

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
May 27, 2015  
MINUTES**

Chairperson Thompson called the meeting to order at 7:32 p.m.

**ROLL CALL:**

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

**Excused:** None.

**Staff:** Secretary Harman.

**Planning Representatives:** McKenna Associate, Sally Hodges and Wade Trim Associate, David Nummer.

**Audience:** Nine (9).

**APPROVAL OF AGENDA:**

**Motion McKenna, Johnson second to approve the agenda of May 27, 2015 as presented.**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Budd, Kelley second to approve the minutes from May 13, 2015 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                      CASE# TLU 15-011**

**TITLE:                              THE APPLICANT, ANGRY TIGER FIREWORKS, IS REQUESTING TEMPORARY LAND USE APPROVAL BEYOND THE ADMINISTRATIVELY ALLOWABLE SEVEN (7) CONSECUTIVE DAYS AND REQUIRES PLANNING COMMISSION APPROVAL AS DETAILED IN SECTION 4.44 OF TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.**

**LOCATION:                        METRO PARTY STORE, 41001 E. HURON RIVER DRIVE. THIS SITE IS LOCATED AT THE SW CORNER OF E. HURON RIVER DRIVE AND OLD HAGGERTY.**

**Motion Franzoi, McKenna second to open the public hearing. Motion Carried.**

Frank Mattei of Angry Tiger Fireworks gave the presentation. Angry Tiger Fireworks did a trial run at the Huron River Drive location last year within the administratively allowable seven (7) consecutive days permitted in the Township Zoning Ordinance. Mr. Mattei has submitted his application to the Planning Department and is requesting temporary land use approval to operate beyond the seven (7) consecutive days permitted in the Township Zoning Ordinance.

Commissioners discussed the number of fire extinguishers on site. The applicant informed Commission members the fireworks tent will be 10' x 10' with only workers inside the tent. Patrons will walk around the outside of the tent. Fire extinguishers will need to be within four (4) feet of the workers inside the tent.

**Motion Kelley, Johnson second to close the public hearing. Motion Carried.**

**ITEM # 2                   CASE# SLU 15-006**

**TITLE:                   THE APPLICANT, TIM DONUT U.S. LIMITED INC., IS REQUESTING SPECIAL LAND USE APPROVAL FOR A DRIVE THROUGH RESTAURANT. A DRIVE THROUGH RESTAURANT IS A SPECIAL USE IN THE C-1 DISTRICT. REQUIRES PLANNING COMMISSION APPROVAL AS DETAILED IN SECTION 4.44 OF TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.**

**LOCATION:               TIM HORTONS RESTAURANT, 2141 RAWSONVILLE ROAD. THIS SITE IS ON THE EAST SIDE OF RAWSONVILLE ROAD, SOUTH OF THE I-94 SERVICE DRIVE AND NORTH OF HURON RIVER DRIVE.**

**Motion McKenna, Boynton second to open the public hearing. Motion Carried.**

Mark Kellenberger gave the presentation. The applicant is requesting a building renovation to relocate the drive-thru that is currently located in the loading area and cut parking spaces in its new location. The applicant has submitted plans to the Planning Department and received a staff review.

**Motion Boynton, Franzoi second to close the public hearing. Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1                   CASE# RZ 15-003**

**TITLE:                   THE CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES HAS INITIATED AN AMENDMENT TO REZONE APPROXIMATELY 3.4 ACRES CURRENTLY ZONED C-1 (GENERAL BUSINESS) TO R-1B (SINGLE-FAMILY RESIDENTIAL).**

**LOCATION:               PARCEL NUMBER V125-83-039-99-0009-014, WHICH IS CURRENTLY VACANT. THIS SITE IS LOCATED ON THE NORTH SIDE OF TYLER ROAD BETWEEN BELLEVILLE ROAD TO THE WEST AND WALDEN BOULEVARD TO THE EAST.**

Sally Hodges of McKenna Associates gave the presentation. The property was conditionally rezoned in 2007. The conditions in the conditional rezoning agreement were not met and due to a recording oversight, the property did not revert back to the original R-1B single-family residential zoning.

Sally Hodges of McKenna Associates presented review letter dated 5-20-15 recommending the Planning Commission recommend to the Township Board of Trustees approval of the request to rezone the site from C-1 (General Business) to R-1B (Single-Family Residential).

No comments from the Commission or the audience.

**Motion Johnson, McKenna second to recommend the Township Board of Trustees approve the request to rezone the approximately 3.4 acre site, parcel number V125-83-039-99-0009-014 from C-1 (General Business) to R-1B (Single-Family Residential) as supported by the McKenna Associates review letter dated 5-20-15. (Letter Attached)**

**Roll Call:**

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

**Nays: None.**

**Absent: None.**

**Motion Carried.**

**ITEM # 2                   CASE# SPR 14-019 (FSP)**

**TITLE:                   THE APPLICANT, BELLEVIEW DEVELOPMENT, LLC, IS REQUESTING FINAL SITE PLAN APPROVAL FOR DEVELOPMENT OF A COMMERCIAL BUILDING WHICH INCLUDES A DRIVE THRU RESTAURANT (SPECIAL LAND USE HAS BEEN APPROVED).**

**LOCATION:               PARCEL NUMBER V125-83-059-01-0013-000, ALSO KNOWN AS 10705 BELLEVILLE ROAD, AND THE NORTHERLY HALF (APPROXIMATELY 33 FEET) OF THE PARCEL TO THE SOUTH. THE SITE IS APPROXIMATELY 1.98 ACRES AND IS LOCATED IN THE C-1, GENERAL BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE.**

Steven Alexander gave the presentation. The applicant has complied with a number of requirements since preliminary site approval including the single access drive and the brick exterior façade and has addressed all concerns raised.

Hodges of McKenna Associates presented final site plan review letter dated 5-18-15 recommending the Planning Commission grant final site approval subject to the eight (8) conditions referenced in the letter.

David Nummer of WadeTrim presented engineering review letter dated 5-20-15 recommending final site plan approval.

Fire Marshal, David McNally's review letter dated 5-21-15 recommends final site plan approval.

Commissioners discussed the bio swale, canopies, façade colors and materials, signage and potential vendors.

No comments from the audience.

**Motion Boynton, Budd second to grant final site plan approval to Belleview Development, LLC, located at parcel number V125-83-059-01-0013-000 also known as 10705 Belleville Road along with the recommendations in the McKenna Associates review letter dated 5-18-15, also to include**

**review of the façade materials discussed [to be done by McKenna Associates prior to permits being issued], WadeTrim review letter dated 5-20-15 and Fire Marshal review letter dated 5-21-15. Motion Carried. (Letters Attached)**

**GENERAL DISCUSSION:** None.

**Motion McKenna, Johnson second to adjourn at 8:16 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary

May 20, 2015

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

**Subject: VBT-RZ 15-003; Tyler Road Rezoning, Parcel ID V-125-83-039-99-0009-014 on Tyler Road; Rezoning Review #1**

Dear Commissioners:

The Township Board has initiated rezoning of 3.4 acres of land currently zoned as C-1 (General Business) to R-1B (Single Family Residential). The site is vacant and located north of Tyler Road, west of Belleville Road, and north of Meijers.

This site was the subject of the first conditional rezoning in Van Buren Township, which was recommended by the Planning Commission to accommodate medical offices, while not permitting the full range of more intense uses permitted in the C-1 District. The rezoning was approved by the Township Board subject to specific conditions and a site plan offered by the applicant as contained in a proposed conditional rezoning agreement. In an oversight, the Township Board approved the rezoning without specifically authorizing execution of the conditional rezoning agreement that contained the conditions that made that proposed use compatible with the Master Plan and the surroundings. Thus C-1 is the current zoning of the site, without the development and use restrictions that were desired by the Township.

The medical office project did not materialize. Under a conditional rezoning agreement, the land would have returned to its original R-1B classification after several years of inaction; however, because the agreement was not executed there is no reversion clause. Thus, in order to accomplish reversion to R-1B as was intended in 2007, the Township must go through the rezoning process. The Township Board has asked the Commission to undertake that process so that the land may be returned to its previous single family residential classification. The Commission held a public hearing on May 13, 2015 and no public comments were received.

**COMMENTS**

1. **Existing Conditions.** The site's surroundings are summarized below:

Location	Existing Land Use	Master Plan	Existing Zoning
Site	Vacant	Town Center Core	C-1, General Business
North	Manufactured Home Park	Town Center Edge	RMH, Mobile Home Park
East	Single Family Dwelling	Town Center Core	R-1B, Single Family Residential
South	Commercial (Meijers)	Town Center Core	C-2, Extensive Highway Business
West	Single Family Dwelling	Town Center Core	R-1B, Single Family Residential

2. **Master Plan.** The Township's Master Plan for this area was updated in 2010. The Town Center Core classification of the site and land to the south, east and west is intended to permit *"densities higher than in other areas of the Township, in some cases allowing buildings up to 3 stories with vertical mixing of uses – residential and/or office uses above retail and service. Buildings in this district should be set close to the road, with no more than one double-loaded row of parking in front of the building, and include features that are not traditional for suburban locations, such as stores that open to the outdoors, housing above some of the retail, lively well-defined outdoor and civic spaces and even, when the market will support it, replacing some surface parking with decks or under-building parking."* The Plan goes on to say that the Meijers site is designated Town Center Core, in spite of its big box format, because future reconfiguration of the big box site should happen when the market is ready (emphasis added).

Approval of the requested rezoning would not be strictly consistent with the Township's adopted Future Land Use Map. However, by itself this site is fairly small for mixed use development, and no commercial uses have been proposed or developed on it since it was rezoned C-1. Although the site is vacant, as described above the Plan text states that the Town Center Core future land use is not expected to be realized until the market is ready, and there have been no applications for such development on this site. Rezoning to revert the site to R-1B would restore the conditions that were present previously, and would be consistent with waiting for market conditions that would support the more dense uses desired by the Master Plan. It would also give the Township time to adopt new zoning regulations (Belleville Road Overlay) as are being considered in the overall Zoning Ordinance update, that will be a much better fit for creating form of development outlined in the Master Plan.

3. **Zoning.** Permitted uses in the site's existing C-1 District and the proposed R-1B District are as follows:
  - a. Existing C-1 Zoning. The C-1 District is intended to be retail business and service uses which generate large volumes of traffic, require substantial access for off-street parking and loading, and require detailed planning with regard to relationships with adjacent residential uses. Permitted uses include: all uses permitted in the C Local Business District; automobile, trailer or boat showrooms, business schools operated for a profit; carpet and furniture stores; restaurants and bars; contractors' establishments; medical labs; health clubs; public buildings; wedding chapels; animal clinics; gas stations; and uses similar. Uses permitted by special approval include: car washes; bowling alleys; drive through establishments; open air businesses; wholesale stores; shopping centers; self-storage facilities; RV storage; outdoor storage of building contractors' supplies; and similar uses. Many of these uses are not consistent with the Town Center Core master plan category.

Further, the C-1 District setbacks, parking and design standards are targeted toward creating a typical suburban layout, and are not sufficient to facilitate development of the type and pattern envisioned by the Master Plan.

- b. Proposed R-1B Zoning. The R-1B District is intended to permit single family residential development on lots with a minimum area of 10,000 sq. ft. and minimum width of 80 feet. Permitted uses include: single-family detached dwellings; publicly-owned/operated parks and playfields; local government buildings; public, parochial and private schools; accessory buildings and uses; home occupations; adult foster care small group homes and family day care homes. By special approval, public utility buildings without storage yards; churches; golf courses; bed and

breakfast establishments; and similar uses may be permitted.

4. **Pattern of Development.** Single family homes are on the immediate east and west sides of the site, and mobile home dwellings to the north. Rezoning to R-1B would be consistent and compatible with these existing residential land uses and would avoid potential negative impacts that might be created if the site were developed under the standard C-1 District regulations without the protections for the neighbors that were intended by the previous conditional zoning.
5. **Community Need.** Ample land is available in the vicinity for C-1 uses, and there has been no evidence presented that this site is needed as part of that C-1 supply.
6. **Traffic and Infrastructure.** The available infrastructure will appropriately accommodate the requested zoning district.

#### **RECOMMENDATION**

We recommend that the Planning Commission recommend that the Township Board of Trustees approve the request to rezone the site from C-1 (General Business) to R-1B (Single Family Residential) for the following reasons:

1. The requested R-1B zoning district is consistent with the existing abutting residential land uses and will minimize potential negative impacts of a C-1 commercial use on those neighbors.
2. Rezoning to the site to R-1B would be consistent with the Master Plan objective of waiting for market conditions that would support the more dense mixed uses envisioned on the Future Land Use map.
3. Rezoning the site to R-1B will correct a past action that unintentionally imposed the entirety of the C-1 District on this site without the conditional zoning provisions to make it compatible with the surroundings.

Respectfully submitted,

**McKENNA ASSOCIATES, INCORPORATED**



Sara J. Hodges, AICP, IAP2  
Senior Vice President

May 18, 2015

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

**Subject: VBT-14-009 SPR; Belleville Commercial Development – Former Big Boy Site; Site Plan Review #4 – Final Site Plan Review; Plans Dated 5/14/15**

Dear Commissioners:

The applicant proposes a new multi-unit commercial building to replace the former Big Boy building on Belleville Road. The Planning Commission recommended special approval and granted preliminary site plan approval in January 2015, and subsequently the Township Board granted special use approval. We have reviewed the revised plans for compliance with the conditions of special approval and preliminary site plan approval and offer the following comments for your consideration.

- 1. Only one Belleville Road driveway shall be permitted. The north driveway shall be removed and the site plan revised accordingly and in compliance with the Ordinance.** The site has been redesigned to use only the single, central driveway. This condition has been met.
- 2. Planning Commission approval of reducing the number of parking spaces on the site from 85 (including two RV spaces) to 81 (including two redesigned, longer RV spaces). The applicant must submit satisfactory justification for this reduced parking count, in writing, before the Commission makes the determination.** The applicant now proposes 93 parking spaces on the site, using land that was formerly in the second driveway and correcting a miss-count in the back of the lot. The floor areas of the various units in the building have changed slightly and it appears that the usable floor areas noted are not 80% of floor area as specified in the Zoning Ordinance. The applicant's engineer has submitted a letter with revised parking calculations and confirms that there is sufficient parking on site to comply with the ordinance requirements. The revised calculations must be added on the final site plan.
- 3. Planning Commission approval of reducing the number of drive through stacking spaces from 15 to 10. The applicant must submit satisfactory justification for this reduction, in writing, before the Commission makes the determination.** The Commission approved the proposed 10 stacking spaces with preliminary site plan approval. This condition has been met.
- 4. Planning Commission approval of the building elevations, including true brick and additional facade details as described in Comment 8 above. The proposed façade materials and colors must be presented for Commission approval prior to final site plan approval.** The building elevations have been improved since preliminary approval. The exterior is primarily true brick veneer in two colors and wainscot block on the base of the building. The brick color notations on the building (Sheet SP-02) must be checked and confirmed; wainscot block is noted for an upper elevation on the front of the building which we believe is an error. A color-rendered version of the elevations must be presented at the Planning Commission meeting, and the proposed materials and colors are subject to the Commission's approval.

**5. The following items addressed on the final site plan:**

- a. **Designation of 2 larger RV parking spaces.** This condition has been met.
- b. **Manufacturer's cut sheets for the proposed wall mounted and pole light fixtures.** This condition has been met.
- c. **Compliance with all landscaping requirements.** This condition has been met.
- d. **The trash cans in the public seating area must conform to DDA's standard and cut sheets added to the plan.** This condition has been met.
- e. **Satisfactory screening of rooftop equipment and details, consistent with Comment 8 above.** Screening of the rooftop units will be accomplished via a raised parapet surrounding all four sides of the building. This condition has been met.
- f. **Sign information.** The revised plan now identifies a 3-panel menu board, an order post/canopy and a pre-menu board. Section 20.409.4.j. of the Ordinance requires that menu boards must be monument signs with a decorative base at least as wide as the sign panels and be landscaped. This requirement applies to the 3-panel menu board (5 panels are noted on the sign detail) and pre-menu board thus those signs must be revised. Elevation details of the order post/canopy and the pre-menu board must be added to the plan. Colors and materials must also be noted on the details.

Details for the proposed site monument sign are no longer on the plans, therefore they must be provided and conform to the conditions of preliminary site plan approval. The locations for wall signs must be identified on the building elevations, and they should be dimensioned to conform to Ordinance requirements.

- 6. Prior to final site plan approval, the cross access easement documents must be submitted for Township review and approval. If they are not already, the documents must be signed and recorded prior to permits being issued for the site.** It is our understanding that draft cross access easement documents have been submitted to the Planning Department for review. These documents must be approved, signed and recorded before any permits are issued for the site.

In addition to the conditions of preliminary site plan approval, new crosswalks are proposed to be striped between the sidewalks on the north side of the building through the parking lot. These crosswalks have no safe point of ending; they only terminate in the parking lot pavement. We recommend that crosswalk striping only be applied where there is a direct sidewalk to sidewalk connection. The striping into the parking lot and to the dumpster should be removed.

**RECOMMENDATION**

Most of the conditions of the Planning Commission's preliminary site plan approval have been met, and special approval has been granted. Therefore, we recommend final site plan approval subject to:

1. Correction of the parking calculations on the final site plan;
2. Correction of the brick color notations on the building (Sheet SP-02), presentation of a color-rendered version of the elevations at the Planning Commission meeting, and approval by the Planning Commission of the proposed materials and colors;
3. Revision of the two menu board signs to be monument signs with a decorative base at least as wide as the sign panels and be landscaped.

4. Elevation details of the order post/canopy and the pre-menu board must be added to the plan. Colors and materials of all three signs must also be noted on the details.
5. Details for the proposed site monument sign must be provided and conform to the conditions of preliminary site plan approval. The locations for wall signs must be identified on the building elevations, dimensioned and conform to Ordinance requirements.
6. The striped crosswalks on the north side of the building, through the parking lot and to the dumpster should be removed.
7. Review and approval of cross access agreements by the Township Planning Department. These documents must be signed and recorded prior to permits being issued for the site.
8. Approval of the Township Engineer and all agencies with jurisdiction.

Respectfully submitted,

**McKENNA ASSOCIATES**

A handwritten signature in blue ink that reads "Sara J. Hodges". The signature is written in a cursive style with a large, looping initial "S".

Sara J. Hodges, AICP, IAP2  
Senior Vice President

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

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



May 21<sup>st</sup> 2015

Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

Re: Belleville Commercial Center, SPR 14-019

I have reviewed the plans, Job number SPR 14-019 for the above referenced project. NFPA 1 Fire Code (2012 Edition), NFPA 13 (2007 Edition) and NFPA 101, Life Safety Code (2012 Edition), were the primary reference documents used for this review and I have the following items requiring further detail / attention:

The building plans now call for a "proposed" Fire Department Connection. The first review indicated the building would be equipped with a suppression system. Is the building going to be suppressed? If so the below listed concerns have not been addressed since the last plan review and still apply.

I see the layout calls for five separate businesses in the same building, which classifies it as separated occupancies. Codes from **NFPA 101 6.1.14.4 – 6.1.14.4.4** shall apply regarding the separation between the businesses.

Below are the following items of concern:

1. The Fire Department Connection shall be located on the North East corner of the building and shall be located and arranged so that hose lines can be attached to the inlet(s) without interference from any nearby objects including buildings, fences, posts, or other fire department connections. *Current location has the FDC connection located behind a grease dumpster.*

**NFPA 13 8.16.2.4.6**

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**

**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.

3. The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems*. **(Recommendation of the Fire Department) NFPA 1 13.3.2.27.2**

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. All Tenants will have their keys secured in the Knox box.  
**NFPA 1 18.2.2.1**

With the above considerations, the plan set is approved as submitted.

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. McNally  
Van Buren Township Fire Dept.  
Battalion Chief/Fire Marshal



# WADE TRIM

May 20, 2015

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

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

Re: Belleville Commercial  
Final Site Plan

Dear Ms. Thompson:

At your request, we have reviewed the final site plan and detailed engineering plans for the proposed Belleville Commercial Center located on the east side of Belleville Road at the former Big Boy site. The Designer has addressed all our concerns and we find that the construction plans comply with Township engineering standards; therefore, we have approved them on behalf of the Township.

As you may recall, the primary issue during the preliminary site plan review was the two proposed access points onto Belleville Road. This issue has been resolved and the plans now show one access. The site will connect to existing sanitary sewer on the east side of Belleville Road. Water main is being extended from the west side of Belleville Road and is set up to extend to the north as that property redevelops in the future. The storm water management system is designed to comply with Van Buren Township and Wayne County standards.

## Recommendation

We are recommending approval of the final site plan at this time. 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.

David M. Nummer, PE

DMN:ka  
VBN 2243-01T  
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cc: Mr. James Taylor, Director of Public Works  
Mr. Darrell Fecho, Planning and Economic Development Director

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