

WHITE LAKE TOWNSHIP PLANNING COMMISSION

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission

FROM: Sean O'Neil, AICP, Community Development Director
Justin Quagliata, Staff Planner

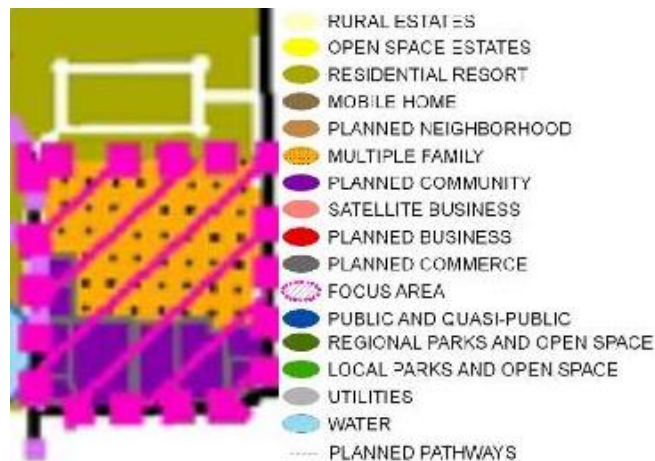
DATE: April 14, 2021

RE: 1392 S. Williams Lake Road (Parcel Number 12-36-476-002)
Rezoning – Review #1

Justin Jundy has requested the rezoning of approximately 2.50 acres located at 1392 S. Williams Lake Road from AG (Agricultural) to RM-1 (Attached Single-Family). The site is located on the west side of Williams Lake Road, north of Cooley Lake Road and contains approximately 386.60 feet of frontage on Williams Lake Road.

The Future Land Use Map from the Master Plan designates the subject site in the Multiple Family category. This category may be characterized by owner-occupied duplexes, townhomes, stacked ranches, and flats, as well as traditional multi-family rental apartments. Densities are expected to range between 6.0 and 10.0 units per acre, based upon the product type, zoning classification, and approved development plan.

FUTURE LAND USE MAP



Zoning

The subject site is currently zoned AG, which requires a minimum of 300 feet of lot width and five (5) acres of lot area. The requested RM-1 zoning district requires a minimum of 100 feet of lot width, 10,000 square feet of lot area for the first unit with each additional unit requiring additional lot area (as promulgated by Article 3, Section 1.8.E of the zoning ordinance). With approximately 386.60 feet of lot width on Williams Lake Road and 2.50 acres of lot area, the site does not comply with the lot area requirement of the AG district. However, the site meets the minimum standards for both lot area and lot width of the proposed RM-1 zoning district. The following table illustrates the lot width and lot area standards for the existing AG and proposed RM-1 zoning districts:

ZONING DISTRICT	LOT WIDTH	LOT AREA
AG	300 feet	5 acres
RM-1	100 feet	10,000 square feet, plus additional area based on the number of units

ZONING MAP



Physical Features

A single-family house occupies the center portion of the parcel, and topography of the site is generally level. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) Wetland Map and the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map indicate neither wetlands nor floodplain are present on or near the site.

Access

The site fronts on Williams Lake Road, which along the subject property is a three-lane (center turn lane) public road with curb and gutter designated a principal arterial by the National Functional Classification System (NFCS) utilized by the Road Commission for Oakland County (RCOC). The most recent (2016) traffic count information from the Southeast Michigan Council of Governments (SEMCOG) Regional Traffic Count Database for Williams Lake Road, from Cooley Lake Road to Elizabeth Lake Road, showed a total of 16,400 vehicles in a 24-hour period.

Utilities

Municipal water and sanitary sewer are available to serve the site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Township Engineering Consultant at the time of a development submittal.

Staff Analysis

In considering any petition for an amendment to the zoning map, the Planning Commission and Township Board must consider the following criteria from Article 7, Section 13 of the zoning ordinance in making its findings, recommendations, and decision:

- 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 from the Master Plan designates the subject site in the Multiple Family category, which aligns with the proposed RM-1 zoning 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. If the property is rezoned to RM-1, it would not directly or indirectly have a substantial adverse impact on the natural resources of the Township.*
- 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. No such evidence has been submitted.*
- 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 majority of the permitted and special land uses in the RM-1 district are compatible with the surrounding uses and the nature of the uses anticipated in the Township Master Plan. Only the Township Assessor may provide comment on property values.*

- E. *The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.* The site is in an area intended to be serviced by public water and sanitary sewer. The Community Development Department defers to the Director of Public Services and Township Engineering Consultant on 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 revised rezoning traffic study shall be prepared as described in Article 6, Section 3 of the zoning ordinance.**
- 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.* Evidence of the demand in the Township for additional multiple-family rental units has not been submitted. However, the location is appropriate for owner-occupied attached single-family, given the traffic, residential units, and general density in the area.
- 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 subject property is adjacent to RM-1 zoned property on all sides. The applicant provided a concept plan showing one, 16-unit building (two bedrooms per unit) on the east side of the site. Parking is shown on the west side of the building, with two driveways accessing Williams Lake Road at the north and south ends of the site. The applicant did not volunteer conditions on the rezoning related to the concept plan. Site plan review and approval would be required from the Planning Commission and Township Board to construct the building. The concept plan is not under consideration by the Township, and it was not reviewed for compliance with applicable zoning ordinance requirements. Other factors that may impact future development of the site, such as, but not limited to, soils, topography, site layout, stormwater/drainage, and utilities would be considered at the time of a development proposal.
- I. *The requested zoning district is considered to be more appropriate from the township's perspective than another zoning district.* The uses allowed in the RM-1 district are appropriate for the site.
- 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 would be the most appropriate way to allow for the proposed use. Amending the AG zoning district to allow attached single-family would not be advised.
- K. *The requested rezoning will not create an isolated and unplanned spot zone.* The site is entirely surrounded by RM-1 zoning.

- L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided. This request is a new application. The applicant previously proposed rezoning the subject property to RM-2 (Multiple Family). After consultation with staff and consultants, the applicant amended their application to request RM-1 zoning.*
- 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.*
- N. Other factors deemed appropriate by the Planning Commission and Township Board. The Planning Commission and Township Board could also consider other factors which may be relevant to the rezoning request.*

Rezoning the property from AG to RM-1 will render the current single-family use of the property nonconforming, as detached single-family dwellings are not permitted in the RM-1 district. Nonconforming uses of land and nonconforming structures cannot be altered, enlarged/increased, or extended. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it may be structurally altered as permitted by the Building Official to restore it to a safe condition provided the cost of such work does not exceed 50 percent of the State Equalized Valuation of such building or structure at the time such work is done.

Planning Commission Options

The Planning Commission may recommend approval or denial of the rezoning request, or it may recommend a different zoning designation than proposed by the applicant to the Township Board. **Staff recommends approval of the rezoning from AG to RM-1. Prior to scheduling a public hearing on the request, a revised rezoning traffic study shall be prepared as described in Article 6, Section 3 of the zoning ordinance.**