

STATE OF MICHIGAN

VILLAGE OF BANCROFT PLANNING COMMISSION

(DATED January 9, 2023)

RESOLUTION OF SITE PLAN APPROVAL FOR WELCOME HOME VETERANS

RECITALS

WHEREASE, the parcel of property involved is the old 20,000 square foot elementary school located at 251 West Prior Road within the Village of Bancroft, which was a 15-acre parcel of real property.

WHEREAS, the Applicant originally applied for a special use permit for a 34 residential living community for veterans, which was denied.

WHEREAS, the Applicant then fled to rezone the property from R-1A to R-M1 on December 3, 2020, which the Village eventually denied after a public hearing by the Planning Commission.

WHEREAS, the Applicant then sued the Village of Bancroft regarding the zoning of the parcel in question. As a result of the litigation, a consent Order Resolving the Case as entered that permitted the parcel to be used for multi-family residential use with certain conditions, in the Shiawassee County Circuit Court Case No. 21-5996-CS on March 4, 2022. (Exhibit A)

WHEREAS, as part of the settlement to 15-acre parcel was split into two sub-parcels: 1) Parcel 1 was zoned residential and 2) Parcel 2 was conditionally zoned R-1M and contained the 20,000 square foot school building and accompanying sidewalks.

WHEREAS, the Applicant is currently proposed a site plan for Parcel 2 to use the property as a multi-tenant apartment building housing veterans, per a 3rd amended site plan dated December 8, 2022.

WHEREAS, the Village of Bancroft Planning Commission is required to review the site plan for compliance with the Zoning Ordinance, subject to any amendments to its conditions contained in the Circuit Court Order, all pursuant to Article 11 of the Village of Bancroft Zoning Ordinance.

WHEREAS, the Village of Bancroft Zoning Administrator Jason Ball has reviewed the site plan, as amended and issued two letters regarding the proposed site plan: November 16, 2022 and December 21, 2022, which are incorporated herein by reference.

WHEREAS, the Village of Bancroft Planning Commission held a meeting on January 9, 2023 at 6:00 pm to review and act upon the Site Plan, as presented.

RESOLVED

IT IS THEREFORE RESOLVED:

1. [] The December 8, 2022 site plan is approved as presented.
2. [XX] The December 8, 2022 site plan is approved conditioned on the following:
 - 2.1 The Applicant will install a solid 6' high privacy fence from approximately the road right-of-way south to the south side of the existing driveway on Parcel 1, in conformance with the Village's existing Fence Ordinance.
 - 2.2 The Applicant will grant and record a 15' wide greenbelt easement on Parcel 1 for the benefit of Parcel 2 on the west side of the existing driveway from the road right-of-way south to the north side of the existing driveway following the curve of the driveway and an easement on the east side of the driveway for the fence set forth in Paragraph 2.1 above, subject to the approval of the Village Attorney.
 - 2.3 The Applicant will grant and record a 15' wide greenbelt easement on east property line of Parcel 1 for the benefit of Parcel 2 from the south side of the existing driveway south to the south property line of Parcel 2, subject to the approval of the Village Attorney.
 - 2.4 The Applicant will amend the December 8, 2022 site plan to show a microwave in units 12 & 13 to conform with the requirements of a dwelling unit.
 - 2.5 The Applicant shall reserve on the site plan a 15' greenbelt buffer along the southside of Parcel 2 for future development of Parcel 1.
 - 2.6 The Applicant's site plan shall otherwise comply with the Circuit Court Order dated March 4, 2022.
 - 2.7 Upon satisfactory completion of the above conditions the zoning administrator shall issue site plan approval without further hearing before the Planning Commission.
 - 2.8 The time limits in Paragraph 11.11 shall start as of January 10, 2023.
3. [] The December 8, 2022 Site Plan is not approved for the following reasons:

Moved by: Julie Mackay
 Seconded by: Steve Fuller

Approved: Frank Baur, Kevin Bible, Rachel Baur, Rick Wright
Julie Mackay, Linda Wert-Fuller, Steve Fuller

Denied: none

Absent: none

VILLAGE OF BANCROFT PLANNING COMMISSION

By: Richard Wright
Richard Wright
Village Planning Commission Chair

CLERK'S CERTIFICATION

I certify that the above is a true and complete copy of
Resolution No. 2023-1 adopted by the Village of
Bancroft Planning Commission at a regular meeting held
on the 9th day of , 2023.

Tina Holmes

Tina Holmes
Village Clerk

Drafted by: John L. Gormley
Gormley Law Offices, PLC
Attorneys for the Village of Byron
101 East Grand River
Fowlerville, MI 48836