

**CHARTER TOWNSHIP OF VAN BUREN**  
**PLANNING COMMISSION AGENDA**  
Wednesday, February 24, 2016 – 7:30 PM  
Board of Trustees Room

**CALL TO ORDER:**

**PLEDGE OF ALLEGEANCE:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**MINUTES:**

Approval of minutes from the regular meeting of January 27<sup>th</sup>, 2016.

**CORRESPONDENCE:**

**PUBLIC COMMENT (Non-Agenda Items):**

**OLD BUSINESS:**           None

**NEW BUSINESS:**

**ITEM #1:**           16-004 - Temporary Land Use

**TITLE:**           The applicant, Phantom of Michigan, is requesting final approval to hold “tent” sales of retail goods beyond the seven consecutive days allowed as-a-right in the zoning ordinance for temporary land use under section 4.44 of Township zoning ordinance 06-02-92, as amended.

**LOCATION:**       This site is located in the Lakewood Shopping Plaza at 2095 Rawsonville Road. The subject location is on the eastside of Rawsonville road, south of the I-94 Service Drive.

- A. Presentation by the applicant.
- B. Presentation by Township Staff.
- C. Planning Commission discussion.
- D. Planning Commission considers action on Final Approval.

**ITEM #2:**           Belleville Lake Shoreline Districts Ordinance

**TITLE:**           Consider amending the text of the Van Buren Charter Township Zoning Ordinance No. 6-2-92 by adding a new article, XVIC, Belleville Lake Shoreline Districts, sections 16.01c. – 16.06c

- A. Open Public Hearing
- B. Public Comment
- C. Close Public Hearing.
- D. Planning Commission discussion.

**ITEM #3:** 14-022 - Town Place Suites

**TITLE:** The applicant, Belleville Development, Inc., is requesting Preliminary Site Plan Approval to construct a hotel and site improvements as required in section 12.02 of the Zoning Ordinance 06-02-92, as amended.

**LOCATION:** Parcel numbers **V-125-83-064-99-0002-002**, also known as 11105 Quirk Road, and **V-125-83-064-99-0002-003**, which is vacant, are the two (2) subject parcels of this project. Parcel V-125-83-064-99-0002-002 measures approximately 7.421 acres and Parcel V-125-83-064-99-0002-003 measures approximately 3.895 acres. These parcels are located northeast of the intersection of Quirk Road and N. I-94 Service Drive.

- A. Presentation by the applicant.
- B. Presentation by the Township staff.
- C. Planning Commission discussion.
- D. Planning Commission considers approval of Preliminary Site Plan.

**NON-AGENDA ITEMS:**

**ADJOURNMENT**

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
JANUARY 27, 2016  
MINUTES - Draft**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Kelley, McKenna, Budd, Boynton, Jackson and Thompson.

**Excused:** Franzoi.

**Staff:** Deputy Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Patrick Sloan.

**Audience:** Five (5).

**APPROVAL OF AGENDA:**

Motion Boynton, Kelley second to approve the agenda of January 27, 2016 as presented. Motion Carried.

**APPROVAL OF MINUTES:**

Motion Kelley, Boynton second to approve the special meeting minutes from December 2, 2015 and regular meeting minutes from December 9, 2015 as presented. Motion Carried.

**CORRESPONDENCE:** None.

**NEW BUSINESS:**

**ITEM # 1**                    **15-014 Site Plan Amendment**

**TITLE:**                    **THE APPLICANT, TRILOGY RESIDENCES, LLC, IS REQUESTING AN AMENDMENT TO THEIR APPROVED SITE PLAN FOR THE CONSTRUCTION OF A CLUBHOUSE AND SWIMMING POOL IN THE SAME AREA. THE PROPOSED CLUBHOUSE AND SWIMMING POOL, WHICH ARE ACCESSARY TO THE EXISTING APARTMENT HOUSES, ARE SPECIAL LAND USES IN THE RM, MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT. A SPECIAL LAND USE PERMIT FOR THIS PROJECT WAS APPROVED BY THE TOWNSHIP BOARD OF TRUSTEES ON OCTOBER 20, 2015.**

**LOCATION:**                **PARCEL TAX ID NUMBER V-125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THE SITE IS LOCATED ON THE WEST SITE OF INDEPENDENCE LANE, NORTH OF THE I-94 SERVICE DRIVE.**

Deputy Director Best discussed the site plan amendments requested by the applicant that are to reduce the size of the swimming pool by almost half the size, change the shape of the hot tub from round to square and an addition of 2 feet to the size of the storage shed.

The applicant expressed the smaller size to the pool to be more manageable and the need for additional storage space by increasing the storage shed size.

No comments from the commission or the audience.

**Motion Kelley, Budd second to approve the amendment of the site plan to allow a smaller pool (1,200 sq. ft.), square shaped hot tub and add two (2) feet added to the storage shed, site located at 41500 Belleridge Boulevard referencing Director Akers review letter dated 1-22-16. Motion Carried. (Letter attached)**

**ITEM # 2 MEDICAL MARIHUANA ZONING ORDINANCE AMENDMENT**

Patrick Sloan of McKenna Associates discussed the purpose of the medical marihuana moratorium, the subcommittee work involved, a tour of a dispensary in Ypsilanti and the medical marihuana zoning ordinance amendment presented in his review letter dated 1-22-16 recommending the Planning Commission schedule a public hearing for February 24, 2016.

Commissioners discussed the application process for growers/dispensaries, the tour of the Ypsilanti dispensary, how often dispensaries are inspected, the officer's relationship with the caregivers and facility appearance.

A public hearing for medical marihuana ordinance will be scheduled for the first Planning Commission meeting in March.

**ITEM # 3 YEAR END REPORT**

Deputy Director Best presented the Year End Report prepared by Director Akers for the commissions review and approval.

No comments from the Commission or the audience.

**Motion Boynton, Kelley second to accept, approve and file the Year End Report prepared by staff. Motion Carried.**

**ITEM # 4 PUBLIC OUTREACH AND TIME TABLE FOR LAKE SHORE ZONING ORDINANCE AMENDMENT**

Deputy Director Best discussed the schedule for the Lakeshore Ordinance outreach to the public:

Lakeshore Ordinance Public Informational Meeting – February 17<sup>th</sup>, 2016 at 7:00 p.m.

Lakeshore Ordinance Open House – February 22<sup>nd</sup> and 23<sup>rd</sup>, 2016 from 12:00 p.m. – 4:00 p.m.

Lakeshore Ordinance One on One Informational Meetings – February 22<sup>nd</sup> and 23<sup>rd</sup>, 2016 from 6:00 p.m. – 9:00 p.m.

Lakeshore Ordinance Public Hearing at the Planning Commission – February 24<sup>th</sup>, 2016 at 7:30 p.m.

Director McCracken will air the Lakeshore Ordinance PowerPoint presentation on VBTv12 and the paper of record will have the Lakeshore Ordinance outreach schedule published.

**GENERAL DISCUSSION:**

Chairperson Thompson announced Commissioner McKenna is stepping down from the Planning Commission. Commissioners commended McKenna for his many years of service and for being an asset to the Planning Commission. Commissioner McKenna will be serving as an alternate to the Board of Zoning Appeals and Commissioner Kelley is stepping in to serve as the Planning Commission representative to the Board of Zoning Appeals.

**Motion Boynton, McKenna second to adjourn at 8:26 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



# Memo

**TO:** Van Buren Township Planning Commission

**FROM:** Matthew R. Best - Deputy Director of Planning and Economic Development

**RE:** Review of Temporary Land Use Request #TLU16-004 – Phantom Fireworks  
Agenda Item for February 10<sup>th</sup>, 2016

**DATE:** February 2<sup>nd</sup>, 2016

Phantom of Michigan, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Lakewood Shopping Plaza at 2095 Rawsonville Road. The use is proposed to be from June 15, 2016 through July 5, 2016, 10:00 a.m. to 10:00 p.m. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

In reviewing past applications for this temporary land use, the current application and the requirements of Section 4.44 for temporary use approval, the following comments are pertinent to the Planning Commission.

**1. Adequacy of parking and access (Section 4.44.c.1)**

The site currently has 877 public parking spaces, 31 of which are handicapped reserved. The tent, portable storage container, and surrounding space will only remove approximately 39 regular parking spaces, The site will still have adequate parking while the temporary land use is ongoing.

**2. Adequate drainage (Section 4.44.c.2)**

The site is in an existing parking lot that already has storm water drainage. The tent and storage container will not affect the amount of impervious surface or water that would be diverted into the storm system.

**3. Compatibility with surrounding land uses (Section 4.44.c.3)**

The proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the uses are compatible.

**4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 4.44.c.4)

The tent and portable storage container are temporary in nature and tent sales regularly take place in parking lots, so no impacts are expected to the surrounding sites.

**5. Sufficient setbacks from road right-of-ways and lot lines** (Section 4.44.c.5)

The sales area is setback 58 feet from the right-of-way of the South I-94 Service Drive and 30 feet from the adjoining outlot of the plaza to the east.

**6. Adequate utilities** (Section 4.44.c.6)

Phantom will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements.

**7. Trash disposal and site clean-up** (Section 4.44.c.7)

Phantom will be responsible for all trash disposal and site clean-up in relation to their agreement with Schostak Brothers and Company, managing agent for Lakewood Shopping Center.

**8. Sanitary facilities** (Section 4.44.c.8)

Due to the short nature of the customer shopping, no sanitary facilities will be provided.

**9. Hours of operation** (Section 4.44.c.9)

From 10:00 a.m. to 10:00 p.m. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses. However, we are not aware of any complaints with Phantom closing at 10:00 p.m. in previous years, so the hours of operation are reasonable.

**10. Outdoor light and signs** (Section 4.44.c.10)

No exterior lights are provided. Interior lights will be hung by the tent company. The Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Phantom requests a banner to measure 5' x 16' (80 sq. ft.). Phantom's temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.

**11. Other licenses and permits required** (Section 4.44.c.11)

A current Consumer Fireworks Retail Facility: Non-Permanent license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshall shall be separately issuing a review letter.

**12. Potential noise, odor, dust, and glare** (Section 4.44.c.12)

The proposed temporary use should not increase the noise, odor, dust or glare from their use.

**13. Fire lanes, fire protection, and security** (Section 4.44.c.13)

The Van Buren Fire Marshall shall review the application for adequacy of fire lanes and fire protection. The site will be staffed with 3-6 employees during open hours. During non-operating hours, all products will be returned to their fire-proof storage unit and locked up until the materials are returned for redisplay the following day.

**14. Off-site impacts of traffic volumes** (Section 4.44.c.14)

The roads in the immediate vicinity are major Township roads, and this temporary use will not impact their flow or travel volumes.

**15. Necessity of performance bond to ensure prompt removal** (Section 4.44.c.15)

The property owner will be responsible for ensuring the site is returned to its pre-sale condition.

**16. Other concerns which may impact the public health, safety, or general welfare** (Section 4.44.c.16)

There are no additional concerns; however, the applicant is subject to the regulations of Act 256 and applicable regulations of the Fire Department.

**Recommendation**

This will be the fifth (5<sup>th</sup>) year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place in the previous years. Per my review of the application, I recommend approval of this application subject to the following three (3) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
3. That all proposed signage comply with the Zoning Ordinance.

Respectfully submitted,

Matthew R. Best, M.S.  
Deputy Director  
Planning and Economic Development  
Van Buren Township

David C. McNally II  
Fire Marshal  
O: 734-699-8900 ext9416

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



February 8, 2016

Director of Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Phantom of Michigan Fireworks Temporary Land use TLU16-004

I have reviewed the plans submitted to my office on February 4<sup>th</sup> and found their application is in compliance of the state regulations for fireworks sales. They are also following NFPA 1123, 1124 and 1125 as well.

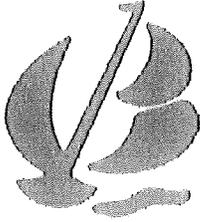
The Van Buren Fire Department has an approved agreement with the State of Michigan to inspect all permitted fireworks sites in Van Buren Township. These inspections will be conducted by the fire marshal's office, with those inspection reports going to the state for verification or enforcement if required.

The fire department requires involvement in the final inspection process and will verify compliance with the appropriate codes. Review and approval with conditions by the Authority Having Jurisdiction, shall not relieve the applicant of the responsibility of compliance with these Codes.

Respectfully Submitted,

David C. McNally II  
Fire Marshal

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.



**CHARTER TOWNSHIP OF AN BUREN  
APPLICATION FOR  
TEMPORARY LAND USE/SPECIAL EVENT  
46425 TYLER ROAD  
BELLEVILLE, MI 48111**

DATE: 12/15/15

BUSINESS NAME: Phantom of Michigan, INC dba Phantom Fireworks

CONTACT PERSON: Richard Tapper PHONE # 330-559-0776

SUPERVISOR FOR SITE: Richard Tapper PHONE # 330-559-0776

EVENT TITLE: Fireworks

TYPE OF EVENT: Tent Sale DATE(S): June 24-July 5 2016

LOCATION OF EVENT: Parking Lot

ADDRESS OF LOCATION: 2095 Rawsonville Road, Belleville Mi. 48111 Lakewood Shopping Center

PROPERTY OWNER REPRESENTATIVE: Dorian Kilgore PHONE # 734-245-0900

ARE SIGNS PROPOSED FOR ADVERTISING:  YES  NO IF YES, INCLUDE LOCATIONS & DETAILS

OTHER 1 banner 5'X16 banner on tent ropes, same as the last 4 season

IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:  
IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ \_\_\_\_\_ BOND FEE \$ \_\_\_\_\_ TOTAL \$ 1250

Richard Tapper  
(SIGNATURE OF APPLICANT)

1/25/16  
(DATE SIGNED)

\_\_\_\_\_  
(APPROVED BY)

\_\_\_\_\_  
(DATE SIGNED)

MATT

**B.J. ALAN COMPANY**

VENDOR #: 299203 510759

| INVOICE NO | DESCRIPTION | INVOICE DATE     | INVOICE AMOUNT | DISCOUNT TAKEN | AMOUNT PAID  |
|------------|-------------|------------------|----------------|----------------|--------------|
| 164310007  | 00583946    | 12/28/15         | 1250.00        |                | 1250.00      |
| CHECK DATE | CHECKING    | PAYEE            | TOTALS         | DISCOUNT TAKEN | CHECK AMOUNT |
| 1/20/16    |             | CHARTER TOWNSHIP | 1250.00        |                | 1250.00      |

**B.J. ALAN COMPANY**  
**PHANTOM FIREWORKS**  
 555 MARTIN LUTHER KING JR. BLVD.  
 YOUNGSTOWN, OHIO 44502-1102  
 330-746-1064

First Niagara Bank

510759

DATE 1/20/16

**PAY TO THE ORDER OF** CHARTER TOWNSHIP OF VAN BUREN  
 ONE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS

\$ \*\*\*\*\*1,250.00

CHARTER TOWNSHIP OF VAN BUREN  
 46425 TYLER ROAD  
 BELLVILLE, MI 48111  
 USA

*Barbara J. Zoller*  
 AUTHORIZED SIGNATURE

B.J. Alan Company is acting as disbursal agent for the invoice noted on the attached remittance form. No contractual obligation is to be assumed to B.J. Alan Company by virtue of the issuance of this check. DETAILS ON BACK

⑈510759⑈ ⑈021372953⑈ 7904407317⑈

Customer: Special: 0000000

First Name: phanham litowicki

Last Name: phanham litowicki

Address 1:

Address 2:

City:

State:

ZIP:

Account Category: Direct Manager/Notice

S: System: Cust: 0000000 AcctDate: 1/1/17 Type: Amount Due: \$0.00 Account Pay: Description: 01-000-001-000 01-000-001-000 01-000-001-000

Receipt Information

Receipt No: 00007250

Date: 2/13/2015

Total Due: \$1,250.00

Total Payment: \$1,250.00

Change Owed: \$0.00

Payments:

Amount: \$1,250.00 Pay Method: check Reference: 366093

Comments:

plan / end program



Property Lakewood Shopping Center  
Address: 2095 Rawsonville Road, Belleville, Mi. 48111

Landlord Lease Terms: June 15<sup>th</sup>, 2016 through July 15<sup>th</sup>, 2016

Hours of Operation: June 24<sup>th</sup> – July 5<sup>th</sup> 10:00am –10:00pm

Size of Equipment: Flame Retardant Tent: 40' x 40'  
Fire Proof Storage Unit 8'X 40'

Use Clause: The retail sale of consumer sparklers, novelties, and Class C fireworks as permitted by the state of Michigan.

Insurance: \$10 million dollars in product, personal and property liability.

Participants-3-6 people

We follow NFPA 1123, 1124, and 1125 regulations.

Thank You,

Richard Tapper  
State Regional Manager/ Michigan  
330-559-0776

**B.J. ALAN COMPANY**  
**PHANTOM OF MICHIGAN, INC**  
555 Martin Luther King Jr. Blvd. Youngstown, OH 44502  
330-746-1064

**PROPERTY PERMISSION FORM**

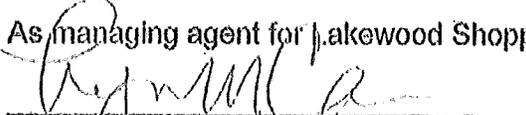
The undersigned, owner and/or controlling party, of the property listed below hereby grants permission to Phantom of Michigan, INC dba, B.J. Alan Company to use the property for the temporary sale of fireworks at the following location:

**Name:** Lakewood Shopping Center **Parcel No:**  
**Address:** 1-94 and 2095 Rawsonville Road  
**City:** Belleville **ST:** MI **Zip:** 48111 **County:** Wayne

This Temporary Use Permission Form is for the purposes of obtaining state and local licenses, permits, and other uses pertinent to the retail sale of Class C state approved fireworks at the location for the 2016 season.

Schostak Brothers & Co., INC

As managing agent for Lakewood Shopping Center LLC

  
\_\_\_\_\_  
Signature

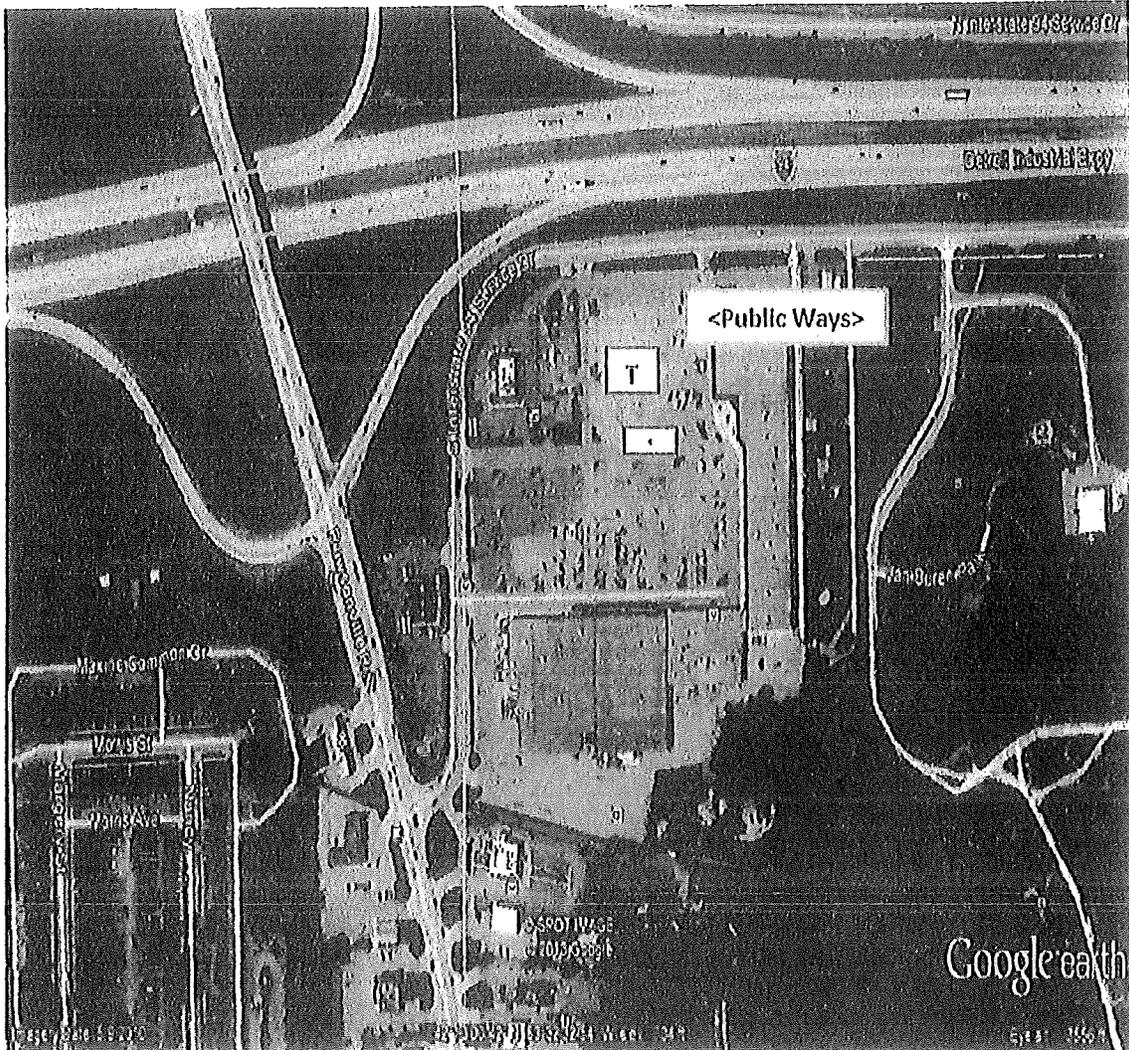
Lynore M. Clark, CSM, CRX  
Name - Please Print - Property Owner/Controller of Property

Schostak Brothers & Co., Inc / Portfolio Manager  
Company/Title

12-14-15  
Date



Van Buren Twp, I-94 & 2095 Rawsonville Road Lakewood Center 48111.



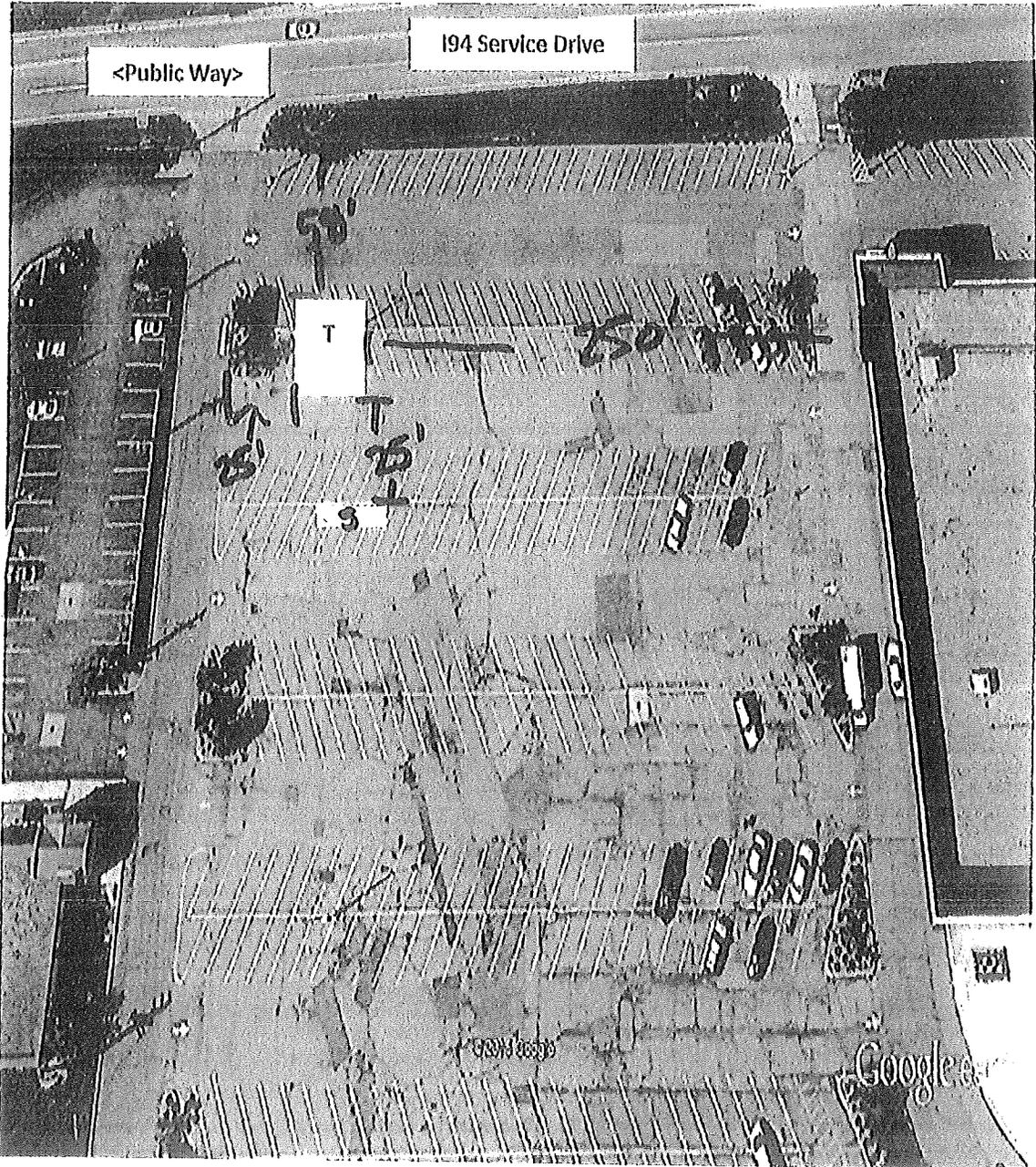
T- PoleTent 40'X40' S- Storage Unit 8'X40' X- Generator  
There are no gas stations, propane stations, flammable gas bulk dispenser, etc on this property or surrounding properties within 300 feet.

Over 800 parking spaces available on the asphalt, using 30 parking spaces

There are public ways within 150 feet of the tent and storage unit.

X \_\_\_\_\_

*NEXT PAGE FOR DIMENSIONS*

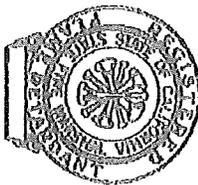




# Certificate of Flame Resistance

REGISTERED APPLICATION NUMBER

F121.4



MANUFACTURERS OF THE FINISHED TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described have been flame-retardant treated (or are inherently nonflammable) and were supplied to:

S & R TENT  
30124 CALAHAN

ROSBVILLE

MI

48065

Certification is hereby made that:  
The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with California Fire Marshal Code, equal to exceeds NFPA 701, CPAI 84, ULG 109.  
The method of the FR chemical application is:

Serial #:

(0001)

Description of item certified:

40 X 40 Party Mate Tent

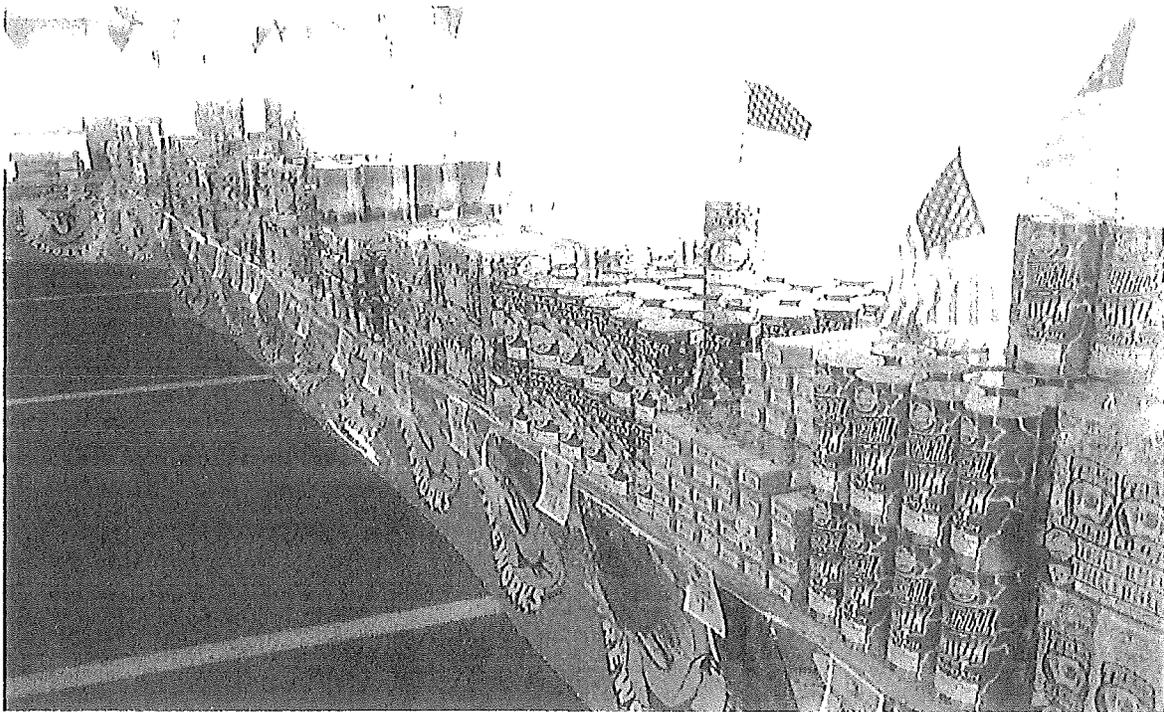
**Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric**

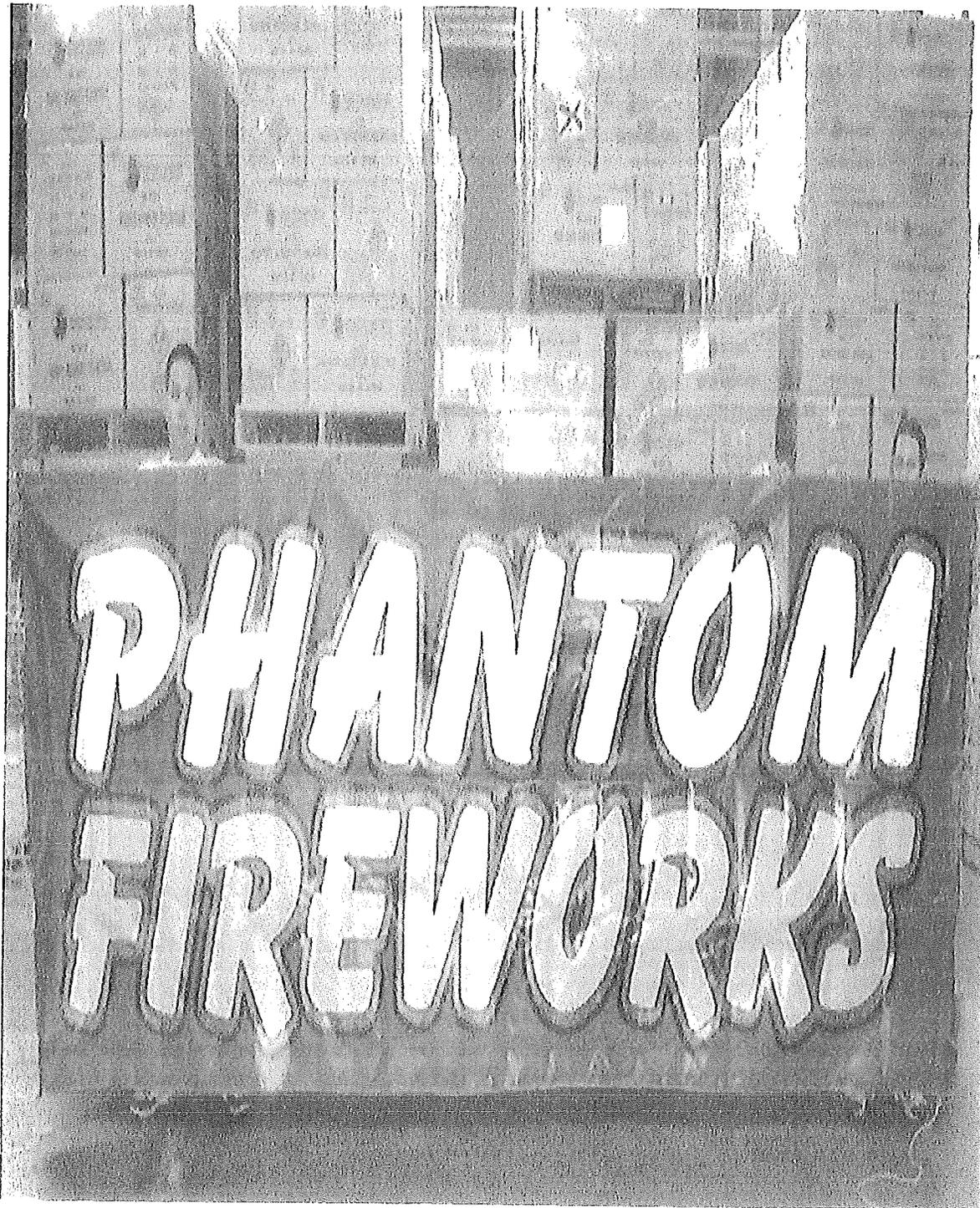
JOHN BOTTLE & CO  
STATESVILLE, NC

Name of Applicator of Flame Resistant Finish

Date of Manufacture  
4/22/98

Order Number  
183683



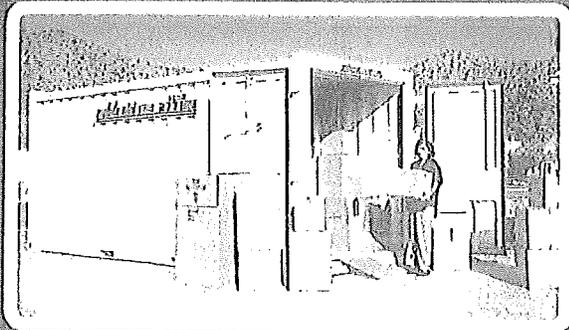


Sign Banner on Tent- Tent is 18' High  
5'X16'

**mobile mini, inc.**  
The Storage & Office Solutions Specialists

**1-800-950-6464**  
[www.mobilemini.com](http://www.mobilemini.com)

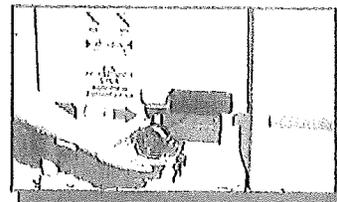
## PORTABLE STORAGE CONTAINERS



- Container delivered to your home or business provides secure & convenient ground level access.
- Units available with shelving and painted light beige for quality appearance.
- All steel containers include your choice of patented door & locking systems.
- Easy opening, waist high, single lever doors on one end, both ends or sides.
- Sizes range from 10' to 40' lengths and 8' or 10' widths.

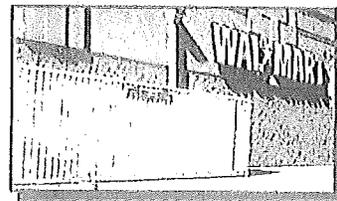
### ANYONE CAN SELL STORAGE - WE SELL SECURE STORAGE!

Our patented high security locking system includes three solid interior locking bars, padlock pocket and concealed lever lock. It also utilizes Mobile Mini's exclusive high security ContainerGuard Lock™.



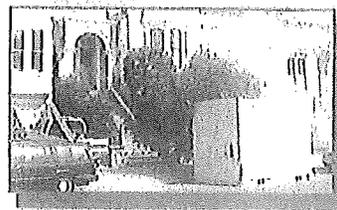
### COMMERCIAL APPLICATIONS Trusted for Over 25 Years

Ideal for job site, additional warehouse or seasonal storage needs. Mobile Mini's secure containers are available in 100 different sizes and configurations to meet your needs at your location. Our high security containers are used by over 100,000 customers nationwide.



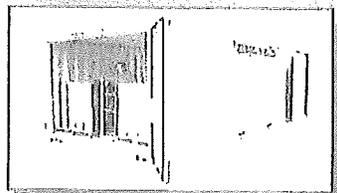
### RESIDENTIAL APPLICATIONS Storage Made Easy

Ideal for home remodels! A Mobile Mini storage container delivered to your home provides easy and convenient, ground-level access and easy opening doors. Our hassle free low cost service allows you to access your belongings anytime at your location and eliminates the need to rent a truck or drive to a self storage facility.



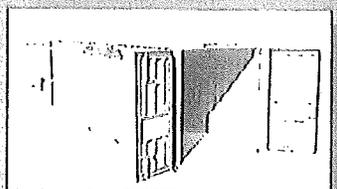
### WIDER IS BETTER 10' Wide Storage Units

An exclusive Mobile Mini product, our extra-wide storage units are ideal for palletized storage. 20% more square footage, but 40% more usable space compared to a standard 8' wide unit! Units are 10' wide and available in lengths of 18' or 25'.



### DOORS WHERE YOU NEED THEM Maximize your Storage Space

Our standard containers are equipped with our exclusive high security doors on one end. We also offer rental units with our doors on both ends or on the sides for efficient storage and convenient side or end access. Side door configurations are available with one to four side-able doors. The choice is yours!





# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR  
Linda H. Combs

CLERK  
Leon Wright

TREASURER  
Shirley A. Budd

TRUSTEE  
Phillip C. Hart

TRUSTEE  
Jeffrey L. Jahr

TRUSTEE  
Brenda J. McClanahan

TRUSTEE  
Reggie Miller

February 19, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: Belleville Lake Shoreline Districts Ordinance**

Dear Commissioners:

The Township gave a presentation outlining the proposed Belleville Lake Shoreline Districts Ordinance to the Belleville Yacht Club and held a public presentation/informational session here at Township Hall. Both meetings were well attended, with close to eighty (80) people showing up to each. During those meetings there have been several comments and questions which were presented to staff regarding the proposed ordinance. I have attached to this letter a summary of some of the questions and comments received at those two (2) meetings.

The most frequent comment/concern received, which was specific to the proposed ordinance, was focused on the provisions of the ordinance which stated that no buildings or structures were vested on Township owned property and that the Township could force the removal of buildings or structures at any time without cause and place a lien upon the adjacent property for the cost of removal (section 16.04C.a). While there was language built into the proposed ordinance to address lawful existing uses, many of the people who attended the presentations felt that a written clarification in the proposed ordinance was needed to further define what the specific meaning of "lawful existing" is.

Another comment/concern which was commonly received was that members of the public felt that additional public input should have been sought during the development stages of the proposed ordinance. Many of the residents who attended the two (2) meetings were concerned regarding the amount of authority the proposed ordinance gave the Township and potential long term impacts of this authority.

### RECOMMENDATION

Based on the items listed above and comments received in the public informational meetings, it is clear that the majority of the residents who reside around the lake have serious concerns regarding the provisions of the proposed ordinance. It is my belief that at this point in order to address the issues and problems that the proposed ordinance was intended to resolve, the Township will need to make further efforts to work with residents and stakeholders to come to a mutually agreeable solution.

Our recommendation is to remove the proposed Belleville Lake Shoreline Districts Ordinance from consideration after receiving public comment at the Planning Commission meeting.

Respectfully submitted,

Ron Akers, AICP  
Director of Planning & Econ. Development  
Charter Township of Van Buren

Matthew Best, M.S.  
Deputy Director of Planning & Econ. Development  
Charter Township of Van Buren

## Lakeshore Informational Meeting Questions/Comments - Feb 17, 2016 & Belleville Yacht Club – February 16, 2016

1. Why are we doing this?
2. Is this about Money?
3. What is considered a “lawful” structure?
4. Is this going to be a changing document?
5. What was the extent of the City of Belleville’s involvement?
6. Is there a list of the residents that were contacted?
7. Are you voting the ordinance in on the 24<sup>th</sup>?
8. Can we get more information on FERC licensing?
9. What is the hourly rate of McKenna Associates?
10. How much revenue does the Township make yearly from FERC?
11. Where is the Power plant at?
12. How many members of the Planning Commission live on the lake?
13. How does having a flat roof affect the lake?
14. Why do all roofs need to be regulated?
15. If I were to sell my home would I need to give the new owners my lake letters?
16. At what point would you decide this ordinance is not a good idea?
17. Can the Township, with or without cause, order a structure to be torn down?
18. Will Permits be given without precedence?
19. If something is built out on the lake, but comes up unto my property can the Township tear it down?
20. Is an existing dock that is not within the size requirements of the new draft ordinance going to be “Grandfathered” in, or will it be torn down by the Township?
21. If the MDEQ issued a permit, is that considered a lawful structure that township couldn’t tear down?
22. Can we get dates or a timeframe for when the Lakeshore Ordinance was started?
23. Comment was made that lakeshore owners should consider getting involved with the Planning Commission and attend meetings so they could have more of a part in the writing of the Ordinance.
24. Will the next meeting have all the answers to tonight’s questions?
25. Who started the Process of getting McKenna Associates involved?
26. What has been the cost of having McKenna Associates work on the Lakeshore Ordinance?
27. Who is on the BZA?
28. Would there be a penalty from FERC if we did not adopt an ordinance?
29. Would there be fines if the ordinance were not adopted?
30. Why would the comments from the residents not be included in the process of drafting this ordinance?
31. Was the Ordinance put out in the newspaper?
32. What has been published as far as notices to the residents?
33. Is there any mention of floating docks in the ordinance?

34. What about Multi-Family dwellings?
35. If FERC approved something would the Township be able to overrule it?
36. Is there a reason the meetings have come up so fast?
37. Why are the meetings being scheduled so close together?
38. Could Lake Owners form a committee that could meet with the Township regarding rules and regulations pertaining to the lake?
39. FERC can come in and tell us to take something down; Does the ordinance protect from that or would it do the same thing?
40. Is the intent of this meeting going to be in the next planning commission meeting and will the comments be brought up?
41. Can the action be tabled at the next planning commission meeting?
42. How many Private properties about the lake?
43. Why can't a letter be sent out to Lakefront owners?
44. What is driving the proposal of the ordinance?
45. Are we currently complying with FERC Requirements?
46. Another reason to table the action is to better notify the City of Belleville.
47. How is MDEQ involved?
48. Has McKenna Associates done similar work for other cities or townships with Lakes?
49. The biggest soil erosion is Van Buren Park.
50. The proposed regulations went too far.
51. The ordinance is not clear regarding grandfathering existing structures.
52. Why does the Township have interest in regulating people's front yards.
53. Concern regarding the ordinance giving the Township too much authority.
54. The Township should vest existing structures.
55. Did not support any ordinance.
56. Township will have a lawsuit on its hands if the ordinance passes.
57. Do not agree with having to remove dead trees from Township owned property.
58. Don't understand why flat roofs are an issue.
59. Concern regarding the width of docks allowed.
60. Lot coverage makes it unreasonably difficult to place docks on narrow lots.
61. Concern that language which allows Township to remove any structure for any reason will be abused.
62. DEQ regulates buoys and navigational markers, not the Township.
63. Restricting signs is a first amendment violation.
64. Concern that people will have to remove non-conforming structures when they sell their home.
65. Need large dock width for sailboats.
66. Unsure if ordinance would allow major regrading necessary for bank stabilization.
67. Thought addresses along the water was unreasonable.
68. Concern ordinance prevented people from having guests docking their boat on their dock.
69. Six boats is arbitrary when FERC allows ten.
70. Concern Ordinance would prevent homeowners from dredging a channel.
71. Felt Township was irresponsible with files.
72. Did not like Township being able to write tickets.
73. Concerns regarding boardwalk width, wanted to be able to have deck adjacent to lake.

74. Concern that docks for duplexes would require FERC approval.
75. Many lake front owners are out of state for the winter and were unaware of this proposed ordinance.
76. This seems like a money grab from the Township.
77. The Township should talk to the city before adopting any ordinances.

**CHARTER TOWNSHIP OF VAN BUREN****COUNTY OF WAYNE  
STATE OF MICHIGAN**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ADD A NEW ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS.**

**THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:**

***SECTION 1. Add a new ARTICLE XVIC, BELLEVILLE LAKE SHORELINE DISTRICTS to read as follows:***

**SECTION 16.01C. PURPOSE.**

The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake , as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessory to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township-owned Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

**SECTION 16.02C. DEFINITIONS.**

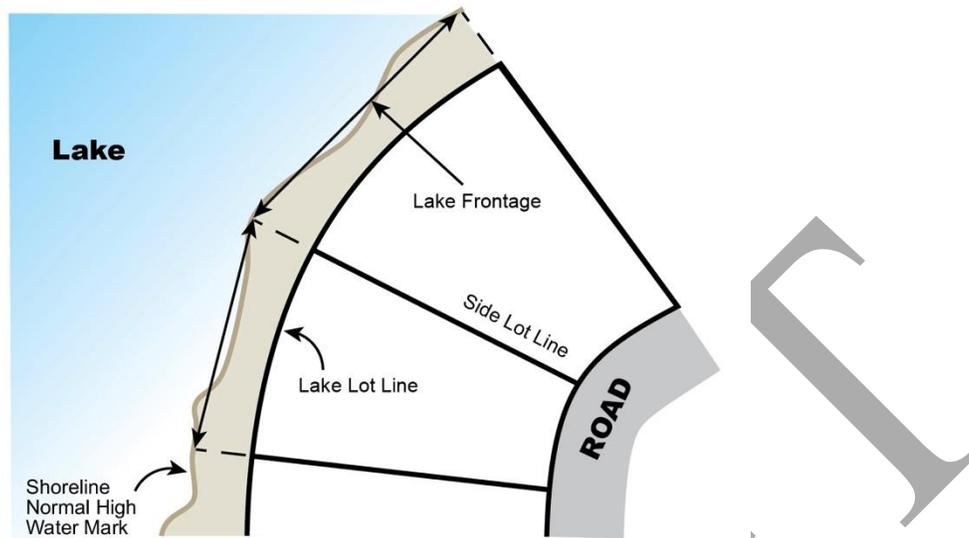
For the purposes of this section:

- a. "Boardwalk" means a walkway made of planking.

- b. "Boat" means every description of watercraft used or capable of being used as a means of transportation on water as defined under Part 801 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.80101.
- c. "Boat cradle", "shore station", "boat hoist" and "boat lift" means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in the Lake.
- d. "Bottomland" means the land area that lies below the normal high water mark.
- e. "Catwalk" means a narrow footway along the edge of a seawall or similar feature raised above the shoreline.
- f. "Common use lot" means any private site, platted lot or other parcel held in common by a subdivision, association, or similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use Lake access to non-Lakefront lots or land owners.
- g. "Director" means the Director of Planning and Economic Development of the Charter Township of Van Buren, or successor charged with enforcing this Ordinance.
- h. "Dock" means a structure, platform or fixture extending from the shore or bottomlands into a Lake.
- i. "Dock Stem" means that portion of a dock or mooring structure that extends perpendicular to the shore.
- j. "Docked" or "docking" means the anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or anchoring or tethering to the bottomlands of a Lake.
- k. "Lake" or "Belleville Lake" means that portion of Belleville Lake within Wayne County.
- l. "Lake Frontage" or "Frontage" means the distance between the side lot lines of a lot or parcel as extended to the Belleville Lake shoreline, measured between their points of intersection with the shoreline at the normal high water mark.

Figure 16.02C.1

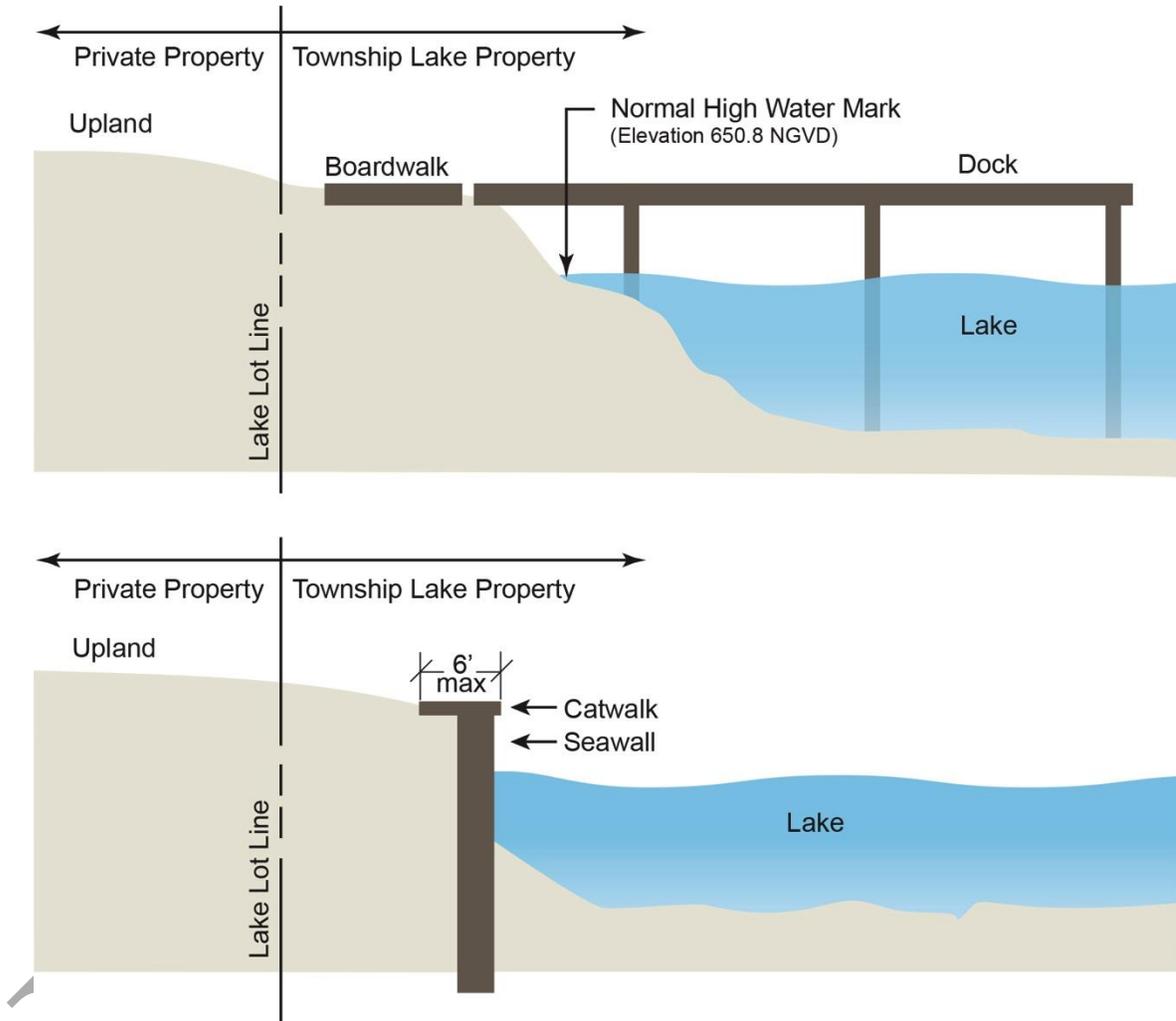
### Lake Frontage



- m. "Lake Lot Line" means the boundary line of a lot or parcel of land, lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts the Township Lake property.
- n. "Lake Structures" means improvements constructed upon Township Lake property, as may be permitted by this Article XVIC.
- o. "Marina" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.
- p. "Moor" or "Mooring" means the anchoring, tethering or docking of a boat directly to a pier, structure, platform, pole, anchor or dock, and also means the placement of a boat in a boat cradle or shore station, the regular or overnight beaching of a boat, or overnight anchoring or tethering to the bottomlands of the Lake.
- q. "Non-Commercial Multi-Docking Facility" means a facility used for docking or mooring from one or more Lake Frontage properties to serve more than one single family dwelling and limited to use by the residents of the property, such as at outlots (common use lots), mobile home parks, condominium and apartment developments, and other commonly owned or controlled points of access.
- r. "Normal high water mark" means the normal high water mark of the Lake as determined by the Federal Energy Regulatory Commission from time to time. Presently on Belleville Lake, "normal high water mark" means six hundred and fifty and eight-tenths (650.8) feet National Geodetic Vertical Datum (NGVD), 1929.

Figure 16.02C.2

### Lake Structures Example



- s. "Ramp" or "Launch" means a short, hardened slope extending from the shoreline into the Lake for the purpose of launching or retrieving boats.
- t. "Seawall" or "Bulkhead" means a linear, rigid structure built along the shoreline to resist the erosion of the land caused by the Lake and which can also be used to moor boats and as a structure to receive and discharge a boat's passengers and cargo.
- u. "Separate frontage" means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts or intersects with the normal high water mark of the Lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

- v. "Township Lake property" means land owned by the Township at Belleville Lake, whether or not it is above the normal high water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655 ft. contour line (1929 NGVD) or brow of the hill.
- w. "Upland" means that the land area that lies adjacent to and above the Township Lake property.
- x. "Watercraft" means any boat, pontoon boat, hydrofoil, hovercraft, sailboat, Jet Ski, personal watercraft, jet boat, or similar vessel.

### **SECTION 16.03C. BELLEVILLE LAKE SHORELINE DISTRICTS**

Two Belleville Lake Shoreline Districts are established in this section: the Belleville Lake Shoreline District A - Single Family Residential (BLA), and the Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). These zoning districts regulate the use of the Township-owned Belleville Lake property.

The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Accordingly, no improvements, modifications, alterations, removal, repairs or structures of any kind shall be constructed, installed or made on Township Lake property within the BLA and BLB districts unless those actions comply with the regulations of the respective district, obtain the approval of the Township as provided herein, and the approval of all other agencies with jurisdiction.

- a. **Belleville Lake Shoreline District A - Single Family Residential (BLA).** The BLA District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses that are customarily accessory to an abutting single family dwelling on a separate lot with Lake Frontage.
  - 1. Uses Subject to Administrative Approval. In the BLA District, the following water-based uses and structures customarily accessory to one single family dwelling on a single family lakefront lot shall be permitted. All such uses shall be subject to Township administrative approval as described in Section 16.06C., herein.
    - a) Docks, piers, landings, boardwalks and catwalks that can accommodate no more than 6 watercraft in total at one time on a single parcel.
    - b) Boat hoists, cradles and lifts.
    - c) Stairs and walkways located on Township Lake property.

- i. Shall only be permitted if determined necessary by the Township to access the permitted uses.
  - ii. Shall be subject to the maximum Lake Frontage coverage and other standards applicable to the use.
- d) Embankments, bulkheads, gabion baskets, retaining walls and similar structures for erosion control to protect the existing shoreline.
  - e) Minor excavation, grading or earth modifications, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.
  - f) Navigational markers or buoys.
  - g) Any other use of the same nature or class of water-based uses listed in this district which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties. Any such use shall be limited to the use of the lakefront by a single family residential dwelling on an individual lot.

At the discretion of the Director, any BLA use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. General Restrictions on all BLA Uses. All uses permitted in the BLA District shall be subject to the following restrictions:
- a) All uses and structures shall comply with the standards and requirements of Section 16.04C. Development Standards, herein.
  - b) No use or structure shall be permitted if there is not a single family dwelling on the abutting frontage lot.
  - c) Private ramps, launches or docks intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium or other development are prohibited.
  - d) No signs shall be permitted other than those approved by the Township and necessary for public safety.
  - e) No use or structure or combination thereof shall be permitted that can accommodate more than 6 watercraft at one time on a single parcel.
  - f) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLA District are limited solely for the use and quiet enjoyment of the abutting frontage lot owners and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities.

b. **Belleville Lake Shoreline District B – Non-Single Family Residential (BLB).** The BLB District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses customarily accessory to land zoned or used for more intensive uses than a single family dwelling on a separate lot with Lake Frontage. Such more intensive uses include, but are not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

1. Uses Subject to Administrative Approval. In the BLB District, the following water-based uses and structures shall be permitted subject to Township administrative approval as described in Section 16.06C., herein.
  - a) Embankments, bulkheads, retaining walls and similar structures for erosion control, to protect the existing shoreline.
  - b) Minor excavation, grading or earth modifications, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.
  - c) Navigational markers or buoys.

At the discretion of the Director, any BLB use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

2. Uses Subject to Planning Commission Approval. In the BLB district, the following water-based uses and structures may be permitted, subject to Planning Commission site plan approval.
  - a) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate no more than 6 watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.
  - b) Non-commercial multi-docking facilities that can accommodate no more than 6 watercraft in total at one time on a single parcel.
  - c) Decks, stairs, and walkways located on Township Lake property.
    - i. Shall only be permitted if determined necessary by the Township to access the permitted uses.
    - ii. Shall be subject to the maximum lot frontage coverage and the other standards of Section 16.04C Development Standards.
3. Uses Subject to Special Approval. The following water-based uses and structures shall be permitted subject to special approval in accordance with the requirements of Sections 4.46 and 18.08 of this Ordinance. These uses shall require public hearing by the Planning Commission, recommendation to and

special approval by the Township Board, and Planning Commission site plan review and approval.

- a) Non-commercial multi-docking facilities with docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total, at one time on a single parcel.
- b) Boat hoists, cradles and lifts as part of a non-commercial multi-docking facility permitted under this Section 16.03C.b.3. a) that are under common ownership and are all of the same style.
- c) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.
- d) Marinas.
- e) Watercraft minor service uses, including sale of gasoline, only permitted as part of a marina.
- f) Boat launches and ramps, for public access only.
- g) Any other use of the same nature or class of water-based uses listed in this district as either a principal use permitted or a use subject to special approval which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties.
- h) Major excavation, grading or earth modifications, defined as those greater than 5 cubic yards or that disturb an area of more than 800 square feet within 100 feet of the normal high water mark of the Lake.

4. General Restrictions on BLB Uses. All uses permitted by right or by special approval in the BLB District shall be subject to the following restrictions:
  - a) No boat lifts, cradles or hoists shall be permitted at marinas.
  - b) No buildings or covered structures shall be permitted on the water or on Township Lake property.
  - c) All uses and structures shall comply with the standards and requirements of Section 16.04C. Development Standards, herein.
  - d) Private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage uses shall be prohibited.
  - e) No signs shall be permitted other than those approved by the Township and necessary for public safety.  
All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial

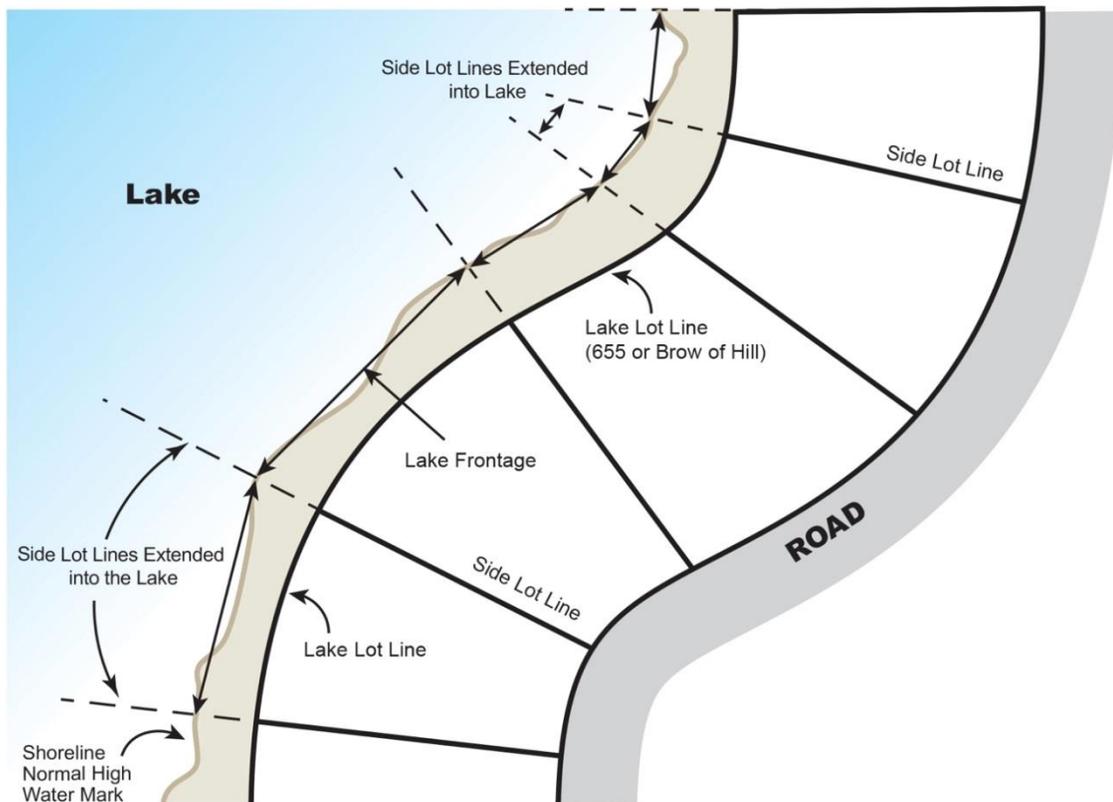
use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.

#### **SECTION 16.04C. DEVELOPMENT REGULATIONS**

- a. **General.** No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license and the Township's approval, and the Township may force their removal at any time with or without cause. If the owner of a structure does not remove that structure when ordered by the Township, and thus the Township must remove it, the owner of the structure shall either pay the costs of removal or if the structure's owner owns the abutting upland parcel those costs shall become a lien upon that parcel, or the Township may take any enforcement action authorized by law. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance.
- b. **Dock Location.** No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor at the dock. No person shall install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest. All docks shall be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.
- c. **Measurement of Lake Frontage.** Each side lot line of the abutting upland lot shall be extended as a straight line from its point of intersection with the boundary of the Township Lake property (Lake Lot Line) to its intersection with the Lake Frontage line at the normal high water mark. A lot's total Lake Frontage shall be measured as a straight line connecting the points of intersection of the extended side lot lines with the normal high water mark.

For purposes of measuring setbacks for docks, boat lifts and similar structures, the side lot lines shall be extended to the Lake Frontage line and then extended on the same line, straight into the Lake from the shoreline.

**Figure 16.04C.1  
Lake Frontage Measurement**

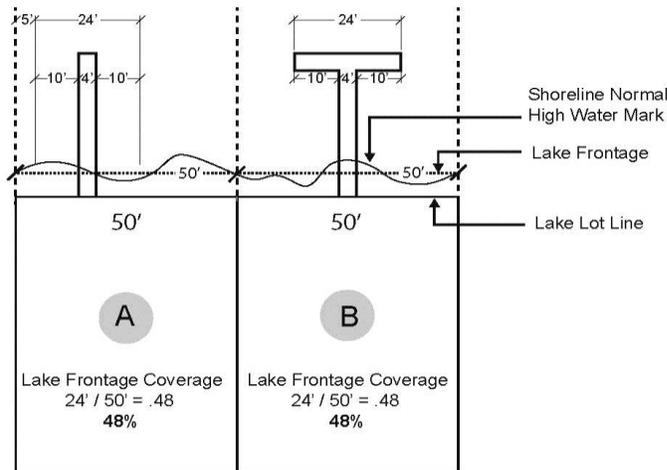


- d. **Setback Requirements.** Side setbacks shall be measured from the side lot lines of the abutting upland lot as extended into the water, as defined in Section 16.04C.c.
1. **Docks.** No dock shall be constructed, installed or placed within 15 feet of the side lot lines of the abutting upland lot as extended into the water.
  2. **Boat Lifts and Boat Cradles.** No boat lift or boat cradle shall be located within five feet of a side lot line of an abutting upland lot as extended into the water.
  3. **Launching, Storing, Mooring or Docking.** No boat or portion thereof shall be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
  4. **Boardwalks and Catwalks.** Boardwalks, catwalks and other walkways located on Township Lake property shall be permitted to extend to the side lot line as extended. No boardwalk, catwalk, or other walkway shall extend more than one foot over the water, nor shall any such structure be more than 6 feet in width. These structures shall be generally parallel the shoreline and shall be exempt from the computation of Lake Frontage coverage.

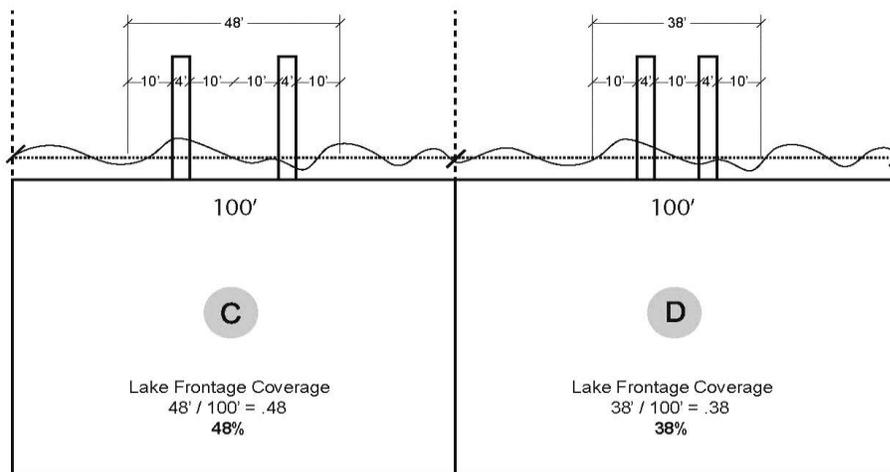
- e. **Dock Length and Width.** No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Maximum dock widths shall be four feet in the BLA and six feet in the BLB districts.
- f. **Size and Extent Restrictions.** (See Figure 16.04C.2)
1. In the BLA District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft shall extend across no more than 50% of the Lake Frontage of the single family lot to which they abut.
  2. In the BLB District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft for non-commercial multi-boat docking facilities shall extend across no more than 60% of the Lake Frontage of the lot which they abut. Such watercraft and structures shall be clustered along the parcel frontage into no more than four groupings. For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval.
  3. The extent of frontage coverage shall include the coverage by docks, other mooring structures, projections including boat hoists, boat cradles, lifts and similar, and watercraft. Permitted boardwalks, catwalks upon retaining walls, and shoreline protection structures that parallel the shore shall be excluded from the computation of frontage coverage.
  4. Distance across a lot's Lake Frontage shall be measured along the Lake Frontage line determined in accordance with Section 16.04C.c. The extent of structures across the Lake Frontage shall be the width of those structures measured parallel to the abutting lot's Lake Frontage line plus 10 feet of additional width for boat dockage on any side of the structure that can accommodate dockage, divided by the total length of the lot's Lake Frontage. The width of a "T" or "L" dock shall be measured at its widest point generally parallel to the Lake - Frontage, and shall include a minimum of 10 feet of additional width parallel and adjacent to the "stem" for boat dockage.

**Figure 16.04C.2**

**Extent Coverage Examples**



NOTES: 10' minimum side setback. Boat must be 5' from side lot line.



5. On any parcel with multiple docks, boat lifts, or similar water based structures, including but not limited to marinas and non-commercial multi-docking facilities, any such structures that are separated by 10 feet or less shall be considered one unit for purposes of calculating extent across the Lake Frontage. Structures that are separated by more than 10 feet shall be considered as individual units, and the space between those units shall not be included as Lake Frontage coverage.
6. No docks, other mooring structures or combination thereof on a single site that accommodate more than 6 watercraft shall be permitted, except as provided in the BLB District under Section 16.03C.b., above. Further, no such docks, other mooring structures or combination thereof that accommodate more than 10 watercraft shall be permitted unless it is approved by FERC, all other agencies

with jurisdiction, and receives special approval of the Township as provided herein.

7. Boardwalks, catwalks and other walkways on Township Lake property shall be a maximum of four feet wide, except at publicly owned docks, public or private marinas or other commercial uses in the BLB district, where they may be up to six feet wide. The Township may approve additional width as it deems appropriate, subject to special approval.
- g. **Dock and Raft Ownership Identification and Repair.** The owner(s) of a dock, boat lift, boat storage device, raft, swimming platform or other similar structures shall place a numerical address sign on such item or on a sign located no more than 25 feet from the normal water's edge that conspicuously identifies the abutting property address of the owner(s). The sign shall include both the address number and street name in reflective, non-illuminated Arabic block-style characters and shall be legible from the water. The address shall be displayed in a manner that structural elements and other features do not block or obscure the display. The minimum character size shall be 3 inches high by 2 inches wide, and the sign shall not exceed 6 square feet in area.

All docks, boat lifts, boat cradles and rafts shall be kept in good repair. Good repair means free from defects which might cause a hazard to persons or boats and free from defects which may result in interference with navigation of boats in the Lake.

- h. **Boat Storage Devices.** Each boat cradle, hoist or boat lift used in conjunction with the Lake shall meet all of the following requirements, in addition to the other requirements of this Ordinance.
1. It shall not have walls, nor shall any part of the structure be used as a deck or outdoor living space.
  2. It shall be designed for not more than two boats.
  3. It shall be designed with not more than three attached docks. Boat lifts with seating on three or more sides shall be prohibited.
  4. Any roof or other cover over a boat lift shall have a minimum pitch of 4:12.
  5. No boat cradle, hoist or lift shall exceed the minimum height necessary to raise the boat out of the water.
- i. **Excavations, Grade Changes, and Earth Modifications.** All earth modifications, excavations and grade changes, shall meet the following criteria:
1. Minimize changes to the contour of the shoreline.

2. Maintain lateral earth support to prevent slope failures and to avoid potential negative impacts to adjacent lots.
  3. Rip-rap and gabion baskets are the preferred methods of erosion control and bank stabilization, where practicable.
  4. A Soil Erosion permit must be obtained from Wayne County, if required by the Soil Erosion and Sedimentation Control Act, P.A. 451 of 1994. Any earth disturbance greater than one acre or within 500 feet of the Lake requires a Soil Erosion and Sedimentation Control permit from Wayne County. The County may grant a waiver from permitting for gardening and very limited earth disturbances, but the abutting upland owner remains responsible for making the application.
  5. All major excavations and grade changes (greater than 5 cubic yards or 800 sq. ft. area disturbed) under this Ordinance are subject to the approval of the Township Engineer.
- j. **Channels and Canals.** No new channels or canals shall be created or expanded along the Belleville Lake shoreline for the purpose of creating additional Lake Frontage or for the mooring of boats.
- k. **Seawalls and Bulkheads.** Gabion baskets and rip-rap are generally preferred means for shoreline stabilization. All existing seawalls, bulkheads and other erosion protection devices shall be kept in good repair to prevent soil erosion and sedimentation into the Lake. As new erosion protection devices are required, seawalls and bulkheads shall only be permitted where gabion baskets and rip-rap are not feasible. New or replacement seawalls or bulkheads shall have at least one egress ladder or steps per 70 linear feet. Further, variation in seawall height may be required to accommodate emergency exit from the water.
- l. **Markers or Buoys.** No marker or buoy shall be placed or maintained in a location where it may present a hazard to navigation, or create a risk that boats will become entangled while navigating the Lake. Township approval is required to place any markers or buoys, except that temporary markers or buoys placed for a special event for a period of less than 12 hours shall be permitted without Township approval.
- m. **Floating Rafts.** Floating rafts, swimming platforms, trampolines, slalom buoys, ski jumps or floats shall be located in the Lake so as to not impede navigation or present a safety hazard to boats; and shall be located on bottomlands immediately adjacent to a Lake Frontage in which the owner of the raft, platform, trampoline, buoy, jump or float has an ownership interest, unless otherwise approved by the Township.
- n. **Stairs.** Stairs, walkways, and landings for access from the abutting upland lot to the shoreline may be permitted on Township Lake property only if the Township determines

that it is necessary and is the minimum practical for reasonable access.

1. To minimize visual and physical impacts on the frontage, such structures shall be limited to no more than one per Lake Frontage lot, or the number of dock clusters, whichever is greater. Stairs, walkways and landings shall be included in the calculation of, and subject to the limitations on maximum lot frontage coverage, and the other standards of Section 16.04C Development Standards.
  2. Stairs, walkways and landings must be placed entirely above the normal high water mark, except in cases where such structures are required to access the water due to a seawall or bulkhead.
- o. **Marinas and Non-Commercial Multi-Docking Facilities.** Marinas and non-commercial multi-docking facilities must meet all the requirements that apply to their component docks, seawalls, and other facilities, as well as the following:
1. Dry docks and dry land storage of watercraft are not permitted on Township Lake property.
  2. Suitable fire extinguishers, grounding cables, and other safety devices are required at any fueling stations. Fueling stations are not permitted at a non-commercial multi-docking facility.
  3. Such uses shall comply with all applicable construction standards and permit requirements of the MDEQ.
  4. All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Hoists and similar structures shall not be permitted at a marina.
  5. All such uses shall be located so as to protect the neighboring property owners from potential off-site impacts of the use and so as to protect navigation on the Lake.
  6. When reviewing a proposed new or changes to an existing marina or non-commercial multi-docking facility, the Township shall consider factors including, but not limited to the location of the facility on the Lake, its visibility and potential impacts on the aesthetic and recreational quality of the Lake, the separation from other marinas, and other considerations for the public health, safety and general welfare.
- p. **Overnight Anchorage.** There shall be no overnight watercraft anchorage in open water permitted.
- q. **Rental Prohibited.** There shall be no rental of watercraft dockage or storage space

except at a marina.

- r. **Fences Prohibited.** There shall be no fences permitted on Township Lake property.

#### **SECTION 16.05C. EXEMPTIONS**

A Lake Frontage property owner who does or causes the following activities to be conducted on Belleville Lake, his or her frontage, or on abutting Township Lake property is not required to obtain Township approval under this Article 16C. Exemptions under this Section does not alleviate the responsibility of a property owner to obtain all other permits and approvals required by the Township and other entities with jurisdiction.

- a. Routine maintenance and repair of docks, seawalls, bulkheads, boat cradles, boat lifts, hoists, ramps or launches due to normal wear and tear.
- b. A minor earth change, 5 cubic yards or less, that impacts less than 800 square feet and that is stabilized within 24 hours of the initial disturbance.
- c. Earth changes necessitated by the installation, repair, or maintenance work performed in a public utility easement or approved private easement for public utilities.
- d. Gardening, if the natural elevation of the area is not changed.
- e. Planting of trees, shrubs, and other vegetation.
- f. Removal of trees, shrubs, and other vegetation, in a manner that does not cause erosion.
- g. Normal and customary residential landscaping. Native and natural plantings are preferred.
- h. Temporary stockpiling of soil, sand, or gravel not greater than 5 cubic yards, as part of a construction project on the Lake, provided that the loose material is protected to prevent wash or erosion.

#### **SECTION 16.06C. BELLEVILLE LAKE SHORELINE DISTRICT APPROVAL PROCESS**

- a. **Approval Required.** Except as otherwise provided in this Section, no person shall do or cause any one of the following on Belleville Lake, on his or her frontage, or on abutting Township Lake property without first having obtained Township approval in accordance with the provisions of this Ordinance:
  1. Install, construct or expand a dock, boat cradle, boat lift, boat hoist, ramp, or launch.

2. Install, construct or expand a seawall, bulkhead, dike, levee or other erosion control device.
  3. Install, place or maintain a ski jump or other rigid platform.
  4. Install, place or maintain a navigational marker or buoy.
  5. Excavate, grade, or make earth modifications other than those exempted under this Ordinance.
- b. **Application Requirements.** Only the property owner or authorized designee may apply for approval under this Section. Each applicant shall submit the following documents and drawings. If determined necessary and required by the Township, the drawings and documents shall be signed by licensed professional(s).
1. A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.
  2. A plan that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation.
  3. A copy of any existing survey from the abutting upland lot and photographs of the existing conditions.
  4. Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation.
  5. Specification of the materials to be used in construction or installation.
  6. Water depth at the farthest point of projection, when additional dock length is requested.
  7. Distance from the farthest point of projection to the opposite shore (if less than 250 ft.).
  8. A description of the existing shoreline features and uses.
  9. A description of any shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project.
  10. Other information as determined necessary by the Township to protect the public health, safety and welfare of the Township's residents, those who use Belleville Lake and the shoreline habitat.

11. The application fee established by the Township Board.
  12. Completed application for review by Michigan Department of Environmental Quality, and if required, by FERC.
  13. Any other applicable elements of Site Plan and/or Special Approval applications, as required by this Ordinance.
- c. **Review Process.** All plans and applications for approval under these Belleville Lake Shoreline Districts shall be submitted to the Director of Planning and Economic Development or other designated Township official for Township review. The plans and applications shall be reviewed to ensure compliance with the submittal requirements of this Ordinance, and consistency with Belleville Lake Shoreline District zoning and development regulations. Review shall be by one of the following processes: Administrative, Site Plan, and/or Special Approval, as further specified below.
1. Administrative Approval. Uses listed under the Belleville Lake Shoreline District A – Single Family Residential (BLA), Section 16.03C.a., and those uses in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.1., above, are subject to administrative approval by the Director of Planning and Economic Development. The Director shall review the plan for compliance with the requirements of this Ordinance.
    - a. The Director of Planning and Economic Development may forward any application for a use under this Section to the Planning Commission for its site plan review and/or public hearing, recommendation and special approval by the Township Board upon finding that unique characteristics of the site or the application warrant such consideration.
    - b. Every application submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. Approval by all other agencies with jurisdiction, including FERC is also required.
  2. Site Plan Approval by the Planning Commission. The uses permitted under the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.2. above, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance Section 4.33 Information Required for site plan approval, and also that information specified under Section 16.06C.b. above. The Planning Commission shall review the plan for compliance with along with compliance with all applicable requirements of this Zoning Ordinance. Approval by FERC may be required for such uses, along with the approval of other agencies with

jurisdiction.

3. Special Approval by the Township Board. The uses permitted in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), Section 16.03C.b.3. above, are subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of Sections 4.46 Review and Authorization of Special Approval Uses, and 18.08 Powers of the Township Board Concerning Special Approvals, of this Zoning Ordinance, including public hearing and recommendation by the Planning Commission and approval of the Township Board. All special approval uses also require submission and approval of a site plan, along with compliance with all other applicable requirements of this Zoning Ordinance. Approval by FERC and other agencies with jurisdiction is also required for all special approval uses.
- d. **Approval Criteria.** The Township shall find that the following criteria are met prior to granting approval for any use of Township Lake property in the Belleville Lake Shoreline District. In addition, for those uses that required special approval of the Township Board, the criteria of Section 18.08.f. must also be met.
  1. The application shall demonstrate compliance with all of the requirements of Section 16.04.C. above, and all other applicable requirements of this Zoning Ordinance.
  2. The structure(s) shall not unreasonably interfere with the adjacent property owners' or public's use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off site impacts.
  3. The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.
  4. The structure(s) will be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake.
  5. To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.
  6. Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake.
  7. Consideration shall be given to maintaining consistency with the upland zoning

and land use.

8. Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.
- e. **Approval Issuance.** The Director of Planning and Economic Development shall authorize the issuance of a Township approval letter if, following review in accordance with the procedures of this Ordinance, all conditions and standards of the Ordinance and the approving body are met. Approvals from FERC, MDEQ and any other agency with jurisdiction that cannot be obtained until the Township's approval is issued, shall be required before any construction, earthwork or site changes begin, and a copy of all such other approvals must be submitted to the Township Director of Planning and Economic Development. If an application is denied by the Township, a written record shall be provided to the applicant listing the reasons for the denial. In addition:
1. No structure within the BLA or BLB districts shall be considered an accessory structure for purposes of this Ordinance.
  2. Any other activities conducted on the land or water shall comply with all applicable federal, state and local laws.
- f. **Existing Boat Docks, Structures and Uses.**
1. General. No buildings are permitted on Township Lake property, and no buildings or other structures are considered vested. Provided however that the presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license and the Township's approval, and the Township may force their removal at any time with or without cause. If the landowner does not remove structures as ordered by the Township and the Township removes such structures, the land owner shall either pay the costs of removal or those costs shall become a lien upon the property. Further, no structure within the BLA or BLB districts shall be considered an accessory structure as regulated under Section 4.14 of this Ordinance.
  2. Easements. The lawful mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, or platforms on or from a Lake access easement recorded prior to the date of adoption of this Section shall be permitted to continue. However, any easement recorded after the date of adoption of this Section shall not permit the mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, platforms or rafts on the Lake.
  3. Continuation of Lawful Existing Uses.

- a. The lawful mooring, docking, or launching of boats or usage of docks, boat lifts, boat cradles, piers, platforms or rafts on or from a particular lot, parcel, or frontage occurring prior to the date of adoption of this Section shall be permitted to continue without change. However, if any existing dock, boat lift, boat cradle, pier, platform, raft or similar structure shall be removed, it shall thereafter fully comply with the provisions of this Section. Further, any change, alteration, or expansion of such prior usage which occurs after the date this Section becomes effective shall fully comply with the provisions of this Section.
  - b. Normal maintenance and repair of docks, seawalls, and bulkheads due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.
  - c. Whether a Lake use or structure is approved by the Township or not, it is the obligation of all property owners to maintain both their property at the periphery of the Lake and the Township Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.
  - d. The burden of proof in asserting and establishing a defense under this Section is on the property owner who asserts a lawful existing use. The Board of Zoning Appeals may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section. The Board of Zoning Appeals shall not decide any such appeal until after it has held a public hearing pursuant to Article 19 of this Ordinance.
- g. **Exceptions, Modifications and Appeals.**
1. Board of Zoning Appeals. For the purposes of this Article 16C., the Board of Zoning Appeals (“BZA”) as established and regulated in Article 19 of this Ordinance shall be the reviewing body. All provisions of said Article 19 shall apply except as specifically modified in this Section 16.06C.g.
  2. Powers. The BZA may interpret the provisions of this Article 16C. if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case. In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in Section 16.01C Purpose of this Ordinance.
  3. Standards for Special Exceptions. The BZA shall not grant a special exception to

- any provision of this Article 16C. unless it first makes all of the following findings:
- i. Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property;
  - ii. The special exception would not unduly prevent the realization of the purposes of this Ordinance;
  - iii. The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;
  - iv. Unusual circumstances or conditions are involved; and
  - v. The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.
4. **No Precedent.** Granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.
  5. **Special Exception.** Upon making the findings above, the BZA may grant a special exception to provisions of this Article 16C. subject to complying with all other requirements of this Ordinance. The BZA may also attach reasonable conditions to the granting of an exception.
  6. **Public Hearing.** Appeals and requests for special exceptions to this Article shall be considered only at a duly held public hearing and meeting of the BZA. Notice of the hearing shall be given in accordance with Article 19. In addition, the Township shall give at least fifteen (15) days prior written notice of such hearing to any Lake or property owners association if the association has provided its address to the Township beforehand.
- h. **Indemnification.** By accepting any Township approval, the applicant agrees to execute an agreement to defend, indemnify and hold harmless the Township and its elected and appointed officials, agents, representatives, employees, boards and commissions against and with respect to any and all actions, suits, proceedings, claims, demands, judgments, costs and expenses resulting from the erection or usage of a structure or facility pursuant to this Article 16C. By virtue of any approval under this Article, the applicant further agrees to permit the Township to take access to the property at reasonable times for inspections and for purposes of public safety.
  - i. **Obligations.** Abutting property owners shall be responsible for maintaining both their property at the periphery of the Lake and the Township Lake property adjacent to their property clear of fallen trees, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

j. **Penalties and Enforcement.**

1. **Penalty.** Violation of this Article is a civil infraction, for which fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Article, "subsequent offense" means a violation of this Article committed by the same person within twelve (12) months of a previous violation of the Article for which said person admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.
2. **Injunction.** Any violation of this Article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Article by proceeding under Section 6.06C.j.1. above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.
3. **Enforcement and Administration.** This Article shall be enforced and administered by the Township Director of Planning and Economic Development, or such other Township official as may be designated from time to time by resolution by the Township Board.

**SECTION 2. Conflicts.** If any provision of the Zoning Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall apply.

**SECTION 3. Severability.** This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.

**SECTION 4. Effective Date:** This Ordinance shall be effective upon publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

YEAS:

NEAS:

ABSENT:

I hereby approve the foregoing Ordinance.

\_\_\_\_\_  
Leon Wright, Township Clerk

\_\_\_\_\_  
Linda Combs, Township Supervisor

Adopted:  
Published:  
Effective:

DRAFT

February 11, 2016

Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, Michigan 48111

**Subject: VBT-14-031 SPR; Towne Place Suites Hotel; Site Plan Review #5 and TRP #1;  
Plans Dated February 2, 2016**

Dear Commissioners:

The applicant proposes to develop a new 121-room suites motel at the northeast corner of Quirk Road and the North I-94 Service Road. We have reviewed the site plan for compliance with the Township's Zoning Ordinance and sound planning and design principles, and we offer the following comments for your consideration.

#### COMMENTS

- 1. Zoning and Use.** The site is zoned C-2 Subject to Conditions in accordance with the Rezoning with Conditions Agreement between Van Buren Township and Belleville Development, Inc. dated December 2, 2015. Per the rezoning the two parcels must be combined and this must be shown on the plan. If this has not yet been accomplished, application must be made before final site plan approval and the combination must be completed before any permits are issued. Also, the applicant must remove the labels showing Parcel II as "Zoned R-1B" as this is no longer the zoning of the site.

According to the use statement, the hotel will operate 24 hours a day, 365 days a year, and will have 10 employees on the largest shift. The building includes a pool, fitness room, and several meeting rooms. Accessory parking is proposed around the building at the northeast corner of the site. The site plan includes a portion of the adjacent Hampton Inn and Holiday Inn Express hotel sites to the east. The proposed parking lot at the northeast corner of the Towne Place Suites lot will be shared with the other two hotels.

- 2. Dimensional Requirements.** Updated building elevations have been submitted which include the building height dimensions and a peaked roof as required by the Rezoning with Conditions Agreement. All building setback requirements are met.
- 3. Site Layout and Adjacent Uses.** This site abuts an established single family residential district and care must be taken to not adversely impact this area. According to the Township Master Plan, this site is in the Gateway Commercial plan district which requires careful site planning to limit disturbances to adjacent residential uses. This includes landscaping and screening of the site from the residential district, which is reviewed in the landscaping section of this report.

**4. Landscaping.** Within the DDA, all sites are strongly encouraged to exceed Ordinance minimums in landscaping requirements. Also, each requirement must be met separately, meaning that plant materials cannot be double-counted for the various separate requirements or the tree replacements required by the Ordinance.

**a. General Landscaping.** There must be a minimum of 1 tree for each 3,000 square feet of open space on the site. The site has 237,134 square feet of open space and requires a total of **79 trees** for general landscaping. The utility locations have been added on the landscape plan sheet to help identify any conflicts with tree location. Two trees on the north lot line appear to interfere with the storm sewer line; these should be adjusted to accommodate and shrubs used for infill.

The plan proposes to include 48 preserved trees as part of the number required for general landscaping. Retained trees may count toward the number of required landscape trees at the discretion of the Planning Commission, however those trees cannot simultaneously count toward the number of trees required for tree replacement.

**b. Landscaping Adjacent to Right-of-Way.** There must be a minimum 5 foot wide landscape buffer strip within 10 feet of the site's paved surface. The site has 563 feet of frontage along the North I-94 Service Road and needs **12 trees** to meet this requirement. The site has 878 feet of frontage along Quirk Road and needs **18 trees** to meet this requirement.

13 such trees are proposed along the North I-94 Service Road frontage. The landscape plan should distinguish between those trees used for right-of-way landscaping and those which are used for parking lot landscaping. There should also be one additional tree on the east side of the parking lot entrance to continue the street tree line there.

There are 66 trees proposed along Quirk Road, which exceeds the total number required in this area for both right-of-way landscaping (18 trees) and landscaping adjacent to residential areas (29 trees) *see below*, which is 47 required trees.

**c. Landscaping Adjacent to Residential Properties.** For screening the single family neighborhood west of Quirk Road, a berm of varying height (3 ft. to 8 ft.) and planted with a mix of deciduous and evergreen trees and shrubs is proposed. A similar berm with a single row of evergreen trees is proposed along the north lot line. A minimum of **29 trees** are required for the berm along Quirk Road and **20 trees** along the north lot line. Calculations must be included for this landscape standard, and compliance addressed. Along Quirk Road, there are 66 trees proposed, which are enough trees to meet both this standard and the right-of-way landscaping standard.

In order to better evaluate the effectiveness of the proposed screening from Quirk Road, we recommend that the applicant submit landscape cross-sections (at the same horizontal and vertical scale) for two locations: west to east from Lot 42 of the Willow Gardens subdivision to the building, and northwest to southeast from Lot 46 of the Willow Gardens subdivision to the building. The berm and plantings may need to be altered based on the effectiveness of the screening, including varying the slope, shape, height, and thickness of plantings.

**d. Vehicular Surface Landscaping.**

- i. *The total landscaped area must equal at least 5% of the paved area. Sheet L1.0 shows the required calculations; 5,138 square feet is required and 8,353 square feet is proposed for vehicular surface landscaping.*
- ii. *Each landscaped island must be at least 360 square feet. The parking lot islands in the rear parking lot meet this requirement.*
- iii. *There must be 1 tree per 100 square feet of vehicular surface landscaping. The plan notes that with 8,353 square feet of interior landscaping, **84 trees** must be provided. The site plan lists 87 trees as being provided under this requirement. The plan must label which trees are being counted to satisfy this requirement, and these trees must be located in and around the parking lots. Vehicle surface landscaping trees may not count toward other landscaping requirements. There appear to be about 60 trees in and around the parking lots, and thus it is likely that more will be needed to comply.*

- e. Other Landscaping Requirements.** The site requires a minimum of **224 trees** based on the individual landscape section requirements listed above. Additional trees may be required to satisfy the intent of the regulations and for required tree replacements. The landscape plan should be updated to include all of the required trees, and the plan should be organized/labelled to show which trees satisfy which provision. A simple way to do this is to put the various requirements and calculations in a table on the plan.

All shrubs in the landscape buffer along the North Service Road must be spaced no farther than 4 feet on center, not 5 feet as noted. The purpose of this spacing is to ensure the plants grow together as a hedge and create the required screen for parked vehicles.

- 5. Stormwater Pond.** Sections 4.40(3) (o) and 4.56 of the Zoning Ordinance require vegetation, landscaping, and protective fence design features for stormwater basins. An aerator is noted for mosquito control. The pond shape should be refined to have a more naturalized shape, and the required fencing installed, subject to the Commission's determination.

- 6. Parking Requirements.** Parking calculations are provided for the combined parking lots of Town Place Suites, Hampton Inn, and Holiday Inn Express. According to Section 6.01(9), the total number of parking spaces shall not exceed 120% of the minimum. The minimum number of spaces for the combined sites is 476, the maximum is 571, and 563 spaces are proposed.

The parking lots are proposed to be connected with the Hampton Inn and Holiday Inn Express parking lots. Cross access easements for traffic to travel between the sites and shared parking are outlined on the site plan. The easement documents with corresponding legal descriptions must be submitted for Township review and approval prior to final site plan approval, with recording required prior to permits being issued for the site.

- 7. Sidewalks.** A new sidewalk is proposed to connect from the front of the building to the public sidewalk along the North I-94 Service Road, and a 5 foot wide sidewalk will be constructed along the site's Quirk Road frontage. We continue to recommend that sidewalk be added along the

access drive to the parking lot at the back of the site, as discussed in a previous staff review meeting.

- 8. DDA Standards and Architecture.** This site is within the Township DDA. The DDA has invested heavily in public improvements for the utilities, streetscape, roads, and landscaping within its boundaries. The applicant has modified his elevations to include a high percentage of brick in the facades. The proposed colors are noted as Rose, Rawhide, Hopsack, and Tumbleweed; in order for the Commission to evaluate the proposal we recommend color renderings of the elevations be submitted for review. Also, samples of proposed façade materials must be provided to the Planning Commission for review and approval. The brick used should be true clay brick as required for other developments in the area. The materials and color of the roof and windows must also be provided on the plan.

Since it will not be on the roof, the location and screening of the HVAC equipment must be identified on the plan. The plan should clarify if there are exterior air conditioning units proposed for each room.

- 9. Amenities.** All sites within the C-2 district must provide amenities, such as outdoor seating, bike racks, pedestrian plaza/respice area, and similar features to enhance the site for future users. A front patio area is proposed near the southwest corner of the site with details for the benches and bike racks. There should be a crosswalk to connect the patio to the building. We also continue to encourage the applicant to pursue satisfying part of his amenity requirement by making some aesthetic improvements at the base of the pedestrian overpass, such as agreement to cut the grass, weed and pick-up litter.
- 10. Lighting.** A photometric plan and cut sheets have been submitted as requested. The proposed light level does not exceed 1 foot-candle over the lot line of a residential district, as required by Section 4.45(b) (10). The pole height of 25 feet complies.
- 11. Signs.** There is a proposed monument sign near the southeast corner of the lot, and proposed wall signs at the south and east faces of the building. Details of all proposed signs (including entrance and directional signs) with height, dimensions, area calculations, and means of lighting must be submitted. The wall sign area shall be calculated as the area of the rectangle formed by the extent of the sign face, as illustrated in Section 20.400(1).
- 12. Tree Removal Permit.** A tree removal permit will be required. While the tree removal permit approval is typically not required until time of final site plan approval, we have provided our comments to assist the applicant in preparing those plans. Replacement trees must be installed to compensate for any trees removed from the site. Further, required replacement trees do not count toward the number of trees needed for the landscaping requirements, but are over and above those requirements.

The tree inventory on Sheet C2.1 appears to include trees that are not located on the development site and must be corrected. The inventory lists 102 trees as being saved, but the landscape plan only shows and lists 48 saved trees. The landscape plan must match the tree inventory for how many trees are planned to be preserved.

At least 38 trees on the hotel site to the east were included in the inventory. This site is already developed and trees to be removed from developed sites do not require replacement. There are also about 5 trees in the Quirk Road right of way listed in the inventory. All of these trees should be removed from the inventory.

Section 4.45.e.6.b.ii of the Ordinance requires preservation of at least 37% of existing trees (5 inch D.B.H. or greater), unless otherwise approved by the Planning Commission. Based on the current inventory's 264 trees, preservation of 98 trees would be 37%. Obviously if the inventory is refined and corrected as discussed, these numbers may change. Also, tree #2078 is listed as dead and as to be saved. Dead trees should not be saved.

All live trees over 5 inches D.B.H. that are removed must be replaced in accordance with the following table in Section 4.45.E.10.a, except as otherwise permitted.

| Replacement Type and Size | Replacement Ratio Tree Size (# of replacement trees per # of removed trees) | Number of Required Replacement Trees Per 100 Removed |
|---------------------------|---|--|
| <b>Coniferous (Ht.)</b>   |   |  |
| 4-6 feet                  | 1 : 1.0   | 100  |
| 6-8 feet                  | 1 : 1.5   | 67   |
| 8 feet or greater         | 1 : 2.0   | 50   |
| <b>Deciduous (D.B.H.)</b> |   |  |
| 2-3 inches                | 1 : 1.0   | 100  |
| 3-4 inches                | 1 : 1.5   | 67   |
| 4 inches or greater       | 1 : 2.0   | 50   |

The applicant proposes to remove 162 trees based on the current tree inventory. The required tree replacements can be accomplished by planting additional trees, increasing the size of required landscape trees to greater than the Ordinance minimum sizes (according to the table above), or by making a payment in lieu of tree planting, subject to Planning Commission approval.

**RECOMMENDATION**

The applicant has revised the plan and satisfied most of our previous comments. The items that remain are primarily landscape-related and can be completed and required as part of the Final Site Plan approval process. Therefore, we recommend the Commission grant preliminary site plan approval subject to the following conditions:

- a. Correcting the zoning labels on the site plan.
- b. Application for lot combination prior to final site plan approval and completion of that combination before any construction permits are granted for the site.
- c. The landscape plan shall be revised and comply with all the requirements noted in Comment 4., above.
- d. Redesign of the storm water pond to have a more naturalized shape and fencing, subject to the

determination of the Planning Commission.

- e. The cross access easement documents with corresponding legal descriptions must be submitted for Township review and approval prior to final site plan approval, and recorded required prior to permits being issued for the site.
- f. Addition of a sidewalk along the access drive to the parking lot at the back of the site.
- g. Building elevations are subject to the approval of the Planning Commission. Color renderings of the elevations should be presented at the meeting along with samples of proposed façade materials for Planning Commission review and approval. The brick used should be true clay brick as required for other developments in the area. The materials and color of the roof and windows must also be noted on the elevations.
- h. Addition of a crosswalk from the patio area to the building. Measures to enhance the appearance of the area near the pedestrian overpass structure must be addressed to the Commission's satisfaction.
- i. Details of all proposed signs, as described in Comment 11 above.
- j. Tree permit approval prior to final site plan approval.
- k. Approval of the Township engineer and all agencies with jurisdiction.

**McKENNA ASSOCIATES**



Sara J. Hodges, AICP, IAP2  
Senior Vice President



Stephen Hannon  
Assistant Planner

David C. McNally II  
Battalion Chief / Fire Marshal  
O: 734-699-8900 ext9416

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



January 12, 2016

Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Town Place Suites and Hotel SPR 14-031SPR

I have reviewed the plans by Bud Design & Engineering Services, Inc. for the above referenced project. **NFPA 1** Fire Code (2012 Edition), **NFPA 13** (2007 Edition) and **NFPA 101**, Life Safety Code (2012 Edition), and **NFPA 72** Fire Alarm Code (2007 Edition), were the primary reference documents used for this review. Please note that all NFPA standards apply as adopted by Van Buren Twp.

I have the following items requiring further detail / attention:

The plans reference new construction for a four story extended stay, hotel.

Below are the following items of concern:

1. **The FDC for the building on the submitted plan notes a location on the north wall, east side of the structure. Please relocate the FDC to the north side of the east exterior wall.**

AHJ

2. The FDC connection will be a 4 inch Stortz fitting with a 30 degree downturn as required by the AHJ. **NFPA 13 6.8.1.2**

3. Hydrants shall be two 4 inch Stortz connections not threaded.

AHJ

4. The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*.

**NFPA 1 13.3.2.27.2**

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

5. The building shall include the building address on the building. The address shall be a **minimum of 6"** high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation. **AHJ**

6. The location of a key box, (Knox Box) shall be indicated on future submittal. The Knox Box location will be verified prior to the installation on the building. **NFPA 1 18.2.2.1**

7. Please verify that construction and finish components comply with NFPA 101, specifically chapter 28, as adopted by the Township of Van Buren. **AHJ**

8. Standpipe with 1 ½ inch connection in the East stairwell for each floor **AHJ**

The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and immediately prior to opening to verify compliance with the appropriate codes. One set of as built construction drawings, schedules, and details, as it relates to construction, fire protection and response, will be required, as well as a **digital cad layout** of the building by this department prior to our final C of O inspection.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Respectfully Submitted,

David C McInally- Fire Marshal



# WADE TRIM

February 12, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson  
Van Buren Township Planning Commission

Re: Towne Place Suites  
Preliminary Site Plan

Dear Ms. Thompson:

At your request, we have reviewed the preliminary site plan dated February 2, 2016 for the proposed Towne Place Suites located on the I-94 Service Drive in Van Buren Township. The Project involves the construction of a new building and supplemental parking. The Developer has addressed most of our concerns and, therefore, we are recommending preliminary site plan approval for this site. We have the following comments to offer in regard to the major engineering components of this project.

## Water Main

The Developer has proposed an 8-inch public water main loop around the building, connected to the water main along both Quirk Road and the I-94 Service Drive. A 4-inch domestic service line and a 6-inch fire protection line have been proposed. Adequate hydrant coverage for the building has also been provided.

## Sanitary Sewer

There is no public sanitary sewer proposed for this site. A 6-inch sanitary lead for the building has been provided which connects to the 10-inch sanitary sewer along the I-94 Service Drive.

Throughout the preliminary site plan process, we have discussed maintenance access for the existing sanitary sewer which cuts across the southwest corner of the site, as it is currently under the influence of the berm in this area. We will continue to work with the Engineer throughout the engineering review to determine an adequate solution to this conflict.

## Storm Drainage

Storm water management has been provided to account for all site run-off, including collection from the back side of the berms located along the north and west property lines. A preliminary review of the detention pond sizing has been performed and the Designer has provided adequate storage for the 100-year storm. The Designer has indicated on the plans that the site outlets to the I-94 Service Drive and, ultimately, to the MDOT system.

Wade Trim Associates, Inc. 734.947.9700  
25251 Northline Road 800.482.2864  
P.O. Box 10 734.947.9726 fax  
Taylor, MI 48180 www.wadetrim.com



Site Layout

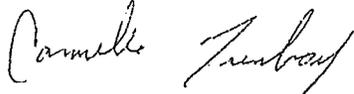
Access to the site is provided from the I-94 Service Drive and cross access with the neighboring Hampton Inn and Holiday Inn Express has been proposed. Curb and gutter is provided for all paved areas and a 5-foot concrete walk has been proposed along Quirk Road. The site layout provides for adequate circulation and sufficient pavement cross sections have been proposed for both standard and heavy-duty pavement. We would like to note that the pedestrian path to the gathering/public space is not currently ADA compliant and the Developer may want to consider providing accessibility.

Recommendation

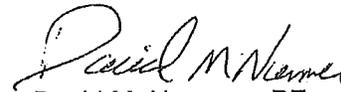
We are recommending that the Planning Commission grant preliminary site plan approval at this time. The Developer should be aware that, following preliminary approval, a detailed engineering review will be required as a prerequisite to final site plan approval. If there are any questions on this project or our recommendation, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim Associates, Inc.



Carmelle G. Tremblay, E.I.T.

  
David M. Nummer, PE

DMN:CGT:ka  
VBN 2247-01T  
20160212Thompson.docx

cc: Mr. James Taylor, Director of Public Works  
Mr. Ron Akers, Director of Planning and Economic Development  
Mr. Mathew Best, Deputy Director of Planning and Economic Development



Bud Design & Engineering Services, Inc.

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10775 S. Saginaw St. Suite B | Grand Blanc, MI 48439 | Ph: 810.695.0793 | Fax: 810.695.0569 | www.buddesign.com

February 2, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

**RE: TownePlace Suites / Site Plan Review #4**

Bud Design & Engineering Services, Inc. (BDE) is in receipt of reviews for the project. BDE has updated plans based on the comments and also provided an itemized narrative response to the items below.

**WadeTrim Associates, Inc. Review (January 15, 2016)**

**General**

1. The legal labels on the survey plan have been coordinated with the legal description.
2. The parking stalls will be double striped as indicated on Note 7 of sheet C3.0.
3. A note regarding off-site improvements has been added to sheet C3.0.

**Water and Sanitary**

1. A notation has been made on sheet C2.2 for the abandonment of existing services to the existing buildings.
2. Public water main is located within a 12-foot wide easement as noted on sheet C5.0.
3. Shrubbbery around the hydrant at the northeast portion of the building has been removed.

**Storm Water Management**

1. Storm inlets have been provided along the northern portion of the berm to collect run-off.
2. Clarification of the storm connection near the pump station has been made.
3. Stage-storage calculations have been updated.
4. Outlet of the storm from the site has been noted on C5.0.



Bud Design & Engineering Services, Inc.

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### **Paving/Grading**

1. Pavement sections on C6.0 have been updated.
2. The driveway access to the TownePlace Suites has been revised to be 25-feet.

### **Landscaping**

1. Tree plantings have been coordinated with utility locations.

## **Charter Township of Van Buren Review (January 18, 2016)**

### **1. Zoning and Use**

- Notation on the plans has been made referring to the zoning. Lot combination will be applied for with the Township.

### **2. Dimensional Requirements**

- The building height is 45-feet as dimensioned on sheet A200.

### **3. Site Layout and Adjacent Uses**

- No comment necessary.

### **4. Landscaping**

- Identification of landscaping that applies to a particular requirement has been made on the updated plan set.
- Underground utility locations are depicted on the plan.
- The serbian yew size has been indicated to be 30-inches with the planting schedule.
- Additional evergreen landscaping has been placed along the Quirk Road berm in the vicinity of the residential area adjacent to the location of the hotel.

### **5. Stormwater Pond**

- Notation on sheet L1.0 has been made for the aeration of the storm basins.
- The pond has been re-designed to be more natural and flowing. A cross-section has been provided for the length of the detention basin and sediment forebay. The slopes are 6-horizontal to 1-vertical. This slope is within the Wayne County standards for safety concerns and very manageable for maintenance.



Bud Design & Engineering Services, Inc.

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**6. Parking Requirements**

- Parking calculations have been updated. The proposed parking is within the maximum allowed.
- Cross-access areas are depicted on sheet C3.0.
- Relocation of parking areas along the west side of the main access have been made to the area north of the TownePlace Suites.

**7. Sidewalks**

- Guests that will park in the northern parking area are the long-term guests. Shuttle service from the hotel will provide access for the guests in place of a sidewalk.

**8. DDA Standards and Architecture**

- The building has a peaked roof as indicated on A200.
- Rooftop equipment will not be utilized and is so noted on the architectural plans.
- Colored renderings will be provided prior to the Planning Commission meeting.

**9. Amenities**

- The “Gathering Space” has been further detailed on sheet C3.0. Seating areas with a raised landscape area will be incorporated within the space. In addition, bike racks are proposed as well. Details have been provided on sheet C6.0 for the bike rack and bench.

**10. Lighting**

- No comment necessary.

**11. Signs**

- Signs and sign areas are noted on A200. A separate sign permit will be applied for.

**10. Tree Removal Permit**

- The application for tree removal is forthcoming.



Bud Design & Engineering Services, Inc.

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**Van Buren Fire Department Review (January 12, 2016)**

1. The FDC for the building on the submitted plan notes a location on the north wall, east side of the structure. Please relocate the FDC to the north side of the east exterior wall.
  - The location of the FDC has been adjusted to be on the north side of the building toward the east side.
2. The FDC connection will be a 4 inch Stortz fitting with a 30 degree downturn as required by the AHJ.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0.
3. Hydrants shall be two 4 inch Stortz connections not threaded.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0.
4. The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0.
5. The building shall include the building address on the building. The address shall be a **minimum of 6"** high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0.
6. The location of a key box, (Knox Box) shall be indicated on future submittal. The Knox Box location will be verified prior to the installation on the building.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0. The proposed location is shown near the front entrance on sheet C5.0.
7. Please verify that construction and finish components comply with NFPA 101, specifically chapter 28, as adopted by the Township of Van Buren.
  - Construction will comply with the requirements.
8. Standpipe with 1-1/2 inch connection in the East stairwell for each floor.
  - "Van Buren Fire Department Notes" has been added to sheet C5.0.



Bud Design & Engineering Services, Inc.

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BDE appreciates the thorough review provided. We believe the information contained on the updated plans and further clarification provided above will satisfactorily address the requirements for planning review. Please feel free to contact us should you have any questions or require anything further at this time.

Sincerely,  
BUD DESIGN & ENGINEERING SERVICES, INC.

A handwritten signature in black ink, appearing to read 'Andrew Andre', with a long, sweeping horizontal stroke extending to the right.

Andrew Andre, PE  
President