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**CHARTER TOWNSHIP OF WATERFORD  
PLANNING COMMISSION REGULAR MEETING  
TUESDAY, AUGUST 29, 2023 6:00 P.M.**

I. Call the Meeting to Order

**Chairperson Ray** called the meeting to order at 6:02 p.m.

II. Roll Call

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

Absent: Thomas Strat, Commissioner

Also Present: Justin Daymon, Zoning Administrator  
Lisa Kane, Recording Secretary

Public Present: Approximately 13 members of the public

III. Approve the Agenda of the August 29, 2023, regular meeting of the Planning Commission as printed.

**MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to postpone Case No. PRSA 23-07-02 on the August 29, 2023 Planning Commission Meeting Agenda.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

**(Ray/yes, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)  
(6 - 0)**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to **Approve** the August 29, 2023 Planning Commission Meeting Agenda as amended.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

**(Ray/yes, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)  
(6 - 0)**

IV. Approve the Minutes of the July 25, 2023, regular meeting of the Planning Commission as printed.

**MOTION AND VOTE**

*Moved by Bartolotta*

*Supported by Frasca: Resolved to **Approve** the June 27, 2023 Planning Commission Meeting Regular Meeting Minutes as printed.*

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

*(Ray/yes, Kramer/yes, Sintkowski/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, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)*

*(6 - 0)*

- VI. Site Plans and Public Hearings

**1. Rezoning Case No. PRSA 23-07-01 Rezoning R-1B, Single-Family Residential to C-1, Neighborhood Business – PUBLIC HEARING**

**Parcel I.D. No.** 13-08-230-003: T3N, R9E, SEC 8 JUDSON BRADWAY'S HUNTOON LAKE SUB N 1/2 OF LOT 53 & ALL OF LOT 54

**Requesting:** The applicant is looking to rezone the parcel from R-1B, Single-Family Residential to C-1, Neighborhood Business.

**Property Location:** 3470 Airport Rd

**Property Zoned:** R1-B, Single-Family Residential

**Applicant:** TCSE LLC

Applicant present: Joseph Mooney

**Mr. Mooney** of 1411 N Lakeshore Dr., Marion, Indiana stated that his family has had this property for many years, and they are concerned that the property might end up vacant if they cannot change the zoning as they don't believe it would be desirable as a residential property.

**Mr. Daymon** introduced the rezoning case.

**Chairperson Ray** opened the public hearing at 6:08 p.m.

No one from the audience spoke.

**Chairperson Ray** closed the public hearing at 6:09 p.m.

**MOTION AND VOTE**

*Moved by Bartolotta*

*Supported by Kramer: Resolved to forward a **favorable** recommendation in Case No. 23-07-01 on to the Township Board, to rezone the subject parcels #13-08-230-003 from R-1B, Single-Family Residential to C-1, Neighborhood Business based on the following findings and*

conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

### Findings:

- A. The requested zoning change **is not** 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 ROLL CALL VOTE**

*(Ray/yes, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)*  
(6 - 0)

### **2. \*\*APPLICANT HAS REQUESTED THIS CASE BE POSTPONED UNTIL THE SEPTEMBER 26, 2023 PLANNING COMMISSION MEETING\*\* - Special Approval Case No. PRSA 23-07-02 Keeping Small Domestic Livestock in a Residential District – PUBLIC HEARING**

Parcel I.D. No. 13-15-156-007: T3N, R9E, SEC 15 BENSON'S OLD ORCHARD SUB LOT 44

**Requesting:** The applicant is looking to keep eight chickens (no roosters) in a residential district.

**Property Location:** 2050 Briggs St

**Property Zoned:** R1-A, Single-Family Residential

**Applicant:** Jodi Burchett

Case was postponed.

### **3. Rezoning Case No. PRSA 23-07-04 Rezoning M-1, Light Industrial to R-1A, Single-Family Residential – PUBLIC HEARING**

Parcel I.D. No. 13-05-203-029: T3N, R9E, SEC 5 WATERFORD ACRES SUB LOT 70

**Requesting:** The applicant is looking to rezone a portion of the parcel from M-1, Light Industrial to R-1A, Single-Family Residential.

**Property Location:** 4159 Foley St

**Property Zoned:** M-1, Light Industrial

**Applicant:** Aaron Baughey

Applicant present: Aaron Baughey of 4159 Foley St

**Mr. Daymon** introduced the rezoning case.

**Aaron Baughey** of 4159 Foley St stated that he would like to have the ability to rebuild his house should anything happen to it and as its current status of legal non-conforming would not allow that.

**Chairperson Ray** opened the public hearing at 6:13 p.m.

**Craig Bruske** of 4170 Foley St spoke in favor of Mr. Baughey's request.

**Chairperson Ray** closed the public hearing at 6:14 p.m.

## **MOTION AND VOTE**

*Moved by Frasca*

*Supported by Bartolotta: Resolved to forward a **favorable** recommendation in Case No. 23-07-04 on to the Township Board, to rezone a portion of the subject parcel #13-05-203-029 from M-1, Light Industrial to R-1A, Single-Family Residential based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.*

### **Findings:**

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

## **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

*(Ray/yes, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)*

*(6 - 0)*

### **4. Special Approval Case No. PRSA 23-08-01 Keeping Small Domestic Livestock in a Residential District – PUBLIC HEARING**

**Parcel I.D. No.** 13-04-326-023: T3N, R9E, SEC 4 RAINBOW LAKE SUB NO 2 PART OF LOT 29 BEG AT NE LOT COR, TH N 79-58-21 W 79.20 FT, TH N 73-55-33 W 151.58 FT, TH S 76-00-00 E 230.49 FT TO BEG, ALSO ALL OF LOT 30 4-27-04 FR 012 & 013

**Requesting:** The applicant is looking to keep six chickens and two ducks in a residential district.

**Property Location:** **5571 Pointe Place**

**Property Zoned:** R1-A, Single-Family Residential

**Applicant:** Elizabeth Spiridon

Applicant present: Elizabeth Spiridon of 5571 Pointe Place

**Mr. Daymon** introduced the request to keep chickens and ducks. The applicant received a code enforcement complaint regarding the animals. Public comments received regarding the case have been submitted to the Planning Commissioners.

**Ms. Spiridon** stated that the birds are now totally enclosed and cannot roam free.

**Chairperson Ray** opened the public hearing at 6:19 p.m.

**Brent Crew** of 5714 Southward has no issues with the birds being kept at this property.

**Chairperson Ray** closed the public hearing at 6:20 p.m.

**Commissioner Kramer** inquired if the approval will remain with the land or if it is only for this applicant.

**Mr. Daymon** stated that it could be added as a condition to have the approval expire if the applicant moves.

**Chairperson Ray** inquired about the number of birds.

**Ms. Spiridon** stated that they have 6 chickens and 2 ducks.

**Commissioner Sintkowski** inquired about the birds' waste removal.

**Ms. Spiridon** stated that the coop is easily cleaned with a pull-out tray.

#### **MOTION AND VOTE**

*Moved by Sintkowski*

*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 not** 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. No roosters are to be kept.
3. The number of domestic small livestock is limited to 8.
4. The chickens shall not be allowed outside of their enclosure without supervision.
5. This special approval is specific to this applicant and will not carry over to any future owners.

#### ***MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE***

***(Ray/yes, Kramer/yes, Sintkowski/yes, Frasca/yes, Printz/yes, Bartolotta/yes)***

***(6 - 0)***

#### VII. Discussions

Commissioner Kramer stated that he believes that houses are being built in the Township that do not meet the characteristics of the existing neighborhoods. Commissioner Kramer proposes an ordinance amendment to have new construction be consistent with the characteristics of the neighborhood and commensurate with the value of the neighborhood. Commissioner Kramer also stated that the houses being built lack a stoop, picture window, a basement, shed or garage, so that occupant has nowhere to store things and thus creating a situation of blight. Commissioner Kramer called for the Planning Director to discuss this with both the Township Supervisor and the Township attorney.

#### VIII. Public Comment

**Chairperson Ray** opened the public hearing at 6:29 p.m.

No one from the audience spoke.

**Chairperson Ray** closed the public hearing at 6:29 p.m.

IX. All Else

X. Adjourn the Meeting

**Chairman Ray** adjourned the meeting at 6:29 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](mailto:planning@waterfordmi.gov) Phone: (248) 674-6238

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## Site Plans Currently Under Administrative Review

### Consent Agenda

Major Site Plans	1
Change of Use	2

#### Site Plans

1.) Major Site Plan No. PSP 23-1467, Dundee Residential Development

Location: 1383 Dundee

Zoning: R-1B, Single-Family Residential

This applicant is proposing to build 19 detached site condos on a 5.1 acre piece of property.

#### Change of Use

1.) PCR 23-023, Crumbl Cookies

Location: 4998 Highland Rd Ste A

Zoning: C-3, General Business

Business Use: Applicant is seeking to open a bakery in a multi-tenant commercial property.

2.) PCR 23-025, Ice Cream Shop

Location: 3925 Elizabeth Lake Rd

Zoning: C-1, Neighborhood Business

Business Use: Applicant is seeking to open an ice cream shop in a multi-tenant commercial property.