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**DEVELOPMENT SERVICES
DEPARTMENT**
Rob Merinsky, P.E.
Director
Dave Hills
Superintendent of Building
Division
Jeffrey M. Polkowski AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: June 1, 2021
To: Honorable Township Board Members
From: Jeffrey Polkowski, Superintendent of Planning and Zoning
RE: Rezoning Case No. 2021-Z-011 – Rezone 4710 Cooley Lake Rd
Location: West side of Cooley Lake Rd south of Elizabeth Lake Rd.
Applicant: Waterford Township

Current Zoning: C-2, Small Business
Proposed Zoning: C-3. General Business

Master Plan: Single Family

The property owner, at the recommendation of Township staff, recently performed a lot combination of the subject property. Prior to this, the property was divided into two parts: the restaurant parcel to the north with C-3 Zoning and the parking lot parcel to the south with C-2 Zoning.

Because, in Waterford, the intensity of zoning districts is contingent on lot sizes, the southern parcel was limited to C-2. As the property is now combined, it is sufficiently large enough for a C-3 designation across the entire area.

From a functional perspective, the smaller lot only served as a parking lot. By combining the properties, it reduces the likelihood of an additional development crowding the area and allows for expansion and updating to the existing structure.

Master Plan Designation

Although the property as has a Single-Family Master Plan designation according to the 2023 Master Plan, historically the site has been a commercial designation.

1950 - 1963: Commercial – 1
1963 - 1998: C-2, General Business and C-1, Local Business
1998 - 2011: C-2 General Business
2011 – Present: C-3, General Business (north) and C-2, Small Business (south)

**With us there are no
boundaries**

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Rezoning at the regularly scheduled meeting on June 22, 2021 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the June 22, 2021 regular meeting for this rezoning case, should the Board want to consider adopting the requested rezoning to C-3, General Business, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the July 26, 2021 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 Monday'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. 2021-Z-011

ZONING ORDINANCE MAP AMENDMENT

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

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The portion of the parcel of property that is assigned tax parcel number 13-27-302-015, legally described below, with current address of 4710 Cooley Lake Rd is rezoned from **C-2, Small Business to C-3, General Business** 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

Kim F. Markee, Township Clerk

Property Descriptions

PARCEL 13-27-302-015 (southern portion)

IS DESCRIBED AS

T3N, R9E, SEC 27 FURLER'S CRESTHAVEN LOT 1

Planning & Zoning Department

SPECIAL APPROVAL REVIEW

June 22, 2021

| | | | |
|-------------------------|---|----------------------|--------------------|
| Application Number | PRSA 21-06-02 | Action Requested | Rezoning |
| | | Staff Recommendation | Approval |
| Request | Rezone the southern portion of the lot from C-2 to C-3 | | |
| Project Name | N/A | | |
| Proposed Use(s) | Restaurant | | |
| Address | 4710 Cooley Lake Rd | | |
| Parcel Number | 13-27-302-015 | | |
| Owner | San Jose Village LLC 4710 Cooley Lake Rd Waterford, MI 48327-2809 | Applicant | Waterford Township |
| Property Information | | | |
| General Location | West side of Cooley Lake Rd south of Elizabeth Lake Rd. | | |
| Current Zoning | C-2, Small Business and C-3, General Business | | |
| Proposed Zoning | C-3, General Business | | |
| Property Size | 2.89 acres | | |
| Master Plan | Single Family | | |
| Frontage | 248 feet on Cooley Lake Rd | | |
| Current Use | Site is currently a vacant Restaurant Establishment | | |
| Zoning History | 1950 - 1963: Commercial – 1 1963 - 1998: C-2, General Business and C-1, Local Business 1998 - 2011: C-2 General Business 2011 – Present: C-3, General Business and C-2, Small Business | | |
| Surrounding Development | | | |
| North | R-1C, Single-Family Residential | | |
| South | R-1D, Duplex Residential | | |
| East | (Across Cooley Lake Rd) O-1, Local Office | | |
| West | Crescent Lake | | |

Project Summary

The property owner, at the recommendation of Township staff, recently performed a lot combination of the subject property. Prior to this, the property was divided into two parts: the restaurant parcel to the north with C-3 Zoning and the parking lot parcel to the south with C-2 Zoning. As the previous zoning was established as a function of the sizes of the two lots, it was limited to C-2. As the property is now combined, it is sufficiently large enough for a C-3 designation across the entire area.

From a functional perspective, the smaller lot only served as a parking lot. By combining the properties, it reduces the likelihood of an additional development crowding the area and allows for expansion and updating to the existing structure.

Planning Commission Approval Recommendation Guidelines

The following is a summary of Section 4-009.3 of the Zoning Ordinance and the Planning Commission's approval recommendation guidelines that have been established for rezoning application requests:

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make its recommendations to the Township Board based upon the evidence presented to it in each specific case with respect to the following matters:

- A. The requested zoning change is consistent with the adopted Master Plan, as amended.

Staff Comment: While the proposed zoning does not match the Master Plan for the area, it permits a more unified development possibility for a long term commercial property

- B. The requested zoning change is consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.

Staff Comment: There are a number of commercially zoned properties in this vicinity. This request does less to change the character than to provide a uniform zoning across the entire property.

- C. The subject zoning lot's physical suitability to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.

Staff Comment: The subject lot meets zoning requirements.

- D. The trend of development in the general area of the subject zoning lot is consistent with the requested zoning change.

Staff Comment: There is significant commercial development at this intersection. This zoning request is internal to an existing development.

- E. The Township and other public agencies possess the capacity to provide all utility and public services that would be required for the range of uses permitted under the proposed zoning classification.

Staff Comment: Public utilities are available to the site and the Township along with other related public service agencies possess the capacity to provide all utility and public services to the property.

- 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.

Staff Comment: The location for this rezoning along Crescent Lake does require additional consideration for environmental impacts. However, by incorporating this area into the site as a whole lessens the possibility of additional development of alternate business types on the lot.

- G. Whether the amendment will be detrimental to the public interest.

Staff Comment: It is unlikely that this zoning change and development will be detrimental.

Summary / Conclusions

This zoning change would provide a more uniform zoning development of the property in conjunction with the recent lot combination performed by the owner and lessen the possibility of a future lot split. Staff is supportive of this change.

Recommendation and Planning Commission Action

Following the required public hearing, the Planning Commission shall provide a recommendation to the Township Board on the rezoning request. In making this recommendation, the Planning Commission shall consider the approval recommendation guidelines referenced above. Staff has attached a motion template for your use in formulating your recommendation.

Upon your review, if you have any questions or require additional information prior to Tuesday's meeting, please contact this office.

**MOTION TEMPLATE FOR PLANNING COMMISSION CASE NO. 21-06-02, Proposed
ZONING AMMENDMENT TO REZONE from C-2, Small Business to C-3, General
Business**

Motion:

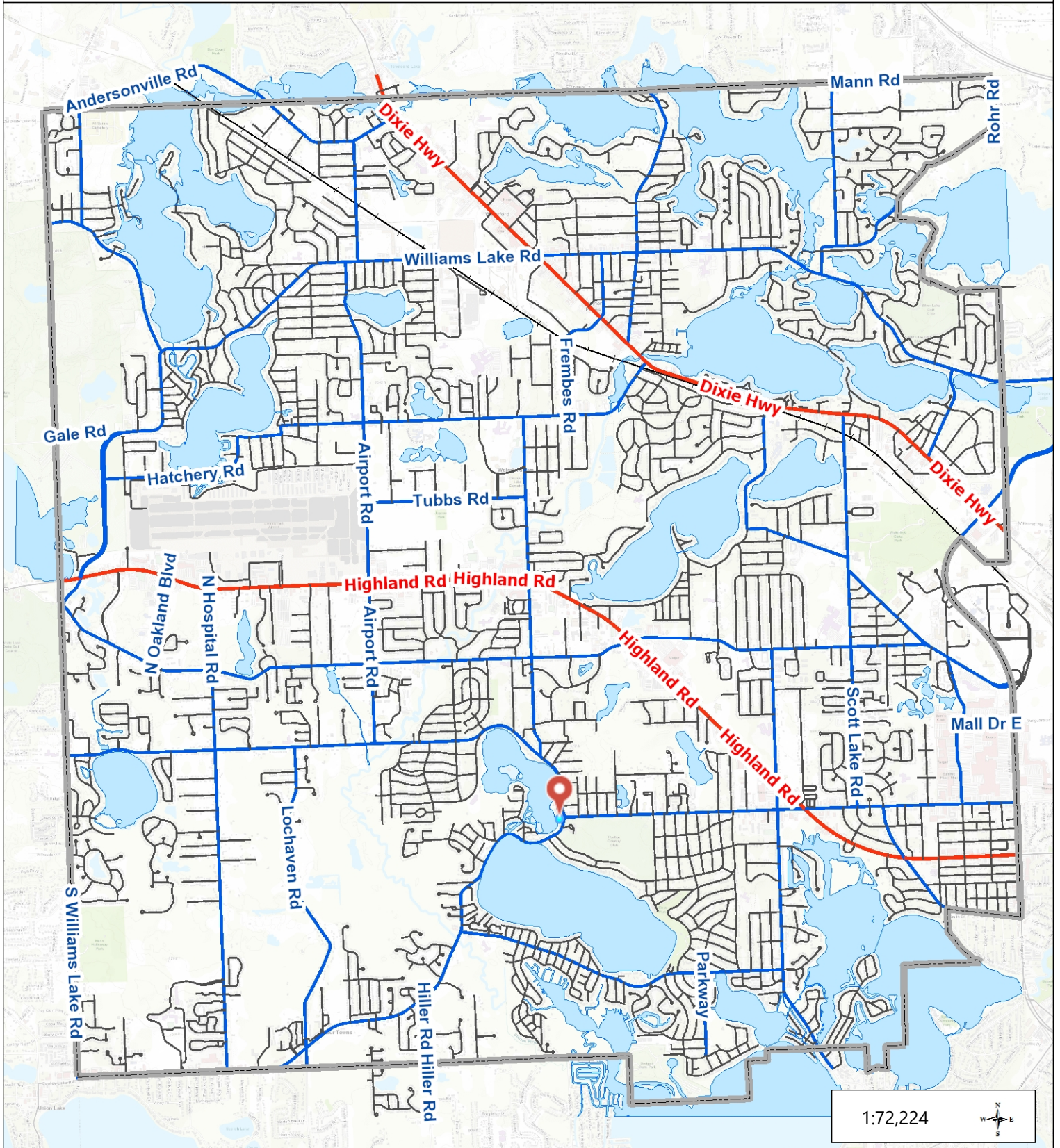
I move to forward a favorable/unfavorable **[Strike One]** recommendation in Case No. 21-06-02 on to the Township Board, to rezone the southern portion of the subject property of this application from C-2, Small Business to C-3, General Business based on the following findings and conclusions under the 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/is not [Strike One]** consistent with the adopted Master Plan as amended.
- B. The requested zoning change **is/is not [Strike One]** 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/is not [Strike One]** 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/is not [Strike One]** consistent with the requested zoning change.
- E. The Township and other public agencies **do/do not [Strike One]** 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/will not [Strike One]** result in any significant environmental impacts.
- G. The proposed zoning amendment **will/will not [Strike One]** be detrimental to the public interest.



PRSA 21-06-02 Rezoning Request Location Map



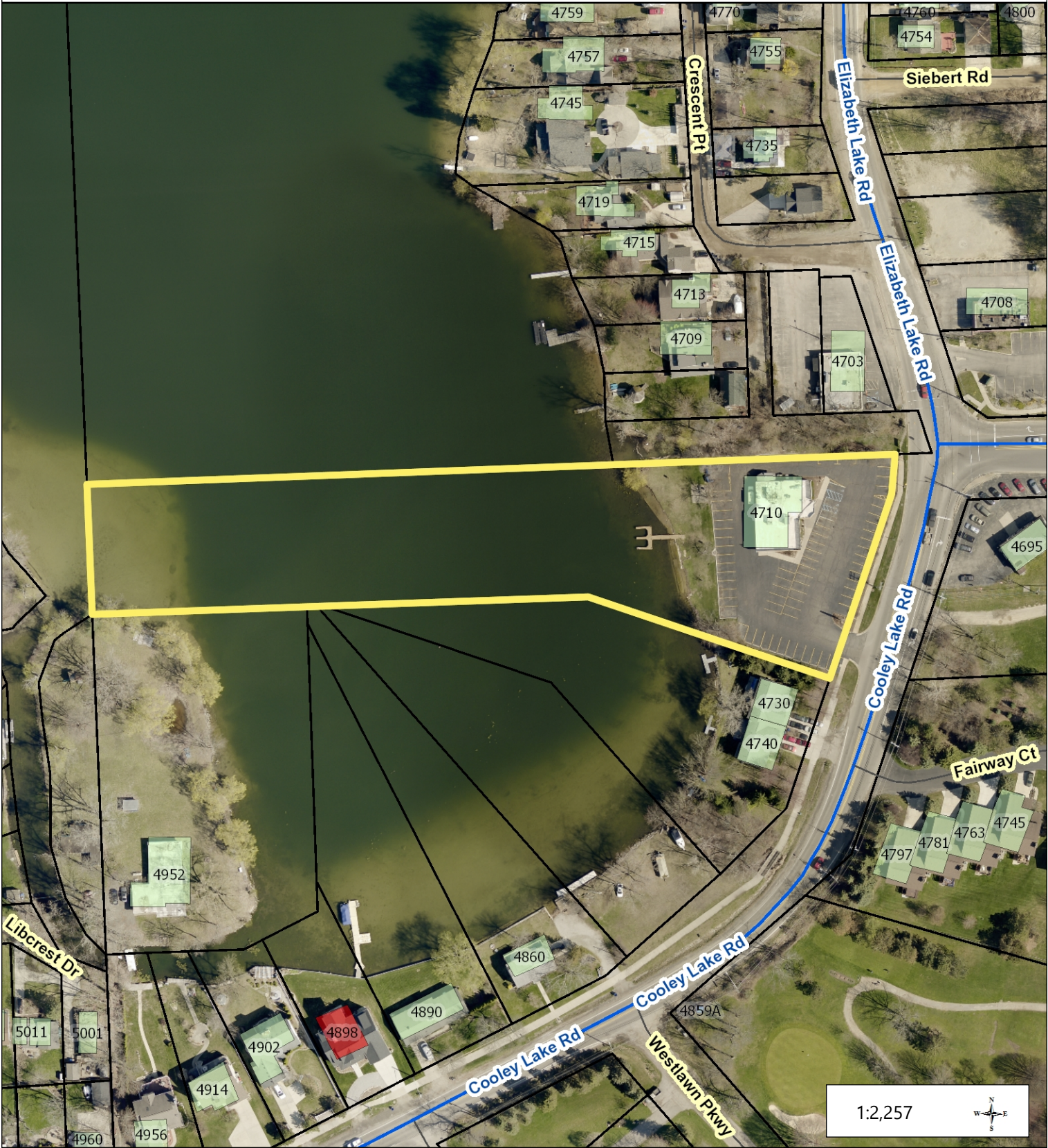
12,037.3 0 6,018.65 12,037.3 Feet

SOURCES: The Charters Township of Waterford and Oakland County, MI.
Oakland County parcel data, Updated weekly.

DISCLAIMER: Information depicted hereon is for reference purposes only. It was compiled from the best available resources which have varying degrees of accuracy. This map is not a legally recorded map nor a survey and is not intended to be used as such. The Charter Township of Waterford assumes no responsibility for error that arise from this map.



PRSA 21-06-02 Rezoning Request
Aerial Map



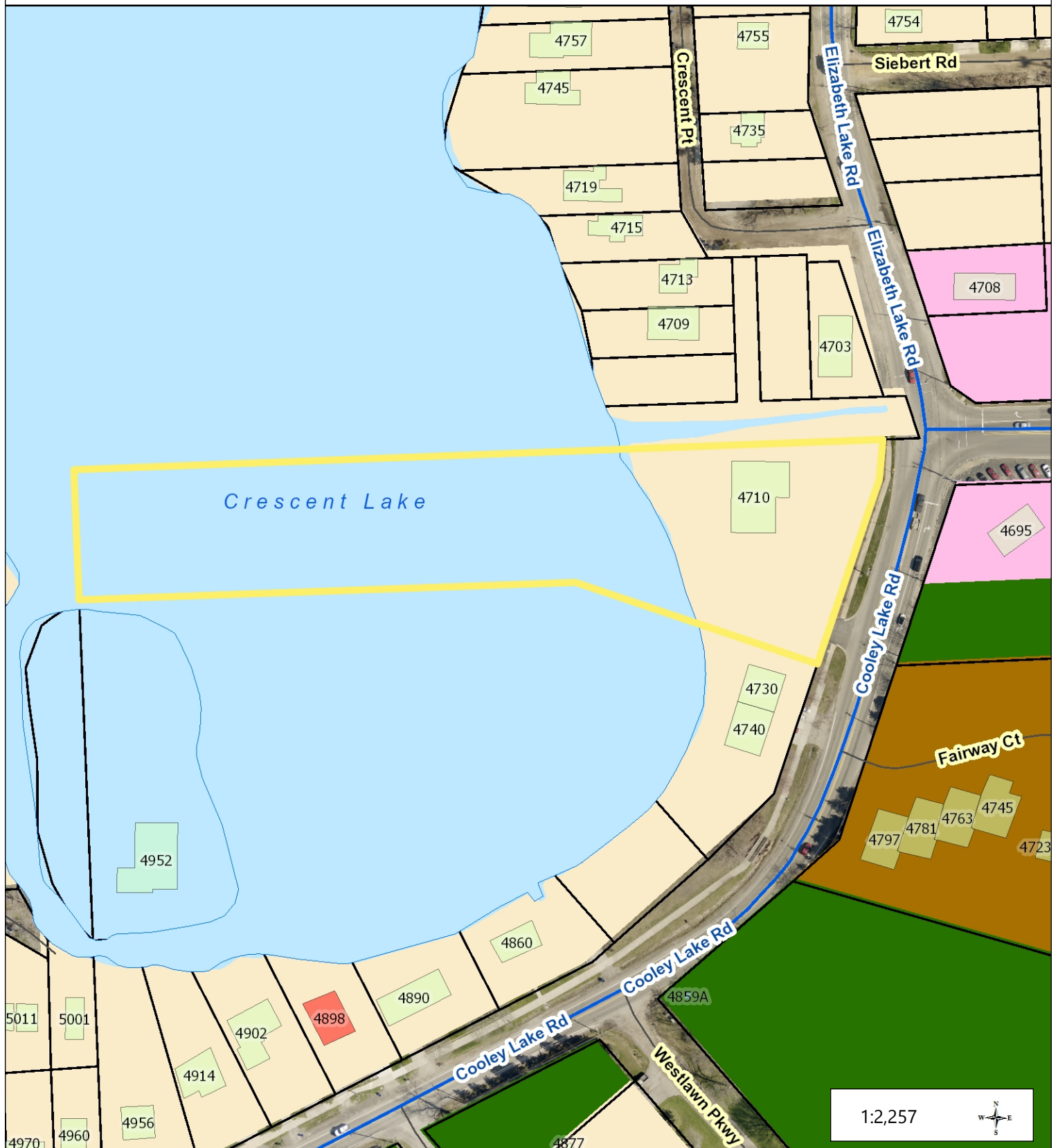
376.2 0 188.08 376.2 Feet

SOURCES: The Charters Township of Waterford and Oakland County, MI.
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PRSA 21-06-02 Rezoning Request Master Plan Map



1:2,257



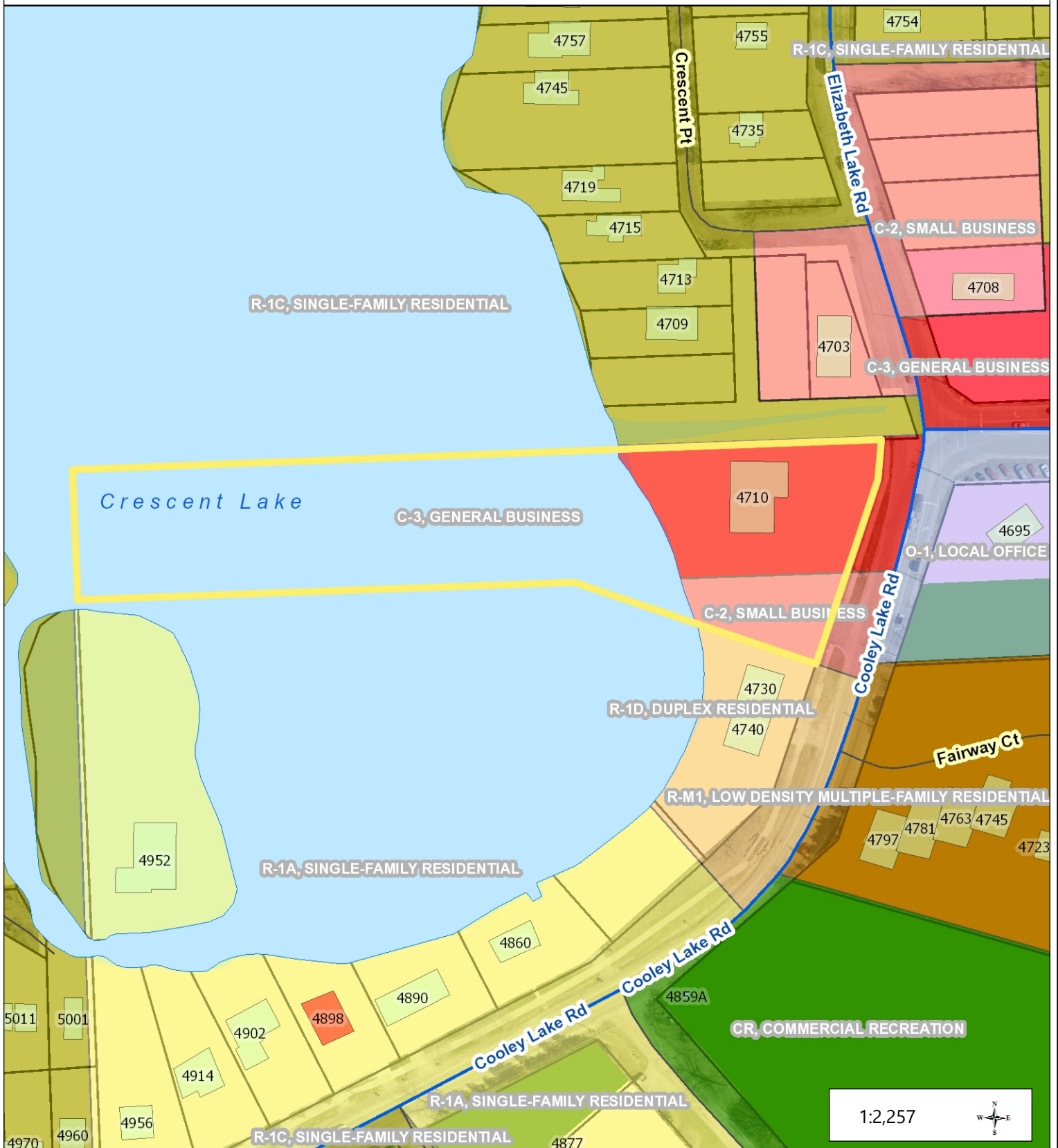
376.2 0 188.08 376.2 Feet

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PRSA 21-06-02 Rezoning Request Zoning Map



1:2,257



376.2 0 188.08 376.2 Feet

SOURCES: The Charters Township of Waterford and Oakland County, MI.
Oakland County parcel data, Updated weekly.

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