

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
February 11, 2015
MINUTES**

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

ROLL CALL:

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

Excused: Franzoi.

Staff: Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Four.

APPROVAL OF AGENDA:

Motion McKenna, Johnson second to approve the agenda of February 11, 2015 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Budd, McKenna second to approve minutes from January 28, 2015 as presented.

Motion Carried.

PUBLIC HEARING:

ITEM # 1 **CASE# 14-030**

TITLE: **THE APPLICANT, SADEK PROPERTIES, LLC, IS REQUESTING SPECIAL APPROVAL OF A DRIVE-THROUGH RESTAURANT. A DRIVE-THROUGH RESTAURANT IS A SPECIAL LAND USE IN THE C-2 DISTRICT, AND A PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 12.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE.**

LOCATION: **PARCEL TAX ID NUMBER V125-83-064-99-0003-711, ALSO KNOWN AS 10950 BELLEVILLE ROAD, IS THE SUBJECT OF THIS HEARING. THE SITE IS APPROXIMATELY 0.80 ACRES AND IS LOCATED IN THE C-2, EXTENSIVE HIGHWAY BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED AT THE NORTHWEST CORNER OF BELLEVILLE ROAD AND NORTH I-94 SERVICE DRIVE.**

Motion Johnson, McKenna second to open the public hearing. Motion Carried.

Chris Sadek of Sadek Properties, LLC gave the presentation. The applicant would like to remove the carwash currently located on the property and modify the property to accommodate a bypass lane for a Dunkin Donuts drive-through.

Director Knowles has reviewed the original plan with the applicant and made corrections to address concerns with the passing lane for the drive-through.

Commissioner Johnson read letter dated 2-11-15 from the owner of Arby's, Mark Martilla. Mr. Martilla expressed concerns with the placement of drive-through speaker, noise and radio frequency. He also suggested adding a fence barrier built between the two properties to reduce noise and visual distraction. Mr. Martilla welcomes the project provided his concerns are met.

The applicant noted the peak flow of business will be at different times for the two restaurant's, he would prefer a landscape barrier versus a fence and is willing to work with the neighboring property owner Mr. Martilla on the noise concerns.

Motion Budd, Johnson seconded to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE# 14-027

TITLE: THE APPLICANT, ELRO CORPORATION, IS REQUESTING AN EXTENSION OF THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) AGREEMENT FOR THE BEDFORD COVE SUBDIVISION.

LOCATION: SOUTH SIDE OF W. HURON RIVER DRIVE, BETWEEN HOEFT ROAD AND ELWELL ROAD.

Eric Flynn of Elro Corporation gave the presentation. The PRD Bedford Cove was developed in April of 2007 and provided a 4-year time period. In April of 2011 due to the housing market crash, Elro Corporation entered into an extension agreement that expires on 4-9-15. The applicant is asking for an extension of no more than 5 years to let the undeveloped lots in surrounding development's sell.

Sally Hodges of McKenna Associates presented the PRD extension review letter dated 2-5-15 recommending the Planning Commission recommend the Township Board approve Elro's request to extend the PRD approval for Bedford Cove until April 9, 2020, a period of 5 years.

Commissioners discussed the 5-year period and agreed to the 5-year extension with a progress report provided by Elro Corporation every 2 years.

Motion Boynton, Johnson second to recommend to the Township Board the request by Elro Corporation for an extension to the PRD agreement of Bedford Cove subdivision for 5 years to include a written report every 2 years along with the recommendations in the McKenna Associates review letter dated 2-5-15. (Letter Attached)

Roll Call:

Yeas: Boynton, Kelley, McKenna, Budd, Johnson and Thompson.

Nays: None.

Absent: Franzoi.

Motion Carried.

GENERAL DISCUSSION:

ITEM # 1 CONSIDER POSSIBLE AMENDMENTS TO SECTION 12.02 OF THE ZONING ORDINANCE TO PERMIT OUTDOOR DINING AND TABLE SERVICE IN THE C-1 DISTRICT.

Sally Hodges of McKenna Associates presented the revised outdoor dining amendments letter dated 2-4-15. Commissioners discussed the changes made and found the information complete and ready to schedule a public hearing.

Motion Boynton, Kelley second to schedule a public hearing for revised outdoor dining amendments on March 11, 2015. Motion Carried.

Motion McKenna, Budd second to adjourn at 8:10 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

February 5, 2015

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

Subject: VBT-14-027; Bedford Cove Request for PRD Extension; Review #2

Dear Commissioners:

Elro Corporation is requesting a 5 year extension of its Bedford Cove Planned Residential Development (PRD) approval. Bedford Cove will contain 201 residential units on 94.58 acres located on the south side of Huron River Drive, between Hoeft and Elwell Roads (next to Cobblestone Creek). More than 30 acres or 32% of the site will be open space including a 4 acre park and 17 acre nature preserve. All units are to be detached single family dwellings, with no attached units. The project originally received PRD and Final Preliminary Plat approval in 2007.

As with all PRD's, the Bedford Cove PRD Agreement lays out the responsibilities of the developer and the Township regarding the development. The original Agreement required the developer to commence construction within four years. Because of poor economic conditions, in 2011 the developer requested, and the Township granted a four year extension with a new expiration date of April 9, 2015.

The 2011 – 2015 PRD extension was granted by the Township Board subject to the condition that the applicant would refrain from building on the site for a period of 3 years to allow the housing market to recover and allow for existing approved and in-construction phase developments to be completed. The Township Board also granted a coterminous extension of the final preliminary plat approval, consistent with the Township Attorney's recommendation.

REQUESTED ACTION

In order to prevent the PRD Agreement from expiring, the developer is requesting a second extension of time for their residential construction to begin, this time for 5 years. They are also requesting a second extension to the Final Preliminary Plat, but the Planning Commission does not have to take action on that portion of the request.

As you can see from its January 26, 2015 letter, the developer believes that the residential housing market has not yet recovered enough to justify beginning construction before the existing Agreement expires. They state that barring some unforeseen change in the economy, Bedford Cove should be under construction in the next several years, but forcing them to begin development immediately will further overload the market and likely delay absorption of homes in other residential subdivisions in the Township as well.

COMMENTS

1. In January 2011 there were an estimated 791 available buildable lots within Van Buren Township. The applicant's January 26, 2015 letter reports that 30 building permits were issued for construction in four selected Township subdivisions over the period of January 2011 - June 2014. We believe the subdivisions selected are not all a good representation of demand for new homes in Van Buren. Cobblestone Creek has had a recent jump in new home permits; and Country Walk and Victoria Park were severely affected by foreclosure and have legal issues which are being resolved, limiting the possibilities for construction in those developments. In comparison, according to SEMCOG for the 2011 - 2014 time period there were 67 single family home building permits issued in Van Buren, so the applicant's numbers appear to be only a partial count. However, even using SEMCOG's numbers, the Township still has over 700 available buildable lots.
2. Planned Residential Developments (PRDs) are intended to *"encourage the development of land in accordance with its character and adaptability; to conserve natural resources, natural features and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; ensure compatibility of design and use between neighboring properties; encourage development that is consistent with the Master Plan; and promote rural open space development that preserves the Township's rural character and encourages the preservation of agricultural lands."* The applicant states that the requested additional extension of time should have no detrimental effect on the Township or the public since the delay will permit the existing rural character of the land to remain intact.
3. PRD approval is a discretionary action, recommended by the Planning Commission and approved by the Township Board as a special approval use. The reason for a termination date in the PRD Agreement is to allow both parties to evaluate whether the conditions under which the approval was granted are still valid because situations, knowledge, and financial impacts change with time, and also to prevent outdated conditions from being grandfathered beyond a reasonable term. If the Township agrees to amend the PRD Agreement to extend the length of the approval, it is agreeing that the conditions under which the PRD was approved are still valid. The Township zoning ordinance standards for PRDs have not changed since Bedford Cove was originally approved, however in making its recommendation to the Township Board, the Planning Commission should get substantial assurance that the extension is not just a stepping stone to another request for extension in the future. Conditions and surroundings change, and at some point, the approval should expire.
4. Section 7.04 of the Zoning Ordinance specifies eligibility criteria for PRD's. Among the criteria in the Ordinance for a project/site to be eligible for PRD approval are the following:
 - a. *A PRD shall result in a recognizable and substantial benefit to the ultimate users of the PRD and the community.* The Bedford Cove PRD includes a 4 acre private park, 17 acre woodlands preserve, and a 200 foot undeveloped viewshed along Huron River Drive, none of which are required or likely in non-PRD developments. The extension of time will help insure that the subdivision ultimately gets built, consistent with the approved site plan. The applicant states that the extension is being sought "to insure that single family homes are

constructed and sold at an annual rate which justifies the cost of the subdivision improvements.”

- b. *A PRD shall not conflict with the Master Plan.* The Township Master Plan recommendations and the Zoning Ordinance requirements applicable to this site have not changed since the original PRD approval. The site is zoned R-1A and could be developed as ½ acre lots by right, without a PRD.
- c. *A PRD shall not exceed the capacity of existing available public services.* With the market recovering, the applicant is requesting an extension with the intention to start construction over the next 5 years. If he is forced to develop prematurely, there is a high probability that the lots will be vacant, or sparsely developed, with incomplete infrastructure and the attendant public enforcement problems of unfinished subdivisions. As long as the site remains as it exists today, the rural character of the land will limit the need for additional police and fire services.
- d. *A PRD shall not result in an unreasonably negative impact upon surrounding properties.* The housing market and economy has changed since the PRD was approved. At the time the PRD was approved, there seemed to be an unlimited market for small lots. Subsequently the downturn in the housing market severely limited the salability of smaller lots and homes in general, prompting the applicant to seek the 2011 extension. With the market now recovering, the applicant is asking for another extension which will allow it more time to begin construction, while not negatively impacting the construction of homes in other subdivisions already underway. If an extension is not approved, the applicant would likely begin some part of the project such as tree removal, resulting in another incomplete subdivision, which would not be consistent with the public health, safety and welfare.

RECOMMENDATION

We believe that it is in the best interests of the Township and the public to encourage the completion of existing developments and to not prematurely force new residential subdivisions that would further tax Township resources and negatively impact the community. Bedford Cove has not begun construction, its approval is about to expire and makes sense in this recovering residential market to first continue to decrease the supply of undeveloped lots in subdivisions already under development. Therefore we recommend that the Planning Commission recommend that the Township Board approve Elro's request to extend the PRD approval for Bedford Cove until April 9, 2020, a period of 5 years.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President