

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
Wednesday, June 14, 2023 – 5:30 PM
Van Buren Township Hall
46425 Tyler Road**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83930638961>

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Webinar ID: 839 3063 8961

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CALL TO ORDER: Chairperson Cullin called to order at 5:35 p.m.

Pledge of Allegiance

ROLL CALL:

Medina Atchinson: Excused Absent

Sharry Budd: Present

Brian Cullin: Present

Bernard Grant: Present

Jeff Jahr: Present

Jackson Pahle: Present

Staff: Director Power and Secretary Manley

Planning Representatives: Vidya Krishnan, McKenna Associates

Audience: Nineteen (19)

APPROVAL OF AGENDA:

Motion by Commissioner Jahr, second by Commissioner Budd to approve the agenda as presented.

Motion carried.

MINUTES: Approval of minutes from the regular meeting of May 24, 2023

Comments: No Comments

Motion by Commissioner Jahr, second by Commissioner Budd to approve the minutes of May 24, 2023 as presented. Motion carried.

CORRESPONDENCE / ANNOUNCEMENTS:

PUBLIC HEARING:

ITEM # 1: Case 23-023. Donyeal Sizemore – Group Day Care Home – Special Land Use Review

TITLE: A request by Donyeal Sizemore to change an existing Day Care, Family Home to a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1A – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1A (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.

LOCATION: The project is proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000).

Motion made by Commissioner Budd to open the Public Hearing, seconded by Commissioner Jahr. Motion carried.

Mrs. Donyeal Sizemore went to address the board. Director Power advised she will have time for her presentation when the board addresses her specific case under New Business.

Cheryl Dooda at 13744 Milton Drive stated she is supportive of daycare, enjoys the daycare in the neighborhood. States Mrs. Sizemore takes very good care of the children and has a beautiful facility. Mark Powell also at 13744 Milton Drive feels that there is not much traffic and that it is a safe neighborhood for the daycare. Diane Hill at 42084 Salem Court, neighbor of Mrs. Sizemore past 15 years, speaks very highly of the entire Sizemore family. Hill states the daycare is part of the neighborhood community, children are safe and the Sizemore's do great work. Corey Gibson at 43160 E. Huron River Drive is concerned about an egress issue in the basement but is very happy to hear about the great things being done in the community regarding childcare support.

Mrs. Sizemore asked to address the egress concern by Mr. Gibson. Advised by Chairperson Cullin to address Mr. Gibson's concern during her presentation portion of meeting.

Director Power advised Zoom participants how to address comments over Zoom. No Comments for Case 23-023 over Zoom.

Tamika Williams at 42128 Salem Court feels it is very positive to have a daycare for the neighborhood and surround community. Direct neighbor of Mrs. Sizemore. Daughter of Sizemore made a statement of support.

Motion by Commissioner Budd, supported by Commissioner Jahr to close the hearing. Motion carried.

ITEM # 2: Case 22-058: Cameron Smyth –16355 Haggerty Road – Rezoning Request

TITLE: A request by owner Cameron Smyth to rezone 16355 Haggerty Road (described as Parcel ID# V-125-83-142-99-0001-000), from R-1B – Single Family Residential District to AG – Agricultural and Estates.

LOCATION: The parcel is located on the east side of Haggerty Road between Riggs Road and Savage Road.

Motion to open public hearing by Commissioner Jahr, second by Commissioner Grant. Motion carried.

No Public Comments concerning rezoning request. No Comments on zoom.

Motion made by Commissioner Budd, second by Commissioner Jahr to close the hearing. Motion carried.

ITEM # 3 Case 23-021: Robert Sloan Van Born Road Property – Rezoning Request

TITLE: A request by Mark Drane on behalf of owner Robert Sloan to rezone the parcel described as Parcel ID # V-125-83-009-99-0002-000 from M-1 – Light Industrial to M-2 – General Industrial. The parcel is 24.48 acres in area.

LOCATION: The parcel is located on the north side of Van Born Road east of Sheldon Road.

Motion made by Commissioner Jahr, second by Commissioner Grant to open the public hearing. Motion carried.

No Public comments regarding the zoning requests. No Comments on Zoom.

Motion made by Commissioner Budd, second by Commissioner Jahr to close the hearing. Motion carried.

ITEM # 4: Zoning Ordinance Text Amendments – Detached Single Family Residential Dwelling Height Regulations

TITLE: Proposed amendments that will modify the maximum allowable height for detached single family dwellings to allow all detached single-family dwellings to be 2.5 stories in height or 35 feet in height. The amendments will include updates to Sections 3.106 (R-1A, R-2A, R-1B, and R-1C, Single Family Residential Districts), 3.107 (RM, Multiple Dwelling Residential District), 3.109 (AG, Agricultural and Estate District), and 4.102 (Schedule of Regulations).

Motion made by Commissioner Jahr seconded by Commissioner Budd to open the public hearing. Motion carried.

No public comments regarding the zoning requests. No Comments on Zoom.

Motion made by Commissioner Budd to close seconded by Commissioner Jahr to close the public hearing. Motion carried.

OLD BUSINESS:

ITEM # 1: Case 22-059. Belleville Yacht Club – Marina Special Approval Recommendation

TITLE: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures with lengths of 85'4" (85.3'), each containing a single dock stem with three (3) connecting docks. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district. A public hearing regarding this use was held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance on January 11, 2023.

LOCATION: The project is proposed to be located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court.

Presentation by Director Power. Advised it falls under a Marina per our Ordinance but not a Conventional Marina due to not involving rental slips or fueling. Director Power summarized the findings of his report dated June 7, 2023. Director Power referred to 12.306 of the Ordinance for the Standards for Granting Special Approvals. Power summarized findings on the following standards and described factors the Planning Commission may use to evaluate whether these standards are met:

- Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.
- Is necessary for the public convenience at that location.
- Is compatible with adjacent uses of land.
- Is so designed, located and proposed to be operated that the public health, safety and welfare
- Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.
- The site is adequately served by public services and facilities.
- Will not cause injury to other property in the neighborhood in which it is to be located.
- Will consider the natural environment and help conserve natural resources and energy.

Director Power summarized his report and stated that Planning Commission may vote to recommend special approval to the Board of Trustees and may vote to approve the proposed use if the following are found to be true: The submitted site plan meets the development regulations for Belleville Lake Shoreline Districts uses under Section 3.120(D) of the Van Buren Township Zoning Ordinance; the submitted site plan meets the approval criteria of Section 3.120(F)(4) of the Van Buren Township Zoning Ordinance; and the submitted site plan meets the special land use approval criteria of Section 12.306 of the Van Buren Township Zoning Ordinance.

Power explained recommended conditions of approval if the Planning Commission were to recommend approve the special use and the site plan:

- As a recommended condition of approval, the applicant must provide specifications for reflective tape or other safety markings meant to enhance visibility of and navigability around the proposed docks.
- A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted, and the construction is subject to any

necessary approvals from EGLE and FERC.

- All voluntary conditions of use as provided on the submitted site plan, including that the site shall not be used for fueling, shall be a binding condition of special approval.
- Special approval must be obtained from the Township Board of Trustees.
- All conditions of the special exception granted by the BZA on May 9th, 2023 shall be met.
- The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).
- The Planning Commission must agree that the proposed extension across roughly 68.6% of the lake frontage is acceptable.
- The dock surface material must be acceptable to the Planning Commission or to staff, if deferred to staff judgement.
- As a recommended condition of approval, the applicant is requested to provide images and/or an elevation drawing to further illustrate how the dock structures will appear from a side profile view on the lake.

Director Power advised that if the Planning Commission recommends special approval to the Board of Trustees and approves the site plan on tonight's agenda, that both EGLE and FERC approvals would be required.

Director Power advised on comments made by Mr. Jeffery Riggs sent in beforehand.

Presentation by Mr. Scott Jones at 11696 Juniper Drive. Advised he is proposing the exact same construction as the existing dock. Provided pictures and brought in safety reflective material for docks. Also provided elevation pictures of existing docks.

Commissioner Grant questioned Director Power on history of docks and involvement of township. Questioned if an existing survey plan is completed, concerned with granting special approval without additional information. Mr. Jones responded plans show shoreline but not adjacent land. Commissioner Grant concerned on lack of expert opinion on traffic patterns of lake and how it pertains to the extended docks. Feels that there is not enough information at this time to make a decision on the health, safety and welfare of the public. Wants a site plan analysis of adjacent properties and an analysis of an expert on lake traffic and concerns. Director Power advised on three (3) different correspondences from Mr. Riggs regarding the BYC docks.

Commissioner Jahr recalled review of special criteria by the Board of Zoning Appeals. Board of Zoning Appeals already determined the safety requirements of the docks; felt that it did not impede on safety, health, and welfare of the public. Commissioner Jahr feels like he can rely on the work done by that body that the lake is safe with this change due to the BZA approval. Highlighted that applicant has placed many constraints on the marina to limit environmental concerns. Feels that conditions are met for special use by applicant. Commissioner Grant clarified he is not fighting the BZA approval of increased length of docks but rather seeking an expert opinion on the safety of the extension. Feels at this point in time, it is subjective to make that opinion on safety without proper expertise.

Public Comments:

Mr. Jeffery Riggs at 29 Potter Drive – feels that a traffic study needs to be done on the lake. Discussed the peninsulas of the lake and provided a subjective opinion of a typical pattern of lake boaters. Has been monitoring the usage of BYC docks over the past month, feels he has only seen the marina half full and is

concerned about giving up valuable lake coverage. States the club currently takes away 8% of navigable waterways. Provided photos of the docks over Memorial Day weekend. Asking for more research done due to value of the property. Feels that it sets a precedence for other business on the lake. Brought up issue of Denton Road closure creating higher traffic volume for the foreseeable future.

Mr. Steve Harsman at Merrill Court, member of BYC. Feels the request for the extension is minimal, especially considering the size of the club and its community outreach. Feels that the club is asking for minimal slips. States footprint reinforces that it does not harm the health, safety, or wellness of the lake due to no issues since it's been constructed.

Mr. Corey Gibson at 43160 E Huron River Drive – feels that current length at 80 ft plus is unreasonable. Addressed FERC 75ft max. Concerned on contract with FERC that this could cause issue.

Mr. Chris Donley at 48356 W Huron River Drive addressed usage of docks and advised BYC has analyzed their docking capacity. Addressed Mr. Rigg's photos were taken when club was closed for the holidays. Submitted that the safety studies are live safety studies, as the club has had no issues with these docks for the time they have been in the water. States current footprint of that dock has had no safety issues.

Mrs. Kathleen Johnson at 48035 Bayshore – cannot support docks, states it is further out than it was and is not the same footprint. Believes there should be a study done, possibly by Van Buren Police that police the lake. Addressed concerns of Denton Road closure and increased traffic incidents. Concerned that it is not a no wake zone. Feels that approval of docks is elitist and not in favor of it at all.

Mr. Tony Vitale at 12249 Chrysler Drive – recent new member of BYC – feels that use of the land benefits the township by creating community involvement. Feels floating docks are not safe enough. Feels that a permanent dock structure creates more safety for the community and does not cause navigable harm. Advised that traffic study is the fact that the dock has been there and no harm or injuries have happened. Feels that we should follow the opinion of BZA.

One Zoom comment requested to show Applicant Jones' pictures. Director Power advised he would post them to the website for review.

Commissioner Grant had followed up comments to the public's comments. Reiterated the length of the dock is not under review since BZA has already approved the length but rather the safety for the people that use the lake. Wants clear and documented plans about the safety rather than subjective comments to be able to make a clear decision.

Commissioner Budd asked for clarification on current length of dock presently there. 2020 condition of floating docks was 60 ft; one has been removed and the other has been partially removed. Current permanent structured dock on the west side is 85.4ft. BZA has granted the west dock. East dock is 60 ft with poles driven to the 85.4ft approved length. The west dock was constructed without a permit review so is subject to a review, both structures are under review. Commissioner Jahr discussed FERC. Director Power advised the reference of 75ft does not pertain to the length of the dock. Director Power still recommends the board defers all to FERC's approval before moving forward with project as written in his report. Mrs. Krishnan commented that when you are reviewing a project for special land use, the site plan cannot proceed without special land use granted.

Motion by Pahle, Jahr second following clarification stated below to recommend approval to the Van Buren Township Board of Trustees of a request by Belleville Yacht Club for special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures with lengths of 85.3', each containing a single dock stem with three (3) connecting docks in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000). Jahr clarified that if the motion were to include marina special approval recommendation to the Township Board of Trustees for the Belleville Yacht Club's request for a site plan review and special approval to construct a marina as defined in Section 3.120(B)(15) including two dock structures with a length of 85.3 each containing a single dock stem with three connecting docks at 831 East Huron River Drive based on the analysis and subject to conditions of staff found in the letter of staff dated June 7, 2023 and the BZA approval of May 9, 2023 noting concerns from the Planning Commission that no buoys shall be permitted as called out on the site plan, that the concern with FERC shall be addressed by the Township Board before moving forward, noting that this Board did not consider the applicability of the FERC license, and with the condition as shown on the plan that no boat or part of boat shall extend past the 85.3 foot mark while docked and the number of boats shall be no more than 16, clarifying that this is subject to the conditions and analysis provided by staff and on the site plan documenting that there will be specific uses for the marina including no fueling, no pumping and other use restrictions as documented tonight, he would be in support.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle

Nays: Grant

Excused: Atchinson

Motion Carried. (Letters Attached)

ITEM # 2: Case 22-059. Belleville Yacht Club – Marina Site Plan

TITLE: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures with lengths of 85.3', each containing a single dock stem with three (3) connecting docks. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential.

LOCATION: The project is proposed to be located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court.

Director Power highlighted the site plan on the screen again and advised he had covered his presentation in the previous case of Marina Special Approval.

Mr. Scott Jones presented the reflective tape being utilized for docks and hard structures being utilized for reflected material. Presented photographs of existing dock. Mrs. Krishnan advised reflective tape is not considered signage but rather a safety feature. Commissioner Grant discussed sea wall with applicant Jones. Director Power brought up Zoom comment Ms. Angela Mears at 12007 Ryznar Drive commented on limitations of 40ft.

Commissioner Jahr feels that there are some elements missing from the plan. Asked Director Power if he feels there are any additional elements currently missing from the plan that are a concern at this time. Director Power advised things presently could be reviewed administratively to provide sufficient detail. Feels there is enough room to gather information at an administrative level if the board decided to approve both preliminary and final at this point. Commissioner Grant holds the same opinion as previous that information is missing to be able to grant approval.

Motion by Jahr, second by Budd to approve the request by Belleville Yacht Club for preliminary and final site plan approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures with lengths of 85.3', each containing a single dock stem with three (3) connecting docks located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), subject to the analysis of and conditions of the staff letter dated June 7, 2023, noting the additional conditions that an elevation diagram shall be submitted for staff review, a diagram showing the placement of reflective tape and noting that the light fixtures are subject to staff review.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle

Nays: Grant

Excused: Atchinson

Motion Carried. (Letters Attached)

NEW BUSINESS:

ITEM # 1: Case 23-023. Donyeal Sizemore – Group Day Care Home – Special Land Use Review

TITLE: A request by Donyeal Sizemore to change an existing Day Care, Family Home to a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1A – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1A (Single Family Residential District), which requires a recommendation for special land use approval and preliminary and final site plan approval.

LOCATION: The project is proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000).

Director Power advised purpose of commission tonight is to solicit public comment and review for special land use and for commission to review site plan. Advised State of Michigan policy changes to promote expansion of childcare facilities due to capacity issues. Group Daycare homes are required to go through a special approval process by the Township before approval. Director Power advised on history of the home and requirements of current R-1 Zoning. Discussed regular cross traffic with surrounding neighbors on this court. Director Power advised the site is an optimal layout for a daycare in this neighborhood. Noted that every daycare facility is subject to a rigorous site inspection done by the State of Michigan LARA. Director Power noted that prior to site approval, a written letter from the HOA must be obtained. Currently has a general approval letter from Century Management Group which is the HOA for this area. Director Power advised he does not show any detrimental impact on natural resources due to an approval.

Specific criteria 5.111 Zoning Ordinance requirements:

1. Another license for a daycare home.
2. Use has appropriate fencing for the children – Director Power encourages the board to discuss in detail the fencing issue. A retractable fence was suggested by Mrs. Sizemore. Unique situation as this location is in an HOA that does not allow for permanent fencing per their rules. Given constraints of HOA, a retractable fence is the current only viable option.
3. Property is consistent with the visible characteristics of the neighborhood. Director Power believes this can be met and maintained.
4. The use of the daycare does not exceed 16 hours of operations during a 24-hour period. Applicant has advised their hours will be 6am to 10pm Monday through Saturday which meets this requirement.
5. Group daycare home operator shall provide off street parking for his/her employees in accordance to the zoning ordinance in the ratio of 1 parking space per employee. Director Power asking for some relief from the Planning Commission in regards to that requirement. Applicants site plan shows space for up to 4 vehicles – 2 vehicles in driveway and 2 in garage.

Additionally, Director Power recommends conditional approval of final site plan subject to conditions in the report which include that the applicant must clarify the number of employees in writing on the site plan. The applicant clarified there will be a ratio that is guided by the state law. Second condition is if any approvals are required by HOA, they shall be provided in writing. Written approval must be required in writing regarding approval of the retractable fencing. Site plan needs to be updated to reflect only two parking spaces on driveway. Applicant shall obtain a signed agreement by 6 adjacent properties to agree to on street parking during peak hours. Director Power advised there are two separate cases for discussion tonight for Special Approval and Site Plan.

Presentation by the applicant Mrs. Donyea Sizemore at 42127 Salem Court. Mrs. Sizemore presented paperwork the Board showcasing the retractable fencing and daycare facility along with a document from Governor Whitmer addressing the need to expand childcare centers by 2024. Mrs. Sizemore's facility was the Michigan Spotlight Center for the month of May. Resident of Van Buren Township for 19 years and has been in the childcare field for 30 years with degrees in both early childhood and social work. Addressed the overwhelming need for childcare facilities across the nation but especially in the Van Buren Township area. Requesting expansion to a 12 children care unit. Mrs. Sizemore presented a video showcasing how her facility is different than the traditional daycare facility and emphasized the support of her neighborhood. Mrs. Sizemore presented 6 letters from her neighbors on each side of her showcasing their support for the approval of a Group Day Care Home.

Ms. Diane Bell of 42084 Salem Court addressed the Planning Commission to show her overwhelming support for the daycare. States that there is a strong family community feel in the neighborhood around the cul-de-sac. States parking is not ideal but they all support each other and together they support Mrs. Sizemore and her daycare expansion goals.

Mrs. Sizemore stated the State of Michigan does not require her to have a fenced in yard for childcare facility. If Board requires the fencing, Mrs. Sizemore will place in the necessary locations.

Commissioner Budd commented on the retractable fence and the height of it and the support level of it. Questioned Director Power if fence is mandatory by our ordinance. Director Power stated fence is not

mandatory per our ordinance. Mrs. Krishnan advised fence will serve more as a visible guide rather than a firm boundary structure. Commissioner Budd addressed the question from Mr. Corey Gibson regarding egress windows and if there were any in her basement. Sizemore explained it is a requirement of the state before she is given her license to have an escape window. She has two egress windows and escape stairs extending from the egress windows in the basement. Commissioner Grant commented that if the children have constant supervision, the retractable fence seems ineffective and to leave it up to Mrs. Sizemore if she needed it for safety purposes. Mrs. Krishnan commented that since children will never be left unattended, the retractable fence could be ineffective.

Public Comments

Mrs. Alma Hughes-Grubbs at 47755 Bentley Drive – highlighted how outstanding the Sizemore family is and the love and expertise they have for children. Feels that this is a great opportunity for our community rather than having her being drawn to other communities due to restrictions placed on her here.

Mr. Rodney Sizemore of 42127 Salem Court, husband to Mrs. Donyeal Sizemore, discussed importance of childcare facilities and the difficulties of finding quality homecare. Stressed they know the needs of the community and would only benefit Van Buren Township.

Commissioner Jahr moved, second by Budd to recommend the Township Board of Trustees to grant the request by Donyeal Sizemore for special approval to change an existing Day Care, Family Home to a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance, proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000), subject to the analysis and conditions of staff in the letter of June 7, 2023, noting that the Planning Commission approves the modification to parking standards as recommended in staff's letter and the lack of additional fencing is found to be acceptable, with the option for the applicant to use retractable fencing subject to HOA approval.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle, and Grant

Nays: None

Excused: Atchinson

Motion Carried. (Letters Attached)

ITEM # 2: Case 23-023. Donyeal Sizemore – Group Day Care Home – Preliminary and Final Site Plan Review

TITLE: A request by Donyeal Sizemore to change an existing Day Care, Family Home to a Day Care, Group Home use as defined in Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1A – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1A (Single Family Residential) District, which requires a recommendation for special land use approval and preliminary and final site plan approval.

LOCATION: The project is proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000). The property is located on Salem Court between Camden Road and Milton Drive.

Director Power informed his presentation is complete having presented all information on previous case. Applicant Sizemore had nothing more to add to her presentation.

No Public Comments

Commissioner Jahr moves, second by Grant, to grant preliminary and final site plan approval for a group daycare home proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000), based on the analysis in and subject to the conditions of staff's letter dated June 7, 2023, noting that the Planning Commission moves to approve the modification to parking standards as noted in staff letter and noting previous acceptance of fencing on the site plan.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle, and Grant

Nays: None

Excused: Atchinson

Motion Carried. (Letters Attached)

Chairperson Cullin called for a 5-minute recess. All in favor.

ITEM # 3 Case 23-021: Robert Sloan Van Born Road Property – Rezoning Request

TITLE: A request by Mark Drane on behalf of owner Robert Sloan to rezone the parcel described as Parcel ID # V-125-83-009-99-0002-000 from M-1 – Light Industrial to M-2 – General Industrial. The parcel is 24.48 acres in area.

LOCATION: The parcel is located on the north side of Van Born Road east of Sheldon Road.

Director Power deferred to Principal Planner Mrs. Krishnan. Requesting to change from M-1 Light Industrial to M-2 General Industrial District. Currently vacant lot. Future land use plan shows that all parcels in all directions are zoned for light or heavy industrial use. The Zoning Ordinance has specific standards of which areas requesting rezoning are reviewed. Krishnan summarized these standards as such:

1. If the request for rezoning is consistent with the Master Plan goals and chapters. Per the master plan, future use for this parcel is Heavy Industrial. Currently located next to a parcel that was recently rezoned M2. At this time, it does comply with the Master Plan's intent and the goals and objects for the surrounding area.
2. Is the proposal consistent with the basic intent and purpose of the zoning ordinance? Zoning Ordinance does have specific set back agreements and other site design requirements depending upon which district the parcel is located in. At this moment, the applicant is just requesting a rezoning and no site plan is in connection with it showing what type of use is going on to the parcel.
3. Is the capability of the street system to safely and efficiently accommodate the perspective traffic generated by the proposed use? Since we do not know the use, pending a formal site plan submittal, we do not know the level of traffic. However, since it is going to be a manufacturing or general industrial facility, it is likely that there will be significant truck traffic. A traffic impact study will be required. The use, at this time since there is no building, we are not aware of any pressing need for utilities at this time. At future use, it will be reviewed by township engineer to determine

needs of the site.

4. Is the rezoning request being proposed to correct an error in the zoning ordinance? There is no such problem at this time. The proposed rezoning is not going to result in exclusionary zoning.
5. Is it compatible with the site's physical, geological, and developmental features on the site? The site does not contain any regulated wetlands as we could see. Does contain vegetation and the Yost drain on a portion of the parcel. Any future development on the site will have to take into consideration the placement of the drain. Approval of the rezoning is not a factor in the approvability of the building of the parcel. Development on the parcel is based on its natural limitations and uses.

Mrs. Krishnan commented that the size of the parcel should meet the setback requirements of the township. This parcel is being rezoned because it is in compliance with the masterplan. Mrs. Krishnan advised it is recommended rezoning the M1 parcel to M2. Noted the recommendation is in no way approval for the buildability of the parcel.

Applicant Mark Drain 20700 Civic Center Drive Suite 170 representing Mr. Robert Sloan. Commissioner Grant questioned if a wetland survey had been completed. Krishnan advised that no it will be done at a later date when the applicant chooses too.

No Public Comment.

Motion by Jahr, second by Grant, to grant request to recommend approval to the Board of Trustees to adopt the rezoning of the parcel (V-125-83-009-99-0002-000 located on north side of Van Born Road east of Sheldon Road from M1 to M2 Zoning, subject to the analysis and findings of fact in and subject to the conditions in the McKenna letter dated June 7, 2023, making note that this recommendation is not an approval of the buildability of the parcel.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle, and Grant

Nays: None

Excused: Atchinson

Motion Carried. (Letters Attached)

ITEM # 4: Case 23-026: Subaru Research and Development, Inc. – Landscaping Modification

TITLE: Applicant Subaru Research and Development, Inc. seeks a modification from Sec. 10.105(c) of the Van Buren Township Zoning Ordinance to allow approximately 1.1 acres of the original landscaping plan for the Subaru Research and Development project (Case 18-021), located at 50255 Michigan Avenue (tax parcel ID 83 998 01 9802 027) to be converted from turf grass to native plantings that will use little or no irrigation. The Planning Commission may grant modifications to a landscaping plan under Section 10.106 of the Van Buren Township Zoning Ordinance.

ACTION ITEMS:

Director Power addressed the existing aerial view of the Subaru plant. The Applicant has made clear that Subaru is invested in pursuing an alternative landscape design for the front section of the property citing significant savings in potential irrigation and the introduction of native planning species providing benefits for pollinator species. The Applicant has provided a letter dated June 7, 2023 from Subaru and a letter from PlantWise dated January 16, 2023 that explains the proposed landscaping plan in detail. The applicant has also provided sample images of project designs in other locations to show the design aesthetic they would be seeking here. Section 10.01.05 C of Van Buren Township Zoning Ordinance requires that all landscape areas are irrigated. Applicant seeks a less water intensive design that would phase out some irrigation over time. Applicant is seeking approval of the Planning Commission.

Staff can support additional recommendation for approval by the Planning Commission on the following recommended conditions:

1. Detailed updated version of the landscaping project must be provided by the applicant in addition to the more schematic drawing provided. Requires updates from the original planning submission for the landscape design.
2. Recommended condition is that 2 years following the initial installation, an inspection will be done by the township staff. If there are no maintenance concerns following the 2 years after installation, the staff will administratively approve the landscaping plan. Per the Director's discretion, the landscaping plan may be deferred back to the Planning Commission for review.
3. The staff will hold any remaining landscaping bonds from the initial project installation until the new planting installation.

Mr. Ryan Plum, Facility Manager at Subaru Research, located at 50255 Michigan Ave. Every year Subaru submits projects and plans to their corporate board to address how to become better stewards to the Earth. Subaru feels they have a corporate social responsibility. One target goal was to decrease water use and utilize fewer resources. Applicant assured there is high pressure internally to ensure that the project will look nice and be a benefit to the township.

Director Power updated Commissioners there is a small amount of the original landscaping bond left, roughly \$1000-2000 amount being held. Commissioner Grant questioned Mr. Plum on the level of completion on the current site. Mr. Plum updated that grass is established with a dozen or so trees and a number of shrubs. Subaru desires a landscape that is durable and thriving with native plants. Mr. Plum described the separately prescribed zones to combat weeds and utilize the best irrigation system. Additional goal is to inspire more companies to enact greener landscape initiatives and to focus on native plant diversity. Mrs. Krishnan brought up the success of the Canton Library and its inclusion of a pollinator garden. Mr. Plum emphasized that anything that is native and thriving and compatible will remain.

Commissioner Jahr moves, Grant second, to approve the request by Subaru Research and Development, Inc. for a modification from Sec. 10.105(c) of the Van Buren Township Zoning Ordinance to allow approximately 1.1 acres of the original landscaping plan for the Subaru Research and Development project (Case 18-021), located at 50255 Michigan Avenue (tax parcel ID 83 998 01 9802 027) to be converted from turf grass to native plantings that will use little or no irrigation, with the condition that within one year, the staff will bring the Commissioners a presentation to discuss the progress of the project.

Roll Call:

Yeas: Budd, Cullin, Jahr, Pahle, and Grant

Nays: None

Excused: Atchinson

Motion Carried. (Letters Attached)

GENERAL DISCUSSION AND UPDATES

Director Power announced that the next regularly scheduled meeting will be June 28th and potentially July 12th.

ADJOURNMENT:

Motion Commissioner Jahr, Commissioner Grant second to adjourn the meeting at 9:08 p.m. Motion Carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Caroline Manley', followed by a long horizontal flourish line.

Caroline Manley
Recording Secretary



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Planning Case #22-059 – Belleville Yacht Club Marina Site Plan and Special Approval (Staff Report # 4)

DATE: June 7, 2023

Project Summary and Background

Belleville Yacht Club has applied for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance. The applicant has submitted a **revised** site plan dated May 26, 2023 (referred to herein as "revised site plan") which includes two (2) dock structures, each containing a single dock stem with three (3) connecting docks. Upon completion, the project is proposed to replace two (2) floating dock structures. The project is proposed to be located in Belleville Lake Property (referred to herein as "Township Lake Property") adjacent to a private upland parcel located at 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), which is zoned R-1C – Single Family Residential. Because of the upland parcel's institutional or nonresidential use, the site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB).

The proposed use will be considered a "marina" as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance. The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district.

Dock Length: Planning Commission Direction and BZA Decision

The original proposed length of the dock structures being considered with this application was 120' each. Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance states that no dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Relief from Sec. 3.120(D)(5) was therefore sought with an application to the Board of Zoning Appeals (BZA) pursuant to Sec. 3.120(F)(7). Based on application being made for the requested marina with an exception for the proposed dock length in December 2022, public hearings with the BZA and Planning Commission were scheduled. A public hearing was held with the BZA on January 10, 2023 to consider the special exception request. The BZA postponed their decision on this request to allow additional review and commentary on the request and its associated marina site plan to inform the BZA's decision. A public hearing was held by the Planning Commission to consider the marina special approval and site plan requests on January 11, 2023. At this meeting, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan and / or supplemental data, and for action to be taken by the BZA at a future meeting prior to a

final decision on the site plan by the Planning Commission. Discussion and analysis during and following the BZA and Planning Commission reviews on January 10th and January 11th culminated in comments from members in the public, the BZA and the Planning Commission regarding the scope of the site's boating use, the impacts of the proposed docks on lake navigability, safety, and aesthetics, and the uniqueness of the property's or use's attributes or constraints relative to the land use request. A revised 2-page site plan submittal from Hardy Civil Design Services, LLC was submitted to the Township, revision-dated 1/20/2023. This plan set again showed dock at a length of 120'. Based on this plan submittal, the Planning Commission reviewed and provided preliminary commentary on the requested exception to allow docks which exceed a length of 40 feet at their regular meeting on February 8, 2023. Based on the feedback received at that meeting, the applicant decided not to pursue the exception from the BZA with a dock length of 120'.

The revised site plan shows the construction of two (2) multi-dock structures which have a proposed length of **85.3'** each, a 28.9% reduction in length. The revised site plan now also shows the dock structures being separated by a reduced distance of 42.6', a 29% reduction. This 85.3' length still required consideration by the BZA under Section 3.120(F)(7) as mentioned above.

Over the course of two (2) meetings held on March 14th and May 9th, 2023, the BZA met and discussed this request based on the analysis provided in staff reports and based on additional information received throughout the public input process. The BZA was requested to make findings on the following five (5) criteria in determining whether to approve the requested special exception for excessive dock length, per Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance:

- (i) Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property;
- (ii) The special exception would not unduly prevent the realization of the purposes of this Ordinance;
- (iii) The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;
- (iv) Unusual circumstances or conditions are involved; and
- (v) The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.

On May 9th, the BZA voted 4-3 in favor of granting the requested exception to allow the length of the two dock structures to be 85.3'. The draft meeting minutes from this meeting are attached to this packet. Conditions of approval from the granted exception shall become conditions of approval for the requested special approval use and site plan.

Special Approval and Site Plan Review Analysis

Over the past several months as this project has been reviewed, the applicant has been requested to present specific detailed design information to demonstrate compliance with the Van Buren Township Zoning Ordinance and the criteria required for approval under Section 3.120 of the Zoning Ordinance. In its analysis of these criteria, the Planning Commission should consider these

submittals, and an analysis of these submittals as provided regarding the revised site plan, on the **"Description of Submittals"** listing at the end of this report.

Application Requirements

Certain specific application submittals are required uses in the Belleville Lake Shoreline Districts. The following relevant submittals required under Section 3.120(F)(2) of the Van Buren Township Zoning Ordinance have been reviewed:

- ✓ A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.
- ✓ A site plan dated May 26, 2023 that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation was provided.
- ✓ A copy of any existing survey from the abutting upland lot and photographs of the existing conditions: An existing survey has previously been provided. Photographs of the site have also been taken by staff.
- ✓ Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation.
- Materials and aesthetics must also be considered. The dock surface will be 2" x 6" treated lumber wood decking. This material **is subject to Planning Commission review.**
- ✓ Additional dock length beyond the 40-foot length that is typically required under Section 3.120(D)(15) has been requested. Because additional dock length has been requested, the water depth at the farthest point of projection has been provided.
- ✓ A description of the existing shoreline features and uses has been provided on the submitted site plan.
- ✓ The site plan indicates that there will be no shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project must be provided.
- The applicant has indicated they have made application to EGLE. **A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted.**

Additionally, per Section 3.120(F)(3)(b), certain uses in the BLB district, including marinas, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance, Section 12.203. The scope of applicability of Section 12.203 is guided in part by the fact that the use will only occur in the Township Lake Property and is not subject to certain stormwater management, utility, landscaping / buffering, architectural, or other requirements typically considered for land-based development. Relevant requirements of Section 12.203 have been provided. An adequate site plan has been provided which includes basic formatting, property lines, zoning information, applicant and design professional contact information, and adjoining property and building information. Existing and proposed topography have been provided.

Special Approval Criteria.

Per Section , Section 3.120(C)(2)(c), the marina use is subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of Article 12, Chapter 3 of the Zoning Ordinance. I will summarize my findings regarding the Standards for Granting Special Approval under Section 12.306 of the Zoning Ordinance, below. No special approval shall be recommended for approval by the Planning Commission or granted by the Township Board unless the special use:

- a) **Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.**

Factors for consideration:

- Due to the proposed use, are there
 - Benefits or impediments to socially and economically desirable use of the site;
 - Benefits or impediments to socially and economically desirable use of the land adjacent to the site; or
 - Benefits or impediments to socially and economically desirable land use Township-wide?
- Due to the proposed use, are these benefits or impediments increased in relation to the current existing use of the site?

Analysis: The proposed use maintains the existing marina use at the subject site, and formalizes that use by creating permanent docking structures in place of floating docks. The proposed use will have an equivalent or roughly equivalent number of boats as the existing use, as will be discussed in greater depth under criterion 12.306(d), below. As the proposed use formalizes a marina use that has been established, the Planning Commission should consider whether the site's usage as a marina benefits, maintains, or impedes the long-term social and economic use of the property.

- b) **Is necessary for the public convenience at that location.**

Factors for consideration:

- Does the proposed use provide a distinct service or activity for public convenience that would not be fulfilled if it were not situated at this location?
- Does the proposed use maintain, enhance, or diminish a distinct service or activity that currently exists at this location?

Analysis: The subject site is used as a private club whose activities are connected to boating. The use provides a distinct educational and recreational amenity to its members which is distinct from that of other marinas or multi docking facilities in the Township. While the use is not necessary for the public convenience at large, it is a use that has occupied this site for years with a strong land use presence and a unique and well utilized purpose within the community. The proposed improvements to the site would maintain or enhance this presence at the site and make it more permanent.

- c) **Is compatible with adjacent uses of land.**

Factors for consideration:

- Does the proposed use minimize off-site impacts including noise, light, or obstructions to navigation?
- Does the proposed use maintain, enhance, or diminish current navigational patterns around the site and adjacent sites relative to existing conditions?
- Does the proposed use maintain, improve or worsen off-site noise and light impacts relative to existing conditions?

Analysis: The site will maintain 21' side setbacks on both sides, which is an improvement from the current configuration of docks which had between 0 and 6 feet of setback to their side lake lot lines. Navigation alongside the subject site to and from adjacent sites is therefore improved. The Planning Commission should also consider the ability to maneuver in the lake beyond the furthest extent of the docks. Per the proposed "Overall Site Schematic" drawing on Sheet 2 of the revised plans, the proper counterclockwise (west-to-east) path of travel on the side of the lake nearest to the proposed docks, will not be significantly disrupted by the docks' length or position in the lake. EGLE will additionally review the application for consistency with the requirements of Part 301 of the NREPA, to ensure that the marina extends from riparian property of the applicant, that the marina does not unreasonably interfere with navigation, and that the marina is located and designed to be operated consistently with the correlative rights of other riparian properties, including the rights of adjacent riparian properties.

d) **Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.**

Factors for consideration:

- Does the proposed use minimize off-site impacts as discussed above?
- Does the proposed use more broadly maintain current conditions with respect to public health, safety and welfare, or improve or worsen these conditions? In comparison with the existing use of the site, does the proposed use maintain, improve or worsen these conditions?

Analysis: Broadly, the use will be for the mooring and launching of boats, and will not involve fueling, repair, or more intensive marina activities associated with conventional marinas. EGLE will further review the marina permit application and apply their standards of approval to the project. The proposed use of the site will accommodate sixteen (16) formal spaces for watercraft. The existing (2020) dock configuration, as shown on Sheet 2 and the "Certificate of Survey", also roughly accommodated sixteen (16) watercraft, though with a less formal configuration of cleats and spaces.

e) **Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.** The site is adequately served by public services and facilities.

f) **Will not cause injury to other property in the neighborhood in which it is to be located.**

Factors for consideration:

- Does the proposed use cause injury to other property in the neighborhood?
- Relative to the existing use, will the proposed use cause additional injury to other property in the neighborhood?

Analysis: The proposed marina use replaces floating docks with permanent dock structures and otherwise maintains an established multi-boat docking use that is affiliated with the BYC private club.

g) **Will consider the natural environment and help conserve natural resources and energy.**

Factors for consideration:

- Does the proposed use minimize environmental degradation and assist with the conservation of natural resources and energy?
- Relative to the existing use of the site, does the proposed use minimize environmental degradation and assist with the conservation of natural resources and energy?

Analysis: Relative to the existing use, according to the drawings presented, the proposed use will not increase the boat capacity at the site. The applicant agrees not to use the site for fueling, diminishing some of the long-term environmental concerns that could come with fueling. **The site will not be used for fueling.** The applicant has indicated that a fueling station is not, and will not be, proposed.

Belleville Lake Shoreline District Approval Process – Review Criteria (General):

Per Section 3.120(F)(4) of the Van Buren Township Zoning Ordinance, the Planning Commission must also find that the review criteria for uses in the Belleville Lake Shoreline District can be met. My analysis of these criteria is listed below:

- (a) The application must demonstrate compliance with all of the requirements of Section 3.120(D) of the Zoning Ordinance (Belleville Lake Shoreline Districts – Development Standards), and all other applicable requirements of this Zoning Ordinance, subject to the notes and conditions in my analysis in my “Development Standards” discussion below.
- (b) The structure(s) shall not unreasonably interfere with the adjacent property owners’ or public’s use and enjoyment of the waters of Belleville Lake. Based on the analysis within the special approval criteria noted above, the Planning Commission may find that the proposed use is so designed as to protect the neighboring property owners from negative off-site impacts and maintain the public’s use and enjoyment of the waters of Belleville Lake.
- (c) The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake. As a recommended condition of approval, the applicant must provide specifications for reflective tape or other safety markings meant to enhance visibility of and navigability around the proposed docks.
- (d) The structure(s) must be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake. This will be evaluated in the EGLE permitting process.
- (e) To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. As previously stated, the proposed use will not increase boating traffic on Belleville Lake relative to existing uses. With regard to the scenic quality of Belleville Lake, the structures shall be designed such that they will not create a negative visual impact for the general public. The applicant has previously shared, and staff has documented, images of the existing westernmost dock structure that will be identical to the proposed westernmost dock structure. As a recommended condition of approval, the

applicant is requested to provide images and/or an elevation drawing to further illustrate how the dock structures will appear from a side profile view on the lake.

- (f) Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake. Van Buren Township has a relatively low quantity of existing marinas and multi-docking facilities, and with the addition of the Belleville Yacht Club's marina will maintain a reasonable number of such facilities in comparison with other lake communities in the region. When the marina is built, it will be roughly 1.4 miles from Sandy's Marina, the nearest marina. The Planning Commission should also consider whether this location is unique in its physical layout and position on Belleville Lake, and whether this unique position reduces the likelihood that such uses will be replicated in other locations. The site is unique relative to other potential BLB-zoned (or potential BLB-zoned) sites in the Township. The majority of property along Belleville Lake is zoned and planned for single family residential uses. The majority of these properties are constructed as single-family dwellings. Little land exists that would be feasible for development or redevelopment as commercial, institutional or public properties with marinas. Other properties that exist today in the BLB District, with nonresidential zoning or land use, are also limited and unlikely to accommodate marina uses. The Township's adopted 2021 Future Land Use Map is attached to this packet for your reference.
- (g) Consideration shall be given to maintaining consistency with the upland zoning and land use. In this case, the marina use will maintain consistency with the upland land use which is a nonprofit / private club with an emphasis on boating activities.
- (h) Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners. The approved uses at this marina will be consistent with the primary goal of permitting reasonable use by Lake residents and land owners, as previously noted.

Belleville Lake Shoreline District Development Regulations

Various development regulations are applicable to this project, and they are articulated below as requirements or comments: The applicant has included the following required notes on their site plan dated May 26, 2023:

- ✓ No boat lifts, cradles or hoists will be constructed.
- ✓ No buildings or covered structures will be constructed on the water or on Township Lake property.
- ✓ All uses and structures shall comply with the standards and requirements of Section 3.120(D), except for any stated exceptions being pursued per Sec. 3.120(F)(7).
- ✓ There will be no private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage use.
- ✓ No signs will be built other than those approved by the Township and necessary for public safety.
- ✓ All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or

allowed to be used by any other persons unless approved by the Township in conjunction with a marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.

- ✓ Any facilities installed hereunder are subject to the terms of the FERC license.
- ✓ No dock will be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor.
- ✓ No person will install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest.
- ✓ All docks will be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.
- ✓ Dry docks and dry land storage of watercraft will not occur at the site.
- ✓ No boat or portion thereof will be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
- ✓ All docks will be kept in good repair.
- ✓ The marina will comply with all applicable construction standards and permit requirements of EGLE.
- ✓ All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Note that hoists and similar structures will not be permitted.
- ✓ There will be no fueling station at the marina.
- ✓ Relief was granted from Section 3.120(D)(5), which states that no dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. The following note has been added to the site plan: *A special exception to modify the maximum allowable dock length of the dock structures from 40 feet to 85.3' per the authority under Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance was granted by the Van Buren Township Board of Zoning Appeals (BZA) on May 9th, 2023.*

Per Section 3.120(D)(6) of the Zoning Ordinance, In the BLB District, docks, For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval. The docks will occupy 90.6 feet (68.6%) of the property's 132 feet of frontage. In staff's opinion, this coverage is acceptable, considering the relatively narrow lake frontage enjoyed by the parcel and considering that it will be a reduction from the previously existing dock coverage. Staff finds the extension across roughly 68.6% of the lake frontage to be acceptable, and the Planning Commission will have to find the same as part of any approval.

Recommendation and Next Steps

Based on the information that has been submitted with the 5/26/23 revised site plan, and any additional provided as part of their discussion on this case at a regular meeting, the Planning Commission is invited to vote on the requests for (1) a recommendation on the special approval use to the Board of Trustees and (2) on site plan approval for the proposed marina. Reviews by the Township Board of Trustees, EGLE and FERC will also occur. This review sequence is outlined below:

- ✓ Planning Commission preliminary review and commentary on special exception request. Completed, 2/8/23
- ✓ BZA action on requested special exception under Sec. 3.120(F)(7). Approved, 5/9/23
- Planning Commission action on special approval use recommendation to the Board of Trustees and action on site plan.
- Board of Trustees action on special approval use
- Agency review and approvals from EGLE and FERC.
- Final Township authorization.

Based on the information provided with the plans dated 5/26/2023 and other submittals, the Planning Commission *may* vote to recommend special approval to the Board of Trustees and *may* vote to approve the proposed use if the following are found to be true by the Planning Commission:

- The submitted site plan meets the development regulation for Belleville Lake Shoreline Districts uses under Section 3.120(D) of the Van Buren Township Zoning Ordinance
- The submitted site plan meets the approval criteria of Section 3.120(F)(4) of the Van Buren Township Zoning Ordinance
- The submitted site plan meets the special land use approval criteria of Section 12.306 of the Van Buren Township Zoning Ordinance

If the Planning Commission recommends approval of the proposed special approval use and approves the proposed site plan, I recommend that they do so based on the following conditions of approval being addressed:

- As a recommended condition of approval, the applicant must provide specifications for reflective tape or other safety markings meant to enhance visibility of and navigability around the proposed docks.
- A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted, and the construction is subject to any necessary approvals from EGLE and FERC.
- All voluntary conditions of use as provided on the submitted site plan, including that the site shall not be used for fueling, shall be a binding condition of special approval.
- Special approval must be obtained from the Township Board of Trustees.
- All conditions of the special exception granted by the BZA on May 9th, 2023 shall be met.

- The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).
- The Planning Commission must agree that the proposed extension across roughly 68.6% of the lake frontage is acceptable.
- The dock surface material must be acceptable to the Planning Commission or, if deferred to staff judgement, to staff.
- As a recommended condition of approval, the applicant is requested to provide images and/or an elevation drawing to further illustrate how the dock structures will appear from a side profile view on the lake.

Thank you for allowing me to assist with this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power", with a stylized flourish at the end.

Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

CC: Ron Akers, AICP – Municipal Services Director, Van Buren Charter Township
Vidya Krishnan – Senior Principal Planner, McKenna Associates

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, May 9, 2023 – 7:00 PM
Van Buren Township Hall Board Room
46425 Tyler Road**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:

CALL TO ORDER

This meeting was called to order at 7:01PM by Chairperson John Herman

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Herman (Chair), Amos Grissett, John Haase, Kevin Martin, Jeff Jahr (Planning Commission Rep.), Charles Larocque, Aaron Sellers

Absent Excused: None

Staff: Dan Power (Director of Planning & Economic Development), Brittney Williams (Recording Secretary)

Others in attendance: Brian Cullin (Planning Commission Alt.)

ACCEPTANCE OF AGENDA

Grissett motioned; Haase seconded to accept the agenda as presented. **Motion Carried**

APPROVAL OF MINUTES:

Jahr motioned; Grissett seconded to accept the minutes from April 11, 2023 as presented. **Motion Carried**

CORRESPONDENCE None

PUBLIC HEARING (new business items)

UNFINISHED BUSINESS

1. Case Number: 22-056 – Belleville Yacht Club

Location: Township Lake Property adjacent to 831 East Huron River Drive (Parcel ID# 83 088 99 0005 000), zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). *Adjacent property at 831 East Huron River Drive is zoned R-1C – Single Family Residential District.*

Request: A request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 85.3 feet, as revised from a previous request with proposed lengths not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

Director Power summarized his letter dated May 4, 2023. Director Power recommended for the BZA to consider granting the requested special exception, they will need to conclude that there are positive findings for all five (5) standards for special exceptions described above. **I strongly recommend that each member of the BZA should use the motion template attached to this packet to assist in making their decision, and each member should make statements regarding their decision on the case based on the five (5) criteria under**

Section 3.120(F)(7)(c). If findings in the positive are found for the five (5) criteria under Section 3.120(F)(7)(c), the special exception request may be granted. **If the request is granted, it will be subject to the conditions listed below:**

- **The proposed dock structures and marina are subject to site plan approval by the Township Planning Commission and special approval by the Township Board of Trustees.**
- **The proposed dock structures and marina are subject to any necessary review and approval of this application by EGLE and FERC.**
- **The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).**

Applicant Scott Jones from 11696 Juniper Drive representing Belleville Yacht Club shared photos of docks/lake distance (in Director Powers packet). Stated would have 551 ft of navigable water at current distance/requested special exception distance. With this approval the docks would go from 6ft off the lot lines to 21ft from the lot lines for EGLE approval. The current docks have been at this distance since fall of 2020 with no accidents.

Board Comments:

Herman: Difference between exception and variance, if approved will go to PC, Board, EGLE and FERC. With that being said this is not precedence setting, Planning Commission can approve the site plan. Would vote yes for this exception.

Sellers: Based on the criteria in front of us, this dock has been out at this many feet for 2.5 years with zero (0) issues. This water area is usually occupied by boats that are being launched so this wouldn't propose an issue with navigable area. I would vote to approve this exception.

Jahr: Opinion has not changed since the facts of the case have not changed. Having a 60ft dock does not deny use to the Yacht club. The purpose of the community standard is to limit distance of docking in to the water. Does not meet the special circumstance which believes is for lot size limits or shape of lot. Do not find the conditions were met so would vote no.

Grissett: Stuck on the word variance, however this is a special exception not a variance so this is not precedence setting. Vote would not be a yes.

Haase: At 120 feet this case was a hard no. Switching configurations to this request will be less hazardous. Exception and not a variance, per McKenna report: The ordinance does not define the term "exception".

However, exception is generally defined as *a deviation from a rule*. In order to grant such a deviation, the BZA must find that the standards (a) through (e) are met. Sub-section (d) further states "*Granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.*" The statement essentially means that each and every case that appears before the BZA seeking an exception must meet the criteria (a) through (e) with the overarching goal of ***reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in Section 3.120(A) of the Ordinance.*** Therefore, if the BZA grants a deviation to one property on the shoreline, it does not necessarily mean other properties on the shoreline will also be granted the same deviation, unless they can demonstrate that they have the exact same conditions or circumstances. Vote continues to be a yes in favor of this special exception.

Martin: The Lake ordinance put together by residents on the lake, worked on very hard, and put in to effect for safety reasons. Docks do not meet the criteria so no, would not approve this.

Larocque: Agree that the 40ft dock length is to serve the purpose of the lake for everyone involved. All 5 findings are not in support of this special exception so would vote no.

Haase Motioned, Sellers seconded to: **Case 22-056:** I make a motion to **approve** the request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 85.3 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB).

i. Enforcement of the provision(s) requested for special exception **would** unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property

ii. The special exception **would not** unduly prevent the realization of the purposes of this Ordinance

iii. The special exception **would not** cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance

iv. Unusual circumstances or conditions **are** involved

v. The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners

ROLL CALL:

Yeas (4): Herman, Grissett, Haase, Sellers

Nays (3): Martin, Jahr, Larocque

NEW BUSINESS None

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

Herman asked about Michigan State BZA online program, Director Power said he will send out an email.

ADJOURNMENT

Grissett motioned; Jahr seconded to adjourn the meeting at 7:59pm. **Motion Carried**

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MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power, AICP – Director of Planning and Economic Development
RE: Donyeal Sizemore Day Care Group Home – 42127 Salem Court
DATE: June 7, 2023

Applicant Donyeal Sizemore requests to change an existing Day Care, Family Home to a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1A – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1A (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance. The project is proposed to be located at 42127 Salem Court (parcel ID number 83 101 04 0071 000). The site's current family day care home is licensed by the State of Michigan as Building of Learning Childcare Center.

Day Care, Group Home is defined as follows in the Van Buren Township Zoning Ordinance, per Section 2.102(A)(60)(b):

DAY CARE OR CHILD CARE, GROUP HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Based on a recent change in State of Michigan policy, Day Care Group Homes will be allowed to have additional capacity (up to two additional children) after 29 months of operation.

The proposed use will occur at the residence of Rodney and Donyeal Sizemore. The current house floor area is 2,805 square feet, according to Assessor's office records. The house was constructed in 2004 and is part of the Country Walk Phase II Site Condominium / PRD development. Included with the submittal is a narrative letter from the applicant dated May 18, 2023, an illustrative site / plot plan from the applicant that shows the layout of parking spaces and retractable fencing on the property, the property's original plot plan. The packet also contains in image of a specified type of retractable fencing the owner proposes to have installed on the property during hours of operation.

Based on the submittals provided, I will review the submitted Group Day Care Home permit application and make recommendations to the Planning Commission below based on general site plan observations,

general special land use standards of **Section 12.306 (Standards for Granting Special Approval)**, below. No special approval shall be recommended for approval by the Planning Commission or granted by the Township Board unless the special use:

- a) Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The property is 0.277 acres in area (approximately 12,066 square feet), and is located at the end of a cul-de-sac road. See the base map for this property included at the end of this report. In this configuration, the property is relatively isolated and large, and experiences regular cross traffic with only the ten (10) neighboring properties on Salem Court. The property has an optimal layout and is in an optimal position for use as a day care operation which can be run in a socially and economically desirable manner.
- b) Is necessary for the public convenience at that location.** The proposed use is an expansion of an existing day care use that is located in one of the Township's largest residential developments. The Country Walk site condominium in total has 536 planned detached single-family housing units, most of which are constructed. Day care capacity is a widespread need in Van Buren Township, and even at the State and national level. The expansion of this existing site will help to fulfill that need.
- c) Is compatible with adjacent uses of land.** Due to the site's relative isolation and its adequate land area, the group day care home use should be compatible with the adjacent uses of land.
- d) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.** This criterion will be met, subject to adherence to certain conditions I state below in this report. The site will also be inspected by the State of Michigan LARA for applicable standards related to child care.
- e) Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.** The site is adequately served by public services and facilities.
- f) Will not cause injury to other property in the neighborhood in which it is to be located.** The uses in the site will adhere to required setbacks and the site is well situated with ample land available. I do not anticipate the group day care home use causing injury to other property in the neighborhood. From a brief tour of the site, staff was shown the facilities for day care education in the basement and on the main floor of the home, as well as the relatively large rear yard. If any additional approvals are required from the Country Walk II Homeowner's Association or Management Group for this expansion, their written approval must be filed prior to the expansion occurring. Written approval from the HOA must be provided regarding the proposed retractable fencing.
- g) Will consider the natural environment and help conserve natural resources and energy.** The proposed group day care home use is anticipated to have a negligible impact on the natural environment and natural resources.

The use is also subject to specific requirements of Section 5.111 of the Van Buren Township Zoning Ordinance, described and evaluated below:

Section 5.111 Day Care or Child Care, Group Home

- A. Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
 - o (1) Another licensed group day care home.

- o (2) Adult foster care, small group home or large group home as defined in this Ordinance and by the State of Michigan.
 - o (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.
 - o (4) A community correction center, residence home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Federal or State Department of Corrections.
 - o (5) Child care centers, subject to the requirements of Section 5.108.
 - o (6) Adult day care centers, subject to the requirements of Section 5.110.
- Staff has reviewed and verified that the proposed site is located greater than 1,500' from the listed uses. See the worksheet attached to this report for more information.
- B. It has appropriate fencing for the safety of the children in the group day care home as determined by the Planning Commission. The applicant's development has restrictions on permanent fencing in yards. The applicant has proposed to install a retractable fencing around the perimeter of the yard during hours of operation. The applicant is recommended to provide additional graphic specifications and details for the proposed fencing, and the fencing shall be reviewed by the Planning Commission for adequate safety and aesthetic compatibility with the surrounding neighborhood.
- C. It maintains the property consistent with the visible characteristics of the neighborhood. This criterion can be met. Apart from the above-mentioned fencing, the applicant proposes no changes to the site.
- D. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The applicant has clarified that their hours will be 6:00 a.m. to 10:00 p.m., Monday – Saturday.
- E. The group day care home operator shall provide off-street parking for his or her employees in accordance with Article 9, in the ratio of one (1) parking space for each employee. The Van Buren Township Zoning Ordinance requires the following off-street parking for child care uses per Section 9.102:
 - o 1 space per employee (2 required)
 - o 1 space per each bracket of 10 children cared for (3 required)
 - o (5) stacking spaces
 - o Total: (4) parking spaces and (5) stacking spaces

However, the Township's Zoning Ordinance allows the Planning Commission to make modifications to parking space requirements under Sec. 9.101(J):

(J) Minimum Parking Required. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule contained in Section 9.102 herein; however, the Planning Commission may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based of the level of current or future employment and/or level of current or future customer traffic. In determining whether to permit fewer parking spaces, the Planning Commission shall consult the most recent edition of the Parking Generation, published by the Institute of Traffic Engineers (ITE), or other

acceptable standard.

The applicant has clarified that currently only herself and one (1) additional employee from an offsite location are employed at the subject site (2 employees total). The applicant must clarify the number of employees in writing on the site plan. Per the Township Planning Consultant's analysis, ITE says that the average parking demand for a day care facility is: 3.3 spaces per 1,000-sf gross floor area (8 spaces required using this threshold), or 1.3 spaces per employee (2 spaces required), or .21 spaces per child (3 spaces maximum). The garage may be used for two (2) spaces. The area in front of the site's attached garage may accommodate two (2) vehicles side-by-side, per Zoning Ordinance requirements. The site's driveway is 25.73 feet in length, as measured from the front of the garage to the property line, and 16 feet in width. This can only accommodate two (2) parallel parking spaces, side by side, under Section 9.104 of the Van Buren Township Zoning Ordinance. The applicant's submitted site plan should be updated and resubmitted to show only two (2) vehicles and not four (4) vehicles on the driveway. Pending findings from the current ITE standards for day care parking requirements, I recommend that the Planning Commission consider a modification of the minimum required number of parking spaces under Sec. 9.101(J) of the Van Buren Township Zoning Ordinance to accept the basic four-space layout as has been submitted by the applicant. I also recommend that the applicant obtain a signed agreement from the nearest six (6) property owners on both sides of her site that agree to her patrons' parking in available on-street parking locations as necessary during peak drop-off and pickup times, to be provided prior to Board of Trustees special approval consideration. I encourage the applicant to hard surface their entire driveway, for long term maintenance purposes.

Additional site plan comments.

- If the applicant anticipates the generation of garbage beyond what would be consistent with residential land use, they may have to take additional measures for waste disposal and screening of waste.
- If the applicant proposes to have any signage, any signage must comply with Article 11 of the Van Buren Township Zoning Ordinance.

Recommendation.

Based on the findings of this report, I recommend that the Planning Commission conditionally recommend approval of the requested special approval group day care home use and conditionally approve the submitted preliminary and final site plan, subject to the conditions stated below:

- The applicant must clarify the number of employees in writing on the site plan.
- If any additional approvals are required from the Country Walk II Homeowner's Association or Management Group for this expansion, their written approval must be filed prior to the expansion occurring.
- Written approval from the HOA must be provided regarding the proposed retractable fencing.
- The applicant's submitted site plan should be updated and resubmitted to show only two (2) vehicles and not four (4) vehicles on the driveway.

- I recommend that the Planning Commission consider a modification of the minimum required number of parking spaces under Sec. 9.101(J) of the Van Buren Township Zoning Ordinance to accept the basic 4-space parking layout as has been submitted by the applicant.
- The applicant shall obtain a signed agreement from the nearest six (6) property owners on both sides of her site that agree to her patrons' parking in available on-street parking locations as necessary during peak drop-off and pickup times, to be provided prior to Board of Trustees special approval consideration.

If these requests are granted, the project will be considered by the Van Buren Township Board of Trustees before final approval is granted by Township staff. The applicant then may continue the process of obtaining their "group" day care license from the State of Michigan. Please do not hesitate to reach out if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power", with a stylized, cursive script.

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



June 7, 2023

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

**Subject: VBT-23-021: Sloan Property Rezoning / Rezoning Review
Application Dated April 24, 2023**

Dear Commissioners:

We have reviewed an application from Mark Drane on behalf of Robert Sloan, owner of Parcel V125-83-009-99-0002-000, which is located on the north side of Van Born Road, just south of Canton Township, between Sheldon Road and Morton Taylor Road. The applicant proposes to rezone the parcel from its current zoning classification of M-1, Light Industrial to M-2, General Industrial. The parcel is approximately 24.4 acres.

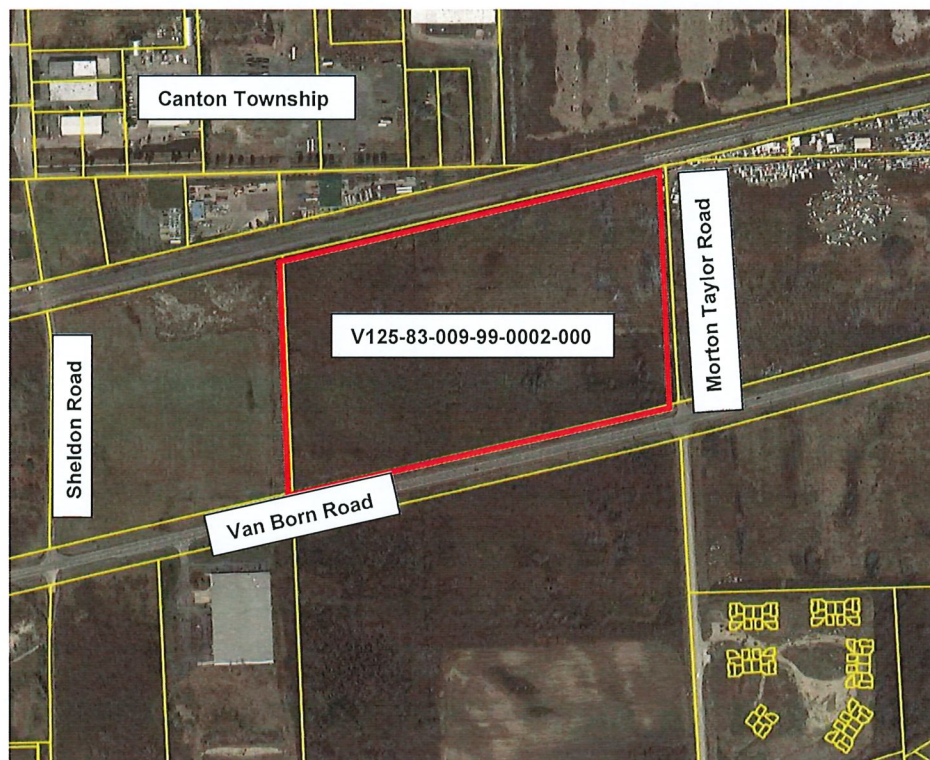


Figure 1: Site Location (Google Maps)



The Master Plan was originally adopted in 1989 and amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), 2010 (Belleville Road District Plan). In 2020, the Master Plan received a complete revision, coordinating the previous plans.

Government has a legitimate interest in maintaining compatibility of surrounding areas, protecting and preserving natural resources, and ensuring adequate infrastructure such as roads, water supply and sanitary sewage disposal. Adoption of a master plan and imposition of zoning restrictions to accomplish those interests, avoid overcrowding, preserve open space, and protect the aesthetics of an area of land are consistent with the Michigan Planning Enabling Act (P.A. 33 of 2008) and Michigan Zoning Enabling Act (P.A. 110 of 2006). Our comments on and analysis of this request follow.

EXISTING CONDITIONS

	Existing Land Use	Current Zoning	Future Land Use
Subject Site	Vacant/Undeveloped	M-1, Light Industrial	Heavy Industrial
North*	Rail Line, Light Industrial / Manufacturing	M-1, Light Industrial	Heavy Industrial
South	Vacant/Undeveloped	R-1B, Single-Family Residential	Light Industrial
East	Vacant/Undeveloped	M-1, Light Industrial	Heavy Industrial
West	Vacant – Industrial Development Under Site Plan Review	M-2, General Industrial	Heavy Industrial

*Primarily Canton Twp. Land to the north

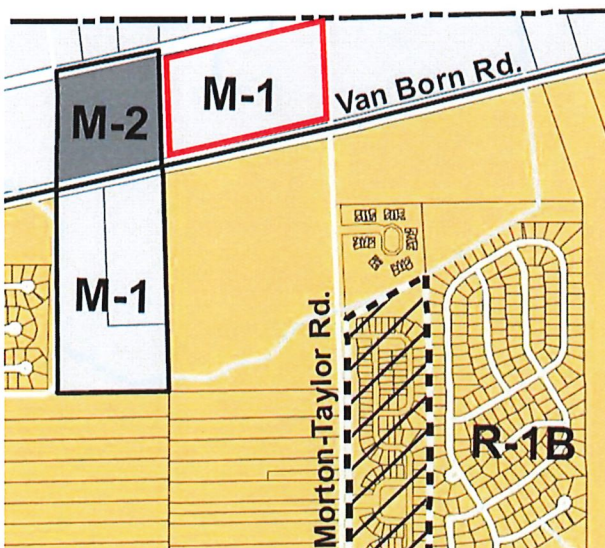


Figure 2: Zoning Map

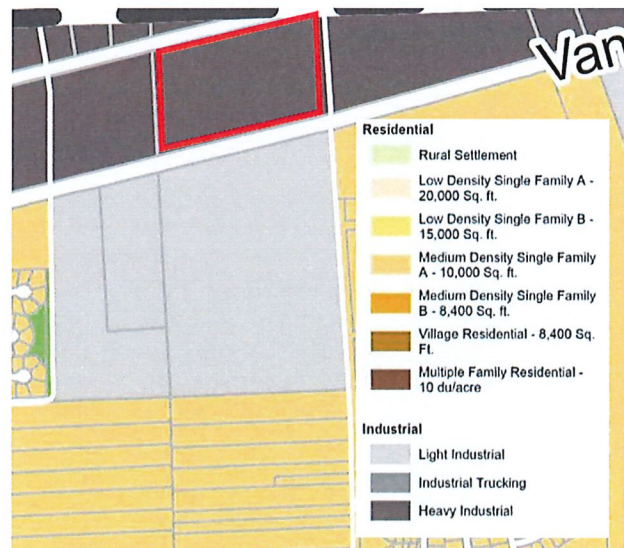


Figure 3: Future Land Use Map



REZONING STANDARDS

Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.504(A) through (L) includes specific standards of review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application. These standards and our comments follow.

(A) *Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.*

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).

Per the Master Plan, the future land use for this parcel is Heavy Industrial, which 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 site is adjacent to the railroad and buffered by other industrial uses. Rezoning of this parcel from Light Industrial to General Industrial, a more intensive zone, is thus supported by the Master Plan, and is in line with recent development trends in this area of the Township.

(B) *Consistency with the basic intent and purpose of this Zoning Ordinance.*

The Purpose and intent of Section 1.102 of the Zoning Ordinance includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. To that end, there are provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance.

Per the Zoning Ordinance, the intent of the M-2 zoning district is *"to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services."* There is currently no conceptual development plan for the site as of this writing; any future proposals will be reviewed against the intent and purpose and permitted uses suitable to the rezoned parcel.

(C) *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

The applicant does not have a development plan at this time; therefore, the volume of traffic generated by a future use on the site cannot be quantified at this time. Future traffic impact analysis will be required, and additional improvements required as necessary, as part of the site plan review process for any new development. The applicant's proposal to rezone the parcels is not an approval of any use of the site.

(D) *The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.*



The proposed use of the site does not involve the construction of any building. While we are not aware of any constraints on the water and sewer systems that would prevent service to the subject site, we will defer to the Van Buren Township Department of Public Services.

(E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

We are not aware of any errors in the Zoning Ordinance or Zoning Map, so a rezoning cannot be granted on the grounds that there is an error to correct. Over the last few years, Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses. There is a definite market trend showing the demand for more industrial uses. The Township's Master Plan specifically designates the subject site as an area for heavier industrial uses.

(F) That the amendment will not be expected to result in exclusionary zoning.

In general, exclusionary zoning is a prohibition of a particular land use when there is a demonstrated need for the use in the community. Rezoning of the parcel would not prohibit any type of land use that may have occurred on the site otherwise.

(G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The site does not contain any regulated wetlands but does contain vegetation throughout and wetland soils along its edges. The Yost Drain runs across the northern edge of the parcel and then cuts through the parcel at about one third of its width. The drain continues across Van Born and into the southern parcels. Future development proposals will need to account for this drain in close cooperation with Wayne County. The applicant letter dated 4/18/2023 states that "permitted uses are compatible with the sites physical, geological, hydrological and environmental features".

(H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The permitted uses and special land uses of the M-2 zoning district are listed in the following table:

PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none">• All Permitted Uses in the M-1, Light Industrial District• Manufacturing and Processing (Heavy)• Truck and Railroad Terminals• Accessory structures and uses customarily incidental to the above permitted uses	<ul style="list-style-type: none">• Outdoor storage of Building or Contracting Equipment and Supplies• Drive-In Theaters• Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth• Air Freight Forwarders• Junk Yards• Recreational Vehicle Storage Yards• Truck Repair and Maintenance Facility, Minor• Truck Repair and Maintenance Facility, Major• Accessory Caretaker Dwelling• Regulated Uses (Sexually Oriented Businesses)



The M-2 District is intended to be located so that uses will be developed without creating negative impacts on adjacent uses from characteristics and conditions such as heavy truck traffic, excessive noise, glare, air pollution, wastewater pollution or emissions, which are commonly found in a traditional industrial district. While there are some residential developments in the area, none are adjacent to the site in question. Potential negative impacts related to future development will be discussed and mitigated during site plan review.

- (I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.***

The Purpose and intent of Section 1.102 of the Zoning Ordinance includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. To that end, there are provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance.

- (J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.***

Based on the Master Plan and the site's location to another M-2 parcel, the proposed M-2 rezoning of the subject site would be most appropriate to form a contiguous zoning district that aligns more closely with the future land uses planned for this area north of Van Born.

- (K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.***

Rezoning of the land will provide consistency with the Master Plan and create a clear delineation between the more intensive industrial land uses planned for the north side of Van Born and the less intensive industrial and residential uses that are planned for or already exist south of Van Born. Therefore, rezoning the land to M-2 is more appropriate than amending the list of permitted or special land uses in the current M-1 zoning district.

- (L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.***

Rezoning will help create a continuous heavy-industrial zoned area and will not create an isolated or incompatible zone.

RECOMMENDATION

At this time, the application to rezone the subject site from M-1 to M-2 meets the standards of Section 12.504(A) through (L) of the Zoning Ordinance:

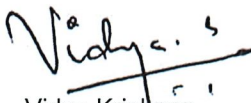
1. **Section 12.504(A).** The proposed rezoning is consistent with the goals, policies, and objectives of the Master Plan and its subsequent amendments. The proposed M-2 zoning designation is consistent with the heavy industrial designation envisioned in the Master Plan for the site and surrounding properties.
2. **Section 12.504(B).** The proposed rezoning is consistent with the intent of the Zoning Ordinance and the existing development pattern of the area.



3. **Section 12.504 (C).** The subject parcel has frontage onto Van Born, designated as an urban minor arterial. Improvements to abutting roadways to handle additional traffic will be considered at the time of site plan review and approval of the parcels to the east.
4. **Section 12.504 (D).** We are not aware of any constraints in the ability of public services to serve this site.
5. **Section 12.504(E).** Van Buren Township has experienced a high demand for additional industrial development and expansion of existing industrial land uses.
6. **Section 12.504 (F).** The proposed rezoning is not causing any exclusionary zoning.
7. **Section 12.504 (G).** The subject site has existing wetland soils and a County drain. The applicant is responsible for mitigation of any adverse impacts of any future development and coordinate with Wayne County; these items will be further investigated during the site plan review process.
8. **Section 12.504 (H).** The uses permitted by right and special land use in the proposed M-2 zoning district are not likely to be significantly more or less consistent than developing it under the current M-1 zoning.
9. **Section 12.054(I).** If rezoned, the site will be required to be developed in conformance to required standards for the M-2 district. However, the applicant has no plans at this time to build on the parcel.
10. **Section 12.054(J).** Given the possible options, we believe the M-2 designation is the most appropriate for the subject sites considering its present location.
11. **Section 12.504 (K).** Amending the existing M-1 district to allow for heavy industrial uses would be inappropriate.
12. **Section 12.054(L).** The proposed M-2 zoning of the subject parcels will be compatible with the zoning abutting its west side. Compliance with any zoning ordinance standards requiring greenbelts, buffering and landscaping will be reviewed if and when the parcels to the east, also owned by the applicant, are developed.

Therefore, we recommend that the Planning Commission recommend to the Township Board of Trustees, approval of the requested amendment to the Zoning Map to rezone the subject parcel from M-1 to M-2 designation. The recommendation for approval is in no way a guarantee of the buildability of the parcel.

Respectfully
McKENNA


Vidya Krishnan
Senior Principal Planner


Gage Belko, AICP
Associate Planner

CC: Dan Power, AICP, Director of Planning and Economic Development



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Case 23-026: Subaru Research and Development, Inc.
Landscaping Modification
DATE: June 8, 2023

Applicant Subaru Research and Development, Inc. seeks approval to implement changes to the approved landscaping plan from their Research and Development facility (Van Buren Township Planning Case # 18-021) to replace turf grass in approximately 50,049 square feet (1.15 acres) of the original approved landscaping plan in three identified areas near the front of the site. In these areas, the applicant seeks to install alternative landscaping with a plant mix that eliminates turf grass in favor of native grasses and perennial plants that assist with rainwater retention, addition of native flowering plants which attract pollinators, and reduce the need for irrigation on the site. The subject site is located at 50255 Michigan Avenue (tax parcel ID 83 998 01 9802 027).

For the Planning Commission's reference, with this report, I am including the approved landscaping plan from the original Subaru Research and Development Project, approved by the Van Buren Township Planning Commission in 2018. The Township's Zoning Ordinance allows for the proposed use of alternative gardens in place of approved lawn areas as a modification to the approved landscaping plan. However, the Planning Commission must approve the request for a modification from the requirement that all landscaped areas are to be irrigated to accommodate these gardens (under Sec. 10.105(c) of the Zoning Ordinance), if they are not proposed to be irrigated. The Planning Commission may grant modifications to a landscaping plan under Section 10.106 of the Van Buren Township Zoning Ordinance. Based on the information the applicant has submitted, they request to phase out irrigation in the affected areas over time.



At this time, I have no objection to the Planning Commission conditionally approving the requested landscaping modifications on the following conditions:

- A detailed landscaping plan must be provided by the applicant which demonstrates that any shrubs that will be removed as part of the new landscaping plan will be replaced with

an equal to-or-greater than volume and size of shrubs under the new plan.

- Two (2) years following initial installation, the site will be inspected by Township staff. If there are no maintenance concerns at two (2) years following installation, staff will administratively approve the continuation of the landscape plan. At the Planning Director's discretion, the landscape plan may be referred back to the Planning Commission for additional periodic review.
- Staff will hold any remaining landscaping bonds from the initial project construction until the completion of this new planting installation.

I look forward to assisting with this review. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power", with a stylized flourish at the end.

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