

**WHITE LAKE TOWNSHIP
INTER-OFFICE MEMORANDUM
COMMUNITY DEVELOPMENT DEPARTMENT**

DATE: April 11, 2022

TO: Rik Kowall, Supervisor
Township Board of Trustees

FROM: Sean O'Neil, AICP
Community Development Director

**SUBJECT: 9501 Highland Road
Rezoning request**
Property described as parcel number 12-23-129-007 (9501 Highland Road), located south of Highland Road and east of White Banks Blvd, consisting of approximately 1 acre. Applicant requests to rezone the parcel from **(LB) Local Business to (GB) General Business** or any other appropriate zoning district.

The above request is now ready for Township Board Consideration. The matter was considered by the Planning Commission at their regular meeting of March 17, 2022 at which time the **Planning Commission recommended approval** of rezoning request.

Please find enclosed the following related documents:

- Minutes from the Planning Commission meeting held on March 17, 2022.
- Review letter prepared by the Township Planning Consultant, Hunter Whitehill, dated February 21, 2022.
- Rezoning application from the applicant, Black Rock White Lake, LLC.
- Public hearing notice.

Please place this matter on the next available Township Board agenda. Do not hesitate to contact me should you require additional information.

**WHITE LAKE TOWNSHIP
PLANNING COMMISSION**

Township Annex, 7527 Highland Road
White Lake, MI 48383
March 17, 2022 @ 7:00 PM

CALL TO ORDER

Chairperson Anderson called the meeting to order at 7:01 PM and led the Pledge of Allegiance. Roll was called.

ROLL CALL

Steve Anderson
Merrie Carlock
Mark Fine
Debby Dehart
Scott Ruggles
Matt Slicker
T. Joseph Seward

Absent: Robert Seeley
Pete Meagher

Also Present: Sean O'Neil, Community Development Director
Lisa Kane, Recording Secretary

Visitors: 4 members of the public were present

APPROVAL OF AGENDA

Commissioner Carlock moved to approve the agenda of the March 17, 2022 Planning Commission Meeting.
Commissioner Fine supported and the **MOTION CARRIED** with a voice vote: 7 yes votes.

APPROVAL OF MINUTES

- a. Regular meeting minutes of February 3, 2022

Commissioner Carlock moved to approve the Minutes of February 3, 2022
Chairman Anderson abstained from the vote.
Commissioner Dehart supported and the **MOTION CARRIED** with a voice vote: 6 yes votes.

CALL TO THE PUBLIC (FOR ITEMS NOT ON THE AGENDA)

No members of the public spoke

PUBLIC HEARING

A. 9501 Highland Rezoning Request

Location: Property described as parcel number 12-23-129-007 (9501 Highland Road), located south of Highland Road and east of White Banks Blvd, consisting of approximately 1 acre.

Request: **Applicant requests to rezone the parcel from (LB) Local Business to (GB) General Business.**

Applicant: Black Rock White Lake, LLC
30553 S Wixom Road #300
Wixom, MI 48393

Applicant or representative: None present

Director O'Neil introduced the request for rezoning of a parcel which is adjacent to a parcel that is currently zoned as General Business and also owned by the applicant. The applicant intends to operate a restaurant which serves alcohol on the adjacent property, which is allowed in General Business zoning. This rezoning will allow the applicant to combine all parcels so that they are unified. Rezoning this parcel to General Business brings consistency to the area and avoids spot zoning. Any development on this property would be on the Township's water and sewer system. Underground storm water detention might be a considered by engineering. There is no need for a rezoning traffic study with this request, however, there may be a traffic study required in the Site Plan review. Staff recommends approval of rezoning this parcel as it would be consistent with the future land use map in the Master Plan, which is Planned Business, and would make it compatible with the surrounding use.

Director O'Neil pointed out an error in the review letter from Hunter Whitehill of McKenna, item 5 should read "Rezoning the land to GB (General Business) is more appropriate than amending the list of uses in the LB (Local Business) district".

Public participant #1 asked what Planned Business zoning was used for.

Public participant #2 stated that he believed that Black Rock owns the property to the east of this parcel.

Commissioner Dehart inquired about the zoning of the other parcels that the applicant owns to the west of this parcel.

Director O'Neil explained that the parcel to the east that is owned by the applicant is zoned General Business.

Chairperson Anderson asked if it was known where on the parcel the applicant intends on building the restaurant.

Director O'Neil stated that there has been no official site plan submitted but he understands that they plan to build closer to the corner of Highland and White Banks Blvd.

Commissioner Slicker asked what the total acreage is of all of the parcels.

Director O'Neil stated that he believes it is approximately 3 acres.

Commissioner Seward stated that there was communication that the applicant was not following through with this project.

Director O'Neil stated that he did not receive any official communication from the applicant about discontinuing the project and the last communication that he had with the applicant was that they were actively planning to move the project forward.

Chairman Anderson opened public hearing at 7:24 p.m.

John Hunt of 871 E Oxhill Drive has concerns of parking causing problems at this location and the drainage at the south end of the parcel due to it being a swamp that was filled in with clay years ago. He would like to see that section of the parcel returned to residential.

Ed Blanker of 847 E Oxhill Drive wonders what other businesses might be permitted in this zoning if the applicant doesn't move forward with the project.

Dan Torossian of 860 E Oxhill Dr is also concerned about the drainage issues with the south end of the property if that area is paved. He stated he would be willing to purchase that land to avoid a drainage problem.

Commissioner Anderson closed public hearing at 7:33pm

Director O'Neil listed the uses that would be permitted and the special uses that could be requested, if this rezoning to General Business was approved.

Discussion occurred regarding the buffering that would be required in the site plan should this project move forward and what drainage requirements will be considered.

Chairperson Anderson questioned if whether the applicant not being in attendance would affect the progress of the rezoning request.

Commissioner Seward asked if the parcels had been combined and if a recommendation of rezoning would have negative impacts if the applicant does not follow through with the project or if there is a benefit to leaving it Local Business.

Director O'Neil stated that General Business is a more desirable zoning as there are more extensive uses permitted.

Commissioner Carlock asked if the adjoining parcel to the east should also be rezoned at this time.

Director O'Neil stated that there has been no request by the property owner to rezone that parcel.

Commissioner Ruggles explained the process should the residential neighbors purchase the southern section of the parcel from the current owners and rezone it to residential.

Discussion regarding whether the lot was able to be rezoned as Residential and the process of division and combination of lots.

Director O'Neil stated that the applicants would be encouraged to attend the Township Board meeting on April 19 at 7pm to be available to answer questions from the public.

Commissioner Seward moved forward a favorable recommendation to the Township Board, the rezoning from (LB) Local Business to (GB) General Business for the property described as parcel number 12-23-129-007, (9501 Highland Road) located south of Highland Road and east of White

Banks Blvd, consisting of approximately 1 acre.

**Commissioner Fine supported, and the MOTION CARRIED with a roll call vote (7 yes votes):
(Anderson/yes, Carlock/yes, Dehart/yes, Fine/yes, Ruggles/yes, Seward/yes, Slicker/yes)**

CONTINUING BUSINESS

None

NEW BUSINESS

None

OTHER BUSINESS

None

LIAISON'S REPORT

Commissioner Dehart: Zoning Board of Appeals is planning a special meeting on ordinances; the sign ordinance will be a focus. Feedback was requested from the Planning Commission regarding sign ordinance. The Township Board modified a recommendation from a recent Planning Commission meeting regarding a sign height.

Discussion regarding the consistency of decisions regarding the sign ordinance and necessity for variances to keep the taller height of a sign when modification occur with rebranding.

Director O'Neil suggested that the Zoning Board of Appeals produce a list that states items that need attention for the Planning Commission can review at a later meeting.

Commissioner Carlock: The Parks & Rec Board, Commissioner Carlock wasn't able to attend the last meeting, however, Commissioner Ruggles was present and stated that there were Horse Crossing signs requested of the Road Commission of Oakland County. The Parks & Rec Board could approve a resolution that would be helpful to the process. A resolution would need to be discussed by the Township Board and approval from the Board should help encourage the Road Commission to act on the resolution. The Township Board approved a one-day beer and wine license for the Parks & Rec summer event.

Commissioner Ruggles: The Township Board reviewed the conceptual plan of Pontiac Lake project however the applicants were not present so the review was tabled. The Police Department was approved for new fleet vehicles. Fire Chief John Holland has completed the probationary period and has been approved for a 3-year contract. The purchase of safety equipment, such as defibrillators, by the Fire Department was approved. The Planning Commission recommendation to the Township Board for the Oxbow Lake Private Launch rezoning and site plan was approved. The recommendation by the dangerous buildings officer for the demolition of a residence at 288 Tower Street was approved. The bid was approved for Bob Hoffman's company to proceed with the demolition. Upon inspection of the residence, it was determined that the house could be rehabilitated. Mr. Hoffman's company has purchased the property and will rehabilitate the house. The demolition order was rescinded and Mr. Hoffman was given a timeline to have the rehabilitation complete. There are ongoing negotiations on River Caddis for the Civic Center development.

Commissioner Slicker inquired if the federal Covid funds had been allocated. Director O'Neil stated that the money has been received by the Township but has not been allocated.

PLANNING CONSULTANT'S REPORT

No report

DIRECTOR'S REPORT

Director O'Neil presented that the Parks & Rec Board will begin reviewing their Master Plan update this spring and the Planning Department would begin reviewing the Capital Improvement Plan during the summer and the Future Land Use review would begin in the fall. Mr. O'Neil expects to have a request for proposal to review by May and with the next step being to select a firm and move forward updating Master Plan by fall of 2023. The Elizabeth Lake retail project has no updates to report. The Preserves at Hidden Lake has issues with their site plan and will return to the Planning Commission to request a revised Site Plan review. A project including 406 apartment units and 88 single family residential units at Hill Road and Highland Road is making progress. Comfort Care will likely return at an April meeting with modifications to their site plan which reduced the impact and density. New Hope White Lake will be opening with residents moving in soon. The old Sonic restaurant has been demolished and a mattress store and a Moe's Southwest restaurant will be built on that parcel.

COMMUNICATIONS

Nothing to share

NEXT MEETING DATES: April 7, 2022
April 21, 2022

ADJOURNMENT

**Commissioner Fine moved to adjourn the meeting at 8:20 p.m.
Commissioner Carlock supported and the MOTION CARRIED with a voice vote: 7 yes votes**



MCKENNA

February 21, 2022

Planning Commission
Charter Township of White Lake
7525 Highland Road
White Lake, MI 48383

Subject: Proposed Rezoning of Tax Parcel No. 12-23-129-007
Local Business (LB) to General Business (GB)

Applicant(s): Black Rock White Lake, LLC

Location: 9501 Highland Rd, east of Whitebanks Blvd, south of Highland Rd

Dear Planning Commissioners:

We have received an application from the applicant referenced above to rezone tax parcel 12-23-129-007, known as 9501 Highland Road, consisting of approximately 1.0 acre, from Local Business (LB) to General Business (GB). The site currently contains a single-family home. To the north and east are commercial uses and to the west and south are single family homes.



Source: Oakland County Property Gateway

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235 East Main Street
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Northville, Michigan 48167

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COMMENTS

1. **Existing Conditions.** The conditions of the site and the surrounding area are summarized below:

Location	Existing Land Use	Master Plan	Existing Zoning
Site	Residential	Planned Business	LB
North	Commercial	Planned Business	GB
East	Commercial	Planned Business	LB
South	Residential	Residential Resort	R1-C (single family residential)
West	Undeveloped	Planned Business	GB

2. **Zoning Ordinance.** Section 7.13 of the Zoning Ordinance provides standards for the review of rezoning proposals. The following review criteria are specified in Section 7.13 (A) through (N):

- a. **Consistency with the goals, policies and future land use map of the White Lake Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.** The Future Land Use Map designation for the site is planned business which is consistent with the proposed GB district.
- b. **Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.** The site is presently occupied by a single-family home and there is no evidence of the site's physical, geological, hydrological and other environmental features that would limit the ability for the host of uses permitted in the GB district.
- c. **Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.** While no such evidence has been submitted, we observe that the uses permitted in the LB district do not allow for restaurants with alcohol. Return on investment through developing the property with a restaurant serving alcohol cannot be established with the existing LB zoning.
- d. **The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.** The properties to the north and west of the site are zoned GB General Business. There are single family residential uses to the south. The GB district can be compatible with the surrounding uses and zoning given that extensive landscaping be provided adjacent to residential lot lines during site plan review.
- e. **The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.** We defer to the Township Engineer regarding this matter.
- f. **The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A rezoning traffic study shall be**



prepared as described in Section 6.3, if required based on the standards of Section 6.3.B.i of the Zoning Ordinance. A traffic assessment may be required at the time of preliminary site plan review if a development proposal is submitted in the future.

- g. **The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the township currently zoned and available to accommodate the demand.** It's undetermined at this time if this standard can be met. We defer to the Planning Commission on if a market study should be provided by the applicant.
- h. **The boundaries of the requested rezoning district are reasonable in relationship to its surroundings, and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.** The site only has a lot width of 89 feet which is a non-conformity in the existing LB district and will also be a non-conformity in the proposed GB district. Additionally, with a total of 30 feet required for two side yard setbacks the footprint of the building would be extremely limited. We recommend the parcel be combined with a neighboring parcel prior to being considered for site plan review.
- i. **The requested zoning district is considered to be more appropriate from the township's perspective than another zoning district.** The requested GB zoning district is more appropriate than any another zoning district.
- j. **If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?** Rezoning the land to GB is more appropriate than amending the list of uses in the GB district.
- k. **The requested rezoning will not create an isolated and unplanned spot zone.** The subject site is surrounded by GB zoning to the north and west so the requested rezoning would not create an isolated spot zone.
- l. **The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.** It is our understanding that this request had not been previously made.
- m. **An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.** This standard is not applicable, as the application is not for a conditional rezoning.
- n. **Other factors deemed appropriate by the Planning Commission and Township Board.** If the Planning Commission or Township Board desire information on other considerations related to the proposal, we would be happy to assist them.

RECOMMENDATION

We recommend approval of the proposed rezoning of tax parcel 12-23-129-007, known as 9501 Highland Road, consisting of approximately 1.0 acre, from Local Business (LB) to General Business (GB). based on the following findings of facts:

1. The Future Land Use Map designation for the site is planned business which is consistent with the proposed GB district.
2. There is no evidence of the site's physical, geological, hydrological and other environmental features that would limit the ability for the host of uses permitted in the GB district.
3. The proposed GB district can be compatible with the surrounding uses and zoning given that extensive landscaping be provided adjacent to residential lot lines during site plan review.



4. The requested GB zoning district is more appropriate than any another zoning district.
5. Rezoning the land to GB is more appropriate than amending the list of uses in the GB district.
6. Rezoning the parcel to GB will not result in spot zoning.

If you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,

McKENNA

Hunter Whitehill
Associate Planner

cc: Mr. Justin Quagliata
Ms. Hannah Micallef

CHARTER TOWNSHIP OF WHITE LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
7525 Highland Road, White Lake, Michigan 48383-2900
248-698-3300, Ext. 163

APPLICATION TO REZONE PROPERTY

Date: 1/31/2022

Applicant: BLACK ROCK WHITE LAKE, LLC

Address: 30553 S WIXOM RD #300, WIXOM, MI 48393

Phone No.: 2487700707 Fax No.: _____

E-mail: BRANDENBROOKE@AOL.COM

Applicant's Interest in Property: Rezone from Local Business to General Business

Property Owner: BRANDENBROOKE INVESTMENT CO

Owner's Address: 30553 S WIXOM RD #300, WIXOM, MI 48393


Phone No.: 2487700707 Fax No.: _____

Location of Property: 9501 Highland Rd

Sidwell No(s): 12-23-129-007

Total area of change: 1.0 acres

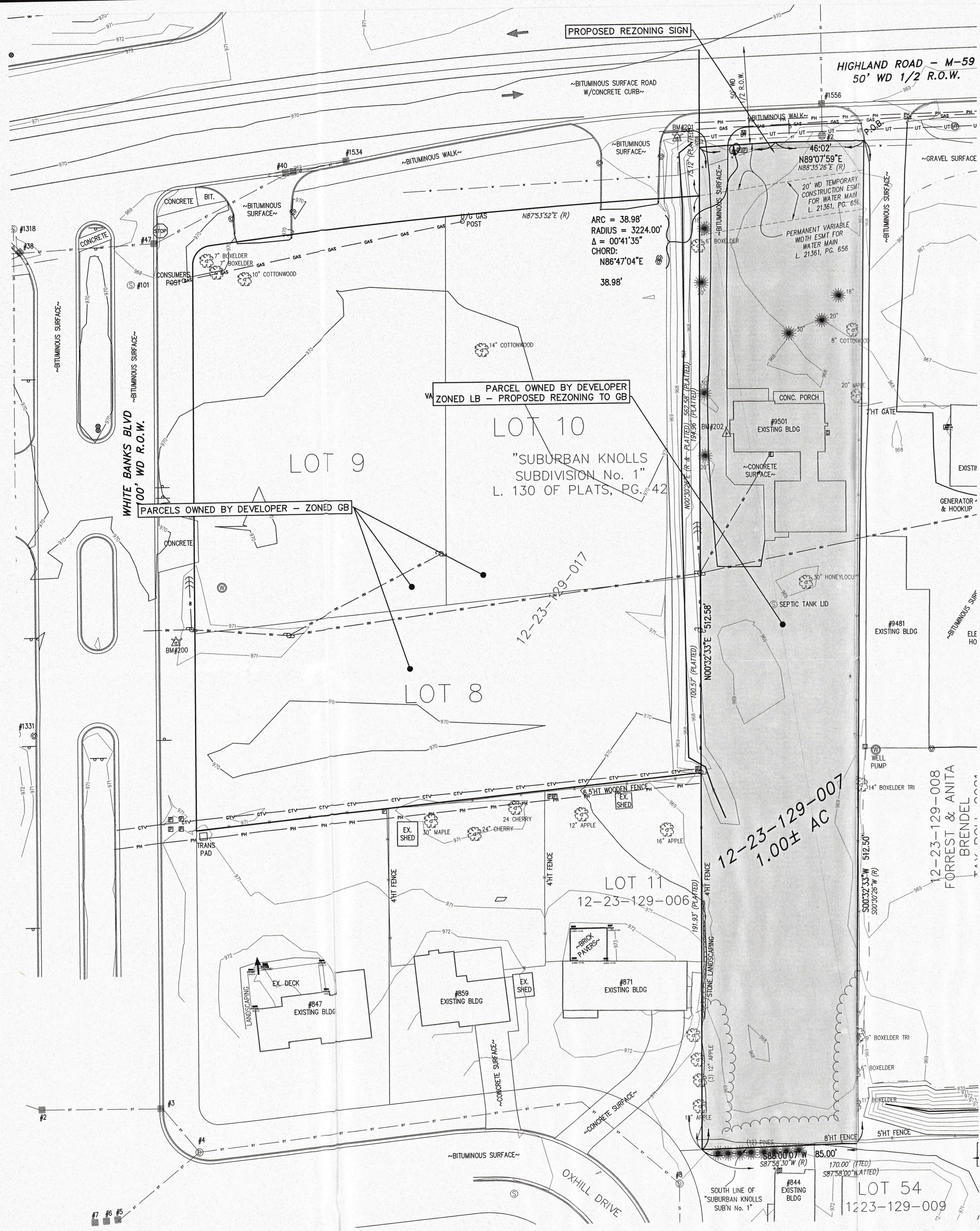
I, the undersigned (owner, attorney, or option holder) hereby request that this property now classified as LB Local Business District, be reclassified as GB General Business District.

Applicant's Signature: 
(If owner does not sign application, attach letter signed by owner, requesting zoning change.)

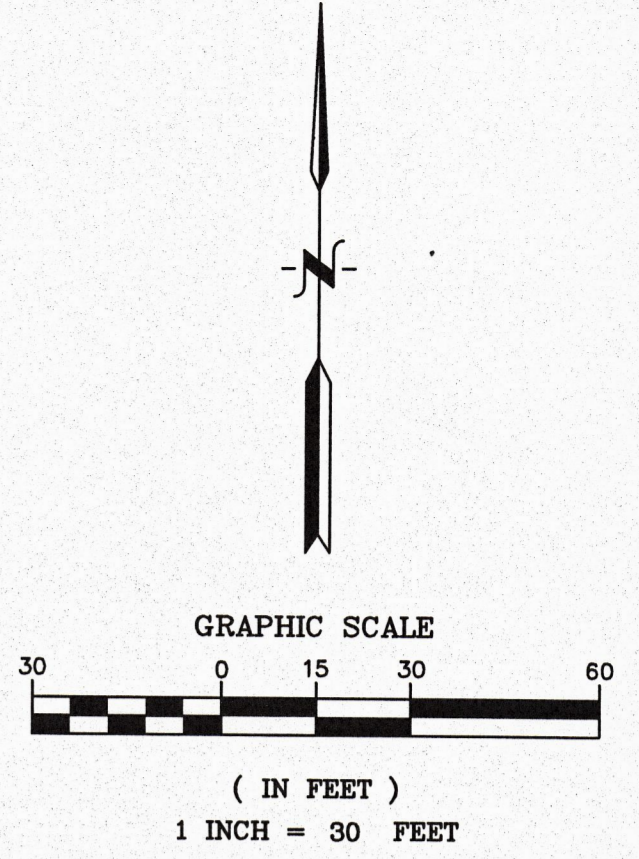
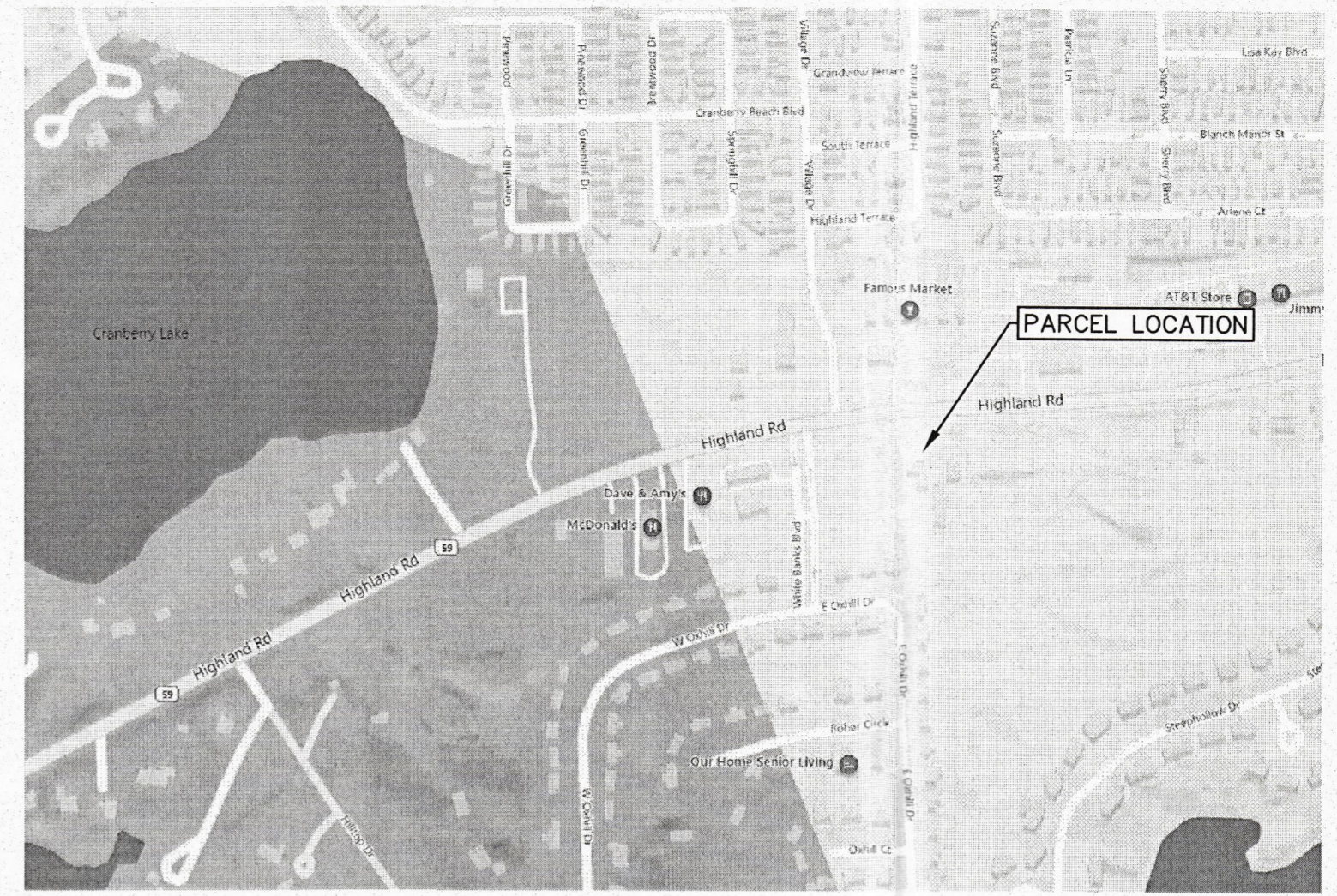
Please Print Name: LONNY MORGANROTH

Required Attachments:

- 1. Legal description of the property proposed to be rezoned.
- 2. Location map
- 3. Rezoning sign location map
- 4. Statement indicating why change is requested
- 5. Review fee (check payable to the Charter Township of White Lake)



AREA MAP



LEGAL DESCRIPTION

Tax ID No.: 12-23-129-007
 Also known as: 9501 Highland Road, White Lake, Michigan

LEGAL DESCRIPTION SUBSEQUENT TO SURVEY

Note: Parcel description covers the same land as that which is described in the description of record and the tax description.
 Commencing at the North 1/4 Corner of Section 23, Town 3 North, Range 8 East, White Lake Township, Oakland County, Michigan;
 thence S00°15'04"W 498.83 feet along the North-South 1/4 line of said Section 23 as previously platted in "Suburban Knolls Subdivision No. 1," part of the Northwest 1/4 said Section 23, according to the plat thereof, as recorded in Liber 130 of Plats, Pages 42 through 44, inclusive, Oakland County Records;
 thence S89°07'59"W 82.72 feet (recorded as S88°35'26"W 85 feet) along the Southerly line of Highland Road a.k.a. M-59 Highway to the PLACE OF BEGINNING;
 thence S00°32'33"W (recorded as S00°30'26"W) 512.50 feet;
 thence along the borders of said "Suburban Knolls Subdivision No. 1" the following two courses:
 1) S88°00'07"W (recorded as S87°58'30"W and platted as S87°58'00"W) 85.00 feet and
 2) N00°32'33"E (recorded & platted N00°30'26"E) 512.58 feet;
 thence along the Southerly line of said Highland Road a.k.a. M-59 Highway the following two courses:
 1) Easterly 38.98 feet along the arc of a 3224.00 foot radius curve to the right, through a central angle of 00°41'35" and having a chord bearing N86°47'04"E (recorded as N87°53'52"E) 38.98 feet and
 2) N89°07'59"E (recorded as N88°35'26"E) 46.02 feet to the Place of Beginning.
 Being a part of the Northwest 1/4 of Section 23, Town 3 North, Range 8 East, White Lake Township, Oakland County, Michigan. Containing 1.00 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

STATEMENT OF REZONING

PARCEL TO BE REZONED FROM LOCAL BUSINESS (LB) TO GENERAL BUSINESS (GB) AND BE COMBINED WITH EXISTING GB PARCELS TO THE WEST. COMBINED PARCEL IS PROPOSED TO ACCOMMODATE A RESTAURANT WITH ALCOHOL SERVICE.

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DRAFT: AJL						
CHECK: WMP						

**LACK ROCK
 WHIT LAKE TOWNSHIP**

**REZONING APPLICATION
 ATTACHMENT**

CLIENT:
 BRANDENBROOK INVESTMENTS
 30553 WIXOM ROAD
 WIXOM, MI, 48393

SCALE: 1" = 30'
 PROJECT No.: 214182
 DWG NAME:
 ISSUED: 01/31/22

**WHITE LAKE TOWNSHIP
NOTICE OF PUBLIC HEARING**

Notice is hereby given of a public hearing by the White Lake Township Planning Commission on **Thursday, March 17, 2022 at 7:00 P.M.** at the Township Annex, 7527 Highland Road, White Lake, Michigan 48383, to consider the following changes to the zoning map:

Property described as parcel number 12-23-129-007 (9501 Highland Road), located south of Highland Road and east of White Banks Blvd, consisting of approximately 1 acre.

Applicant requests to rezone the parcel from **(LB) Local Business to (GB) General Business** or any other appropriate zoning district.

Persons interested are requested to be present. Pertinent information relative to this rezoning request is on file at the Community Development Department and may be examined at any time during regular business hours of 8:00 a.m. to 5:00 p.m. Persons interested may visit the Community Development Department, contact the Community Development Department by telephone at 248-698-3300, ext. 5, or attend the Public Hearing on the date specified. Written comments are also welcome at 7525 Highland Road, White Lake, MI 48383. Individuals with disabilities requiring auxiliary aids or services should contact the Clerk's Office at least 5 days before the hearing.

Sean O'Neil, AICP
Community Development Director