

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, March 10, 2021 – 7:30 PM
REMOTE MEETING –AGENDA**

To reduce the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township's scheduled regular Planning Commission meeting will be conducted remotely.

- Join by weblink: <https://zoom.us/j/96255417880>
- Or dial in by phone: 1 1 929 436 2866
- Webinar ID: 962 5541 7880

For instructions on [how to join a Zoom meeting, make a public comment, ADA information, and virtual meeting compliance from the State please click here](#).

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES:

ITEM #1: Approval of minutes from the regular meeting of February 24, 2021.

CORRESPONDENCE:

PUBLIC HEARING:

NEW BUSINESS:

ITEM #1: DISCUSSION: LOT COVERAGE ZONING ORDINANCE TEXT AMENDMENT

Proposed amendments that would revise the definitions of *lot coverage* under Section 2.102 (Definitions) and regulations related to *lot coverage* under Section 4.103 (Footnotes to Schedule of Regulations) of the Van Buren Township Zoning Ordinance in order to relax lot coverage requirements related to unenclosed roofed structures.

ACTION ITEMS:

- A. Presentation from Staff
- B. Planning Commission discussion
- C. Public comment

**ITEM #2: DISCUSSION: SENIOR HOUSING DEVELOPMENT ZONING ORDINANCE
TEXT AMENDMENTS: MINIMUM USABLE FLOOR AREA AND SIGNAGE**

Proposed amendments to Section 5.143 that would clarify Required Site Minimum Usable Floor Area in Square Feet Per Dwelling (Independent Senior Housing Developments) and revise requirements for Signage in Senior Housing Developments.

ACTION ITEMS: A. Presentation from Staff
 B. Planning Commission discussion
 C. Public comment

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION - VIRTUAL MEETING ON ZOOM
February 24, 2021
MINUTES - DRAFT**

Prior to the start of the meeting, the public was given instructions on how to take part in the meeting.

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

ROLL CALL:

Present: Franzoi, Jahr, Cullin, Kelley, Atchinson, Budd and Thompson.

Excused: None.

Staff: Director Power, Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Vidya Krishnan.

Applicant(s) in Attendance: Jim Jacobs on behalf of Neapco.

Audience: Three (3).

APPROVAL OF AGENDA:

Motion Jahr, Budd second to approve the agenda of February 24, 2021 as presented.

Roll Call:

Yeas: Cullin, Kelley, Atchinson, Budd, Jahr, Franzoi and Thompson.

Nays: None.

Absent: None.

Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Jahr second to approve the regular meeting minutes of February 10, 2021 as presented.

Roll Call:

Yeas: Budd, Atchinson, Kelley, Cullin, Jahr, Franzoi and Thompson.

Nays: None.

Absent: None.

Motion Carried.

NEW BUSINESS:

ITEM #1: DISCUSSION: LOT COVERAGE ZONING ORDINANCE TEXT AMENDMENT.

PROPOSED AMENDMENTS THAT WOULD REVISE THE DEFINITIONS OF LOT COVERAGE UNDER SECTION 2.102 (DEFINITIONS) AND REGULATIONS RELATED TO LOT COVERAGE UNDER SECTION 4.103 (FOOTNOTES TO SCHEDULE OF - REGULATIONS) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE IN ORDER

TO RELAX LOT COVERAGE REQUIREMENTS RELATED TO UNENCLOSED ROOFED STRUCTURES.

Director Power gave the presentation. The Van Buren Township Board of Zoning Appeals (BZA) requested a postponement of their decision to allow Neapco Drivelines to propose up to +/- 35.9% of their parcel to be covered by roofed structures, contrary to a 35% lot coverage limit in the M-1, light industrial zoning district. The BZA requested the applicant seek an appropriate course of action through the Planning Commission to review and consider an alternative remedy for the issue. The intent of the lot coverage limits in the Van Buren Township Zoning Ordinance is to limit the over-building of sites, with respect to preservation of open space, stormwater runoff, and overall use intensity. The Planning Commission was asked to consider a Zoning Ordinance text amendment which maintains a mechanism for avoiding over-building of sites while providing a reasonable means of covering existing impervious areas that have been authorized through lawful means by unenclosed roofed structures. The Township Principal Planner has researched how comparable communities in the region address this issue and has prepared recommendations.

Vidya Krishnan of McKenna Associates presented her review letter dated 2-19-21 and discussed her review of zoning ordinance regulations from comparable communities, the communities comparable by size and large swaths of industrial area. The comparable communities included Lyon Township, Canton Township, Plymouth Township and Northville Township. McKenna Associates offered the following possible solutions which will support industrial developments, while meeting the intent of the Ordinance and sound planning principles:

- Revise the definition of lot coverage in Section 2.02 to include: "For industrially zoned parcels, lot coverage shall not include unenclosed roofed structures that provide shelter over existing paved surfaces";
- Add a footnote to the schedule of regulations for industrial districts detailing that unenclosed covered roof structures on existing impervious surface areas shall not exceed 10% of total lot area up to a maximum of 20,000 square feet.

Commissioners provided the following questions and comments:

1. Commissioner liked the idea of the amendment to help address some of the issues in industrial zoned areas.
2. Commissioner inquired if the amendment will allow for a parking garage with solar panels, possibly a shelter of an existing paved surface area with a mini solar farm to help run the company. Vidya Krishnan and Director Power informed the Commission that solar panels could be a possibility and that any roofed structure that is otherwise permitted would be able to capture this additional credit.
3. Commissioner concerned the proposal seems like it is adding a limitation with the footnote on the area that could be constructed with roofing. Vidya Krisnan informed that the intent of the footnote is to be in addition to the 35% lot coverage, adding up to 10% of the total lot area up to a maximum of 20,000 square feet.
4. Commissioner liked the comment on the solar panel and roof coverings and identified that changes may allow for more than just a waiver for industrial outdoor storage area

coverage, it may allow for a wider set of changes to the industrial code and merits further discussion.

5. Commissioner concerned that the proposed changes may open up additional unintended consequences. Vidya Krishnan mentioned possibly adding a clarification to specify the amendment is for industrially zoned parcels and lot coverage shall not include unenclosed roof structures that provide shelter over existing paved surfaced approved for outdoor storage.
6. Commissioner inquired about green roofs for additional coverage and whether or not they would be allowed? Director Power informed that green roofs are an innovative solution to stormwater, but in the interest of enforceability and overall building intensity they would still be lumped in with roofs. Vidya Krishnan added that green roofs are green building initiatives and language could be added to cover them.

Director Power mentioned that the Neapco project and vast majority of other projects where this standard is going to be reviewed on industrial sites, will still need to come before the Planning Commission for site plan review.

Jim Jacobs the architect for Neapco thanked the Planning Commissioner for their review. The language that is presented will address Neapco's needs and they are in support of the text amendment.

Commissioner asked for clarification on the text amendment, does this only take place on approved outdoor storage areas in industrial zoning. Yes, the ordinance amendment is only for industrially zoned parcels. Vidya Krishnan will change the text amendment to clarify that 10% of the up to 20,000 sq. ft. is above the 35% lot coverage already allowed and only for approved outdoor storage areas and will bring the revised text amendment back to the Commission for review.

Director Power explained the review process for the text amendment and asked the Planning commission to consider having the Township Principle Planner make the discussed changes to the text amendment and schedule a public hearing.

Motion Kelley, Cullin second to schedule a public hearing for the lot coverage zoning ordinance text amendment on March 24, 2021.

Roll Call:

Yeas: Budd, Atchinson, Kelley, Cullin, Jahr, Franzoi and Thompson.

Nays: None.

Absent: None.

Motion Carried.

GENERAL DISCUSSION:

Director Power reminded the Commission of upcoming risk management training through the Michigan Planning Association on March 9, 2021. The meeting is the same night as the

Recreation Committee, which is being recorded and will be available on the Township website. The Michigan Association of Planning is also recording all of their workshops. There is also upcoming site plan review training on March 10th and 11th and a training series on master planning on March 30th and 31st.

Commissioner asked for an update on housing developments within the Township including the Huron River Drive property and lakefront properties. Director Power informed that there is no formal update for the lakefront development on Huron River Drive, there currently is a pending conditional rezoning application at this time. The Victoria Estates condos are in phase II of construction with permits going out, the third phase of development for Cobblestone Creek has not picked up yet. There have been a lot of single family home permits, with more single family dwelling permits issued in 2020 than 2019 and there are more permits processed this year than at the same time last year.

Commissioner asked for an update on senior living developments in the Township. Director Power informed that the Hampton Manor development on Morton Taylor Road, the building permit application is concurrent with the final site plan application, they are currently awaiting final Wayne County engineering approval. The Clover Development project on Belleville Road had interpretation granted by the BZA for usable floor area for dwelling unit requirements, they are currently working on resubmitting their design for review.

ADJOURNMENT:

Motion Atchinson, Jahr second to adjourn the meeting at 8:19 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN
COUNTY OF WAYNE, STATE OF MICHIGAN
ORDINANCE NO. xx-xx-21**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ALLOW LIMITED ADDITIONAL LOT COVERAGE BEYOND DISTRICT LOT COVERAGE LIMITS IN THE INDUSTRIAL ZONING DISTRICTS FOR PURPOSES OF ALLOWING UNENCLOSED ROOFED STRUCTURES OVER ACCESSORY OUTDOOR INDUSTRIAL STORAGE AREAS. THE AMENDMENTS WILL INCLUDE UPDATES TO SECTIONS 2.102 – DEFINITIONS, 4.103 – FOOTNOTES TO THE SCHEDULE OF REGULATIONS, AND 5.101 – ACCESSORY OUTDOOR INDUSTRIAL STORAGE.

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:

Article 2. Definitions.

Section 2.102. Specific Terms:

(121) LOT COVERAGE: The part of a lot occupied by buildings or roofed structures including accessory buildings or structures. For industrially zoned parcels located in the M-1, M-2 and M-T zoning districts, lot coverage shall not include unenclosed roofed structures that provide shelter over approved outdoor storage areas located over existing paved surfaces as noted in Section 4.102, footnote BB. Green roofs, solar panels, porticos and similar coverings shall not be allowable under this provision and shall be considered an architectural feature subject to the regulations of the district.

Article 4. Schedule of Regulations, Section 4.102. Add footnote

(BB) Unenclosed covered roof structures over approved outdoor storage areas located on existing impervious surface areas shall not exceed 10% of total lot area up to a maximum of 20,000 square feet. This coverage is in addition to any such coverage possible within the allowable 35% lot coverage.

Article 5. Development Standards for Specific Uses.

Section 5.101. Accessory Outdoor Industrial Storage.

(I) Outdoor storage areas shall be located on paved impervious surfaces and shall have adequate storm water management systems. Such approved outdoor storage areas may be provided with an unenclosed roof structure covering up to a maximum of 10% of the total lot area, up to a maximum of 20,000 square feet.

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 3rd day of September, 2019, 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:



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Zoning Ordinance Lot Coverage and Structure Definitions
DATE: February 19, 2021

On February 9, 2021, the Van Buren Township Board of Zoning Appeals (BZA) requested a postponement of their decision to allow Neapco Drivelines to propose up to +/- 35.9% of their parcel to be covered by roofed structures, contrary to a 35% lot coverage limit in the M-1 – Light Industrial zoning district. The BZA requested the applicant to seek an appropriate course of action through the Planning Commission to review and consider an alternative remedy for this issue.

The intent of the lot coverage limits in the Van Buren Township Zoning Ordinance is to limit the over-building of sites, with respect to preservation of open space, stormwater runoff, and overall use intensity. The Planning Commission is asked to consider a Zoning Ordinance text amendment which maintains a mechanism for avoiding over-building of sites while providing a reasonable means of covering existing impervious areas that have been authorized through lawful means by unenclosed roofed structures.

The Township Principal Planner has researched how comparable communities in the region address this issue and has presented recommendations in her letter dated February 19, 2021. We now ask the Planning Commission to consider forwarding a recommendation to staff to finalize her proposed amendments to sections 2.102 (Definitions) and 4.103 (Footnotes to the Schedule of Regulations) of the Van Buren Township Zoning Ordinance for consideration at a public hearing. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a large, faint red circular stamp.

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

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner / Planning Consultant – McKenna Associates
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township



February 19, 2021

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

Subject: Lot Coverage in Industrial Districts

Dear Planning Commission Members:

Recently a case appeared before the Township's Board of Zoning Appeals (BZA). The applicant was representing an existing industrial development in the Township. The facility was expanding and to meet their operational needs, wanted to provide an unenclosed but roofed structure on the rear of their building to protect their outdoor storage items. The unenclosed but covered structure is technically considered as part of the lot's coverage per the Township Zoning Ordinance. The current definition for lot coverage in the Van Buren Township Zoning Ordinance reads: *"The part of a lot occupied by buildings or roofed structures including accessory buildings or structures."* Maximum permitted lot coverage in the M-1, M-2 and M-T districts is 35%. The proposed lot coverage with the addition of the new structure resulted in the site exceeding the lot coverage by approximately 1% (18, 401 square feet).

Although the requested variance appeared minimal, the justification provided did not meet the test for granting of a variance under State Law and the applicant's request was postponed by the BZA. The BZA recommended that the Planning Commission consider the merit of some of the reasoning presented by the applicant with regard to lot coverage standards.

Since the meeting, we reviewed the zoning ordinance regulations in comparable communities by size and large swaths of industrial area. We have summarized our findings as follows:

1. Community: Lyon Township

Located in the southwest corner of Oakland County, Lyon Township has a population of 20,628. The Township includes many industrial sites especially on its northern half, with a portion of Interstate 96 traversing through it. Lot coverage for nonresidential sites is defined as *"The part or percent of the lot that is occupied by buildings, structures, paved surfaces, or other impervious surfaces."* The maximum lot coverage for Industrial Districts in Lyon Township is 75%, much higher than what's allowable for Van Buren Township which is 35% for the Industrial Districts. However; lot coverage in Van Buren does not include parking and paved areas; therefore a comparison of the two would not be equitable.

2. Community: Canton Township


Located in Wayne County, Canton Township along Van Buren's northern border, has a population of 90,173. The Township has moderate industrial areas that are concentrated along the Interstate 275

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corridor and US-12 corridor. The definition for lot coverage reads “*The part or percent of the lot that is occupied by buildings or structures.*” This definition is very similar to Van Buren’s. However, The Zoning Ordinance does not have regulations for lot coverage in the Industrial Districts. The coverage is determined by meeting others site development standards such as landscaping, parking, greenbelts etc.

3. Community: Plymouth Township

Located in Wayne County, Plymouth Township located on the north side of Canton, has a population of 27,069. The definition for lot coverage reads “*That part or percentage of the lot occupied by buildings or structures, including accessory building or structures.*” This definition is nearly identical to Van Buren’s. The Zoning Ordinance does not have regulations for lot coverage in the Industrial Districts; however coverage is determined by meeting others site development standards such as landscaping, parking, greenbelts etc.

4. Community: Northville Township

Located in Wayne County, Northville Township located to the north of Plymouth Township, has a population of 29,099. The Zoning Ordinance for Northville Township does not provide a definition for lot coverage. Additionally, The Zoning Ordinance does not have regulations for lot coverage in the Industrial Districts. As in the previous 2 cases, coverage is determined by meeting others site development standards such as landscaping, parking, greenbelts etc.

Recommendation

The purpose of including lot coverage limits in zoning Ordinances is to prevent over-building of sites. Van Buren Township is relatively flat and flooding and storm water drainage issues are of major concern. Therefore limiting the amount of ‘coverage’ on a parcel helps regulate the impervious surface cover. Nevertheless, the issue at hand is:

If the proposed “coverage” by a structure is on an existing impervious surface and unenclosed i.e., not resulting in any additional run-off, should it be counted towards coverage similar to a fully enclosed structure? Based on our review of other Ordinances it appears that communities allow for some flexibility in non-residential districts in order to accommodate situations like the once faced by the applicant before the BZA.

The Township supports vibrant business and industrial growth and understands the changing needs and demands. Therefore, we offer the following possible solutions which will support Industrial developments, while meeting the intent of the Ordinance and sound planning principles:

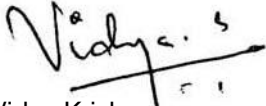
- Revise the definition of lot coverage in Section 2.02 to include: “*For industrially zoned parcels, lot coverage shall not include unenclosed roofed structures that provide shelter over existing paved surfaces*”;
- Add a footnote to the schedule of regulations for industrial districts detailing that *unenclosed covered roof structures on existing impervious surface areas shall not exceed 10% of total lot area up to a maximum of 20,000 square feet.*



We will be present at the Planning Commission and look forward to discussing and reviewing this matter with you.

Respectfully,

McKENNA

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

Vidya Krishnan
Principal Planner

cc: Dan Power, Director of Planning & Economic Development
Matt Best, Director of Public Services

COPY





MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Senior Housing Ordinance Amendments
DATE: March 5, 2021

At their regular meeting on February 9, 2021, the Van Buren Township Board of Zoning Appeals (BZA) upheld an interpretation regarding the application of Usable Floor Area (UFA) requirements described within Senior Housing regulations under Section 5.143(D)(1) of the Van Buren Township Zoning Ordinance. This interpretation request was made by applicant Clover Communities Van Buren LLC, representing an independent senior housing development proposed to be located at 8470 Belleville Road (Parcel ID # 83 036 99 0002 702). The BZA accepted the applicant's interpretation that allows the total UFA in a given senior housing development that is available to tenants, as opposed to only the UFA inside of each dwelling unit, to be credited toward the *minimum UFA per dwelling unit* standard (see Figure 2).

This decision was based on evaluating the availability of areas for the exclusive use of tenants in the applicant's proposed development and the tendency for inhabitants of senior housing developments to be more likely than those of other types of housing developments to utilize common areas. Materials considered in the BZA's decision are included in this packet for the Planning Commission's review. As part of their decision, the BZA recommended for the Planning Commission to consider an ordinance text amendment to clarify the rules governing UFA in independent senior housing developments. The Township's Principal Planner / Planning Consultant has provided a set of draft ordinance text amendments which allow the interpretation set forth by the BZA's decision to proceed with reasonable limits on UFA that can be credited from common rooms. These recommendations are included for the Planning Commission's consideration.

Additionally, as part of a broader refresh of senior housing ordinance regulations, staff recommends considering amendments to allow senior housing developments to utilize signage that is permitted by the underlying zoning district, except that wall signage must comply with residential standards. This removes an unreasonable limit on signage currently in place which limits signs for senior housing developments to the relatively restrictive residential zoning standards for signage.

Figure 1

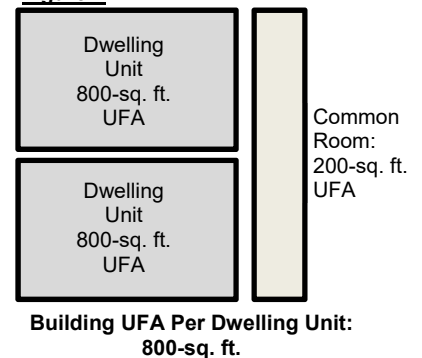
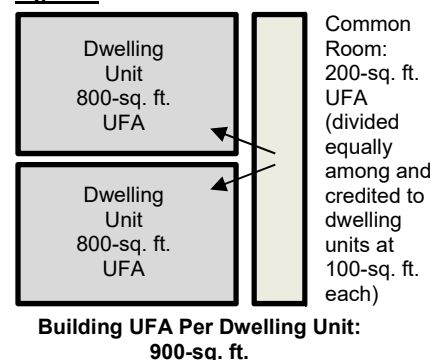


Figure 2



Thank you for your initial discussion and consideration of these zoning ordinance text amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

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

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner / Planning Consultant –
McKenna Associates
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township

**CHARTER TOWNSHIP OF VAN BUREN
COUNTY OF WAYNE, STATE OF
MICHIGAN ORDINANCE NO. xx-xx-21**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO MODIFY THE REQUIREMENTS FOR SENIOR HOUSING TO ADD CLARIFICATION ON UNIT SIZE AND SIGNAGE.

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:

Section 5.143. Senior Housing

(C) Required Site Minimum Usable Floor Area in Square Feet Per Dwelling Unit.

- (1.) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet. Common-space/community space/spaces with amenities within the building can be included in the required per-unit usable floor area calculation, not to exceed a maximum of 10% of the unit size. See table x below. Balconies, decks, patios and other unenclosed open spaces shall not be included in such determination.

Table x

Site Usable Floor Area Required			
Unit type	UFA/unit required (in square feet)	# of this unit type	Subtotal: Site minimum UFA required (in square feet)
1-bedroom	650	10	6,500
2-bedroom	850	10	8,500
Site UFA required			15,000
Site Usable Floor Area Provided using Maximum Credit from Common Areas			
1-bedroom units	585 (minimum)	10	5,850 (minimum)
2-bedroom units	765 (minimum)	10	7,650 (minimum)
Combined UFA of common rooms			1,500 (maximum)
Site UFA provided using common spaces as a credit			15,000

- (2.) State of Michigan licensing requirements regulate Assisted Living Unit size.
- (3.) No living unit within a senior housing development may contain more than two (2) bedrooms.

(G) **Signs.** The sign standards in Article 11 shall apply to all senior housing developments. Specific sign standards for senior housing developments shall be the same as the sign size and placement requirements as the underlying zoning district, except that if wall signs are used, they are restricted to limits of Section 11.108(A).

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 **xx** day of -----, 2021 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:

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 9, 2021
MINUTES

structure is perceived, then there would be no need for the applicant to return to the BZA for a variance.

Moved and seconded by Board members Martin and Herman to postpone the variance request and send NEAPCO Drivelines to the Planning Commission for consideration of a solution over 1) total lot coverage, 2) how lot coverage is defined, or 3) how a structure is defined.

Roll Call Vote: (6) AYES – Grissett, Martin, Haase, Herman, Larocque, Atchinson
(1) NAYS – Sellers

Motion Carried

3. Case Number: 21-005 – Clover Communities Van Buren LLC

Location/Parcel #: 8470 Belleville Rd./Parcel ID# 83 036 99 0002 702, zoned C-2 – Extensive Highway Business District

Request: Interpretations by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” as described in the following Section of the Charter Township of Van Buren Zoning Ordinance:

- Section 5.143 Senior Housing
- (D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit
 - (1) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 feet; Two-bedroom dwelling units: 850 square feet.

Interpretations for which appeals are sought:

- **Balconies** are not intended to be credited toward usable floor areas of dwelling units for purposes of meeting minimum usable floor area requirements.
- **Communal living spaces** are not intended to be credited toward usable floor areas of dwelling units for purposes of meeting minimum usable floor area requirements.

Moved and seconded by Board members Haase and Herman to open the Public Hearing.

Roll Call Vote: (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson
(0) NAYS

Motion Carried

Staff/Consultant Comments:

Director Power explained in this case, the BZA is requested to hear and decide appeals for the interpretation of the provisions of the Zoning Ordinance per Section 12.403(B). In particular, this applicant seeks the interpretation pertaining to the minimum Usable Floor Area (UFA) in square feet per dwelling unit in independent senior housing developments, specifically regarding how balconies and communal living areas apply toward this requirement. A single one-bedroom dwelling unit in a senior housing development requires a 650 sq. ft. and two-bedroom dwelling unit requires 850 sq. ft. Staff's original interpretation of the Ordinance, balcony space and communal living space (game room, coffee area, seating areas, etc.) cannot be credited towards the UFA within a building. Tonight's request

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 9, 2021
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is not to seek a variance to this standard but to seek a reinterpretation of how this standard is applied, which would consider allowing balconies and/or communal living space. For example, the BZA will consider whether or not each dwelling unit will consist of 850 sq. ft. or there must be 850 sq. ft. UFA accounted for in the overall building for the number units that exist in the building.

Vidya Krishnan explained the proposed Clover Senior Housing Development is a 3-story, 45,860 sq. ft. building with 125 living units. The sizes of the units vary from 682 sq. ft. (one-bedroom) to 776-810 sq. ft. (two-bedroom). The Ordinance currently requires a minimum of 850 sq. ft. for a two-bedroom unit, making the proposed units 74-40 sq. ft. smaller in size than required. The applicant contends that the UFA should include the individual balconies provided for each unit and the community area (i.e., common use spaces within the building). However, language in Section 4.103. Footnotes to the schedule of regulations, subsection (b) is very clear on the exclusion of balcony square footage in the overall dwelling unit's UFA. With regards to common-space areas (areas with amenities for residents only), there is some merit to include these areas as part of a unit's UFA when considering senior housing (only). This could be addressed through a zoning amendment. An interpretation by the BZA would allow the Planning Commission to proceed with formally changing the Zoning Ordinance to help make this interpretation concrete for future any developments. After this interpretation and clarification, the applicant will have to return to the Planning Commission for site plan and special land use approval.

Ms. Krisnan explained that since this case is not a variance request, we will not use the standards of practical difficulties of unnecessary hardships; however, interpreting the ordinance is within the police power of the BZA. It is further recommended per McKenna letter dated January 27, 2021, the BZA take the following actions:

- Uphold the ordinance language for usable floor area to exclude balconies from being considered as usable floor area.
- Agree to an interpretation to include common-space/community space/amenities within the building as usable floor area for senior housing only.
- Request the Planning Commission to amend the senior housing ordinance to add such clarification.

These recommended actions are based on the following findings of fact:

- 1) The ordinance definition is clear that balconies, terraces and similar 'outdoor' unheated spaces cannot be considered as part of the usable floor area for living purposes.
- 2) The Township ordinance for senior housing unit sizes is moderate and requires unit sizes in a middle range of other communities with a similar ordinance.
- 3) Seniors tend to use amenities and common-space areas and facilities provided within the building.
- 4) The proposed interpretation appeal is related to the valid exercise of police power.
- 5) The interpretation is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
- 6) The interpretation is not likely to increase the hazard of fire or flood or endanger the public safety.
- 7) The interpretation is not likely to diminish or impair established property values within the surrounding areas.

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- 8) The interpretation is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
- 9) The interpretation is not likely to alter the essential character of the neighborhood.

Clover Communities Representatives: Beth Ernat (Development Director), Matt Roland, and Jared Kime

In brief, Ms. Ernat presented a PowerPoint presentation. Some highlights are as follows:

- Has approximately 6,500 active adults age-restricted independent living units in over 50 communities throughout the northeast and Midwest.
- Designed for self-sufficiency and offer affordable rates.
- Included in the lease are the communal areas (community room, outdoor patio, library, community lounge w/ fireplace and study, fitness center, coffee room w/ seating, family room and resident seating areas throughout the building) available only to the residents of the building, making them part of their home environment.
- On-site beauty salons / barbers are not included as part of the communal living space because they are not used by everyone and are paid-per-service amenities.
- Individual storage units are also available as a paid-per-service or an add-on.
- Clover Communities recognizes/concedes that the balconies should not be included in the overall UFA calculations.
- They also acknowledged that the utilities areas and sanitary facilities are excluded from the UFA calculations.
- Will not include a commercial kitchen but a microwave and refrigerator will be available.
- Including the communal areas in the UFA, the revised average square footage per apartment was presented in a chart.

Mr. Kime added that the main point they are trying to convey relating to the ordinance's definition, it is the "square footage per unit"; not "square footage in the unit". The common spaces are large usable spaces that take up much of the building's footprint for the residents' use making it a communal environment. They are well designed with higher end finishes to make them welcoming and comforting to be part of their communal living vs. singular living.

Director Power summarized that the applicant is not including: salon/barber shop, individual storage units, hallways, elevators, trash rooms, bathrooms, mechanical rooms, stairs, mail rooms in what is deemed UFA. Excluding these areas, the applicant is looking at the entire enclosure of this building and there will be some UFAs boxed into discreet dwelling units and additional UFA available through communal rooms (i.e., coffee area, etc.). BZA is being asked whether or not this is a valid interpretation of UFA per unit as required for senior housing as opposed to the initial interpretation that the only UFA is each discreet dwelling unit.

Board Discussion:

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With reference to Clover's chart, Board members asked for clarification if each floor had their own common areas figured into their UFA per unit or is all the common areas shared among the three floors.

Ms. Ernat clarified that the computations for the common areas are calculated by floor; not as a whole unit.

Will be residents be allowed to use all the common areas on any of the floors? Yes. The calculations were broken down by floor because each floor contained a different number of units; however, the residents are free to visit all common areas.

Will all the residents be offered a separate storage room in the building? Yes. Storage is an add-on service and is available to all residents if they want it. In this building, approximately 75% would be able to sign-up for the storage. In other Clover properties, on average, 50% of the residents utilize this service. Enclosed garages are also available as an add-on and excluded from the unit size calculations.

Being that there were no public comments, moved and seconded by Board members Atchinson and Haase to close the Public Hearing.

Roll Call Vote: (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson
(0) NAYS

Motion Carried

Moved and seconded by Board members Grissett and Herman to uphold the ordinance language for usable floor area to exclude balconies from being considered as usable floor area.

Roll Call Vote: (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson
(0) NAYS

Motion Carried

Moved and seconded by Board members Atchinson and Sellers to agree with the interpretation put forth by the Vidya Krishnan's, Principal Planner - McKenna Associates, letter dated January 27, 2021, to include common-space/community space/amenities within the building as part of usable floor area for senior living only and request Planning Commission to amend the senior housing ordinance to add such clarification.

Roll Call Vote: (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson
(0) NAYS

Motion Carried

Director Best stated that the next step will be Director Power and Principal Planner Krishnan will put together findings of facts including the Motions that were approved tonight as well as the recommended interpretations for usable floor area and common areas to be added to independent senior living. Once assembled, they will then make a recommendation for the Planning Commission for this suggested change. This will allow Planning Commission to move forward on this interpretation and help get this project going.