

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
JUNE 13, 2018
MINUTES**

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

ROLL CALL:

Present: Atchinson, Budd, Kelley, Jahr, Franzoi and Thompson.

Excused: Boynton.

Staff: Director Akers, Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Vidya Krishnan.

Audience: Twenty (20).

APPROVAL OF AGENDA:

Motion Franzoi, Kelley second to approve the agenda of June 13, 2018 as amended with the addition of the Van Buren Police Department to speak on Denton Road traffic prior to the public hearing. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Jahr second to approve the regular meeting minutes of May 23, 2018 as presented. Motion Carried.

Sgt. Schultz and Officer King of the Van Buren Public Safety Department discussed the traffic on Denton Road and how to report reckless or speeding drivers, call 9-1-1 or the Public Safety non-emergency number (734) 699-8930. The road is a Class B road, built to handle a certain weight. The Van Buren Traffic Unit will continue to monitor truck traffic on Denton Road. Residents are to contact the Public Safety Department with any traffic concerns.

PUBLIC HEARING:

ITEM # 1 18-010 – REZONING WITH CONDITIONS

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING TO REZONE THE FOLLOWING PARCELS FROM R1-C, SINGLE FAMILY RESIDENTIAL TO M-1, LIGHT INDUSTRIAL WITH CONDITIONS.

LOCATION: SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE WEST OF DENTON ROAD. PARCEL ID#(S); 83-021-99-0001-000; 83-022-01-0004-003; 83-022-01-0007-001; 83-021-99-0002-000; 83-022-01-0005-005; 83-022-01-0008-003; 83-022-01-0003-004; 83-022-01-0006-000; OTHERWISE KNOWN AS THE HAROLD SMITH FARM AT 50015 & 50061 MICHIGAN AVENUE.

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

Mark Hiesel gave the presentation on behalf of Ben Griffin and the Harold Smith Farm. The applicant is requesting to rezone the property from R1-C single family residential to M-1 light industrial with conditions. The applicant and Mr. Smith have been working with a client for future use of the

property. The client is proposing an automotive research and development facility, the least intensive use for a light industrial site. The client agrees to the terms and conditions discussed with staff including the residential buffer protection for the property. Mr. Hiesel displayed photographs of potential development of the seventy-six (76) acre parcel. The development includes a 400-foot residential protection zone, landscape buffer with 10-foot berm with plantings and a detention pond. The driveway has been worked out with MDOT for placement located to the north on Michigan Avenue. If the project moves forward, the Smith Homestead will remain and Mr. Smith will remain in his home. The project has support at both the State and County level. The photographs displayed were an example of where the building would be located showing a visual vantage point and scaling the building to the size that it will be. Landscape plans will be submitted as part of the site plan.

Residents requested that if the applicant is building loading docks for the present building or any future buildings that the loading docks be south or west facing. Residents did not object to the proposed project and inquired if there will be chemicals on site. The applicant responded that non-hazardous chemicals might be on site. Wayne County Economic Development is excited to see the project join our community. Research and Development has a great impact on the community offering high quality jobs and investment.

Commissioners inquired about how large the building would be, how many employees it would have and if there will be only one entrance. The building will be approximately 60,000-75,000 square feet, creating 101 new jobs with 38 existing jobs, approximately 150 jobs for phase I. The only entrance will be on Michigan Avenue and the applicant is not planning on any loading docks, as the facility will not demand truck traffic.

Motion Kelley, Atchinson second to close the public hearing. Motion Carried.

ITEM # 2 18-011 – SPECIAL APPROVAL REQUEST

TITLE: THE APPLICANT, DIVERSIFIED DOCK & LIFT, IS REQUESTING SPECIAL APPROVAL TO CONSTRUCT A NON-COMMERCIAL MULTI-DOCKING FACILITY THAT CAN ACCOMMODATE MORE THAN 6 WATERCRAFT IN TOTAL AT ONE TIME ON A SINGLE PARCEL.

LOCATION: SUBJECT PROPERTY IS LOCATED AT THE HARBOUR CLUB APARTMENTS, WHICH ARE LOCATED ON THE SOUTH SIDE OF DENTON ROAD WEST OF BECKLEY ROAD AT PARCEL ID# 83-078-99-0001-007 OTHERWISE KNOWN AS 49000 DENTON ROAD.

Motion Budd, Franzoi second to open the public hearing. Motion Carried.

Katie Wacker and Brandon Wacker of Diversified Dock & Lift gave the presentation. Diversified Dock & Lift is requesting special approval to construct a non-commercial multi-docking facility that can accommodate more than six watercraft at one time on a single parcel. The main goal is to shore up the existing boardwalk to stop shoreline erosion. Diversified Dock & Lift is proposing a seawall, replacement of the boardwalk and working on the existing docks to shore them up, level and repair.

Commissioners discussed the type seawall, the length of life of the proposed seawall, the lakeshore ordinance requiring gabion basket for the seawall and the type of material to be included on the site plan. The proposed seawall will be a whaler 4-inch pipe steel seawall, the thicker gauge having a 50+ year life span, the steel provides more strength than gabion basket to support the steepness of the hill, the applicant will have to demonstrate that gabion baskets are not feasible.

Resident of Bayshore North asked if docks could be added to Bayshore North boardwalk with this request. Resident will need to contact Bayshore North.

Motion Kelley, Atchinson second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 18-010 – REZONING WITH CONDITIONS

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING TO REZONE THE FOLLOWING PARCELS FROM R1-C, SINGLE FAMILY RESIDENTIAL TO M-1, LIGHT INDUSTRIAL WITH CONDITIONS.

LOCATION: SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE WEST OF DENTON ROAD. PARCEL ID#(S); 83-021-99-0001-000; 83-022-01-0004-003; 83-022-01-0007-001; 83-021-99-0002-000; 83-022-01-0005-005; 83-022-01-0008-003; 83-022-01-0003-004; 83-022-01-0006-000; OTHERWISE KNOWN AS THE HAROLD SMITH FARM AT 50015 & 50061 MICHIGAN AVENUE.

No additional comments from the applicant.

Vidya Krishnan of McKenna Associates presented the conditional rezoning review letter dated 6-7-18 recommending approval of the Conditional Rezoning Agreement subject to the following:

1. That the legal description of the residential buffer area be illustrated on a survey, which should be included with the Conditional Rezoning Agreement.
2. The Conditional Rezoning Agreement require parcel number 83-021-99-0002-000 to be included in the residential buffer area if the residential use is ever discontinued on this parcel.
3. Pursuant to Section 12.507 (l)(1)(e), that the Conditional Rezoning Agreement include a date upon which it becomes void.

Director Akers discussed his staff letter dated 6-13-18 regarding the McKenna & Associates findings for the proposed Harold Smith Farm rezoning. Staff recommends that if the Planning Commission makes the recommendation to move forward with the proposed conditional rezoning, the findings discussed in the letter be referenced in any motion. The applicant agrees to all findings and conditions and the Township Attorney has reviewed the Conditional Rezoning Agreement.

No comments from the Commission or the audience.

Motion Kelley, Atchinson second to recommend the Township Board of Trustees grant the applicants request to rezone parcels from R1-C, single family residential to M-1, light industrial with conditions. Subject property located on the South side of Michigan Avenue West of Denton Road, parcel ID numbers; 83-021-99-0001-000; 83-022-01-0004-003, 83-022-01-0007-001; 83-021-99-0002-000; 83-022-01-0005-005; 83-022-01-0008-003; 83-022-01-0003-004; 83-022-01-0006-001, 83-023-99-0005-000, also known as the Harold Smith Farm at 50015 and 50061 Michigan Avenue. Subject to the findings and analysis in the McKenna Associates review letter dated 6-7-18, 1) That the legal description of the residential buffer area be illustrated on a survey, which should be included with the Conditional Rezoning Agreement, 2) That the Conditional Rezoning Agreement require parcel 83-021-99-0002-000 be included in the residential buffer area if the residential use is ever discontinued on this parcel, 3) Pursuant to Section 12.507 (l)(1)(e), the Conditional Rezoning Agreement include a date upon which it becomes void, and subject to the findings in the staff review letter dated 6-13-18. (Letters Attached)

Roll Call:

Yeas: Jahr, Kelley, Atchinson, Budd, Franzoi and Thompson.

Nays: None.

Absent: Boynton.

Motion Carried.

GENERAL DISCUSSION:

Director Akers provided updates on the Metro Park Party Store and the Townsend Park side-entry garages from the May 23rd meeting. The barbecue grill at the Metro Park Party Store does have a temporary use permit. Director Akers had discussion with the property owner and the barbecue grill will not operate during the weeks of the fireworks tent sales, June 22nd through July 7th. The Metro Park Party Store was granted setback variances at the June 12th Board of Zoning Appeals meeting, also there will be no truck deliveries outside of 2:00 a.m. – 6:00 a.m. and the canopy was moved forward. The next step is to resubmit the site plan to the Township.

The Townsend Park side-entry garages, the lots were not compliant, as they require a wider lot due to needing sufficient room for turning. Staff is working on a solution.

ADJOURNMENT:

Motion Atchinson, Kelley second to adjourn at 8:35 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Charter Township of Van Buren

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June 13, 2018

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

RE: McKenna & Associates Findings for the Proposed Harold Smith Rezoning

Commissioners,

The following are findings which have been prepared to support the recommendation McKenna & Associates has made with regards to the proposed rezoning with conditions of the Harold Smith Farm in their June 7, 2018 letter:

Findings

Section 12.507(E) of the Zoning Ordinance states that a Rezoning with Conditions may only be approved if it meets the requirements and standards of sub-sections (1) through (10) therein. We find that the requirements and standards of Section 12.507(E) of the Zoning Ordinance are met, as follows:

1. The proposed M-1 Rezoning with Conditions will further the goals and objectives of the Township Master Plan, as the Master Plan was amended on April 3, 2018 to change the Future Land Use of the subject site to "Light Industrial" with "Residential Protection" areas.
2. (2) The M-1 rezoning conditions will not authorize uses or development not permitted in the M-1 district and will not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement.
3. (3) The use of the property in question will be in complete conformity with all regulations governing development and use within M-1 district, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density.
4. (4) The proposed M-1 Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.
5. (5) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the M-1 Rezoning with Conditions. There is an increasing demand for industrial development in Van Buren Township, and the subject site has been identified by the Township as suitable for future industrial development. At the same time, the Master Plan and Rezoning with Conditions Agreement provide for a Residential Protection Area along the entire portion of the east side of the site and on the west end of the site. At the time of site plan review and/or special land use review, the site must meet all of the requirements of the Charter Township of Van Buren with respect to zoning, planning, engineering, landscaping, environmental performance, and review procedure. Therefore, the proposed Rezoning with Conditions is in the public interest, and the benefits which would



Charter Township of Van Buren

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reasonably be expected to accrue from the proposal clearly outweigh the reasonably foreseeable detriments.

6. (6) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the Charter Township of Van Buren.
7. (7) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the M-1 Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the Township.
8. (8) The offered conditions in the Rezoning with Conditions Agreement are beneficial to the public good and are enforceable.
9. (9) The conditions in the Rezoning with Conditions Agreement does not have the same effect as a use variance.
10. (10) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

If the Planning Commission makes the recommendation to move forward with the proposed conditional rezoning, staff would recommend that the findings discussed in this letter be referenced in any motion. I look forward to the Planning Commission's discussion on this agenda item.

Sincerely,

Ron Akers, AICP
Director of Planning and Economic Development



MCKENNA

June 7, 2018

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

Subject: VBT-17-024-RZ; Smith Conditional Rezoning Agreement Review

Location: South side of Michigan Ave., bounded on the north side by Michigan Ave., on the south side by Conrail railroad, and on the east side by Denton Farms single-family residential subdivision

Dear Planning Commissioners:

We have reviewed the Conditional Rezoning Agreement and Exhibits for the application to conditionally rezone the following parcels from R-1C (Single Family Residential) to M-1 (Light Industrial): 83-021-99-0002-000, 83-022-01-0003-004, 83-022-01-0004-003, 83-022-01-0005-005, 83-022-01-0006-001, 83-022-01-0007-001, 83-022-01-0008-003, and 83-023-99-0005-000.

Section 12.507 of the Zoning Ordinance includes requirements and procedures for Conditional Rezoning, and Section 12.507(l) includes requirements for the Conditional Rezoning Agreement. We note the following regarding the Conditional Rezoning Agreement:

- The Conditional Rezoning Agreement includes the information required by Section 12.507(l) of the Zoning Ordinance and meets the requirements of Section 12.507.
- The terms of the Residential Buffer Areas are included in Exhibit D. The uses of the Residential Buffer Areas are limited to *“berming, landscape screening, such as trees and other plantings or natural ornaments, fencing, stormwater control (e.g., retention, detention, drains etc.), underground utilities, footpaths and/or trails for non-motorized use, light poles and fixtures, above ground utilities, structures and mechanical equipment, walls, access to the Residential Protection Areas for maintaining the aforementioned uses, and other uses as may be permitted by the Planning Commission or the Director of Planning and Economic Development, as applicable, in accordance with the setback provisions of the Zoning Ordinance for the M-1 Zoning District.”* Therefore, buildings, access drives, and parking are not permitted in the Residential Buffer Areas.
- Exhibit D-1 includes a legal description for the Residential Buffer Areas. We recommend that the legal description of the Residential Buffer Areas be illustrated on a survey.
- The legal description of the Residential Buffer Area excludes parcel 83-021-99-0002-000, which will include the continued use of the single-family home at 50015 Michigan Ave. While we agree with excluding this parcel from the Residential Buffer Area while it is used as a single-family residence, we recommend that the Conditional Rezoning Agreement be modified to require this parcel to be included in the Residential Buffer area if the residential use is ever discontinued.
- Pursuant to Section 12.507(l)(1)(e), we recommend that the Conditional Rezoning Agreement include a date upon which it becomes void.

HEADQUARTERS

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RECOMMENDATION

Because the Conditional Rezoning Agreement includes the information required by Section 12.507(l) of the Zoning Ordinance and meets the requirements of Section 12.507, we recommend approval of the Conditional Rezoning Agreement subject to the following two (2) modifications to the Agreement:

1. That the legal description of the Residential Buffer Area be illustrated on a survey, which should be included with the Conditional Rezoning Agreement; and
2. That the Conditional Rezoning Agreement require parcel 83-021-99-0002-000 to be included in the Residential Buffer Area if the residential use is ever discontinued on this parcel.
3. Pursuant to Section 12.507(l)(1)(e), that the Conditional Rezoning Agreement include a date upon which it becomes void.

Respectfully Submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner

