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**DEVELOPMENT SERVICES
DEPARTMENT**

Jeffrey M. Polkowski AICP
Superintendent of Planning &
Zoning Division

Dave Hills
Superintendent of Building
Division

MEMORANDUM

Date: December 21, 2023
To: Honorable Township Board Members
From: Jeffrey Polkowski, Superintendent of Planning and Zoning
RE: Case No. 2023-Z-001
Rezone 2520 Airport Rd from C-1 to C-2
Location: West side of Hatchery Rd, south of Dixie Hwy
Applicant: Scott Malvich

Current Zoning: C-1, Neighborhood Business
Proposed Zoning: C-2, Small Business

The applicant is requesting a rezoning of the property from C-1, Neighborhood Business to C-2, Local Business in order to potentially allow Building Systems Repair Establishments (Plumber, Electrician, etc) as tenants. The subject parcel is defined as Community Business within the Master Plan. The proposed zoning is in-line with the objectives of the Master Plan. The property meets the minimum lot area and width for C-2, Small Business districts as put forth by 3-900 of the Zoning Ordinance.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Rezoning at the regularly scheduled meeting on December 13, 2022 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the December 13, 2022 regular meeting for this rezoning case, should the Board want to consider adopting the requested rezoning C-2, Small Business, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the January 23, 2022 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.

Should you have any questions, please do not hesitate to contact this office.

*With us there are no
boundaries*

Planning & Zoning Department

REZONING REVIEW

December 13, 2022 Meeting

Report by Justin Daymon 12/09/2022

Application Number	PRSA 22-11-02	Action Requested	Rezoning Approval	
		Staff Recommendation	Approval	
Request	Rezone from C-1, Neighborhood Business to C-2, Small Business			
Project Name	N/A			
Proposed Use(s)	Multi-tenant Commercial Property			
Address	2520/2532 Airport Rd	Parcel Number	13-09-351-021	
Owner	Mal-Tech Park III, LLC 9885 Milford Rd Holly, MI 48442	Applicant	Scott Malvich 9885 Milford Rd Holly, MI 48442	
Property Information				
General Location	East side of Airport Rd, just North of Hatchery Rd			
Property Size	0.98 acres			
Frontage	238 ft on Airport Rd			
Current Zoning	C-1, Neighborhood Business	Proposed Zoning	C-2, Small Business	
Master Plan Designation	<p>Community Business:</p> <p>The intent of the Community Business designation is to provide suitable locations for the general retail, service, and comparison shopping needs of the general population base. The commercial land uses covered by this designation are generally located along major roads, due to the higher volumes of traffic generated by these uses. Generally, the location of these uses is characterized by either a shopping center, or as an integrated or planned cluster of establishments served by one or more common parking areas, and which generate greater volumes of vehicular and pedestrian traffic. Because of the variety of business uses covered by this designation, special attention should be focused on site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. In accordance with the intent of this designation, community commercial uses and sites should be:</p> <ul style="list-style-type: none"> • Designed as part of a planned shopping center or in coordination with development on adjoining commercial sites • Located away, or substantially buffered, from residential areas • Served by a major road, as identified in the Master Plan • Designed to enhance and maintain a more pedestrian friendly environment and to foster a physical development pattern that is well planned and aesthetically appealing from both abutting thoroughfares and from within the District <p>Commercial uses that may create a potential negative impact upon the natural and surrounding environment should be discouraged, or restricted, through the use of extensive screening and landscaping to minimize any potential environmental impact. Examples of such uses are automotive related services, outdoor storage and merchant retail, motor vehicle sales, and warehouses.</p>			
Current Use	Multi-tenant Commercial Property			
Zoning History	1950-1986 – C-1, Local Business 1989-2009 – C-2, General Business 2011-current – C-1, Neighborhood Business			
Surrounding Development				
North	C-1, Neighborhood Business (Charlie's Barber Shop)			
East	R-M2, Multi-Family Residential (Colony Hill Apartments); R-1A, Single-Family Residential			
South	C-1, Neighborhood Business (Guido's Pizza)			
West	(across Airport Rd) R-1A, Single Family Residential (Stepanski Early Childhood Center)			

Request Summary

The applicant is requesting a rezoning of the property from C-1, Neighborhood Business to C-2, Local Business in order to potentially allow Building Systems Repair Establishments (Plumber, Electrician, etc) as tenants.

Master Plan Conformity

The subject parcel is defined as Community Business within the Master Plan. The proposed zoning is in-line with the objectives of the Master Plan.

Zoning District Evaluation

The property meets the minimum lot area and width for C-2, Small Business districts as put forth by 3-900 of the Zoning Ordinance.

Comments:

Planning:

1. Staff believes the location is an appropriate location for a C-2, Small Business district, and is in support of the request.

DPW:

1. No comments received.

Engineering:

1. Engineering has no issue with the proposed rezoning.

Fire:

1. No comments received.

RCOC:

1. RCOC has no objection to the proposed rezoning.

OCIA:

1. OCIA has no objection to the proposed rezoning.

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: The rezoning request is consistent with the Master Plan.

- 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: The subject lot is adjacent to other commercial property on the north and south sides. The property is adjacent to single- and multi-family residential properties, but staff does not believe the change from C-1 to C-2 is a large enough increase in intensity to cause an issue. This office has received no comments from neighboring properties.

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 appears able to meet 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: The requested zoning change is consistent with the trend of development in the general area.

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: This rezoning request is not expected to result in any significant environmental impacts.

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

Staff Comment: It is unlikely that this zoning change will be detrimental. No comments from the public have been received in regards to this request.

Summary / Conclusions

The rezoning request is in line with the Master Plan designation and surrounding development. Staff has no objection to the applicant's request to rezone the property to a moderately more intense commercial district.

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. 22-11-02,
Proposed Zoning Map Amendment to Rezone From:
C-1, Neighborhood Business to C-2, Small Business**

Motion:

I move to forward a favorable/unfavorable **[Strike One]** recommendation in Case No. 22-11-02 on to the Township Board, to rezone the subject parcels #13-09-351-021 from C-1, Neighborhood Business to C-2, Small 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.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2023-Z-001

ZONING ORDINANCE MAP AMENDMENT

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property with conditions on its use and development as authorized by MCL 125.3405 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 13-09-351-021, legally described below, with current address of 2520 Airport Rd, is rezoned from **C-1, Neighborhood Business to C-2, Small 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 January 23, 2023.

CHARTER TOWNSHIP OF WATERFORD

Date

Kimberly Markee, Township Clerk

LEGAL DESCRIPTION ATTACHMENT TO ORDINANCE 2022-Z-001

T3N, R9E, SEC 9 SUPERVISOR'S PLAT NO 40 LOTS 7 & 8, ALSO N 78.63 FT OF LOT 9, ALSO PART OF LOT 9 BEG AT PT DIST N 29.17 FT FROM SW LOT COR, TH N 59.20 FT, TH S 89-54-00 E 167 FT, TH S 57.07 FT, TH S 89-10-15 W 167.02 FT TO BEG