

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
October 11, 2023
MINUTES

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

ROLL CALL:

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

Excused: None.

Staff: Director Power and Secretary Harman.

Planning Representatives: None.

Applicant(s) in Attendance: Case 23-056 – Crossroads Distribution Center North 11, LLC: Kyle Morton and Joseph Webb, Case 23-004 JSB Builders, LLC: Architect, Scott Wright.

Audience: Four (4).

APPROVAL OF AGENDA:

Motion Jahr, Budd second to approve the agenda of October 11, 2023 as presented. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Budd, Jahr second to approve the regular meeting minutes of September 27, 2023 as presented. **Motion Carried.**

NEW BUSINESS:

ITEM #1: CASE 23-056 – ASHLEY CAPITAL TREE REMOVAL PERMIT APPLICATION – 41941 VAN BORN ROAD.

TITLE: APPLICANTS TIM RIEDL/DENNIS SCHULTZ ON BEHALF OF OWNER CROSSROADS DISTRIBUTION CENTER NORTH 11, LLC SEEK APPROVAL FOR A TREE PERMIT FOR THE REMOVAL OF EIGHTY-SEVEN (87) TREES.

PORTIONS OF 42033 VAN BORN ROAD (PARCEL ID NUMBER 83-005-99-0007-000, 41941 VAN BORN ROAD (PARCEL ID NUMBER 83-005-99-0006-000) AND 41861 VAN BORN ROAD (PARCEL ID NUMBER 83-005-99-0005-000).

Director Power presented his revised staff review dated 10-10-23. The applicant provided three (3) additional submittals including a grading plan sheet that shows the location of stockpiled material on the site, the issued soil erosion permit from EGLE showing the regulated wetland permit and an updated more focused tree inventory that shows the exact eighty-seven (87) trees that are the subject of the request. The applicant is seeking a tree removal permit for the removal of eighty-seven (87) trees, seventy-six (76) regulated and eleven (11) non-regulated, on portions of the following properties:

- 42033 Van Born Road (parcel ID number 83-005-99-0007-000)
- 41941 Van Born Road (parcel ID number 83-005-99-0006-000)
- 41861 Van Born Road (parcel ID number 83-005-99-0005-000)

The tree removal request is for a portion of broader tree removals that will be necessary for the recently conditionally approved development of the Ashley Crossroads North Phase II site, including the site plan for proposed Building 11 and the broader earth work of roughly 118 acres of land. The intent of the limited removal is to assist with access issues during grading activities. The applicant has obtained a soil erosion permit from Wayne County, is aware of the bond equivalent of \$350 per tree, wetland areas will be mitigated by a conservation easement and a tree survey has been provided that includes a topographical map of the site.

Based on the review of the proposal for tree removal, Director Power recommends the Planning Commission may approve the request for a tree removal permit subject to the findings and fact on the criteria listed in the review letter. If the Planning Commission approves the request, Director Power recommends that the request is approved only on the following conditions:

- A bond equivalent to \$350 per tree must be supplied to the Township as a security to have the trees replaced at the time of final site plan approval.
- The applicant shall obtain special land use approval from the Van Buren Township Board of Trustees prior to proceeding with any tree clearing and off-site hauling.
- The applicant must ensure the work is consistent with the limits of an issued EGLE permit.
- All regulated trees that are not currently outlined for removal under this permit, but will be removed following final site plan review, must also be protected.

Kyle Morton of Ashley Capital displayed aerial photos with the location of the eighty-seven (87) trees of which seventy-six (76) are regulated. The reason for their request is to gain access to the east side of the site, there is a large conservation easement that runs between proposed buildings 10 and 11. The applicant is posting a roughly \$27,000 bond for the tree removal, there are almost 2,800 regulated trees on the site with a total of 440 to be removed leaving 95% of the total site in terms of trees remaining. The first buildings were thought to have 6-8 inches of topsoil across the site, when they actually had approximately 12 inches topsoil which had to be removed as topsoil cannot go under parking lots or under the buildings due to its organic content. In the first buildings the topsoil was removed and put into berms. In this area there isn't space for berms, there are conservation easements and wetland areas. There is over 200,000 cubic yards of topsoil to be removed and the applicant has a contractor who is willing to remove 50,000 yards for free for a very large berm they are building. The Wayne County DPS informed Mr. Morton that the full construction contract for Haggerty Road is on the Wayne County Commission agenda for next week, if they sign with the contractor the plan is to mobilize in November.

Commissioners had the following questions and comments:

- Commissioner inquired does the ordinance require all trees to be replaced? Director Power informed no, only regulated trees. Commissioner inquired to the applicant if he plans to replace all of the trees. Mr. Morton informed only the regulated trees.
- Commissioner inquired how the \$350 equivalent per tree was decided upon, is it a market rate standard for a certain caliper of tree? Director Power informed that the number hasn't changed in a few years and is based on the standard market rate. Commissioner inquired if the ordinance applies the same price to put in a 6-inch tree as a 38-inch tree? Director Power informed yes, that is how the ratio in the zoning ordinance works you get a credit for a 1-to-1 ratio.

- Commissioner inquired when is a tree considered monumental, is there a standard for that? Director Power informed this is done at the County level, they usually establish conservation districts and we don't have a set list of those. Director Power can look into this further to see if it would apply to anything on the site. The Township does have designated woodland areas that are identified on a woodland map. Commissioner commented he only sees three (3) trees that would be substantial. Mr. Morton displayed the area of the trees to be removed and informed there are some trees that have a very large significance, they are located in the northwest area of the site where there is a conservation easement.
- Commissioner inquired when is the construction bond usually required after final site plan and before the construction permit? Director Power informed yes and commented that the soil removal is entirely the jurisdiction of Wayne County, the soil erosion permit stands alone and has its own bond requirement.
- Commissioner commented the special land use is not dependent on the final site plan is that correct. Director Power confirmed, yes.
- Commissioner commented it is his understanding that the soil removal is happening now or real soon. Director Power informed the intent is to begin mobilization and have the removal done prior to final site plan approval. Mr. Morton informed why they had phase I and II and not the entire site being graded, they have two piles by buildings 4, 5, 6 and are trying to strip the topsoil off the footprint of building 11, they are still a few weeks away from starting removal.
- Commissioner commented that Director Power put into his recommendation a bond equivalent to \$350 per tree must be supplied to the Township as a security to have the trees replaced at the time of final site plan approval, Commissioner is not sure he understands the timing. Director Power informed that the phrasing should be adjusted and the bond should be in place before the trees are removed. Commissioner asked if Mr. Morton understands that the bond has to be supplied ahead of time, not at the time of final site plan approval. Mr. Morton informed he intends to submit the check next week if they receive special land use approval.
- Commissioner inquired what is the difference between regulated and non-regulated trees. Director Power informed the difference is mostly ecological value.

No questions or comments from the audience or remote viewers.

Motion Jahr, Pahle second to grant the applicant Tim Riedl/Dennis Schultz on behalf of owner Crossroads Distribution North 11, LLC approval for a tree permit to remove eighty-seven (87) trees, at the site located on portions of 42033 Van Born Road, 41941 Van Born Road and 41861 Van Born Road, based on the analysis and subject to the conditions detailed in the revised staff letter dated 10-10-23 with the additional clarification that the bond for tree replacement shall be supplied before the trees are removed and the final site plan shall include plans for the replacement of the trees.

Roll Call:

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

Nays: None.

Excused: None.

Motion Carried. (Letter Attached)

ITEM #2: EXTENSION REQUEST: CASE 21-004 – JSB BUILDERS – FINAL SITE PLAN.

TITLE: SAM PATEL, ON BEHALF OF JSB BUILDERS, LLC HAS APPLIED FOR AN EXTENSION OF AN APPROVED FINAL SITE PLAN TO CONSTRUCT A 16,280 SQUARE FOOT MULTI-TENANT LIGHT INDUSTRIAL BUILDING WITH TRUCK WELL AND RELATED SITE IMPROVEMENTS. FINAL SITE PLAN APPROVAL WAS GRANTED FOR THIS REQUEST ON MARCH 9, 2022.

THE SITE IS LOCATED AT 6060 SCHOONER DRIVE (PARCEL ID NUMBER 83-018-99-0003-708) AND IS ZONED M-1 (LIGHT INDUSTRIAL DISTRICT) WITH A TOTAL AREA OF 4.478 ACRES. THE SITE IS LOCATED ON THE WEST SIDE OF SCHOONER DRIVE WHICH IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE BETWEEN BECK AND DENTON ROADS.

Director Power gave a brief presentation. The applicant has applied for an extension of an approved final site plan to construct a 16,280 square foot multi-tenant light industrial building with a truck well and related site improvements. Final site plan approval was granted on March 9, 2022. Section 12.207 of the Township Zoning Ordinance prompts the expiration of a site plan within one (1) year of approval. However, the Planning Commission may, at its discretion upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions in the event there has been a lapse of one or more years without construction. Staff received a letter dated October 4, 2023 from the selected general contractor for the project Tony Roperti and the owner, Sam Patel. The letter details personal matters and efforts taken to secure construction permits since the time of final site plan approval. Due to the circumstances documented by the applicant, staff supports the Planning Commission to consider reviewing the request and consider extending their final approval by one (1) additional year from the date of the October 11, 2023 Planning Commission meeting, subject to issuance of any necessary permits by Wayne County, with construction beginning no later than October 11, 2024.

Architect, Scott Wright gave a brief presentation. Mr. Wright explained that Mr. Patel's wife passed away and he had family business to tend to until the end of the year. In January, the applicant was ready to move forward with the project, however they couldn't pick a contractor until several bids went out. Things are now moving forward with all drawings completed and they should have the Wayne County soil erosion permit this week. The applicant is still waiting on the water main permit from the State of Michigan and waiting on DTE. The applicant is seeking a retroactive approval and is hoping to break ground this year.

Commissioners asked Mr. Wright to send condolences to Mr. Patel and his family.

No comments from the audience or remote viewers.

Motion Jahr, Grant second to grant the applicant Sam Patel, on behalf of JSB Builders, LLC approval of a single 12-month extension of an approved final site plan to construct a 16,280 square foot multi-tenant light industrial building with truck well and related site improvements, located at 6060 Schooner Drive, based on the analysis and subject to the conditions in the staff letter dated 10-6-23 with the additional condition of construction to begin by no later than October 11, 2024.

Roll Call:

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

Nays: None.

Excused: None.

Motion Carried. (Letter Attached)

GENERAL DISCUSSION AND UPDATES:

Director Power informed that the next meeting is scheduled for 10-25-23.

Commissioner inquired if any members were working on their Citizen Planning Certification? Commissioner Creal is working on his certification and Commissioner Pahle recently obtained his certification.

Commissioner commented that Chair Cullin was able to go to the Michigan Association of Planners Conference and inquired if he had anything to report. Commissioner commented the conference was very informative, he learned a lot and saw some great presentations. One of the presentations was on battery storage which was presented by Principal Planner, Vidya Krishnan and Director Power.

ADJOURNMENT:

Motion Budd, Atchinson second to adjourn the meeting at 6:20 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: Case 23-056 – Tree Removal Permit Review for Ashley Capital
DATE: October 10, 2023 (**revised**)

Applicant Applicants Tim Riedl / Dennis Schultz on behalf of owner Crossroads Distribution Center North 11, LLC seeks approval for a tree permit for the removal of eighty-seven (87) trees on portions of the following properties:

- 42033 Van Born Road (parcel ID number 83 005 99 0007 000);
- 41941 Van Born Road (parcel ID number 83 005 99 0006 000); and
- 41861 Van Born Road (parcel ID number 83 005 99 0005 000)

Section 8.106 of the Van Buren Township Zoning Ordinance regulates woodlands and includes all relevant requirements for tree removal permits. Per Section 8.106(H)(2) of the Zoning Ordinance, the Planning Commission serves as the reviewing body for a tree removal permit request, following review and recommendation by Township staff. The tree clearing request is for a portion of broader tree removals that will be necessary for the recently conditionally approved development of the Ashley Crossroads North Phase II site, including the site plan for proposed Building 11 and the broader earth work on roughly 118 acres of land. The following comments, which illustrates the total scope of tree removal in the eventual project, were made in the Planning Consultant's letter as part of preliminary site plan review for this project:

- **Tree Removal Permit.** A tree removal permit is required if the applicant proposes to remove any trees of 5-inch caliper or larger. A tree inventory by Webb Engineering shows the removal of 440 regulated trees and 354 non-regulated trees within the development area; with 2,772 regulated trees remaining (86%), the applicant is seeking approval for the proposed preservation plan to satisfy the requirements of Section 8.106(F)(2)(b). Tree preservation is an additional requirement for large lots and does **not** preclude the developer from replacing regulated trees that are removed from the site; while the landscape plan shows replacement trees provided at a 1:1 ratio, it appears that many of these trees are double counted toward other landscaping requirements. This must be clarified and corrected.

As a condition of final site plan approval, the comments above must be addressed. At this time, it is assumed that each of the regulated trees that are removed in the project at large will be offset by replacement tree plantings at a ratio that is specified in Section 8.106(J)(1) of the Zoning Ordinance. In the short term, the applicant's request is to remove a portion (87) of the approximately 440 regulated trees. The intent of this limited removal is to assist with access issues during grading activities.

The applicant has also obtained a soil erosion permit from Wayne County for their project and their request involves proceeding with grading activities on site. Typically, the applicant will receive final site plan and engineering approval prior to the commencement of earth work and tree clearing. Off-site hauling is typically held until following final site plan and engineering approvals. A grading / balancing plan that shows the approximate location and timeline of excavation and the locations of stockpiled soils has been provided by the applicant, as a markup to sheet C2.0 from the preliminary site plan set that was submitted with the project. Based on site constraints, including required conservation easements, and the high volume of material that must be excavated, temporarily stockpiling it on site is not feasible. I therefore have no objection to the applicant performing off-site hauling as allowed under its Wayne County soil erosion permit. However, I recommend that the applicant does not begin hauling until / unless they have obtained special land use approval from the Van Buren Township Board of Trustees. I also recommend that the applicant obtains special land use approval from the Van Buren Township Board of Trustees prior to proceeding with any tree clearing.

I also recommend that a bond equivalent to \$350 per tree must be supplied to the Township as a security to have the trees replaced at the time of final site plan approval.

It is also understood that some of the trees requested for removal fall within areas currently designated as regulated wetlands, which will be mitigated by the applicant's placement of extensive conservation easements on the site. The applicant has supplied an issued EGLE permit for construction activity in the specified area. The applicant must ensure the work is consistent with the limits of an issued EGLE permit.

The required submittals for a tree removal permit application are listed under Section 8.106(G) of the Zoning Ordinance. The applicant requests to remove eighty-seven (87) trees including seventy-six (76) regulated trees which are not classified as "removable" under Section 8.106(D)(17) of the Van Buren Township Zoning Ordinance and eleven (11) removable trees.

The Planning and Economic Development Department has evaluated this request. Based on the applicant's submittal, staff have provided an initial review of the request under Section 8.106(H)(1). A typical application for a tree removal permit requires the submission of a tree survey per Section 8.106(G)(4). The applicant has provided a completed tree survey consistent with these requirements:

- a. *A topographical map at the same scale as the related sites plan, plat or survey drawing for the division of the land.* The latest natural features / tree removal plan dated August 2023 has been provided.
- b. *The shape and dimensions of the site, together with the existing and proposed locations of structures and improvements (including building and driveway envelopes), including existing and proposed utilities and proposed changes to existing grades.* The latest site plans, dated August 2023, have been provided.
- c. *Location and dimensions of all setbacks and existing and proposed rights-of-way and easements.* This information is included on the site plan.
- d. *All existing trees on the parcel shall be inventoried by actual field survey and shown on*

the topographical map by type, location and crown spread drawn to scale... Existing trees are shown on the Natural Features / Tree Removal plan sheets C4.1-C4.5 dated August 2023, and the Tree Inventory and Removal Report dated July 2023.

- e. *Isolated trees shown on the topographical map shall be tagged in the field with identifying numbers using non-corrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.* Trees have been tagged and are noted on the Natural Features / Tree Removal plans dated August 2023, and are also identified in the Tree Inventory and Removal Report dated July 2023.
- f. *All existing trees proposed to remain, to be relocated or to be removed, shall be so designated by the identifying number.* Existing trees to remain are shown on the Natural Features / Tree Removal plans dated August 2023, and are also identified in the Tree Inventory and Removal Report dated July 2023.
- g. *If existing trees are to be relocated, the proposed locations for such trees, together with a statement setting forth how such trees are to be removed, protected and/or sorted during land clearance, development and construction and how they are to be maintained after construction.* At this time, it is assumed that the trees will be replaced on site with replacement tree plantings in accordance with Section 8.106(J)(1) of the Van Buren Township Zoning Ordinance, as part of the pending development project for Ashley Crossroads North Phase II.
- h. *A statement setting forth how existing trees not to be relocated are to be protected during land clearance, development, construction and on a permanent basis thereafter, including proposed use of tree wells, protective barriers, tunneling and/or retaining walls.* A statement indicating how existing trees not to be relocated are to be protected during land clearance has been provided on a grading / balancing plan. All regulated trees that are not currently outlined for removal under this permit, but that will be removed following final site plan review, must also be protected.

I find that the following standards for tree removal permit issuance have been met per Section 8.106(I) of the Van Buren Township Zoning Ordinance, with conditions as noted below:

- (1) *The protection and conservation of natural resources from pollution, impairment or destruction is of paramount concern. Therefore, all woodlands, trees and related natural resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other improvements. The applicant must consider and pursue all development options available under the Zoning Ordinance in order to preserve the woodlands and trees.* The subject site will be a significant development project which includes large conservation easements. Trees being proposed for removal are anticipated to be replaced as part of the project's final landscaping plan. The applicant has properly demonstrated reasonable steps to prioritize the protection and conservation of natural resources to the extent feasible.
- (2) *The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.* The project will maintain 86% of the existing tree cover and will include significant conservation easements. This criterion is met.

- (3) *Where the proposed activity consists of land clearing, it shall be limited to designated street right-of-way, drainage and utility easements, building and driveway envelopes and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under the Zoning Ordinance.* The proposed clearing is confined to an area that is required for site construction access and a future access drive.
- (4) *Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.* No residential structures are being considered at this time therefore, this standard is not applicable.
- (5) *The removal of trees for which a tree removal permit is required shall be limited to any of the following instances:*
- (a) *When necessary for the location of a structure or site improvements and when no reasonable alternative location for the structure or improvements can be had without causing undue hardship, consideration of all development options which are available under the Zoning Ordinance.* As noted above, the tree removal is limited to the portion of the site directly needed for site access.
 - (b) *When necessary, as determined by the Township, to provide reasonable drainage upon the site and when no reasonable alternative drainage is available without the removal of the trees.* Any use of the site will be required to comply with necessary standards for stormwater drainage established by Wayne County and the Township Engineer.
 - (c) *When the prospective owner of the residential dwelling unit has requested the builder in writing to remove the trees in order to facilitate the homeowner making certain specified improvements which must be undertaken within twelve (12) months of the date of the certified of occupancy for the dwelling unit. Notwithstanding the foregoing, no applicant shall be denied solely on the basis that some trees are growing on the property under construction.* This is not applicable.
- (6) *The burden of satisfying standards shall be upon the applicant.*

Based on my review of the proposal for tree removal approval, I recommend that the Planning Commission may approve the request for a tree removal permit on the above site, subject to their findings of fact on the above criteria. If the Planning Commission approves this request, I recommend that the request is approved only on the following conditions:

- A bond equivalent to \$350 per tree must be supplied to the Township as a security to have the trees replaced at the time of final site plan approval.
- The applicant shall obtain special land use approval from the Van Buren Township Board of Trustees prior to proceeding with any tree clearing and off-site hauling.
- The applicant must ensure the work is consistent with the limits of an issued EGLE permit.
- All regulated trees that are not currently outlined for removal under this permit, but that will be removed following final site plan review, must also be protected.

Thank you for your consideration of this request.

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 Planning Consultant / Senior Principal
Planner, McKenna Associates
Ron Akers, AICP – Van Buren Charter Township Director of Municipal Services
Timothy Riedl, Dennis Schultz and Kyle Morton – Ashley Capital



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Case 21-004: JSB Builders Final Site Plan Approval Extension
DATE: October 6, 2023

Sam Patel, on behalf of JSB Builders, LLC has applied for an extension of the effect of an approved final site plan to construct a 16,280 square foot multi-tenant light industrial building with truck well and related site improvements. Final site plan approval was granted for this request on March 9, 2022. The site, located at 6060 Schooner Drive, has a tax parcel identification number: V- 83 018 99 0003 708 Is Zoned M-1 (Light Industrial District) with a total area of 4.478 acres. The site is located on the West Side Of Schooner Drive which is located on the South Side Of Michigan Ave between Beck and Denton Roads.

Section 12.207 of the Van Buren Township Zoning Ordinance prompts the expiration of a site plan within one (1) year of approval. However, the Planning Commission may, at its discretion upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions in the event there has been a lapse of one or more year without construction.

A letter from Tony Roperti, the selected general contractor for the project, and Sam Patel, the owner, dated October 4, 2023 has been provided. The letter describes personal matters and efforts taken to secure construction permits since the time of final site plan approval. The typical procedure should involve a formal request for extension to be processed within one (1) year of the subject site plan approval (in this case, by March 9, 2023). However, due to the circumstances documented by the applicant, staff supports the Planning Commission consider reviewing this request and considering extending their final approval by one (1) additional year from the date of the October 11, 2023 Planning Commission meeting, subject to issuance of any necessary permits by Wayne County, with construction beginning by no later than October 11, 2024.

Thank you for your consideration of this requested extended site plan approval.

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