

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
March 8, 2023
MINUTES**

Vice-Chairperson Jahr called the meeting to order at 5:30 p.m.

ROLL CALL:

Present: Cullin, Pahle, Grant, Budd and Jahr.

Excused: Atchinson.

Staff: Director Power and Secretary Harman.

Planning Representatives: Vidya Krishnan, McKenna Associates and Paul Kammer, Fishbeck Associates.

Applicant(s) in Attendance: Case 20-012 Jiffy Lube Minor Vehicle Service: Matt Pisko. Case 23-007 Phantom Fireworks: Richard Tapper. Cobblestone Creek Villas: Rino Soave of Infinity Acquisitions, LLC.

Audience: Six (6).

APPROVAL OF AGENDA:

Motion Grant, Cullin second to approve the agenda of March 8, 2023 as presented. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Budd, Cullin second to approve the regular meeting minutes of February 8, 2023 as presented. **Motion Carried.**

ANNOUNCEMENT:

Vice-Chairperson Jahr announced that Commissioner Barr has resigned from the Planning Commission as she has recently moved out of the Township. He thanked Commissioner Barr for her time and service on the Planning Commission.

NEW BUSINESS:

ITEM #1: EXTENSION REQUEST: 20-012 – FINAL SITE PLAN APPROVAL FOR JIFFY LUBE MINOR VEHICLE SERVICE.

TITLE: A REQUEST BY JIFFY LUBE INTERNATIONAL, INC. FOR AN EXTENSION OF AN APPROVAL OF A PREVIOUSLY APPROVED FINAL SITE PLAN TO CONSTRUCT A 3,064 SQUARE FOOT MINOR VEHICLE SERVICE BUILDING ALONG WITH RELATED SITE IMPROVEMENTS. APPROVAL WAS GRANTED ON MAY 12, 2021.

THE SITE IS LOCATED ON THE SOUTH SIDE OF TYLER ROAD EAST OF BELLEVILLE ROAD AT 44475 TYLER ROAD (PARCEL ID NUMBER 83-058-99-0006-712). THE PROPERTY IS ZONED C-2 EXTENSIVE HIGHWAY BUSINESS DISTRICT AND ALSO BELLEVILLE ROAD OVERLAY DISTRICT (BROD).

Director Power gave a brief presentation and displayed snapshots of the Jiffy Lube site. Jiffy Lube International, Inc. has applied for an extension of approval of a previously approved final site plan

to construct a 3,064 square foot minor vehicle service building along with related site improvements, final site plan approval was granted on May 12, 2021. Director Power received a letter from Rob Boarer of Jiffy Lube International, Inc. dated November 16, 2022 explaining that construction and labor costs had led to construction delays. The applicant is hoping to make a general contractor selection in the spring. Staff supports the Planning Commissions consideration and review of the request to consider extending the final site plan approval by one (1) additional year.

Matt Pisko of Jiffy Lube gave a brief presentation. Between covid, the cost of labor and materials, it has been difficult to put together the project plan. Mr. Pisko appreciates the patience and consideration of staff and the Commission and was present to answer any questions.

Commissioner inquired with Meijer doing construction, will that cause any problems? Mr. Pisko informed that it will not, Jiffy Lube has a blackout period agreement with Meijer.

No comments from the audience or remote viewers.

Motion Grant, Cullin second to grant Jiffy Lube International, Inc. a one (1) year extension of an approval of a previously approved final site plan to construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021. The site is located at 44475 Tyler Road (Parcel ID Number 83-058-99-0006-712), the property is zoned C-2, Extensive Highway Business District and is also in the Belleville Road Overlay District (BROD).

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

ITEM #2: 23-007 – PHANTOM FIREWORKS (LAKEWOOD SHOPPING CENTER) – TEMPORARY LAND USE.

TITLE: THE APPLICANT, PHANTOM FIREWORKS, IS REQUESTING A TEMPORARY LAND USE PERMIT TO CONDUCT A TEMPORARY FIREWORKS TENT SALE. THE PROPOSED ACTIVITY IS FROM JUNE 22 TO JULY 4, 2023.

2095 RAWSONVILLE ROAD. THIS SITE IS LOCATED IN THE LAKEWOOD SHOPPING PLAZA PARKING LOT ON THE EAST SIDE OF RAWSONVILLE ROAD AND ON THE SOUTH SIDE OF THE I-94 SERVICE DRIVE.

Director Power presented his staff review letter dated 3-2-23. This is the 11th year that Phantom Fireworks is requesting to conduct a temporary fireworks tent sale located at the Lakewood Shopping Plaza, staff is not aware of any complaints or issues from previous years. The proposed tent sale would run from June 22nd through July 4th. A temporary land use that operates for more

than seven (7) consecutive days requires Planning Commission approval. Based on Director Power's review letter, staff recommends approval of the application subject to the following conditions:

1. The site plan drawing lists a generator in the notes but the generator is not shown on the plan. The plan shall be revised to show the location of the generator.
2. All application materials shall reference Van Buren Township, MI as the municipality.

Richard Tapper, Regional State Manager of Phantom Fireworks gave a presentation. Phantom Fireworks has been at the Lakewood Shopping Plaza location for the past ten (10) years and they also have another location within Van Buren Township as well. There have been no incidents at either of the locations. Mr. Tapper will submit a revised displaying where the generator is located, it is typically 15-20 feet away from the tent as it has to meet the requirements of the State Fire Marshal. Tent companies now are often using LED lighting with a power pack, which may not require a generator. Mr. Tapper will notify staff if a generator is not required.

No comments from the audience or remote viewers.

Motion Cullin, Budd second to grant Phantom Fireworks a temporary land use permit to conduct a temporary fireworks tent sale, located at 2095 Rawsonville Road in the Lakewood Shopping Plaza parking lot, subject to the conditions in Director Power's letter dated 3-2-23, Fire Department review letter dated 3-1-23, tent sale to run from June 22nd through July 4th.

Roll Call:

Yeas: Grant, Budd, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #3: COBBLESTONE CREEK VILLAS REVISION – FINAL PRD REVIEW.

TITLE: A REQUEST BY THE APPLICANT, INFINITY ACQUISITIONS, LLC ON BEHALF OF OWNER C. A. KIME, INC. FOR FINAL APPROVAL TO REVISE A PHASE OF ATTACHED CONDOMINIUM HOUSING UNITS WITHIN THE 117.06 ACRE COBBLESTONE CREEK PLANNED RESIDENTIAL DEVELOPMENT (PRD) TITLED COBBLESTONE CREEK VILLAS. THE REQUEST IS SUBJECT TO (1) FINAL CONDOMINIUM SITE PLAN AND (2) APPROVAL OF THE FINAL PRD PLAN AND MODIFICATIONS, INCLUDING A PRD AGREEMENT, BY THE TOWNSHIP BOARD OF TRUSTEES PER SECTIONS 6.104 AND 6.219 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE.

THE SITE IS ZONED R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) AND IS LOCATED ON THE SOUTH SIDE OF HURON RIVER DRIVE, EAST OF HOEFT ROAD. THE AREA SUBJECT TO THIS REQUEST INCLUDES 6.88 ACRES LOCATED ON CHINKAPIN DRIVE AND PINWOOD LANE BETWEEN 13687 PINWOOD LANE (PARCEL ID NUMBER V-125-83-114-02-0067-000) AND 13957 CHINKAPIN DRIVE (PARCEL ID NUBER V-125-83-114-02-0028-000).

Director Power gave the presentation providing an overview of the project and displaying the original site plan. The area has some attached and detached condominium units, the request is specifically looking at the attached units. Previously approved were 104 attached units in 26 two-story buildings, proposed are 96 units (including 44 units already constructed and 52 units proposed in 25 buildings (including 12 two-story buildings already constructed and 13 single and 1.5 story buildings proposed). As a general revision to an approved PRD, this project requires a determination of eligibility and approval of preliminary and final plans and modifications, based on the procedures outlined in Section 6.221 (A) (Revisions to Approved Plans) and 6.219 (Approved Procedures) of the Van Buren Township Zoning Ordinance. The project is also a condominium and is therefore subject to the approval procedures listed in Article 6, Chapter 1 of the Van Buren Township Zoning Ordinance. The area being altered by the applicant is proposed to be separated into its own 6.88-acre condominium site. Per Section 6.104 of the Van Buren Township Zoning Ordinance, the project is subject to site plan review. The Planning Commission held a public hearing on June 8, 2022, recommended special land use approval to the Township Board of Trustees on November 9, 2022, recommended preliminary site plan approval on November 9, 2022 and the Township Board of Trustees approved the special land use on November 15, 2022. The Commission is being requested to act on the following items:

1. Recommendation of approval of the final PRD plan and modifications, including a PRD agreement, by the Township Planning Commission to the Board of Trustees per Section 6.219 of the Van Buren township Zoning Ordinance, and
2. Final condominium site plan per Section 6.104 of the Van Buren Township Zoning Ordinance.

Vidya Krishnan of McKenna Associates presented her staff review letter dated 2-27-23. The site plan related comments of preliminary site plan approval have been met. In addition, the outstanding items regarding the PRD agreement have been addressed in the current submittal. McKenna Associates recommends that the Planning Commission grant final condominium site plan approval and recommend final PRD plan approval to the Township Board of Trustees, subject to the PRD documents being approved by the Township Attorney and final engineering approval being obtained from Wayne County and the Township Engineer.

Paul Kammer of Fishbeck Associates presented his review letter dated 1-26-23. Based on the standard engineering review of Cobblestone Creek Villas PRD amendment, Fishbeck offers no objection for the Planning Commission granting the applicant, Infinity Homes, approval to move forward in the process of amending the PRD plan. The recommendation is based upon the review of the sites previously constructed infrastructure (roadways, storm sewer, water main, sanitary sewer) and compliance with the Township engineering standards. Minor items listed in the review letter can be handled in a separate submittal to the Township Engineer for final compliance approval.

Director Power read an email from Fire Marshal Lenaghan, his only concern is the enforcing of parking on one side of the street only, which has been addressed.

Rino Soave of Infinity Acquisitions, LLC, informed that they have owned the property for fifteen (15) months, are looking forward to approvals and hope to start construction immediately. Mr. Soave was present to answer any questions.

Commissioner inquired about the comment in the engineer's letter that any damage to the existing asphalt will be replaced, who assesses that? Paul Kammer of Fishbeck Associates informed that prior to releasing bonds, the Township Engineer will go out and walk the site with the owner/applicant to see what needs to be repaired. Commissioner inquired if the asphalt is going in both sections or just the new construction portion? Rino Soave informed that the agreement is with the homeowners association (HOA) and both sides of the Cobblestone Creek Villas will be included. Commissioner commented that the process has been a long one, but a good one and it is a great thing for the community.

No comments from the audience or remote viewers.

Motion Cullin, Grant second to recommend the request by applicant Infinity Acquisitions, LLC on behalf of owner C.A. Kime, Inc. to the Township Board of Trustees for approval of the final PRD plan and modifications, including a PRD agreement, per sections 6.104 and 6.219 of the Van Buren Township Zoning Ordinance, subject to the conditions in the staff review letter dated 3-2-23, McKenna Associates review letter dated 2-27-23, Fishbeck Associates review letter dated 1-26-23 and Fire Department email dated 1-28-23.

Roll Call:

Yeas: Budd, Grant, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #4: COBBLESTONE CREEK VILLAS REVISION – FINAL CONDOMINIUM SITE PLAN REVIEW.

TITLE: A REQUEST BY THE APPLICANT, INFINITY ACQUISITIONS, LLC ON BEHALF OF OWNER C. A. KIME, INC. FOR FINAL APPROVAL TO REVISE A PHASE OF ATTACHED CONDOMINIUM HOUSING UNITS WITHIN THE 117.06 ACRE COBBLESTONE CREEK PLANNED RESIDENTIAL DEVELOPMENT (PRD) TITLED COBBLESTONE CREEK VILLAS. THE REQUEST IS SUBJECT TO (1) FINAL CONDOMINIUM SITE PLAN AND (2) APPROVAL OF THE FINAL PRD PLAN AND MODIFICATIONS, INCLUDING A PRD AGREEMENT, BY THE TOWNSHIP BOARD OF TRUSTEES PER SECTIONS 6.104 AND 6.219 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE.

Director Power gave a brief presentation. In the condo section of the zoning ordinance, there were fairly minor items and all items have been addressed by the applicant. Director Power has no further comments.

No further comments from Rino Soave of Infinity Acquisitions, LLC.

Commissioner inquired about the mailboxes, could they be attached to the condos? Rino Soave of Infiniti Acquisitions, LLC informed that the post office determines the mailboxes and they go with all cluster boxes for new developments, sometimes they will have a canopy and lights. Mr. Soave will work with staff on the location of the cluster boxes.

No comments from the audience or remote viewers.

Motion Grant, Cullin second to grant final condominium site plan approval to Infinity Acquisitions, LLC on behalf of owner C.A. Kime, Inc., to revise a phase of attached condominium housing units within the 117.06 acre Cobblestone Creek Planned Residential Development (PRD) titled Cobblestone Creek Villas, located on the south side of Huron River Drive, east of Hoeft Road, including 6.88 acres located on Chinkapin Drive and Pinewood Lane between 13687 Pinewood Lane (parcel ID number V-125-83-114-02-0067-000) and 13957 Chinkapin Drive (parcel ID number V-125-83-114-02-0028-000), subject to the conditions in the staff review letter dated 3-2-23, McKenna Associates review letter dated 2-27-23 and Fishbeck Associates review letter dated 1-26-23.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #5: DISCUSSION – ZONING ORDINANCE TEXT AMENDMENTS AND COMMITTEE ASSIGNMENTS.

TITLE: STAFF WILL DISCUSS PROPOSED INITIATIVES ON ZONING ORDINANCE TEXT AMENDMENTS REGARDING ELECTRIC VEHICLES AND AGRICULTURAL TOURISM. STAFF AND PLANNING COMMISSIONERS WILL DISCUSS ASSIGNMENTS AND MEETING TIMES FOR FURTHER DISCUSSION OF THESE ORDINANCES.

Director Power gave a brief presentation. In November of 2022, Planning Commissioners were provided a list of potential zoning ordinance topics and asked to express their interest in these topics. Planning Commissioners also expressed interest in dispersing into small committees to discuss potential ordinance amendments in greater detail and address major issues prior to ordinances being reviewed during regular Planning Commission meetings. Staff and the Township's Planning Consultant are ready to support committee-level discussions regarding two (2) previously listed topics:

- Electric Vehicle charging stations.
- Agricultural tourism ("agritourism").

Staff asked the Commission to finalize its membership for the Committee-level discussions on the two topics and to consider potential meeting times for the Committee discussions.

Vice-Chairperson Jahr appointed Commissioners Cullin, Atchinson and Jahr to the Electric Vehicle (EV) Charging Stations subcommittee.

Vice-Chairperson Jahr appointed Commissioners Cullin, Grant and Pahle to the Agricultural (AG) Tourism subcommittee.

Staff will approach the subcommittee members for dates and times to meet.

No comments from the audience.

ITEM #6: ELECTION OF OFFICERS.

TITLE: THE PLANNING COMMISSION WILL HOLD A NEW ELECTION OF OFFICERS BASED ON THE RECENT VACANCY OF THE PLANNING COMMISSION CHAIR, PER ARTICLE III, SECTION 1 OF THE ADOPTED PLANNING COMMISSION RULES OF PROCEDURE.

Director Power gave a brief presentation. At the last meeting, there was a recommendation to have an election of officers, based on the vacancy of the Chairperson. The liaison to the BZA and the BZA secondary liaison have to be formalized by the Township Board of Trustees. If Commissioner Jahr (liaison) and Commissioner Cullin (secondary liaison) are not reappointed, any new appointment will need to go through the Township Board of Trustees for approval.

Motion Grant, Budd second to nominate Brian Cullin as Chairperson. Cullin accepted the nomination. Motion Carried.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Motion Budd, Cullin second to nominate Jeff Jahr as Vice Chairperson. Jahr accepted the nomination. Motion Carried.

Roll Call:

Yeas: Cullin, Pahle, Grant, Budd and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Vice-Chairperson Jahr spoke with Commissioner Atchinson, who informed him that if she were to be nominated as Secretary, she would accept. **Motion Budd, Cullin second to nominate Medina Atchinson as Secretary. Atchinson accepted the nomination. Motion Carried.**

Roll Call:

Yeas: Grant, Budd, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Motion Budd, Grant second to keep Jeff Jahr as the liaison member to the Board of Zoning Appeals (BZA) and Brian Cullin as the alternate liaison to the Board of Zoning Appeals (BZA) as recently approved by the Township Board of Trustees. Motion Carried.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

GENERAL DISCUSSION:

Director Power anticipates there will be a Planning Commission meeting on March 22, 2023.

Commissioner drove through Cobblestone Creek and noticed there is construction back behind the Villas in the PRD. Director Power informed that Boji Builders is constructing the third planned phase of detached homes in Cobblestone Creek. Construction had taken longer to begin due to the crossing of a gas easement.

ADJOURNMENT:

Motion Budd, Cullin second to adjourn the meeting at 6:48 p.m. Motion Carried.

Respectfully submitted,



Christina Harman

Recording Secretary



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power – Director of Planning and Economic Development
RE: Review of Temporary Land Use Request #23-007 – Phantom Fireworks at Lakewood Shopping Plaza
DATE: March 2, 2023

PROJECT REVIEW

Phantom of Michigan, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Lakewood Shopping Plaza at 2095 Rawsonville Road. The use is proposed to be from June 22, 2022 through July 5, 2023, 10:00 a.m. to 10:00 p.m. Per the Zoning Ordinance, temporary 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.

In reviewing past applications for this temporary land use, the current application and the requirements of the Zoning Ordinance for temporary use approval, the following comments are pertinent to the Planning Commission.

1. Adequacy of parking and access - The site currently has 877 public parking spaces, 31 of which are handicapped reserved. The tent, portable storage container, and surrounding space will only remove approximately 15-20 regular parking spaces, the site will still have adequate parking while the temporary land use is ongoing.
2. Adequate drainage - The site is in an existing parking lot that already has storm water drainage. The tent and storage container will not affect the amount of impervious surface or water that would be diverted into the storm system.
3. Compatibility with surrounding land uses - The proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the uses are compatible.
4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site - The tent and portable storage container are temporary in nature and tent sales regularly take place in parking lots, so no impacts are expected to the surrounding sites.

5. Sufficient setbacks from road rights-of-way and lot lines - The sales area is setback over 100 feet from the right-of-way of the South I-94 Service Drive and over 30 feet from the adjoining outlot of the plaza to the west.
6. Adequate utilities - Phantom will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements. The site plan drawing lists a generator in the notes but the generator is not shown on the plan. The plan shall be revised to show the location of the generator.
7. Trash disposal and site clean-up - Phantom will be responsible for all trash disposal and site clean-up in relation to their agreement with Schostak Brothers and Company, managing agent for Lakewood Shopping Center.
8. Sanitary facilities - Due to the short nature of the customer shopping, no sanitary facilities will be provided.
9. Hours of operation - From 10:00 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, we are not aware of any complaints with Phantom closing at 10:00 p.m. in previous years, so the hours of operation are reasonable.
10. Outdoor light and signs - No exterior lights are provided. Interior lights will be hung by the tent company. The Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Phantom requests a banner to measure 4' x 8' (32 sq. ft.). This requirement is therefore met.
11. Other licenses and permits required - A current Consumer Fireworks Retail Facility: Non-Permanent license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshall shall be separately issuing a review letter.
12. Potential noise, odor, dust, and glare - The proposed temporary use should not increase the noise, odor, dust or glare from their use.
13. Fire lanes, fire protection, and security - The Van Buren Fire Marshall shall review the application for adequacy of fire lanes and fire protection. The site will be staffed with 3-6 employees during open hours. During non-operating hours, all products will be returned to their fire-proof storage unit and locked up until the materials are returned for redisplay the following day. Three (3) fire extinguishers and three (3) exits are shown on the submitted tent plan drawing.
14. Off-site impacts of traffic volumes - The roads in the immediate vicinity are major Township roads, and this temporary use will not impact their flow or travel volumes.

15. Necessity of performance bond to ensure prompt removal - 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 - 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 will be the eleventh (11th) year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place in the previous years. Based on this review dated March 2, 2023, I recommend approval of this application subject to the following condition:

1. The site plan drawing lists a generator in the notes but the generator is not shown on the plan. The plan shall be revised to show the location of the generator.
2. All application materials shall reference Van Buren Township, MI as the municipality.



VAN BUREN TOWNSHIP FIRE DEPARTMENT

46425 Tyler Road, Van Buren Township, MI 48111

David C. McNally II, Fire Chief: (734) 699-8900 x 8916

Andrew Lenaghan, Deputy Chief/Fire Marshal: (734) 699-8900 x 9416

March 1, 2023

Director of Building and Planning
46425 Tyler Road
Van Buren Township, MI 48111

Rick Tapper
Phantom Fireworks Eastern Region
2095 Rawsonville Road
Van Buren Township, MI 48111

VB23-007

I have reviewed the plans submitted to my office on March 1, 2023 and found their application and site plan is in compliance with the Van Buren Township adopted fire code, as well as state regulations for fireworks sales.

The Van Buren Fire Department will conduct an onsite inspection for Van Buren Township only. The State of Michigan will conduct the required inspection per license requirements from the State.

Respectfully Submitted,

Andrew Lenaghan

Deputy Fire Chief/Fire Marshal



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Case 21-044 – Cobblestone Creek Villas PRD Amendment
DATE: March 2, 2023

The Planning Commission will review the request by applicant Infinity Acquisitions, LLC for final approval to revise a phase of attached condominium housing units within the 117.06-acre Cobblestone Creek Planned Residential Development (PRD) titled Cobblestone Creek Villas. The request is subject to (1) final condominium site plan and (2) approval of the final PRD plan and modifications, including a PRD agreement, by the Township Planning Commission and Board of Trustees per Sections 6.104 and 6.219 of the Van Buren Township Zoning Ordinance.

To assist with this review, the following materials are provided:

- A completed application form for the project;
- Reports from the Township Planning Consultant, Township Engineer, Township Fire Marshal, and Township Attorney;
- The most recent civil and architectural plan submittals for the project including engineering plans dated February 6, 2023;
- The proposed first draft of the project's PRD Agreement along with the Project's original PRD Agreement dated April 18, 2005;
- The proposed third amendment to the Master Deed for the Cobblestone Creek Villas Condominium;
- A proposed reciprocal easement agreement for maintenance and repair of the project's roadways; and
- Planning Commission meeting minutes from June 8th and November 9th, 2022.

This project will be a general revision to a previously approved Planned Residential Development (PRD). Per Section 6.221(A) of the Van Buren Township Zoning Ordinance, a PRD may be revised in accordance with the approval procedures for a PRD, which includes proceeding in the same manner as other special use applications. Special land use applications require a public hearing per the procedures outlined in Article 12, Chapter 6 of the Van Buren Township Zoning Ordinance. The required public hearing was held on June 8th, 2022.

As a general revision to an approved PRD, this project will require a determination of eligibility and approval of preliminary and final plans and modifications, based on the procedures outlined in Section 6.221(A) (Revisions to Approved Plans) and 6.219 (Approval Procedures) of the Township Zoning Ordinance.

The project is also a condominium and is therefore subject to the approval procedures listed in

Article 6, Chapter 1 of the Van Buren Township Zoning Ordinance. The area being altered by the applicant is proposed to be separated into its own 6.88-acre condominium site. Per Section 6.104 of the Van Buren Township Zoning Ordinance, the project is subject to site plan review.

For the Planning Commission's information, "condominium" and "PRD" terminology speak to two different aspects of a single project. "Condominium" speaks to a type of land division, distinct from a simple "metes-and-bounds land division" or a "plat", which results in multiple owners of building units within a development holding some or all of the surrounding land and site infrastructure in common ownership. Condominiums are often but not always PRDs. PRD refers to a zoning option by which a development site can achieve modifications to certain zoning requirements by meeting certain criteria that contribute to the overall quality and cohesion of the project.

The Planning Commission and Board of Trustees were previously tasked with completing the following actions regarding the project:

- ✓ Planning Commission holds a public hearing as required under Sections 6.221(A), 6.219 (completed June 8th, 2022);
- ✓ Planning Commission recommends special land use approval to the Board of Trustees as required under Sections 6.221(A), 6.119, and Article 12, Chapter 6 (completed November 9th, 2022);
- ✓ Planning Commission recommends preliminary plan approval as required under Sections 6.104 and 6.219 (completed November 9th, 2022)
- ✓ Board of Trustees approves special land use (completed November 15th, 2022)

As part of the Planning Commission's preliminary plan approval and special land use recommendations in November 2022, I offered the following recommended conditions of preliminary plan approval, which are amended with comments regarding the latest plan and document submittals for the project:

- ✓ The Planning Commission shall confirm satisfactory completion of the June 8th, 2022 tabling conditions (completed November 9, 2022);
- ✓ Prior to final plan approval, written responses from the Director of Planning, Township attorney, Township engineer and Township planner regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the condominium act and Township Zoning Ordinance will be provided to the Planning Commission. The specific requirement under Section 6.110 that this condition reflected pertains to site condominiums, whereas the project is not a site condominium but a condominium. Written responses have been provided by the listed persons regarding the adequacy of the submitted plans and compliance with relevant ordinances and standards.
- ✓ As part of the final plans, master deed, and amended PRD Agreement for the project, mailboxes and fire hydrants shall be placed on the same side of the street, and on street parking shall be limited to only the one (1) side of the street opposite these items. No parking / fire lane signs will be added to the side of the street where water mains are located. **Mailboxes must be placed on the same side of the street as hydrants.**
- ✓ Per Section 6.113 (Attached Residential Condominium Units), the attached units must

comply with all applicable requirements of Section 5.116 (Dwelling, Single-Family Residential Attached). This requirement has been addressed. Dimension lines demonstrating that no building exceeds 200' in length and slight offsets between attached units have been added to the design to address these previously un-addressed requirements of Section 5.116.

Additionally, I request that **the proposed easement agreement for the project's roadways and third amendment to the Condominium master deed shall be recorded prior to the issuance of the first certificate of occupancy within this project area.**

At the meeting on March 8, 2023, the Planning Commission is requested to act on the following items:

- (1) Recommendation of approval of the final PRD plan and modifications, including a PRD agreement, by the Township Planning Commission to the Board of Trustees per Section 6.219 of the Van Buren Township Zoning Ordinance, and
- (2) Final condominium site plan per Section 6.104 of the Van Buren Township Zoning Ordinance

If the project is recommended for approval under point (1), the Board of Trustees will review the project at their next available opportunity.

I look forward to assisting with this review. Thank you for your consideration.

Sincerely,



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



MCKENNA

February 27, 2023

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

**Subject: VBT-21-044 Cobblestone Creek Villas PRD Amendment; Site Plan Review #6 (FINAL);
Revised Site Plans Dated 1/22/2023; Revised PRD Agreement Received 2/16/23.**

Dear Commissioners:

The applicant Infinity Homes, is seeking to amend an existing PRD agreement for Cobblestone Creek Condominiums. The subject site has a total area of 117.06 acres, is zoned R-1A (Single Family Residential) district and located on the south side of Huron River Drive, east of Hoeft Road.

PROJECT SUMMARY

The original condominium project received site plan and PRD approval in 2004 for the construction of a total of 258 units. The site condominium development also received special land use approval to be located in the R-1A district per §7.02. A (old section number) of the Zoning Ordinance. Over the years the condominium was built upon but not completed. The originally approved plan included 154 detached and 104 attached units for a total of 258 units. The 104 detached units were split into Phases I and III spread out over 26 buildings, while the attached units were designated as Phase II. At this time only 12 of the buildings with 44 units have been constructed. The applicant proposes to construct a total of 52 units within 13 buildings, reducing the overall density by 8 units.

The applicant appeared before the Planning Commission on 6/8/2022, received feedback, and was directed to address the concerns noted in our review letter dated 5/11/2022. Upon resubmittal and review, the applicant appeared before the Planning Commission once again on 11/9/22, receiving a recommendation of approval of the special land use and preliminary approval of the site plan subject to the recommendations of the staff report dated 11/8/22. We reviewed the revised site plan and PRD agreement and provided comments in a letter dated 2/12/23 – while the site plan was sufficiently revised, comments regarding the agreement remained unaddressed.

We have reviewed the revised PRD agreement for compliance with the conditions of preliminary site plan approval and offer the following comments (items requiring changes or additional information are underlined):

COMMENTS

1. **Master Deed, Bylaws, and PRD Agreement.** The applicant has submitted copy of the revised PRD agreement and Master Deed. All comments of our previous letters have been addressed in this most recent submittal. The documents are subject to review and approval by the Township Attorney.
2. **Final review by Wayne County and Township Engineer.** This condition can be met. It is our understanding the applicant is still working with Wayne County and the Township Engineer to resolve site engineering issues.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

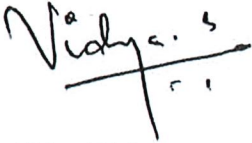
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RECOMMENDATION

The site plan related conditions of preliminary site plan approval have been met per our 2/12/23 letter. In addition, outstanding items regarding the PRD agreement have been addressed in the current submittal. Therefore, we recommend that the Planning Commission recommend final PRD plan approval to the Township Board of Trustees, subject to the PRD documents being approved by the Township Attorney, and final engineering approval being obtained from Wayne County and the Township Engineer.

Respectfully,
McKENNA



Vidya Krishnan
Senior Principal Planner



Gage Belko
Assistant Planner

cc: Dan Power, Director of Planning and Economic Development
Paul J. Kammer, FTCH, Township Engineers
Andy Leneghan, Van Buren Township Fire Marshal



January 26, 2023
Fishbeck Project No. 200997

Dan Power
Director of Planning and Economic Development
Van Buren Township
46425 Tyler Road
Van Buren Township, MI 48311

Cobblestone Creek Villas – PRD Amendment Engineering Review

Dear Director Power:

At the request of Van Buren Township (Township), Fishbeck has reviewed the proposed Cobblestone Creek Condominium Revised Phase 2 Site Plan for engineering feasibility of the Township's Preliminary Site Plan and Special Land Use approval. The original plans were approved by the Township on May 18, 2004, with the most recent submitted plans being dated 4/15/2022, with revisions on 5/25/2022 and most recently 1/22/2023.

The project entails the construction of the remainder of Phase 2 of the proposed Cobblestone Creek Condominiums at the south side of Huron River Drive between Hoeft Road and Elwell Road. The existing Phase 2 site, as originally approved and partially constructed in 2004, has 12 buildings built (44 units). The remainder of Phase 2 was initially designed for 14 additional buildings (60 units), which is now seeking approval of an amended design for 13 buildings (52 units). The presumption is all underground utilities, as approved in 2004, have been installed and are operational within the footprint of Phase 2. This includes the stormwater system, the water distribution system, and the sanitary sewer system. The plans do propose to add a single segment of storm sewer and a yard catch basins to help with some rear yard drainage. The other site improvements that remain to be constructed include the proposed sidewalks and other various items. Our review comments are as follows:

General

The following items are general requirements established as part of the Engineering Standards Manual, Charter Township of Van Buren (April 2014). The applicant must include the following items as part of the construction plans:

1. In general, any changes to the previously approved plans must be indicated on the plans and clearly shown how they are changing. This includes, but is not limited to the following:
 - a. All easements, proposed, existing, or changing, must be indicated on the plans.
 - b. All elevations must be on National Geodetic Vertical Datum 29 (NGVD 29) datum or include a conversion factor to the NGVD 29 datum.
2. For final engineering approval, all new utility work must be done in accordance with the Township Standards and must include all information for a full engineering review. These include, but are not limited to:
 - a. Profiles must be included for all utility work except for the sanitary service leads. The new storm sewer segment must include a profile along the new pipe profile.

- b. Provide any previous and/or new soil boring information, including the ground water elevations of this area.
- c. Engineering Plans must include the applicable Standard Detail Drawings as found in Appendix A of the Township *Engineering Standards Manual*. The Township can provide full size sheets of multiple details upon request.

Water Main Service

Existing: The Township's Geographic Information System (GIS) records indicate a publicly owned 8-inch Ductile Iron water main running along Pinewood Lane and Chinkapin Drive.

Proposed: The applicant's plan confirms that all water main was constructed as part of the original phase 2 project. No additional public water main will be constructed as part of this project. Proposed service lead locations are shown. It is unclear if existing service leads were previously installed.

Comments:

1. The applicant has indicated that a new 2" water service will be constructed for each building at the time of the building construction.
2. The applicant must work with the Township Fire Marshal to determine if any of the hydrant locations need to be adjusted due to the new layout of the buildings.

Sanitary Sewer

Existing: The Township's GIS records indicate there is a public 10-inch truss pipe sanitary sewer along Chinkapin Drive and a public 12-inch truss pipe sanitary sewer along Pinewood Lane within the area of the development.

Proposed: The applicant's plan confirms that all sanitary sewer was constructed as part of the original phase 2 project. The sanitary layout shown in the plans appears to match the system from the previously approved set in 2004. The plans also indicate that there is an existing sanitary sewer lead available for each proposed building.

Comments:

1. The applicant has indicated that as per as-built plans, there is an existing sanitary lead available for each proposed building.

Storm Sewer

Existing: The Township's GIS records indicate an existing storm sewer system constructed as part of the original development for Phase 1 and Phase 2.

Proposed: The applicant's plans show the existing system captures runoff within Phase 2 of the development via catch basins and rear yard drains and conveys it into a forebay and existing detention basin east of Chinkapin Drive. The applicant's plan confirms that all storm sewer and storm management aspects of the site were constructed as part of the original phase 2 project. The applicant has provided drainage calculations confirming that the existing basin size and functionality will remain with the new building layout. The proposed impervious area is less than that of the existing impervious area originally designed for.

Comments:

1. The Applicant has obtained Wayne County approval via an approval letter dated December 5, 2003.
2. With no changes to the functionality of the storm water management system, no additional approval is needed for detention.
3. The proposed storm sewer line and rear yard catch basin must be shown in profile view.

Paving and Sidewalks

1. The applicant must verify the overall status of the existing HMA roadways. If the final layer of the roadways has not been paved, the applicant will be responsible for conducting any repair or maintenance on the existing roadway prior to placing the final HMA surface layer.

2. Any sidewalk areas that are considered community sidewalks, or will not be the responsibility of the builder, will be required to be completed by the applicant.
3. Further discussion with the Township Planning Director should be conducted to finalize the requirements for CoFo and other obligations for the complex.

Soil Erosion and Sedimentation Control (SESC)

1. An SESC plan must be provided in accordance with the Township *Engineering Standards Manual*, Chapter II, Plan Requirements, Paragraph D, SESC Plan Requirements, and in accordance with Wayne County SESC standards. A permit must be acquired from the Wayne County SESC County Enforcing Agency.
<https://www.waynecounty.com/departments/environmental/landresources/soil-erosion.aspx>

Recommendation

Based on our standard Engineering review of the Cobblestone Creek Villas PRD Amendment, Fishbeck offers no objection for the Planning Commission granting the applicant, Infinity Homes, approval to move forward in the process of amending the PRD Plan. This recommendation is based upon our review of the sites previously constructed infrastructure (roadways, storm sewer, water main, sanitary sewer) and compliance with the Township Engineering Standards. Minors items listed in the above letter can be handled in a separate submittal to the Township Engineer for final compliance approval.

Sincerely,



Paul J. Kammer, PE

Senior Civil Engineer

By email

Copy: Kevin Lawrence – Township
Brittney Williams – Township
Vidya Krishnan – McKenna

Power, Dan

From: Lenaghan, Andrew
Sent: Friday, January 28, 2022 10:32 AM
To: Power, Dan
Subject: RE: REMINDER: 21-044 Cobblestone Creek PRD Amendment Review Request

Categories: Internal Email

Dan,

As we talked about, my only concern at this point, is that we enforce the parking on one side of the street only. (Fire Lane Access)

Andy

From: Power, Dan
Sent: Thursday, January 27, 2022 1:45 PM
To: Vidya Krishnan <VKrishnan@mcka.com>; Kammer, Paul <pkammer@fishbeck.com>; Lenaghan, Andrew <alenaghan@vanburen-mi.org>
Cc: Williams, Brittney <bwilliams@vanburen-mi.org>
Subject: REMINDER: 21-044 Cobblestone Creek PRD Amendment Review Request

Does everyone have what they need for this review?

Please let Brittney or I know. Thank you.

Dan Power, AICP
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren
734.699.8900, ext. 9392

[Click here for information on development, zoning, and future land use in the Township.](#)

From: Williams, Brittney
Sent: Monday, December 20, 2021 2:59 PM
To: Vidya Krishnan <VKrishnan@mcka.com>; Kammer, Paul <pkammer@fishbeck.com>; Lenaghan, Andrew <alenaghan@vanburen-mi.org>
Cc: Power, Dan <dpower@vanburen-mi.org>
Subject: 21-044 Cobblestone Creek PRD Amendment Review Request

Good Afternoon,

This project will be a change to a previously approved Planned Residential Development (PRD) / Condominium, which is documented on the attached plans. As such, it will require the process outlined in Sections 6.219 and

6.221 of the Zoning Ordinance, and as such, will require the same review process as a special land use application:

Section 6.221 Revisions of Approved Plans. (A) General Revisions. The approved plan for a PRD may be revised in accordance with the procedures set forth in Section 6.219.

Section 6.219 Approval Procedures. In addition to meeting the requirements and standards listed in this Article 6, Chapter 2 approval of a PRD application shall proceed in the same manner as other special use applications, including a recommendation by the Planning Commission and approval by the Township Board of Trustees pursuant to Article 12, Chapter 3. Action on a PRD shall include but not be limited to determination of eligibility, approval of preliminary plan and modifications and approval of final plan and modifications. The final approval, including all associated conditions and modifications, shall be documented, in a PRD Agreement in a form acceptable to the Township attorney, between the Township Board of Trustees and the applicant. The PRD Agreement shall be executed at the time of final PRD approval by the Township Board of Trustees.

Please proceed with a full site plan review of this request and provide comments by Friday, January 28th. If there is any questions please let Dan and I know, we can discuss this internally as needed before the meeting.

Dan anticipates a couple of hard copy plans to be dropped off by Wednesday December 22nd, if our reviewers would like hard copies. I will send an update when they arrive.

Thank you,

Brittney Williams

Account Clerk of Planning and Economic Development

Department of Public Services

Charter Township of Van Buren

734.699.8913, ext. 9288