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Rob Merinsky, PE
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Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: June 2, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Proposed Zoning Ordinance Text Amendment Cases for the March 24, 2020
Planning Commission Meeting:
Text Amendment Case No. 20-03-01 – Summit Place Overlay Zoning District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment.

The evaluation of a concept plan for a proposed development within the Summit Place Overlay Zoning District revealed concerns within the existing ordinance that had been adopted almost a year ago.

The Summit Place Overlay Zoning District, as currently written, presents opportunities for conflicting land uses of various intensities to be established within a single parcel without requiring any screening or additional landscaping to act as a buffer for them to operate harmoniously.

Planning Staff identified and worked with the Developer on some fine tuning of the original ordinance text to clarify the levels and conditions of approval required for sensitive uses and to confirm with how traditional ordinance standards will be applied to proposed developments on portions of the site that do not correspond to separate legally recognized and split parcels.

This Zoning Ordinance Text Amendment also includes an amendment increasing the Maximum Building Height from 30' to 45' for HT-1 and M-1 Uses without requiring the Planning Commission to provide a discretionary decision.

The Planning Commission reviewed this ordinance amendment at a Special Meeting on May 28, 2020 and resolved unanimously, to forward a favorable recommendation to the Township Board

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for this, a motion to "introduce" the cases should be made which would then provide for consideration of "final adoption" of the Text Amendments at your June 22, 2020 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

*With us there are no
boundaries*

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2020-Z-001

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Summit Place Overlay Zoning District text to clarify and limit permitted principal uses, clarify approval standards, and modify maximum building heights for certain uses.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Township Zoning Ordinance is amended by the following changes to the indicated subsections of Section 3-709, Summit Place Overlay Zoning District, in Division 3-7, Commercial Zoning Districts:

SECTION 3-709. SUMMIT PLACE OVERLAY ZONING DISTRICT

Subsection 3, Uses Allowed, is amended by changing the first introductory sentence and subsections A and D to read as follows:

- 3. Uses allowed.** Subject to the exceptions and complying with all applicable conditions or requirements identified in this Section, the following uses shall be permitted principal uses in the District:
- A. Permitted principal uses, permitted uses after wellhead compliance, and special approval uses that are listed in Sections 3-702, 3-703, 3-704, 3-705, 3-706, as allowed in the C-1, C-2, C-3, and C-4 Districts, except:
 - (1) Commercial outdoor storage establishments involving the outdoor storage of soil resources, landscaping materials, or landscaping vegetation (as defined under Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007), which are not allowed.
 - (2) In the underlying C-3 District, the following, which shall remain special approval uses:
 - a. Hospitals.
 - b. Veterinary hospitals.
 - c. Pawnshops and second-hand dealers in conformance with Section 2-602.
 - d. Substance abuse care centers and transitional medical care facilities.
 - e. Massage schools in conformance with Section 2-602.
 - (3) In the underlying C-4 District, the following which shall remain special approval uses:

- a. Adult entertainment uses in conformance with Section 2-601.
 - b. Massage parlors and massage schools in conformance with Section 2-602.
 - c. Halfway houses.
 - d. Home display courts.
 - e. Medium-scale wind energy systems.
 - f. Flea markets in conformance with Section 2-602.
- D. The following permitted principal uses that are listed in Section 3-806 as allowed in the M-1 District.
- (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
 - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
 - (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
 - (a) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
 - (b) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.
 - (c) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.
 - (d) No truck shall be stored on the site for more than 15 consecutive days.

Subsection 7, Dimensional Standards, is amended by changing the Maximum Building Height for HT-1 and M-1 Uses in the Table in subsection A, from 30' to 45' and adding a new subsection F to read as follows:

- F. Site plans shall include and show a metes and bounds legal description and size of the parcel of land proposed for use and development, which shall be considered the zoning lot for purposes of the standards in subsection A.

Subsection 8, Greenbelt and Landscaping Requirements, is amended to add new subsections E, F, and G to read as follows:

- E. In addition to the Greenbelt Requirements in subsection A, a greenbelt five (5') feet in width shall be required along both sides of local streets. The width of any required sidewalk or nonmotorized pathway on the side

of a local street shall not be included in determining compliance with this minimum greenbelt width.

- F. As used in subsection A, property lines also refers to the lot lines of the zoning lot proposed for use and development as described in subsection 7.F.
- G. For purposes of the greenbelts in subsection A for uses listed in the HT-1, HT-2, and M-1 Districts abutting a use which lacks screening approved under this Ordinance:
 - (1) Such a use includes vacant undeveloped land.
 - (2) The width of the greenbelt may be reduced to ten (10') feet where the screening proposed includes a fence wall and landscape plantings between the fence wall and property/zoning lot lines.
 - (3) For a greenbelt abutting vacant undeveloped land, the Planning Commission may allow the installation of the screening and landscaping approved for that greenbelt to be deferred until a site plan for development of the vacant land has been approved, and based on the use, screening and landscaping approved for that site plan, may modify the previously approved greenbelt screening and landscaping.

Subsection 9. Higher Intensity Use Standards, is amended by changing subsection B to read as follows:

- B. Areas for loading/unloading, staging of trucks, trailers and equipment, or outdoor storage shall not be located in a yard adjacent to an existing residential use.

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 Text Amendment 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 _____, 2020.

Date

Kimberly Markee, Township Clerk

Sandra Werth called the meeting to order at 3:31p.m.

I. Roll Call

Present: Sandra Werth, Chairperson
Steve Reno, Vice Chairperson
Matt Ray, Secretary
Tony Bartolotta, Commissioner
Dave Kramer, Commissioner
Colleen Murphy, Commissioner

Absent: Scott Sintkowski, Commissioner

Also Present: Jeffrey Polkowski, Superintendent/Planning
Scott Alef, Planner II
Amy Williams, Departmental Aide
Rob Merinsky, Director/Engineering
Gary Wall, Township Supervisor
Gary Dovre, Township Attorney

II. Approval of the February 25, 2020 Planning Commission meeting minutes as printed.

MOTION AND VOTE

Moved by Reno

*Supported by Kramer; Resolved to **APPROVE** the Minutes of the February 25, 2020 Planning Commission Meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

III. Approval of May 28, 2020 Planning Commission Special meeting agenda.

MOTION AND VOTE

Moved by Reno

*Supported by Kramer; Resolved to **APPROVE** the Agenda of the May 28, 2020 Planning Commission Special Online Meeting.*

MOTION CARRIED UNANIMOUSLY

(6-0)

IV. Approval of Consent Agenda

1.) Site Plan No. PSP 19-1348 - Warner Bros. Contractor's Storage Yard

Location: S of 5479 Perry Dr. (13-09-251-049 & 050)

Zoning: M-1 Light Industrial

Business Use: Contractor Storage Yard

The project proposes an outside storage yard. No substantial construction is proposed other than fencing, an asphalt millings storage area, and an asphalt driveway.

MOTION AND VOTE

Chairperson Werth Approved Consent Agenda Item PSP19-1348
ROLL CALL VOTE CARRIED (6-0)

2.) Site Plan No. PSP 19-1349 – Jet One Suites

Location: Oakland County Int'l Airport, North Service Rd
Zoning: A-1, Airport
Business Use: Airport Hangar with office

Construction of a new 17,875 sq. aircraft hangar including a 2,125 sq. office area on the OC Airport property.

MOTION AND VOTE

Chairperson Werth Approved Consent Agenda Item PSP19-1349
ROLL CALL VOTE CARRIED (6-0)

1.) Site Plan No. PSP 19-1351 – Beach Commercial Parking Lot

Location: 2635 Dixie Hwy
Zoning: C-3, General Business
Business Use: Drywall contractor commercial service facility

The project proposes improvements to the existing lot including paving and a fence.

MOTION AND VOTE

Chairperson Werth Approved Consent Agenda Item PSP19-1351
ROLL CALL VOTE CARRIED (6-0)

1.) Site Plan No. PSP 20-1354 – Checkers Bun Freezer

Location: 1349 Highland Rd
Zoning: C-3, General Business
Business Use: Fast Food Drive-thru facility

The project proposes the addition of an exterior bun freezer to permit after-hours delivery of product.

MOTION AND VOTE

Chairperson Werth Approved Consent Agenda Item PSP20-1354
ROLL CALL VOTE CARRIED (6-0)

V. Public Hearings

1.) Text Amendment. 20-03-01, Summit Place Overlay Zoning District Text Amendment (Staff Reviewer – Jeffrey Polkowski)

Request: Proposed Ordinance to amend Waterford Township Zoning Ordinance No. 135-A, by amending the Summit Place Overlay Zoning District use and development regulations for that District.

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

MOTION AND VOTE

Moved by Ray

Supported by Bartolotta; Resolved to forward a favorable recommendation in Case No. 20-03-01 on to the Township Board, for the proposed Zoning Ordinance Text Amendment to the Waterford Township Zoning Ordinance is amended by amending the following changes to the indicated subsections of Section 3-709, Summit Place Overlay Zoning District, in Division 3-7, Commercial Zoning Districts.

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.

**MOTION CARRIED UNANIMOUSLY
(6-0)**

VI. Site Plans:

1.) Site Plan # PSP. 19-1352, Oakland County Business Park – Distribution Center (Staff Reviewer – Scott Alef)

Location: 327 N Telegraph Rd
Request: Concept Site Plan Review
Parcel I.D. No.: 13-25-200-036 & 13-25-200-013
Applicant: ARI-EL Enterprises

Applicant or representative present: Arie Leibovitz

Mr. Polkowski gave a brief overview and visual presentation of the general location of the proposed distribution center within the Summit Place Overlay Zoning District. He

provided a copy of a utility plan to tie into the existing watermain and reutilize existing storm and sewer infrastructure. Re-Use of these utilities is contingent on DPW and Township approval, and adoption of the Text Amendment 20-03-01 by the Board of Trustees is necessary for this conceptual plan to be adopted as proposed.

There was some discussion of the truck & trailer parking amendment, and Accessibility of sidewalks on the proposed new road from Telegraph to Summit drive. Staff does not have any issues with the building height amendment from 30' to 45', and a few minor inconsistencies and fire requirements need to be clarified or corrected.

Mr. Leibovits stated that he did not have specific plans for the South Side development but would address this at a later date.

MOTION AND VOTE

Moved by Kramer

Supported by Reno; to approve with conditions, Conceptual Site Plan #PSP 20-1352 by Summit 327 LLC, for the Oakland County Business Center Distribution Center, part of Parcel No. 13-25-200-013 and 13-25-200-036, located at the northwestern corner of Elizabeth Lake Road and Telegraph road subject to the submission of a revised final site plan addressing all department comments as listed in the staff report and the adoption of text Amendment #20-03-01 by the Board of Trustees.

Conditions: *That the site plan is in compliance with all Planning Commission determinations at this meeting*

MOTION CARRIED UNANIMOUSLY (6-0)

VII. Discussion

VIII. All Else

Chairperson Werth questioned if next month's meeting would be held online.

Attorney Dovre commented that it is difficult to anticipate the governor's actions and suggested they plan to have an online meeting, but if circumstances change, it is preferred to have an in-house public meeting and changed can be made.

Chairperson Werth questioned if there was any other public comment.

Mr. Leibovits spoke up to thank the board and staff for all their efforts and support, and that he will continue to work with the community with this re-development.

IX. Adjourn

Chairperson Werth adjourned the meeting at 4:08p.m.

Due to concerns over the limitation to public gatherings, Waterford Township would request, to the extent possible, that any questions, concerns, or comments be submitted in writing to be entered into the public record regarding any of the cases listed above.

Comments may be emailed to jpolkowski@waterfordmi.gov or mailed to the address listed below. Written comments be received by 2:30 pm on May 28th, 2020 will be entered into the public record for consideration.

Waterford Township Development Services
5200 Civic Center Dr., Third Floor,
Waterford, MI 48329

Draft

(ARTICLE III, DIVISION 3-7 SECTION 3-708 cont.)

SECTION 3-709. SUMMIT PLACE OVERLAY ZONING DISTRICT

1. **District Establishment and Zoning Map Amendment.** As provided for in Section 3-700 of this Ordinance, the "Summit Place Overlay Zoning District", referred to in this Section as the "District", is hereby adopted and established on the property shown and described on and in the attached Appendix, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101 to be amended to identify and show this Overlay District, which supplements without amending the existing commercial zoning district classification of the property in the Overlay District.
2. **Purpose and Intent.** In recognition of the changed economic and market conditions that that have limited the potential users of District properties for traditional retail and other commercial uses, the District and regulations in this Section are adopted for the purpose and with the intent to encourage and facilitate the rehabilitation and redevelopment of District properties to productive uses by providing more flexible regulations that expand the types of permitted uses and simplifies the approval process.
3. **Uses Allowed.** Subject to complying with all applicable conditions or requirements identified in this Section, the following uses shall be permitted principal uses in the District:
 - A. Permitted principal uses, permitted uses after wellhead compliance, and special approval uses that are listed in Sections 3-702, 3-703, 3-704, 3-705, 3-706, as allowed in the C-1, C-2, C-3, and C-4 Districts, except commercial outdoor storage establishments involving the outdoor storage of soil resources, landscaping materials, or landscaping vegetation (*as defined under Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007*), which are not allowed.
 - B. Permitted principal uses and special approval uses that are listed in Sections 3-802, 3-804, and 3-805 as allowed in the HT-1 and HT-2 Districts.
 - C. The following permitted principal uses and special approval uses that are listed in Section 3-404 as allowed in the RM-2 District:
 - (1) Multiple-family dwellings.
 - (2) Elder care facilities.
 - D. The following permitted principal uses that are listed in Section 3-806 as allowed in the M-1 District.
 - (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
 - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
 - E. Child day care centers as defined in Section 1-007 that are listed in Section 3-604 as a permitted principal use in the O-2 District.
4. **Applicable General Regulations.** Unless otherwise indicated in this Section, the Regulations Applying to All Districts in Article II and the Regulations in Section 3-702 for commercial uses and Section 3-802 for higher intensity uses (HT-1, HT-2, and M-1) shall apply to properties in the District.
5. **Approval Required.** The process and requirements for approval of a use in the District shall be in accordance with the Requirements Applicable for All Procedures in Section 4-003 and the Site Plan Review Procedures and Requirements in Section 4-004
6. **Review Standards for Proposed Use.** The zoning requirements applicable to a proposed use in the District shall be in accordance with the Ordinance section that applies to that use. If more than one Ordinance section applies, the applicant may designate which Ordinance section the proposed use is being submitted for approval under.
7. **Dimensional Standards.** Subject to modification as provided in subsections B, D, and E or a Planning Commission final determination to reduce required setbacks or to increase maximum building height made as a requirement and condition of site plan approval, the lot dimensional standards for land in the District are as follows, with these standards being based on the Table of Regulations in Section 3-900 as modified for the District and all Footnotes to that Table in Section 3-901:
 - A. Table of District Lot, Area, and Bulk Regulations.

For Uses Listed in Districts:	Impervious Surface Max %	Min Lot Size-sf	Min Lot Width-ft	Max Building Height-ft	Front Setback-ft	Side Setback-ft	Rear Setback-ft
RM-2	50%	43,560	150'	36'	3-901.8	3-901.8	3-901.8
O-2	50%	43,560	100'	50'	35'	20'/40'	20'
C-1	50%	7,500	60'	24'	25'	15'/30'	20'
C-2	50%	9,000	70'	24'	25'	15'/30'	20'
C-3	50%	24,000	90'	40'	25'	20'/40'	20'
C-4	50%	87,120	150'	40'	30'	20'/40'	20'
HT-1	50%	21,780	100'	30'	25'	15'/30'	30'
HT-2	50%	43,560	120'	50'	35'	15'/30'	40'
M-1	50%	43,560	150'	30'	40'	15'/40'	40'

(ARTICLE III, DIVISION 3-7 SECTION 3-708 cont.)

- B. As a modification of the maximum building height standards in the subsection A Table, the height of buildings for office establishments, multiple-family dwellings, and elderly care facilities shall not exceed 120 feet and shall not be more than ten (10) stories.
- C. Variances from these standards may not be granted by the Zoning Board of Appeals for proposed uses that are only listed in the HT-1, HT-2, or M-1 Districts.
- D. If an M-1 use is proposed adjacent to an existing multiple family use, side and rear yard setbacks shall be increased by 100% from the adjoining lot lines or unit boundaries of the multiple family use.
- E. Setbacks from Telegraph Road., Elizabeth Lake Road. and Summit Drive shall be increased by 50% for M-1 uses.

8. Greenbelt and Landscaping Requirements. The greenbelt and landscaping requirements for land in the District are as follows:

A. Table of District Greenbelt Requirements.

For Uses Listed in Districts:	Greenbelt Requirements
C-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-2	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-3	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-4	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
HT-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance
HT-2	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance
M-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance

- A. For greenbelt widths expressed as a range, the actual width required shall be determined by the Planning Commission and made a requirement and condition of site plan approval.
- B. For greenbelt widths expressed as a range, the actual width required shall be determined by the Planning Commission and made a requirement and condition of site plan approval.
- C. For a proposed M-1 use, the height and/or quantity of required evergreen or deciduous tree and vegetation screening from what is required under Section 3-802 and the SPL Manual shall be determined by the Planning Commission and made a requirement and condition of site plan approval.
- D. Prior to the Planning Commission's site plan approval for a proposed use with frontage on Telegraph Road, Elizabeth Lake Road, or Summit Drive, a conceptual Streetscape Plan for the entire frontage of the District on that street shall have been submitted to the Planning Commission. Consistency and compatibility, but not strict compliance, with the conceptual Streetscape Plan, which may be amended from time to time, shall be a requirement and condition of site plan approval for all subsequent proposed uses with frontage on that street.

9. Higher Intensity Use Standards For a proposed higher intensity, HT-1, HT-2, or M-1 use listed in Sections 3-802, 3-804, 3-805, and 3-806 to be considered a permitted principal use in the District under this Section, it must comply with all requirements and standards in this Section and all of the following:

- A. No loading or unloading areas, outdoor storage areas, dumpsters, or above-ground accessory structures or buildings other than signs, screened exterior appliances, flag poles, sidewalks, non-motorized pathways, and improvements allowed or required by an approved Streetscape Plan, shall be allowed in the yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, or Summit Drive.

(ARTICLE III, DIVISION 3-7 SECTION 3-709.9 cont.)

- B. Areas for loading/unloading, staging of trucks, trailers and equipment, or outdoor storage, shall be located within the interior of the zoning lot, and shall not be located in a yard adjacent to an existing residential use.
- C. Any reports, studies, or plans that have been required by or prepared for any governmental entity or agency that contain Development Impact Analysis Report or Traffic Impact Analysis Report (as defined in Section 1-007) information reasonably related to a proposed use shall be submitted with the application for site plan review and approval of that proposed use by the Planning Commission.
- D. Any requirements and conditions of site plan approval established by the Planning Commission regarding hours of operation, architectural compatibility of materials in the District, improved nonmotorized pathways, traffic calming, primary access to major arterial streets, mitigation of sources of noise and fumes, and performance standards under Division 2-2.