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Waterford, Michigan 48329-3773
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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: November 6, 2017

To: Honorable Township Board Members

From: Larry Lockwood, Superintendent of Planning and Zoning

RE: Rezoning Case No. 17-10-01
Rezone from O-1, Local Office District to R-1A, Single Family Residential District

Applicant: Laurell Bailey

This rezoning application by Laurell Bailey is a request to rezone 2.3 acres of land on Walton Blvd. (formerly 2946 Walton) from O-1, Local Office to R-1A, Single Family residential.

Zoning History

1950 – 1963, Residential I
1963 – 1981, R-1A, Single Family Residential
1981 – 2010, R-O1, Restricted Office
2010 – Present: O-1, Local Office

The property has been available for development for office type land uses since 1981. However, during this time, the Township has not received any inquiries/proposals involving office related development opportunities. This intersection at Walton and Clintonville is generally considered a small neighborhood node and currently provides for several local businesses including a Genisys Credit Union, a party store, a former bank which was recently converted to a senior citizen service office and a child day care business, providing local services to the surrounding residential areas.

In 2000, the previous property owner, Charles Nunn had approached the Planning Commission about rezoning the property to multiple family residential. However, that request was not supported by the Planning Commission and master plan for the area and subsequently never pursued.

The subject property abuts two (2) single family residential parcels (east) on Wormer Lake that were developed in the 1990's.

With us there are no boundaries

During the Planning Commission's review of this application at their October 24, 2017 meeting, several residents expressed concerns regarding the development of the property and the regulated wetlands associated with it and Wormer Lake. This wetland area is a protected natural feature of the property and regulated by the Department of Environmental Quality (DEQ). Any proposed improvements to the property that involve the regulated wetland area would require review and approval from the DEQ.

Upon completing their review of the case, the Planning Commission resolved 7-0 to forward a favorable recommendation on to the Township Board to rezone from O-1, Local Office to R-1A, Single Family Residential (see attached draft meeting minutes).

Township Board Action

Based upon the Planning Commission's favorable recommendation in this rezoning case, if the Board wants to consider adopting the requested rezoning to R-1A, Single Family Residential, the appropriate motion would be to introduce the ordinance and schedule it for possible adoption at the November 27, 2017 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.

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 not** consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.*
- C. *The subject zoning lot **is not** 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 not** 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. Public Hearings

1.) Rezoning Case No. 17-10-01, Laurell Bailey (Staff Reviewer – Larry Lockwood)

Location: Vacant Parcel (Formerly 2946 Walton Blvd.)
Parcel I.D. No.: 13-12-105-005
Action: Requesting Rezoning from O-1, Local Office District to R-A, Single Family Residential District
Applicant: Laurell Bailey

Applicant or representative present: Laurell Bailey

Mr. Lockwood presented a brief overview of this request and affirmed that the master plan of Single Family residential supports this rezoning application.

Ms. Bailey stated that this property has been for sale for years with no action, and her

Application request would be a great improvement to this location. If approved, she hopes to further divide the property and build three (3) single family residential homes.

During the public portion of the meeting the following spoke regarding this request:

Dawn Bray of 2811 Barkman spoke up against this request stating that the lake is small and adding more population makes it dangerous. She further stated that there are a lot of wetlands in the area that keep disappearing and questioned how they plan to access the lake through the wetlands and what kind of impact this would have on the lake.

Dale Campbell of 2845 Barkman requested that we table this request to send notifications to everyone on the lake, not just those required by the ordinance and State requirements within 300 feet.

Ken Bray of 2811 Barkman said that a large portion of this lake is wetlands and building will take away from them.

Rob Merinsky, Director of Development Services, spoke up to clarify that the parcel in question is not all wetlands and that it would not be impossible to develop/build on the property. There is sufficient buildable land area after maintaining the required 25' setback from wetlands. He further stated that the State of Michigan, Department of Environmental Quality may allow private docks through regulated wetlands.

Ms. Bailey added that she had submitted a survey to show the designated wetlands with a 4 parcel split but, were now only looking to do a 3 parcel split.

Commissioner Sintkowski stated that he understood the neighboring property owner's concerns with the wetlands and lake. He added that the issues that were being brought up about what impact a development would have on the surrounding environmental features would be less with a residential development as opposed to a new office development requiring a paved parking lot and stormwater run-off issues.

MOTION AND VOTE

Moved by Sintkowski

*Supported by Reno; to forward a **FAVORABLE** recommendation in Case No.17-10-01 on to the Township Board to rezone the subject property of this application from O-1, Local Office District to R-1A, Single Family Residential 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)**

2.) Rezoning Case No. 17-10-02, Tom Wilhelm (Staff Reviewer – Larry Lockwood)

Location: Vacant Parcels located on Rural St. (East off Dixie Highway)
Parcel I.D. Nos.: 13-04-253-013 and 13-04-253-014
Action: Requesting Rezoning from R-1, Single Family Residential District to R-1E,
Single Family Attached District
Applicant: Tom Wilhelm

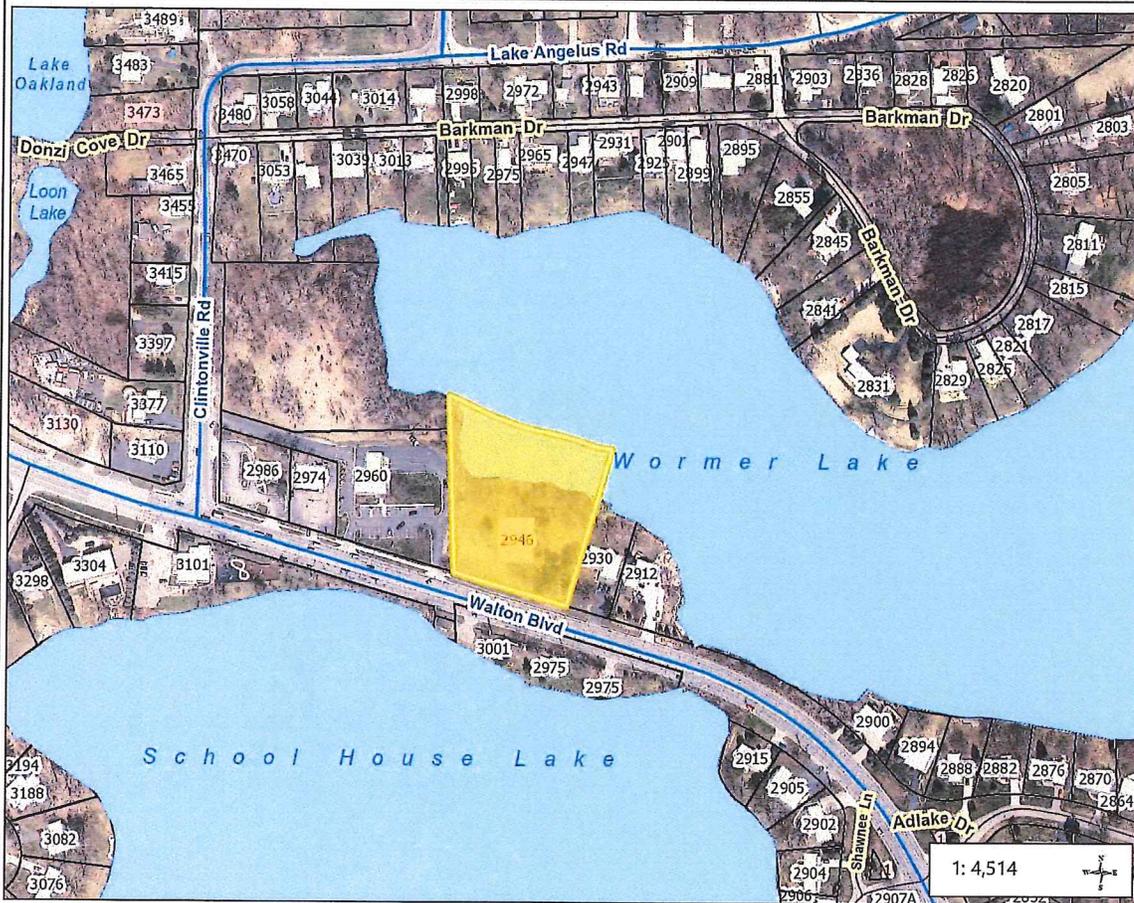
Applicant or Representative present: Tom Wilhelm

Mr. Lockwood gave a brief overview of the zoning history for the subject lots and advised that due to the fact that the total acreage of the combined lots are less than 5 acres, staff could not support this request. He went on to state that the requested R-1E zoning classification requires a minimum of 5 acres.

Mr. Wilhelm discussed the current uses of the adjacent commercial properties and provided photos of unsightly conditions on these properties. He further provided a brochure showing the development's that he has built in the area and his commitment to build quality homes. He stated that he had decided to change his request from R-1E, and that he would be willing to build single family detached homes under the Township's R-1B zoning. The property has been for sale for 30 years with no development prospects. He feels that instead of re-applying to the Planning Commission for a different zoning classification, the Board could



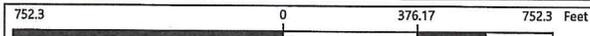
Rezoning Case 17-10-01 - Aerial View



Legend

- Labels - Building Footprints
- Building Footprints
 - <all other values>
 - YES BLDG
 - CELL TOWER
 - NO BLDG
 - AMERITECH UTIL
 - EDISON UTIL
- Township Boundary Line
- Lakes
- Waterford Road Layer
 - <all other values>
 - MAIN
 - PRIMARY
 - SECONDARY; SPLIT
- Airport
- Railroad
- Parcels

1: 4,514



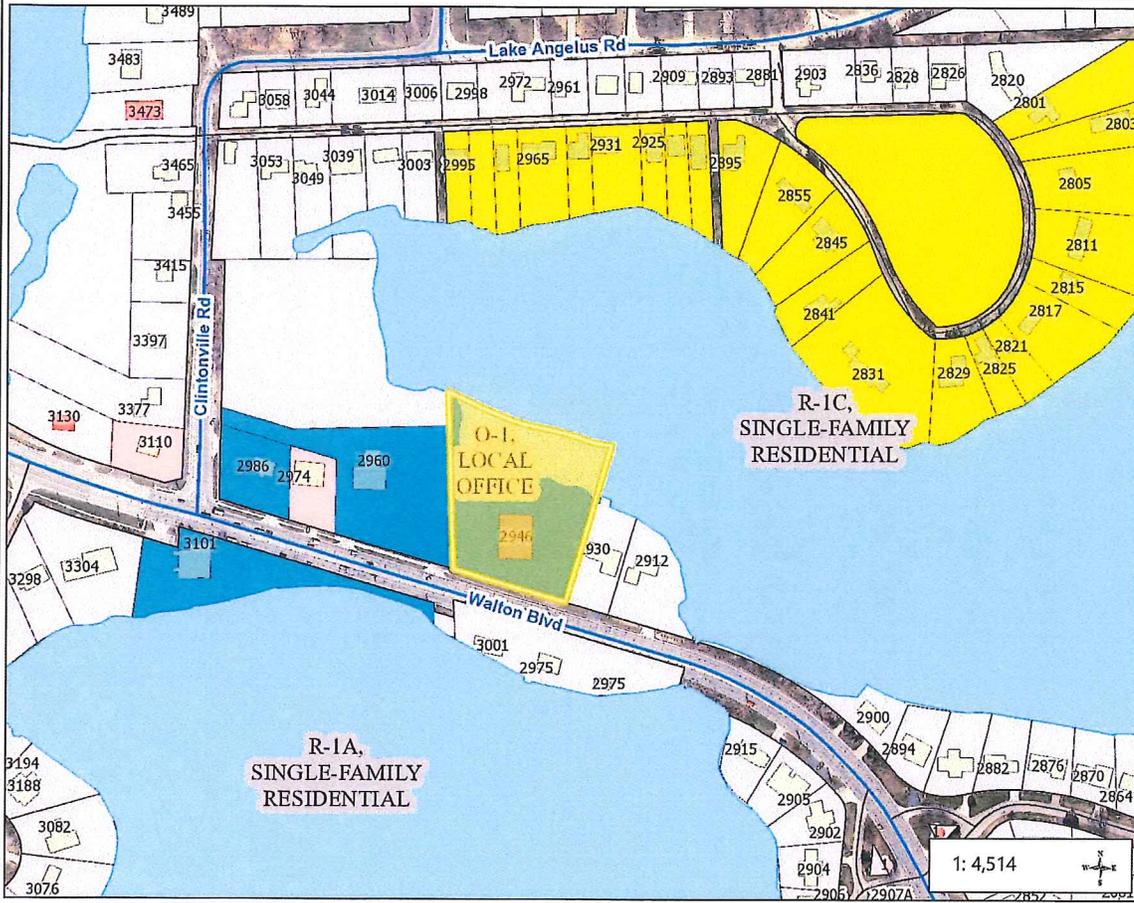
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Notes



Rezoning Case 17-10-01 - Current Zoning: O-1, Local Office



Legend

- Labels - Building Footprints
- Building Footprints
 - <all other values>
 - YES BLDG
 - CELL TOWER
 - NO BLDG
 - AMERITECH UTIL
 - EDISON UTIL
- Township Boundary Line
- Lakes
- Waterford Road Layer
 - <all other values>
 - MAIN
 - PRIMARY
 - SECONDARY; SPLIT
- Airport
- Railroad
- Zoning
 - R-1, SINGLE-FAMILY RESIDENTIAL
 - R-1A, SINGLE-FAMILY RESIDENT
 - R-1B, SINGLE-FAMILY RESIDENT
 - R-1C, SINGLE-FAMILY RESIDENT
 - R-1D, DUPLEX RESIDENTIAL
 - R-1E, SINGLE-FAMILY ATTACHE
 - R-M1, LOW DENSITY MULTIPLE-F
 - R-M2, MULTIPLE-FAMILY RESIDE

Notes

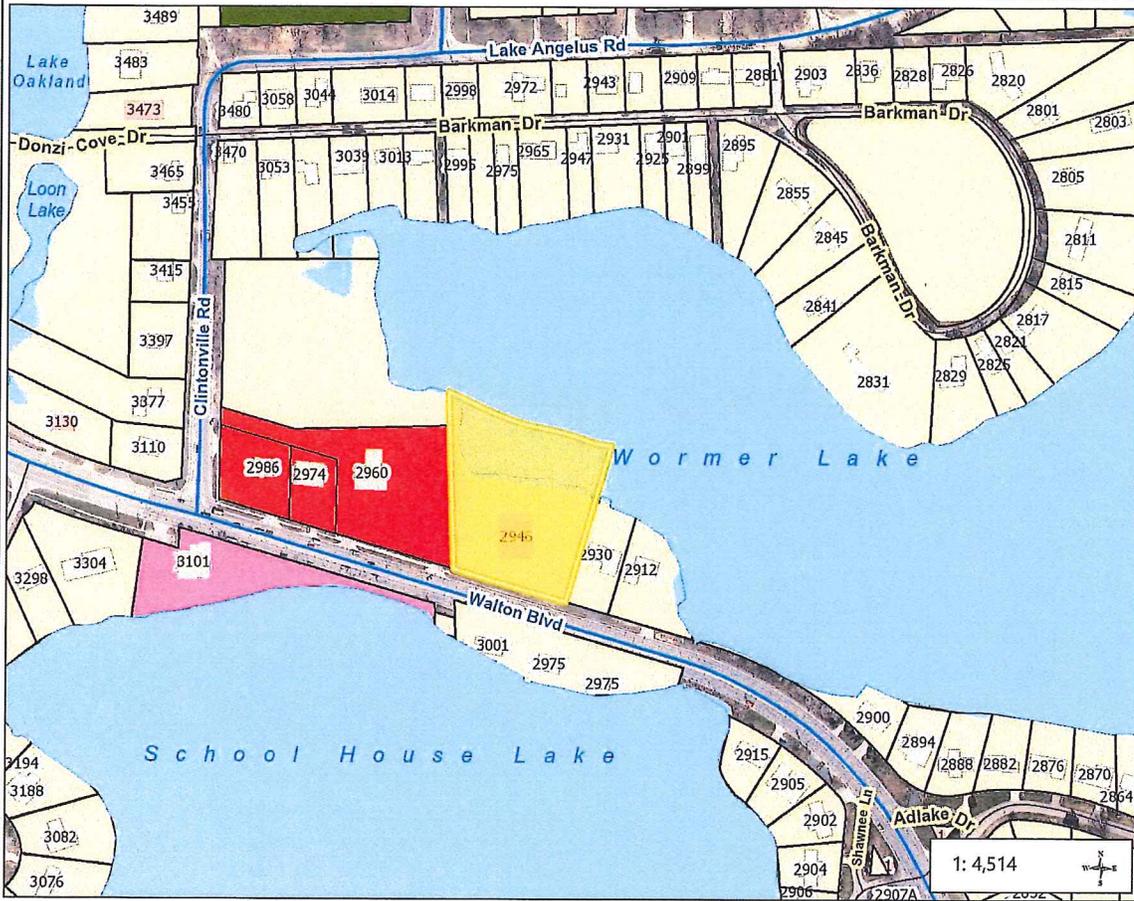
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Rezoning Case 17-10-01 - Master Plan: Single Family Residential



Legend

Labels - Building Footprints

Building Footprints

- <all other values>
- YES BLDG
- CELL TOWER
- NO BLDG
- AMERITECH UTIL
- EDISON UTIL

Township Boundary Line

Lakes

Waterford Road Layer

- <all other values>
- MAIN
- PRIMARY
- SECONDARY; SPLIT

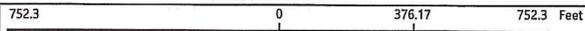
Airport

Railroad

Parcels

Master Plan 2003

- AIRPORT
- CENTRAL COMMUNITY
- CIVIC CENTER
- COMMUNITY BUSINESS
- COUNTY ADMIN COMPLEX
- GENERAL INDUSTRIAL
- HIGH TECH SERVICES



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Notes

Residential Designations

As part of the effort to achieve Master Plan Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity* (Please refer to Chapter 9 – Implementation), the following land use categories are designated as part of Waterford's Future Land Use Plan, **Single Family** and **Multiple Family**. The Residential designations represent the continuation of Waterford's predominant land use, from an existing 46.36 percent to a projected 46.42 percent of the total future land use. Single family residential is still planned to be the single dominant land use designation, with nearly 9,700 acres devoted to this land use. Of this total future acreage, 89 percent is already developed. The remaining 11 percent is either still vacant, or currently used for another purpose. Multiple family is intended to remain relatively static. While multiple family represents approximately 3.65 percent of existing land use, future land use intends for multiple family to increase less than one tenth of a percent, to 3.72 percent.

Single-Family

The primary land use within the Single Family designation is centered around single family dwelling units, as defined under Public Act 230 of 1972, as amended. This designation provides for a limited range of single family density classifications, from a low density of one dwelling unit per acre, to a high density of 5.5 dwelling units per acre.

An additional higher density classification can be considered for those long-established areas located in the urban neighborhood on Waterford's central easternmost border and the areas surrounding many of Waterford's lakes. These existing residential density patterns were established when the areas were platted with smaller lots, largely for summer cottages around the lakes, and for the neighborhoods that were platted and developed in concert with the urban neighborhoods of the City of Pontiac. The consideration of this density pattern is intended to recognize the existing active residential patterns that were in place prior to the Township's initial zoning regulations.

In some cases, single dwelling structures housing no more than two dwelling units, could be accommodated within the single family master plan designation, on a parcel by parcel basis, depending on the character of the surrounding land uses and ability of the infrastructure to accommodate the proposed use. Innovative and creative single-family design alternatives are not intended to be restricted from consideration in the Single Family designation, provided that the intent is to achieve Master Plan Goal Six, *To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment* (Please refer to Chapter 9 – Implementation) in conjunction with Master Plan Goal Seven.

All efforts in this land use designation should also strive to achieve Master Plan Goal Three, *To Enhance the Walkability of Waterford* (Please refer to Chapter 9 – Implementation). With the exception of the land uses with public and open space designations, the only secondary land uses that should be permitted within an area consisting of the Single Family land use designation are uses for which the State has superseded local zoning law, such as family day care facilities (in accordance with Act 116 of 1973).

Within each area of the Township consisting of the Single Family land use designation, the Township Planning Commission should strive to ensure that an undue concentration of non-residential public uses such as government buildings, churches, and schools is avoided unless a written analysis shows that such concentration achieves one or more of the Master Plan Goals.

STATE OF MICHIGAN

COUNTY OF OAKLAND

ORDINANCE NO. 2017-Z-007

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 13-12-105-005, that is vacant land with a former address of 2946 Walton Blvd., is rezoned from **O-1, Local Office District** to **R-1A, Single Family Residential 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