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

I. Call the Meeting to Order

Chairperson Ray called the meeting to order at 6:05 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
Joellen Shortley, Township Attorney
Kyle Gall, DLZ Engineering Consultant
Wayne Peruski, Waterford Fire Marshal
Lisa Kane, Recording Secretary

Public Present: Approximately 165 members of the public

III. Approve the Agenda of the March 28, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **Approve** the March 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 28, 2023, regular meeting of the Planning Commission as printed.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to **Approve** the February 28, 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 Bartolotta

*Supported by Frasca: 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 22-06-02 (PSP 22-1450) Oakdale Academy Soccer Field. – PUBLIC HEARING

Parcel I.D. No. 13-30-158-017: T3N, R9E, SEC 12 SILVER LAKE ESTATES NO 5 'OUTLOT C' EXC BEG AT SW LOT COR, TH N 01-38-00 W 120.86 FT, TH N 88-22-00 E 217.42 FT, TH S 29-19-33 W 234.62 FT, TH N 46-40-00 W 61.70 FT, TH ALG CURVE TO LEFT, RAD 180.81 FT, CHORD BEARS N 56-56-58 W 64.55 FT, DIST OF 64.90 FT TO BEG, ALSO EXC THAT PART IN OCCP NO 1384 - 'GOLF HILL COURT' 10-19-01 FR 011

Requesting: Modification of a Special Approval for an existing Educational Facility athletic field/recreation area expansion

Property Location: 3200 Beacham Dr.

Property Zoned: R-1A, Single Family Residential

Applicant: Oakdale Academy c/o Stephen Estey Esq.

Applicant present: Stephen Estey of Zausmer, P.C., Patrick McWilliams of Kieft Engineering and Mike Sias, Board Chair of Oakdale Academy

Mr. Polkowski introduced the request to modify the existing recreational yard to allow a high school soccer field. The proposed project meets all Township zoning ordinances and the modification from an open field into a formal athletic field is an enhancement that is supported and encouraged by the Master Plan.

Mr. Estey of 32255 Northwestern Hwy, Farmington Hills presented a report of the proposed project. Mr. Estey stated that the project was approved in May of 2021 by the Planning Commission by consent agenda but was halted by a lawsuit brought forward by the City of Lake Angelus, however that lawsuit was later dismissed. Oakdale Academy has a championship level team for which a regulation field is needed. The applicant has volunteered to erect netting on the east and west to protect the residential properties near the proposed field. The proposed field is 70 x 108 yards, which is within the recommendations of the National Federation of State High School Associations for a regulation soccer field.

Chairperson Ray opened public comment at 6:30 p.m.

Richard Griffith of 3319 Golfhill Dr. states that he has been maintaining the drainage ditch for years and is concerned with who will maintain the drainage ditch in the future.

John Jackson, planning consultant of McKenna at 235 E Main St., Northville MI spoke about the special land use and stated that the Planning Commission has the opportunity to ensure that the use will fit in with the surrounding land use. Mr. Jackson stated concern with the proposed development's environmental impact and runoff to Lake Angelus. He requested that they consider some additional conditions to mitigate the negative impacts of this field with additional landscaping on the north side of the field, provide netting to prevent balls from entering the detention basins and not allowing permanent or temporary lighting during games.

Jeremy Guerin of 2837 Huntington Park Dr. is concerned about the installation of the athletic field, which will increase the traffic in a neighborhood that has no sidewalks.

Maria Peterson of Huntington Park Dr. has the same concerns about traffic as the speaker before her.

Katie Guerin of 2837 Huntington Park Dr also has concerns of traffic. Ms. Guerin states that she received a letter from the school stating that the soccer field will be available for public use when school is not in session. However, she states that she was told to leave the grounds by a school employee and that they are not allowed to use the playground after school hours.

Megan Wingate of 2848 Silverstone is concerned with the traffic and road conditions. Ms. Wingate states that she received a letter from Oakdale Academy in March, which states that they do not intend rent the soccer field to the public, however it does not state that they will not be sponsors or hosts for tournaments. Ms. Wingate is also concerned with the lack of parking to accommodate games and tournaments.

Sheila Andrews of 3316 Golfhill Dr. is concerned with the lack of communication from the school when the project began last year. Ms. Andrews states that the original plans that she saw had a retaining wall but that was not completed and states that erosion has been worsening near her property. She is also concerned with traffic, parking and lighting during games.

Anastasia Miotke of 3320 Golfhill Dr. is concerned with the erosion. Ms. Miotke states that she now has cracks in her patio after the excavating that was done and is asking for a retaining wall on the property owner side.

Mark Miotke of 3320 Golfhill Dr. stated that the school grounds has not been made public to the neighbors. Mr. Miotke is also concerned with erosion as it is very sandy.

Steve Pangori, civil engineer and president of Anderson, Eckstein and Westrick Inc., Shelby Township, MI representing the City of Lake Angelus. Mr. Pangori referenced letters that he submitted to the Planning Commission, one of which states concerns of the lack of engineering review regarding the stormwater management plan. Mr. Pangori is also concerned that an EGLE permit was not obtained. Mr. Pangori also disagrees with some technical matters that the design engineer used to calculate the infiltration rate.

Adam Young of 708 Lake Angelus Shores, City of Lake Angelus, MI stated that he is a Planning Commissioner of the City of Lake Angelus and presented a petition from residents in the neighboring community. Mr. Young requests that the Planning Commission impose additional requirements of screening trees on the north and west borders of the property, setting

limits on permanent lighting, scoreboards and audio equipment and to set specific operating hours.

James Lynch of 2360 Private Dr, City of Lake Angelus, MI is concerned with drainage on the project site and that the project began without an EGLE permit or stormwater management plan.

Matt Tushis of 2980 Rose Ct., Highland MI, stated that he formerly lived at 2836 Beachum Dr. and that the problem is not with the drivers going to Oakdale Academy, but with the residents of the neighborhood. Mr. Tushis states that he supports the proposed project.

Melissa Lind of 2840 Huntington Park Dr. is also concerned with traffic. Ms. Lind stated that she was told to leave the basketball courts at Oakdale Academy on three occasions. Ms. Lind asked if speed bumps or speed limit signs could be installed.

Wesley Spencer of 6270 Waldon Woods Dr., Clarkston MI attends Oakdale Academy and read a poem that he wrote about his school.

Jessica Spencer of 6270 Waldon Woods Dr., Clarkston MI stated that her children attend Oakdale and she supports the proposed project.

Makayla Spencer of 6270 Waldon Woods Dr., Clarkston MI attends Oakdale Academy and would like her school to have a new soccer field.

Tim Huemiller of 1070 Lake Angelus Shores, City of Lake Angelus MI objects to the expansion of the soccer field at Oakdale Academy due to increased traffic, lights, noise pollution, water pollution & destabilization of the subsoils. Mr. Huemiller believes that Oakdale has outgrown this site and recommends that they move to a larger site.

Blair Rosenhan of 2803 Huntington Park Dr. is concerned with traffic and erosion. Mr. Rosenhan stated that the school allowed them to use their parking lot for food trucks and to have a homeowners association meeting there.

Cameron Spencer of 6270 Waldon Woods Dr., Clarkston MI attends Oakdale Academy and is a varsity soccer player. Mr. Spencer stated that they need a soccer field because some players cannot attend practices or games because they cannot get to the offsite locations. Mr. Spencer stated that having a home field would give the players something to be proud of.

Walter Jaeger of 2086 Lake Angelus Shores, City of Lake Angelus, MI is concerned with the removal of trees between his property and the school. Mr. Jaeger stated that two of his trees were knocked down in the process of clearing the trees, along with damaging a fence and an electrical line.

Ashley Garza of 4670 Maybee, Clarkston MI stated that she enrolled her children in Oakdale Academy feels they are respectful of the residents in the neighborhood.

Gary Parlove of 2224 Lake Angelus Shores, City of Lake Angelus stated that he is the current Mayor of the City of Lake Angelus and is a member of the Lake Angelus Planning Commission. Mr. Parlove stated that Oakdale Academy requested an easement from the City of Lake Angelus and that they dug a new retention pond without approval.

Aaron Spencer of 6270 Waldon Woods Dr., Clarkston MI said a prayer.

Martin Davis of 3215 Beachum Dr stated that he had to replace his mailbox 5 times because of the traffic coming and going from the school. Mr. Davis is concerned about parking to accommodate the soccer games and is upset about people parking on residents' lawns.

Linda Mareski of 3233 Beachum also has concerns with traffic and stated that her mailbox has been hit twice. Ms. Mareski also believes the school has outgrown the site and that the parking is inadequate.

Dale Fallscheer of 2847 Huntington Park Dr. also has concerns with traffic and asks that the drivers slow down.

Chairperson Ray closed public comment at 7:38 p.m.

Chairperson Ray asked the applicant if they would add netting to the north property line and Mr. Estey stated that they are not opposed to that.

Chairperson Ray asked the applicant if they would accept conditions to restrict lighting in the future. Mr. Estey stated that they have already agreed to that condition.

Chairperson Ray asked the applicant if they intend to rent the field to others. Mr. Estey stated that they do not intend to rent the field to others and that a condition can be put in place to preclude renting of the field.

Chairperson Ray asked the applicant if they intend to expand the parking lot. Mr. Sias stated the parking lot is not a part of this request and such a project would have to be a separate request to the Planning Commission.

Chairperson Ray inquired they had considered staggering the start times for the different grades to alleviate the parking issues, as a good neighbor. Mr. Sias stated that they tried staggering the start times at one time but it did not work for the families who had multiple children enrolled and they are considering future parking expansion plans.

Commissioner Bartolotta suggested that the residents who are complaining about traffic in their neighborhood need to call the police department. If they do not get a resolution from doing that, to attend a Township board meeting and they would help.

Commissioner Strat stated that this is an extremely small school and that the retention pond plan is a vast improvement from what they have currently. As far as the traffic is concerned, traffic for games will be much less than the average school day. Mr. Strat has concern with protecting the value of the neighbor's property just west of the project site by installing landscaping and asked staff to work with applicant. Mr. Strat also has a concern about lighting and making sure it does not go past the property line.

Mr. McWilliams of Keift Engineering at 4200 Roseberry stated that there is no longer a need for the retaining wall after changing the location of the retention basin and that they will restore the property line for the neighbors once the project moves forward.

Mr. Estey stated that the neighbor's pool is in the setback and their sprinklers were encroaching on the school's property and a recent engineering report showed that the work done did not

cause any damage to the neighbor's property but they are in active communications with all three neighbors that immediately abuts the property on the west.

Commissioner Strat inquired if they are planning to stabilize the area and install irrigation.

Mr. Sias stated that there is an irrigation system planned for the field but he is unsure of how far past the field it will reach.

Commissioner Strat informed the applicant that the ordinance states that they maintain all of the vegetation.

Chairperson Ray inquired if the neighborhood residents will be allowed to use the field.

Mr. Sias stated that there was an over zealous staff member who over reacted to the family on the playground but that they now welcome the residents to use the property after school hours, however dogs are not allowed. They had an issue with vandalism in the past on the practice field and they are still trying to find a solution and provide a barrier so vehicles cannot enter the area.

Mr. Estey stated that the City of Lake Angelus' Board made a concerted effort to destroy this project by contacting the residents in the neighborhood and then they lost in court. This project is a simple soccer field and will significantly improve the drainage on the site.

Chairperson Ray inquired if a stormwater management plan is required.

Mr. Gall, engineering consultant of DLZ Engineering stated that Kieft did provide a stormwater management plan, although it was not required, and it has been reviewed. Chairperson Ray asked if the applicant has to agree to the plan. Mr. Gall stated that the stormwater management plan will be executed as part of the site plan. There has been a request for a stormwater management agreement, which is within the Township's authority to ask for.

Mr. Sias clarified that on the original plan, when the basin was on the west side of the property the proximity to the lake would not have required a wetland permit from EGLE. Now that it has been moved to the north side, a wetland permit from EGLE will be required. EGLE is waiting for the Township to approve the north basin to issue the permit.

Commissioners and Mr. Gall discussed the requirements for EGLE permitting and the process for engineering review for basins.

Mr. Sias stated they have a capital campaign underway for new parking lot

Commissioner Frasca stated that he visited the subject property and is concerned with stabilizing the property line for the residences on the west property line. Mr. Frasca stated that he understands the concern from the residents with parking and suggested utilizing parents' clubs to organize parking.

Chairperson Ray inquired if the applicant would be willing to work with staff for the landscaping concerns.

Mr. Polkowski stated that some of the residents on the west wanted landscaping and some did not and advised that they can work with the residents.

Mr. Alef clarified the landscaping standards and stated that staff could work with the residents who were supportive of receiving landscaping.

Chairperson Ray inquired about the statement that trees were knocked down on the residence on Private Dr.

Mr. Estey stated that he is not aware of any trees that were knocked down on that property and would like more information about the claim.

Commissioner Printz inquired about relocating some of the trees from one area to another to satisfy the requirements.

Commissioner Bartolotta requested clarification on the conditions for this case.

Chairperson Ray asked the applicant if they have any objection to adding a condition that any organized matches be contained to daylight hours.

Mr. Sias stated that they had no objections to that condition.

Commissioner Sintkowski added that no artificial lighting or sound equipment, temporary or permanent, be allowed. Mr. Sintkowski added that the applicant should enter into a maintenance agreement with the Township for the basin, as discussed.

Mr. Polkowski stated that the applicant had agreed to not rent the site.

Mr. Sias inquired if the loud speaker system restriction would apply to graduation if it is held on the subject site.

Commissioner Frasca stated that the conditions would only pertain to soccer played on the subject site, not for events such as graduation.

MOTION AND VOTE

Moved by Bartolotta

*Supported by Frasca: Resolved to **approve with conditions** 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** 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** 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 not** 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** 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** 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** 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 not** burden and/or disrupt uses on adjacent properties.
- A.5 The natural and surrounding environment **will not** 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** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents.

Conditions:

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. All comments will be addressed to the satisfaction of staff prior to final approval.
2. Staff may coordinate and finalize site plan details and landscaping details.
3. 20-foot netting will be installed on the north, west, and east side of the field and will be utilized while the field is being used for soccer activities.
4. The applicant completes an agreement with the Township for maintenance of the retention pond.

Additional Staff Recommended Conditions:

1. Fencing separating the field from retention pond and on the retention wall will be of a type not easily climbable such as vertical bar or solid screen wall.
2. Operate during daylight hours only, no temporary or permanent lighting on the field, no use of speakers and not allowed to rent to outside organizations.

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

Chairperson Ray called a brief recess at 8:27 p.m.

Chairperson Ray called the meeting to order at 8:31 p.m.

2. Special Approval No. PRSA 22-05-05 (PSP 22-1427) Clark Gas Station Raze and Rebuild – PUBLIC HEARING

Parcel I.D. No. *13-26-126-005; T3N, R9E, SEC 26 PART OF NW 1/4 BEG AT PT ON W LINE OF CASS LAKE RD DIST N 00-10-00 W 1262.80 FT & S 89-52-00 W 33 FT FROM CEN OF SEC, TH S 89-52-00 W 181.58 FT, TH N 44-18-00 W 92.01 FT, TH N 89-52-00 E 245.61 FT, TH S 00-10-00 E 66 FT, TO BEG, ALSO PART OF NW 1/4 BEG AT PT DIST N 00-10-00 W 1196.80 FT & S 89-52-00 W 33 FT FROM CEN OF SEC, TH N 00-10-00 W 66 FT TH S 89-52-00 W 181.58 FT, TH S 44-18-00 E 260.72 FT TH N 00-10-00 W 121.02 FT TO BEG 0.71 A 6-10-21 FR 002 & 003*

Requesting: Special Approval to modify the existing commercial fueling facility to raze the existing building and develop a larger retail building with a small take-out restaurant.

Property Location: **3510 Highland Rd**

Property Zoned: C-3, General Business

Applicant: Highland, LLC

Applicant Present: Omar Alhamy

Mr. Polkowski introduced the request to demolish the existing structure and build a larger facility that would include a take-out restaurant. The applicant has secured a permit from EGLE to fill a portion of the wetlands. A variance will be required for the 20-foot greenbelt requirement due to existing conditions of the site and the odd shaped lot. Engineering consultants have reviewed the site, however a full engineering plan review is needed after special use approval. MDOT allows only one driveway on Highland Road, therefore one will be removed and installation of a right lane taper would be required. Staff recommends approval on the condition that all staff and consultant comments are met.

Commissioner Kramer inquired if the EGLE permit required that wetlands be created elsewhere.

Mr. Alhamy stated that they were required to create wetlands at a different location and has completed that project.

Commissioner Bartolotta asked for clarification for the MDOT curb cut requirement and Road Commission of Oakland County requirements.

Mr. Polkowski stated that the curb cut closest to the corner of Highland and N. Cass Lake Rd would be removed and they would have to meet the MDOT requirements.

Commissioner Sintkowski explained the Road Commission Oakland County had a concern about prohibiting inbound left-turns at this location and proposed a raised island to prevent left turns northbound on N. Cass Lake Rd.

Mr. Polkowski stated that once a gas station becomes defunct the soil is often so contaminated from the underground gas storage tanks that it is not likely that the property would be purchased.

Commissioner Printz inquired about some of the landscaping proposed and has a concern about the Pin Oak trees on this property due to the alkaline soil. He stated that Bald Cypress might be better for that soil.

Chairperson Ray opened public comment at 8:40 p.m.

No one from the audience spoke.

Chairperson Ray closed public comment at 8:40 p.m.

MOTION AND VOTE

Moved by Frasca

*Supported by Bartolotta: Resolved to **approve with conditions** 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 for the reasons noted in the Staff report above.
- B.1 The proposed use **will** 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, for the reasons noted in the Staff report above.
- B.2 The proposed use **will not** have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district, for the reasons noted in the Staff report above.
- 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** 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** 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, for the reasons noted in the Staff report above.
- A.2 The proposed use **will** be compatible with the orderly development or use of adjacent zoning lots, for the reasons noted in the Staff report above.
- 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 not** burden and/or disrupt uses on adjacent properties.

- A.5 The natural and surrounding environment **will not** 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** be conducive to fulfilling a gap in the geographic coverage of such services to Township residents, for the reasons noted in the Staff report above.

Conditions (if applicable):

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

1. Staff may coordinate and finalize site plan details.
2. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.
3. Provide a photometric plan that complies with the standards of the Zoning Ordinance.
4. The width of the required greenbelts along Highland Rd and N Cass Lake Rd are reduced to what is shown in the proposed landscaping plan.
5. The landscape plan will substitute Pin Oak trees for Bald Cypress trees.

Commissioner Kramer noted that the staff report noted that the current use is Public Lands and asked to revise "Findings: A" to: 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 for the reasons noted in the Staff report above.

Commissioner Frasca revised the motion for "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 for the reasons noted in the Staff report above.

MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE

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

3. REVOCATION HEARING of Special Approval Case No. PRSA 22-04-02, Material Processing Establishment – PUBLIC HEARING

Parcel I.D. No. *13-09-251-044; T3N, R9E, SEC 9 PART OF NE 1/4 BEG AT E 1/4 COR, TH N 89-33-56 W 887.26 FT, TH N 00-07-56 W 1394.18 FT, TH S 54-45-04 E 1084.31 FT, TH S 00-21-55 E 775.13 FT TO BEG 22.04 A 10-6-95 FR 002*

Requesting: The Planning Commission has called a hearing to consider the revocation of the applicant's Special Approval for a Material Processing Establishment and Bulk Soil Resource Supplies Establishment

Property Location: **5100 Hudson**

Property Zoned: M-2, General Industrial

Applicant: Mike Reis, Bell Site Development

Applicant present: Mike Reis of Bell Site Development and Robert Stefani, attorney representing Mike Reis

Chairperson Ray read a statement of facts on the case.

Mr. Stefani represents Mr. Reis on this matter and stated that EGLE required an air quality report and that has been done. Mr. Stefani requested to continue operations with restrictions until April 26, 2023. Mr. Stefani addressed the noise complaint and the open burning complaint.

Chairperson Ray opened public comment at 8:58 p.m.

Robert Velazquez of 3267 Warren Dr. objects to operations continuing and is concerned about silica in the air and the potential for pollution to his well.

Robin McGregor of 2629 Caterham Dr. is concerned that the applicant has not complied with any Township or County regulations and is concerned with silica being released into the air.

Steve Klein of 2740 N. Williams Lake Rd and Conservation of Waterford's Lands president spoke about ecosystems and is concerned about the wetlands that are near this subject site.

Mary Craite of 3655 Mariner objects to the operations at this site and shared regulations and permit requirements for concrete crushing that she found searching the internet.

Emily Duthan of 7020 Peninsula Ct., Clarkston MI and University of Detroit adjunct professor. Ms. Duthan has concerns with the accumulation of tires, asphalt millings and metal scrap on the subject site. Ms. Duthan stated that a silt fence was not installed until after the top two feet of soil were removed and is concerned that no soil erosion permit, air quality permit or NPDES permits have been issued. She asked that the Planning Commission revoke the special approval.

Wayne Miller of 3131 Deland is concerned with the smell and noise from the operations. Mr. Miller played a recording of the noise that he states was recorded on August 2, 2022 from his house window during the operation of the concrete crushing.

Rachael Evans of 3111 Deland is also concerned with the noise and the pollution.

Wesley Evans of 3111 Deland is also concerned with the noise, pollution and the clearing of trees on the subject site.

Matthew Patterson of 2317 Kohler is concerned with the protection of our water and natural resources.

Mr. Polkowski reviewed the failures of the applicant to comply with the special approval.

Wayne Peruski, Township Fire Marshal, stated that the site plan was denied on April 27, 2022. The plan was deficient for the fire hydrant, among other items. The fire department responded to residents' reports of smoke in the sky and found the applicant was illegally burning tree trunks and branches. Mr. Peruski stated that when the fire department responded to the call, someone on site attempted to stop them from entering to see the violation. Mr. Peruski stated the International Fire Code regarding hydrant locations for commodity, which includes not only the building but heavy equipment, vehicles and other items on the site.

Mr. Gall stated that he inspected the site on March 20, 2023 and the applicant stated that he had been operating for 8 months. The clearing of approximately 11.5 acres of trees and brush was outside of the wetlands and the 25-foot natural features setback. Mr. Gall stated the permits and requirements that would have been presumed to be required had the site plan been re-submitted and engineering review continued.

Chairperson Ray closed public comment at 9:32 p.m.

Mr. Stefani replied to the complaints of the residents stating that this is an industrial area and there are other concrete crushing operations in the area. Mr. Stefani stated that the fire hydrants are being addressed and the air quality permit has been applied for. They are prepared to re-submit the request but would like to continue using the site by bringing the materials to the location. Mr. Stefani stated that they have completed new plans that comply with all of the required items and that they are not aware of any EPA regulations for the subject site.

Mr. Polkowski stated that the Township has a robust Woodland ordinance that requires a tree inventory analyses if trees are removed without an approved site plan in place.

Mr. Stefani responded that when the conditional approval was given, the trees were shown on that plan as being removed and there were no conditions put into that conditional approval regarding which trees could or could not be removed.

Mr. Polkowski stated that plan was not approved, it was conditional upon final site plan approval by the Planning Department that was never done and therefore it is a violation of the Woodland ordinance.

Chairperson Ray inquired how many employees were hired for this site and if they are contract employees.

Mr. Reis stated that he has 15 employees and they are on seasonal layoff since November 2022 and he was hoping to bring 3 or 4 employees back to work at this site.

MOTION AND VOTE

Moved by Bartolotta

Supported by Frasca: to revoke Special Approval granted in Case No. 22-04-02 (PSP 22-1420)

Special Approval for a Material Processing Establishment within the M-2 General Industrial District based on the following findings and conclusions, which are based on an assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

On April 25, 2022, the Planning Commission granted Special Approval in Case No. 22-04-02. The following conditions of the approval to ensure compliance with the performance standards established in the Zoning Ordinance were as follows:

- 1. Staff may coordinate and finalize site plan details.*
- 2. Crushing operations may only take place between a limited time frame, 7 am to 7 pm.*
- 3. The Planning Commission reserves the right to modify or revoke this special approval following complaints, safety concerns, or site plan violations.*

Based on complaints received, safety concerns and lack of receiving an updated site plan that addressed the comments of the Planning and Fire Departments, a hearing has been conducted to consider revocation of the Special Approval.

The property owner received notice of this hearing, an explanation of the allegations and provisions of ordinance or regulations which were alleged to have been violated and had the opportunity to seek assistance of their own counsel, present questions and produce witnesses and exhibits on their own behalf. The Planning Commission finds the required conditions for Special Approval were not met:

- 1. Staff did not receive finalized site plan details.*
- 2. Crushing operations were not conducted between the limited time frame of 7 a.m. to 7 p.m.*
- 3. The Planning Commission:*
 - a. did receive complaints,*
 - b. does have safety concerns,*
 - c. there were site plan violations.*

The Planning Commission does find that conditions established by the Planning Commission as part of a Special Approval have been breached and moves to revoke Special Approval pursuant to Section 4-006.6 of the Waterford Township Zoning Ordinance and in accordance with the conditions of the Special Approval.

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

VIII. Public Comment

Chairperson Ray opened public comment at 9:45 p.m.

No one from the audience spoke.

Chairperson Ray closed public comment at 9:45 p.m.

IX. All Else

1. **Brief introduction and presentation of Blue Heron Headwaters Conservancy (formerly North Oakland Headwaters Land Conservancy) by Sue Julian**

Ms. Julian stated that the Blue Heron Headwaters Conservancy is a private, non-profit organization which is citizen run and privately funded. They manage 60 properties currently, protecting certain natural features with a conservation easement.

Commissioner Printz inquired if the organization had worked with Michigan Natural Resource Trust. Ms. Julian stated yes they have.

Commissioner Kramer inquired about the group's advocacy work. Ms. Julian stated that sometimes when an issue is within their mission.

Commissioner Printz inquired about river day clean up. Ms. Julian stated that they have.

Commissioner Frasca stated that Waterford has Earth Day clean up days scheduled for the general Township area and the river walk along the Clinton River.

Ms. Julian shared a report from the Sierra Club with the Planning Commission.

Commissioner Bartolotta thanked Ms. Julian for sharing the information with the Planning Commissioner.

X. Adjourn the Meeting

Chairman Ray adjourned the meeting at 9:55 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	4
Minor Change	1

Change of Use

- 1.) PCR 23-006, Little Foot Day Care Center
Location: 2246 Richardson Ct
Zoning: C-1, Neighborhood Business
Business Use: Child Day Care Center
- 2.) PCR 23-007, Peach Tree Childcare Center
Location: 3432 Highland Rd
Zoning: C-3, General Business
Business Use: Child Day Care Center
- 3.) PCR 23-008, Amazing Start Childcare Center
Location: 3139 W. Hudson St
Zoning: C-2, Small Business
Business Use: Child Day Care Center
- 4.) PCR 23-009, Tropical Paws Dog Grooming
Location: 5214 Dixie Hwy
Zoning: C-2, Small Business
Business Use: Animal Grooming Establishment
- 5.) PCR 23-010, Phone Fix
Location: 23 S Cass Lake Rd
Zoning: C-4, Extensive Business
Business Use: Limited Merchandise Retail and Commercial Service Establishment

Minor Changes

- 1.) Minor Change to PSP 21-1401 Woodland Court
Location: 1128 S Hospital Rd
Zoning: R-M2, Multiple-Family Residential
The applicant is reducing the size of the building footprint.