

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
MAY 24, 2017
MINUTES**

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

ROLL CALL:

Present: Franzoi, Boynton, Atchinson, Budd and Thompson.

Excused: Kelley.

Staff: Director Akers and Secretary Harman.

Planning Representatives: None.

Audience: Five (5).

APPROVAL OF AGENDA:

Motion Franzoi, Budd second to approve the agenda of May 24, 2017 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Atchinson, Franzoi second to approve the regular meeting minutes of May 10, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 17-016 – SPECIAL LAND USE APPROVAL

TITLE: THE APPLICANT, BELLEVILLE YACHT CLUB, IS REQUESTING A SPECIAL USE PERMIT TO EXPAND THEIR CLUB USE BY CONSTRUCTING AN ACCESSORY BUILDING AT THEIR FACILITY LOCATED AT 831 E. HURON RIVER DRIVE, VAN BUREN TOWNSHIP, MI 48111.

LOCATION: PARCEL NUMBER V125-83-088-99-0005-000 (831 E. HURON RIVER DRIVE). THE SITE IS APPROXIMATELY 3.980 ACRES. IT IS LOCATED IN THE R1-C, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE NORTH SIDE OF HURON RIVER DRIVE BETWEEN EDGEMONT AND MARTINSVILLE.

Motion Atchinson, Budd second to open the public hearing. Motion Carried.

Scott Jones, Commodore of the Belleville Yacht Club (BYC) gave the presentation. The BYC is requesting a special use permit to build an accessory building to the current building. The accessory building is for member use when the current building is rented for events.

Director Akers presented his staff memo dated May 18, 2017. The current use is consistent with Country Club use and the accessory building is considered an expansion, which requires special use approval. Director Akers recommends the Planning Commission recommend special use approval for the construction of the accessory building to the Township Board, subject to the condition that the applicant obtain final site plan approval.

No questions or comments from the Commission or the Audience.

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

ITEM # 2 17-014 – REZONING 49412 MICHIGAN AVENUE FROM C (LOCAL BUSINESS) AND C-2 (EXTENSIVE HIGHWAY BUSINESS) TO C-1 (GENERAL BUSINESS).

LOCATION: THIS SITE IS LOCATED AT 49412 MICHIGAN AVENUE WHICH IS LOCATED WEST OF DENTON ROAD, BETWEEN MOTT ROAD AND MICHIGAN AVENUE.

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

Bassam Yaldo gave the presentation for the applicant. The request to rezone is to allow the building of a gas station with a drive through restaurant.

Director Akers presented his staff memo dated May 18, 2017 recommending the Planning Commission recommend approval of the request to amend the Township’s Zoning Map by rezoning the property located at 49412 Michigan Avenue, parcel number V125-83-021-01-0009-304 from C, Local Business and C-2, Extensive Highway Business to C-1, General Commercial, based upon the following reasons:

- A. The C-1, General Commercial would be consistent with the zoning of adjacent properties.
- B. The proposed rezoning would be consistent with the Township’s Future Land Use Map which designates this property as “General Commercial”.
- C. The frontage on Michigan Avenue and Denton Road allow for sufficient vehicular access to handle a more intense commercial use on the property.
- D. The proposed rezoning does not create any shortages of available vacant commercially zoned property in the Township.

No comments from the Commission or the audience.

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

NEW BUSINESS:

ITEM # 1 17-016 – SPECIAL LAND USE APPROVAL

TITLE: THE APPLICANT, BELLEVILLE YACHT CLUB, IS REQUESTING A SPECIAL USE PERMIT TO EXPAND THEIR CLUB USE BY CONSTRUCTING AN ACCESSORY BUILDING AT THEIR FACILITY LOCATED AT 831 E. HURON RIVER DRIVE, VAN BUREN TOWNSHIP, MI 48111.

LOCATION: PARCEL NUMBER V125-83-088-99-0005-000 (831 E. HURON RIVER DRIVE). THE SITE IS APPROXIMATELY 3.980 ACRES. IT IS LOCATED IN THE R1-C, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE NORTH SIDE OF HURON RIVER DRIVE BETWEEN EDGEMONT AND MARTINSVILLE.

No additional comments from staff, Commissioners or the audience.

Motion Boynton, Budd second to recommend to the Township Board of Trustees approval of a special land use permit for the Belleville Yacht Club to expand their club use by constructing an

accessory building at their facility located at 831 E. Huron River Drive, parcel number V125-83-088-99-0005-000, on approximately 3.980 acres zoned R1-C, Single Family Residential, located on the north side of Huron River Drive between Edgemont and Martinsville Roads, subject to the recommendations in Director Akers staff memo dated 5-18-17 with the condition the applicant obtain final site plan approval. (Letter Attached)

Roll Call:

Yeas: Atchinson, Budd, Boynton, Franzoi and Thompson.

Nays: None.

Absent: Kelley.

Motion Carried.

ITEM # 2 17-016 – PRELIMINARY SITE PLAN APPROVAL

TITLE: THE APPLICANT, BELLEVILLE YACHT CLUB, IS REQUESTING PRELIMINARY SITE PLAN APPROVAL TO BUILD AND ACCESSORY BUILDING AT THEIR FACILITY LOCATED AT 831 E. HURON RIVER DRIVE, VAN BUREN TOWNSHIP, MI 48111.

LOCATION: PARCEL NUMBER V125-83-088-99-0005-000 (831 E. HURON RIVER DRIVE). THE SITE IS APPROXIMATELY 3.980 ACRES. IT IS LOCATED IN THE R1-C, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE NORTH SIDE OF HURON RIVER DRIVE BETWEEN EDGEMONT AND MARTINSVILLE.

Director Akers recommended the Commission postpone their decision on preliminary site plan approval to allow the applicant to address modifications to the site plan. The applicant has agreed to resubmit a revised site plan addressing the modifications prior to the next meeting.

Motion Boynton, Budd second to postpone the decision on preliminary site plan approval until the next Planning Commission meeting. Motion Carried.

ITEM # 3 17-014 – REZONING 49412 MICHIGAN AVENUE FROM C (LOCAL BUSINESS) AND C-2 (EXTENSIVE HIGHWAY BUSINESS) TO C-1 (GENERAL BUSINESS).

LOCATION: THIS SITE IS LOCATED AT 49412 MICHIGAN AVENUE WHICH IS LOCATED WEST OF DENTON ROAD, BETWEEN MOTT ROAD AND MICHIGAN AVENUE.

No additional comments from staff, Commissioners or the audience.

Motion Budd, Atchinson second to recommend to the Township Board of Trustees approval of the request to amend the Township’s Zoning Map by rezoning the property located at 49412 Michigan Avenue, parcel number V125-83-021-01-0009-304 from C, Local Business and C-2, Extensive Highway Business to C-1, General Commercial, based upon the reasons in Director Akers staff memo dated 5-18-17:

- A. The C-1, General Commercial would be consistent with the zoning of adjacent properties.
- B. The proposed rezoning would be consistent with the Township’s Future Land Use Map which designates this property as “General Commercial”.

- C. **The frontage on Michigan Avenue and Denton Road allow for sufficient vehicular access to handle a more intense commercial use on the property.**
- D. **The proposed rezoning does not create any shortages of available vacant commercially zoned property in the Township. (Letter Attached)**

Roll Call:

Yeas: Budd, Atchinson, Boynton, Franzoi and Thompson.

Nays: None.

Absent: Kelley.

Motion Carried.

GENERAL DISCUSSION:

Director Akers discussed the following items:

1. **Open Storage of Trailers and RV's:** Director Akers discussed rear storage limitations and lot occupancy, inquiring if the Commission would like to consider modifying language in the Zoning Ordinance. Commissioners discussed seasonal storage, limiting the number of items stored, not allowing storage on lots without homes, permits for a designated number of days and looking into what other communities have in place. Director Akers will gather more information to bring back to the Commission for review and discussion.
2. **"Tiny Houses" Accessory Structures:** Director Akers discussed "tiny houses" and their several different meanings/types (detached home, permanent on ground, built on chassis). These homes are not considered in the new zoning ordinance. Commissioners discussed possible size standards, effect on property values and lot size requirements. Director Akers will gather more information for the Commission to review and discuss.
3. **Medical Marijuana Moratorium – Update:** Director Akers gave an update on the medical marijuana moratorium, which was extended an additional six (6) months until December to see if the State provided more clarification. The medical marijuana subcommittee will be meeting soon to discuss further action. Commissioners Boynton and Atchinson will serve on the subcommittee. Director Akers will reach out to Commissioner Kelley as well.
4. **Air BnB:** Director Akers discussed Air BnB (short-term) rentals, with Van Buren Township being a lake community there could be short-term rentals, which may bring concern to residents. The State of Michigan is looking to amend the requirements to allow short-term rentals. Director Akers has not seen any short-term rentals currently in the township. Commissioner Boynton informed the Commission there was a workshop at the Michigan Association of Planners (MAP) conference that discussed the extensive steps taken to regulate these rentals. Director Akers will look into the matter further and bring back additional information for the Commission to review and discuss.

Motion Boynton, Franzoi second to adjourn at 8:47 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

DATE: May 18, 2017
TO: Planning Commission
FROM: Ron Akers, AICP – Director of Planning & Economic Development
RE: 17-014 Rezoning Request of 49412 Michigan Avenue

Staff Report

File Number: 17-014

Site Address: 49412 Michigan Avenue

Parcel Number: 125-83-021-01-0009-304

Parcel Size: 2.145 Acres

Location: Michigan Avenue, at the northwest corner of Michigan Avenue and Denton Road

Applicant: SCH, INC, 22439 Pardee Ct, Dearborn Heights, MI 48125

Property Owner: Same as applicant.

Request: Applicant is requesting to rezone their existing property located at on Michigan Ave. from C, Local Business & C-2 Extensive Highway Business to C-1, General Commercial.

Zoning and Existing Use: C, Local Business & C-2 Extensive Highway Business, Vacant

Adjacent Zoning and Existing Uses:

North: R-1 (Single Family Residential (Canton Township)) & Vacant

East: C-1 (General Commercial) & Gasoline Filling Station & Drive Thru (under construction)

South: R1-C (Single Family Residential) & Church

West: C-2 (Extensive Highway Business) & Vacant

Other: Public hearing notices were published in the Belleville Area Independent on May 4, 2017 and notices were sent to all property within 300' of the subject property in accordance with the Michigan Zoning Enabling Act.

Summary:

The applicant has requested to rezone the above specified property from C, Local Business & C-2, Extensive Highway Business to C-1, General Commercial. The primary intent of the applicant is to rezone the property to allow the property owner the ability to construct a gasoline filling station at this property. Staff has reviewed this request based on the Township's Master Plan and Zoning Ordinance. Please consider the following:

Master Plan:

The Township's Future Land Use Map depicts this property as General Commercial. The General Commercial designation directly corresponds to the C-1, General Commercial Zoning District. While the Master Plan does not specifically describe General Commercial it does offer a description of commercial land uses. This description is as follows:

“Commercial: This classification includes a cross section of wholesale, retail and services uses offering those items satisfying the day-to-day neighborhood type convenience needs of customers such as: food, meat, drugs, bakery goods, and local services as well as community-wide, thoroughfare-oriented commercial uses offering those items purchase less frequently such as: apparel stores, appliance stores, gas stations, motels, and automotive facilities.”

Based on this designation the requested rezoning of this parcel to C-1. General Commercial is consistent with the Township's Future Land Use Map as well as the Township's Master Plan.

Zoning:

The property which is the subject of the request has split zoning on it. The portion of the property at the corner of Denton and Michigan Avenue is zoned C, Local Business while the western portion of the property is zoned C-2, Extensive Highway Business. The proposed rezoning would bring the property under one zoning designation.

Existing C, Local Business: The Local Business District intended to permit retail business and service uses which are needed to serve nearby residential areas. In order to promote such business development, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local business in appropriate locations for the mutual benefit of businesses and patrons. It is intended that marginal strip business development along major streets be discouraged.

Existing C-2, Extensive Highway Business: The Extensive Highway Business District, as established in this Section, is intended to permit extensive business uses along heavily traveled highways. The permitted uses require large parcels of property and are intended to serve the general needs of all Township residents. The purpose of this zone is to provide a development pattern along designated major thoroughfares which will avoid unsafe conditions by eliminating

The proposed zoning district will be consistent with the zoning district to the west and east on the same side of Michigan Avenue. There is currently a filling station being constructed on the opposite side of Denton Road where the Planning Commission rezoned the property to C-1, General Commercial.

Proposed C-1, General Commercial: The General Business District, as established in this Article is intended to permit a wider range of business and entertainment activities than those permitted in the Local Business District. The permitted uses are intended to provide business and services usually found in major shopping centers and central business districts at the junction of major streets. These uses generated large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent residential areas.

Based on this the proposed C-1, General Commercial zoning designation is consistent with the zoning of adjacent properties and I anticipate no inconsistencies to arise from the proposed rezoning.

Other Considerations:

The property is located on the northwest corner of Michigan Avenue and Denton Road. Michigan Avenue is a major thoroughfare and will be able to handle the traffic a commercial use would generate. Staff does not anticipate any additional impact on current traffic or infrastructure. At the time of site plan review, special care should be taken to insure that safe access management is encouraged and to ensure that the majority of truck traffic utilizes Michigan Avenue as their primary route rather than Denton Road. The request should not hinder community need for commercial property as rezoning is simply adding to the allowable land uses.

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 49412 Michigan Avenue parcel #125-83-021-01-0009-304 from C, Local Business & C-2, Extensive Highway Business to C-1, General Commercial, based upon the following reasons:

- A. The C-1, General Commercial would be consistent with the zoning of adjacent properties.
- B. The proposed rezoning would be consistent with the Township's Future Land Use Map which designates this property as "General Commercial."
- C. The frontage on Michigan Avenue and Denton Road allow for sufficient vehicular access to handle a more intense commercial use on the property.
- D. The proposed rezoning does not create any shortages of available vacant commercially zoned property in the Township.



Memo

DATE: May 18, 2017
TO: Planning Commission
FROM: Ron Akers, AICP – Director of Planning & Economic Development
RE: 17-016 Special Land Use Review of the Belleville Yacht Club Accessory Building

The applicant proposes to construct a detached accessory building at the existing Belleville Yacht Club which is located at 831 E. Huron River Drive. The intended use of the accessory building is for a “tiki bar” which includes a lounge area, bar area, a kitchen, and restrooms. The property is zoned R1-C (Single Family Residential) and is approximately four (4) acres in area. The current use of the property is consistent with the country club use in the R1-C zoning district. As the construction of the accessory building is an expansion of this use the applicant will be required to follow the guidelines of the Zoning Ordinance for that use. The country club use requires special use approval in the R1-C district.

Comments:

Special land uses are required to meet the standards for granting special approval in section 12.306 of the Zoning Ordinance. The following comments are based upon the standards of the Zoning Ordinance, observation of the site and surroundings, and accepted principles of good planning and design.

Section 12.306: Standards for Granting Special Approval

- 1. Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.**

The Country Club use is already existing on the property and this action will be an expansion of the use. In single family residential districts it is not uncommon to allow for uses which utilize public gatherings such a churches, country clubs, golf courses, etc. especially when that property has frontage on a primary road. With these type of uses special care should be taken to ensure that any potential negative impact on neighboring residential properties be addressed. In this circumstance there is an existing well-established evergreen buffer between the area where the accessory building will be constructed and the adjacent property to the east where there is a single family residential home. The property to the south is a church use and to the west is a public boat launch. Directly to the north of the property is Belleville Lake, which provides recreational opportunities to Township residents. Based on this the expansion of the country club use is economically and socially desirable in this current location.

- 2. Is necessary for the public convenience at that location.**

The property is located along E. Huron River Drive which is a main road within the Township. There are several subdivisions as well as non-single family residential uses along this road. This makes the sites location potentially convenient for the members of the club and the public.

3. Is compatible with adjacent uses of land.

On the north side the property is adjacent to Belleville Lake, on the west side the property is adjacent to a public boat launch, on the south side the property is adjacent to a church, and on the east side the property is adjacent to a single family residential home. There is an existing well established evergreen buffer between the single family residential home and the country club property. This buffer should mitigate any potential incompatibilities between the properties.

4. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

The building is designed to be accessory to the principal building on the site. Its design is compliant with all required setbacks and height/bulk requirements of the Zoning Ordinance. The public health, safety, and welfare will be protected based on the current site design.

5. Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.

The addition of the accessory building will not increase the level of public services required to service the site.

6. Will not cause injury to other property in the neighborhood in which it is to be located.

The proposed detached accessory building is not anticipated to have any negative impact on the adjacent properties. The use is compatible with the uses to the west and south (boat launch and church) and the established evergreen buffer should mitigate any potential negative impacts on the adjacent property.

7. Will consider the natural environment and help conserve natural resources and energy.

There are no anticipated adverse effects to the natural environment of the Township. This construction is consistent with the other construction activities which occur around Belleville Lake.

8. Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located and meets applicable site design standard for special approval uses.

There will need to be some minor items addressed on the submitted site plan, but those items will be addressed during site plan review. Staff will recommend that any approvals be conditioned upon the applicant obtaining final site plan approval, but overall it appears that the accessory building dimensional standards are consistent with the Zoning Ordinance. There are no specific site design standards to Country Club uses which do not involve outdoor recreation activities.

9. Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.

The Township has the authority to grant special land use approval for a Country Club in a single family residential district. Based on this this standard is met.

Recommendation:

Based on the above mentioned comments, staff finds that the proposed construction of the detached accessory building meets the standards for special use approval. Staff recommends that the Planning Commission recommend special use approval for the construction of the accessory building to the Township Board, subject to the condition that the applicant obtain final site plan approval.