

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, February 24, 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/96235119707>
- Or dial in by phone: 1 1 929 436 2866
- Webinar ID: 962 3511 9707

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 10, 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

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION - VIRTUAL MEETING ON ZOOM
February 10, 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: Jahr, Cullin, Kelley, Atchinson, Budd, Franzoi and Thompson.

Excused: None.

Staff: Director Power, Director Best and Secretary Harman.

Planning Representatives: McKenna Associate, Vidya Krishnan.

Applicant(s) in Attendance: Applicant, Jim Hamann for Waste Management of Michigan Inc.

Audience: Three (3).

APPROVAL OF AGENDA:

Motion Kelly, Jahr second to approve the agenda of February 10, 2021 as presented.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried.

APPROVAL OF MINUTES:

Motion Budd, Franzoi second to approve the regular meeting minutes of January 27, 2021 as presented.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried.

NEW BUSINESS:

ITEM #1: 21-002 – TREE REMOVAL PERMIT FOR 39670 ECORSE ROAD.

THE APPLICANT, JAMES HAMANN OF WASTE MANAGEMENT OF MICHIGAN SEEKS A PERMIT FOR TREE REMOVAL ON APPROXIMATELY 118 ACRES OF PROPERTY.

LOCATION: 39670 ECORSE ROAD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF ECORSE ROAD BETWEEN I-275 AND HANNAN ROAD.

Director Power informed the Commission and the audience that this a 187-acre parcel that is located at the northeast corner of Ecorse and Heggerty Roads and displayed an image of the survey tree removal plan.

James Hamann of Waste Management of Michigan gave the presentation. The expansion of the Woodland Meadows Landfill began in 2014, this is the first phase in preparing the area for construction with just over 100 acres of tree clearing. The actual landfill cell will be 33 ½ acres, with additional area for stormwater channels, basins, new haul roads and stockpile areas. The clearing of trees in the additional space is needed for construction to take place and for the stockpiling of materials, retention basins and haul roads. The new cell is expected to be in operation in 2022, with the first phase of clearing to begin this year. The excess soil on the site will be stockpiled for future use and the rest of the tree clearing permits will be done in phased approaches.

Director Power presented his staff review letter dated 2-4-21 recommending the Planning Commission approve the request for a tree removal permit on the above site, subject to the following conditions:

1. The applicant shall meet on site if/as required by staff to validate the location of tree clusters prior to the issuance of a tree permit.
2. A 25' wide landscaped buffer shall be maintained along I-275 frontage.
3. A 50' wide landscaped buffer shall be maintained along the site's Ecorse Road frontage.
4. The greenbelts shall be planted in accordance with the Township landscaping requirements.
5. A tree removal permit fee of \$3,099.00 is preliminarily assessed on this application. Any required permit fee must be paid prior to tree removals.
6. Applicable polices for payment into a tree fund for tree removal per Section 8.106(J)(3) of the Van Buren Township Zoning Ordinance must be followed.

Director Power informed that the last item number 6 can be stricken from the report as it does not apply as there is an agreement for tree fund payment that supersedes this requirement.

Vidya Krishnan of McKenna Associates shared an image of the site area and inquired about the landscaping along the Hannan Road frontage. Applicant, James Hamann informed that in the last amendment to the host agreement the applicant agreed to landscaping funds with a minimum amount of \$350,000 and landscaping plans to be reviewed and approved by the Township. Vidya Krishnan of McKenna Associates recommended Director Power add to the staff review letter: The landscape plan at the time of installation will be reviewed by the Township to ensure adequate greenbelts along all site frontages of public streets.

Commissioners inquired about points 2 and 3 in the staff review letter, in regard to the landscape buffers is the intent to ensure trees are not removed along the frontages or is the intent for trees to be replaced. Director Power informed that the intent is for preservation of the trees rather than removal and replacement only when needed. The new plantings will be primarily where there are gaps in the landscaping. Commissioners also inquired if the landscaping plan will be on separate agenda. The landscaping will be review by Township staff for approval.

No comments from the audience.

Motion Kelley, Jahr second to grant the applicant, Waste Management of Michigan Inc. a tree removal permit for the site located at 39670 Ecorse Road, based on the analysis and subject to the conditions detailed in the Van Buren Township Planning report dated 2-4-21 with the removal of the requirement that was discussed as it has been previously resolved and addressing the landscaping review at a later time to ensure proper coverage and other issues.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried.

GENERAL DISCUSSION:

Director Power advised that the next agenda is still in formation and provided an update on the 2-9-21 BZA meeting. The BZA appreciated the comments received from the Planning Commission for the 2 cases on the agenda. The first item was a dimensional variance request for leniency on the lot coverage maximum for M-1, light industrial on Haggerty Road, the applicant wanted to install a canopy addition to an existing building, the BZA postponed to get feedback from the Planning Commission. The Clover community senior housing project had an interpretation that they requested an appeal from the BZA, which was that balconies and communal areas cannot count towards the usable floor area requirement for units in independent senior housing developments. The BZA denied the interpretation to count balconies, but the BZA agreed with an interpretation that the ordinance doesn't say that there needs to be a minimum usable floor area in each unit. This item will return to the Planning Commission for further clarification in the ordinance.

Director Best discussed the 2-9-21 Recreation Committee meeting in which a potential recreation center for Van Buren Township was discussed, 35 people attended the meeting virtually and over 45 comments were received. The Planning Commission is invited to attend the next meeting on March 9th at 5:30 p.m. to provide comments. The 2-9-21 meeting is viewable online and invitations will be sent out to the Planning Commission for the 3-9-21 meeting.

ADJOURNMENT:

Motion Jahr, Budd second to adjourn the meeting at 7:59 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: 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'.

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



MCKENNA

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 overage 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:

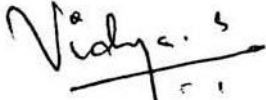
- Revise the definition of lot coverage in Section 2.02 to include: “*For industrially zoned parcels, lot coverage shall not include unenclosed roofed structures that provide shelter over existing paved surfaces*”;
- Add a footnote to the schedule of regulations for industrial districts detailing that *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 that reads "Vidya Krishnan". The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

Vidya Krishnan
Principal Planner

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

