

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES  
AUGUST 20, 2018 WORK STUDY MEETING 4:00 P.M.  
TENTATIVE AGENDA**

**ROLL CALL:**

Supervisor McNamara	_____	Trustee Miller	_____
Clerk Wright	_____	Trustee White	_____
Treasurer Budd	_____	Engineer Potter	_____
Trustee Frazier	_____	Attorney McCauley	_____
Trustee Martin	_____	Secretary Montgomery	_____

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Discussion on entering into an agreement with Midwest Recycling Inc.
2. Discussion on Resolution 2018-15- 2018 Tax Rate Request.
3. Discussion on Resolution 2018-13 the Stormwater Maintenance Agreement between the Township and Speedway LLC.
4. Discussion on the use and holdings of Van Buren Township owned properties.
5. Discussion on Ordinance 08-21-18 to rezone parcel V125-83-047-99-0007-701 (9275 Haggerty Rd.) from C-1, General Business to OT, Office Technology.
6. Discussion on Ordinance 08-21-18 (1) changes to the Charter Township of Van Buren Zoning Ordinance 5-2-17 (2) to add the High Tech, Data Processing, and Computer Centers use to the M-1, Light Industrial zoning district.
7. Discussion on the request for special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road.
8. Discussion on the petition and Resolution 2018-17 for the abandonment of a portion of the Denton Drain as proved in Chapter 17 of Public Act 40 of 1956, as amended.

**PUBLIC COMMENT:**

**CLOSED SESSION:**

1. The Township Board will go into closed session pursuant to MCL 15.268(e) to consult with the Township attorney regarding pending Visteon litigation.
2. The Township Board will go into closed session to discuss on-going Michigan Association of Fire Fighters contract negotiations.
3. The Township Board will go into closed session to discuss on-going Police Officers Labor Council-Command contract negotiations.

**ADJOURNMENT:**

**NOTICE OF CLOSED SESSION  
OF THE  
CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF TRUSTEES  
TO BE HELD AT  
4:00 P.M.**

**FOLLOWING THE REGULARLY SCHEDULED  
WORK STUDY SESSION**

**ON MONDAY, AUGUST 20, 2018**

**TOWNSHIP HALL  
46425 TYLER ROAD  
BELLEVILLE, MI 48111**

**FOR THE PURPOSE OF DISCUSSING:**

- 1. The Township Board will go into closed session pursuant to MCL 15.268(e) to consult with the Township attorney regarding pending Visteon litigation.**
- 2. The Township Board will go into closed session to discuss on-going Michigan Association of Fire Fighters contract negotiations.**
- 3. The Township Board will go into closed session to discuss on-going Police Officers Labor Council-Command contract negotiations.**

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

# Charter Township of Van Buren

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

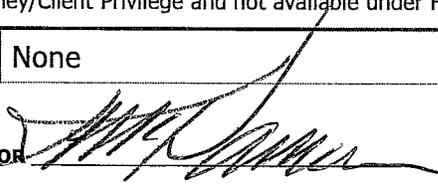
## REQUEST FOR BOARD ACTION

**WORK STUDY**  
**DATE: 8-20-2018**  
**BOARD MEETING**  
**DATE: 8-21-2018**

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

<b>ITEM (SUBJECT)</b>	Consideration of Agreement between Van Buren Township and Midwest Recycling Inc.
<b>DEPARTMENT</b>	Supervisor's Office
<b>PRESENTER</b>	Supervisor McNamara
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Jim Godbout (Work Study), Abe Hachem (Board Meeting)

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider entering into an Agreement with Midwest Recycling Inc. and allowing Supervisor McNamara to authorize the contract.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Please see attached proposed contract with Midwest Recycling Inc.	
<b>BUDGET IMPLICATION</b>	none
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	

**RECYCLING SERVICE AGREEMENT BETWEEN  
VAN BUREN TOWNSHIP AND MIDWEST RECYCLING, INC.**

This Agreement is made and entered into by and between VAN BUREN TOWNSHIP, a Michigan Municipal Corporation, having its offices at 46425 Tyler Road, Van Buren Township, MI 48111 (referred to as "TOWNSHIP"), and MIDWEST RECYCLING, Inc ("MIDWEST"), a Michigan company, whose address is 26051 Michigan Avenue, Inkster, Michigan 48141.

WHEREAS, the TOWNSHIP is desirous of retaining MIDWEST to process the TOWNSHIP 'S drop-off clothing recyclables.

WHEREAS, MIDWEST represents it is qualified to provide such services to the TOWNSHIP; NOW, THEREFORE, VAN BUREN TOWNSHIP and MIDWEST in consideration

of the mutual covenants, terms and conditions set forth below, agree as follows:

**SECTION 1. APPOINTMENT:**

- A. The TOWNSHIP hereby retains MIDWEST to provide exclusive clothing drop-off recycling to the TOWNSHIP of materials including clothing, coats, shoes and textiles.
- B. MIDWEST shall initially place collection boxes at the locations approved by the TOWNSHIP. MIDWEST may add collection sites or change the number of boxes at a collection site upon consultation with, and approval of, the TOWNSHIP.

**SECTION 2. TERM:**

The Agreement shall commence on September 1, 2018 and shall continue in full force and effect for a term that ends on September 1, 2019 unless terminated by either party as provided in Section 6 below. Upon expiration of this term and to the extent permitted by law,

the TOWNSHIP reserves the right to extend this agreement for up to five (5) additional consecutive one (1) year terms, each with the mutual consent of MIDWEST.

**SECTION 3. RELATIONSHIP:**

- A. This Agreement between the TOWNSHIP and MIDWEST shall not create nor be construed as creating an employer-employee or master-servant relationship between the TOWNSHIP and MIDWEST.
- B. MIDWEST shall obtain the approval of the TOWNSHIP of any MIDWEST marketing to the TOWNSHIP residents. The TOWNSHIP will use reasonable efforts to promote this recycling activity.

**SECTION 4. PAYMENT:**

- A. MIDWEST shall pay the TOWNSHIP at the rate of .06 dollars/pound of material collected.
- B. MIDWEST shall make payment to the TOWNSHIP on a monthly basis and reconcile the collected pounds of material with the payment.

**SECTION 5. LIMITATION OF AUTHORITY:**

- A. MIDWEST shall have no power or authority other than that expressly granted herein, and no other or greater powers shall *be* implied from the grant or denial of powers specifically mentioned herein.
- B. MIDWEST shall not represent itself to be an agent or employee of the TOWNSHIP or to be related to the TOWNSHIP other than for the express purposes contained in this Agreement.

**SECTION 6. TERMINATION:**

- A. This Agreement may be terminated by either party on a 90-day written notice.
- B. MIDWEST authorizes the TOWNSHIP to remove any MIDWEST boxes after the 90-day notice period expires.

**SECTION 7. RESPONSIBILITY AND QUALITY OF SERVICES:**

- A. QUALITY OF SERVICES: MIDWEST standard of service under this

Agreement shall be of the level of quality performed by contractor's regularly rendering this type of service. Nothing in this Agreement shall be construed to interfere with or otherwise affect the rendering of services by MIDWEST in accordance with its independent and professional judgment in so far as MIDWEST'S scope of services is concerned; however, determination of acceptable quality shall be made solely by the TOWNSHIP.

- B. COMPLIANCE WITH APPLICABLE LAW: MIDWEST shall perform its services under this Agreement in compliance with all applicable laws, ordinances and regulations.
- C. DROP-OFF AREAS: MIDWEST shall keep the areas around drop-off boxes clean and free of debris and clean of recyclables and of any other materials that are dropped off, even if such cannot be recycled. The drop-off boxes shall be maintained so as not to become unsightly or blight.

**SECTION 8. INSURANCE AND INDEMNIFICATION:**

- A. MIDWEST shall procure and maintain during the life of this Agreement, such insurance policies, including those set forth below, as will protect itself from all claims for bodily injuries, death or property damage which may arise under this Agreement whether the acts were made by MIDWEST or by any subcontractor or anyone employed by them directly or indirectly. The following insurance policies are required:

- 1. *Worker's Compensation insurance* in accordance with all applicable state and federal statutes. Further, Employers Liability Coverage shall be obtained in the following minimum amounts:

Bodily Injury by Accident	-	\$1,000,000 each accident
Bodily Injury by Disease employee	-	\$1,000,000 each
Bodily Injury by Disease	-	\$1,000,000 each policy

limit

2. *Commercial General Liability Insurance, Products and Completed Operations, Explosion, Collapse and Underground Coverage or Pollution Insurances* with the following minimum limits of liability are required:

\$1,000,000 Bodily Injury — each occurrence

\$1,000,000 Property Damage — each occurrence

3. *Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages.* The limits of liability shall be \$500,000 for each occurrence as respects Bodily Injury Liability or Property Damage Liability or both combined.

B. Insurance required under this Contract shall be considered primary with respect to any other valid or collectible insurance that the TOWNSHIP may possess including any self-insured retentions the TOWNSHIP may have, and any other insurance the TOWNSHIP possesses shall be considered excess insurance only and shall not be required to contribute to this insurance. Further, MIDWEST agrees to waive any right of recovery by its insurer against the TOWNSHIP.

C. MIDWEST shall provide to the TOWNSHIP before commencement of any work under this Agreement documentation demonstrating it has obtained the above listed policies.

1. Documentation must demonstrate an unconditional 30 days' written notice of cancellation in favor of VAN BUREN TOWNSHIP. The documentation must explicitly state the following: (a) the policy number; name of insurance company; name and address of insured; project name; policy expiration date;

and specific coverage amounts; (b) any deductibles or self-insured retentions which shall be approved by the TOWNSHIP, in its sole discretion; and (c) that the policy conforms to the requirements specified.

2. Should any of the above coverages expire by their terms during the term of this Contract, MIDWEST shall deliver proof of renewal and /or new policies to the Supervisor's Department at least five (5) days prior to the expiration date.

D. MIDWEST to the fullest extent permitted by law agrees to indemnify, defend and save harmless the TOWNSHIP and its officers, agents, servants and employees from and against any and all claims and any and all losses or expenses, including cost and attorney's fees by reason of liability imposed by law upon the TOWNSHIP and its officers, agents, servants *and* employees for damages because of bodily injury, including death, resulting from or sustained by any person or persons, and for damage to property, including loss of use thereof, arising out of or in consequence of the performance of this Agreement whether or not such injuries to persons or damage to property is due or claimed to be due to the negligence of the TOWNSHIP , its officers, agents, servants and employees.

**SECTION 9. ASSIGNMENT:**

No assignment nor transfer of rights or interest under this Agreement shall be valid as against the TOWNSHIP unless written consent of such assignment or transfer is obtained in advance by MIDWEST from the TOWNSHIP.

SECTION 10. **WRITTEN NOTICE:**

Any notice required to be given under this Agreement shall be deemed delivered and effective on the date of actual delivery of certified mail to MIDWEST or the TOWNSHIP. Such notices shall be delivered by certified mail to;

TOWNSHIP: VAN BUREN TOWNSHIP  
**Attention: Supervisor**  
46425 Tyler Road  
Van Buren Township, MI 48111

MIDWEST:  
MIDWEST RECYCLING, INC.  
**Attention: Abe Hachem**  
26051 Michigan Ave.  
Inkster, MI 48141

SECTION 11. **ENTIRE AGREEMENT:**

This Agreement embodies the entire Agreement between the parties and no oral representations or promises have been made or received by either of the parties unless contained herein. Any modification hereof must be in writing, approved by the TOWNSHIP, and signed by the parties hereto, and no acts of forbearance on the part of the TOWNSHIP to enforce any of the provisions in this Agreement shall be construed as a modification of this Agreement nor shall the failure of either party to exercise any right or privilege herein granted be considered as waiver of such right or privilege.

SECTION 12. **SEVERABILITY:**

Whenever possible, each provision of this Agreement shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision of this

Agreement is determined to be invalid or unenforceable for any reason, as determined by a Court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected but shall be construed and enforced as if the invalid or unenforceable provision had never been included herein.

**SECTION 13. CHOICE OF LAW**

This Agreement shall be construed, governed and enforced in accordance with the laws of the State of Michigan. By executing this Agreement, MIDWEST and the TOWNSHIP agree to venue in a court of appropriate jurisdiction sitting within Wayne County for purposes of any action arising under this Agreement.

**SECTION 14. EFFECTIVE DATE:**

This Agreement shall become effective on the date executed.

**MIDWEST RECYCLING**

**VAN BUREN TOWNSHIP**

**BY:**

**BY:**

-----  
**Abdallah Hachem**

-----  
**Kevin McNamara, Supervisor**

DATE:

# Charter Township of Van Buren

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

## REQUEST FOR BOARD ACTION

**WORK STUDY: AUGUST 20, 2018**  
**BOARD MEETING: AUGUST 21, 2018**

New Business     Unfinished Business     Public Hearing     Consent Agenda

<b>ITEM (SUBJECT)</b>	Consider Adoption of Resolution 2018-15, 2018 Tax Rate Request
<b>DEPARTMENT</b>	Assessing
<b>PRESENTER</b>	Linda M. Stevenson, Assessment Coordinator
<b>PHONE NUMBER</b>	699-8946
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	Approval of Resolution 2018-15, 2018 Tax Rate Request
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	<p>Every year the Township Board must approve a resolution establishing the Township’s tax rate for the December Tax Levy. The requested tax rates comply with appropriate millage reduction fractions (Headlee and Truth in Assessing)</p> <p>Items included: 1. Resolution 2018-15</p> <p>2. Form L-4029</p>

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Forward documentation to Wayne County
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN  
RESOLUTION 2018-15**

**RESOLVED** by the Township Board of the Charter Township of Van Buren, that there be levied on the taxable property of said Township for the year 2018, for township purposes, a tax of mills on the 2018 Taxable Value as thereof (real and personal property), said value being \$ 1,040,785,905 and the tax amounting to \$7,635,621.

APPROVED:

August 14, 2018

Certified a true copy:

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

a.	Allocated Millage	.9047	
b.	Extra Voted Millage – 1.	<u>6.4317</u>	– Public Safety
	Total . . . . .	7.3364	

**2018 Tax Rate Request (This form must be completed and submitted on or before September 30, 2018)**

Carefully read the instructions on page 2.

MILLAGE REQUEST REPORT TO COUNTY BOARD OF COMMISSIONERS

This form is issued under authority of MCL Sections 211.24e, 211.34 and 211.34d. Filing is mandatory. Penalty applies.

County(ies) Where the Local Government Unit Levies Taxes

2018 Taxable Value of ALL Properties in the Unit as of 5-29-18

WAYNE

1,040,785,905

Local Government Unit Requesting Millage Levy

For LOCAL School Districts: 2018 Taxable Value excluding Principal Residence, Qualified Agricultural, Qualified Forest, Industrial Personal and Commercial Personal Properties.

CHARTER TOWNSHIP OF VAN BUREN

This form must be completed for each unit of government for which a property tax is levied. Penalty for non-filing is provided under MCL Sec 211.119. The following tax rates have been authorized for levy on the 2018 tax roll.

(1) Source	(2) Purpose of Millage	(3) Date of Election	(4) Original Millage Authorized by Charter, etc.	(5) ** 2017 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(6) 2018 Current Year "Headlee" Millage Reduction Fraction	(7) 2018 Millage Rate Permanently Reduced by MCL 211.34d "Headlee"	(8) Sec. 211.34 Truth in Assessing or Equalization Millage Rollback Fraction	(9) Maximum Allowable Millage Levy *	(10) Millage Requested to be Levied July 1	(11) Millage Requested to be Levied Dec. 1	(12) Expiration Date of Millage Authorized
ALLOCATED	OPERATING	N/A	1.0000	.9144	.9895	.9047	1.0000	.9047	0	.9047	N/A
APP-EXTRA	PUBLIC SAFETY	11-8-16	6.5000	6.5000		6.4317	1.0000	6.4317	0	6.4317	12-31-23

Prepared by **LINDA M. STEVENSON** Telephone Number **734-699-8946** Title of Preparer **ASSESSMENT COORDINATOR** Date **8-14-18**

**CERTIFICATION:** As the representatives for the local government unit named above, we certify that these requested tax levy rates have been reduced, if necessary to comply with the state constitution (Article 9, Section 31), and that the requested levy rates have also been reduced, if necessary, to comply with MCL Sections 211.24e, 211.34 and, for LOCAL school districts which levy a Supplemental (Hold Harmless) Millage, 380.1211(3).

<input checked="" type="checkbox"/> Clerk	Signature	Print Name	Date
<input type="checkbox"/> Secretary		<b>LEON WRIGHT</b>	<b>8-14-18</b>
<input checked="" type="checkbox"/> Chairperson	Signature	Print Name	Date
<input type="checkbox"/> President		<b>KEVIN MCNAMARA</b>	<b>8-14-18</b>

\* Under Truth in Taxation, MCL Section 211.24e, the governing body may decide to levy a rate which will not exceed the maximum authorized rate allowed in column 9. The requirements of MCL 211.24e must be met prior to levying an operating levy which is larger than the base tax rate but not larger than the rate in column 9.

**\*\* IMPORTANT:** See instructions on page 2 regarding where to find the millage rate used in column (5).

Local School District Use Only. Complete if requesting millage to be levied. See SFC Bulletin 3 of 2018 for instructions on completing this section.	Rate
Total School District Operating Rates to be Levied (HH/Supp and NH Oper ONLY)	
For Principal Residence, Qualified Ag, Qualified Forest and Industrial Personal	
For Commercial Personal	
For all Other	

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

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

Work Study Date: 08/20/18  
Board Meeting: 08/21/18

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

<b>ITEM (SUBJECT)</b>	Granting approval of the Stormwater Maintenance Agreement And Board Resolution with Speedway LLC, at 9237 Belleville in Van Buren Township, Michigan 48111
<b>DEPARTMENT</b>	Planning
<b>PRESENTER</b>	Matthew R. Best, Director of Public Services
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Granting approval of the Stormwater Maintenance Agreement And Board Resolution with Speedway LLC, at 9237 Belleville in Van Buren Township, Michigan 48111, and authorize the Supervisor and the Clerk or their designees to sign the permit, stormwater maintenance agreement and resolution 2018-13.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
This agreement designates that the property owner will be responsible for and maintain the stormwater facilities on the property at 9237 Belleville.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Supervisor or his designee to sign Agreement.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	The document was reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	This is the standard agreement between Van Buren Township and a property owner.
<b>APPROVAL OF SUPERVISOR</b>	

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

This Storm Water Management System Maintenance and Repair Agreement (“AGREEMENT”) made and entered into as of \_\_\_\_\_, 2018 by and among the CHARTER TOWNSHIP OF VAN BUREN, a municipal corporation, with principal offices located at 46425 Tyler Rd, Van Buren Township, MI 48111, hereafter referred to as the “TOWNSHIP”; and SPEEDWAY LLC, an Ohio company, whose principal office is located at 500 Speedway Drive, Enon, OH 45323, hereafter referred to as “OWNER”.

**WITNESSETH:**

**WHEREAS**, The OWNER owns a certain real property located at 9273 Belleville Road, in Van Buren Township, Wayne County, Michigan and described in the legal Description attached as Exhibit A; and

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

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

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

**WHEREAS**, the OWNER wished to outlet storm drainage from the proposed manufacturing facility property through connection(s) within the property described in Exhibit A, the connection being made by owner as shown on Exhibit A. As shown Exhibit A, attached hereto and made a part hereof by Reference, the open ditch connection are hereinafter referred to as the "CONNECTIONS" and the proposed storm water management system to be Contracted as per of the proposed manufacturing facility and which will access via the CONNECTION is hereinafter referred to as the "FACILITY", and

**WHEREAS**, the TOWNSHIP has received permit number M-50284 ("Permit") Attached as Exhibit C issued by Wayne County authorizing the construction operation and maintenance of the OWNER's Plan, CONNECTIONS and FACILITY; and

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

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

1. The OWNER shall be responsible for and shall pay all costs related to the construction, operation, maintenance and repair of the FACILITY. The OWNER shall be responsible for all subsequent liabilities and costs for the maintenance, operation, repair and replacement of the FACILITY. The OWNER shall be fully, completely and unconditionally responsible for, shall assume all TOWNSHIP obligations under the Permit and shall pay all costs related to performing the requirements of the Permit and Plan
2. The TOWNSHIP may enter upon the OWNER's property upon reasonable notice for the purposes of inspecting, repairing and maintaining said storm drainage system and private sewer pipe, in which event the OWNER agrees to pay to the TOWNSHIP all charges and expenses incurred thereon. In the event that the OWNER shall, at any time, fail to carry out the responsibilities specified within This Agreement, and/or I the event of a failure to preserve and/or maintain the FACILITY in reasonable order and condition. TOWNSHIP may serve written notice upon the Owner setting forth the deficiencies in maintenance and/or preservation along with a demand that the deficiencies be cured within a stated reasonable time period and, if not cured, TOWNSHIP shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents or contractors to enter the Property and perform such obligation or take such corrective measures as reasonably found by the TOWNSHIP to be appropriate or necessary. The cost and expense of making and financing such actions by the TOWNSHIP, including notices by the TOWNSHIP and actual legal fees incurred by the TOWNSHIP, plus and administrative fee in an amount not to exceed twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by OWNER within thirty (30) days of a billing to the OWNER. All unpaid amounts may be

placed on the delinquent tax roll of the TOWNSHIP and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the TOWNSHIP, such costs and expenses may be collected by suit instituted against the OWNER and in such event; the OWNER shall pay all court costs and actual attorney fees incurred by the TOWNSHIP in connection with such suit.

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

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

(Signatures on the following page)



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

By: \_\_\_\_\_  
Kevin McNamara, Supervisor

By: \_\_\_\_\_  
Leon Wright, Clerk, CMC

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF WAYNE     )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2018, by Kevin McNamara and Leon Wright, the Supervisor and Clerk, respectively, of the Charter Township of Van Buren, a Michigan body public, on behalf of said body.

\_\_\_\_\_  
Notary Public, Wayne County, Michigan

My commission expires: \_\_\_\_\_

DRAFTED BY AND WHEN  
RECORDED RETURN TO:

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



PERMIT No. <b>M-50284</b>	
ISSUE DATE <b>6/19/2018</b>	EXPIRES
REVIEW No. <b>R 17-067</b>	WORK ORDER

PERMIT OFFICE  
33809 MICHIGAN AVE  
WAYNE, MI 48184,  
PHONE (734) 595-6504  
FAX (734) 595-6356

72 HOURS BEFORE ANY  
CONSTRUCTION. CALL

FOR INSPECTION

**WAYNE COUNTY**  
**DEPARTMENT OF PUBLIC SERVICES**  
**PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN**

PROJECT NAME  
MAINTENANCE PERMIT FOR SPEEDWAY STORE #100866

LOCATION  
TYLER ROAD & BELLEVILLE ROAD (NE CORNER OF TYLER & BELLEVILLE ROADS)

CITY/TWP  
VAN BUREN TWP

PERMIT HOLDER VAN BUREN CHARTER TOWNSHIP 46425 TYLER ROAD VAN BUREN TOWNSHIP, MI 48111	CONTRACTOR
CONTACT MATTHEW BEST (734) 699-8913	CONTACT <BLANK>

DESCRIPTION OF PERMITTED ACTIVITY (72 HOURS BEFORE YOU DIG, CALL MISS DIG 1-800-482-7161, www.missdig.org)

PERMIT TO MAINTAIN THE STORM WATER MANAGEMENT SYSTEM IN ACCORDANCE WITH THE DRAWING ATTACHED AS EXHIBIT "A", THE TERMS OF THE LONG-TERM MAINTENANCE PLAN ATTACHED AS EXHIBIT "B" AND THE WAYNE COUNTY STORM WATER ORDINANCE AND ADMINISTRATIVE RULES. A RESOLUTION FROM THE VAN BUREN TOWNSHIP TO MAINTAIN THE PROPOSED STORM WATER MANAGEMENT SYSTEM AND ITS FACILITIES IS REQUIRED.

THE TOWNSHIP OF VAN BUREN SHALL ASSUME JURISDICTION OVER AND ACCEPT RESPONSIBILITY FOR MAINTENANCE OF THE STORM WATER MANAGEMENT SYSTEM(S) TO ENSURE THAT THE STORM WATER MANAGEMENT SYSTEM FUNCTIONS PROPERLY AS DESIGNED AND CONSTRUCTED. THE PERMIT HOLDER'S RESPONSIBILITIES UNDER THIS PERMIT SHALL INCLUDE, WITHOUT LIMITATIONS, (A) ANY MONITORING AND PREVENTIVE MAINTENANCE ACTIVITIES SET FORTH IN THE PLAN; (B) ANY AND ALL REMEDIAL ACTIONS NECESSARY TO REPAIR, MODIFY OR RECONSTRUCT THE SYSTEM AND © OTHER ACTIVITIES OR RESPONSIBILITIES FOR MAINTENANCE OF THE STORM WATER MANAGEMENT SYSTEM AS MAY BE SET FORTH IN THE ORDINANCE, ADMINISTRATIVE RULES, THE PLAN OR THIS PERMIT.

THE TOWNSHIP OF VAN BUREN SHALL PERFORM ALL MONITORING, MAINTENANCE, REMEDIAL AND OTHER RESPONSIBILITIES REQUIRED BY THE WAYNE COUNTY ORDINANCE, ADMINISTRATIVE RULES, THE PLAN AND THIS PERMIT, IN PERPETUITY AND AT ITS SOLE COST EXPENSE.

THE TOWNSHIP OF VAN BUREN SHALL PREPARE, EXECUTE AND (IF NECESSARY) RECORD ANY AND ALL AGREEMENTS, CONTRACTS AND OTHER DOCUMENTS THAT MAY BE REQUIRED TO PERFORM ITS OBLIGATIONS HEREUNDER AND ENSURE MAINTENANCE OF THE STORM WATER MANAGEMENT SYSTEM IN PERPETUITY.

IF WAYNE COUNTY FINDS IT NECESSARY TO ADJUST OR RELOCATE ALL OR ANY PORTION OF THE PERMITTED STORM WATER MANAGEMENT SYSTEM, THE PERMIT HOLDER SHALL CAUSE THIS ADJUSTMENT OR RELOCATION TO BE ACCOMPLISHED AT NO EXPENSE TO THE COUNTY. PRIOR TO ANY WORK BEING PERFORMED IN THE RIGHT-OF-WAY, A PERMIT SHALL BE SECURED FROM THE WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES PERMIT OFFICE.

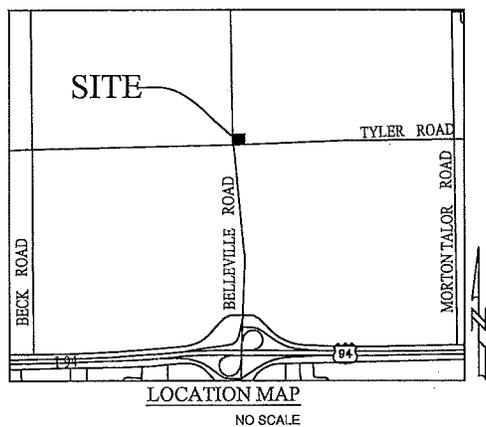
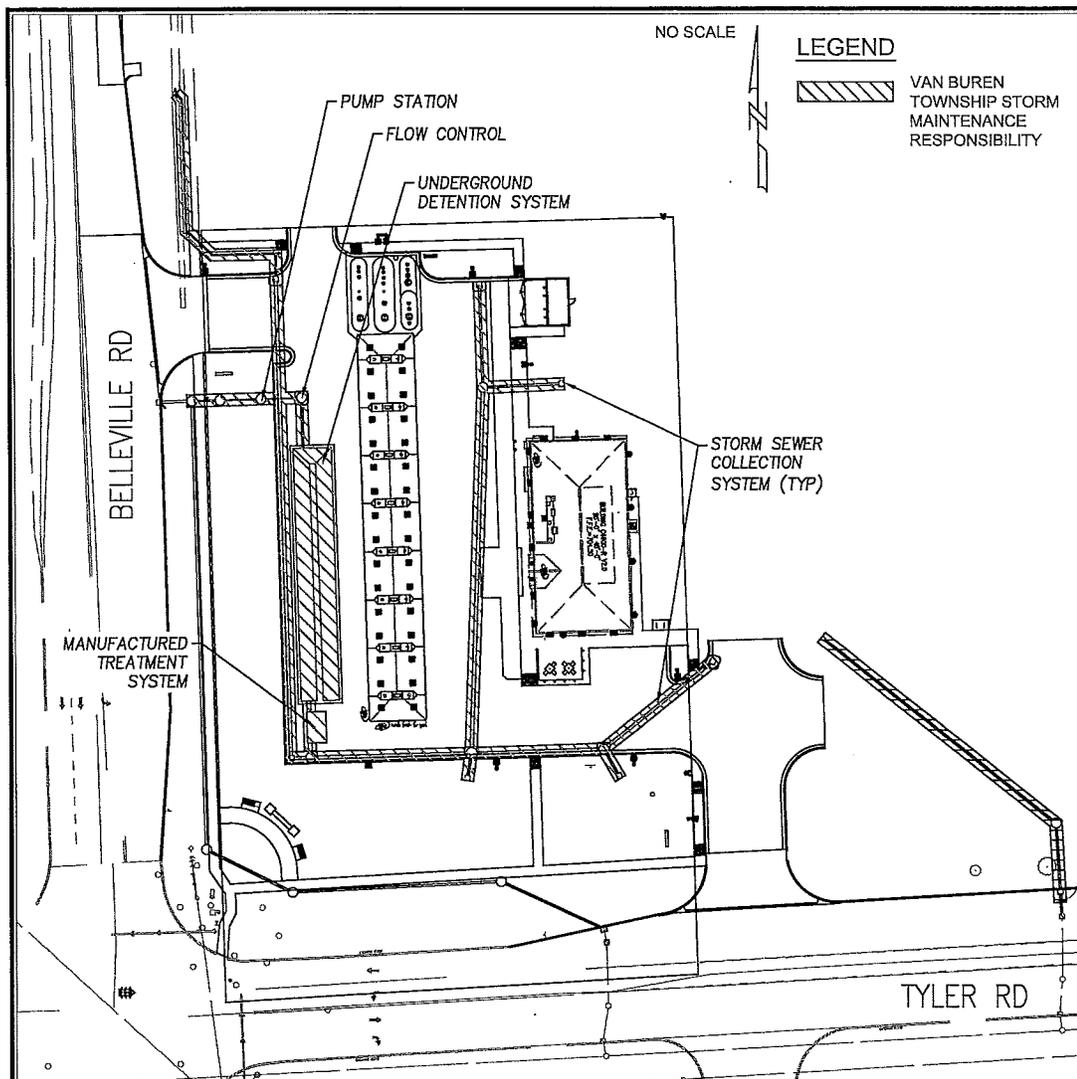
APPROVED PLANS PREPARED BY Weihe Engineers, Inc.	REQUIRED ATTACHMENTS EXHIBIT A: MAP DEPICTING PHYSICAL LIMITS OF STORM WATER MGT SYSTEM EXHIBIT 'B': LONG TERM MAINTENANCE PLAN EXHIBIT 'C': BINDING AGREEMENT (COMMUNITY RESOLUTION)
PLANS APPROVED BY Razi, M.	(PERMIT VALID ONLY IF ACCOMPANIED BY ABOVE ATTACHMENTS)

*In consideration of the Permit Holder and Contractor agreeing to abide and conform with all the terms and conditions herein, a Permit is hereby issued to the above named to Construct, Operate, Use and/or Maintain within the Road Right of Way, County Easement, and/or County Property. The permitted work described above shall be accomplished in accordance with the Approved Plans, Maps, Specifications and Statements filed with the Permit Office which are integral to and made part of this Permit. The General Conditions as well as any Required Attachments are incorporated as part of this Permit.*

**WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES**

PERMIT HOLDER NAME DATE PREPARED BY  
PERMIT HOLDER / AUTHORIZED AGENT

VALIDATED BY DATE  
PERMIT COORDINATOR



**LEGAL DESCRIPTION:**

TAX ID: 83-039-99-0009-721

LAND SITUATED IN THE TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, AND STATE OF MICHIGAN, DESCRIBED AS:

PART OF THE SOUTHWEST 1/4 OF SECTION 10, TOWN 3 SOUTH, RANGE 8 EAST; COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE N 86°37'49" E, 60.03 FEET ALONG THE SOUTH LINE OF SAID SECTION 10; THENCE N 01°34'46" W, 60.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 01°34'46" W, 326.01 FEET PARALLEL TO THE WEST LINE OF SAID SECTION 10; THENCE N 88°25'14" E, 239.89 FEET; THENCE S 01°34'46" E, 187.34 FEET; THENCE N 86°37'49" E, 75.00 FEET; THENCE S 01°34'46" E, 131.16 FEET TO A POINT ON A PROPOSED 60 FOOT RIGHT-OF-WAY LINE FOR TYLER ROAD; THENCE S 86°37'49" W, 315.00 FEET ALONG SAID PROPOSED RIGHT-OF-WAY TO THE POINT OF BEGINNING. CONTAINING 2.00 ACRES AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

**SPEEDWAY 100866**

NE CORNER OF BELLEVILLE  
& TYLER ROADS  
VAN BUREN TOWNSHIP, MICHIGAN

**EXHIBIT A**

PHYSICAL LIMITS OF STORMWATER  
MANAGEMENT SYSTEM  
9-29-2017

**WEIHE**  
ENGINEERS

10505 N. College Avenue  
Indianapolis, Indiana 46280  
weihe.net  
317.846.6611

**EXHIBIT "B" - STORM WATER MANAGEMENT SYSTEM LONG-TERM MAINTENANCE PLAN**

Wayne County DPS Permit No.: M –  
Wayne County DPS Plan review No.: R17-067

**A. Physical Limits of the Storm Water Management System**

The storm water management system (SWMS) subject to this long-term maintenance plan (Plan) is depicted on Exhibit A to the permit and includes without limitation the storm sewers, swales, catch basins, manholes, manufactured treatment system, underground detention system, flow restrictor structure, pump station, and outlet pipe that conveys flow from the underground detention system to a storm structure within the right-of-way of Tyler Road. For the purposes of this plan, this SWMS and all of its components as shown in Exhibit A is referred to as "Speedway Store SWMS".

**B. Time Frame for Long-Term Maintenance Responsibility**

Speedway LLC is responsible for maintaining the Speedway Store SWMS including complying with applicable requirements of the local or Wayne County soil erosion and sedimentation control program until Wayne County releases the construction permit. Long-term maintenance responsibility for the Speedway Store SWMS commences when defined by the maintenance permit issued by the County. Long-term maintenance continues in perpetuity.

**C. Manner of Insuring Maintenance Responsibility**

The Township of Van Buren has assumed responsibility for long-term maintenance of the Speedway Store SWMS. The resolution by which the Township of Van Buren has assumed maintenance responsibility is attached to the permit as Exhibit C. The Speedway LLC, through a maintenance agreement with the Van Buren Township, has agreed to perform the maintenance activities required by this plan. The Van Buren Township retains the right to enter the property and perform the necessary maintenance of the Speedway Store SWMS if the Speedway LLC fails to perform the required maintenance activities.

To ensure that the Speedway Store SWMS is maintained in perpetuity, the map of the physical limits of the storm water management system (Exhibit A), this plan (Exhibit B), the resolution attached as Exhibit C, and the maintenance agreement between the Van Buren Township and the property owner will be recorded with the Wayne County Register of Deeds. Upon recording, a copy of the recorded documents will be provided to the County.

**D. Long-Term Maintenance Plan and Schedule**

Table 1 identifies the maintenance activities to be performed, organized by category (monitoring/inspections, preventative maintenance and remedial actions). Table 1 also identifies site-specific work needed to ensure that the storm water management system functions properly as designed.

TABLE 1 STORM WATER MANAGEMENT SYSTEM LONG-TERM MAINTENANCE SCHEDULE							
MAINTENANCE ACTIVITIES	SYSTEM COMPONENTS	Storm Collection System (Sewers, Swales, Catch Basins, Manholes)	Manufactured Treatment System	Underground Detention System	Flow Restrictor Structure & Outlet Pipe	Pavement Areas	FREQUENCY
<b>Monitoring/Inspection</b>							
Inspect for Sediment Accumulation/Clogging	X	X	X	X	X	X	Annually
Inspect For Floatables, Dead Vegetation & Debris	X	X	X	X	X	X	Annually & After Major Events
Inspect For Erosion And Integrity of System	X					X	Annually & After Major Events
Inspect All Components During Wet weather & Compare to As-Built Plans	X	X	X	X	X	X	Annually
Ensure Maintenance Access Remain Open/Clear	X	X	X	X	X	X	Annually
<b>Preventative Maintenance</b>							
Remove Accumulated sediments	X	X	X	X	X	X	As Needed (See Note Below)
Remove Floatables, Dead Vegetation & Debris	X					X	As Needed
Sweeping of Paved Surfaces						X	As Needed
<b>Remedial Actions</b>							
Repair/Stabilize Areas of Erosion	X					X	As Needed
Replace Dead Plantings & Reseed Bare Areas	X						As needed
Structural Repairs	X	X	X	X	X	X	As Needed
Make Adjustments/Repairs to Ensure Proper Functioning	X	X	X	X	X	X	As Needed

**NOTE:** Manufactured treatment system and underground detention system to be cleaned according to the manufacturer's recommendations; at a minimum, whenever sediments accumulate to a depth of 6-12 inches, or if sediment resuspension is observed.

PROJECT: Speedway Store #100866 Corner of Belleville & Tyler Roads Van Buren Township, Michigan	PROPERTY OWNER: Speedway LLC 500 Speedway Drive Enon, OH 45323 Contact: Andrew Salt Phone: (937) 864-3000	ENGINEER: WEIHE Engineers, Inc. 10505 N. College Avenue Indianapolis, IN 46280 Phone: (317) 846-6611 Fax: (317) 846-0546	DATE: 07 / 19 / 2017
			SHEET 1 OF 1

RESOLUTION 2018-013

CHARTER TOWNSHIP OF VAN BUREN  
TOWNSHIP BOARD

LONG TERM MAINTENANCE OF STORM WATER MANAGEMENT SYSTEM  
FOR SPEEDWAY LLC.

At a Regular Meeting of the Charter Township of Van Buren Board of Trustees on August 20, 2018, the following resolution was offered

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

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

**WHEREAS**, Speedway LLC, (“Developer”), as property owner, has applied to the Wayne County Department of Public Services for a storm water construction approval with respect to a project named Speedway (“Project”) located at 9273 Belleville Road, in Van Buren Township, Wayne County, Michigan; and,

**WHEREAS**, Developer's application for storm water construction approval has been assigned permit review number R-17-067; and permit number M-50284; and,

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

**WHEREAS**, the Plan has been reviewed and approved by the Township engineer and Planning Commission, in accordance with the development of the Project, located at 9273 Belleville Road, in Van Buren Township, Wayne County, Michigan (parcel V125-83-09-99-0009-726) in Van Buren Township by the Developer, a Ohio company, whose address is 500 Speedway Drive, Enon, OH 45323; and,

**WHEREAS**, the Township has agreed to assume jurisdiction and accept responsibility for long term maintenance of the storm water management system at the Project in perpetuity, in the event the Developer does not maintain the storm water Plan for the Project; subject, however, to the storm water management system maintenance and repair agreement ("Agreement") between the Township and Developer as authorized by Rule 1002 by which the Developer shall undertake this responsibility, and provided further the said acceptance of

jurisdiction and maintenance excludes all storm water related structures in Wayne County's rights of ways associated with or part of the Project by the Developer on a parcel of land known as 6200 Schooner in Van Buren, Michigan 48111 (parcel V125-83-017-99-0014-704.)

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

**BE IT FURTHER RESOLVED**, that the Supervisor and/or Clerk be and hereby are authorized to execute a Wayne County storm drainage maintenance permit number M-50284 on behalf of the Charter Township of Van Buren in connection with the Project by the Developer on a parcel of land known as 9273 Belleville Road (parcel V125-83-09-99-0009-726) in Van Buren Township.

**BE IT FURTHER RESOLVED**, that the Supervisor and Clerk be and hereby are authorized to execute a Storm Water Management System Maintenance & Repair Agreement with the Developer for the Project to require Developer to assume all costs for maintenance and operation of storm sewer

facilities outside of the Wayne County rights of ways associated with or part of the Project by the Developer as owner of the property in Van Buren Township.

AYES:

NAYS:

ABSENT:

I, Leon Wright, Clerk of the Charter Township of Van Buren, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Charter Township of Van Buren Board of Trustees, at a regular meeting held on this \_\_\_\_\_ day of August, 2018.

---

Leon Wright, CMC

Clerk, Charter Township of Van Buren

# Charter Township of Van Buren

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

## REQUEST FOR BOARD ACTION

**WORK STUDY**  
**DATE: 8-20-2018**

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

<b>ITEM (SUBJECT)</b>	Discussion on the use and holdings of Van Buren Township owned properties.
<b>DEPARTMENT</b>	Supervisor's Office
<b>PRESENTER</b>	Supervisor McNamara
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Director Best

### Agenda topic

<b>ACTION REQUESTED</b>	
Discussion on the use and holdings of Van Buren Township owned properties.	
<b>BACKGROUND - (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Attached is GIS Mapping of Township owned properties.	

<b>BUDGET IMPLICATION</b>	none
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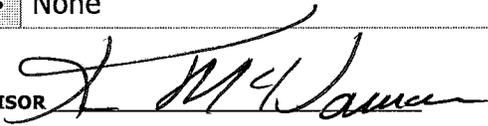
<b>IMPLEMENTATION NEXT STEP</b>	
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<b>DEPARTMENT RECOMMENDATION</b>	none
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<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
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<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	

<b>ADDITIONAL REMARKS</b>	None
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<b>APPROVAL OF SUPERVISOR</b>	
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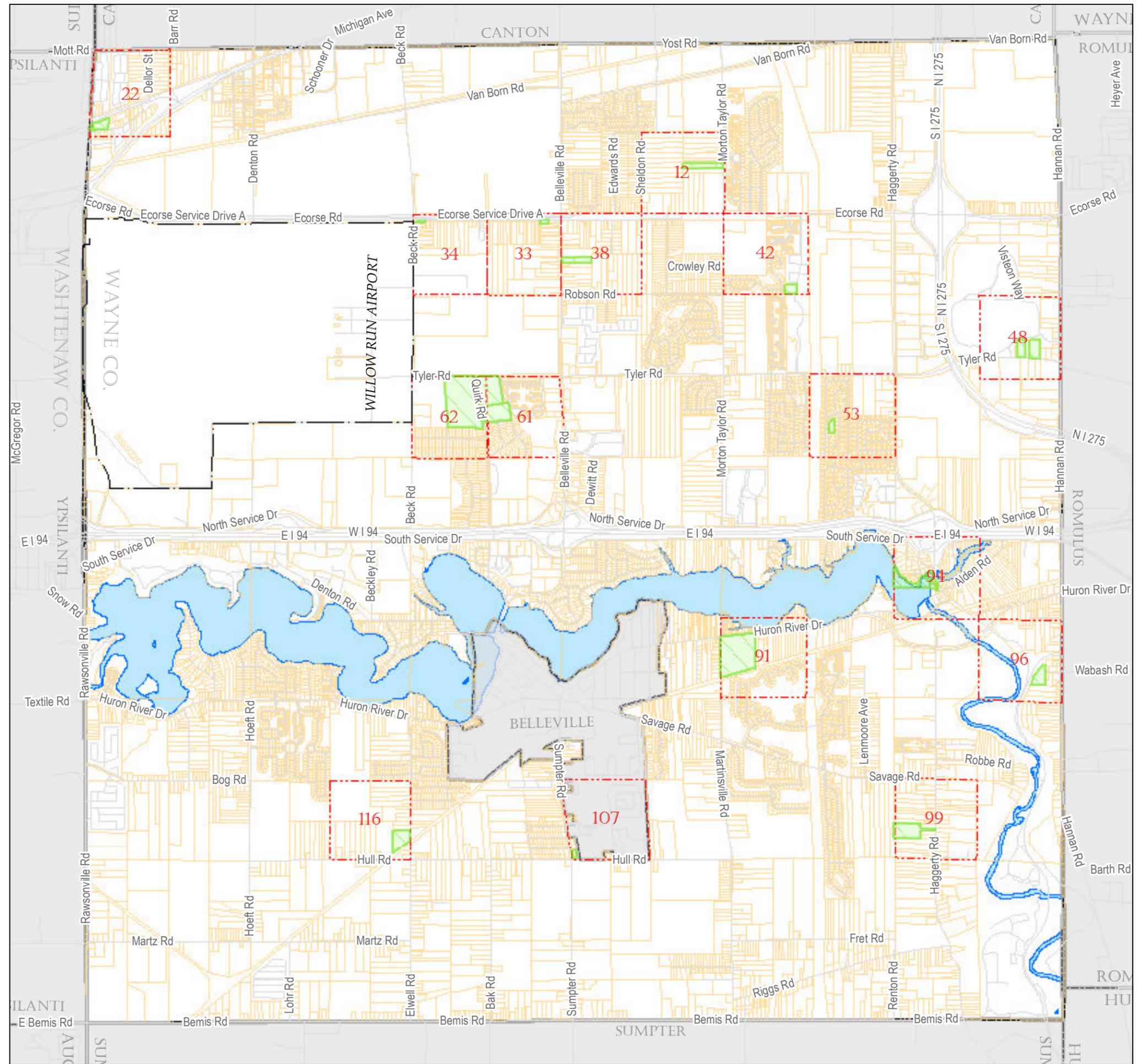
# Township Owned Parcels



-  VBT Parcels
-  Quarter-sections w/VBT Property
-  Streets
-  Tax Parcels
-  Township Boundary
-  County Boundary

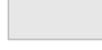


Wednesday, July 18, 2018



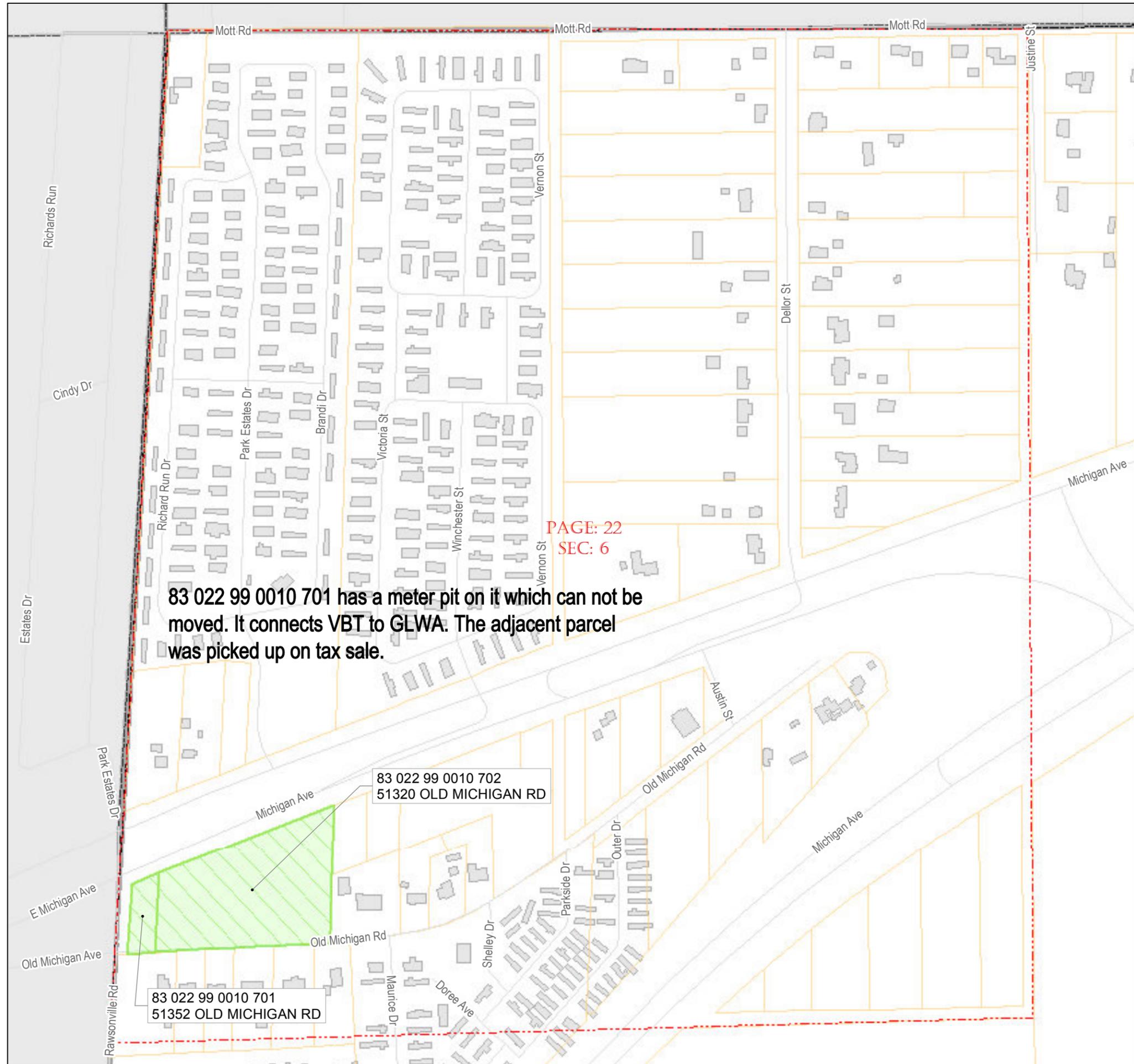
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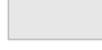


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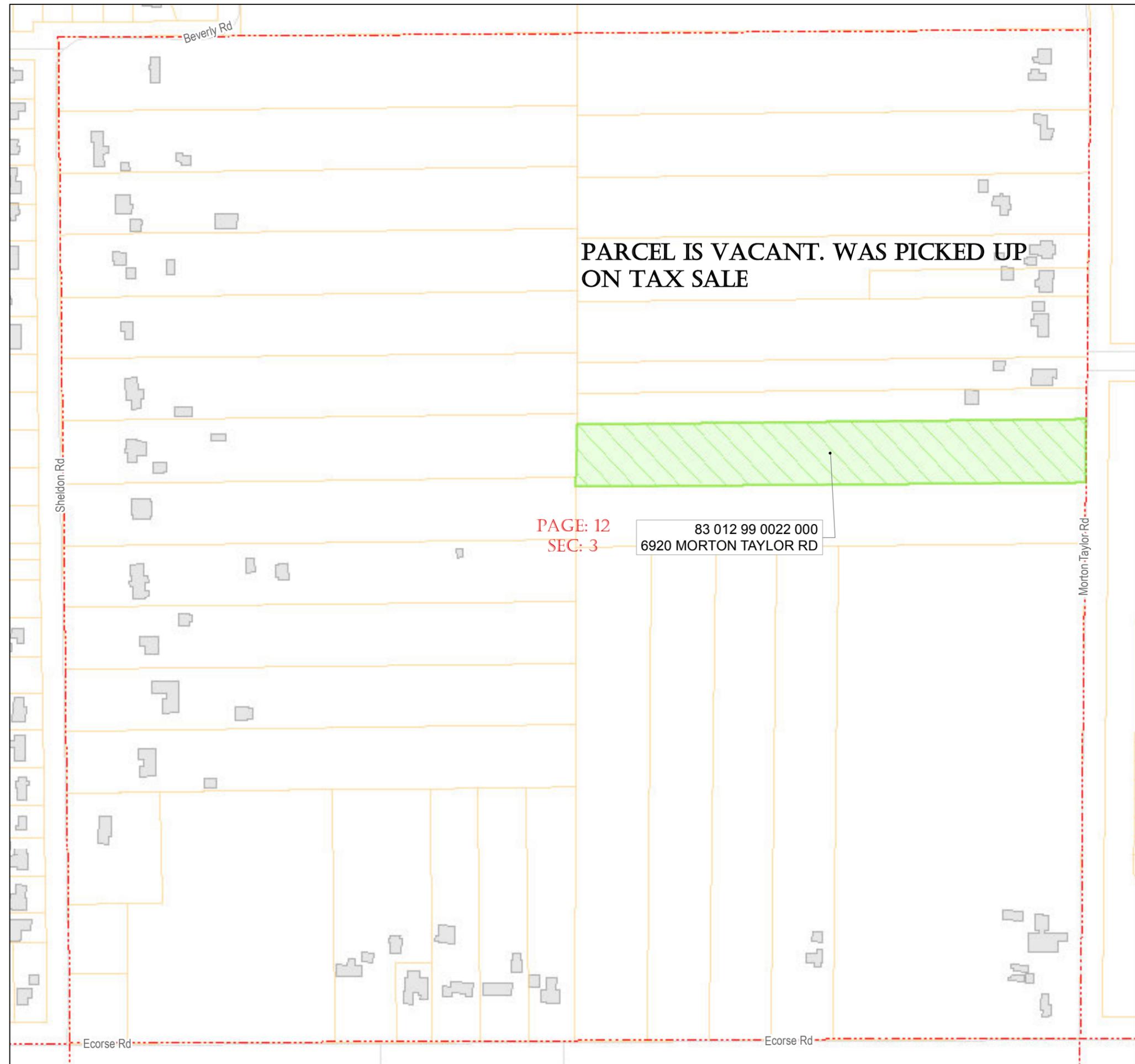
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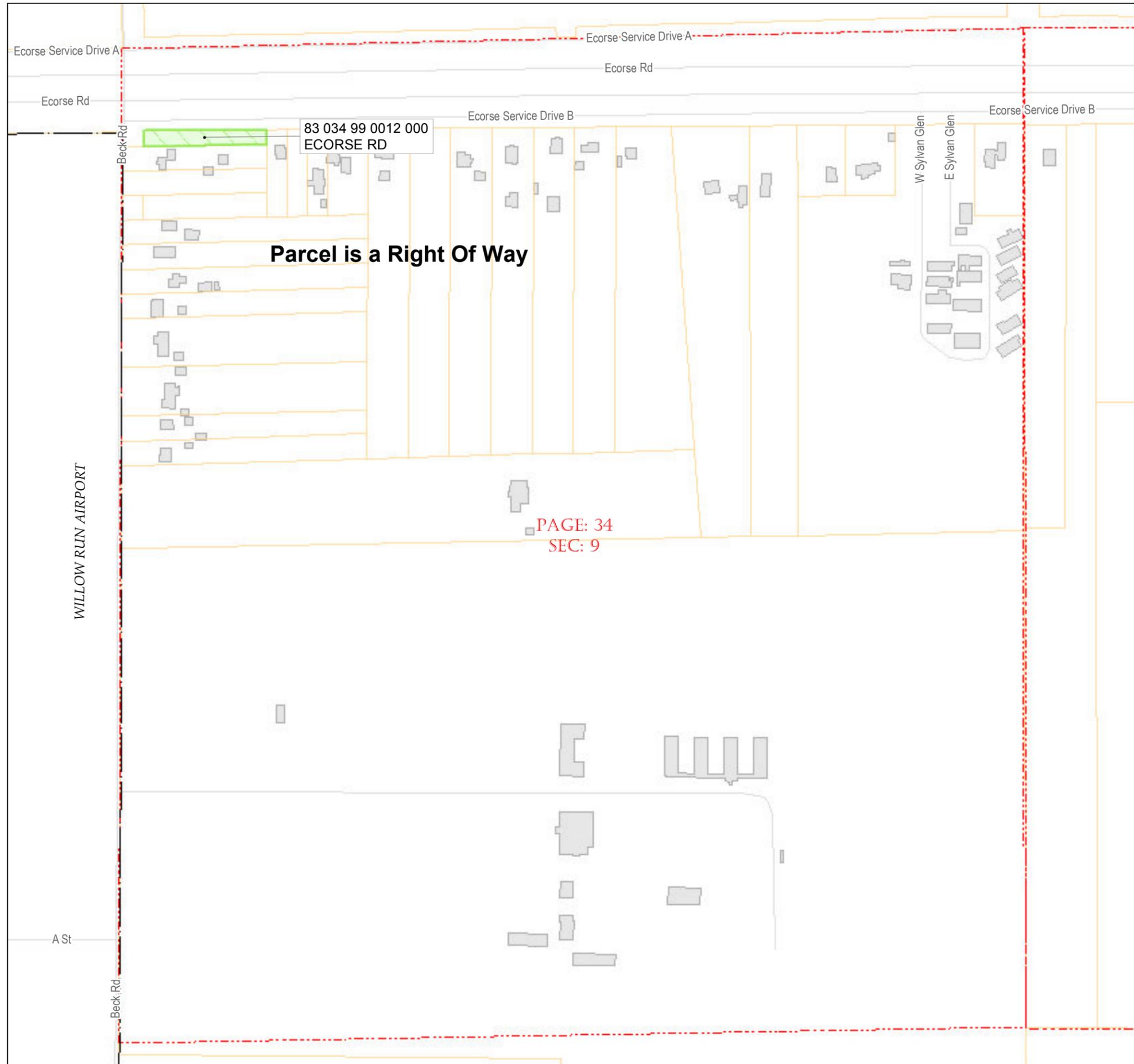
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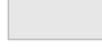


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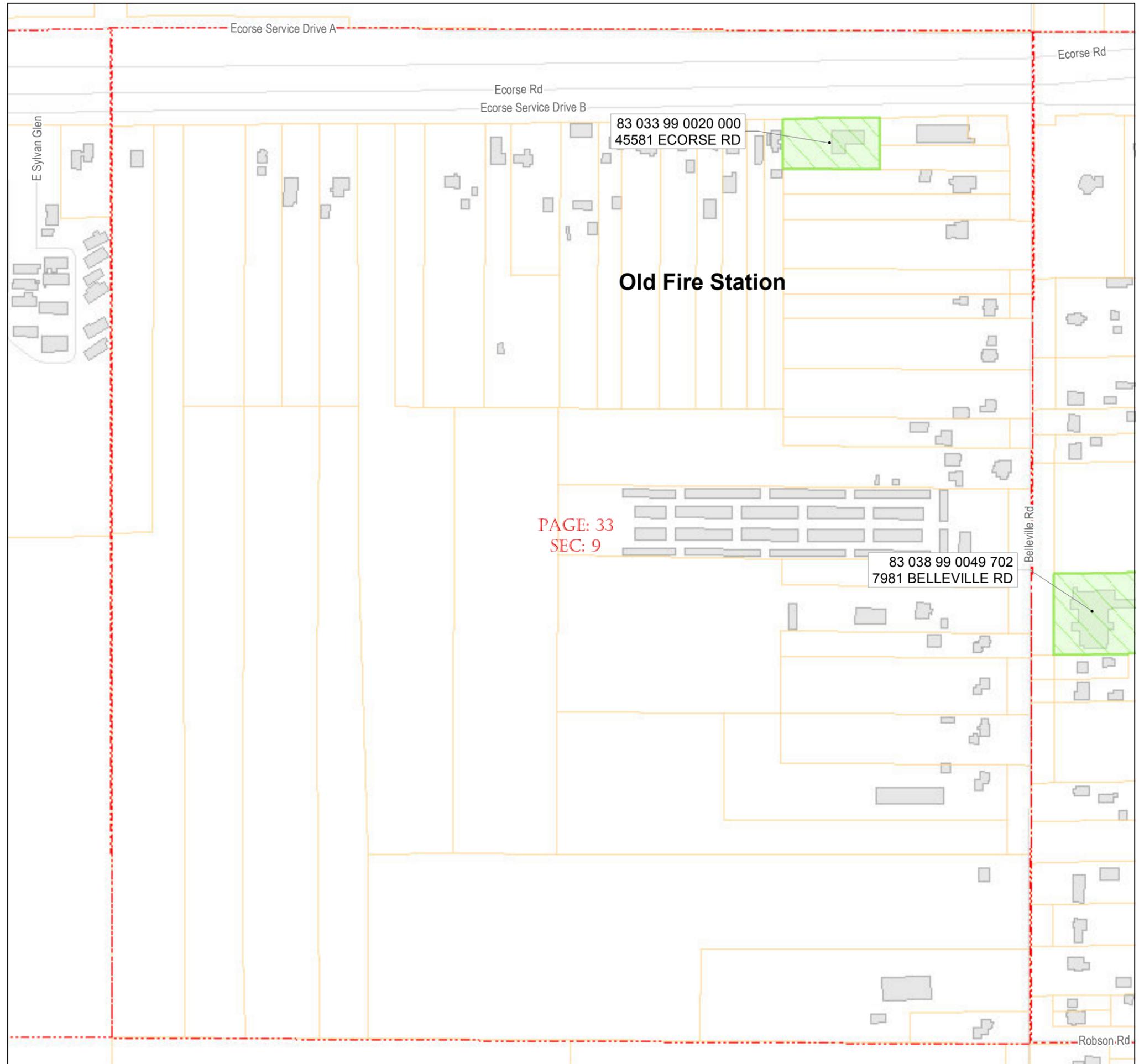
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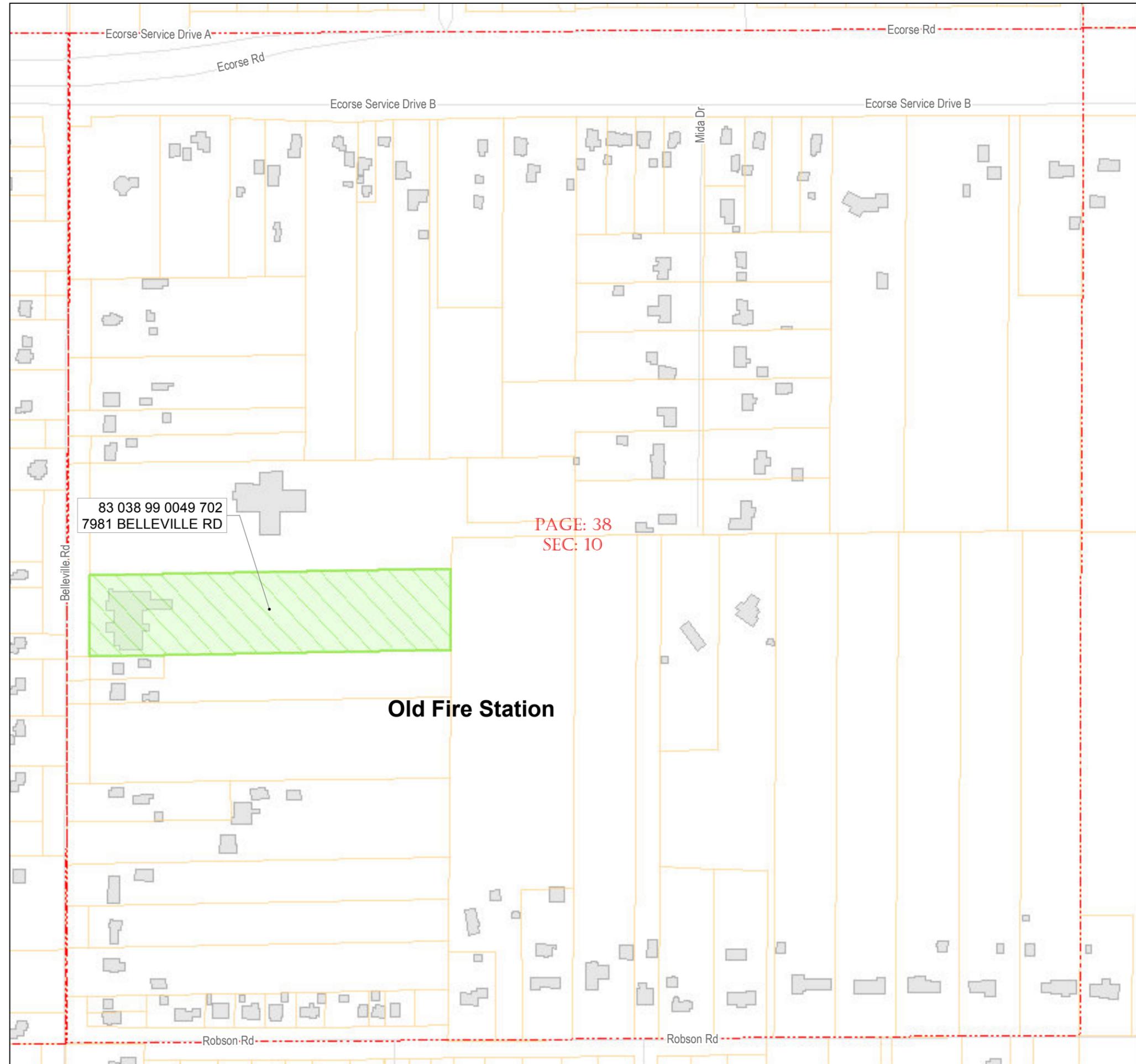
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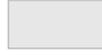


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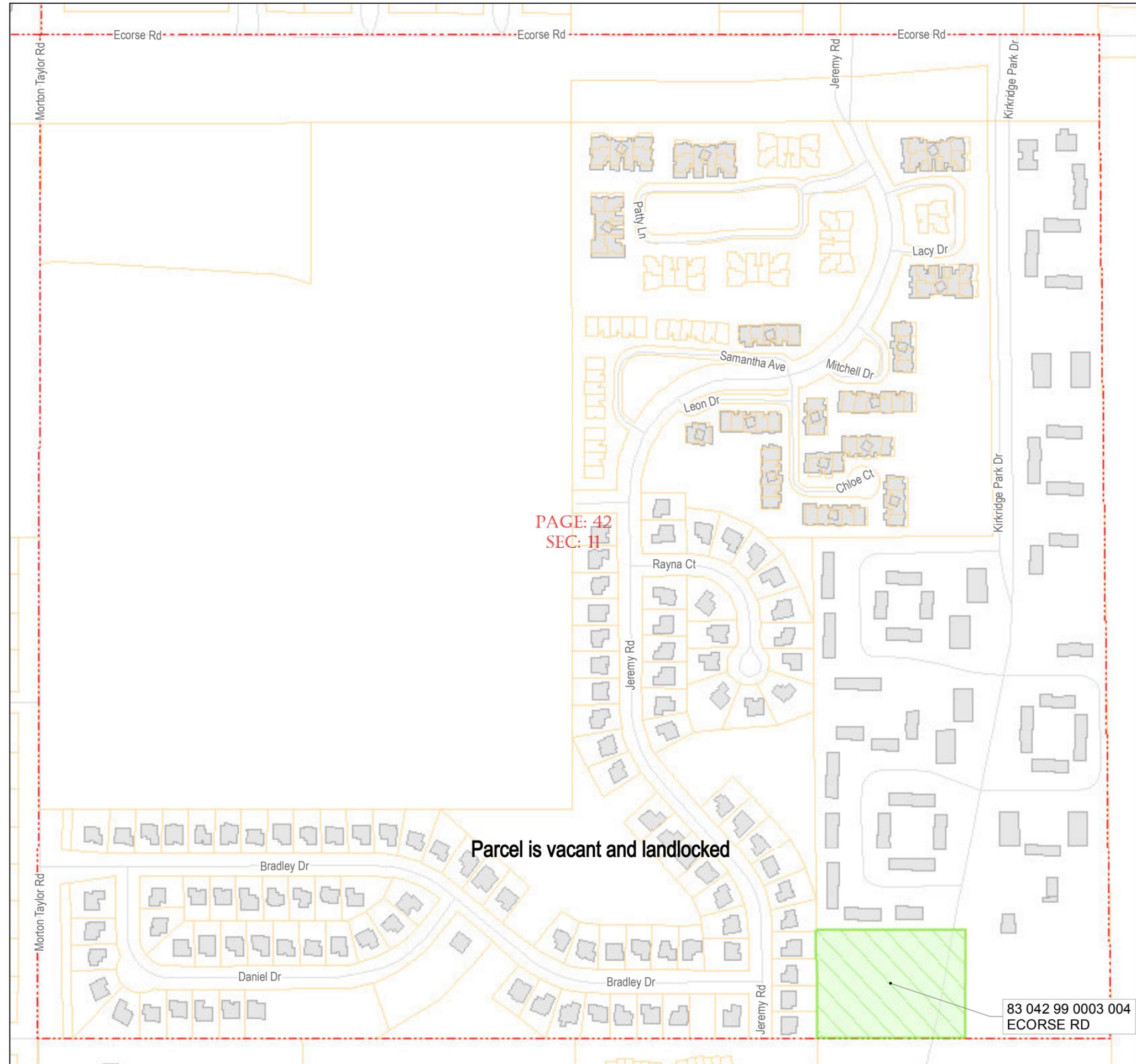
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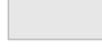


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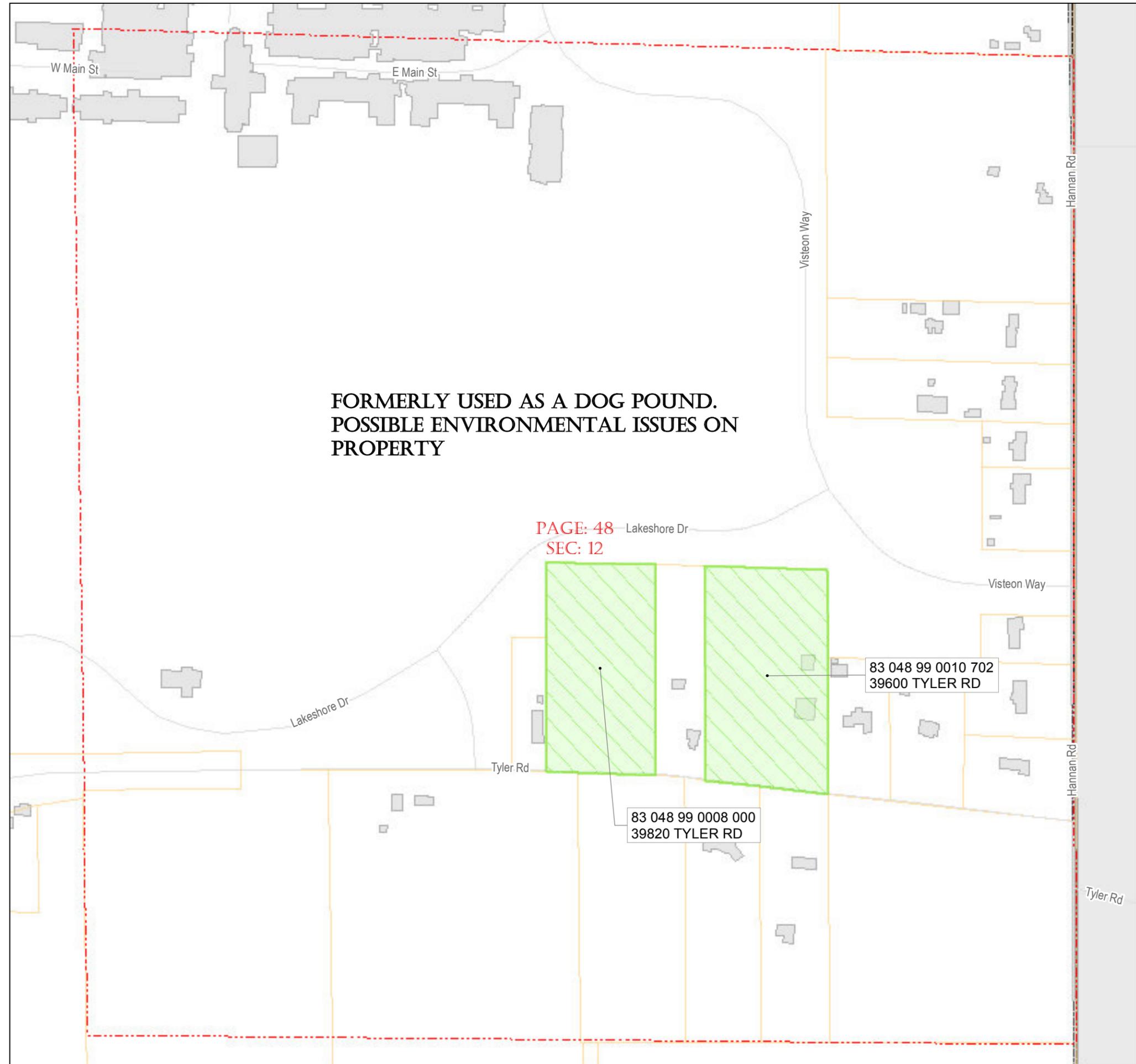
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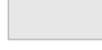


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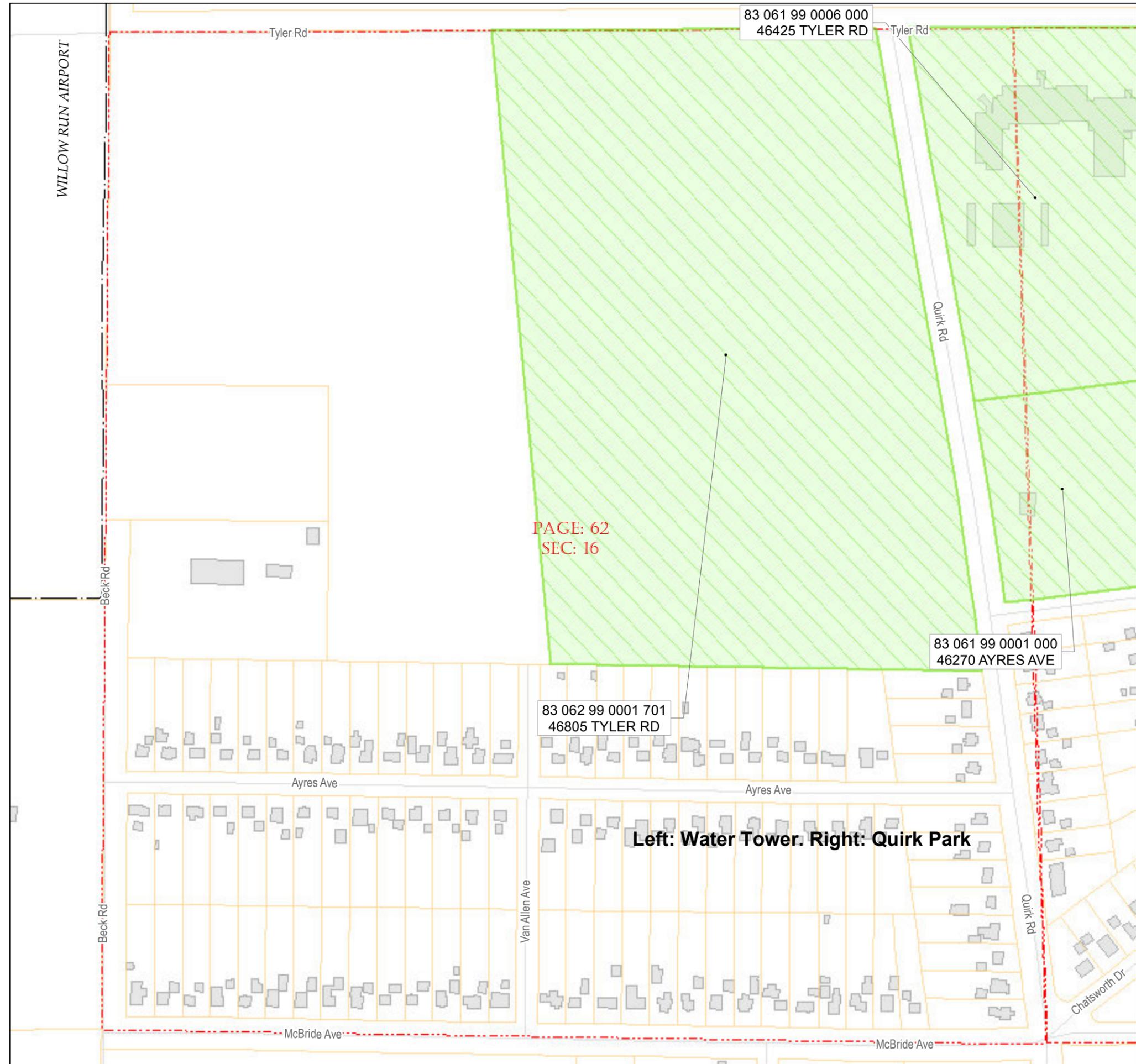
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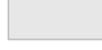


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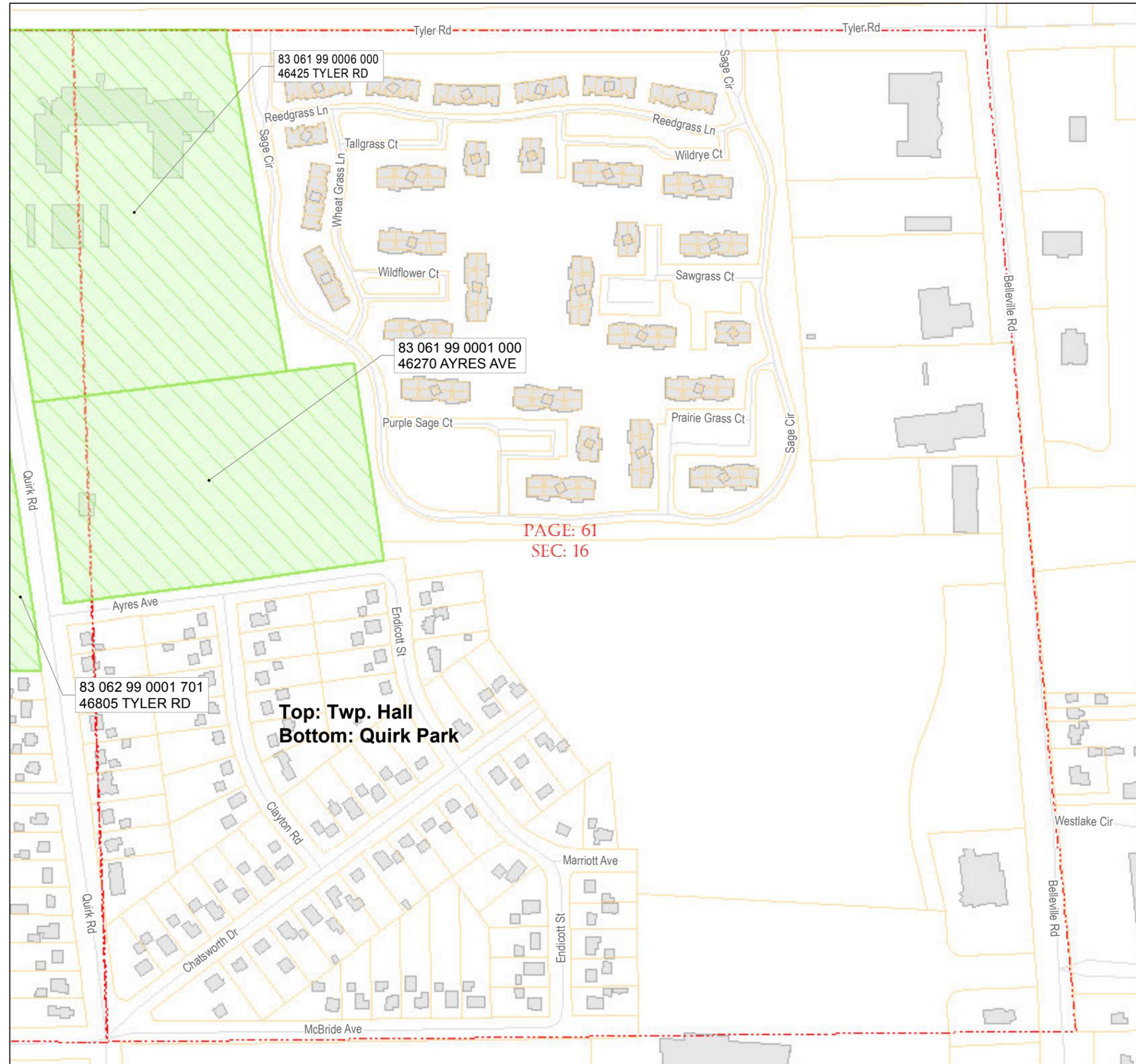
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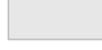


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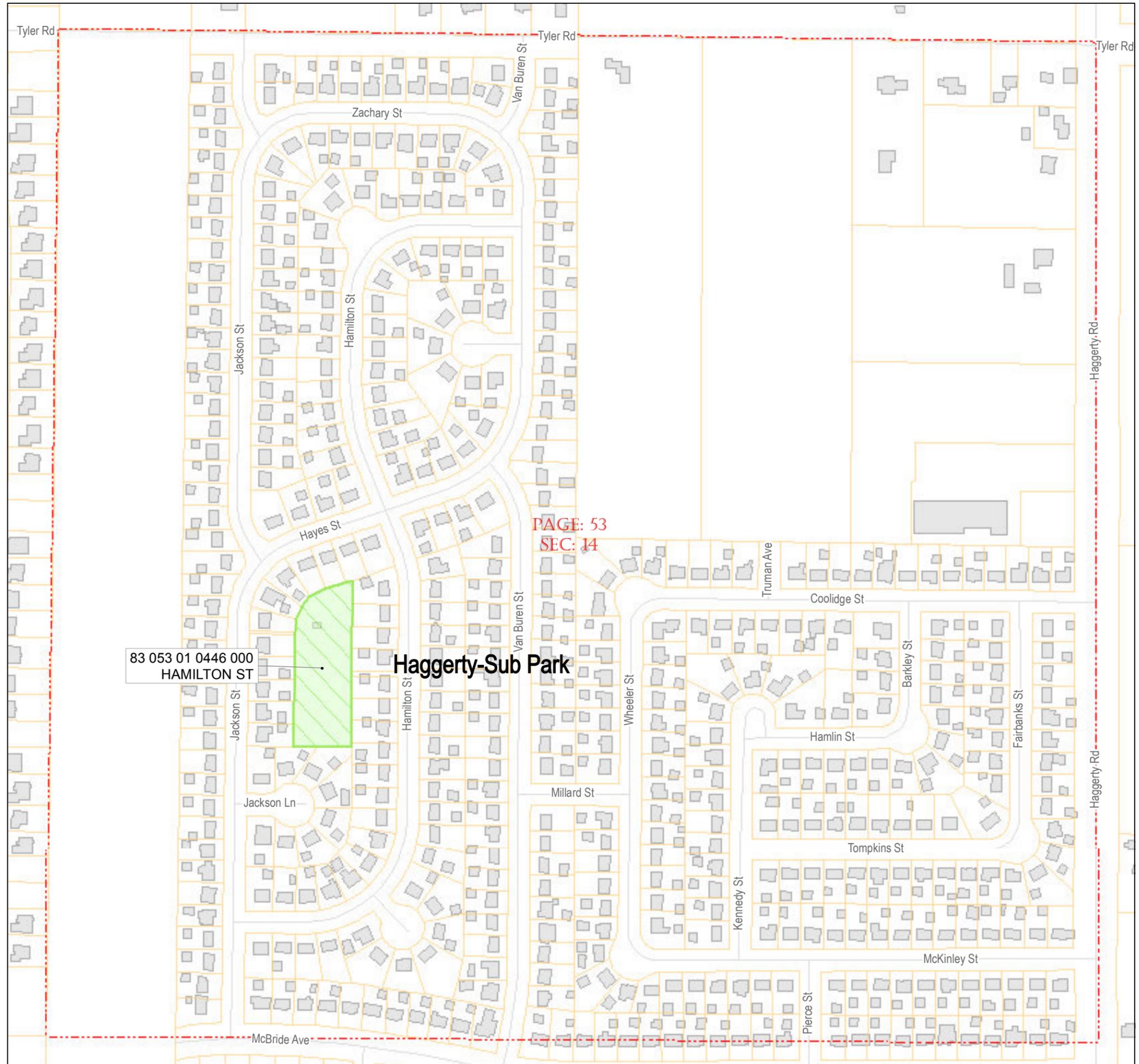
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HAMILTON ST

Haggerty-Sub Park

PAGE: 53  
SEC: 14

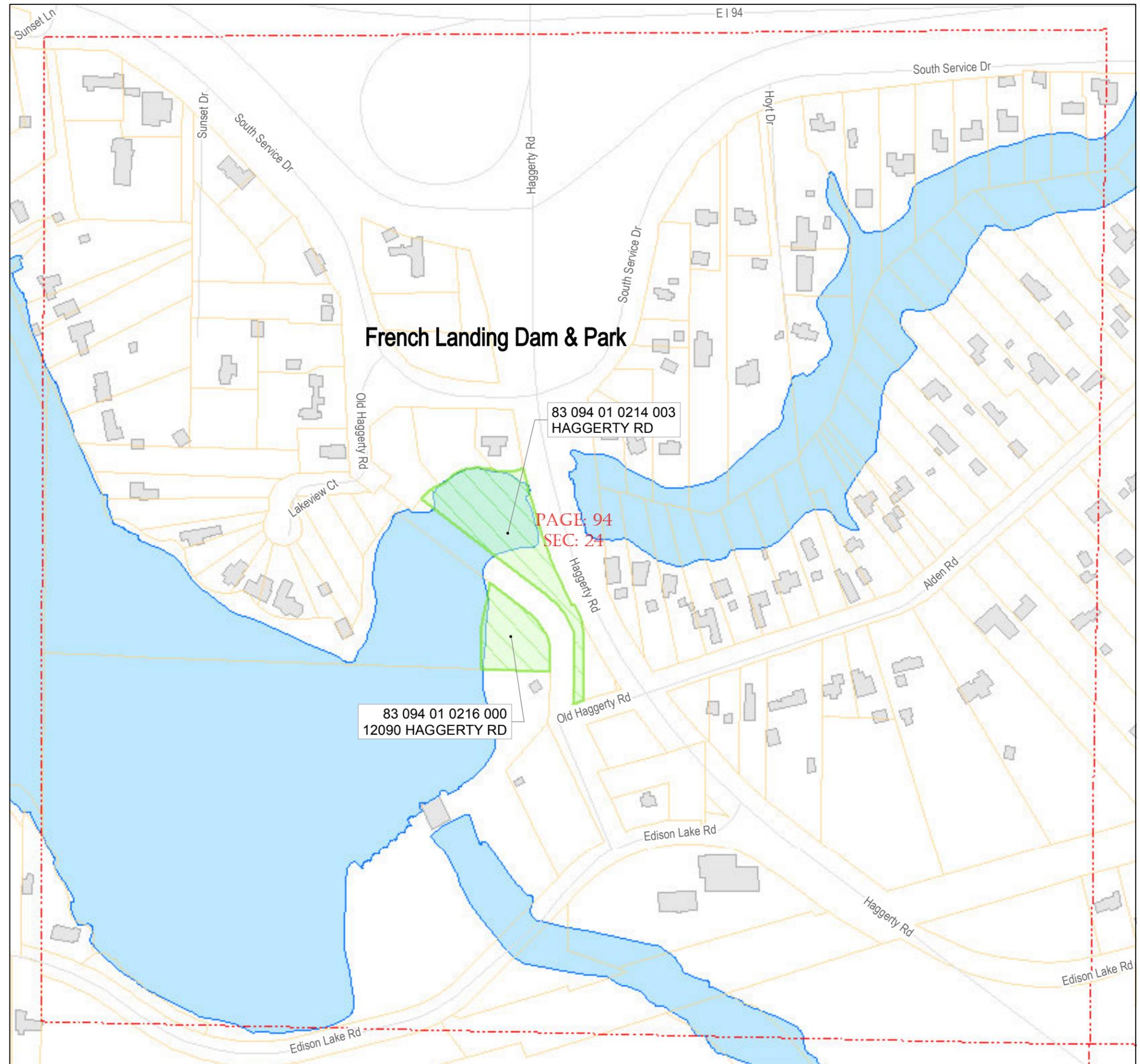
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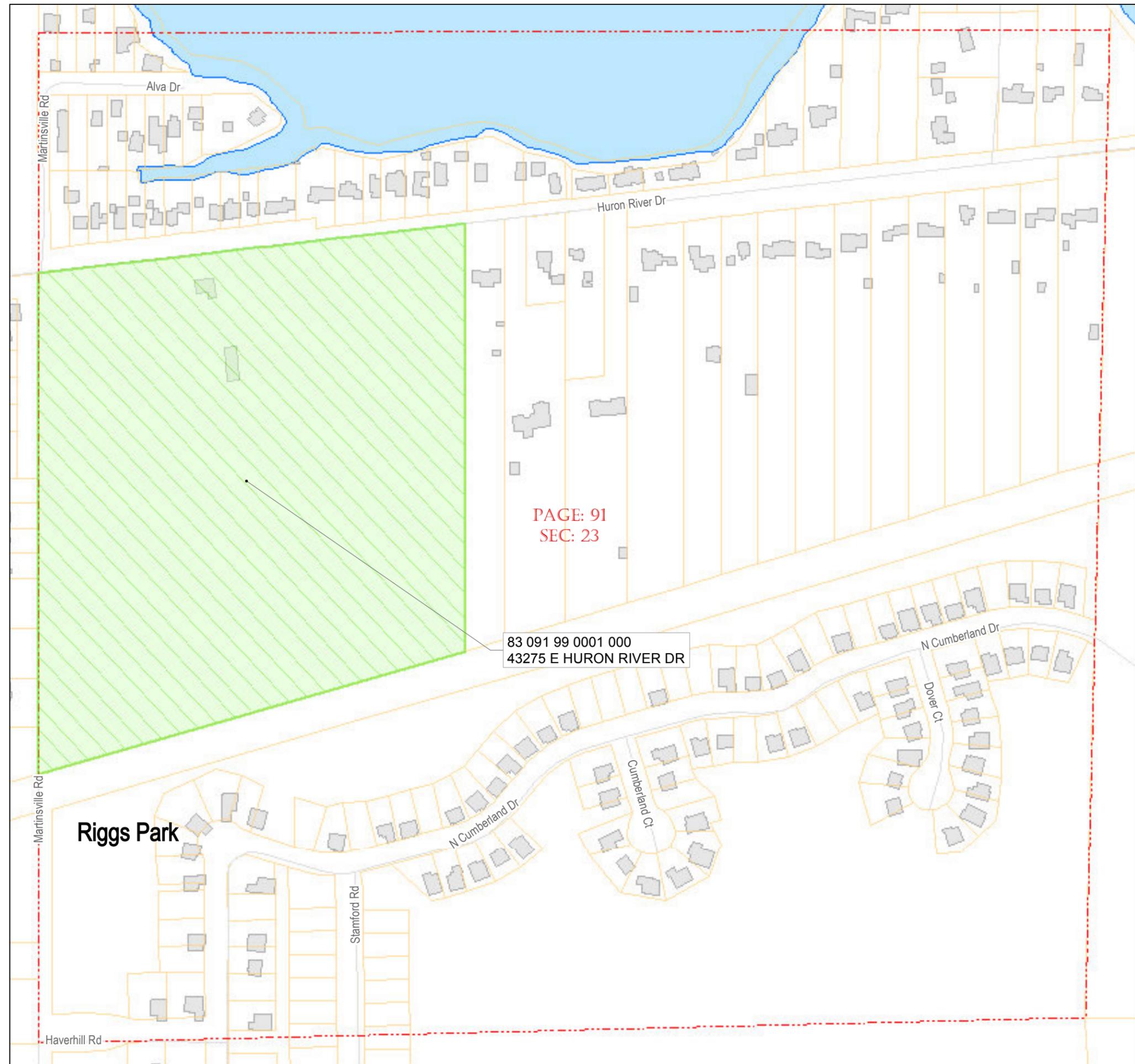
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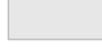


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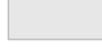


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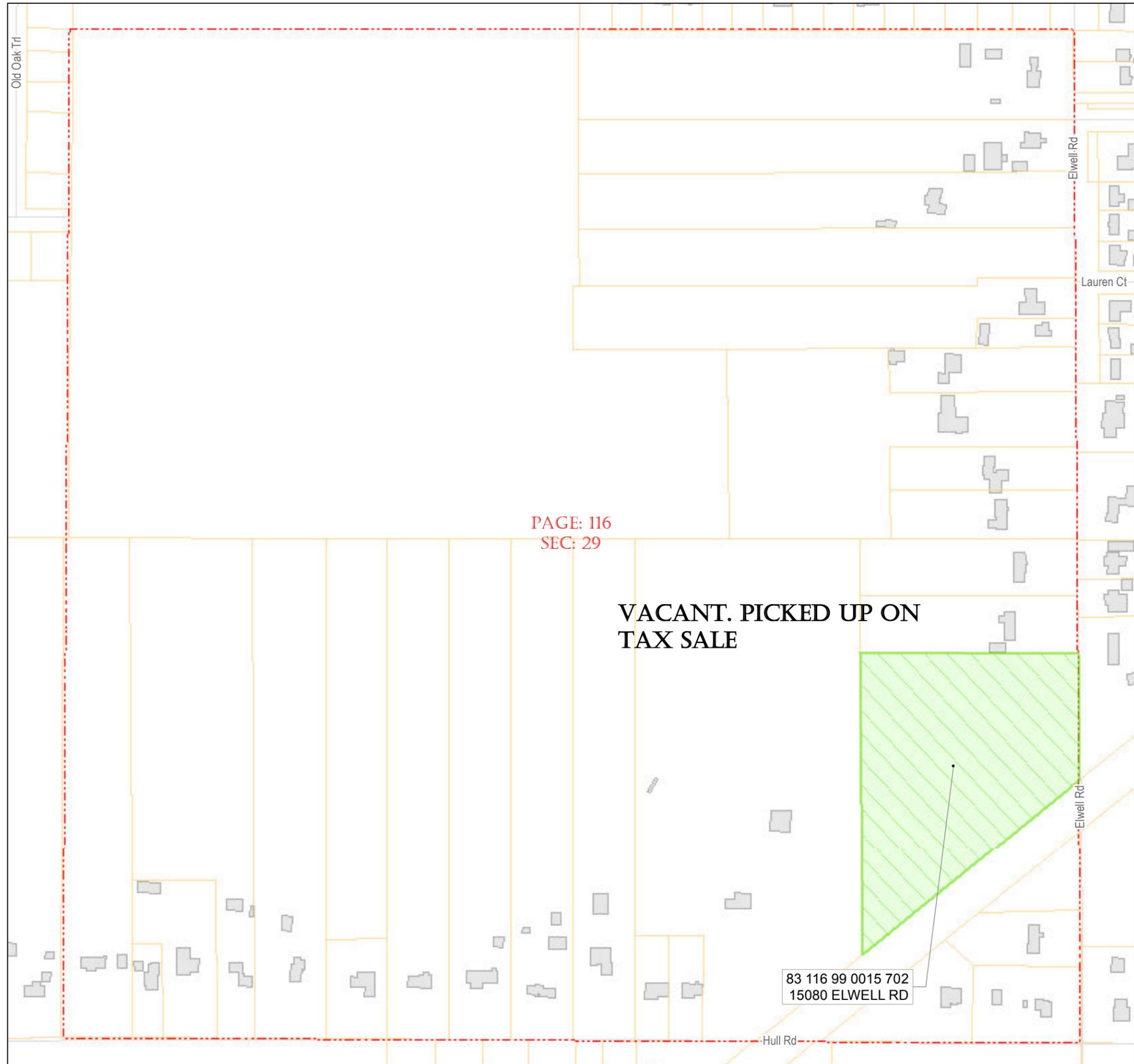
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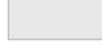


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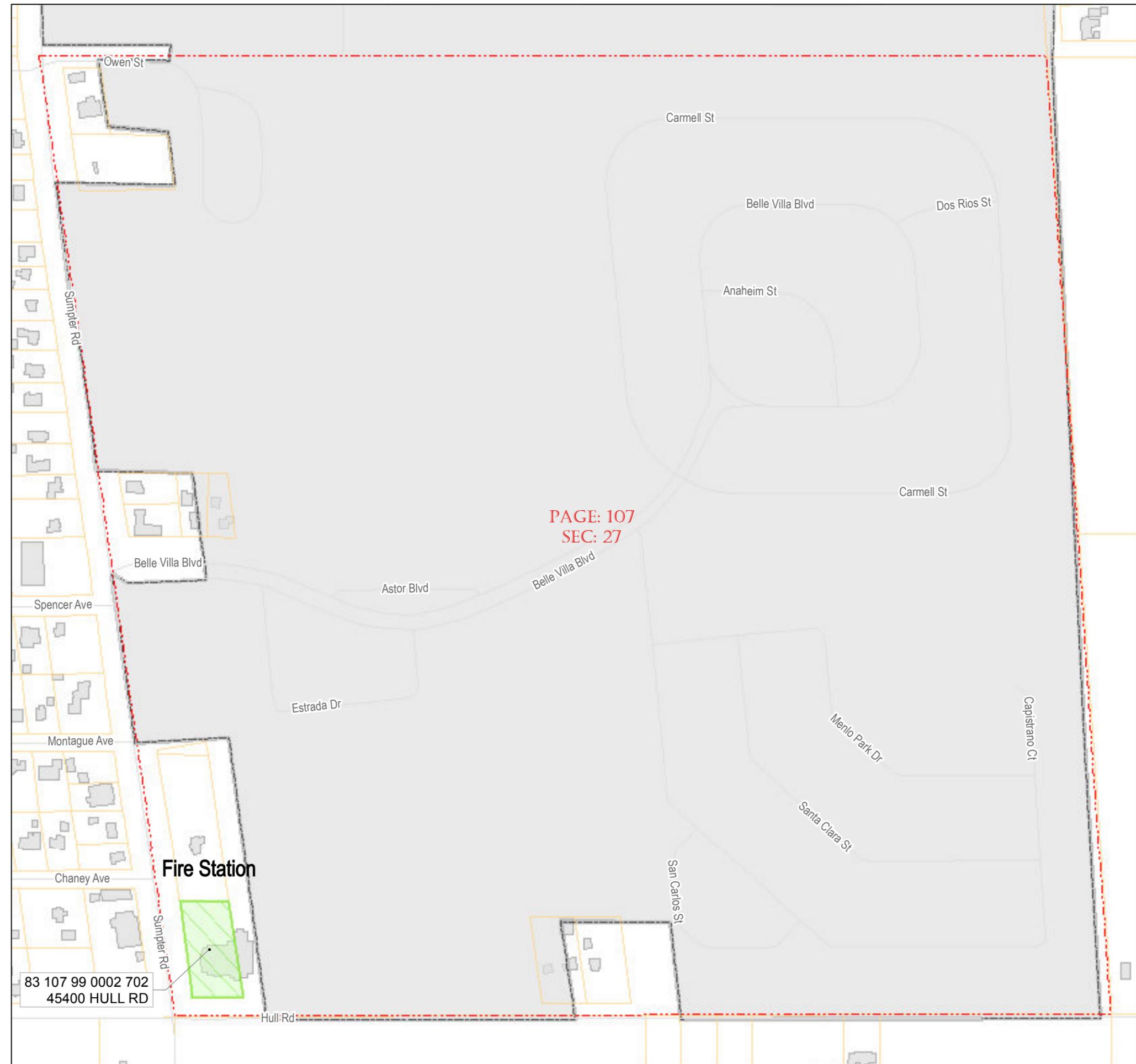
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-  Quarter-sections w/VBT Property
-  Streets
-  Tax Parcels
-  Township Boundary
-  County Boundary
-  Building Footprints



Wednesday, July 18, 2018



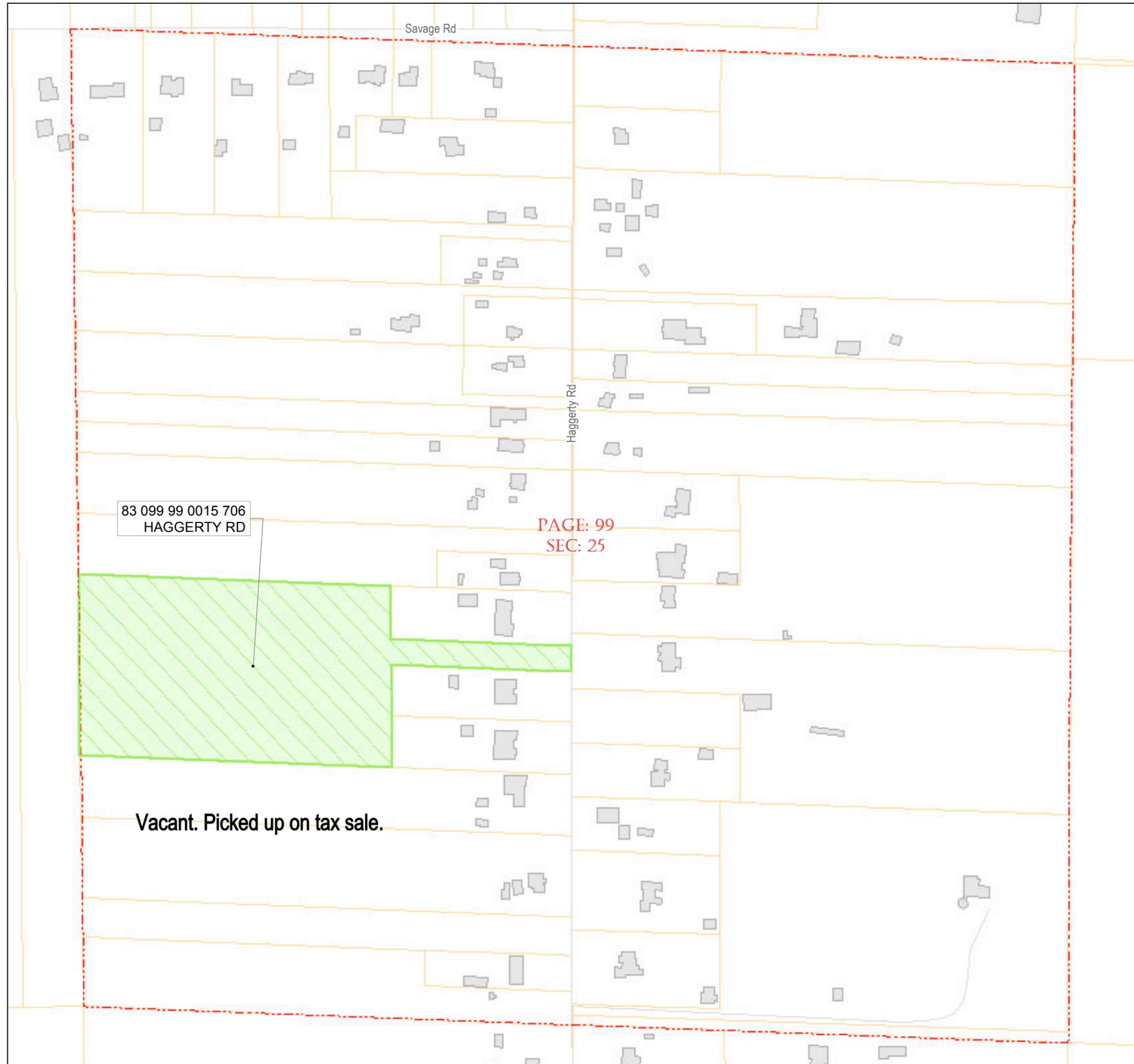
# Township Owned Parcels



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Wednesday, July 18, 2018



# Charter Township of Van Buren

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

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 08/20/18**

**1<sup>ST</sup> READING: 08/21/18**

**2<sup>ND</sup> READING: 09/04/18**

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

**New Business**

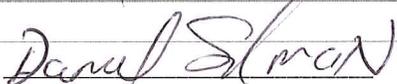
Unfinished Business \_\_\_\_\_

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

<b>ITEM (SUBJECT)</b>	To consider approval of the 1 <sup>st</sup> & 2 <sup>nd</sup> reading of Ordinance #08-21-18 to rezone parcel V125-83-047-99-0007-701; otherwise known as 9275 Haggerty Road from C-1, General Business to OT, Office Technology.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers, AICP, Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

### Agenda topic

<b>ACTION REQUESTED</b>	To consider approval of the 1 <sup>st</sup> & 2 <sup>nd</sup> reading of Ordinance #08-21-18 to rezone parcel V125-83-047-99-0007-701; otherwise known as 9275 Haggerty Road from C-1, General Business to OT, Office Technology.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	Please see attached reports.

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	2 <sup>nd</sup> reading of the Zoning Ordinance amendment.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	N/A
<small>(May be subject to Attorney/Client Privilege and not available under FOIA)</small>	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN  
WAYNE COUNTY, MICHIGAN  
ORDINANCE 08-21-18**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE 05-2-17(2) AS AMENDED, BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

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

**SECTION 1. ORDINANCE AMENDMENT.**

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

**Ordinance No. 08-21-18**

An ordinance to amend the Charter Township of Van Buren Zoning Ordinance 05-02-17(2), as amended, to amend the zoning map by rezoning parcel V125-83-047-99-0007-701; otherwise known as 9275 Haggerty Road from C-1, General Business to OT, Office Technology.

This property is located at the northeast corner of Tyler Road and Haggerty Road.

**SECTION 2. SEVERABILITY**

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

**SECTION 3. REPEALER.**

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

**SECTION 4. EFFECTIVE DATE.**

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

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the 4th day of September, 2018.

YEAS:

NAYS:

ABSENT:

ABSTAINED:

I hereby approve the foregoing Ordinance,

---

Leon Wright, Clerk

---

Kevin McNamara, Supervisor

Adopted: September 4, 2018 (Proposed)  
Published: September 13, 2018 (Proposed)  
Effective: September 21, 2018 (Proposed)

# 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 XXXX corner Haggerty Road and Tyler Road. Size of Lot Width 507' Depth 617'

Acres 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 you 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  
Principal Property Owners Name

[Signature] Date JULY 3, 2018  
Signature of Property Owner Date

STATE OF MICHIGAN  
 COUNTY OF WAJIMA PALM BEACH

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

Subscribed and sworn before me this 3RD day of JULY 2018 at WALDOA  
 Notary Public, WALDOA County, Michigan My Commission expires \_\_\_\_\_

[Signature]  
 Notary Public



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.

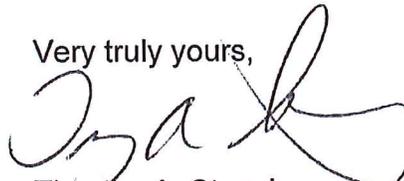
It is our understanding that upon receipt of this rezoning application that the application will be scheduled for public hearing by the Planning Commission.

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



August 1, 2018

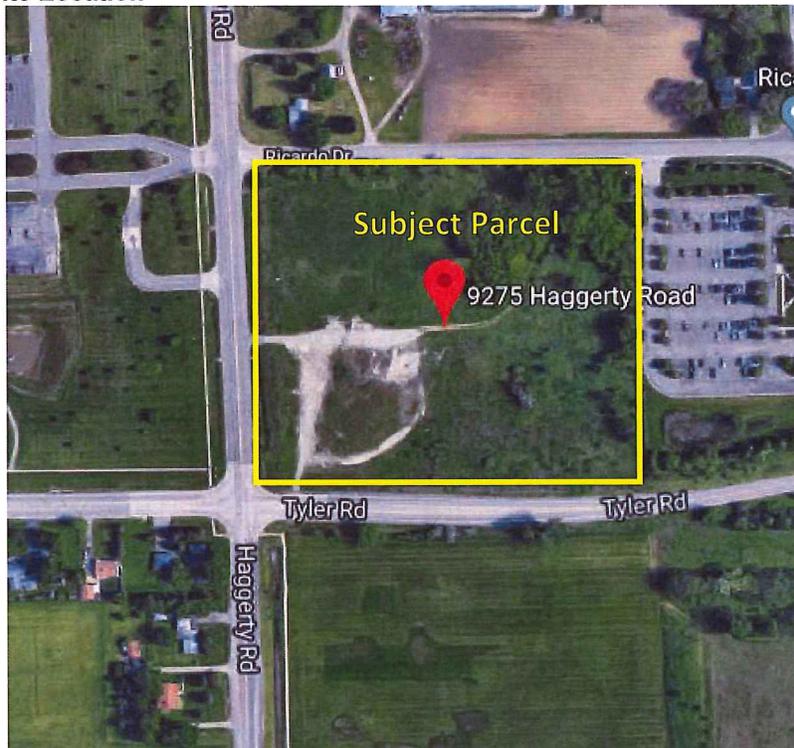
Planning Commission  
Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

**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

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).

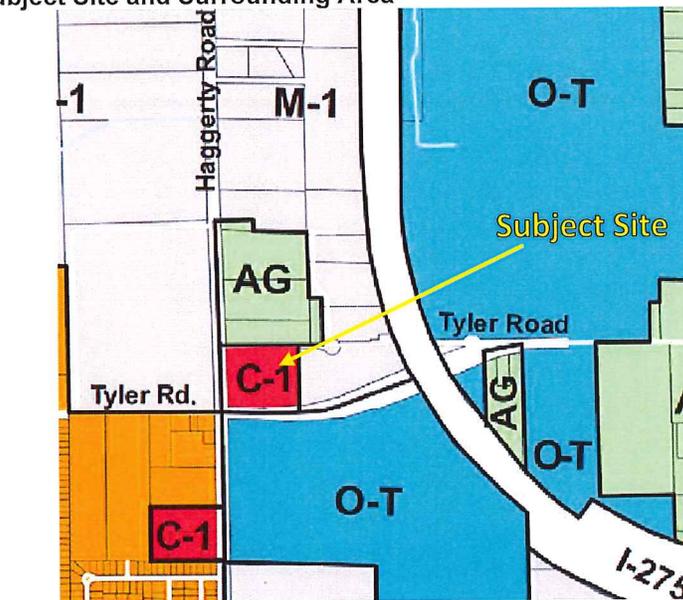
**DESCRIPTION**

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
<b>Subject Site</b>	Vacant lot	C-1 (General Business)	Office/Light Industrial
<b>North</b>	Residential and Commercial (Greenhouse Operation)	AG (Agricultural and Estates)	Office/Light Industrial
<b>South</b>	Vacant land	O-T (Office Technology)	Public/semi-public
<b>East</b>	Automotive based industrial use	M-1 (Light Industrial)	Office/Light Industrial
<b>West</b>	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"> <li>• Office, Professional</li> <li>• Office, Medical and Dental</li> <li>• School (Vocational or Technical)</li> <li>• High Tech, Data Processing, and Computer Centers</li> <li>• Laboratories, Minor</li> <li>• Publicly owned buildings</li> <li>• Offices of Manufacturing Agents, Sales Representatives, and Others Requiring Display Area and Limited Warehousing</li> <li>• Publicly-owned recreational facilities</li> <li>• Printing Shops and Establishments</li> <li>• Banks and Financial Institutions, No Drive-Thru</li> <li>• School, College or University and Public or Non-Profit</li> <li>• School, College or University, Private</li> <li>• Accessory structures and uses customarily incidental to the above permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>• Wireless Communication Facilities</li> <li>• Banks and Financial Institutions with a Drive-Thru</li> <li>• Places of Assembly</li> <li>• Accessory Caretaker Dwelling</li> <li>• Religious Institutions</li> </ul>

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.

**(l) *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.

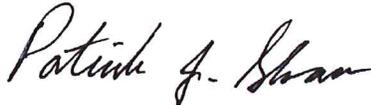


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4. Section 12.504(D). We are not aware of any constraints in the ability of public services to serve this site.
  5. Section 12.504(E). Van Buren Township has experienced a high demand for additional industrial development and expansions of existing 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.

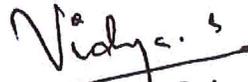
As a result, we recommend that the Planning Commission recommend approval of the application to rezone the subject parcel from C-1 to OT designation.

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 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](mailto: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

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).

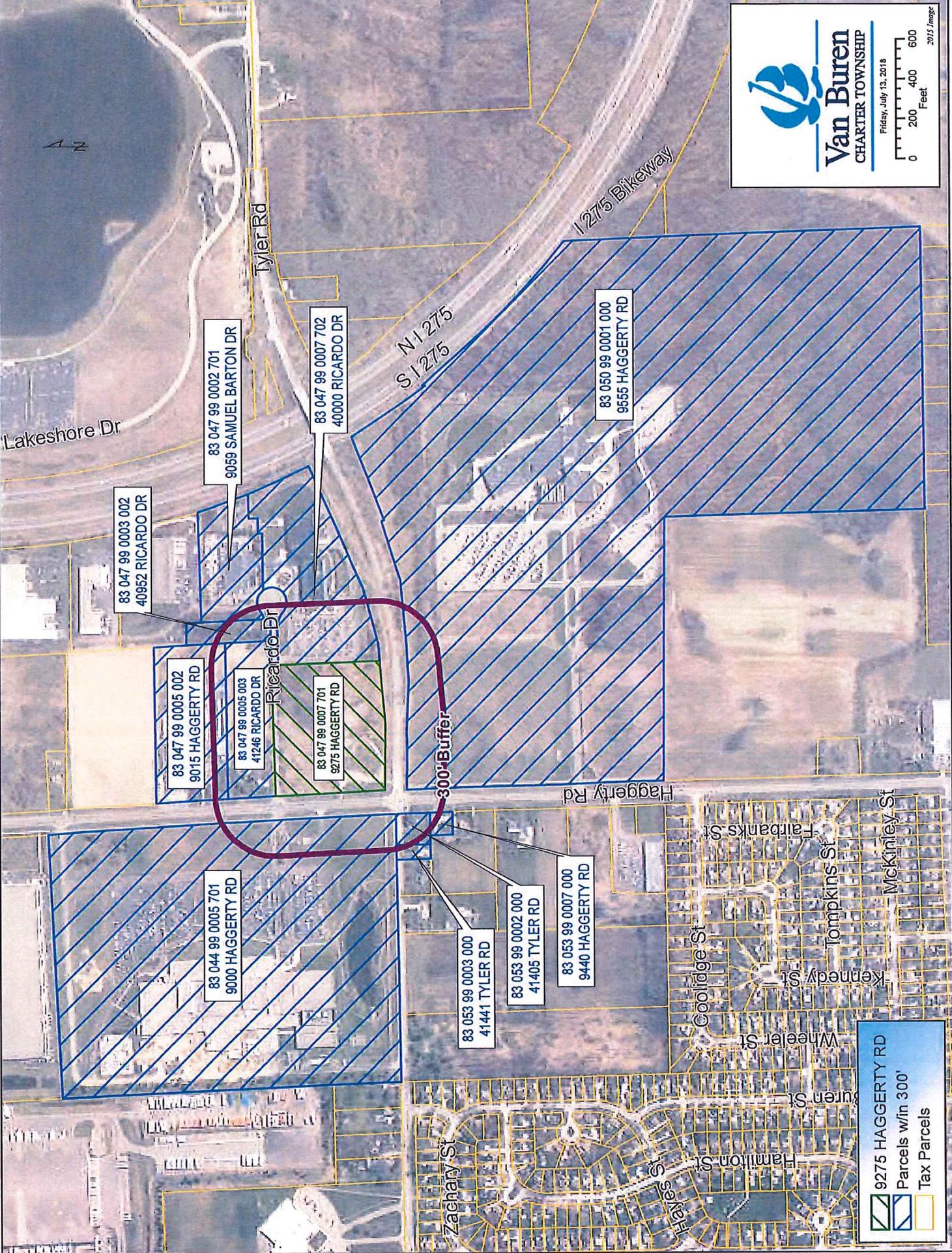
Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at [rakers@vanburen-mi.org](mailto:rakers@vanburen-mi.org). Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating 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.

Donald A. Cea



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

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

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

82 83 047 99 0002 701  
VAN BUREN VENTURE LLC  
BRADLEY ASSOCIATES  
111 E WACKER DRIVE SUITE 900  
CHICAGO IL 60601

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

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

82 83 047 99 0003 002  
ROBSON, NICHOLAS & KAYLA  
40952 RICARDO DRIVE  
VAN BUREN TOWNSHIP MI 48111

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

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  
VAN BUREN TOWNSHIP MI 48111

82 83 053 99 0002 000  
PAULSEN, STEVEN LEWIS  
41405 TYLER RD  
VAN BUREN TOWNSHIP MI 48111

82 83 047 99 0002 701  
VAN BUREN VENTURE LLC  
BRADLEY ASSOCIATES  
9059 SAMUEL BARTON DR  
VAN BUREN TOWNSHIP MI 48111

82 83 047 99 0005 003  
ROBSON, ROBERT E & DONALD  
41246 RICARDO DRIVE  
VAN BUREN TOWNSHIP MI 48111

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

82 83 047 99 0003 002  
ROBSON, NICHOLAS & KAYLA  
40952 RICARDO DRIVE  
VAN BUREN TOWNSHIP MI 48111

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

## MOTION EXTRACT

Motion Kelley, Jahr second to recommend the Township Board grant the applicants request to rezone the property located at 9275 Haggerty Road from C-1, General Business to OT, Office Technology based on the analysis and subject to the conditions in the McKenna Associates review letter dated 8-1-18.

**Roll Call:**

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

Nays: None.

Absent: None.

Recused: Kelley

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of August 8, 2018.

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

Christina Harman  
Recording Secretary

# Charter Township of Van Buren

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

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 08/20/18**

**BRD MTG DATES: 08/21/18 (1<sup>ST</sup> READ)**

**BRD MTG DATES: 09/04/18 (2<sup>ND</sup> READ)**

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

<b>ITEM (SUBJECT)</b>	To consider approval of Ordinance 08-21-18(1) which proposes changes to the Charter Township of Van Buren Zoning Ordinance 5-2-17(2) to add the High Tech, Data Processing, and Computer Centers use to the M-1, Light Industrial zoning district.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers, AICP – Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider approval of Ordinance 08-21-18(1) which proposes changes to the Charter Township of Van Buren Zoning Ordinance 5-2-17(2) to add the High Tech, Data Processing, and Computer Centers use to the M-1, Light Industrial zoning district.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
Please see attached memo.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Upon approval of the 1 <sup>st</sup> and 2 <sup>nd</sup> reading the Ordinance Amendment will be published in the newspaper in accordance with State law.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	N/A
<b>APPROVAL OF SUPERVISOR</b>	<i>Daniel S. [Signature]</i>

**CHARTER TOWNSHIP OF VAN BUREN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
ORDINANCE NO. 08-21-18(1)**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ADD HIHG TECH, DATA PROCESSING, AND COMPUTER CENTERS AS A PERMITTED USE IN THE M-1 LIGHT INDUSTRIAL ZONING DISTRICT:**

**THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:**

**SECTION 1 – ORDINANCE AMENDMENT**

Pursuant to this Ordinance, the following sections of the Charter Township of Van Buren Zoning Ordinance shall be amended in accordance with the below text (changes are **bold and underlined**), upon the effective date of this Amendment:

**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**

Key: ■ Principal Permitted Use                      ● Special Land Use                      [blank] Use Not Permitted

USE	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	DEVELOPMENT STANDARD
<b>OFFICE USES</b>															
Financial Institution, No Drive-Thru					■	■	■		■						
Financial Institution, With Drive-Thru						●	●		●						<a href="#">Section 5.105</a>
<b>High Tech, Data Processing, and Computer Center</b>									■	■		■			

**Section 3.115 – M-1, Light Industrial District**

(B) PERMITTED USES
<ul style="list-style-type: none"><li><input type="checkbox"/> Wholesale Sales</li><li><input type="checkbox"/> Warehousing (excluding Distribution Centers)</li><li><input type="checkbox"/> Manufacturing and Processing (Light)</li><li><input type="checkbox"/> Laboratories, Minor</li><li><input type="checkbox"/> Laboratories, Major</li><li><input type="checkbox"/> Retail Dry Cleaning Plants and Laundries</li><li><input type="checkbox"/> 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.</li><li><input type="checkbox"/> <b>High Tech, Data Processing, and Computer Centers</b></li><li><input type="checkbox"/> Accessory Outdoor Industrial Storage</li><li><input type="checkbox"/> Accessory structures and uses customarily incidental to the above permitted uses</li><li><input type="checkbox"/> Indoor Recreation</li></ul>

**SECTION 2 – SEVERABILITY**

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

**SECTION 3 – REPEALER**

All other provisions of the Zoning Ordinance, or Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 4 - SAVINGS CLAUSE**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**SECTION 5 - EFFECTIVE DATE**

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

**SECTION 6 – ADOPTION**

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the 4th day of September, 2018, and ordered to be given publication in the manner prescribed by law.

YEAS:

NAYS:

ABSENT:

ABSTAINED:

I hereby approve the foregoing Ordinance,

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

\_\_\_\_\_  
Kevin McNamara, Supervisor

Adopted: September 4, 2018 (proposed)  
Published: September 13, 2018 (proposed)  
Effective: September 21, 2018 (proposed)



# 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.

-

**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](mailto: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

## MOTION EXTRACT

Motion Kelley, Budd second to recommend the Township Board add the proposed amendment to the zoning ordinance "high tech, data processing, and computer centers" as a permitted use in the M-1, Light Industrial zoning district.

**Roll Call:**

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

Nays: None.

Absent: None.

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of August 8, 2018.

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

Christina Harman  
Recording Secretary

# Charter Township of Van Buren

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

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING: 08/20/18**

**BOARD MEETING DATE: 08/21/18**

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

**New Business X**

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

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

<b>ITEM (SUBJECT)</b>	To consider special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ronald A. Akers, Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider special use approval to operate a drive thru restaurant at 10573 & 10551 Belleville Road.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
See staff report.	
<b>BUDGET IMPLICATION</b>	N/A
<b>IMPLEMENTATION NEXT STEP</b>	Issuance of a letter acknowledging the special land use approval.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	Please see attached staff letter and Planning Commission motion extract from the August 8, 2018 regular meeting.
<b>APPROVAL OF SUPERVISOR</b>	

12  
12/14

# PLANNING & ZONING APPLICATION / REVISED

Case number 18-014

Date Submitted 6/8/18

**APPLICANT INFORMATION**

Applicant PA CHIEVA ARCHITECTS Phone (586) 262-5519  
 Address 49200 WARFIELD CTR 210  
 City, State CLINTON TWP. MI Zip 48038  
 E:mail chiavaarchitects@global.net Cell Phone Number (248) 217-1234  
 Property Owner ARSHD MUMT & DEV. Phone (248) 594-5929  
 (if different than applicant)  
 Address 31333 SOUTHWFIELD RD WTE 250  
 City, State BEVERLY HILLS MI Zip 48025  
 Billing Contact JASON KICHMISH Phone \_\_\_\_\_  
 Address 31333 SOUTHWFIELD 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: MULT-TENANT RETAIL BUILDING  
W/ 1 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  
2.104 / 5.120  
 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 \_\_\_\_\_

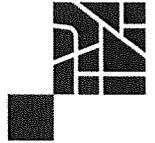
If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

**OWNER'S AFFIDAVIT**

JASON KICHMISH  
 Print Property Owners Name  
Jason Kichmish  
 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\_\_\_\_.  
 Rev 1/12/06



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

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.

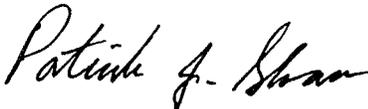
- i. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.
2. **Specific Standards for Special Approval (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

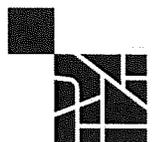
Based on the above and our accompanying site plan review letter of August 2, 2018, we find the drive-through use in the propose multi-tenant building meets the criteria for a special land use approval if all the outstanding concerns are resolved. Our site plan review letter recommends site revisions 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](mailto:chiesaarch@sbcglobal.net)  
Jason Kishmish at [jkishmish@grandmd.com](mailto:jkishmish@grandmd.com)



## MOTION EXTRACT

Motion Kelley, Boynton second to recommend special approval to the Township Board of Trustees to construct a multi-tenant retail building with a drive-thru restaurant located at 10573 and 10551 Belleville Road based on the analysis and subject to the findings in the McKenna Associates review letter dated 8-2-18.

**Roll Call:**

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

Nays: None.

Absent: None.

Motion Carried.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Planning Commission of the Charter Township of Van Buren at the regularly scheduled meeting of August 8, 2018.



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](mailto: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

CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
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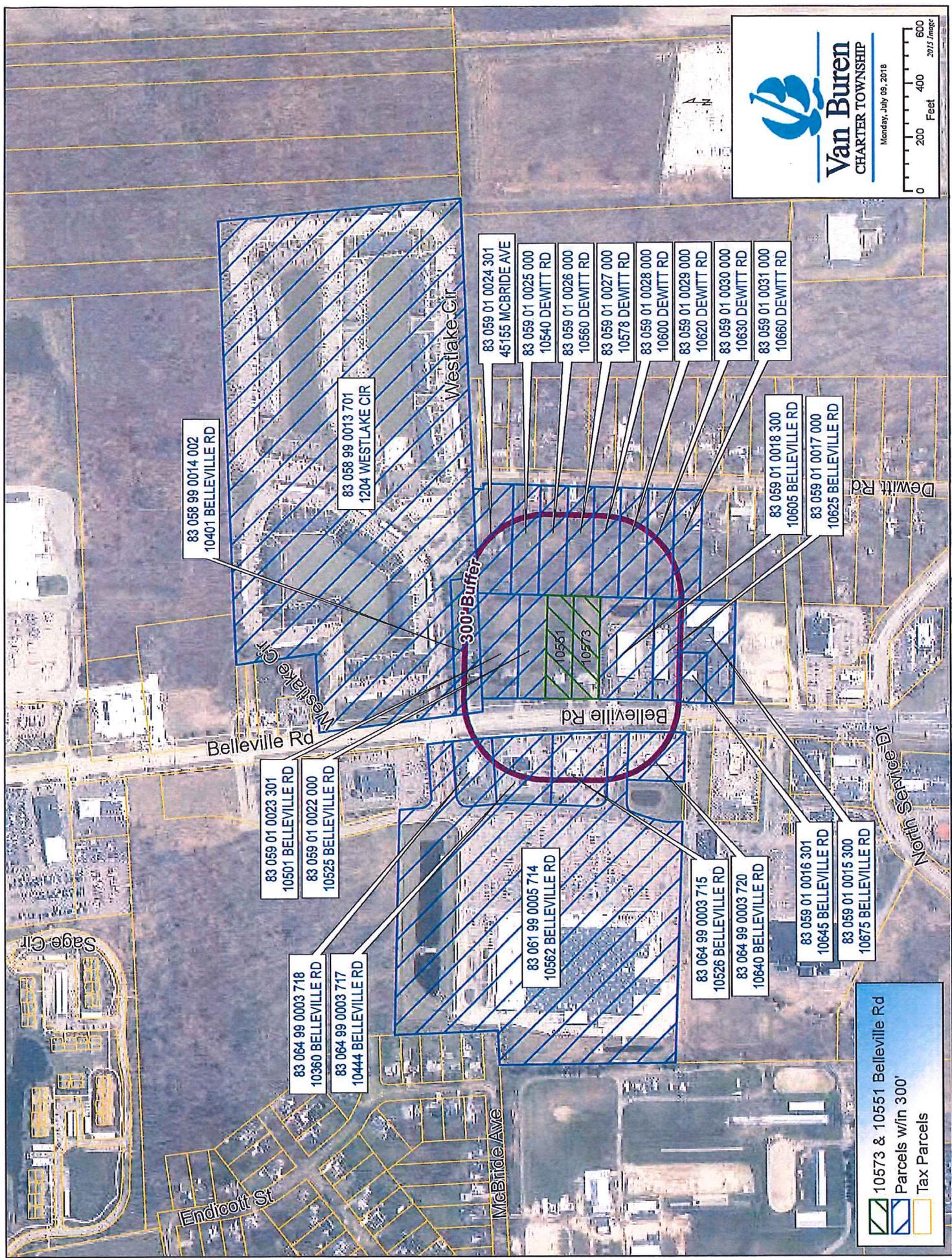
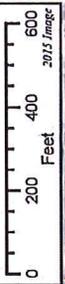
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Posted: July 13, 2018  
Published: July 19, 2018  
Mailed: ~~July 17, 2018~~

Mailed 7-24-18.





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

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

82 83 059 01 0025 000  
BELANGER, JAMES-BRENDA  
10540 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 0031 000  
GRISHABER, HARRY  
10660 DEWITT RD  
VAN BUREN TOWNSHIP MI 48111

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

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

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

82 83 059 01 0016 301  
SANFORD, MURRAY  
10645 BELLEVILLE 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 0029 000  
DUDLEY, GLENN  
10620 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 83 064 99 0003 717  
FIFTH THIRD BANK  
MD 10ATA1 CORP FAC  
38 FOUNTAIN SQUARE PLAZA  
CINCINNATI OH 45263

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

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

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

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

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

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

DWNT

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

82 83 059 01 0023 301  
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SANFORD, MURRAY  
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10560 DEWITT RD  
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82 83 059 01 0029 000  
DUDLEY, GLENN  
10620 DEWITT RD  
VAN BUREN TOWNSHIP MI 48111

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GARLOW, DONALD-STEPHANIE  
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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 83 064 99 0003 715  
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10526 BELLEVILLE RD  
VAN BUREN TOWNSHIP MI 48111

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10578 DEWITT RD  
VAN BUREN TOWNSHIP MI 48111

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

82 83 058 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 Kevin McNamara	CLERK Leon Wright	TREASURER Shary A. Budd	
TRUSTEE Sherry A. Frazier	TRUSTEE Kevin Marlin	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

**LANDSCAPE & PLANTING NOTES -**

- LANDSCAPING SHALL BE INSTALLED IN A MANNER CONSISTENT WITH ACCEPTED PRACTICES SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERYMEN & APPROVED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE, INC. & THE LANDSCAPE DEVELOPMENT PLAN APPROVED BY THE TOWNSHIP.
- ALL CONSTRUCTION & PLANT MATERIAL LOCATIONS TO BE ADJUSTED ON-SITE AS/IF REQUIRED.
- ANY SUBSTITUTION OF PLANT MATERIALS OR ALTERNATION IN PLANT SIZES &/OR SPECIFICATIONS SHALL BE CONFIRMED BY THE ARCHITECT.
- ALL PLANT MATERIAL SHALL BE NURSERY GROWN, FREE OF PESTS & DISEASE, HARDY & BE GUARANTEED FOR ONE YEAR UPON INSTALLATION.
- PLANT BEDS SHALL BE MULCHED & DRESSED W/ 4" OF SHREDDED BARK OR SIMILAR (VERIFY W/ ARCHITECT ON EXACT TYPE & COLOR). PLANT BEDS SHALL BE SPADE CUT OR EDGED W/ METAL EDGINGS, 1/2" THICK X 4" TALL, INSTALLED W/ STAKES PER MANUFACTURER'S REQUIREMENTS. TOP OF EDGING SHALL BE 1/2" ABOVE FINISH GRADE (ALTERNATE - TOP OF EDGING TO BE FLUSH W/ FINISH GRADE).
- ALL LANDSCAPING SHALL BE MAINTAINED IN GOOD CONDITION.
- ALL ADJACENT DISTURBED AREAS SHALL BE REPAIRED AS REQUIRED.

- ALL PLANTING AREAS TO BE REPAIRED W/ APPROPRIATE SOIL MIXTURES & FERTILIZERS BEFORE PLANT INSTALLATION.
- ALL LIVING TREES SHALL BE STAKED, GUYED & WRAPPED.
- REMOVE ALL TWINE, WIRE & BURLAP FROM TREE & SHRUB EARTH BALLS & FROM TREE TRUNKS AS RECOMMENDED.
- AT THE TIME OF SITE PREPARATION, CONTACT ARCHITECT, IF REQUIRED, TO REVIEW ALL EXISTING VEGETATION & TAG MATERIAL TO BE SAVED OR RELOCATED.
- DIG SHRUB FITS 12" LARGER THAN SHRUB ROOT BALLS & TREE FITS DUG 24" LARGER THAN ROOT BALLS. BACKFILL W/ 1 PART TOP SOIL & 1 PART SOIL FROM EXCAVATED PLANTING HOLE.
- LAWN TREES SHALL BE MULCHED W/ A 24" WIDE MINIMUM OF 6" DEEP SHREDDED BARK RING OR APPROVED ALTERNATIVE DESIGN FOR TRUNK PROTECTION.
- PLANT MATERIAL, ESPECIALLY EVERGREENS, TO BE PLANTED HIGHER THAN NORMAL WHEN HEAVY SOIL CONDITIONS (CLAY, ETC.) EXIST. PROVIDE BEED OR 80D AS REQUIRED FOR LANDSCAPE AREAS.
- PROVIDE ALL GRASS AREAS W/ IRRIGATION SYSTEM & AUTOMATIC TIMER AS/IF REQUIRED BY LOCAL COMMUNITY ORDINANCE.

**PROJECT SPECIFIC / MAINTENANCE NOTES -**

- PAVED SURFACES, WALKWAYS, SIGNS, LIGHTING & OTHER STRUCTURES & SURFACES SHALL BE MAINTAINED IN A SAFE ATTRACTIVE CONDITION AS ORIGINALLY DESIGNED & CONSTRUCTED. PARKING LOT STRIPING & MARKINGS SHALL BE MAINTAINED IN A CLEARLY VISIBLE CONDITION.
- OWNER AGREES TO A SEASONAL MAINTENANCE PROGRAM WILL BE PROVIDED & WILL REPLACE ALL DISEASED, DEAD OR DAMAGED PLANTS, REFRESH MULCH, CONTROL WEEDS, FERTILIZE & PRUNE BEGINNING UPON COMPLETION OF CONSTRUCTION OF THE BUILDING.
- DURING CONSTRUCTION ALL DEBRIS TO BE CONTAINED ON-SITE W/ WEEKLY MAINTENANCE PERFORMED.
- ALL FRONTAGE & PARKING LOT LANDSCAPE REQUIREMENTS PER ORDINANCE ARE MET, NO ADDITIONAL AREAS ARE ALLOCATED FOR ADDITIONAL GENERAL LANDSCAPE AREAS.
- ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS, SPECIFICATIONS AND GENERAL CONDITIONS OF VAN BUREN TOWNSHIP.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR RESOLVING ANY DRAINAGE PROBLEMS ON ADJACENT PROPERTIES WHICH ARE THE RESULT OF THE DEVELOPER'S ACTIONS.
- ALL TWO-WAY AISLES & ONE-WAY AISLE TO HAVE SIGNAGE AS REQUIRED TO MAINTAIN FIRE LANE ACCESS AT ALL TIMES.

**GENERAL NOTES -**

- THESE DOCUMENTS ARE THE PROPERTY OF R.A. CHIESA ARCHITECTS, P.C. ANY VARIATION OR REPRODUCTION OF THESE PLANS IS STRICTLY PROHIBITED UNLESS WRITTEN CONSENT IS OBTAINED FROM THE FIRM.
- THESE PLANS COMPLY WITH ALL CURRENT APPLICABLE BUILDING CODES (NATIONAL, STATE AND LOCAL) TO THE BEST OF OUR KNOWLEDGE.
- R.A. CHIESA ARCHITECTS, P.C. SHALL NOT BE RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE GENERAL CONTRACTOR, SUB-CONTRACTORS, EMPLOYEES OR AGENTS OF THE ABOVE REGARDING THE CONSTRUCTION.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES.
- ALL CONTRACTORS SHALL BE LICENSED (WHERE APPLICABLE) AND INSURED.
- THE BUILDING OWNER OR GENERAL CONTRACTOR (ON HIS BEHALF) SHALL APPLY AND OBTAIN THE REQUIRED PERMITS PRIOR TO CONSTRUCTION.
- THE GENERAL CONTRACTOR AND SUB-CONTRACTORS SHALL FIELD VERIFY THE PROJECT SITE AND ALL EXISTING JOB CONDITIONS PRIOR TO CONSTRUCTION. PROMPTLY NOTIFY THE ARCHITECT IN WRITING IF ANY DISCREPANCIES EXIST THAT WOULD IMPACT OR VARY THE CONSTRUCTION BASED ON THESE DOCUMENTS.
- EACH CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES THEY CAUSE AS A RESULT OF THEIR WORK TO BOTH EXISTING AND NEW CONSTRUCTION, UTILITIES, SERVICES AND PROPERTY.
- EACH CONTRACTOR SHALL PROVIDE AND BE RESPONSIBLE FOR ALL SHORING, BRACING AND ALL OTHER MEANS REQUIRED TO PROTECT AND MAINTAIN THE SAFETY, INTEGRITY AND STABILITY OF ALL EXISTING AND NEW CONSTRUCTION AS IT PERTAINS TO THEIR WORK.
- ALL CONSTRUCTION DEBRIS SHALL BE MAINTAINED IN AN APPROVED CONTAINER OR ENCLOSURE UNTIL REMOVED FROM THE PROJECT SITE.

**LANDSCAPE SCHEDULE -**

SYMBOL	TYPE	QTY	NAME / SPECIES	DESCRIPTION	NOTES
(Symbol)	DECIDUOUS TREE	15	SUNBURST HONEYLOCUST	3" CALIPER	
(Symbol)	DECIDUOUS TREE	8	AMERICAN BEECH	3" CALIPER	
(Symbol)	DECIDUOUS TREE	12	EASTERN REDBUD	3" CALIPER	
(Symbol)	DECIDUOUS TREE	5	LITTLE LEAF LINDEN	3" CALIPER	
(Symbol)	EVERGREEN TREE	6	CONCOLOR FR	6" TALL	
(Symbol)	EVERGREEN SHRUB	55	BOXWOOD (WINTERGREEN)	30" H. (MIN. SIZE) PLANTED AT 36"-48" O.C.	
(Symbol)	EVERGREEN SHRUB	33	DENSE YEW	30" H. (MIN. SIZE) PLANTED AT 36"-48" O.C.	
(Symbol)	PERENNIAL EVERGREEN GRASS	20	STELLA D'ORO DAYLILY	1 GALLON (MIN. SIZE) (GOLDEN YELLOW BLOOMS)	

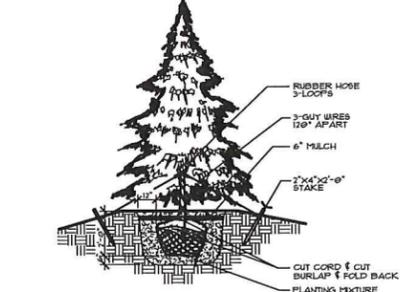
LOCATE ALL LANDSCAPING IN SCHEDULE PER SITE PLAN.

**STORM WATER DESIGN / DETENTION VALUES -**

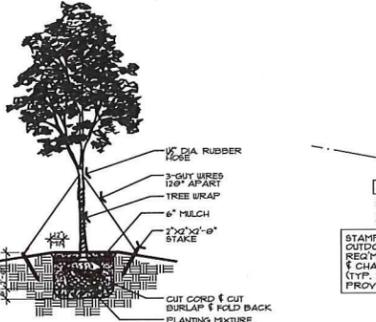
- SITE AREA = 1.12 ACRES
- RUNOFF COEFFICIENTS:
  - A. BUILDING ROOF - 0.95
  - B. PAVEMENT AREAS - 0.95
  - C. UNPAVED AREAS - 0.20
- SITE CALCULATIONS:
  - A. BUILDING ROOF - 9,932 S.F. X 0.95 = 9,435
  - B. PAVEMENT AREAS - 49,381 S.F. X 0.95 = 46,912
  - C. UNPAVED AREAS - 19,610 S.F. X 0.20 = 3,922
  - D. TOTAL - 59,469

**LANDSCAPING REQUIREMENTS -**

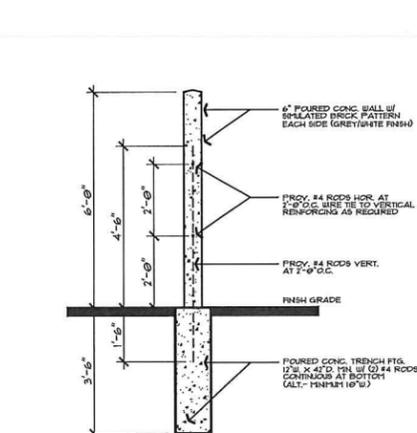
- TREES REQ'D AT FRONTAGE / RIGHT-OF-WAY = 1 TREE / 40' LF OR 200' / 40' = 5 TREES
- TREES PROVIDED AT FRONTAGE / RIGHT-OF-WAY = 5 TREES
- REQUIRED INTERIOR LANDSCAPE AREA -
  - A) PAVING AREA - 49,381 S.F.
  - 1. ASPHALT PAVING - 45,980 S.F.
  - 2. CONCRETE WALKS - 3,401 S.F.
  - 3. TOTAL - 49,381 S.F.
- INTERIOR LANDSCAPING REQUIRED = 5% OF PAVING AREA
  - C) 49,381 S.F. X 5% = 2,469 S.F. REQUIRED GREEN AREA
- LANDSCAPE AREA PROVIDED - 3,303 S.F. (EXCEEDS 2,469 S.F. REQUIRED)
- TREES REQ'D AT INTERNAL GREEN AREAS = 1 TREE / 300' S.F. OR 3,303 / 300' = 11 TREES
- TREES PROVIDED AT INTERNAL GREEN AREAS = 30 TREES



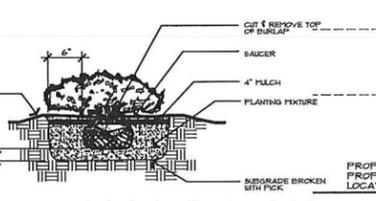
4 TREE PLANTING DETAIL  
1 NTS  
2 1/2" CALIPER OR GREATER



3 TREE PLANTING DETAIL  
1 NTS  
2 1/2" CALIPER OR GREATER



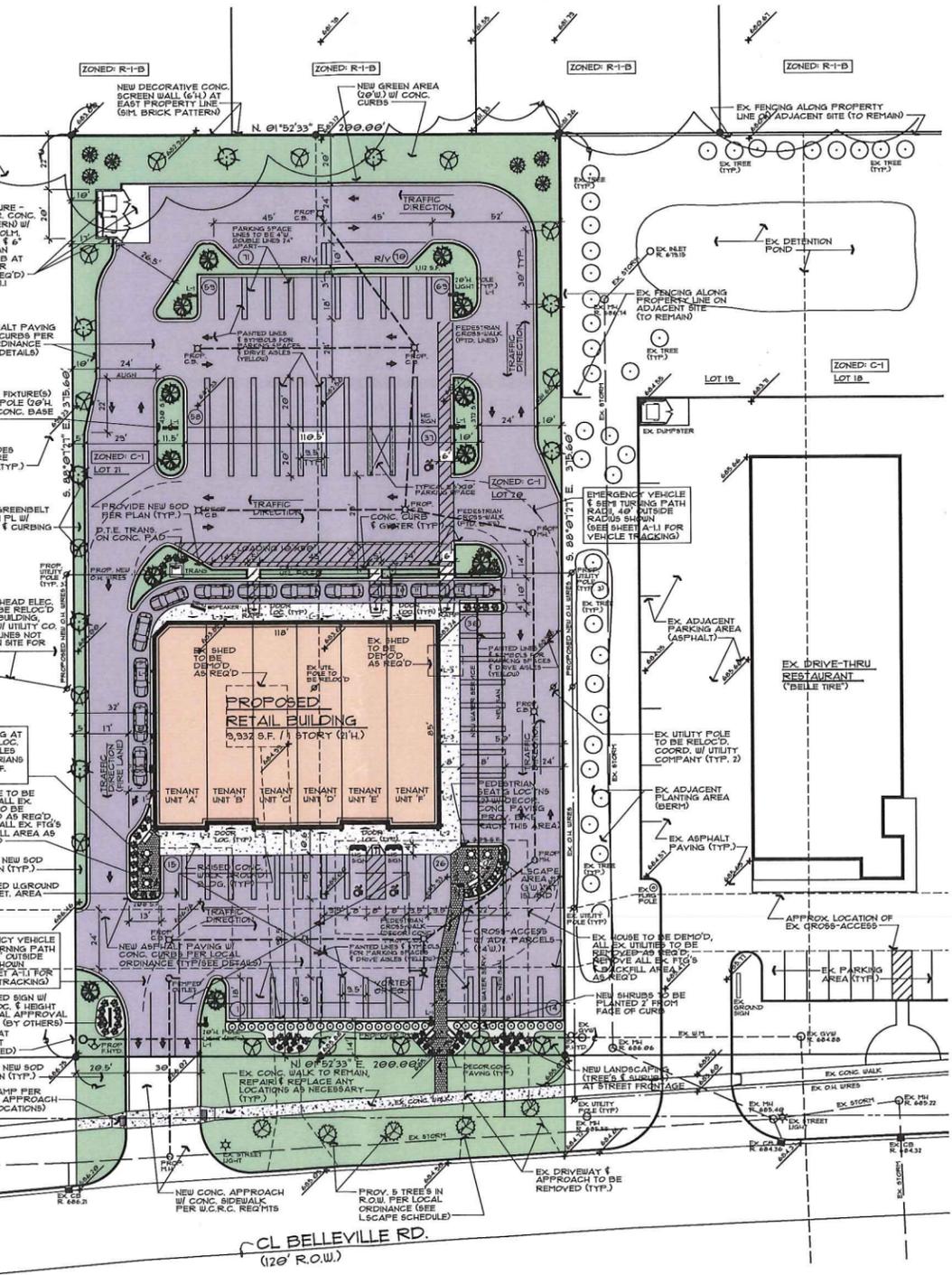
5 SCREEN WALL DETAIL  
1 NTS  
(CONCRETE FORMED)



2 SHRUB PLANTING DETAIL  
1 NTS

**LEGAL DESCRIPTION -**

PARCEL ADDRESS: 10513 BELLEVILLE ROAD  
 DESCRIPTION: PART OF THE S.W. 1/4 OF SECTION 15, T.35, R.8E, BELLEVILLE, WAYNE COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 15A20 LOTS 20 & 21 89YMOUR AND TROESTERS BELLEVILLE SUBDIVISION, T.35, R.8E, L.10, P.34 W.C.R.



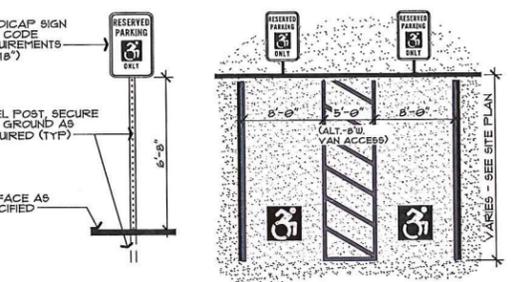
**SITE PLAN**

1" = 30'

- SEE SHEET A-1 FOR ADDITIONAL SITE & LIGHTING INFORMATION.
- SITE NOT LOCATED IN 100 YEAR FLOODPLAIN.

**PROJECT INFORMATION -**

GOVERNING CODES:	2015 MICHIGAN BUILDING CODE
	2015 MICHIGAN MECHANICAL CODE
	2014 MICHIGAN ELECTRICAL CODE
	2015 MICHIGAN PLUMBING CODE
1. SITE ZONING:	C-1 (GENERAL BUSINESS)
2. SITE AREA:	15,120 S.F. +/- OR 1.72 ACRES +/- (NET)
3. BUILDING AREA:	9,932 S.F.
4. USE GROUP:	B & M
5. CONSTRUCTION TYPE:	5B
6. PARKING REQUIREMENTS:	
A. FAST FOOD / DRIVE-THRU - (1 UNIT AT 1,800 S.F. / LOW-VOLUME DRIVE-THRU)	
1. 20 SEATS / 2 = 10 SPACES	
2. 1 SPACE / EMPLOYEE = 6 SPACES	
B. FAST FOOD - (2 UNITS AT 1,600 S.F.)	
1. 30 SEATS / 2 = 15 SPACES	
2. 1 SPACE / EMPLOYEE = 12 SPACES	
C. RETAIL -	
1. 4,600 S.F. X 0.20 = 3,144 S.F. / 200' = 15 SPACES	
D. TOTAL SITE PARKING REQUIRED = 62 SPACES	
7. PARKING PROVIDED:	71 PARKING SPACES (INCLUDING 3 HC)
8. PROJECT WORK SCOPE:	
NEW MULTI-TENANT RETAIL BUILDING W/ DRIVE-THRU TO BE LOCATED AT EXISTING VACANT PARCEL. ALL BUILDING & SITE IMPROVEMENTS TO BE PER THE ARCHITECTURAL PLANS AS PROVIDED.	
ANY REVISIONS TO THE CONSTRUCTION THAT DO NOT FOLLOW THE ARCHITECTURAL PLANS WITHOUT HAVING PROPER APPROVAL FROM ARCHITECT AND LOCAL BUILDING DEPARTMENT MAY RESULT IN A WORK STOPPAGE.	



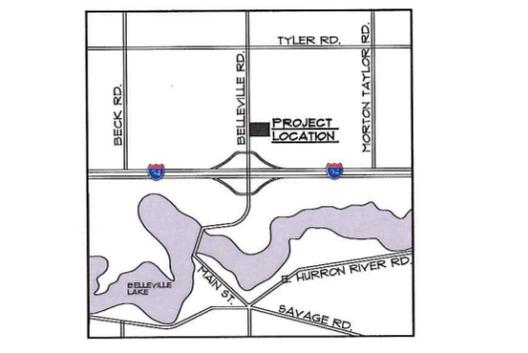
1 HC PARKING SIGN DETAILS  
1 NTS

- NOTES:
- ALL HANDICAP PARKING SPACES SHALL HAVE A HANDICAP SIGN.
  - ALL SIGNS SHALL BE CENTERED AT EACH PARKING STALL UNLESS PROHIBITED BY SITE CONDITIONS.
  - SIGNS SHALL NOT BE LOCATED MORE THAN 10'-0" FROM THE EDGE OF THE PARKING STALL.
  - HANDICAP SIGNS CAN BE MOUNTED ON A BUILDING, PROVIDED THEY ARE NOT OBSTRUCTED FROM VIEW.

**SHEET INDEX -**

A-1	SITE PLAN & INFORMATION
A-1.1	SITE PHOTOMETRIC PLAN, VEHICLE TRACKING & SITE DETAILS
A-2	FLOOR PLAN
A-3	ELEVATIONS
A-4	ELEVATIONS

OWNER / DEVELOPER:  
 GRAND MANAGEMENT & DEVELOPMENT  
 31333 SOUTHFIELD RD.  
 BIVERT HILLS, MICHIGAN  
 JASON KISHA 984 (482) 217-1234



SITE LOCATION MAP  
1 NTS

**R.A. CHIESA ARCHITECTS, P.C.**  
 43260 Garfield Rd., Suite 210  
 Clinton Township, Michigan 48038  
 (586) 253-5519

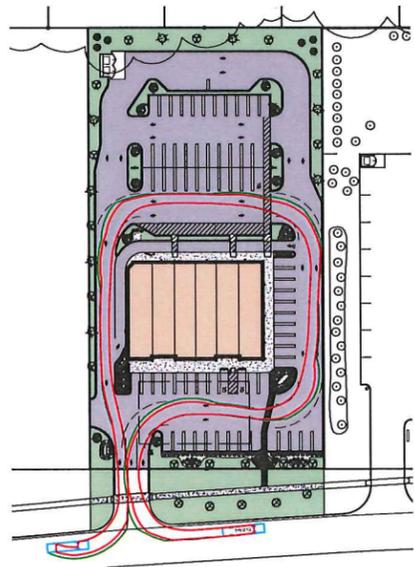
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9/15/18	SITE PLAN APPROVAL
7/30/18	SITE PLAN REVISION

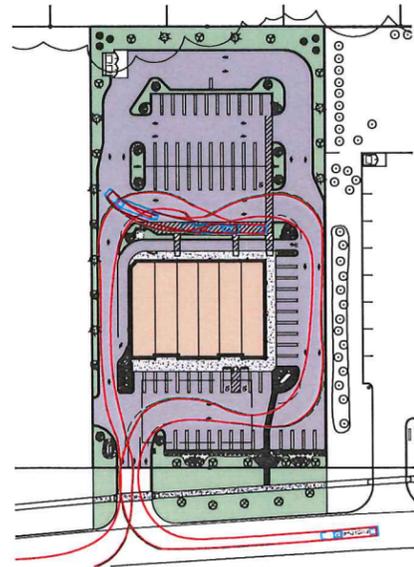
**SITE PLAN & INFORMATION**

PROJECT - PROPOSED 9,932 S.F. RETAIL BUILDING - MULTI-TENANT BUILDING  
 10513 BELLEVILLE ROAD  
 BELLEVILLE, MICHIGAN 48111

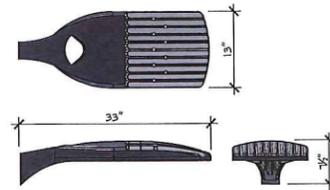
JOB NO. 17200  
 SHEET NO. A-1



**EMERG. VEHICLE TRACKING PLAN**  
 1" = 50'  
 VEHICLE ON-SITE: PUMPER FIRE TRUCK (40'L)

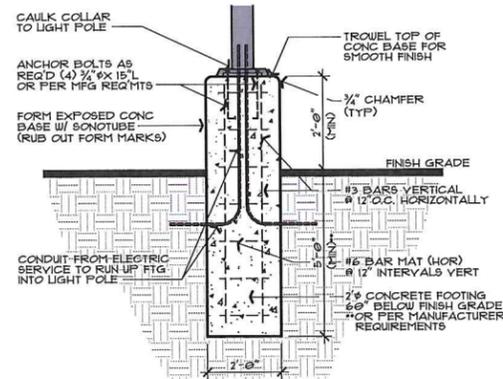


**VEHICLE TRACKING PLAN**  
 1" = 50'  
 VEHICLE ON-SITE: INTERMEDIATE SEMI-TRAILER WB-40 (45'L)

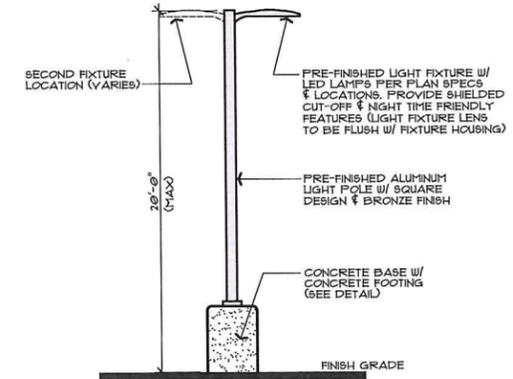


**3 LIGHT POLE FIXTURE DETAIL**  
 1.1 NTS  
 "LITHONIA" D9XI LED

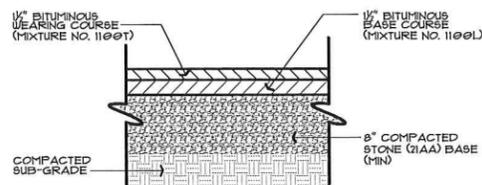
LIGHT FIXTURE SCHEDULE -			
SYMBOL	MANUFACTURER	SERIES / MODEL / FINISH	DESCRIPTION
L-1	LITHONIA	D-SERIES SIZE 0 D9X0 DARK BRONZE	POLE MTD FIXTURE, NIGHT TIME FRIENDLY W/ HOUSE-SIDE SHIELD & NO UPLIGHT (CUT-OFF PROVIDED) P6 / 40K / T3M / LED 134W
L-2	LITHONIA	OLAW23 120 LED WALLPACK DARK BRONZE	LED WALLPACK W/ 10 LED'S (1 LAMP) LED 35W / TYPE VS 'VERY SHORT'
L-3	LITHONIA	D-SERIES SIZE 1 D9X1 DARK BRONZE	WALL MOUNTED LIGHT FIXTURE - NIGHT TIME FRIENDLY W/ NO UPLIGHT / CUT-OFF PROVIDED 4,000K / LED 13.2W / T3M MEDIUM



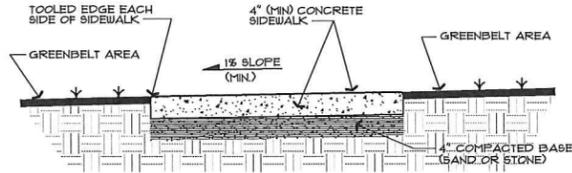
**2 LIGHT POLE BASE DETAIL**  
 1.1 NTS



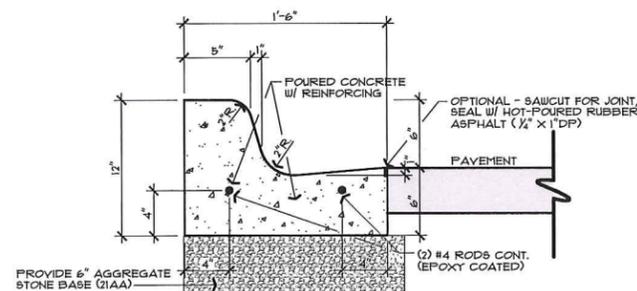
**1 LIGHT POLE DETAIL**  
 1.1 NTS



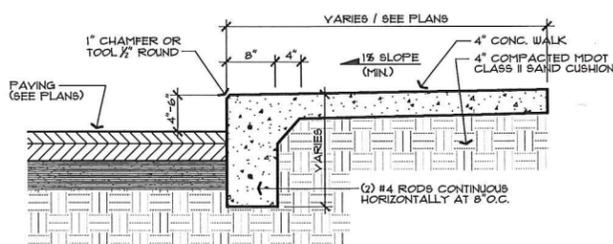
**9 ASPHALT PAVING DETAIL**  
 1.1 NTS  
 VERIFY EXACT REQ'MTS



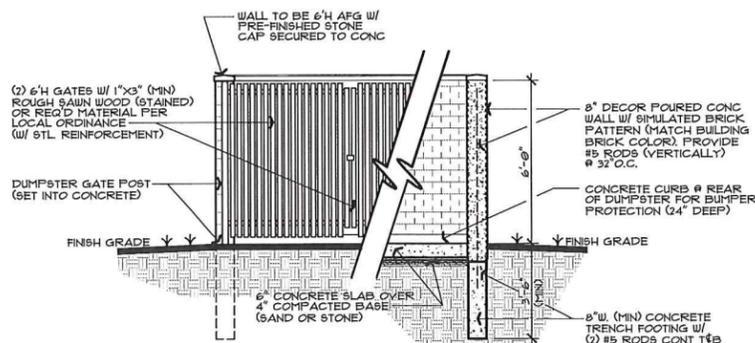
**6 TYPICAL SIDEWALK DETAIL**  
 1.1 NTS



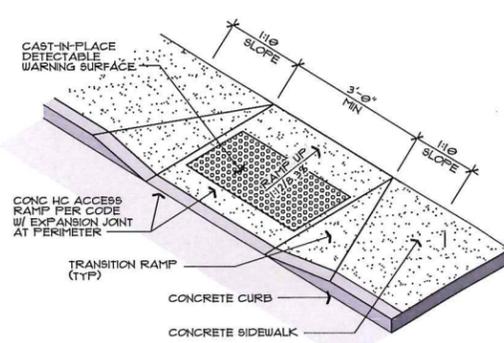
**8 CURB & GUTTER DETAIL**  
 1.1 NTS



**5 THICKENED EDGE WALK**  
 1.1 NTS

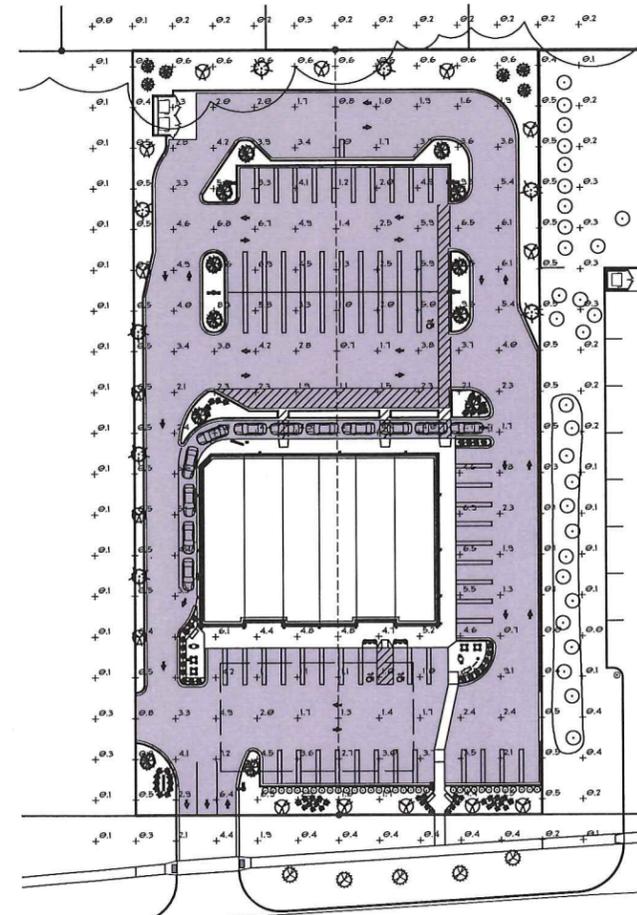


**7 DUMPSTER ENCLOSURE DETAIL**  
 1.1 NTS  
 SEE PLANS FOR EXACT DUMPSTER LAYOUT

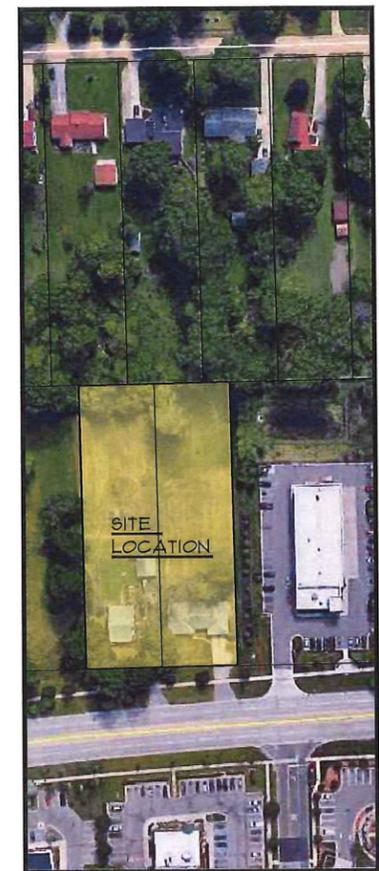


**4 HC ACCESS RAMP DETAIL**  
 1.1 NTS

NOTES:  
 1. PROVIDE HEAVY BROOM FINSH ON ALL RAMP SURFACES.



**SITE PHOTOMETRIC PLAN**  
 1" = 40'  
 \*\*SEE ELEVATIONS FOR ADDITIONAL LIGHT FIXTURE INFORMATION



**SITE AERIAL MAP**  
 NTS

**R.A. CHESA ARCHITECTS, P.C.**  
 43280 Garfield Rd., Suite 210  
 Clinton Township, Michigan 48008  
 (586) 263-5519

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DATE	DESCRIPTION
6/8/18	SITE PLAN APPROVAL
7/9/18	SITE PLAN REVISED

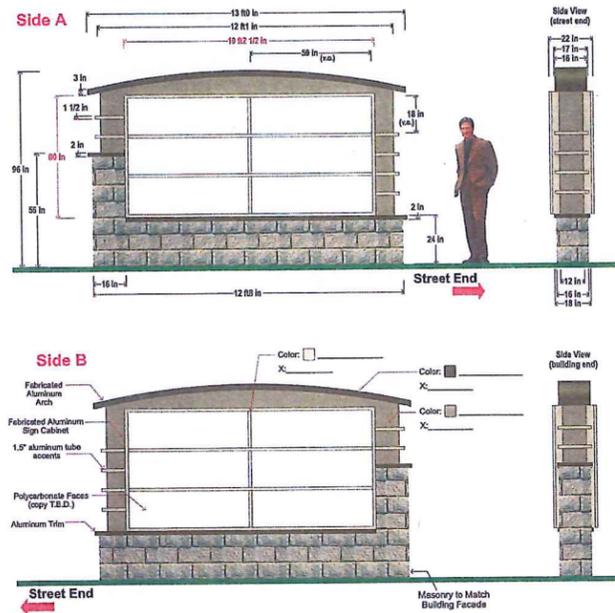
SHEET TITLE -  
**SITE PHOTOMETRIC PLAN,  
 VEHICLE TRACKING &  
 SITE DETAILS**

PROJECT -  
 PROPOSED 9,937 S.F. RETAIL BUILDING -  
**MULTI-TENANT BUILDING**  
 10513 BELLEVILLE ROAD  
 BELLEVILLE, MICHIGAN 48111

JOB NO.  
**17200**

SHEET NO.  
**A-1.1**





**BUILDING PERSPECTIVE**

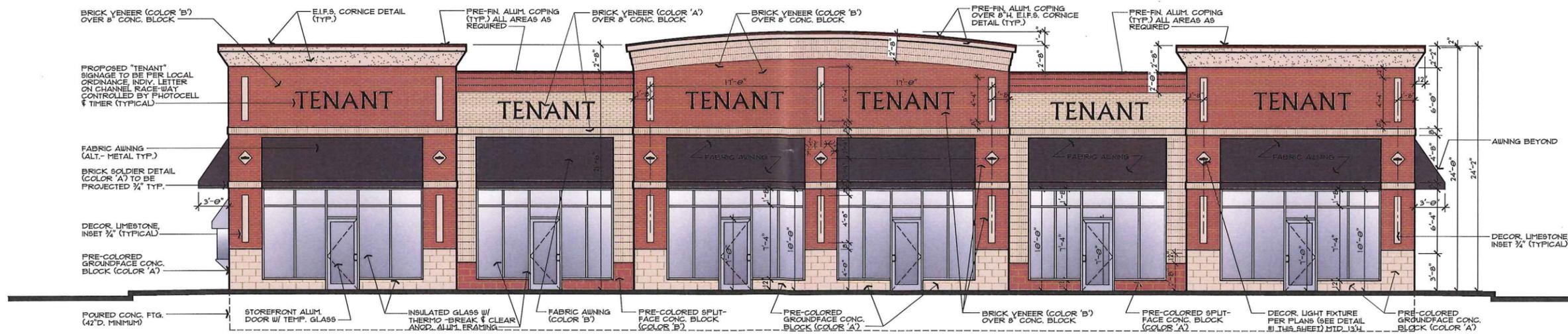
NTS

**1 SITE GROUND SIGN DETAIL**

3 NTS

**NOTES:**

1. EXACT SIGN COLORS TO BE COORDINATED W/ FINISH MATERIAL SELECTIONS FOR BUILDING.
2. FINAL SIGN DESIGN SHALL BE SUBMITTED BY SIGN COMPANY FOR PERMIT PRIOR TO INSTALLATION.



**FRONT FACADE:**  
 FRONTAGE AREA = 1,100 S.F. (10' CEILING)  
 GLAZING AREA = 842 S.F. OR 11% GLASS

**WEST ELEVATION**

3/16" = 1'-0"

EXACT BUILDING MATERIAL FINISHES MAY VARY FROM ELEVATIONS SHOWN BASED ON EXACT MFG. FINISHES & PRODUCT AVAILABILITY

**R.A. CHIESA ARCHITECTS, P.C.**  
 43260 Gartfield Rd. Suite 210  
 Clinton Township, Michigan 48038  
 (586) 263-5519

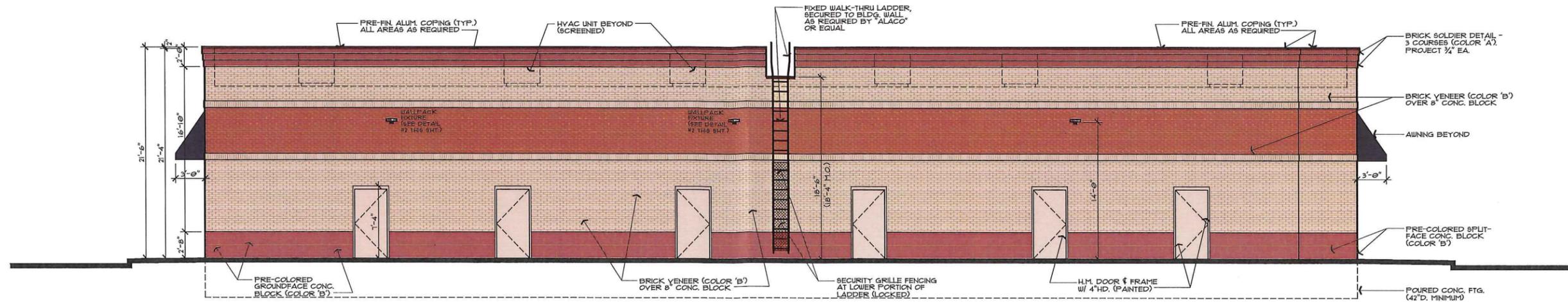
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6/9/18	SITE PLAN APPROVAL
1/5/18	SITE PLAN REVISED

SHEET TITLE -  
**ELEVATIONS**

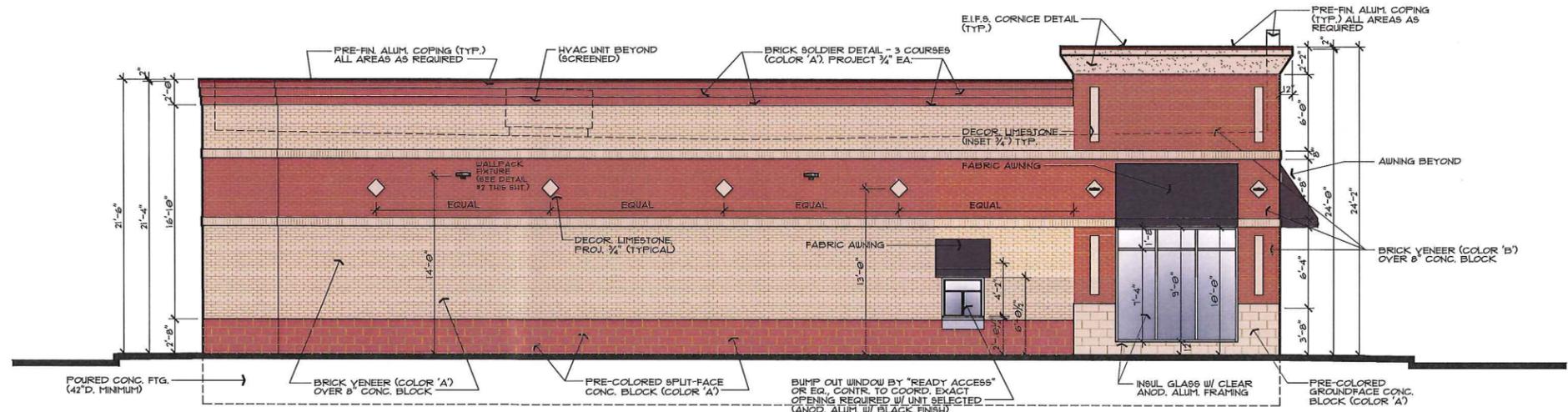
PROJECT -  
 PROPOSED 9,932 S.F. RETAIL BUILDING -  
**MULTI-TENANT BUILDING**  
 10513 BELLEVILLE ROAD  
 BELLEVILLE, MICHIGAN 48111

JOB NO.  
**17200**  
 SHEET NO.  
**A-3**



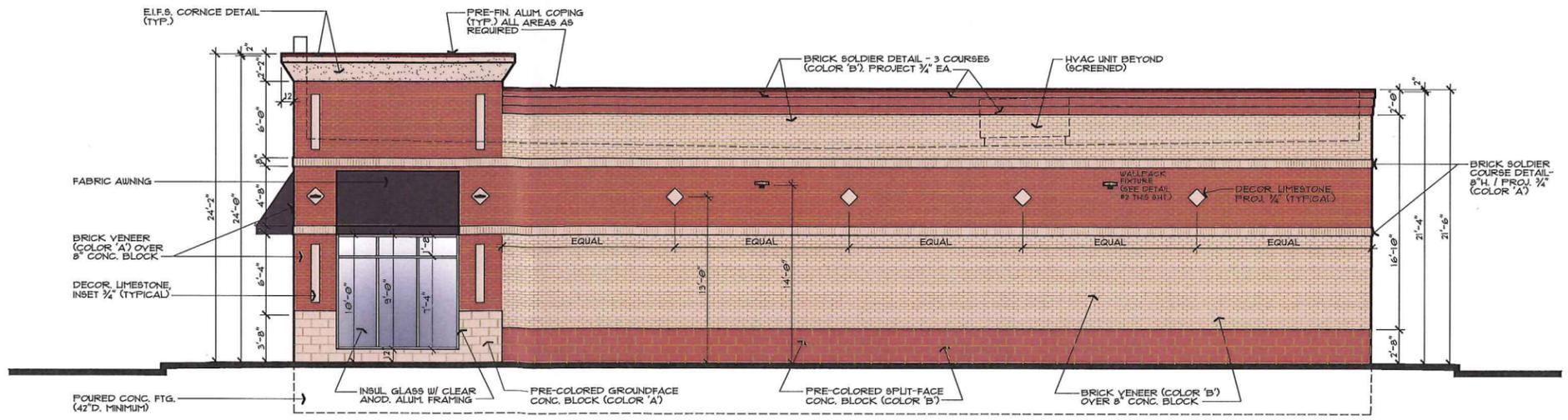
**EAST ELEVATION**

3/16" = 1'-0"



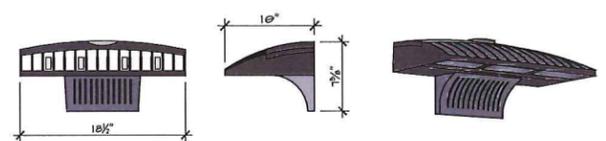
**NORTH ELEVATION**

3/16" = 1'-0"

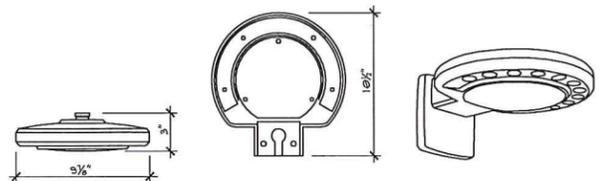


**SOUTH ELEVATION**

3/16" = 1'-0"



**2 WALL PACK FIXTURE DETAIL**  
4 NTS "LITHONIA" DSXW2 LED



**1 DECOR. LIGHT FIXTURE DETAIL**  
4 NTS "LITHONIA" OLAW23 120 LED

**R.A. CHIESA ARCHITECTS, P.C.**  
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6/18/18	SITE PLAN APPROVAL
1/30/18	SITE PLAN REVISED

SHEET TITLE -  
**ELEVATIONS**

PROJECT -  
PROPOSED 9,932 S.F. RETAIL BUILDING -  
**MULTI-TENANT BUILDING**  
10675 BELLEVILLE ROAD  
BELLEVILLE, MICHIGAN 48111

JOB NO.  
**17200**  
SHEET NO.

**A-4**

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

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

**Work Study Date:** 08/20/18

**Board Meeting:** 08/21/18

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

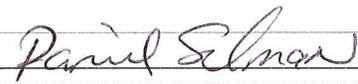
New Business X

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

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

<b>ITEM (SUBJECT)</b>	To approve the Petition and Resolution 2018-17 for the abandonment of a portion of the Denton Drain as provided in Chapter 17 of Public Act 40 of 1956, as amended.
<b>DEPARTMENT</b>	Public Services
<b>PRESENTER</b>	Matthew R. Best, Director of Public Services
<b>PHONE NUMBER</b>	(734) 699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Ron Akers – Director of Planning and Economic Development

### Agenda topic

<b>ACTION REQUESTED</b>	To approve the Petition and Resolution 2018-17 for the abandonment of a portion of the Denton Drain as provided in Chapter 17 of Public Act 40 of 1956, as amended.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	Project Pancake is developing the property upon which the beginning portion of the Denton Drain is found. This section of the Denton Drain will be abandoned, no longer needed, as the property is being developed as a high tech automotive research facility. The petition and resolution is required by the Michigan Drain Code of 1956 for this abandonment to occur.
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Supervisor and Clerk to sign.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	Reviewed by Township Attorney (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**VAN BUREN TOWNSHIP**

**RESOLUTION TO FILE PETITION TO ABANDON A PORTION OF A DRAIN**

**Resolution 2018-17**

**DENTON DRAIN**

At a Board of Trustees meeting of the Van Buren Township Board, held in Wayne County, State of Michigan on the 21st day of August, 2018, at 7:00 p.m.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_  
\_\_\_\_\_.

**WHEREAS**, the Denton Drain is a legally established county drain pursuant to Public Act 40 of 1956, as amended; and

**WHEREAS**, the portion of the drain to be abandoned is located and established within Van Buren Township; and

**WHEREAS**, an inspection of the area where the drain is established shows that the portion of the drain has ceased to be of public utility and is no longer conducive to the public health, convenience, and welfare; and

**NOW, THEREFORE BE IT RESOLVED THAT**, the Township Board does authorize the filing of a petition for the abandonment of a portion of the drain.

**BE IT FURTHER RESOLVED THAT** the Supervisor is authorized to execute the petition for the abandonment of a portion of the drain.

**BE IT FURTHER RESOLVED** that the Clerk shall forward to the Wayne County Drain Commissioner a copy of this Resolution for the petition for the abandonment of a portion of the drain.

**VAN BUREN TOWNSHIP**

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: Kevin McNamara  
Its: Supervisor

Yeas:  
Nays:  
Abstain:  
Absent:

**Resolution No. 2018-17**

I, the undersigned, being duly qualified and acting Clerk of Van Buren Township, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Township Board for the Van Buren Township at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and that notice of said meeting was given in accordance with the Open Meetings Act.

\_\_\_\_\_  
Leon Wright, Clerk  
Van Buren Township

\_\_\_\_\_  
Date

**VAN BUREN TOWNSHIP**

**DENTON DRAIN**

**PETITION TO ABANDON A PORTION OF A DRAIN**

To the Wayne County Drain Commissioner:

Van Buren Township hereby petitions for the abandonment of a portion of the Denton Drain as provided in Chapter 17 of Public Act 40 of 1956, as amended.

A description of the portion of the Drain to be abandoned is as follows:

That part of the Denton Drain, as recorded in Liber 125, Page 178, Wayne County Records, Michigan, described as follows: Commencing at its outlet in the Apple Run or Horner Drain, said Outlet being South 34 Degrees 25 Minutes 00 Seconds East 630.00 feet from the Northwest corner of Section 4, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence South 83 Degrees 42 Minutes 15 Seconds West 521.00 feet; thence North 79 Degrees 24 Minutes 00 Seconds West 475.00 feet; thence South 84 Degrees 12 Minutes 45 Seconds West 598.00 feet; thence North 89 Degrees 46 Minutes 15 Seconds West 290.00 feet; thence South 38 Degrees 19 Minutes 45 Seconds West 1281.00 feet; thence South 88 Degrees 47 Minutes 15 Seconds West 508.00 feet; thence South 88 Degrees 47 Minutes 15 Seconds West 441.00 feet; thence North 88 Degrees 29 Minutes 15 Seconds West 1149.00 feet; thence North 2 Degrees 23 Minutes 15 Seconds West 172.00 feet; thence South 86 Degrees 27 Minutes 45 Seconds West 447.00 feet; thence North 64 Degrees 47 Minutes 30 Seconds West 41.00 feet, across Denton Road and into the Northeast quarter of Section 6; thence North 88 Degrees 43 Minutes 30 Seconds West 661.00 feet; thence South 2 Degrees 07 Minutes 45 Seconds West 303.00 feet; thence South 89 Degrees 39 Minutes 00 Seconds West 287.00 feet; thence South 1 Degree 45 Minutes 15 Seconds East 192.00 feet; thence South 89 Degrees 04 Minutes 15 Seconds West 382.74 feet to a point on the West line of "Supervisor's Van Buren Plat No. 2", of part of the East ½ of Section 6, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, as recorded in Liber 67 of Plats, page 51, Wayne County Records and the Point of Beginning; thence continuing South 89 Degrees 04 Minutes 15 Seconds West 71.26 feet; thence South 85 Degrees 28 Minutes 15 Seconds West 702.00 feet; thence South 24 Degrees 16 Minutes 00 Seconds West 164.00 feet; thence South 72 Degrees 31 Minutes 15 Seconds West 642.00 feet to its terminus, said terminus being near the centerline of Justine Street, 550 feet, more or less North of the Center of Section 6.

Length of said vacation is 1,579 feet, more or less.

Also described as:

All that part of the Denton Drain, as recorded in Liber 125, Page 178, Wayne County Records, lying West of the West line of "Supervisor's Van Buren Plat No. 2", of part of the East ½ of Section 6, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan, as recorded in Liber 67 of Plats, page 51,

Wayne County Records.

Your petitioner further shows that a portion of the Denton Drain has ceased to be of public utility and is no longer conducive to the public health, convenience, and welfare.

This petition has been authorized by the Township's governing body. A copy of the Resolution is attached hereto.

Dated: \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
By: Kevin McNamara  
Its: Supervisor

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