

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION MINUTES  
FEBRUARY 23, 2011**

Chairperson Thompson called the meeting to order at 7:31 p.m. Present: Guenther, Johnson, Boynton, Kelley, McKenna, Budd and Thompson. Staff Present: Interim Director Terry Carroll and Secretary Harman. McKenna Associates present: Christopher Khorey. There were 6 people in the audience.

**APPROVAL OF AGENDA:**

**Motion McKenna, Johnson second to approve the agenda with the amendment of New Business Item #1 to be listed as a Public Hearing.**

**Motion carried.**

**MINUTES:**

**Motion Budd, McKenna second to approve the minutes from February 9, 2011 as presented.**

**Motion carried.**

**PUBLIC HEARINGS**

**ITEM #1**

**CASE #**

**TITLE: PUBLIC HEARING FOR A MODIFICATION TO CONSTRUCT A 50 X 114 SQUARE FOOT DETACHED ACCESSORY BUILDING WITH AN AREA THAT EXCEEDS THE MAXIMUM PERMITTED GROUND COVERAGE AND THE MAXIMUM HEIGHT AS REGULATED BY SECTION 4.14 OF THE TOWNSHIP ZONING ORDINANCE.**

**LOCATION: PARCEL NUMBER V125-83-113-99-0019-000 ALSO KNOWN AS 13970 ELWELL ROAD, THIS PROPERTY IS LOCATED ON THE WEST SIDE OF ELWELL, SOUTH OF HURON RIVER DRIVE, NORTH OF HULL ROAD.**

**Motion Boynton, Johnson second to open the public hearing.**

**Motion carried.**

Applicant, Scott Jones, 11696 Juniper Drive presented his request for a 50 x 114 square foot accessory building. Jones has submitted drawings of the requested building at the property which he acquired at auction. He brought to the Commissions' attention that the agenda shows the measurements are 50 x 100 square feet but they are actually 50 x 114 square feet. The height is needed for a 14 ft. door is which is necessary to store a motor home, causing the height to exceed regulations.

Commissioner McKenna inquired why the building shows as 124 feet high. Jones stated the floor grade is at 100 feet so the building is actually 24 feet from ground to the top of the peak. The architect listed the finished floor at 100 feet. The roof height is at 124 ft. 6 in.

Jim Wagner, 47947 W. Huron River Drive is concerned that the property owner does not live at the property, sounds more like a commercial storage facility and takes away from the residential area. He is concerned that if the property ever sold a business might be run out of it. He feels this is not conducive to the neighborhood without a resident on the property.

Commissioner Johnson inquired if there will be a residence on the property. Jones stated that he plans to refurbish the existing house on the property and rent it out.

Commissioner Johnson asked McKenna & Associate's representative Khorey how much are we over the official ordinance? Khorey stated approximately 3-4 feet above in height. Johnson inquired what zoning could the building be legally built within the township? Khorey stated the accessory building standards are for residential district zones and he is unable to answer right now. Chairperson Thompson, the Commission will need to have all information before making a final decision.

**Motion Johnson, Kelley second to close the public hearing.**

**Motion carried.**

**OLDBUSINESS**

**ITEM #1**

**CASE #**

**TITLE: THE APPLICANT, VICTORY PRE-OWNED VEHICLES IS REQUESTING SPECIAL USE AND PRELIMINARY SITE PLAN APPROVAL FOR OUTDOOR SALES SPACE FOR EXCLUSIVE SALE OF USED, SECOND HAND AUTOMOBILES IN ACCORDANCE WITH SECTION 13.03 b. OF THE TOWNSHIP ZONING ORDINANCE.**

**LOCATION: PARCEL NUMBER V125-83-061-0004-701 ALSO KNOWN AS 9700 BELLEVILLE ROAD BETWEEN TYLER ROAD AND NORTH I-94 SERVICE DRIVE.**

Applicant addressed: landscaping, parking, building interior areas that will include a sales room, space for vehicles to be cleaned and prepped for sales, additional building brick, spray paint applications and noted all are cited on the site plan. Applicant is making use of a vacant building.

Khorey of McKenna Associates two major comments for special land use from the last meeting were: 1. Narrative on site plans to be revised to specify that mobile homes, motor homes and other large vehicles not be stored on or sold from the site the applicant was amenable to that and site plans were submitted with that note included, 2. To determine whether or not a screen wall was necessary, it was determined that it was not and that screening landscaping would be preferable. The most recent site plans submitted show a staggered double row of evergreens. Because the two comments have been addressed McKenna Associates is recommending that the Planning Commission recommend to the Township Board to approve the special land use.

Khorey of McKenna Associates discussed the Site plan review comments: 1. Customer parking was distributed in various spaces, would like to see clustered and identification signs on customer parking, 2. The applicant to modify required customer parking standards that called for 26 spaces and modified to 18, one for each employee 10 for customers, was approved at February 9<sup>th</sup> meeting, 3. The easement to the AT&T building was not shown on the previous site plan, applicant has addressed and included, 4. Landscaping along Belleville Road modified

slightly to get plants to a lower height, pattern of plants higher at edge of the sight, landscaping has been altered as requested. Additional landscape note regarding landscape maintenance, the owner agrees to seasonal maintenance program regularly watering fertilizing and maintaining all landscape diseased, dead or damaged plants will be removed, 5. The inclusion of a Township standard bench, 6. The details and dimensions of signs to be included in the site plan, 7. Building elevations and details of paint and paint process to be provided, 8. Light standards taller than those permitted in ordinance, changed accordingly. No lights are located on south side of building, lights have been added, 9. Building height to be included in the site plans.

McKenna & Associates recommends the Planning Commission grant preliminary site plan approval subject to the applicant adding landscape maintenance note. Applicant is amenable to landscape maintenance note. Preliminary recommendation letter from Wade Trim is on file.

Commissioner Johnson inquired if there will be storing or dispensing of fuel at the site. Shaff stated there will not be.

Chairperson Thompson inquired how long the lifespan is on the paint on the metal siding. Shaff stated 7 years.

Commissioner Kelley inquired if the building will be stripped and/or primed before being painted. Shaff stated that it will be cleaned and primed and there will be no worry of paint flakes.

No comments from the audience.

**Motion McKenna, Boynton second to recommend special use approval to the Township Board referencing the letter from McKenna Associates dated February 16, 2011.**

**Roll Call:**

**Yeas: Johnson, Boynton, Kelley, McKenna, Budd, Guenther and Thompson.**

**Nays: None.**

**Absent: None.**

**Motion carried.**

**Motion Budd, Boynton second to approve preliminary site plan approval subject to the applicant adding a note to the site plan regarding landscape maintenance as discussed in comment number six in the letter from McKenna Associates dated February 16, 2011. Motion Carried.**

**ITEM #2 LOCAL ZONING AND ORDINANCE OPTOINS IN RESPONSE TO MICHIGAN'S MEDICAL MARIHUANA ACT**

Director Carroll, the Township Board at their last meeting extended for a 3 month period the moratorium for the issuance of permits on medical marijuana. They have requested something come as quickly as possible from the Planning Commission for permanent ordinance language for them to enact. Reviewing proceedings from last November the Commission seemed ready to enact a certain language known as the Livonia Ordinance. At that time Livonia and West Bloomfield and Birmingham were sued for their language. The West Bloomfield and

Birmingham situation is different than Livonia, they not only enacted a change to the zoning code and ordinance, but also police enforced. The Livonia model only speaks to land use not to general ordinance. Director Carroll has before the Commission members this evening what Township attorney took exact language and put into ordinance section 4.01 General provisions, added the last sentence. Uses for enterprises that are contrary to federal, state or local laws or ordinances are prohibited. The attorney felt this was the best placement for the language.

Commissioner McKenna likes the language.

Chairperson Thompson stated that the lawsuit had slowed the Commission down.

Director Carroll stated that it is his understanding that Livonia is currently trying to extricate themselves from the lawsuit based on the fact they do not have the general ordinance provision.

**Motion McKenna, Boynton second to approve recommending revised ordinance regulations with uses contrary to Federal, State and local laws to the Township Board for approval.**

**Roll Call:**

**Yeas: Kelley, McKenna, Budd, Guenther, Johnson, Boynton and Thompson.**

**Nays: None.**

**Absent: None.**

**Motion carried.**

Note by Commissioner McKenna, this is not an attempt to enforce provisions of medical marijuana act but instead what we are saying is that those enterprises that are prohibited by federal, state and local laws will not be permitted and as far as enforcement, that will be left to the State.

**GENERAL DISCUSSION:**

John Delaney asked staff to look into a UL number being put on the permit application.

Director Carroll read a request from the Recreation Committee to go over the Parks and Recreation Master Plan at the March 9, 2011 regularly scheduled Planning Commission meeting. Chair Thompson welcomes the Recreation Committee to the March 9, 2011 meeting.

**Motion McKenna, Kelley second to adjourn at 8:18 p.m.**

**Motion carried**

Respectfully Submitted,

Christina Harman,  
Recording Secretary