
**CHARTER TOWNSHIP OF WATERFORD
PLANNING COMMISSION REGULAR MEETING
TUESDAY, FEBRUARY 28, 2023 6:00 P.M.**

- I. Call the Meeting to Order
Chairperson Ray called the meeting to order at 6:06 p.m.
- II. Roll Call
- Present: Matt Ray, Chair
Scott Sintkowski, Vice Chair
Dave Kramer, Secretary
Tony Bartolotta, Commissioner
Thomas Strat, Commissioner
Art Frasca, Commissioner
Steve Printz, Commissioner
- Absent: None
- Also Present: Jeffrey Polkowski, Superintendent/Planning
Justin Daymon, Zoning Administrator
Scott Alef, Community Development Block Grant Coordinator
Lisa Kane, Recording Secretary
- Public Present: Approximately 23 members of the public
- III. Approve the Agenda of the February 28, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Kramer

*Supported by Bartolotta: Resolved to **Approve** the February 28, 2023 Planning Commission Meeting Agenda.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

**(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)**

- IV. Approve the Minutes of the February 08, 2023, special meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Strat

*Supported by Frasca: Resolved to **Approve** the February 8, 2023 Planning Commission Meeting Regular Meeting Minutes.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

**(Ray/yes, Strat/yes, Kramer/yes, Printz/yes, Sintkowski/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)**

- V. Consent Agenda – please see attached Consent Agenda

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **Approve** the Planning Commission Meeting Consent Agenda.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

**(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)**

- VI. Site Plans and Public Hearings

1. Special Approval No. PRSA 23-01-04, Special Approval to keep chickens – PUBLIC HEARING

Parcel I.D. No. 13-09-102-011: T3N, R9E, SEC 9 JUDSON BRADWAY'S HUNTOON LAKE SUB LOT 137 & N 1/2 OF LOT 138

Requesting: Special Approval to keep chickens in a single-family residential district

Property Location: 3435 Norris Rd

Property Zoned: R-1B, Single-Family Residential

Applicant: Victoria Buckley

Applicant present: Quinn Buckley

Mr. Polkowski presented the request for special approval to keep chickens, which was entered after the applicant received an ordinance complaint by an anonymous caller and received a citation. The applicant will be required to seek a variance if they receive approval from the Planning Commission.

Mr. Buckley is aware of the limitations of his yard for keeping chickens and does not believe they have created any blight in their yard. He stated that he spoke with his immediate neighbors and they were in support of their request. Mr. Buckley stated that they keep their coop very clean and the animals are pets that they have a great attachment to.

Chairperson Ray opened public comment at 6:13 p.m.

Andrew Chocianowicz of 3451 Norris is supportive of his neighbor having the chickens and stated that they are quiet animals.

Cristine Cox of 3438 Norris lives directly across the street and are in support of the chickens.

Chairperson Ray closed public comment at 6:16 p.m.

Commissioner Frasca inquired how old the chickens are. Mr. Buckley responded that they are less than one year old.

Commissioner Printz inquired how many chickens they currently own. Mr. Buckley responded that they have 3 chickens.

Commissioner Kramer stated that he has concerns because of the size of the lot and does not think it is a good idea on this lot considering that they will require a variance for the coop location and keeping them could encourage predators to the area.

Mr. Buckley stated that they have not had any problems with coyotes or predators and does not feel that there is any way to mitigate the threat of predators regardless of the size of the lot.

Commissioner Printz inquired about the setbacks for the lot for the chicken coop. Mr. Printz stated that the current neighbors might be supportive of keeping chickens but future neighbors may not be and there is a complaint on file from a neighbor in the area.

MOTION AND VOTE

Moved by Kramer

*Supported by Strat: Resolved to **deny** the request for special approval in this case based on the following findings and conclusions under the Ordinance review criteria and considerations, 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 proposed use **is not** in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.
- B.1 The proposed use **will not** be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2.
- B.2 The proposed use **will** have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district.
- B.3 The proposed use **will not** result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.
- C. The proposed use **is not** located in any Special Approval use service areas identified and adopted by the Planning Commission.
- D. The proposed use **will not** impose an unreasonable burden upon public services and utilities.
- E. The proposed use **will not** be in compliance with the regulations of the Zoning District in which it is proposed to be located.

Conclusions:

- A.1 The proposed use **is not** of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated.
- A.2 The proposed use **will not** be compatible with the orderly development or use of adjacent zoning lots.
- A.3 Pedestrian circulation **will not** be hindered by the proposed use.
- A.4 Outdoor operations and display in connection with the proposed use **will** burden and/or disrupt uses on adjacent properties.

- A.5 The natural and surrounding environment **will** be negatively impacted by the proposed use.
- B. The proposed use **will** be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.
- C. The proposed use **will not** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents.

MOTION CARRIED BY ROLL CALL VOTE

**(Ray/no, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Frasca/yes, Bartolotta/yes)
(6 - 1)**

Mr. Buckley inquired if there was any recourse to overturn this decision.

Mr. Polkowski stated that they could make an appeal to the Zoning Board of Appeals to re-evaluate the ordinance.

2. Text Amendment No. PRSA 23-01-06, Short Term Rentals in Residential Zoning Districts

Requesting: Text Amendment to establish Short Term Rentals as a Permitted Use after Special Approval in all residential zoning districts.

Impacted Districts: R-1, R-1A, R-1B, and R-1C, Single-Family Residential districts; R-1D, Duplex Residential districts; R-1E, Single-Family Attached Residential districts; R-M1 and R-M2, Multiple-Family Residential districts, and R-MH, Mobile Home Park districts.

Applicant: Waterford Township

Mr. Polkowski introduced the text amendment which establishes short term rentals as a permitted use after Special Approval in all residential zoning districts.

Chairperson Ray opened public hearing at 6:39 p.m.

Lila Ball of 62 Edgelake Dr stated that she has an Air BNB operating next door to her and has had a negative experience with it. Mrs. Ball asked if the homeowner's association can put restrictions in place to limit short term rentals.

Kathleen Ruzycski of 92 Edgelake Dr agrees with the previous resident's concerns and asked who they should contact when there is a problem with the short term rental.

Mr. Polkowski stated that any short term rentals that were in operation prior to adoption of this text amendment will be not be affected by this amendment, however there is a possibility that they could lose their certification if they have ordinance violations or complaints to the police department. He advised that complaints regarding violations during the day should be directed to Code Enforcement and violations occurring during the nighttime should be directed to the police department.

Chairperson Ray closed public comment at 6:34 p.m.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Kramer: Resolved to forward a **favorable** recommendation in Case No. 23-01-03 on to the Township Board, to amend the Zoning Ordinance for the Multiple-Family Zoning District on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.*

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/yes, Frasca/yes, Bartolotta/yes) (7 - 0)

Mr. Polkowski explained that this recommendation is now sent to the Township Board of Trustees where it is read twice, and 8 days after the second reading it becomes law.

3. Special Approval No. PRSA 23-01-07, Rezoning O-2 to R-M2 – PUBLIC HEARING

Parcel I.D. No. 13-10-426-044: T3N, R9E, SEC 10 ALLEN & FLOYD RESUB LOTS 10 & 11, ALSO OF 'LOON LAKE SUB NO 1' LOT 8, EXC BEG AT NW LOT COR, TH E 200.04 FT, TH S 35 FT, TH W 204.64 FT, TH N 08-09-00 E 35.36 FT TO BEG, ALSO ALL OF LOT 9, ALSO LOT 27 OF 'SUPERVISOR'S PLAT NO 22 7-28-89 FROM 039

Requesting: Rezoning from O-2, General Office to RM-2, Multiple-Family Residential
Property Location: 3000 Sashabaw Rd
Property Zoned: O-2, General Office
Applicant: Raves Construction

Applicant present: Joe Bruz of 12805 Elk Run Pkwy, Holly Mi representing Raves Construction and Patrick McWilliams of Kieft Engineering

Mr. Polkowski introduced the request to rezone this site to multiple-family residential. This property has been vacant for decades and is near the area that has been identified as a potential downtown.

Mr. Bruz stated that they originally considered demolishing the structure due to the condition of the building and mold concerns but have determined that it can be saved and repurposed as multi-family housing.

Chairperson Ray opened public hearing at 6:39 p.m.

Tom Redigan of 4179 Lanco Ct lives adjacent to the property and is concerned that the multi-family zoning devaluing his property. Mr. Redigan is also concerned that the new residents will bring crime and problems to his neighborhood.

Tasha Galvin of 4163 Lanco Ct has concerns about the noise and Lanco Ct being opened to through traffic.

Chairperson Ray asked the resident if the current state of the school being vacant is good for property values and asked for clarification about the possibility of a through street at the end of Lanco Ct.

Peg Nolan of 4162 Farner is concerned about property values and the kind of people who live around her. She asked if the condos would be barrier free.

Veronica Ogonowski of 4192 Farner would like to ask the applicant if they plan to use the pathway between Farner and the site and if the apartments will be section 8 housing.

Mr. Polkowski read a letter from resident Warren Walker at 3288 Loon Lake Shores which stated that he is in favor of the project, would like to see the architecture of that day saved and that it sounds like a nice use of the property. Mr. Walker listed 3 neighbors names and addresses who said they were in support of the project.

Chairperson Ray closed public hearing at 6:50 p.m.

Mr. McWilliams of Keift Engineering stated that he lives on an adjoining street to the site and personally is excited that the property will be developed and safe. The pathway between the site and Farner was originally for access to the school from the neighborhood and there is currently no plan for that pathway to be used, but they will be considering their options. There is no plan to connect the site to Lanco Ct, the entrance is, and will remain, off of Sashabaw Road. A recent boundary survey realized that the pathway was there.

Chairman Ray inquired if this project would return to the Planning Commission for site plan review.

Mr. Polkowski stated that the site plan review would return as a consent agenda item in the future and the Planning Commission could request that it be reviewed as a full site plan but it would be would not have public comment.

Chairman Ray inquired about the applicant's business model and if they have other similar properties that they have developed.

Mr. Bruz stated that they have properties on Pontiac Lake Rd that they have developed and are in the process of building in St Clair Shores and Ortonville. He stated that he was previously a Waterford resident and currently operates a business in Waterford. Mr. Bruz stated that he does not want to bring anything negative to the community. They have not determined if these will be rentals or owner occupied. These units will be up to 1600 sq ft, five units will be 2-story. A permit has been acquired to demolish the interior and testing by OSHA and EGLE has occurred for safety.

Chairperson Ray stated to the public to think about what they would rather have, a vacant structure open to trespass and squatters or 21 units that are self-policing.

Commissioner Strat inquired about the landscaping plan for the site and how it might benefit the neighborhood.

Mr. Bruz stated that they have preliminary site plan that indicates much of the green space will remain.

MOTION AND VOTE

Moved by Bartolotta

Supported by Frasca: Resolved to forward a favorable recommendation in Case No. 23-01-07 on to the Township Board, to rezone the subject parcel #13-10-426-044 from O-2, General

Office to R-M2, Multiple-Family Residential 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 BY ROLL CALL VOTE

**(Ray/yes, Strat/yes, Kramer/yes, Printz/yes, Sintkowski/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)**

Mr. Polkowski explained that this recommendation is now sent to the Township Board of Trustees where it is read twice, and 8 days after the second reading the rezoning takes effect.

4. Special Approval No. PRSA 23-01-08, Rezoning HT-1 to M-1 – PUBLIC HEARING

Parcel I.D. No. 13-10-176-005: T3N, R9E, SEC 10 FAIRPLAINS SUB LOT 72
Requesting: Rezoning from HT-1, High Tech Office to M-1, Light Industrial
Property Location: 3310 Warren Dr
Property Zoned: HT-1, High Tech Office
Applicant: Corey Lake

Applicant present: Corey Lake

Mr. Polkowski introduced the rezoning request. This site was rezoned in the last mass rezoning which occurred about 10 years ago without the owner's knowledge. It has been requested that the fees be waived, which was granted. If approved they will be required to request a variance for the lot size.

Mr. Corey stated that he was surprised to learn that the zoning was HT-1 because that is not what it was when he purchased it. It would be detrimental to his business if this rezoning is not corrected.

Chairperson Ray opened public hearing at 6:39 p.m.

Robert Velazquez of 3267 Warren Dr has concerns about Great Lakes Landscaping, which is a commercial business next door to them, regarding the egress and ingress on south end of Warren Dr.

Commissioner Bartolotta informed the speaker that today they were discussing the rezoning request of 3310 Warren Dr.

Mr. Lake stated that to his knowledge, his employees have been using the north end of Warren Dr to exit to Dixie Highway since the sign was erected.

Kathy Harrison of 1454 Crystal Lane is concerned about the Oakland Community College property sale.

Chairperson Ray stated that comments not pertaining to the rezoning need to be addressed during public comment section of the agenda and Ms. Harrison could speak at that time.

Chairperson Ray closed public hearing at 7:07 p.m.

Chairperson Ray opened public hearing at 7:11 p.m.

Barry Lamb of 4080 Letart is in support of the rezoning and states that the applicant has been a good neighbor.

Chairperson Ray closed public hearing at 7:12 p.m.

Commissioner Kramer inquired if 3310 Warren was the only parcel that the applicant owned. Mr. Lake answered yes.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to forward a favorable recommendation in Case No. 23-01-08 on to the Township Board, to rezone the subject parcel #13-10-176-005 from HT-1, High Tech Office to M-1, Light Industrial 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 BY ROLL CALL VOTE
(Ray/yes, Strat/yes, Kramer/yes, Sintkowski/yes, Printz/ yes, Frasca/yes, Bartolotta/yes)
(7 - 0)

VII. Discussions

1. **2022 Planning Commission Annual Report Presentation**

Mr. Alef presented the 2022 Planning Commission Annual Report to the Planning Commissioners.

Chairperson Ray asked if this report will be posted on the Township website. Mr. Alef stated that it will.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to forward the 2022 Planning Commission Annual Report to the Township Board of Trustees.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE
(Ray/yes, Strat/yes, Kramer/yes, Printz/yes, Sintkowski/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)

VIII. Public Comment

Chairperson Ray opened public hearing at 7:35 p.m.

Kathy Harrison of 1454 Crystal Lane inquired about the plan for the Oakland Community College property. Ms. Harrison is concerned about the traffic on Hospital Road and what the property might be rezoned to in the future.

Commissioner Bartolotta stated that the property has not yet been listed for sale and that it is not likely that the Township would be able to purchase the property.

Ms. Harrison asked if Oakland County owned the property.

Mr. Polkowski stated that the property is currently zoned PL (Public Lands) and is owned by Oakland Community College, which is its own entity.

Ms. Harrison asked how the Planning Commission would handle a rezoning.

Mr. Polkowski explained the process of rezoning a property.

Lila Ball of 62 Edgelake Dr stated that she knew the person who began Oakland Community College and thought it would be so nice if somehow Waterford Township could obtain part of the property.

Robert Velazquez of 3267 Warren Dr has concerns with the Bell Site concrete crushing occurring at 5100 Hudson. His home is across the railroad tracks from the site and was disrupted all summer from the gravel haulers and jackhammering occurring at the site from 7 a.m. until late in the evening. He is concerned about the well on his property being contaminated by the silica from the concrete crushing.

Mr. Polkowski stated that the Bell Site Development project received special use approval but has not complete the site plan review process and started crushing concrete before obtaining site plan approval. The Planning Commission has the authority to re-evaluate this special approval.

MOTION AND VOTE

Moved by Frasca

Supported by Bartolotta: Resolved to re-evaluate the case PRSA 22-04-02 and PSP22-1420 for Bell Site Development.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

**(Ray/yes, Strat/yes, Kramer/yes, Printz/yes, Sintkowski/yes, Frasca/yes, Bartolotta/yes)
(7 - 0)**

Chairperson Ray closed public comment at 7:51 p.m.

IX. All Else

X. Adjourn the Meeting

Chairman Ray adjourned the meeting at 7:51 p.m.

Planning Commission Participation Guidelines:

Members of the public will only be able to speak during the public comment period(s) provided during the meeting, unless otherwise permitted by the Chairperson. Public comments will be limited to three minutes per speaker. To provide for orderly public participation, a person wishing to speak must first state their name and address then request to be recognized by the Chairperson of the meeting. The Chairperson will recognize all persons wishing to speak during the public comment period. Prior to the meeting, members of the public may contact the members of the Planning Division to provide input or ask questions by email or mail to the Township employee/official and at the addresses listed below. Persons with disabilities in need of accommodations to be able to participate in the meeting should provide at least 24-hour advance notice to the listed Township employee by phone, email, or mail and an attempt will be made to provide reasonable accommodations.

Jeffrey M. Polkowski, AICP
Superintendent of Planning & Zoning
5200 Civic Center Drive, Waterford, Michigan 48329
Email: planning@waterfordmi.gov Phone: (248) 674-6238

Site Plans Currently Under Administrative Review

Consent Agenda

Change of Use	3
Minor Site Plans	4

Change of Use

1.) Change of Use No. PCR 23-002, Party Store

Location: 7718 Cooley Lake Rd

Zoning: C-UL, Union Lake Business

This applicant is looking to open a Convenience Store selling alcohol, snacks, and party supplies in a multi-tenant commercial property.

2.) Change of Use No. PCR 23-003, Blush Ballroom Party Rentals

Location: 1187 W Huron St

Zoning: C-3, General Business

This applicant is looking to open a Banquet and Food Preparation Establishment that will rent party supplies as well as host events.

3.) Change of Use No. PCR 23-004, City Take Over Video Game Lounge

Location: 5566 Cooley Lake Rd

Zoning: C-3, General Business

This applicant is looking to open an Entertainment Activity Center with accessory sales of snacks and drinks in a multi-tenant commercial property.

Site Plans

1.) Minor Site Plan No. PSP 23-1452, Security Credit Union Canopy

Location: 4396 Highland Rd

Zoning: C-2, Small Business

This applicant is proposing to tear down the existing drive-thru canopy and replace it with a different footprint.

2.) Minor Site Plan No. PSP 23-1453, Outdoor Dining Patio for Red Wood Grill

Location: 7726 Cooley Lake Rd

Zoning: C-UL, Union Lake Business

This applicant is proposing to install an outdoor dining patio.

3.) Minor Site Plan No. PSP 23-1454, The Paint Centers Parking Lot

Location: 4686 Dixie Hwy

Zoning: C-2, Small Business

This applicant is retro-actively seeking site plan approval for changes they made to the site.

4.) Minor Site Plan No. PSP 23-1455, Independence Truck Repair

Location: 2515 Williams Dr

Zoning: M-2, General Industrial

This applicant is proposing to build a 4,800 sqft addition to their existing 9,068 sqft building, and a 4,000 sqft accessory storage building.