

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
FEBRUARY 17, 2015 WORK STUDY MEETING, TENTATIVE AGENDA**

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Supervisor Combs	_____	Trustee McClanahan	_____
Clerk Wright	_____	Trustee Miller	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Hart	_____	Attorney McCauley	_____
Trustee Jahr	_____	Secretary Montgomery	_____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on the request for special use for the establishment of outdoor sales and storage of building and landscaping materials associated with the Menards home improvement store.
2. Discussion on the zoning classification of parcel V125-83-039-0009-014, located on the north side of Tyler Road.
3. Discussion on the resignation of Tom DiPietro and Terissa Wardwell and the appointments of Joseph A. Barnabei and Medina Atchinson, currently alternate members, to full members on the Board of Zoning Appeals.
4. Discussion on the Administrative Assistant/Human Resource Generalist Job Description and Personal Services Agreement between the Township and Nicole Sumpter to fill the position.
5. Discussion on the Personal Services Agreement with between Joel Sabin and the Township to fill the GIS Technician position and authorize the Supervisor and Clerk to execute the agreement.

PUBLIC COMMENT:

ADJOURNMENT:

CLOSED SESSION:

1. To discuss ongoing Michigan Association Fire Fighters (M.A.F.F.) contract negotiations.
2. To discuss attorney client privileged opinion written communication regarding Visteon.

ADJOURNMENT:

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 2/2/15

BOARD MEETING DATE: 2/17/15

Consent Agenda _____

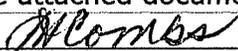
New Business X

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Menards Special Use Approval to Permit Outdoor Sales and Storage of Building and Landscaping Materials in the C-2 Zoning District as Required By Section 13.03 of the Township Zoning Ordinance 06-02-92, as Amended.
DEPARTMENT	Planning
PRESENTER	Jack Knowles, Director of Planning and Economic Development
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Scott Nuttelman, Real Estate Representative, Menard, Inc.

Agenda topic

ACTION REQUESTED	Approval of request for special use for the establishment of outdoor sales and storage of building and landscaping materials associated with the Menards home improvement store.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	Menard, Inc. proposes to construct a large home improvement store on the west side of Belleville Road, north of Walmart, and include outdoor sales and storage of building and landscaping materials on the south and west sides of the main building. The site is approximately 27 acres, which includes the Menards parcel and two (2) future out lots. The site is located in C-2 General Business District, and outdoor sales and storage of building and landscaping materials requires approval by the Board of Trustees after a public hearing and recommendation by the Planning Commission. Township staff met with representatives of Menards and the property owner several times throughout the review process, and Menards' and the property owner's representatives worked collaboratively with the Township to address several development and design issues. At its December 10, 2014 meeting, the Planning Commission unanimously voted to recommend that the Board of Trustees grant Special Land Use Approval for this request. Minutes from the Planning Commission approval are attached, along with the referenced McKenna Associates review letters dated December 3, 2014 (Site Plan Review) and December 4, 2014 (Special Land Use Review).
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	If the Special Land Use is approved, the project returns to the Planning Commission for Final Site Plan Review and Approval.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A
	(May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	See attached documentation for additional information
APPROVAL OF SUPERVISOR	

December 4, 2014

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

Subject: VBT-14-007 SLU Menards, Belleville Road; Special Land Use Review #4; Plans Dated 11/18/14

Dear Commissioners:

The applicant, Menards, proposes to construct a home improvement store on Belleville Road, north of Walmart. The overall site is approximately 27 acres, and includes the Menards parcel and two future out lots. The site is zoned C-2 Extensive Highway Business District. The proposed home improvement store includes outdoor sales (garden center) and outdoor storage of landscaping and home improvement supplies, which are permitted by special approval in the zoning district. The special approval public hearing was held on August 27, 2014, and many comments were made by the public. Subsequently the applicant hosted a meeting with members of the public to answer specific questions about the development. Our site plan review comments are provided under separate cover.

COMMENTS

The applicant has requested several variances from the BZA, some of which are from the specific standards for special use approval. Therefore, if the Planning Commission recommends special approval, the next step would be for the applicant to be heard by the BZA – before consideration of special approval is placed on the Township Board’s agenda.

The requested special approval uses must meet both the specific standards of Sections 14.05 and 4.27 and the discretionary special approval standards listed in Section 18.08.f. of the Zoning Ordinance. Our comments that follow are based on the requirements of the Zoning Ordinance, observation of the site and surroundings, and accepted principles of good planning and design.

1. **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 Township’s primary commercial center along the Belleville Road corridor, and is the last major vacant parcel available west of Belleville Rd. between the Farmer Jack shopping center and Tyler Rd. The proposed development is economically desirable for the community, and the Township’s Belleville Road District Master Plan amendment reported a market need/demand for a home improvement store. Over the past decade, the Township has spent considerable funds on streetscape and other public improvements along Belleville Rd., and has enforced a consistent pattern of amenities and design features on new site developments, consistent with the goal of

becoming a premier community. The proposed building and site layout fronting on the cross access drive circulation system enhances the overall master plan and design for the Belleville Road corridor. These changes are socially and economically desirable.

Further, the site design incorporates desirable significant screening for abutting residential areas to the north and west, including a 14 foot tall building that surrounds the entire yard area at the rear, 14 foot tall evergreen trees planted along the north lot line to buffer the view of the building wall, and preservation of the wooded area along the west and north west perimeter which will be enhanced with plantings of replacement trees. Outdoor storage and sales are an essential part of the home improvement store's business. The screening and design measures proposed will mitigate potential off site impacts and allow this desirable use to function to the benefit of residents and the public at large.

- b. Is necessary for the public convenience at that location.** The Menards store is well situated at the north end of the established cross access drive that parallels Belleville Rd., the Township's primary commercial district. Customers and delivery traffic will be able to easily access the site using the new traffic light at the north drive and the north-south cross access drive. The use, including outdoor storage and sales, will serve the public convenience by being closer to the Township's center of population, and by offering a wide variety of home improvement supplies, a market that is underserved in the Township.
- c. Is compatible with adjacent uses of land.** The site is master planned and zoned C-2, Extensive Highway Business, and has been so for many years. C-2 is one of the most intensive commercial districts in the Township. The building and rear open storage yard surrounded by minimum 14 foot high walls, will be visually compatible with other sites in the C-2 district. The proposed landscaping, tree replacement and woods preservation, orientation of traffic flow away from residential uses, and site amenities will be compatible with the surrounding uses. Noise will be limited to daytime hours; lights are shielded and have been kept below the height of the pallet racking building around the storage yard to limit glare; dust will be minimal since the ground surfaces will be paved; a greenbelt of 14 foot tall evergreen trees will be planted along the north lot line where the buildings are closest to the condos. All these factors will make the use compatible with adjacent uses of land.
- d. Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The outdoor storage and sales yard is enclosed with buildings/fence, and screened and buffered from the neighbors. The retail store and yard will operate only during normal daytime and evening hours, not a 24 hour business. As described above, noise, lights and dust will be controlled, thus protecting the public health, safety and welfare. The convenient access to Belleville Rd. at the new traffic light will minimize traffic conflicts, particularly if the existing cross access driveway just north of Walgreens at Belleville Rd. is closed. Then the site would comply with the 500 foot driveway separation requirement, as is being recommended in our 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 increase slightly but will not adversely affect public services or facilities.

- f. **Will not cause injury to other property in the neighborhood in which it is to be located.** The site improvements are an investment in the community and the landscaping, buffering, and circulation design of the site will protect neighboring properties from harm.
- g. **Considers the natural environment and helps conserve natural resources and energy.** The site design preserves existing mature trees along the west boundary of the site in consideration of the natural environment and this helps conserve resources. By locating on an infill site in the Township's downtown, both energy and the environment are protected and sustained.
- 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.** Sections 14.05 and 4.27 contain specific standards that apply to outdoor storage and sales uses in the C-2 District. The proposal's compliance with these standards is evaluated below.

1. **Outdoor Storage.** Uncovered storage of materials is proposed in specific areas within the "yard area" created by the pallet racking building and the warehouse building enclosure. The materials stored in the pallet racking building are not outdoor storage, they are covered. Outdoor storage in the C-2 district is subject to the following specific requirements, in addition to other general requirements of the Zoning Ordinance:

- i. **Must be located at least 100 feet from a public right of way.** This standard is met.
- ii. **Must be located at least 200 feet from a residential district.** The majority of the open storage is in the vicinity of the garden center. The southwest part of the pallet racking building enclosure is 100 feet from the single-family residential district to west, but the materials stored outside of a building are 180 feet away from the nearest residential district boundary, which is a public street. However, because of a jog in Menards' west parcel boundary, the nearest residential lot line is over 200 feet from the uncovered materials within the courtyard.

On the north part of the site, small quantities of some items are proposed to be stored next to the main building and located less than 200 feet from the lot line. The applicant has indicated that they will attempt to relocate those items to a conforming location and will show that when the site plan is resubmitted for final site plan approval. The applicant has applied for a variance from the 200 foot setback requirement; that variance request should be greatly reduced or eliminated by relocating materials out of the 200 setback.

- iii. **No required yard spaces (i.e. spaces reserved for setbacks) may be used for outdoor storage.** The proposed storage area meets the setback requirements of the C-2 district (i.e., 35 feet front yard, 25 feet side yard, and 20 feet rear yard).
- iv. **Roadway access must be provided for emergency vehicles.** There is gated access (fire lane) to the outdoor storage area both north and south of the principal building allowing circulation around the entire building. The gate has a Knox Box for Fire Department

access, with the location and mounting height to be coordinated with the Fire Department.

- v. **Must be screened from view from all streets and on all sides which border residential or commercial zoned property by a 6 ft. wall or landscaping with a fence.** The outdoor storage will be screened by the main store, the warehouse building, and the pallet racking building, a minimum of 14 feet tall.
 - vi. **Stored materials may not be stored in stacks more than 6 feet high.** This standard applies to any storage that is not within the principal or accessory buildings. The plans state that the uncovered stored materials located south of the store will be up to 14 feet in height. The applicant has also stated that the uncovered materials stored east of the warehouse would also be up to 14 feet in height. The items stored will be contained in specially designed racks which support the materials up to the 14 foot height, and some products stored will not use that entire height. The applicant has applied for a variance from the maximum storage height.
 - vii. **The outdoor storage area must be surfaced in a manner acceptable to the Planning Commission and appropriate for its intended use.** The outdoor storage area is proposed to be paved with heavy-duty asphalt.
 - viii. **Mud and debris must not be transported from the site onto adjacent roadways.** The storage area will be paved and enclosed, so this standard is met.
2. **Garden Center.** The proposed garden center is part of the outdoor storage area and is also subject to Section 4.27. Section 4.27.d requires a 6 foot high fence capable of intercepting wind-blown trash and other debris. The front fence/wall combination at the garden center is proposed to be approximately 14 feet above the grade of the parking lot. In this case, the fence is set upon a decorative wall and the total structure acts as a wall connecting the pallet racking building to the main building, and we believe it is not a fence as intended to be regulated by Section 4.27.d. The applicant has applied for a variance from the maximum fence height to permit the 14 foot high structure, but based on the above, we recommend the Planning Commission determine that the requested variance is not necessary.
- 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 proposed use will be consistent with the Township's police power, provided that appropriate findings are made to support such a decision.

RECOMMENDATION

We recommend the following:

1. That the Planning Commission make a determination that the fence/wall combination at the front of the garden center is not subject to the height limit of Section 4.27.d.;
2. That the Planning Commission recommend that the Township Board approve the special use for outdoor storage and sales for Menards, subject to final site plan approval; and

3. That because the applicant has several variance requests under consideration by the BZA, the Planning Commission's special approval recommendation shall be not forwarded to the Township Board until after the BZA has approved or denied those variance requests.

Respectfully submitted,

McKENNA ASSOCIATES

A handwritten signature in black ink, appearing to read "Sara J. Hodges". The signature is written in a cursive, flowing style.

Sara J. Hodges, AICP
Senior Vice President

December 3, 2014

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

**Subject: VBT-14-007 SPR, Menards; West side of Belleville Road north of Walmart;
Site Plan Review #5; Plans Dated 11/18/14**

Dear Commissioners:

The applicant, Menards proposes to build a home improvement store on the west side of Belleville Road, north of Walmart. The site is zoned C-2 Extensive Highway Business District, is 27.24 acres in area and heavily treed. Two future out lots are illustrated between Menards and Belleville Rd. The proposed home improvement store includes outdoor sales and storage, which is a special land use in the zoning district. The special approval public hearing was held on August 27, 2014, and many comments were made by the public. Our recommendations regarding the special use request are under separate cover.

Following are our site plan comments:

1. Site Layout and Dimensional Requirements.

- a. **Layout.** The Menards building is approximately 340 feet from Belleville Rd. The site will take access from the north-south cross access drive that parallels Belleville Rd. and extends from the former Farmer Jack at the south to the subject site on the north. A new north driveway will connect the cross access drive and Menards to the new traffic light on Belleville Rd., across from Auto Zone.
- b. **Attached Accessory Buildings.** The pallet racking building and customer warehouse enclose the rear and south side yard area behind the main building. Because the pallet racking building is attached to the main building and then is attached to the warehouse, both structures are attached accessory buildings. Both attached accessory buildings comply with the height and setback requirements for a principal building in the C-2 District, as required.
- c. **Land Division.** The boundaries of the land to be owned by Menards must be dimensioned and shown on the site plan. Prior to final site plan approval, application must be submitted to divide the parcel, separating the Menards lot and the out lots and showing the cross access drive easements. The cross access easements and maintenance agreements must be submitted for review and approval by the Township prior to the final site plan approval, and the approved easements must be recorded prior to issuance of a certificate of occupancy.

2. Circulation and Parking

- a. **Parking Requirements.**

Standard	Applicable Measurement	Number of Spaces Required
1 space per 200 sq. ft. ufa for the first 25,000 sq. ft.	25,000 sq. ft.	125 spaces
1 space per 250 sq. ft. ufa for the second 25,000 sq. ft.	25,000 sq. ft.	100 spaces
1 space per 350 sq. ft. ufa for each 25,000 sq. ft. thereafter	160,332 sq. ft.	459 spaces
	Min. Required (210,332 sq. ft.):	684 spaces
	Total Proposed:	421 spaces

Section 6.01.10 allows the Planning Commission to modify the number of required parking spaces, if it is presented with satisfactory written evidence that the parking proposed in the application is sufficient. The applicant's July 31, 2014 letter states that most of the new Menards stores have parking lots in the range of 400-450 spaces, and none of those stores have experienced any recurring parking shortages. The letter also includes exhibits showing the parking lot ranges of several of its new stores (between 318-543 spaces) and the documented parking demands at several of its stores. Based on the supporting documentation provided by the applicant, we recommend that the Planning Commission approve the required parking lot at 421 spaces. All parking spaces must be double striped and this must be noted on the plan.

- b. Landscape Islands.** The Ordinance specifies that not more than 20 parking spaces shall be in an uninterrupted row without a landscape island. In the north part of the parking lot, one of the rows has 21 spaces and two of the rows have 22 spaces. Because the design of the parking lot is otherwise acceptable, we recommend the Planning Commission approve the landscape island locations as proposed. Detail 4 on Sheet CT4 must be revised to match the landscape plan.
- c. Loading Area.** The site plan complies with loading space requirements.
- d. Circulation and Access.** The site will use the existing interior cross access drive that comes north past the Walmart site and connects to Belleville Road. That drive's intersection with Belleville Road will be relocated to the north approximately 300 feet. The new intersection will be signalized and will line up with the recently-approved AutoZone cross access drive east of Belleville Road, greatly improving traffic flow and safety. The existing intersection with Belleville Road just north of Walgreens should be closed since it will not meet the Township's 500 foot minimum separation for driveways. The applicant is working with Walgreens to modify the terms of Walgreens' easement to attempt to accomplish the closure.

A 30-foot cross access easement for a future connection between Menards' drive and the shopping center to the north is shown. This would give patrons of the shopping center access to the new traffic light, reducing traffic conflicts and improving safety. Cross access easements for both the 30 foot connection and the main cross access drive must be submitted for Township review and approval prior to final site plan approval, and recorded prior to certificate of occupancy.

- e. Sidewalks.** Sidewalks will connect Menards to Belleville Rd. and to the Walmart and Walgreens sidewalks to the south. When the out lots are developed, sidewalks will be required on the east

side of the cross access drive. When the condominium development to the north was approved, it was required to install a sidewalk stub for a future connection with the land to the south (now Menards' site), and Menards now proposes add sidewalk along its north lot line to connect the condo's sidewalk stub to Belleville Road.

3. **Landscaping and Screening.** Considerable public investment has been made in streetscape plantings, decorative lighting, amenities and aesthetic improvements along Belleville Rd., and these characteristics have been successfully mirrored in the newer development. All sites are strongly encouraged to exceed the Ordinance minimums in landscaping, site design, building appearance, and access/cross access provisions, among others.
 - a. **Landscaping Adjacent to Right-of-Way.** Although the interior cross access drive is not a road, trees are proposed along the Menards side of this frontage. Most of these trees are smaller ornamental species and spaced 40 -50 feet on center; we recommend that these be changed to deciduous shade trees to emphasize a "street" character and that the spacing of the trees be decreased to 35 feet on center with the number of trees planted correspondingly increased. The finish landscaping along Belleville Road will be the responsibility of the out lots; in the interim the out lots will be graded and seeded to present a neat appearance.
 - b. **Vehicular Surface Landscaping.** The Landscaping and Tree Preservation table lists 100 parking lot landscape trees; we count only 97 in the parking area. The trees being used to satisfy this requirement must be identified on the plan and the numbers revised to conform.
 - c. **General Landscaping.** Based on the applicant's calculation of 155,766 square feet of landscaped open space (excluding the detention ponds and non-disturb areas), 52 general landscape trees are required and 53 are provided according to Sheet CT2.
 - d. **Greenbelt adjacent to single-family residential zoning (Section 13.05).** In lieu of a 20 foot greenbelt, the applicant proposes to leave a "non-disturb" zone along the west lot line that is a minimum of 50 feet wide. We commend the applicant for saving existing woods. Some replacement trees are proposed to be planted within the non-disturb area to enhance the screening effect, additional required replacement trees should be planted to fill in the less dense portions of the woods, especially near the northwest part of the site. Native shrubs, park-grade trees, and other infill vegetation should be included.

Also, the revised plans now include single and double row sections of 14 foot tall evergreen trees along the north lot line to help screen the commercial use from the multiple family units.

 - e. **Detention Pond Landscaping.** Section 4.56.3 requires that detention ponds be landscaped with shade trees and native vegetation and be surrounded by decorative fence, unless another alternative is approved by the Planning Commission. The two detention ponds are surrounded by many replacement trees, and the south side of the southern detention pond includes some clustered shrubs. Decorative wrought iron fence is noted around the south detention pond and black chain link fence around the northwest detention pond. Because of the north pond's proximity to (and visibility from) the condominiums to the north, we recommend that the fence

- at the north pond also be decorative wrought iron-type fence, instead of chain link. Details and height of the fencing must be added to the plan.
- f. **Ground Cover.** The use of washed river rock in the landscape islands is subject to the approval of the Planning Commission.
- g. **Mechanicals Screening.** A transformer, C.T. cabinet, and generator are proposed in a landscape island in front of the building. We have asked that this equipment be located in a less visible area. However if it must remain in the front location, the equipment should be painted dark green to be compatible with the site. There are 6 Chinese Juniper trees proposed on the east side of this equipment; we recommend that more evergreens be added on all sides to screen this equipment.
4. **Buildings and Amenities.** As noted above, the site is part of the Belleville Road downtown district, the Township's primary business district. The Planning Commission has consistently required a high standard of design for developments in this area.
- a. The building facade uses red face brick with tan Belgian block trim and emerald green steel accent panels near the entrance. The remainder of the building is mostly tan block. These sides of the building will not be very visible from Belleville Road or, with proper screening, from most other surrounding areas, so the tan block is acceptable.
- b. The color of the windows must be noted on the elevations.
- c. Neither accessory building will be visible from Belleville Road, but both are still subject to approval by the Planning Commission for design and exterior materials. The warehouse will have emerald green steel siding to match the emerald green siding of the store. The pallet racking building uses "2 x 8 treated wood fence" as its outer wall. The site plan includes a regular maintenance plan to ensure that the pallet racking building wall remains attractive and in good condition.
- d. Amenities such as trash cans, benches, and bike racks are required near the front entrance to the building, along the access drives, and/or adjacent to Belleville Road. The applicant proposes 2 litter cans, 3 benches, and a picnic area at the front of the building. Details of the bench are on sheet CT4, and the details of the litter cans must be included. Because the site will have a prominent entrance at Belleville Road, we recommend that visible amenities be added near the Belleville Rd. entrance, consistent with other site-provided amenities along the corridor and using the DDA's standard details, as relevant. For example, the entrance to Walgreens from Belleville Road includes brick pavers, a decorative wall, and benches.
5. **Lighting.** A photometric plan and cut sheets of proposed light fixtures are provided, and illumination levels comply. The pole light in the northeast part of the parking lot immediately next to a landscape island should be relocated to be contained within that island.

6. Signs.

- a. **Total Signage.** The total signage permitted is 1 square foot per linear foot of frontage up to 200 linear feet, plus 1/4 square foot for each subsequent linear foot, for a total of 339 square feet. Menards proposes 742.3 square feet of signs – 652.3 square feet of wall sign on the principal building and a 90 square foot monument sign. The applicant has applied for a variance to permit the larger than permitted sign area shown.
- b. **Directional Signage.** Directional signs are permitted, provided no sign exceeds 6 sq. ft. in area or 4 feet in height. One “IN” and 2 “OUT” signs are proposed to be 17.5 feet high, 1 “Lumber Yard Entrance” sign and 1 “Thank you” sign are each proposed to be 24 sq. ft. and 19 feet high. The applicant has applied for a variance from the directional signage requirements. 16 cart corral signs (proposed to be 8 sq. ft. and 6.5 feet high) were included in the applicant’s variance request, however we recommend that these signs be removed because patrons do not need a sign to identify a cart corral.
- c. **Wall Signs.** The site is permitted 200 square feet of wall signage and 652.3 square feet is proposed. The applicant has applied for a variance from the wall sign area requirement.
- d. **Monument Sign.** The proposed monument sign is 90 square feet on a 4 ft. x 20 ft. base, for a total 8 feet in height. The sign complies with the Ordinance.

7. Tree Removal Permit. The site is currently heavily wooded and a tree removal permit is required prior to final site plan approval. The tree inventory, calculations, and all information required by Section 4.45.E.7 must be updated consistent with our previous comments to the applicant, and the plans must be revised and resubmitted for review and approval by the Planning Commission prior to final site plan approval.

8. Seal and Signature. The site plan must be signed and sealed by the professional(s) who prepared it.

RECOMMENDATION

Since the Planning Commission’s public hearing in August, the applicant has made changes to the plans to improve compatibility with the surrounding area. While there are several outstanding items that remain to be revised on the site plan, these are mostly minor in nature. We have reviewed our comments with the applicant and he has agreed to address all our comments before returning for final site plan approval. Therefore, we recommend the Commission grant preliminary site plan approval subject to the following items being completed prior to final site plan approval:

1. The boundaries of the land to be owned by Menards must be dimensioned and shown on the site plan. A land division application to separate the Menards site from the out lots must be submitted, including the easements and maintenance agreements for the cross access drives for review and approval by the Township. The approved easements must be recorded prior to issuance of a certificate of occupancy;
2. Planning Commission approval of the applicant’s request to reduce the parking to 421 spaces;
3. All parking spaces must be double striped and this noted on the plan;

4. Planning Commission approval of the landscape island locations and correction of Detail 4 on Sheet CT4 to match the landscape plan;
5. The existing intersection with Belleville Road just north of Walgreens should be closed;
6. The cross access easement for the 30 foot connection to the shopping center to the north must be submitted for Township review and approval prior to final site plan approval, and recorded prior to certificate of occupancy;
7. The Landscaping and Screening items noted in Comment 3.a. – 3.g. must be satisfied on the plan;
8. The use of washed river rock in the landscape islands is subject to the approval of the Planning Commission;
9. The Building and Amenities items noted in Comment 4.b. & 4.d. must be satisfied on the plan;
10. The pole light in the northeast part of the parking lot immediately next to a landscape island should be relocated to be contained within that island;
11. Removal of the cart corral signs;
12. Tree removal permit approval prior to final site plan approval, as described in Comment 7.;
13. The site plan must be signed and sealed by the professional(s) who prepared it;
14. Approval of the BZA for variances or compliance with the Ordinance; and
15. Special approval by the Township Board.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
December 10, 2014
MINUTES**

Chairperson Thompson called the meeting to order at 7:31 p.m.

ROLL CALL:

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

Excused: None.

Staff: Director Knowles and Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges and WadeTrim Associate, David Nummer.

Audience: Eighteen.

APPROVAL OF AGENDA:

Motion Franzoi, Johnson second to approve the agenda of December 10, 2014 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, McKenna second to approve minutes from November 12, 2014 as presented.

Motion Carried.

PUBLIC HEARING:

ITEM # 1

CASE# 14-019

TITLE:

THE APPLICANT, BELLEVIEW DEVELOPMENT, LLC, IS REQUESTING APPROVAL OF A DRIVE-THROUGH RESTAURANT. A DRIVE-THROUGH RESTAURANT IS A SPECIAL LAND USE IN THE C-1 DISTRICT, AND A PROPOSED 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 TAX ID NUMBER V125-83-059-01-0013-000, ALSO KNOWN AS 10705 BELLEVILLE ROAD, AND THE NORTHERLY HALF (APPROXIMATELY 33 FEET) OF THE PARCEL TO THE SOUTH, ARE THE SUBJECT OF THIS HEARING. THE SITE IS APPROXIMATELY 1.98 ACRES AND IS LOCATED IN THE C-1, GENERAL BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE.

Motion Boynton, McKenna second to open the public hearing. Motion Carried.

Commissioner Thompson noted the mailing to neighboring property owners was later than the fifteen (15) days required. Property owners will receive notice of another public hearing to be held in January 2015.

Tom Demond of Boss Engineering and Steve Alexander of Belleville Development gave the presentation. The applicant is proposing to remove the existing building and create a commercial

multi tenant building with three tenants, two being restaurants and a commercial component in the center. Four connectors to the property are proposed with a current connection to CVS to the south, current connection to the retail center to the north and two connections out to Belleville Road. The addition of the second drive on Belleville Road is for better circulation. The applicant also proposes three outdoor spaces with seating and underground stormwater detention. Special use approval is needed for the drive-through at the north end of the building. The applicant displayed façade materials to the Commission and has gone before Wayne County Roads regarding the two drives on Belleville Road and is awaiting a written response.

Resident expressed concern of the safety of left hand turns with a second drive to the property and inquired about the possibility of the DDA contributing signage.

Commissioners expressed concerns with left hand turns from the property, the existing cross access on the property not being clearly signed and making access more user friendly.

Steve Alexander noted that the new drive would be right turn only.

Motion Budd, Boynton second to close the public hearing. Motion Carried.

NEW BUSINESS

ITEM # 1

CASE# 14-029

TITLE:

THE APPLICANT, HARMON SIGN, INC., IS REQUESTING APPROVAL TO CONSTRUCT AN ON-SITE DIRECTIONAL SIGN THAT EXCEEDS THE HEIGHT AND AREA PERMITTED IN SECTION 20.408 OF THE ZONING ORDINANCE. THE SITE IS IN THE O-T, OFFICE TECHNOLOGY DISTRICT, AND PLANNING COMMISSION MAY APPROVE ON-SITE DIRECTIONAL SIGNS IN THE O-T DISTRICT THAT EXCEED THE MAXIMUM HEIGHT AND AREA PERMITTED IN SECTION 20.408.

LOCATION:

PARCEL TAX ID NUMBER V125-83-045-99-0020-705, ALSO KNOWN AS 1 VILLAGE CENTER DRIVE (GRACE LAKE CORPORATE CENTER). THE SUBJECT SITE IS LOCATED ON THE EAST SIDE OF I-275, SOUTH OF ECORSE ROAD AND NORTH OF TYLER ROAD. THE SITE IS CURRENTLY ZONED OT (OFFICE TECHNOLOGY).

John Venglarcik of Harmon Sign Co. gave the presentation. The sign/monument is for the corporate center, it will have the three vendor names and logos to help people find their way to the facility and is similar to the three existing entrance signs. The applicant wants directional text added above the sign. The location of the first sign is on I-275 north between Tyler and Ecorse roads. The second sign, to be addressed at a later date, is to be located at the exit.

Sally Hodges of McKenna Associates presented the site plan review letter dated 12-5-14 recommending the Planning Commission approve the proposed on-site directional sign at 7.5 sq. ft. in area and 12 feet in height, on the condition that it be constructed on top of the secondary monument sign as illustrated on the plans from the applicant dated 11-24-14.

Resident expressed concerns about the size of the sign not being large enough to be read from the highway.

Hodges of McKenna Associates and Director Knowles agreed with abbreviating the language. The applicant expressed concern over the size of the sign. Director Knowles suggested doing a mock up sign at the actual size and making adjustments from there. The second sign is not part of this application.

Motion McKenna, Boynton second to approve the application from Harmon Sign Co. for the sign presented referencing the McKenna Associates review letter dated 12-5-14 with the recommendations made by the planning consultants. Motion Carried. (letter attached)

ITEM # 2

CASE# 14-020

TITLE:

THE APPLICANT, CONTRACTORS STEEL COMPANY, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO CONSTRUCT AN 80,608 SQ. FT. ADDITION TO THE EAST SIDE OF ITS EXISTING BUILDING. THE SUBJECT PORTION OF THE SITE IS CURRENTLY ZONED M-2 (GENERAL INDUSTRIAL) AND THE USE OF THE SITE (STEEL FABRICATION AND WAREHOUSING) IS A PERMITTED PRINCIPAL USE IN THE M-2 DISTRICT.

LOCATION:

PARCEL TAX ID NUMBER V125-83-017-99-0014-702, ALSO KNOWN AS 48649 SCHOONER DRIVE. THE SUBJECT SITE IS LOCATED ON THE SOUTH SIDE OF SCHOONER DRIVE.

Jeremy Irvin, architect from Informed Studio gave the presentation. The addition is five steel bays, a little over 80,000 square feet. Proposed along with the construction is to investigate the detected problems with the sanitary sewer cross connection and stormwater systems and resolve them. The applicant is willing to add an evergreen tree to the north to make eight.

Sally Hodges of McKenna Associates presented site plan review letter dated 11-26-14 recommending the Planning Commission grant preliminary site plan approval subject to the commission's approval a parking reduction to allow for 18 fewer parking spaces than required by the ordinance, addition of one more evergreen tree to the north of the addition and approval of the Township Engineer.

David Nummer of Wade Trim presented site plan review letter dated 12-4-14 recommending site plan approval subject to the conditions in the letter being met.

Commissioner Johnson presented the Fire Department review letter dated 12-1-14 recommending site plan approval subject to the four conditions referenced in the letter.

Motion Boynton, Johnson second to grant preliminary site approval to Contractors Steel Company to construct an 80,608 sq. ft. addition to the east side of its existing building subject to the Wade Trim review letter dated 12-4-14, McKenna Associates review letter dated 11-26-14 and Fire Department review letter dated 12-1-14. Motion Carried. (letters attached)

OLD BUSINESS:

ITEM # 1 **CASE# 14-007 (SLU & SPR)**
TITLE: **THE APPLICANT, MENARD, INC. IS REQUESTING SPECIAL APPROVAL RECOMMENDATION AND PRELIMINARY SITE PLAN APPROVAL FOR THE DEVELOPMENT OF A RETAIL BUILDING WITH OUTSIDE STORAGE AND SALE OF SUPPLIES. OUTDOOR STORAGE AND SALE OF SUPPLIES IS A SPECIAL LAND USE IN THE C-2 DISTRICT.**

LOCATION: **PARCEL NUMBER V125-83-061-99-0005-721, WHICH IS CURRENTLY VACANT. THE SITE IS APPROXIMATELY 27.24 ACRES AND IS LOCATED IN THE C-2, EXTENSIVE HIGHWAY BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD BETWEEN TYLER ROAD TO THE NORTH AND I-94 TO THE SOUTH.**

Scott Nuttleman of Menard, Inc. gave the presentation. Mr. Nuttleman displayed the PowerPoint presentation that was presented at the neighborhood meeting with residents of Meadows of Van Buren. The presentation discussed the proposed development schedule, project details and plan changes based on staff comments and feedback from neighbors. Walgreens owns the easement to the property, Menard's is working to obtain an easement release. The property to the north has discussed a cross access easement with Menards.

Sally Hodges of McKenna Associates presented special land use review letter dated 12-4-14 recommending special use approval subject to the conditions in the letter.

Sally Hodges of McKenna Associates presented the site plan review letter dated 12-3-14 recommending the Planning Commission grant preliminary site plan approval subject to the fifteen items in the letter being completed prior to final site plan approval.

David Nummer of Wade Trim presented the site plan review letter dated 12-4-14 recommending site plan approval subject to site plan documents being revised to show the improvements as shown on the detailed engineering plans and the existing boulevard entrance drive be vacated.

Motion Johnson, Budd second to recommend to the township board special land use approval for outdoor storage and the sale of supplies at the Menard's location on Belleville Road, the recommendation to the Board being held until the variance requests sent to the BZA have been resolved. Motion Carried.

Roll Call:

Yeas: Franzoi, Johnson, Boynton, Kelley, McKenna, Budd and Thompson.

Nays: None.

Absent: None.

Motion Carried.

Motion Boynton, Franzoi second to grant preliminary site plan approval to Menard, Inc. for the development of a retail building with outside storage and sale of supplies with the recommendations and conditions in the Wade Trim review letter dated 12-4-14, the McKenna Associates review letter dated 12-3-14 along with suggestion of the vacation of the existing access easement on Belleville Road and the Planning Commission's approval of the reduced parking count, landscape island locations, river rock as acceptable landscape, not needing a fence variance and signage approved at final site approval. Motion Carried. (letters attached)

GENERAL DISCUSSION:

Motion McKenna, Boynton second to adjourn at 9:31 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 2/2/15

BOARD MEETING DATE: 2/17/15

Consent Agenda _____ **New Business X** _____ Unfinished Business _____ Public Hearing _____

ITEM (SUBJECT)	Zoning Classification of Parcel V125-83-039-0009-014, located on the north side of Tyler Road.
DEPARTMENT	Planning
PRESENTER	Jack Knowles, Director of Planning and Economic Development
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED

Approval of Resolution 2015-05 to affirm that parcel V125-83-039-0009-014, located on the north side of Tyler Road, was never officially conditionally rezoned from R-1B to C-1, and that the parcel continues to be zoned R-1B.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

On July 2, 2007, the Township Board of Trustees approved a conditional rezoning for parcel V125-83-039-99-0009-014 from R-1B (Medium Density Residential) to C-1 (General Business), subject to conditions stated in the Conditional Rezoning Agreement. This site is located on the north side of Tyler Road, between Belleville Road and Walden Boulevard. At the time, the proposed use of the site was for medical office facility purposes.

§125.3405(2) of Public Act 110 of 2006 (Michigan Zoning Enabling Act) states that in approving the conditions of rezoning, the Township may establish a time period during which the conditions apply to the land and, except for mutual agreement of an extension of approval by the property owner and Township, the land shall revert to its former zoning classification if the conditions are not satisfied within the time specified. The Conditional Rezoning Agreement approved by the Township Board required the owner to submit materials required for site plan review in accordance with Township ordinances within six (6) month from the date of the Agreement, with provisions for time extensions provided that the Township shall have no obligation whatsoever to extend a time period if more than three (3) years has elapsed following approval of the Agreement. However, the Agreement was never executed and recorded with the Wayne County Register of Deeds.

The property owner never submitted materials required for site plan review nor did he request extensions pursuant to the Agreement. In a letter from the Township Attorney (Patrick McCauley) dated September 12, 2014, Mr. McCauley states that because the Agreement was never executed or recorded and, in any event, the owner failed to comply with the time requirement set forth in the unexecuted Agreement, the land was never officially rezoned to C-1 and the land continues to be zoned R-1B. Mr. McCauley recommends that the Township Board adopt a resolution to this effect to affirm the current zoning of R-1B.

BUDGET IMPLICATION None

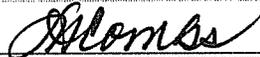
IMPLEMENTATION NEXT STEP Adopt Resolution 2015-05 to affirm that the conditional rezoning of parcel V125-83-039-0009-014 was never completed and that the site remains in the R-1B (Single Family Residential) zone.

DEPARTMENT RECOMMENDATION Approval

COMMITTEE/COMMISSION RECOMMENDATION Approval

ATTORNEY RECOMMENDATION Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)

ADDITIONAL REMARKS See attached documentation for additional information

APPROVAL OF SUPERVISOR 

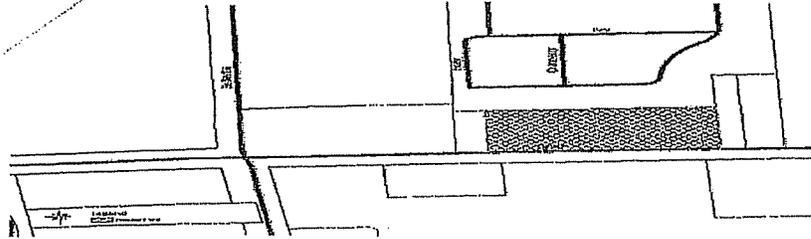
MOTION

Clair moved, Jahr seconded to approve the second reading for adoption of Ordinance 06-19-07 to amend the Township Zoning Ordinance, 06-02-92, as amended, to rezone a parcel of land known as V125-83-039-99-0009-014 from R-1B (Medium Density Residential) to C-1 (General Business) as regulated by PA (Public Act) 110 of 2006 §125.3405. Roll Call Vote. Carried.

Yeas: Clair, Rochowiak, Budd, Hart, Jahr, Payne and King.
Nays: None.
Absent and Excused: None.

I hereby certify the foregoing is a true and correct copy of a motion adopted by the Board of Trustees of the Charter Township of Van Buren at a regular meeting held July 2, 2007.

Joannie D. Payne
Joannie D. Payne, CMC
Township Clerk



**CHARTER TOWNSHIP OF VAN BUREN
ORDINANCE 06-19-07
PROPOSED REZONING MAP**

Second reading for adoption.

AN ORDINANCE TO AMEND ZONING ORDINANCE 6-6-92, AS AMENDED, OF THE CHARTER TOWNSHIP OF VAN BUREN BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

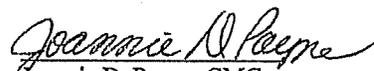
THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:

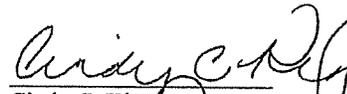
- Section 1.** The Zoning Map in connection with the Zoning Ordinance of the Charter Township of Van Buren shall be amended so that the zoning of the following described property to wit:
Ordinance Number 06-19-07
To rezone parcel: V125-83-039-99-0009-014 from R-1B (Medium density single family residential) to C-1 (General Business).
Legal Description of Property:
Parcel V125-83-039-99-0009-014 is located on the north side of Tyler Road between Belleville and Walden Boulevard.
- Section 2.** All Ordinances and parts of Ordinance in conflict herewith are repealed to the extent of such conflict.
- Section 3.** This Ordinance shall take effect upon its adoption and publication.
- Section 4.** This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren, Country of Wayne, State of Michigan, at a Regular Meeting held on the 2nd day of July, 2007.

Yeas: Clair, Rochowiak, Budd, Hart, Jahr, Payne and King.
Nays: None.
Absent: None.

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 ten (10) days after its passage.

I hereby certify that Ordinance 06-19-07 was published in the Belleville Enterprise, a newspaper circulating within the Charter Township of Van Buren.


Joannie D. Payne, CMC
Township Clerk


Cindy C. King
Township Supervisor

Adopted: 7-02-07.
Published: 6-28-07 & 7-12-07.
Effective: 7-12-07.

CONDITIONAL REZONING AGREEMENT
[Tyler Road Medical Office Facilities]

AGREEMENT, to be effective on the _____ day of _____, 2007, by and between _____, a Michigan _____, whose address is _____, Michigan and _____ whose address is _____ (“Owner”), and the Charter Township of Van Buren, 46425 Tyler Road, Van Buren, MI 48111 (“Township”).

RECITATIONS:

Owner owns all interest in the “Land” described on the attached and incorporated property description exhibit, **Exhibit 1**.

For purposes of improving and using the Land for medical office facility purposes, Owner has petitioned for an amendment of the Township’s Zoning Ordinance so as to reclassify the Land from R-1B, Single Family Residential to C-1, General Business District.

The C-1 District would allow the Owner to develop and use the Land for the proposed medical office facility, a use that is generally compatible with the surrounding area. However, such District would also allow Owner to develop and use the Land for other purposes which may not be compatible with the surrounding area.

Michigan law, MCL 125.3405, authorizes the Owner to voluntarily offer in writing, and authorizes Township to approve, certain use and development of the Land as a condition to the proposed rezoning to C-1.

The Owner has made a voluntary offer in writing to use the Land for a medical office facility in accordance with a specific site plan, **Exhibit 2** (“Site Plan”).

While the Land is Master Planned for Medium Density Single Family Residential, the development of properties in the immediate area of the Land reflect that the authorization to use the Land for a medical office facility would be consistent with the planning of the Township in respect to actual development and use, including the considerations that:

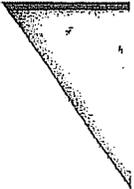
- The property to the North is developed for high density residential in the form of a mobile home park;
- The property to the West, on the corner of Tyler Road and Belleville Road is classified C-1, and is separated from the land only by a small piece (50-60 feet in width) of residentially zoned land; and,

- 
- The property to the South, across Tyler Road, is developed and used for a regional shopping facility owned by Meijers.

Accordingly, the Township has approved the rezoning of the Land to C-1, but only in reliance upon the Owner's offer to use the Land for a medical office facility only in accordance with the Site Plan, and the Township and Owner desire to set forth their understanding in this Agreement to clarify rights and responsibilities of the parties and their successors, assigns and transferees, with the view that this Agreement will run with the Land, and with the understanding that the terms of this Agreement shall constitute an inseparable part of the rezoning of the Land to the C-1 District.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Consistent with MCL 125.3405, the Land has been conditionally rezoned to the C-1, General Business District, and the Land shall be and is hereby authorized for development and use for a medical office facility only, subject to and in accordance with this Agreement, including the Site Plan, and, unless this Agreement is amended by mutual agreement of the Township and Owner, following public hearing, or unless the owner determines to develop and use the Land in accordance with the zoning applicable to the Land under the Agreement termination provisions set forth in Paragraphs 5 and 6, below, the Owner shall not develop and use the Land in a manner inconsistent with this Agreement, including the Site Plan. While this Agreement is in force, the development and use on the Land in accordance with this Agreement shall be deemed to be a permitted use of the Land under the township Zoning Ordinance.
2. As a condition to developing and using the Land in accordance with this Agreement, the Owner shall be obligated to seek and obtain site plan approval. Site plan review shall be governed by the Zoning Ordinance provisions applicable to the C-1 District, subject to the provisions of this Agreement which shall govern in the case of conflict. It is agreed that the Site Plan is in substantial conformance with the requirements for site plan review, and, as a result of site plan review and approval, including any conditions imposed therein, the Land shall be permitted to be developed and used substantially as shown on the Site Plan.
3. This Agreement shall remain valid and enforceable in accordance with the following time schedule:
 - a. The Owner shall be required to submit materials required for site plan review in accordance with Township ordinance on or before the expiration of 6 months from the date of this Agreement; and,
 - b. The Owner shall have an additional 6 months from the date of final site plan review in which to obtain other governmental approvals as may be required, complete construction plans for architectural and engineering, secure financing, and submit a building permit application; and,

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- c. The Owner shall have 6 months following issuance of a building permit to secure a contractor and commence on-site construction of the medical office facility in accordance with the Site Plan, at least to the stage of completing the foundation for such improvement to the point of being able to in good faith call for a foundation inspection from the Township. Such dates shall be consistent with common law principles of substantial completion. The building shell construction will be substantially complete within sixteen (16) months of the issuance of the building permit.
4. The time periods set forth in Paragraph 3, above, may be extended by the Township Board upon application of the Owner, and, if the Owner has been pursuing approvals and/or development in good faith, such application shall not be unreasonably denied unless there has been a material change of circumstances in the area of the Land; provided, the Township shall have no obligation whatsoever to extend a time period hereunder if more than 3 years has elapsed following approval of this Agreement.
5. In the event the Owner does not conform with the time requirements set forth in Paragraph 3, as the same may be extended under Paragraph 4, or if Owner notifies the Township Clerk in writing prior to the commencement of construction (as described in sub-paragraph 3.c., above) that Owner desires to terminate this Agreement, the rezoning of the Land to C-1, and this Agreement, shall thereupon terminate and cease to be unenforceable, in which case the zoning classification on the Land shall revert to R-1B, Single Family Residential, as provided in MCL 125.3405(2), and the Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning and this Agreement have become unenforceable. If the rezoning and this Agreement become unenforceable as provided in this Paragraph, no permits shall be issued by the Township, and no development shall be undertaken by the Owner, as otherwise contemplated in this Agreement.
6. Once on-site construction has been commenced, as described in sub-paragraph 3.c., above, if the Owner desires to seek a change in the zoning regulations applicable to the Land, and negotiation of an amendment to this Agreement (subject to public hearing) is not mutually agreeable, the Owner shall be obligated to file a new rezoning application in the normal course, in which event all law otherwise applicable to rezoning applications in the Township and State shall apply. As noted, above Paragraph 1, unless and until the zoning is modified in accordance with such law, the Owner shall not develop and use the Land in a manner inconsistent with this Agreement, including the Site Plan. However, if the zoning is modified, this Agreement shall terminate and cease to be enforceable, and the Township shall thereupon record with the Register of Deeds an affidavit bearing the legal description of the Land, reflecting that the rezoning granted incidental to this Agreement, and this Agreement itself, have become unenforceable.

- 
7. By execution of this Agreement, the Township and Owner acknowledge that they agree to be bound by the provisions of this Agreement, and that each of the requirements and conditions in this Agreement represent a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the Site Plan, taking into consideration the rezoning to C-1 and the specific use authorization specified in this Agreement.
 8. The Owner shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Agreement. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 9. No permit or approval shall be granted for any use or development that is contrary to the Statement of Conditions.
 10. The Statement of Conditions may be amended thereafter in the same manner as is prescribed for the original rezoning and Statement of Conditions, recognizing however that there may come a time when the Township amends the master plan to C-1. The Township could then consider (and add as a provision in a local ordinance) dissolving the Conditional Zoning Agreement and future amendments/changes would be able to proceed typically.
 11. Nothing in the Statement of Conditions shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to the Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act (MCL 125.3101, et seq.). The Tyler road Medical Offices, its assigns and subsequent owners shall obtain the rights of an owner of a nonconforming use or statutory right, whichever is greater. The "Nonconforming Use" provision provided in this paragraph notwithstanding, any classification or rezoning shall be conducted in compliance with township zoning.
 12. Violation of the terms of this Agreement by the Owner shall be deemed a violation of the Zoning Ordinance, and the Township shall have all remedies available to it accordingly including immediate termination of this Agreement.
 13. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and reference to "Township" and "Owner" in this Agreement shall be deemed to refer to the governmental entity having jurisdiction and to the then current owner of the Land, respectively. An affidavit providing notice of this Agreement may be recorded by either party with the office of the Wayne County Register of Deeds,



and, such affidavit shall include a copy of the site plan (in reduced format), a legal description of the Land, and a statement that, in significant respects, the rights and responsibilities relating to the land use authorization on the Land are provided for this Agreement.

14. This Agreement may be signed in counterparts.

15. The Owner represents and warrants that the person executing this Agreement on behalf of Owner has full and complete authority to do so, does so freely, and voluntarily offering and consenting to the provisions and conditions in this Agreement on behalf of Owner.

[signatures on following pages]

WITNESSES:

CHARTER TOWNSHIP OF VAN BUREN

Print Name: _____

By: _____
CINDY KING, SUPERVISOR

By: _____
JOANNIE PAYNE, CLERK

Print Name: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

On this _____ day of _____, 2007, before me appeared
Cindy King and Joannie Payne, who stated that they had signed this document of her own
free will on behalf of the Township in their respective official capacities, as stated above.

Notary Public

EXHIBIT 1
PROPERTY DESCRIPTION EXHIBIT

LEGAL DESCRIPTION

PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 10, T.2 5, R 8 E.
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN
DESCRIBED AS: COMMENCING AT THE SOUTHWEST
CORNER OF SECTION 10 AND PROCEEDING N. 88 "50'02"
E. 615.55 FEET ALONG THE SOUTH LINE OF SAID
SECTION 10, SAID LINE ALSO BEING THE CENTERLINE
OF TYLER ROAD (33 FEET $\frac{1}{2}$ WIDTH) TO THE POINT OF
BEGINNING, THENCE N. 00"44'48" W. 260 FEET, THENCE
ALONG SAID SOUTH LINE AND TYLER ROAD
CENTERLINE S. 88"30'02" W. 37029 FEET TO THE POINT
OF BEGINNING CONTAINING 3.40 ACRES OF LAND.

**Charter Township of Van Buren
County of Wayne, Michigan
Resolution No. 2015-05**

Motion: _____

Support: _____

WHEREAS, on July 2, 2007, the Charter Township of Van Buren Board of Trustees adopted Ordinance 06-19-07, to rezone, with conditions, parcel V125-83-039-99-0009-014, located on the north side of Tyler Road between Belleville Road and Walden Boulevard, from R-1B (Medium Density Residential) to C-1 (General Business) as regulated by P.A. 110 of 2006, §125.3405; and

WHEREAS, the approved conditions of rezoning the site from R-1B to C-1 were stated in a Conditional Rezoning Agreement, which were voluntarily offered in writing by the owner of the site; and

WHEREAS, §125.3405(2) of Public Act 110 of 2006 states that in approving the conditions of rezoning, the Township may establish a time period during which the conditions apply to the land and, except for mutual agreement of an extension of approval by the property owner and Township, the land shall revert to its former zoning classification if the conditions are not satisfied within the time specified; and

WHEREAS, pursuant to §125.3405(2) of Public Act 110 of 2006, Conditional Rezoning Agreement approved by the Board of Trustees required the owner to submit materials required for site plan review in accordance with Township ordinances within six (6) month from the date of the Agreement, with provisions for time extensions provided that the Township shall have no obligation whatsoever to extend a time period if more than 3 years has elapsed following approval of the Agreement; and

WHEREAS, the Agreement was never executed and recorded with the Wayne County Register of Deeds; and

WHEREAS, the owner did not submit materials required for site plan review within the time periods required by the Agreement.

THEREFORE, be it resolved by the Charter Township of Van Buren Board of Trustees, Wayne County, Michigan, that because the Condition Rezoning Agreement for parcel V125-83-039-99-0009-014 was never executed or recorded and, in any event, the owner failed to comply with the time requirement set forth in the unexecuted Agreement, the land was never officially rezoned to C-1 and the land continues to be zoned R-1B.

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 _____th day of _____, 2015.

Leon Wright, CMC
Clerk, Charter Township of Van Buren

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

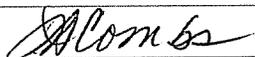
DATE: 2/17/2014

BOARD MEETING DATE: 2/17/15

Consent Agenda New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	Members of Board of Zoning Appeals (BZA) – Resignation/appointments
DEPARTMENT	Planning
PRESENTER	Jack Knowles, Director of Planning and Economic Development
PHONE NUMBER	(248) 596-0920
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Immediate action requested ---Acknowledge resignation of Tom DiPietro and Terissa Wardwell: Appoint Joseph A. Barnabei and Medina Atchinson as full members of BZA	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<p>Section 20.825 of the Zoning Ordinance establishes the BZA as a seven member Board. Although the BZA can conduct business with a simple majority present, state law requires a majority of the membership to approve variances (four positive votes regardless of the members present). It is important to have a sufficient number of members attend each meeting to take official action.</p> <p>Mr. DiPietro tendered his immediate resignation from the BZA on February 9, 2015. It is recommended that the Board formally accept his resignation and the resignation of Ms. Wardwell with regret and appreciation for their time served.</p> <p>I am recommending that the Board appoint the two individuals that are currently alternate members of the BZA as full members - Mr. Joseph A. Barnabei for the unexpired term of Mr. DiPietro ending 12/01/2015 and Medina Atchinson for the unexpired term of Ms. <i>Wardwell</i> ending 12/01/2016 – appointments to be effective immediately. This action fills the two regular positions that are open.</p> <p>BZA members are appointed for three years or the balance of the term of the member replaced (except for members from the Township Board or Planning Commission who serve concurrent with their terms on that body).</p> <p>Replacements for the alternate members should be recommended in the near future.</p>	
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Board approval of resignation and appointments.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	n/a.
ATTORNEY RECOMMENDATION	n/a
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

Work Study Meetings Date: February 17, 2015
 Board Meeting Date: February 17, 2015

REQUEST FOR BOARD ACTION

	Consent Agenda x	New Business	Unfinished Business	Public Hearing
ITEM (SUBJECT)	To consider approval of the Administrative Assistant/Human Resource Generalist Job Description and Personal Services Agreement with Nicole Sumpter to fill the position.			
DEPARTMENT	Clerk's Office			
PRESENTER	Clerk Leon Wright			
PHONE NUMBER				
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)				

Agenda topic

ACTION REQUESTED:	Approval of the Administrative Assistant/Human Resource Generalist Job Description and authorize the Supervisor and Clerk to execute the Personal Services Agreement with Nicole Sumpter to fill the position.
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	During the 2012 budget session Clerk Wright presented a proposal regarding the restructuring of Human Resources within the Clerk's Office by creating an Administrative position that would assist the current Deputy Clerk who was exclusively handling all H.R. duties in conjunction with her Deputy Clerk responsibilities. Upon the hiring of the Supervisor's Executive Assistant the Board of Trustees chose to incorporate these duties into the Executive Assistants job description. Following the resignation of the Executive Assistant the H.R. duties were performed on a part-time contractual basis which subsequently became a part-time permanent position and most recently approved in the 2015 Budget as a full-time position. Changes to Election Law have impacted the workflow in the Clerk's Office and created the opportunity to bring back the original proposal. I present this proposal with full confidence that this newly created position provides the best fit for the township and our employees.
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Execute Personal Services Agreement
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	(May be subject to Attorney/Client Privilege and not available under FOIA)
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren
Administrative Assistant/Human Resource Generalist
Job Description

Exempt: Yes No:

Department: Clerk's office

Hours: Full-time

Union: Yes: No:

Approved By: Board of Trustees

Date: February 17, 2015

POSITION SUMMARY:

Under the direction and supervision of the Clerk, provides services and resources for the broad range of activities as may be assigned by the Township Clerk, assists in all election processes, notary services, collective bargaining research, freedom of information requests, records management, project development, day to day human resource operations, administration and management: employment; labor and employee relations; policy and procedure development ; benefits coordination and administration; performance management; and workforce planning and employment. The final repository of all policies is under the direction of the Township Board of Trustees. (Complete list of responsibilities contained in Position Functions, Duties and Responsibilities attachment)

POSITION REQUIREMENTS:

EDUCATION: Bachelor's Degree

EXPERIENCE: Five or more years of administrative experience in a public sector environment with knowledge of human resource functions. Three or more years of office experience in a municipal setting.

KNOWLEDGE/SKILLS/ABILITIES:

Experience in election law, election processes and election equipment maintenance.

Accountable for creating service standards for all employment offerings and ensuring all service standards are met in accordance with job descriptions and service level agreements

Strong analytical, organizational and interpersonal abilities.

Skill in gathering data and generating timely, comprehensive and accurate records, reports, notices, memos and letters.

Ability to work well under pressure, multi-task, assess situations, decision make, problem solve and work effectively within deadlines.

- Knowledge of laws, legal codes, court procedures, government regulations, agency rules regarding employment matters.
- Ability to establish and maintain effective working relationships and use good judgment and a high degree of diplomacy and professionalism when interacting with elected officials, employees, other governmental and regulatory agencies, and professional contacts as well as the public.
- Knowledge of principles and procedures for personnel recruitment, selections, training, compensation benefits and personnel information systems.
- Ability to read, analyze and interpret complex documents.
- Knowledge of business and management principals involved in strategic planning, resource allocation, human resources modeling and leadership techniques.
- Proficient in the use of a personal computer; calculator, fax machine and copier.
- Proficient in Microsoft Word, Excel, Power Point and Publisher, and the ability to master new technology.

PHYSICAL ABILITIES: With or without accommodations, while performing the duties of this job, the employee is regularly required to: operate a personal computer; stands and walks frequently; lift and/or move moderate weight; stoop; kneel; frequently required to sit; use hands to finger, handle or feel; reach with hands and arms; talk and hear.

MENTAL ABILITIES: Must be able to problem solve, prioritize, analyze and multi-task.

OTHER REQUIREMENTS: Must have a valid Driver's License and ability to travel locally and statewide.

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: FEBRUARY 17, 2015

BOARD MEETING

DATE: FEBRUARY 17, 2015

Consent Agenda New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	GIS Technician
DEPARTMENT	IT
PRESENTER	Supervisor Combs
PHONE NUMBER	734-699-8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Consider approval of the Personal Services Agreement between Joel Sabin and the Township, and authorize Supervisor Combs and Clerk Wright to execute the agreement	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<p>The GIS Technician job description and posting of this new position was approved in September 2014.</p> <p>Mr. Sabin comes to us with GIS experience from the City of Jackson as well of the Georgia Department of Transportation.</p> <p>Mr. Sabin has excellent references and an education including a Master of Science in Geography with an emphasis in GIS from the University of Georgia.</p>	
BUDGET IMPLICATION	<p>Salary of \$52,000</p> <p>No change to the budget is required; upon approval of the contract, Mr. Sabin would begin working in February and this position was included in the approved 2015 budget.</p>
IMPLEMENTATION NEXT STEP	Execution of Personal Services Agreement
DEPARTMENT RECOMMENDATION	
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Yes
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	See attached documentation for further information.
APPROVAL OF SUPERVISOR	