioner Dehart asked Mr. Quagliata if the waivers need to go to Zoning Board of Appeals or would the Planning Commission consider those.

Mr. Quagliata responded that the waivers would not be proposed to the Zoning Board of Appeals. The Planning Commission would make a recommendation on the waivers to the Township Board.

Commissioner Carlock inquired about the distance between the driveway in the back and property line and what are the plants used for landscaping.

Mr. Quagliata responded that the distance is 11 feet.

Director O'Neil stated that the trees indicated are white spruce and sugar maples.

Discussion occurred about the parking area and sidewalk size. Landscaping is not required to be reviewed at this time and there have been no renderings for the courtyard landscaping at this point.

Commissioner Seward asked if there will be comparisons to what they have done in similar facilities in other communities.

Director O'Neil responded that they can ask the applicant to bring images of other facilities at the next meeting.

Discussion occurred about the landscaping at the rear property line and the mature trees that belong to the neighboring property. The applicant was open to discussing the addition of landscaping with the neighboring property owner.

Commissioner Slicker inquired about the Road Commission of Oakland County requiring the right of way to be donated and asked if residents given an easement for drainage.

Director O'Neil confirmed that the RCOC does require donation of the right of way.

Mr. Quaderer stated that they will look into drainage for neighboring properties.

Commissioner Anderson reminded the applicants to take notes about what was discussed so they are prepared for next meeting.

Commissioner Slicker inquired what other community benefits have other applicants done.

Mr. Quagliata responded that benefits could include voluntary contributions to the Township sidewalk fund or park fund.

8:02 PM opened Public Comments

Jose Fanago of 39 Danforth has a concern about the amount of ambulance noise in this area. He asked for data showing that this is a needed use.

Mr. Quagliata stated that a PowerPoint presentation was provided at the August 19, 2021 Planning Commission meeting that showed a study of demand within 5 miles of this site. This presentation is on file with the Township and can be viewed there. The meeting was recorded on Zoom and can be seen on the Township's YouTube channel.

Director O'Neil stated that a determination of need is required for something such as a cell tower, but not for this type of use. The Township cannot legally deny a business to open. He added that ambulance traffic between Elizabeth Lake Road and Union Lake Road would be higher than most areas as there are two fire stations between those locations.

Close public hearing at 8:09pm

Commissioner Fine moved to recommend to the Planning Commission to Table the Rezoning (from (LB) Local Business to (PD) Planned Development) and Preliminary Site Plan of the property described as parcel number 12-36-176-002, located on the west side of Union Lake Road, between Hutchins Road and Cooley Lake Road, consisting of approximately 8.7 acres, to review the revisions submitted.

Commissioner Carlock supported and the MOTION CARRIED with a voice vote: 6 yes votes. (Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)

B. Oxbow Lake Private Launch Association

Property described as parcel number 12-22-279-004, (10193 Highland Road) located on the south side of Highland Road between Lakeside Drive and Hilltop Drive, consisting of approximately 1.9 acres.

Request:

i) Rezoning (from Local Business (LB) to Planned Development (PD))

ii) Preliminary site plan approval

Applicant: Oxbow Lake Private Launch Association, Inc.

10835 Oxbow Lakeshore Drive

White Lake, MI 48386

Mr. Quagliata introduced the request from the Oxbow Lake Private Launch Association (OLPLA), a private club, to install a ramp to launch watercraft in Oxbow Lake for riparians of Oxbow Lake. There is an established board of directors, bylaws and dues are to be collected to purchase and develop the property,

as well as construct the ramp and maintain the site. If this proceeds to a development agreement, restrictions on keyhole access, storage or parking of any vehicles or watercraft, overnight mooring, as well as, hours of operation would need to be included. While not necessarily consistent with the Master Plan, Planned Development use should function harmoniously with surrounding land use. The driveway and turnaround are proposed to be gravel and the Fire Department has no issue with that.

Waivers were requested for sidewalks along Highland Road and Lakeside Drive and to waive the front yard setback to install a 4 foot wood privacy fence along the north and west property line. No signage or outdoor lighting should be allowed on the property.

Staff requests tabling the rezoning and preliminary site plan so that staff and DLZ engineering can review revised documents that have been submitted.

Commissioner Carlock has concern over using wood material for the fence and would rather a metal fence be installed. Ms. Carlock also has concern that the view will be obstructed and asked for clarification of setbacks.

Mr. Quagliata responded that corner lots virtually have two front yards and would be required to meet front yard setbacks on both M59 & Lakeside Drive Planned Development would be required to provide a public benefit and they are proposing 3,077 square foot easement on the northwest side of the property to be granted to the Township, possibly as a pocket park.

Discussion occurred of the what the current zoning of the nearby businesses and what is on the Master Plan.

Director O'Neil added that it is hard to see the contours on the diagram but the top of the 4 foot fence would be 2-4 feet below the grade of M59 so the fence will not obstruct view.

Mr. Quagliata explained that the DLZ engineering comments state that they need to quantify the amount of fill needed and 942.75 is the ordinary high water mark of Oxbow Lake.

Commissioner Dehart inquired if sidewalks were required on both roads and had concerns about site control for hours and what if there is a gas can spill.

Mr. Quagliata stated that there are sidewalk requirements and the applicant is requesting waivers for those.

Discussion occurred about the potential for greater environmental impact from a club that has 85+ members.

Commissioner Seward inquired about the public benefit in turn for the waivers.

Mr. Quagliata stated that waivers need to be commensurate with public benefit and there is 3,077 square foot easement being considered for public use.

Commissioner Fine has concerns on how the club will monitor and control membership to the club and access to the site.

Mr. Quagliata stated that staff has similar concerns and the club will need to address this.

Commissioner Slicker has concerns about maintenance of this site and inquired if a soil erosion permit was required.

Mr. Quagliata replied that international property maintenance code needs to be followed. Soil erosion permits are issued by Oakland County.

Director O'Neil discussed the DLZ engineering comments. The drive proposed is 16 feet wide which is

the RCOC standard width for residential driveways, but recommends consideration to be widened to 24 feet to accommodate 2 way traffic. Deferred to Fire Department for acceptability of fire truck access to this site. Recommended knox box provided to the Fire Department for access to the gate. It is recommended that a turning radius template be submitted to demonstrate the largest intended trailer combination can adequately navigate the site through all intended movements. Overhead electric lines are shown within the limits for residential easements. If an easement does exist it needs to be indicated on the drawings. Items need to be addressed before they can recommend approval.

Applicant present: Rick Walklet of 10835 Oxbow Lakeshore Drive, President of OLPLA, 501c7

Mr. Walklet presented the formation of the OLPLA, who is allowed to join, why it was needed and how the funding was determined. Membership will be reopened annually for those would like to join. EGLE permit has been applied for. The Planning Commission recommended approve a lot size waiver request in November 2021 the Township Board approve, which occurred in December 2021. This lot accommodates a truck and a trailer for a 25 foot pontoon. This project would prevent use of Oxbow Lake by those who do not live on the lake who currently park at the nearby commercial properties and enter illegally. The driveway will be off of Lakeside Drive and in the recent site plan submitted indicates that it will be paved rather than gravel. Mr. Walklet explained the reasoning for the waivers that they are requesting for the fence. They only intend on removing 25 feet of vegetation at the water's edge. There will be 30 feet of removeable or permanent dock. DTE to provide service for electric meter. This will be a secure site with 4 foot fencing, powered gate, surveillance cameras and secure key cards. The members of OLPLA have a vested interest in this project.

Discussion occurred about how many surveys were mailed out, how many responded and why those who were not interested chose not to participate.

Commissioner Fine voiced concern about the Fire Department remarks.

Director O'Neil stated that the applicant has put in reasonable restrictions to regulate themselves but the Township will have a mechanism in place so that no one abuses the access in the future.

Commissioner Dehart inquired about liability insurance requirements.

Director O'Neil stated that insurance is only required during construction.

Commissioner Anderson inquired how they assessed what the fees would be for members.

Mr. Walklet explained that they determined a cost template which included the total cost model with a cushion and determined a not-to-exceed amount. The fees are dependent on how many riparians join. Annual maintenance costs have been forecast and were considered in the fees.

Public hearing opened at 9:10 PM

Dave Caswell of 10055 Lakeside Drive and a local business owner spoke in support of the OLPLA, would like to keep the current culture of the lake intact. He stated that he is part owner of another private launch on Lakeside Drive and there is need for this access as many people who live on the lake cannot access it. Mr. Caswell takes a lot of pride in Oxbow Lake.

Commissioner Anderson noted that several letters regarding the project have been received by the Township and will be added to the record.

Jim Hisner of 276 Lakeside Dr has relied on neighbors for years for access to Oxbow Lake as his property doesn't give access to the lake. This project is a great use of the property. Consider that it has been vacant, it will look better with this use and the riparians will take good care of the site.

Alexis Simmons of 10055 Lakeside gives her time to Dave Caswell.

Jim Neuenschwander of 9348 Leona has deeded access to the lake but access is very difficult. Mr. Neuenschwander is President of Oxbow Lake HOA and they have been discussing the need since 2005. This launch is needed for the lake community.

Greg Finn of 120 Teggerdine Road and has relied on the kindness of neighbors to allow access to the lake. His lot is landlocked so this launch will give him an opportunity to use the lake without bothering neighbors and increase the property value for those who are land locked.

Martin Sonders of 10340 Elizabeth Lake Road recently moved to the area. His property has a 40 foot drop to the lake. Does not have access to Sprader's launch and is excited to be able to use the lake with the access of this launch.

Henry Storm of 10087 Lakeside Dr is a longtime resident of Oxbow Lake and is interested in seeing the lot improved by the project. Beneficial to residents to have the legal and safe launch.

Ty Fleming of 10659 Oxbow Lakeshore Dr does not have access to lake that he lives on. He approves of the project and believes it is beneficial to all of the residents on the lake.

Dave Clampuson of 9556 Elizabeth Lake Road is in support of the project and believes that the residents need a boat launch.

Patrick Glover of 1042 Elizabeth Lake Road is building a new house on the lake and is in favor of this project.

Closing public hearing at 9:33 pm

Recommendation from staff is to table requests as the revised preliminary site plan is currently under review.

Commissioner Fine moved to recommend that the Planning Commission Table the Rezoning (from (LB) Local Business to (PD) Planned Development) and Preliminary Site Plan of the property described as parcel number 12-22-279-004, (10193 Highland Road) located on the south side of Highland Road between Lakeside Drive and Hilltop Drive, consisting of approximately 1.9 acres to review the revisions submitted.

Commissioner Dehart supported and the MOTION CARRIED with a voice vote: 6 yes votes. (Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)

CONTINUING BUSINESS

None.

NEW BUSINESS

None.

OTHER BUSINESS

~~A. Election of Planning Commission Secretary~~

A. Appointment of Liaisons

a. Debby Dehart nominated to Zoning Board of Appeals

Commissioner Seward moved to appoint Commissioner Debby Dehart to the Zoning Board of Appeals for the remainder of 2022. Commissioner Carlock supported and the motion carried with a voice vote. (6 yes votes) **(Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)**

b. Merrie Carlock nominated to Parks & Recreation Board

Commissioner Seward moved to appoint Commissioner Merrie Carlock to the Parks & Recreation Board for the remainder of 2022. Commissioner Slicker supported and the motion carried with a voice vote. (6 yes votes) **(Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)**

LIAISON'S REPORT

Commissioner Dehart: Nothing from Zoning Board of Appeals

Commissioner Carlock: Parks & Recreation Committee received a grant of \$500,000 matched with White Lake Township's \$500,000 to develop Stanley Park. The committee is planning a family-friendly event on June 25th at Hawley Park.

PLANNING CONSULTANT'S REPORT

DIRECTOR'S REPORT

Ordinance amendments were adopted. The rezoning that the Planning Commission moved to the Township Board was moved to second reading.

The Peninsula project at Caruso Circle was removed from the Township Board agenda because of resident complaints.

The PH Homes application for pond setbacks was approved by the Township Board and the development agreement was subject to staff and consultants approval.

There has been consideration of updating the Master Plan. An RFP will be submitted for review.

COMMUNICATIONS

NEXT MEETING DATES: February 3, 2022
February 17, 2022

ADJOURNMENT

Commissioner Slicker moved to adjourn the meeting at 9:44 PM. Commissioner Carlock supported and the MOTION CARRIED with a voice vote: 6 yes votes

(Anderson/yes, Dehart/yes, Carlock/yes, Seward/yes, Fine/yes, Slicker/yes)