

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, August 8, 2018 – 7:30 PM, Board of Trustees Room**

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES:

ITEM #1: Approval of minutes from the regular meeting of July 25, 2018.

CORRESPONDENCE:

PUBLIC HEARING:

ITEM #1: CASE 18-0014 – SPECIAL APPROVAL REQUEST

TITLE: THE APPLICANT, RA CHIESA ARCHITECTS, IS REQUESTING SPECIAL APPROVAL TO CONSTRUCT A MULTI TENANT RETAIL BUILDING WITH A DRIVE-THRU RESTAURANT.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 10573 & 10551 BELLEVILLE ROAD.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Public Hearing is Opened.
- C. Public Hearing is Closed.
- D. Planning Commission discussion.

ITEM #2: CASE 18-0019 – REZONING

TITLE: THE APPLICANT, US SIGNAL PROPERTIES, LLC, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 9275 HAGGERTY ROAD FROM C-1, GENERAL BUSINESS TO OT, OFFICE TECHNOLOGY.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 9275 HAGGERTY ROAD.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Public Hearing is Opened.
- C. Public Hearing is Closed.
- D. Planning Commission discussion.

ITEM #3: ZONING ORDINANCE TEXT AMENDMENT

TITLE: A PROPOSED AMENDMENT OF THE ZONING ORDINANCE WHICH ADDS, "HIGH TECH, DATA PROCESSING, AND COMPUTER CENTERS" AS A PERMITTED USE IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Public Hearing is Opened.
- C. Public Hearing is Closed.

D. Planning Commission discussion.

UNFINISHED BUSINESS:

NEW BUSINESS:

ITEM #1: CASE 18-0021 – PHASE ONE (1) SITE PLAN APPROVAL

TITLE: THE APPLICANT, ACS MICHIGAN, IS REQUESTING PHASE ONE (1) SITE PLAN APPROVAL (PER THE APPROVED DEVELOPMENT AGREEMENT) TO CONSTRUCT AN AUTOMOTIVE RESEARCH AND DEVELOPMENT FACILITY.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 50015 MICHIGAN AVENUE, OTHERWISE KNOWN AS THE HAROLD SMITH FARM.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Presentation by Township staff.
- C. Planning Commission discussion.
- D. Planning Commission considers approval of phase 1 site plan approval.

ITEM #2: CASE 18-0019 – REZONING

TITLE: THE APPLICANT, US SIGNAL PROPERTIES, LLC, IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 9275 HAGGERTY ROAD FROM C-1, GENERAL BUSINESS TO OT, OFFICE TECHNOLOGY.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 9275 HAGGERTY ROAD.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Presentation by Township staff.
- C. Planning Commission discussion.
- D. Planning Commission considers recommendation of rezoning to Township Board.

ITEM #3: CASE 18-0014 – SPECIAL APPROVAL REQUEST

TITLE: THE APPLICANT, RA CHIESA ARCHITECTS, IS REQUESTING SPECIAL APPROVAL TO CONSTRUCT A MULTI TENANT RETAIL BUILDING WITH A DRIVE-THRU RESTAURANT.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 10573 & 10551 BELLEVILLE ROAD.

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Presentation by Township staff.
- C. Planning Commission discussion.
- D. Planning Commission considers recommendation to the Township Board.

ITEM #4: CASE 18-0014 – PRELIMINARY SITE PLAN APPROVAL

TITLE: THE APPLICANT, RA CHIESA ARCHITECTS, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT A MULTI TENANT RETAIL BUILDING WITH A DRIVE-THRU RESTAURANT.

LOCATION: SUBJECT PROPERTY IS LOCATED AT 10573 & 10551 BELLEVILLE ROAD.

ACTION ITEMS: A. Presentation by the applicant.
B. Presentation by Township staff.
C. Planning Commission discussion.
D. Planning Commission considers preliminary site plan approval.

ITEM #5: ZONING ORDINANCE TEXT AMENDMENT

TITLE: A PROPOSED AMENDMENT OT THE ZONING ORDINANCE WHICH ADDS, "HIGH TECH, DATA PROCESSING, AND COMPUTER CENTERS" AS A PERMITTED USE IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT.

ACTION ITEMS: A. Presentation by Township staff.
B. Planning Commission discussion.
C. Planning Commission considers recommendation to the Township Board.

GENERAL DISCUSSION:

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
JULY 25, 2018
MINUTES - DRAFT**

Vice-Chairperson Boynton called the meeting to order at 7:32 p.m.

ROLL CALL:

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

Excused: Thompson.

Staff: Director Akers and Secretary Harman.

Planning Representatives: None.

Audience: Three (3).

APPROVAL OF AGENDA:

Motion Atchinson, Kelley second to approve the agenda of July 25, 2018 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Jahr second to approve the regular meeting minutes of June 13, 2018 as amended changing the last sentence in the first paragraph on page 3 to read “the applicant will have to demonstrate that gabion baskets are not feasible” and changing the word “between” to “outside of” under General Discussion on page 4. Motion Carried.

NEW BUSINESS:

ITEM # 1 18-022 – SITE PLAN APPROVAL

TITLE: THE APPLICANT, BRIGHTER BUILDING COMPANY, IS REQUESTING SITE PLAN APPROVAL TO RECONSTRUCT A SET OF STAIRS AT THE BAYSHORE CONDOMINIUMS.

LOCATION: SUBJECT PROPERTY IS LOCATED ON THE TOWNSHIP OWNED PROPERTY ADJACENT TO THE BAYSHORE CONDOMINIUMS.

Kurt Harvey of Brighter Building Company gave the presentation. The applicant is requesting to remove and reconstruct a set of existing stairs at the Bayshore Condominiums.

Director Akers presented his staff letter dated 7-21-18 recommending the Planning Commission grant site plan approval for the applicant, Brighter Construction Company, to remove and reconstruct a stairway to the water consistent with the provided plans. Approval should be based on the applications compliance with the approval criteria in section 3.120(f)4 and the staff review letter.

Commissioner inquired if there will be lighting on the stair caps. There will not be any lighting on the stair caps. No comments from the audience.

Motion Kelley, Atchinson second to grant site plan approval to Brighter Building Company to remove and reconstruct a stairway to the water consistent with the provided plans. Approval based

on the applications compliance with the approval criteria in Section 3.120(f)4 and the staff review letter dated July 21, 2018. Motion Carried. (Letter Attached)

GENERAL DISCUSSION:

Director Akers informed Commission members that the upcoming August 8, 2018 Planning Commission meeting would have a large agenda including three (3) public hearings and preliminary site approval requests. Agenda items to include: a proposal for Master Plan amendment to add data centers to the M1 district, a request to rezone property on the northeast corner of Haggerty and Tyler Roads, special land use and preliminary site plan for the property north of the multi-tenant retail building on Belleville Road and preliminary site plan for Phase 1 of the Harold Smith Farm property.

ADJOURNMENT:

Motion Franzoi, Kelley second to adjourn at 7:55 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

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

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, August 8, 2018 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests and Zoning Ordinance Amendments.

1. **Case 18-014:** A request by RA Chiesa Architects, for a special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road (Parcel ID# V-125-83-059-01-0020-000 & V-125-83-059-01-0021-000).
2. **Case 18-019:** A request by US Signal Properties, LLC to rezone the property located at 9275 Haggerty Road, (Parcel ID# V-125-83-047-99-0007-701) from C-1 (General Business) to OT (Office Technology).
3. **Zoning Ordinance Text Amendment:** A proposed amendment to the Zoning Ordinance which adds “High Tech, Data Processing, and Computer Centers” as a permitted use in the M-1, Light Industrial Zoning District.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: July 13, 2018
Published: July 19, 2018

PLANNING & ZONING APPLICATION

Case number 18-021

Date Submitted 7-20-18

APPLICANT INFORMATION

Applicant ACS, Michigan **Phone** (248) 385-5269
Address 901 Wilshire Dr, Suite 260 **Fax** (248) 385-5261
City, State Troy, Michigan **Zip** 48084
E:mail dgoldman@acscm.com **Cell Phone Number** (248) 568-0745
Property Owner Harold W. Smith **Phone** (734) 482-0360
(if different than applicant)
Address 50015 Michigan Ave. **Fax** _____
City, State Belleville, Michigan **Zip** 48111
Billing Contact ACS, Michigan **Phone** (248) 385-5269
Address 901 Wilshire Dr, Suite 260 **Fax** (248) 385-5261
City, State Troy, Michigan **Zip** 48084

SITE/ PROJECT INFORMATION

Name of Project Project Pancake
Parcel Id No. V125-83- see attachment **Project Address** see attachment

Attach Legal Description of Property

Property Location: On the south Side of US-12 Road; Between Ecorse Road and Cemetery Road. **Size of Lot** Width varies Depth varies
Acreage of Site 75 **Total Acres of Site to Review** 75 **Current Zoning of Site** R1-C
Project Description: Phase One of Development Agreement: Mass grading, building foundation and shell, detention basin, and soil erosion.

Is a re-zoning of this parcel being requested? Yes YES (if yes complete next line) NO
Current Zoning of Site R1-C Requested Zoning M-1, with Conditions

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? No YES (if yes complete next line) NO
Section of Zoning Ordinance for which you are applying _____
Is there an official Woodland within parcel? No **Woodland acreage** 0 acres
List total number of regulated trees outside the Woodland area? N/A **Total number of trees** N/A
Detailed description for cutting trees N/A

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

HAROLD W. SMITH

Print Property Owners Name

Harold W. Smith

Signature of Property Owner

JUL 20, 2018

Date

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this _____ day of _____, 20____.

_____, Notary Public, _____ County, Michigan My Commission expires _____, 20____.

Rev 1/12/06

Parcel ID	Address
83021990001000	50061 Michigan Ave
83022010003004	
83022010004003	
83022010005005	
83022010006001	
83022010007001	
83022010008003	
83023990005000	



MCKENNA

August 3, 2018

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

**Subject: VBT-18-021; Project Pancake – Phase 1/Michigan Avenue; Site Plan Review #1;
Site Plans Dated July 20, 2018.**

Dear Commissioners:

The applicant, ACS Michigan proposes to build a 58,054-square foot research and development facility building and associated site improvements. The 75-acre site is located on the south side of Michigan Avenue, bound by single family residential neighborhoods to the east and Conrail railroad to the south, and is commonly referred to as the “Harold Smith Farm” parcel.

Figure 1. Subject Site Location



Source: Google

The site was recently rezoned from R-1C (Single Family Residential) to M-1 (Light Industrial), with conditions. The rezoning is subject to the Rezoning with Conditions Agreement (“RCA”), and the applicable provisions of the CRA are addressed in this letter.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.

A Development Agreement (“DA”) for the subject site was approved by the Township Board of Trustees on July 17, 2018. The DA calls for the development of the site in two (2) phases as follows:

- **Phase 1, which is the subject of this review letter, consists of site grading, and construction of the stormwater detention pond, the building footprint and shell, the parking lot, and the berms.**
- **Phase 2, which is addressed in an accompanying review letter, consist of all other remaining items including, but not limited to, landscaping and screening, signage, woodland and tree preservation, exterior lighting, loading and unloading, site engineering, and utilities.**

Pursuant to the DA, the conditions applicable to the Phase 1 site plan review are addressed in this letter. Phase 2, which will be reviewed in a letter under separate cover, will include the remaining aspects of the site plan as noted above. The applicant proposes to seek preliminary and final site plan approval of Phase 1 at this time, followed by preliminary approval of Phase 2 and subsequent final approval of Phase 2 at a later time.

We have reviewed the site plan for Phase 1 components only, based on Zoning Ordinance standards, terms of the CRA, DA, and sound planning and design principles. We offer the following comments for your consideration (any items that require changes or additional information are underlined):

COMMENTS

1. **Zoning and Use.** The site is zoned M-1 (Light Industrial) district. The surrounding zoning includes M-2 (General Industrial) to the south, R-1C (Single Family Residential), C-1 (General Business) and RMH (Mobile Home Park) to the north across Michigan Avenue, R-1C (Single Family Residential) to the east and RMH (Mobile Home Park) and M-1 (Light Industrial) to the west.

The proposed use is a research and development facility with laboratories. Laboratories, major and minor are permitted as principal land use in the M-1 district per Section 3.104 of the Zoning Ordinance. The “tire/vehicle storage” area outdoors is minor enough to be considered accessory to the principal permitted use and is permitted by right, subject to compliance with Zoning Ordinance standards for screening. A use statement must be added to the plan consistent with the description in the DA.

2. **Site Grading.** The applicant has submitted extensive grading plans for the site which involves the creation of a berm along the frontage on Michigan Avenue, along the east property line abutting residential uses and also along part of the south property line adjacent to the railroad. It is our understanding that the applicant is in the process of working with Wayne County to abandon an existing drain easement on the property, which would allow for the placement of the building and parking lots as proposed. We defer to the Township Engineer and the County on this matter.
3. **Dimensional Requirements.** The proposed height of the 2-story building is noted as 28 feet, which is within the maximum permitted height of 30 feet for the buildings in the M-1 district per Section 4.102 of the Zoning Ordinance. The M-1 district has a minimum required front yard setback of 50 feet, a minimum side yard setback of 40 feet, and a minimum rear yard setback of 40 feet. The maximum lot coverage is 35%. The site plan delineates the setback lines, and the proposed structure and all parking areas are in compliance with the setbacks. Lot coverage calculations have not been noted; however, based on the



size of the structure proposed, the coverage is likely to be well under the 35% coverage permitted. Lot coverage calculations must be noted.

The 2000 Ecorse and Haggerty Road Corridor Plan added Residential Protection Areas to many areas of the township, including industrial areas that abutted residential areas in the northwest part of the township. The subject site was not part of that consideration at that time because it was zoned R-1C; however, a change of the zoning to M-1 with conditions placed an industrial use on the site next to residential areas to the east. As part of the CRA, the applicant is required to maintain the 400-foot residential buffer along the east and west property lines. The site plan indicates the required residential buffer zones.

4. **Required Information.** Section 12.203 of the Zoning Ordinance includes all the requirements for information on a site plan. A detailed review of all of the required items and notation of any missing data will be in our Phase 2 review letter under separate cover.
5. **Detention Pond.** The site plan proposes a large detention pond along the east side of the site, located within the 400-foot residential buffer zone. The slope of the detention pond is shown extending up to the east property line and appears to be separated from the abutting parcels by a chain link fence only. The landscape plan on Sheet L-4 does not indicate any proposed landscaping along the east side of the pond. Section 8.107(D)(2) requires chain link fence to be vinyl-coated black, so we recommend that the plans be revised to state this requirement. Also, while most pages state that the fence will be 6 feet high, there is a note on Sheet L-4 that it will be 8 feet high. We recommend that Sheet L-4 state that the fence will be 6 feet high.

We defer to the Township Engineer's regarding the proposed design and capacity of the pond; however, Section 10.103(K) includes specific standards for landscaping around storm water detention ponds, and the plans do not comply with these requirements. Because Wayne County regulates much of planting around detention ponds, we recommend that the perimeter of the pond be landscaped consistent with Wayne County requirements. Details of actual plant materials and counts will be reviewed with Phase 2, and the Planning Commission can modify the requirements of Section 10.103(K) to be consistent with Wayne County.

6. **Access and Circulation.** There is one (1) proposed entrance to the site from Michigan Avenue. Details of actual width of the internal access drives will be reviewed as part of Phase 2. Details of any security gates or other means of restricting access to the facility will also be reviewed as part of Phase 2.
7. **Parking and Loading.**
 - a. **Number of Parking Spaces.** Per Section 9.102(E) of the Zoning Ordinance, parking requirements for research and development and testing facilities are five (5) spaces plus four (4) spaces per 1,000 square feet of gross floor area plus one (1) per employee in peak shift.

Per information provided by the applicant, the building area will be 58,054 sq. ft. and per an email from the applicant's engineer, there will be 100 employees. Based on the information provided, the site requires **337 spaces** (i.e., **237 spaces** for the floor area and **100 spaces** for the employees). The site plan indicates a total of **194 parking spaces**. The proposed parking is deficient by 143



spaces. However, Section 9.101(J) of the Zoning Ordinance permits the Planning Commission to modify the minimum required parking based on demonstration by the applicant that another standard would be more reasonable based on level of current or future employment. According to HRC, the number of required parking spaces will far exceed the demand based on the number of employees and proposed use. While we are generally supportive of not requiring more parking spaces than are necessary for a use, we recommend that a more detailed description of the parking demand be submitted by the applicants. Section 9.101(H) of the Zoning Ordinance allows for parking deferment where a property owner can demonstrate that the required number of parking spaces is excessive. We recommend that a reserve area be shown on the Phase 2 plans for deferred parking and that the applicant meet the requirements of Section 9.101(H) during Phase 2 site plan review.

Future Parking. The site plan also indicates two (2) future building expansion areas and an associated “future parking expansion” area with 80 spaces.

- b. Space Dimensions.** The site plan does not include the parking space dimensions; however, based on scaling of the plans, proposed spaces are 9.5 feet wide by 20 feet deep. The parking space dimensions must be noted. Also, all parking spaces must be double striped as required by Section 9.104(C) of the Zoning Ordinance.

While landscaping will be reviewed as part of Phase 2, several rows of parking spaces shown have more than 20 spaces in an uninterrupted row. Section 10.103(B)(2) of the Zoning Ordinance requires the provision of an interior landscape island for every 20 spaces. The required islands must be added before the parking layout is finalized, and each island must be at least 360 sq. ft. in area and must contain 1 deciduous tree.

- c. Barrier Free Spaces.** Four (4) barrier free spaces are provided. For parking lots between 151-200 spaces, the ADA required six (6) barrier free spaces. Therefore, two (2) additional barrier free spaces must be included. The dimensions of barrier free spaces must also be noted per ADA standards.
- d. Curbing.** Section 9.104(I) of the Zoning Ordinance requires curbing around the entire parking area. There are areas of the site where curbing is not shown. Although Section 9.104(I) allows the Planning Commission to approve an alternate design when an opportunity exists to substantially improve the water quality, the applicants must demonstrate this on the plans.

- 8. Architecture and Building Details.** Section 3.116(E) of the Zoning Ordinance requires building elevations, where visible from residential districts and public rights-of-way, shall incorporate vertical design elements such as spandrel glass, columns, pilasters and/or piers, so as to break up the horizontal mass of the building. While elevations were submitted for review that meet most of those requirements, more detailed building elevations must be submitted to confirm the specifications, colors, and required mechanical screening pursuant Section 10.103(J).
- 9. Berms.** The site plan indicates 10-foot high landscaped berms on the west side of the detention pond, extending on the east of the “vehicle evaluation area” and along a part of the south property line. A similar landscaped berm is proposed along the site’s Michigan Avenue frontage. By having the berm to the west of the detention pond, the residents to the east will be able to see the detention pond and the perimeter fence. While we would generally prefer the berm to be located east of the pond, our



understanding is that some of the residents have expressed their preference of having the pond on the east side to provide distance between their lot and the large berm. Finally, we recommend that the berm on the south side of the lot be extended along the entire south property line to create a complete visual screen and noise barrier for the future vehicle evaluation track area. If the applicant proposes this berm in Phase 2 or in a subsequent phase, we recommend that this be stated on the plans.

RECOMMENDATION

As previously stated, pursuant to the DA, Phase 1 consists of site grading, and construction of the stormwater detention pond, the building footprint and shell, the parking lot, and the berms. If the Planning Commission is in agreement with the plan layout and allowing the Planning Director to approve revised Phase 1 plans to confirm conditions of approval, then we recommend approval of the preliminary and final site plan of Phase 1 of Project Pancake, subject to the following conditions:

1. A use statement must be added to the plan consistent with the description in the DA.
2. Lot coverage calculations must be noted on the plans.
3. Pursuant to Section 8.107(D)(2) of the Zoning Ordinance, the chain link fence must be vinyl-coated black and the plans must be revised to state this requirement.
4. Sheet L-4 must state that the fence will be 6 feet high – not 8 feet high.
5. The perimeter of the pond must be landscaped consistent with Wayne County requirements. Details of actual plant materials and counts will be reviewed with Phase 2.
6. While 194 parking spaces are permitted for Phase 1, a more detailed description of the parking demand must be submitted by the applicants prior to Phase 2. A reserve area must be shown on the Phase 2 plans for deferred parking and the applicant must meet the requirements of Section 9.101(H) of the Zoning Ordinance during Phase 2 site plan review.
7. Pursuant to Section 10.103(B)(2) of the Zoning Ordinance, an interior landscape island for every 20 spaces must be provided. The required islands must be added before the parking layout is finalized, and each island must be at least 360 sq. ft. in area and must contain 1 deciduous tree. This requirement must be met prior to construction of Phase 1.
8. Two (2) additional barrier free spaces must be included. The dimensions of barrier free spaces must also be noted per ADA standards.
9. Either curbing be included along the entire parking area or, pursuant to Section 9.104(I), the applicant can satisfactorily demonstrate to the Planning Commission that the alternate design will substantially improve the water quality.
10. More detailed building elevations must be submitted to confirm the specifications, colors, and required mechanical screening pursuant to Section 10.103(J).
11. That the berm on the south side of the lot be extended along the entire south property line to create a complete visual screen and noise barrier for the future vehicle evaluation track area. If the applicant proposes this berm in Phase 2 or in a subsequent phase, we recommend that this be stated on the plans.
12. That all requirements of the Township Engineer, Fire Marshal, and Wayne County are met.



Respectfully Submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner



Vidya Krishnan
Senior Planner

c: Ron Akers, Van Buren Township Director of Planning & Economic Development
Matt Best, Van Buren Township Director of Public Services
David Potter, FTCH, Township Engineers
David McInally, Van Buren Township Fire Marshal





MCKENNA

August 3, 2018

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

Subject: VBT-18-021; Project Pancake – Phase 2/Michigan Avenue; Preliminary Site Plan Review #1; Site Plans Dated July 20, 2018.

Dear Commissioners:

The applicant, ACS Michigan proposes to build a 2-story 58,054-square foot research and development facility building and associated site improvements. The 75-acre site is located on the south side of Michigan Avenue, bound by single family residential neighborhoods to the east and Conrail railroad to the south, and is commonly referred to as the “Harold Smith Farm” parcel.

Figure 1. Subject Site Location



Source: Google

The site was recently rezoned from R-1C (Single Family Residential) to M-1 (Light Industrial), with conditions. The rezoning is subject to the Rezoning with Conditions Agreement (“RCA”), and the applicable provisions of the CRA are addressed in this letter.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

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Communities for real life.

A Development Agreement (“DA”) for the subject site was approved by the Township Board of Trustees on July 17, 2018. The DA calls for the development of the site in two (2) phases as follows:

- **Phase 1, which is the subject of this review letter, consists of site grading, and construction of the stormwater detention pond, the building footprint and shell, the parking lot, and the berms.**
- **Phase 2, which is addressed in an accompanying review letter, consist of all other remaining items including, but not limited to, landscaping and screening, signage, woodland and tree preservation, exterior lighting, loading and unloading, site engineering, and utilities.**

Pursuant to the DA, the conditions applicable to Phase 2 site plan review are addressed in this letter. Phase 1, which was reviewed in a separate letter, addressed the aspects of the site plan as noted above.

We have reviewed the site plan for Phase 2 components, based on Zoning Ordinance standards, terms of the conditional rezoning Development Agreement and sound planning and design principles. We offer the following comments for your consideration: (Any items that require changes or additional information are underlined. Please note that some overlap with comments already provided with Phase 1 are likely due to the nature of the site plan aspect being reviewed)

COMMENTS

1. **Zoning and Use.** The site is zoned M-1 (Light Industrial) district. The surrounding zoning includes M-2 (General Industrial) to the south, R-1C (Single Family Residential), C-1 (General Business) and RMH (Mobile Home Park) to the north across Michigan Avenue, R-1C (Single Family Residential) to the east and RMH (Mobile Home Park) and M-1 (Light Industrial) to the west.

The proposed use is a research and development facility with laboratories. Laboratories, major and minor are permitted as principal land use in the M-1 district per Section 3.104 of the Zoning Ordinance. The “tire/vehicle storage” area outdoors is minor enough to be considered accessory to the principal permitted use and is permitted by right, subject to compliance with Zoning Ordinance standards for screening. A use statement must be added to the plan consistent with the description in the DA.

2. **Dimensional Requirements.** The proposed height of the 2-story building is noted as 28 feet, which is within the maximum permitted height of 30 feet for the buildings in the M-1 district per Section 4.102 of the Zoning Ordinance. The M-1 district has a minimum required front yard setback of 50 feet, a minimum side yard setback of 40 feet, and a minimum rear yard setback of 40 feet. The maximum lot coverage is 35%. The site plan delineates the setback lines, and the proposed structure and all parking areas are in compliance with the setbacks. Lot coverage calculations have not been noted; however, based on the size of the structure proposed, the coverage is likely to be well under the 35% coverage permitted. Lot coverage calculations must be noted.

The 2000 Ecorse and Haggerty Road Corridor Plan added Residential Protection Areas to many areas of the township, including industrial areas that abutted residential areas in the northwest part of the township. The subject site was not part of that consideration at that time because it was zoned R-1C; however, a change of the zoning to M-1 with conditions placed an industrial use on the site next to



residential areas to the east. As part of the CRA, the applicant is required to maintain the 400-foot residential buffer along the east and west property lines. The site plan indicates the required residential buffer zones.

3. Required Information. Section 12.203 of the Zoning Ordinance includes all the requirements for information on a site plan. The following additional items must be noted on the site plan:

- a. Notation of Michigan Avenue and the Railroad right-of-way width.
- b. Name and address of property owner/petitioner.
- c. Notation of Township, County and State licenses and permits required.
- d. A note to pick-up debris within the property weekly or as needed.
- e. A general use statement on the plan.
- f. Notation of square footage of building.
- g. Paved surface maintenance agreement language as listed in the Ordinance.
- h. Details of proposed trash enclosure.
- i. Location of fire hydrants, pump houses and other utilities.
- j. Location and details of proposed outdoor mechanical equipment.
- k. Location and screening details of outdoor storage areas.
- l. Information and plans for the storage and disposal of any hazardous/toxic waste, if any.
- m. Note hours of operation of the facility and the outdoor vehicle evaluation area.

4. Detention Pond. The site plan proposes a large detention pond along the east side of the site, located within the 400-foot residential buffer zone. We defer to the Township Engineer's regarding the proposed design and capacity of the pond. Some of the issues related to the pond are discussed in our review letter for Phase 1, under separate cover. However, Section 10.103(K) includes specific standards for landscaping around storm water detention ponds, and the plans do not comply with these requirements. Because Wayne County regulates much of planting around detention ponds, we recommend that the perimeter of the pond be landscaped consistent with Wayne County requirements.

5. Access and Circulation. There is one (1) proposed entrance to the site from Michigan Avenue. The access drive branches off to provide access to a parking lot on the north side of the building, while the main access drive continues south and forks into 2, allowing access to the vehicle evaluation area and parking lot on the east side of the building. The following items regarding access must be addressed on revised and dated set of plans:

- a. Note width of access drive and delineate with pavement striping lanes for ingress and egress.
- b. The plan indicates a gate mid-way through the access drive. Details of the gate, including its operation, must be noted.
- c. The access drive appears curbed for the most part. However, the south side of the access drive on the south side of the building is missing curbing. Concrete curbs must be added on both sides of all circulation drives.
- d. Clarify if any signage will be installed in the access drive, at the fork to the vehicle evaluation area.
- e. Note width of drive aisles within parking lot areas.
- f. The Planning Commission typically requires a traffic impacts study for projects of this magnitude. However, the applicant has previously presented to the Township that the use will generate limited



amount of traffic when compared to a regular industrial facility. Information in the form of trip counts or other data must be provided to justify the waiver of a traffic study.

6. Sidewalks. Section 9.107 requires the provision of a sidewalk long all public streets and major thoroughfares. The site plan does not indicate any sidewalk along Michigan Avenue frontage. *The Planning Commission has the ability to modify the location of interior sidewalks only.* The site plan also indicates sidewalks next to the parking lots on the north and west side of the building. The following items must be addressed:

- a. A 5-foot wide concrete sidewalk is required along the site's Michigan Avenue frontage, unless the applicant has a specific reason to show why it is not possible to install the required sidewalk. Such deviation might require approval from the Zoning Board of Appeals.
- b. Note width of internal sidewalks.
- c. Note location of barrier free access ramps.
- d. Provide striped crosswalks for safe access to building entrances on all sides, specifically the east side which has overhead doors and no sidewalks for pedestrians.

7. Parking and Loading.

- a. Number of Parking Spaces.** Per Section 9.102(E) of the Zoning Ordinance, parking requirements for research and development and testing facilities are five (5) spaces plus four (4) spaces per 1,000 square feet of gross floor area plus one (1) per employee in peak shift.

The proposed building has a floor area of 58,054 sq. ft. and a total of 100 employees in a peak shift (per email received from applicant's engineer HRC). Based on the information provided, the site requires **337 spaces** (i.e., **237 spaces** for the floor area and **100 spaces** for the employees). The site plan indicates a total of **194 parking spaces**. The proposed parking is deficient by 143 spaces. However, Section 9.101(J) of the Zoning Ordinance permits the Planning Commission to modify the minimum required parking based on demonstration by the applicant that another standard would be more reasonable based on level of current or future employment. According to HRC, the number of required parking spaces will far exceed the demand based on the number of employees and proposed use. While we are generally supportive of not requiring more parking spaces than are necessary for a use, we recommend that a more detailed description of the parking demand be submitted by the applicants. Section 9.101(H) of the Zoning Ordinance allows for parking deferment where a property owner can demonstrate that the required number of parking spaces is excessive. We recommend that a reserve area be shown on the Phase 2 plans for deferred parking and that the applicant meet the requirements of Section 9.101(H).

Future Parking. The site plan also indicates two (2) future building expansion areas and an associated "future parking expansion" area with 80 spaces.

- b. Space Dimensions.** The site plan does not include the parking space dimensions; however, based on scaling of the plans, proposed spaces are 9.5 feet wide by 20 feet deep. The parking space dimensions must be noted. Also, all parking spaces must be double striped as required by Section 9.104(C) of the Zoning Ordinance.



Several rows of parking spaces shown have more than 20 spaces in an uninterrupted row. Section 10.103(B)(2) of the Zoning Ordinance requires the provision of an interior landscape island for every 20 spaces. The required islands must be added before the parking layout is finalized.

- c. Barrier Free Spaces.** Four (4) barrier free spaces are provided. For parking lots between 151-200 spaces, the ADA required six (6) barrier free spaces. Therefore, two (2) additional barrier free spaces must be included. The dimensions of barrier free spaces must also be noted per ADA standards. If approval is being sought for future parking areas at this time, these areas must also show the required number of ADA paces.
- d. Loading.** Per Section 9.105 of the Zoning Ordinance, the proposed building will require a total of two (2) 10-foot by 50-foot loadings spaces. The loading spaces must be located and dimensioned on the site plan.
- 8. Architecture and Building Details.** Section 3.116(E) of the Zoning Ordinance requires building elevations, where visible from residential districts and public rights-of-way, shall incorporate vertical design elements such as spandrel glass, columns, pilasters and/or piers, so as to break up the horizontal mass of the building. While elevations were submitted for review that meet most of those requirements, more detailed building elevations must be submitted to confirm the specifications, colors, and required mechanical screening pursuant Section 10.103(J).
- 9. Landscaping.** Landscaping is subject to the provisions of Section 10.103 of the Zoning Ordinance. Sheets L-1 through L-11 of the site plan submission includes details of proposed landscaping for the site. The Zoning Ordinance describes the landscaping requirements that must be met individually, and our comments on these are as follows:

 - a. Frontage Landscaping.** Section 10.103(A) states that when a site abuts a public right-of-way, frontage landscaping shall include 1 deciduous or evergreen tree per 40 lineal feet of road frontage + 1 ornamental tree per 100 feet of lineal frontage + 8 shrubs per 40 lineal feet of frontage. Based on a frontage of 1,100 feet on Michigan Avenue, the site requires a total of 28 deciduous or evergreen trees + 11 ornamental trees + 220 shrubs. The plan proposes a total of 33 deciduous trees + 14 ornamental trees + 229 shrubs to meet this requirement. The ornamental and deciduous trees are placed almost entirely with the greenbelt area on the north side of the proposed building and near the main access drive off Michigan Avenue. The northwest frontage of the site along Michigan Avenue has no vegetation; however, the applicant is proposing the installation of a 60-foot wide, 10-foot high berm landscaped with evergreen trees, placed 50 feet – 360 feet away from the front property line. The area between the berm and the right-of-way line is to be maintained as “non-irrigated” seeded lawn. The applicant must clarify if there will be some warranty for lawn in this area to prevent it from becoming a weed-infested area.

b. Parking Lot Landscaping.

Screening. Section 101.03(B)(1) requires parking lots to be screened from public rights-of-way by landscaping. The parking lots located on the north and west sides of the building are to be screened by the landscaping noted in comment **a** above. This area is a wide green expanse; however, it does not include a berm or a screen wall 3 feet in height as recommended by the Zoning Ordinance. The



frontage is to be planted by a variety of perennials, which while being attractive, does not function as an effective screen for the parking lot or headlights from vehicles. We recommend the addition of a low ornamental 3-foot high brick wall at the edge of the north side parking lot to provide a backdrop to the proposed perennials and create a more effective screen.

Interior Lot Landscaping. Section 10.103(B)(2) requires parking lot landscaped areas to be at least 5% of all the paved areas. The site plan shows vehicular surface area as 80,783 square feet, thus requiring 4,040 square feet of landscaped area. Per calculations noted on sheet L-10, the landscape area provided is 3, 231, resulting in a shortfall of 809 square feet. The additional landscape area must be provided. The plan must also delineate the various areas which were used to determine compliance with this standard.

Each landscaped island must be at least 360 square feet and shall have at least one (1) tree. Also, there must be at least 1 tree per 300 square feet of vehicular surface landscaped area. The parking lots include several islands, each planted with 2 deciduous trees. The area of the islands must be noted to determine compliance to this standard. Based on the interior lot landscaping standards, a total of 11 trees are required and 13 are proposed. The Zoning Ordinance does not allow for more than 20 spaces in an uninterrupted row without a landscape island. As noted in our Phase 1 review letter, several rows of parking in all 3 lots on the site are non-compliant.

- c. **Loading Area Landscaping.** Section 10.103(C) requires loading areas to be screened from view of any adjacent residential district by a fence and/or landscaping. The loading dock area appears to be located on the east side of the proposed building and is screened from view of the residential district to the east by a 60-foot wide, 10-foot high berm to be planted with a double staggered row of evergreen trees placed 15 feet on center.
- d. **Greenbelt Buffering.** Section 10.103(E) requires screening between a use on an M-1 zoned property and abutting single family residential districts. The Zoning Ordinance requires a 60-foot wide buffer with a double staggered row of evergreens placed 15 feet on center, with a flat horizontal crest area of at least 3 feet. The landscape plan proposes a 60-foot wide, 10-foot high berm on the east side of the building and parking lot, set 320 feet away from the east property line abutting the residential district. The berm is to be planted with a mix of White Spruce, White Pine and Norway Spruce trees placed 15 feet on center.
- e. **Open Space Landscaping.** Per Section 10.103(G), all open areas of the site that are not required landscaping areas must be planted with one tree per 3,000 square feet of open area. The site has a total open area of 1,260,000 square feet, which translates to 420 trees, of which 35% (147 trees) are required to be deciduous. The landscape plan notes that 0 trees are proposed to meet this requirement. We recommend that the open area be recalculated to deduct structures (including future expansion areas), ponds, and required landscaping areas, and show the required trees. If a modification from this requirement is requested by the applicant, the applicant must provide a reasoning to the Planning Commission.
- f. **Other Requirements.** Sheet L-10 notes that all landscape areas will be irrigated with an automatic irrigation system. The individual sheets note that lawn areas along the site's frontage will be "non-irrigated". That applicant must clarify if all the berms will be irrigated. We recommend that all trees



and shrubs be irrigated. The required landscape maintenance agreement note is included on the plans.

- g. Residential Buffer.** Per the DA, the plans submitted include 400-foot wide residential buffer zones along the east and west property boundaries. The parcel is triangle-shaped and the narrow corner at the southwest end is covered by existing vegetation. The plan also indicates a berm along a part of the south property line for screening. As recommended in our review of Phase 1, we recommend that the berm be extended along the entire south property line to create a full and effective screen for the vehicle evaluation areas and track.
- h. Stormwater Pond.** Section 10.103(K) requires a buffer around the detention pond. As noted previously, the detention pond is graded to the east property line with the entire vegetative buffer located along its west boundary. It is our understanding that planting in and around the basin is regulated by the County; however, location of any mechanical equipment for the pond must be shown with appropriate screening.
- 10. Tree Removal Permit.** The site was previously farmed and as a result does not have a significant vegetation cover, except for a few trees on the southwest side and a grouping along the site's Michigan Avenue frontage. A tree removal permit is required if the applicant proposes to remove any trees of 5" caliper or larger per Section 8.106 of the Zoning Ordinance (Woodland and Tree Preservation). No information in this regard has been provided. A tree survey must be provided, along with required replacement calculations.
- 11. Fencing.** The site plan indicates a proposed 6-foot high chain link fence around the entire property. While the chain link fence is acceptable along the south property line abutting the railroad and pond, Section 8.107(D)(2) of the Zoning Ordinance requires chain link fence to be vinyl-coated black, so we recommend that the plans be revised to state this requirement. In addition, we recommend that the fence be replaced with a decorative fence along the site's Michigan Avenue frontage. The site plan notes the fence height as 6 feet while the landscape plan identifies it as 8 feet. Any discrepancies in plans must be corrected. Typical fence details with color must be noted.
- 12. Trash Disposal.** The site plan indicates a dual dumpster with gates at the southeast corner of the proposed building. Typical dumpster enclosure details must be noted. Section 7.122 of the Zoning Ordinance requires the enclosure to be at least 6' in height constructed of decorative masonry, and provided with steel reinforced wooden gates. The enclosure should be provided with bollards outside the gates to protect them.
- 13. Lighting.** The site plan package includes proposed lighting plans on Sheets E01 and E02. The plan indicates single- and dual-head light poles placed in the parking lots and along the drive aisles within the site. A photometric plan noted on sheet FC01 indicates illumination in areas of vehicular traffic on site; however, the data noted is almost illegible for us to determine compliance with the standards noted in Section 8.105(B)(2) of the Zoning Ordinance. Proposed light pole fixture mounting height is noted as 22 feet. Section 8.105(C) allows for a maximum height of 25 feet to the top of the fixture from grade. The plans must show compliance with this standard. The plan also indicates no wall mounted fixtures on the building façade. We anticipate there will be light fixtures to illuminate entrances and the loading dock areas. These fixtures must be added to the lighting plans and elevations and shown on the photometric



plan. Manufacturer's cut sheet details for proposed fixtures must be submitted with shielding. The lighting plan must include details of any proposed ground mounted fixtures to enhance landscaping on the site.

- 14. Signs.** A ground-mounted sign is shown on the landscape plan (not labeled) and electrical plan (labeled), but not shown on the site plan. Information regarding proposed ground sign and wall mounted signage, if any, must be provided to determine if it meets the Zoning Ordinance requirements for area, height, setbacks, and design.
- 15. Other.** Additional information about the following site plan items must be provided:
- a. Refrigerated Storage. The site plan indicates a refrigerated storage area next to the dumpster on the southeast corner of the building. It is unclear if this is a structure or enclosure or open storage area. Details of this area must be provided.
 - b. Tire/Vehicle Storage area. The site plan includes a tire/vehicle storage area on the east side of the site. The applicant must clarify if this is open or enclosed storage. The applicant must also clarify if the vehicles to be stored in this area are operable. Any other details to help understand the functioning and use of this space must be provided.
 - c. Vehicle Evaluation Area. The applicant must clarify the use and operation of this space. Specifically, the site plan must address if it will be used for outdoor parking of vehicles or storage.

RECOMMENDATION

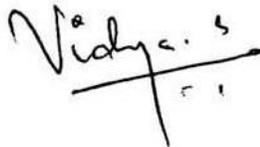
We understand that the proposed development is time-sensitive, as the DA provides for a limited review of Phase 1 and defers many additional details to Phase 2. While the site plan includes many of the details required for Phase 1, much of the information required for Phase 2 must be provided on revised plans. Therefore, we recommend that the Planning Commission provide guidance to the applicant on some of the discretionary standards of Phase 2 and defer action on the Phase 2 preliminary site plan until revised plans are submitted that address the items noted in this letter.

Respectfully Submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner



Vidya Krishnan
Senior Planner

- c: Ron Akers, Van Buren Township Director of Planning & Economic Development
Matt Best, Van Buren Township Director of Public Services
David Potter, FTCH, Township Engineers
David McNally, Van Buren Township Fire Marshal





August 3, 2018

FTCH Project No. 181273

VBT Project No. 18-021

Van Buren Township
46425 Tyler Road
Van Buren Township, MI 48311

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

Re: Project Pancake – Phase 1 (Mass Grading Only)
Van Buren, Michigan

Dear Ms. Thompson:

Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) has completed the first review of the Preliminary Plans, dated July 20, 2018, for the proposed Project Pancake – Phase 1 (Mass Grading only).

The proposed project is part of a multi-phased construction project. This review only pertains to Phase 1, which includes; site grading, stormwater detention basin grading, grading of the building footprint, parking lot grading, and grading of berms that surround the property. The next phase is Phase 2, which includes a full preliminary review under a separate review letter.

The following is a summary of our review comments for your use.

General

The following items are general requirements established as part of the *Engineering Standards Manual, Charter Township of Van Buren (April 2014)*. The applicant must include the following items as part of the preliminary plans.

1. All elevations must be in NGVD 29 datum. Please indicate as such on the mass grading plans.
2. Provide a list of private utility contacts with facilities within the project limits.
3. The permanent water elevation within existing ditches and drains should be field measured and indicated on the plans.
4. Soil borings indicating the ground water elevations must be provided. Indicate if seasonal fluctuations are apparent.
5. Drainage flow arrows shall be shown to indicate the direction of surface water flows before and after mass grading. The final 100-year overland flow route must also be indicated on the plans.

NOTE: During the review process, the Applicant supplied updated drawings with flow arrows via email to help facilitate the review. These flow arrows and the 100-year overland flow route must be included with all future submittals.

Site Drainage, Storm Sewer, and Storm Water Storage

Existing:

Existing topography shows drainage flowing predominately west toward the center and north side of the property, into a regulated MDEQ wetland. The wetland discharges into the enclosed Denton Drain, a Wayne County legally established county drain established in the 1920's. The enclosed drain is shown to consist of an 8-inch drain. The Denton Drain flows easterly.

Proposed:

The applicant's proposed plan shows a combination of overland flow through swales and open ended culverts, an underground system that intercepts flow from paved areas, and a detention basin system that collects all flow through two (2) separate forebays. A new pipe run replaces the existing enclosed Denton Drain from the wetland, which outlets into the detention basin system as well. The culvert and sewer sizes within the system range from 12-inch to 36-inch. The overall detention for the site is controlled by a single 36-inch riser with an unrestricted 24-inch outlet. The outlet taps into the existing 12-inch storm system (enclosed Denton Drain) that also collects runoff from Cemetery Road.

Comments:

1. The existing overland flow route for the "middle" drainage district (the drainage district with the wetland), shows flow from the south heading north into the wetland, which ultimately drains via the Denton Drain tile to the east. Based on the proposed site grading plans, a new 10-foot berm is being constructed just south of the wetland, essentially severing the flow from the south. What is the proposed overland flow route for this area once the berms are constructed? The Applicant needs to show how this drainage district, as well as the district immediately west, are going to be drained after the berm(s) are installed.
2. The Van Buren Township water main and sanitary sewer lines that run along the northern section of the detention pond will not be allowed to be within the footprint of the pond and must be located outside the slopes of the pond banks. The area above these utilities must be relatively flat, allowing for equipment and vehicles to access the lines without having to maneuver along the slopes of the pond and berms. Additionally, the access path to these lines will need to be traversable with equipment and vehicles. The Applicant must show a reasonable access path around the site features and landscape. Additional discussion will be necessary regarding fence location vs. site access.

NOTE: In an email conversation with Gary Tressel (HRC) on Thursday, August 02, 2018, he stated that HRC "can review shifting the pond about 45 feet southerly to allow [the sanitary sewer] to stay where it is... and grow the pond further south to compensate for the shift". If the relocation of the pond is not feasible, the Applicant will need to redesign the sanitary sewer outlet that removes it from the footprint of the pond.

3. The overall outlet for the detention basin is an unrestricted 24-inch sewer, which discharges into a 12-inch sewer system. The applicant needs to show the impacts to the overall detention system due to the restriction of flow at the outlet. What is the ultimate overland overflow route for the detention basin when capacity is exceeded? What impacts does the restriction have to the detention capacity?
4. Each forebay must include an outlet weir into the detention basin. This weir size and location shall be shown on the plans.
5. Van Buren Township requires that "Detention basins must be designed to have a permanent pool with a minimum depth of four feet".

NOTE: In an email conversation with Gary Tressel (HRC) on Thursday, August 02, 2018, he stated that they "Due to the proximity to Willow Run, the FAA has said they do not want any wet bottom ponds.

Ms. Carol Thompson, Chairperson

Page 3

August 3, 2018

The discussion was between parties other than HRC, but we are reaching back to FAA to get something in writing". Upon receiving word from the FAA, please forward on to the Township for review.

6. Show proposed contour labels for detention basin grades.

Paving and Grading

1. During the land balancing operations, is there a plan to import/export material? Is there a truck route being used other than the temporary maintenance entrance from Michigan Avenue?

Recommendation

At this time, we are recommending conditional Phase 1 – Site Grading Plan approval, subject to the Applicant revising the grading plan per the comments above.

If you have any questions regarding this project, please contact me at 248.324.4791 or dpotter@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.



David L. Potter, PE, CSI-CCCA



Paul J. Kammer, PE

nac

By email

cc: Mr. Ron Akers – Township
Mr. Gary Tressel, HRC

David C. McNally II
Fire Marshal
O: 734-699-8900 ext. 9416

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



July 31, 2018

Department Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Project Pancake

18-021

To whom it may concern:

I have reviewed a digital plan set sent to me by Ron Akers on July 25th. The plan set is also dated 7-20-18 and is labeled preliminary site plan approval by Hubbell, Roth & Clark, INC 555 Hulet Drive Bloomfield Hills, MI

Project Overview:

The proposal is to build unknown vehicle testing facility. The plan set was reviewed for Fire and Life Safety using the township adopted fire code NFPA 1 and NFPA 101 2012 editions.

Again, please note that **all** applicable **NFPA** codes and standards apply as adopted by the Township of Van Buren. Please address the following items and return, before I can approve submitted site plans.

1. Knox-Box will need to be ordered and installed by owner where fire department indicates prior to occupancy. www.knoxbox.com
NFPA 1 16.3.4.3
2. Van Buren Fire Department apparatus require a **65ft** outside wheel turning radius. Turning radius of a fire department access road shall be as approved by the AHJ.
NFPA 1 18.2.3.4.3.1
3. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first floor of the building is located not more than 150 ft. from fire department access roads as measured by an approved route around the exterior of the building or facility.
NFPA 1 18.2.3.2.2
4. Dead-end fire department access roads in excess of 150ft. in length shall be provided with approved provisions for fire apparatus to turn around. Loop access between parking lots is

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

requested to accommodate requirements and provide access to current and future buildings proposed.

NFPA 1 18.2.3.4.4

5. Sliding gate access, how does the company plan on allowing access to fire department?
6. Building construction and use is needed to identify, suppression requirements and subsequent placement of hydrants and fire department connections.
7. How will fire department have access to future vehicle evaluation area listed on plans?
8. Vehicle evaluation area building, use and construction, will determine hydrant and FDC locations around that building as well.
9. Two-Way Radio Communication Enhancement Systems are required for all new construction, unless after finished construction the occupant can prove through a signal test with the AHJ that it is not needed. NFPA 1 2012 11.10.1 In all new and existing buildings, minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ. I have attached the requirements for the above required equipment regulated by the State of Michigan.

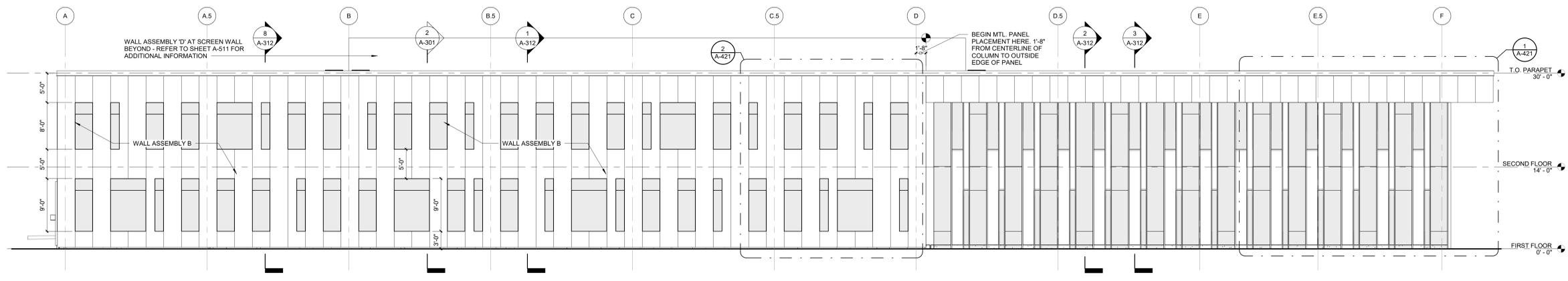
NFPA 72.24.5.2.2.3

Plans are approved with the understanding that the above items will be incorporated or corrected prior to c/o.

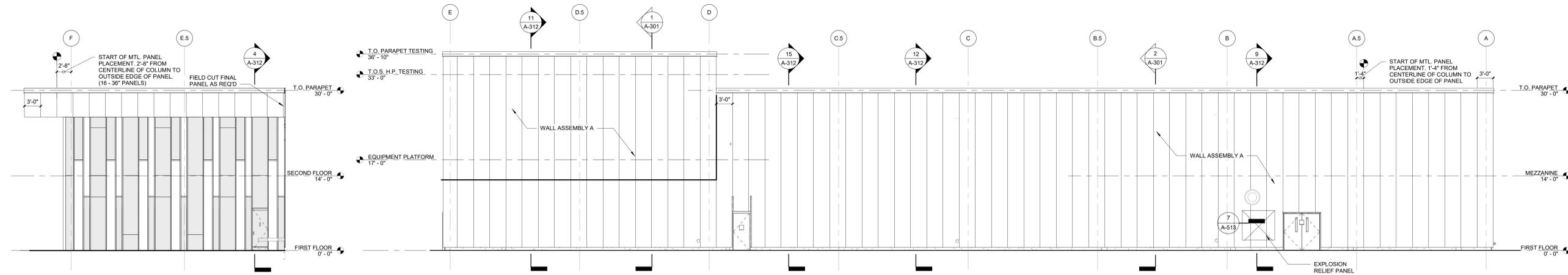
If you have any questions about this plan review report, please feel free to contact me

Respectfully submitted,

David C McInally
Fire Marshal
Van Buren Fire Department

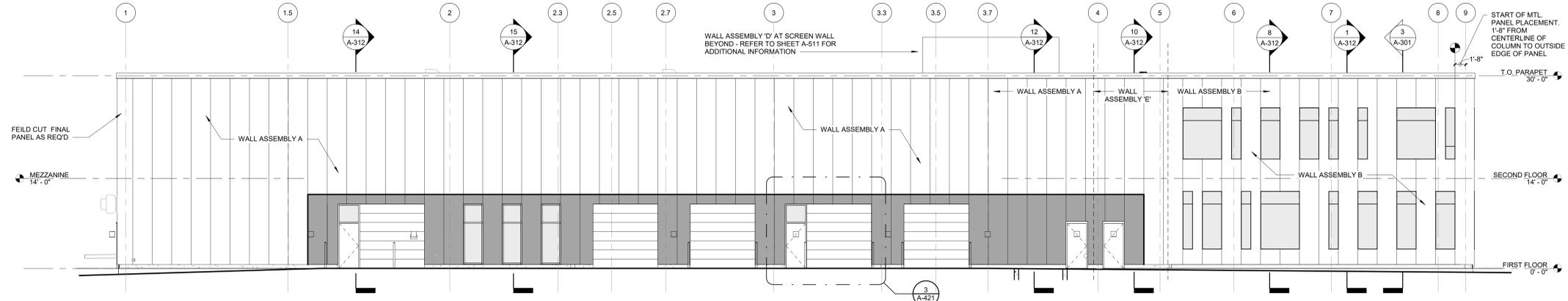


5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

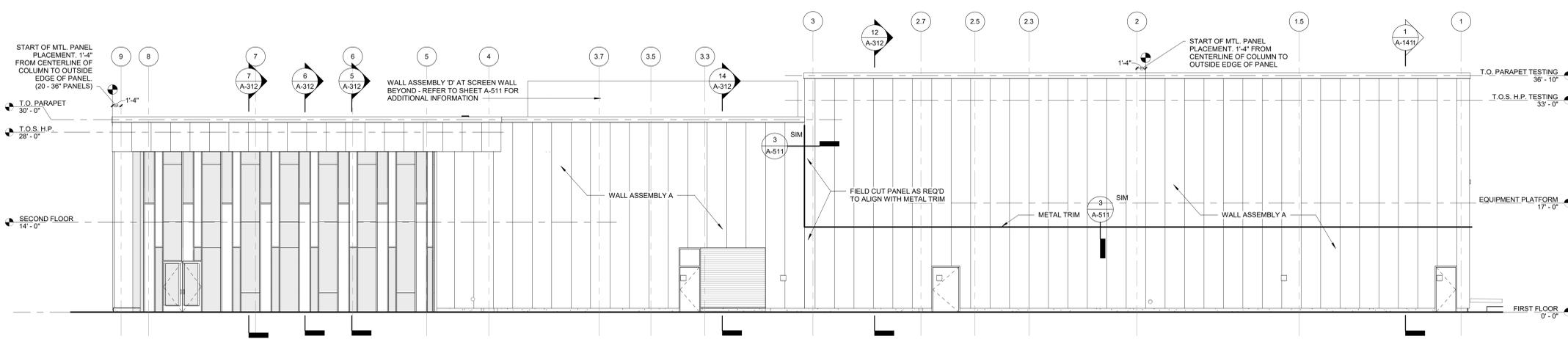


4 SOUTH ELEVATION 2
SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION 1
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION LEGEND

- GLAZING - GLASS TYPE 1
- WALL ASSEMBLY 'A' SECONDARY COLOR
- WALL ASSEMBLY 'A' - COLOR SILVERSMITH

JOINT SEALANT COLOR GENERAL NOTES

- THE FOLLOWING COLOR OF SEALANT SHALL BE USED WHEN JOINTING OR FILLING BETWEEN MATERIALS
- A. VERTICAL CONTROL JOINTS IN MASONRY - MATCH BRICK COLOR
 - B. JOINTS BETWEEN CAST STONE & MASONRY - MATCH CAST STONE COLOR
 - C. HORIZONTAL CONTROL JOINT IN MASONRY - MATCH MORTAR COLOR
 - D. JOINTS BETWEEN CURTAIN WALL & MASONRY / CAST STONE - MATCH CURTAIN WALL COLOR
 - E. JOINTS BETWEEN GRANITE & MASONRY - MATCH MORTAR JOINT COLOR
 - F. ALL OTHER JOINTS BETWEEN SIMILAR MATERIALS - MATCH MATERIAL COLOR



RESEARCH & DEVELOPMENT CENTER

Date Issued For
 02/15/2018 SD PROGRESS SET
 03/02/2018 Final SD Package
 05/01/2018 Design Development

HED
 26913 Northwestern Hwy
 Suite 200
 Southfield, Michigan
 48033 USA
 (248) 262-1500
 WWW.HED.DESIGN

© 2018
2017-03188-000

Exterior Elevations

NOT FOR CONSTRUCTION

A-201

PROJECT PANCAKE RESEARCH AND DEVELOPMENT, INC.
DEVELOPMENT AGREEMENT

Entered into between:

Project Pancake Research and Development, Inc.

and

Charter Township of Van Buren, a Michigan Charter Township

Dated: July ____, 2018

TABLE OF CONTENTS

Exhibit A Legal Description of Property

PROJECT PANCAKE RESEARCH AND DEVELOPMENT, INC.
DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is entered into this ____ day of July, 2018 between Project Pancake Research and Development, Inc., a California corporation, with its principal office located at (Address) (“Developer”) and the Charter Township of Van Buren, a Michigan Charter Township, with its principal office located at 46425 Tyler Road, Van Buren Township, Michigan 48111 (the “Township”).

RECITALS

- A. Developer intends to purchase certain real property consisting of approximately 75 acres located in the Township which is more particularly described on Exhibit A attached hereto (the “Property”).

- B. Developer desires to develop the Property in two (2) phases as a Research and Development Facility (“RDF” or “Project”).

- C. Developer and the current owners of the Property have proposed a Rezoning with Conditions Agreement (“RCA”) to change the current zoning of the Property from R-1C Single Family Residential to M-1 Light Industrial with conditions. The terms and conditions of the RCA are fully incorporated into this Agreement by reference.

- D. The Township has determined that the Property, upon rezoning, qualifies for development as an RDF.

- E. The Property is to be developed in two (2) phases the purpose of which is to allow Developer to immediately commence certain construction on the Property on an earlier schedule than is typical, subject to receipt of necessary approvals from the Township Planning Commission.
- F. By entering into this Agreement, Developer and the Township desire to set forth the parties' obligations with respect to the Property and the Project and the terms and requirements under which the Property and the Project shall be developed, including the requirements of the Township's Zoning Ordinance ("Zoning Ordinance").

NOW THEREFORE, in consideration of the premises and the mutual covenants of the parties described in this Agreement, the parties agree as follows:

ARTICLE I

SUMMARY DESCRIPTION OF THE PROJECT

- 1.1 **Project Area.** The Project will occur on the Property, which is located along Michigan Avenue in the Township and is sometimes referred to as the Harold Smith Farm.
- 1.2 **Phased Development.** The Project is to be developed in two (2) phases as follows:

Phase 1: This phase of the Project on the Property shall consist of site grading, and construction of the stormwater detention pond, the building footprint and shell, the parking lot and berms.

Phase 2: This phase of the Project on the Property shall consist of all other remaining items required by the Township's Zoning Ordinance and Engineering Standards including, but not limited to, landscaping and screening, signage, woodland and tree preservation, exterior lighting, loading and unloading, site engineering, and utilities. Developer intends to seek approval of the remaining items through preliminary site plan approval within the next 60 days and final site plan approval within 180 days of this Agreement.

ARTICLE II

ADHERENCE TO REQUIREMENTS FOR DEVELOPMENT

- 2.1 **Development Standards**. The Property and Phase 1 and 2 shall be developed and improved in compliance with the following (collectively, the "Development Standards"):
- (a) The Township Zoning Ordinance, particularly Chapter 2, Site Plan Development and Section 12.212.

- (b) The terms and conditions of this Agreement.
- (c) The terms and conditions of the RCA.
- (d) Conditions, if any, imposed by the Planning Commission and/or Township Board, which are consistent with the Township's Ordinances and applicable law.

2.2 **Procedure for Approval of Phases.**

Phase 1

- (a) The purpose of the Agreement is to structure the approvals in a way which allows for the Developer to start some of the construction earlier than is typically allowed. In exchange for this, the Township shall receive a performance guarantee from the Developer for the installation of landscaping for the Property. The approvals will be broken down as follows:
 - (i) Phase 1 site plan approval will be for the site grading, stormwater detention pond, building footprint and shell, parking lot, and the berms around the Property.
 - (ii) After obtaining Phase 1 site plan approval, the Township will review building plans and issue building permits for the building shell and

foundations. This approval will also give the Developer the ability to begin performing site grading, erosion control, and earthwork necessary to dig out the detention pond, install the parking lot, construct the berms on the Property, and otherwise prepare the land for development. Prior to issuing a building permit, the Township will require a performance guarantee from the Developer for the reasonable cost of the installation of the landscaping on the site. These costs will be based on a review of the Township's Zoning Ordinance and fees for replacement of any covered trees to be removed by Developer (\$350 per tree). The performance guarantee can either be a cash deposit, performance bond, certified check or automatically renewing irrevocable letter of credit acceptable to the Township.

- (iii) Site plans for Phase 1 should include necessary documents to verify the location and feasibility of the approval items and should include proposed building elevations.
- (iv) Any reference to "site plan" in this Agreement shall mean any site plans, preliminary or final, related to Phase 1 and/or Phase 2 submitted to the Township Planning Commission.

Phase 2

- (a) Phase 2 site plan approval will be for the remainder of the items required by the

Township's Zoning Ordinance. This approval will be broken down into two (2) separate approvals: These are Phase 2 preliminary site plan approval and Phase 2 final site plan approval. These approvals will follow the site plan review process described in Section 12.205 of the Township's Zoning Ordinance. The applicant may submit construction drawings to be reviewed by the Township's Engineer for compliance with the Township's Engineering Standards at any time during the site plan review process.

2.3 **Zoning and Engineering.** This Agreement shall, in no way, modify, amend, or otherwise change the provisions of the Township's Zoning Ordinance or the Township's Engineering Standards. This Agreement essentially provides an alternative timeframe to allow the Developer to start construction earlier than usual.

2.4 **Effect of Project.** To the extent this Agreement and Site Plan are silent on development issues, the Project shall fully comply with the Zoning Ordinance and other Township ordinance and regulation requirements. All improvements constructed in accordance with this Agreement and the Site Plan shall be deemed to be conforming under the Zoning Ordinance, and in compliance with all ordinances of the Township. The Project shall not be subject to any additional requirements contained in any amendments or additions to Township ordinances, laws, rules, regulations or codes adopted subsequent to the date of this Agreement which conflict with the provisions of this Agreement, including the Site Plan and/or any plans which are approved pursuant to this Agreement. However, development

of future phases of the Project (that is, development of any phases beyond Phase 1 and Phase 2 as described in this Agreement) shall comply with the Township Zoning Ordinance and other Township ordinance and regulations that are not inconsistent with this Agreement, and the Site Plan, in effect at the time that approval for subsequent phases is sought. . The rights, terms and conditions herein are unique to Developer's Project, and shall not be assignable to any other party, with the exception that Developer may assign such Agreement and the rights herein to a related affiliate, which may be organized by Developer for the sole purpose of developing and owning this Project.

2.5 **Termination.** If Developer has not obtained all required permits and approvals and commenced the Development of Phase 1 within one (1) year from the date of this Agreement or Phase 2 within eighteen (18) months from the date of this Agreement, this Agreement shall automatically become null, void and of no further effect.

ARTICLE III

PERFORMANCE GUARANTEE

3.1 **Performance Guarantee Requirements.** A performance guaranty covering the estimated cost of improvements as stated herein shall be provided by Developer as required by the Zoning Ordinance. Such performance guaranty shall be in the form

of a cash deposit, performance bond, certified check, or automatically renewing irrevocable letter of credit acceptable to the Township.

ARTICLE IV

TOWNSHIP'S RIGHTS AND OBLIGATIONS

- 4.1 **Permits and Authorizations.** The Township shall grant to Developer and its contractors and subcontractors all Township permits and authorizations necessary to bring and/or construct all utilities necessary to service the Property and to otherwise develop and improve the Property in accordance with the Site Plan, provided the Developer has first made all requisite filings and submissions for permits, complied with the requirements for said permits or authorizations submittals, and paid all required fees. Any applications for permits or authorizations from the Township will be processed in the customary manner. The Township shall cooperate with Developer in connection with Developer's applications for any necessary county, state, federal or utility company approvals, permits or authorizations to the extent that such applications and/or discussions are consistent with the Site Plan and this Agreement.
- 4.2 **Final Site Plan Approval.** Developer acknowledges that, at the time of execution of this Agreement, Developer has not yet obtained final site plan approval for any of the Phases. The Planning Commission may impose additional conditions other than those contained in this Agreement during final site plan review and approval

with respect to a subsequent phase so long as those conditions are reasonable and consistent with the approvals previously given, the intent of this Agreement and the Township's Ordinances.

- 4.3 **Land Divisions and Combinations.** To facilitate the development and financing of the Phases of the Project, upon proper application, the Township shall approve a land division or combination for each development Phase, provided that such division or combination is in compliance with the Michigan Land Division Act and the Township Code. Developer shall provide all required documentation for a land division or combination, including surveys in electronic form. Developer shall not seek approval of a land division or combination until Developer has received final site plan approval for the area sought to be divided or combined. Notwithstanding the foregoing, pursuant to that certain letter dated June 12, 2018 from the Township to Brian P. Foley of Dickinson Wright PLLC (in its capacity as legal counsel for Developer), the Township acknowledges that its Parcel Division Board has granted preliminary approval (subject to specific conditions) of a request for combination of lots in connection with the Project, and such letter is incorporated herein by reference.

ARTICLE V

INSURANCE

5.1 **Insurance Requirements.** The Developer, or its subcontractors, shall not commence work on the Project until they have obtained the insurance required under this Section, and provided copies of the same to the Township. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the Township.

- (a) **Workers' Compensation Insurance:** The Developer, or its subcontractors, shall procure and maintain during the life of the Project, Workers' Compensation Insurance, including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

- (b) **Commercial General Liability Insurance:**The Developer, or its subcontractors, shall procure and maintain during the life of the Project, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$2,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury, and Property Damage.

- (c) **Motor Vehicle Liability:** The Developer, or its subcontractors, shall procure and maintain during the life of the Project Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability not less than \$2,000,000 per occurrence combined single limit, Bodily Injury, and Property

Damage. Coverage shall include all owned vehicles, all non-owned vehicles used on the Project, and all hired vehicles.

- (d) Additional Insured: Commercial General Liability Insurance, as described above, shall include an endorsement stating that the following shall be Additional Insureds: Van Buren Charter Township, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees, consultants and volunteers thereof.

Insurance coverage required by this Section 5.1 in excess of \$1,000,000 may be provided by “umbrella” policy or policies. The Developer shall provide a copy of the certificate of insurance each year upon renewal. If any of the above coverage changes during each year of the term of this Agreement, the Developer, or its subcontractors, shall deliver new certificates to the Township at least ten (10) days prior to the change date.

ARTICLE VI

- 6.1 **ENFORCEMENT AND REMEDIES.** In the event there is a failure by Developer to timely perform any obligation or undertaking required by this Agreement, the Township shall serve written notice upon Developer setting forth such deficiency and a demand that the deficiency be cured within thirty (30) days following the notice (with the exception of a deficiency reasonably determined by

the Township to constitute an impending and immediate danger to the health safety, and welfare of the public). If the deficiency set forth in the notice is not cured within said thirty (30) day period, and the deficiency relates to items which can be cured by the Township, the Township may enter upon the Property to cure the deficiency, and assess the cost of such cure, including any related administrative expense and reasonable attorney fees, to the Developer. The Township will not take action to enter upon the Property and cure the deficiency if, within the thirty (30) days following the Township's notice, the Developer has taken appropriate steps to cure the deficiency, and thereafter diligently pursues completion of the required work. In the event the Township enters upon the Property to cure the deficiency in accordance with this section, the Township may add to the actual cost to cure a sum equal to ten (10%) percent of the costs incurred by the Township in completing the same to cover the costs of servicing this Agreement. The Township may require the payments of said monies prior to the commencement of work. In any event, all costs shall be due and payable upon receipt by the Developer of a written invoice for the same from the Township with appropriate supporting documentation. Any costs not paid within thirty (30) days following the delivery of the invoice shall bear interest at the rate of one and one-half (1.5%) percent per month until paid. The payment obligation under this paragraph shall be secured by a lien against the Property, which lien shall be deemed effective as of the date of the initial written notice of deficiency provided to Developer, or in emergency circumstances, the date at which the Township incurred its first cost or expense in taking corrective action. Such security shall be

realized by placing a billing which has been unpaid by Developer for more than thirty (30) days on the delinquent tax rolls of the Township relative to the Property, to accumulate interest and penalties, and to be collected as and in the same manner as made and provided for collection of delinquent real property taxes in accordance with state law. In the discretion of the Township, such costs and expenses may be collected by suit initiated against Developer, and in such event, Developer shall pay all court costs and reasonable attorney fees incurred by the Township in connection with such suit if the Township prevails in collecting funds.

- 6.2 **Township Remedies.** If the deficiency relates to a matter that cannot be cured through repair or maintenance by the Township (e.g. failure to maintain insurance, failure to provide performance guarantee), the notice shall set forth the deficiency and the date, time and place for a hearing before the Township Board for the purpose of allowing the Developer an opportunity to be heard as to the reasons for the deficiency, and what actions will be taken to correct the deficiency. At any such hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. If, following the hearing described above, the Township Board determines that the obligation has not been fulfilled or has not been corrected within the time specified in the notice, or if an emergency situation exists as determined by the Township in its discretion, the Township shall have the power and authority, but not the obligation, to take any or all of the following actions, in addition to any actions authorized under this Agreement, Township ordinances or state law:

- (a) Initiate legal action for the enforcement of any of the provisions set forth in the Agreement. In the event the Township obtains any relief as a result of litigation, Developer shall pay all court costs and reasonable attorney fees incurred by the Township in connection with such legal action.

- (b) The Township may issue a stop work order with cause as to any or all aspects of the Project, may deny issuance of any requested building permit or certificate of occupancy within the Project regardless of whether Developer is the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Project pending a cure of any such deficiencies.

6.3 **Cumulative Remedies.** The rights and remedies accorded the Township pursuant to this Agreement, the ordinances of the Township and/or applicable law are cumulative and may be exercised in any order, without precluding the right of the Township to exercise any other right or remedy at a later time.

ARTICLE VII

7.1 LIMITED APPEAL RIGHTS AND DEVELOPER ACKNOWLEDGMENT.

Subject to the provisions of this Section 7.1, Developer may seek declaratory or other relief from the Wayne County Circuit Court or the United States District Court for the Eastern District of Michigan in the event of a dispute regarding this Agreement. No such request for relief shall relieve the Developer or the Township from any term, condition or provision of this Agreement, except to the extent performance is dependent upon resolution of the issue that is the subject of such Court action. Under no circumstances can any request for declaratory or other relief in connection with this Agreement provide for an award of damages, including attorney fees or other fees or costs, against the Township. No elected official, director, officer, agent, consultant or employee of the Township shall be charged personally or held contractually liable by or to the other party under any term or provision of this Agreement or because of any breach thereof, or because of its or their execution, approval or attempted execution of this Agreement. By execution of this Agreement, Developer and Township both agree that the conditions contained herein are fair, reasonable and equitable requirements and conditions; agree that this Agreement does not constitute a taking of property for any purpose or a violation of any constitutional rights; and agree to be bound by each and every provision of this Agreement. Furthermore, it is agreed that the undertakings described herein are necessary and roughly proportional to the burden imposed, and are necessary in order to ensure that public services and facilities will be capable of accommodating the Project, and the increased service and facility loads caused by the Project; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to promote use of the Property in a socially and economically desirable manner; and to achieve other legitimate objectives

authorized by law, and all such undertakings are clearly and substantially related to the Township's legitimate interests in protecting the public health, safety and welfare.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

- 8.1 **Modification.** This Agreement may not be modified, replaced, amended or terminated except by written agreement of the parties to this Agreement.
- 8.2 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 8.3 **Counterparts.** 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.
- 8.4 **Successors and Assigns.** The terms, provisions and conditions of this Agreement are and shall be deemed to be of benefit to the Property and shall run with and bind the Property, and shall bind and inure to the benefit of the successors and assigns of the parties to this Agreement. Developer shall record, at its sole cost, a copy of this Agreement in the Wayne County Register of Deeds, and provide a recorded copy to the Township.
- 8.5 **RESERVED.**

- 8.6 **Authority.** This Agreement has been duly authorized by all necessary action of Developer and the Township, through the approval of the Township Board at a meeting in accordance with the laws of the State of Michigan, and the ordinances of the Township. By the execution of this Agreement, the parties each warrant that they have the authority to execute this Agreement and bind the Property in its respective entities to its terms and conditions.
- 8.7 **Partial Invalidity.** Invalidation of any of the provisions contained in this Agreement or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.
- 8.8 **No Partnership.** None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between Developer and the Township.
- 8.9 **Incorporation of Documents.** The recitals contained in this Agreement, the introductory paragraph, and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Agreement by this reference and made a part of this Agreement.
- 9.10 **Integration Clause.** This Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion or other amendment shall have any force or effect whatsoever, unless referenced in this Agreement. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or effect unless

embodied in a written amendatory or other agreement executed by the parties required herein, other than conditions which may be attached to final site plan approval by the Planning Commission.

[SIGNATURES ON FOLLOWING PAGE]

The Parties hereto have executed this Development Agreement to be effective as of the Effective Date noted below.

DEVELOPER:

Project Pancake Research and Development, Inc.

BY:

ITS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by _____, _____, of _____, on behalf of the Developer.

Notary Public,
_____ County, Michigan
My Commission expires: _____

TOWNSHIP:

Charter Township of Van Buren,
a Michigan Charter Township

_____,
Supervisor

_____,
Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this ____ day of _____,
2018, by _____, Supervisor, and _____,
Clerk, of the Charter Township of Van Buren, a Michigan Charter Township.

Notary Public,
Wayne County, Michigan
My Commission expires: _____

PREPARED BY:

Dickinson Wright, PLLC
350 S. Main Street, Suite 300
Ann Arbor, MI 48104
Attn: Mark Heusel, Esq.

WHEN RECORDED RETURN TO:

Dickinson Wright, PLLC
350 S. Main Street, Suite 300
Ann Arbor, MI 48104
Attn: Mark Heusel, Esq.

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

[See following pages]

PLANNING & ZONING APPLICATION

Case number 18-019

Date Submitted 7-13-18

APPLICANT INFORMATION

Applicant <u>US Signal Properties, LLC</u>	Phone <u>616-988-7496</u>
Address <u>201 Ionia, SW</u>	Fax <u>616-988-0418</u>
City, State <u>Grand Rapids, MI</u>	Zip <u>49503</u>
E-mail <u>DWisz@ussignal.com</u>	Cell Phone Number <u>616-366-8053</u>
Property Owner <u>Haggerty Tyler Venture, LLC</u>	Phone _____
<small>(if different than applicant)</small>	
Address <u>258 Deerfield Court</u>	Fax _____
City, State <u>Royal Palm Beach, FL</u>	Zip <u>33411</u>
Billing Contact <u>Dave Wisz</u>	Phone <u>616-988-7496</u>
Address <u>201 Ionia SW</u>	Fax <u>616-988-0418</u>
City, State <u>Grand Rapids</u>	Zip <u>49503</u>

SITE/PROJECT INFORMATION

Name of Project US Signal Data Center

Parcel Id No. V125-83-047-98-0007-701 Project Address 9275 Haggerty Road

Attach Legal Description of Property

Property Location On the east Side of Haggerty Road; Between XXXXX corner Haggerty Road and Tyler Road. Size of Lot Width 507' Depth 617'

Acreage of Site 7.910 Total Acres of Site to Review 7.190 Current Zoning of Site C-1

Project Description: See attached

Is a re-zoning of this parcel being requested? yes YES (if yes complete next line) NO

Current Zoning of Site C-1 Requested Zoning OT

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? No YES (if yes complete next line) NO

Section of Zoning Ordinance for which you are applying _____

Is there an official Woodland within parcel? To be determined Woodland acreage _____

List total number of regulated trees outside the Woodland area? _____ Total number of trees _____

Detailed description for cutting trees _____

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

GARRY I. BORIN, MANAGER HAGGERTY TYLER VENTURE, LLC
Print Property Owners Name

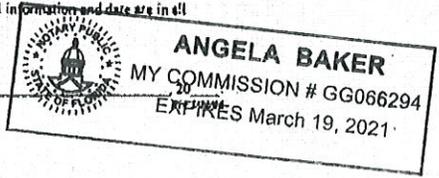
[Signature]
Signature of Property Owner

JULY 3, 2018
Date

STATE OF MICHIGAN
 COUNTY OF WAYNE PALM BEACH

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 3RD day of JULY, 2018 at Wayne
Angela Baker Notary Public, Wayne County, Michigan My Commission expires _____



The land referred to in this Commitment, situated in the County of Wayne, Township of Van Buren, State of Michigan, is described as follows:

Part of the West 1/2 of the Southwest 1/4 of Section 12, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan described as: Commencing at the Southwest corner of said Section 12; thence along the South line of said Section 12, South 88 degrees 09 minutes 27 seconds East 60.16 feet; thence North 02 degrees 23 minutes 55 seconds West 50.14 feet to the point of beginning; thence North 02 degrees 23 minutes 55 seconds West 559.87 feet to the centerline of Tyler Road; thence along said centerline North 89 degrees 08 minutes 49 seconds East 644.73 feet thence South 02 degrees 08 minutes 34 seconds East 565.03 feet; thence South 87 degrees 18 minutes 53 seconds West 316.58; feet: thence North 88 degrees 09 minutes 27 seconds West 326.28 feet to Point of Beginning.

July 11, 2018

VIA FEDEX

Ronald Akers
Director of Planning and Economic Development
Van Buren Township
46425 Tyler Rd.
Van Buren Township, Michigan 48111

Re: Rezoning Application for 9275 Haggerty Road from C-1 to OT, Applicant
US Signal Properties, LLC, Owner Haggerty Tyler Venture, LLC

Dear Mr. Akers:

Pursuant to our recent meeting, we have enclosed the above referenced rezoning application and the application fee in the amount of \$1,271.90.

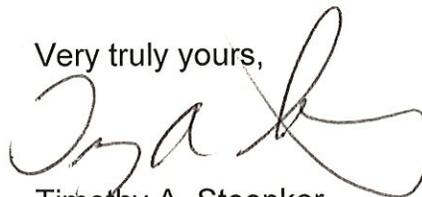
It is our understanding that upon receipt of this rezoning application that the application will be scheduled for public hearing by the Planning Commission.

Please confirm at your earliest convenience the date and time of the public hearing.

If you are need of additional information please contact the undersigned.

We have greatly appreciated the opportunity to meet with you to discuss the US Signal data center proposed for the subject property and look forward to working with you, the Planning Commission and the Township Board on this project.

Very truly yours,



Timothy A. Stoepker

:TAS

cc: David Wisz, Executive Vice President, By e-mail only



MCKENNA

August 1, 2018

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

Subject: VBT-18-019 RZ; Review of US Signal Properties LLC Application to Amend the Charter Township of Van Buren Zoning Map

Dear Planning Commissioners:

We have reviewed the application by US Signal Properties LLC (“applicant”) to rezone the following parcel illustrated on the map below from C-1 (General Business) to OT (Office Technology). The site is located on the northeast corner of Tyler Road and Haggerty Road intersection, has a tax parcel identification number of V-125-83-047-98-0007-701, and has a total area of 7.190 acres.

Figure 1. Subject Site Location



Source: Google

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.

The Master Plan was originally adopted in 1989 and amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan). The Master Plan is currently under review for a complete revision. Our comments on and analysis of this request follows.

Planning and zoning law provides that government has a legitimate interest in maintaining compatibility of surrounding areas, protecting and preserving natural resources, and ensuring adequate infrastructure such as roads, water supply and sanitary sewage disposal. Adoption of a master plan and imposition of zoning restrictions to accomplish those interests, as well as to avoid overcrowding, preserve open space, and protect the aesthetics of an area of land are consistent with the Michigan Planning Enabling Act (P.A. 33 of 2008) and Michigan Zoning Enabling Act (P.A. 110 of 2006).

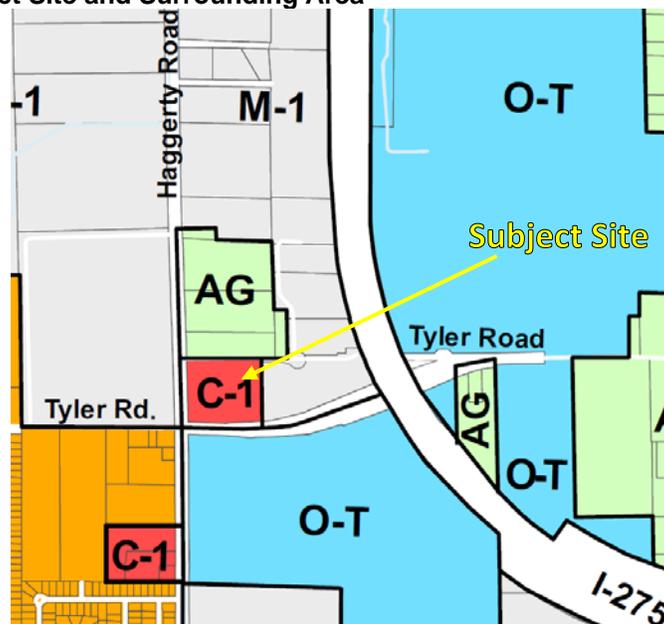
DESCRIPTION

The table below summarizes the existing land use, zoning, and master plan designations in and around the subject site, according to the Master Plans and Zoning Ordinance.

	Existing Land Use	Zoning	Future Land Use Classification
Subject Site	Vacant lot	C-1 (General Business)	Office/Light Industrial
North	Residential and Commercial (Greenhouse Operation)	AG (Agricultural and Estates)	Office/Light Industrial
South	Vacant land	O-T (Office Technology)	Public/semi-public
East	Automotive based industrial use	M-1 (Light Industrial)	Office/Light Industrial
West	Chase Bank Data Center	M-1 (Light Industrial)	Office/Light Industrial

Specifically, the zoning of the subject site and surrounding areas are in the following figure:

Figure 2. Zoning of Subject Site and Surrounding Area



Source: Charter Township of Van Buren Zoning Map



REZONING STANDARDS

Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.504(A) through (L) includes specific standards of review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application. These standards are as follows:

(A) *Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.*

The Michigan Zoning Enabling Act requires a zoning ordinance to be based upon the Master Plan. Although the Master Plan was originally adopted in 1989, it has been amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan).

The Master Plan designates the subject site and the abutting parcels to the north, east, and west as Office/Light Industrial. The proposed OT zoning district is consistent with that vision in the Master Plan, more so than the current C-1 zoning of the property. The OT district is intended to accommodate uses in a campus type setting, while providing easy access with proximity to the freeway and interchanges. The existing uses in the area and the development trends clearly indicate the need for more light industrial and office zoned parcels, rather than commercially zoned parcels. The Future Land Use Map has clearly delineated commercial corridors in different parts of the township and the subject site is not one of them.

(B) *Consistency with the basic intent and purpose of this Zoning Ordinance.*

The Purpose and intent of Section 1.102 of the Zoning Ordinance includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. To that end, there are provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance.

The subject site is the only commercially-zoned parcel in an area occupied by light industrial, office, and technology based uses and has Wayne County Community College to the southeast. While having a commercial use at the site would likely be of service to the employees and tenants of the numerous industrial and office buildings in the area, the site is just a few miles from the main downtown Belleville Road corridor area with all types of commercial businesses. Further, commercial uses typically experience higher traffic volumes throughout the day than office/light industrial uses, which would be a concern in the area. The proposed use of the site for office or technology and research-based uses will likely be more consistent with the existing development pattern for the area.

(C) *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

The site's frontage along Haggerty Road has 2 lanes in each direction and no center turn lanes, and the frontage on Tyler has one lane in each direction with a center turn lane. The intersection at the corner of Tyler and Haggerty Roads is signalized. With a land area of 7.190 acres, the site can accommodate a significant sized commercial development that could generate a lot of traffic. An office/research-technology based use will likely generate less traffic than a commercial use; however, a detailed traffic study would be required to accurately assess any necessary improvements to the abutting roadways. This is a site plan matter that can be deferred.



(D) *The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.*

While we are not aware of any constraints on the water and sewer systems that would prevent service to the subject site, we will defer to the Van Buren Township Department of Public Services.

(E) *That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.*

We are not aware of any errors in the Zoning Ordinance or Zoning Map, so a rezoning cannot be granted on the grounds that there is an error to correct. When the current Zoning Ordinance was adopted in 2017, the only change to the Zoning Map was the adoption of the Belleville Road Overlay District. This does not mean that a rezoning cannot be justified; it simply means that no other zoning district changes were considered as part of the amendment process at that time.

Over the last few years, Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses. Recently approved industrial site plans include L&W Engineering, Bayloff Industries, Constellium, Contractor's Steel, Costco, Ashley Capital, Denski Warehouse, Mayser Polymer, and Continental Canteen. There is a definite market trend showing the demand for more industrial and office-technology based uses, rather than commercial uses. The Township recently rezoned a large parcel of land along Michigan Avenue to M-1 to accommodate such growth and demand. The Township Master Plan is currently being reviewed and will involve an inventory of land planned for industrial uses, potential demand for such land, and identification of areas of the Township suitable for future industrial development, if any.

(F) *That the amendment will not be expected to result in exclusionary zoning.*

In general, exclusionary zoning is a prohibition of a land use when there is a demonstrated need for the use in the community. If the site is rezoned from C-1 to OT, there are many available areas of the township where uses in the C-1 district can be established. Conversely, if the site is not rezoned from OT, there are some areas of the Township that are currently zoned OT that can be developed for office and technology-based uses. Therefore, exclusionary zoning is not a factor in this case.

(G) *If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*

Currently, the majority of the site is a flat vacant grassy lot. According to the Michigan Department of Environmental Quality (MDEQ) Wetlands Map Viewer, there are no wetland areas in any portion of the site. According to FEMA, there are no floodplains on the site. Therefore, we are not aware of any major physical, geological, hydrological, or other environmental constraints that would prevent the site from being developed for a permitted use in the OT zoning district. However, at the time of site plan review, more detailed site information will be required.

(H) *If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*

The permitted uses and special land uses of the OT zoning district are listed in the following table:



PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> • Office, Professional • Office, Medical and Dental • School (Vocational or Technical) • High Tech, Data Processing, and Computer Centers • Laboratories, Minor • Publicly owned buildings • Offices of Manufacturing Agents, Sales Representatives, and Others Requiring Display Area and Limited Warehousing • Publicly-owned recreational facilities • Printing Shops and Establishments • Banks and Financial Institutions, No Drive-Thru • School, College or University and Public or Non-Profit • School, College or University, Private • Accessory structures and uses customarily incidental to the above permitted uses 	<ul style="list-style-type: none"> • Wireless Communication Facilities • Banks and Financial Institutions with a Drive-Thru • Places of Assembly • Accessory Caretaker Dwelling • Religious Institutions

The area of focus for this standard is the impact that the proposed OT zoning district will have on the abutting properties, specifically any single-family residential uses. As noted previously, all the uses to the west, south, east and a portion of the north are non-residential. However, there is an existing non-conforming single-family use located to the northwest of the subject property.

The OT District is intended to be located so that uses will be developed without creating negative impacts on adjacent uses from characteristics and conditions such as heavy truck traffic, excessive noise, glare, air pollution, waste water pollution or emissions, which are commonly found in a traditional industrial district. The proposed OT district is also likely to have lower negative impacts on abutting properties when compared to commercial uses. The Zoning Ordinance has provisions for inclusion of greenbelts along property lines of non-residential uses and residential uses. In addition, aspects of landscaping, lighting, traffic, and hours of operation will be reviewed at the time of any site plan application.

Finally, the impact that the proposed OT zoning will have on surrounding property values is not an analysis that we are qualified to make. We would defer to a certified professional qualified to make such an analysis or appraisal, if necessary.

(I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

If the site is rezoned to OT, the boundaries of this requested district would be contiguous to another OT-zoned parcel on the south side of Tyler Road. Additionally, a large OT zoned district is located just east of the I-275 interchange within a ¼ mile of the site. The OT zoning will also be in keeping with the existing use of the parcel to the west which accommodates the data processing center for Chase. The site is a 7.190 acre parcel and is rectangular in shape, which allows for the proper placement of any proposed building and related site improvements. This area was envisioned in the Zoning Ordinance and Future Land Use plan as being a technology and industrial corridor; therefore, requirements for residential



protection zones or similar buffer that require significant land area were not required. If the site is rezoned to OT, the size of the site will be sufficient to meet the Zoning Ordinance standards for lot coverage, setbacks, height, parking, and landscaping.

(J) *If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.*

Based on market trends, there is not as much demand for commercial properties as there is for Industrial and office-based uses in this area. Of all the possible zoning designations for this parcel, which include M-1, M-T or OT, OT will be the least impactful on the abutting properties and area in terms of traffic volumes, hours of operation, etc. The OT district specifically prohibits a variety of uses that would cause increased truck traffic, outdoor storage, manufacturing, etc. Also, considering the concerns regarding truck traffic in the Ecorse-Haggerty Road corridor area, the proposed OT zoning would be the most appropriate.

(K) *If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*

Because there is no specific use noted on the application, we cannot comment on the appropriateness of the possible uses in the OT zoning district. However, it is our understanding that the applicant's use is a data processing center, which would be most appropriate for the OT district. Amending the C-1 district, which is purely a commercial zoning district, to allow for technology/office and similar uses would not be appropriate.

(L) *If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.*

The site is adjacent to an OT-zoned parcel located on the south side of Tyler Road. Additionally, the site is located less than ¼ mile from the large OT corridor along I-275. The proposal will not create a spot zoned OT parcel, and the rezoning is consistent with the office/industrial designation of the parcel and all the surrounding properties on the Future Land Use Map of the Master Plan. The proximity of the site to the other office and technology-based uses and other industrial uses makes the proposed zoning to OT a good fit for the area. The existing nonconforming single-family dwelling to the north of the subject site could be protected from any potential adverse effects of a use on the site by the greenbelt and screening requirements in the Zoning Ordinance. Landscaping and screening will be addressed at the time of site plan review.

RECOMMENDATION

At this time, the application to rezone the subject site from C-1 to OT meets the following standards of Section 12.504(A) through (L) of the Zoning Ordinance as follows:

1. Section 12.504(A). The proposed rezoning is consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments. The proposed OT zoning designation is consistent with the office/industrial designation envisioned in the Master Plan for the site and abutting properties.
2. Section 12.504(B). The proposed rezoning is consistent with the intent of the Zoning Ordinance and the existing development pattern of the area.
3. Section 12.504(C). The site has frontages on two (2) major thoroughfares, which should be capable of handling any traffic generated from the site. If necessary, additional improvements can be required at the time of site plan approval.



- 
4. Section 12.504(D). We are not aware of any constraints in the ability of public services to serve this site.
 5. Section 12.504(E). Van Buren Township has experienced a high demand for additional industrial development and expansions of existing industrial land uses. The proposed use as a data processing center, in addition to most other permitted uses in the OT district, is consistent with the use of the site for lighter industrial uses, which are more technology and research based.
 6. Section 12.504(F). The proposed rezoning does not cause any exclusionary zoning issues.
 7. Section 12.504(G). The proposed rezoning is not affected by any known environmental constraints on the property at this time.
 8. Section 12.504 (H). The uses permitted by right and special land use in the proposed OT zoning district are likely to have less adverse impacts on the adjacent neighborhood than developing the site under the current C-1 zoning district.
 9. Section 12.054(I). If rezoned, the site has adequate area to comply with the development standards required for sites in the OT district.
 10. Section 12.054(J). Given the possible options, we believe the OT designation is the most appropriate when considering a possible M-1 or M-T designation in accordance with the Future Land Use Map classification.
 11. Section 12.504(K). Amending the existing C-1 district to allow for a data processing center, which is entirely an office and technology-based use, would be inappropriate.
 12. Section 12.054(L). The proposed OT zoning of the site will be compatible with the uses currently existing around it. Compliance with any Zoning Ordinance standards requiring greenbelts, buffering, and landscaping will help protect the existing nonconforming single-family residential use to the north.

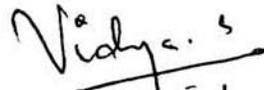
As a result, we recommend that the Planning Commission recommend approval of the application to rezone the subject parcel from C-1 to OT designation.

Respectfully Submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner



Vidya Krishnan
Senior Planner



CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, August 8, 2018 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following request..

1. **Case 18-019:** A request by US Signal Properties, LLC to rezone the property located at 9275 Haggerty Road, (Parcel ID# V-125-83-047-99-0007-701) from C-1 (General Business) to OT (Office Technology).

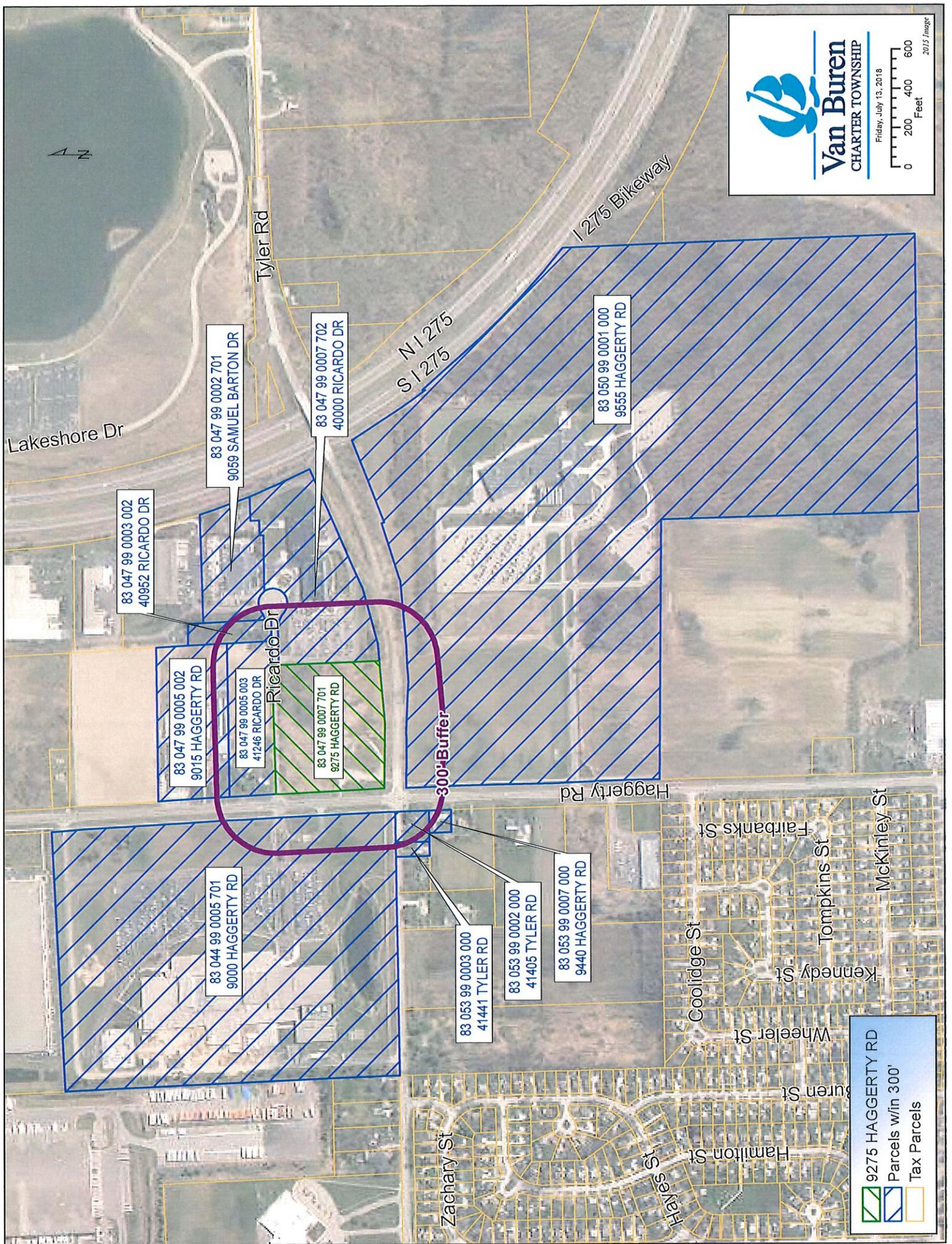
Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: July 13, 2018
Published: July 19, 2018
Mailed: July 24, 2018

Mailed 7-24-18.

Ronald A. Allen



82 83 044 99 0005 701
BANK ONE
INDUSTRY CONSULTING GROUP
PO BOX 8265
WICHITA FALLS TX 76307- 826

82 83 047 99 0002 701
VAN BUREN VENTURE LLC
BRADLEY ASSOCIATES
111 E WACKER DRIVE SUITE 900
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82 83 047 99 0003 002
ROBSON, NICHOLAS & KAYLA
40952 RICARDO DRIVE
VAN BUREN TOWNSHIP MI 48111

82 83 047 99 0005 002
ROBSON, LYNN
9015 HAGGERTY RD
VAN BUREN TOWNSHIP MI 48111

82 83 047 99 0005 003
ROBSON, ROBERT E & DONALD
39878 E HURON RIVER DR
ROMULUS MI 48174

82 83 050 99 0001 000
W C C C
801 W FORT ST
DETROIT MI 48226

82 83 053 99 0002 000
PAULSEN, STEVEN LEWIS
741 HARBOUR PTE
BELLEVILLE MI 48111

82 83 053 99 0003 000
YOH, DEBORAH & NOBLE, SHEILA
41441 TYLER RD
VAN BUREN TOWNSHIP MI 48111

82 83 053 99 0007 000
MIRI, IMAD
2493 RIVERWOODS DRIVE N
CANTON MI 48188

Owned

82 83 044 99 0005 701
BANK ONE
INDUSTRY CONSULTING GROUP
9000 HAGGERTY RD
VAN BUREN TOWNSHIP MI 48111

82 83 047 99 0005 002
ROBSON, LYNN
9015 HAGGERTY RD
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82 83 053 99 0002 000
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82 83 053 99 0003 000
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82 83 047 99 0003 002
ROBSON, NICHOLAS & KAYLA
40952 RICARDO DRIVE
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82 83 050 99 0001 000
W C C C
9555 HAGGERTY RD
VAN BUREN TOWNSHIP MI 48111

82 83 053 99 0007 000
MIRI, IMAD
9440 HAGGERTY RD
VAN BUREN TOWNSHIP MI 48111

Address

12
12/16

PLANNING & ZONING APPLICATION / REVISED

Case number 18-014

Date Submitted 6/8/18

APPLICANT INFORMATION

Applicant PA CHIEVA ARCHITECTS Phone (586) 263-5519
 Address 43200 WARFIELD WTR 210
 City, State CLINTON TWP. MI Zip 48038
 E:mail chievaarch@global.net Cell Phone Number (248) 217-1234
 Property Owner ARAND MUMT & DEV. Phone (248) 594-5939
 Address 31333 WOODFIELD RD WTE 250
 City, State BEVERLY HILLS MI Zip 48025
 Billing Contact JASON KISHMISH Phone _____
 Address 31333 WOODFIELD RD WTE 250
 City, State BEVERLY HILLS MI Zip 48025

SITE/ PROJECT INFORMATION

Name of Project MULTI-TENANT RETAIL BUILDING
 Parcel Id No. V125-83- Project Address 10573 BELLEVILLE RD.

Attach Legal Description of Property

Property Location: On the EAST Side of BELLEVILLE Road; Between TTLER Road
 and I-94 Road. Size of Lot Width 200 Depth 375.00
 Acreage of Site 1.72 Total Acres of Site to Review 1.72 Current Zoning of Site C-1
 Project Description: MULTI-TENANT RETAIL BUILDING
W/ I DRIVE-THRU TENANT

Is a re-zoning of this parcel being requested? NO YES (if yes complete next line) NO
 Current Zoning of Site _____ Requested Zoning _____

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? YES (if yes complete next line) NO
 Section of Zoning Ordinance for which you are applying SPEC. LAND USE / DRIVE-THRU
7.104 / 6.126
 Is there an official Woodland within parcel? NO Woodland acreage _____
 List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
 Detailed description for cutting trees _____

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

JASON KISHMISH

Print Property Owners Name

Jason Kishmish
Signature of Property Owner

6/8/18
Date

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this _____ day of _____, 20____.

_____, Notary Public, _____ County, Michigan My Commission expires _____, 20____.



MCKENNA

August 2, 2018

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

Subject: VBT-18-014; Multi-Tenant Retail Building at 10573 Belleville Road
Based on plans dated July 30, 2018; Received on July 31, 2018

Location: 10551 Belleville Road and 10573 Belleville Road, located on the east side of Belleville Road

Zoning: C-1, General Business District

Applicant: RA Chiesa Architects on behalf of Jason Kishmish; Special Land Use Review #1

Dear Planning Commissioners:

At its meeting on December 14, 2016, the Planning Commission approved, with conditions, a preliminary site plan for a 3-unit commercial building at 10573 Belleville Road. On November 9, 2016, the Planning Commission also recommended special land use approval for a drive-through use in the northernmost unit of that 3-unit building (a.k.a., Unit A). At its meeting on December 6, 2016, the Township Board of Trustees granted special land use approval for the drive-through use. Since that time, the applicant has added the parcel to the north (10551 Belleville Road) to the site plan proposal. The owner now proposes to demolish the homes and other structures at 10551 and 10573 Belleville Road and build a 6-unit multi-tenant commercial building that is 9,932 sq. ft. in area. There is a proposed unidentified drive-through use on the northernmost side of the building. The site is zoned C-1 General Business District, which permits the drive-through use through Special Land Use approval.

Review Comments

Special approval uses must meet both the specific non-discretionary standards of Section 5.136. and the discretionary standards listed in Section 12.306 of the Zoning Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings and accepted principles of good planning and design. Our site plan review comments are in an accompanying letter dated August 2, 2018.

1. General Standards for Special Approval (Section 12.306).

- 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 site is on the east side of Belleville Road, just north of the I-94 North Service Drive. The road is characterized by a variety of commercial uses along the corridor. To the east is a residential neighborhood and to the north are other single-family residences. The demolition of the houses (non-conforming uses) and construction of a commercial building is generally compatible with the surrounding uses. The revised site plan has addressed several of our concerns with the proposed development, and other issues with the proposal will be

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addressed at final site plan review. We believe that a final site plan that addresses all outstanding concerns will be a socially and economically desirable land use.

- b. Is necessary for the public convenience at that location.** Belleville Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-through restaurant potentially convenient for consumers. The lot is about 200 feet from the Belle Tire entrance. The Zoning Ordinance allows for 1 curb cut on Belleville Road and the applicant's proposed driveway is located on the north side of the site as previously requested. Although Belle Tire will not permit the applicant to access its driveway, Belle Tire has a recorded access easement on its site for future cross access. With the applicant's driveway located on the north part of the site and recorded access easements on both the north and south sides of the site, public convenience at the site will be achieved.
- c. Is compatible with adjacent uses of land.** The C-1 District permits a wide range of land uses, including drive-through uses by special approval. The site abuts R-1B Single-Family Residential land to the east, other C-1 uses to the south, sites zoned C-1 but used as single-family housing on the north, and C-2 Extensive Highway Business District to the west. Altering the use on the site from residential to commercial fits with adjacent and surrounding land uses. The site plan illustrates appropriate screening and setbacks on the east side of the site. Any remaining items will be addressed in final site plan review.
- d. Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The applicants have responded to most of the recommendations in our previous site plan review letters to improve the site's ability to accommodate the proposed uses and development in a manner that protects the public health, safety, and welfare. Other items are fairly minor and will be addressed in final site plan review.
- 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 will be commensurate with a commercially used site, and will not likely adversely affect the public services to existing uses in the area. We will defer to the Fire Department and Township Engineer regarding accessibility and utilities. The site plan shows turning radius that can accommodate a fire truck, and other parts of the site plan have been revised to reduce conflicts.
- f. Will not cause injury to other property in the neighborhood in which it is to be located.** If the recommended conditions of preliminary site plan review are addressed at final site plan review (see the comments in this letter and in our accompanying site plan review letter dated August 2, 2018), the site plan will not cause adverse effects to users of the site and adjacent properties. Many of the previous concerns have been addressed in this version of the site plan.
- g. Considers the natural environment and helps conserve natural resources and energy.** There are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features.
- h. Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site plan is compliant with the



major requirements of the Zoning Ordinance, and other issues will be addressed in final site plan review. We believe a final site plan that addresses all outstanding concerns will be within the provisions of uses requiring special approval, in harmony with the purposes of the district, and in conformance with applicable regulations and site design standards.

- 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 Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.
2. **Specific Standards for Special Approval (Section 5.136).** Section 5.136 provides specific standards for drive-in uses in the C-1 District. The proposal's compliance with those standards is evaluated below.
 - a. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are no streets within 100 feet of this site, so this standard is met.
 - b. **Must have direct access to a paved major thoroughfare.** The site has direct access to Belleville Road, which is a paved major thoroughfare.
 - c. **No lighting or illuminated display shall reflect onto a residential zone.** The site abuts an R-1B residential zoning district to the east. The photometric plan shows that light trespass will not exceed 0.5 foot-candles into the residential district. The proposed screening for this site from the residential district is a 6-foot tall concrete wall with a simulated brick pattern. The site plan includes elevation details of the wall.
 - d. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** The site is located near other similar commercial uses. Although there are single-family dwellings to the east and north, most of these do not directly connect to Belleville Road and those that do would not facilitate congregation of large number of children. There are no anticipated adverse effects regarding traffic safety and sanitation in relation to places of congregation for children.

Recommendation

Based on the above and our accompanying site plan review letter of August 2, 2018, we find the drive-through use in the propose multi-tenant building meets the criteria for a special land use approval if all the outstanding concerns are resolved. Our site plan review letter recommends site revisions that might address the concerns outlined in this letter. Therefore, we recommend the Planning Commission approve the special use request with the condition that all conditions of our August 2, 2018 site plan review letter are met.

Respectfully submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner





c: Ron Akers, Van Buren Township Director of Planning & Economic Development
Matt Best, Van Buren Township Director of Public Services
Susan Ireland, Van Buren Township Downtown Development Authority Director
David Potter, FTCH, Township Engineers
David McNally, Van Buren Township Fire Marshal
Ron Chiesa, R.A. Chiesa Architects, P.C. at chiesaarch@sbcglobal.net
Jason Kishmish at jkishmish@grandmd.com





MCKENNA

August 2, 2018

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

**Subject: VBT-18-014; Multi-Tenant Retail Building at 10573 Belleville Road
Based on plans dated July 30, 2018; Received on July 31, 2018**

Location: 10551 Belleville Road and 10573 Belleville Road, located on the east side of Belleville Road

Zoning: C-1, General Business District

Applicant: RA Chiesa Architects on behalf of Jason Kishmish; Preliminary Site Plan Review #2

Dear Planning Commissioners:

At its meeting on December 14, 2016, the Planning Commission approved, with conditions, a preliminary site plan for a 3-unit commercial building at 10573 Belleville Road. On November 9, 2016, the Planning Commission also recommended special land use approval for a drive-through use in the northernmost unit of that 3-unit building (a.k.a., Unit A). At its meeting on December 6, 2016, the Township Board of Trustees granted special land use approval for the drive-through use. Since that time, the applicant has added the parcel to the north (10551 Belleville Road) to the site plan proposal. The owner now proposes to demolish the homes and other structures at 10551 and 10573 Belleville Road and build a 6-unit multi-tenant commercial building that is 9,932 sq. ft. in area. There is a proposed unidentified drive-through use on the northernmost side of the building. The site is zoned C-1 General Business District, which permits the drive-through use through Special Land Use approval.

Because the project site area has expanded, and the proposed drive-through use is located on the parcel added after the drive-through special land use was approved, the Planning Commission must hold a new public hearing on the revised drive-through location and make a recommendation to the Township Board.

Review Comments

We have reviewed these plans for compliance with the Township's Zoning Ordinance and sound planning and design principles, and we offer the following comments for your consideration:

- 1. Use.** A variety of commercial uses is permitted in the C-1 District. Drive-through restaurants may be permitted subject to special use approval recommendation by the Planning Commission and approval of the Township Board. Preliminary and final site plan approval by the Planning Commission is also required. There is no written description provided of the proposed uses on this site plan because no leases for the spaces have been confirmed. However, Sheet A-2 includes a conceptual floor plan that shows the allocation of each tenant's space and Sheet A-1 describes potential use areas. Because the final floor plan will affect the number of required parking spaces and, consequently, the final layout of the site, more detailed information will be required at final site plan review.

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2. **Dimensional Requirements.** The building meets the required setbacks for the front yard (75 feet), side yards (15 feet), and rear yard (25 feet). The building height will be less than the maximum building height of 40 feet. There are no maximum lot coverage requirements in the C-1 district.
3. **Specific Use Standards.** The specific standards of Section 5.137 of the Zoning Ordinance that apply to drive-through facilities are met.
4. **Site Layout and Circulation.**
- a. **Access from Belleville Road.** There is one access drive proposed at the north part of the site's frontage along Belleville Road. Section 9.106(B) of the Zoning Ordinance limits sites in the C-1 District to no more than one point of ingress and egress per 500 feet. Additionally, the Planning Commission has a policy of reducing the number of curb cuts on Belleville Road, which has resulted in many sites using indirect access via shared drives. The proposed curb cut on Belleville Road is acceptable because it is the only curb cut on the lot.
 - b. **Cross-Access.** Pursuant to Section 6.308(B)(2), the applicant must provide a cross access easement to the parcels on the north and south and allowing users to access Belleville Road through the site's driveway. The proposed easement aligns with Belle Tire's recorded cross access easement so that the traffic flow is direct, not offset. Easement documents and legal descriptions must be submitted in recordable form for Township review and approval prior to a final site plan approval, and must be recorded prior to permits being issued for the site. The cross access easement is required regardless of the site having its own curb cut onto Belleville Road.
 - c. **Sidewalks.** Sidewalks are proposed on the west, south, and east of the building, as well as a crosswalk to connect them to the public sidewalk along Belleville Road. The sidewalks on the west and south sides of the building are at least 8 feet wide to account for a 2-foot vehicle overhang for those parking spaces per Section 9.104(D) of the Zoning Ordinance. Details of the sidewalk ramps are also provided.
 - d. **Utilities.** The existing overhead electrical wires are proposed to be relocated in coordination with the utility company. The intended new locations of the utility poles are shown on the site plan pending coordination with the DTE service coordinator. Section 7.123 of the Zoning Ordinance requires new utility installations to be placed underground unless determined impractical by the Planning Director or Planning Commission. We recommend that the electrical lines be placed underground unless this is deemed impractical.
5. **Parking and Loading.** Parking and loading requirements are calculated as follows, which are shown on Sheet A-1:
- a. **Number of Required Parking Spaces.**
 - i. **Retail Establishments.** *1 space per 200 square feet usable floor area.* Of the 4,680 sq. ft. of gross floor area of retail (3 units), the site plan states that 3,744 sq. ft. (i.e., 80.81%) is usable floor area. Thus, **19 spaces** are required and are included on the site plan. Conceptual floor plans have been submitted and are subject to change.



- ii. **Restaurant (No Drive-Through).** *1 space per 2 seats of legal capacity of the facility, plus 1 space for each employee at the largest shift.* Two (2) of the units are proposed for restaurant, with a total of 30 seats and 12 employees. Therefore, **27 spaces** are required and are included on the site plan. Conceptual floor plans have been submitted and are subject to change.
- iii. **Drive-Through Restaurant.** *1 space per 2 seats of legal capacity of the facility, plus 1 space for each employee at the largest shift, plus 5 stacking spaces between the pick-up window and order station, plus 10 stacking spaces that do not conflict with access to any required parking spaces, plus two spaces for RVs or semi-trucks (because the site is within one half mile of I-94).* The site plan states **18 spaces** (10 for the 20 seats in the restaurant, 6 for employees, and 2 RV spaces) are required. Therefore, 18 spaces and 15 stacking spaces in total are required. The proposed layout includes the required parking spaces (including the 2 RV spaces) and 12 stacking spaces in total. Section 9.101(J) of the Zoning Ordinance permits the Planning Commission to modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable because of the level of current or future employment and/or customer traffic. We recommend 12 stacking spaces, as proposed, instead of the 15 required because 10 spaces is usually a sufficient number for a drive-through restaurant and there are the required 5 spaces between the order menu and the pickup window.

Altogether, 64 parking spaces (including 2 RV spaces) are required by the Zoning Ordinance, and 71 parking spaces (including 2 RV spaces) are proposed. Because the 71 proposed spaces are less than 20% above the 64 spaces required, the number of spaces does not exceed the maximum parking of Section 9.101(I) of the Zoning Ordinance. Also, because the specific uses are not yet known, the extra parking spaces may be needed in the future if one or more of the future uses requires additional parking spaces.

- b. **Barrier Free Spaces.** Per Section 9.103 of the Zoning Ordinance, three (3) barrier free spaces are required for a parking lot between 51-75 spaces. Three (3) barrier free spaces are proposed: 2 adjacent to the west side of the building and 1 located on the east side of the site. We recommend that the third barrier free space be located closer to the building entrance because its proposed location would require a person with a disability to cross the parking aisle, loading area, and drive-through lane.
- c. **Parking Space Dimensions.** The parking spaces are shown to be clearly striped with four (4) inch wide double lines spaced 24 inches apart.

The parking spaces are proposed at a 90-degree angle. For 90-degree parking spaces, the maneuvering lane must be 24 feet wide and the parking spaces must be 9.5 feet wide by 20 feet long, except that Section 9.104(D) allows a stall length to be shortened to 18 feet where the parking space abuts a sidewalk at least 8 feet wide or a greenbelt that is increased by 2 feet to account for vehicle overhang. All maneuvering lanes are at least 24 feet wide and all parking spaces are 9.5 feet by 20 feet, except that several parking spaces are shortened to 18 feet in accordance with Section 9.104(D). All of the parking spaces that are shortened to 18 feet abut either an 8-foot wide sidewalk or a greenbelt that is sufficiently wide enough to accommodate the vehicle overhang.



- d. **Loading.** A 10 ft. by 50 ft. loading area is shown on the east side of the site next to the drive-through stacking lane.

6. **Landscaping.** The landscaping requirements of the Zoning Ordinance are as follows:

- a. **Landscaping Adjacent to the Right-of-Way.** Section 10.103(A) requires a minimum of 1 deciduous or evergreen tree per 40 feet of road frontage, 1 ornamental tree per 100 feet of road frontage, and 8 shrubs per 40 linear feet of road frontage. Based on the site's 200 feet of road frontage, 5 evergreen or deciduous trees, 2 ornamental trees, and 40 shrubs are required. The frontage landscaping consists of 5 Sunburst Honey Locust trees, 2 Eastern Redbud ornamental trees, 20 Wintergreen Boxwood shrubs, and 33 Dense Yew shrubs. Finally, Section 6.310(C)(2)(b)(ii) requires perennial beds, planted in groups, to be planted in 20% of the required landscape frontage area. These beds are shown on the plans and include the shrubs and perennials (Stella D'oro Daylily).
- b. **Parking Lot Screening.** Section 10.103(B)(1) requires a parking lot located adjacent to a sidewalk, street, or other public right-of-way to be landscaped within 10 feet of the paved ground surface with either shrub screening, a berm, or a wall. The applicant proposes shrub screening, with the aforementioned 33 Dense Yew Shrubs in front of the 14 parking spaces adjacent to the Belleville Road right-of-way. The plans note that these shrubs will be planted at least 2 feet from the front of the parking space curb so as to account for vehicle overhang. The planting height of these shrubs is 30 inches and the shrubs are spaced 36"-48" on-center, so that it should attain opacity at a height of 3 feet within 12 months of planting, which is required by Section 6.310(C)(3)(a).
- c. **Street (Right-of-Way) Trees.** Section 6.310(C)(2)(b)(i) requires a minimum of 1 deciduous tree planted in the right-of-way per 40 feet of road frontage. Based on the site's 200 feet of frontage, 5 deciduous trees are required. The applicant proposes 5 Little Leaf Linden trees, which meet this requirement.
- d. **Interior Parking Lot Landscaping.** Section 10.103(B)(2) requires the internal landscaped area to be at least 5% of the paved area, which is calculated as 2,469 sq. ft. The plan states that there is 9,383 sq. ft. of landscaped area proposed. There must be 1 tree per 300 sq. ft. of proposed vehicular surface landscape area, so 9 trees are required. There are 4 landscaped islands on the east part of the site, and there are 10 Eastern Redbud trees located in these islands. Eastern Redbud is an ornamental species, so we recommend a deciduous species in the parking areas that is a canopy tree.
- e. **Loading Area Screening.** Pursuant to Section 10.103(C), the loading area on the east side of the site is sufficiently screened from the right-of-way by the proposed building.
- f. **Screening adjacent to R-1-Zoned Area.** Section 10.103(E) requires a 20-foot wide buffer on the east side of the site (the adjacent lot to the east is zoned R-1B) with 1 tree per 20 linear feet (minimum of 50% evergreen trees). A 20-foot buffer is shown on the plans. Based on the 200 linear feet of the eastern lot line, 10 trees are required (at least 5 of which must be evergreen trees). There are 6 Concolor Fir trees, 3 Sunburst Honey Locust trees, and 2 American Beech trees in this buffer area, so the planting requirements are met. Finally, the site plan proposes a 6-foot tall concrete wall with brick stamping along the rear (east) lot line, and an elevation detail of the wall is on the plans.



- g. Screening adjacent to C-1-Zoned Area.** Section 10.103(E) requires a 10-foot wide buffer on the north and south sides of the site (which are zoned C-1) with 1 tree per 30 linear feet. On the south side of the site, the required buffer is only shown on the easternmost 130 feet, with the parking lot maneuvering lane abutting the lot line on the south. On the north side of the site, the required buffer is only shown on the easternmost 100 feet, with a 5-foot buffer along the remainder of the north side of the lot. The 130-foot long buffer on the south side of the lot and the 100-foot buffer on the north side of the lot contain the proper number of trees in those specific areas.

Section 10.106 of the Zoning Ordinance allows the Planning Commission to make modifications to the landscaping requirements. For the north side of the site, we recommend approval of the proposed 5-foot wide buffer. For the south side of the site, we recommend that a buffer be included and that the parking spaces and aisle on the south side of the building be reduced to one-way angled parking. Many businesses along Belleville Road have angled parking (e.g., McDonalds, Tim Hortons, Burger King), so angled parking is common for this type of development along Belleville Road. In this case, angling the parking will make it easier for loading trucks, emergency vehicles, and RVs to circulate around the site because they won't have to contend with oncoming traffic on the south side. Also, the north side of the site is one-way going westward, so making the south side of the site one-way going eastward is logical.

- h. Outdoor Space.** Section 10.103(F)(3)(a) of the Zoning Ordinance requires 1 sq. ft. of outdoor open space per 25 sq. ft. of building area to be located adjacent to the right-of-way for pedestrian use. Based on the 9,932 sq. ft. area of the building, the outdoor open space must be 398 sq. ft. An outdoor open space area is located adjacent to the right-of-way of Belleville Road and includes decorative paving and benches. This area, combined with the outdoor open spaces in front of the building, exceed 398 sq. ft.
- i. Mechanical and Utility Equipment Screening.** Section 10.103(J) requires all mechanical and utility equipment to be screened, including rooftop equipment. Pages A-3 and A-4 of the site plan show the rooftop equipment being screened by a parapet wall. Also, a transformer adjacent to the drive-through is proposed to be screened by 5 Wintergreen Boxwood Shrubs. We recommend that the height of the transformer be shown and, if necessary, that a larger evergreen shrub be proposed.
- j. Standards for Plant Materials.** Section 10.104 includes standards for plant materials. The plant sizes in the landscape table on Sheet A-1 comply with Section 10.104.
- k. Maintenance and Irrigation.** A statement regarding annual landscape material maintenance is included on Sheet A-1. Also, Sheet A-1 states that all grass areas will be irrigated with an automatic timer.
- 7. Belleville Road Overlay District (BROD) Requirements.** The site is located in the Core Commercial Subarea of the Belleville Road Overlay District (BROD). In addition to the requirements of other sections of the Zoning Ordinance, lots in the BROD must comply with the requirements of Article 6, Chapter 3 of the Zoning Ordinance. The site meets most of the BROD requirements with respect to design and architecture. The following are our major comments on the BROD standards:



- Section 6.308(A)(3) (Bicycle Parking): 1 bicycle space is required for each 25 vehicle spaces or fraction thereof. Therefore, 3 bicycle parking spaces are required, which must be located near the building entrances. The 3 bicycle parking spaces are located in the outdoor eating area on the southwest side of the building.
 - Section 6.308(B)(2)(c) (Cross Access): The required cross-access is shown to the sites to the north and south. The proposed cross-access on the south side of the site aligns with the recorded access easement on the Belle Tire site to the south. Easement documents and legal descriptions must be submitted in recordable form for Township review and approval prior to a final site plan approval, and must be recorded prior to permits being issued for the site.
 - Section 6.308(C) (Bicycle and Pedestrian Access): Most of the standards for pedestrian and bicycle access within the site are met. The bicycle parking is appropriately located near the public entrances. We recommend that “piano key” striping (alternating white and black bands) be used in crosswalks that do not have accent paving.
 - Section 6.309(B)(4) (Site Amenities): Additional details have been provided for the site amenities, which include site furniture and outdoor dining areas.
 - Section 6.309(C)(3)(c) (Windows): The first story façade must have a minimum of 50% glass.. The total glazing area of the first story façade is 71%.
 - Section 6.309(C)(5) (Building Materials and Colors). The primary building materials (brick) and accent materials (EIFS cornice and pre-colored groundface concrete block as wainscoting) appear to meet the standards of the Zoning Ordinance. The material colors are shown on the plans, and we recommend that material samples be presented to the Planning Commission.
- 8. Lighting.** Lighting is regulated in Section 8.105 of the Zoning Ordinance. A photometric plan is included on Sheet A-1.1 with details of light poles and fixtures. The fixtures are shielded and the light poles are 20 feet high (the maximum height is 25 feet). Section 8.105 limits the illumination at the lot line to 0.5 footcandles, and this limit is met.
- 9. Trash Enclosure.** The trash enclosure screening meets the requirements of Section 7.122 of the Zoning Ordinance. The proposed dumpster enclosure is concrete with a simulated brick pattern to match the building, and a steel-reinforced gate that will be rough sawn wood, pressure treated or wolmanized. The dumpster enclosure is 20 feet from the residential district to the east and 10 feet from the C-1 district to the north.
- 10. Signs.** Details are provided on the proposed monument sign. The proposed sign is 8 feet in height and 60 sq. ft. in area, which complies with Section 11.108(B) of the Zoning Ordinance. The sign will have a 2-foot high masonry base and other decorative elements. We recommend placing pedestrian crossing signs at pedestrian crossing areas in the parking lot, and we recommend placing “One Way” and “Do Not Enter” signs where appropriate in one-way areas.
- 11. Engineering.** The applicant has provided storm water calculations on sheet A-1. In a previous submittal, the applicant proposed an underground pipe storage system in a letter dated August 11, 2016. Section 12.203 of the Zoning Ordinance requires a description of a feasible storm water drainage system and any proposed storm sewer facilities including catch basins, outlets, enclosed or open ditches, and proposed swales. We defer comment to the Township Engineer regarding the appropriate level of information required to comply with this requirement and whether the site design is feasible.



Recommendation

At this time, the only major unresolved item is whether to require a landscape buffer along the south side of the lot by making the parking on the south side of the site angled with a one-way direction going eastward. While we recommend angled parking and an eastward one-way maneuvering lane on the south side of the building, the Planning Commission may modify the landscape buffer standards pursuant to Section 10.106 of the Zoning Ordinance.

Once the Planning Commission has decided on the landscape buffer requirements on the south side of the lot, we will recommend approval of the preliminary site plan subject to the following conditions:

1. Easement documents and legal descriptions must be submitted in recordable form for Township review and approval prior to a final site plan approval, and must be recorded prior to permits being issued for the site.
2. Per Section 7.123 of the Zoning Ordinance, new utility installations must be placed underground unless determined impractical by the Planning Director or Planning Commission.
3. That 12 stacking spaces be approved, as proposed, instead of the 15 required because 10 spaces is usually a sufficient number for a drive-through restaurant and there are the required 5 spaces between the order menu and the pickup window.
4. That the third barrier free space be located closer to the building entrance because its proposed location would require a person with a disability to cross the parking aisle, loading area, and drive-through lane.
5. That the 10 Eastern Redbud in the parking areas be replaced with a deciduous tree that is a canopy tree.
6. That the height of the transformer be shown and, if necessary, that a larger evergreen shrub be proposed.
7. That "piano key" striping (alternating white and black bands) be used in crosswalks that do not have accent paving.
8. That the plans include pedestrian crossing signs at pedestrian crossing areas in the parking lot, and that "One Way" and "Do Not Enter" signs be placed where appropriate in one-way areas.
9. That all requirements of the Township Engineer and Fire Marshall are met.
10. That the drive-through special land use be approved and all conditions of special land use approval are met.

Respectfully submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner

c: Ron Akers, Van Buren Township Director of Planning & Economic Development
Matt Best, Van Buren Township Director of Public Services
Susan Ireland, Van Buren Township Downtown Development Authority Director
David Potter, FTCH, Township Engineers
David McNally, Van Buren Township Fire Marshal
Ron Chiesa, R.A. Chiesa Architects, P.C. at chiesaarch@sbcglobal.net
Jason Kishmish at jkishmish@grandmd.com



July 5, 2018

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

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

Re: Multi-Tenant Building
Preliminary Site Plan Review No. 1
10573 Belleville Road
Van Buren, MI 48111

Dear Ms. Thompson:

At the request of Van Buren Township (VBT), Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) has reviewed the Site Plan dated 6/19/2018, for the proposed Multi-Tenant Building project, which is located at 10573 Belleville Road, Van Buren, MI 48111. This proposed project entails the demolition of an existing house and the construction of a new multi-tenant retail building and parking lot.

Below is a summary of our review comments:

General

The following items are general requirements established as part of the VBT Engineering Standards Manual. The applicant must include the following items as part of the preliminary site plans.

- All elevations shall be on NGVD 29 Datum.
- All required permits shall be listed on the plans.
- Soil borings indicating the ground water elevation shall be provided.
- The property identification numbers shall be included on the plans.
- Road names, units, utilities, pavement, site dimensions, phase lines, lot lines and lot numbers shall be included in the plans.

Title Sheet

As part of the preliminary site plans, the applicant shall include a project cover sheets that includes, but is not limited to the following items:

- A location map indicating the general location of the project, 1/4 section number, major streets, with north indicator and graphic scale, drawn with appropriate scale and relationship of general project area to the surrounding area. Location map must be readable in black and white.
- A legal description including the source of where the description was taken from.
- Revision block including the plan completion date with all recent revision dates.
- An index of plan sheets and page numbers must be provided.
- A list of all permits required shall be on the plans.
- The signature and seal of the professional engineer, registered in the State of Michigan, who is responsible for the design of the project and must be included on the plans. Seal is not legible.

Water Main Service

Existing:

VBT watermain records indicate a 16-inch concrete water line located on the west side of Belleville Road. There is an existing 8-inch ductile iron watermain that extends across Belleville Road to the east side toward the Belle Tire Store, and then proceeds north – to the southwest corner of the proposed development.

VBT master watermain improvements for this area indicate an 8-inch ductile iron water main is to be extended along the east side of Belleville Road.

Proposed:

The applicant is proposing to extend the existing watermain across the property, to the northwest corner of the proposed development. The watermain extension shall be an 8-inch ductile iron watermain, with associated gate valve and hydrant as indicated.

The applicant indicates a water service line is to be extended along the south side of the building to the rear of the building, and will be connected to the new building.

Comments:

- Applicant shall provide the basis of design for the water service to be provided to the building, as it is not currently sized. VBT minimum standards shall be provided, and it should be noted that a minimum 2-inch water service line will probably be necessary.
- The applicant is directed to contact the VBT's water and sewer department to confirm the location of the existing watermain located on the south side of the proposed development.

Sanitary Sewer

Existing:

The VBT sanitary records indicate an existing 18-inch reinforced concrete sanitary main is located on the east side of Belleville Road that would service this property.

The applicant's drawings do not indicate how the existing house is serviced for sanitary use.

Proposed:

The applicant indicates a sanitary sewer lead is to be extended via a new sanitary tap at the existing sanitary sewer line and extended along the south side of the building and will be connected to the new building.

Comments:

- The applicant's drawings do not indicate how the existing house is serviced by sanitary. If the existing house to be demolished is serviced by the existing sanitary sewer Belleville Road, the sanitary lead will have to be indicated on the construction drawings and will have to be properly sealed and abandoned.
- The separation between the proposed watermain and sanitary sewer lead must be clearly indicated on the construction drawings, including all cleanouts.
- Depending on soil conditions and groundwater levels, a sanitary manhole may be necessary at the new tap location. The applicant shall confirm ground conditions.
- Sanitary service leads shall have a minimum diameter of 6 inches with a minimum slope of one percent. The applicant shall include a sanitary sewer basis of design to verify the overall use and capacity of the line.

Storm Sewer

Existing:

Applicant has indicated that site is not located in 100 year floodplain.

Proposed:

The applicant indicates the onsite stormwater runoff will be collected from the parking lot via catch basins and manholes and conveyed to below grade storage. The stormwater runoff is proposed to be pretreated via a Vortex treatment Best Management Practices (BMP) and then pumped into the existing stormwater drain located in Belleville Road.

Comments:

- Provide preliminary stormwater detention storage calculations to verify stormwater storage facility sizing in compliance with Chapters V and IV of the VBT Engineering Standards Manual.
- Indicate proposed storm sewer system on the plans including pipe sizes, inverts, structures and rim elevations.
- Indicate a demolition plan for the overall removal of the existing stormwater system.
- Provide an overall drainage area map indicating all areas tributary to the proposed stormwater system.
- Applicant must submit to Wayne County for stormwater plan approval and receive a permit before completion of the VBT construction plan review, including water quality BMPs.

Paving and Grading

Existing:

The existing house is serviced by two bituminous entrance driveways, which are proposed and shown to be removed.

Proposed:

The proposed plan indicates the type of pavement to be used for the site parking area will be bituminous. One concrete entrance drive will service the site. The existing concrete sidewalk is to remain, except for areas that shall be removed and replaced across the front of the proposed building. A proposed dumpster enclosure is indicated on the northeast side of the site.

Comments:

- The applicant shall provide proposed spot elevations, slopes and contours to indicate the overall layout and grade of the proposed pavement, sidewalks and other paved areas around the proposed building.
- For access for county roads, the applicant must indicate compliance with the local road entities having jurisdiction.

General Plan Sheet Comments

- Existing and proposed utilities shall be indicated on the plans including gas and electric. Pipe diameters, materials, rim and invert elevations shall also be indicated.
- Add required notes as indicated in Chapter 2, Section B of the VBT Site Plan Review Requirements.

Ms. Carol Thompson, Chairperson
Van Buren Township Planning Commission
Page 4
July 5, 2018

Recommendation

We are recommending the Planning Commission grant preliminary site plan approval subject to the following conditions: The applicant shall submit detailed engineering plans that are prepared accordance with the VBT Engineering Standards Manual and incorporate and address the comments listed above.

If you have any questions regarding this project, please contact me at 248.324.4791 or dpotter@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.



David L. Potter, PE, CSI-CCCA



Paul J. Kammer, PE

ag2

Email

cc: Mr. James Taylor, Director of Public Works
Mr. Ron Akers, Director of Planning and Economic Development
RA Chiesa Architects, P.C.
43260 Garfield Road
Clinton, MI 48308

David C. McNally II
Fire Marshal
O: 734-699-8900 ext 9416

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111



6-27-2018

Department Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Multi-Tenant Building
10573 Belleville Rd

To whom it may concern:

I have reviewed a digital plan set sent to on 06-27-2018. The plan set is also dated 06-08-18 and is labeled site plan re-submit by R.A. Chiesa Architects, P.C. 43260 Garfield Township, Michigan 48038 (586)-263-5519

Project Overview:

The proposal is to build a multi-tenant building. The plan set was reviewed for Fire and Life Safety using the township adopted fire code NFPA 1 and NFPA 101 2012 editions.

Again, please note that **all** applicable **NFPA** codes and standards apply as adopted by the Township of Van Buren.

1. Knox-Box's will need to be ordered for **each** tenant space and installed by owner where fire department indicates prior to occupancy. www.knoxbox.com
NFPA 1 16.3.4.3
2. Monitored smoke alarm for each occupancy.
NFPA 1 AHJ
3. The building shall include the building address on the building. The address shall be a **minimum of 6"** high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation.
AHJ
4. A digital site plan layout will be required at final inspection.
AHJ
5. Hydrant noted on North side of driveway, but I could not find a hydrant to the rear of the property?

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

6. **Emergency Responder Radio Coverage System is required unless it can be proven after building is constructed and occupied that coverage is sufficient. This will be verified prior to final C/O**

I have attached a copy of the code for MBC, IBC, IFC, and NFPA that relate to item 6.

If you have any questions about this plan review report, please feel free to contact me

Respectfully submitted,

David C McNally
Fire Marshal
Van Buren Fire Department



Emergency Responder Radio Coverage System – Information Sheet

During emergencies fire fighters and other emergency response personnel use portable radios to communicate while inside of the building or structure. Buildings and structures may interfere with the emergency responder's ability to effectively communicate due to construction types and materials. These features can absorb or block the radio frequency energy used to carry the signals inside or outside of the building. This poses a significant safety hazard to emergency response personnel and building occupants.

As a safety solution, the International Building Code (IBC) International Fire Code (IFC) and the NFPA 72 sets forth requirements for certain new and existing buildings to be equipped with an emergency responder radio coverage system.

REFERENCE DOCUMENTS:

MBC, "Michigan Building Code"

Article 916.1

Emergency responder radio coverage shall be provided in all new buildings in accordance with Section 510 of the fire code.

IBC, "International Building Code"

915.1 General.

Emergency responder radio coverage shall be provided in all new buildings in accordance with Section 510 of the fire code.

IFC, "International Fire Code"

Section 510 Emergency Responder Radio Coverage

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

MINIMUM SIGNAL STRENGTH INTO THE BUILDING:

A minimum inbound signal strength of -95 dBm shall be provided throughout 95% of the coverage area.

MINIMUM SIGNAL STRENGTH OUT OF THE BUILDING:

A minimum outbound signal strength of -95 dBm shall be provided from the 95% of the coverage area.

SYSTEM DESIGN AND INSTALLATION:

The emergency responder radio coverage system shall be designed and installed in accordance with the applicable sections of the IFC and NFPA 72.

AMPLIFICATION SYSTEMS ALLOWED:

Buildings and structures which cannot support the required level of radio coverage shall be equipped:

1. A radiating cable system and/or
2. An internal multiple antenna system with FCC certificated bi-directional amplifiers.

FREQUENCY RANGE:

List of assigned frequencies: The authority having jurisdiction shall maintain a list of all inbound/outbound frequency pairs for distribution to system designers.

POWER SUPPLY:

Power supplies shall conform to NFPA 72, (Power Supplies). If any part of the installed system or systems contains an electrically powered component. The installed system or systems shall be provided with an independent battery system or an emergency generator capable of operating for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of external power input.

ADDITIONAL FREQUENCIES AND CHANGE OF FREQUENCIES:

The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.

SYSTEM MONITORING SHALL BE IN ACCORDANCE WITH NFPA 72.**MINIMUM QUALIFICATIONS OF PERSONNEL:**

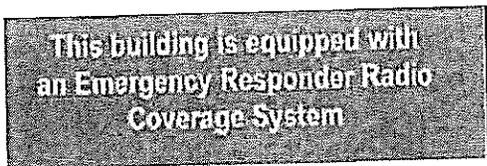
The system designer, lead installation personnel and personnel conducting radio system tests shall be qualified to perform the work. Design documents and all tests shall be documented and signed by a qualified Public Safety DAS Designer.

The emergency responder radio coverage system should be inspected and tested annually, or whenever structural changes occur to the building that would materially change the original field performance tests. Performance test shall include at minimum a floor plan and the signal strength in various locations of the building.

IDENTIFICATION

Buildings equipped with an Emergency Responder Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating: "This building is equipped with an Emergency Responder Radio Coverage System." As a general rule, fire protection and related equipment are identified by a red sign with minimum one-inch white letters as shown below.

Example



FIELD TESTING:

Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

VAN BUREN TWP. PUBLIC SAFETY CONTACT INFORMATION:

David McInally-Fire Marshal

Phone Number: 734-699-8900x9416

Address: 46425 Tyler Rd, Van Buren Twp MI 48111

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, August 8, 2018 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests and Zoning Ordinance Amendments.

1. **Case 18-014:** A request by RA Chiesa Architects, for a special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road (Parcel ID# V-125-83-059-01-0020-000 & V-125-83-059-01-0021-000).

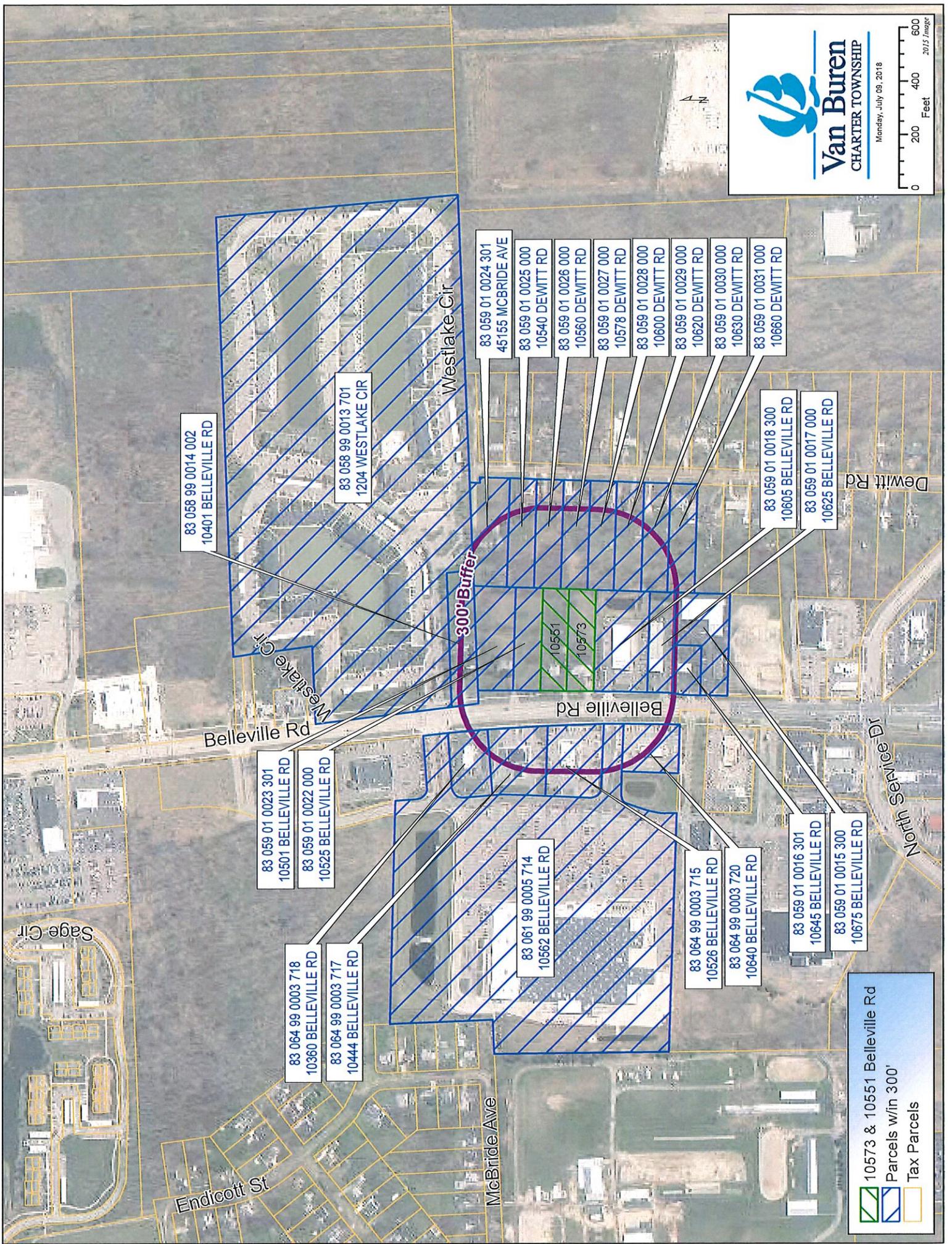
Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: July 13, 2018
Published: July 19, 2018
Mailed: ~~July 17, 2018~~

Mailed 7-24-18.





83 058 99 0014 002
10401 BELLEVILLE RD

83 058 99 0013 701
1204 WESTLAKE CIR

- 83 059 01 0024 301
45155 MCBRIDE AVE
- 83 059 01 0025 000
10540 DEWITT RD
- 83 059 01 0026 000
10560 DEWITT RD
- 83 059 01 0027 000
10578 DEWITT RD
- 83 059 01 0028 000
10600 DEWITT RD
- 83 059 01 0029 000
10620 DEWITT RD
- 83 059 01 0030 000
10630 DEWITT RD
- 83 059 01 0031 000
10660 DEWITT RD

- 83 059 01 0018 300
10605 BELLEVILLE RD
- 83 059 01 0017 000
10625 BELLEVILLE RD

- 83 059 01 0023 301
10501 BELLEVILLE RD
- 83 059 01 0022 000
10525 BELLEVILLE RD

- 83 064 99 0003 718
10360 BELLEVILLE RD
- 83 064 99 0003 717
10444 BELLEVILLE RD

83 061 99 0005 714
10562 BELLEVILLE RD

- 83 064 99 0003 715
10526 BELLEVILLE RD
- 83 064 99 0003 720
10640 BELLEVILLE RD

- 83 059 01 0016 301
10645 BELLEVILLE RD
- 83 059 01 0015 300
10675 BELLEVILLE RD

10573 & 10551 Belleville Rd
 Parcels w/in 300'
 Tax Parcels

82 83 064 99 0003 718
TIM HORTON'S
RYAN PROPERTY TAX SERVICES
PO BOX 460389
HOUSTON TX 77056

82 83 058 99 0014 002
KUZIAK, JERRY J.
10401 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 064 99 0003 717
FIFTH THIRD BANK
MD 10ATA1 CORP FAC
38 FOUNTAIN SQUARE PLAZA
CINCINNATI OH 45263

82 83 059 01 0023 301
MANTAY, STEPHEN
10657 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0022 000
RITA HILL RLT UAD
3338 ROOSEVELT
DEARBORN MI 48124

82 83 064 99 0003 715
TSFR APPLE VENTURE, LLC
17800 LAUREL PARK DR N - STE 200
LIVONIA MI 48152

82 83 061 99 0005 714
WAL-MART STORES, INC
WAL-MART PROPERTY TAX DEPARTMENT
ATTN: 0555
PO BOX 8050
BENTONVILLE AR 72712-8050

82 83 059 01 0018 300
AGREE STORES, LLC
70 EAST LONG LAKE
BLOOMFIELD HILLS MI 48304

82 83 999 00 0078 014
BELLE TIRE DISTRIBUTORS INC
1000 ENTERPRISE DR
ALLEN PARK MI 48101

82 83 064 99 0003 720
TACO BELL OF AMERICA, INC
PO BOX 806615
INDIANAPOLIS IN 46280

82 83 059 01 0016 301
SANFORD, MURRAY
10645 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0015 300
MANLEY, RON
44235 WILLIS RD
BELLEVILLE MI 48111

82 83 059 01 0025 000
BELANGER, JAMES-BRENDA
10540 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0026 000
REPP, EDWARD
10560 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0027 000
KIMBERLIN, JOSHUA
10578 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0028 000
GUENTHER, KENNETH
10600 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0029 000
DUDLEY, GLENN
10620 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0030 000
GUENTHER, CLYDE
10630 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0031 000
GRISHABER, HARRY
10660 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0024 301
GARLOW, DONALD-STEPHANIE
45155 MCBRIDE AVE
VAN BUREN TOWNSHIP MI 48111

82 83 058 99 0013 701
OCCIDENTAL DEVELOPMENT LTD
WEST LAKE APARTMENTS
PO BOX 2012
BLOOMFIELD HILLS MI 48303-2012

Owner

82 83 064 99 0003 718
TIM HORTON'S
RYAN PROPERTY TAX SERVICES
10360 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 058 99 0014 002
KUZIAK, JERRY J.
10401 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 064 99 0003 717
FIFTH THIRD BANK
MD 10ATA1 CORP FAC
10444 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0023 301
MANTAY, STEPHEN
10501 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0022 000
RITA HILL RLT UAD
10525 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 064 99 0003 715
TSFR APPLE VENTURE, LLC
10526 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 061 99 0005 714
WAL-MART STORES, INC
WAL-MART PROPERTY TAX DEPARTMENT
ATTN: 0555
10562 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0018 300
AGREE STORES, LLC
10605 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 999 00 0078 014
BELLE TIRE DISTRIBUTORS INC
10605 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 064 99 0003 720
TACO BELL OF AMERICA, INC
10640 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0016 301
SANFORD, MURRAY
10645 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0015 300
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10675 BELLEVILLE RD
VAN BUREN TOWNSHIP MI 48111

82 83 059 01 0025 000
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10540 DEWITT RD
VAN BUREN TOWNSHIP MI 48111

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82 83 059 01 0024 301
GARLOW, DONALD-STEPHANIE
45155 MCBRIDE AVE
VAN BUREN TOWNSHIP MI 48111

82 83 058 99 0013 701
OCCIDENTAL DEVELOPMENT LTD
WEST LAKE APARTMENTS
1204 WESTLAKE CIR
VAN BUREN TOWNSHIP MI 48111

Address.



Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
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Sharry A. Budd

TRUSTEE
Sherry A. Frazier

TRUSTEE
Kevin Martin

TRUSTEE
Reggie Miller

TRUSTEE
Paul D. White

July 24, 2018

Westlake Apartments
Attn: Property Manager
1204 Westlake Circle
Van Buren Township, MI 48111

RE: Van Buren Township Public Hearing Notices

To Whom It May Concern,

The Van Buren Township Planning Commission is conducting the following public hearing at their August 8, 2018 regular meeting:

1. **Case 18-014:** A request by RA Chiesa Architects, for a special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road (Parcel ID# V-125-83-059-01-0020-000 & V-125-83-059-01-0021-000).

The Michigan Zoning Enabling Act (PA 110 of 2006) requires that if a single structure contains greater than four (4) dwelling units notice may be given to the manager or owner of the structure and a request shall be made to post the notice at the primary entrance to the structure. Please consider this letter as the Township's request to post the notice at the primary entrance to each structure. For your convenience we have provided copies of the public notice to post at the entrance to the structure.

If you have any questions, or special accessibility needs for the meeting, please contact Ron Akers, Director of Planning and Economic Development, Van Buren Township, at (734) 699-8913.

Sincerely,

Ron Akers, AICP
Director of Planning and Economic Development

Mailed: July 24, 2018



Memo

TO: Planning Commission
FROM: Ron Akers, AICP
Director of Planning and Economic Development
RE: Adding Data/Computer Centers to the M-1, Light Industrial District
DATE: August 1, 2018

The Zoning Ordinance defines High Tech, Data Processing, and Computer Centers as follows:

HIGH TECH, DATA PROCESSING, AND COMPUTING CENTERS: Uses include, but are not limited to, alarm and security businesses, phone message centers, telemarketing businesses, data processing and computer centers (including service and maintenance of electronic equipment and other computer related services), and high technology service uses which have as their principal function the providing of services, including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services. “High Tech, Data Processing, and Computing Centers” that are smaller scale and are primarily office uses may be classified by the Planning Director as an “Office, Professional” use.

Currently in the Zoning Ordinance these uses are limited to the OT, Office Technology district, but we do have a facility on industrially zoned property. These type of land uses are appropriate for industrial areas as they tend to have similar power requirements and utilize similar type buildings. They are typically less intensive uses as they generate less truck traffic and have less activity associated with them. Due to this they are very compatible uses in industrial districts. By allowing this as a permitted use in the M-1 district this use could be allowed in any of our other industrial districts. The main intent of this change is to allow these in other areas of the Township and clarify our requirements for existing facilities within the community.

Please feel free to contact me if there are any questions and I look forward to further discussion regarding these items.

-

Section 3.115 M-1, Light Industrial District

(A) STATEMENT OF PURPOSE
In the M-1 District, it is intended that limitations placed upon the degree of noise, smoke, glare and other features of light industrial operations shall make such uses compatible with nearby commercial and residential uses. It is further intended that some light industrial uses shall act as a transition between heavy industrial uses and non-industrial uses and shall not require railroad access or major utility facilities. Certain commercial uses which are desirable to serve the employees and visitors of the industrial uses are also permitted in this district.

(B) PERMITTED USES	(C) SPECIAL LAND USES
<ul style="list-style-type: none"> • Wholesale Sales • Warehousing (excluding Distribution Centers) • Manufacturing and Processing (Light) • Laboratories, Minor • Laboratories, Major • Retail Dry Cleaning Plants and Laundries • Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity. • High Tech, Data Processing, and Computer Centers • Accessory Outdoor Industrial Storage • Accessory structures and uses customarily incidental to the above permitted uses • Indoor Recreation 	<ul style="list-style-type: none"> • Automobile Wash Establishment, Automatic • Drive-In Theaters • Private Clubs • Recreational Vehicle Storage Yards • Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors) • Outdoor Storage of Building or Contracting Equipment and Supplies • Instructional Services, Outdoor • Truck Repair and Maintenance Facility, Minor • Accessory Caretaker Dwelling

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to [Section 3.104](#) (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Section 3.104](#) (including footnotes), then [Section 3.104](#) shall prevail. Refer to [Article 2](#) for definitions of uses and refer to [Article 5](#) for development standards for specific uses.

(D) PERMITTED RETAIL AND SERVICE ESTABLISHMENTS THAT ARE INTENDED TO SUPPORT AND PROVIDE SERVICES TO OTHER USES AND VISITORS TO THE DISTRICT
<ul style="list-style-type: none"> • Restaurants (Sit-Down or Take-Out), provided no single business shall occupy more than five thousand (5,000) sq. ft. and no structure housing more than one (1) business shall exceed ten thousand (10,000) sq. ft. • Service Establishments, Personal Service • Veterinary Clinics and Hospitals • Automobile Wash Establishment, Self-Serve • Retail (Food, Beverage, and Convenience Items) with no on-premise consumption. No single business shall occupy more than a three thousand (3,000) square foot gross floor area and no structure having more than one (1) retail business shall exceed ten thousand (10,000) square feet.

(E) DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	--	<i>Front Yard</i>	50 (O)
<i>Min. Lot Width (ft.)</i>	--	<i>Side Yard (one)</i>	40 (P)
<i>Min. Lot Depth (ft.)</i>	--	<i>Side Yard (total of 2)</i>	80
<i>Max. Lot Coverage (%)</i>	35	<i>Rear Yard</i>	40
<i>Min. Floor Area/Unit (ft.)</i>	--		
<i>Max. Building Height (ft.)</i>	30 (S)		
<i>Max. Building Height (stories)</i>	2.5 (S)		
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.104 Permitted Uses by District

The following [Table 1](#) lists the permitted uses and special land uses in each district. Refer to [Article 2](#) for a description of the uses listed in the following [Table 1](#).

Whenever a specific development standard is included for a particular use in *Table 1*, any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in [Article 5](#).

Refer to the footnotes to the Table of Permitted Uses and Special Land Uses in [Section 3.105](#). Footnotes applicable to each zoning district are indicated in parentheses after the zoning district title in the [Table 1](#).

Finally, refer to [Article 6](#) for applicable requirements not listed in [Table 1](#).

Table 1: Table of Permitted Land Uses and Special Land Uses by District

USE	Key: ■ Principal Permitted Use ● Special Land Use [blank] Use Not Permitted													DEVELOPMENT STANDARD	
	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)		M-U
RESIDENTIAL USES															
Accessory Caretaker Dwelling					●	●	●	●	●	●	●	●	●	●	Section 5.117
Apartment Houses			●											●	Section 5.103
Multiple Family High Rise Dwelling			●												Section 5.103
Single-Family Attached Dwelling			■											■	Section 5.116
Single-Family Detached Dwelling	■			■										■	Section 5.114
Single-Family Farm Dwelling Related to Agricultural Operations				■											
Mobile Home Parks				■											Section 5.126
Mobile Home Subdivisions				■											Section 5.127
Planned Residential Developments	●			●										●	
Two-Family Dwelling			■											■	
LODGING USES															
Bed and Breakfast	●													●	Section 5.106
Motels and Hotels					■	■	■							■	Section 5.121
OFFICE USES															
Financial Institution, No Drive-Thru					■	■	■		■					■	
Financial Institution, With Drive-Thru					●	●			●						Section 5.105
High Tech, Data Processing, and Computer Center									■	■	■	■			
Offices of Manufacturing Agents, Sales Representatives, and Others Requiring Display Area and Limited Warehousing									■						Section 5.128
Office, Medical or Dental					■	■	■		■					■	
Office, Professional					■	■	■		■					■	
Veterinary/Animal Clinics and Hospitals					●	■	■			■				■	
COMMERCIAL USES															
Automobile Rental and Leasing Agencies						●	●								Section 5.104
Automobile Wash Establishment, Automatic						●	●			●					
Automobile Wash Establishment, Self-Serve										■					

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

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **Wednesday, August 8, 2018 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following requests and Zoning Ordinance Amendments.

1. **Case 18-014:** A request by RA Chiesa Architects, for a special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road (Parcel ID# V-125-83-059-01-0020-000 & V-125-83-059-01-0021-000).
2. **Case 18-019:** A request by US Signal Properties, LLC to rezone the property located at 9275 Haggerty Road, (Parcel ID# V-125-83-047-99-0007-701) from C-1 (General Business) to OT (Office Technology).
3. **Zoning Ordinance Text Amendment:** A proposed amendment to the Zoning Ordinance which adds “High Tech, Data Processing, and Computer Centers” as a permitted use in the M-1, Light Industrial Zoning District.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: July 13, 2018
Published: July 19, 2018