

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
JUNE 15, 2015 WORK STUDY MEETING, TENTATIVE AGENDA**

ROLL CALL:

Supervisor Combs	_____	Trustee McClanahan	_____
Clerk Wright	_____	Trustee Miller	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Hart	_____	Attorney McCauley	_____
Trustee Jahr	_____	Secretary Montgomery	_____

UNFINISHED BUSINESS:

1. Discussion on Resolution 2015-24 the AutoZone Water System Maintenance and Repair Agreement.
2. Discussion on the Memorandum of Understanding with Country Walk.

NEW BUSINESS:

1. Discussion on the first reading of Ordinance 06-16-2015 to amend the Township Zoning Ordinance by rezoning parcel V125-83-039-99-0009-014 from C-1 (General Business) to R-1B (Single Family Residential).

PUBLIC COMMENT:

ADJOURNMENT:

CLOSED SESSION:

ADJOURNMENT:

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 06/15/15

BOARD MEETING DATE: 06/16/15

Consent Agenda _____

New Business _____

Unfinished Business **X** _____

Public Hearing _____

ITEM (SUBJECT)	AutoZone Storm Water System Maintenance and Repair Agreement
DEPARTMENT	Developmental Services
PRESENTER	Patrick Sloan, McKenna Associates
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic: Storm Water Agreement with AutoZone.

ACTION REQUESTED	Adoption of the attached Van Buren Township Resolution #2015-24 to approve the AutoZone Storm Water System Maintenance and Repair Agreement with the property owner and notifying Wayne County of this action.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	<p>No action has been taken by the Board on this item since presented at the Board meeting of 12/02/14. Although AutoZone has a Certificate of Occupancy and has been in operation since last August, we have received numerous requests from AutoZone since then to process their storm water agreement because Wayne County will NOT release AutoZone's \$30,000 cash bond until a signed agreement is received by them from the Township.</p> <p>To ensure that the property owner takes responsibility for long-term maintenance of the site's storm water drainage system, Van Buren Township has historically required a Storm Water Maintenance and Repair Agreement with the property owner. Additional agreements will be coming forward with other approved site plans for Township businesses.</p> <p>This item was originally on the October 21, 2014 Township Board of Trustees agenda, but no action was taken at that time due to concerns regarding the Township's potential obligation to maintain and repair the storm water system. Patrick McCauley revised that version of the Agreement and Resolution to provide more protections for Van Buren Township, and the Township Board reviewed and discussed the revised documents at its November 17, 2014 Work Study meeting and its December 2, 2014 regular meeting.</p> <p>We request that the Township Board of Trustees approve the revised Agreement and Resolution #2015-24, which are enclosed. AutoZone is currently in the process of executing the revised Agreement</p>
BUDGET IMPLICATION	None.
IMPLEMENTATION NEXT STEP	Execute Storm Water Agreement and forward an executed copy to Wayne County
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	_____

RESOLUTION 2015-24

CHARTER TOWNSHIP OF VAN BUREN
TOWNSHIP BOARD

LONG TERM MAINTENANCE OF STORM WATER MANAGEMENT SYSTEM
FOR AUTO ZONE DEVELOPMENT LLC

At a Regular Meeting of the Charter Township of Van Buren Board of Trustees on June____, 2015, the following resolution was offered

WHEREAS, chapter 7 of the Wayne County Storm Water Management Ordinance (“Wayne County Ordinance”), requires storm water management systems to be maintained in perpetuity to ensure that the systems function properly as designed; and,

WHEREAS, Rule 1001 of the Wayne County Storm Water Management Administrative Rules (“Administrative Rules”) requires applicants for storm water construction approval to submit long term maintenance plans as part of an application for storm water construction approval; and,

WHEREAS, Auto Zone Development LLC (“Developer”), as property owner, has applied to the Wayne County Department of Public Services for a storm water construction approval with respect to a project named Auto Zone Retail Facility (“Project”) located at 9899 Belleville Road in Belleville, Michigan 48111; and,

WHEREAS, Developer’s application for storm water construction approval has been assigned permit review number R-13-290; and permit number M-47607; and,

WHEREAS, Developer submitted a plan to the County and the Township (“Plan”) for long term maintenance of the storm water management system at the Project pursuant to Rule 801, which Plan has been tentatively approved by the County pending issuance of this resolution; and,

WHEREAS, the Plan has been reviewed and approved by the Township engineer and Planning Commission, in accordance with the development of the Project, located at 9899 Belleville Road, Belleville, MI 48111 (parcel V125-83-058-99-0007-702) in Van Buren Township by Developer, a Nevada corporation, whose address is 123 South Front Street, Memphis, Tennessee 38103; and,

WHEREAS, the Township has agreed to assume jurisdiction and accept responsibility for long term maintenance of the storm water management system at the Project in perpetuity, in the event the Developer does not maintain the

storm water Plan for the Project; subject, however, to the storm water management system maintenance and repair agreement (“Agreement”) between the Township and Developer as authorized by Rule 1002 by which the Developer shall undertake this responsibility, and provided further the said acceptance of jurisdiction and maintenance excludes all storm water related structures in Wayne County’s rights of ways associated with or part of the Project by the Developer on a parcel of land known as 9899 Belleville Road, Belleville, MI 48111 (parcel V125-83-058-99-0007-702)

NOW THEREFORE BE IT RESOLVED, that the Charter Township of Van Buren, subject to the Rule 1002 Agreement, assumes jurisdiction over and accepts responsibility for long term maintenance of the storm water management system at the Project pursuant to the Wayne County Ordinance, the Administrative Rules, the Plan, and the storm water construction approval issued by Wayne County;

BE IT FURTHER RESOLVED, that the Supervisor and/or Clerk be and hereby are authorized to execute a Wayne County storm drainage maintenance permit number M-47607 on behalf of the Charter Township of Van Buren in connection with the Project by the Developer on a parcel of land known as 9899 Belleville Road, Belleville, MI 48111 (parcel V125-83-058-99-0007-702) in Van Buren Township;

BE IT FURTHER RESOLVED, that the Supervisor and Clerk be and hereby are authorized to execute a Storm Water Management System Maintenance & Repair Agreement with the Developer for the Project to require Developer to assume all costs for maintenance and operation of storm sewer facilities outside of the Wayne County rights of ways associated with or part of the Project by the Developer as owner of the property in Van Buren Township.

AYES:

NAYS:

ABSENT:

I, Leon Wright, Clerk of the Charter Township of Van Buren, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Charter Township of Van Buren Board of Trustees, at a regular meeting held on this _____ day of June, 2015.

Leon Wright, CMC
Clerk, Charter Township of Van Buren

**STORM WATER MANAGEMENT SYSTEM
MAINTENANCE AND REPAIR AGREEMENT**

This Storm Water Management System Maintenance and Repair Agreement (“AGREEMENT”) made and entered into as of June ____ 2015, by and among the CHARTER TOWNSHIP OF VAN BUREN, a municipal corporation, with principal offices located at 46425 Tyler Road, Van Buren Township, MI 48111, hereafter referred to as the (“TOWNSHIP”); and AUTOZONE DEVELOPMENT LLC, a Nevada limited liability company, whose address is 123 South Front Street, Memphis, Tennessee 38103, hereafter referred to as (“OWNER”).

WITNESSETH:

WHEREAS, the OWNER owns a certain real property located at 9899 Belleville Road, in Van Buren Township, Wayne County, Michigan, and described in the legal description attached as Exhibit A; and

WHEREAS, the OWNER proposes to develop the property described on Exhibit A as a retail facility and in connection therewith has submitted a storm water management system plan to Wayne County and the TOWNSHIP (“Plan”); and

WHEREAS, Wayne County requires that the construction, maintenance and repair responsibilities for any proposed storm water management system to be constructed in Van Buren Township, including the storm water management system to be constructed within the proposed retail facility property as part of the construction and development of the retail facility and connected to the Wayne County storm water management system, be accepted by Van Buren Township; and

WHEREAS, the TOWNSHIP has adopted a resolution as required by the Wayne County Office of Public Services to assume jurisdiction of said on-site storm water management system, said jurisdiction having been assumed by the TOWNSHIP at the request of and benefit for the OWNER in order to complete construction of the proposed retail facility and accommodate the OWNER and all future owners of the retail facility; and

WHEREAS, the OWNER wishes to outlet storm drainage from the proposed retail facility property through one (4-inch PVC Pipe) connection(s) to Belleville Road rights of ways within the property described in Exhibit A, the connection being by OWNER as shown on Exhibit A. As shown on Exhibit A, attached hereto and made a part hereof by reference, the open ditch connections are hereinafter referred to as the “CONNECTIONS” and the proposed storm water management system to be constructed as part of the proposed retail facility and which will access the Belleville Road rights of ways via the CONNECTIONS is hereinafter referred to as the “FACILITY”; and

WHEREAS, the TOWNSHIP has received permit number M-47607 ("Permit") attached as Exhibit C issued by Wayne County authorizing the construction, operation and maintenance of the OWNER's Plan, CONNECTIONS and FACILITY; and

WHEREAS, the TOWNSHIP and OWNER desire to transfer the responsibilities of the Permit from the TOWNSHIP to the OWNER, or OWNERS's successors and assigns, and confirm the terms and conditions of said transfer of responsibilities by this Agreement.

NOW THEREFORE, in consideration of the premises, the foregoing recitals fully incorporated into this Agreement and undertakings of the parties set forth in this AGREEMENT, the parties agree as follows:

1. The OWNER shall be responsible for and shall pay all costs related to the construction, operation, maintenance and repair of the FACILITY. The OWNER shall be responsible for all subsequent liabilities and costs for the maintenance, operation, repair and replacement of the FACILITY. The OWNER shall be fully, completely and unconditionally responsible for, shall assume all TOWNSHIP obligations under the Permit and shall pay all costs related to performing the requirements of the Permit and Plan.

2. The TOWNSHIP may enter upon the OWNER's property upon reasonable notice for the purposes of inspecting, repairing and maintaining said storm drainage system and private sewer pipe, in which event the OWNER agrees to pay to the TOWNSHIP all charges and expenses incurred thereon. In the event that the OWNER shall, at any time, fail to carry out the responsibilities specified within this Agreement, and/or in the event of a failure to preserve and/or maintain the FACILITY in reasonable order and condition, TOWNSHIP may serve written notice upon the OWNER setting forth the deficiencies in maintenance and/or preservation along with a demand that the deficiencies be cured within a stated reasonable time period and, if not cured, the TOWNSHIP shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents or contractors to enter the Property and perform such obligation or take such corrective measures as reasonably found by the TOWNSHIP to be appropriate or necessary. The cost and expense of making and financing such actions by the TOWNSHIP, including notices by the TOWNSHIP and actual legal fees incurred by the TOWNSHIP, plus an administrative fee in an amount not to exceed twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by OWNER within thirty (30) days of a billing to the OWNER. All unpaid amounts may be placed on the delinquent tax roll of the TOWNSHIP and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the TOWNSHIP, such costs and expenses may be collected by suit initiated against the OWNER and in such event; the OWNER shall pay all court costs and actual attorney fees incurred by the TOWNSHIP in connection with such suit.

3. The CONNECTIONS shall be designed to restrict its storm water flow capacity to the amount shown on Exhibit A within the FACILITY for the purpose of draining the proposed retail facility in the manner described on Exhibit A.
4. The TOWNSHIP shall assign to the OWNER, its successors and assigns, the revocable Permit executed between the TOWNSHIP and the WAYNE COUNTY OFFICE OF PUBLIC SERVICES authorizing the CONNECTIONS to be in the Belleville Road rights of ways, as shown on Exhibit A, and the OWNER and their successors or assigns shall be bound by said revocable Permit and the conditions of the Storm Water Discharge Permit issued by the Wayne County Department of Public Services and the Storm Sewer Maintenance Schedule as described on Exhibit "B" of this AGREEMENT.
5. In the event that operation, maintenance or repair of the FACILITY within the retail facility becomes necessary, in the opinion of the regulating agencies, and the OWNER or their successors or assigns do not undertake the operation, maintenance or repair of the FACILITY within sixty (60) days after written notice from the regulating agencies, then the OWNER or their successors or assigns shall become responsible for any and all costs to the TOWNSHIP for operation, maintenance or repair of the FACILITY, which costs shall be borne by the OWNER or their successors or assigns.
6. If in the future, Wayne County or any other public agency imposes higher or additional standards or requirements, those additional standards or requirements shall be deemed to automatically become part of the Maintenance and Repair Obligations of OWNER. It is the intention of the Parties that all costs associated with or attributable to the Storm Water Maintenance FACILITY will at all times be paid by the OWNER as OWNER's sole responsibility, cost and expense.
7. The OWNER shall defend, indemnify and save harmless the TOWNSHIP, its employees, agents, servants and elected officials, from any claims, costs, demands, actions, injuries, expenses, attorney fees and damages of any kind or nature whatsoever, fixed or contingent, known or unknown, which occur to property, flooding of lands, personal injury or diminution arising out of or in any way connected with the design, construction, ownership, inspection, maintenance, repair, operation (or omission in such regard) or use of the FACILITY or CONNECTIONS or the use of the Wayne County storm water management system to drain the FACILITY or the CONNECTIONS, which arise out of carrying storm drainage from the retail facility into the CONNECTIONS, or on account of any damages to the retail facility, flooding of the retail facility or diminution in the use of the CONNECTIONS, or the failure of the OWNER to comply with the requirements of the Permit or Plan or any other obligations of this Agreement.
8. This AGREEMENT shall continue in force for as long as the TOWNSHIP is obligated to the WAYNE COUNTY OFFICE OF PUBLIC SERVICES, and shall

run with the land. Further, this AGREEMENT shall be binding on the parties, and their respective successors and assigns.

9. The OWNER shall record this AGREEMENT with the Wayne County Register of Deeds, as an agreement with respect to the retail facility, to ensure that this AGREEMENT shall be binding on the parties, and their successors and assignees in interest until such a time as is described in paragraph 8 above. The OWNER, within thirty (30) days of the execution of this AGREEMENT, shall provide the Township with a copy of this AGREEMENT indicating that it has been filed for recording at the Wayne County Register of Deeds. Should the OWNER fail to timely record this Agreement, the TOWNSHIP may record the Agreement and the OWNER shall pay the costs associated therewith.
10. Failure of the OWNER to timely pay to the TOWNSHIP any amounts due under this Agreement such amounts may be placed on the delinquent tax roll of the TOWNSHIP and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes.
11. In accordance with 1976 PA 453, the parties hereto covenant not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status, and to require a similar covenant on the part of any subcontractor employed in the performance of this AGREEMENT.

TOWNSHIP:
CHARTER TOWNSHIP OF VAN BUREN,
a Michigan Body Public

By: _____
Linda Combs, Supervisor

By: _____
Leon Wright, Clerk, CMC

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Linda Combs and Leon Wright, the Supervisor and Clerk, respectively, of the Charter Township of Van Buren, a Michigan body public, on behalf of said body.

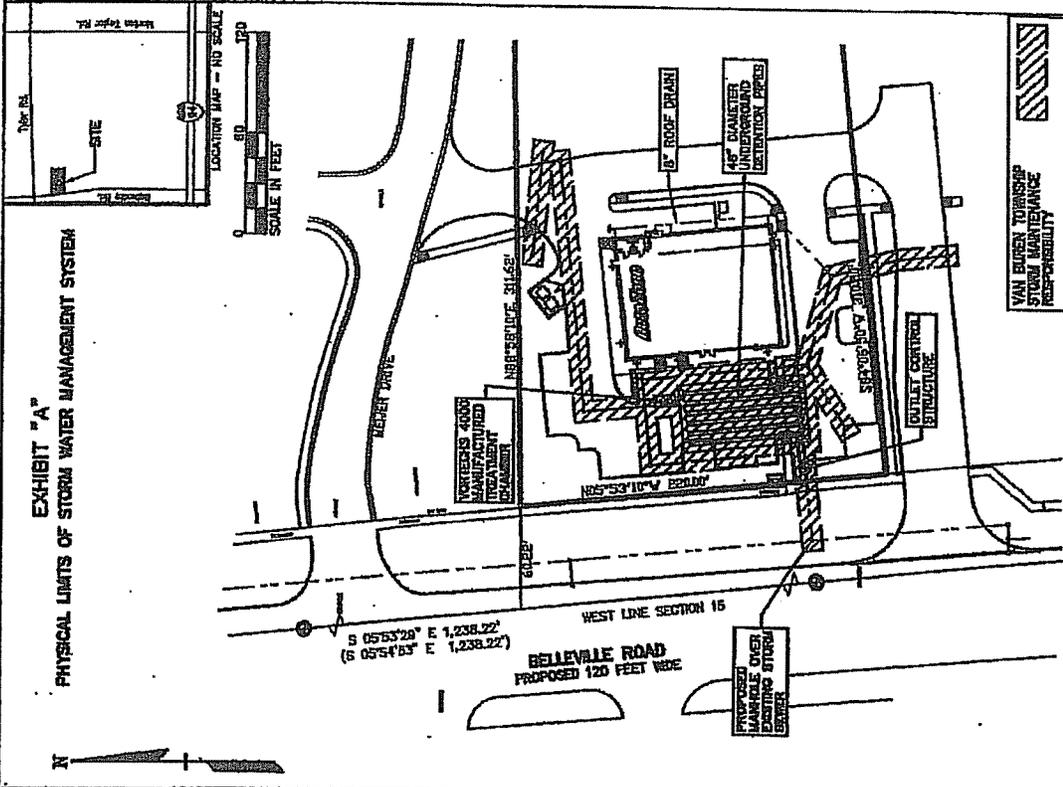
Notary Public, Wayne County, Michigan

My Commission expires: _____

DRAFTED BY AND WHEN
RECORDED RETURN TO:

Clerk's Office
Attn: Leon Wright, Clerk
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

EXHIBIT "A"
PHYSICAL LIMITS OF STORM WATER MANAGEMENT SYSTEM



VAN BUREN TOWNSHIP
STORM MAINTENANCE
RESPONSIBILITY

STORM SEWER

Professional Engineering Associates, Inc.
 2100 E. Grand River Avenue
 Westland, Michigan 48090
 (313) 446-8800 Ext. 220

Applicant & Owner:
 Alladin, Inc.
 724 South Front Street
 Memphis, TN 38102

PEA	
PROJECT NO.	15000000000000000000
DATE	08/15/00
SCALE	AS SHOWN
DESIGNED BY	ALLADIN, INC.
CHECKED BY	ALLADIN, INC.
APPROVED BY	ALLADIN, INC.
DATE	08/15/00
PROJECT NO.	15000000000000000000
DATE	08/15/00
SCALE	AS SHOWN
DESIGNED BY	ALLADIN, INC.
CHECKED BY	ALLADIN, INC.
APPROVED BY	ALLADIN, INC.
DATE	08/15/00

LEGAL DESCRIPTION (PART OF PARCEL 89-066-89-0007-702)
 Part of the Northwest 1/4 of Section 15, T38N, R9E, Van Buren Township, Washtenaw County, Michigan, described as:
 Commencing at the Northwest corner of said Section 15;
 thence S89°53'10"W (reduced as S89°49'33"E) 1,238.22
 feet along the West line of said Section 15;
 N88°58'10"W 60.24 feet to the East line of Belleville
 Road, (60.00 feet wide East 1/2) and to the Point of
 Beginning; thence N88°58'10"W 311.63 feet
 thence S65°59'10"W 193.60 feet thence S84°06'50"W
 310.50 feet to the East line of Belleville Road; thence
 N05°53'10"W 220.00 feet along the East line of
 Belleville Road to the Point of Beginning;
 Containing 1.47 acres, more or less.

Charter Township of Van Buren

Agenda Item: _____

Work Study Meetings Date: June 15, 2015
Board Meeting Date: July 7, 2015

REQUEST FOR BOARD ACTION

Consent Agenda	New Business	<input checked="" type="checkbox"/> Unfinished Business	Public Hearing
ITEM (SUBJECT)	To consider the Memorandum of Understanding with Country Walk		
DEPARTMENT	Supervisors Office		
PRESENTER	Attorney McCauley		
PHONE NUMBER	734-699-8910		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Representatives for Blue Country Walk and Country Walk Homeowners Association may be in attendance		

Agenda topic

ACTION REQUESTED:	
Consider approval of the Country Walk Memorandum of Understanding, and authorize the Supervisor and Clerk to execute the document.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Please see attached documentation regarding this item.	

BUDGET IMPLICATION	
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Policy was prepared and reviewed by Township Council (May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

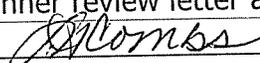
WORK STUDY MEETING DATE: 6/15/15

BOARD MEETING DATE: 6/16/15

Consent Agenda _____ New Business _____ **Unfinished Business: X** Public Hearing _____

ITEM (SUBJECT)	Tyler Road parcel Rezoning C-1 General Business to R-1B Single Family Residential
DEPARTMENT	Planning
PRESENTER	Patrick Sloan, McKenna Associates
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	Consider first Reading of Ordinance 06-16-15 to Amend the Township Zoning Ordinance by rezoning 3.4 acres of land (Parcel V125-83-039-99-0009-014) located on the north side of Tyler Road between Belleville Road to the west and Walden Boulevard to the east from C-1 General Business District to R-1B Single Family Residential District.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	<p>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.</p> <p>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.</p>
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	If the zoning amendment is approved, a second hearing should be held by the Township Board prior to adopting the amendment proposed.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	Planner review letter and PC meeting minutes attached.
APPROVAL OF SUPERVISOR	

MOTION EXTRACT

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.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of May 27, 2015.

A handwritten signature in black ink, appearing to read 'C. Harman', with a long horizontal line extending to the right.

Christina Harman
Recording Secretary

**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

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

- 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,

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