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**DEVELOPMENT SERVICES
DEPARTMENT**

Jeffrey M. Polkowski, AICP
Director

Dave Hills
Superintendent of Building
Division

Scott Alef
CDBG Coordinator

MEMORANDUM

Date: March 3, 2024

To: Honorable Township Board Members

From: Jeffrey M. Polkowski, Director of Development Services

RE: 2024-Z-005 Text Amendment: Vehicle Repair Facilities in the C-UL, Union Lake Business District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment.

This proposed Zoning Ordinance Text Amendment adds major vehicle repair facilities and collision vehicle repair facilities to the list of Permitted Uses after Special Approval with Wellhead Protection Compliance within the C-UL, Union Lake Business District. This would allow for major vehicle repair facilities and collision vehicle repair facilities within the C-UL Small Business District and establish the Planning Commission as the review and approval authority for these uses in accordance with Section 4-006 of the Zoning Ordinance.

Additionally, requiring a determination of compliance with the wellhead protection ordinance from the Public Works Official adds additional approval authority for such major vehicle repair facilities and collision vehicle repair facilities in accordance with Chapter 8 Section Article V of the Code of Ordinances. This additional measure is to safeguard the health, safety, and welfare of persons served by the Township's Public Water Supply System to protect designated groundwater supplies from contamination resulting from the improper storage, handling, use, production, or discharge of Regulated Substances within areas surrounding existing and proposed municipal drinking water wells and wellfields.

This is a request that was put forth to Township by the owners of a legal-nonconforming collision vehicle repair facility in the Union Lake Business District. The owners have argued that because the drafted 2043 Master Plan introduces the Drayton Plains Subarea as a mixed-use pedestrian-oriented town center that discourages auto-centric uses, other zoning districts that do not allow for auto centric uses, such as collision shops, should be permissible to offset this shift in long-term planning.

The drafted 2043 Master Plan is not adopted at the time of this proposed Zoning Ordinance amendment. No proposed Zoning Ordinance amendments to the Drayton Plains

Subarea that reflect the 2043 Master Plan will be drafted until after the 2043 Master Plan is adopted in the coming months after the legally required 63-day comment period is complete as per the Michigan Planning and Enabling Act. However, the owners of this collision shop have asked that this Zoning Ordinance amendment be considered in anticipation of forthcoming changes.

After due consideration, Planning Staff has recognized these uses, although considered necessary and desirable in many situations, to be sensitive ones that should be reviewed on a case-by-case basis by the Planning Commission. This would also require that the public be notified in the case of any new proposed vehicle service facilities in the C-UL, Union Lake Business District. The public would then have the right to review and comment on these proposals to make sure that effective site development practices are established so that the quality of life in adjacent residential areas that are not adversely affected.

Staff also recognizes that the adoption of the Master Plan has been delayed due to reorganization and staffing issues regarding the Township's consultant Houseal Lavigne.

This Text Amendment also removes minor vehicle service facilities and general vehicle repair facilities as a Permitted Principal Use with Wellhead Protection Compliance and adds it to the list of Permitted Uses after Special Approval with Wellhead Protection Compliance within the C-UL district, in order to increase site development standards for these two uses to be in line with the C-3 General Business District, a much more intensive zoning district. This would establish the Planning Commission as the review and approval authority for all Vehicle Service Facilities within the C-UL Small Business District in accordance with Section 4-006 of the Zoning Ordinance.

Section 1-007 of the Zoning Ordinance defines these uses as:

Vehicle Repair Facilities. Vehicle repair facilities shall be defined in accordance with the following classification of the intensity and scope of the repairs provided:

Collision Repair Facility. A vehicle repair facility where minor vehicle services, general vehicle repairs, and major vehicle repairs, as well as extensive vehicle body repair and painting, welding, vehicle rebuilding and reconstruction, frame straightening, customizing which includes exterior body alterations, and other similar collision-related vehicle repairs are provided.

General Vehicle Repair Facility. A vehicle repair facility where minor vehicle services, as well as vehicle repairs such as brake, transmission, fuel and exhaust system repairs and parts installation, engine reconditioning, and undercoating, rustproofing, and vehicle customized detailing when conducted in completely enclosed application booths are provided.

Major Vehicle Repair Facility. A vehicle repair facility where minor vehicle services and general vehicle repairs, as well as brake, transmission, exhaust, fuel, and engine rebuilding and system replacement, minor vehicle body repair of small dents and scratches, and upholstering repair and replacement are provided.

Minor Vehicle Service Facility. A vehicle repair facility where incidental replacement of parts and routine vehicle service and maintenance such as fluid changes, greasing and lubrication, engine and fuel system tuneups, brake and transmission adjustments, wheel alignments and balancing, tire replacement, and similar maintenance procedures are provided.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed zoning Ordinance Amendment at the regularly scheduled meeting on February 27, 2024 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the February 27, 2024 regular meeting for this Zoning Ordinance Amendment, should the Board want to consider adopting the requested Zoning Ordinance Amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the March 25, 2024 meeting. However, if the Board does not want to adopt the requested Zoning Ordinance Amendment, the appropriate motion would be to not introduce the Ordinance and deny the zoning amendment.

Should you have any questions, please do not hesitate to reach out to this office.

SECTION 3-708. C-UL, UNION LAKE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-UL Union Lake Business District:

3-708.1. Purpose and Intent. The C-UL zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, *To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford*, Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, and Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity*, by permitting a mixture of commercial and office land uses on zoning lots properly scaled and designed to enhance and improve the local business corridor characteristics contained within the Union Lake Business District, which lies within four distinct municipalities (being Waterford, West Bloomfield, Commerce, and White Lake Townships) with an emphasis on the following: streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along Cooley Lake Road; improved nonmotorized pathways and traffic calming; and coordinated street furniture throughout the zoning district. This zoning district shall be located specifically along Cooley Lake Road between Williams Lake Road and Lochaven Road as depicted on the Master Plan.

3-708.2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Section 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

3-708.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the C-UL district:

- A. Retail establishments (*See Retail Establishments in Section 1-007*) contained within the principal building and with no outdoor display.
- B. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, and personal service establishments (*See Commercial Service Establishments in Section 1-007*).
- C. Cultural facilities (*See Cultural Establishments in Section 1-007*).
- D. Institutional facilities (*See Institutional Facilities in Section 1-007*).
- E. Religious facilities (*See Religious Facilities in Section 1-007*).
- F. Child day care centers (*See Child Day Care Facilities in Section 1-007*).
- G. Drop-off dry cleaning and local dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- H. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
- I. Office establishments (*See Office Establishments in Section 1-007*).
- J. Restaurant establishments (*See Restaurant Establishments in Section 1-007*), with outdoor dining patio services and without drive-thru facilities (Amended 11/30/2021)
- K. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
- L. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
- M. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
- N. Antique stores, used book shops, consignment shops, thrift shops (*See Resale Establishments in Section 1-007*).
- O. Veterinary clinics (*See Veterinary Establishments in Section 1-007*). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
- P. Precious metal and gem dealers (*See Section 1-006*) in conformance with **Section 2-602**.
- Q. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- R. Outfitters (*See Outfitters in Section 1-007*). (Effective 8/17/2021)
- S. Lofts on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval in the C-UL, Union Lake Business zoning district (*See Dwelling, Loft in Section 1-007*). (Effective 4/5/2022)

3-708.4. Permitted Uses after Wellhead Protection Compliance. *Minor vehicle service facilities and general service facilities (See Vehicle Repair Facilities in Section 1-007)* The following uses shall be permitted as principal permitted uses in the C-UL district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.

A. **RESERVED.**

3-708.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-UL district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

- A. Vehicle (car) wash establishments (*See Commercial Service Establishments in Section 1-007*).
- B. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
- C. Veterinary hospitals (*See Veterinary Establishments in Section 1-007*). A veterinary hospital may include customary pens or cages as an accessory use, provided that they are an identified part of an approved site plan.
- D. Retail establishments (*See Retail Establishments in Section 1-007*) with outdoor sales display areas.
- E. Landscaping maintenance establishments (*See Commercial Service Establishments in Section 1-007*).
- F. Commercial fueling establishments (*See Commercial Fueling Establishments in Section 1-007*).
- G. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)
- H. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with outdoor dining patios and with drive-thru facilities.
- I. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of compliance with wellhead protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:
 - (1) Nursery Establishments (*See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007*).
 - (2) *Minor vehicle service facilities, general vehicle repair facilities, major vehicle repair facilities, and collision repair facilities (See Vehicle Repair Facilities in Section 1-007)*.

3-708.6. Planned Unit Developments. Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-708.3** with one or more of the uses listed in **Section 3-708.4**, **Section 3-404.3.A**, and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005**, are permitted.

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PRE-ENGINEERED
METAL BUILDINGS

New ted@wj-stewart.com

Dear:

Waterford Twp Planning Commission and Board of Trustees,

I am a business owner in Waterford Twp, I would like to support the draft master plan in the laying of the groundwork for the development of a downtown area along Dixie Hwy where the historic Drayton Plains Downtown formerly was. I understand that to facilitate the development of a traditional downtown certain auto-centric would need to be discouraged in this area. As these uses are not appropriate for a downtown setting, they are still a needed services within the Township and If the Township is to discourage autocentric uses in the proposed downtown, it is my belief that these uses should be allowed in other areas of the Township that similar area already of that type of use.

I would encourage the Township to expand on the permitted uses of the C-UL, Union Lake Business District, this by amending the zoning ordinance to include major vehicle repair facilities and collision repair facilities as permitted uses within the district conditional upon receiving a special approval from the Planning Commission and a determination of compliance with wellhead protection from the Public Works Official. The development pattern of the C-UL is already conducive to auto-centric businesses as evidenced by the existing: three vehicle repair facilities, two car washes, two drive-thru restaurants, and a car wash. The presence of existing auto-centric uses within the zoning district makes it a suitable location to help alleviate the demand that will be created by discouraging these uses in the future downtown area.

Thank you for your time and consideration.

Sincerely,

W J Stewart Contracting Corp.
5750 Williams Lake Road
Waterford, Mi. 48329
10/10/2023

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2024-Z-005

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Business Zoning District C-UL, Union Lake Business District, to require certain vehicle repair facilities to be permitted uses after special approval.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-708.4 of the Waterford Township Zoning Ordinance that lists permitted uses after wellhead protection compliance in the C-UL Business District, is amended to remove minor vehicle repair facilities:

3-708.4. Permitted Uses after Wellhead Protection Compliance.

The following uses shall be permitted as permitted principal uses in the C-UL district, subject to receiving a Determination of Wellhead Protection from the Public Works Official as defined in the Waterford Code of Ordinances prior to consideration through the applicable site plan review procedure in accordance with Section 4-004.

Section 2 of Ordinance

Section 3-708.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-UL Union Lake Business District, is amended to add a new Section I(2) for vehicle repair facilities, to read as follows:

3-708.5. Permitted Uses after Special Approval.

The following uses shall be permitted as special approval uses in accordance with Section 4-006 and any conditions hereinafter imposes for each such use:

A- H (unchanged)

I. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of Wellhead Compliance from the Public Works Official as defined and regulated by the Waterford Code of Ordinances prior to consideration by the Planning Commission under this Section.

- (1) Nursery Establishments (See *Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007*).
- (2) Minor vehicle service facilities, general vehicle repair facilities, major vehicle repair facilities, and collision repair facilities (See *Vehicle Repair Facilities in Section 1-007*)

Section 3 of Ordinance

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Waterford Township Code of Ordinances shall remain in full force and effect, amended only as specified above.

Section 4 of Ordinance

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on March 25, 2024.

Date

Kimberly Markee, Township Clerk