

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
October 8, 2014
MINUTES**

Chairperson Thompson called the meeting to order at 7:30 p.m.

ROLL CALL:

Present: Johnson, Kelley, Budd, Franzoi and Thompson.

Excused: Boynton and McKenna.

Staff: Secretary Harman.

Planning Representatives: McKenna Associates, Sally Hodges.

Audience: Three.

APPROVAL OF AGENDA:

Motion Johnson, Franzoi second to approve the agenda of October 8, 2014 as amended moving agenda item C. Open Public Hearing before item A. Presentation by Applicant under the Public Hearing. Motion Carried.

APPROVAL OF MINUTES:

Motion Franzoi, Johnson second to approve minutes from September 10, 2014 as presented.

Motion Carried.

PUBLIC HEARING:

ITEM # 1

CASE# SLU 14-021

TITLE:

THE OWNER, SCOTT POWLUS (MCDONALDS USA, LLC), IS REQUESTING APPROVAL FOR THE CONSTRUCTION OF AN ADDITIONAL DRIVE-THROUGH LANE AND OTHER SITE CHANGES. A DRIVE-THROUGH RESTAURANT IS A SPECIAL LAND USE IN THE C-1 DISTRICT, AND A PROPOSED CHANGE TO THE SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 12.03 (PERMITTED USES WITH SPECIAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION:

PARCEL NUMBER V125-83-074-01-0001-008, ALSO KNOWN AS 2193 RAWSONVILLE ROAD (MCDONALDS), IS THE SUBJECT OF THIS HEARING. THE SITE IS APPROXIMATELY 2.7 ACRES AND IS LOCATED IN THE C-1, GENERAL BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF RAWSONVILLE ROAD, SOUTH OF I-94.

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

Attorney Paul Langstrom of Dykema Gossett Law Firm gave the presentation for the applicant. The project is to construct a side-by-side drive-through to improve the site by preventing car stack up and improving the appearance. The applicant presented the same project approximately 2 years ago and obtained approval in early 2013. Due to unforeseen circumstances, the project did not commence. The applicant is ready to move forward with the same project as previously presented, the project will take 2-3 weeks to complete.

Motion Franzoi, Johnson second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 2 CASE# SPR 14-021 & SLU 14-021
TITLE: MCDONALDS USA, LLC
LOCATION: PARCEL NUMBER V125-83-074-01-0001-008, ALSO KNOWN AS 2193
RAWSONVILLE ROAD.

Attorney Paul Langstrom of Dykema Gossett Law Firm gave the presentation for the applicant. The parking chart has been corrected on the plans to show 44 parking spaces. The applicant would like to come back as early as the 10-22-14 Planning Commission meeting for final approval to begin work before snow arrives.

Sally Hodges of McKenna Associates presented the special use review letter dated 10-1-14 recommending the Planning Commission recommend special approval to the Township Board.

Sally Hodges of McKenna Associates presented the preliminary site review letter dated 10-1-14 recommending preliminary site plan approval subject to the 7 conditions in the letter being completed prior to final site approval.

No comments from Commissioners or the audience.

Motion Kelley, Johnson second to recommend to the Township Board of Trustees special land use approval to McDonalds USA, LLC located at 2193 Rawsonville Road, referencing the McKenna Associates review letter dated 10-1-14. (letter attached)

Roll Call:

Yays: Kelley, Budd, Johnson, Franzoi and Thompson.

Nays: None

Excused: Boynton and McKenna.

Motion Carried.

Motion Johnson, Franzoi second to grant preliminary site plan approval to McDonald's USA, LLC for the construction of an additional drive-through lane and other site changes located at 2193 Rawsonville Road subject to the 7 conditions in the McKenna Associates review letter dated 10-1-14 and subject to approval of the Township Engineer. Motion Carried. (letter attached)

GENERAL DISCUSSION:

Commissioner Budd discussed cleaning up the zoning ordinance in terms of what can be stored in driveways, such as, boats and motor homes. She has received complaints and inquiries from residents.

Hodges of McKenna Associates gave an update on the conditional rezone on the north side of Tyler Road brought up by a resident at the September 10, 2014 meeting. The contract was not executed and is now void.

Resident expressed his concerns about motor home and boat storage in driveways and yards. He thanked the commissioners for looking into the matter.

Motion Budd, Johnson second to adjourn at 8:03 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

October 1, 2014

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

Subject: VBT-14-021 SPR; Rawsonville McDonald's, 2193 Rawsonville Road; Site Plan Review #1; Plans Dated 2/12/13; Received September 11, 2014

Dear Commissioners:

The applicant has resubmitted its plans to add a second drive-through lane and order station at the existing McDonald's at 2193 Rawsonville Road. The use would remain the same – a fast-food restaurant with a drive-through component – but the additional drive-through lane would be added, similar to the Belleville Road McDonald's. No changes to the building are proposed. The applicant received Township approval in early 2013 for the changes, however did not proceed with construction and those approvals expired. The current application is almost identical to that previously approved with several minor differences, as noted below.

The site is zoned C-1. Both special approval and site plan approval are required. Our special use comments are under separate cover. Our comments on the site plan follow:

COMMENTS

1. **General Requirements.** The proposal complies with the C-1 District's dimensional standards.
2. **Parking and Circulation.** There are 66 existing parking spaces on the site. Ten of them will be eliminated to ensure enough space for a by-pass lane around the new second drive-through. Fourteen spaces on the south end of the site that are currently diagonal will be replaced by two over-sized parallel spaces for RVs and trucks. The two RV/truck parking spaces are required because the site is closer than the ½ mile distance from the freeway. With the changes, the total parking on the site is 42 spaces, which conforms to the Zoning Ordinance. The parking calculation chart on Sheet C1 must be corrected since it says that 45 spaces are provided.

The green space inside the expanded drive-through area is now larger than previously approved; it extends farther east than before. As a result, the by-pass lane between the drive-through lane and the rear curb of the site has been reduced from 26 to 20 feet wide. Because the narrower lane is for one-way traffic only, the 20 foot aisle width is acceptable.

3. **Landscaping and Screening.** The landscape plan has been somewhat revised from that previously approved, but the quantities and plant sizes continue to conform. The large note on Sheet C5 must be revised to reflect that 31 trees in the existing wooded area are remaining to satisfy the vehicular surface landscaping requirement, not 28 trees.
4. **Lighting.** A photometric plan has been submitted and all light levels conform to the ordinance. Cut sheets for the light fixtures were submitted with the 2013 site plan and must be provided for review with this application.

5. **Amenities.** The landscape plan shows "bike parking" off the sidewalk at the building entrance and a bench at the northwest corner of the site along Rawsonville Road, as the site's required public amenities. The details of the bike rack are contained on Sheet C1, but the plan must note that the rack will be installed in the "bike parking" area. The bench and pavement for the sitting area next to the Rawsonville Rd. sidewalk should be included on the Site Plan, Sheet C1. Also, details of the bench must be submitted with the plans.
6. **Signs.** Details of the proposed new drive-through structures and signs were submitted in 2012 along with photos of the existing ones. These details and elevations of the new structures and signage must be provided to complete the current application and are subject to review. There is an approximately 350 square foot pylon sign on the site, which is an existing non-conformity, but will remain. As was required when the building was renovated in 1997, there are no wall signs permitted on the building.
7. **Trash Receptacle.** The trash enclosure is proposed to be moved to the east side of the existing storage building. The enclosure walls and the storage shed are shown as brick to match the principal building.

RECOMMENDATION

We recommend that the Commission grant Preliminary Site Plan Approval, subject to the following items being completed prior to Final Site Plan approval:

1. The parking calculation chart on Sheet C1 must be corrected as described in Comment #2 above.
2. The large note on Sheet C5 must be revised to reflect that 31 trees, not 28 trees, in the existing wooded area are remaining to satisfy the vehicular surface landscaping requirement.
3. Cut sheets for the light fixtures must be provided.
4. The plan must note that the bike rack will be installed in the "bike parking" area.
5. The bench and pavement for the sitting area next to the Rawsonville Rd. must be included on the Site Plan, Sheet C1, and details of the bench must be submitted with the plans.
6. Details and elevations of the proposed new drive-through structures and signs must be provided and are subject to approval by the Planning Commission.
7. Special approval by the Township Board.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

cc: URS Corporation, 27777 Franklin Road, Suite 2000, Southfield, MI 48034

October 1, 2014

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

Subject: VBT-14-021 SLU; Rawsonville McDonald's, 2193 Rawsonville Road; Special Approval Review #1; Plans Dated February 12, 2013; Received September 11, 2014

Dear Commissioners:

The Township granted special approval in December 2012 and final site plan approval in January 2013 for renovations to the existing McDonald's at 2193 Rawsonville Road. The applicant did not commence the renovations within the time frame allowed by the Zoning Ordinance, and those approvals have expired. He now wants to do the work and has reapplied. A new public hearing and approvals by the Township Board and Planning Commission are required.

The use would remain the same as existing – a fast-food restaurant with a drive-through component - but the drive-through is proposed to be expanded to include a second order station. The site is zoned C-1. Drive-through restaurants are permitted by special approval in C-1 Districts.

COMMENTS

We have reviewed the application and plans submitted. The plan set provided is slightly different from that reviewed by the Planning Commission for special approval in 2012; rather it is a subsequently prepared "construction drawings" set. There are several slight differences but none affect the overall use.

Special approval uses must meet the specific non-discretionary standards of Section 12.03.d. and the discretionary standards listed in Section 18.08.f. of the Ordinance. We 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.

- 1. Definition of Use.** The Zoning Ordinance defines the proposed use as a drive-in restaurant because a driveway approach is designed and used to serve patrons remaining in their motor vehicles. Therefore, the requirements for drive-in restaurants are applicable to the current application. For purposes of the Ordinance, drive-in and drive-through restaurants are considered one and the same.
- 2. Requirements for Special Approval.** Both the discretionary and non-discretionary standards of the Ordinance are considered below.
 - 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 located in the business district near the I-94/Rawsonville Road interchange. The existing drive-through use has been in its present location for many years. The proposed expansion involves reinvestment in the existing commercial property, which is economically desirable for the community. The proposed changes to the site would improve the use's compliance with the Zoning Ordinance, including adding required parking spaces for trucks and RVs that may come from I-94.

- b. **Is necessary for the public convenience at that location.** The location near I-94 makes the drive-through restaurant convenient for commuters, Township residents and travelers. The expanded drive-through will accommodate more customers and potentially speed up service.
- c. **Is compatible with adjacent uses of land.** The C-1 district is a general commercial district, permitting a variety of uses. There are other nearby drive-through and sit-down restaurants. Landscaping and other elements on the site are being upgraded to comply with the Zoning Ordinance. The use will retain the wooded area between the restaurant and Belleville Lake.
- d. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The expanded drive-through will likely improve on-site traffic flow. Additionally, new public amenities in the form of a bench and bicycle parking will be added to the site. The use does not pose any hazard to the public health, safety, and welfare of Township residents.
- 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 not change.
- f. **Will not cause injury to other property in the neighborhood in which it is to be located.** The site improvements could decrease traffic congestion at the drive-through, and will bring other elements of the site into compliance with the Zoning Ordinance. The expanded use will not cause increase injury to the neighborhood.
- g. **Considers the natural environment and helps conserve natural resources and energy.** As part of site plan approval, the renovations will be required to bring the site into compliance with the landscaping standards in the Zoning Ordinance. This will result in additional trees on the site. Otherwise, the impacts of the site on the environment, including nearby Belleville Lake, will not change.
- h. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to the applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** Section 12.03.d. includes specific standards for drive-in restaurants in the C-1 District. The proposal's compliance with these standards is evaluated below.
 - i. **Entrances and exits must be 100 feet from the intersection of any two streets.** The restaurant's curb cut connects to Rawsonville Road directly across from Grove Street at a signalized intersection. This is an existing non-conformity that was specifically required by the Road Commission in 1997, and has been effective for traffic flow because McDonald's patrons are able to use the traffic light.
 - ii. **Must have direct access to a major thoroughfare.** The site has direct access to Rawsonville Road, a major thoroughfare.
 - iii. **No lighting or illuminated display shall reflect onto a residential zone.** While there are residential uses to the south of the restaurant, they are buffered by a wooded lot. The site's photometrics conform to Ordinance requirements. No light will reflect into the residential areas.

- iv. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** Large numbers of children are unlikely to congregate in the area impacted by the drive-through. The lessening of drive-through created congestion will also improve site safety.

- v. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The proposed use will be consistent with the Township's police power, provided that appropriate findings are made to support such a decision.

RECOMMENDATION

The proposal meets the criteria for special approval. Therefore, subject to site plan approval, we recommend the Planning Commission recommend special approval to the Township Board.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

cc: URS Corporation, 27777 Franklin Road, Suite 2000, Southfield, MI 48034