

ACTION ITEMS:

- A. Presentation by the applicant.
- B. Presentation by the Township Staff and Consultants
- C. Planning Commission Discussion.

D. Planning Commission considers recommendation to Township Board.

ITEM # 2

CASE 20-004 - TNT FIREWORKS – TEMPORARY LAND USE

TITLE: THE APPLICANT, TNT FIREWORKS IS REQUESTING A TEMPORARY LAND USE PERMIT TO CONDUCT A TEMPORARY OUTDOOR FIREWORKS TENT SALE.

LOCATION: 10562 BELLEVILLE ROAD. THIS SITE IS LOCATED IN THE WALMART PARKING LOT, WHICH IS ON THE WEST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 NORTH SERVICE DRIVE.

- A. Presentation by the applicant.
- B. Presentation by Township Staff and Consultants.
- C. Planning Commission discussion.
- D. Planning Commission considers action on Temporary Land Use approval.

ITEM #3: **DISCUSSION: ZONING ORDINANCE AMENDMENTS: C, LOCAL BUSINESS DISTRICT AMENDMENTS.**

PROPOSED AMENDMENTS TO ADD CLARIFICATIONS IN ORDER TO DISTINGUISH COMMERCIAL AND RESIDENTIAL / NON-COMMERCIAL LAND USES IN THE C, LOCAL BUSINESS DISTRICT WITH RESPECT TO MAXIMUM BUILDING SIZE, AND CLARIFY RESTRICTIONS ON DWELLINGS IN NON-RESIDENTIAL ZONING DISTRICTS. THE AMENDMENTS WILL BE TO SECTION 3.105 – FOOTNOTES TO THE TABLE OF PERMITTED USES AND SPECIAL LAND USES BY DISTRICT, SECTION 3.110(D) – REQUIRED CONDITIONS OF THE C, LOCAL BUSINESS DISTRICT AND SECTION 5.117 - DWELLINGS IN NON-RESIDENTIAL DISTRICTS.

GENERAL DISCUSSION:

UPCOMING TRAINING OPPORTUNITIES

ADJOURNMENT:

Notice of Public Hearing Cancellation

The following Planning Commission public hearings have been cancelled:

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **March 11, 2020 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following zoning ordinance amendments:

1. **Zoning Ordinance Text Amendments:** Proposed amendments that would modify the requirements of the Zoning Ordinance with regard to clarifying the limit of building size in the C, Local Business district, specifically to clarify the distinction between commercial and residential uses. The amendments will be to Section 3.105 – Footnotes to the Table of Permitted Uses and Special Land Uses by District and Section 3.110(D) – Required Conditions Of The C, Local Business District.
2. **Zoning Ordinance Text Amendments:** Proposed amendments that would allow single-family detached dwellings at a density of 6-7 units per acre as a permitted land use by right in the RM, Multiple Dwelling Residential District. The amendments will be to Section 3.104 - Permitted Uses by District and 3.107(B) – RM, Multiple Dwelling Residential District – Permitted Uses.

A regular meeting of the Planning Commission will be held on March 11th at 7:30 as scheduled but these public hearing items will not be included on that agenda.

There will be a discussion of Item #1 (below) during the Planning Commission Meeting.

Proposed amendments that would modify the requirements of the Zoning Ordinance with regard to clarifying the limit of building size in the C, Local Business district, specifically to clarify the distinction between commercial and residential uses. The amendments will be to Section 3.105 – Footnotes to the Table of Permitted Uses and Special Land Uses by District and Section 3.110(D) – Required Conditions of the C, Local Business District.

**Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111
(734) 699-8913
Posted: 2/27/20**

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
February 12, 2020
MINUTES - DRAFT**

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

ROLL CALL:

Present: Kelley, Budd, Boynton, Jahr and Thompson.

Excused: Atchinson and Franzoi.

Staff: Director Power and Secretary Harman.

Planning Representatives: None.

Audience: Four (4).

ELECTION OF OFFICERS:

Motion Budd, Jahr second to nominate Carol Thompson as Chairperson. Motion Carried.

Motion Kelley, Jahr second to nominate Donald Boynton Jr. as Vice-Chairperson. Motion Carried.

Motion Boynton, Budd second to nominate Bryon Kelley as Secretary. Motion Carried.

Motion Kelley, Jahr second to nominate Donald Boynton as the BZA representative. Motion Carried.

Motion Budd, Boynton second to nominate Bryon Kelley as the Alternate BZA representative. Motion Carried.

APPROVAL OF AGENDA:

Motion Boynton, Kelley second to approve the agenda of February 12, 2020 as presented. Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Boynton second to approve the regular meeting minutes of January 8, 2020 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 2019 PLANNING COMMISSION ANNUAL REPORT

Director Power presented the 2019 Planning Commission Annual Report displaying a PowerPoint presentation that summarized the report and detailed the accomplishments of the Planning Commission in 2019. Mr. Power also displayed an interactive map that he is working on, which will keep track of the status of all projects.

Motion Boynton, Kelley second to recommend the 2019 Planning Commission Annual Report to the Township Board of Trustees with corrections to the number of Temporary Land Use Approvals to four (4) and the number of Zoning Text Amendment Recommendations to three (3).

Roll Call:

Yeas: Jahr, Boynton, Kelley, Budd and Thompson.

Nays: None.

Absent: Franzoi and Atchinson.

Motion Carried. (Report Attached)

ITEM # 2 2020 PLANNING COMMISSION MEETING SCHEDULE

Director Power presented the 2020 Planning Commission meeting schedule. Meetings will remain on the 2nd and 4th Tuesday of each month, with November and December meetings on the 2nd Tuesday only, due to the holiday schedule. The November 11, 2020 meeting date may change as it falls on a holiday as well.

Motion Kelley, Boynton second to approve the 2020 Planning Commission meeting schedule as presented. Motion Carried. (Meeting Schedule Attached)

GENERAL DISCUSSION:

ITEM #1 DISCUSSION: UPCOMING TRAINING OPPORTUNITIES

Director Power informed Commissioners of upcoming training opportunities through the Michigan Association of Planners (MAP). Planning and Zoning Essentials training on Thursday, March 19 in Jackson and a Site Plan Review Workshop on Wednesday, March 18 in Taylor at the Wayne County Community College Campus. Commissioners are to notify Director Power if they are interested in attending either of the training sessions.

ADJOURNMENT:

Motion Boynton, Jahr second to adjourn at 7:42 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

RECEIVED

OCT 07 2019

PLANNING & ZONING APPLICATION

Case number 19-030Date Submitted 10-7-19

BY: _____

APPLICANT INFORMATION

Applicant CHARLES REAVIS Phone 734-240-4872
 Address 1043 SAVANNAH Fax _____
 City, State BELLEVILLE, MI Zip 48111
 E-mail CHARLESREAVIS67@GMAIL.COM Cell Phone Number 734-240-4872
 Property Owner _____ Phone _____
 (if different than applicant)
 Address _____ Fax _____
 City, State _____ Zip _____
 Billing Contact _____ Phone _____
 Address _____ Fax _____
 City, State _____ Zip _____

SITE/ PROJECT INFORMATION

Name of Project _____
 Parcel Id No. V125-83- Project Address _____

Attach Legal Description of Property

Property Location: On the _____ Side of _____ Road; Between _____ Road
 and _____ Road. Size of Lot Width _____ Depth _____
 Acreage of Site _____ Total Acres of Site to Review _____ Current Zoning of Site _____
 Project Description: _____

Is a re-zoning of this parcel being requested? _____ YES (if yes complete next line) NO
 Current Zoning of Site _____ Requested Zoning _____

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? _____ YES (if yes complete next line) NO
 Section of Zoning Ordinance for which you are applying _____
 Is there an official Woodland within parcel? _____ Woodland acreage _____
 List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
 Detailed description for cutting trees _____

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

CHARLES REAVIS

Print Property Owners Name

[Signature]

Signature of Property Owner

10-7-2019

Date

STATE OF MICHIGAN
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this _____ day of _____, 20____.

_____, Notary Public, _____ County, Michigan My Commission expires _____, 20____.

Rev 1/12/06

Memo

DATE: February 28, 2020

TO: Van Buren Township Planning Commission

RE: 19-036 Rezoning Request at 1043 Savage Road

Staff Report

Dear Commissioners:

The request for rezoning from the applicant / property owner located at 1043 Savage Road to rezone the subject parcel from M-1 (Light Industrial) to R-1B (Single Family Residential) district has been reviewed. Information regarding this request is listed below and on the following page:

File Number: 19-036

Site Address: 1043 Savage Road

Parcel Number: 83 105 99 0035 000

Parcel Size: 3.29 acres

Location: North side of Savage Road between Arlene Lane and Martinsville Road

Applicants: Charles and Patricia Reavis, 1043 Savage Road, Van Buren Township, MI 48111

Property Owners: Same as applicants.

Request: Applicants are requesting to rezone their property from M-1 (Light Industrial) to R-1B (Single Family Residential)

Zoning and Existing Use: Split-zoned: M-1, Light Industrial (approximately northern 5/6 of parcel) & R-1 B, Single Family Residential (approximately southern 1/6) of parcel. Used for single family residential dwelling (1,684-sq. ft.) and accessory structures including a stables (1,632-sq. ft.) and farm utility building (2,016-sq. ft.).

Adjacent Zoning and Existing Uses:

North: Zoned R-1A (Single Family Residential) and vacant.

East: Split-zoned M-1 (Light Industrial) and R-1B (Single Family Residential) and used residentially.

South: Zoned AG (Agricultural and Estate) and vacant.

West: Split-zoned M-1 (Light Industrial) and R-1B (Single Family Residential) and used residentially.

Other: Public hearing notices were published in the Belleville Independent on February 20, 2020 and notices were sent to all property within 300' of the subject property on February 21, 2020 in accordance with the Michigan Zoning Enabling Act.

A three-dimensional view of the parcel and the parcel's current zoning configuration and are shown in the images below:



Image courtesy of Google Map data, 2020

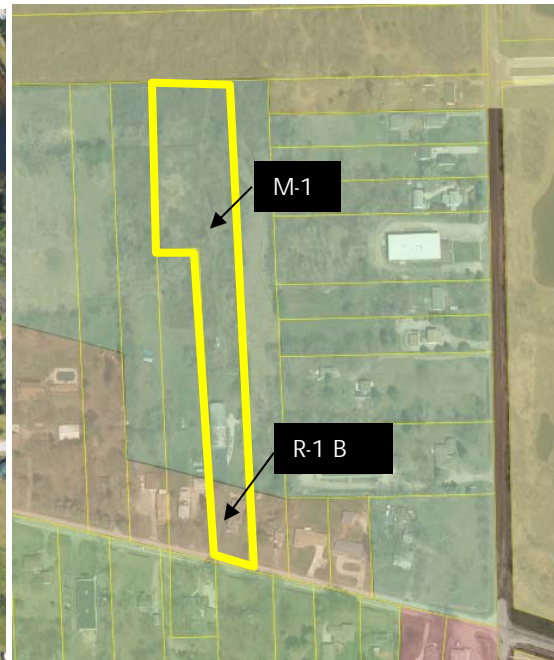


Image data provided by McKenna Associates, last updated 12/4/2015

Six (6) properties including 13414, 13440, 13510, and 13720 Martinsville Road and 791 and 1123 Savage Road were rezoned from industrial to residential zoning to enable sale of the property and obtain a mortgage in the year 2019. During this process, the Township had sent a letter to all of the affected property owners in the Savage Road – Martinsville Road area, offering to rezone the parcels at no charge to the owners. The current review is prompted by one of the few formal applications made by property owners in response to this letter.

Planning and zoning law provides that government has a legitimate interest in maintaining compatibility of surrounding areas, protecting and preserving natural resources, and ensuring adequate infrastructure such as roads, water supply and sanitary sewage disposal. Adoption of a

master plan and imposition of zoning restrictions to accomplish those interests, as well as to avoid overcrowding and preserve and protect open space and area aesthetics are consistent with the Michigan Planning Enabling Act (PA 33 of 2008) and Michigan Zoning Enabling Act (PA 110 of 2006).

The Master Plan was originally adopted in 1989 and amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan). The Master Plan is currently under review for a complete revision.

My analysis of the current request is included below and on the following pages.

Standards of Review for Rezoning:

Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.504 of the Zoning Ordinance includes specific standards for review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application. These standards are as follows:

(A) Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

The South Side Master Plan (2007) and the Township's Future Land Use Map (2018) designate the property as "Village Residential", which is a future land use category that correlates with a maximum recommended density of 4.1 to 5 units per acre with a minimum lot size of 8,400 square feet. It is the densest single family residential future land use designation in the township and is meant to support civic and business activities in the nearby City of Belleville. While this designation is directly correlated to the *R-1C* single family zoning district, which allows for a minimum lot area of 8,400 square feet and is the highest-density single family residential zoning district, rezoning to the *R-1B* designation would be consistent with sound planning and zoning practice for a number of reasons:

- *R-1B* zoned properties lie in close proximity to the site and several nearby properties have recently been rezoned to *R-1B*.
- The same permitted uses as are permitted in the *R-1C* district are permitted in the *R-1 B* district.
- The parcel meets minimum *R-1B* zoning requirements for lot width (80') and lot area (10,000 square feet).

Additionally, rezoning a parcel from split-zoning to a single zoning designation allows a parcel to achieve a cohesive and complete land use potential and is consistent with sound planning. The proposed rezoning is therefore consistent with the applicable Master Plan and sub-area plan documents and broader development trends.

(B) Consistency with the basic intent and purpose of this Zoning Ordinance.

Section 1.102 of the Van Buren Township Zoning Ordinance (*Purpose and Intent*) includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. Based on that intent, the Zoning Ordinance includes provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance. The M-1, Light Industrial zoning district currently assigned to the north and majority portion of the subject parcel permits uses such as wholesale sales, warehousing, light manufacturing and processing, minor and major laboratories, retail dry cleaning plants and laundries, public utility buildings, accessory outdoor storage, and accessory structures and uses related to the above permitted uses, and indoor recreation. Such uses are not compatible with the current residential use of the property.

By contrast, the R-1B, Single Family Residential zoning district allows permitted uses such as detached single-family dwellings, publicly-owned recreation facilities, local government buildings and similar uses, schools, private swimming pools, accessory buildings and uses, home occupations, adult foster care or family homes, horses for personal non-commercial uses, family day care homes, and accessory structures and uses related to those permitted uses. Such uses are compatible with the current use of the property. On a related note, the property owner appears to have a business license for an automotive-related business. The owner has been made aware that vehicle service uses associated with any business license will be off-site. The use of the site is and will continue to be residential. Rezoning the entirety of the property to R-1B is therefore consistent with the basic intent and purpose of the Zoning Ordinance.

(C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

The continuation of the single family residential and related accessory uses on the subject parcel is not anticipated to generate significant traffic on Savage Road.

(D) The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.

The subject property is currently served by both public water and public sanitary sewage disposal, and there are no constraints on the water and sewer systems we are aware of that would prevent service to the subject sites.

(E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

The requested rezoning does not change the Zoning Ordinance but rather brings the Township further into compliance with the South Side Master Plan and future land use map (2018). The requested rezoning does not correct an error in the Zoning Ordinance.

(F) That the amendment will not be expected to result in exclusionary zoning.

Exclusionary zoning is a prohibition of a land use when there is a demonstrated need for the use in the community. The subject request is not an amendment that will result in exclusionary zoning but rather a rezoning initiated by the Township to facilitate the change of zoning in an area of nonconforming lots / uses, to bring it more into conformance to the Township's future land use map.

(G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

The site's physical, geological, hydrological, and other environmental features currently support and are anticipated to continue to support and be compatible with the permitted uses in the proposed zoning district.

(H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

The property will continue to be used residentially as a dwelling, with related agricultural structures for permitted accessory residential uses, and the requested rezoning is intended to correct an existing nonconformity. The continuation of these uses will be compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

(I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The parcels are located in the vicinity of properties that are currently residential or planned to be residential in the future. The boundaries of the proposed rezoning follow property boundary lines. Existing structures will be permitted to remain in place. The dwelling structure is lawfully located and can be redeveloped in accordance with the underlying zoning district dimensional requirements. The property's accessory structures have a combined area (3,648-sq. ft.) under the maximum combined accessory building area permitted (4,301.8-sq. ft.), and it is possible for demolition and construction of new structures to occur in a manner that complies with the dimensional regulations of the R-1 B zoning district.

(J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

The future land use map (2018) designates the properties as residential, so the requested zoning district is the most appropriate from the Township's perspective when the zoning of surrounding properties is considered.

(K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

Rezoning is more appropriate than amending the list of permitted or special land uses in the M-1 zoning district. Amending the M-1 district, which is a purely industrial zoning district, to allow for residential uses would not be appropriate.

(L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The parcel is adjacent to other residential dwellings and near a planned residential development (PRD) named *Arlene Arbors* on the south side of Savage Road. The requested rezoning would therefore not create an isolated or incompatible zone in the neighborhood, especially considering that multiple properties in the neighborhood are designated as residential in the South Side Master Plan and future land use map (2018). The Township has rezoned six (6) parcels in a similar manner in the past year.

Recommendation:

Staff recommends that the Planning Commission recommend approval of the request to rezone Parcel # 83 105 99 0035 000, 1043 Savage Road, from M-1(light industrial) to R-1B (single family residential) based upon the following reasons:

1. **Section 12.504(A).** The proposed rezoning is consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments. The proposed R-1B zoning designation is consistent with the residential designation envisioned in the Master Plan for the parcels and abutting properties.
2. **Section 12.504(B).** The proposed rezoning is consistent with the intent to the zoning ordinance and the existing development pattern of the area.
3. **Section 12.504 (C).** The existing and proposed use of the parcels is not likely to generate any additional traffic and the street frontages are capable of handling any traffic generated from the sites.
4. **Section 12.504 (D).** The parcels are currently served by Township services and utilities, and we are not aware of any constraints in the ability of to continue to serve the parcels.
5. **Section 12.504(E).** The requested rezoning does not change the Zoning Ordinance but brings the Township further into compliance with the future land use map (2018).
6. **Section 12.504 (F).** The proposed rezoning is not causing any exclusionary zoning.
7. **Section 12.504 (G).** The proposed rezoning is not affected by any known environmental constraints on the property at this time.

8. **Section 12.504 (H).** The property will not be occupied by unpermitted business activities, and will be occupied by uses permitted by right and special land use in the proposed R-1B zoning district, and those uses are likely to have less adverse impacts on the adjacent neighborhood, than developing it under the current M-1 zoning designation.
9. **Section 12.054(I).** If rezoned, the parcels can be rebuilt upon in compliance with ordinance standards.
10. **Section 12.054(J).** Given the possible options, we believe the R-1B designation is the most appropriate.
11. **Section 12.504 (K).** Amending the existing M-1 district to allow for single family residential uses would be inappropriate.
12. **Section 12.054(L).** The proposed R-1B zoning of the site will be compatible with the uses currently existing around it, and not create an isolated or incompatible zone. The requested rezoning also corrects the zoning of a split zoned parcel to a single designation.

Therefore, I recommend that the Planning Commission recommend approval of the requested amendment to the Zoning Ordinance to rezone the subject parcel from M-1 to R-1B designation, to the Township Board of Trustees.

Thank you for allowing me to comment on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power", with a stylized, cursive script.

Dan Power, AICP - Van Buren Township Planning and Economic Development Director

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **March 11, 2020 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider the following request.

1. **Case 19-036:** A request by Charles and Patricia Reavis to rezone the entirety of property located at 1043 Savage Road (Parcel ID # V-83 105 99 0035 000) from M-1, Light Industrial to R1-B, Single Family Residential.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at dpower@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: February 18, 2020
Published: February 20, 2020

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
PUBLIC HEARING

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Posted: February 18, 2020
Published: February 20, 2020

MOVED TO THE FOLLOWING
SCHEDULE ON 2/21/2020
DAN POWER

Occupant
951 Savage Road
Van Buren Township, MI 48111

SHEVORVICH, GERALDINE
1000 Savage Road
Van Buren Township, MI 48111

Morin, John
1016 Savage Road
Van Buren Township, MI 48111

Occupant
1050 Savage Road
Van Buren Township, MI 48111

Baleja, Larry
1097 Savage Road
Van Buren Township, MI 48111

Occupant
1123 Savage Road
Van Buren Township, MI 48111

Occupant
13440 Martinsville Road
Van Buren Township, MI 48111

Rowe, Curtis
13660 Martinsville Road
Van Buren Township, MI 48111

Occupant
13824 Martinsville Road
Van Buren Township, MI 48111

TEAM CARES, INC.
921 HOWARD ST
DEARBORN, MI 48124

Occupant
970 Savage Road
Van Buren Township, MI 48111

CHUDZINSKI, KATHALEIN
1009 Savage Road
Van Buren Township, MI 48111

SMITH, RYAN & KEELE, BREANNA
1020 Savage Road
Van Buren Township, MI 48111

BARNES, LOUIS WILLIAM
1053 Savage Road
Van Buren Township, MI 48111

HARRIS, TODD
1099 Savage Road
Van Buren Township, MI 48111

Tinsley, Ron
13392 Martinsville Road
Van Buren Township, MI 48111

Smith, John E.
13510 Martinsville Road
Van Buren Township, MI 48111

MENYHERT, GUY
13720 Martinsville Road
Van Buren Township, MI 48111

TINSLEY, JANE
47554 W HURON RIVER DR
BELLEVILLE, MI 48111

SPEAKS, CARL-ROSEMARIE
43340 ALVA DR
VAN BUREN TOWNSHIP, MI 48111

Buxton, Mark and Tina
995 Savage Road
Van Buren Township, MI 48111

Carter, James
1015 Savage Road
Van Buren Township, MI 48111

REAVIS, CHARLES-PATRICIA
1043 Savage Road
Van Buren Township, MI 48111

FARR, EARL
1094 Savage Road
Van Buren Township, MI 48111

NORTH, RICKY-CHERYL
1116 Savage Road
Van Buren Township, MI 48111

Jenkins, Kevin
13414 Martinsville Road
Van Buren Township, MI 48111

Gentle Mach Tool and Dye
13600 Martinsville Road
Van Buren Township, MI 48111

Occupant
13772 Martinsville Road
Van Buren Township, MI 48111

BECKY AND JESSICA'S PLACE
47930 W HURON RIVER DR
VAN BUREN TOWNSHIP, MI 48111

TINSLEY, RON
PO BOX 954
VAN BUREN TOWNSHIP, MI 48112

SPEAKS, CARL-ROSE MARIE
43340 ALVA DR
VAN BUREN TOWNSHIP, MI 48111

SARTIN, ERIC
PO BOX 39
DEARBORN HEIGHTS, MI 48127-0039

H J D ENTERPRISES
13824 MARTINSVILLE RD
VAN BUREN TOWNSHIP, MI 48111



**CHARTER TOWNSHIP OF VAN BUREN
APPLICATION FOR
TEMPORARY LAND USE/SPECIAL EVENT
46425 TYLER ROAD
BELLEVILLE, MI 48111**

DATE: 2/21/2020

BUSINESS NAME: AMERICAN PROMOTIONAL EVENTS INC. DBA: TNT FIREWORKS

CONTACT PERSON: CHARLES FRIESE PHONE # 517.526.3839

SUPERVISOR FOR SITE: CHARLES FRIESE PHONE # 517.526.3839

EVENT TITLE: FIREWORKS TENT SALE

TYPE OF EVENT: TEMP/TENT SALE DATE(S): 6/22 TO 7/5/2020

LOCATION OF EVENT: WALMART PARKING LOT

ADDRESS OF LOCATION: 10562 BELLEVILLE RD, 48111

PROPERTY OWNER REPRESENTATIVE: STORE MANAGER PHONE # 734.697.2078

ARE SIGNS PROPOSED FOR ADVERTISING: ☒ YES ☐ NO IF YES, INCLUDE LOCATIONS & DETAILS

OTHER SIGNS ON TENT/BANNERS

IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:

IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ _____ BOND FEE \$ _____ TOTAL \$ _____

Charles J. Friese
(SIGNATURE OF APPLICANT)

2/21/2020
(DATE SIGNED)

(APPROVED BY)

(DATE SIGNED)



MEMO

TO: Township Planning Commission
FROM: Matthew R. Best – Director of Public Services
RE: Review of Temporary Land Use Request #20-004 – TNT Fireworks
DATE: March 3, 2020

PROJECT REVIEW

TNT Fireworks is requesting a Temporary Land Use permit for a tent sale of fireworks at the Belleville Road Walmart, Store #2872, at 10562 Belleville Road. The use is proposed to be from June 22, 2020 through July 5, 2020. Per Section 7.120 of the Zoning Ordinance, temporary land uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

I have reviewed the application and the requirements of Section 7.120 for temporary land use approval and have the following comments:

1. **Adequacy of parking and access** (Section 7.120(C.1)) – The site has 714 public parking spaces, 23 of which are handicapped reserved. The site is currently is over-parked, and the tent will have a limited impact on the number of available parking spaces. This site is located in the heart of Van Buren’s downtown district, and sufficient access is available.
2. **Adequate drainage** (Section 7.120(C.2)) – The site is in an existing parking lot that already has storm water drainage. The tent will not affect the amount of impervious surface or water that would be diverted into the storm system.
3. **Compatibility with surrounding land uses** (Section 7.120(C.3)) – The surrounding parcels are all commercial in nature, and this temporary land use is not expected to impact the surrounding commercial uses.
4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 7.120(C.4)) – The tent is temporary in nature, and the

parking lot, Walmart store, and the surrounding commercial businesses will not be impacted by the bulk of the tent.

5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 7.120(C.5)) – The tent is located behind a landscaping island within the Walmart Parking Lot. It is over 100 feet from the southern lot line, and 20 feet from the interior service road. Therefore, the setbacks are sufficient and the tent will not impact traffic flow or adjoining commercial businesses.
6. **Adequate utilities** (Section 7.120(C.6)) – TNT Fireworks will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements.
7. **Trash disposal and site clean-up** (Section 7.120(C.7)) – TNT Fireworks will be responsible for all trash disposal and site clean-up in relation to their lease agreement with Walmart.
8. **Sanitary facilities** (Section 7.120(C.8)) – Walmart has authorized all customers and TNT employees to use its restroom facilities.
9. **Hours of operation** (Section 7.120(C.9)) – The hours of operation will be from 9:00 a.m. to 10:00 p.m. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses. However, staff are not aware of any complaints with TNT Fireworks closing at 10:00 p.m. in previous years, so the hours of operation approved last year are reasonable and we recommend the same hours of operation for this year.
10. **Outdoor light and signs** (Section 7.120(C.10)) – No exterior lights are provided. Interior lights will be hung inside the tent. Although no temporary commercial sign permit requests have been received, the Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Any temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.
11. **Other licenses and permits required** (Section 7.120(C.11)) – Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license. A current license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshal shall be separately issuing his review letter.
12. **Potential noise, odor, dust, and glare** (Section 7.120(C.12)) – The proposed temporary use should not increase the noise, odor, dust or glare from their use.
13. **Fire lanes, fire protection, and security** (Section 7.120(C.13)) – The Van Buren Fire Marshal shall review the application for adequacy of fire lanes and fire protection. The site will be continually staffed. During non-operating hours, all products will be stored inside the tent and tent security will be maintained at all times by the tent operator or their representative.

14. **Off-site impacts of traffic volumes** (Section 7.120(C.14)) – The road in the immediate vicinity is a major Township road (Belleville Road) and this temporary use will not impact the flow or travel volumes. During 2014's Public Hearing, a resident raised a concern of the launching of fireworks at the site. No fireworks are permitted to be launched within 300 feet.
15. **Necessity of performance bond to ensure prompt removal** (Section 7.120(C.15)) – The property owner will be responsible for ensuring the site is returned to its pre-sale condition.
16. **Other concerns which may impact the public health, safety, or general welfare** (Section 7.120(C.16)) – There are no additional concerns; however, the applicant is subject to the regulations of Act 256 and applicable regulations of the Fire Department.

Recommendation

This would be the sixth (6th) year that TNT Fireworks has been granted a temporary land use permit to operate at this location, and I am not aware of any issues or concerns from those previous years. Per my review of the application, I recommend approval of this application subject to the following three (3) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshal.
2. That the applicant provides the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
3. That all proposed signage complies with the Zoning Ordinance.

Chuck Friese
TNT Fireworks
Regional Manager
friesec@tntfireworks.com



PO Box 7
Three Rivers, MI 49093
Cell 517.526.3839
Fax 866.496.0838

February 21, 2020

Reference: Temporary Fireworks Sale in Walmart Parking Lot

To whom it may concern:

Below is information on the temporary fireworks tent sale.

1. Our company will be selling Michigan approved fireworks.
2. Our sales period will be no longer than from June 22nd through July 5th, 2020.
3. Hours of operation will be from 9am through 10pm daily.
4. Sales will be conducted from a tent erected by a local tent rental company with a flame sheet provided.
5. There will be several 'no smoking' signs around the tent.
6. Overnight security will be provided by the group that is operating the tent (2 people present at all times).
7. Our company will make sure the environment will be kept clean and safe.
8. There will be a fire extinguisher placed at each exit (**THREE** total- two 10lb ABC and 1 water cannon).
9. Orange cones will be used to mark off the safety buffer around the tent so cars don't drive right up next to it. (10 feet away)
10. Our company will also provide all necessary insurance.
11. A copy of the State Permit from LARA will be provided after they issue it to me.

Attached is also a rough sketch of the location of the tent in the parking lot of Walmart, a permission letter from Walmart and proof of insurance.

Also, please let me know if there are any changes or further requirements that need to be met.

Thank you,

Chuck Friese
TNT Fireworks
Michigan~Area Managers

Walmart

702 SW 8th Street
Bentonville, AR 72712
Phone 479.273.4298
Kyle.Thurman@walmart.com

September 5, 2019

To Whom It May Concern,

American Promotional Events, Inc. dba TNT Fireworks is an approved National Supplier to conduct fireworks promotions on our Walmart parking lots where this type of promotion is legal. All stores have been researched and approved by the Walmart Realty Department. Approximate time frame for the promotions are:

- December 26th, 2019 through and including January 10th, 2020.
- June 12th, 2020 through and including July 12th, 2020 with the exception of Utah which has an additional selling period through the end of July for Pioneer Days.

American Promotional Events, Inc. dba TNT Fireworks is authorized to sign for and obtain all necessary permits and/or licenses for the promotion and must display such permits and/or licenses at each stand/tent. Walmart grants permission for all patrons of the sale to utilize the restroom facilities at each participating store.

An American Promotional Events, Inc. dba TNT Fireworks representative will call you to introduce the company and discuss your participation in the event. Participation is encouraged and does add additional income to your other income account. Store Management must approve the store's participation and placement on the parking lot by store stamping the Pre-Sale Survey.

Thank you in advance for your cooperation in this matter and if you have any questions, please contact TNT Fireworks at 1-800-243-1189 or Walmart Services at 700-925-6278 – IVR Prompt Fireworks.

Best Regards,


Kyle Thurman
Walmart Services

Walmart Store #01-2872
10062 Delcalle Rd
Van Buren Township, MI 48111



Site Plan for Belleville Walmart #2872- 10562 BELLEVILLE RD BELLEVILLE, MI 48111

End Row 2

North



Picture from MSN Maps

The little yellow box on the south end of the parking lot is where the tent would be. (30x40)
The white area around it would be the 10 foot buffer for no cars to park. Orange cones will be used to mark off the buffer.

** Cars would park no less than 10 feet away

** Any generator used would be placed 20 feet away



CERTIFICATE OF LIABILITY INSURANCE

11/1/2020

DATE (MM/DD/YYYY)

1/30/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME:	
	PHONE (A/C, No, Ext): FAX (A/C, No):	
INSURED 1378172 American Promotional Events, Inc. - East DBA TNT Fireworks, Inc. P.O. Box 1318 4511 Helton Drive Florence AL 35630	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Everest Indemnity Insurance Company	10851
	INSURER B : Arch Specialty Insurance Company	21199
	INSURER C : AXIS Surplus Insurance Company	26620
	INSURER D :	
	INSURER E :	
INSURER F :		

COVERAGES **CERTIFICATE NUMBER:** 13397800 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATION MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVP	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	Y	N	SI8GL00242-191	11/1/2019	11/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	N	UXP0056189-06	11/1/2019	11/1/2020	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		NOT APPLICABLE			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX
C	Excess Liability	Y	N	P-001-000055919-01	11/1/2019	11/1/2020	\$5M Each Occurrence \$5M General Aggregate Total XS Limits: \$10M

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
Additional Insured: FMI2872 Property located at Wal-Mart #2872 at 10562 Belleville Road, Belleville, MI 48111. Yvette Harris 2598162. The Township of Van Buren, all elected and appointed officials, all employees and volunteers, all boards, commission and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed that by naming the Township of Van Buren as additional insured, coverage afforded is considered to be primary and any other insurance the Township of Van Buren may have in effect shall be considered secondary and/or excess

CERTIFICATE HOLDER

13397800
Wal-Mart Stores, Inc.
2001 SE 10th Street
Bentonville AR 72716

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Memo

TO: Van Buren Charter Township Planning Commission

RE: C- District Zoning Amendments – Discussion Topic

DATE: March 2, 2020

The Planning Commission is being asked to consider proposed amendments to add clarifications in order to distinguish commercial and residential / non-commercial land uses in the C, Local Business district with respect to maximum building size, and clarify restrictions on dwellings in non-residential zoning districts. The following resources have been provided to assist in the Planning Commission's discussion of these draft amendments at their regular meeting on March 11th:

- A cover memo and draft zoning ordinance amendments provided by Vidya Krishnan, Van Buren Township Planning Consultant, dated February 12, 2020.
- Reference materials, including the following:
 - o ITE (Institute of Traffic Engineers) Trip Generation Manual Data
 - o Map of C, Local Business zoning district coverage in Van Buren Township.
 - o A graphic example of selected uses listed as currently permitted in the C, Local Business District.

Following the discussion on March 11th, a public hearing is scheduled regarding this topic for the next regular Planning Commission meeting on March 25th.

Thank you,

Dan Power, AICP – Director of Planning and Economic Development, Van Buren Charter Township

CC: Vidya Krishnan – Van Buren Charter Township Planning Consultant, McKenna and Associates, Inc.
Matthew Best, M.S. – Director of Public Services, Van Buren Charter Township



MCKENNA

March 1, 2020

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

Subject: C (Local Commercial) District Amendment

Dear Commissioners:

Recently while working on other Ordinance amendments, it came to our attention that the C (Local Commercial) District has a footnote that regulates the size of any single use building. Typically, the size of a development in most districts is dictated by required setbacks, greenbelts, parking, stormwater detention and other site design standards in the Ordinance that must be met.

The C district however has a limitation on the maximum building size for a single use. To our knowledge no other zoning district limits the principal use building size. Building size limitations are only used to differentiate warehouses from distribution centers, accessory uses within a large industrial or office-technology development etc. The intent behind this limitation in the C district was to restrict the traffic generated from any single commercial use. This standard was not intended for residential type uses in the commercial district. The background and the intent was determined upon conversation with the planner who worked on the recent complete Zoning Ordinance update. The C district currently allows for sit down restaurants, strip commercial buildings, professional medical and dental offices by right. These uses typically occupy a smaller footprint building but generate a significant amount of traffic and road trips. To address any concerns that the proposed amendment will result in an increase in traffic generated on a C parcel, we have provided an addendum showing trips generated by some of the uses allowable in the C district per the latest ITE manual).

Based on the trips generated by commercial uses, the building size limitation for a *commercial use* is well placed. However, such a limitation for a residential use is not practical or reasonable. The currently C district regulations have been part of the Zoning Ordinance for over a decade. The Township zoning map has a handful of parcels zoned C and no new project have been reviewed on any of these parcels in a very long time. Therefore, when the ordinance was reviewed and updated a few years ago, the provision limiting building size was not scrutinized.

The intent of the amendment at this time is not to address a specific project, but to correct a requirement of the ordinance that is too generalized and inappropriate for general application. Addition of the clarification protects the Township and its residents from larger 'big-box' development on these neighborhood parcels and at the same time allows for uses that may occupy a larger footprint but generate significantly lesser volumes of traffic and adverse impacts on the abutting areas.

Typically when a new ordinance is adopted, we review the existing ordinance to check for any points of conflict and correct them. However, with a Zoning Ordinance spanning 348 pages, an occasion point of conflict is overlooked. Recent ordinance amendment(s) that passed includes a repealer clause which addresses such unforeseen conflicts when a new ordinance is adopted. The clause states: "*All other provisions of the Zoning Ordinance, or Ordinances*

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

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MCKA.COM

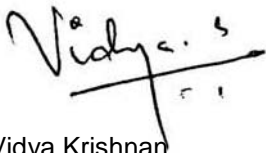
Communities for real life.

or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.”

While this section could possibly be used to address conflicting points, we believe the C district regulations and related provisions in the Ordinance, need clarification. ***The attached amendments clarify the new language to be added in underlined text only.*** I will be present at the Planning Commission meeting and look forward to discussing and reviewing the proposed amendments with you.

Respectfully,

McKENNA

A handwritten signature in black ink, appearing to read "Vidya Krishnan", with a horizontal line drawn across the middle of the signature.

Vidya Krishnan
Principal Planner

c: Matt Best, Van Buren Township Director of Public Services
Dan Power, Director of Planning and Economic Development



ITE (Institute Of Traffic Engineers) Trip Generation Manual Data

Examples of uses permissible in the C district and the comparative number of trips generated by each of these uses.

Sit Down restaurant

- **Average of 127.5 trips generated per 1000 sq. ft. Gross Floor Area.** This number is for their busiest time on a weekday.
- **Average of 158.37 trips per 1000 sq. ft. Gross Floor Area.** This number is for their busiest time on a weekend.

Convenience store

- **Average of 737.99 trips generated per 1000 sq. ft. Gross floor area.** This number is for their busiest time on a weekday.
- **Average of 863.10 trips generated per 1000 sq. ft. Gross floor area.** This number is for their busiest time on a weekend.

Personal service establishment (Salon)

- **Average of 1.93 trips generated per 1,000 sq. ft. Gross Floor Area.** This number is for their busiest time on a weekday.
- **Average of 5.08 trips generated per 1,000 sq. ft. Gross Floor Area.** This number is for their busiest time on a weekend.
- The ITE manual cautioned use of the data for this specific use because the sample size they used was extremely small.

Assisted living

- **Average of 2.74 trips generated per occupied bed on a weekday, which is their busiest time.** Traffic is primarily generated by employees, visitors, and deliveries. Less than 5% of residents owned cars.

Independent living

- **Average of 2.15 trips generated per occupied dwelling unit on a weekday, which is their busiest time.** Traffic is primarily generated by employees, or services provided to the residents.

Summary: The above list of uses is a snapshot of uses that are allowed in the C district. The ITE trip generation data is intended to provide some data on the number of trips that could be generated from the site for different types of uses. For example:

If a restaurant is built on the site with a maximum permissible square footage of 5,000 square feet, it is likely to generate 792 trips at its busiest time in the weekend. (5000 x 158.37/1000)

If a convenience store is constructed at the maximum permissible size of 5,000 square feet, it is likely to generate 4,300+ trips at its busiest time. (5000 x 863.10/1000)

If an assisted living facility is built, the trips generated are based on the number of beds, which are determined based on occupancy loads and licensing requirements. A 60,000 square foot facility with 84 beds is likely to generate 230 trips per day at its busiest. (84 beds x 2.74)

**CHARTER TOWNSHIP OF VAN BUREN COUNTY OF
WAYNE, STATE OF MICHIGAN
ORDINANCE NO. xx-xx-20**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO AMEND THE LANGUAGE OF SECTION 3.105. C, LOCAL COMMERCIAL DISTRICT TO CLARIFY BUILDING SIZE LIMITATIONS AND REVISE SECTION 5.117 REGARDING DWELLINGS IN NON-RESIDENTIAL DISTRICTS.

THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:

SECTION 1- ORDINANCE AMENDMENT

Pursuant to this Ordinance, the following sections of the Charter Township of Van Buren Zoning Ordinance shall be amended in accordance with the below text upon the effective date of this Amendment:

1. Section 3.105 Footnotes to the Table of Permitted Uses and Special Land Uses by District

(B) Required Conditions of the C, Local Business District

(2) Buildings. Buildings in the Local Business District shall be subject to the following limitations:

- (a) Building for Permitted Uses (uses by right).** No single commercial use as noted in Section 3.104 of the ordinance, may occupy a building or portion of a building greater than five thousand (5,000) square feet and no building occupied by more than one (1) use may be larger than ten thousand (10,000) square feet.
- (b) Other Buildings.** Building including one (1) or more uses permitted by right and/or permitted after special approval, which are larger in area than those permitted above shall be subject to special land use review and the following provisions:
 - (i)** Such building shall be located on a site not less than three (3) acres in area.
 - (ii)** No single commercial use may occupy a building or portion of a building greater than ten thousand (10,000) square feet.
 - (iii)** No commercial use building occupied by more than one (1) use may be larger than thirty thousand (30,000) square feet.
 - (iv)** No main or accessory building shall be situated less than fifty (50) feet from any residential district, or from any property line which abuts a residential district or use.
 - (v)** The maximum size of a building used for non-commercial or residential uses shall be dictated by compliance with all applicable ordinance regulations for setbacks, parking, greenbelts and other site design requirements.

2. Section 5.117 Dwellings in Non-Residential Districts

No dwelling unit shall be erected in the M-1 (Light Industrial), M-2 (General Industrial), MT (Industrial Transportation), AP (Airport), O-T (Office Technology), C (Local Business), C-1 (General Business), or C-2 (Extensive Highway Business) Districts except for the living quarters of a watchman, caretaker or resident manager. Such dwelling units shall be subjected to the requirements of Article 12, Chapter 2, Article 12, Chapter 3, and the following conditions:

(A) Only one (1) dwelling unit shall be located within the principal structure.

(B) Dwelling units shall not exceed a floor area of one thousand two hundred (1,200) square feet.

(C) The required parking for the dwelling unit may be incorporated into the general parking for the facility.

This restriction is not applicable to residential uses that may specially be permitted in the above districts, elsewhere in the Ordinance.

SECTION 2 - SEVERABILITY

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

SECTION 3 - REPEALER

All other provisions of the Zoning Ordinance, or Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4- SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 5 - EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. 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 fifteen (15) days of passage. A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

SECTION 6 - ADOPTION

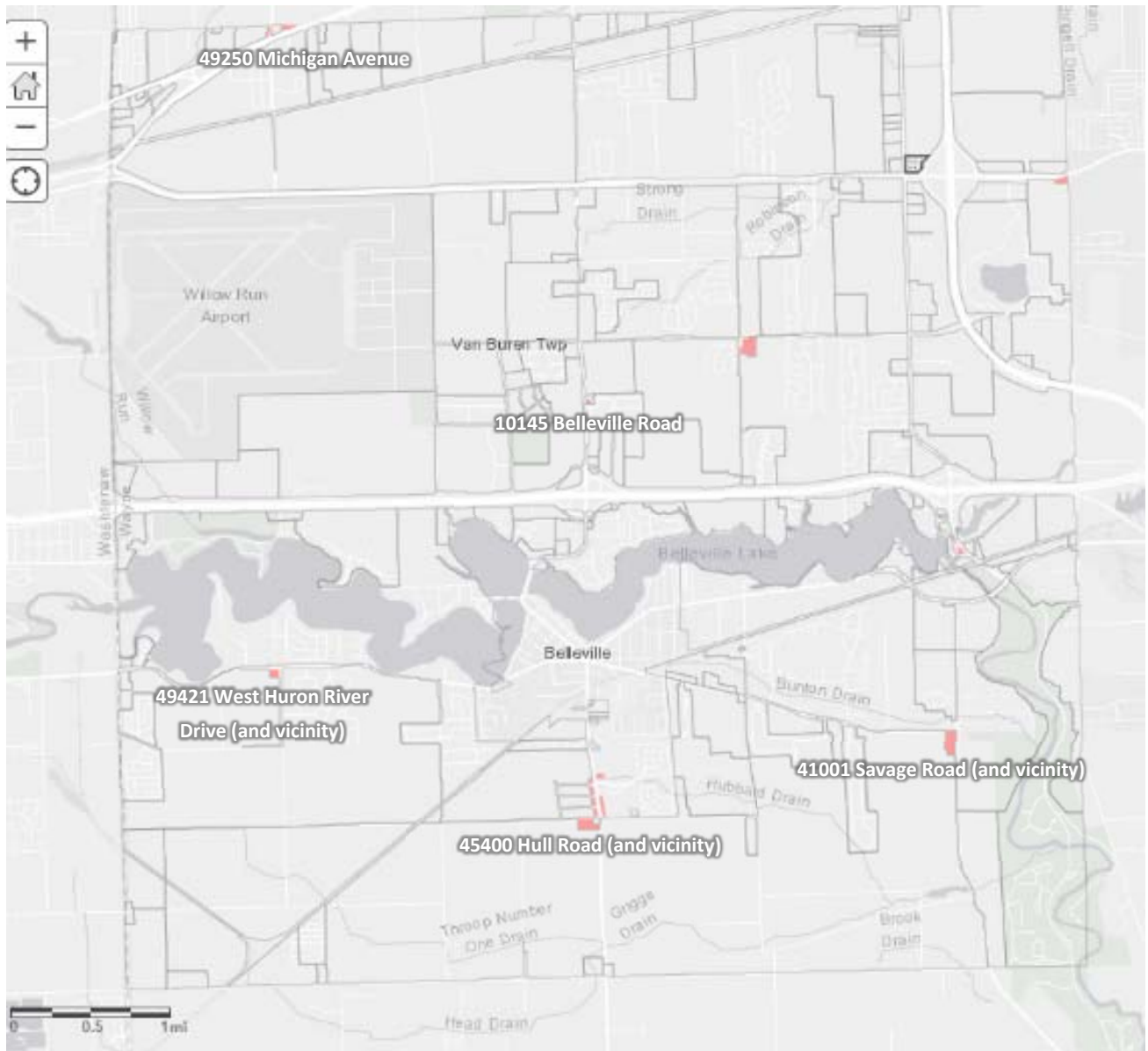
This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the --- day of -----, 2020, and ordered to be given publication in the manner prescribed by law.

I hereby approve the foregoing Ordinance,

Leon Wright, Clerk

Kevin McNamara, Supervisor

Adopted:
Published:
Effective:



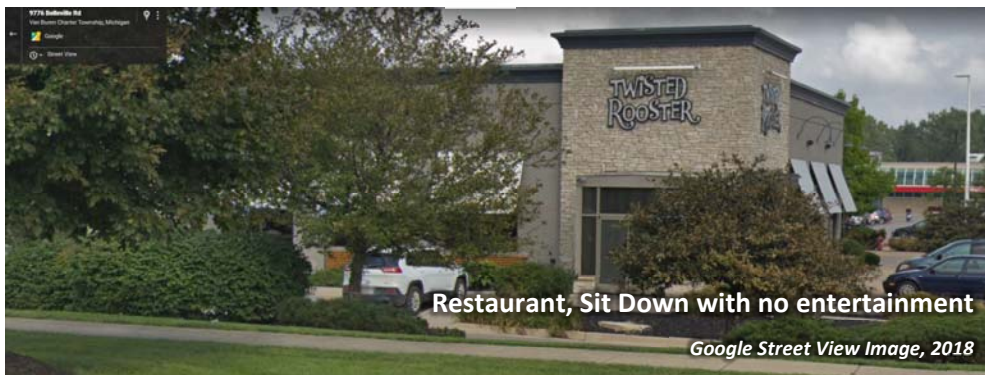
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Section 3.110 C, Local Business District

(A) STATEMENT OF PURPOSE	
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.	
(B) PERMITTED USES	(C) SPECIAL LAND USES
<ul style="list-style-type: none"> • Service establishment, personal services • Service establishment, office, showroom or workshop (retail required) • Office, Professional • Office, Medical and Dental • Grocery store • Restaurants, Sit Down with no entertainment • Retail Sales, Indoor • School (Primary or Secondary) • School (College or University, Public or Non-Profit) • Private indoor instructional institutions. • Adult day care centers • Wireless Communication Facilities • Banks and Financial Institutions, No Drive-Thru • Accessory structures and uses customarily incidental to the above permitted uses 	<ul style="list-style-type: none"> • Publicly owned buildings and uses • Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity. • Child care centers • Greenhouses and Nurseries • Accessory Caretaker Dwelling • Senior Housing

Examples –Commercial and non-Commercial Uses

Commercial Uses



Commercial and Residential or Non-Commercial Uses Authorized under C Zoning

Non-Commercial (including Residential) Uses

