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4:00 P.M. – Agenda Review – 3<sup>rd</sup> Floor Conference Room

4:30 P.M. – Call the Meeting to Order – Main Floor Auditorium

Chairperson Werth called the meeting to order at 4:34pm

I. Roll Call

Present: Sandra Werth, Chairperson  
Steve Reno, Vice Chairperson  
Matt Ray, Secretary  
Tony Bartolotta, Commissioner  
Dave Kramer, Commissioner  
Scott Sintkowski, Commissioner  
David Hardin, Commissioner

Also Present: Larry Lockwood, Superintendent of Planning and Zoning  
Amy Williams, Administrative Specialist  
Rob Merinsky, Director of Development Services  
Gary Dovre, Township Attorney  
Gary Wall, Township Supervisor

General Public attendance of approximately 25

II. Approval of August 14, 2018 Planning Commission meeting minutes as printed.

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Bartolotta; Resolved to **APPROVE** the Minutes of the August 14, 2018 Planning Commission Meeting.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

III. Approval of September 25, 2018 Planning Commission meeting agenda.

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Bartolotta; Resolved to **APPROVE** the September 25, 2018 Planning Commission Meeting Agenda as amended. (The public meeting and the Development review for the same property will be heard at the same time/ Special Approval and then Concept Plan Review for DTE)*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

IV. Public Hearings

1.) Case No. 18-09-01, DTE Electric Company (Staff Reviewer – Larry Lockwood)

Property Location: 435 N. Telegraph Rd.  
Parcel I.D. No.: 13-25-200-032  
Action: Requesting Special Approval under Section 3-706.5, B, D & J (1&3) of the Waterford Township Zoning Ordinance to allow outdoor commercial storage of electrical components, a major vehicle repair facility along with a commercial fueling station to be established in the C-4, Extensive Business District  
Applicant: James Halpin, DTE

**Mr. Lockwood** reminded the board that DTE's proposed land use as a Regional Public Utility Service Center, was approved for special land use consideration within the Township's C-4, Extensive Business District at the August 14<sup>th</sup> Meeting and that allowed DTE to proceed with this application for Special Approval.

**Mr. Palchesko**, DTE Regional manager, introduced the speakers today, Emily Palacios and Jeffrey Gains.

**Ms. Palacios** gave a brief overview and visual presentation of the Proposed DTE Service Facility. She showed the locations of the proposed covered storage racks, the above ground fueling station, and location of the Vehicle Maintenance facility and discussed the design and intent of each.

**Commissioner Sintkowski** questioned if there was any type of containment strategy for potential leakage or run off from the fueling station, and then further questioned the concern for "walkability" or pedestrian walkways.

Another member of DTE staff addressed the containment strategy by stating that the above ground fueling tanks were chosen for their design and that they have a secondary containment in its design.

**Ms. Palacios** said that they would prefer not to include sidewalks at this time that would just "go nowhere", but agreed that they could implement them at a later date if and when further development created the need for them.

**Chairperson Werth** questioned if they intended to rebuild Mall Drive to County standards and was informed by DTE staff that they did plan on this improvement, as it is currently a private road.

**Commissioners** further questioned the exterior wall screening, the maximum height of the equipment in the staging area and if there were any plans for irrigation for the landscaped areas.

During the public portion of the meeting the following spoke regarding this request:

**Daryl Reppuhn** of 4012 Sawyer St. questioned the Commissioners if this was something that we really want at this location. He likes the idea of re development in this area, but that he is opposed to the use.

**Robert Carson**, of 4111 Bloomfield said that he was here representing some of the small Business's in the area who were against this request. He stated that this is not an authorized use for this site and went into detail citing sections from the Waterford Township Zoning Ordinance to back up his claim.

**Arie Leibovitz**, of 29355 Northwestern Hwy, stated that he was here to represent the owner of The subject property and proposed development, and is the new owner of the mall property. He said that contrary to what Mr. Carson just described, this is to be a state of the art development and expects it to be a catalyst to redevelopment for the rest of the mall property. Retail in this area is dying, and redevelopment of the mall site depends on this property. He feels the DTE project will have a positive impact on this area.

**Terry Keros** of Kerby's Coney Island, 2200 Mall Drive gave his support. He stated that he grew up in the area and said this was a great property for years, but it has been an eyesore for the past 15 and vacant for too long. He feels this development will be an improvement and it needs to be developed.

**Attorney Dovre** suggested revisions to the staff report if there was an approval with conditions.

**Commissioner Sintkowski** questioned attorney Dovre on the zoning comments that were made by Mr. Carson but, was advised that these issues were already addressed and approved at the previous meeting on August 14, 2018.

**Ms. Palacios** requested that they be allowed to review the conditions of approval before a vote and that they did not have a opportunity to review them before the meeting.

**Chairperson Werth** proceeded to call for a tabling motion and the case was subsequently tabled until after the next case was heard. Upon reconvening;

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Bartolota; Resolved to **APPROVE** with conditions the requests for special approval No. 18-09-01 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.

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 applicant shall install and maintain a five (5) ft. wide concrete sidewalk for the property's frontage along Telegraph Rd. at the time when adjacent redevelopment occurs and a similar sidewalk is constructed on either side of the property.*
2. *MDOT's final review, approval and recommendation on any mitigation measures or improvements being incorporated into the final site plan submittal that must be implemented during the project development.*
3. *The outdoor storage is limited to vehicles, equipment, and machinery that are in good repair or being repaired, and materials, needed for services provided by DTE personnel based at or working from the site and shall not include the warehousing or storage of such items for use in other DTE service areas.*
4. *There shall be no bulk outdoor storage of sand, gravel, topsoil, mulch, salt, or similar materials on the site. Only smaller amounts of palletized/bagged material shall be permitted.*
5. *Outdoor storage shall be limited to the areas within or under the proposed covered rack storage and parking structures and in the repair and service vehicle parking areas as shown on the concept plan.*

6. *No temporary open storage within the proposed "staging area" that is shown/depicted on the concept plan shall exceed eight (8) feet in height.*
7. *Screen wall materials and color that match or compliment buildings on site shall be reasonably consistent with the applicant's presentation on September 25, 2018.*
8. *Security Fencing materials and color that are compatible with or compliment color and materials of screen wall and buildings on site will be reasonably consistent with the applicant's presentation on September 25, 2018.*
9. *Above ground fuel tank(s) details including the number, sizes, overall height, installation details including the fuel spill containment measures to be installed and maintained, along with the tank(s) color, shall be provided on the final site plan for administrative review and approval.*
10. *The recycling area shall not be used for the storage of waste materials unless within waste material containers as defined and required in Chapter 9 of the Township Ordinance Code.*
11. *Storage of materials in the recycling area shown on the concept plan shall be temporary and limited to materials used in or related to the services provided by DTE from the site and shall not exceed eight (8) feet in height.*
12. *The final landscape plan for administrative review and approval as part of the final site plan shall be prepared and sealed by a Registered Landscape Architect, provide a detailed planting list of all proposed/required plant material for the project, provide typical planting details for the trees and shrubs including a minimum 12 feet height of trees at planting, and contain notes that all landscape areas will be equipped with an in-ground irrigation system that is operated and maintained to insure the long-term health and vitality of the required plant material and that all landscape areas shall be continuously maintained.*
13. *Provide a note on the Exterior Lighting Plan/Photometry and comply with the requirement that any/all exterior site lighting will be shielded downward and away from adjacent properties and road right-of-way areas.*
14. *As required by Section 2-401 of the Zoning Ordinance, as part of the project development the Mall Drive East private right-of-way on the property shall be repaired or reconstructed to a condition that complies with Township Engineering Standards established under Section 5-003 of the Zoning Ordinance and that is approved by the Fire Chief as providing safe and efficient access for emergency and service vehicles.*

15. *As required by Section 2-401 of the Zoning Ordinance, the recording with the Register of Deeds prior to final site plan approval of a legal instrument that has been reviewed and approved by the Township Attorney and Engineer, ensuring that the Mall Drive East private right-of-way on the property will be repaired or reconstructed and thereafter perpetually maintained in accordance with the Township Engineering Standards established under Section 5-003 of the Zoning Ordinance and that the Township shall have no liability for any signage, maintenance, lighting, or snow removal related to Mall Drive East.*
16. *The height of the outdoor storage rack structures and covered parking shall not be taller than the heights shown on the concept plan presented at the September 25, 2018 meeting, which is 13.5 feet for the storage rack structures and 20 feet for the covered parking structures.*
17. *The business identification signage shall be limited to the two (2) signs disclosed at the September 25, 2018 meeting and presented on the concept plan and be in compliance with Township ordinance standards and requirements. Any proposed additional signage must conform to the Waterford Township sign ordinance.*

**MOTION CARRIED UNANIMOUSLY  
(7-0)**

2.) Case No. 18-09-02, Jonathan & Elizabeth Tkac (Staff Reviewer – Larry Lockwood)

Property Location: 2373 Pine Orchard Drive  
Parcel I.D. No.: 13-14-103-001  
Action: Requesting Special Approval under Section 3-202.2, C of the Waterford Township Zoning Ordinance to allow the keeping of Chickens in the R-1A, Single Family Residential District  
Applicant: Jonathan & Elizabeth Tkac

**Mr. Lockwood** gave a brief introduction and provided an aerial photo of the property.

**Mr. Tkac** explained how they came to have 6 Bantam chickens and why they wished to keep them as they were a part of the family. He looked into our ordinance but did not see information that would exclude them so he assumed that they might be allowed. He further spoke with all of his neighbors and obtained a lot of support for his request.

During the public portion of the meeting the following spoke in support of this request.

**Patrick Moehle** of 2429 Highfield, who lives directly across the street, says that he can see the coop and chickens and has no problems with this request. He said that there is more noise coming from the subdivision park.

**Janie Cosgrove** of 2425 Highfield said that she loves the chickens. They are very well kept and she likes that there are deer and other wildlife in the area.

**Claire Taraita** of 10805 E Holly Rd said that John was her nephew and she has been a member of the Waterford community for several years and the past owner of McDonalds. She wanted to show her support for this request and explained how Elizabeth has had chickens all her life and she is also a vet tech and also grooms animals. They deserve an opportunity for an approval.

**Commissioner Bartolotta** said he drove by the property and it was very clean and questioned if the adjacent property on the rear was a park. He was informed that it was.

There was further discussion on previous requests and how the board should be consistent in their review; but each case is reviewed on its own merit, on a case by case basis.

#### **MOTION AND VOTE**

*Moved by Bartolotta*

*Supported by Reno; Resolved to **APPROVE** Case. No. 18-09-02 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.
- D. 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. Chickens will be limited to the current number of six with no roosters.
  - 2. This can be re addressed by the commission if there are any code enforcement complaints.

**MOTION CARRIED UNANIMOUSLY  
(7-0)**

V. Development Reviews

1.) Site Plan No. 1330, DTE Electric Company (Staff Reviewer – Larry Lockwood)

Property Location: 435 N. Telegraph Rd.  
Parcel I.D. No.: 13-25-200-032  
Action: Concept Plan Review  
Applicant: James Halpin, DTE

**Mr. Gaines** gave an additional visual presentation of the proposed site. He explained public and employee access, screening, landscaping materials and service facilities.

**Commissioner Bartolotta** questioned signage at the front of the property.

**Mr. Gaines** said that they planned to have two corporate signs on the corners of Telegraph and Mall Drive and the southern edge.

Commissioners further questioned if they would be using a landscape architect and questioned the designated parking.

**MOTION AND VOTE**

*Moved by Reno*

*Supported by Bartolotta; Resolved to **APPROVE** the conceptual site plan.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

2.) Site Plan No. 1289-B, Lakeland Investments, LLC (Staff Reviewer – Larry Lockwood)

Property Location: 6477 Highland Rd.  
Parcel I.D. No.: 13-20-201-022  
Action: Concept Plan Review  
Applicant: Judy Anderson, Lakeland Investments, LLC

**Mr. Lockwood** explained how the applicant has been working with MDOT on revisions to the driveway access to this site

**Mr. Sutton** further explained how they would still maintain 2 of the 3 accesses off Highland road, but that the easterly access would be for exiting only. Vehicles with trailers need more room to maneuver.

**Chairperson Werth** questioned if they planned on getting rid of the current pylon sign.

**Mr. Sutton** said that they were, as it was located in an area that they were developing.

**Mr. Lockwood** brought up that they might resurface the bike path all the way across the property.

**Commissioner Sintkowski** questioned if the sidewalk along the roadway could be in farther as it is currently at the roadside and unsafe.

**Mr. Sutton** agreed that this is not safe, and would be willing to move it in farther, but to do so would put it on private property and not in the right of way. He would work with staff on this.

**MOTION AND VOTE**

*Moved by Kramer*

*Supported by REno; Resolved to **APPROVE** the conceptual site plan with the conditions that the post pylon sign be removed and sidewalks be placed back as they can.*

**MOTION CARRIED UNANIMOUSLY**

**(7-0)**

VI. All Else

VII. Adjourn

Chairperson Werth adjourned the meeting at 6:42pm