
**CHARTER TOWNSHIP OF WATERFORD
PLANNING COMMISSION REGULAR MEETING
TUESDAY, APRIL 25, 2023 6:00 P.M.**

I. Call the Meeting to Order

Chairperson Ray called the meeting to order at 6:00 p.m.

II. Roll Call

Present: Matt Ray, Chair
Scott Sintkowski, Vice Chair
Dave Kramer, Secretary
Tony Bartolotta, Commissioner
Thomas Strat, Commissioner
Steve Printz, Commissioner

Absent: Art Frasca, Commissioner

Also Present: Jeffrey Polkowski, Superintendent/Planning
Justin Daymon, Zoning Administrator
Lisa Kane, Recording Secretary

Public Present: Approximately 12 members of the public

III. Approve the Agenda of the April 25, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Kramer: Resolved to **Approve** the April 25, 2023 Planning Commission Meeting Agenda.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Bartolotta/yes)

(6 - 0)

IV. Approve the Minutes of the March 28, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta: Resolved to **Approve** the March 28, 2023 Planning Commission Meeting Regular Meeting Minutes as amended.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

(Ray/yes, Strat/yes, Kramer/yes, Printz/yes, Sintkowski/yes, Bartolotta/yes)

(6 - 0)

V. Consent Agenda – please see attached Consent Agenda

MOTION AND VOTE

Moved by Bartolotta

*Supported by Printz: Resolved to **Approve** the Planning Commission Meeting Consent Agenda with Change of Use No. PCR 23-012 being brought forward to the Planning Commission meeting for Site Plan Review.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Bartolotta/yes)

(6 - 0)

VI. Site Plans and Public Hearings

1. Second Hearing of Special Approval Case No. PRSA 22-04-03 (PSP 22-1396-A), Restaurant with Outdoor Dining Patio – PUBLIC HEARING

Parcel I.D. No. 13-27-302-015; T3N, R9E, SEC 27 ELIZABETH LAKE GOLF & COUNTRY CLUB SUMMER HOME SITES PART OF LOT 1 BEG AT PT DIST W 21.92 FT FROM NE LOT COR, TH ALG W LINE OF ELIZABETH LAKE RD AS WIDENED S 07-05-49 W 45 FT, TH S 20-37-00 W 102.92 FT, TH W 807.30 FT, TH N 00-05-00 E 140.40 FT, TH E 848.71 FT TO BEG, ALSO OF 'FURLER'S CRESTHAVEN' ALL OF LOT 1 5-14-21 FR 001 & 002

Requesting: Special Approval to expand the outdoor dining patio of an existing restaurant.

Property Location: 4710 Cooley Lake Rd

Property Zoned: C-3, General Business

Applicant: Gerardo Sanchez

Applicant Present: Gerardo Sanchez of 4710 Cooley Lake Rd, Justin Denaskiss of Denaskiss Consulting Development and Jessica Marji of MCI Design Group

Mr. Polkowski introduced the request to extend an existing patio on west side of building which will connect to the boat slips. Comments from the engineer and the building official must be addressed. Additional parking is not required, however the applicant intends to pave a lot across the street from the restaurant to increase parking.

Mr. Denaskiss presented the applicant's plan for meeting the conditions required. The patio would only operate seasonally, not year-round and they will install baffling and sound insulation. No disposable tableware will be used on the patio and games will not present.

Chairperson Ray opened public comment at 6:15 p.m.

Rebecca Nowak of 4709 Crescent Point did not support the original approval and discussed the objections of residents from previous meetings. Ms. Nowak stated that the wood fence recently added does not offer any privacy and she has concerns with litter and parking.

Clemens Nowak of 4709 Crescent Point has concerns with the noise and activity in the outdoor dining area. Mr. Nowak is concerned with the wood fence that was recently installed. If you approve this, please consider the light pollution.

Jodi Bohn of 4715 Crescent Point has concerns with the parking on her road and noise disturbance at her residence.

Andy Johnson of 295 Reymont has concerns about the location of the proposed parking lot and how it will be safely accessed. Mr. Johnson is also concerned noise carrying across the lake.

Claudia Locher of 285 Reymont has concerns about the noise disturbance created by this outdoor seating and the temporary tents that have been used recently for holiday events.

Peter Edward of 4745 Crescent Point disagrees with the project and has concerns with parking, litter and traffic.

Maureen Edward of 4745 Crescent Point gave her 3 minutes to her husband to continue speaking.

Mark Bohn of 4715 Crescent Point has concerns with the parking.

Chairperson Ray closed public comment at 6:38 p.m.

Chairperson Ray stated that the wood fence was erected because the soil at that location would not support a masonry wall and stated that the dock does not fall under the jurisdiction of the Township.

Commissioner Bartolotta asked if the garbage could be picked up more often to alleviate the litter over flow. Mr. Bartolotta asked to define seasonal operations and asked for hard dates to be established.

Mr. Denaskiss stated that seasonal operational dates would be similar to those of ice cream establishments.

Commissioner Bartolotta inquired about the number of code violations that would trigger review of the special use approval. Mr. Bartolotta is concerned about the reports of temporary tents, games and live music that were not discussed at prior meetings and requested that cigarette litter receptacles be added to the site plan.

Mr. Polkowski stated that it was at the discretion of the Planning Commission to determine how many ordinance violations would indicate review, however, just one site plan violation can bring them back for review.

Mr. Denaskiss stated extra trash receptacles will be installed and signage will be posted about disposing of litter and cigarette butts responsibly.

Commissioner Kramer stated that the restaurant is nestled in residential zoning and that resident's rights should not be infringed upon. Mr. Kramer does not view this as an improvement to the area and hours of operation are too early and too late.

Commissioner Printz inquired about a landscaping boundary of arborvitae along the fence that could aid in buffering the noise and he is concerned with litter.

Commissioner Strat inquired if they could reduce the sound by installing baffling and asked

about the new docks.

Mr. Denaskiss stated that they have worked with EGLE for the 6 boat slips.

Commissioner Sintkowski inquired about what looks like a bar in the center area of the plan and asked if that would be a service area. Mr. Denaskiss stated that is guest-seating area, not a service area for staff.

Commissioner Sintkowski asked if they would consider a layout change and there is no need for games or live music that aggravates the residents.

Mr. Denaskiss stated that the current site plan does not include signage for parking and employee parking at the off-site lot would be an enhancement.

Chairperson Ray inquired if the restaurant has a fire suppression system. Mr. Denaskiss stated that it does not.

MOTION AND VOTE

Moved by Bartolotta

Supported by Sintkowski: Resolved to table the request for special approval in this case.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Bartolotta/yes)

(6 - 0)

2. Special Approval No. PRSA 23-03-01 (PCR 23-005), Used Vehicle Dealer Establishment with General Vehicle Repair Facility – PUBLIC HEARING

Parcel I.D. No. 13-25-200-019: T3N, R9E, SEC 25 PART OF NE 1/4 BEG AT PT DIST W 2012.82 FT & N 00-32-10 W 60.00 FT FROM E 1/4 COR, TH N 00-31-40 W 220.00 FT, TH E 140.00 FT, TH S 00-31-40 E 220.00 FT, TH W 140.00 FT TO BEG 0.71 A

Requesting: Special Approval for a Used Vehicle Dealer Establishment (no outdoor display or storage) with a General Vehicle Repair Facility

Property Location: 2270 Elizabeth Lake Rd

Property Zoned: C-3, General Business

Applicant: Rite Trax Sales, LLC

Applicant Present: Abedallah Omar of 2270 Elizabeth Lake Rd and Jomama Ismail

Mr. Polkowski introduced the project as special approval for a used vehicle dealer establishment.

Mr. Omar stated that outdated equipment has been replaced and they now pump to an outdoor tank which is being picked up and emptied when full.

Chairperson Ray inquired about a grease interceptor at the subject site.

Mr. Omar stated that all auto sales will be indoor and inventory is online, no vehicles will be for sale outdoors.

Commissioner Bartolotta inquired about how the indoor sales will operate and will the auto repair service be open to the public. Mr. Omar stated they will be open to the public for minor car repairs.

Commissioner Printz inquired if cars will be housed elsewhere.

Mr. Omar stated he has a second business operating on Highland Road where vehicles will be stored as needed. They have remodeled the site and cleaned up the exterior site.

Ms. Ismail noted that they have been working to improve the property.

Chairperson Ray opened public comment at 7:15 p.m.

No one from the audience spoke.

Chairperson Ray closed public comment at 7:15 p.m.

MOTION AND VOTE

Moved by Sintkowski

*Supported by Strat: Resolved to **approve with conditions** the request 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.
- 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.
- 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.
- 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.
- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots.

- 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.

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. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
3. Submit an updated site plan showing current conditions of the site.
4. Staff may coordinate and finalize site plan details.
5. Provide two barrier-free parking spaces.
6. Submit plans of the facility and proposed secondary containment for review and approval from DPW.
7. Provide information regarding the required oil and grease interceptors.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE
(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Bartolotta/yes)
(6 - 0)

3. Special Approval No. PRSA 23-03-02 (PCR 23-011), Major Vehicle Repair Facility – PUBLIC HEARING

Parcel I.D. No. 13-17-376-041: T3N, R9E, SEC 17 PART OF SW 1/4 BEG AT PT DIST N 00-19-22 E 764.09 FT & N 89-56-41 W 365 FT & S 00-19-22 W 298.98 FT & S 89-45-34 W 150 FT & S 00-19-22 W 67 FT & S 89-45-34 W 150 FT FROM S 1/4 COR, TH S 00-19-22 W 350 FT, TH S 89-45-34 W 312.94 FT, TH N 00-20-29 E 350 FT, TH N 89-45-34 E 312.83 FT TO BEG 2.51 A 5/3/90 FR 038

Requesting: Special Approval for a Major Vehicle Repair Facility. Applicant proposes to open a major vehicle repair facility for boat and jet ski repair with accessory retail sales.

Property Location: 6650 Highland Rd Suite 101

Property Zoned: C-4, Extensive Business

Applicant: Victor Cole

Applicant Present: Victor Cole of 6650 Highland Rd

Mr. Polkowski introduced the project as special approval request for a major vehicle repair facility.

Commissioner Bartolotta welcomed the applicant to Waterford.

Mr. Cole introduced himself and his family who will operate the business with him.

Chairperson Ray opened public comment at 7:25 p.m.

No one from the audience spoke.

Chairperson Ray closed public comment at 7:25 p.m.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta: Resolved to **approve with conditions** the request 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.
- 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.
- 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.
- 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.
- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots.
- 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.

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. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
- 3. Provide information regarding the required oil and grease interceptors.

***MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE
(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Bartolotta/yes)
(6 - 0)***

VII. Discussions

None

VIII. Public Comment

Chairperson Ray opened public comment at 7:32 p.m.

No one from the audience spoke.

Chairperson Ray closed public comment at 7:32 p.m.

IX. All Else

None

X. Adjourn the Meeting

Chairman Ray adjourned the meeting at 7:34 p.m.

Planning Commission Participation Guidelines:

Members of the public will only be able to speak during the public comment period(s) provided during the meeting, unless otherwise permitted by the Chairperson. Public comments will be limited to three minutes per speaker. To provide for orderly public participation, a person wishing to speak must first state their name and address then 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: planning@waterfordmi.gov Phone: (248) 674-6238

Site Plans Currently Under Administrative Review

Consent Agenda

Major Site Plans	1
Minor Site Plans	1
Change of Use	1

Major Site Plans

1.) MAJOR Site Plan No. PSP 23-1458, Sashabaw School Lofts

Location: 3000 Sashabaw Rd

Zoning: R-M2, Multi-Family Residential

This applicant is proposing to convert the existing school into residential units, build three accessory structures for garages, and a duplex.

Minor Site Plans

1.) MINOR Site Plan No. PSP 23-1456, Mobile MRI Concrete Pad

Location: 5210 Highland Rd

Zoning: O-2, General Office

This applicant is proposing to convert a portion of the parking lot to a space for a mobile MRI machine that will rotate between different locations throughout southeast Michigan.

Change of Use

1.) Change of Use No. PCR 23-012, Amazing Start Child Care Center

Location: 3360 Highland Rd

Zoning: C-3, General Business

This applicant is proposing to open a Child Day Care Center in a multi-tenant commercial property.