
**CHARTER TOWNSHIP OF WATERFORD
NOTICE OF PLANNING COMMISSION REGULAR MEETING
TUESDAY, May 24, 2022 4:30 P.M.**

- I. Call the Meeting to Order
Chairperson Ray called the meeting to order at 4:35 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
Wayne Peruski, Fire Marshall
Lisa Kane, Recording Secretary
- Public Present: Approximately 3 members of the public
- III. Approve the Agenda of the May 24, 2022, regular meeting of the Planning Commission as printed.
- A. Case No. PRSA 22-04-06 was postponed.
- B. Case No. PRSA 22-05-03 was postponed.

MOTION AND VOTE

Moved by Sintkowski

*Supported by Bartolotta: Resolved to **Approve** the amended May 24, 2022 Planning Commission Meeting Agenda,*

MOTION CARRIED UNANIMOUSLY BY SHOW OF HANDS

(7 - 0)

- IV. Approve the Minutes of the April 26, 2022, regular meeting of the Planning Commission as printed.
- A. Commissioner Kramer requested amendments to the minutes.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Kramer: Resolved to **Approve** the amended April 26, 2022 Planning Commission*

Meeting Minutes.

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

V. Consent Agenda

A. Commissioner Bartolotta requested to review the site plan for Case No. PRC22-008 on the Consent Agenda.

MOTION AND VOTE

Moved by Ray

*Supported by Frasca: Resolved to **Approve** the Planning Commission Meeting Consent Agenda with the exception of Case No. PRC22-008 being brought forward as a full site plan review to June 28, 2022 meeting.*

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

VI. Site Plans and Public Hearings

**1. Case No. PRSA 22-04-06, Technological Assembly Facility – Public Hearing -
POSTPONED**

Parcel I.D. No.: 13-16-101-019; T3N, R9E, SEC 16 AIRPORT SUB LOT 24
Requesting: Special Approval to establish a technological assembly facility in HT-1, High Tech Office zoning district
Property Location: 2180 Airport Rd.
Property Zoned: HT-1, High Tech Office
Applicant: Walter Plentis

2. Case No. PRSA 22-05-01, Text Amendment – Incorporate the SPL Manual – Public Hearing

Requesting: Zoning Ordinance amendment incorporate the Interim Site-Planning-and-Landscape-Design-Standards-Manual into the Zoning Ordinance, establish parking requirements for car washes, reduce parking requirements for barber shops and beauty parlors, and clarify land use types.
Districts Impacted: All Zoning Districts
Applicant: Waterford Township

Mr. Polkowski introduced the text amendment which incorporates the Interim Site Planning and Landscape design standards manual into the zoning ordinance. This text amendment updates the parking requirements for car wash reference removing an obsolete ordinance and parking for personal grooming establishments, which revises the parking space requirement to 1.5 spaces for each station.

Commissioner Ray opened public hearing at 4:46 p.m.

No members of the public spoke.

Commissioner Ray closed public hearing at 4:46 p.m.

MOTION AND VOTE

Moved by Kramer

*Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 22-05-01 on to the Township Board, to amend the Zoning Ordinance to include the Interim Site Plan and Landscape Design Standards Manual and amend the Schedule of Required Parking Spaces by Type of Use 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)

3. Case No. PRSA 22-05-02, Text Amendment – Food Trucks – Public Hearing

Requesting: Zoning Ordinance amendment to define “foods trucks” and establish safety guidelines for their operation.

Districts Impacted: All Zoning Districts

Applicant: Waterford Township

Mr. Polkowski introduced the text amendment that defines food trucks as mobile vending units and establish safety guidelines for those units that use any type of combustible apparatus. Certification would be for 1 year or season.

Commissioner Murphy inquired if the food truck would be evaluated a second time if they make changes to the truck and how often they are being utilized in the community.

Mr. Peruski stated the Fire Department has concerns with mobile vending units that use combustible apparatuses. Similar to a building, once they receive certification they can make changes that would not be inspected until the following year when they apply for their annual certification. Food trucks have become very popular and many neighborhoods are inviting them on a regular basis along with various commercial properties for special events.

Commissioner Kramer inquired about the nature of the food trucks and if they are similar to ice cream trucks.

Mr. Peruski stated that unlike ice cream trucks, they obstruct traffic flow in neighborhoods.

Commissioner Bartolotta inquired about the potential for fines or tickets for not complying and if they would need an inspection prior to each event or once per year.

Mr. Peruski stated that a 10-15 minute inspection would be necessary to certify the mobile vending unit for one year.

Commissioner Murphy inquired how this will be communicated to the public and where will the inspection take place.

Mr. Polkowski stated that social media, our cable TV station, Township Board meeting announcement and Township newsletters will be utilized to inform the public about the ordinance. The fees will be paid to the Fire Department and the inspection would take place at the fire station.

Mr. Peruski noted that there is language added to the ordinance that give the Fire Department the discretion to accept other jurisdiction's certification as all Fire Departments accept the International Fire Code or the National Fire Protection Agency standards.

Commissioner Bartolotta inquired about the time frame and cost of certification.

Commissioner Ray opened public hearing at 5:00 p.m.

No members of the public spoke.

Commissioner Ray closed public hearing at 5:00 p.m.

MOTION AND VOTE

Moved by Frasca

*Supported by Murphy: Resolved to forward a **favorable** recommendation in Case No. 22-05-02 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)

4. Case No. PRSA 22-05-03, Text Amendment – Sign Ordinance – Public Hearing - POSTPONED

Requesting: Zoning Ordinance amendment to remove content based regulations in signage.

Districts Impacted: All Zoning Districts

Applicant: Waterford Township

5. Case No. PRSA 22-05-04, Text Amendment – Livestock – Public Hearing

Requesting: Zoning Ordinance amendment to clarify domestic livestock enclosures.

Districts Impacted: All Zoning Districts

Applicant: Waterford Township

Mr. Polkowski introduced the text amendment that corrects a contradictory statement in the ordinance.

Commissioner Ray opened public hearing at 5:02 p.m.

No members of the public spoke.

Commissioner Ray closed public hearing at 5:02 p.m.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 22-05-04 on to the Township Board, to amend the Zoning Ordinance for the Accessory Buildings, Accessory Structures, and Accessory Uses for the Raising and Keeping of Animals 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. Case No. PSP 22-1425, Medical Marihuana Provisioning Center Marvin Karana

Parcel I.D. No. 13-13-253-008; T3N, R9E, SEC 13 OAKWOOD MANOR NO 1 LOT 105
Requesting: Site Plan Review for a medical marihuana provisioning center in C-2, Small Business
Property Location: 2460 Dixie Hwy.
Property Zoned: C-2, Small Business
Applicant: Marvin Karana

Applicant Present: Cody Newman with Driven Design of 117 W. Michigan Ave., Battle Creek MI

Mr. Polkowski introduced the site plan, which involves demolition of an existing structure and constructing a new structure. This project received full Township Board approval for a medical marihuana provisioning center license. This project includes an electric vehicle charging station as an accessory use for which cut sheets are required. Staff approval will be dependent on the applicant working with engineering to mitigate storm water management, meeting the minimum landscape requirements and parking requirements. In addition, a lighting plan that meets the zoning ordinance is required before receiving final approval.

Mr. Newman clarified the proposed height of the building. The existing motel on site will be demolished and the business will be monitored by security camera 24 hours/day, 365/year. They will provide a photometric study. Odor is a consideration so all products are prepackaged and two carbon filters will be utilized to prevent odors from escaping the building. They will provide another loading space in the final plan. There is secure transport similar to a "Brinks" van for loading & unloading. They are adding a dumpster enclosure which will only be for general waste with no marihuana waste being disposed of into the dumpster. Any marihuana waste will be disposed of via secure transport truck. A landscaping architect expressed concern that soil will not provide adequate nutrition for the number of trees required so that will be reviewed further.

Commissioner Bartolotta inquired about the window height requirements for visibility into the building. Concern about irrigation for the landscaping.

Mr. Newman stated that the retail space windows will be completely frosted glass on both sides that lets natural light in but cannot see through to the store.

Commissioner Murphy inquired about the grading plan and stated that the landscaping plan is inadequate. Ms. Murphy added that arborvitae could be planted to screen the dumpster which would help meet requirements and would like to see ornamental trees near the street. Ms. Murphy stated that irrigation for landscaping is required.

Mr. Newman will provide a full storm water management plan and landscape plan with final site plan.

Commissioner Strat inquired about the proposed signage and stated a concern about lighting.

Mr. Newman stated that signage will be a wall sign and they do not intend to install a ground sign, they will provide a photometric study as well.

MOTION AND VOTE

*Moved by Bartolotta 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.*

The motion had no support and failed.

Moved by Murphy to table the case until a revised landscape plan and grading plan are provided and the signage and lighting plan are provided to meet our requirements.

Supported by Strat.

MOTION TABLED UNANIMOUSLY BY SHOW OF HANDS (7 - 0)

7. Case No. PSP 22-1426, Medical Marihuana Provisioning Center Golden Rockies

Parcel I.D. No. 13-16-101-019; T3N, R9E, SEC 4 WATERFORD THAT PART OF LOTS 1, 2 & 3 LYING NELY OF NELY LINE OF US-10 HWY EXC PART OF LOT 3 BEG AT PT DIST N 44-18-00 E 20.20 FT & N 45-42-00 W 35 FT FROM SW LOT COR, TH N 45-42-00 W 5 FT TO NWLY LOT COR, TH N 44-18-00 E 156.20 FT, TH S 17-13-00 W 10.99 FT, TH S 44-18-00 W 146.20 FT TO BEG, ALSO PART OF NW FRC 1/4 BEG AT MOST SLY COR OF LOT 1 OF 'WATERFORD', TH S 45-42-00 E 135 FT, TH N 44-18-00 E 356 FT, TH N 45-42-00 W 115 FT, TH N 44-18-00 E 204 FT TO CEN LI OF CLINTON RIVER, TH SWLY ALG SD CEN LINE TO SELY LINE OF 'WATERFORD', TH SWLY 230 FT ALG SD SUB LINE TO BEG, EXC PART IN US-10 HWY

Requesting: Site Plan Review for a medical marihuana provisioning center in C-3, General Business

Property Location: **5806 Dixie Hwy.**

Property Zoned: C-3, General Business

Applicant: Golden Rockies

Applicant present: Andy Andre with Triumph Engineering & Design of 10775 S. Saginaw St., Grand Blanc MI and Chris Aiello, Corporate Attorney for Moses Roses

Mr. Polkowski presented the site plan which received full Township Board approval for a medical marihuana provisioning center license. Staff comments include updating the landscaping site plan to reflect an increase of trees and shrubs in the parking lot and that indicates which existing plant material will be saved, a lighting plan to address the intensity of illuminated levels at the property boundaries and increasing the parking spaces for handicap access. The applicant will need to apply for variances for the front yard setback and landscape buffer.

Mr. Andre stated that all requirements would be met for security and odor mitigation. The windows at the front of the building will be frosted and fully opaque to prevent any visibility to the

retail lobby. A photometric plan is provided showing shielding on any lights over 1 candle-power at property line. The heavily wooded, existing natural area to the north will be cleaned up of debris and dead foliage. Landscaping will be added to the parking lot area.

Commissioner Murphy has concerns with the evergreens selected for the front as they will grow too large for the space and suggested other planting materials that may be better suited for the space.

Mr. Andre was in agreement to the suggestions and stated that the existing irrigation would be extended for the increased landscaping.

Commissioner Ray inquired about removing more parking spaces to accommodate landscaping.

Mr. Andre stated that they need to retain some parking for any future tenant of the vacant portion of the building.

The Board and the applicant discussed different landscaping materials that may be suitable for the project.

Commissioner Strat inquired about signage size and if they will be illuminated.

Mr. Andre stated that the design of signs will follow the ordinance and the sign contractor will apply for those permits.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Murphy: 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:

- 1. A final site plan shall be submitted for review and all department comments from this application and related site plan shall be addressed to the satisfaction of department staff.**
- 2. A variance is required for the front yard setback.**
- 3. A variance is required for the width of the greenbelt along Dixie Hwy.**
- 4. A revised landscape plan with irrigation from a registered landscape architect reviewed administratively for the Dixie Hwy greenbelt.**

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

VII. Discussions

1. Discussion Item – Time and Length of Pre Meeting

- a. The board deliberated on the time and length of Pre Meetings. Pre meetings will begin at 3:30 p.m.

MOTION AND VOTE

Moved by Bartolotta

Supported by Sintkowski: Resolved to change to length of Pre Meetings to one hour, beginning at 3:30 p.m.

VIII. All Else

The board deliberated consent agenda case's site plans being presented to Planning Commission for full site plan review.

IX. Adjourn the Meeting

Chairman Ray adjourned the meeting at 6:05 p.m.

Members of the public will only be able to speak during the public comment period at the end of 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 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.

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