

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES  
OCTOBER 5, 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:**

**NEW BUSINESS:**

1. Discussion on the re-appointment of Donald Boynton and the appointment of Ronald K. Jackson to the Planning Commission with terms to expire October 1, 2018.
2. Discussion on the appointment of David Senters to the Board of Zoning Appeals (BZA) with a term to expire 10-1-2018.
3. Discussion on the adoption of Resolution 2015-37 to reprogram (transfer) Community Development Block Grant (CDBG) Housing Rehabilitation funds to Demolition.
4. Discussion on awarding the contract for the paving repairs in the Walden Woods Subdivision to Fiore Enterprises.
5. Discussion on the Special Land Use request by Trilogy Residences, LLC. to demolish the existing tennis courts and construct a clubhouse and pool in the same area.
6. Discussion on the rezoning request from Belleville Development LLC to rezone parcel V-125-83-064-99-0002-002 from R-1B (Single Family Residential) to C-2 (Extensive Highway Business) and V-125-83-064-99-0002-003 from C-2 (Extensive Highway Business) to C-2 (Extensive Highway Business) with conditions.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

**CLOSED SESSION:**

1. To discuss ongoing Michigan Association of Fire Fighters (MAFF) contract negotiations.

**ADJOURNMENT:**

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**

**DATE: 10-5-2015**

**BOARD MEETING DATE: 10-6-2015**

Consent Agenda\_X\_ \_\_\_\_\_

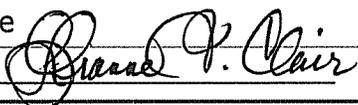
New Business \_\_\_\_\_

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Consider the reappointment of Donald Boynton and the appointment of Ronald K. Jackson to the Planning Commission with terms to expire 10-1-2018.
<b>DEPARTMENT</b>	Supervisor
<b>PRESENTER</b>	Supervisor Combs
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Consider the reappointment of Donald Boynton and the appointment of Ronald K. Jackson to the Planning Commission with terms to expire 10-1-2018.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p>Mr. Boynton currently is serving as a member of the Planning Commission and has indicated interest in continuing to serve. Mr. Boynton has contributed greatly to this committee and will continue to serve the community well in this capacity.</p> <p>Mr. Jackson has indicated his interest to serve the community by being appointed to the Planning Commission. Mr. Jackson currently is employed by Michigan Department of Transportation where he is the Transportation Maintenance Coordinator. He has experience in plan review and permitting processes.</p>	
<b>BUDGET IMPLICATION</b>	None: stipends for Commissioners' meeting attendances are currently included in the budget.
<b>IMPLEMENTATION NEXT STEP</b>	Notify (prospective) appointees
<b>DEPARTMENT RECOMMENDATION</b>	Approval by the Township Board
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	NA
<b>ATTORNEY RECOMMENDATION</b>	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**

**DATE: 10-5-2015**

**BOARD MEETING DATE: 10-6-2015**

Consent Agenda\_X\_

New Business\_\_\_\_\_

Unfinished Business\_\_\_\_\_

Public Hearing\_\_\_\_\_

<b>ITEM (SUBJECT)</b>	To consider the appointment of David Senters to the Board of Zoning Appeals, term expiring 10-01-2018.
<b>DEPARTMENT</b>	Planning and Economic Development
<b>PRESENTER</b>	Supervisor Combs
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider the appointment of David Senters to the Board of Zoning Appeals, term expiring 10-1-2018.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Mr. Senters has indicated his interest to serve the community by being appointed to the Board of Zoning Appeals. He has apprenticed with IBEW in electrical and is versed in common building terms and practices. Additionally, he has experience in reviewing contracts and is familiar with the responsibilities of the BZA.	
<b>BUDGET IMPLICATION</b>	None: stipends for Commissioners' meeting attendances are currently included in the budget.
<b>IMPLEMENTATION NEXT STEP</b>	Notify (prospective) appointee
<b>DEPARTMENT RECOMMENDATION</b>	Approval by the Township Board
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	NA
<b>ATTORNEY RECOMMENDATION</b>	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 10/05/15**

**BOARD MEETING DATE: 10/20/15**

Consent Agenda \_\_\_\_\_

New Business  X

Unfinished Business \_\_\_\_\_

Public Hearing  X

<b>ITEM (SUBJECT)</b>	Reprogram CDBG Housing Rehabilitation Funds for Program Year 2013
<b>DEPARTMENT</b>	Developmental Services
<b>PRESENTER</b>	Patrick Sloan, McKenna Associates
<b>PHONE NUMBER</b>	(248) 596-0920
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

**ACTION REQUESTED**  
Adoption of the attached Van Buren Township Resolution #2015-37 to reprogram (transfer) CDBG funds from Housing Rehabilitation to Demolition.

**BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)**  
Van Buren Township administers a federal grant program as a sub-recipient of Wayne County called "Community Development Block Grant" (CDBG). At its core, CDBG is meant to improve the lives and neighborhoods of persons of low- to moderate-income or disabled status. There are a number of activities the Township has undertaken over the years, including Housing Rehabilitation (ongoing), Emergency Outdoor Warning Sirens, improvements to the Beck Ball Fields, and youth and senior services.

There is \$62,035.67 remaining in the Township's 2013 CDBG account for Housing Rehabilitation, which must be spent before January 2016 or else it will be recaptured by Wayne County. Additionally, Van Buren Township has \$26,663 in additional Housing Rehabilitation funds through the HOME program which must be spent by June 2016. There are currently two (2) Housing Rehabilitation projects that have been approved that have an estimated construction cost of \$23,545, with an additional 20% budgeted for project delivery expenses and change orders. Any additional cost overruns and additional Housing Rehabilitation applications can be funded using HOME funds.

At this time, there are six (6) buildings in the township that have been ordered for demolition by the Building Official and are environmentally cleared for demolition. The demolition of buildings is a CDBG-eligible activity under Demolition-Spot Blight. For this activity, the Township would use CDBG funds to demolish and remove the blighted structures and place a lien on the property (if privately owned) for the costs incurred by the Township. At the time the property is sold or developed, the lien would have to be repaid to the Township. Because CDBG money is proposed to be used for demolishing blighted and unsafe structures, any money repaid to the Township would be classified as Program Income and must be spent on CDBG-eligible activities.

Therefore, we request that the Township Board reprogram \$34,000 from Housing Rehabilitation into Demolition.

To reprogram funds, the Township Board must adopt a resolution. If the funds proposed for reprogramming exceed 15% of the allocation in any year, a public hearing is required prior to reprogramming. Because the amount proposed for reprogramming in Program Year 2013 exceeds 15% of the total allocation for that year, a public hearing is required.

We recommend holding a public hearing at the October 20, 2015 Township Board meeting and reprogramming these funds at that meeting.

<b>BUDGET IMPLICATION</b>	CDBG \$34,000.00.
<b>IMPLEMENTATION NEXT STEP</b>	Adopt resolution to reprogram Program Year 2013 Housing Rehabilitation funds to a new activity (Demolition).
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	Items Included: Resolution
<b>APPROVAL OF SUPERVISOR</b>	<i>Diannel J. Clair</i>

**Resolution No. 2015-37**

Motion: \_\_\_\_\_

Support: \_\_\_\_\_

WHEREAS, the Charter Township of Van Buren currently has a Community Development Block Grant (CDBG) activity to demolish structures in Van Buren Township that have been ordered for demolition by the Building Official; and

WHEREAS, the Charter Township of Van Buren finds that the demolition of condemned structures is important for public health, safety, and welfare by clearing and removing buildings that are uninhabitable; and

WHEREAS, the demolition of condemned, blighted, or unsafe structures meets the CDBG National Objective of eliminating slums and blight and is a CDBG Eligible Activity for Clearance and Demolition (HUD Matrix Code 04); and

WHEREAS, the Building Official has either ordered the demolition of, or is currently in the process of ordering the demolition of, several buildings in Van Buren Township which have become uninhabitable or unsafe; and

WHEREAS, where the owner of a building ordered for demolition is unable or unwilling to demolish or rehabilitate the building, the Charter Township of Van Buren may take action to demolish the building as permitted by law and ordinance; and

WHEREAS, the Charter Township of Van Buren applied to use PY 2013 CDBG funds for Housing Rehabilitation #13-30-14A); and

WHEREAS, the Charter Township of Van Buren currently has \$62,035.67 remaining in Housing Rehabilitation in PY 2013; and

WHEREAS, the Charter Township of Van Buren has duly advertised a public hearing for the purpose of receiving comments regarding the proposed reprogramming (transfer) of PY 2013 CDBG funds; and

WHEREAS, the Charter Township of Van Buren Board of Trustees held the duly advertised public hearing on October 20, 2015.

**THEREFORE**, be it resolved by the Charter Township of Van Buren Board of Trustees, Wayne County, Michigan, that the Board hereby requests the following reprogramming (transfer) of PY 2013 funds in the amount of \$34,000.00:

**Existing (FROM):**

<u>PY</u>	<u>Contract Number</u>	<u>Activity Description</u>	<u>Amount</u>
2013	#13-30-14A	Countywide Housing Rehabilitation	\$34,000.00

**Proposed (TO):**

<u>PY</u>	<u>Contract Number</u>	<u>Activity Description</u>	<u>Amount</u>
2013	#13-30-04	Clearance and Demolition	\$34,000.00

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 20<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Leon Wright, CMC  
Clerk, Charter Township of Van Buren

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

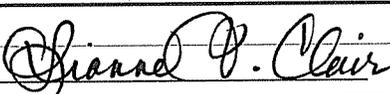
**WORK STUDY MEETING DATE: 10/5/15**

**BOARD MTG. DATES: 10/6/15**

Consent Agenda \_\_\_\_\_ **New Business X** \_\_\_\_\_ Unfinished Business \_\_\_\_\_ **Public Hearing** \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Walden Woods Paving Repairs – Awarding of Contract Bid
<b>DEPARTMENT</b>	Planning and Economic Development
<b>PRESENTER</b>	David Nummer, Wade Trim
<b>PHONE NUMBER</b>	734-947-9700
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
To award the contract for the paving repairs in the Walden Woods subdivision to Fiore Enterprises and approve a 10% contingency amount, per the recommendation of the Township Engineer	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p>The Township is participating in Wayne County’s Local Road Initiative program. The County will reimburse 80% of the construction costs of rehabilitating and improving certain local Township roads. This project entails making certain repairs to the roads in the Walden Woods subdivision as specified in the preliminary engineering review and agreed upon by the Homeowners Association for Walden Woods. The Homeowners Association for Walden Woods has contributed the 20% funds and Wayne County will reimburse the Township for the additional 80%.</p> <p>The Bid opening was 10:00 a.m. on Tuesday, August 22, 2015. The bid tabulations are outlined in the attached recommendation letter from Wade Trim. We look forward to the Board’s discussion on the matter.</p>	
<b>BUDGET IMPLICATION</b>	None, HOA funds and Wayne County funds will be used for this project.
<b>IMPLEMENTATION NEXT STEP</b>	-
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	-
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	-
<b>APPROVAL OF SUPERVISOR</b>	



# WADE TRIM

September 29, 2015

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

Attention: Mr. Ron Akers, Director of Planning and Economic Development

Re: Recommendation for Award of Construction Contract  
Walden Woods Subdivision – Paving Repairs

Dear Mr. Akers:

On September 22, 2015, bids for the Walden Woods Subdivision – Paving Repairs Project were received, opened and read aloud at the Township Hall. The project includes concrete pavement repair, sidewalk replacement and related work. Four prospective Contractors, including one local Contractor, submitted bids for this Project as shown in the attached bid tabulation. A summary of the bids is as follows:

<i>Contractor</i>	<i>Total Bid</i>
Fiore Enterprises	\$214,646.80
Verdeterre Contracting	\$233,980.25
Florence Cement Co.	\$237,098.00
Audia Concrete	\$242,802.55

The Engineer's Opinion of Construction Cost for this project was \$240,000. We are pleased with how close the bids came in, indicating that the project was well understood by the bidders and that each bid the project in a similar manner. Fiore Enterprises is the lowest overall bidder even when taking into account the Township's purchasing policy that allows a 5% leeway to local Contractors. The second lowest bidder, Verdeterre Contracting, is a local Contractor. When taking into consideration the 5% leeway, they remain the second lowest bidder.

The contract documents include a performance guarantee bond that is put in place to ensure that the Contractor can complete the project. This bond is intended to provide the Township and the residents with some assurance that the project will be completed as bid.

The Contractor's bid amount was less than the estimate. As this Project is the second of two projects utilizing the available Wayne County funds, field adjustments are anticipated to be made in an effort to fully expend the available funds; accordingly, additional repair effort is anticipated.

### Recommendation

We understand Fiore Enterprises has the equipment, labor force and financial capability to complete the associated work and can complete the project in accordance with the contract documents and specifications. Therefore, we are recommending that the Township consider awarding the project to Fiore Enterprises in the amount of \$214,646.80.

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



Van Buren Township  
September 29, 2015  
Page 2

We also recommend that a 10% contingency amount be approved for use at the direction and discretion of the Planning and Economic Development Director to address changes and unforeseen conditions that may arise during construction.

If you have any questions regarding the bidding process, please do not hesitate to contact us.

Very truly yours,

Wade Trim Associates, Inc.



David M. Nummer, PE

DMN:KMA:ka  
VBN 2261-01T  
20150929Akers.docx  
Attachment

WADE TRIM  
 BID TABULATION

SUBJECT: Walden Woods Subdivision - Paving Repairs  
 JOB NO. VBN 2261-01T  
 CLIENT: Van Buren Charter Township  
 DATE: September 28, 2015  
 Bid Date: September 22, 2015

PAY ITEM NUMBER	DESCRIPTION	QUANTITY	UNIT	Flore Enterprises	Verdeterre Contraxcting	Florence Cement Co.	Audia Concrete
1	Concrete Pavement, Remove	2,237	Syd	\$15.90 \$35,568.30 <i>\$35,568.30</i>	\$16.50 \$36,910.50 <i>\$36,910.50</i>	\$17.00 \$38,029.00 <i>\$38,029.00</i>	\$15.00 \$33,555.00 <i>\$33,555.00</i>
2	Concrete Sidewalk, Remove	2,455	Sft	\$2.00 \$4,910.00 <i>\$4,910.00</i>	\$1.45 \$3,559.75 <i>\$3,559.75</i>	\$2.50 \$6,137.50 <i>\$6,137.50</i>	\$2.00 \$4,910.00 <i>\$4,910.00</i>
3	Adjust Structure	7	Each	\$525.00 \$3,675.00 <i>\$3,675.00</i>	\$545.00 \$3,815.00 <i>\$3,815.00</i>	\$300.00 \$2,100.00 <i>\$2,100.00</i>	\$580.00 \$4,060.00 <i>\$4,060.00</i>
4	Reconstruct Structure	18	Vft	\$200.00 \$3,600.00 <i>\$3,600.00</i>	\$300.00 \$5,400.00 <i>\$5,400.00</i>	\$350.00 \$6,300.00 <i>\$6,300.00</i>	\$200.00 \$3,600.00 <i>\$3,600.00</i>
5	Remove and Replace Structure Frame and Cover	1,200	Lbs	\$2.80 \$3,360.00 <i>\$3,360.00</i>	\$3.25 \$3,900.00 <i>\$3,900.00</i>	\$2.00 \$2,400.00 <i>\$2,400.00</i>	\$1.50 \$1,800.00 <i>\$1,800.00</i>
6	Subgrade Undercut and 21AA Limestone Backfill	155	Cyd	\$45.00 \$6,975.00 <i>\$6,975.00</i>	\$50.00 \$7,750.00 <i>\$7,750.00</i>	\$65.00 \$10,075.00 <i>\$10,075.00</i>	\$35.00 \$5,425.00 <i>\$5,425.00</i>
7	Pavement Repair, Concrete, 7 inch, Patching	2,237	Syd	\$40.50 \$90,598.50 <i>\$90,598.50</i>	\$46.50 \$104,020.50 <i>\$104,020.50</i>	\$47.00 \$105,139.00 <i>\$105,139.00</i>	\$56.15 \$125,607.55 <i>\$125,607.55</i>
8	Sidewalk, Concrete, 4 inch	1,550	Sft	\$3.75 \$5,812.50 <i>\$5,812.50</i>	\$5.80 \$8,990.00 <i>\$8,990.00</i>	\$8.00 \$12,400.00 <i>\$12,400.00</i>	\$5.00 \$7,750.00 <i>\$7,750.00</i>
9	Sidewalk Ramps, Concrete, ADA 6 inch	905	Sft	\$9.50 \$8,597.50 <i>\$8,597.50</i>	\$11.60 \$10,498.00 <i>\$10,498.00</i>	\$11.50 \$10,407.50* <i>\$10,407.00</i>	\$15.00 \$13,575.00 <i>\$13,575.00</i>
10	Traffic Maintenance and Control	1	L.S.	\$15,000.00 \$15,000.00 <i>\$15,000.00</i>	\$16,160.00 \$16,160.00 <i>\$16,160.00</i>	\$23,750.00 \$23,750.00 <i>\$23,750.00</i>	\$15,000.00 \$15,000.00 <i>\$15,000.00</i>
11	Inlet Filter	28	Each	\$100.00 \$2,800.00 <i>\$2,800.00</i>	\$125.00 \$3,500.00 <i>\$3,500.00</i>	\$145.00 \$4,060.00 <i>\$4,060.00</i>	\$90.00 \$2,520.00 <i>\$2,520.00</i>
12	Restoration w/3 inches Topsoil and Nursery Sod	1	L.S.	\$6,100.00 \$6,100.00 <i>\$6,100.00</i>	\$6,950.00 \$6,950.00 <i>\$6,950.00</i>	\$1,500.00 \$1,500.00 <i>\$1,500.00</i>	\$7,000.00 \$7,000.00 <i>\$7,000.00</i>
13	Underdrain, with Geotextile Fabric Wrap, 6 Inch	90	Lft	\$15.00 \$1,350.00 <i>\$1,350.00</i>	\$23.35 \$2,101.50 <i>\$2,101.50</i>	\$25.00 \$2,250.00 <i>\$2,250.00</i>	\$20.00 \$1,800.00 <i>\$1,800.00</i>
14	Connection to Existing Structure	9	Each	\$200.00 \$1,800.00 <i>\$1,800.00</i>	\$325.00 \$2,925.00 <i>\$2,925.00</i>	\$150.00 \$1,350.00 <i>\$1,350.00</i>	\$400.00 \$3,600.00 <i>\$3,600.00</i>
15	Inspector Days	\$700.00	\$/Day	35 \$24,500.00 <i>\$24,500.00</i>	25 \$17,500.00 <i>\$17,500.00</i>	16 \$11,200.00 <i>\$11,200.00</i>	18 \$12,600.00 <i>\$12,600.00</i>
<b>TOTAL CONTRACT PRICE (Items 1 thru 15)</b>				<b>\$214,646.80</b> <i>\$214,646.80</i>	<b>\$233,980.25</b> <i>\$233,980.25</i>	<b>\$237,098.00</b> <i>\$237,098.00</i>	<b>\$242,802.55</b> <i>\$242,802.55</i>

*-Original Estimate \$249,000*

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 10/5/15**

**BOARD MEETING DATE: 10/20/15**

Consent Agenda \_\_\_\_\_

New Business X \_\_\_\_\_

Unfinished Business: \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Request by Trilogy Residences, LLC for Special Land Use Approval in order to demolish the existing tennis courts and construct a clubhouse and pool in the same area.
<b>DEPARTMENT</b>	Planning and Economic Development
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

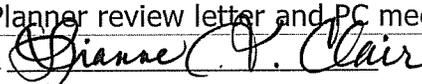
### Agenda topic

<b>ACTION REQUESTED</b>	To consider the approval of a Special Land Use Permit for Trilogy Residences, LLC at 41500 Bellridge Boulevard (Parcel number V125-83-056-99-0019-001) for the demolition of the existing tennis courts and construction of a clubhouse and swimming pool in the same area, subject to final site plan approval, as recommended by the Planning Commission.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	<p>The Planning Commission held a public hearing on this rezoning request at their September 9, 2015 regular meeting and at the same meeting recommended that the Township Board approve the Special Use request and granted preliminary site plan approval for the project. The applicant proposes to construct a 7,785 square foot community club house with a pool and patio.</p> <p>Attached is a copy of the Planning Commission meeting minutes, the consultant report, and public hearing notice for the property. I look forward to the Board’s discussion on the matter.</p>

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	If Special Land Use approval is obtained, then the applicant will need to seek final site plan approval with the Township.

<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval

<b>ATTORNEY RECOMMENDATION</b>	N/A
<small>(May be subject to Attorney/Client Privilege and not available under FOIA)</small>	

<b>ADDITIONAL REMARKS</b>	Planner review letter and PC meeting minutes attached.
<b>APPROVAL OF SUPERVISOR</b>	

September 3, 2015

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

**Subject: VBT-15-014 SLU; Bellridge Apartments Clubhouse and Pool, North Service Rd and East Archwood Drive; Review #1**

Dear Commissioners:

The applicant proposes to develop a 7,785 square foot community club house with pool and patio as part of an existing multiple family apartment complex, located north of I-94 North Service Road and west of East Archwood Drive. The site is zoned RM, Multiple Dwelling Residential. Apartment houses require special approval in the RM District. Because the proposed community club house with pool and patio serving the residents is accessory to the apartments, the new use also requires a public hearing and special land use approval.

#### COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Article 8, and the discretionary standards listed in Section 18.08.f. of the Zoning Ordinance. We have reviewed the proposal and have the following comments:

#### 1. General Standards for Special Approval.

- a. **Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The club house and pool will be constructed in the location of the current tennis courts (which are planned to be removed). The land around the apartment complex is characterized by a variety of single family residential, multiple dwelling residential, and vacant land zoned commercial. The proposed use would service recreation and social needs of the Bellridge Apartments residents, as well as be in the character of the general development patterns in the area. The proposed club house will create a community center for the complex and provide a site amenity that did not previously exist. Therefore, we believe this use promotes the social and economic desirability of the land, including for those adjacent.
- b. **Is necessary for the public convenience at that location.** Bellridge Apartments does not currently have a social gathering building for its resident population. The use would provide an amenity to the residents, and while not essential for the public convenience at that location, it will enhance the vicinity, and will improve accessibility which benefits the public.
- c. **Is compatible with adjacent uses of land.** The proposed development is not out of character with the surrounding environment, is contained within the Bellridge complex, and is a typical use in the RM district. Further, the building and pool will be buffered from view off site by landscaping and its location within the complex, maximizing compatibility with adjacent uses.

- d. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The site renovation and upgrades will not pose a hazard to the public health, safety and welfare of Township residents. The site plan provides for appropriate circulation pattern and parking design, safety provisions in the form of pool fencing and gates, site landscaping, and does will not adversely impact traffic or congestion of local roads and infrastructure.
- e. **Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.** The site's demand for public services and facilities is not likely to change from the existing level.
- f. **Will not cause injury to other property in the neighborhood in which it is to be located.** The club house and pool area are completely contained within the Bellridge Apartment complex, thus we do not anticipate any negative impacts to the existing uses, marketability and desirability of other residential or commercial properties in the neighborhood. The facility will be open to only residents and their guests, thus limiting the size of groups there at one time. Hours of operation will be 7 days a week from 8 am – 6 pm.
- g. **Considers the natural environment and helps conserve natural resources and energy.** As part of site plan approval, the site will comply with the landscaping, setbacks, parking, design, and other standards of the Zoning Ordinance. This will result in landscaping, improved circulation, and other improvements so that the use will have no adverse effects on the natural resources.
- h. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to the applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** If our site plan comments under separate cover are addressed, this condition will be met.
- i. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The proposed use is expected to be consistent with the Township's police power.

#### **RECOMMENDATION**

Based on the above, we find that the proposed Bellridge Apartment Club House meets the criteria for special approval. Therefore, we recommend the Planning Commission recommend special approval to the Township Board, subject to final site plan approval.

Respectfully submitted,

**McKENNA ASSOCIATES**



Sara J. Hodges, AICP, IAP2  
Senior Vice President

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

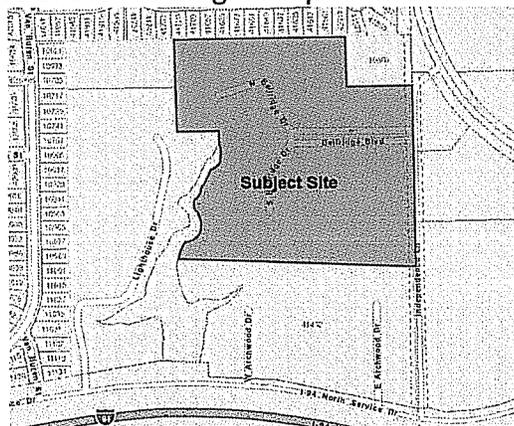
Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, and County of Wayne, Michigan, 48111 on **Wednesday, September 9, 2015 at 7:30 p.m.** to consider a Special Land Use request on the following described property.

Parcel number V125-83-056-99-0019-001 also known as 41500 Bellridge Boulevard is the subject of this hearing. The site is located in the RM, Multiple Family Residential Zoning District. This site is located on the west side of Independence Lane, north of the I-94 North Service Drive.

The applicant, Trilogy Residences, LLC, is requesting approval to demolish the existing tennis courts and construct a clubhouse and 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 District, and a proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Section 8.03 (Permitted Uses with Special Approval) of the Zoning Ordinance.

Written comments will be accepted at the Department of Developmental Services until 4:00 p.m., on the hearing date.

In compliance with the Americans with Disabilities Act, individuals with a disability should contact the Planning and Economic Development Department at least seventy-two (72) hours in advance of the meeting to request accommodations.



Posted: August 14, 2015  
Published: August 20, 2015

CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
September 9, 2015  
MINUTES

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

ROLL CALL:

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

Excused: Boynton.

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

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Eight (8).

APPROVAL OF AGENDA:

Motion Budd, McKenna second to approve the agenda as amended to include under Old Business Item #1 Update on Belleville Development rezoning application and Item #2 Recommendation to extend the medical marijuana moratorium, under New Business Item #1 Preliminary site plan review, possible site plan approval and recommendation to township board for special use approval for Trilogy Residences, LLC. Motion Carried.

APPROVAL OF MINUTES:

Motion Johnson, Franzoi second to approve the minutes from August 26, 2015 as presented.

Motion Carried.

PUBLIC HEARING:

ITEM # 1                   CASE# 15-014 (SLU & SPR)

TITLE                       THE APPLICANT, TRILOGY RESIDENCES, LLC, REQUESTS SPECIAL LAND USE 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. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 8.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE

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

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

Engineer Tim Ponton gave the presentation for the applicant. The applicant is requesting special land use approval to make improvements to the amenities located at Bellridge apartments by demolishing the two 2 tennis courts currently on site to construct a clubhouse and pool in the same area. The

clubhouse will include offices for employees, a gym, movie room, coffee bar, pool area, cabana's, hot tub, barbecue cooking area with BBQ's and a fire pit area. The site will lose 2 of the 465 parking spaces currently on site with the change. The applicant has received review letters from the planning engineers and is looking to get started before winter hits.

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

#### OLD BUSINESS

##### ITEM #1 UPDATE ON BELLEVILLE DEVELOPMENT REZONING APPLICATION

Director Akers gave the rezoning application update. Belleville Development is revising the conditional rezoning agreement and planning staff has received comments from the Township Attorney. The first public hearing was published only for the northern parcel, the public hearing will need to be republished to include both parcels with the next public hearing date on 9-23-15.

Motion Budd, second Franzoi to extend the table on the conditional rezoning agreement. Motion Carried.

##### ITEM #2 RECOMMENDATION TO EXTEND THE MEDICAL MARIJUANA MORATORIUM

Director Akers presented information on the medical marijuana moratorium. On April 7, 2015 the Township Board approved a 6 month moratorium. Subcommittee members reviewed several aspects of other cities ordinances and visited a grow dispensary in Ypsilanti. Due to turnover in the planning department and lack of time put into this item, Director Akers is requesting the Planning Commission recommend to the Township Board an extension of the moratorium for an additional 6 months.

Motion Budd, Kelley second to recommend to the Township Board an additional six (6) months of moratorium to allow the subcommittee to complete their review and recommendation. Motion Carried.

#### NEW BUSINESS

##### ITEM #1 CASE# 15-014 (SLU & SPR)

TITLE: THE APPLICANT, TRILOGY RESIDENCES, LLC, REQUESTS SPECIAL LAND USE 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. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 8.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION: PARCEL TAX ID NUMBER V125-83-056-99-0019-001, ALSO KNOWN AS 41500 BELLRIDGE BOULEVARD, IS THE SUBJECT OF THIS HEARING. THIS SITE IS

LOCATED ON THE WEST SIDE OF INDEPENDENCE LANE, NORTH OF THE I-94  
SERVICE DRIVE

Tim Ponton presented a rendering of the proposed clubhouse and explained the special land use approval needed.

Sally Hodges of McKenna Associates presented special land use review letter dated 9-3-15 recommending the Planning Commission recommend special approval to the Township Board, subject to final site plan approval.

Sally Hodges of McKenna Associates presented preliminary site plan review letter dated 9-3-15 recommending preliminary site plan approval subject to the conditions referenced in the letter.

Director Akers presented the WadeTrim preliminary site review letter dated 9-3-15 along with the Fire Department review letter dated 7-26-15, both recommend approval.

Commissioners discussed keeping the number of parking spaces at 465 (not reducing 2 spaces), barrier free ADA compliant parking spaces, ADA accessibility to the pool and clubhouse and visibility of the clubhouse from the roadway. No comments from the audience.

Motion Johnson, McKenna second to recommend the Township Board grant Trilogy, LLC special land use approval for the demolition of the existing tennis courts and construction of a clubhouse and swimming pool at parcel number V125-83-056-99-0019-001 also known as 41500 Bellridge Boulevard subject to final site plan approval.

Roll Call:

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

Nays: None.

Absent: Boynton.

Motion Carried.

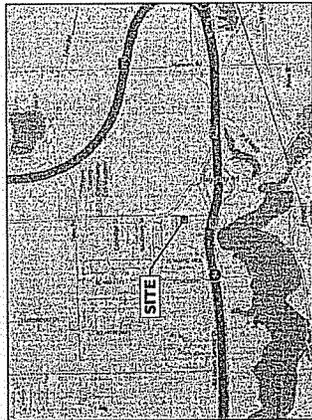
Motion Kelley, Franzoi second to grant preliminary site plan approval for 41500 Bellridge Boulevard subject to the conditions in the McKenna Associates review letter dated 9-3-15, WadeTrim review letter dated 9-3-15 and Fire Department review letter dated 7-26-15 including 465 parking spaces and ADA compliance. Motion Carried. (Letters Attached)

GENERAL DISCUSSION: None.

Motion McKenna, Johnson second to adjourn at 8:07 p.m. Motion Carried.

Respectfully submitted,

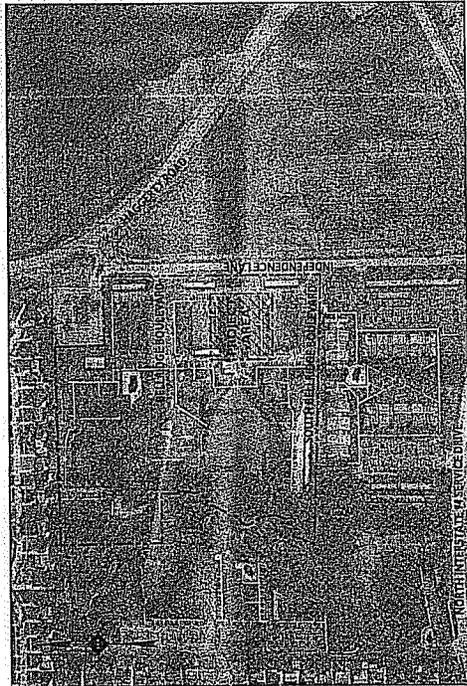
Christina Harman  
Recording Secretary



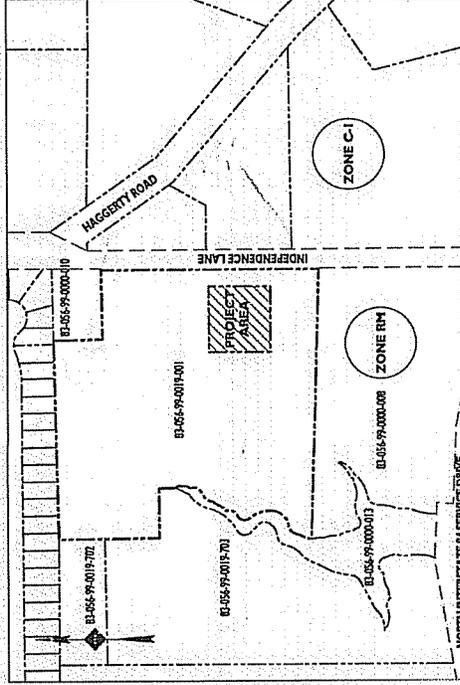
**LOCATION / KEY MAP**  
SCALE: 1" = 2000' ±

# SITE DEVELOPMENT PLANS FOR BELLRIDGE AT TRILOGY PROPOSED CLUBHOUSE WITH POOL & PATIO AREA

PARCEL ID: 83-056-99-0019-001  
41452 EAST ARCHWOOD DRIVE  
CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN

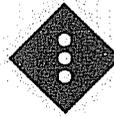


**AERIAL MAP**  
SCALE: 1" = 200' ±



**TAX MAP**  
SCALE: 1" = 200' ±

PLANS PREPARED BY:



**STONEFIELD**  
engineering & design, llc.

Rutherford, NJ · Farmingdale, NY · Bloomfield Hills, MI  
www.stonefieldeng.com

2350 Franklin Road, Suite 210, Bloomfield Hills, MI 48302  
Phone 248.247.1115



Know what's below  
Call before you dig.

- PLAN REFERENCE MATERIALS:**
1. THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
    - SURVEY DATA PROVIDED BY SURVEY & ASSOCIATED DATED 07/2011
    - ARCHITECTURAL PLANS PREPARED BY ARCHITECT & ASSOCIATES DATED 07/2011
    - ALTIMETER SURVEY DATED "UNDEVELOPED" VAN BUREN TOWNSHIP, WAYNE COUNTY, PREPARED BY STONEFIELD ENGINEERING & DESIGN, LLC
    - PLANS AND DATA OBTAINED FROM GOOGLE EARTH PRO
    - LOCATION MAP OBTAINED FROM USGS MAP ONLINE
  2. ALL INFORMATION ON THIS PLAN SET AND ALL INFORMATION CONVEYED AS PART OF THIS PLAN SET, THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND VERIFY THE ACCURACY THEREOF PRIOR TO ANY CONSTRUCTION.

RECEIVED  
BY:  
AUG 14 2015

DRAWING TITLE	SHEET #
COVER SHEET	C1
EXISTING CONDOCTOR PLAN	C3
SITE PLAN	C4
EXISTING UTILITY PLAN	C5
LANDSCAPE PLAN	C6
DETAILS	C7

**APPLICANT/OWNER**  
MRT HOLDING INC.  
3100 TELEGRAPH ROAD, SUITE 101  
BLOOMFIELD HILLS, MI 48302  
248-371-5878

**ARCHITECT/SURVEYOR**  
ARCHITECT & ASSOCIATES  
2350 FRANKLIN ROAD, SUITE 210  
BLOOMFIELD HILLS, MI 48302  
248-247-1115

NOT APPROVED FOR CONSTRUCTION

REVISION	DATE	BY	DESCRIPTION
1	07/13/2015	JAH	REVISION TO PLANNING COMMISSION
2	08/02/2015	JAH	REVISION FOR ARCHITECTURAL COMMENTS
3	08/02/2015	JAH	REVISION FOR TOWNSHIP REVIEW COMMENTS

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engineering & design, llc.  
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www.stonefieldeng.com  
2350 Franklin Road, Suite 210, Bloomfield Hills, MI 48302  
Phone 248.247.1115

**BELLRIDGE AT TRILOGY**  
PROPOSED CLUBHOUSE WITH  
POOL & PATIO AREAS

SITE DEVELOPMENT PLAN

PARCEL ID: 83-056-99-0019-001  
41452 EAST ARCHWOOD DRIVE  
CHARTER TOWNSHIP OF VAN BUREN  
WAYNE COUNTY, MICHIGAN

STAMP: AUG 14 2015

**STONEFIELD**  
engineering & design, llc.

SCALE: AS SHOWN SUBJECT TO 11.11.15

COVER SHEET

C-1

REVISION	DATE	BY	DESCRIPTION
1	07/13/2018	JAK	REVISION TO PLANNING COMMISSION
2	09/05/2018	JAK	REVISED PER ARCHITECTURAL COMMENTS
3	01/02/2019	JAK	REVISED PER TOWNSHIP REVIEW COMMENTS

**NOT APPROVED FOR CONSTRUCTION**

STONFIELD  
engineering & design, llc  
Rutherford, NJ - Farmingdale, NY - Bloomfield Hills, MI  
2350 Franklin Road, Suite 210, Bloomfield Hills, MI 48302  
Phone 248.272.1115  
www.stonfieldeng.com

**BELLRIDGE AT TRILGY**  
PROPOSED CLUBHOUSE WITH  
POOL & PATIO AREAS

SITE DEVELOPMENT PLAN

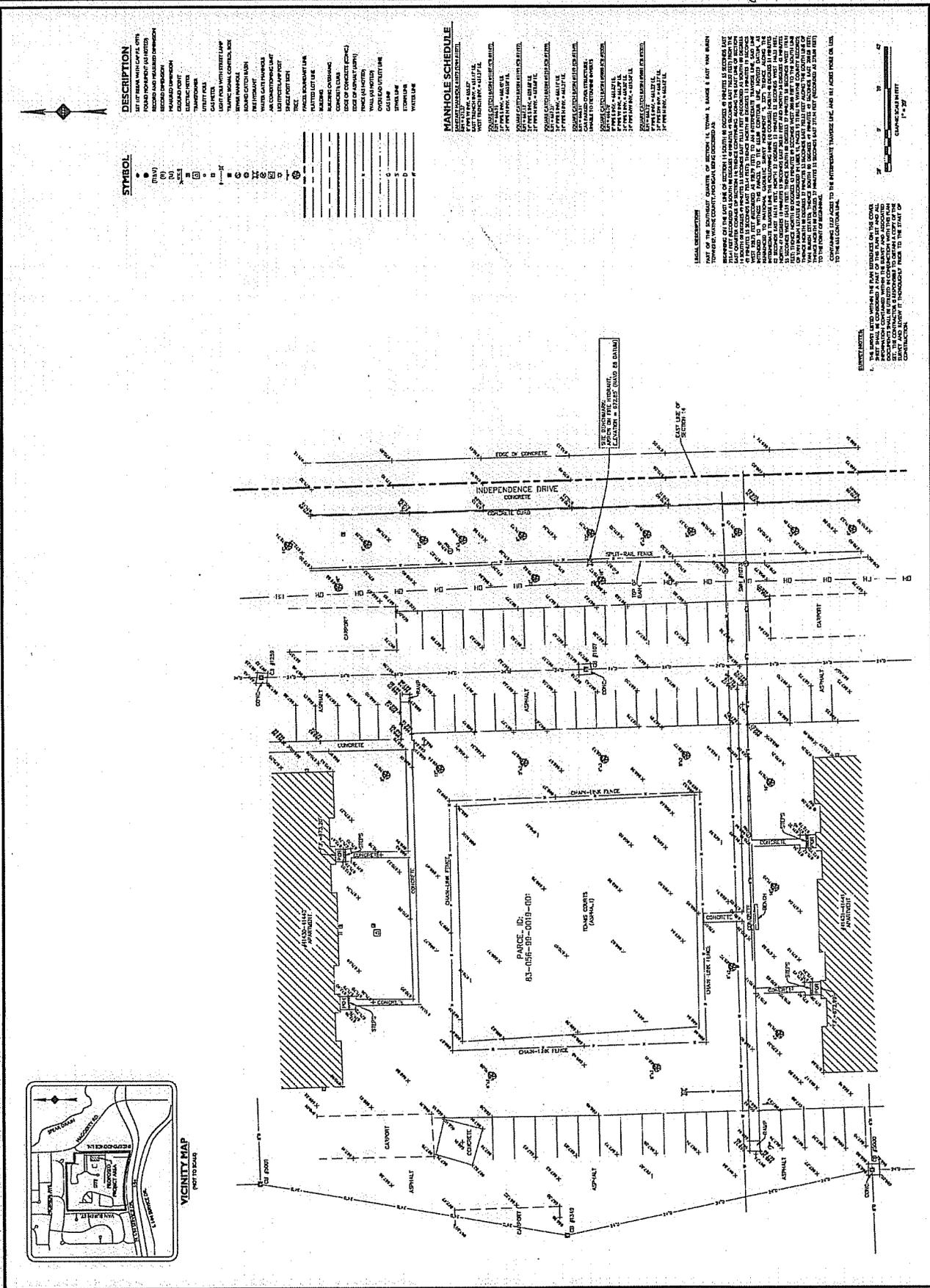
WAYNE COUNTY, MICHIGAN  
CHARLES TOWNSHIP OF WAYNE  
PARCELS 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**STONFIELD**  
ENGINEERING & DESIGN, LLC

EXISTING CONDITIONS  
PLAN

SCALE: 1" = 20'

C-2



STONFIELD ENGINEERING & DESIGN, LLC  
RUTHERFORD, NJ - FARMINGDALE, NY - BLOOMFIELD HILLS, MI  
2350 FRANKLIN ROAD, SUITE 210, BLOOMFIELD HILLS, MI 48302  
PHONE 248.272.1115  
WWW.STONFIELDENGL.COM



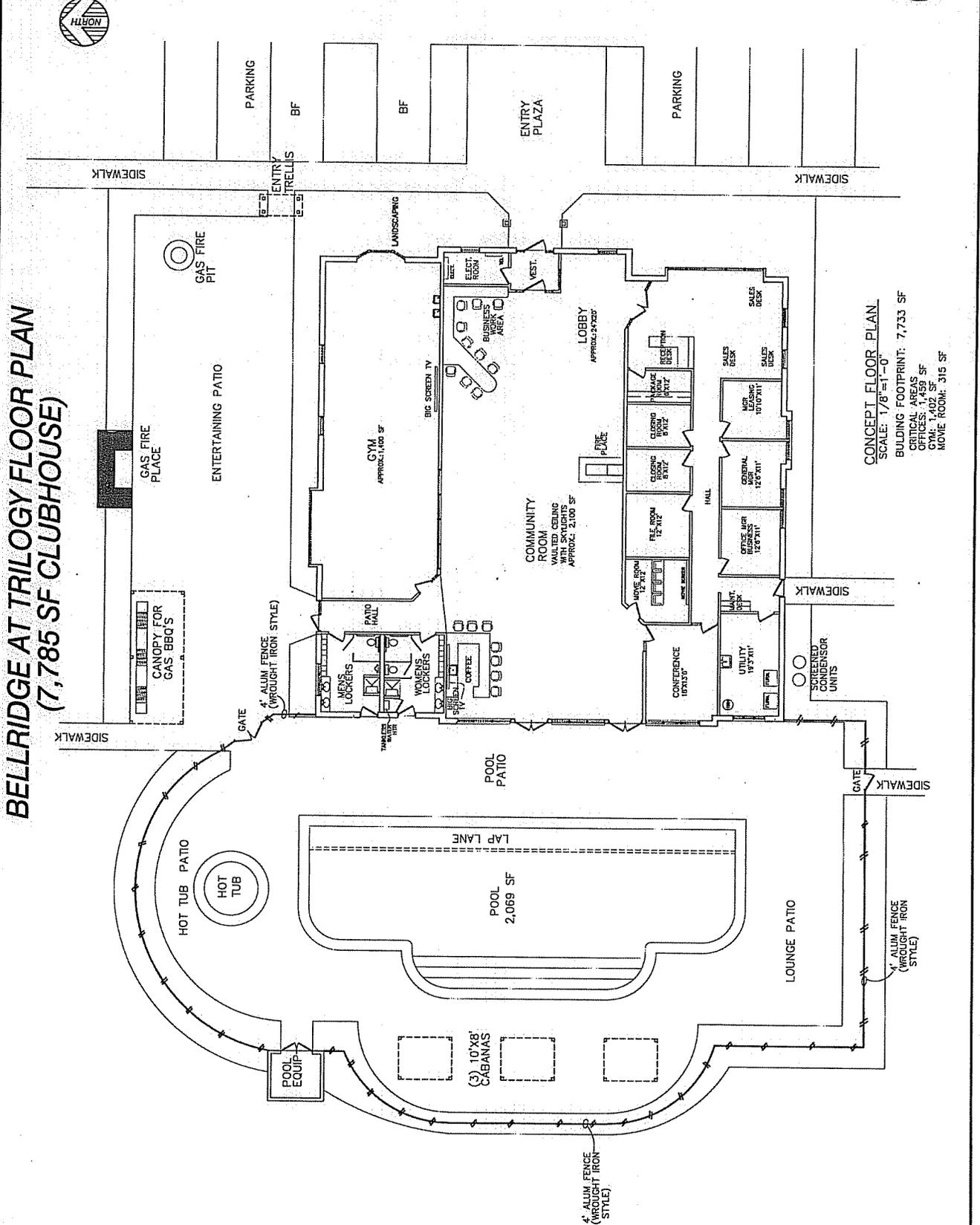


# BELLBRIDGE AT TRILOGY FLOOR PLAN (7,785 SF CLUBHOUSE)

<b>PROPOSED FLOOR PLAN</b> <b>BELLBRIDGE AT TRILOGY CLUBHOUSE</b>		<b>KEM-TEC &amp; ASSOCIATES</b> PROFESSIONAL ARCHITECTS 2255 GRANT AVENUE SUITE 100 BIRMINGHAM, AL 35202 (205) 773-4048 FAX (205) 773-2222 PHONE		<b>REVISIONS</b> #1 8/1/13 #2 7/21/13 #3 08/27/13	<b>DESCRIPTION</b> REVISION #1 REVISION OF CONCEPT BUILDING REVISION #2 REVISION #1 REVISION OF THE COMMUNITY MEETING ROOMS REVISION #3 THRESHOLD CHANGES
--	--	--	--	--	--

DATE: 08/27/13  
SCALE: 1/8"=1'-0"

NO. 10000-0000-0000  
 DATE: 08/27/13  
 SCALE: 1/8"=1'-0"



**CONCEPT FLOOR PLAN**  
 SCALE: 1/8"=1'-0"  
 BUILDING FOOTPRINT: 7,733 SF  
 CRITICAL AREAS: 52 SF  
 GYM: 1,100 SF  
 MOVE ROOM: 315 SF

4" ALUM. FENCE (WROUGHT IRON STYLE)

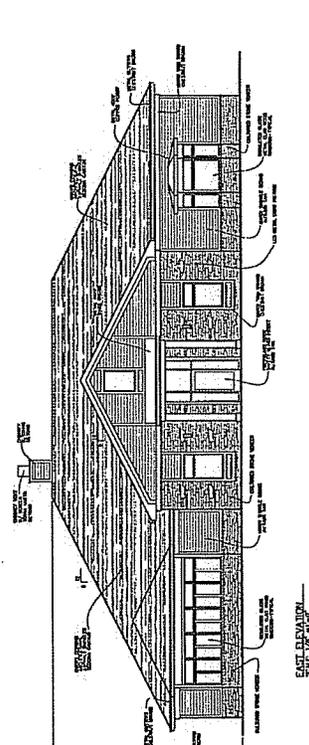
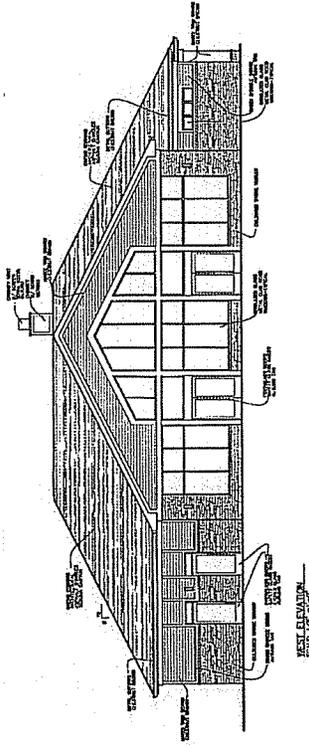
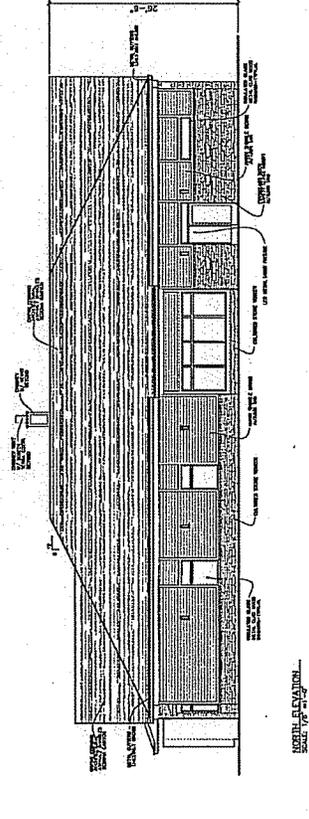
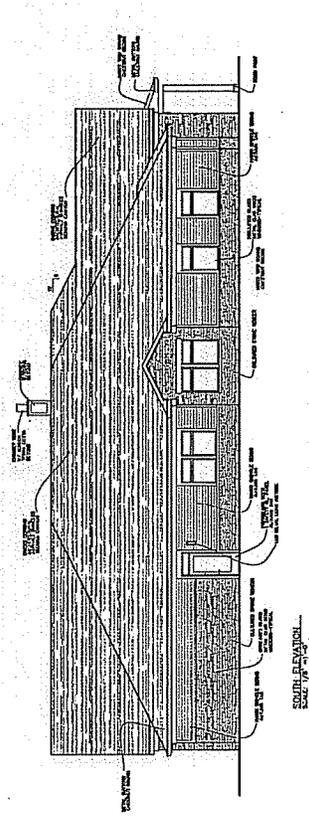
PROJ. NO. 16-1737  
DATE 02/15/15  
SCALE 1/8"=1'-0"

PROF. SEAL  
JEFFREY  
CROOKALL  
REGISTERED PROFESSIONAL ENGINEER  
NO. 10000  
EXPIRES 12/31/16  
STATE OF MICHIGAN

**KEM-TEC & ASSOCIATES**  
PROFESSIONAL ARCHITECTS  
2530 EAST HURON  
EAST LANSING, MI 48021  
(586) 772-2222 PHONE  
(586) 772-4048 FAX

**PROPOSED CLUBHOUSE  
EXTERIOR ELEVATIONS**  
MHT HOUSING, INC.  
5200 TELEGRAPH ROAD  
SOUTH FIELDS, MI 48063

REVISION	DATE	BY	DESCRIPTION
#1	8/14/13	JG	REVISION OF COMMUNITY BUILDING
#2	02/12/15	JG	REVISION - EXHAUST



# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**Work Study Date: 10/05/15**

**1<sup>st</sup> Reading Date: 10/20/15**

**2<sup>nd</sup> Reading Date: 11/17/15**

Consent Agenda \_\_\_\_\_

New Business  X

Unfinished Business: \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Rezoning request from Belleville Development LLC to rezone parcel V-125-83-064-99-0002-002 from R-1B (Single-Family Residential) to C-2 (Extensive Highway Business) with conditions and parcel V-125-83-064-99-0002-003 from C-2 (Extensive Highway Business) to C-2 (Extensive Highway Business) with conditions.
<b>DEPARTMENT</b>	Planning
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	Consider the adoption of Ordinance 10-6-15 to amend the Township Zoning Ordinance by rezoning two (2) parcels of land. These are parcels V125-83-064-99-0002-002, also known as 11105 Quirk Road to be rezoned from R1-B (Single Family Residential) to C-2 (Extensive Highway Business) with conditions, and Parcel V125-83-064-99-0002-003 to be rezoned from C-2 (Extensive Highway Business) to C-2 (Extensive Highway Business) with conditions as recommended by the Planning Commission. These properties are located at the northeast corner of the I-94 N. Service Drive and Quirk Road.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	<p>The applicant Belleville Development LLC is proposing to rezone the property it owns at the northeast corner of the I-94 N. Service Drive and Quirk Road. The intent of the applicant is to construct a hotel development on the properties. In order to reduce some of the concerns regarding the impact the potential development would have on the adjacent residential uses to the west, the applicant has proposed several conditions to their rezoning request. This process is permitted under the Michigan Zoning Enabling Act and the Township Zoning Ordinance.</p> <p>Attached is a copy of the Planning Commission meeting minutes, the consultant report, and the most recent public hearing notice for the property. I look forward to the Board's discussion on the matter.</p>
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	After the first reading, a second hearing should be held by the Township Board prior to adopting the amendment proposed.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	-
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	Planner review letter and PC meeting minutes attached.
<b>APPROVAL OF SUPERVISOR</b>	<i>Janice P. Clair</i>

**CHARTER TOWNSHIP OF VAN BUREN  
WAYNE COUNTY, MICHIGAN  
ORDINANCE 10-05-15**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE 06-02-92, AS AMENDED, BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

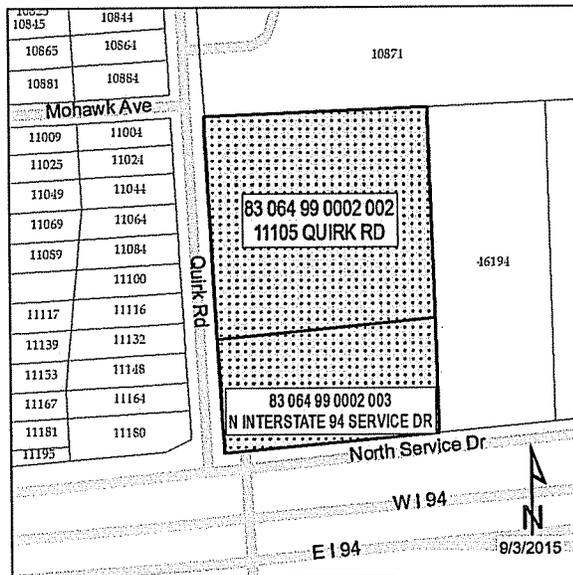
**The Charter Township of Van Buren Ordains:**

**SECTION 1. ORDINANCE AMENDMENT.**

The Zoning Map in connection with the Charter Township of Van Buren Zoning Ordinance shall be amended as follows:

**Ordinance No. 10-05-15**

A request to amend the Charter Township of Van Buren Zoning Ordinance 06-02-92, as amended, to amend the zoning map by rezoning parcel V125-83-064-99-0002-002 from R1-B (Single Family Residential) to C-2 (Extensive Highway Business) with conditions and parcel V125-83-064-99-0002-003 from C-2 (Extensive Highway Business) to C-2 (Extensive Highway Business) with conditions.



These properties are located at the northeast corner of Quirk Road and the North I-94 Service Drive.

**SECTION 2. SEVERABILITY**

In the event any article, section, paragraph, sentence, clause, or word of this ordinance is deemed invalid or unconstitutional by any court of competent jurisdiction, such portion deemed severable and shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. REPEALER.**

Any and all ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 4. EFFECTIVE DATE.**

The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. This Ordinance shall be immediately recorded by the Township Clerk in the Township Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Supervisor and Clerk and shall be published in a newspaper of general circulation in the Township within fifteen (15) days of passage. A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the \_\_\_ day of \_\_\_\_\_, 2015.

YEAS:  
NAYS:  
ABSENT:  
ABSTAINED:

I hereby approve the foregoing Ordinance,

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

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

Adopted: -  
Published: -  
Effective: -

September 18, 2015

Planning Commission  
Charter Township of Van Buren  
48425 Tyler Road  
Belleville, MI 48111

**Subject: Case # VBT-RZ 14-005; Parcels 83-064-99-0002-002 and 83-064-99-0002-003, Town Place Suites; Rezoning with Conditions and Agreement Review #3**

Dear Commissioners:

The applicant has revised his previous request for rezoning of parcel 83-064-99-0002-002 (Parcel 002) from R-1B (Single Family Residential) to C-2 (Extensive Highway Business). The request has been expanded to include the south part of his proposed site, parcel 83-064-99-0002-003 (Parcel 003) which is currently zoned C-2, in order to include both parcels in a request for Rezoning with Conditions. Subject to approval by the Township, the two parcels would be combined and zoned C-2 (Extensive Highway Business) with Conditions. Because the request for rezoning includes more land than originally proposed a new public hearing is required.

The site is located at the northeast corner of Quirk Road and the North Service Road and is currently vacant. The applicant wishes to build a new 121 room suites motel and associated parking and has proposed to limit several aspects of the development via a Rezoning with Conditions Agreement.

**A. CONDITIONAL REZONING**

The Michigan Zoning Enabling Act, P.A. 110 of 2006, allows an applicant to voluntarily offer conditions upon his or her rezoning request. Per Section 18.09.D.1.c. of the Township Zoning Ordinance, an applicant for a conditional rezoning must submit a proposed rezoning with conditions agreement, which lists the conditions the applicant proposes to place upon the use. In this case, the applicant has offered several written conditions that would be attached to the new zoning of the land. All of these would become part of the use restrictions that will govern the site.

The applicant has not submitted a Rezoning with Conditions Plan because the conditions he is offering do not require a plan to be effective. Site plan approval by the Planning Commission would still be required if the rezoning is approved.

**B. PROPOSED CONDITIONS**

There are many conditions in the list submitted by the applicant, however most of them only reiterate rights that the applicant already has. The following proposed conditions are the most relevant for the Planning Commission to consider:

1. The applicant will apply for and agrees to combine the two parcels.

2. During the construction period, an emergency or temporary construction vehicle entrance/exit drive from the site to and from Quirk Road may be permitted, subject to application by the land owner and approval of the Township and all other agencies with jurisdiction.
3. After construction of the hotel, the applicant may request a permanent vehicle entrance/exit driveway to Quirk Road. The applicant agrees that the Township may deny or withhold such approval in its sole discretion.
4. The parcel shall be permitted one driveway on the North I-94 Service Road.
5. The hotel building shall be no taller than forty-five (45) feet. All other buildings that may be built on the land are subject to height regulations set forth in the Township's Zoning Ordinance. Building height will be calculated using the measurement methods set forth in the Township's Zoning Ordinance.
6. The hotel will have upgraded building façades and a peaked roof.

**C. COMMENTS**

In our review letter regarding Parcel 002, dated August 5, 2015, we addressed the need for satisfactory resolution of the Quirk Road access concerns and need to protect the residential neighborhood from negative impacts of commercial traffic if the site were to be rezoned. Those same concerns apply to parcel 003, although to a lesser extent since parcel 003 has frontage on the North Service Road which is an appropriate route for commercial vehicles. Therefore, our comments that follow include relevant analysis from that August review, and are refined based upon the conditions now being offered with the rezoning.

1. **Existing Conditions.** The site is located within the Township DDA in the Belleville Road District Plan area. The surroundings are summarized below:

Location	Existing Land Use	Master Plan	Existing Zoning
Site	Vacant, former tack shop, barn and accessory structures	Gateway Commercial	R-1B (Single Family Residential)
North	Wayne County Fairgrounds	Public/Semi Public	R-1B (Single Family Residential)
East	Motel	Gateway Commercial	C-2 (Extensive Highway Business)
South	Vacant and I-94 North Service Road	Gateway Commercial	C-2 (Extensive Highway Business)
West	Single Family Residential Subdivision	Medium Density Single Family A	R-1B (Single Family Residential)

2. **Zoning Ordinance.** Permitted uses in the site's existing R-1B District and the proposed C-2 District are summarized below:
  - a. Existing R-1B Zoning. The principal permitted uses in the existing R-1B District include detached single family detached dwellings; public owned and operated playgrounds,

libraries and recreational facilities; public, private or parochial schools; government buildings and facilities; family day care homes; adult foster care homes; and home occupations. By special approval, child care centers; public owned buildings/utilities; golf courses; child care centers; group day care homes; churches and places of worship; bed and breakfast and other uses consistent with those allowed in this district are among the uses permitted.

- b. **Proposed (and Existing) C-2 Zoning District.** The C-2 district permits all C-1 principal permitted uses and the following additional principal permitted uses, including but not limited to: hotels and motels; new car sales; building materials establishments; sales of recreation vehicles; shopping centers; furniture and equipment sales; commercial amusement places; assembly halls; light industrial uses such as warehousing with no outdoor storage; wholesaling and gas stations. By special approval, the following uses may be permitted: all uses allowed by special approval in the C-1 district; car wash establishments; bowling alleys and similar uses; drive-in/drive-through restaurants; service stations and commercial garages; open air businesses; planned shopping centers; self-storage facilities RV storage yard; outside storage of building and contracting equipment and supplies; auto rental and leasing; storage yards for construction; drive-in theaters; mining; air freight and similar uses.
3. **Master Plan Compliance.** The Township's Belleville Road Area Master Plan designates this land for Gateway Commercial uses. The Plan describes the Gateway Commercial designation as uses that benefit from the high visibility and accessibility from I-94. Gateway Commercial locations are intended to attract freeway traffic and direct it to the retail and restaurant corridor on Belleville Road. The Gateway Commercial plan designation corresponds to the C-2 zoning district.

The condition offered that agrees there will be no permanent driveway to Quirk Road unless approved in the future in the sole discretion of the Township will protect the neighbors from commercial traffic. The potential construction or emergency access drive to Quirk Road will have far less impact on the surroundings and could be consistent with the intent of the Master Plan. The building design with a peaked roof and upgraded materials will give it greater compatibility with the neighborhood, while maintaining commercial visibility and presence on the N. Service Road.

Although overall, the rezoning request is consistent with the Master Plan, care will still be necessary to sufficiently buffer the nearby single family residential neighborhood from the impacts of the future non-residential uses.

4. **Pattern of Development.** The parcels to the west are used, zoned and master planned for single family residential dwellings. The Master Plan recognizes the need for buffering the interface between single family residential and higher intensity commercial uses, and "residential protection". With adequate consideration for screening, landscaping, and prohibition of non-construction and emergency access to Quirk Road to mitigate any possible negative effects, including the conditions offered by the applicant, C-2 development can be appropriate for the site.

5. **Access and Traffic.** Quirk Road is a residential collector street, a classification that is not generally appropriate for commercial traffic such as would be generated by a C-2 use. The proposed rezoning condition combining the two parcels will give the entire site frontage on the North Service Road. If all traffic is restricted to the North Service Road, the use of the rezoning site for C-2 permitted uses is not expected to generate more traffic than compatible with the N. Service Drive corridor or the traffic created by the fairgrounds. Issues related to traffic on site, circulation patterns, ingress and egress will be reviewed in detail at the time of site plan submission.
6. **Utilities and Infrastructure.** The site is served by public water and sanitary sewer. Any necessary improvements will be addressed during the site plan review process.
7. **Criteria for Conditional Use Approval.** Section 18.09.E. lists the following 10 standards for conditional rezoning:
  - a. *Furtheres the goals and objectives of the master plan.* See Comment 3. above.
  - b. *Does not authorize uses not permitted in the proposed district.* The proposed hotel is a permitted use in the C-2 District, and all future uses of the vacant land will comply with the uses permitted in that district.
  - c. *Use is in complete conformity with all regulations in the zoning district.* The applicant has proposed that the hotel building have a 45 foot height maximum instead of 40 feet as permitted in the C-2 District. All other aspects of the use will be in conformity with the zoning regulations for the C-2 district. Section 18.09.E.3.b. gives the Township Board the authority to grant modifications to dimensional requirements of the Zoning Ordinance, such as building height.

The 5 foot increase in building height over that permitted will enable the applicant to build a 4 story hotel building. 40 feet will not accommodate a typical 4 story structure, and 4 stories are permitted in the C-2 District. The peaked roof offered by the applicant will further contribute to compatibility with the surroundings. The additional height will allow the building footprint to be smaller, creating less impervious surface and associated runoff, with more land to remain as greenbelt and landscaping, thus enhancing the development in the public interest.

- d. *Results in integration of the proposed development with the characteristics of the area and enhances the area in a manner not likely to be achieved without the conditional rezoning.* The rezoning with conditions will ensure that future development of this site will remain more compatible with the surroundings than otherwise likely to be achieved without the conditions. Prohibition of access to Quirk Road unless specifically approved by the Township, along with acknowledgement that such approval is in the sole discretion of the Township gives greater ability to protect the single family residential neighbors from the impacts of commercial development.

- e. *Is in the public interest to grant the conditional rezoning.* Granting the conditional rezoning is in the public interest as it will facilitate development of land that is master planned commercial while ensuring residential protection as envisioned by the Master Plan that might not otherwise be achieved.
  - f. *Proposed conditions will not preclude future zoning and planning actions by the Township.* Future zoning and planning actions are not precluded.
  - g. *Public services are capable of serving the potential uses if rezoned.* This condition has been met.
  - h. *The offered conditions are beneficial to the public good and are likely to be enforceable.* Conditions affecting building height, design and road access are all measurable, enforceable and beneficial to the public good as they will create a more attractive and well-functioning development than might otherwise be achieved.
  - i. *The conditions do not have the same effect as a use variance.* The conditions do not have the same effect as a use variance, since the conditional rezoning is consistent with the Master Plan.
  - j. *The proposed conditions do not relieve the requirement to secure site plan approval.* The Agreement specifies that site plan approval and all other agency approvals are still required.
8. **Rezoning with Conditions Agreement.** We recommend that the proposed Rezoning with Conditions Agreement be reviewed by the Township Attorney before the case is placed on the Township Board's agenda.

**D. RECOMMENDATION**

Based on the above analysis, we recommend that the Planning Commission recommend that the Township Board of Trustees approve the requested rezoning for the subject parcels from R-1B and C-2 to C-2 Extensive Highway Business District with Conditions, subject to review and approval of the Township Attorney of the Agreement, and subject to the written conditions listed the in the Rezoning with Conditions Agreement submitted by the applicant on September 17, 2015, for the following reasons:

1. The requested C-2 zoning district is consistent with the planned Gateway Commercial district as proposed in the Township's Belleville Road District Master Plan and Future Land Use Map.
2. Compliance with the zoning ordinance requirements for screening, landscaping, setbacks, access management and other requirements will assist in mitigating possible negative off site impacts from C-2 development on the single family neighbors across Quirk Road.
3. Rezoning the parcel to C-2 will facilitate a consistent development pattern along the North Service Road, as envisioned in the Master Plan.

4. The proposed condition that will limit the site's access to be from only the North Service Road (unless otherwise specifically approved by the Township) protects the residential neighbors from incompatible traffic volumes that would otherwise occur on Quirk Road.
5. The proposed condition allowing additional building height would permit a 4 story building as otherwise permitted by the Zoning Ordinance, and the peaked roof and upgraded façade materials would improve the building's compatibility with the adjacent single family neighborhood. The Township Board may permit the height modification.
6. The change is not out of scale with the needs of the community and will not place an additional burden on the available infrastructure and municipal facilities.
7. The request satisfies the conditions of Section 18.09.E of the Zoning Ordinance as required for approval of a rezoning with conditions.

Respectfully submitted,

**McKENNA ASSOCIATES**

A handwritten signature in cursive script, appearing to read "Sara J. Hodges", is written over a light gray, textured rectangular background.

Sara J. Hodges, AICP, IAP2  
Senior Vice President

**REZONING WITH CONDITIONS AGREEMENT BETWEEN VAN BUREN TOWNSHIP AND  
BELLEVILLE DEVELOPMENT, INC.**

This Rezoning with Conditions Agreement (the “Agreement”) is entered into by and between Belleville Development, Inc., a Michigan Corporation, the address of which is 31100 Stephenson Hwy., Madison Heights, MI 48071 (“Owner”), and the Charter Township of Van Buren, 46425 Tyler Road, Van Buren, MI 48111 (“Township”), a Michigan Municipal Corporation (collectively, the “Parties”). The Parties agree to the following terms and conditions:

1. Owner owns two separate, adjacent parcels of land in Van Buren Township, specifically: Parcel No. 83-064-99-0002-003 which is zoned as C-2 Extensive Highway Business, and Parcel No. 83-064-99-0002-002 which is zoned as R1-B, Single Family Residential. Please see Exhibit A for the specific Legal Property Descriptions of both parcels.
2. Owner wishes to combine both parcels of land specified in paragraph 1, above, and have the entire new parcel be classified as C-2 Extensive Highway Business with Conditions for the purpose of building and developing the land, including but not limited to construction of a new hotel (the “Hotel Development”). Owner understands that in order to combine the parcels, it must submit the proper application to the Township under the Land Division Act to request that the parcels be legally combined. Therefore, contemporaneous with and notwithstanding this Agreement, Owner is filing the appropriate application with the Township to combine the two parcels referenced in paragraph 1.

For the purposes of this Rezoning with Conditions Agreement, “**Land**” shall be defined as the newly-formed parcel with a C-2 Extensive Highway Business with Conditions classification. Once a new legal description that accurately reflects the new parcel dimensions and information is available, Owner will immediately update this Agreement to include the new legal description.

3. This Rezoning with Conditions is being proposed by the Owner. The Owner acknowledges that the conditions and Rezoning with Conditions Agreement are all authorized and applicable under all State, Federal, and Local laws, and the United States Constitution. This Agreement is valid and entered into on a voluntary basis, and represents a permissible exercise of authority on the part of the Township. No permit of approval shall be granted for any use or development that is contrary to the Statement of Conditions.
4. Both Parties agree and understand that the Land shall not be developed or used in a way that is inconsistent with the requirements of this Agreement. Owner shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Agreement. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
5. The approval and Rezoning with Conditions Agreement shall be binding upon and inure to the Township and Owner, and their respective heir, successors, assigns, and transferees.

6. This Agreement shall become null and void within one (1) year of its approval, pursuant to the requirements set forth in Van Buren Township's Zoning Ordinance Section 18.09(H). If the Township Board grants an extension, the new Agreement with the new expiration date shall be recorded. In addition, the termination provisions of the Township's Zoning Ordinance Section 18.09(L) shall apply.
7. If this Agreement becomes void in the manner set forth in paragraph 6, above, the Parties understand that no development, nor any permits for development, shall be issued, until the new zoning classification of the property has been established.
8. Each of the terms and conditions in this Agreement set forth a necessary and reasonable measure which, when taken into consideration with all other conditions and requirements, is roughly proportional to the increased impact represented by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning reclassification and the specific use zoning classification granted.
9. This Agreement may affect or be affected by certain development regulations. To the best of the Parties knowledge and information, these regulations will be further enumerated and addressed in the Exhibits to this Agreement.
10. Nothing in this Statement of Conditions shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to the Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act (MCL 125.3010 *et seq.*). The Owner, its assigns and subsequent owners shall obtain the rights of an owner of a nonconforming use or statutory right whichever is greater. The "Nonconforming Use" provision provided in this paragraph notwithstanding, any classification or rezoning shall be conducted in compliance with Township zoning
11. Violations of the terms of this Agreement by Owner shall be deemed a violation of the Zoning Ordinance and the Township shall have all remedies available to it accordingly, including immediate termination of this Agreement. Owner acknowledges that if it violates the terms of this agreement, the Reclassification and Rezoning of the land referenced herein, shall revert back to its original zoning designation and all rezoning approval(s) contained herein will be revoked.
12. Owner is attaching the specific Conditions to this Agreement, attached as Exhibit B. Owner understands that all Exhibits to this Agreement supplement, but do not replace, any requirements for any preliminary or final site plans, special land use, or variance review and approval.
13. For the purposes of this Agreement, Owner shall be defined as the current Owner, and any subsequent person or entity that has interest in the Land.
14. This Agreement may not be modified, replaced, amended or terminated except as provided for in this Agreement. It may be amended in the same manner as is prescribed for the original rezoning and Statement of Conditions.

15. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
16. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
17. The Owner represents and warrants that the person executing this Agreement on behalf of Owner has full and complete authority to do so, does so freely, and voluntarily offering and consent to the provisions and conditions in this Agreement and its exhibits, on behalf of Owner.

*[SIGNATURES ON FOLLOWING PAGES]*

BELLEVILLE DEVELOPMENT, INC

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

STATE OF MICHIGAN        )  
   ) ss.  
 COUNTY OF OAKLAND        )

The foregoing instrument was acknowledged before me this  
 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public

Oakland County, Michigan  
 My Commission Expires: \_\_\_\_\_

CHARTER TOWNSHIP OF VAN BUREN

\_\_\_\_\_  
 By: Linda Combs  
 Its: Supervisor

\_\_\_\_\_  
 By: Leon Wright  
 Its: Clerk

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF WAYNE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, by  
\_\_\_\_\_, on \_\_\_\_\_, 20\_\_

\_\_\_\_\_, Notary Public  
Wayne County, Michigan  
My Commission Expires: \_\_\_\_\_

PREPARED BY:  
Zubac Legal, PLC  
31100 Stephenson Hwy.  
Madison Heights, MI 48071

WHEN RECORDED RETURN TO:  
Zubac Legal, PLC  
31100 Stephenson Hwy.  
Madison Heights, MI 48071

**EXHIBIT A**

**LEGAL DESCRIPTION OF BOTH PARCELS TO BE COMBINED INTO ONE PARCEL:**

**PARCEL 1:**

Part of the Southeast 1/4 of Section 16, Town 3 South, Range 8 East, described as: Beginning at a point distant North 02 degrees 06 minutes 41 seconds West 436.49 feet, along the North and South 1/4 line of Said Section 16 and North 85 degrees 24 minutes 25 seconds East 43.04 feet from the South 1/4 corner of Section 16; and proceeding thence North 02 degrees 06 minutes 41 seconds West 300.00 feet; thence North 85 degrees 26 minutes 38 seconds East 569.78 feet; thence South 00 degrees 49 minutes 34 seconds East 300.00 feet; thence South 85 degrees 24 minutes 25 seconds West 563.06 feet, along the Northerly line of Interstate 94, to the point of beginning.

**Tax ID: 83-064-99-0002-003**

**PARCEL 2:**

Part of the Southeast 1/4 of Section 16, Town 3 South, Range 8 East, described as: Beginning at a point distant North 02 degrees 06 minutes 41 seconds West 736.52 feet, along the North and South 1/4 line of said Section 16, thence North 85 degrees 26 minutes 38 seconds East 43.04 feet from the South 1/4 corner of Section 16; and proceeding thence North 02 degrees 06 minutes 41 seconds West 578.70 feet; thence North 88 degrees 48 minutes 08 seconds East 581.57 feet; thence South 00 degrees 49 minutes 34 seconds East 545.26 feet; thence South 85 degrees 26 minutes 38 seconds West 569.78 feet to the point of beginning.

**Tax ID: 83-064-99-0002-002**

**[LEGAL DESCRIPTION OF NEW PARCEL TO FOLLOW UPON ITS  
FORMATION/COMBINATION OF ABOVE-LISTED PARCELS]**

**EXHIBIT B**  
**CONDITIONS TO CONDITIONAL REZONING AGREEMENT**

In consideration of Owner's obligations as contained in this Agreement and subject to Owner obtaining all permits and approvals from the Township and other agencies with jurisdiction, Owner and Township agree to the following terms as to Owner's rights to develop the Land:

1. Consistent with MCL 125.3405, the Land is (or has been) combined from the two existing parcels specified in Exhibit A of this Agreement. This parcel combination will be effectuated before, or as a condition of the rezoning. Owner acknowledges and understands that the Township's acquiescence to the terms of this Agreement are entirely contingent on the Township's approval of its separate application to combine the parcels under the Land Division Act.
2. Subject to site plan review and approval, including any conditions that may be imposed therein and all other requirements and approvals, the Land shall be permitted to be developed and used generally as a hotel development with associated parking, berming and landscape screening, stormwater control, and other uses as may be permitted in the C-2 Extensive Highway Business zoning district. All uses shall also be subject to the requirements and conditions of this Agreement. The development and use of the Land in accordance with this Agreement shall be deemed to be a permitted use of the Land under the Township Zoning Ordinance.
3. Owner shall not develop and use the Land in a manner inconsistent with this Agreement, unless this Agreement is amended mutually by the Township and Owner, following public hearing, or the Owner determines to develop and use the Land in accordance with the zoning applicable to the Land under the Agreement termination provisions below.
4. Site plan review and approval shall be governed by the Zoning Ordinance provisions applicable to the C-2 Extensive Highway District, subject to the provisions of this Agreement. In the case of conflict, this Agreement shall govern.
5. The entire 11.34 acre parcel may be used for development during the construction and in future phase(s) of development, subject to obtaining all required approvals from the Township and all other agencies with jurisdiction.
6. During the construction period, Owner shall have the right to seek from the Township the appropriate approval, permits and/or zoning of an emergency or temporary construction vehicle entrance and exit traffic lanes from the Land onto and from Quirk Road. Such approval shall also be subject to approval from the Township and all other agencies with Jurisdiction.
7. After the hotel construction period, Owner shall have the unalienable right to seek the appropriate approval, permits, and/or zoning of a permanent vehicle entrance and exit traffic lanes onto and from Quirk Road. Owner understands and agrees that Township may deny or withhold such approval in its sole discretion.
8. The parcel shall be permitted one driveway on the North I-94 Service Road.

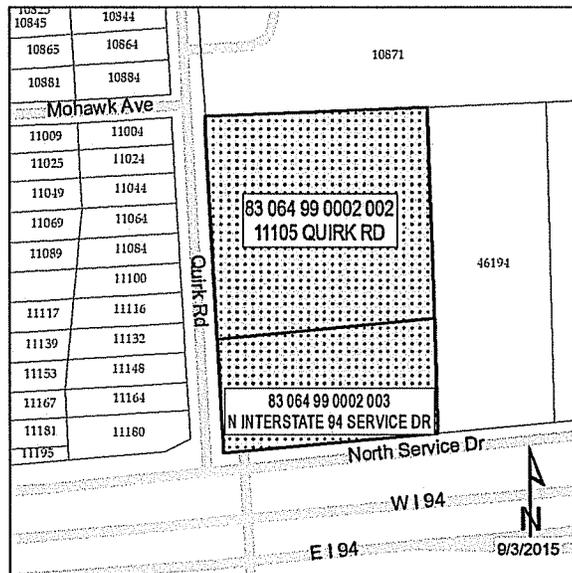
9. The hotel which shall be built on the south portion of the property facing the North Service Drive, shall be no taller than forty-five (45) feet. All other buildings that may be built on the land are subject to height regulations set forth in the Township's Zoning Ordinance. Building height will be calculated using the measurement methods set forth in the Township's Zoning Ordinance.
10. Owner agrees to construct the hotel with an upgraded building façade with a peaked roof
11. This Agreement shall remain valid and enforceable for the amount of time set forth in the Township's Zoning Ordinance and this Agreement:
  - a. The Owner shall be required to submit materials required for site plan review in accordance with Township ordinance on or before the expiration of 6 months from the date of this Agreement; and,
  - b. The Owner shall have an additional 6 months from the date of final site plan approval in which to obtain other governmental approvals as may be required, complete construction plans for architectural and engineering, secure financing, and submit a building permit application; and,
  - c. The Owner shall have 6 months following issuance of a building permit to secure a contractor and commence on-site construction of the hotel development in accordance with the approved Site Plan, at least to the stage of completing the foundation for such improvement to the point of being able to in good faith call for a foundation inspection from the Township. Such dates shall be consistent with common law principles of substantial completion. The building shell construction will substantially complete within sixteen (16) months of the issuance of the building permit. Owner shall proceed diligently and in good faith as required by Ordinance to completion.
12. The time periods set forth above may be extended by the Township Board upon application of the Owner as allowed by Township Zoning Ordinance. If the Owner has been pursuing approvals and/or development in good faith, the Township agrees not to unreasonably deny Owner's applications unless there has been a material change of circumstances in the area of the Land. Township shall have no obligation whatsoever to extend a time period hereunder if more than 3 years has elapsed without any action on Owner's part following approval of this Agreement.
13. If Owner does not conform with the time requirements set forth above and Owner notifies the Township Clerk in writing prior to the commencement of construction that Owner desires to terminate this Agreement, then the rezoning of the Land to C-2 Extensive Highway Business with Conditions and this Agreement shall terminate and cease to be enforceable. The combined parcels will then be separated and return to their original zoning classifications, as provided in MCL 125.3405(2). The Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning and this Agreement have become unenforceable. If the rezoning and this Agreement becomes unenforceable as provided in this Paragraph, no permits shall be issued by the Township, and no development shall be undertaken by the Owner as otherwise contemplated in this Agreement.
14. If Owner desires to seek a change in zoning regulations applicable to the Land once site construction has been commenced and Township does not mutually agree, the Owner must file a new rezoning application in the normal course. In this event all law otherwise applicable to rezoning applications in the Township and State shall apply. Until the zoning is

modified in accordance with such law, the Owner shall not develop or use the Land in a manner inconsistent with this Agreement. However, if zoning is modified, this Agreement shall terminate and cease to be enforceable. The Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning granted incidental to this Agreement, and this Agreement itself, have become unenforceable.

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **Wednesday, September 23, 2015 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider a request to rezone the following described properties.

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



The applicant, Belleville Development, Inc., is requesting this rezoning action. The Public Hearing is in regards to amending the Charter Township of Van Buren Zoning Ordinance 06-02-92, as amended, Zoning Map by rezoning parcel V-125-83-064-99-0002-002 from **R-1B (Single-Family Residential) to C-2 (Extensive Highway Business) With Conditions** and rezoning parcel V-125-83-064-99-0002-003 from **C-2 (Extensive Highway Business) to C-2 (Extensive Highway Business) With Conditions**, pursuant to Section 18.09 of the Zoning Ordinance, Rezoning With Conditions. The conditions of the proposed C-2 zoning district proposed by the applicant can be reviewed at the Planning and Economic Development Department during normal business hours.

Written comments will be accepted by the Planning and Economic Development Department until 4:00 p.m. on the hearing date.

In compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.

Posted: September 4, 2015  
Published: September 6, 2015

## MOTION EXTRACT

Motion Johnson, Boynton second to recommend the Township Board of Trustees approval of the request to rezone the subject parcels to from R-1B and C-2 to C-2 (Extensive Highway Business) with conditions subject to review and approval of the township attorney, subject to the conditions listed in the rezoning with conditions agreement submitted by the applicant and the conditions in the McKenna review letter dated 9-18-15.

Roll Call:

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

Nays: None.

Absent: Kelley.

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 September 23, 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

**NOTICE OF CLOSED SESSION**  
**OF THE**  
**CHARTER TOWNSHIP OF VAN BUREN**  
**BOARD OF TRUSTEES**  
**TO BE HELD FOLLOWING THE**  
**4:00 P.M.**  
**WORK STUDY SESSION**  
**ON MONDAY OCTOBER 5, 2015**  
**TOWNSHIP HALL**  
**46425 TYLER ROAD**  
**BELLEVILLE, MI 48111**

**FOR THE PURPOSE OF:**

- 1. To discuss on-going Michigan Association of Firefighters (MAFF) union negotiations.**

In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by contacting the Clerk's Office 734.699.8909.

Posted: 10-1-15