

**WHITE LAKE TOWNSHIP  
PLANNING COMMISSION  
JULY 20, 2023**

**CALL TO ORDER**

Chairperson Seward called the meeting to order at 7:00 P.M. He then led the Pledge of Allegiance.

**ROLL CALL**

**Present:**

T. Joseph Seward, Chairperson  
Scott Ruggles, Township Board Liaison  
Matt Slicker  
Steve Anderson  
Merrie Carlock, Vice Chairperson  
Pete Meagher  
Robert Seeley

**Absent:**

Mark Fine  
Debby Dehart

**Others:**

Sean O'Neil, Community Development Director  
Justin Quagliata, Staff Planner  
Mike Leuffgen, DLZ  
Hannah Micallef, Recording Secretary

**APPROVAL OF AGENDA**

**MOTION by Commissioner Carlock, seconded Commissioner Seeley to approve the agenda as presented. The motion carried with a voice vote: (7 yes votes).**

**APPROVAL OF MINUTES**

**A. June 15, 2023**

**MOTION by Commissioner Meagher, seconded by Commissioner Ruggles to approve the minutes of June 15, 2023 as presented. The motion carried with a voice vote: (7 yes votes).**

**CALL TO THE PUBLIC**

No public comment.

**PUBLIC HEARING**

**A. Sunset Cove**

Located on the north side of Pontiac Lake Road, north of Highland Road (M-59).  
Identified as parcel number 12-13-451-011 (8300 Pontiac Lake Road).  
Consisting of approximately 2.68 acres.  
Currently zoned PG (Pontiac Lake Gateway).

Requests:

**1) Preliminary site plan approval**

**2) Special land use approval**

Applicant: White Lake JZ, LLC  
30201 Orchard Lake Road, Ste 250  
Farmington Hills, MI 48334

Staff Planner Quagliata gave a brief report on the applicant's requests.

Chairperson Seward asked staff how tall the trees on the property were. Staff Planner Quagliata said the applicant did not supply a tree survey. A mature evergreen tree averaged 50' in height.

Chairperson Seward asked staff how tall the condos were west of the subject site. Staff Planner Quagliata said the condos were 3 stories, or 45' tall.

Commissioner Slicker asked staff if the 2.6 acres provided on the plan was the net acreage of the site. Staff Planner Quagliata confirmed.

Chairperson Seward asked staff if there was a way to ensure the restaurant was constructed. Staff Planner Quagliata said amendments to the final site plan after approval would require the applicant to come back to the Planning Commission.

Mr. Leuffgen stated that the site was reviewed 3 times previously. The sidewalk connection to the south was challenging, but it needed to be coordinated. The applicant needed to document the floodplain areas of the property properly. OCWRC would need to approve the stormwater treatment methods of the site. The docks would need to be approved by their appropriate permitting agencies. The cross-access easement was modified for potential future connection. Staff Planner Quagliata stated that the ordinance required the cross-access easement. The easement would need to be reviewed by the Township Attorney and approved by the Township. The restaurant would be required to have an oil grease separator.

Commissioner Ruggles asked Mr. Leuffgen how the stormwater would work on this site. Mr. Leuffgen said he would imagine a mechanical separator would treat the water and filter particles before they reached the lake.

Commissioner Ruggles asked staff if the pad for the restaurant would be approved with the current site plan. Staff Planner Quagliata said yes, but the restaurant would be required to go through the planning process. Final approval of this plan did not include final approval of the restaurant.

Michael Zeer, applicant, was present to speak on behalf of his case. He said the proposed plan had an excess of five parking spaces. He said the restaurant would be built simultaneously with the development, most likely in Phase 1. He would comply with all of the permitting agencies regarding stormwater and sewer. One of the biggest items that needed clarification was the need for variances. He said he needed as many variances as he did due to the property being lakefront. He said he contacted Oakland County airport and obtained a letter from them stating they were ok with the height of the buildings. The sidewalk connection issue would be addressed.

Commissioner Ruggles asked Mr. Zeer why he didn't want to build both buildings at once. Mr. Zeer stated it was due to economic reasons.

Commissioner Anderson asked Mr. Zeer which building he would start construction. Mr. Zeer said he would begin with "Building 2".

Mr. Zeer clarified that Building 2 (the building closest to Pontiac Lake Road) and the restaurant would be constructed Phase 1.

Director O'Neil stated that the restaurant should be constructed along with the buildings.

Commissioner Slicker asked Mr. Zeer who would be the operator of the restaurant. Mr. Zeer said the owner be his partner, Mr. Mark DeGroff He was unsure who the operator would be.

Mark DeGroff, proposed restaurant investor, said he had a restaurateur who would operate the restaurant that would provide a great product for White Lake Township. Once the site plan was approved, he would initiate the design phase with his team.

Commissioner Meagher asked Mr. DeGroff if he had any restaurant experience. Mr. DeGroff said no. Commissioner Meagher asked Mr. DeGroff what type of restaurant he was envisioning. Mr. DeGroff said he was looking into Texas style BBQ, something similar to Salt Lake BBQ in Texas. He was also leaning towards a liquor license. He said the lower floor of the restaurant would be more rustic, and the upper floor would be like a lounge.

Chairperson Seward asked Mr. DeGroff if there were plans in place for Mr. DeGroff to own the restaurant property. Mr. DeGroff said he was looking into a land lease with option to own with Mr. Zeer.

Chairperson Seward stated he was concerned that there was no way to enforce the applicant to construct the restaurant. Director O'Neil said some sort of a performance guarantee for the building could be possible, but it would be more practical to have a performance guarantee for the infrastructure.

That way, something else with a different, similar use could be built in the restaurant's place and the new partner wouldn't be tied into only constructing a restaurant.

Commissioner Slicker asked Mr. Zeer if the shoreline seawall would be natural or reinforced. Mr. Zeer said he needed to speak with DNR, but wanted to replace or repair the current seawall.

Commissioner Meagher asked Mr. Zeer if the parking underneath the units would all accommodate the units. Mr. Zeer said the parking would accommodate each unit. Director O'Neil said those parking spaces would not accommodate the parking requirements per the ordinance. The additional parking provided on the plan was for visitors and the restaurant.

Chris Bowne, 9055 Gale, spoke in opposition to the applicant's request. He was concerned with the buildings proposed height and the number of docks proposed.

Mary Earley, 5925 Pineridge Court, spoke in opposition to the applicant's request. Her concerns were the proposed height of the building.

Andy Rybicki, 8226 Highland, spoke in opposition to the applicant's request. His concerns were building height, and obstruction of lake views.

Tracey McDonald, 9050 Pontiac Lake Road, spoke in opposition to the applicant's request. He was concerned with the building height, and the dam.

Jim Kabana, 8365 Pontiac Lake Road, spoke in opposition to the applicant's request. His concerns were building height and seawall noise.

Jeff Heath, 2267 Kingston, spoke in favor of the applicant's request.

Kimberley Didonato, 8385 Pontiac Lake Road, spoke in opposition of the applicant's request. She was concerned with overdevelopment in White Lake Township.

Mr. DeGroff said he appreciated all the comments, and the project would improve the property and be a nice addition to the community.

Mr. Zeer said it was always tough developing in a new community, and growth was tough. He said he obtained a letter from the DNR that stated the dock amount would not be an issue, and would have to adhere to whatever the permitting agency allowed. He lived on a lake himself, but said the developer's side should be respected as well. A property like his would only increase the home values in the area.

Commissioner Meagher asked Mr. Zeer how much density could be given up without losing a profit. Mr. Zeer said he originally proposed 56 units in three buildings, and he reduced the number of units.

Chairperson Seward asked Jason Emerine, Mr. Zeer's engineer, if he had taken into the stress the construction could play on the dam. Mr. Emerine said that would require a geotechnical engineer, since he was a civil engineer, he did not have the ability to speak on the dam. He added that he could speak to OCWRC about the dam.

Chairperson Seward asked Mr. Zeer if he could still make a profit without a 5-story high building. Mr. Zeer was unsure. He said he would be adding greenery, including trees, to the site. He said he had already scaled back from three to two buildings.

Commissioner Anderson stated that the density of the site was swapped for building height. Staff Planner Quagliata said the current density was now 16.8 units/acre, without including the restaurant. The density would be higher with the restaurant land removed.

Director O'Neil stated that the restaurant piece would need to be explored upon now. The restaurant piece would need to be separated from the residential units. The boundary lines for maintenance needed to be drawn out in such a way where the residential units would not be paying into the site maintenance for the restaurant. Director O'Neil said the motion tonight would need to be specific in regards to the detail of the restaurant. The applicant had not submitted anything in relation to the restaurant; staff and engineering had not reviewed anything regarding the restaurant either.

Commissioner Anderson asked Director O'Neil for clarification regarding approval for the restaurant. Director O'Neil said the Planning Commission did not have the details on the restaurant, and was a missing piece. If the Planning Commission wanted to move the project forward, the Planning Commission needed to give the applicant and staff direction as to what was to be done with the restaurant.

Commissioner Meagher stated that the restaurant was Mr. DeGroff's piece, so to speak, not Mr. Zeer's. Director O'Neil said the information needed to be furnished to the Planning Commission for the Planning Commission to grant approval. The Township Board would ask the same questions and require the same information.

Mr. Zeer said he wanted to make sure the plan was okay in regards to density. He asked the Planning Commission for preliminary site plan approval based on density subject to providing restaurant plans.

Commissioner Anderson said in his mind, Mr. Zeer had taken the recommendations from the Planning Commission to revise his plans positively.

Chairperson Seward stated that the buildings were too tall, and he didn't have information regarding the restaurant.

Commissioner Ruggles asked staff if the Fire Department's comments were all addressed. Director O'Neil said a new plan was submitted this week that may have satisfied the Fire Department's request, but those plans were not formally reviewed at this time. The building would have a suppression system.

Commissioner Anderson asked Mr. Zeer if it was feasible to add the third building back to reduce building height. Mr. Zeer said it would be expensive and cause more issues regarding parking and green space.

Commissioner Anderson said he was fine with the density. Chairperson Seward agreed. Commissioner Slicker said he wasn't bothered by the density either. Commissioner Ruggles did not take issue with the density, but he did not like the height of the buildings. The Pontiac Lake area would see changes as the Gateway District was an important area to the Township. Commissioner Carlock said the buildings were massive, and they wouldn't fit in with the style of the lake. She didn't like to see development so close to the shoreline. Commissioner Seeley said he was fine with everything because the applicant had taken all of the Planning Commission's recommendations and worked with them. Commissioner Meagher agreed with Commissioner Seeley, and the project would be a beautiful for the Gateway District.

**MOTION by Chairperson Seward, seconded by Commissioner Carlock, to deny the special land use requested by White Lake JZ, LLC for parcel number 12-13-451-011 (8300 Pontiac Lake Road). The motion carried with a roll call vote: (4 yes votes).**

**(Seward/yes, Carlock/yes, Meagher/no, Anderson/no, Ruggles/yes, Slicker/yes, Seeley/no)**

**MOTION by Chairperson Seward, seconded by Commissioner Carlock to table the preliminary site plan approval requested by White Lake JZ, LLC for parcel number 12-13-451-011 (8300 Pontiac Lake Road). The motion carried with a roll call vote: (7 votes).**

**(Seward/yes, Carlock/yes, Meagher/yes, Anderson/yes, Ruggles/yes, Seeley/yes, Slicker/yes,)**

The Planning Commission took a brief recess at 9:11 P.M. They returned from recess at 9:16 P.M.

**B. Panera**

Located on the north side of Highland Road (M-59) and west of Bogie Lake Road. Identified as parcel number 12-20-276-035.

Consisting of a project area on the parcel consisting of approximately 1.63 acres. Currently zoned PB (Planned Business District).

Requests:

**1) Preliminary site plan approval**

Applicant: White Retail II, LLC  
30200 Telegraph Road, Ste 205  
Bingham Farms, MI 48205

Staff Planner Quagliata gave a brief report.

Mr. Leuffgen said the plan demonstrated engineering feasibility overall. There was a required stormwater management agreement. There would be some coordination with drainage items that would be ironed out at final site plan.

Commissioner Anderson asked staff if this Panera would be different from other Panera's because of the hours listed in the staff report. Staff Planner Quagliata said no, the hours listed were in regards to outdoor dining.

Commissioner Carlock asked staff if the applicant would be requesting any variances. Staff Planner Quagliata said no.

Commissioner Anderson asked staff what the other proposed retail on the site was. Staff Planner Quagliata said the second user had not been identified yet.

Mitchell Harvey, Stonefield Engineering, said the site was fully self-parked and self-staked. The restaurant would have an outdoor patio, 45 trees and 150 shrubs would be planted on the site. The operation hours of Panera would be normal business hours of 6 A.M.— 9 P.M.

Commissioner Slicker asked Mr. Harvey if there could be a connection to the sidewalk on M-59. Mr. Harvey said it wouldn't be feasible due to the grade change on the site. There would be a sidewalk to the north of the site.

Commissioner Anderson said he felt that Panera should ask for the waiver to be able to open the outdoor dining at 6 A.M.

Chairperson Seward opened the public hearing at 9:32 P.M. Seeing none, he closed the public hearing at 9:32 P.M.

**MOTION by Commissioner Seeley, seconded Commissioner Anderson by to recommend approval of the preliminary site plan requested by White Retail II, LLC for parcel number 12-20-276-035 and to include waivers for the following: lighting, for the dumpster to be in the front of the building, for the required traffic study and community impact statement and the hours for the outdoor patio to be 6 A.M. to close. The motion carried with a roll call vote: (7 yes votes).  
(Seeley/yes, Anderson/yes, Meagher/yes Seward/yes, Carlock/yes, Ruggles/yes, Slicker/yes)**

#### **CONTINUING BUSINESS**

None.

#### **NEW BUSINESS**

##### **A. Alpine Valley**

Located north of Highland Road (M-59) between Hill and Porter Roads.

Identified as parcel number 12-21-100-057 (6775 Highland Road).

Consisting of a subject site of approximately 26.9 acres.

Currently zoned PD (Planned Business).

Request:

**1) Amended final site plan approval**

Applicant: Wisconsin Resorts, Inc  
43252 Woodward Avenue Ste 210  
Bloomfield Hills, MI 48302

Staff Planner Quagliata gave a brief report.

Mr. Leuffgen said the plan demonstrated engineering feasibility, and the improvements were straightforward. The curbing may not be needed as it was a retrofitted site. There needed to be clarification on the grading of the ADA parking spots.

Commissioner Carlock advocated for box striping on the parking lot.

Commissioner Ruggles agreed with Mr. Leuffgen's statement of omitting curbing.

Joseph Kozik, applicant, said his family original built the ski hill. The site needed work to update and maintain the ski hill. The project was to relocate the kitchen area where the majority of the seating was. He said there would be future projects at his site in the future. He was asking for a waiver for the traffic study.

Commissioner Ruggles said it was great for the Township that the site was being modernized. Commissioner Carlock said it was great to see the investment in the site.

**MOTION by Commissioner Seeley, seconded by Commissioner Ruggles, to approve the amended final site plan requested by Wisconsin Resorts, Inc identified parcel number 12-21-100-057 (6775 Highland Road) subject to addressing all staff and consultant concerns. The motion carried with a voice vote: (7 yes votes).**

#### **OTHER BUSINESS**

- A. Discussion on Open House public hearing notice  
The Master Plan Open House was scheduled for August 17<sup>th</sup>. A standard notice would be sent to the Oakland Press, even though it was not required. The invitation would be shared across the Township's social media channels, and emails were sent out to those who participated in the Master Plan survey.

#### **LIAISON'S REPORT**

The Board met earlier this evening to discuss schematic design for the new Township Hall and Public Safety buildings. Tuesday's regular Board meeting approved a part time position for the Senior Center, 5 Township owned lots on Gale Island had been reconfigured and would be put up for sale soon. Several sanitary sewer maintenance projects were approved. Suburban Knolls wellhouse was scheduled for demolition.

Rockin' the Farm would be held on August 5 at Fisk Farm; there would be food, alcoholic beverages, and

two concerts. More information could be found on the Township's Facebook page.

**DIRECTOR'S REPORT**

The draft CIP would be reviewed on August 3<sup>rd</sup>; the public hearing would be held on September 7<sup>th</sup>. West Valley would be requesting another site plan extension at the August 3<sup>rd</sup> meeting. Commissioner Anderson said he would not be at the August 3<sup>rd</sup> meeting.

**COMMUNICATIONS**

**NEXT MEETING DATE:** August 3, 2023

**ADJOURNMENT**

**MOTION by Commissioner Meagher, seconded by Commissioner Anderson, to adjourn at 10:01 P.M. The motion carried with a voice vote: (7 yes votes).**