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WATERFORD TOWNSHIP

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DEVELOPMENT SERVICES DEPARTMENT

Rob Merinsky, P.E.
Director

Brent A. Gibson
Superintendent of Building Division

Larry Lockwood
Superintendent of Planning & Zoning Division

MEMORANDUM

Date: May 22, 2019

To: Honorable Township Board Members

From: Larry Lockwood, Superintendent of Planning and Zoning

RE: Rezoning Case No. 19-05-01
Rezone from R-1E, Single Family Attached Residential District to C-3, General Business District

Location: 5761 Cooley Lake Rd.

Applicant: Omar Putrus, My Town Mobil Fueling Station

Background and Analysis

Zoning History: 1950 – 1960: Residential 1
1960 – 1963: Commercial 1
1963 – 2010: C-2, General Business
2010 – Present: R-1E, Single Family Attached Residential

Township Utilities: Water and sewer services are available to the site.

Master Plan: The Master Plan for the subject property shows Single Family Residential. As referenced above, from 1960–2010 the property had been zoned for commercial business opportunities. However, the property that surrounds the fueling station is largely impacted by regulated wetlands. Therefore, the balance of the surrounding land area may not be suitable for single family residential development.

This Rezoning application request is by Omar Putrus, owner of the Mobil fuel station located at 5761 Cooley Lake Rd. The applicant, Hiller & Cooley Development Company represented by Mr. Putrus, also owns the adjoining vacant land to the east along Cooley Lake Rd. and to the south along Hiller Rd. This application is a request to rezone a 0.24 acre portion of the land to the east on Cooley Lake Rd. which was formerly part of Parcel I.D. No. 13-33-376-002 and combine it into the Mobil site. A lot split/land division application was recently approved by the Township to add this land area to the Mobil station property. The purpose of the land split and combination is to provide the Mobil station additional land area for a 464 SF building addition and expanded parking lot area.

The Planning Commission reviewed this case at their May 7, 2019 meeting and resolved unanimously 7-0 to forward a favorable recommendation on to the Township Board (please see attached Draft meeting minutes).

Although the Master Plan for the subject property shows, single family residential, when considering the regulated wetlands associated with this corner, it has been a difficult site for any further development opportunities. The applicant's request to rezone a minimal land area of 0.24 AC. for a 464 SF building expansion and increased parking lot area will serve to improve this existing fueling station site.

Township Board Action

Motions

Based upon the Planning Commission's favorable recommendation in this rezoning case, if the Board wants to consider adopting the requested rezoning to C-3, General Business District, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the June 10, 2019 meeting.

However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

Staff will be available at Tuesday's meeting for any questions on this case. However, if you have any questions in advance of the meeting, please contact this office.

STATE OF MICHIGAN

COUNTY OF OAKLAND

ORDINANCE NO. 2019-Z-003

ZONING ORDINANCE MAP AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property and amending the Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The .24 acre parcel of property legally described in the Parcel Description attached to and part of this Ordinance, which is part of tax parcel number 13-33-376-002, with an address of **"N.A., Vacant Land"**, is rezoned from **R-1E, Single Family Attached Residential District** to **C-3, General Business District,** with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101, to be changed and amended to reflect this rezoning.

Section 2 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 Map Amendment Ordinance 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_____.

CHARTER TOWNSHIP OF WATERFORD

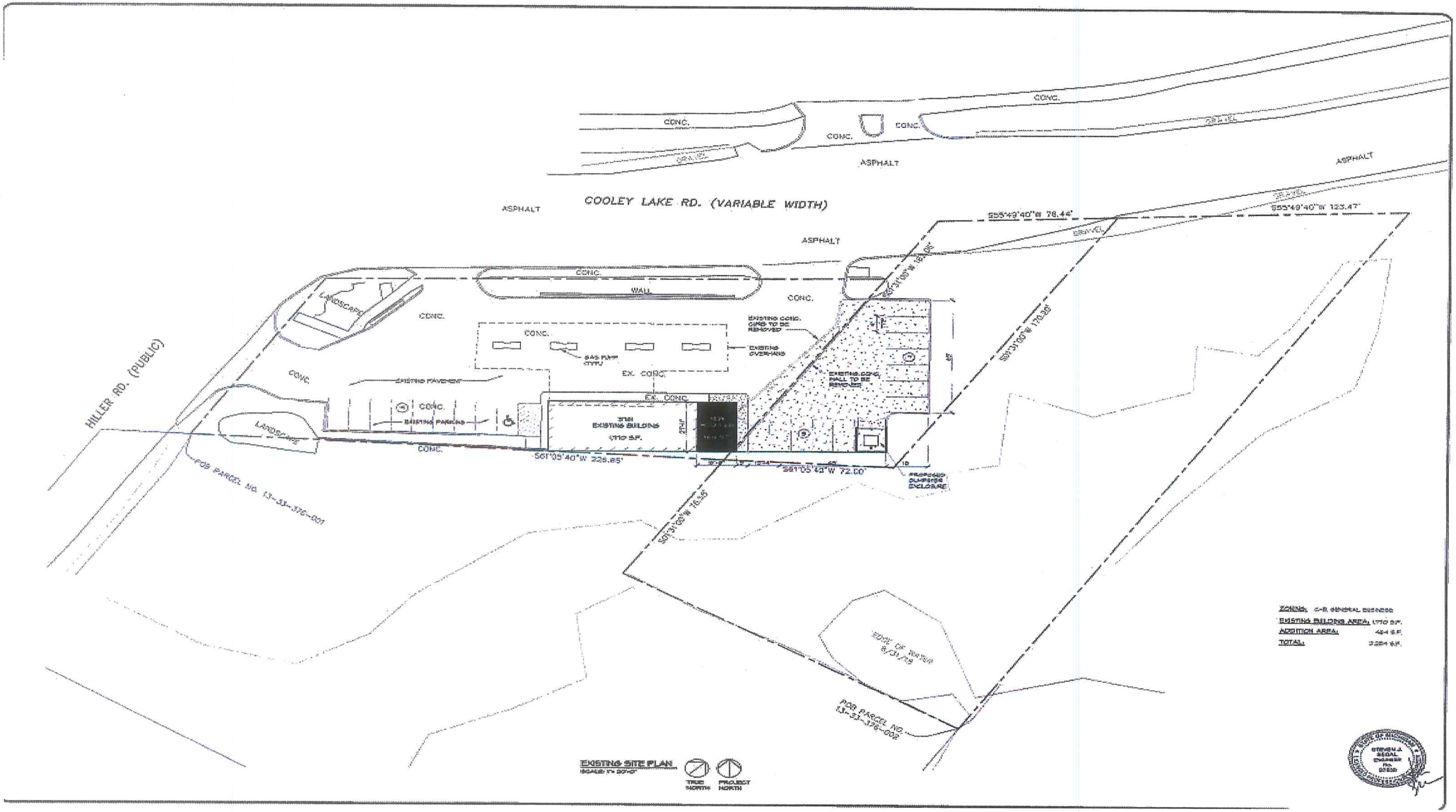
_____ _____

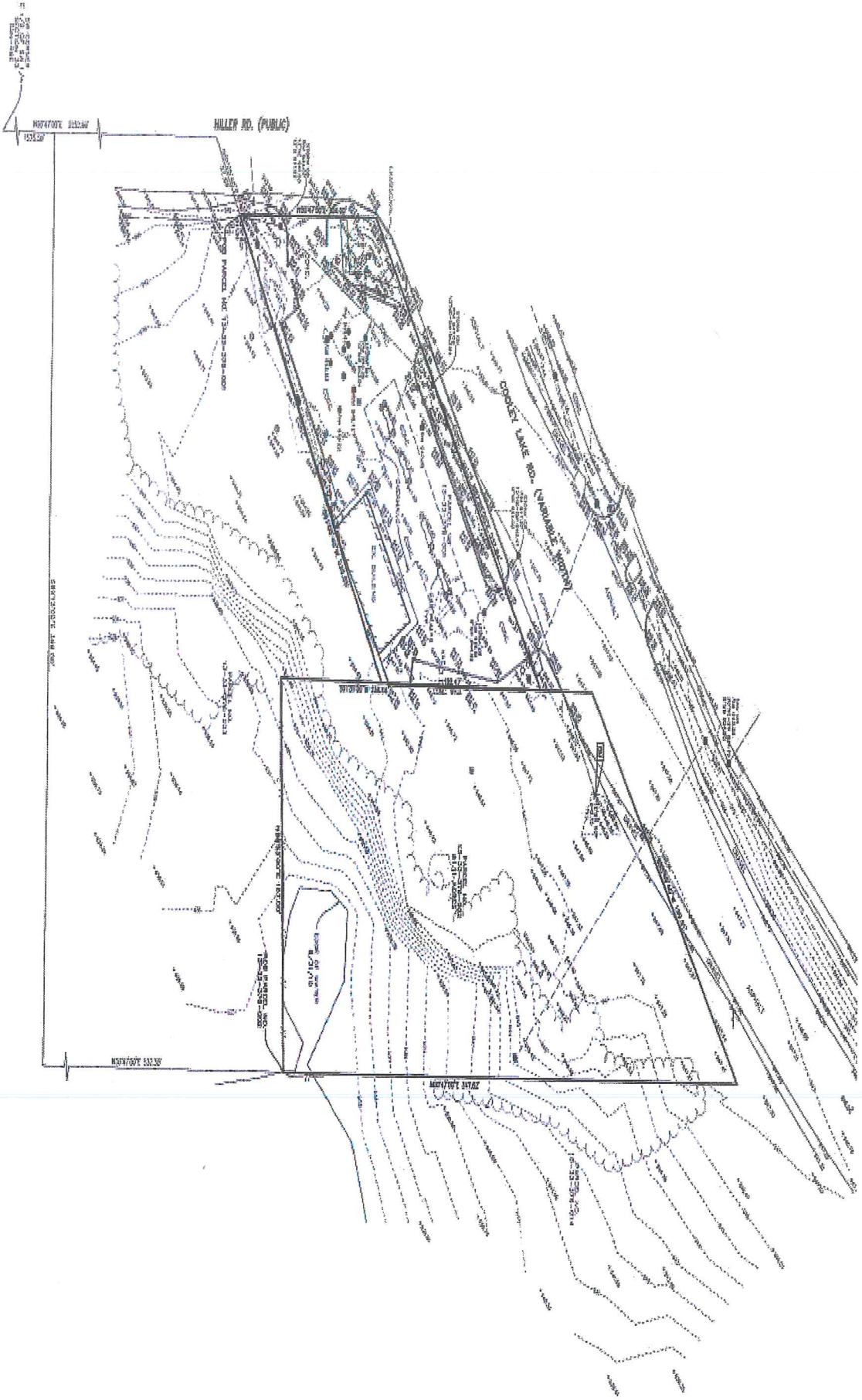
Date Kimberly F. Markee, Township Clerk

Parcel Description

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 33, TOWN 3 NORTH, RANGE 9 EAST, WATERFORD TOWNSHIP, OAKLAND COUNTY, MICHIGAN; THENCE N89°19'35"W 1324.52 FEET TO THE SOUTHWEST CORNER OF E 1/2 OF THE SW 1/4 OF SAID SECTION 33; THENCE N00°47'00"E 2052.66 FEET; THENCE N61°05'40"E 264.84 FEET TO THE POINT OF BEGINNING; THENCE N01°31'00"E 162.07 FEET; THENCE N55°49'40"E 76.44 FEET; THENCE S01°31'00"W 170.21 FEET; THENCE S61°05'40"W 72.00 FEET TO THE POINT OF BEGINNING, BEING PART OF THE SW 1/4 OF SAID SECTION 33, CONTAINING 0.24 ACRES OF LAND, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

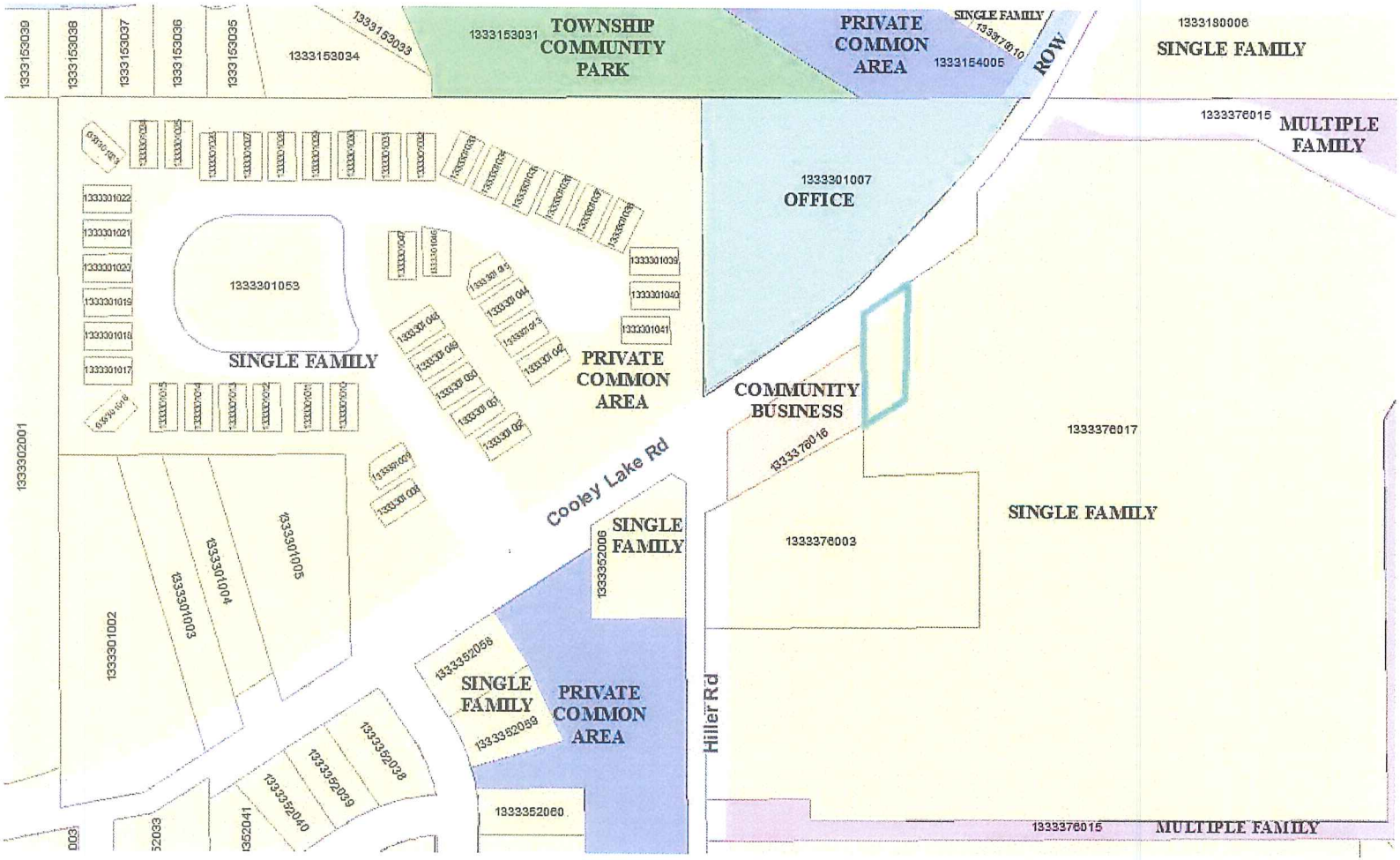
Rezoning Case No. 19-05-01 - Location Map


CONC.
CONC.
CONC.
CONC.
ASPHALT
ASPHALT
COOLEY LAKE RD. (VARIABLE WIDTH)
ASPHALT
ASPHALT
S55°49'40"E 78.44'
S55°49'40"W 123.47'
S01°31'00"W 178.38'
S01°31'00"W 16.55'
CONC.
WALL
CONC.
LANDSCAPE
CONC.
CONC.
EXISTING CONC. CURB TO BE REMOVED
GAS PUMP (TYP.)
EXISTING OVERHANG
EX. CONC.
EXISTING PAVEMENT
CONC.
EXISTING PARKING
EX. CONC.
EXISTING CONC. WALL TO BE REMOVED
HILLER RD. (PUBLIC)
LANDSCAPE
3781 EXISTING BUILDING 1770 S.F.
CONC.
S61°05'40"W 225.85'
S61°05'44"W 72.00'
PROPOSED DUMPSTER ENCLOSURE
POB PARCEL NO. 13-33-376-001
EDGE OF RIVER 8/31/09
POB PARCEL NO. 13-33-376-002
ZONING: C-B GENERAL BUSINESS
EXISTING BUILDING AREA: 1770 S.F.
ADDITION AREA: 484 S.F.
TOTAL: 2254 S.F.
STEVEN J. BEGAL ENGINEER No. 20830
EXISTING SITE PLAN
SCALE: 1"= 20'-0"
TRUE NORTH
PROJECT NORTH


HILLER RD. (PUBLIC)
CORDELL LAKE RD. (UNPAVED, SEASONAL)

Current Zoning

Master Plan


1333153039
1333153038
1333153037
1333153036
1333153035
1333153034
1333153033
1333153031
TOWNSHIP COMMUNITY PARK
PRIVATE COMMON AREA
SINGLE FAMILY
1333178010
1333154005
ROW
1333180006
SINGLE FAMILY
1333376015
MULTIPLE FAMILY
1333301007
OFFICE
1333301053
SINGLE FAMILY
PRIVATE COMMON AREA
COMMUNITY BUSINESS
1333376017
1333376016
Cooley Lake Rd
SINGLE FAMILY
1333352006
1333376003
SINGLE FAMILY
1333301002
1333301003
1333301004
1333301005
1333352058
SINGLE FAMILY
1333352059
PRIVATE COMMON AREA
Hiller Rd
1333352038
1333352039
1333352040
1333352060
1333376015
MULTIPLE FAMILY

OMAR WATERFORD LLC

5761 COOLEY LAKE ROAD, WATERFORD, MICHIGAN 48327
PH 248-866-6959 FAX 248-738-8126

Omar Putrus, Manager and Member
omarputrus@gmail.com

April 29, 2019

Waterford Township Planning Commission
The Charter Township of Waterford
5200 Civic Center Drive
Waterford, MI 48329

Re: Rezoning Case No. 19-05-01
Omar Waterford LLC
5761 Cooley Lake Road

Statement in Support of Rezoning Request

Dear Waterford Township Planning Commission,

The purpose of this letter is to introduce myself to you, and let you know a bit about me, my family and this property that I am presently seeking to rezone.

My father originally purchased this real estate and developed it into a gas station and convenience store in 1993. I have been working there since it opened along side my family, and I became the owner of the real estate and gas station in 2005 after my father passed away. The adjacent property (on Cooley Lake Road) is owned by me and my father's business partner (now my business partner). A small portion of that property was deeded to Omar Waterford LLC and presently I am seeking to have that portion rezoned from residential to commercial in order to match the existing zoning at 5761 Cooley Lake Road.

My family has owned and operated the Mobil Gas Station on this property for over twenty-five (25) years and the ultimate goal of the rezoning is to allow me to make additional improvements to the real estate to allow for a better working environment for the staff, a better traffic flow for the municipality and a better retail experience for my customers. I have secured the financing to allow me to make these improvements and the only things that I am waiting for are municipal approval and the weather.

I appreciate you taking the time to review this matter and I am looking forward to talking to you on May 7, 2019, and answering any questions you may have about me, my family, the property and my business.

Very truly yours,

Omar Putrus

MOTION AND VOTE
Moved by Reno
*Supported by Bartolotta; Resolved to **APPROVE** the Consent Agenda.*
MOTION CARRIED UNANIMOUSLY
(7-0)

V. Public Hearings

1.) Case No. 19-05-01, Omar - Waterford, LLC (Staff Reviewer – Larry Lockwood)

Location:	5761 Cooley Lake Rd.
Request:	Rezone from R-1E, Single Family Attached Residential District to C-3, General Business District
Parcel I.D. No.:	Part of 13-33-376-002
Applicant:	Omar Putrus

Applicant or representative present: Omar Putrus

Mr. Lockwood gave a brief visual presentation and discussed the history of the property. A lot split/land division application has been approved so that a portion of the adjacent lot can be combined with the Mobile gas station so that the property would qualify for a request for rezoning that will ultimately allow for an addition/expansion of the current Mobile station.

Mr. Putrus concurred with Mr. Lockwood's overview and added that his father built the station in 1993 and it has been family owned ever since. The adjacent land has been marketed with no success. His wish is to expand the existing gas station to make a better work environment for his employees, and add more parking to make the site better accessible for patrons.

Chairperson Werth asked Staff to confirm that the lot split/combination had already been approved. Staff confirmed.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE
Moved by Kramer
Supported by Reno; to forward a favorable recommendation in Case No. 19-05-01 on to the Township Board, to rezone the subject property of this application from R-1E, Single Family Attached Residential District to C-3, General Business District 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
(7-0)

2.) Case No. 19-05-02, Tel-Huron, LLC (Staff Reviewer – Larry Lockwood)

Location:	906, 908, 922, 930 & 932 W. Huron St.
Request:	Rezone from C-2, Small Business District to C-3,
Parcel I.D. Nos.:	13-25-476-031 & 033
Applicant:	Tel-Huron, LLC C/O Laith Jonna

Applicant or representative present: Haley and Remy Jonna

Mr. Lockwood gave a visual presentation and brief overview to show the existing parcels and provided a background of some of the difficulties in attempts to redevelop this site. There is one property in between these two parcels that is owned by another