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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: June 6, 2017

To: Honorable Township Board Members

From: Larry Lockwood, Superintendent of Planning and Zoning 

RE: Rezoning Case No. 17-05-01, Tel-Dixie Plaza, LLC
Rezone from C-4, Extensive Business District to C-3, General
Business District.

Location: Vacant property located at the N.E. corner of Dixie Highway and
Telegraph Road.

Applicant: Tel-Dixie Plaza, LLC – C/O Scott Hudson

This application is by Tel-Dixie Plaza, LLC, the property owner, who has been working with GPS Hospitality / Burger King and their request to purchase land at the NE corner of Dixie Hwy. and Telegraph Rd. The subject property was originally part of a larger parcel of land at this corner that has since been developed to include a Speedway Gas Station, TCF Bank branch office and the Regency of Waterford Assisted Living facility. Approximately 5.86 acres of vacant land remains available for development with frontage on Dixie and Telegraph. GPS Hospitality / Burger King is proposing to acquire 0.95 acres of this property at the "hard corner" leaving approximately 0.95 acres available for future development between the BK site and the existing TCF Bank (2180 Dixie). This total of 1.90 acres, which is the subject land area of the rezoning application, would not meet the minimum land area of 2 acres required to remain as a C-4 zoning lot/parcel and therefore, rezoning to the C-3, General Business District is appropriate. A balance of 3.96 acres of vacant land along Telegraph Rd. would then remain as C-4 and be available for future development opportunities.

Zoning History

1950 – 1963: Commercial – 1
1963 – 1972: C-2, General Business
1972 – 2010: "Split Zoned" – C-2, General Business and C-3, Extensive Business
2010 – Present: C-4, Extensive Business

With us there are no boundaries

Section 3-901.5 of the Zoning Ordinance's Schedule of Regulations provides for the following:

After the effective date of this Zoning Ordinance (March 10, 2010), when a zoning lot conforming to the minimum lot area requirement is proposed to be subdivided, in accordance with the procedures established in the Waterford Code of Ordinances, Subdivision and Land Management Regulations, into one or more zoning lots not conforming to the minimum lot area, the Township shall require rezoning of the resultant zoning lots to a zoning district established under the same Division as the of the parent zoning lot and where the minimum lot area of the resultant zoning lot(s) will be conforming.

In 2010, the Township updated the Zoning Ordinance and land use maps for the community. At that time, the C-4, Extensive Business District was introduced. This district requires a minimum land area of two (2) acres and is intended for more intensive commercial land uses on zoning lots located with access along the Township's major arterial streets.

Master Plan

The master plan for this area shows High Tech Services (see attached). This designation has been in place since 2003 and was created by the Waterford Township staff to allow for a mixture of land uses including office, commercial, and clean industrial uses.

Planning Commission Recommendation

The Planning Commission reviewed this case at their June 6, 2017 meeting and resolved unanimously (7-0) to forward favorable recommendation on to the Township Board to Rezone from C-4, Extensive Business District to C-3, General Business District.

The case is being presented to the Township Board for introduction of the Zoning Ordinance Map Amendment to rezone the properties. If the Township Board wants to proceed, the appropriate action would be a motion to introduce the Ordinance map amendment and schedule it for possible adoption at the Board's June 26, 2017 meeting.

Staff will be in attendance at Monday's meeting for any questions that may come up. However, if you have any questions or require additional information in advance, please contact this office.

Call the Meeting to Order

Chairperson Werth Called the meeting to order at 4:30pm

I. Roll Call

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

Also Present: Larry Lockwood, Superintendent of Planning and Zoning
Amy Williams, Administrative Specialist
Rob Merinsky, Director of Development Services

General Public attendance of approximately 2

II. Approval of the May 9, 2017 Planning Commission meeting minutes with revisions.

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; Resolved to **APPROVE** the Minutes of the May 9, 2017 Regular Meeting of the Planning Commission with revisions.*

MOTION CARRIED UNANIMOUSLY

(7-0)

III. Approval of the June 6, 2017 Planning Commission Special meeting Agenda.

MOTION AND VOTE

Moved by Reno

*Supported by Taylor; Resolved to **APPROVE** the Agenda of the June 6, 2017 Special Meeting of the Planning Commission.*

MOTION CARRIED UNANIMOUSLY

(7-0)

IV. Public Hearings

1.) Case No. 17-05-01, Tel-Dixie Plaza, LLC (Staff Reviewer – Larry Lockwood)

Location: Vacant Property located at the N.E. corner of Dixie Highway and Telegraph Road.

Requested Action: Rezone from C-4, Extensive Business District to C-3, General Business District.

Applicant: Tel-Dixie Plaza, LLC

Parcel I.D. No.: 13-13-426-032

Applicant or Representatives present: Ozzie Jackson, and Todd Jackson

Mr. Lockwood gave a brief overview of this request and presented visual aids showing the current Zoning and Master Plan for this location. The Master Plan shows this to be in a High Tech Service area which allows for a mixture of land uses including office, commercial and clean industrial uses. He further went over the steps that have been taken for this request and what steps are still required to obtain Rezoning.

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

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; Resolved to give a **FAVORABLE** recommendation to the Township Board to rezone the subject properties of this application from C-4, Extensive Business 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 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)**

V. All Else

Mr. Lockwood mentioned that staff members have met with Brian Peruski to discuss a potential rezoning application for 80 acres of public land on Hospital road that he is interesting in developing. Also, Suburban Ford is preparing to submit for site plan review and special approval and that a special meeting may be requested.

VI. Adjourn

Chairperson Werth adjourned the meeting at 4:47pm



Aerial Photo Case No 17-05-01 Tel-Dixie Plaza



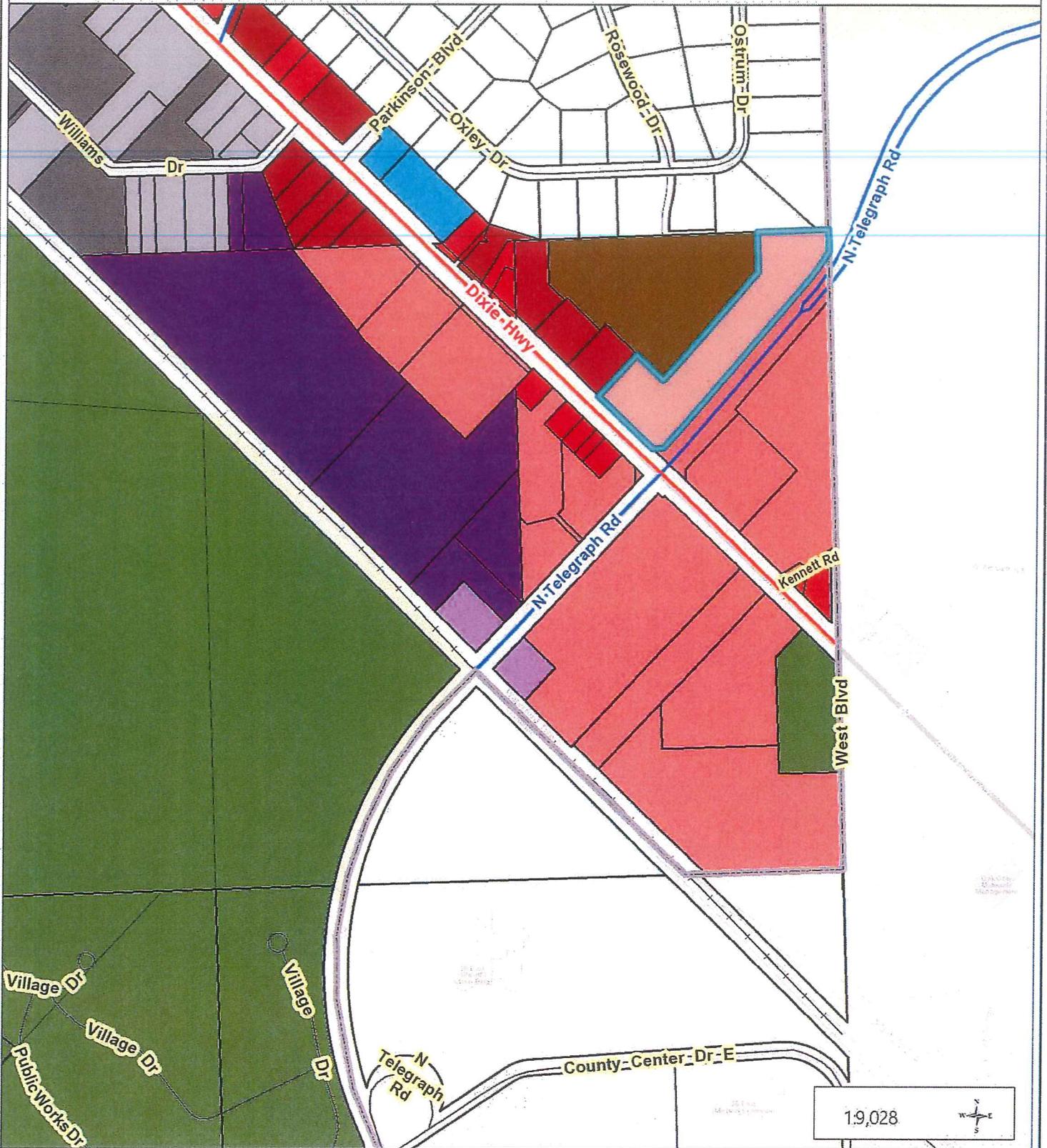
1,504.7 0 752.33 1,504.7 Feet

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.



Current Zoning Tel-Dixie Plaza



1,504.7 0 752.33 1,504.7 Feet

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

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STATE OF MICHIGAN
COUNTY OF OAKLAND
ORDINANCE NO. 2017-Z-002

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 part of the parcel of property that is assigned tax parcel number 13-13-426-032 with an address of N.A. vacant land, located at the N.E. corner of Dixie Highway and Telegraph Road, is rezoned from **C-4, Extensive Business District** to **C-3, General Business District** as shown on the attached survey 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.

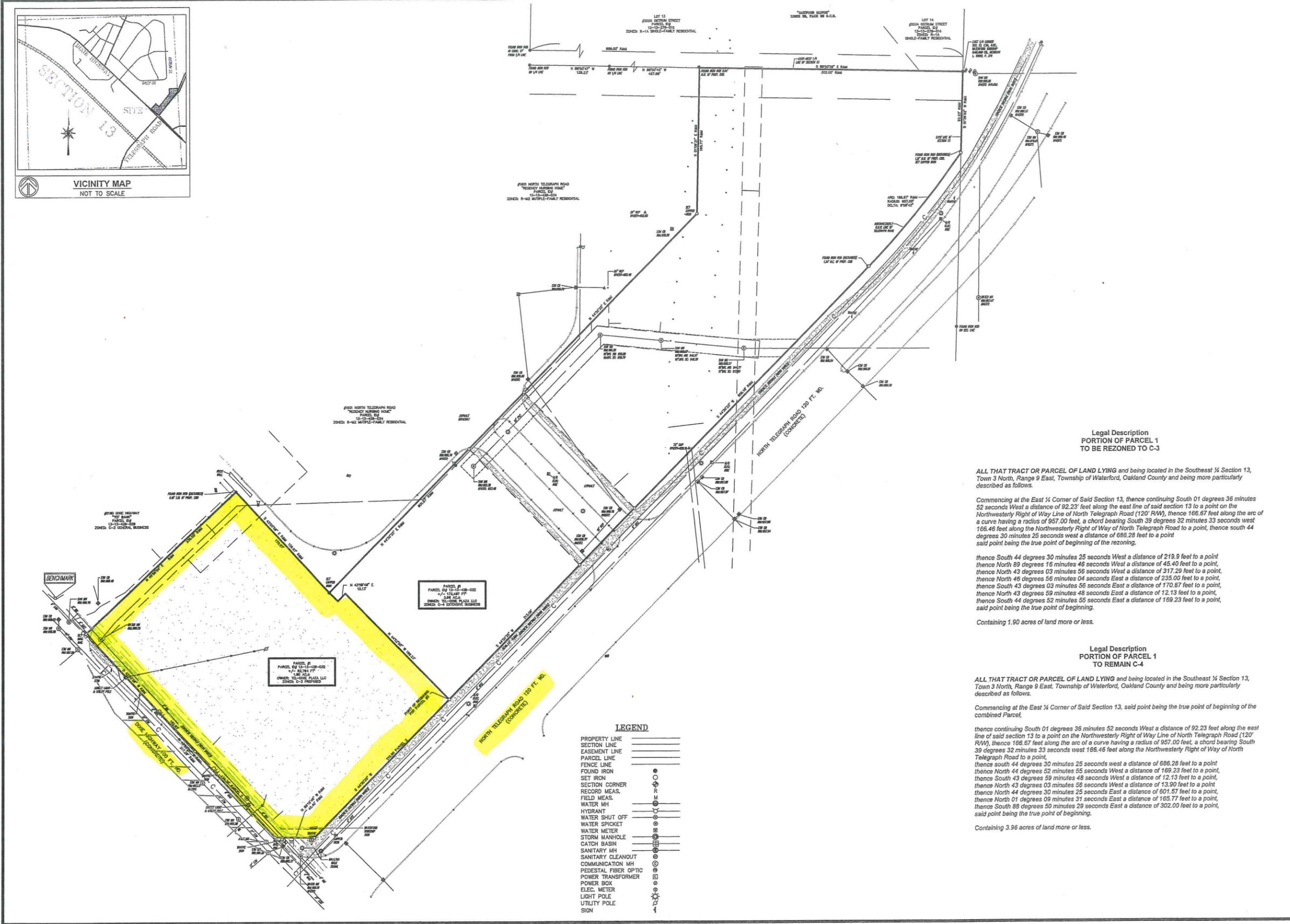
CERTIFICATION

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

Sue Camilleri, Township Clerk



**Legal Description
PORTION OF PARCEL 1
TO BE REZONED TO C-3**

ALL THAT TRACT OR PARCEL OF LAND LYING and being located in the Southeast 1/4 Section 13, Town 3 North, Range 9 East, Township of Waterford, Oakland County and being more particularly described as follows:

Commencing at the East 1/4 Corner of Said Section 13, then continuing South 01 degrees 36 minutes 52 seconds West a distance of 92.23 feet along the east line of said section 13 to a point on the Northwestly Right of Way Line of North Telegraph Road (120' RW), thence 166.67 feet along the arc of a curve having a radius of 957.00 feet, a chord bearing South 39 degrees 32 minutes 33 seconds west 166.46 feet along the Northwestly Right of Way of North Telegraph Road to a point, thence south 44 degrees 30 minutes 25 seconds west a distance of 219.9 feet to a point, thence South 44 degrees 30 minutes 25 seconds West a distance of 219.9 feet to a point, thence North 39 degrees 13 minutes 46 seconds West a distance of 45.40 feet to a point, thence North 43 degrees 03 minutes 56 seconds West a distance of 317.29 feet to a point, thence North 46 degrees 56 minutes 04 seconds East a distance of 235.00 feet to a point, thence South 43 degrees 03 minutes 56 seconds East a distance of 170.87 feet to a point, thence North 43 degrees 59 minutes 48 seconds East a distance of 12.13 feet to a point, thence South 44 degrees 52 minutes 55 seconds East a distance of 169.23 feet to a point, said point being the true point of beginning of the rezoning.

thence South 44 degrees 30 minutes 25 seconds West a distance of 219.9 feet to a point, thence North 39 degrees 13 minutes 46 seconds West a distance of 45.40 feet to a point, thence North 43 degrees 03 minutes 56 seconds West a distance of 317.29 feet to a point, thence North 46 degrees 56 minutes 04 seconds East a distance of 235.00 feet to a point, thence South 43 degrees 03 minutes 56 seconds East a distance of 170.87 feet to a point, thence North 43 degrees 59 minutes 48 seconds East a distance of 12.13 feet to a point, thence South 44 degrees 52 minutes 55 seconds East a distance of 169.23 feet to a point, said point being the true point of beginning.

Containing 1.90 acres of land more or less.

**Legal Description
PORTION OF PARCEL 1
TO REMAIN C-4**

ALL THAT TRACT OR PARCEL OF LAND LYING and being located in the Southeast 1/4 Section 13, Town 3 North, Range 9 East, Township of Waterford, Oakland County and being more particularly described as follows:

Commencing at the East 1/4 Corner of Said Section 13, said point being the true point of beginning of the combined Parcel,

thence continuing South 01 degrees 36 minutes 52 seconds West a distance of 92.23 feet along the east line of said section 13 to a point on the Northwestly Right of Way Line of North Telegraph Road (120' RW), thence 166.67 feet along the arc of a curve having a radius of 957.00 feet, a chord bearing South 39 degrees 32 minutes 33 seconds west 166.46 feet along the Northwestly Right of Way of North Telegraph Road to a point, thence south 44 degrees 30 minutes 25 seconds west a distance of 219.9 feet to a point, thence North 39 degrees 13 minutes 46 seconds West a distance of 45.40 feet to a point, thence North 43 degrees 03 minutes 56 seconds West a distance of 317.29 feet to a point, thence North 46 degrees 56 minutes 04 seconds East a distance of 235.00 feet to a point, thence South 43 degrees 03 minutes 56 seconds East a distance of 170.87 feet to a point, thence North 43 degrees 59 minutes 48 seconds East a distance of 12.13 feet to a point, thence South 44 degrees 52 minutes 55 seconds East a distance of 169.23 feet to a point, said point being the true point of beginning.

Containing 3.96 acres of land more or less.

LEGEND

- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- PARCEL LINE
- FENCE LINE
- FOUND IRON
- SET IRON
- SECTION CORNER
- RECORD MEAS.
- FIELD MEAS.
- WATER MH
- HYDRANT
- WATER SHUT OFF
- WATER SPIGGET
- WATER METER
- STORM MANHOLE
- CATCH BASIN
- SANITARY MH
- SANITARY CLEANOUT
- COMMUNICATION MH
- PEDESTAL FIBER OPTIC
- POWER TRANSFORMER
- POWER BOX
- ELEC. METER
- LIGHT POLE
- UTILITY POLE
- SIGN

Omni
Consulting Services
Atlanta Tallahassee
Jacksonville Washington D.C.

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Project Manager

Cleve E. Dryden, P.E.

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Tallahassee, FL 32303
ph: 850.296.3668
fax: 770.818.5683

Civil Engineer

Tel-Dixie Plaza, LLC
2841 St. Just
Waterford, MI 48329

Owner

#	DATE & BY

A REZONING PLAN FOR
TEL-DIXIE PLAZA, LLC, A MICHIGAN LIMITED LIABILITY COMPANY

Parcel ID 13-13-426-032
A Parcel on Dixie & Telegraph, Waterford Township
S.E. 1/4 of Sec. 13, T3N, R9E, Oakland County, Michigan

PROJECT

NORTH
GRAPHIC SCALE
0 50 100
1 INCH = 50 FT.

STATE OF MICHIGAN
CLEVE E. DRYDEN
ENGINEER
No. 6201064862
LEGISLATIVE PROFESSIONAL BOARD

SEAL

Date: 1/15/2017
PROJECT NO. 16206.01
DWG FILE - 16206.01.dwg

SCALE: AS SHOWN

1 of 1 SHEET