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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. 19-05-02
Rezone from C-2, Small Business District to C-3, General Business District

Location: 906, 908, 922, 930 & 932 W. Huron St.

Applicant: Tel-Huron, LLC C/O Laith Jonna

Background and Analysis

Zoning History: 1950 – 1963: Commercial -1
1963 – 2010: C-2, General Business
2010 – Present: C-2, Small Business District

Master Plan: The Master Plan for this area shows Urban Business (see attached). This District was established during the Township's Master Plan update in 2003 and is intended to provide for a mixture of local and community businesses.

This application to rezone the subject properties from C-2 to C-3 is by Laith Jonna, representing the Jonna Properties. The applicant purchased the subject commercial retail center in 2016 and has been working toward redeveloping the property and changing the tenant mix. As you may be aware, this commercial retail strip has been mostly vacant for a number of years. This is primarily due to the fact the existing buildings and site improvements built many years ago and are not currently in accordance with today's off-street parking standards. Please note that this request does not include the Pawn Broker/C&L Jewelry store at 924 W. Huron, which is in the center of this commercial strip. Please see the attached aerial and zoning maps for reference.

The applicant has now approached the Township about converting all of their former retail tenant space into indoor climate controlled commercial storage. This request would therefore require rezoning their two (2) parcels to the C-3 District for this specific land use.

**With us there are no
boundaries**

Prior to the applicant applying for rezoning, staff discussed the option of creating a commercial condominium and or lot combination for the three (3) parcels involving the entire commercial plaza. This would require cooperation from the owner of the Pawn Broker/C&L Jewelry (924 W. Huron) which has not been obtained. For this option, staff Oakland County and they responded stating that because the east and west Jonna parcels are not contiguous and without cooperation from the owner of 924, any proposed parcel combination for the two properties cannot be approved.

When considering this rezoning request, the Zoning Ordinance requires a minimum land area of 9,000 SF for C-2 zoning lots and 24,000 SF for C-3. The applicant's east parcel contains 18,431 SF and the west parcel contains 19,002 SF. As such, the individual parcels do not meet the minimum land area requirement of 24,000 SF. The purpose for requiring these minimum land areas was to provide for lesser intensive land uses for the smaller C-2 zoning lots and to direct more intensive land use to larger zoning lots within the C-3 District.

Attached, please find the applicant's supplemental narrative that further explains their difficulty in redeveloping the subject properties for the present C-2 zoning classification.

Planning Commission Recommendation and Zoning Board of Appeals Action:

The Planning Commission reviewed this case at their May 7, 2019 meeting and resolved unanimously 7-0 to forward a favorable recommendation for the case on to the Township Board subject to the applicant seeking and receiving the necessary land area variances through the Zoning Board of Appeals (please see attached meeting minutes).

The applicant has now proceeded on to the Zoning Board of Appeals and received the necessary land area variances at the ZBA's May 21, 2019 meeting. The meeting minutes for that case not included with your packet information as they have not been finalized.

Township Board Action

When considering the general character of this area, its established commercial businesses along with a large residential population, indoor commercial storage may serve to be an acceptable business alternative for this property which would not be a traffic generator such as standard retail business with limited parking.

The necessary variances for this case have been obtained and this rezoning request is now before the Township Board for consideration.

Motions

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.

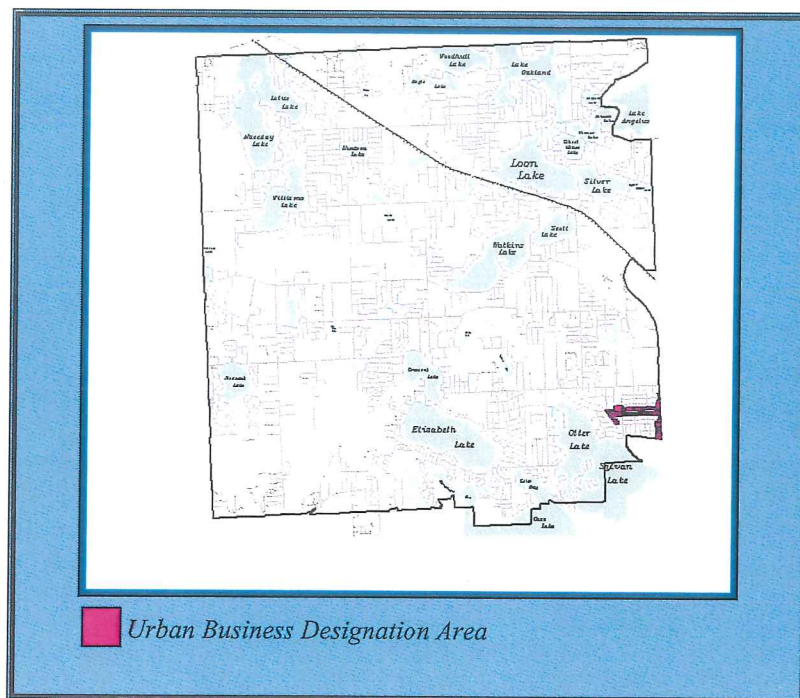
However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

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.

Urban Business

The Urban Business land use designation is exclusively intended to reflect and promote the urban neighborhood area surrounding the section of M-59 on Waterford's eastern border shown in the highlighted area of Figure 8-5. This area developed in tandem with the neighborhoods on the City of Pontiac's western border. This area is characterized by small lot development and a mix of local and community businesses as well as separate single and multiple family residential land uses. This area could be compared to that of an older downtown area, with its strong sense of community identity and small-scale retail/office development. Waterford Township would like to see an emphasis placed on quality commercial and residential redevelopment efforts in this area. These uses could be coordinated into a traditional mixed use development area, where residential dwelling units are permitted above commercial uses.

Figure 8-5 Location of Urban Business Designation Area



The Waterford Township Future Land Use Map 13 (page 8-28) indicates that less than one percent, or 57 acres of the total land area is reserved for the Urban Business Master Plan designation.

STATE OF MICHIGAN
COUNTY OF OAKLAND
ORDINANCE NO. 2019-Z-004

ZONING ORDINANCE MAP AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by conditionally rezoning and amending the Zoning Map for parcels of property as allowed and provided in MCL 125.3405.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The parcels of property that are assigned tax parcel numbers 13-25-476-031 & 13-25-476-033, legally described below, with current addresses of 906, 908, 922, 930 & 932 W. Huron St. are rezoned from **C-2, Small Business 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.

LOTS 11 THROUGH 20 INCLUSIVE AND LOT 23 "SUPERVISOR'S PLAT NO. 24", BEING PART OF THE E ½ OF THE SE ¼ OF SEC. 25, T.3N, R.9E, WATERFORD TOWNSHIP, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 13 OF PLATS, PAGE 44 OF OAKLAND COUNTY RECORDS.

Section 2 of Ordinance

The following conditions, which were offered in writing by the owner of the property being rezoned, are approved and shall apply to the development and use of the property from the time this Ordinance takes effect:

1. Subject to special approval being applied for and granted, the two (2) noncontiguous parcels shall be used as an indoor climate-controlled self-storage under a single site plan for common development.
2. There will be no outdoor operations, displays, or storage on the property.
3. The use of existing buildings will not disrupt the surrounding area.
4. Additional lighting will be provided on the properties as specified on the approved site plan.
5. The parking and driveway areas will be repaved as conditions of site plan approval.

6. Façade improvements consistent with retail appearance will be conditions of site plan approval.
7. A white vinyl fence along the north boundary of the property west from the southeast trailer park property corner to match and connect to the existing fence installed by PNC Bank.

Section 3 of Ordinance

If one or more of the conditions in Section 2 are not satisfied and maintained, the property shall revert to the C-2, Small Business District zoning classification under the process for Zoning Ordinance Map amendment initiated by the Township.

Section 4 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

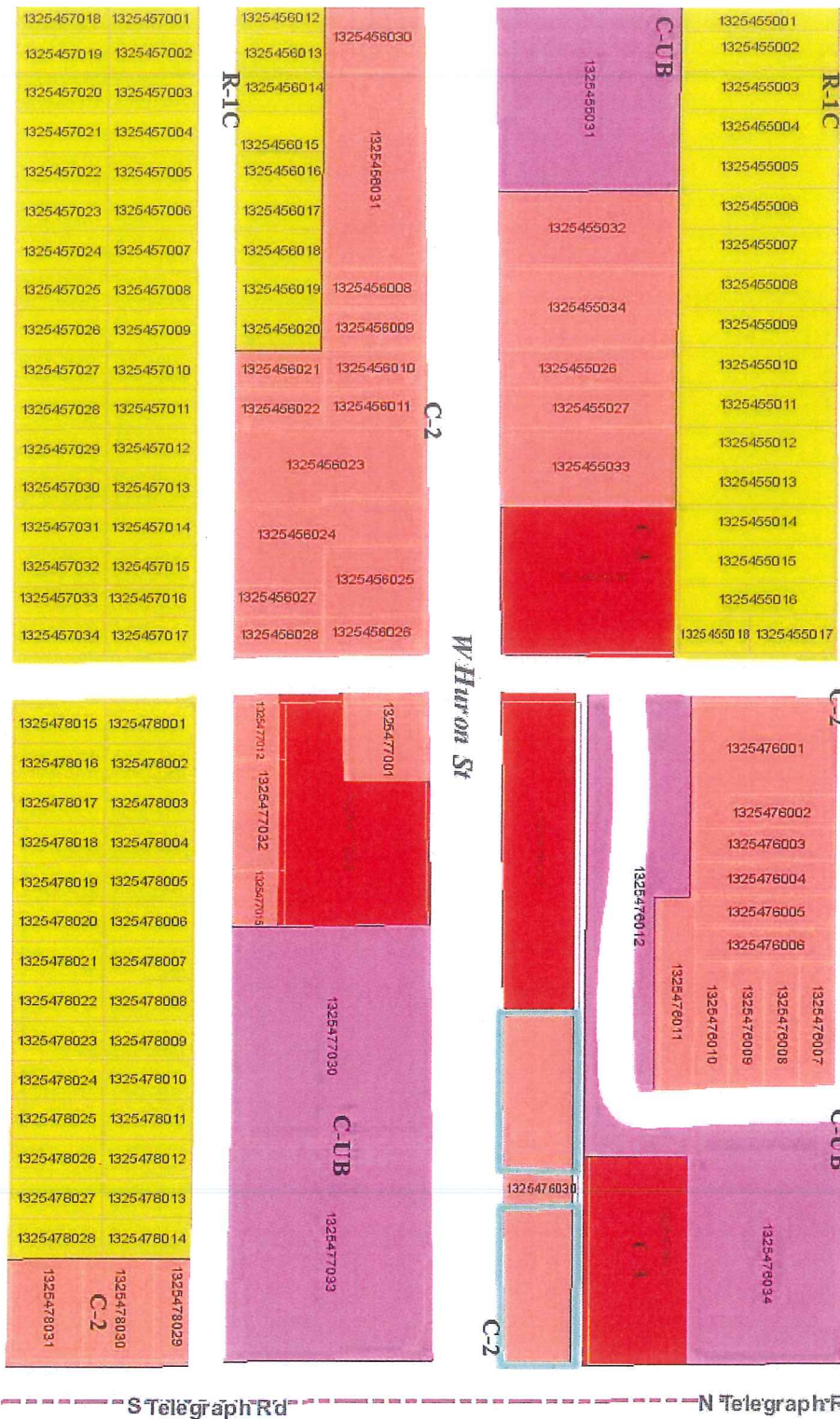


Rezoning Case No. 19-05-02 - Location Map





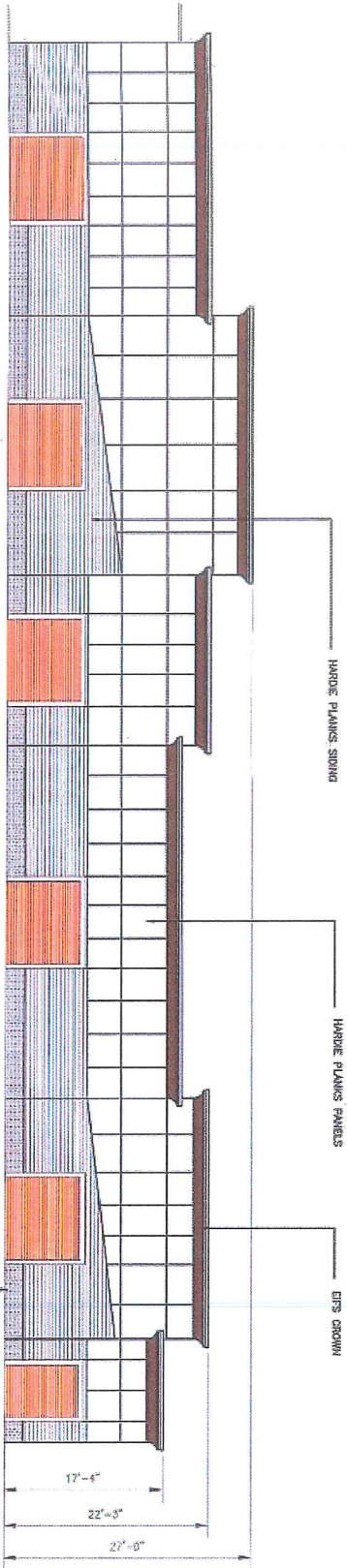
Current Zoning



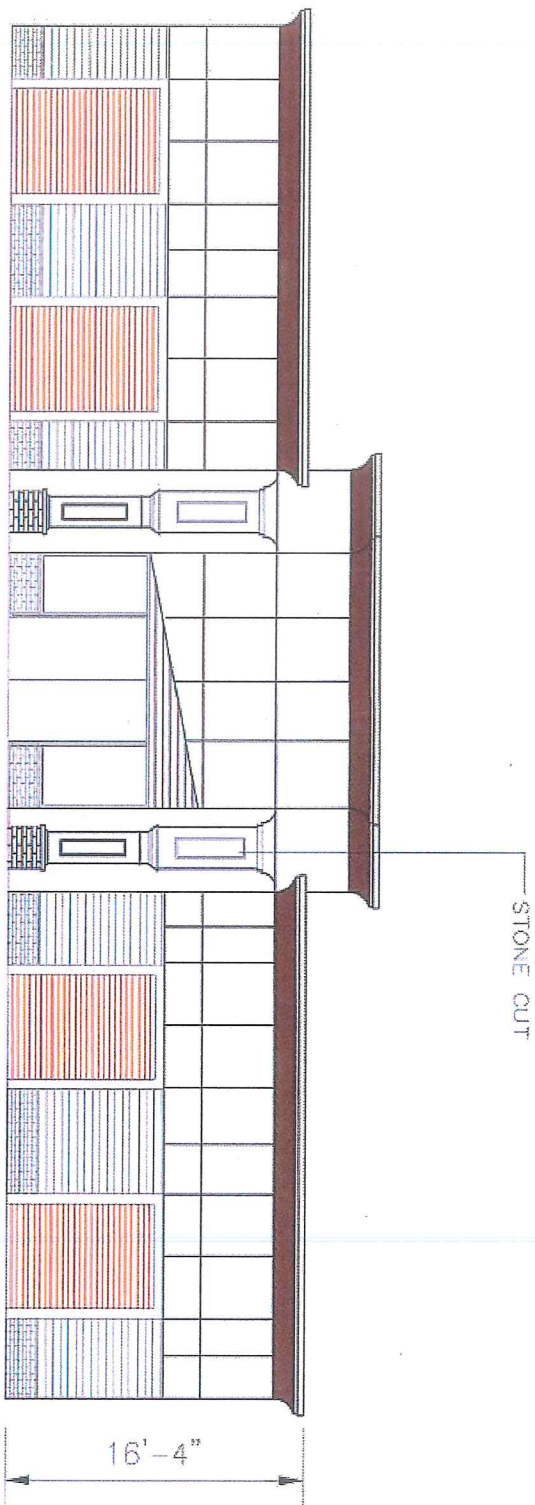
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MODIFIED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



MODIFIED EAST ELEVATION

SCALE: 3/32 = 1'-0"

Application for Rezoning
Waterford Township

Date: April 30, 2019

Petitioner: Tel-Huron, LLC, a Michigan limited liability company, whose address is 2360 Orchard Lake Road, Ste. 110, Sylvan Lake, MI 48320

Property: 905 West Huron Street, Waterford, MI 48320 on the corner of Huron Street and Telegraph Road

Proposed Use: Climate-controlled self-storage

I. Summary

Petitioner requests a special approval use for the Property to permit the use of climate-controlled self-storage. The Petitioner acquired the Property in December of 2018 after almost two years of working with the former owner, the township, and potential retailers to determine a course of action to revitalize the site. Because of circumstances specific to the site, the Property will not succeed as a small business retail plaza. Petitioner has developed a plan to revitalize the Property and use it as a climate-controlled self-storage facility.

II. Description of the Property

The Property is currently classified as C-2, Small Business; however, Petitioner is seeking a variance to change the classification to C-3, General Business. It consists of a westerly building and an easterly building, as depicted on the Site Plan. A pawn shop sits in between the two buildings. It is owned by an unrelated entity. The owner of this property (the "Pawn Shop") does not desire to sell. Therefore, any redevelopment plan must take into consideration that the Pawn Shop Property will remain as is. The westerly building consists of two units totaling 7,553 total square feet and 6,402 leasable square feet. This westerly building is immediately adjacent to a parking lot that includes 25 spaces. The easterly building, westerly adjacent to the Pawn Shop consists of three retail units totaling approximately 10,415 square feet. The parking lot includes only fourteen (14) parking spaces. The most westerly unit is the only unit with direct access to the parking lot. Both buildings are currently 100 percent vacant.

III. History of the Property

The Property has historically been the site of a downtrodden, commercial shopping center that has been mostly vacant for the last two decades with high tenant turn-over. In the early 1990s, the Property was held in trust, and the manager of the estate refused to renovate or reinvest into the Property for years despite the Township's efforts to encourage the manager to revitalize the site. The Pawn Shop is the only business that has succeeded at the site. Even the end-cap unit, which has excellent visibility off major thorough-fares, Huron and Telegraph Road, has changed hands several times. Over the years, because the Property has produced such low income, the owners have been unable to reinvest to renovate and update the existing building and parking lots.

Petitioner, through its sister company, Jonna Properties, LLC, a commercial development firm, first took interest in the Property in 2016. It was apparent then that in its current condition, the Property was failing as a commercial strip center for small businesses. Petitioner developed a plan to renovate the existing building by downsizing to allow for additional parking at the site, better access to the proposed parking lot, and increased visibility off Telegraph Road. Petitioner invested considerable amounts of time and money into drafting engineering, landscape, photometric, and other plans to obtain approval for its redevelopment plan. Petitioner worked with the township and county for approval over the course of the next two years, while tirelessly marketing the proposed redevelopment. With its redevelopment plan, Petitioner procured four credit-worthy tenants, all recognizable brands in the metro-Detroit market.

While it seemed that Tel-Huron might be able to turn a corner with its new development plan, its efforts were halted when Petitioner was required to present the proposed changes to the Michigan Department of Transportation (MDOT) for review and approval. MDOT determined that if we continued with alteration of the site, the curb cut off Telegraph Road would have to be eliminated. This determination caused the tenants that were initially interested in

coming to the site to back out. Entrance to the development off Telegraph was essential in their site selection process. The tenants were not willing to come to the site unless it was downsized because there would be insufficient parking (only fourteen spaces to accommodate over 10,000 square feet of retail space) and because the two interior units would not have direct access to the parking lot.

Petitioner determined in its due diligence, through multiple submissions to the township, county, and state, and through discussion with viable tenants for the space, that because of the limited parking, the Property cannot reasonably and economically be used for the purposes permitted in the zoning district (C-2 Small Business). Further, there is no space on the site to create additional parking that would be reasonable or economically viable. Based on uses of those tenants that have previously showed interest in the Property and tenants that have previously occupied the Property, Petitioner has determined that under the ordinance the easterly building requires 41 spaces (only 25 are available) and the westerly building requires 78 spaces (only 14 are available). The table below provides a standard tenant mix in a small business district and shows the variances that would be required to use the existing building for the purposes under the zoning ordinance.

<u>Easterly Building</u>	
<u>Use</u>	<u>Required Spaces</u>
Retail Store (1/150 usable SF)	40.28 spaces
Requested Variance	15 spaces
<u>Westerly Building</u>	
Dental Office (1746 SF) (1/100 SF)	17.46 spaces
Carry Out Restaurant (1746 SF) (8/1000 SF)	13.97 spaces
Retail Store (6,923 SF) (1/150 SF SF)	46.15 spaces
Requested Variance	78 spaces
Total Requested Variance	93 spaces

The Property sits on the corner of one of Waterford's busiest intersections, with over eighteen thousand cars passing the site every day. The surrounding areas are well-developed and thriving; however the surrounding properties all include adequate parking and access through the major thoroughfares. With those two major elements they are able to attract credit-worthy retail users.

V. Description of Proposed Use

A. Burden on zoning district, adjoining lots, pedestrian circulation, and outdoor environment

Currently, the property is classified as C-2 Small business; however, Petitioner is seeking a variance to change the classification to C-3 General Business. This use is compatible with such zoning district. Pedestrian circulation will not be hindered, as the proposed use will draw less traffic to the site than the permitted uses and Petitioner will not interfere with any of the rights of way surrounding the Property. Rather, by revitalizing the site, Petitioner will make these walkways safer by lighting and repaving those areas in its control. Petitioner does not propose any outdoor operations or displays that would disrupt uses on adjacent properties. Further, because Petitioner is using the existing building, it will not disrupt any natural and surrounding environment.

B. Impact on Public Services.

The land use or activity is within the capacity limitations of the existing or proposed public services and facilities which serve its locations. Currently, the site is vacant. With the proposed use, Petitioner will be able to invest in security cameras and lighting to improve the safety at the Site. Because we will not change any ingress or egress drives, circulation for public services around the site will not be affected.

C. Scope of Proposed Land Use

The scope of the proposed land use is conducive to filling a gap in the geographic coverage of such services to township residents. There are no climate-controlled self-storage facilities within more than three-miles of the site. The self-storage industry has been one of the fastest growing sectors of the U.S. commercial real estate industry over the last forty years. Tel-Huron plans to build a Class A “third generation” self-storage facility that meets the growing storage needs of residents located within a three-mile radius. As opposed to a the more common second generation self-storage facilities, which include row buildings, a third generation self-storage facility is characterized by retail locations, light commercial or even multi-family residential neighborhoods rather than the traditional industrial corridor, and they are designed to blend in with the “retail” nature of the neighborhoods they serve to create a stable, secure, upscale image that develops strong perceptions of trust among local customers. Third-generation self-storage facilities are on the rise, and while most municipal zoning ordinances are not drafted to permit the use, many, including Waterford Township, have permitted the use in their retail corridors.

Self-storage provides a safe, clean, and convenient location for belongings. As a community it is important to provide resources so that those moving in to or out of the community can count on a close facility to provide them with the space they need for the short or long term. Self-storage also promotes small business and retail sales, as climate-controlled units will be available for rent by local businesses. Further when people eliminate clutter within their homes by use of self-storage facilities, they are more likely to buy in the local markets.

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

party who does not wish to sell. If a favorable recommendation is awarded, the applicant will still have to apply for a Zoning variance.

Ms. Haley addressed the board and explained some of the issues they have encountered and described their intentions for redevelopment of this property that has been vacant for some time.

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

Staff provided that the next steps in this process would be for a request for Zoning variance, then the request goes before the Township Board, for Site Plan review, then for Special Approval for storage.

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; to forward a **favorable** recommendation in Case No. 19-05-02 on to the Township Board, to rezone the subject properties of this application from C-2, Small Business District to C-3, General Business District if the necessary variances are granted through application to the Zoning Board of Appeals and 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

(7-0)

VI. Discussion

- 1.) Property Location: 4235 & 4255 Cass Elizabeth Rd. – Parcel I.D. Nos. 13-34-427-001, 002 along with vacant parcels, 13-34-427-003 & 020

Applicant or representative present: Mr. Aticia

Mr. Lockwood gave a brief review. Mr. Aticia is the owner of the Grapes and Hops Market and has spoken to the Planning commission in the past with attempts to revitalize this area. He and has recently purchased the two vacant lots from Mr. Ukranic. Recently Don Ukranic came before the board to have these lots rezoned to residential use. The other two parcels are zoned commercial, however, slowly over time; they have converted over to residential type uses. Mr. Aticia would like to purchase these other two parcels and rezone them to R-1D Duplex district.

Mr. Aticia would like to see if the Planning commission was in favor of his attempt to redevelop before proceeding with plans to obtain the other two parcels.

Chairperson Werth questioned Mr. Aticia if he planned to remodel the existing structures, or tear down and re build.

Mr. Atticia plans to redevelop the existing sites.

There was more discussion from the Board and Mr. Aticia that concluded with most of the board members offering their support for this type of re development.

VII. All Else

VIII. Adjourn

Chairperson Werth adjourned the meeting at 5:05pm.