
**CHARTER TOWNSHIP OF WATERFORD
NOTICE OF PLANNING COMMISSION REGULAR MEETING
TUESDAY, FEBRUARY 22, 2022 4:30 P.M.**

- I. Call the Meeting to Order
Vice Chairperson Ray called the meeting to order at 4:35 p.m.

- II. Roll Call
Present: Matt Ray, Vice Chair
Dave Kramer, Secretary
Tony Bartolotta, Commissioner
Art Frasca, Commissioner
Colleen Murphy, Commissioner
Scott Sintkowski, Commissioner
Thomas Strat, Commissioner

Absent: none

Also Present: Jeffrey Polkowski, Superintendent/Planning
Scott Alef, Planner II
Lisa Kane, Clerk Typist II

Public Present: Approximately 20

- III. Approve the Agenda of the February 22, 2022, regular meeting of the Planning Commission as amended.

MOTION AND VOTE

Moved by Sintkowski

*Supported by Bartolotta: Resolved to **Approve** the amended February 22, 2022 Planning Commission Meeting Agenda, moving Major Site Plan No. PSP 22-1414 up in the schedule under IV. Site Plans and Public Hearing.*

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE

(7 - 0)

- IV. Approve the Minutes of the November 23, 2021, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to **Approve** the November 23, 2021 Planning Commission Meeting Minutes.*

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE

(7 - 0)

- V. Consent Agenda

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **Approve** the Planning Commission Meeting Consent Agenda.*

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE
(7 - 0)**

VI. Site Plans and Public Hearings

10. Major Site Plan No. PSP 22-1414, Freight Handling Facility

Parcel I.D. No.	<u>13-13-255-003</u> ; T3N, R9E, SEC 13 SUPERVISOR'S PLAT NO 14 E 1/2 OF LOT 42; <u>13-13-255-004</u> ; T3N, R9E, SEC 13 SUPERVISOR'S PLAT NO 14 LOT 43; <u>13-13-255-005</u> , T3N, R9E, SEC 13 SUPERVISOR'S PLAT NO 14 LOT 5 <u>13-13-255-006</u> , T3N, R9E, SEC 13 SUPERVISOR'S PLAT NO 14 LOT 4 <u>13-13-401-001</u> ; T3N, R9E, SEC 13 PART OF S 1/2 OF SEC BEG AT PT ON E&W 1/4 LINE DIST N 89-32-00 W 467.42 FT FROM INTER WITH SLY LINE OF US-10 HWY, TH S 36-06-00 E 482.30 FT, TH S 44-07-00 E 254.75 FT, TH S 45-27-00 W 597.10 FT, TH N 43-26-00 W ALG RR R/W 1370.63 FT, TH S 89-32-00 E ALG 1/4 LINE 909.57 FT TO BEG 15.11 A W215; <u>13-13-401-031</u> ; T3N, R9E, SEC 13 PART OF SE 1/4 BEG AT PT DIST N 00-18-30 W 16.85 FT & N 89-53-30 W 888.59 FT & S 34-31-25 W 670.85 FT & S 45-53-00 W 98.13 FT FROM E 1/4 COR, TH S 46-35-12 W 302.59 FT, TH N 44-00-57 W 341.58 FT, TH S 45-56-40 W 597.45 FT, TH S 43- 26-00 E 588.24 FT, TH N 45-57-00 E 667.45 FT, TH N 00-18-50 E 340.36 FT TO BEG 9.14 A 5/18/87 FR 021; <u>13-13-401-033</u> ; T3N, R9E, SEC 13 PART OF SE 1/4 BEG AT PT DIST S 89-35-00 W 1328.10 FT & S 00-18-00 W 1504.75 FT FROM E 1/4 COR, TH S 45-57-00 W 104.70 FT, TH N 43-34-00 W 245 FT, TH S 45-57-00 W 175 FT, TH NWLY 155 FT ALG NELY LI OF GTW RR R/W, TH N 45-57- 00 E 279.78 FT, TH S 43-34-00 E 400.03 FT TO BEG 1.55 A 5/18/87 FR 019
Requesting:	Major Site Plan Approval for a Freight Handling Facility
Property Location:	S of Dixie Hwy between Williams Dr. and Telegraph Rd along the railroad tracks
Property Zoned:	M-1, Light Industrial
Applicant:	Dayton Trucking

Applicant or representative present: Anthony Rocco of Dayton Freight Lines, Inc.

Mr. Polkowski introduced the project, which was approved unanimously by the Planning Commission and the Township Board last year for rezoning, for a truck transfer facility with an office and a warehouse. This use is a good revitalization of the area that meets all site development standards. The project makes good use of the commercial properties on Dixie Highway and Telegraph Road for screening. Staff recommends approval based on conditions of having the parcels combined and that the barbed wire fencing pointing inward.

Commissioner Frasca inquired about the landscaping requirements.

Mr. Polkowski added that the Planning Commission has the authority to waive the landscaping requirements.

MOTION AND VOTE

Moved by Kramer

Supported by Bartolotta: Resolved to **approve with conditions** the request for site plan in this case **PSP 22-1414 Major Site Plan Approval for Freight Hauling Facility in the M-1, Light Industrial Zoning District** based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Conditions:

The conditions of this approval are as follows:

1. Staff may coordinate and finalize site plan details.
2. Lots must be combined.
3. All comments must be addressed to staff satisfaction.
4. The Planning Commission accepts the proposed landscaping.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

1. Rezoning No. PRSA 22-01-01, Rezone from O-1 to R-1A - PUBLIC HEARING

Parcel I.D. No. 13-11-477-039; T3N, R9E, SEC 11 LAKES VIEW SUB SLY 222 FT OF LOT 10 EXC THAT PART TAKEN FOR DIXIE HWY 3-2-95 FR 007

Requesting: Rezone from O-1 to R-1A

Property Location: 3130 Dixie Hwy

Applicant: M2Z, LLC - Michael Zulinski

Applicant or representative present: Michael Zulinski

Mr. Polkowski presented that the applicant intends to occupy the property as a principle residence and operate a medical office Home Occupation out of it. Staff is in favor of this request and meets the master plan requirements.

Vice Chairman Ray opened public hearing, the following meeting attendees spoke regarding this request:

Micheal Zulinski of 3130 Dixie Highway has owned this property for 20 years and would like to occupy this property as a residence with a small home medical office.

MOTION AND VOTE

Moved by Bartolotta

Supported by Kramer: Resolved to forward a **favorable** recommendation in Case No. 22-01-01 on to the Township Board, to rezone the southern portion of the subject property of this application from O-1, Local Office, to R-1A, Single Family Residential, based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The requested zoning change **is** consistent with the adopted Master Plan as amended.
- B. The requested zoning change **is** consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.
- C. The subject zoning lot **is** physically suitable to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.
- D. The trend of development in the general area of the subject zoning lot **is** consistent with the requested zoning change.
- E. The Township and other public agencies **do** possess the capacity to provide all utility and public safety services that would be required for the range of land uses permitted under the proposed zoning classification.
- F. The requested zoning change and the resulting range of uses permitted under the proposed zoning classification **will not** result in any significant environmental impacts.
- G. The proposed zoning amendment **will** be detrimental to the public interest.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

2. Special Approval No. PRSA 22-01-02, Group Child Care Home - PUBLIC HEARING

Parcel I.D. No. 13-30-158-017: T3N, R9E, SEC 30 SWARTZS' PLEASANT LAKE HIGHLANDS NELY 15 FT OF LOT 56 & ALL OF LOTS 57 & 58, ALSO SWLY 1/2 OF LOT 59 4-26-93 FR 005 & 006

Requesting: Special Approval for a Group Child Care Home

Property Location: 7960 Lodge Blvd

Property Zoned: R-1C, Single Family Residential

Applicant: Emily Street

Applicant or representative present: Emily Street

Mr. Polkowski presented the request for special approval for a Child Family Day Care to expand capacity from the current maximum of six (6) children to a Child Group Day Care Home with a capacity of up to twelve (12) children. This Child Family Day Care will be inspected by the State of Michigan Licensing and Regulatory Affairs (LARA) for fire safety. This use is consistent with the Master Plan and State of Michigan regulations allows these uses.

Vice Chairman Ray opened public hearing, no one spoke regarding this request.

Commissioner Bartolotta inquired if there were any code violations

Mr. Polkowski stated that there no code enforcement complaints on this property.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to **approve with conditions** for special approval in this case based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The proposed use **is** in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission for the reasons noted in the Staff report above.
- B.1 The proposed use **will** be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2, for the reasons noted in the Staff report above.
- B.2 The proposed use **will not** have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district, for the reasons noted in the Staff report above.
- B.3 The proposed use **will not** result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.
- C. The proposed use **is not** located in any Special Approval use service areas identified and adopted by the Planning Commission.
- D. The proposed use **will not** impose an unreasonable burden upon public services and utilities.
- E. The proposed use **will** be in compliance with the regulations of the Zoning District in which it is proposed to be located.

Conclusions:

- A.1 The proposed use **is** of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated, for the reasons noted in the Staff report above.

- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots, for the reasons noted in the Staff report above.
- A.3 Pedestrian circulation **will not** be hindered by the proposed use.
- A.4 Outdoor operations and display in connection with the proposed use **will not** burden and/or disrupt uses on adjacent properties.
- A.5 The natural and surrounding environment **will not** be negatively impacted by the proposed use.
- B. The proposed use **will** be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.
- C. The proposed use **will** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents, for the reasons noted in the Staff report above.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. Staff may coordinate and finalize details.
2. Approval is contingent on Fire Department approval.
3. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.

MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS

(7 - 0)

3. Special Approval No. PRSA 22-01-03 (PSP 22-1412), Restaurant with Outdoor Dining - PUBLIC HEARING

Parcel I.D. No. 13-27-151-022: T3N, R9E, SEC 27 CRESCENT LAKE PARK LOT 1, EXC ELY PART MEAS 8 FT ALG N LOT LINE & 22 FT ALG S LOT LINE SD EXC TAKEN FOR HWY;
13-27-151-021: T3N, R9E, SEC 27 CRESCENT LAKE PARK LOT 2

Requesting: Special Approval for a Restaurant with Outdoor Dining

Property Location: 4703 Elizabeth Lake Rd

Property Zoned: C-2, Small Business

Applicant: Irish Tavern

Applicant or representative present: Doug Young, co-owner of Irish Tavern

Mr. Polkowski Presented the special approval request to continue outdoor seating which was given temporary approval by the Township Board under the COVID relief ordinance in 2020. Although this parcel is designated as Single Family within the Master Plan, it is doubtful this property would ever convert to residential. Concerns of neighbors regarding parking and litter along rear fence line needs to be addressed by the applicant. Staff recommends eliminating the asphalt east of the point, adding grass and a curb to define the entrance to the parking area and adding shrubs along Elizabeth Lake Road. Approval should be tied to property maintenance upkeep and the fencing on the western property line being replaced with a masonry wall.

Commissioner Sintkowski spoke on behalf of the Road Commission of Oakland County (RCOC) as there is a concern that the proposed seating is too close to the Elizabeth Lake Rd right of way. There are concerns about Crescent Point Road clear vision as well.

Mr. Polkowski added that this review still needs approval by RCOC.

Planning Commissioners discussed how other communities were addressing seating in parking areas.

Mr. Young stated that they are willing to work with Staff to address all staff comments. Outdoor seating has been detrimental to the continued success of his restaurant and they ask for the opportunity to continue to give customers the option to dine safely outdoors. Seating in the rear of the property is not an option, as that would reduce the number of required parking spots.

The Planning Commissioners discussed different seating layouts with the applicant to resolve the issue of the Elizabeth Lake Road right of way.

Vice Chairman Ray opened public hearing, the following meeting attendees spoke regarding this request:

Rebecca Nowak of 4709 Crescent Point Road is concerned about the parking lot activity negatively affecting the residences. Customers park on Crescent Point Road blocking drive ways and leaving litter behind. Mrs. Nowak stated that a vehicle crashed into the front of Irish Tavern in 2019, the fence is broken and in disrepair and litter is discarded over the fence from customers remaining in the parking lot after the business has closed. She is concerned that there is not enough parking at Irish Tavern so many customers park across the street at the Dollar Store, crossing Elizabeth Lake Road and added outdoor seating will create a strain on resources.

Mr. Polkowski clarified that the parking lot across Elizabeth Lake Road was purchased by the 4th Tavern restaurant but it has not received approval to function as parking lots.

Clemens Nowak of 4709 Crescent Point Road stated that the parking across the street that were purchased might not have been approved for parking, but it's getting plowed and used as parking. Concerns over intoxicated customers trespassing on their property. Customers frequently park in front of their house leaving litter and the fence is in disrepair. He would like sound mitigation if outdoor seating is approved.

Peter Edward of 4745 Crescent Point Road has concern about customers parking on Crescent Point Road and the Irish Tavern's parking lot encroaching on Elizabeth Lake Road.

Vice Chairman Ray closed the public hearing.

Mr. Polkowski added that the site plan includes a recommendation for a 6 foot masonry wall that will be rated for sound mitigation. The Planning Commission can approve an 8 foot wall.

Commissioner Strat inquired about the parking capacity requirements and how they are calculated. He suggested a redesign to reduce the number of tables and change the orientation of the handicap parking spot to accommodate the right of way.

Mr. Polkowski noted that the outdoor use is considered seasonal use and does not change the parking requirements.

Vice Chairman Ray agreed with the suggestion from Commissioner Strat to reduce the number of outdoor tables and change the orientation of the handicap spot.

Mr. Polkowski asked the applicant if they were willing to concede on the changes to remove two (2) northern tables, change the orientation of the handicap parking spot to accommodate the right of way, include improved safety barriers between the seating area and Elizabeth Lake Road and increase the masonry wall to 8 feet.

Mr. Young agreed to the modifications suggested.

Commissioner Bartolotta has concerns about the sound level between 6 – 10 p.m. and security in the parking lot.

Planning commissioners discussed adding lighting on the restaurant side of the masonry wall to discourage negative behavior in the parking lot. Staff does not object as long as the light does not spill into the neighborhood.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to **approve with conditions** for special approval in this case based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The proposed use **is not** in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission for the reasons noted in the Staff report above.
- B.1 The proposed use **will** be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2, for the reasons noted in the Staff report above.
- B.2 The proposed use **will not** have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district, for the reasons noted in the Staff report above.
- B.3 The proposed use **will not** result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.
- C. The proposed use **is** located in any Special Approval use service areas identified and adopted by the Planning Commission.
- D. The proposed use **will not** impose an unreasonable burden upon public services and utilities.
- E. The proposed use **will** be in compliance with the regulations of the Zoning District in which it is proposed to be located.

Conclusions:

- A.1 The proposed use **is** of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated, for the reasons noted in the Staff report above.
- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots, for the reasons noted in the Staff report above.
- A.3 Pedestrian circulation **will not** be hindered by the proposed use.
- A.4 Outdoor operations and display in connection with the proposed use **will not** burden and/or disrupt uses on adjacent properties.
- A.5 The natural and surrounding environment **will** be negatively impacted by the proposed use.
- B. The proposed use **will not** be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.
- C. The proposed use **will** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents, for the reasons noted in the Staff report above.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning

Ordinance, are as follows:

1. Staff may coordinate and finalize site plan details.
2. The area between the patio and Elizabeth Lake Rd must be landscaped and curbed from the parking lot and entrance.
3. The existing screen wall to the west is to be replaced with an 8-foot masonry screening wall.
4. A screen wall is required along the southern property line.
5. Lots must be combined.
6. A sidewalk connection must be installed along Elizabeth Lake Rd with a ramp to the crossing.
7. Sound is off by 10 pm.
8. No live music outdoors
9. Install shielded lighting on the western masonry wall.
10. Install pole lights in the parking lot.
11. Remove two (2) northern tables from outdoor seating plan.
12. Change orientation of handicap spot.
13. Improved and reinforced safety barriers for the patio.
14. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.

MOTION CARRIED BY SHOW OF HANDS

(5 – 2) with Commissioners Kramer and Sintkowski opposing)

Vice Chairman Ray called a five (5) minute recess and resumed at 5:59 p.m.

4. Rezoning No. PRSA 22-01-04, Rezone from HT-2 to C-3- PUBLIC HEARING

Parcel I.D. No. 13-10-176-108; T3N, R9E, SEC 10 FAIRPLAINS SUB LOTS 25 & 26 EXC THAT PART TAKEN FOR RD 9-28-11 FR 073 & 074

Requesting: Rezone from HT-2 to C-3

Property Location: 4667 Dixie Hwy

Applicant: VB Dixie Hwy, LLC

Applicant or representative present: None

Mr. Polkowski introduced the request for rezoning. Staff is in support of this rezoning as the area is inherently a commercial district along Dixie Highway and HT zoning is not in line with the Master Plan for this area.

Vice Chairman Ray opened public hearing, no one spoke regarding this request.

Mr. Polkowski stated that HT zoning is very limited for types of use and rezoning to C-3 could make the property more marketable for an owner. The applicant is not required to state their intent of use.

Vice Chairman Ray has recused himself from voting due to personal relationship with applicant.

MOTION AND VOTE

Moved by Kramer

Supported by Sintkowski: Resolved to forward a **favorable** recommendation in Case No. 22-01-04 on to the Township Board, to rezone the southern portion of the subject property of this application from HT-2, High Tech Industrial and Office to C-3, General Business based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The requested zoning change **is** consistent with the adopted Master Plan as amended.
- B. The requested zoning change **is** consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.
- C. The subject zoning lot **is** physically suitable to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.
- D. The trend of development in the general area of the subject zoning lot **is** consistent with the requested zoning change.
- E. The Township and other public agencies **do** possess the capacity to provide all utility and public safety services that would be required for the range of land uses permitted under the proposed zoning classification.
- F. The requested zoning change and the resulting range of uses permitted under the proposed zoning classification **will not** result in any significant environmental impacts.
- G. The proposed zoning amendment **will not** be detrimental to the public interest.

MOTION CARRIED BY SHOW OF HANDS

(6 – 0) Vice Chairman Ray recused

5. Text Amendment No. PRSA 22-01-05, Commercial Storage Establishments - PUBLIC HEARING

Requesting: Text Amendment to establish Commercial Storage Establishment as a Special Use in the M-1 and M-2 Zoning Districts.
Impacted Districts: M-1, Light Industrial; M-2, General Industrial
Applicant: Waterford Township

Mr. Polkowski introduced the ordinance amendment to establish Commercial Storage Establishments as a Special Use in the M-1 and M-2 Zoning Districts. This amendment would allow the Planning Commission to scrutinize the project and allow for public hearing.

Vice Chairman Ray opened public hearing, no one spoke regarding this request.

MOTION AND VOTE

Moved by Bartolotta

Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 22-01-05 on to the Township Board, to amend the Zoning Ordinance for the M-1, Light Industrial and M-2, General Industrial zoning districts on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.

MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS

(7 - 0)

6. Text Amendment No. PRSA 22-01-06, Residential Lofts above Commercial - PUBLIC HEARING

Requesting: Text Amendment to define residential Lofts and establish them as a use permitted above commercial.
Impacted Districts: C-UL, Union Lake Business District; C-UB, Urban Business
Applicant: Waterford Township

Mr. Polkowski introduced the amendment to add term “lofts” to the ordinance. This amendment would not allow residential on the first floor of buildings, that would be reserved for precious commercial businesses. Adding this to the ordinance is a requirement to become an RCC certified community.

Vice Chairman Ray opened public hearing, no one spoke regarding this request.

MOTION AND VOTE

Moved by Bartolotta

Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 22-01-06 on to the Township Board, to amend the Zoning Ordinance for the C-UB, Urban Business and C-UL, Union Lake zoning districts on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

7. Special Approval No. PRSA 22-01-07 (PSP 21-1413), Restaurant with Outdoor Dining and Drive-thru - PUBLIC HEARING

Parcel I.D. No. 13-22-101-001; T3N, R9E, SEC 22 PART OF SW 1/4 SEC 15 & PART OF NW 1/4 SEC 22, BEG ON NLY LINE M-59 HWY DIST E 40.17 FT & S 61-20-00 E 200 FT FROM NW COR SEC 22, TH N 129.10 FT, TH E 100.87 FT, TH S 49-21-00 W 26.33 FT, TH S 61-20-00 E 32.50 FT, TH S 28-40-00 W 137.20 FT, TH N 61-20-00 W 50 FT TO BEG 0.30 A W477B-1
13-22-101-003; T3N, R9E, SEC 15 & 22 PART OF SW 1/4 SEC 15 & PART OF NW 1/4 SEC 22, BEG AT PT DIST E 40.17 FT & S 61-20-00 E 250 FT FROM NW COR SEC 22, TH S 61-20-00 E 100 FT, TH N 28-40-00 E 137.20 FT, TH N 65-04-00 W 100 FT, TH S 28-40-00 W 137.20 FT TO BEG 0.31 A W477B-2

Requesting: Special Approval for a Carryout Restaurant with Outdoor Dining and Drive-thru
Property Location: 4976 Highland Rd
Property Zoned: C-2, Small Business
Applicant: Waterford Retail Management II LLC

Applicant or representative present: Mitchell Harvey

Mr. Polkowski introduced the request for Special Approval of an outdoor dining patio and a drive-thru. Staff highly recommends a masonry screening along the property that abuts residential property and that the site plan be amended to include a loading space. The site is consistent with the existing auto centric environment. The Fire Department approval is included in the Planning Commission packet. Staff recommends approval based on conditions listed below.

Mr. Harvey stated that this site eliminates two (2) entrances on Highland Road and will solely use the shared access from the property to the west. He also agrees that a masonry wall will do a great job of screening for the neighbors to the north. The turning radius was approved by the Fire Department.

Discussion regarding the loading space requirement occurred. The applicant would be required to obtain a variance to deviate from the loading zone requirement in the ordinance.

Commissioner Strat stated concerns about the lack of landscaping on Highland Road.

Discussion regarding the landscaping on Highland and the need for the bypass lane. It was explained that the bypass lane was included for Fire equipment ease of access.

Vice Chairman Ray opened public hearing, the following meeting attendees spoke regarding this request:

Troy Dunaj of 4930 Payton Avenue believes the current parking lot encroaches on private property and requests a taller masonry wall at the north side residential property line. Mr. Dunaj would like to work with the applicant and is concerned about the dumpster placement.

Richard Savedge of 4951 Payton Avenue has concerns about the potential for noise and lighting disrupting neighbors and the smell from the dumpster. Mr. Savedge would appreciate a taller than average wall and is agreeable to an 8 foot wall.

Jay Gibson of 4965 Payton Avenue has similar concerns as the other residents.

Eric Knaus of 4491 Sedum Glen and Association President is concerned that the property is encroaching on the neighborhood private property park.

Mr. Polkowski stated he was just made aware of the area that encroached on the private property and asked the applicant if they would be removing the paved area.

Mr. Harvey agreed to remove the paved area that is not part of their legal property.

Vice Chairman Ray closed the public hearing 6:44 p.m.

Commissioner Bartolotta inquired about the park that residents mentioned and what hours the outdoor dining and drive-thru would occur.

Mr. Polkowski stated that staff would agree with suggested hours ending outdoor dining and drive-thru hours at 10 p.m. and added that the park mentioned is not an official park but a drainage area for the neighborhood.

Mr. Harvey stated he would be agreeable to an 8 foot wall.

MOTION AND VOTE

Moved by Sintkowski

Supported by Bartolotta: Resolved to **approve with conditions** for special approval in this case based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The proposed use **is** in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission for the reasons noted in the Staff report above.
- B.1 The proposed use **will** be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2, for the reasons noted in the Staff report above.
- B.2 The proposed use **will not** have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district, for the reasons noted in the Staff report above.
- B.3 The proposed use **will not** result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.
- C. The proposed use **is not** located in any Special Approval use service areas identified and adopted by the Planning Commission.
- D. The proposed use **will not** impose an unreasonable burden upon public services and utilities.
- E. The proposed use **will** be in compliance with the regulations of the Zoning District in which it is proposed to be located.

Conclusions:

- A.1 The proposed use **is** of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated, for the reasons noted in the Staff report above.
- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots, for the reasons noted in the Staff report above.
- A.3 Pedestrian circulation **will not** be hindered by the proposed use.

- A.4 Outdoor operations and display in connection with the proposed use **will not** burden and/or disrupt uses on adjacent properties.
- A.5 The natural and surrounding environment **will not** be negatively impacted by the proposed use.
- B. The proposed use **will** be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.
- C. The proposed use **will** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents, for the reasons noted in the Staff report above.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. Staff may coordinate and finalize site plan details.
2. A shared access agreement is required.
3. Lots must be combined.
4. The existing wooden fence must be replaced with an 8-foot masonry wall.
5. Replace the paved triangle area on north-east corner of Parcel 13-22-101-001 that encroaches on the neighboring property with grass.
6. No outdoor dining or drive-thru service after 10 pm.
7. The Planning Commission approves the proposed landscaping plan.
8. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

9. Major Site Plan No. PSP 22-0977-A, Automotive Parts Retail Establishment

Parcel I.D. No. 13-26-426-038; T3N, R9E, SEC 26 OAKLAND COUNTY CONDOMINIUM PLAN NO 2149 ELIZABETH LAKE AND HURON CONDOMINIUM UNIT 1 L 49713 P 606 8-18-16 FR 031

Requesting: Major Site Plan Approval for a Limited Merchandise Store

Property Location: 3245 Elizabeth Lake Rd

Property Zoned: C-4, Extensive Business

Applicant: 65 Orly Waterford Twp MI LLC

Applicant or representative present: Alexa Turney of Kimley-Horn, representing Success Development.

Mr. Polkowski stated that the applicant asked to move up in the agenda due to travel arrangements.

Mr. Polkowski introduced the request for site plan approval for a 7,150 square foot auto parts retailer. The project meets the zoning requirements and is in line with the Master Plan. Staff recommends approval with conditions as listed.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to **approve with conditions** the request for site plan approval in this case **NO. 21-0977-A Major Site Plan Approval for a Limited Merchandise Retail Establishment in the C-4, Extensive Business Zoning** district based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. All comments will be addressed to the satisfaction of staff prior to final approval including those comments from departments and agencies not yet received.
2. Staff may coordinate and finalize site plan details.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

8. Major Site Plan No. PSP 21-0933-B, Commercial Storage Establishment

Parcel I.D. No. 13-04-351-020; T3N, R9E, SEC 4 PART OF SW 1/4 BEG AT SW SEC COR, TH N 01-35-00 E 506 FT, TH S 88-52-34 E 658.10 FT, TH S 01-29-30 W 511.30 FT, TH N 88-25-00 W 658.80 FT, TO BEG 7.69 A 11-6-17 FR 005

Requesting: Site Plan Approval for a Commercial Storage Establishment
Property Location: Easterly 2.6 acres of the NE corner of Airport Rd and Williams Lake Rd.
Property Zoned: M-1, Light Industrial
Applicant: WLA Development c/o Cam Schea

Applicant or representative present: Brian Biskner and Cameron Schea of Powell Engineering

Mr. Polkowski introduced the project as an 8 building self-storage facility on vacant land. Proposed parking is deficient and would require a variance or an amendment to the site plan to include the required parking. The site plan does not meet landscaping requirements and staff does not recommend waiving landscaping requirements. Staff recommends approval based on the conditions listed.

Mr. Biskner stated that the landscaping deficiencies have been addressed on the current submitted plan which added 5 parking spaces and additional landscape island to meet the requirements. Mr. Biskner met with the Fire Marshall regarding placement of two (2) hydrants. They have shortened two buildings on the east to add a hydrant.

MOTION AND VOTE

Moved by Bartolotta

Supported by Kramer: Resolved to **approve with conditions** the request for site plan approval in this case based on the following findings and conclusions under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. All comments will be addressed to the satisfaction of staff prior to final approval.
2. Staff may coordinate and finalize site plan details.
3. The Planning Commission accepts the updated landscaping plan.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

11. Text Amendment No. PRSA 22-02-01, Major Site Plan Conceptual Review- PUBLIC HEARING

Requesting: Text Amendment to remove Conceptual Major Site Plan review from the Planning Commission and move it to the Planning Commission Consent Agenda.
Impacted Districts: All
Applicant: Waterford Township

Mr. Polkowski introduced the ordinance amendment to streamline development, encourage business and eliminate unnecessary bureaucratic work.

Vice Chairman Ray opened public hearing, no one spoke regarding this request.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to forward a **favorable** recommendation in Case No. 22-02-01 on to the Township Board, to amend the Zoning Ordinance for the Applications and Procedures on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(7 - 0)**

VII. Discussions

1. Election of Officers

- a. Chair: Commissioner Bartolotta nominated Matt Ray. Commissioner Ray accepted the position of Chair.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(6 - 0)**

- b. Vice Chair: Commissioner Bartolotta nominated Scott Sintkowski. Commissioner Sintkowski accepted the position of Vice Chair.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(6 - 0)**

- c. Secretary: Commissioner Bartolotta nominated Dave Kramer. Commissioner Kramer accepted the position of Secretary.

**MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS
(6 - 0)**

2. Planning Commission Annual Report

Mr. Polkowski presented the Planning Commission Annual Report.

Commissioner Kramer requested that a *Name* column be added to the report on page 6.

VIII. All Else

IX. Adjourn the Meeting

Chairman Ray adjourned at 7:13pm

Members of the public will only be able to speak during the during the public comment period at the end each public comment agenda item and such comments will be limited to three minutes per person. To provide for orderly public participation, a person wishing to speak must first state their name and request to be recognized by the Chairperson of the meeting. The Chairperson will recognize all persons wishing

to speak during the public comment period. Prior to the meeting, members of the public may contact the members of the Planning Division to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Jeffrey M. Polkowski, AICP
Superintendent of Planning & Zoning
5200 Civic Center Drive, Waterford, Michigan 48329
Email: jpolkowski@waterfordmi.gov Phone: (248) 618-7446