

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
JUNE 8, 2016
MINUTES**

Vice-Chairperson Boynton called the meeting to order at 7:30 p.m.

ROLL CALL:

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

Excused: Thompson.

Staff: Director Akers, Deputy Director Best and Secretary Harman.

Planning Representatives: None.

Audience: Two (2).

APPROVAL OF AGENDA:

Motion Kelley, Budd second to approve the agenda of June 8, 2016 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Franzoi second to approve the regular meeting minutes from May 25, 2016 as presented. Motion Carried.

PUBLIC HEARING: None.

CORRESPONDENCE: None.

NEW BUSINESS:

ITEM # 1

CASE #16-019 RZ

TITLE:

THE APPLICANT, RICHARD STULL, IS REQUESTING TO REZONE APPROXIMATELY 1.54 ACRES CURRENTLY ZONED M-1 (LIGHT INDUSTRIAL) TO R-1B (SINGLE FAMILY RESIDENTIAL).

LOCATION:

PARCEL TAX ID NUMBER V125-83-105-99-0050-000, ALSO KNOWN AS 841 SAVAGE IS THE SUBJECT PARCEL. THE SUBJECT PARCEL MEASURES APPROXIMATELY 1.54 ACRES, AND IS LOCATED ON THE NORTH SIDE OF SAVAGE ROAD, EAST OF ARLENE LANE.

The applicant, Richard Stull, was unable to attend due to illness. However, his attorney was present to answer questions if needed.

Director Akers gave an overview of the proposed rezoning of 841 Savage Road. The rezone from M-1 (Light Industrial) to R-1B (Single Family Residential) to the currently landlocked parcel is more compatible and consistent with the adjacent properties. Director Akers presented his staff review letter dated May 19, 2016 recommending that the Planning Commission recommend approval of the request to amend the Township's Zoning Map by rezoning the property from M-1 (Light Industrial) to R-1B (Single Family Residential) based upon the reasons referenced in the review letter.

No comments from the Commission or the audience.

Motion Kelley, Budd second to recommend to the Township Board to rezone 841 Savage Road, parcel number V125-83-99-105-99-0050-000 from M1 (Light Industrial) to R-1B (Single Family Residential) for the reasons set forth in the 5-19-16 staff review letter. Motion Carried. (Letter Attached)

ROLL CALL:

Yeas: Atchinson, Budd, Kelley, Jackson, Franzoi and Boynton.

Nays: None.

Absent: Thompson.

Motion Carried.

ITEM # 2 CASE #15-006 SPR

TITLE: THE APPLICANT, TIM DONUT US LTD INC, IS REQUESTING AN AMENDMENT TO THEIR SITE PLAN APPROVAL TO PERFORM SITE IMPROVEMENTS AS REQUIRED IN SECTION 12.02 OF THE ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION: THE SUBJECT SITE IS LOCATED ON PARCEL TAX ID NUMBER V125-83-074-01-0006-001, ALSO KNOWN AS 2141 RAWSONVILLE ROAD. THE SITE IS LOCATED ON THE EAST SIDE OF RAWSONVILLE ROAD, BETWEEN I-94 AND HURON RIVER DRIVE. THE SITE IS IN THE C-1, GENERAL BUSINESS ZONING DISTRICT.

Franchisee Tim Noonan gave the presentation. Tim Donut US LTD Inc. went through corporate changes that affected the funding available to the franchise. Due to the change in funding, the applicant is requesting an amendment to the site plan. The requested change will leave the drive-thru and speaker box in their current location and the existing parking setup will remain with no additional stacking spaces.

Deputy Director Best presented the staff review letter dated 6-3-16 recommending the Planning Commission approve the amendment to the existing plan subject to the conditions referenced in the review letter.

Commissioners discussed the area of parking lot to be resurfaced, re-striping of the parking lot and directional signage and arrows at the entrances and exits.

No comments from the audience.

Motion Atchinson, Budd second to grant the applicant, Tim Donut US LTD INC, an amendment to their site plan subject to the recommendations in the staff review letter dated 6-3-16. Motion Carried. (Letter Attached)

GENERAL DISCUSSION:

Commissioners discussed expediting the rezoning process under certain circumstances by having the public hearing and the approval on the same day.

Motion Franzoi, Budd second to adjourn at 7:51 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

TO: Planning Commission

FROM: Matthew R. Best
Deputy Director of Planning and Economic Development

RE: SPR 15-006 - Tim Hortons 2141 Rawsonville
Site Plan Amendment

DATE: June 3, 2016

The applicant had previously been approved by the Planning Commission in 2015 to renovate the existing Tim Horton's at 2141 Rawsonville Road. The use was to remain the same – a fast-food restaurant with a drive-thru component - but the exterior facades would be re-skinned, new signs added, the drive-thru lane would be re-aligned to allow for more stacking space, parking spaces would be reconfigured and the number of spaces reduced.

Since that approval, the corporate structure for owners of the existing Tim Horton's at 2141 Rawsonville Road changed. This change has limited the ability of the local franchise owner to complete the previously approved plan. The owner of the existing Tim Hortons, Tim Noonan, still wants to improve his business location as much as possible. Mr. Noonan has proposed an amendment to the existing site plan approval. This proposed amendment keeps some of the elements of the previous approval, the exterior facades would be re-skinned and new signs added.

The amendment removes the realigned drive thru, keeping it in its current location. The parking space reconfiguring was also eliminated, the existing parking set up would remain. The amendment would have the western (front) half of parking lot's asphalt removed and replaced with new asphalt with the striping of the entire parking lot being renewed as per existing plan.

RECOMMENDATION

Staff recommends the Planning Commission approve the amendment to the existing site plan based on the following:

1. The amended site plan sheets TH2.0, A5, A5.1 and A7.
2. The sign details dated 4-19-16.
3. No changes to the drive thru alignment are permitted.



Memo

DATE: May 19, 2016
TO: Planning Commission
FROM: Ron Akers, AICP – Director of Planning & Economic Development
RE: 16-019 Rezoning Request of Savage Road

Staff Report

File Number: 16-019

Site Address: N/A

Parcel Number: 125-83-105-99-0050-000

Parcel Size: 1.54 Acres

Location: North side of Savage Road, East of Sheldon & West of Martinsville

Applicant: Richard Stull, 841 Savage Rd, Van Buren Township, MI 48111

Property Owner: Same as applicant.

Request: Applicant is requesting to rezone their existing property located at on Savage Road from M-1, Light Industrial to R1-B, Single Family Residential.

Zoning and Existing Use: M-1, Light Industrial & vacant.

Adjacent Zoning and Existing Uses:

North: M-1 (Light Industrial) & Railroad Right-of-Way

East: M-1 (Light Industrial) & Industrial Use

South: R1-B (Single Family Residential) & Single Family Residence

West: M-1 (Light Industrial) & Vacant

Other: Public hearing notices were published in the Belleville Area Independent on May 5, 2016 and notices were sent to all property within 300' of the subject property on May 6 2016 in accordance with the Zoning Enabling Act.

Summary:

The applicant has requested to rezone the above specified property from M-1, Light Industrial to R1-B, Single Family Residential. The specified parcel is a landlocked parcel and is in common ownership with the two properties which are directly adjacent to the south of the parcel. The applicant had previously applied to combine the three lots into one individual parcel, but due to the requirement of a maximum 1:4 width to depth ratio in the Land Division Act, this was not possible.

Master Plan:

The Southside Master Plan designates this area as having a future land use designation as mixed-use. The Mixed Use future land use designation is described as follows:

“Mixed Use: The Mixed Use areas are intended to be extensions of the City, and should be developed as vibrant, walkable neighborhoods incorporating both residential and nonresidential uses. Appropriate land uses may include residential, public, institutional, office, general office, business and personal service uses, and retail commercial land uses. Such uses may be located in mixed-use buildings, or in separate, single-use buildings located on the same site but designed as an integrated development.

Development in the mixed use areas should be pedestrian oriented and automotive uses or uses geared towards the automobile should not be permitted. Design standards should be established as part of a new mixed-use zoning district to ensure that new development is human-scale (not automobile-scale) and includes civic spaces and amenities. It is recommended that a joint mixed use zoning district be created in conjunction with the City for the area along Sumpter Road where the City and Township boundary is located. Doing so will ensure that new development in this mixed use area is consistent on both sides of the street. Design guidelines for projects using the flexible use standards are presented later in this chapter, and should be the basis for developing the requirements of the mixed use zoning district.”

The Southside Master Plan also includes a series of design guidelines which discuss more specifically certain land uses which may be allowed in the Mixed Use district. These design guidelines state as follows:

“The new Mixed Use zoning standards should restrict land uses by restricting the types of building that can be constructed. Standards limiting where and how many buildings containing non-residential land uses can be constructed in the Mixed Use areas should be included in the new zoning regulations. Attached residential buildings and single family detached houses should also be permitted in the Mixed Use area.”

There is currently no Mixed Use zoning district in our zoning ordinance. In the past we have considered different zoning districts in these mixed use/town center areas which are consistent with the intent of the Master Plan for these areas and which are reflective of the current conditions of the property. For this situation the parcel that is subject to the request is landlocked and in continuous ownership with the adjacent properties to the south which are currently zoned

R1-B. Due to the landlocked nature of the property and the Township's policy of not granting easements over property, it is very unlikely that this property can be currently used to construct a single family home on it.

With regards to the Southside Master Plan, the request is not strictly consistent with the Mixed Use district as the R1-B district does not allow the commercial uses the Mixed Use district envisions, but as I have specified above the Township does not have a Mixed Use district in its zoning ordinance. The R1-B district does however allow some uses which are designated in the Mixed Use district. As specified above the design guidelines indicate that, "*Attached residential buildings and single family detached houses should also be permitted in the Mixed Use area.*" Due to this the primary land use of the R1-B district (Single Family Residential) is not inconsistent with uses which are suggested to be allowed in the Mixed Use district. It should be noted that when the Township adopts this zoning district the less intense single family residential district uses will likely be easier to integrate into potential future developments than light industrial establishments.

Zoning:

Existing M-1, Light Industrial: The light industrial district is primarily intended to allow for certain industrial and commercial uses while limiting the level of noise, smoke, glare, and other negative externalities of industrial developments to make it more compatible with adjacent non-industrial land uses. The zoning ordinance also discusses how certain uses in the light industrial district act as a transition between heavy industrial uses and non-industrial uses. Specific permitted uses which are in the light industrial district include, warehousing; sale at wholesale; assembly, manufacturing, and packaging of products; tool and die shops; manufacturing of cardboard products; laboratories for testing and research; retail dry cleaning plants; public utility buildings; certain retail and service establishments; and accessory outdoor storage of industrial materials. Special uses in the district include drive in theaters; private clubs and lodges; recreational vehicle storage yards; contractors yards; instruction services; and minor truck repair and maintenance.

Many of these uses are not consistent with uses you would find in a Mixed Use area.

Proposed R1-B, Single Family Residential: The R1-B district primarily allows for single family residential uses on minimum 10,000 square foot lots. Permitted uses include single family detached dwellings; public parks; local governmental uses; schools; private swimming pools; home occupations; adult foster care; and family day care homes. Special uses in the district include child care centers; public utility buildings; golf courses; bed and breakfast establishments; group day care homes; churches; and adult day care centers.

Other Considerations:

The property is currently owned by the adjacent property owner and is used as a rear yard for a single family residential use. This is consistent with the adjacent property to the west and north. The parcel currently has a light industrial use and this is the only parcel in the immediate vicinity where the M-1 district extends to Savage Road. Many of these M-1 parcels to the east and west

are landlocked and locked directly behind a single family residential use. The R1-B designation would be more compatible with the majority of existing uses than the M-1 light industrial designation.

The rezoning will have little if any additional impact on current traffic or infrastructure. The proposed R1-B district is consistent with how the property is currently being used and due to the landlocked nature of the property development options are limited. The request should not hinder community need for light industrial property as there are several vacant industrially zoned areas in the Township.

Recommendation:

Staff recommends that the Planning Commissions recommend approval of the request to amend the Township's Zoning Map by rezoning the property located at parcel #125-83-105-99-0050-000 from M-1, Light Industrial to R1-B, Single Family Residential based upon the following reasons:

- A. The R1-B, Single Family Residential zoning district would be consistent with the adjacent properties to the south and the single family residential use would be consistent with other residential properties in the vicinity.
- B. The proposed rezoning would be consistent with the provisions in the Southside Master Plan which indicate that single family residential uses should be included in the mixed use future land use designation.
- C. The proposed rezoning would have little if any impact on current traffic or infrastructure.
- D. The proposed rezoning does not create any shortages of available vacant industrially zoned property in the Township.