
**CHARTER TOWNSHIP OF WATERFORD
PLANNING COMMISSION REGULAR MEETING
TUESDAY, JUNE 27, 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
 Dave Kramer, Secretary
 Tony Bartolotta, Commissioner
 Art Frasca, Commissioner
 Thomas Strat, Commissioner
 Steve Printz, Commissioner

Absent: Scott Sintkowski, Vice Chair

Also Present: Jeffrey Polkowski, Director
 Justin Daymon, Zoning Administrator
 Scott Underwood, Waterford Chief of Police
 James Covey, Fire Chief, Waterford Regional Fire Department
 Wayne Peruski, Fire Marshal, Waterford Regional Fire Department
 Lisa Kane, Recording Secretary

Public Present: Approximately 30 members of the public

- III. Approve the Agenda of the June 27, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **Approve** the June 27, 2023 Planning Commission Meeting Agenda as amended.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

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

(6 - 0)

- IV. Approve the Minutes of the May 23, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to **Approve** the May 23, 2023 Planning Commission Meeting Regular Meeting Minutes as printed.*

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

V. Consent Agenda – please see attached Consent Agenda

MOTION AND VOTE

Moved by Bartolotta

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

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

VI. Site Plans and Public Hearings

1. OLD BUSINESS - Change of Use Case No. PCR 23-012 Amazing Start Child Care Center

Parcel I.D. No. *13-26-201-047; T3N, R9E, SEC 26 SUNNY SLOPE ACRES PART OF LOTS 33 & 34 BEG AT PT DIST S 87-20-45 E 248.85 FT & S 41-50-15 E 453.13 FT FROM NW COR OF LOT 33, TH N 48-09-45 E 179.81 FT, TH S 87-20-45 E 138.48 FT, TH S 02-22-15 W 256.08 FT, TH N 41-50-15 W 132.89 FT, TH S 46-55-08 W 100.00 FT, TH N 41-50-15 W 150.00 FT TO BEG*

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

Property Location: **3360 Highland Rd**

Property Zoned: C-3, General Business

Applicant: Alma McShan

Applicant present: Alma McShan of 424 Marion Ave., Waterford

Mr. Polkowski introduced the change of use request. After receiving all local approvals, the applicant will need state of Michigan approval for a Child Day Care Center.

Ms. McShan stated that the drop off location in the rear of the building is safe.

Commissioner Bartolotta asked for clarification of the drop off location for the children.

Mr. Polkowski stated that the location was in the rear of the building and the applicant has stated that the front door will be locked.

Commissioner Bartolotta inquired about the number of children that will be enrolled and the hours of operations.

Ms. McShan stated that she expects 30 children enrolled and hours of operation will be Monday through Friday from 6:30 a.m. to 6:30 p.m. She also stated that the parking lot behind the restaurant would be available for her clients for dropping off and picking up children.

Commissioner Strat inquired about the ages of the children and if they would be there for a full day or half day.

Ms. McShan stated that she is enrolling preschoolers and toddlers and that she expects that 10 to 15 children in the morning and approximately 8 in the afternoon.

Commissioner Strat inquired where parents will park when dropping off if more than 4 arrive at the same time.

Ms. McShan stated that there is adequate parking for all her clients. She stated that it is not realistic that all parents will arrive at the same time.

Commissioner Strat inquired about the parking requirements.

Mr. Polkowski stated that 62 spaces are required for all uses at the subject site.

Commissioner Printz is concerned with the traffic on Highland Road in front of the site.

Ms. McShan stated that she is aware of the traffic on Highland Road.

Commissioner Strat is concerned with the number of drop off spaces and there being traffic congestion.

Chairperson Ray inquired if the drop off/pick up spaces will be indicated with signs.

Ms. McShan stated that she can have more spaces for pick up and drop off and they will be marked with signs.

MOTION AND VOTE

Moved by Frasca

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

Findings:

- A.1. There **is** a Township approved site plan for the zoning lot.
- A.2. Physical expansions or substantial improvements **are not** being proposed to the buildings, structures, or use areas on the zoning lot.
- A.3 Use of the zoning lot **is** proposed to be changed from the permitted use classification identified in the approved site plan to another permitted use classification.

Conclusions:

- A.1. The subject zoning lot **does** possess the parking capacity needed to serve the proposed change of use.
- A.2. The subject zoning lot **does** provide the appropriate buffering and screening between the proposed change of use and adjacent uses.

Conditions:

1. There will be nine (9) spaces, with signs, indicating drop off and pick up locations.
2. A door will be installed on the side of the building.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

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

(6 - 0)

2. OLD BUSINESS - Third 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 re-introduced the project of an outdoor patio seating area. This project does not require additional parking spaces, however the applicant has purchased a vacant lot across the street from the subject site providing 29 additional spaces which will be paved and striped and they will install signage for that lot.

Mr. Denaskiss stated how the applicant plans to meet and exceed the review criteria. Referring to the comments from the residents, there will not be any disposable tableware, there will be signage for the additional parking lot and they are currently working with EGLE for the dock.

Chairperson Ray opened the public hearing at 6:39 p.m.

Clem Nowak of 4709 Crescent Point stated that he has never been in support of this project. Mr. Nowak also does not like the wooden fence that was installed for screening.

Rebecca Nowak of 4709 Crescent Point stated that this project is very upsetting to her family. Mrs. Nowak is also concerned with the parking lot across the street not being adequate and being too far from the restaurant.

Tom Jones of 4757 Crescent Point stated that there are numerous violations on the site. Mr. Jones is concerned about a drain near the dumpster that appears to be draining into the lake from the grease trap. Mr. Jones is also concerned about the additional parking across the street that is not being maintained. Mr. Jones stated that the site has multiple site plan violations.

Andy Johnson of 295 Reymont stated that there are parking spots that are inaccessible and is concerned about the number of handicap parking spots, litter and the wildlife that is nesting at the site.

Claudia Locher of 285 Reymont is concerned with the garbage dumpster overflowing and the noise of the diners that carries across the lake.

Peter Edward of 4745 Crescent Point stated that the restaurant is using a trench drain that is draining to the lake and that there are two other drain pipes that lead to the canal. Mr. Edward referred to a site plan from the previous restaurant which indicated sheet draining towards the lake and a catch basin. Mr. Edward believes that the applicant and staff are not providing the information necessary to review this site. Mr. Edward believes that the lake-side setback should mirror the residential setbacks.

Maureen Edward of 4745 Crescent Point is disappointed with the Planning Commission and deferred her time to her husband, Peter Edward.

Jim Trosen of 333 Reymont stated that not everyone on the lake is against this project and that he does not hear any noise from the current restaurant. Mr. Trosen stated that he has no problems with the project and he heard more noise when the previous restaurant was open 24 hours per day.

Chairperson Ray closed the public hearing at 7:02 p.m.

Commissioner Kramer stated that the Master Plan for this area is residential although this parcel is zoned commercial and believes this is an expansion of a non-conformity. Mr. Kramer is concerned with the parking area, the noise, and is not in support of the project. Mr. Kramer is also concerned that the auxiliary parking area is not guaranteed to be sold with the restaurant lot if it is sold in the future.

Commissioner Printz inquired about the number of current parking spots at the restaurant.

Ms. Marji stated that there are 54 existing parking spaces on the site, they are adding additional barrier free parking spaces on the main site and are proposing an additional 25 for the detached parking lot. This lot has not yet been improved because they have not received approval for the parking area. After obtaining approval they will submit a parking lot plan which includes landscaping.

Mr. Polkowski stated that the if the applicant were to sell the parking lot, that would be a significant modification to the special approval and it would have to be reviewed by the Planning Commission.

Mr. Polkowski and Commissioner Kramer discussed the implications of selling the parking lot.

Commissioner Printz inquired about the signage for the new parking lot.

Ms. Marji stated that the signage would be installed after approval for the project.

Commissioner Printz stated that he supports the project as there are few opportunities in our community for lakeside outdoor dining and that he believes the applicant has made strides to address the comments from the residents and the commissioners.

Commissioner Strat inquired about the number of ADA parking spots.

Ms. Marji stated that they will be adding 3 spaces for a total of 5 ADA parking spots near the restaurant.

Commissioner Printz inquired about the process for revoking special approval if there are violations.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: 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 not** 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. Staff may coordinate and finalize site plan details.
3. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
4. The hours of operation of the outdoor patio expansion are limited to 10 p.m.
5. Connect the pedestrian sidewalk connection to the northeast corner of the on-site parking facility.
6. Provide five (5) barrier-free parking spaces in the on-site parking facility.
7. Comply with the Michigan Plumbing Code's requirements for the minimum number of plumbing fixtures for a restaurant.
8. The landscaping requirements for 4710 Cooley Lake Rd, which were waived as part of the previous approval, are updated to require the proposed landscaping as shown on the plan.

MOTION CARRIED BY ROLL CALL VOTE

(Ray/no, Strat/yes, Kramer/no, Frasca/yes, Printz/yes, Bartolotta/yes)
(4 - 2)

3. Special Approval No. PRSA 23-05-03 (PSP 23-1462), Building Addition to an Existing Commercial Storage Establishment – PUBLIC HEARING

Parcel I.D. No. *13-36-233-006: T3N, R9E, SEC 36 HURON GARDENS NO 1 LOTS 759 TO 765 INCL EXC E PART OF LOTS 762 TO 765 INCL TAKEN FOR TELEGRAPH RD WIDENING*

Requesting: Special Approval for a building addition to an existing commercial storage establishment

Property Location: **150 S Telegraph**

Property Zoned: C-3, General Business

Applicant: Bloom General Contracting

Applicant Present: Bill Golling of 150 S Telegraph; Shane Burley of Studio Detroit Architects, 2040 Park Ave., Detroit; and Tim Wood of Nowak & Fraus Engineers, 46777 Woodward Ave., Pontiac

Mr. Polkowski introduced the project which will be a private facility for storage of Mr. Golling's personal vehicle collection.

Chairperson Ray opened the public hearing at 7:22 p.m.

No one from the audience spoke.

Chairperson Ray closed the public hearing at 7:22 p.m.

Commissioner Bartolotta inquired about the vehicles that would be stored.

Mr. Golling stated that he has 44 classic cars.

Commissioner Strat noted that the applicant's packet was very thorough.

The Planning Commissioners and staff deliberated the parking requirement.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: 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** 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. Staff may coordinate and finalize site plan details.
3. The Planning Commission reserves the right to modify or revoke this special approval

- following complaints, safety concerns, or site plan violations.
4. The site's parking requirement will be set at 5 parking spaces including the applicable number of required barrier-free parking spaces.
 5. This approval is limited to the current owner, and their beneficiaries.

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

4. Special Approval No. PRSA 23-05-04 & -05 (PSP 23-1464), Building Systems Repair Establishment – PUBLIC HEARING

Parcel I.D. No. 13-10-377-049: T3N, R9E, SEC 10 RIVER VIEW SUB NO 1 LOT 132, ALSO N 45 FT OF LOT 133 4-18-22 FR 030 & 031

Requesting: Special Approval for a Building Systems Repair Establishment to develop and install electric vehicle charging stations with Outdoor Storage.

Property Location: **2970 Frembes**

Property Zoned: HT-1, High Tech Office

Applicant: Patrick Lloyd

Applicant Present: Patrick Lloyd of 4169 Meyers, Waterford

Mr. Polkowski introduced the project which would see improvements made to a site that was originally developed when standards were considerably lower.

Mr. Lloyd stated that this project would be good for the community as there are no other businesses like this in Oakland County. Mr. Lloyd would like to invite high school students to his facility to encourage work in the trade.

Chairperson Ray inquired about the business.

Mr. Lloyd stated that they repair and install electric vehicle charging stations and software development.

Chairperson Ray opened the public hearing at 7:35 p.m.

No one from the audience spoke.

Chairperson Ray closed the public hearing at 7:35 p.m.

MOTION AND VOTE

Moved by Frasca

*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. Staff may coordinate and finalize site plan details.
3. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
4. If the neighboring property to the South is to be utilized for site access an access agreement must be submitted to Township staff to be reviewed and approved before being filed with Oakland County.
5. Northern access drive must be paved or closed off.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

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

(6 - 0)

5. Special Approval No. PRSA 23-05-06, Special Approval to keep chickens – PUBLIC HEARING

Parcel I.D. No. 13-33-451-028: T3N, R9E, SEC 33 PART OF SE ¼ BEG AT 2 ¼ COR, TH N 00-09-00 E 490.28 FT, TH S 89-51-15 E 335.10 FT, TH S 00-10-45 W 488.63 FT, TH S 89-51-45 W 334.86 FT TO BEG 3.77 A 6-5-23 FR 012, 013 & 014

Requesting: Special Approval to keep chickens in a single-family residential district

Property Location: **1448 Murray Dr**

Property Zoned: R-1A, Single-Family Residential

Applicant: Juan Diego Bonilla Baires

Applicant Present: Juan Diego Bonilla Baires of 1448 Murray Dr

Mr. Polkowski introduced the request to keep chickens and a rooster in a residential lot which is less than the 5 acres necessary by the ordinance.

Chairperson Ray opened the public hearing at 7:41 p.m.

Richard Zwiernikowski of 1401 Mill Creek Dr. stated that every morning at about 5:30 a.m. he wakes to a rooster crowing and hears it throughout the day. Mr. Zwiernikowski stated that he read that keeping these birds could attract other predatory animals.

Jason Quillen of 1457 Murray Dr. stated that the area has varied wildlife and they appreciate all of the animals in this area including the chickens.

Paul Reiner of 1432 Murray Dr. which is directly next door. Mr. Reiner stated that he is in favor of his neighbor having the chickens and loves waking up to the rooster crowing.

Chairperson Ray closed the public hearing at 7:46 p.m.

Commissioner Bartolotta stated that they received multiple letters of support and only one letter in opposition.

Commissioner Kramer inquired about the number of birds.

Mrs. Baires stated that they have 3 ducks, 13 hens and 1 rooster.

Commissioner Strat stated concern about the property values for the neighboring homes and does not support this request.

Commissioner Printz stated that the keeping of chickens is not out of line with the character of the neighborhood.

Chairperson Ray inquired to the commissioners about keeping roosters.

Commissioner Bartolotta stated if there are complaints about the rooster in the future than it may need to return to the Planning Commission for review.

Chairperson Ray suggested allowing 6 birds per acre with no more than 1 rooster.

MOTION AND VOTE

Moved by Kramer

*Supported by Frasca: 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. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
2. One rooster is allowed to be kept. If there are any complaints the matter will come back to the Planning Commission for further review.
3. The number of animals is limited to 6 birds per acre or 22 birds.
4. The animals shall not be allowed outside of their enclosure without supervision.
5. Work with staff to confirm the size of the enclosure meets the requirements of the Zoning

Ordinance, or receive a variance for the size of the enclosure.

MOTION CARRIED BY ROLL CALL VOTE

(Ray/yes, Strat/no, Kramer/yes, Frasca/yes, Printz/yes, Bartolotta/yes)

(5 - 1)

6. Special Approval No. PRSA 23-05-07 (PCR 23-013), Special Approval to open a Veterinary Clinic – PUBLIC HEARING

Parcel I.D. No. 13-26-303-008: T3N, R9E, SEC 26 ELIZABETH LAKE ESTATES NO 2 PART OF LOTS 659 & 660 BEG AT NE COR OF LOT 660, TH N 89-56-00 W 1 FT, TH S 01-32-00 E 120 FT, TH S 89-56-00 E 1.61 FT, TH NLY 120 FT ALG WESTERLY EDGE OF BLDG TO NLY LOT LINE OF LOT 659, TH N 89-56-00 W 0.36 FT TO BEG, ALSO N 120 FT OF W 49 FT OF LOT 660, ALSO ALL OF LOT 661 EXC THAT PART TAKEN FOR RD, BEG AT NW COR LOT 661, TH S 89-56-00 E 100 FT, TH S 89-56-00 E 0.39 FT, TH S 01-38-18 E 20 FT, TH N 89-56-00 W 100.43 FT, TH N 01-32-00 W 20 FT TO BEG 7-29-16 CORR

Requesting: Special Approval to open a Veterinary Clinic in an existing building.

Property Location: **3803 Elizabeth Lake Rd**

Property Zoned: C-1, Neighborhood Business

Applicant: All About Animals Rescue

Applicant Present: Kathryn Garrett of 365 University Place, Grosse Point MI and Karen Mountz of 2653 Tower Hill, Rochester Hills MI

Mr. Polkowski introduced the project to open a veterinary clinic in an existing commercial building. The proposed use is in-line with the zoning and Master Plan designation for the property.

Ms. Garrett stated that they are excited to bring this service to the community. They will provide wellness care for cats and dogs with no surgical care.

Chairperson Ray opened the public hearing at 8:03 p.m.

No one from the audience spoke.

Chairperson Ray closed the public hearing at 8:03 p.m.

Commissioner Bartolotta inquired if the clinic will provide DNA testing.

Ms. Garrett stated that they do not provide that service.

Commissioner Kramer asked about feral cat services.

Ms. Garrett stated that they do not intend to have those services at this location but have feral cat services at their other facilities.

Commissioner Strat inquired about overnight stays for animals.

Ms. Garrett stated that they will not have any animals staying overnight at this facility.

MOTION AND VOTE

Moved by Frasca

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** 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. Staff may coordinate and finalize site plan details.
3. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
4. A greenbelt matching the neighboring property to the west shall be established along the

Elizabeth Lake Rd right-of-way.

5. The parking lot shall be restriped in accordance with the site's current approved site plan.

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

Commissioner Bartolotta requested a 5-minute break.

Chairperson Ray adjourned the meeting for a brief break at 8:08 p.m.

Chairperson Ray called the meeting back to order at 8:16 p.m.

7. Special Approval No. PRSA 23-06-01 (PCR 23-014), Special Approval for a Short Term Rental – PUBLIC HEARING

Parcel I.D. No. 13-13-201-012: T3N, R9E, SEC 13 SILVERCREST LOT 186 EXC STRIP OFF E SIDE SAME BEING 8 FT ON FRONT & 13 FT ON REAR, ALSO E 1/2 OF VAC MONTROYAL ST ADJ TO SAME

Requesting: Special Approval to operate a Short Term Rental in a Single-Family Residential district.

Property Location: 2431 Silver Circle

Property Zoned: R-1C, Single-Family Residential

Applicant: Elisa Quiroz

Applicant Present: Bradley Wood of 465 Rivard Blvd., Waterford

Mr. Polkowski introduced the request for a Short Term Rental property.

Police Chief Scott Underwood stated that on June 21st it was brought to their attention that a flyer was circulating on social media which was an open invitation to a large party at this residence. The Oakland County Sherriff's Gang Intelligence Unit describes the person advertising the event as a current gang member of a violent gang from Pontiac. The advertisement had images of 4 individuals holding firearms. Mr. Underwood attempted to gain information about the owner from the Waterford Assessing office and also spoke with Mr. Polkowski who informed that they were seeking Special Approval from the Planning Commission. Mr. Underwood then found the property listed as available for rent on the Airbnb website and sent a message through that site to speak with the property owner. She called Mr. Underwood and stated that she had no idea that this party was planned. The property owner did cancel the rental and the party did not take place in Waterford.

Mr. Polkowski clarified with Mr. Underwood that the property was listed on the Airbnb site prior to receiving special approval.

Mr. Underwood stated that the listing was available on the Airbnb website on Friday, June 21 2023.

Chairperson Ray opened the public hearing at 8:22 p.m.

John Lutz of 2402 Silver Point Dr and president of the Silver Point Homeowners' Association spoke, representing the views of the Homeowners' Association which is not in favor of a short term rental in this single family residential area. The Association has concerns with strangers

and the safety of their children and the noise. Mr. Lutz also stated a concern of short term rentals on a lake as they likely will not have knowledge of lake safety.

Marla Wolf of 2338 Silver Point Dr is concerned with the noise from this home and stated that the property is not being kept up. Ms. Wolf asked who will be in control these parties and if the property owner live there at all. There are currently large limbs in the driveway after the storm. Ms. Wolf does not believe this is an appropriate use for the neighborhood.

Ron Loch of 2426 Silver Point stated that he would like to underscore the comments of the previous speakers and Chief Underwood. Mr. Loch would like the lake and the neighborhood to be kept safe.

Chairperson Ray closed the public hearing at 8:29 p.m.

Commissioner Bartolotta noted a typographical error in the packet.

Commissioner Strat stated that he lives close to the subject site and would like to recuse himself from the case.

Commissioner Bartolotta motion to excuse Commissioner Strat from the vote for conflict of interest. Commissioner Frasca Supported the motion.

***MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE
(Ray/yes, Kramer/yes, Frasca/yes, Printz/yes, Bartolotta/yes)
(5 - 0)***

Chairperson Ray inquired who will manage any parties that occur at the property, who is responsible for lawn maintenance, who does the background checks for the renters and is the residence furnished.

Mr. Wood replied that there will not be any parties allowed at the subject site, they have a landscape company hired to maintain the property, the Airbnb site does the background checks for the renters and yes the residence is furnished.

Commissioner Printz inquired who will maintain the property after storms.

Mr. Wood stated that a landscaping company is hired and will clean up the debris from the storm.

Commissioner Kramer asked the applicant to define short term.

Mr. Wood stated that the short term rental minimum is 2 days.

Mr. Polkowski stated that the ordinance defines short term as less than 30 days.

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **deny** 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 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.
- 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.
- 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** impose an unreasonable burden upon public services and utilities.
- E. The proposed use **will not** 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.
- A.2 The proposed use **will not** be compatible with the orderly development or use of adjacent zoning lots.
- A.3 Pedestrian circulation **will** 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 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 not** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents.

***MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE
(Ray/yes, Kramer/yes, Frasca/yes, Printz/yes, Bartolotta/yes)
(5 - 0)***

8. Text Amendment No. PRSA 23-06-02, Child Day Care Centers – PUBLIC HEARING

Requesting: Text Amendment to establish Child Day Care Centers as a Permitted Use after Special Approval in the non-residential districts in which they are allowed.

Impacted Districts: C-1, Neighborhood Business; C-2, Small Business; C-3, General Business; C-4, Extensive Business; C-UB, Urban Business; C-UL, Union Lake Business; OV-SP, Summit Place Overlay; O-2, General Office

Applicant: Waterford Township

This case has been postponed.

9. Text Amendment No. PRSA 23-06-03, Adult Use Marihuana Establishments – PUBLIC HEARING

Requesting: Text Amendment to allow for Adult Use Marihuana Establishments

Impacted Districts: C-2, Small Business; C-3, General Business; C-4, Extensive Business; OV-SP, Summit Place Overlay; HT-1, High Tech Office; HT-2, High Tech Industrial and Office; M-1, Light Industrial; M-2, General Industrial
Applicant: Waterford Township

Mr. Polkowski introduced the proposed text amendment for the allowance of Adult Use Marihuana Establishments in the same zoning districts that allow Medical Marihuana.

Chairperson Ray opened the public hearing at 8:40 p.m.

Craig Aaronoff of 1212 S. Washington on behalf of Quality Roots, licensed medical marihuana facility in Waterford stated that this text amendment will be key to the success of this business.

Chairperson Ray closed the public hearing at 8:42 p.m.

Commissioner Frasca stated that the consideration for final approval for Adult Use Marihuana Establishments would be made by the Township Board.

MOTION AND VOTE

Moved by Kramer

*Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 23-06-03 on to the Township Board, to amend the Zoning Ordinance for the Index of Defined Terms; Commercial Zoning Districts; Higher Intensity Use Zoning Districts; and establishing Regulations for Adult Use Marihuana Establishments 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 ROLL CALL VOTE

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

(6 - 0)

10. Text Amendment No. PRSA 23-06-04, Modify Approval Process of Medical Marihuana Establishments – PUBLIC HEARING

Requesting: Text Amendment to modify the approval process for Medical Marihuana Establishments.

Impacted Districts: C-2, Small Business; C-3, General Business; C-4, Extensive Business; OV-SP, Summit Place Overlay; HT-1, High Tech Office; HT-2, High Tech Industrial and Office; M-1, Light Industrial; M-2, General Industrial

Applicant: Waterford Township

Mr. Polkowski introduced the proposed text amendment that modifies the approval process for Medical Marihuana Establishments.

Chairperson Ray opened the public hearing at 8:46 p.m.

No one from the audience spoke.

Chairperson Ray closed the public hearing at 8:46 p.m.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to forward a **favorable** recommendation in Case No. 23-06-04 on to the Township Board, to amend the Zoning Ordinance for Regulations for Medical Marihuana Uses 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 ROLL CALL VOTE

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

(6 - 0)

VII. Discussions

1. Planning Commissioner Bartolotta to propose study session

Commissioner Bartolotta proposed a study session on Tuesday, July 11 at 4:30 p.m. in the 3rd Floor Conference room.

VIII. Public Comment

Chairperson Ray opened the public hearing at 8:50 p.m.

Peter Edmund of 4745 Crescent Point stated that he is concerned with the process and believes that the Development Services department is receiving plans without the required information to submit to the Planning Commission.

Kevin Carlswell inquired about the consent agenda approval at the beginning of the meeting as he was late arriving.

Mr. Polkowski informed that the consent agenda items were approved.

Tom Jones of 4757 Crescent Point inquired about the photos that he submitted to Gary Wall regarding the 4th Tavern restaurant's code enforcement issues.

Chairperson Ray stated that they received all the photos in the packet for the meeting.

Chairperson Ray closed the public hearing at 8:55 p.m.

IX. All Else

1. Fire Chief Covey to address Planning Commission

Chief Covey stated that he appreciates the apology letter written by Chairperson Ray and believes the comments were disrespectful to the Fire Department. Chief Covey stated they have the highest level of education for Public Act 54 certified Plans Examiners. Allegations against the department are taken very seriously. The Waterford Regional Fire Department has the residents of the community, safety of the police officers and firefighters and township employees in mind with every decision they make on emergencies, site plan reviews, construction reviews, plan review and final inspections.

Chairperson Ray respectfully entered his written apology into the record.

X. Adjourn the Meeting

Chairman Ray adjourned the meeting at 8:58 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

Minor Site Plans	2
Change of Use	3
Minor Change	1

Minor Site Plans

1.) MINOR Site Plan No. PSP 23-1465, St Andrew's Church Pavilion

Location: 5301 Hatchery Rd

Zoning: PL, Public Lands

This applicant is proposing to construct a pavilion and concrete pathways along with landscaping updates.

2.) MINOR Site Plan No. PSP 23-1466, 4th Tavern Building Addition

Location: 4710 Cooley Lake Rd

Zoning: C-3, General Business

This applicant is proposing to construct a two-story, 984 sqft addition to the rear of the building to house additional restrooms, offices, and storage space.

Change of Use

1.) Change of Use No. PCR 23-015, Storm Strong Arms

Location: 6695 Highland Rd, Ste 207

Zoning: C-4, Extensive Business

This applicant is proposing to open a federally licensed firearms dealer and online retailer in a multi-tenant commercial property.

2.) Change of Use No. PCR 23-017, McDermott Office

Location: 6608 Cooley Lake Rd

Zoning: C-UL, Union Lake Business

This applicant is proposing to open a bookkeeping office in a multi-tenant commercial facility.

3.) Change of Use No. PCR 23-018, Serenity Rehabilitation Centers

Location: 7076 Highland Rd

Zoning: C-4, Extensive Business

This applicant is proposing to lease a portion of the existing hotel to operate a Substance Abuse Care Center.

Minor Change

1.) Minor Change to Site Plan #1118 Lakeways Market

Location: 3468 Pontiac Lake Rd

Zoning: C-1, Neighborhood Business

The applicant is changing the material of their screening wall.