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**CHARTER TOWNSHIP OF WATERFORD  
NOTICE OF PLANNING COMMISSION REGULAR MEETING  
TUESDAY, APRIL 26, 2022 4:30 P.M.**

- I. Call the Meeting to Order  
Chairperson Ray called the meeting to order at 4:32 p.m.

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

Absent: none

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

Public Present: 30+ Approximately

- III. Approve the Agenda of the April 26, 2022, regular meeting of the Planning Commission as printed.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to **Approve** the amended April 26, 2022 Planning Commission Meeting Agenda,*

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE**

**(7 - 0)**

- IV. Approve the Minutes of the February 22, 2022, regular meeting of the Planning Commission as printed.

**MOTION AND VOTE**

*Moved by Kramer*

*Supported by Bartolotta: Resolved to **Approve** the February 22, 2022 Planning Commission Meeting Minutes.*

**MOTION CARRIED UNANIMOUSLY BY VOICE VOTE**

**(7 - 0)**

## V. Consent Agenda

**MOTION AND VOTE***Moved by Bartolotta**Supported by Frasca: Resolved to **Approve** the Planning Commission Meeting Consent Agenda.***MOTION CARRIED UNANIMOUSLY BY VOICE VOTE****(7 - 0)**

## VI. Site Plans and Public Hearings

**1. SPECIAL APPROVAL Case No. PRSA 22-03-01, Restaurant with Drive Thru****Parcel I.D. No.** 13-04-108-025; T3N, R9E, SEC 4 SUPERVISOR'S PLAT NO 19 LOTS 24 & 25 4-7-97 FR FR 010 & 011**Requesting:** Special Approval to permit an accessory drive thru to a restaurant facility in the C-3 zoning district**Property Location:** 5799 Dixie Hwy**Property Zoned:** C-3, General Business**Applicant:** Stonefield Engineering & Design**Applicants present:** Mitchel Harvey of Stonefield Engineering & Design, 607 Shelby Detroit MI  
Randy Thomas of 5799 Dixie Associates LLC

**Mr. Polkowski** introduced the project to add a drive thru lane to an existing building. The building is a legally non-conforming structure that does not meet the current setbacks, however it is conforming to appropriate use. These minor adjustments will not affect vehicle traffic circulation and the project substantially meets site plan requirements, include those from MDOT. Staff recommends approval contingent upon the applicant addressing department comments, including signage stating that vehicles are to not block the drive thru exit and to include a loading space. Staff also recommends that the greenbelt requirements are waived as they were in the previous site plan and that the applicant increases the landscaping on the residential boundary. The applicant must also address comments from the Fire Department and Engineering. Approval is also contingent upon MDOT approval.

**Mr. Harvey** seeks to maintain the existing building and include a drive thru at the rear of the site. The plan includes reconfiguring the site to allow for stacking spaces and re-paving to improve the parking lot. The project will decrease the pavement on the western property line to provide more buffering and add an additional 25 trees and 80 shrubs. The increase of green space will decrease storm water discharge. The lighting plan adds one new light on the west side that is a high-efficiency, down lit LED light. There are two existing lights that will be maintained.

**Commissioner Strat** stated that he visited the site and the current lights are angled upwards, not downwards.

**Mr. Harvey** stated that they would modify the existing lights to also be down lit.

**Chairperson Ray** opened the public hearing at 4:40 p.m.

No members of the audience spoke on the case.

**Chairperson Ray** closed the public hearing at 4:40 p.m.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to **approve with conditions** for special approval in **Case No. 22-03-01 Special Approval for a Restaurant with Drive-Thru Services within the C-3, General Business 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.*

**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 not** 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 (if applicable):**

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. Additional landscaping requirements are waived aside from the residential and office property lines.
3. Update the existing lighting to meet the submitted lighting plan as discussed.
4. 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)**

**2. REZONING Case No. PRSA 22-04-01, Rezoning from C-2 to R-1C**

**Parcel I.D. No.**            13-25-476-007: T3N, R9E, SEC 25 CROWELL SUB N 45 FT OF LOT 15, ALSO ALL OF LOT 19 13-25-476-008: T3N, R9E, SEC 25 CROWELL SUB S 45 FT OF N 90 FT OF LOT 15, ALSO ALL OF LOT 18  
**Requesting:**            Rezone from C-2, Small Business to R-1C, Single-Family Residential  
**Property Location:**    33 Downing  
**Applicant:**              Kimberly Ann Vallido

Applicant present: None

**Mr. Polkowski** introduced the request for rezoning as a historically residential site and was thought to be residential, however it is zoned commercial. The applicant who lives at the site currently cannot sell her house due to the commercial zoning. This site meets all zoning ordinance requirements for both commercial and residential zoning districts.

**Chairperson Ray** opened public hearing at 4:46 p.m.

No members of the audience spoke.

**Chairperson Ray** closed the public hearing closed at 4:46 p.m.

**MOTION AND VOTE**

*Moved by Bartolotta*

*Supported by Kramer: Resolved to forward a **favorable** recommendation in **Case No. 22-04-01 on to the Township Board, to rezone the subject parcels #13-25-476-007 and 13-25-476-008 from C-2, Small Business to R-1C, 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 not** be detrimental to the public interest.

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

**3. SPECIAL APPROVAL Case No. PRSA 22-04-02 (PSP 22-1420), Material Processing Establishment**

**Parcel I.D. No.** *13-09-251-044; T3N, R9E, SEC 9 PART OF NE 1/4 BEG AT E 1/4 COR, TH N 89-33-56 W 887.26 FT, TH N 00-07-56 W 1394.18 FT, TH S 54-45-04 E 1084.31 FT, TH S 00-21-55 E 775.13 FT TO BEG 22.04 A 10-6-95 FR 002*

**Requesting:** Special Approval for a Material Processing Establishment and Bulk Soil Resource Supplies Establishment

**Property Location:** East end of Hudson, east of Perry Dr, south of Williams Lake Rd

**Property Zoned:** M-2, General Industrial

**Applicant:** Mike Ries, Bell Site Development

Applicant present: Michael Ries of Bell Site Development, 5289 Dixie Highway

**Mr. Polkowski** introduced the project as a bulk resource supply establishment with an on-site materials processing establishment on a vacant parcel. The special use approval is for the materials processing establishment portion of the business. Only half of the site is able to be developed, the wetlands area to the south of the parcel provides a natural 1,000 foot buffer to the residential zoned parcels further south. The site plan is deficient in terms of dimensions but staff will resolve that administratively if they receive approval for the use.

**Mr. Ries** stated that his company has been operating in Waterford for over 40 years and is looking forward to expanding his business in the Township. Bell Site Development has just under 30 employees currently and looking to create new employment opportunities with this site expansion.

**Chairperson Ray** opened public hearing at 4:51 p.m.

No members of the audience spoke.

**Chairperson Ray** closed the public hearing closed at 4:52 p.m.

**Commissioner Kramer** inquired about the access to Hudson Road.

Discussion occurred about an access easement agreement for the private industrial road to the site.

**Commissioner Bartolotta** inquired about the business conducted at the site.

**Mr. Ries** explained his business and the customer base.

**Commissioner Strat** inquired how water runoff will be controlled to the wetlands.

**Mr. Ries** explained that there will be a small retention pond. Most of the site will be asphalt millings and the natural buffer provided will hinder run off.

**Mr. Polkowski** stated that our engineer does not have any significant concerns with this site due to the wetlands buffer and additional natural feature buffer.

#### **MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to **approve with conditions** for special approval in **Case No. 22-04-02 (PSP 22-1420) Special Approval for a Material Processing Establishment within the M-2, General Industrial 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.*

#### **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. Crushing operations may only take place between a limited time frame, 7 am to 7 pm.
- 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)**

**4. SPECIAL APPROVAL Case No. PRSA 22-04-03 (PSP 22-1396-A), Restaurant with Outdoor Dining Patio**

**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 for a restaurant with an outdoor dining patio.  
**Property Location:** 4710 Cooley Lake Rd  
**Property Zoned:** C-3, General Business  
**Applicant:** Gerardo Sanchez

Applicant Present: Gerardo Sanchez of 4710 Cooley Lake Rd and Architect, Chester Stempien

**Mr. Polkowski** introduced the project as a special approval for a 40 x 45 foot extension of patio which will not be enclosed and not operate during the winter months. The project includes 24 offsite parking spots on a vacant lot across the street from the restaurant. The proposed structure extends in the 25 foot natural feature setback and because it is technically not a building it is allowed with engineering approval. The screening wall that was required by the previous special approval has not yet been built due to weather. Staff recommends landscaping to extend from this wall towards the lake. A detailed parking layout has not yet been provided but a conceptual plan has been presented. Staff recommends approval contingent on the following comments being addressed for this project; screening that was approved in the previous special approval still needs to be installed, a raised sidewalk connection across the canal to the Irish Tavern, a detailed plan for the offsite parking lot, extending the residential screening wall between parking lot and the lake. Other items to be considered are the use of valet parking, restriction of hours and noise dampening systems.

**Mr. Stempien**, Architect for project, stated that the patio would be a seasonally used transitional area from the dock on the lake to the restaurant. They would propose landscaping screening along the north property line. A vacant lot across the street from the restaurant has been purchased to meet the additional parking requirements.

**Commissioner Kramer** is concerned about the available parking and if it meets the requirement for the number of seats in the restaurant, if this approval would stay with the property for future owner's use and he is concerned about the noise level and glass near the lake.

**Mr. Polkowski** stated that the applicant is supplementing the required parking by increasing parking spaces with the lot across the street. There has been conversation about providing free valet parking, the applicant can address those details. This special approval would remain as long as the use remains the same.

**Commissioner Kramer** has concerns about the noise traveling across the lake and the use of glass near the water.

**Mr. Sanchez** stated that no glass will be served on the patio, only plastic ware will be used on the new patio.

**Commissioner Murphy** inquired about the environmental setbacks on the lake and has concerns over the size of the tiki patio

**Mr. Polkowski** stated that the 25 foot environmental setback applies to buildings, not structures, and Engineering has no problems with this project.

**Commissioner Murphy** asked the applicant if they would consider making the structure smaller and not offering dining on the patio.

**Mr. Sanchez** stated that they want to take advantage of the lake view and believe his patrons would be more interested in dining rather than making it only a bar. He added that there would be no loud music and limited hours that it would be available.

**Mr. Polkowski** would the applicant be willing to impose a condition to a time-frame.



**Mr. Sanchez** stated that they do not anticipate that patrons will stay at the patio once the sun sets and the mosquitoes are present and it would be no later than 10 p.m. Landscaping is planned to buffer to protect the neighbors privacy.

**Commissioner Murphy** is concerned that landscaping will obstruct the neighboring properties' view.

**Mr. Sanchez** landscaping would not be placed where it would obstruct the neighbors view.

Discussion occurred about the landscaping and the view of the lake by the neighbors

**Chairperson Ray** inquired about the offsite parking lot distance from the restaurant.

**Mr. Polkowski** it meets the 300 foot requirement and if valet parking is provided the distance of the lot will not matter.

**Commissioner Murphy** inquired the distance from the patio to the water.

**Mr. Stempien** stated that the edge of the patio to the dock is 10 feet and there is a ramp transition from the patio to the dock.

**Chairperson Ray** opened the public hearing at 5:16 p.m.

**Jodi Bohn** of 4715 Crescent Point would like the board to consider a one year pause before reviewing this project. She is concerned about the overflow parking that is occurring at the dollar store across the street and the safety of the community with alcohol served and the boating traffic. Mrs. Bohn is also concerned about litter piles of trash bags in the back. Brunch on Sundays does not use plasticware and there is music played that the neighbors can hear. Concerned about pedestrian traffic as current crosswalks are not operational. The noise is 7 days a week until 10 pm.

**Rebecca Nowak** of 4709 Crescent Point respects Mr. Sanchez and knows how hard he works but is concerned that the original conditions were not met and trash. Recently there were boxes of trash piled up on the side of the building. Mrs. Nowak does not believe that landscaping is going to adequately buffer the noise and believes that the Planning Commission should protect the health, safety and welfare of the residents. She is concerned about the intoxicated residents crossing the street and about the value of her home and her ability to sell it. There is live music on Sunday which can be heard at neighboring properties. She would like the live music limited to inside and only on the weekends. Mrs. Nowak commented on a conversation she had with Mr. Polkowski.

**Mr. Polkowski** clarified that he did not state to Mrs. Nowak that she took on risk when she moved in next to commercial property. He stated that she was aware there was a commercial property next door when she purchased the home and there is a list of allowed uses for that commercial zoned property.

**Clemens J Nowak** of 4709 Crescent Point has concerns about the live music noise that he can hear from inside his house and sound mitigation until the screening is installed. He believes this is an unreasonable burden to his family.

**Marc Bohn** of 4715 Crescent Point would like to request a pause before the board considers the current request. He would like to see how the summer goes with the patio open.

**Katie Warner** of 4730 Cooley Lake Rd is concerned about boat traffic, pedestrians, auto traffic and noise.

**James Cioroch** of 4713 Crescent Point has two grown autistic, low-functioning, non-verbal children and moved to the area recently so that their children could see the lake and enjoy the water. He is concerned about the noise level affecting his children.

**Mike Warner** of 4730 Cooley Lake Rd is concerned about the hours of operation and additional lighting which has recently been added. The noise over the weekend was greater than anticipated. He asked if the new patio will have lights on at night and is also concerned about the additional boat traffic. Mr. Warner stated that the music plays after 10pm on Saturdays.

**Peter Edward** of 4745 Crescent Point referenced the master plan and stated that this site does not comply with the vision of the master plan, which he states was residential. He has concerns about the effect of the project on the neighboring properties. He stated that the project does not have a permit from EGLE and that storm water run off, will discharge to the lake. He also has a concern about rodents and asked if rat traps are placed under the deck? His opinion is that commercial properties should have to meet the same lake side setbacks imposed on residential. There is also a concern that the landscaping on the north side of the property isn't complete and that the dock is not up to code.

**Joe Huffman** of 345 Reymont Lake and a lake association board member. Mr. Huffman is concerned about the effect on the lake from the parking lot runoff. He stated that there are casket vault lids stacked near the lake. He asked that they help keep the litter out of the lake. Mr. Huffman supports the business making an improvement but they need to be thoughtful of the lake. He is also concerned about the dock being adequate to accommodate pontoons or if it is ADA compliant.

**Chairperson Ray** closed the public hearing at 6:12 p.m.

**Mr. Polkowski** explained that the applicant has one year to complete all conditions from the prior approval, including the wall, dumpster enclosure and landscaping and the weather has not been suitable to build the dumpster enclosure or plant any landscaping.

**Mr. Sanchez** stated that the dock was repaired during the winter because the contractor could walk on the ice to make the repairs. They have increased garbage pick up to 5 days. The live music is scheduled for 2 hours on Sunday morning, from 11a.m. – 2 p.m. Brunch service now occurs inside and the music be inside as well.

**Commissioner Murphy** has concerns about the picture presented by a resident of the garbage bags. Does the placement of the garbage bins provide adequate access for the refuse truck.

**Mr. Sanchez** replied that the garbage bin was blocked on 2 occasions by a truck which is why the trash was not picked up. The garbage truck can access it as long as it is not blocked.

**Commissioner Strat** confirmed with the applicant that they will resolve the trash issue. Mr. Strat also noted that sound does carry over the lake and discussed how to control the sound and noise with buffers, such as trellis or umbrellas. The area could be enhanced with a trellis or

baffles to abate the noise. Mr. Strat inquired about how ADA (Americans with Disabilities Act) relates to the deck and will they be required to install a ramp and handrails.

**Mr. Stempien** discussed alternatives to buffer the sound.

**Mr. Polkowski** stated that the building official has not reviewed any plans at this point but approval would be contingent on receiving all permits from required governing entities.

## **MOTION AND VOTE**

*Moved by Kramer*

*Supported by Murphy: Resolved to **deny** the request for special approval in **SPECIAL APPROVAL Case No. PRSA 22-04-03 (PSP 22-1396-A), Restaurant with Outdoor Dining Patio** 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 not** 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** 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** 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 not** 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 not** 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** 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** be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.
- C. The proposed use **will not** 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.

**Commissioner Sintkowski** appreciates the residents’ presentations and also appreciates the applicant’s business and improvements to the site. He would like to see the applicant have the opportunity to address the concerns and provide a plan that could satisfy the residents.

Discussion occurred about how to proceed.

**Commissioner Kramer** stated that he would like the applicants to return in one year after seeing the effects on the lake and neighboring properties.

**Commissioner Frasca** stated that residents thoroughly enjoy the restaurant and understands that the conditions of the previous approval need to be completed before considering a new plan.

**Commissioner Ray** asked if the project is denied, can they withdrawal their application today.

**Mr. Polkowski** stated that they could not because a motion has been made.

**MOTION FAILED BY SHOW OF HANDS with Commissioners Strat, Sintkowski, Frasca and Bartolotta opposed (3 - 4)**

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Strat: Resolved to **table** the request for special approval in SPECIAL APPROVAL Case No. PRSA 22-04-03 (PSP 22-1396-A), Restaurant with Outdoor Dining Patio pending the various conditions from the previous approval being met, and the applicant proposing a new plan that includes mitigation of the concerns that were brought forward to the meeting tonight.*

**MOTION CARRIED BY SHOW OF HANDS with Commissioner Bartolotta opposed and Commissioner Kramer abstaining (5 – 1)**

**5. TEXT AMENDMENT Case No. PRSA 22-04-04, Text Amendment – Drive Thru Screen Walls**

**Requesting:** Text Amendment to require Drive-thru Service Facilities to construct a masonry screening wall when adjacent to residential zoning districts.

**Districts Impacted:** O-1, Local Office; O-2, General office; C-1, Neighborhood Business; C-2, Small Business; C-3, General Business; C-4, Extensive Business; C-UL, Union Lake Business

**Applicant:** Waterford Township

**Mr. Polkowski** introduced the text amendment to adopt site development standards to the screening of Drive Thru.

**MOTION AND VOTE**

*Moved by Bartolotta*

*Supported by Sintkoski: Resolved to forward a **favorable** recommendation in Case No. 22-04-04 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)**

**6. TEXT AMENDMENT Case No. PRSA 22-04-05, Text Amendment – Temporary Uses**

**Requesting:** Text Amendment to define and revise standards to Temporary Uses.  
**Districts Impacted:** All Zoning Districts  
**Applicant:** Waterford Township

**Mr. Polkowski** introduced the text amendment to clarify the temporary use standards.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to forward a favorable recommendation in Case No. 22-04-05 on to the Township Board, to amend the Zoning Ordinance for the Index of Defined Terms and Standards for Temporary Use Reviews 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. SITE PLAN Case No. PSP 22-1418, Medical Marihuana Provisioning Center**

**Parcel I.D. No.** 13-22-176-001; T3N, R9E, SEC 22 HURONSIDE INDUSTRIAL DEVELOPMENT LOT 1, ALSO WLY 61 FT OF LOT 2  
**Requesting:** Major Site Plan Approval for a Medical Marihuana Provisioning Center  
**Property Location:** 4641 Highland Rd  
**Property Zoned:** C-3, General Business  
**Applicant:** D&R Investment Group

Applicants present: Phil Karmo & David George of D&R Investment Group, 4641 Highland Rd

**Mr. Polkowski** presented the project for final approval. The applicants have received their approval and license from the Board of Trustees.

Discussion regarding the legal, non-conforming, free standing sign.

**Mr. George** stated that the electrical has been updated on the existing sign and they would like to keep the existing sign.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to approve the Site Plan PSP #21-1418 for D&R Investment Group, LLC., Waterford, located at 4641 Highland Rd. subject to:*

- 1. That all staff, departmental, and agency comments are addressed to the satisfaction of the relevant authority prior to final site plan approval.

2. Staff may administratively approve any necessary minor modifications to the site plan for Final Site Plan approval.

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

VII. Discussions

The Planning Commission deliberated on meeting conduct and administrative responsibility. Consideration of giving the Planning Staff the authority to decide when an agenda is full and discussed managing the public comment; resident concerns may be addressed at the end of the public comment and use of a timer for the 3-minute time limit.

VIII. All Else

IX. Adjourn the Meeting

**Chairman Ray** adjourned the meeting at 7:05 PM

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  
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