

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
September 28, 2022  
MINUTES**

Chairperson Kelley called the meeting to order at 5:30 p.m.

**ROLL CALL:**

**Present:** Cullin, Atchinson, Barr, Budd and Kelley.

**Excused:** Jahr, Grant.

**Staff:** Director Power and Secretary Coleman.

**Applicant(s) in Attendance:** William Ellis and Jim Mitte of EHM Properties.

**Audience:** Three (3).

**APPROVAL OF AGENDA:**

Motion Barr, Cullin second to approve the agenda of September 28, 2022 as presented. **Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Budd, Cullin second to approve the regular meeting minutes of September 14, 2022 as presented. **Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1      Case 22-043: EHM PROPERTIES REZONING PETITION FOR 1166 SUMPTER ROAD**

A request by applicants William Ellis and Jim Mitte on behalf of owner EHM Properties to rezone the following property as described below:

1166 Sumpter Road (parcel ID number V-125-83-112-02-0029-005). 0.26 acres.  
To be rezoned from C – Local Business District to SRMU – Sumpter Road Mixed Use District.

The parcel is located on the west side of Sumpter Road between Chaney Street and Montague Street.

Motion Budd, Cullin second to open the public hearing. **Motion Carried.**

No comments received.

Motion Budd, Cullin second to close the public hearing. **Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1      Case 22-043: EHM PROPERTIES REZONING PETITION FOR 1166 SUMPTER ROAD**

A request by applicants William Ellis and Jim Mitte on behalf of owner EHM Properties to rezone the following property as described below:

**1166 Sumpter Road (parcel ID number V-125-83-112-02-0029-005). 0.26 acres. To be rezoned from C – Local Business District to SRMU – Sumpter Road Mixed Use District.**

**The parcel is located on the west side of Sumpter Road between Chaney Street and Montague Street.**

Director gave a brief presentation and provided background on the property rezoning petition for 1166 Sumpter Road to Sumpter Road Mixed Used District. Director Power chose to go through the staff report regarding the request by EHM applicants to rezone and explain the staff's rationale for recommendation on the case. Visuals for the site were provided in the packet. Applicants inquired about marketing the property as a single-family home as provided in the letter they wrote. The two applicants gave their presentation reiterating what Director Power stated while praising his amazing presentation.

Commissioners had the following comments:

- Commissioner gave comments of the public supporting the applicants request to rezone as well as compliment the nice job that they have done.
- Commissioner liked the idea of this being the first trial run of what they've worked so hard to develop.

No comments from audience or remote viewers.

**Motion Barr, Cullin second to recommend approval to Township Board of Trustees for the requested amendment to the zoning ordinance made by the applicant, EHM Properties, Inc. to rezone the property located at 1166 Sumpter Road, parcel number V-125-83-112-02-0029-005 from C (local business) to SRMU (Sumpter Road Mixed Use), based on the analysis and subject to the conditions in Director Power's staff review letter dated 08/23/2022.**

**Roll Call:**

**Yeas: Cullin, Barr, Atchinson, Budd and Kelley.**

**Nays: None.**

**Excused: Grant, Jahr.**

**Motion Carried. (Letters Attached)**

**ITEM # 2      EXTENSION REQUEST: CASE 21-019 – PRELIMINARY SITE PLAN REQUEST FOR BURGER KING RESTAURANT REDEVELOPMENT AND DRIVE THRU LANE ADDITION**

**A request by Inter Plan, LLC, on behalf of owner Brauvn Net Investments, LLC for an extension of a preliminary site plan to construct a secondary drive-thru lane along with landscaping and architectural improvements associated with the remodel of a Burger King restaurant. Approval was granted on October 13, 2021.**

**11550 Belleville Road, tax parcel 83-081-99-0004-002. On the west side of Belleville Road between South Interstate 94 Service Drive and Venetian Avenue. The site is zoned C-2 – Extensive Highway Business District**

Director gave a brief presentation and provided background on an extension request for Burger King restaurant redevelopment and an additional drive thru lane.

Commissioners had the following questions and comments:

- Commissioner inquired if there was a specific timeline that they were being requested to extend or does it automatically extend for another year? Director Power confirmed, yes, the default can be up to one year and there can be two extension requests. Director Power requested if the commissioners would give them another year.

No questions or comments from the audience or remote viewers.

**Motion Atchinson, Budd second to recommend approval of the requested extension to the preliminary site plan for the Burger King Restaurant Redevelopment and Drive Thru Lane Addition located at 11550 Belleville Road, tax parcel 83-081-99-0004-002.**

**Roll Call:**

**Yeas:** Cullin, Barr, Atchinson, Budd and Kelley.

**Nays:** None.

**Excused:** Grant, Jahr.

**Motion Carried. (Letters Attached)**

**ITEM #3: Staff will provide an update on development and on various Zoning Ordinance text amendment efforts.**

Director Power gave a brief update on the proposed amended site plan for the Camping World project (West Wing Plan). Planning Commission had been seeking additional information regarding various proposed repair uses around the store. Prior to this review was an approved plan (original plan) for which final site plan approval was obtained on December 9<sup>th</sup> 2020 and construction began I January 2021. In September Camping World informed staff they would revert back to the original plan and Director Power will keep the Planning Commission up to date with any more changes.

- Commissioner requested when they would get construction going and the store reopened. Director Power stated there is no timetable at this time as they're still waiting on pricing from some contractors.

Director Power commended Planning Commission for their work on various zoning ordinance discussions.

Director Power gave updates on Sumpter Road Mixed Use and Sumpter Road Overlay District as well as ordinance amendments concerning gas stations.

Director Power stated there are other zoning ordinance amendments including the amendments regarding residential developments which are actively being discussed. Electric vehicle charging stations are in active development as well.

The game plan is to finish these up by the end of the year.

Director Power reminded Commissioners of upcoming training on October 12<sup>th</sup>. May be an issue with meeting that day. Plan on October 26<sup>th</sup>

**GENERAL DISCUSSION:**

**ADJOURNMENT:**

**Motion Budd, Cullin second to adjourn the meeting at 6:25 p.m. Motion Carried.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Coleman". The signature is stylized with a large, looped "J" and "C".

John Coleman  
Recording Secretary



## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 22-043 – EHM Properties, LLC Rezoning Request / 1166 Sumpter Road  
DATE: September 15, 2022

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The Planning Commission will consider a request by applicants William Ellis and Jim Mitte on behalf of owner EHM Properties to rezone the property located at 1166 Sumpter Road (parcel ID number V-125-83-112-02-0029-005). The property is 0.27 acres in area. The request is for the property to be rezoned from C – Local Business District to SRMU – Sumpter Road Mixed Use District.

**File Number:** 22-043

**Site Address:** 1166 Sumpter Road

**Parcel Number:** 83 112 02 0029 005

**Parcel Size:** 11,840 square feet (0.27 acres).

**Location:** West side of Sumpter Road between Chaney Avenue and Montague Avenue.

**Applicant:** William Ellis and Jim Mitte

**Property Owners:** EHM Properties

**Request:** Applicants are requesting to rezone their property from C (Local Commercial) to SRMU (Sumpter Road Mixed Use District)

**Zoning and Existing Use:** Current property is zoned C (Local Commercial)

**Adjacent Zoning and Existing Uses:**

**North:** C (Local Commercial),

**East:** C (Local Commercial),

**South:** C (Local Commercial),

**West:** R-1B (Single Family Residential)

**Other:** Public hearing notices were published in the Belleville Independent on September 8, 2022 and notices were sent to all property within 300' of the subject property on September 7, 2022 in accordance with the Michigan Zoning Enabling Act.

Images of the property are shown below:



Image courtesy of Google Earth, September 2022



Image courtesy of Google Street View, July 2021

The subject site contains a 922 square foot building that was constructed in 1930. The parcel's zoning has been consistent for over 48 years, based on a record of a published zoning map dated March 1, 1974 showing the parcel as being zoned C – Local Commercial at that time. The property is currently classified as Commercial – Improved.

The property had been used as a single-family dwelling in the past, which was a lawful nonconforming use. However, the building was converted for use as a small insurance office in the mid-2000's, as evidenced by permit records from 2004, until its vacancy some time prior to 2019. The current owner purchased the property with the hope of improving it for use as a single-family dwelling again. Due to the property's status becoming a conforming commercial use, the property could no longer revert back to a single-family residential use without first being rezoned.

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). A comprehensive update to the Van Buren Township Master Plan was adopted in 2020. The Master Plan was amended in 2022 with a sub area plan for the area surrounding Sumpter Road, in a Plan titled the 2022 Van Buren Township Sumpter Road Corridor Plan. The Sumpter Road Corridor Plan was adopted by the Township Board of Trustees on September 6, 2022.

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 adopted 2022 Sumpter Road Corridor Plan designates the subject parcel as a "Sumpter Road Mixed Use" future land use. This Plan identifies the subject lot specifically as a "Shallow Frontage" lot which is regulated specifically by a regulating plan in the Zoning Ordinance for the SRMU zoning district. Within this regulating plan, single family houses are a permitted building type that can be established on shallow frontage lots that have access to a residential street.

**(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. Section 3.121 of the Zoning Ordinance, the Sumpter Road Mixed Use District is consistent with the intent of the Zoning Ordinance by enabling a mix of land uses which are made compatible with their surroundings by adhering to specific building architectures, setbacks, and design features.

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

Single family residential and related accessory uses on the subject parcel is not anticipated to generate significant traffic on Sumpter Road and would likely reduce traffic in relation to the use of the site for a commercial business. The site's previous access driveway onto Sumpter Road has been closed and there is now direct access only onto Chaney Avenue, a residential street.

**(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 adopted 2022 Sumpter Road Corridor Plan. 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.

**(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 owner intends for the property to be used residentially as a dwelling in the near future. This use 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. In the event that the current or future owner seeks to use the building differently, the Sumpter Road Mixed Use zoning district regulations enable a variety of uses to be pursued, subject to the site plan requirements of Article 12, Chapter 2 of the Van Buren Township Zoning Ordinance.

If the building retains its current architecture as a single-family house-style building, non-industrial uses as listed in Section 3.121(B)-(C) of the Zoning Ordinance would be permitted by right or by special land use. Certain uses will be subject to site plan review by the Planning Commission and special land uses will be subject to special land use approval by the Planning Commission and the Township Board of Trustees. If a plan is presented to demolish the building and rebuild or to make alterations to the building so as to change it to a different building type, uses as listed in Section 3.121(B)-(C) of the Zoning Ordinance would be permitted by right or by special land use, subject to special land use approval by the Planning Commission and the Township Board of Trustees, would be permitted, depending on the building type that is pursued in Section 3.121(G). The SRMU District encourages the application of setbacks, landscaping standards, and architectural treatments that enforce compatibility between adjacent land uses.

**(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 parcel is located in close proximity to parcels that are either zoned residentially or zoned for the lowest intensity of commercial use. The boundaries of the proposed rezoning follow property boundary lines. Existing structures will be permitted to remain in place. The dwelling structure is currently nonconforming with regard to its front yard setback, as the C – Local Commercial zoning district requires a minimum 75-foot front yard setback. The proposed SRMU zoning requires a 30-foot front yard setback for a single-family house building. The requested rezoning will significantly reduce an existing setback nonconformity.

**(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 (2022) designates the property as Sumpter Road Mixed Use, so the requested zoning district is the most appropriate from the Township's perspective.

**(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 C district. Amending the C district, which is intended to permit retail businesses and service uses, 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.**

While the requested rezoning will be the first SRMU rezoning in the Township, it will be consistent with the Master Plan and the future land use that is designated for parcels all along the Sumpter Road Corridor.

**Recommendation:**

Staff recommends that the Planning Commission recommend approval of the request to rezone Parcel # V-125-83-112-02-0029-005, 1166 Sumpter Road, from C (Local Commercial) to SRMU (Sumpter Road Mixed Use District) 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 SRMU 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 parcel is not likely to generate any additional traffic and the streets the parcel has frontage on are capable of handling any traffic generated from the site.

4. **Section 12.504 (D).** The parcel is currently served by Township services and utilities, and we are not aware of any constraints in the ability of to continue to serve the parcel.
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 (2022).
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's 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.
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 SRMU designation is the most appropriate.
11. **Section 12.504 (K).** Amending the existing C district to allow for single family residential uses would be inappropriate.
12. **Section 12.054(L).** The proposed SRMU zoning of the site will be compatible with the uses currently existing around it, and not create an isolated or incompatible zone.

Therefore, I recommend that the Planning Commission recommend approval of the requested amendment to the Zoning Ordinance to rezone the subject parcel from C to SRMU designation, to the Township Board of Trustees.

Thank you for allowing me to comment on this request.

Thank you,



Dan Power, AICP  
Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren