

- I. 7:00 p.m. agenda review in the Third Floor Conference Room
Review of agenda items

II. **FIRST INTRODUCTIONS**

Case No. 00-4-1

Part of the S.E. ¼ of the S.W. ¼ of Section 32, T3N, R9E, Waterford Township, Oakland County, Michigan, described as beginning at the S. ¼ corner of Section 32; thence N 89°51'21" W along the line of Section 32, 264.00 ft.; thence N 00°06'00" E. 268.60 ft.; thence S 89°51'21" E 264.00 ft. to the north and south ¼ line of Section 32; thence S 00°06'00" W along the north and south ¼ line of Section 32, 268.60 ft. to the point of beginning. Containing 1.6278 acres of land, more or less. Subject to easements of record or otherwise subject to the rights of the public and any other governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

Request: Special Approval, under Section 3203.10 of the Waterford Township Zoning Ordinance, to allow the expansion of the existing pet services use (veterinary).

Location: 6547 Cooley Lake Rd.

Applicant: Robert I. Redisch, DVM

Case No. 00-4-2

Part of Lots 33 and 34 of Sunny Slope Acres, a subdivision of part of the Southeast 14 of Section 23 and part of the Northeast ¼ of Section 26, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, as recorded in Liber 35, Page 18 of the Oakland County Plats. Parcel contains 2.307 acres or 100,485 sq. ft.

Request: Special Approval, under Section 1304.D of the Waterford Township Zoning Ordinance, to allow the outdoor display of motorcycles during normal business hours, in the C-2, General Business District.

Location: 3370 W. Huron Street

Applicant: American Discount Cycle Mart, Inc.

Case No. 00-4-3 (Lease Area)

That part of the Southwest 1/4 of Section 26, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan, described as: Commencing at the Center of Section 26; thence South 88° 04' 20" West 561.60 feet along the E-W 1/4 line of said Section; thence South 01° 55' 40" East 397.69 feet to THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence North 87°54'30" East 40.00 feet; thence South 02° 20' 18" East 18.00 feet; thence South 87° 54' 30" West 40.00 feet; thence North 02° 20' 18" West 18.00 feet to the place of beginning.

Request: Special Approval under Section 2514.5 (A), (B) to construct and operate a 130 ft. tall Wireless Communications tower and appurtenant equipment.

Location: 3663 Elizabeth Lake Road

Applicant: Sprint PCS C/O RC Riley and Associates

Case No. 00-4-4

Lot 7 and 8 - Supervisor's Plat No. 31 of the Northwest 1/4 of the Northwest 1/4 of Section 20, T.3N., R.9E., Waterford Township, Oakland County, Michigan.

Request: Special Approval under Section 1304 (D) of the Waterford Township Zoning Ordinance to allow the outdoor display of motorcycles, snowmobiles and cargo trailers in the C-2, General Business District.

Location: 6971 Highland Road (M-59)

Applicant: Dave Bowman

Case No. 00-4-5

Lots 759 through 765, inclusive, except the East part of Lots 762 to 765, inclusive, taken for Telegraph Road widening of "Huron Gardens No. 1", a subdivision of part of the N.E. 1/4 of Section 36, T.3N., R.9E., Township of Waterford, Oakland County, Michigan, As recorded in Liber 21 of Plats, Page 21, Oakland County Records, being more particularly described as beginning at the N.W. corner of Lot 759 of said subdivision; thence N. 88° 50' 28" E., 380.69 feet to the Westerly right-of-way line of Telegraph Road; thence along said right-of-way line, S. 00° 12' 00" W., 199.00 feet; thence N. 79° 09' 35" W., 383.65 feet; thence N. 01° 29' 41" W., 119.19 feet to the point of beginning. Containing 60,203 square feet or 1.382 acres.

Request: Special Approval under Section 1304.1(F) of the Waterford Township Zoning Ordinance to allow for the storage and display of new automobiles in the C-2, General Business District.

Location: 150 S. Telegraph Road

Applicant: G & L Properties, Inc.

Case No. 00-4-6

Part of the East 1/2 of the Southwest 1/4 of Section 25, Town 3 North, Range 9 East, Waterford Township, Oakland County, Michigan being more particularly described as Lots 24 and 25 along the East 344.0 feet of Lot 26 and the East 235.0 feet of Lot 27 of "Supervisor's Plat No.1" as recorded in Liber 26 of Plats on Page 28 Oakland County Records, except the East 30.0 feet for Lynn Street.

Request: Special Approval under Section 604.2 of the Waterford Township Zoning Ordinance to allow the expansion of a Parochial School (St. Benedicts).

Location: 80 Lynn Street

Applicant: Stephen Auger and Associates Architects Inc.

III. 7:30 p.m. adjourn to the First Floor Auditorium.

IV. **CALL TO ORDER**

The April 25, 2000 Planning Commission Public Hearing was called to order at 7:45 p.m. by Chairman Jay Shah.

V. **ROLL CALL**

Present: Chairman Jay Shah; Secretary Ellie Pinner; Commissioners Denise Alexander-Pyle, William Allen, Dean Fisher, Scott Hudson, Larry Mitchell, Jean Scott
Quorum Present.

Absent: Vice Chairman Sandra Werth

Also Present: Larry Lockwood, Planning Division Head
Mark Kellenberger, Planner
Douglas Bradley, Engineering Director
Rob Merinsky, Assistant Engineering Director
Susanne Vergeldt, Recording Secretary
Applicants
General Public Numbering Approximately 90

Commissioner Allen requested to be excused at 8:40 p.m. due to a prior commitment to attend another meeting. Commissioner Allen would return to the Planning Commission meeting following the conclusion of the other meeting.

VI. **MINUTES FOR APPROVAL**

Minutes of the March 28, 2000 Planning Commission Public Hearing:

Moved by Fisher,
Supported by Allen, RESOLVED; to **approve** the minutes of the March 28, 2000 Planning Commission Public Hearing as printed.

MOTION CARRIED UNANIMOUSLY WITH WERTH ABSENT.

(8 - 0)

VII. **PUBLIC HEARINGS**

Chairman Shah explained the public hearing procedure for the benefit of the

applicants and persons in the audience.

Case No. 00-3-1

Lot 91, Benson's Old Orchard Subdivision No. 1, T3N, R9E, Section 15, Waterford Township, Oakland County, Michigan.

Request: Special Approval, Under Section 604.4 of the Waterford Township Zoning Ordinance to allow two (2) pygmy goats to be kept in the R-1A, Single Family Residential District

Location: 2160 Briggs St.

Applicant: Sandra Barton and Frank Baker

PUBLIC HEARING RECORD

It is noted for the record that the applicant is not present. Mr. Lockwood stated that Mr. Baker had notified him that he would not be in attendance. The Township has received no word from Ms. Barton.

Commissioner Allen suggested tabling Case No. 00-3-1 to provide an opportunity for the applicant to appear.

Chairman Shah decided to proceed with the agenda as printed as there were residents in the audience who were prepared to speak regarding Case No. 00-3-1.

Mr. Kellenberger displayed the site plan on an overhead and gave background information on the site. Mr. Kellenberger described the ordinance requirements regarding the keeping of livestock in residential districts, and stated that the subject site does not meet ordinance criteria in terms of the required parcel size for the keeping of livestock in residential districts. Following the issuance of code enforcement violation notices to the applicant, the applicant filed suit against the Township claiming a violation of his civil rights. The case was dismissed in District Court and it proceeded to Circuit Court where the court upheld the provisions of the Waterford Township Zoning Ordinance by ordering the removal of the goats or making application for a variance and special approval within 45 days. The applicant did receive variances from the Zoning Board of Appeals on December 7, 1999 for reduced lot size and width and to allow the animal area to be located within 0 feet of the property lines. Given that variances were granted, the required lot size per the ordinance is now a moot point.

Included in Commissioners' packets was information from the National Pygmy Goat Association regarding medical requirements, characteristics of the species, care and feeding requirements, and other background information obtained off the Internet. Also included in Commissioners' packets were records of numerous code

enforcement violations, which were the beginning of the process up to the point of tonight's meeting. Information from the Michigan Department of Agriculture regarding "Livestock" was also supplied to Commissioners in their packets.

Chairman Shah stated that the applicant did appear in District Court. The Court required the applicant to exhaust all options available through the Township.

Chairman Shah opened the public hearing.

The following letters have been received in support of the subject request:

John E. Dunn, 2177 Crane

Dwayne L. Pyles, 2174 Briggs Street

Petition signed by 76 residents

A letter was received in opposition to the subject request from **Fred and Phyllis Liming, 2178 Kohler Street**, stating concerns that approval of this request might set a precedent for keeping farm animals in subdivisions.

The following persons spoke in support of the subject request:

Robin Kerr, 2135 Briggs, stated that the goats are maintained and confined in their yard and she has never seen them; they don't bark, leave messes on her front lawn, spread garbage throughout the subdivision, or litter her flowerbeds.

Andy Villarreal, 2138 Kohler, doesn't even know the goats are there; he doesn't smell them or hear them.

Patricia Williams, 2158 Crane, did not know the goats were there but expressed concern about the adequacy of grazing land for them.

Chairman Shah stated when he visited the site, he did not see the goats and did not see any grass.

There were no further comments and Chairman Shah closed the public hearing.

Commissioner Alexander-Pyle stated that the applicant had not been a good neighbor as evidenced by the code violations, and she could not support the special approval request because the applicant has not addressed the Commission. Since the applicant was not present, the code violations cannot be addressed. The applicant

has the option to appeal the decision of the Planning Commission.

Commissioner Allen stated he was concerned that the applicant is not taking this as seriously as the Township is, even though he voted in favor of the variances as a member of the Zoning Board of Appeals. The applicant does not appear to be demonstrating a willingness to work with the Township.

The Commissioners discussed that the applicant is not being responsible to the neighborhood; several Commissioners were against the zero lot line variance; several Commissioners have not even seen the goats and there is a possibility that the applicant has moved them out of the Township.

MOTION AND VOTE:

**MOVED BY ALEXANDER-PYLE,
SUPPORTED BY FISHER, RESOLVED; FOR CASE NO. 00-3-1 (SANDRA BARTON
AND FRANK BAKER) THAT THE PLANNING COMMISSION DENY THE REQUEST
FOR SPECIAL APPROVAL, UNDER SECTION 604.4 OF THE WATERFORD
TOWNSHIP ZONING ORDINANCE TO ALLOW TWO (2) PYGMY GOATS TO BE
KEPT IN THE R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT AT 2160 BRIGGS
ST., AS THE APPLICANT WAS NOT PRESENT TO ADEQUATELY ADDRESS
HEALTH, SAFETY AND WELFARE CONCERNS FOR THE NEIGHBORHOOD; THE
APPLICANT IS NOT DEMONSTRATING A WILLINGNESS TO WORK WITH THE
TOWNSHIP.**

MOTION CARRIED UNANIMOUSLY WITH WERTH ABSENT.

(8 - 0)

Case No. 00-3-2

All that part of the NW ¼ of Section 26, T3N, R9E, Waterford Township, Oakland County, Michigan, described as: Beginning at a point distant S 01°30'00" W 279.18 ft. and S 72°00'00" E. 865.98 ft. and S 88°00'00" E 232.50 ft. from the NW corner of said Section 26; thence S 88°00'00" E 283.78 ft.; thence N 01°28'00" E 53.23 ft.; thence N 43°02'10" W 162.893 ft., thence S 46°57'50" W 237.85 ft. to the point of beginning. Containing 26,917.18 sq. ft. or 0.61 acre.

Request: Special Approval, under Section 1304.1(E), of the Waterford Township Zoning Ordinance to allow the display and retail sale of modular homes in the C-2, General Business District.

Location: Vacant Parcel of Land, on the South Side of Highland Road (M-59), East of and Adjacent to Flannery Ford Auto Sales

Applicant: Dream Homes of Oakland County/John DeLuca

PUBLIC HEARING RECORD

Present for the Applicant: John DeLuca
David Couch, factory representative

Staff displayed the site plan on an overhead and gave background information on the site.

Mr. Kellenberger referenced a copy of the public hearing notice issued by the Township upon which someone added some hand written statements regarding the subject request. Mr. Kellenberger stated that the Township had no knowledge of who circulated the flyer, and it does not represent the plan from the Township's or the applicant's perspective. The Township has received many phone calls in the past week regarding the flyer, and Township personnel have responded to the phone calls with a description of the subject request as it has been advertised.

Staff believes that additional landscaping could be added to provide better screening of the site from adjacent residential properties.

The wetland boundary is a concern to the staff. Approximately fifteen percent of the site is declared wetland. The Township's wetland consultant flagged the wetlands on the site in Fall, 1999. The applicant's wetland boundary is inconsistent with the Township's delineation as it shows wetlands off the site.

Mr. DeLuca explained that the view from M-59 would be essentially two single family homes. The model homes would be moved in and off the site only when models change, about every two to three years; they will not be permanent structures. There will be no curbcuts into the adjacent community. There will be no increase in traffic flow to the residential community as a result of the proposed development.

Mr. DeLuca added that they have considered making one of the homes a permanent structure. There are several systems available for tie down, but they have not determined yet which one would be most economically viable.

Mr. Couch described the numerous tie-down methods available. It takes a couple days to disassemble the components and a few hours to remove the components with a crane. It is not a long construction process, and the impact on traffic would be minimal. Trucks can pull off the highway for the loading and unloading of components as there is plenty of room parallel to the highway for the large trucks. A new model could be placed on the site within a day.

Mr. DeLuca added there will be no utilities in the models. One could possibly be a "working model" with utilities. They are not asking for any variances. Mr. Kellenberger

added if a structure were permanent, it would have to meet building code requirements. This would require further investigation, in terms of connecting to utilities.

Commissioner Hudson stated that special approval is similar to a variance and encouraged the applicant to pay attention to landscaping details and the appearance of the site to keep it attractive. Mr. DeLuca responded that the more aesthetic the appearance of the site, the more successful it will be. They have a high level of professionalism. They have not moved forward on the land contract because they want to assure everyone they can work together towards the same goal.

Commissioner Allen stated the proposed use is a good use of the property and preferable to something else on the site, providing the wetlands can be verified.

Chairman Shah opened the public hearing.

Todd Westlake, 3870 Otto, was concerned water runoff would back up on residential properties.

Dennis Harding, 319 Lansing Drive, expressed concern that any obstruction to Otter Drain would back up in his backyard; his backyard floods now; he doesn't believe the applicant's claims that traffic on M-59 will not be impeded by delivery and removal operations; and was concerned about the ability of the wetlands to absorb additional storm water runoff. He concluded stating that trash is evident on the subject site.

Jan Green, 307 Lansing, urged that the environment, especially the waterway, be protected.

Gary Remer, representing the adjacent property owner at 3645-3683 Highland Road, known as Waterford Corner Shopping Center, said the property owner would like any approval to be conditioned upon nothing hindering the natural flow of the creek, and that the required setbacks be observed, in terms of signage, so that the signage for the shopping center is not obscured.

Paula Wissel, 3850 Otto Drive, supports the concerns expressed by other speakers.

Mark Sanderson, 315 Lansing, supports the drainage concerns already mentioned and asked if homes will be prepped on site.

Annette Arney, 318 Lansing, mentioned drainage and traffic concerns.

Janet Smith, 245 N. Winding Dr., was concerned with preservation of the wetlands and increased traffic congestion.

Wallace Hoskins, 354 N. Roslyn, supported the concerns of his neighbors.

Margaret Manner, resides in West Bloomfield, and is the subject property owner. Ms. Manner expressed concerned about the modular home foundations and how they would be affected by the sinking land; when they originally purchased the land they planned a car wash on the site.

Robert Shultz, 348 Lansing Dr., expressed concern regarding the stability of the land, as the shopping center is currently sinking.

Sandy Pilatowski, 3850 Otto, pointed out that the proposed homes are modular, not mobile, homes.

There were no further comments and Chairman Shah closed the public hearing.

[Exit Allen 8:40 p.m.]

Staff and Commissioners answered the questions raised during the public hearing. Mr. Bradley conceded that the Otter Drain needs improvement. The main problem with that branch of the Otter Drain is the businesses along M-59. It is a County drain and it is the County's responsibility to clean and maintain it. Mr. Bradley has met recently with the Road Commission for Oakland County regarding flooding on Cass Lake Road. The backyard flooding that occurred this winter was the result of broken waterlines, not a drainage problem. Natural settlement of the soil has occurred in the area; some improvement is proposed. The applicant will be required to meet the current 1996 BOCA Building Code requirements, and the foundations will have to be solid. The homes will have to be secured, by some means. to meet the building code. Special permits will be required to haul anything exceeding the weight, length, and width limitations. Mr. Bradley confirmed that the applicant is proposing to use the entrance road, and should not block traffic, by pulling straight in, setting the crane between the two proposed houses, unloading, and maneuvering the trailer on site before exiting the site head-out.

Addressing concerns about his track record, Mr. DeLuca responded that there is extensive experience in his group. Mr. DeLuca invited Mr. Mike Downer of his group to add that the proposed site will be the company's 31st dealership in Michigan, with over 20 years of experience. Mr. Downer stated the closest similar facility is located in Marlette, Michigan, with one structure on that site. A brick facade is proposed facing M-59. The model closest to Highland Road will be a one-story structure. The drainage problem is an existing problem; they hope to improve it, but they will not make it worse.

Commissioner Alexander-Pyle stated the subject site is one of the most aesthetically pleasing sites in the C-2 zoning. Any developer contemplating the subject site would have to address environmental issues. Commissioner Alexander-Pyle urged the development to be finished from all angles, and that landscaping be included to enhance the site and attract customers and to enhance the buffer areas to the residential properties. Commissioner Alexander-Pyle would like to see the applicant participate in whatever recommendations are made by the Building Department to alleviate the drainage and runoff conditions to the adjacent areas.

Mr. DeLuca stated he had no problem complying with all the proposed conditions.

MOTION AND VOTE:

**MOVED BY ALEXANDER-PYLE,
SUPPORTED BY PINNER, RESOLVED; FOR CASE NO. 00-3-2 (DREAM HOMES OF OAKLAND COUNTY/JOHN DELUCA) THAT THE PLANNING COMMISSION APPROVE THE REQUEST FOR SPECIAL APPROVAL, UNDER SECTION 1304.1(E) OF THE WATERFORD TOWNSHIP ZONING ORDINANCE TO ALLOW THE DISPLAY AND RETAIL SALE OF MODULAR HOMES IN THE C-2, GENERAL BUSINESS DISTRICT, LOCATED ON A VACANT PARCEL OF LAND ON THE SOUTH SIDE OF HIGHLAND ROAD (M-59), EAST OF AND ADJACENT TO FLANNERY FORD AUTO SALES, WITH THE FOLLOWING CONDITIONS: 1) THE SPECIAL APPROVAL IS SUBJECT TO MEETING LANDSCAPE REQUIREMENTS OF THE ORDINANCE; 2) ALL STRUCTURES ON SITE MUST MEET ALL ORDINANCE REQUIREMENTS WITH APPROPRIATE FOOTINGS AND SKIRTING OR SUCH OTHER MATERIAL AS APPROPRIATE PER PLANNING DEPARTMENT REVIEW; 3) THE SPECIAL USE TO BE REVIEWED BY STAFF ONE YEAR AFTER OCCUPANCY OR COMPLETION OF THE SITE; 4) THE APPLICANT TO PARTICIPATE IN MAINTAINING THE FACILITY TO ELIMINATE RUNOFF OR ADDITIONAL PROBLEMS TO THE OTTER DRAIN AT THE RECOMMENDATION OF THE BUILDING DEPARTMENT, AND DO NOTHING TO OBSTRUCT THE NATURAL FLOW OF WATER TO ADJACENT SITES; 5) THAT THE HOMES BE REMOVED FROM THE PROPERTY IF SELLING CEASES, SO THAT THEY CANNOT BE RENTED OR LIVED IN.**

MOTION CARRIED UNANIMOUSLY WITH ALLEN AND WERTH ABSENT.

(7 - 0)

Case No. 99-8-1

Part of the Southeast ¼ of Section 35, T.3N., R.9E., Waterford Township, Oakland

County, Michigan. Being more particularly described as commencing at the West $\frac{1}{4}$ corner of said Section 35, Thence N $89^{\circ}56'11''$ E 2635.56 feet following along the centerline of Cass-Elizabeth Lake Road 93 feet wide (so called) also the East West $\frac{1}{4}$ of said Section 35, to the center post of said Section 35 and being located in the intersection of Cass Lake Road and Cass-Elizabeth Lake Road; thence S $00^{\circ}07'10''$ E 405.00 feet along the centerline Case Lake Road 50' wide (so called) to the point of beginning; thence proceeding N $89^{\circ}57'40''$ E 310.00 feet to a point; thence S $00^{\circ}07'10''$ E 215.00 feet to a point; thence S $89^{\circ}57'40''$ W 310.00 feet to a point on the centerline of said Cass Lake Road; thence N $00^{\circ}07'10''$ W 210.00 feet along the centerline of said Cass Lake Road to the point of beginning. Containing 1.531 acres (gross area).

Request: Special Approval, under Section 1304.3(A) and (B) of the Waterford Township Zoning Ordinance, to allow the construction of a car wash.

Location: Vacant property located on the East side of Cass Lake Road, South of Cass-Elizabeth Road.

Applicant: Bryan Krygier

PUBLIC HEARING RECORD

Present for the Applicant: Bryan Krygier

Staff displayed the site plan on an overhead and gave background information on the site. Mr. Lockwood reviewed the procedures for notifying residents within 300 feet and emphasized that the Township went to great lengths to be accurate in the notification. Mr. Lockwood reviewed the previous appearances of the applicant before the Planning Commission, regarding the special approval request.

Mr. Lockwood explained that the RCOC has approved the location of the single curbcut. All setbacks have been maintained. Screening and landscaping amenities have been provided. Lighting is appropriately detailed on the plan. Storm water runoff has been addressed and reviewed by the Engineering Division. The subject site is lower in elevation in relation to the surrounding lakes and wetlands, and all water drains in a southeasterly direction. The grade at the Cass Lake Road right-of-way is higher than the proposed parking lot elevation. Drainage for cars exiting the site will be channeled to the back of the site, towards a storm water detention area, at the rear of the site. This will address the concern of water dripping off cars entering the roadway and causing hazardous conditions in the wintertime. A cross-access easement with the adjacent strip center is encouraged to eliminate traffic congestion on Cass Lake Road.

Mr. Lockwood explained the permitted uses in the C-2, General Business District without special approval. Special Approval would assure that proper safeguards are in place to protect the health, safety and welfare of the public.

Chairman Shah opened the public hearing.

No persons came forward to speak in favor of the proposed Special Approval request.

The following communications have been received **in opposition to** the proposed special approval for a car wash:

Petitions signed by 177 residents of **Port Cove Condominium Association**

Petition signed by 37 residents of **The Harbours Condominium Association**

Letter from **Ron Turner, 1599 Rivona;**

Letter from **Barbara Chaitin, 3400 Audubon Ct.**

Letter from association presidents of **Port Cove, The Harbours, and Harbour Pointe on the Lake Condominium Associations**

The following persons spoke in opposition to the special approval request:

Richard Levine, 3292 Harbour Pointe, speaking for the three communities of Port Cove, The Harbours, and Harbour Pointe, and mentioned concerns with lighting, noise, hours of operation, vandalism and public nuisances, loitering, water and phosphate runoff into the wetlands and lakes, traffic congestion, additional traffic on private roads, and no provision on the site plan for an on site supervisor's office.

Allan Long, Unit #29 on Audubon, president of The Harbors Condominium Association, stated if there is no legal way to stop a car wash from going on the subject site, the residents would like some input into the final product.

David Orr, 3565 Port Cove, mentioned additional traffic congestion in the area, questioned the need for another car wash in the area since a proposal for another one was recently turned down and nuisance factors associated with a car wash.

Barbara Chaitin, 3400 Audubon Ct., was concerned about disruption to the natural environment and habitat; noise, odors, water saturation and the visual impact of a car wash.

Bob Jones, 3559 Port Cove Drive, was concerned about additional traffic problems on Cass Lake Road and the adjacent shopping center. An extra dirt road has been illegally created on the shopping center site already because of

the traffic congestion.

Chairman Shah explained that the dirt road will be closed with the development of the proposed car wash.

Beverly Freeman, 1066 Sandpiper, asked if there was any way to change the zoning on the subject parcel so the residents don't have to go through this again.

Mr. Lockwood explained that a property can only be rezoned through a request by the property owner or through the master plan process. A different applicant withdrew a previous proposal for a car wash on the subject site after an investigation revealed that the soils and other features of the land were not suitable for their proposed foundation.

Marilyn Migdale, 1143 Audubon Drive, urged the Commission to consider the residents' initial concerns, raised in September, when the subject request was first heard, and to not be influenced by a developer's promises.

Julie Husak, 3583 Port Cove, does not see how a 24-hour car wash will contribute to the Township's image of a "lakeland paradise". A nice restaurant would be more suitable for the area.

Karen Knisely, 3423 Audubon, stated if this has to pass, the operation should be closed at 10:00 p.m., and wondered who would monitor the operation. She also mentioned concerns with noise and light pollution.

[RE-ENTER ALLEN 9:40 p.m.]

There were no further comments and Chairman Shah closed the public hearing.

Staff and Commissioners addressed the concerns raised during the public hearing. The site must be developed according to approved plans. Code Enforcement addresses violations. The Planning Commission can limit the hours of operation. The residents could seek legal counsel to discover available options as adjacent property owners.

Commissioner Hudson expressed regret that the residents were not properly notified in September, when this request first came forward. He believed the previous motion was made with insufficient input from the neighbors.

Commissioner Alexander-Pyle asked the applicant how he would address the hours of

operation.

Mr. Krygier requested that the special approval request be tabled until a full Commission was present.

MOTION AND VOTE:

**MOVED BY ALLEN,
SUPPORTED BY MITCHELL, RESOLVED; FOR CASE NO. 99-8-1 (BRYAN KRYGIER) AT THE APPLICANT'S REQUEST, THAT THE PLANNING COMMISSION TABLE UNTIL MAY 9, 2000, OR UNTIL A FULL COMMISSION IS PRESENT, THE REQUEST FOR SPECIAL APPROVAL, UNDER SECTION 1304.3(A) AND (B) OF THE WATERFORD TOWNSHIP ZONING ORDINANCE, TO ALLOW THE CONSTRUCTION OF A CAR WASH, LOCATED ON THE EAST SIDE OF CASS LAKE ROAD, SOUTH OF CASS-ELIZABETH ROAD. MOTION CARRIED WITH ALEXANDER-PYLE, PINNER, AND SCOTT VOTING AGAINST, AND WERTH ABSENT.
(5 - 3)**

VIII. **DEVELOPMENT REVIEWS**

Site Plan No. 1132 - Great Lakes Car Wash

Location: Vacant property located on the East side of Cass Lake Rd. south of Cass-Elizabeth Road
Action: Conceptual Site Plan Review
Applicant: Bryan Krygier

This case is currently tabled and will remain on the table until the related special approval case has been finalized (Case No. 99-8-1).

Site Plan No. 561-B - Walgreen's

Location: Southwest Corner of Telegraph Rd. and West Huron (M-59)
Action: Conceptual Site Plan Review
Applicant: Phoenix Land Development

Present was Mr. Steve Schaefer

Staff displayed the site plan and reviewed the background of the property. With the proposed plan, four curbcuts would be eliminated. Only two curbcuts are now proposed, one off Telegraph Rd. and one off M-59. The existing cellular tower on the

site will need to be relocated approximately 40 to 50 feet to the west, upon the approval of the FAA. Adequate parking and site circulation have been provided, and meet ordinance requirements.

Mr. Lockwood reviewed the gateway principles encouraged by the Township. The proposed use of brick pavers is in keeping with the design proposed for the north side of Huron St. The concrete bollards could be eliminated. The proposed street trees will need the approval of MDOT. Staff recommends relocating the proposed screenwall for the parking lot areas, behind the proposed landscaping areas, on Huron St. and Telegraph Rd., and angling them accordingly at the intersection. In addition, a detail of the proposed masonry screenwall needs to be detailed on the plan.

A previous plan submitted for the redevelopment of the subject site included a Big Boy Restaurant, which required greater variances than the subject plan. The proposed plan can achieve a greater setback than the previous plan proposed for the site, as well as greater greenbelts along Telegraph and M-59, and along the south property line. Staff would recommend approval of the required variances for greenbelts on Huron St. and Myrtle.

Mr. Lockwood explained that the subject request was advertised in the newspaper, but there is no requirement to notify neighbors within 300 feet. Adjacent property owners would be notified when the request for a variance goes to the Zoning Board of Appeals.

Mr. Lockwood suggested incorporating some design elements to the brick exterior, to provide visual interest due to the site's landmark location as a Gateway to the community. Building elevations should be provided for the proposed Walgreen's Pharmacy (4 sides), and indicate the type of masonry brick (i.e. color and pattern) to be utilized, and clearly shown on elevation drawings. The main sign should be incorporated into the screenwall area; any exterior building elevation signage should be clearly detailed and dimensioned on the plan. The plan also needs to indicate the design for the proposed bus shelter on the south side of Huron St. and this location should be coordinated with the Michigan Department of Transportation. A detail of the proposed "Acorn Style" ornamental lighting to be utilized should be provided. The applicant needs to clearly detail, on the plan, that the compactor area will be screened with a masonry enclosure to match the building and will be provided with attached obscuring gates.

Regarding landscaping issues, the proposed Chanticleer Pear trees in the Telegraph and West Huron rights-of-way, must be approved by the Road Commission for Oakland County and the Michigan Department of Transportation. Additional deciduous trees should be included along Myrtle Ave. to enhance the landscaping.

Commissioner Allen recommended that the applicant consider replacing grass areas with cobblestones set in asphalt and moving the wall back if necessary, as grass will not survive the salt of winter. He also recommended consideration of a similar treatment for inside the parking lot, then planting Euyonomus and Fortuni, and moving the Bradford Pears away from the curb. Commissioner Allen suggested placing a root barrier over pipes, along Telegraph Rd., and berming it up to assure the survival of the trees. It was suggested that hardy street trees such as Gingko of a 4-inch caliper be utilized, and replacing Bradfords with a species that will not block the view of the building. Consider a species other than Arborvitae, that will not block the view of cars coming off Felice's site. Select a variety of Hawthorne that does not have an objectionable odor. Consider changing Pachysandra to Andora Junipers. Consider changing Crabapples to a variety of canopy tree such as Gingko.

It was also recommended that the applicant consider including a bike rack somewhere on the site. The color of the cell tower should be changed to a sky blue or gray, according to what was approved on the previous site plan for the subject site.

Mr. Schaefer indicated that all the parcels have been assembled. Mr. Schaefer offered to include additional deciduous trees along Myrtle Ave. to enhance the landscaping. Mr. Schaefer was agreeable to enclosing the compactor area with a gate.

As this was a conceptual site plan review, no formal action was required to be taken by the Planning Commission. All comments will be forwarded to the applicant for further review and action.

IX. **DISCUSSIONS**

X. **ALL ELSE**

There was no other business presented to the Planning Commission.

XI. **ADJOURNMENT**

The meeting was adjourned at 11:05 p.m., Michigan time.