

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
SEPTEMBER 12, 2012**

Chairperson Thompson called the meeting to order at 7:30 p.m. Present: McKenna, Budd, Boynton, Johnson, Guenther and Thompson. Excused: Kelley. Staff Present: Director Carroll and Secretary Harman. McKenna Associate present: Sally Hodges. There were 9 people in the audience.

APPROVAL OF AGENDA:

**Motion McKenna, Johnson second to approve the agenda of September 12, 2012 as presented.
Motion carried.**

MINUTES:

**Motion Budd, McKenna second to approve the minutes of August 22, 2012 with spelling correction.
Motion carried.**

NEW BUSINESS:

ITEM #1

TITLE: ADOPT CHANGES TO THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO AMEND AND MODIFY PROVISIONS AND REQUIREMENTS OF SECTION 4.24b WIRELESS COMMUNICATION FACILITIES AND TO MODIFY SECTION 4.31.d COLOCATION ADMINISTRATIVE APPROVAL.

Director Carroll explained the changes made to the ordinance which have been the subject of work study sessions and a public hearing. These changes were made to incorporate changes made at the state level within the ordinance. A published version was provided to the Commissioners for review. Hodges of McKenna Associates was present to answer any questions.

No comments from Commissions members or the audience.

Motion Johnson, Boynton support to recommend to the Township Board to approve an ordinance to amend zoning ordinance 6-2-92 with respect to wireless communications including provisions in the new ordinance dated 8-16-12. Motion Carried.

Roll Call:

YEAS: Johnson, Boynton, McKenna, Budd, Guenther and Thompson.

NAYS: None.

ABSENT: Kelley.

Motion Carried.

ITEM #2

CASE # RZ12-001

TITLE: THE APPLICANT MENARD, INC. IS REQUESTING TO REZONE A PORTION OF PARCEL NUMBER V125-83-064-99-0001-000 ALSO KNOWN AS THE WAYNE COUNTY FAIRGROUNDS, 10871 QUIRK ROAD EQUAL TO 0.61 ACRES FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO C-2 (EXTENSIVE HIGHWAY BUSINESS).

LOCATION: THIS PROPERTY IS LOCATED NORTH OF THE I-94 SERVICE DRIVE, WEST OF BELLEVILLE ROAD, EAST OF QUIRK ROAD AND SOUTH OF MCBRIDE STREET.

Director Carroll explained the location of the parcel for rezoning. The 0.61 acres would be used to square off the site for Menards. Questions regarding a lot split have arisen, Sally Hodges of McKenna Associates will explain further in their review.

Sally Hodges of McKenna Associates review letter dated September 6, 2012 supports the requested zoning, but not until the site is combined with another C-2 parcel as proposed or other acceptable assurance is provided, proper access to a commercial street consistent with sound planning practices is not assured. Because the Township cannot condition a rezoning and timing is the issue, McKenna Associates recommends the Planning Commission consider withholding its recommendation until such time as the rezoning site is combined with one or more of the existing C-2 parcels, as is proposed by the applicant.

When the land combination is complete, McKenna Associates recommends the planning Commission recommend that the Township Board of Trustees approve the request to rezone the subject site from R-1B, Single Family Residential, to C-2, Extensive Highway Business, for the following reasons:

1. The requested C-2 zoning is consistent with the purpose of the Belleville Road District plan component of the Township Master Plan to encourage the use of land in accordance with its character and adaptability.
2. The requested C-2 rezoning is consistent with the purpose of the Belleville Road District component of the Township Master Plan to ensure that land uses are situated in appropriate locations in relationship to others. The fairgrounds will continue to buffer the single family residential neighborhood from the impacts of commercial development in the vicinity.
3. Rezoning to C-2 would be consistent with the adjacent C-2 zoned parcels with frontage on Belleville Road and the N. Service Drive.
4. If rezoned and combined with the adjacent C-2 parcel(s), the site would support C-2 district business and service uses consistent with the Master Plan along the N. I-94 Service Drive in the area adjacent to the rezoning site.
5. The requested area change is small and not out of character with the needs of the community.
6. The loss of land from the community facility is, in this case, mitigated by its remote location, small size, and the increased tax base that would benefit the Township.

Director Carroll noted that the landowner needs to apply to the land division board and request a division and recombination. Once the division and recombination is final it will go on to the county for recording. Mr. Simons has not had time to address the split or recombination, for neither of the properties are currently owned by Menards. Director Carroll will get a hold of property owner Sloan to inform him authorization is needed from the fairgrounds for him to be an agent for the property. In order to go ahead with the split Sloan will need a letter establishing him as an agent for the fairgrounds. Commissioner Budd noted the property cannot be rezoned without the owner. Hodges informed an agent from the fairgrounds will have to give Sloan the right. Chairperson Thompson inquired what a time frame for action would be. Director Carroll informed the quickest Township Board action could be seen is October 2nd and Menards would need to come back to the Planning Commission on October 10th at the earliest.

Commissioner McKenna inquired if the lot split with the fairgrounds and the recombination with Sloan can be done in one action. Director Carroll informed it can be done in one action. Simons inquired if the combination can be done under two ownerships. Director Carroll noted it would have to be done by the current owner. Hodges would have to review all paperwork, usually done in connection with the sale of property. Simons inquired if zoning applications can be conditioned on all items falling into place. Those items being Menards owning the property, the lot split application and lot recombination being applied for. Hodges noted typically zoning applications are not conditioned that way. There are concerns with the lot

split at the fairgrounds, if splitting a small piece of land the back and not recombining it with another parcel it will land lock the property and will not get approved as a split. The split and recombination will need to be done in conjunction with one another.

Motion Budd, Boynton support to table discussion on parcel rezoning for Menards until all documents are in place and have been reviewed. Motion Carried.

Resident disappointed with actions and would like the Planning Commission to apologize to the applicant.

8:00 p.m. meeting recessed, 8:06 pm. Meeting resumed.

Resident expressed his and many other residents desire to have Menard's located in the Township.

Chairperson Thompson inquired as to whether a checklist was provided to the applicant for the lot split or combination of lots. Director Carroll did not believe so since the properties both have different owners. Commissioner Thompson apologized to the applicant.

Commissioner Budd noted the motion was made because the property owner did not make the lot split application and the applicant does not own the property that is to be rezoned.

GENERAL DISCUSSION:

Commissioner Budd thanked ordinance officers for removing signs on corners that should not have been placed there.

Director Carroll informed commission members to get forms in for the Michigan Association of Planning's 2012 Annual Conference by next week to receive a discounted rate. He advised Commission members to come back to him with more ordinance work topics.

Resident expressed concerns about the cogeneration facility. Resident expressed concerns with the community's perception of planning commission meetings. Resident commended commissioners Johnson and Guenther for their work.

**Motion Johnson, McKenna second to adjourn at 8:22 p.m.
Motion carried.**

Respectfully Submitted,

Christina Harman,
Recording Secretary