

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, January 27, 2016 – 7:30 PM
Board of Trustees Room

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES:

ITEM #1. Approval of minutes from the regular meeting of December 9th, 2015.

ITEM #2. Approval of minutes from the special meeting of December 2nd, 2015.

CORRESPONDENCE:

PUBLIC COMMENT:

PUBLIC HEARING: None

OLD BUSINESS: 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 accessory 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 side of Independence Lane, North of the I-94 Service Drive.

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

ITEM #2: Medical Marihuana Zoning Ordinance Amendment.

ITEM #3: Year End Report.

ITEM #4 Public outreach and time table for Lake Shore Zoning Ordinance Amendment.

NON-AGENDA ITEMS:

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
December 9, 2015
MINUTES - Draft**

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

ROLL CALL:

Present: McKenna, Budd, Kelley, Boynton, Franzoi and Thompson.

Excused: None.

Staff: Director Akers, Deputy Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Six (6).

APPROVAL OF AGENDA:

Motion McKenna, Franzoi second to approve the agenda of December 9, 2015 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Boynton, Kelley second to approve the minutes from October 28, 2015 as presented.

Motion Carried.

CORRESPONDENCE:

Planning Commission By-Law Revisions.

NEW BUSINESS:

ITEM # 1

CASE# SPR 13-009

TITLE:

THE APPLICANT, BETHANY BIBLE CHURCH, IS REQUESTING AN AMENDMENT TO THEIR SITE PLAN APPROVAL TO PERFORM SITE IMPROVEMENTS AS REQUIRED IN SECTION 12.02 OF THE ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION:

THE SUBJECT SITE IS LOCATED ON PARCEL TAX ID NUMBER V125-83-088-99-0013-704, ALSO KNOWN AS 810 HURON RIVER DRIVE. THE SITE IS LOCATED ON THE SOUTH SIDE OF HURON RIVER DRIVE, BETWEEN HURON RIVER DRIVE AND SAVAGE. THE SITE IS IN THE R1-B, RESIDENTIAL ZONING DISTRICT.

Director Akers presented his review letter dated 12-9-15 recommending approval subject to the conditions referenced in the letter. The applicant, Bethany Bible Church amended the landscaping plan in order to be compliant with Wayne County storm water management.

Wade Hoppe gave the presentation for the applicant. Mr. Hoppe discussed the proposed thirty-five (35) arborvitae and their placement, the type of arborvitae "eastern white cedar", screening for the neighboring homes, the location of the bio swale on the site plan, removal of two (2) hydrants on the site plan and the age and size of shade trees for placement on the site.

Commissioners discussed screening for neighboring homeowners, the previously approved number of shade trees and arborvitae, different types of arborvitae, zoning ordinance requirements, planting more shade trees (honeysuckle and sumac) and reducing the number of arborvitae and adding trees to the parking lot area and a portion of neighbor #3's property that Bethany Bible Church owns.

No comments from the audience.

Motion Boynton, Budd second to grant an amendment to site plan approval for Bethany Bible Church to perform site improvements as required in section 12.02 of the zoning ordinance 06-02-92, as amended, for 810 Huron River Drive, site located on the south side of Huron River Drive, between Huron River Drive and Savage Road zoned R1-B residential, subject to recommendations in Director Akers review letter dated 12-9-15, recommendation #1 to reduce the total number to twenty-five (25) arborvitae for screening and six (6) 1 ½ " caliber shade trees, with two (2) shade trees in parking area next to neighbor #6 and the remaining trees in the portion of neighbor #3's property that the church owns. Motion Carried. (Letter attached)

ITEM # 2 ELECTION OF OFFICERS

Motion Franzoi, Kelley second to open nominations. Carried.

Motion Budd, Franzoi second to nominate Carol Thompson as Chairperson, Donald Boynton as Vice-Chairperson and Bryon Kelley as Secretary. Motion Carried.

Motion McKenna, Franzoi second to close the nominations and elect. Carried.

ITEM # 3 PLANNING COMMISSION BY-LAW REVISIONS

Motion Boynton, Kelley second to record the Commission Rules and Procedures. Motion Carried.

GENERAL DISCUSSION:

ITEM #1 LAKESHORE ORDINANCE

Sally Hodges of McKenna Associates presented definitions of major and minor watercraft repairs. The Environmental Commission reviewed the Draft Lakeshore Ordinance and asked for clarification from the Planning Commission on their intent of removing watercraft repair language.

Commissioners discussed the definitions provided of major and minor watercraft repairs and agreed to remove item 6-p regarding such repairs from the Lakeshore Ordinance. Staff will meet with the public prior to the Public Hearing and will coordinate meeting dates with the Planning Commission.

Motion Budd, McKenna second to adjourn at 9:01 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
December 2, 2015
SPECIAL MEETING MINUTES - Draft**

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

ROLL CALL:

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

Excused: None.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan and WadeTrim Associate, David Nummer.

Audience: Four (4).

APPROVAL OF AGENDA:

**Motion Boynton, McKenna second to approve the agenda of December 2, 2015 as presented.
Motion Carried.**

APPROVAL OF MINUTES:

None.

NEW BUSINESS:

ITEM # 1

CASE# 15-014

TITLE:

THE APPLICANT, TRILOGY RESIDENCES, LLC, IS REQUESTING FINAL SITE PLAN APPROVAL FOR THE DEMOLITION OF THE EXISTING TENNIS COURTS AND CONSTRUCTION OF A CLUBHOUSE AND SWIMMING POOL IN THE SAME AREA. THE PROPOSED CLUBHOUSE AND SWIMMING POOL, WHICH ARE ACCESSORY 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 TRUSTESS ON OCTOBER 20, 2015.

LOCATION:

PARCEL TAX ID NUMBER V125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THE SITE IS LOCATED ON THE WEST SIDE OF INDEPENDENCE LANE, NORTH OF THE I-94 SERVICE DRIVE.

A representative of Trilogy Residences, LLC gave the presentation. The applicant is requesting final site plan approval to demolish the exiting tennis courts and construct a clubhouse with a swimming pool. The clubhouse will include a lease office, café, gym, pool and outdoor barbecue area. Four (4) additional parking spaces and two (2) additional ADA accessible spaces were added to the site plan and the fencing area and landscape plan have been revised. Special land use approval was granted by the Township Board of Trustees on October 20, 2015.

Patrick Sloan of McKenna Associates presented site plan review letter dated 11-27-15 recommending final site plan approval subject to the four (4) conditions referenced in the letter.

David Nummer of WadeTrim Associates presented site plan review letter dated 11-18-15 recommending final site plan approval.

Commissioner Boynton read the Fire Department review letter dated 11-28-15 recommending approval subject to the conditions referenced in the letter.

Commissioners discussed the Planning and Zoning Application, trees and woodland areas within the parcel and landscaping on the site.

No comments from the audience.

Motion Kelley, Boynton second to grant final site plan approval for the demolition of the existing tennis courts and construction of a clubhouse and swimming pool located at 41500 Bellridge Boulevard subject to the recommendations in the McKenna Associates review letter dated 11-27-15, WadeTrim review letter dated 11-18-15, Fire Department review letter dated 11-28-15 and completed tree information on the Planning and Zoning Application. Motion Carried.

GENERAL DISCUSSION:

Commissioner liked receiving the email link to access the Planning Commission packet.

Motion Budd, Boynton second to adjourn at 7:44 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Linda H. Combs

CLERK
Leon Wright

TREASURER
Sherry A. Budd

TRUSTEE
Phillip C. Hart

TRUSTEE
Jeffrey L. Jahr

TRUSTEE
Brenda J. McCannahan

TRUSTEE
Reggie Miller

January 22, 2016

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

Subject: 15-014 Site Plan Amendment for the Pool and Clubhouse Project at Trilogy Residences.

Dear Commissioners:

At a special meeting on December 2, 2015 the Planning Commission granted final site plan approval to Belleridge Trilogy Apartments for their pool and clubhouse construction project. As the applicant has moved forward they have identified a few minor amendments that need to be made to their approved site plan. These changes are as follows:

1. The applicant has reduced the size of the pool from 2,100 square feet to 1,200 square feet.
2. The applicant has adjusted the hot tub configuration from a round shape to a square configuration. The hot tub will maintain the same square footage.
3. The applicant has proposed increasing the size of the shed from 10' X 10' (100 square feet) to a 10' X 12' (120 square feet).

These items have been identified and updated on the attached layout which will be attached to their final site plan. As our Zoning Ordinance does not have specific guidelines for staff to administratively approve these specific minor amendments to site plans these changes will need to be approved by the Planning Commission. I have reviewed these requests and have determined that these changes are consistent with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

I recommend that the Planning Commission approve the site plan amendment to only allow the following modifications to the site plan:

1. Reduce the size of the swimming pool from 2,100 square feet to 1,200 square feet.
2. Adjust the hot tub configuration from a round shape to a square configuration of the same size.
3. To increase the size of the pool shed from 10' X 10' or 100 square feet to 10' X 12' or 120 square feet.

Respectfully submitted,

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



Kem-Tec, A Group of Companies
Professional Engineering, Surveying & Environmental Services
22556 Gratiot Avenue, Eastpointe, Michigan 48021
Phone: (586) 772-2222 Fax: (586) 772-4048

January 13, 2016

Mr. Ron Akers, Director of Planning and Economic Development
Van Buren Charter Township
46425 Tyler Road
Van Buren Township, MI 48111

RE: Bellridge Trilogy Clubhouse
41452 E. Archwood
Van Buren Township

Dear Mr. Akers:

This letter is in regard to the recent submittal of a modified site plan for the clubhouse project located on the Bellridge at Trilogy property. The changes made to the site plan are outlined as follows:

The proposed in-ground pool was reduced in size from 2,100 square feet to 1,200 square feet. The hot tub was modified from the previously proposed round shape to a square configuration of the same size. Both of these changes were by request of the property management and building owners. The pool shed was increased from 10'-0" by 10'-0" to 10'-0" by 12'-0" in order to accommodate the pool equipment. This change was per request of the pool supplier.

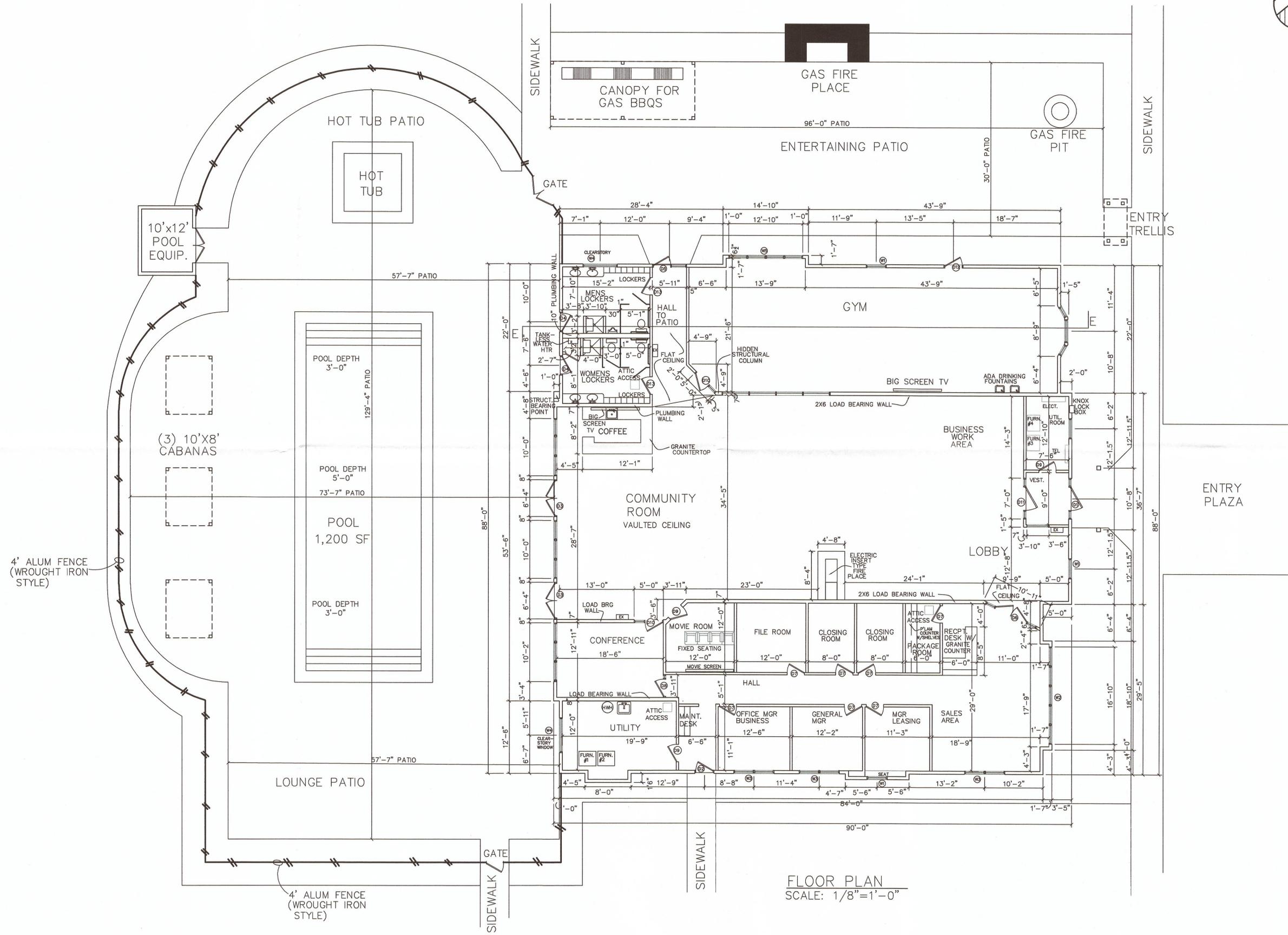
Thank you for your consideration and feel free to contact me with any questions.

Sincerely,
Kem-Tec, A Group of Companies

Jeffrey Graham, LEED AP, A.L.A
Project Architect

cc: Chad Joseph: MHT Housing, Inc.

BELLRIDGE AT TRILOGY OVERALL PLAN



FLOOR PLAN
SCALE: 1/8"=1'-0"

BELLRIDGE AT TRILOGY PROPOSED CLUBHOUSE FLOOR PLAN FOR	
PROFESSIONAL ARCHITECTS PROFESSIONAL ENGINEERS PROFESSIONAL SURVEYORS 22556 GRATIOT AVENUE EASTPOINTE, MI 48021 (586)772-2222 PHONE (586)772-4048 FAX	KEM-TEC & ASSOCIATES
72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)	
DRAWN BY: JFG SCALE: 1/8"=1'-0" DATE: 05/21/15 JOB NO: 15-01727	SHEET NO: A.1
REVISION #1 #2 #3 #4 #5	DATE 06/14/15 07/23/15 08/12/15 09/08/15 12/28/15
BY JFG JFG JFG JFG JFG	DESCRIPTION REDESIGN OF COMMUNITY BUILDING ENLARGEMENT OF COMMUNITY BUILDING TOWNSHIP COMMENTS TOWNSHIP & CLIENT COMMENTS

RECEIVED
JAN 12 2016

January 22, 2016

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

Subject: Proposed Zoning Ordinance Amendment (Medical Marihuana Cultivation Facilities)

Dear Commissioners:

Enclosed for your review are proposed amendments to the Charter Township of Van Buren Zoning Ordinance for Medical Marihuana Cultivation Facilities. Van Buren Township currently has a moratorium on medical marihuana establishments until April 7, 2016. The purpose of the current moratorium is to allow the Township time to study this topic and, if necessary, prepare ordinance amendments. Since the original moratorium was adopted by the Board of Trustees in April 2015, the Planning Commission assigned a subcommittee to address this issue. The subcommittee met on May 14, 2015, June 18, 2015, July 20, 2015, September 17, 2015, and December 17, 2015, and has studied several aspects of how to proceed on this matter. These included:

- Reviewing zoning and general ordinance regulations from other communities (City of Ypsilanti, Commerce Township, and City of Wayne).
- Considering zoning districts, development standards, setbacks, safety, on-site and off-site impacts, size limitations, and other related aspects.
- Touring a cultivation facility and dispensary in the City of Ypsilanti on July 20, 2015. This tour was arranged by the Ypsilanti Police Department, with the cooperation of the owners of the cultivation facility and dispensary. Representatives of Van Buren Township included subcommittee members, David Greco (Township Attorney), representatives of the Van Buren Township Public Safety Department, and me. We were escorted on this tour by the Ypsilanti Police Department.

Based on our analysis of these issues, we prepared the draft Zoning Ordinance amendment to regulate Medical Marihuana Cultivation Facilities and permit them as Special Land Uses in the M-2 (General Industrial) zoning district. Mr. Greco reviewed a prior version of the proposed Zoning Ordinance amendment, and the enclosed version includes revisions made by Mr. Greco. The proposed regulations for medical marihuana cultivation facilities include the following:

- Requiring all marihuana growing and other activities to be conducted indoors only, including prohibiting outdoor storage.
- Prohibiting drive-through uses.
- A minimum 1,000-foot setback from religious institutions, public parks, residential zoning districts, residential land uses, child care facilities, and educational facilities. An analysis of the Township Zoning Map indicates approximately 7 or 8 M-2 areas that meet these setback requirements.
- Prohibiting on-site transfer, consumption, or retail sales.

- Limiting the number of caregivers per facility to six (6) and requiring separate growing areas for each caregiver.
- Additional requirements for security, access, parking, inspections, waste disposal, and enforcement.

Based on our discussions with the subcommittee and our analysis of the above, we do not propose permitting dispensaries at this time. However, if there are changes to State Law or new case law on this matter, we will recommend revisiting dispensary regulations at that time.

Concurrent with the Zoning Ordinance amendment is a proposed Registration Ordinance for Medical Marihuana Cultivation Facilities. A final version of the proposed Registration Ordinance has not yet been completed. The purpose of the Registration Ordinance, which will be administered by the Public Safety Department, will be to address public safety issues the Township may have and require operators to register with the Township Public Safety Department. The proposed Registration Ordinance will be a general ordinance that will not require Planning Commission review, though the Township Board may seek input from the Planning Commission on the proposed Registration Ordinance.

RECOMMENDATION

If the Planning Commission is satisfied with the level of detail of the proposed Zoning Ordinance amendment, we recommend scheduling a public hearing for **February 24, 2016**. The public hearing will be an opportunity for members of the public to review the proposed Zoning Ordinance amendments, ask questions, and provide comment.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Principal Planner

**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 PROVIDE FOR REGULATIONS GOVERNING MEDICAL MARIHUANA WITHIN THE TOWNSHIP:

THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:

SECTION 1 – ORDINANCE AMENDMENT

Pursuant to this Ordinance, there shall be created in the Charter Township of Van Buren Zoning Ordinance a new subsection 16.03.i. in the M-2 General Industrial District, Permitted Uses After Special Approval providing for the regulation, location and operation of medical marihuana cultivation facilities, upon the effective date of this Amendment:

(i) Medical Marihuana Cultivation Facilities

1. Purpose.

- a.** It is the intent of this section to provide reasonable conditions for the cultivation of marihuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended (MMMA). Due to conflicts between the federal Controlled Substances Act and the MMMA, the cultivation of medical marihuana is a specialized land use with ramifications that need to be addressed by a local ordinance. Although some specific uses of marihuana may not be prosecuted according to the MMMA, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana. Due to its conflicting legal status, such businesses are generally not funded, financed or supported by banks and similar financial institutions as other federally lawful enterprises may be. As a consequence, medical marihuana enterprises are primarily cash-based operations, making them targets for crime and theft. The regulations set forth herein are intended to take into account these issues and thereby take steps to protect public safety and welfare of the community at large.
- b.** It is further the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation to the district that is most compatible with this use. Additional regulations in this section are intended to provide reasonable restrictions within a zoning district so that this use does not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.
- c.** While the MMMA generally allows a primary caregiver to grow medical marihuana on his/her own property in accordance with the Act, there are negative impacts and circumstances that could be deemed a nuisance including, but not limited to, the inadequacy of the property or home for safe growing of medical marihuana, and noxious odors from medical marihuana plants and growing that impact neighboring residents in

violation of Township ordinances. Therefore, providing for and regulating medical marihuana cultivation facilities allows primary caregivers to cultivate medical marihuana at a non-residential facility that is better-suited for such use.

2. **Medical Marihuana Definitions.** Some of the words and phrases defined below are also defined in the MMMA, MCL 333.26421 et seq, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA or if a term is not defined below but is defined in the MMMA, then the definition in the MMMA shall apply. The words and phrases below are defined as follows:

- a. **Marihuana:** That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.
- b. **Medical Use:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- c. **Primary Caregiver:** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- d. **Qualifying Patient:** A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. **Registry Identification Card:** A document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.
- f. **Medical Marihuana Cultivation Facility ("Cultivation Facility"):** A building other than the personal residence of a primary caregiver where one or more primary caregivers are growing medical marihuana in compliance with the MMMA. A medical marihuana cultivation facility may also be referred to as growing facility. A "medical marihuana cultivation facility" shall not include a primary caregiver or a qualifying patient growing medical marihuana at his/her personal residence in accordance with the Michigan Medical Marihuana Act and all applicable Township ordinances including, but not limited to, ordinances prohibiting noxious odors.
- g. **Medical Marihuana Dispensary ("Dispensary"):** A building, part of a building, a facility, a club or other set-up where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A "dispensary" shall not include a primary

- caregiver assisting a qualifying patient with whom he/she is connected through the Michigan Department of Community Health's registration process with the medical use of marihuana in the qualifying patient's residence in accordance with the Michigan Medical Marihuana Act.
- h. Plant:** Any marihuana plant with not more than one readily observable root formation.
 - i. Unit:** A portion of a building that is separate from the remainder of the building by a fireproof wall, and accessible only through an exterior door.
- 3. Medical Marihuana Dispensaries Prohibited.** Medical marihuana dispensaries are prohibited in all districts.
- 4. Special Site Design and Use Standards.**
- a. Indoor Growing.** The growing of medical marihuana at a cultivation facility shall be indoors only and shall not be visible from any point outside the medical marihuana cultivation facility.
 - b. Drive-Through Prohibited.** The medical marihuana cultivation facility shall not be permitted to have drive-through facilities.
 - c. Setback From Protected Areas.** The lot lines of a cultivation facility shall be no less than one thousand (1,000) feet from the nearest lot lines of the following: a religious institution, a public park, a residential zoning district, a residential land use, a child care facility, a public or private educational facility including but not limited to pre-schools, nurseries, elementary, secondary and high schools. The setback distance shall be measured as a straight line from the nearest points of the lot lines.
 - d. Maximum Number of Cultivation Facility Buildings Per Lot.** There shall be not more than one (1) building housing a medical marihuana cultivation facility per lot.
 - e. Setback From Other Cultivation Facilities.** The lot lines of a cultivation facility shall be at least one thousand (1,000) feet from the lot lines of another cultivation facility, as measured from the edges of the property on which the use is located.
 - f. State and Local Licensing.** Medical marihuana cultivation facilities shall comply with all applicable state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval.
 - g. On-Site Consumption Prohibited.** No smoking, inhalation, or other consumption of marihuana shall take place on the premises of a medical marihuana cultivation facility.
 - h. On-Site Transfer Prohibited.** Any person-to-person transfer of marihuana is prohibited at a cultivation facility. All transfers of medical marihuana between persons shall take place off-site only and in accordance with the MMMA and this Ordinance.
 - i. Retail Sales Prohibited.** Retail sales, including sales of products customarily incidental to the use of medical marihuana, is prohibited at medical marihuana cultivation facilities.

- j. **Indoor Activities Only.** All activities of medical marihuana cultivation facilities shall be conducted indoors.
 - k. **Outdoor Storage Prohibited.** Outdoor storage is prohibited.
 - l. **State and Local Compliance.** Medical marihuana cultivation facilities shall comply with all applicable provisions of this Ordinance, all other Township ordinances, regulations, and codes, and the MMMA. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.
 - m. **Maximum Units and Maximum Plants Per Unit.** The maximum number of individual plants permitted within a single unit shall not exceed seventy-two (72) plants, and there shall be no more than six (6) primary caregivers or units in any building housing a medical marihuana cultivation facility.
 - n. **Security.** A security system shall be installed in each unit of a medical marihuana cultivation facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
 - o. **Odors.** Odors generated by the medical marihuana cultivation facility shall be contained within the building or the portion of building used by the medical marihuana cultivation facility. The primary caregiver's proposed method of addressing odors generated through use of air filters or air scrubbers must be demonstrated and found to be satisfactory to the Township.
 - p. **Access to Minors Prohibited.** No minors under the age of eighteen (18) are permitted on the site.
 - q. **Limited Accessibility to the Site.** The medical marihuana cultivation facility shall not be accessible to anyone but the primary caregiver lawfully growing medical marihuana in the cultivation facility and lawful visitors to the site, which include contractors working on the site and representatives of the Township administering or enforcing an ordinance or law.
 - r. **Parking.** Off-street parking shall be provided consistent with that of "Industrial Establishments, Assembly, Processing" set forth in Section 6.01.E.1 of Off-Street Parking Requirements of this Ordinance.
5. **Access & Identification.** Each primary caregiver growing medical marihuana in a medical marihuana cultivation facility shall assign an identifying number to each qualifying patient for whom that primary caregiver intends to grow and cultivate medical marihuana including the primary caregiver if the primary caregiver is also a qualifying patient. The primary caregiver shall keep a list identifying the registry identification card of the qualifying patient to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

- a. **Separate Grow Areas.** The primary caregiver shall keep the marihuana plants grown for each qualifying patient of the primary caregiver separate from the marihuana plants grown for any other qualifying patient. Each qualifying patient's plants shall be kept in a separate enclosed locked facility to which only the primary caregiver has access. The identifying number of the qualifying patient for whom the medical marihuana is grown and cultivated shall be prominently and permanently displayed on each enclosed locked facility.
- b. **Access Log.** Each primary caregiver shall keep a written log including the identifying number, date and time of every person entering the medical marihuana cultivation facility, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. Each primary caregiver shall also keep a written log including the date and time marihuana was removed by the licensed caregiver from the enclosed locked facility and the amount of marihuana removed.
- c. **Correct and Accurate Records.** The primary caregiver shall certify under oath that the written records kept are correct and accurate.

6. Inspections.

- a. **Initial Inspection.** A cultivation facility shall be subject to the same inspections as all other buildings and uses as required by this Ordinance and the Charter Township of Van Buren Code of Ordinances.
- b. **Inspections.** The cultivation facility may be inspected annually by the Township to confirm that it is being operated in compliance with the MMMA and any Township ordinance. The cultivation facility may be inspected more frequently at the discretion of the Township. Representatives of the Township for the on-site inspection include, but are not limited to, the Planning Director, Building Official(s), and Public Safety Department. The Township shall limit its inspection to only those issues associated with compliance with the MMMA and Township ordinances, and shall not make inquiry into the identity of any qualifying patient. The cultivation facility shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon two (2) hours notice.

7. Application Requirements and Review. In addition to the application for and review of a site plan in accordance with **Section 16.07** and a special land use permit for a medical marihuana cultivation facility in accordance with **Section 4.46**, the following shall also be required:

- a. **Security Plan.** A security plan and floor plan shall be submitted with the special land use application. The security plan shall:
 - i. Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.
 - ii. The security plan shall identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of

Information Act unless required by the Act.

- b. **Waste Disposal Plan.** A waste disposal plan shall be included with all applications for a medical marihuana cultivation facility, which shall detail plans for chemical disposal and plans for plant waste disposal. The Township Building Official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.
- c. **Proof of Ownership or Leasehold Interest.** Proof of an ownership or leasehold interest in the building housing the medical marihuana cultivation facility.

8. Medical Marihuana State Law.

- a. **Medical Marihuana Act.** This Ordinance shall not limit an individual's rights under the MMMA. The MMMA supersedes this Ordinance where there is a conflict between the Act and this Ordinance.
- b. **Medical Marihuana Registered Qualifying Patient.** A qualified patient with a registry identification card may grow and use medical marihuana for his or her own use in accordance with the Michigan Medical Marihuana Act.
- c. **Medical Marihuana Registered Primary Caregiver.** A primary caregiver with a registry identification card may grow medical marihuana in accordance with the Michigan Medical Marihuana Act except that two or more primary caregivers with a registry identification card who seek to grow medical marihuana on the same site are subject to the requirements of this section.

9. Unlawfully Established Medical Marihuana Cultivation Facilities. A medical marihuana cultivation facility which purports to have engaged in the cultivation of marihuana either prior to enactment of this Ordinance, or after enactment of said Ordinance but without having an approved site plan and special land use permit, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance.

10. Penalty. Any violation of the site plan, special land use, or conditions under which the permit for operating a medical marihuana cultivation facility is granted shall subject to the penalty provisions of this Ordinance.

SECTION 2 – SEVERABILITY

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

SECTION 3 – REPEALER

All other provisions of the Zoning Ordinance, or Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4 - SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 5 - EFFECTIVE DATE

This Ordinance shall take effect following publication in the manner prescribed by law.

SECTION 7 – ADOPTION

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the ____ day of _____, 2016, and ordered to be given publication in the manner prescribed by law.

Leon Wright, Clerk

Linda Combs, Supervisor



Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Linda H. Combs

CLERK
Leon Wright

TREASURER
Sharry A. Budd

TRUSTEE
Phillip C. Hart

TRUSTEE
Jeffrey L. Jahr

TRUSTEE
Brenda J. McClanahan

TRUSTEE
Reggie Miller

Memorandum

Date: January 22, 2016

From: Director Akers

To: Planning Commission

Subject: 2015 Year End Report

According to the Michigan Planning Enabling Act a Planning Commission is required to annually prepare a report for the Township Board which outlines the Commission's activities for the year. Please find attached this report. If the Planning Commission is comfortable with this document then I would request a formal motion be made to approve the report. If the Planning Commission approves this report I will forward it to the Township Board to receive and file. If there are any questions please feel free to contact me prior to the meeting as I will be unable to attend.



Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Linda H. Combs

CLERK
Leon Wright

TREASURER
Sha'ry A. Budd

TRUSTEE
Phillip C. Hart

TRUSTEE
Jeffrey L. Jahr

TRUSTEE
Brenda J. McClanahan

TRUSTEE
Reggie Miller

January 22, 2016

Township Board of Trustees
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: Planning Commission Annual Report for 2015

In accordance with P.A. 33 of 2008, as amended, MCL 125.3801 et seq, Michigan Planning Enabling Act, please find the attached annual report regarding Planning Commission activities for 2015. Please feel free to contact me if you have any questions. The report is summarized as follows:

Public Hearings: The Planning Commission held eighteen (18) public hearings.

Preliminary Site Plan Approvals: The Planning Commission granted five (5) preliminary site plan approvals.

Final Site Plan Approvals: The Planning Commission granted seven (7) final site plan approvals.

Special Use Recommendations: The Planning Commission recommended five (5) special use approvals to the Township Board.

Site Plan Amendments: The Planning Commission granted two (2) site plan amendments.

Temporary Land Use Approvals: The Planning Commission granted six (6) temporary land use permits.

Rezoning Recommendations: The Planning Commission made five (5) rezoning recommendations to the Township Board.

Zoning Text Amendment Recommendations: The Planning Commission made one (1) zoning text amendment recommendation to the Township Board.

Tree Removal Permits: The Planning Commission granted one (1) tree removal permit.

PRD Agreement Extensions: The Planning Commission granted one (1) PRD agreement extension.

Respectfully submitted,

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

2015 Planning Commission Activities

Meeting Date	Case #	Project Name	Action Type	Action
1/14/2015	14-003	Rezoning 49230 Michigan Ave & 5825 Denton Rd	Public Hearing	N/A
1/14/2015	14-019	Belleville Commercial - Retail & Drive Thru- 10705 Belleville	Public Hearing	N/A
1/14/2015	14-019	Belleville Commercial - Retail & Drive Thru- 10705 Belleville	Preliminary Site Plan	Approved
1/14/2015	14-019	Belleville Commercial - Retail & Drive Thru- 10705 Belleville	Recommend Special Use Approval	Approved
1/14/2015	14-024	Victoria Park Site Plan Amendment - Revised Architectural Standards	Site Plan Amendment	Approved
1/28/2015	14-003	Rezoning 49230 Michigan Ave & 5825 Denton Rd	Recommend Rezoning to Township Board	Approved
2/11/2015	14-030	Dunkin Donuts Drive Thru - 10950 Belleville Rd	Public Hearing	N/A
2/11/2015	14-027	Extension of PRD Agreement for Bedford Cove Subdivision	Recommend Extension to Township Board	Approved
3/11/2015	14-005	Rezoning for Townplace Suites - 11055 Quirk Rd	Public Hearing	N/A
3/11/2015	15-001	Temporary Land Use USA Fireworks - 10864 Belleville Rd.	Public Hearing	N/A
3/11/2015	15-002	Temporary Land Use Phantom Fireworks - 2095 Rawsonville Rd	Public Hearing	N/A
3/25/2015	N/A	Zoning Text Amendment - Allow for Outdoor Dining in C-1	Public Hearing	N/A
3/25/2015	15-002	Temporary Land Use Phantom Fireworks - 2095 Rawsonville Rd	Temporary Land Use	Approved
3/25/2015	14-030	Dunkin Donuts Drive Thru - 10950 Belleville Rd	Preliminary Site Plan	Approved
3/25/2015	14-030	Dunkin Donuts Drive Thru - 10950 Belleville Rd	Recommend Special Use Approval	Approved
4/8/2015	15-002	Rezoning - 51257 W. Huron River Dr.	Public Hearing	N/A
4/8/2015	15-004	Temporary Land Use USA Fireworks - 6020 Denton Rd.	Public Hearing	N/A
4/8/2015	N/A	Zoning Text Amendment - Allow for Outdoor Dining in C-1	Recommend to Township Board	Approved
4/22/2015	15-007	Temporary Land Use TNT Fireworks - 40562 Belleville Rd	Public Hearing	N/A
4/22/2015	14-031	Ashley Capital North Distribution Center - 42000 Ecorse Rd	Public Hearing	N/A
4/22/2015	15-002	Rezoning - 51257 W. Huron River Dr.	Recommend Rezoning to Township Board	Approved
4/22/2015	15-001	Temporary Land Use USA Fireworks - 10864 Belleville Rd.	Temporary Land Use	Approved
4/22/2015	15-004	Temporary Land Use USA Fireworks - 6020 Denton Rd.	Temporary Land Use	Approved
4/22/2015	14-030	Dunkin Donuts Drive Thru - 10950 Belleville Rd	Final Site Plan Approval	Approved
5/13/2015	N/A	Rezoning - V125-83-039-99-0009-014 on Tyler Rd	Public Hearing	N/A
5/13/2015	15-007	Temporary Land Use TNT Fireworks - 40562 Belleville Rd	Temporary Land Use	Approved
5/13/2015	14-020	Contractors Steel Addition - 48649 Schooner Dr.	Final Site Plan Approval	Approved
5/13/2015	14-031	Ashley Capital North Distribution Center - 42000 Ecorse Rd	Special Use & Preliminary Site Plan	Tabled
5/27/2015	15-011	Temporary Land Use Angry Tiger Fireworks - 41001 E. Huron River Dr	Public Hearing	N/A
5/27/2015	15-006	Tim Hortons Drive Thru - 2141 Rawsonville Rd	Public Hearing	N/A
5/27/2015	N/A	Rezoning - V125-83-039-99-0009-014 on Tyler Rd	Recommend Rezoning to Township Board	Approved
5/27/2015	14-019	Belleville Commercial - Retail & Drive Thru- 10705 Belleville	Final Site Plan Approval	Approved
6/10/2015	15-011	Temporary Land Use Angry Tiger Fireworks - 41001 E. Huron River Dr	Temporary Land Use	Approved
6/10/2015	15-006	Tim Hortons Drive Thru - 2141 Rawsonville Rd	Recommend Special Use Approval	Approved
6/10/2015	15-006	Tim Hortons Drive Thru - 2141 Rawsonville Rd	Preliminary Site Plan	Approved
6/24/2015	14-016	Clark Gas Station - 15400 Sumpter Rd	Final Site Plan Approval	Approved
6/24/2015	14-007	Menards - V125-83-061-99-0005-721	Final Site Plan Approval	Approved
6/24/2015	14-007	Menards - V125-83-061-99-0005-721	Tree Removal Permit	Approved
7/8/2015	15-013	Rezoning - 50081 Mott Rd	Public Hearing	N/A
7/8/2015	14-025	USA 2 Go & Drive Thru Restaurant - 49230 Michigan Ave & 5825 Denton Rd	Public Hearing	N/A
7/22/2015	14-025	USA 2 Go & Drive Thru Restaurant - 49230 Michigan Ave & 5825 Denton Rd	Recommend Special Use Approval	Approved
7/22/2015	14-025	USA 2 Go & Drive Thru Restaurant - 49230 Michigan Ave & 5825 Denton Rd	Preliminary Site Plan	Approved
8/12/2015	15-013	Rezoning - 50081 Mott Rd	Recommend Rezoning to Township Board	Approved
8/12/2015	14-005	Rezoning for Townplace Suites - 11055 Quirk Rd	Recommend Rezoning to Township Board	Tabled
8/26/2015	14-005	Rezoning for Townplace Suites - 11055 Quirk Rd	Recommend Rezoning to Township Board	Tabled
9/9/2015	15-014	Trilogy Apartments Pool & Clubhouse	Public Hearing	N/A
9/9/2015	15-014	Trilogy Apartments Pool & Clubhouse	Recommend Special Use Approval	Approved
9/9/2015	15-014	Trilogy Apartments Pool & Clubhouse	Preliminary Site Plan	Approved
9/23/2015	14-005	Rezoning for Townplace Suites - 11055 Quirk Rd	Public Hearing	N/A
9/23/2015	14-005	Rezoning for Townplace Suites - 11055 Quirk Rd	Recommend Rezoning to Township Board	Approved
10/14/2015	15-015	Temporary Land Use - Boughan's Haunted Hayride - 15851 Martinsville Rd	Temporary Land Use	Approved
10/28/2015	14-003	Atchinson Ford Façade Update - 9800 Belleville Rd	Final Site Plan Approval	Approved
12/2/2015	15-014	Trilogy Apartments Pool & Clubhouse	Final Site Plan Approval	Approved
12/9/2015	13-009	Bethany Bible Church - Site Plan Amendment	Site Plan Amendment	Approved



Memo

TO: Van Buren Township Planning Commission

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

RE: Lakeshore Ordinance Public Outreach - Schedule

DATE: January 21, 2016

In order to allow the public every opportunity to ask questions about and comment on the proposed ordinance, Van Buren Township is presenting a series of informational events prior to the formal Public Hearing. Those events are as follows...

Lakeshore Ordinance Public Informational Meeting

February 17th, 2016 at 7pm at the Van Buren Township Hall Board Room.

At this meeting, Staff will present the Lakeshore Ordinance, providing the history of the Lake, current conditions and the reasons for the proposed ordinance.

Lakeshore Ordinance Open House

February 22nd and 23rd, 2016 from 12 pm to 4 pm at Van Buren Township Hall

Staff will be present to answer one on one, specific questions from lakeshore residents about the proposed Lakeshore Ordinance.

Lakeshore Ordinance One on One Informational Meetings

February 22nd and 23rd, 2016 from 6 pm to 9 pm at Van Buren Township Hall

Staff will be present to answer one on one, specific questions from lakeshore residents about the proposed Lakeshore Ordinance.

The notification for these events will accompany the Public Hearing Notice for the proposed ordinance. There will an advertisement in the Belleville Independent outlining the informational events.

Lakeshore Ordinance Public Hearing at Planning Commission

February 24th, 2016 at 7:30pm at the Van Buren Township Hall Board Room.

The Formal Public Hearing for the proposed Ordinance will take place at the Planning Commission.