

I. **CALL TO ORDER.**

Chairman Werth called the meeting to order at 6:35 PM.

II. **ROLL CALL.**

Present: Chairman Sandra Werth, Vice-Chairman Steve Reno, Secretary Ellie Pinner, Commissioners Stan Cumberworth, Will Allen, Bette O'Shea, Dennis Griffin, Matt Ray, and Ted Taylor

Absent: None

Quorum Present.

Also Present:

Robert Vallina, CPD Director, Larry Lockwood, Planning Division Head, Gary Dovre, Waterford Township Attorney, Lori Beeson, Stenographer

Applicants and General Public: Approximately 3

III. **APPROVAL OF THE MINUTES:**

**MOTION AND VOTE:
MOVED BY GRIFFIN,
SUPPORTED BY RENO; RESOLVED TO APPROVE THE MINUTES OF THE
SEPTEMBER 22, 2009 PLANNING COMMISSION PUBLIC HEARING MEETING.
MOTION CARRIED UNANIMOUSLY.
(9-0)**

IV. Consent Agenda:

**MOTION AND VOTE:
MOVED BY GRIFFIN,
SUPPORTED BY PINNER; RESOLVED TO APPROVE THE CONSENT
AGENDA. MOTION CARRIED UNANIMOUSLY.
(9-0)**

V. Old Business

Case No. 07-10-01, D&T Auto Sales, LLC (Staff Reviewer – Larry Lockwood)

Parcel No. 13-22-252-002

Location: 4455 Highland Road

Request: Review of Special Approval granted under Section 1304(F) of the Waterford Township Zoning Ordinance to allow outdoor display of late model used automobiles only for the purpose of auto sales in the C-2, General Zoning District

Applicant: D & T Auto Sales, LLC

Mr. Lockwood reviewed the history of this case with the Commissioners (Please refer to the attached memo). He went on to state that the used car sales activity has been conducted in accordance with the requirements of the special approval and that there had not been any complaints or code enforcement action concerning this land use.

MOTION AND VOTE:

MOVED BY RENO GRIFFIN,

SUPPORTED BY GRIFFINRENO; TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS SPECIAL APPROVAL OF CASE # 07-10-01 TO ALLOW OUTDOOR DISPLAY OF LATE MODEL USED AUTOMOBILES ONLY FOR THE PURPOSE OF AUTO SALES IN THE C-2, GENERAL ZONING DISTRICT WITH THE FOLLOWING STIPULATIONS:

1. THE SPECIAL APPROVAL APPLIES ONLY TO THE EXISTING BUSINESS. IF THE BUSINESS CHANGES, THE SPECIAL APPROVAL IS NULL AND VOID,
2. ANY AND ALL VEHICLE REPAIR IS PROHIBITED,
3. COMMERCIAL TRUCKS ARE NOT ALLOWED FOR SALE OR DISPLAY ON THE SITE,
4. NO ADDITIONAL SIGNAGE WILL BE ALLOWED. THE APPLICANT WILL UTILIZE THE CURRENT SIGNAGE,
5. MAXIMUM OF SEVEN (7) VEHICLES ALLOWED FOR DISPLAY FOR THE PURPOSE OF AUTO SALES,
6. CODE ENFORCEMENT ACTION WILL RESULT IN A REVIEW OF THE SPECIAL APPROVAL BY THE PLANNING COMMISSION,
7. THE SPECIAL APPROVAL GRANTED BY THE PLANNING COMMISSION TO BE REVIEWED IN OCTOBER, 2011 TO CONSIDER CONTINUATION OF THE SUBJECT USE.

MOTION CARRIED UNANIMOUSLY.

(9-0)

Case No. 08-06-01, SBA Towers II / T-Mobile Central (Staff Reviewer – Larry Lockwood)

Parcel No.: 13-34-451-007

Location: 4157 Chenlot

Action: Review of Site Plan Amendment for Cass Lake Marina and SBA Towers II / T-Mobile Central Wireless Communications Tower, including increase in approved tower height from 99 feet to 134 feet.

Applicant: Ellen Tencer, SBA Towers II / T-Mobile Central

MOTION AND VOTE:

MOVED BY GRIFFIN,

SUPPORTED BY RENO, TO REMOVE CASE # 08-06-01, FROM THE TABLE.

MOTION CARRIED UNANIMOUSLY.

(9-0)

Mr. Lockwood reviewed the history of this case with the Commissioners (Please refer to the attached memo).

Mr. Alan Greene, attorney for SBA Towers II summarized the latest information supplied by SBA / T-Mobile for the case. He stated that two (2) affidavits have now been supplied by radio frequency engineers representing T-Mobile USA that confirm that the minimum tower height necessary for T-Mobile at this location is 130' height. He went on to state that a revised site plan had been prepared addressing the screening and landscaping requirements for the property and that an overall site plan of the marina parcel including the previously zoned residential parcel had been prepared as requested by the Planning Commission. Mr. Greene also referenced the request by the Planning Commission that SBA provide examples of a tower that provided more of a "stealth" design or natural vegetative design such as a tree with the intent that this type of design would blend in better with the natural surroundings of the area. Mr. Greene indicated that, as with the example of the "tree like" tower, the applicant recommends that the Planning Commission consider the applicant's conclusion that a standard galvanized steel (gray) tower, will provide the most effective means for blending in with the surrounding environment.

Commissioner Cumberworth questioned what elevation the tower would be set at and that this information should be provided on the plans. He went on to state that he wants to ensure that the applicant provides as-built drawings that verify the overall height of the tower once it has been constructed.

Commissioner Allen requested clarification on the width of the "tree" version of the monopole. Mr. Greene stated that the "tree like" design is approximately two (2) ft. thicker in circumference.

MOTION AND VOTE:

MOVED BY ALLEN,

SUPPORTED BY RENO; TO ACCEPT THE APPLICANT'S NEW SUBMITTALS AS SUFFICIENTLY SATISFYING THE PLANNING COMMISSION'S JUNE 23, 2009 CONDITIONS, WAIVING THE PRIOR CONDITIONS FOR COVERAGE MAPS AT ANTENNAE HEIGHTS OF 100 FEET, 110 FEET, AND 120 FEET AND WAIVING THE REQUIRED ATTENDANCE OF THE T-MOBILE ENGINEER AT THIS HEARING, AND TO APPROVE THE AMENDMENT TO THE CASS LAKE MARINA SITE PLAN REQUESTED BY SBA TOWERS II/T-MOBILE CENTRAL, WITH AN INCREASE IN THE PREVIOUSLY APPROVED TOWER HEIGHT TO 134 FEET TO THE TOP OF THE LIGHTNING ROD, IN ACCORDANCE WITH AND LIMITED TO THE MONOPOLE TOWER AND RELATED COMMUNICATIONS EQUIPMENT AND IMPROVEMENTS SHOWN ON THE PLANS BY TERRA CONSULTING GROUP, LTD., DATED 9/30/2009 AND CONSISTING OF SHEETS T-1, LP, C-1 AND ANT-1, WITH THIS APPROVAL CONDITIONED ON "AS-BUILT" DRAWINGS CERTIFYING THE CONSTRUCTED HEIGHT OF THE TOWER AS BEING NO MORE THAN 134 FEET.

MOTION CARRIED UNANIMOUSLY.

(9-0)

VI. Public Hearings

Case No. 07-10-01, D&T Auto Sales, LLC (Staff Reviewer – Larry Lockwood)

Mr. Lockwood gave the Planning Commission background information on the property and the fact that the site has been used for automotive related activities for many years dating back to the 1960's. The applicant, Mr. Eddie Gjergji stated that as indicated on his site plan, he would only like to display a maximum of thirty seven (37) cars for sales purposes. Mr. Lockwood pointed out that the previous used car sales operation had displayed significantly more cars than the site could accommodate and that (by reference of a previous aerial photograph) cars displayed along the front property line were in fact encroaching into the road right-of-way. Mr. Lockwood pointed out that the applicants plan now shows the front display row of vehicles to only come to the front property line with no encroachment into the road right-of-way area. He went on to state that staff would recommend that a reduced greenbelt planting strip of approximately fifteen (15) feet could be accommodated in this right-of-way area. Commissioner Allen questioned whether or not the bumper blocks for the front row of vehicles would be moved back. Mr. Gjergji stated that they would be moved back so that the vehicles would not "overhang" the front property line and into the road right-of-way area.

There was further discussion on the overall site area of the property and the fact that the westerly most lot (lot 6) is also part of the site. The Planning Commission had no objection to this lot being used as part of the special approval with the stipulation that lot 6 is combined into the primary parcel consisting of lots 4&5 in order to create a more conforming zoning lot for the intended use.

Commissioner Allen concurred that a greenbelt planting area should be incorporated into the overall site plan for the entire width of the property and recommended that the Planning Commission consider requiring the applicant to install such landscape improvements as a condition of the special approval.

Discussion ensued over whether to establish such a condition in consideration of the fact that the applicant has entered into a two (2) year lease for the property, the property owner operates another business on the eastern-most portion of the subject property, and the applicant does not have any ownership interest beyond his intended business.

Commissioner Ray suggested that the Planning Commission consider granting special approval for two (2) years and at the end of that time, the applicant and property owner would come back before the Planning Commission for a re-review of the site, along with a landscape plan that addresses the Planning Commission's concerns for the front greenbelt planting area.

Commissioner Allen suggested that the applicant approach the property owner and request the owner to install a distinctive (red) coloring for the existing right-of-way sidewalk that crosses through the access drive for enhanced pedestrian safety.

Commisioner Cumberworth questioned whether or not a handicapped parking sign is provided for the required barrier free parking space. Mr. Gjergji stated that a sign would be provided in an acceptable location on the building in front of the required handicapped parking space.

**MOVED BY RENO,
SUPPORTED BY GRIFFIN; TO APPROVE CASE # 09-09-01, MOTOR CITY
AUTO SALES, TO ALLOW OUTDOOR DISPLAY OF LATE MODEL USED
AUTOMOBILES ONLY FOR THE PURPOSE OF AUTO SALES IN THE C-2,
GENERAL ZONING DISTRICT WITH THE FOLLOWING STIPULATIONS:**

- 1. THE SPECIAL APPROVAL APPLIES ONLY TO THE EXISTING BUSINESS. IF THE BUSINESS CHANGES, THE SPECIAL APPROVAL IS NULL AND VOID,**
- 2. SINCE THE REQUESTED ACTIVITY IS PROPOSED TO BE CONDUCTED ON TWO ADJOINING PARCELS UNDER COMMON OWNERSHIP, THE WESTERN-MOST LOT NO. 6 (PARCEL #13-26-426-019) MUST BE COMBINED WITH LOTS 4 & 5 (PARCEL #13-26-426-020) TO CREATE A SINGLE ZONING LOT,**
- 3. THE PARKING BLOCKS CURRENTLY EXISTING IN THE WEST HURON STREET RIGHT OF WAY SHALL BE RELOCATED ONTO THE SUBJECT PROPERTY TO A POSITION SUCH THAT AUTOMOBILES DISPLAYED AT THE FRONT OF THE PROPERTY LINE WILL NOT EXTEND BEYOND THE PROPERTY LINE,**
- 4. HANDICAPPED PARKING SIGNS SHALL BE INSTALLED ON THE PAVEMENT IN THE IDENTIFIED PARKING SPACES AND ON THE BUILDING,**
- 5. MAXIMUM OF THIRTY-SEVEN (37) VEHICLES ALLOWED FOR DISPLAY FOR THE PURPOSE OF AUTOMOBILE SALES,**
- 6. CODE ENFORCEMENT ACTION WILL RESULT IN A REVIEW OF THE SPECIAL APPROVAL BY THE PLANNING COMMISSION,**
- 7. THE SPECIAL APPROVAL GRANTED BY THE PLANNING COMMISSION TO BE REVIEWED IN OCTOBER, 2011 TO CONSIDER CONTINUATION OF THE SUBJECT USE. AT THAT TIME, BOTH THE APPLICANT AND THE PROPERTY OWNER SHALL APPEAR BEFORE THE PLANNING COMMISSION WITH A LANDSCAPE PLAN PROPOSAL FOR THE SUBJECT PROPERTY.**

**MOTION CARRIED UNANIMOUSLY.
(9-0)**

VI. Adjourn the Meeting.

The meeting was adjourned at 8:00 PM.

DATE: October 21, 2009
TO: Planning Commissioners
FROM: Community Planning and Development Staff
RE: Cases Scheduled for the Tuesday, October 27, 2009, Planning Commission Public Hearing Meeting

Case No. 07-10-01, D&T Auto Sales, LLC (Staff Reviewer – Larry Lockwood)



Location: 4455 Highland Road

Applicant: Elidon Deshaj
827 Cedargate
Waterford, MI 48328
248-674-5126

Status of Applicant: Lessee

Requested Action: Two year review of Special Approval (granted 10-23-07) under Section 1304.1(D) to allow the sale of used automobiles in the C-2, General Business District.

Existing Zoning: C-2, General Business District

Master Plan: Central Community Business Designation Area

Parcel Size: 1.44 acres

Existing Land Use: The property is currently used for a tunnel car wash operation.

ANALYSIS

This case is by Elidon (Don) Deshaj who currently leases and operates Don's Car Wash @ 4455 Highland Road. As you may recall, this case came before the Planning Commission in October of 2007 for special approval to allow outdoor display and sales of used cars in combination with the existing car wash operation. This request was approved and allows for a maximum of seven (7) cars to be displayed for sales purposes (please see attached meeting minutes).

As stated above, the property is currently zoned C-2, General Business. This zoning classification allows for a wide range of business and office related land uses. However, this district is also designed to restrict land use to only allow those business uses that are conducted internally, within enclosed structures.

The Township's Master Plan shows this area to be designated for Central Community Business. This designation is exclusively intended for property in the geographic center of the Township, along the M-59 commercial corridor. This district has been planned to allow for a mixture of land uses including office, commercial and residential. The summary description of this district also states that automotive related services, industrial uses, outdoor merchant retail, and other uses which tend to interfere with the continuity of retail frontage and hinder pedestrian circulation are discouraged.

The site plan for this property shows adequate parking for the car wash use along with good circulation around the property. The current number of parking spaces available for the site is well in excess of the minimum number of spaces required for the present land use.

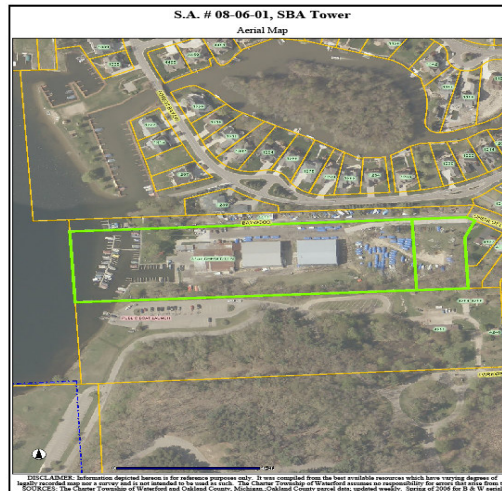
Since special approval was granted for this property, CPD, code enforcement has not received any complaints on the cars sales, storage and display activities.

RECOMMENDATION

Since the conditions of approval have been followed and there have not been any complaints to the Township associated with this activity, staff would not object to the continuation of this special approval and the associated stipulations or conditions. However, staff would further recommend that the case be re-visited again in two years to ensure that the conditions set forth in the original case have been adhered to.

If you have any questions or require additional information in advance of Tuesday's meeting, please feel free to contact this office.

Case No. 08-06-01, SBA Towers II / T-Mobile Central (Staff Reviewer – Larry Lockwood)



Applicant: SBA Towers II / T-Mobile Central
 5030 Cooley Lake Road
 Waterford, MI 48327
 C/O Ellen Tencer
 248-514-8333

Status of Applicant: Lessee

Property Owner: Robert and Terri Graham
 4401 Baywood
 Waterford, MI 48328

Property Location: 4401 Baywood (Cass Lake Dry Dock Marina)

Parcel I.D. No.: 13-34-451-007

Requested Action: Special Approval under Section 2514.3 (A) of the Waterford Township Zoning Ordinance to allow the development of a wireless communications facility that has been revised to request a 130 ft. tall monopole tower (including a 4 ft. lightning rod for an overall tower height of 134 feet).

Existing Zoning: RA-2, Commercial Recreation and Amusement District

Master Plan: Single Family Residential

Parcel Size: 7.27 Acres Gross land area

Lease Area: The proposed ground lease area is shown as 30' X 80' (2400 Sq. Ft.)

Tower Height: 150 ft. tall monopole structure

Surrounding Zoning and Land Use:

North: (Across Baywood) R-1A, Single Family Residential (4411 Baywood)
South: RA-1, Public Recreation and Amusement District. The property is owned and operated by the DNR as Dodge State Park.
East: R-1A, Single Family Residential. The property is currently vacant and owned by the applicants Robert and Terri Graham
West: Gerundegut Bay, Cass Lake

Zoning History: 1950-1960, Residential 1
1960-1963, C-2, General Business District
1963- Present, RA-2, Commercial Recreation and Amusement District

Township Utilities: Water and Sewer services are available to the site.

Staff Analysis

As you are aware, this case received a decision from the Planning Commission at the June 23, 2009 meeting (please see attached meeting minutes). This decision conditionally approved the request to locate a wireless communications facility including a 99 ft. tall cell tower on the Cass Lake Dry Dock Marina property. The decision also included postponing the site plan approval portion until such time as the applicant developed and submitted a comprehensive site plan for the entire property. This overall plan would include a portion of the applicant's land that had previously been zoned for residential use. As you know, the property owners, Robert and Terri Graham have since made application to rezone their residential property and the case is presently in the final stages of the application process and is scheduled to go before the Township Board for final adoption on October 26, 2009. To date, there has been no opposition to the applicants request to rezone their residential parcel to the RA-2, District which would be consistent with the current marina business.

The applicant's attorney, Alan Greene, Dykema Gossett PLLC, has since met with Mr. Dovre and CPD staff to discuss the remaining items outlined in the conditional approval document. Mr. Greene has provided a summary response letter that outlines how the outstanding items have been addressed (please see attached). As is evident from the attached copy of an email response from Mr. Dovre to Mr. Greene, there are still a couple of outstanding issues for Planning Commission consideration. Mr. Dovre will be in attendance at Tuesday's meeting to provide a detailed review of Mr. Greene's response letter with the Planning Commission.

Staff will prepare a brief presentation on the final information submitted for the case and for discussion purposes with the applicant. As always, if you have any questions or require further information in advance of Tuesday's meeting, please feel free to contact this office.

Case No. 09-09-01, Motor City Auto Sales (Staff Reviewer – Larry Lockwood)



Location: 3098 W. Huron

Applicant: Gjush Gjergji (Eddie Gjergji – pronounced Georgy)
1749 Heron View Court
West Bloomfield, MI 48324
248-410-8542

Status of Applicant: Lessee

Requested Action: Special Approval under Section 1304.1(F) of the Waterford Township Zoning Ordinance to allow outdoor display and sales of used automobiles in the C-2, General Business District

Existing Zoning: C-2, General Business District

Master Plan: Community Business

Parcel Size: 0.81 Acres

Existing Land Use: The property has been formerly utilized for used car sales. The most recent tenant was “Lookin Nu” Auto Sales which recently relocated to another site in Waterford

Surrounding Zoning and Land Use:

North:	C-2, Autozone automotive parts store
South:	(Across W. Huron St.) C-3, Front Page book store
East:	C-2, Munks Motors automotive repair
West:	C-2, Multi-State Transmission, automotive repair

Zoning History: 1950 – Present: C-2, General Business

W. Huron Road R.O.W.: Existing R.O.W. – 120 Ft.

Township Utilities: Water and Sewer services are available to the site

Analysis

This case is by Eddie Gjergji who is requesting special approval to allow used car sales including outdoor display in the C-2, General Business District. Township records indicate that this property has been used for automotive related land uses since the 1960's. Along with the used car sales office, the existing building also provides space for the Simbol Auto Glass business. As noted above there are currently several automotive related uses near and or adjacent to the site. When Mr. Gjergji inquired about the suitability of the site for continued used car sales, it was determined that the property had never received the necessary special approval for automobile sales as required in the C-2 District.

The property was most recently used by Lookin' Nu Auto Sales. They occupied the site for several years and as you will see from the attached aerial photo, the site was virtually covered with used car inventory. Since Lookin' Nu had outgrown this location, they relocated their business to another location in Waterford after completing the site plan review process.

Mr. Gjergji has now submitted a site plan for his intended operation which significantly reduces the overall number of cars to thirty seven (37) for display and sales (please see attached plan). The plan shows the used car inventory to be contained on the existing asphalt parking lot. The remaining land area is shown to remain as grass. The plan also shows that the applicant intends to patch and sealcoat the existing asphalt surface which is allowed without further review. No building expansion is proposed at this time.

It should be noted that the former automotive tenants displayed cars closer to W. Huron St. which were not contained on the subject property. The proposed plan now shows the display area to be within the property boundary and that the existing bumper blocks will be relocated to the front right-of-way line. Although there is currently no greenbelt along the property frontage, there is approximately fifteen (15) feet of asphalt from the property line to the sidewalk that could be removed and replaced with landscaping to help soften or buffer the display area from the road right-of-way.

Recommendation

After considering the fact that the property has been used for automotive related business activities for many years and that the surrounding land uses are similar, staff would not object to this special approval request with the following recommendations:

- Cars for sale are to be displayed in accordance with the approved site plan and limited to a maximum of thirty seven (37).

- Any expansion of the used car display area must be reviewed and approved by the Planning Commission through further site plan review.
- If a dumpster is necessary for the business operation, the plan must be revised to show a suitable location for the required enclosure and approved by CPD staff.
- It is recommended that the existing pavement located between the front property line and the right-of-way sidewalk for the entire parcel width (excepting the driveway approach) is removed and replaced with a 15 ft. wide greenbelt / landscape planting area in accordance with Section 2522 of the Waterford Township Zoning Ordinance.
- The case is reviewed by the Planning Commission in two (2) years to determine whether or not the conditions of approval have been complied with.

If you have any questions or require additional information in advance of Tuesday's meeting, please feel free to contact this office.