

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
October 26, 2022  
MINUTES**

Chairperson Kelley called the meeting to order at 5:31 p.m.

**ROLL CALL:**

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

**Excused:** None.

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

**Planning Representatives:** Vidya Krishnan, McKenna Associates.

**Applicant(s) in Attendance:** Kyle Morton and Ken Bowen for Crossroads Distribution Center North 6, LLC, Laura Raaen, Anthony Drumm and Shazad Butt for Our Next Energy (ONE) and Lawrence Duty for 42482 N. Cumberland Drive.

**Audience:** Seven (7).

**APPROVAL OF AGENDA:**

Motion Jahr, Budd second to approve the revised agenda of October 26, 2022 as presented.

**Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Cullin, Barr second to approve the regular meeting minutes of September 28, 2022 as amended, changing the second on the motion of New Business Item #2 from Kelley to Budd.

**Motion Carried.**

**PUBLIC HEARING:**

**ITEM #1:        22-033 – CROSSROADS DISTRIBUTION CENTER NORTH 6, LLC – REZONING WITH CONDITIONS REQUEST.**

**TITLE:           THE REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH 6, LLC, TO REZONE THE PARCEL DESCRIBED AS PARCEL ID# 83-008-99-0002-706, OTHERWISE KNOWN AS THE ASHLEY CROSSROADS NORTH BUILDING 6, SITE LOCATED AT 42060 ECORSE ROAD, FROM M-T (INDUSTRIAL TRANSPORTATION) TO M-2 (GENERAL INDUSTRIAL WITH CONDITIONS. THE PARCEL IS 46.15 ACRES IN AREA.**

**THE PARCEL IS LOCATED ON THE WEST SIDE OF HAGGERTY ROAD AND ON THE NORTH SIDE OF ECORSE ROAD.**

**Motion Jahr, Cullen second to open the public hearing. Motion Carried.**

Director Power informed that the public hearing is an opportunity for members of the public and neighboring property owners to speak. The public hearing was published in the local paper and notices were mailed to neighboring property owners.

No questions or comments from the audience.

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

**NEW BUSINESS:**

**ITEM #1: 22-033 – CROSSROADS DISTRIBUTION CENTER NORTH 6, LLC – REZONING WITH CONDITIONS REQUEST.**

**TITLE: THE REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH 6, LLC, TO REZONE THE PARCEL DESCRIBED AS PARCEL ID# 83-008-99-0002-706, OTHERWISE KNOWN AS THE ASHLEY CROSSROADS NORTH BUILDING 6, SITE LOCATED AT 42060 ECORSE ROAD, FROM M-T (INDUSTRIAL TRANSPORTATION) TO M-2 (GENERAL INDUSTRIAL WITH CONDITIONS. THE PARCEL IS 46.15 ACRES IN AREA.**

**THE PARCEL IS LOCATED ON THE WEST SIDE OF HAGGERTY ROAD AND ON THE NORTH SIDE OF ECORSE ROAD.**

Director Power gave a brief presentation and provided background of the site. The applicants request is specific to the Crossroads North Building 6 site, 42060 Ecorse Road. The request is to rezone the site from M-T (Industrial Transportation) to M-2 (General Industrial) which is a proposed legislative amendment to the Township Zoning Ordinance and Zoning Map. The applicant seeks to conditionally rezone the parcel to support a limited application of use that is defined as Manufacturing and Processing (heavy), which is permitted in the M-2 District. The specific proposed use of the site is for a specific type of lithium ion battery manufacturer. Director Power displayed a rendering of the building, the tenants will have their own use requirements and the site will be reviewed at a later date during an amended site plan review if any amendments are necessary. Staff recommends approval of the conditional rezoning request.

Vidya Krishnan of McKenna Associates presented her review letter dated 10-18-22. At this time, the application to conditionally rezone the subject site from M-T to M-2 meets the following standards of Section 12.507 E(1) through (10) of the Zoning Ordinance:

1. Section 12.507(1). The proposed conditional rezoning is consistent with the goals, policies and objectives of the Master Plan and its subsequent amendments.
2. Section 12.507(2). The proposed conditional rezoning voluntarily prohibits any of the heavy manufacturing and automotive uses allowable in the proposed M-2 District.
3. Section 12.507(3). The subject site received site plan approval from the Planning Commission in 2019 and is in the process of complying with all of the zoning ordinance and site design requirements.
4. Section 12.507(4). The proposed rezoning with conditions will result in integration of the proposed use with the characteristics of the existing industrial area.
5. Section 12.507(5). The proposed conditional rezoning will facilitate a business that anticipates a \$1.6 billion investment and creation of 2,000+ new jobs which are of definite public benefit to the residents and the region.
6. Section 12.507(6). The proposed conditional rezoning does not preclude any future zoning action by the Township.
7. Section 12.507(7). The subject site has existing utility service and is working with the Township, DTE and Wayne County to meet any additional needs.

8. Section 12.507(8). The conditions offered by the applicant are fully enforceable.
9. Section 12.507(9). The conditional rezoning is not a use variance.
10. Section 12.507(10). The site has already received site plan approval and the proposed manufacturing use is classified as a principal permitted use in the proposed M-2 District. McKenna Associates recommends the Planning Commission recommend approval of the requested amendment to the Zoning Map to conditionally rezone the subject parcel from M-T to M-2 designation as listed, to the Township Board of Trustees, subject to the following condition:
  - Violation of the terms of the conditional rezoning agreement will automatically revert the zoning of the subject site to the original M-T zoning and render the conditional zoning void.

Ken Bowen of Crossroads North Distribution Center North 6, LLC, gave a brief presentation. The rezoning request is to allow for the manufacturing of car batteries in building 6, all other M-2 uses will continue to be restricted. Electric Vehicles (EV) are the future of the auto industry, but beyond that this particular operation moves the planet in a better direction with a move towards cleaner operation. The building has more than 110 docking doors, the ONE operation will only utilize 16 of them, should see a real reduction in truck traffic. Mr. Bowen was present to answer any questions.

Shazad Butt, COO of Our Next Energy (ONE) gave a brief presentation. Adoption of EV they believe is contingent upon extending of the range. ONE believes the range of EV needs to be doubled to enable true adoption of EV. ONE has paved the path with technology that enables the ability to do this, with a 752 mile run on a single charge in a Tesla. The plan is to not only bring the technology to the market and the North American, but vertically with manufacturing in North America, Michigan and Van Buren Township. The plan is to bring powders into the facility manufacturing them into packs exiting the facility, using safe materials. ONE plans on launching into production in 2024, continue increasing capacity moving forward in Michigan and possibly expanding into future buildings. ONE is very pleased to be in Van Buren Township.

Commissioners had the following questions and comments:

- With the products that are being manufactured, are there any hazardous materials and if so, how will disposal be handled? The hazardous material is NMP solvent, recycling of hazardous materials is in the manufacturing process and the plant will have a solvent recycling system. There will not be excessive hazardous waste. The solvent will be recycled and only topped off as needed.
- On the conceptual drawing there are several tanks to store the NMP, will they be above ground or underground? What is NMP? Shazad Butt of ONE informed that NMP is a solvent that is more like diesel fuel, in that category. The NMP is mixed in with slurry when they cast their electrodes. The tanks are above ground, located outside. The system for capturing and retaining the NMP includes a berm, in the event there is ever any spillover, it will be contained within the berm.
- The indication of about 2,100 employees, is that going to be a shift and will they operate 24-hours? Tony Drumm of ONE informed that the 2,100 employees will be when the facility is at full capacity. There will be four (4) shift crews, 12-hour shifts with 500 employees per shift to maintain 24-7 production.

- The conceptual drawing is not done yet, does the site have adequate parking? Tony Drumm, ONE has identified how many people there will be per day, identified the fact that there are over 110 docks and they are only using 16, part of that space can be converted to parking to make sure that there is adequate parking space.
- The research and development being done in California, is research being done for the batteries to be manufactured in Van Buren Township? Tony Drumm of One informed that the research and development in California is for smaller types of batteries, manufacturing, assembling and the testing of them.
- Reference to the McKenna letter item #7, increase traffic on Haggerty Road, who has the financial burden for the road? Vidya Krishnan of McKenna Associates informed Wayne County does. The County has had a plan for a long time, in one of their repair cycles the road will be widened and fixed. Director Power informed that all of the main roads in the Township are Wayne County's jurisdiction. Along with the road repair there has been a very extensive coordinated effort between Ashley Capital, Wayne County, Van Buren Township and the State of Michigan to come up with a water main replacement project and road reconstruction project. The primary source of funding for these projects is Wayne County, the Township has agreed to a small amount if needed.
- Commissioner asked Director Power to present the terms of the Conditional Rezoning Agreement. Director Power agreed.
- The McKenna Associates review letter made comments about an access to Haggerty Road, will there be access? Vidya Krishnan informed that is not part of this project, however, it is for future projects.

Director Power presented the terms of the Conditional Rezoning Agreement between Ashley Capital and the Township.

No comments from the audience.

**Motion Jahr, Cullin second to recommend approval to the Township Board of Trustees the request for an amendment to the zoning ordinance and map made by the applicant, Crossroads Distribution Center North 6, LLC to rezone the property described as parcel number 83-008-99-0002-706 otherwise know Ashley Crossroads North Building 6 site, located at 42060 Ecorse Road from M-T (Industrial Transportation) to M-2 (General Industrial) with conditions, subject to the findings in Section 12.507(E) numbers 1 through 10, based on the analysis and subject to the conditions in the staff review letter dated 10-20-22, McKenna Associates review letter dated 10-18-22 and subject to the terms of a signed and executed Conditional Rezoning Agreement presented by staff on 10-26-22.**

**Roll Call:**

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

**Nays: None.**

**Excused: None.**

**Motion Carried. (Letters Attached)**

**ITEM #2: 22-041 – LAWRENCE DUTY/42482 NORTH CUMBERLAND DRIVE – COUNTRY WALK PHASE III SITE PLAN AMENDMENT.**

**TITLE: THE APPLICANT, LAWRENCE DUTY, IS REQUESTING AN AMENDMENT TO THE APPROVED COUNTRY WALK PHASE III SITE PLAN TO ALLOW ONE (1) NEW MODE ARCHITECTURAL ELEVATION TO BE BUILT IN THE SUBDIVISION.**

**THE COUNTRY WALK PHASE III SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.**

Director Power gave a brief presentation and presented his review letter dated 10-25-22. The applicant, Lawrence Duty, is requesting an amendment to the approved Country Walk Phase III site plan to allow one (1) new architectural elevation to be built in the subdivision. Country Walk has a planned residential development (PRD) agreement that was approved in 2002 and amended in 2005, but has since expired. In July of 2015, a memorandum of understanding (MOU) was executed between Van Buren Township, the Country Walk III Homeowners Association and Blue Country Walk, LLC which outlined the responsibilities of the parties with respect to the completion of the development and required compliance with the PRD that had expired. If a builder comes in with a new specific model, the Planning Commission has to consider an amendment to the previously approved site plan, with the proposed plan being subject to the PRD agreement, MOU and the standards of the zoning ordinance, specifically set forth in section 5.115. Director Power displayed drawings provided by the applicant of the proposed home elevation. Staff recommends approval subject to the Country Walk Phase III Homeowners Association approval.

The applicant, Lawrence Duty, was available to answer any questions.

Donald Boynton Jr., President of Country Walk III Homeowners Association, informed that the HOA is happy that someone is finally going to build and the HOA will not stand in the way. However, what was displayed at the meeting was the most information that he has seen from the applicant. President Boynton will present the information to the HOA Board. The HOA will also need the actual architectural features including colors of the brick and trim, trim and shutter designs, brick all the way around the elevation and the direction of the vinyl siding.

Commissioners had the following questions and comments:

- Commissioner inquired if HOA President Boynton is in favor of the Commission recommending approval or postponing until the HOA has seen the architectural features? Mr. Boynton did not want to slow down the building process. The HOA will need to see what the architectural features of the model look like prior to their approval. Director Power informed that building permits will not be issued until HOA approval is received.
- Commissioner inquired if the applicant, Lawrence Duty, has selected the brick and siding colors. Mr. Duty informed that they are in the process of selecting them and he has submitted information to Mrs. Harris of the HOA. Mr. Duty would like to proceed forward to be able to at least cap off and secure the structure.

- Is there anything that requires the Planning Commission to see a material sample? Director Power informed that in the past, applicants have brought samples. Director Power will check the language in the PRD, he does not believe that colors are required. Also, one of the later changes made by the applicant was to add brick to the rear of the elevation.

No comments from the audience.

**Motion Jahr, Barr second to grant the applicant, Lawrence Duty, an amendment to the approved Country Walk Phase III site plan to allow for one (1) new model architectural elevation to be built at the site located at 42482 North Cumberland Drive, based on the analysis and subject to the conditions in the staff review letter dated 10-25-22, specifically noting the proposed unit is subject to approval by the Country Walk Phase III Homeowner's Association.**

**Roll Call:**

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

**Nays: None.**

**Excused: None.**

**Motion Carried. (Letter Attached)**

**ITEM #3: ZONING ORDINANCE DISCUSSION: SIDE ENTRY GARAGE AND BUILDING SEPARATION REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS.**

**TITLE: THE PLANNING COMMISSION IS REQUESTED TO DISCUSS ZONING REQUIREMENTS FOR MINIMUM PERCENTAGE OF SIDE ENTRY GARAGES AND BUILDING SEPARATION IN RESIDENTIAL DEVELOPMENTS.**

Director Power gave the presentation summarizing his memo dated 10-20-22. The Planning Commission and staff have been working on a set of zoning ordinance amendments to adjust the minimum requirement that 30% of garages in residential subdivisions and site condominiums must be side or rear-entry garages and minimum residential building separation requirements of 20 feet in planned residential developments (PRD's). Director Power discussed the following in his review: Specific development interest and residential building trends, Master Plan guidance, regional and comparison community context and the scope of the ordinance across the Township. The Commission was provided the most recent draft of the proposed set of zoning ordinance text amendments. Director Power encouraged the Commission to have further discussion with decision points on the proposed text amendments using a checklist guide that he provided.

Vidya Krishnan of McKenna Associates informed that every item has been discussed in the new ordinance amendment for building separation. A correction have been made, landscaping would be allowed between homes, it has to be low shrubs, made sure to have positive drainage, no fences and in the PRD's there is a construction access agreement between all properties. Mrs. Krishnan suggested to schedule a public hearing, the Commission is not required to make a decision. The public hearing would give the opportunity to receive public feedback.

Commissioners had the following questions and comments:

**Side Entry Garage Language:**

- Commissioner is happy with the changes, they are adequate and protect side entry garages.
- Commissioner drove through Country Walk recently, hardly saw the porches in one direction and saw mainly garage doors in the opposing direction. The garage door protrudes so far forward, if the porch is small that is all you see. Vidya Krishnan informed that the amendments state that the garage has to be 5 feet behind the front door, which fixes the existing issue.
- Commissioner agreed after walking through a similar neighborhood, the 4-5 foot setback of the garage fixes the issue of concern.
- Planning Commissioners agree they are ready to schedule the public hearing for the side entry garage language.

**Building Separation Language:**

- In the perception of density, do we want a community with homes only 10 feet apart? Is this good for the community? The Township does have rural character, most people do want single family homes versus attached. Maybe get more feedback at the public hearing.
- If you look at Townsend Park, some of the homes are 10 feet apart. The houses that have a sidewalk up against the house, the drainage is questionable. The beginning of the neighborhood with the larger separation looks more desirable.
- Need to narrow down what is available within the community. Community outreach, if building next to another subdivision, have developers reach out to them. See if this is something that the community really wants.
- In the southern side of the Township, the separation variance changes the whole concept.
- We have had the same thing over and over for years. We obtained input from the community during the Master Plan review. They told us they wanted more housing and different housing types.
- There was a lot of feedback, if we do move forward, with what restrictions?
- Director Power informed in regard to the area referenced in the Sumpter Road Corridor, that area mimicked the Roulo subdivision where the homes are still mostly 20 feet apart. There would not likely be a request for these types of development there.
- Concerned that people in the northern section of the Township are being closed in on.
- Commissioner made a good point as in what is missing? Would you want a house 10 feet apart from your neighbor? Townhomes still have a firewall, these houses don't. In Colorado, homes less than 12 feet apart are considered a fire hazard. Looking at the Master Plan, need to have high standards and excellence in design if we have smaller lots and smaller houses.
- The questions isn't whether a future resident wants to move into homes that are 10 feet apart. The question is do we want the Planning Commission to have the ability to make these changes on a case by case basis. Why do we have this language if it is not important? Looked at what is proposed, great job by staff. Convinced to simply remove the restriction and leave it up to the Planning Commission to make a recommendation to the Board. Commissioner is in favor of a strikethrough to the last line of Section 6.207 (B)(3).

- The Board does not approve houses only PRD's. The concern is with developers, who draws the line? Agree that 20 feet is too much.
- This would be case by case and may have to say "no" to a lot of them, but it gives the Commission the ability.
- If they go strictly by the Planning Commission, it could drive up the aesthetics.
- Developers should talk to neighboring communities and subdivisions to get feedback before they come before the Board.
- Commissioner agrees with the strikethrough of the last line in Section 6.207 (B)(3). Feels like this captures what she's been trying to get across. If we want to be premier, we need to expose ourselves to more developers and have the ability to say "no". These developments are being developed in other areas with amenities and open areas, we haven't had that here. Want the developers to be able ask for what they want.
- Vidya Krishnan informed that at this time the PRD allows to grant a deviation from everything but the building separation. The simplest way to tackle this is to take out the last line of the clause. The Planning Commission would have the ability to modify.
- Director Power agreed with the Commissions conversation about reaching out to the neighbors. It makes sense to encourage community outreach and maybe introductions to neighboring homeowners associations as well. Vidya Krishnan agreed and informed that Director Power has been clear to several applicants to reach out to their neighbors.
- Commissioner inquired if we have a Homeowners Association Committee? Trustee Boynton informed that yes, we do have a Committee. Commissioners can contact Dan Selman to put items on their agenda for discussion.
- Commissioners agreed on the strikethrough, supported scheduling a public hearing and requested to see a clean copy of the language.

No comments from the audience.

**Motion Jahr, Atchinson second to schedule a public hearing for the side entry garage and building separation requirements for residential developments. Motion Carried.**

#### **GENERAL DISCUSSION:**

Director Power informed that there will be a Planning Commission meeting on Wednesday, November 9, 2022.

Commissioner discussed that with having a lot of work on ordinance, it would probably be good to break out into subcommittees for future ordinance work to hash out the details. Commissioners agreed and mentioned that they could rotate members on the subcommittees.

Commissioners attended the MAP conference, learned a lot and had a great experience.

#### **ADJOURNMENT:**

**Motion Atchinson, Jahr second to adjourn the meeting at 7:38 p.m. Motion Carried.**



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CH', with a long horizontal flourish extending to the right.

Christina Harman  
Recording Secretary



**VAN BUREN**  
CHARTER TOWNSHIP

## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 22-033 – Ashley Crossroads Distribution Center North 6, LLC – Conditional Rezoning  
DATE: October 20, 2022

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Commissioners:

Applicant Crossroads Distribution Center North 6, LLC has applied to rezone the parcel described as Parcel ID# 83 008 99 0002 706, otherwise known as the Ashley Crossroads North Building 6 site located at 42060 Ecorse Road, from M-T – Industrial Transportation to M-2 – General Industrial with conditions. The request is a proposed legislative amendment of the Township Zoning Ordinance and Zoning Map. The subject parcel is 46.15 acres in area and is part of the Ashley Capital Crossroads North Phase 1 development (ACRN Phase 1). ACRN Phase 1 is a roughly 114-acre development with three buildings with a total combined area of roughly 1.6 million square feet, including two constructed buildings and a third building that is currently under construction.

The applicant seeks to conditionally rezone the subject parcel to support a limited application of use that is defined as *Manufacturing and Processing (Heavy)* on the subject site, which is permitted in the M-2 zoning district. The specific proposed use of the site is for a specific type of lithium ion battery manufacturer. The proposed use will bring approximately 2,112 jobs to Van Buren Township. The proposed use can be categorized within a relevant excerpt of the definition for *Manufacturing and Processing (Heavy)* under Section 2.102(130)(a) of the Zoning Ordinance, which is provided below:

*(130) MANUFACTURING AND PROCESSING (HEAVY): Includes the following uses and any other similar uses conducted entirely within a completely enclosed building: (a) The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware;*

The intent of conditional rezoning is as follows, per Section 12.507(A) of the Van Buren Township Zoning Ordinance:

*The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to both the Township and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3405, as amended) to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this*

*ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.*

To assist with this review, your packet includes a completed application form, a review letter from Vidya Krishnan of McKenna Associates dated October 18, 2022, a final draft conditional rezoning agreement document from the applicant, a survey which includes the property boundary and legal description of the subject parcel to be rezoned, a conceptual site plan for the proposed use, a narrative describing the proposed use from the applicant titled, "Detailed Narrative of ONE's Cell Manufacturing Facility", copies of Planning Commission minutes from November 2017 through April 2021 which document the history of the Planning Commission's review of the ACRN Phase 1 site, a site plan excerpt from the most recent issued-for-construction site plan for the ACRN Phase 1 site, Sections 3.116 and 3.117 of the Van Buren Township Zoning Ordinance, relevant excerpts of the Van Buren Township 2020 Master Plan, and a copy of the public hearing notice for the meeting to be held on October 26<sup>th</sup>.

The following are findings which have been prepared to support the recommendation McKenna Associates has made with regards to the proposed rezoning with conditions in their October 18, 2022 letter:

### **Findings**

Section 12.507(E) of the Zoning Ordinance states that a Rezoning with Conditions may only be approved if it meets the requirements and standards of sub-sections (1) through (10) therein. We find that the requirements and standards of Section 12.507(E) of the Zoning Ordinance are met, as follows:

1. Section 12.507(1). The proposed conditional rezoning is consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments.
2. Section 12.507(2). The proposed conditional rezoning voluntarily prohibits any of the heavy manufacturing and automotive uses allowable in the proposed M-2 District.
3. Section 12.507 (3). The subject site received site plan approval from the Planning Commission in 2019 and is in the process of complying with all of the zoning ordinance and site designs requirements.
4. Section 12.507 (4). The proposed rezoning with conditions will result in integration of the proposed use with the characteristics of the existing industrial area.
5. Section 12.507(5). The proposed conditional rezoning will facilitate a business that anticipates a \$1.6 billion investment and creation of 2,000+ new jobs which are of definite public benefit to the residents and the region.
6. Section 12.507 (6). The proposed conditional rezoning does not preclude any future zoning action by the Township.
7. Section 12.507 (7). The subject site has existing utility service and is working with the township, DTE and Wayne County to meet any additional needs.
8. Section 12.507 (8). The conditions offered by the applicant are fully enforceable.
9. Section 12.057(9). The conditional rezoning is not a use variance.

10. Section 12.057(10). The site has already received site plan approval and the proposed manufacturing use is classified as a principal permitted use in the proposed M-2 District.

If the Planning Commission makes the recommendation to move forward with the requested conditional rezoning, staff would recommend that the findings discussed in this letter be referenced in any motion. If the conditional rezoning is recommended for approval by the Planning Commission, the agreement and rezoning ordinance will be forwarded to the Township Board of Trustees for approval. If the proposed use involves changes to the original approved site plan for the subject parcel within the broader ACRN Phase 1 site, the Planning Commission will review an application for an amended ACRN Phase 1 site plan at a later date.

I look forward to the Planning Commission's discussion on this agenda item. Thank you for your consideration.

Sincerely,

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

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

CC: Ron Akers, AICP, Van Buren Charter Township Municipal Services Director





October 18, 2022

Planning Commission  
Van Buren Charter Township  
46425 Tyler Road  
Van Buren Township, MI 48111

**Subject: Conditional Rezoning Request – Crossroads Distribution Center North 6 LLC/42060 Ecorse Road; Application Dated September 26, 2022.**

Dear Commissioners:

We have reviewed an application from Ken Bowen on behalf of Crossroads Distribution Center North 6 LLC, owners of Building 6 within the Crossroads North Industrial Development located at 42060 Ecorse Road, to conditionally rezone the parcel from its current zoning classification of MT (Industrial Transportation) District to M-2 (General Industrial) District. This parcel is approximately 45.16 acres in area and located on the north side of Ecorse Road, west of Haggerty Road.

The site is occupied by a 658,989 square foot industrial building (listed as 659,546 on site plan Exhibit B). The applicant seeks to conditionally rezone the parcel to allow for the building to be used in manufacturing lithium-ion batteries. The existing MT district does not permit automotive based manufacturing uses, while the proposed M-2 District allows for manufacturing industries involving batteries or an automotive component.

Per Section 12.507, as an alternative to a rezoning amendment, the Township may allow conditional rezoning to further the objectives of the Zoning Ordinance and the Master Plan, to achieve integration of the proposed land development project with the characteristics of the surrounding area. We have reviewed the request and offer the following comments:



Source – Nearmap July 2022



## COMMENTS

- 1. Existing Conditions.** The site is a 45.16 acre parcel occupied by a large distribution center building with 112 truck docks which received special land use approval and final site plan approval from the Board of Trustees and Planning Commission on May 7, 2019 and June 12, 2019, respectively. The parcel is part of the Crossroads North Development which includes an approximately 250,000 sq. ft warehouse building along Ecorse frontage, and a 658,989 sq. ft. distribution center building called "Building 5", which is located immediately to the south of the subject site. All of the associated improvements related to parking, circulation, landscaping etc., are already in place or in the process of being completed.

The current land use, future land use, and existing zoning classifications of the site and surrounding parcels are summarized in the table below:

	Existing Land Use	Current Zoning	Future Land Use
<b>Subject Site</b>	Distribution Center (under construction)	M-T Industrial Transportation	Industrial Trucking
<b>North</b>	Vacant	M-T Industrial Transportation	Light Industrial
<b>South</b>	Distribution Center	M-T Industrial Transportation	Industrial Trucking
<b>East</b>	Vacant Industrial and single family residential	M-1, Light Industrial + R-1B, Single Family Residential	Light Industrial
<b>West</b>	ITC Corridor	R-1B, Single Family Residential	Medium Density Single Family Residential-A

- 2. Required Information.** Section 12.507 (D)(1) of the Zoning Ordinance describes information required for any petition involving an amendment to the official Zoning Map. The information required to enable a review of the request has been obtained from the applicant.

## REZONING STANDARDS

Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.507 (E) includes specific standards of review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application with conditions. These standards and our comments follow.

### ***(1) The proposed rezoning will further the goals and objectives of the Township Master Plan.***

The Michigan Zoning Enabling Act requires a zoning ordinance to be based upon the Master Plan, which was adopted in 2020 and incorporates previous iterations of the plan and its subplans, including its amendments in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan).





The applicant proposes to rezone the parcel to allow for use of the building for manufacture of lithium-ion batteries. The Master Plan designates the future land use of the subject site as industrial trucking. Per the Master Plan the *Industrial Trucking designation is Intended for large-scale industrial development which has a significant transportation and/or logistics component, though otherwise generates similar impacts to uses in Light Industrial areas.* The Master Plan notes that *heavy industrial designation is intended for industrial uses of a higher intensity, for areas that take advantage of railroad and major thoroughfare access, and are generally buffered by light industrial uses. The uses most appropriate in this district are sites where raw and semi-finished materials are fabricated, manufactured, and warehoused.*

The Ecorse-Haggerty Road corridor is a heavy truck traffic route. At the time the proposed distribution center building was approved, there was extensive discussion on the impacts from the truck traffic generated by the distribution facility building and building 5 on Ecorse Road. As a result, the applicant worked with Wayne County to add an extra lane along the site's frontage and signalize the turn lane at the intersection. The proposed conditional rezoning will change the focus of the building from a truck intensive distribution use, to a manufacturing use with fewer truck trips. The Master Plan clearly advocates for no additional industrial trucking area beyond what is currently existing due to the extensive impacts on roadways. The change of the trucking use to a manufacturing use, is a step towards accomplishing the Township's Master Plan objectives.

- (2) Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement).**

The M-2 district allows for heavy manufacturing and processing industries. The ordinance defines heavy manufacturing in part as, "The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware." The proposed lithium ion battery manufacturing would be placed in this category and therefore would be permitted in the proposed zoning district.

The M-2 district also permits *breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, lumber and planing mills, painting and sheet metal shops, undercoating and rust proofing shops and welding shop.* The proposed conditional rezoning agreement includes a clause stating that these uses shall not be permitted on the site. The agreement further notes that none of the special land uses permitted in the M-2 district, shall be permitted on the subject site.

- (3) The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:**

**(a) Development and use of the property shall be subject to the more restrictive requirements shown or specified in the Rezoning with Conditions Agreement, and/or in other conditions and provisions set forth in the Rezoning with Conditions Agreement required as part of the Rezoning with Conditions approval. Such Rezoning with Conditions Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.**

**(b) As part of the grant of final approval of a Rezoning with Conditions, the Township Board shall be authorized to grant modifications to the strict terms of the Zoning Ordinance governing dimensional**



***requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the Township Board finding that each Zoning Ordinance provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the Township Master Plan and compatible with the surrounding area.***

The proposed conditional rezoning does not involve a vacant piece of land or new construction. As previously noted, the subject site is occupied by a large industrial building which received site plan approval from the Planning Commission in June 2019. All aspects relating to site circulation, pedestrian circulation, landscaping, setbacks, building architecture, screening, signage and more were reviewed and approved as part of a comprehensive review. The building is currently under construction along with implementation of all site improvements.

When originally approved as a distribution center, the site was anticipated to generate significant truck traffic throughout the day. The change to a manufacturing use will significantly reduce the volume of truck traffic generated by the site.

The applicant is offering no additional site design related conditions on the conditional rezoning agreement but will be required to comply with all aspects of the previously approved plan. The applicant is seeking no modifications from the provisions of the zoning ordinance to facilitate occupancy by the new use.

- (4) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.***

The project area is an established industrial zone, which extends on the north and south sides of Ecorse Road. The subject site is located in the middle of a larger industrial zone with other distribution center and warehousing uses. The use of the site for manufacturing will be consistent with the established industrial use pattern of the area. Therefore, the proposed rezoning with conditions will result in integration of the proposed use with the characteristics of the project area.

- (5) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the Township by the Township Board and Planning Commission.***

The currently approved use for the subject site is a distribution center building. The applicant constructed the facility as a speculative building with no known tenant at the time of approval. The proposed battery manufacturing entity is anticipated as a \$1.6 billion investment, creating 2,112 jobs in the Township. The manufacture of batteries domestically to support the auto industry is in line with reducing dependency on supply chain issues and promoting mobility and economic growth locally.





Per recent public information, *this innovative, Michigan-made company is on the cutting-edge of battery technology, and the work they're doing will increase the range of electric vehicles to over 600 miles on a single charge. With this new gigafactory, we will continue bringing the supply chain of electric vehicles, chips, and batteries home to Michigan and the USA while creating a sustainable, clean energy economy."*

The proposed manufacturing facility will use cutting edge technology and not likely to generate fumes, odors or other pollutants like the manufacturing processes used in the years past. As proposed, we anticipate no foreseeable detriment. In addition, the use will be required to comply with the environmental performance standards of Article 8 of the Zoning Ordinance, and any proposed change to the site's parking, circulation, or accessory outdoor uses will be subject to amended site plan review.

***(6) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.***

The proposed use does not involve any changes to the previously approved site plan at this time and is not anticipated to preclude any future planning of zoning action by the township. The conditional rezoning agreement does not offer any such restrictions or limitations.

***(7) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the Township, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the Township.***

The subject site is served by water and sewer and the site was designed to accommodate necessary stormwater drainage. A change from distribution to manufacturing will likely create an additional load on the utilities serving the site (water and electricity); however, the applicant is working with the Township and DTE to address any additional needs that may arise. The use is likely to prompt an increase in passenger vehicle traffic, particularly on Haggerty Road. This increased traffic should be supported by the widening and reconstruction of Haggerty Road from Ecorse Road to Van Born Road, along with installation of a traffic signal at the site's main outlet onto Haggerty Road, subject to approval by Wayne County.

***(8) The offered condition(s) are beneficial to the public good and likely to be enforceable.***

The conditions offered by the applicant include a prohibition on manufacture of automobiles and automobile bodies. The agreement also includes a clause prohibiting heavy industrial manufacturing such as bump shops, paint booths etc. These conditions will safeguard the interests of the neighboring properties including the single-family residential properties in the larger area and are enforceable.

***(9) The condition does not have the same effect as a use variance.***

A use variance is a deviation granted to permit a use that is not allowed in the district. Whereas a conditional rezoning is a change in the zoning designation of a property to a district that allows for the use to occur with limitation/conditions offered to safeguard any anticipated adverse impacts. The proposed battery manufacturing use is a permitted use in the M-2 district.

***(10) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.***



The subject site has already received site plan approval. The proposed battery manufacturing use is a principal permitted use in the M-2 District per Section 3.117 (B) of the Zoning Ordinance.

## RECOMMENDATION

At this time, the application to conditionally rezone the subject sites from M-T to M-2 meets the following standards of Section 12.507.E(1) through (10) of the Zoning Ordinances:

1. Section 12.507(1). The proposed conditional rezoning is consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments.
2. Section 12.507(2). The proposed conditional rezoning voluntarily prohibits any of the heavy manufacturing and automotive uses allowable in the proposed M-2 District.
3. Section 12.507 (3). The subject site received site plan approval from the Planning Commission in 2019 and is in the process of complying with all of the zoning ordinance and site designs requirements.
4. Section 12.507 (4). The proposed rezoning with conditions will result in integration of the proposed use with the characteristics of the existing industrial area.
5. Section 12.507(5). The proposed conditional rezoning will facilitate a business that anticipates a \$1.6 billion investment and creation of 2,000+ new jobs which are of definite public benefit to the residents and the region.
6. Section 12.507 (6). The proposed conditional rezoning does not preclude any future zoning action by the Township.
7. Section 12.507 (7). The subject site has existing utility service and is working with the township. DTE and Wayne County to meet any additional needs.
8. Section 12.507 (8). The conditions offered by the applicant are fully enforceable.
9. Section 12.057(9). The conditional rezoning is not a use variance.
10. Section 12.057(10). The site has already received site plan approval and the proposed manufacturing use is classified as a principal permitted use in the proposed M-2 District.

Therefore, we recommend that the Planning Commission recommend approval of the requested amendment to the Zoning Map to conditionally rezone the subject parcel from M-T to M-2 designation as listed, to the Township Board of Trustees, subject to the following condition:

- Violation of the terms of the conditional rezoning agreement will automatically revert the zoning of the subject site to the original MT zoning and render the conditional rezoning void.

Respectfully  
**McKENNA**

Vidya Krishnan  
Senior Principal Planner

Cc: Dan Power, Director of Planning and Economic Development





## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power— Director of Planning and Economic Development  
RE: Case 22-042 - Site Plan Amendment for Lawrence Duty  
regarding New Architectural Model in Country Walk Phase III  
Subdivision  
DATE: October 25, 2022

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The Applicant, Lawrence Duty, is requesting an amendment to the approved Country Walk Phase III Site Plan to allow one (1) new model architectural elevation to be built in the subdivision. The Country Walk Phase III Subdivision is the subject of the request. The development is located on the east side of Martinsville Road, north of Savage Road. The Country Walk development has a Planned Residential Development (PRD) agreement that was approved in 2002 and amended in 2005 but has since expired. Before it expired, several homes were completed in Country Walk. In July of 2015, a Memorandum of Understanding (MOU) was executed between Van Buren Township, the Country Walk Three Homeowners Association, and Blue Country Walk, LLC which outlined the responsibilities of the parties with respect to the completion of the development and required compliance with that PRD which had expired.

The proposed plans are subject to the PRD agreement, MOU, and the standards of the Zoning Ordinance, specifically section 5.115 which addresses architectural details in PRDs.

The following is staff's review of the architectural plan based on the conditions in the MOU and PRD agreement. I offer the following comments:

### Comments

#### 1. Site Plan

The setbacks, as described in the approved site plan for the Country Walk development, depict a front and rear setback of 25' and a required side yard setback of 10'. The lot sizes in the development vary in width from 75' to 61' and in depth from 120' to 125'.

The proposed model dimensions of 40'0" wide by 55'-3" deep. Staff has reviewed the plot plan that was submitted by the applicant, and the plot plan demonstrates that these required setbacks will be met.

**2. Floor Area**

The PRD agreement requires that the square footage of the detached single-family homes be a minimum of 1,800 square feet. The proposed building is a two-floor home with approximately 1,253 square feet on the first level and 836 square feet on the second level. The floor area exceeds 1,800 square feet and this requirement will be met.

**3. Façade Elevations**

The Township's Zoning Ordinance and the project's PRD agreement have specific requirements to ensure that the Township's "Substantially Different" architectural design standard is met. Substantial difference in style between units must be maintained from neighboring lots within three (3) lots of the proposed parcel and within three (3) lots of the parcel across the street. The following two (2) criteria have been the focus of past review of the project's "Substantially Different" criteria compliance:

- Roof pitch by varying three or more vertical units in twelve from one another (i.e. 6/12, 9/12, 12/12, etc.)
- Location of major design features relative to main mass by varying the location of at least two major design features that include, but are not limited to dormers, gables, garages (i.e. front-entry versus side-entry), and porches.

Staff has verified that the required criteria above have been met. All units surrounding the proposed building have been constructed, and all are substantially different in at least three (3) different architectural categories from the proposed model.

**4. Building Materials**

The PRD agreement requires that all of the detached dwelling units provide brick on a minimum 50% of the façade. The proposed elevation demonstrates 1,344 square feet of brick, as compared with 877 square feet of vinyl siding. This requirement has been met.

**5. Side-Entry Garages**

The PRD agreement requires that at least 30% of the single-family detached units have side entry garages. Side entry garage units were previously identified for the Country Walk project, and this unit is not designated as requiring a side entry garage.

**Recommendation**

Staff recommends that the Planning Commission approve the site plan amendment to the Country Walk Phase III subdivision to be built by Lawrence Duty based on the following

conditions:

1. The proposed unit is subject to approval by the Country Walk Phase III Homeowner's Association.

Thank you for your consideration.

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