

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, May 24th, 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/87298135203>

Or One tap mobile : +13126266799,,87298135203# US

Or Telephone: Dial: +1 312 626 6799 US

Webinar ID: 872 9813 5203

International numbers available: <https://us06web.zoom.us/j/87298135203>

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES: Approval of minutes from the regular meeting of April 26, 2023.

CORRESPONDENCE / ANNOUNCEMENTS:

PUBLIC HEARING:

OLD BUSINESS:

NEW BUSINESS:

ITEM # 1 **Case 22-052- Ashley Crossroads North Site Plan Amendment / Our Next Energy (ONE) Preliminary and Final Site Plan**

DESCRIPTION: The applicant, Crossroads Distribution Center North 6, LLC seeks approval of an amendment to the preliminary and final site plan for the first phase of construction of a battery manufacturing facility. The improvements will include construction of a 36,800 square foot two-story office facility, a 29,240-sq. ft. manufacturing space and 11,830-sq. ft. shipping and receiving area within an

existing 659,546-sq. ft. building, along with related accessory outdoor industrial storage, landscaping, and access alterations on the east end of this building.

LOCATION: 42060 Ecorse Road (parcel ID number 83 008 99 0002 706). The site is a 46.15-acre parcel west of Haggerty Road on the north side of Ecorse Road. The property's zoning is M-2 – General Industrial (with conditions).

ACTION ITEMS:

- A. Presentation from Township Staff
- B. Presentation from the applicant
- C. Planning Commission discussion
- D. Public comment
- E. Planning Commission considers approval of the Preliminary and Final Site Plan

ITEM # 2 **Discussion – Zoning Ordinance Amendment to accommodate modifications to group day care home standards.**

DESCRIPTION: Staff will request the Planning Commission to provide direction regarding certain standards within Section 5.111 of the Van Buren Township Zoning Ordinance (Development Standards for Specific Uses - Day Care or Child Care, Group Home) to address recent State of Michigan policy changes regarding child care.

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
May 10, 2023
MINUTES - DRAFT**

Vice-Chairperson Jahr called the meeting to order at 5:33 p.m.

ROLL CALL:

Present: Budd, Grant, Pahle and Jahr.

Excused: Atchinson and Cullin.

Staff: Director Power, Director Akers, Director Renaud, Deputy Director Dohring and Secretary Harman.

Planning Representatives: Vidya Krishnan, McKenna Associates and Mike Leppek, Fishbeck Associates.

Applicant(s) in Attendance: Case 23-020 – Van Buren Charter Township Accessory Gasoline Filling Station: Director Akers. Case 23-025 – French Landing Park Boardwalk / Dock Improvements: Director Renaud, Deputy Director Dohring and Architect, Wade Hoppe.

Audience: Six (6).

APPROVAL OF AGENDA:

Motion Budd, Grant second to approve the agenda of May 10, 2023 as presented. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Grant, Pahle second to approve the regular meeting minutes of April 26, 2023 as presented. **Motion Carried.**

OLD BUSINESS:

ITEM #1: DISCUSSION – RESIDENTIAL ZONING ORDINANCE TEXT AMENDMENT.

TITLE: THE PLANNING COMMISSION WILL BE REQUESTED TO CONTINUE CONSIDERATION OF A ZONING ORDINANCE TEXT AMENDMENT TO ALLOW BUILDING HEIGHT TO BE LIMITED TO THE MORE RESTRICTIVE OF THE FOLLOWING STANDARDS IN ZONING DISTRICTS CONTAINING SINGLE FAMILY RESIDENTIAL DWELLINGS, INCLUDING SECTIONS 3.106, 3.107 AND 3.109 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE:

- **35 FEET, AS AMENDED FROM THE CURRENT LIMIT OF 30 FEET IN HEIGHT.**
- **2.5 STORIES, AS AMENDED FROM THE CURRENT LIMIT OF 2 STORIES.**

Director Power gave a brief presentation. The Planning Commission has discussed the residential zoning ordinance text amendment at previous meetings, which was prompted by an application for a residential building permit for a home with 2.5 stories. The limit in the zoning ordinance is 2 stories with a maximum height of 30 feet, measured from the average grade at the front of the house to the halfway point between the eave and the peak of the roof. The Planning Commission began a review process relating to that section of the zoning ordinance to determine whether to increase the number of stories and/or maximum height regulations. Director Power deferred to Principal Planner Vidya Krishnan for her presentation.

Vidya Krishnan of McKenna Associates gave her presentation. The Planning Commission has discussed residential zoning ordinance text amendment for the past couple of months and were presented comparisons from surrounding communities. Most of the comparison communities don't regulate the number of stories, only the maximum height. Lakeside properties have a greater challenge with having a lower grade. The decision is whether to revise the regulation to allow a maximum height of 35-feet and/or 2.5 stories. Commissioners previously asked Mrs. Krishnan to find pictures of 2.5 story homes with a 35-foot maximum height, examples were included in the Commissioner's packets, however, it was difficult to find pictures of homes on a lake. If the Planning Commission chooses to send the ordinance amendment forward, the examples of homes provided in the packet are what they should expect to see.

Director Power informed that the Planning Commission may procedurally opt to schedule a public hearing for the Residential Zoning Ordinance text amendment.

Commissioners agreed they are ready to move forward with scheduling the public hearing. Commissioner asked Vidya Krishnan of McKenna Associates to provide an edit that includes the ordinance changes prior to the public hearing. Mrs. Krishnan will have all of the previous information included along with strikethroughs to show the amendment. Director Power informed that the public hearing would either be held at the 6-14-23 or 6-28-23 Planning Commission meeting.

No comments from the audience or remote viewers.

Motion Grant, Budd second to schedule the public hearing for the Residential Zoning Ordinance Text Amendment.

Roll Call:

Yeas: Budd, Grant, Pahle and Jahr.

Nays: None.

Excused: Atchinson and Cullin.

Motion Carried.

NEW BUSINESS:

ITEM #1: 23-020 – VAN BUREN CHARTER TOWNSHIP ACCESSORY GASOLINE FILLING STATION.

TITLE: THE APPLICANT, VAN BUREN CHARTER TOWNSHIP, SEEKS PRELIMINARY AND FINAL SITE PLAN APPROVAL TO CONSTRUCT AN ACCESSORY FILLING STATION TO THEIR EXISTING WATER TOWER SITE ON TYLER ROAD. THE SITE IS LOCATED AT THE SOUTHEAST CORNER OF TYLER AND QUIRK ROAD AND IS A 41.58-ACRE PARCEL. THE PROPOSAL ALSO INCLUDES ADDING AN ACCESSORY ABOVE GROUND FUEL TANK, PUMP STATION, IMPROVEMENTS TO THE TRAFFIC CIRCULATION AND PARKING, AS WELL AS LIGHTING AND LANDSCAPING. THE SITE IS ZONED M-1 – LIGHT INDUSTRIAL DISTRICT.

46805 TYLER ROAD (TAX PARCEL ID NUMBER 83-062-99-0001-701). THIS SITE IS LOCATED ON THE SOUTH SIDE OF TYLER ROAD, BETWEEN QUIRK ROAD AND BECK ROAD.

Director Power deferred the presentation to Director Akers.

Director Akers presented his staff review letter dated 5-4-23. This review process is a little different, being internal, the staff review letter serves as a site plan review. The Township is proposing to construct an accessory filling station to the existing water tower site on Tyler Road. The proposal includes adding an accessory above ground fuel tank, pump station, improvements to traffic circulation and parking, as well as lighting and landscaping. The filling station will be used to fuel police, fire and public works vehicles. The Township is seeking both preliminary and final site plan review at this time. Based on the staff review and the Fire Marshal's review dated May 4, 2023, Township staff recommends the Planning Commission grant preliminary and final site plan approval for the Fuel Tank Relocation project, subject to the following conditions:

1. The following information be added to the site plan:
 - a. Height of the water towers.
 - b. A note needs to be added to "Pick up debris within property limits weekly or as needed."
 - c. A note specifying, "Paved surfaces, walkways, signs, lighting and other structures and surfaces shall be maintained in a safe, attractive condition as originally designed and constructed. Parking lot striping and markings shall be maintained in clearly visible condition."
2. The Planning Commission authorizes a deferment of the requirements to install a sidewalk along the frontage of the property until such a time that the full development of the property occurs.
3. The Planning Commission authorizes a deviation from the minimum parking standards to allow seven (7) approved parking spaces as opposed to the eleven (11) required under the Zoning Ordinance.
4. The Planning Commission authorizes a modification to defer the planning of shrubs along the Tyler Road frontage until a future date to allow the Township the ability to plant shrubs consistently across the frontage for a more uniform look when the site is fully developed at a later time.
5. The landscape plan be amended to revise the size of the white pine trees from a 3" caliper tree to a ten (10) foot tall tree.
6. The Planning Commission authorizes a waiver from the installation of an irrigation system and acknowledges that the Township has a contractor which provides landscape maintenance for our properties which would include watering.
7. The photometric plan will need to be amended to show the lighting levels from both lighted areas to the property line and that the lighting shall not exceed 0.5-foot candles per the Zoning Ordinance.
8. The Planning Commission authorizes an eight (8) foot tall screening fence around the fuel tank to screen the tank from the road and adjacent properties.

9. The Planning Commission allows the 8' black vinyl coated chain link security fencing around the fuel tank.

Director Akers presented the Fire Department review letter dated 5-4-23, recommending approval with conditions.

Commissioners had the following questions and comments:

- Commissioner inquired if Director Akers is deferring the sidewalks on Tyler Road? Director Akers confirmed, yes. Commissioner commented that it is very rare that the Planning Commission defers sidewalks, seems like we should have the sidewalks put it.
- Commissioner commented in regard to the sidewalks, during the discussion a photo of a potential DPW building was displayed. However, the only change now is the drive and very small accessory building. Commissioner doesn't believe this is a full site plan, when the DPW building happens, the sidewalks will need to go in.
- Commissioner inquired to Director Akers, when the original water tower went in, was there a deferment for the sidewalks? Director Akers is unsure. Commissioner inquired if there is a timeline for the new building? Director Akers informed there is no timeline, when the building goes up the sidewalks will go in.
- Commissioner commented it is an essential services use, which exempts it from the requirement.
- Commissioners are ok with the seven (7) parking spaces.
- Commissioner agrees with the sidewalk deferment. Vidya Krishnan of McKenna Associates commented she thinks the Planning Commission can make a distinction in this case as it is an uninhabited site.
- Commissioner commented the fueling station is not public, it is only for municipal vehicles.
- Commissioner commented the intent of the sidewalk is to tie public spaces together. Can easily see people coming from Quirk Park to walk over to the Beck Ballfields.
- Commissioner inquired if given the fact that the other building may not ever happen can the Commission put a timeline on the sidewalk, for within the next 5 years regardless of construction, it has to go in? Director Power informed yes, that type of language has been used before and the decision to add the language is deferred to the Planning Commission.
- Director Akers informed that an item he would like to highlight is the township having sidewalks along the stretch of Tyler Road, between Haggerty and Beck Roads, has been a priority and the Township has applied for several grants for the sidewalks. The Township has been seeking opportunities to put in more sidewalks and will continue to do so.
- Commissioner inquired if a motion came across without the deferral of the sidewalk, would Director Akers need more time. Director Akers informed if the Planning Commission needs sidewalks, staff will take it back and get costs to make it happen.
- Commissioners agreed to the deferral with the time restraint of 5 years.

Architect, Wade Hoppe commented that sidewalks are put in for pedestrian connectivity for the public, not for the owner of the property. The Township is asking for 8 deferments, he has never seen a private development granted that many. If proceeding in this direction it looks like you are treating public developers differently than a private developer. It is an essential service, but

it's almost the largest structure in Van Buren Township. This is a significant construction, in his opinion, they should have put the sidewalk in when they put the water tower in.

Motion Grant, Pahle second to grant preliminary and final site plan approval to construct an accessory filling station to the existing water tower site, including adding an accessory above ground fuel tank, pump station, improvements to the traffic circulation and parking, lighting and landscaping, located at 46805 Tyler Road, tax parcel ID number 83-062-99-0001-701, in accordance with the conditions in the staff review letter dated 5-4-23 and Fire Department review letter dated 5-4-23 with the stipulation that the sidewalks have a timeline for placement of within 5 years, at this time they can be deferred but must adhere to the 5 year timeline.

Roll Call:

Yeas: Budd, Grant, Pahle and Jahr.

Nays: None.

Excused: Atchinson and Cullin.

Motion Carried. (Letters Attached)

ITEM #2: 23-025 – FRENCH LANDING PARK BOARDWALK / DOCK IMPROVEMENTS.

TITLE: THE APPLICANT, VAN BUREN CHARTER TOWNSHIP, SEEKS SITE PLAN APPROVAL TO REMOVE AN EXISTING ELEVATED BOARDWALK AND DOCK STRUCTURE AND REPLACE IT WITH A NEW BOARDWALK AND DOCK STRUCTURE. THE STRUCTURE WILL BE APPROXIMATELY 202 FEET IN LENGTH, WILL EXTEND APPROXIMATELY 23.5 FEET FROM THE SHORE, AND WILL HAVE A TOTAL COMBINED AREA OF APPROXIMATELY 2,691 SQUARE FEET. THE PROPOSED IMPROVEMENTS REQUIRE SITE PLAN REVIEW BY THE VAN BUREN TOWNSHIP PLANNING COMMISSION PER SECTION 3.120(C)(2)(b)(i) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE.

12090-12100 HAGGERTY ROAD (TAX PARCEL ID NUMBER 83-094-01-0216-000 AND 83-095-01-0221-300). THIS SITE IS LOCATED ON THE WEST SIDE OF HAGGERTY ROAD, BETWEEN ALDEN ROAD AND THE SOUTH I-94 SERVICE DRIVE.

Director Power gave the presentation. The applicant is seeking site plan approval to remove an existing elevated boardwalk and dock structure and to replace it with a new elevated boardwalk and dock structure at French Landing Park. The improvement effects 2 parcels, primarily the parcel to the south, the upland parcels are zoned R-1C and the lakefront is zoned BLB. The proposal includes no dockage of watercraft, no boat docking. EGLE's permit has been issued and staff is working with FERC. Director Power displayed photos of the current condition of the boardwalk and dock structure and presented his staff review letter dated 5-3-23. The items included in the report are minor in nature and can be addressed with final site plan adjustments as the project proceeds through engineering and final site plan review and through the creation of "Issued for Construction" drawings. Director Power recommends conditional approval of the plan dated October 30, 2022, subject to the following conditions:

1. A description of the proposed use should be added to the site plan.

2. If available, a sample of the Trex decking surface materials shall be provided for the Planning Commission's review.
3. Prior to construction, a plan set which includes the design professional's seal must be provided.
4. Additional details shall be shown on sheet A101 to demonstrate accessible approaches in two noted small gaps between the edge of concrete and the proposed structure on the north end of the site and in the center of the site.
5. The proposed Lake Lite solar deck lights listed on sheet E101 shall meet all standards of Section 8.105 of the Van Buren Township Zoning Ordinance. The proposed work must be completed in accordance with any applicable EGLE and FERC requirements.

Director Renaud gave a brief presentation, she has been working on improvements in French Landing Park since the development of the Master Plan in 2019, this is the last piece of the renovation. Director Renaud displayed a sample of the wire panel material to be used on the boardwalk fencing.

Commissioners had the following questions and comments:

- Commission commented that French Landing Park has become a very beautiful place for people to observe the lake. It's quite a nice thing to have in our community. Commissioner commended Director Renaud for a good job on the improvements.
- Commissioner inquired about the fencing mesh, is it wire or a rod? Architect, Wade Hoppe confirmed it is a 4"x 4" steel woven ¼" diameter steel wire sandwiched in a metal rail and it is zinc primed and powder coated.
- Commissioner inquired if there is an expected life span for the Trex and the steel wire panels? Wade Hoppe informed that the Trex will outlast most of us and the posts are designed close enough together that the railing is not dependent on the panel framing, the panel can be easily removed and replaced when needed.
- Commissioner is very happy to see the boardwalk being updated.

No comments from the audience or remote viewers.

Motion Grant, Pahle second to grant preliminary and final site plan approval to remove an existing elevated boardwalk and dock structure and replace it with a new boardwalk and dock structure, the structure will be approximately 202 feet in length, will extend approximately 23.5 feet from the shore and will have a total combined area of approximately 2,691 square feet, located at 12090-12100 Haggerty Road, tax parcel ID numbers 83-094-01-0216-000 and 83-095-01-0221-300 on the west side of Haggerty Road, between Alden Road and the S. I-94 Service Drive and in compliance with the conditions in the Director Power's staff review letter dated 5-3-23.

Roll Call:

Yeas: Pahle, Grant, Budd and Jahr.

Nays: None.

Excused: Atchinson and Cullin.

Motion Carried. (Letter Attached)

GENERAL DISCUSSION:

Director Power made one clarification in reference to the water tower property, it does not have frontage on Beck Road.

Commissioner commented he really likes the look of the solar dock lights for the boardwalk at French Landing Park.

Commissioner inquired if staff knows what the construction on Rawsonville is for? Director Renaud informed that it might be the Iron Belle Trail that will run through Van Buren Park.

Director Power informed Commissioners that he is working on locking in a time for the Redevelopment Ready Communities (RCC) Workshop, it is tentatively scheduled for June 8th at 5:00 p.m. The event will also have a joint training session by Planning Consultant Vidya Krishnan for the Board of Trustees and Planning Commission.

ADJOURNMENT:

Motion Budd, Grant second to adjourn the meeting at 6:42 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



VAN BUREN CHARTER TOWNSHIP

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, VAN BUREN TOWNSHIP, MI 48111

PHONE (734) 699-8913 FAX (734) 699-8958

PLANNING & ZONING APPLICATION

CASE INFORMATION

CASE NUMBER: 22-052	DATE SUBMITTED: April 26, 2023
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APPLICANT INFORMATION

NAME: Kirco Manix Construction, LLC	PHONE: 248-354-5100
ADDRESS: 101 W. Big Beaver	CELL PHONE: 248-790-2948
CITY, STATE & ZIP Troy, MI 48084	FAX:
EMAIL: dallison@kircomanix.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Crossroads Distribution Center North 6, LLC	PHONE: 248-867-1065
ADDRESS: 2575 South Haggerty Rd. Suite 500	CELL PHONE:
CITY, STATE & ZIP Canton, MI 48188	FAX:
EMAIL: kbowen@ashleycapital.com	

BILLING CONTACT

NAME: Marina Zammit	PHONE: 248-354-5100
ADDRESS: 101 W. Big Beaver Suite 200	CELL PHONE:
CITY, STATE & ZIP Troy, MI 48084	FAX:
EMAIL: mzammit@kircomanix.com	

SITE/PROJECT INFORMATION

NAME OF PROJECT: O.N.E. Circle			
PARCEL ID NO: V125-83-		PROJECT ADDRESS: 42060 Ecorse Rd	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the _____ Side of _____ Road; Between _____ Road and _____ Road.			
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	ACREAGE OF SITE:	TOTAL ACRES OF SITE TO REVIEW:
CURRENT ZONING:	IS A REZONING OF THIS PARCEL BEING REQUESTED? Y / N		REQUESTED ZONING:
PROJECT DESCRIPTION: Phase One 36,800 SF 2-Story Office, 29,240 SF Manufacturing and 11,830 SF Shipping & Receiving Area			

SPECIAL PERMIT INFORMATION

DOES THE PROPOSED USE REQUIRE SPECIAL APPROVAL? Y / N <u>N</u>	
IF YES, SECTION OF ZONING ORDINANCE FOR WHICH YOU ARE APPLYING FOR SPECIAL APPROVAL:	
IS THERE AN OFFICIAL WOODLAND WITHIN THE PARCEL? Y / N	IF YES, WOODLAND ACREAGE:
TOTAL NUMBER OF REGULATED TREES OUTSIDE THE WOODLAND AREA:	TOTAL NUMBER OF TREES:
DETAILED DESCRIPTION FOR CUTTING TREES:	
IF APPLICABLE, APPLICATION MUST BE ACCOMPANIED WITH A TREE SURVEY OR STATEMENT OF NO TREES, WHICH INCORPORATES ALL THE REQUIREMENTS LISTED IN SECTION 4.45 OF THE TOWNSHIP'S ZONING ORDINANCE 6-2-92, AS AMENDED.	

Crossroads Distribution Center North 6, LLC
OWNER'S AFFIDAVIT By: Ashley Capital, LLC Its agent
Kenneth J Bowen

PRINT PROPERTY OWNER'S NAME

[Signature]
SIGNATURE OF PROPERTY OWNER

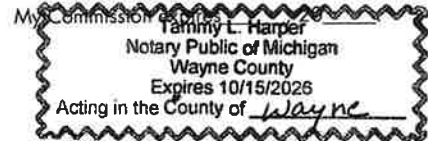
2-27-23

DATE

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 27th day of February 2023
[Signature] Notary Public, Wayne County, Michigan





MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Case 22-052: Crossroads Distribution Center North 6, LLC (Our Next Energy) Preliminary and Final Site Plan Review
DATE: May 18, 2023

Applicant Crossroads Distribution Center North 6, LLC seeks approval of an amendment to the preliminary and final site plan for the first phase of construction of a battery manufacturing facility. The improvements will include construction of a 36,800 square foot two-story office facility, a 29,240-sq. ft. manufacturing space and 11,830-sq. ft. shipping and receiving area within an existing 659,546-sq. ft. building, along with related accessory outdoor industrial storage, landscaping, and access alterations on the east end of this building.

The subject site is located at 42060 Ecorse Road (parcel ID number 83 008 99 0002 706). The site is a 46.15-acre parcel west of Haggerty Road on the north side of Ecorse Road. The property's zoning is M-2 – General Industrial (with conditions). The site was conditionally rezoned from M-T – Industrial Transportation to M-2 – General Industrial (with conditions) following a public hearing and recommendation by the Planning Commission on October 26, 2022 and two meetings by the Board of Trustees in November and December 2022 which involved two readings of a property rezoning ordinance along with the execution of the Conditional Rezoning Agreement.

To assist with your review, this packet includes a 33-page set of civil (site) and architectural plan drawings, supplemental information and prototype drawings that describe the use's proposed solvent recovery system (SRS), data sheets regarding the site's proposed electric vehicle (EV) charging stations, a perspective drawing / rendering demonstrating the proposed mechanical yard, and a document with responses to previous staff site plan review comments. Please note that within the submitted civil (site) drawings, two pages have been marked with red "X's" by staff, as these pages were replaced by addenda sheets that were also included with your packet.

The packet also includes report materials from the Township's Planning Consultant, Engineering consultant, and Fire Marshal / Deputy Fire Chief. The packet also includes meeting minutes from the Planning Commission's approval of the conditional rezoning request for the subject site in October 2022, and minutes from Planning Commission meetings involving approvals of the two other most recent projects at the Crossroads North development site.

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". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

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



May 17, 2023

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

Subject: VBT-22-052 – ONE (Our Next Energy) CRN – Building 6/42060 Ecorse Road; Prototype PHASE 1/Site Plan Review #3; Revised Plans Dated May 9, 2023.

Dear Commissioners:

The applicant, Ashley Capital on behalf of Our Next Energy (hereafter referred to as ONE), seeks amended site plan approval for changes to an approved site plan for Building 6 (659,989 sq. ft), which is part of the larger Crossroads Distribution Center North development. The site is located on the north side of Ecorse Road, west of Haggerty Road, south of Van Born Road, and is an approximately 46-acre parcel.

PHASING

ONE will eventually be occupying the whole building for their manufacturing facility. However, due to the scope of the project, the development is to be done in phases. At this time, the applicant is seeking approval for a phase called prototype 1 which will occupy a portion of the building at the east end of the site. **The site plan review is limited to improvements associated with Prototype 1 phase only.**

In the interest of keeping the Planning Commission and Township informed, the applicant has submitted a concept site layout plan for the entire site (sheet CS1-SPA-PH2) which shows additional mechanical equipment, trestles systems on the north side of the building and a future DTW sub-station to service the needs of the site when fully functional. The concept plan is for information purposes only, and this review does not include approval of any part of the future phases for development of the site. The applicant will submit for site plan approval for future phase(s) at a later date.

COMMENTS

We have reviewed the proposed site plan based on Zoning Ordinance standards and sound planning and design principles. Our comments are as follows (items requiring changes or additional information are underlined):

- 1. Zoning and Use.** The site is currently zoned M-2 (General Industrial District). The applicant received conditional approval in late 2022 to conditionally rezone the parcel from M-T (Industrial Transportation) district to M-2 (General Industrial) District to allow for the building to be used in manufacturing lithium-ion batteries. The proposed manufacturing (light and heavy), processing, and accessory office uses are principal permitted uses per Section 3.117.B of the Zoning Ordinance.
- 2. Required Information.** Section 12.203 of the Zoning Ordinance includes requirements for information on a site plan. All of the site plan details are provided at this time.



3. **Lot.** The application indicates that the site is a total area of 46 acres. The legal description is included with the tax parcel ID number.
4. **Dimensional Requirements.** There are no minimum lot area, width, or depth requirements in the M-2, General Industrial District.

Maximum lot coverage is 35% and the proposed buildings cover approximately 22%. The minimum required front, rear, and side yard setbacks for the M-2 District are 60, 50, and 50 feet respectively. The proposed building layout complies with all the setback dimensions since the site was originally developed to comply with M-T district setback regulations which are significantly higher.

Maximum permitted building height in the M-2 District is 4 stories, or 40 feet. The maximum permitted building height in the M-T district is 35 feet. At the time of original site plan approval, the applicant received Planning Commission approval to raise the height of Building 6 to 44 feet at the highest point, based upon a corresponding increase in all setbacks. The building height remains unaltered.

5. Access and Circulation.

- a. **Location of Curb Cuts.** The site can be accessed via two (2) existing access drives off Ecorse Road which run along the east and west sides of the site. The two access drives currently dead end at the north end of Building 6. No additional curb cuts are proposed.
- b. **Traffic.** At the time the building was approved in 2019, Wayne County required numerous improvements to the site's frontage along Ecorse Road to address the additional truck traffic that would be generated by a distribution center use. The change of the use of the building to manufacturing and office would result in reduced truck traffic but significantly higher volumes of vehicular traffic. Haggerty Road is in a major state of disrepair and the Township has been working with Wayne County to upgrade it. The Township Engineer has provided a detailed scope for a new Traffic Impact Study (TIS) to be done by the applicant. The TIS will reflect the potential impact on full occupancy of the building, i.e., when all phases are complete. The applicant has initiated the process; however, a study of this magnitude will take time. The current phase involves occupancy of only 1/6th of the building, and the traffic generated by the proposed limited occupancy will be far less than that anticipated in the original traffic study. Therefore, the applicant will be required to submit a full TIS and study with findings and recommendations, prior to any future phase(s) being approved.
- c. **Vehicle Circulation.** The vehicle circulation in the eastern portion of the site, which is under consideration, essentially remains the same, subject to a few changes recommended by the Fire Marshall for compliance with maximum fire lane length for dead-end aisles. The applicant is eliminating a cluster of parking spaces in and around a paved area to create an enclosure for the NMP storage tank, SRS (Solvent Recovery System) and coolers. The enclosure area has access via gates to the north and the plan notes that an existing hydrant adjacent to the gates will be rotated for full fire access. The circulation in this area is subject to approval from Fire Marshall.



- d. **Sidewalks.** No sidewalks are proposed to be added or removed from the site. Existing sidewalks along Ecorse Road have been identified in the site plan. The site plan proposes adding 4 new handicap accessible spaces on the southeast corner of the site. The existing sidewalk in that area must be extended along the frontage of all handicap spaces and provided with a ramp for safe barrier free access.

6. Parking and Loading.

- a. **Space Dimensions.** All spaces on the site were originally approved and constructed with dimensions of 9.5 feet wide x 20 feet long with 24-foot-wide maneuvering lanes, which is compliant.
- b. **Number of Parking Spaces.** Per original site plan approval, a total of 603 parking spaces were required for the building, under distribution center parking requirements. A total of 696 parking spaces was approved at the time, and 1061 constructed per the note on Sheet CS1-SPA-PH2. With the change of use to industrial and manufacturing, the requirement is either 5 spaces plus 1 per 550 GSF OR 1 per employee at largest shift, whichever is greater. The resulting parking requirement is 1237 and 840, respectively. The site plan proposes a total of 922 parking spaces. The Planning Commission has the ability to modify parking requirements based on data provided by the applicant showing the need for a greater/lesser number of spaces. The parking proposed exceeds the number of employees anticipated on the site at full occupancy. Therefore, we support the parking reduction.
- c. **Barrier Free Spaces.** With an overall parking requirement of 1,227 spaces, 22 ADA parking spaces must be provided. The site plan notes the provision of 24 parking spaces which are spread out on all 4 sides of the building. A total of 7 handicap accessible ADA compliant spaces are shown on the east side of the building, to be constructed as part of phase 1. The spaces are shown on the northeast and southeast corners of the building, closest to the building entrance.
- d. **Loading.** For commercial and industrial uses, 3 loading spaces + 1 per 50,000 SF (in excess of 50,000 SF) are required. Based on this standard a total of 15 loading spaces are required. The plan incorrectly notes the requirement as 6 spaces. Building 6 was originally approved with a total of 108 docks and 16 docks are proposed to remain active for the ONE facility, meeting the Ordinance requirement. All of the docks to be retained are clustered at the northeast corner (part of phase 1) and northwest corner (part of future phase) of the building.
- e. **EV parking spaces.** The site plan shows seven (7) EV parking spaces to the southeast corner of the building to be constructed as part of phase 1. Additional EV parking spaces will be incorporated as part of future phase(s). The applicant has provided manufacturer's cut sheet detail for proposed charging stations, which are ChargePoint, Level 2 CPF50 models with minimal signage and a sleek profile with a height of approx. 8 feet and width of 1.25 feet. The EV spaces abut a landscape area. Clarify if the charging poles will be installed in the landscape area.

- 7. **Landscaping and Screening.** The originally approved landscape plan for the entire site has been provided, indicating intent to maintain all perimeter, foundation and parking lot landscaping, with the exception of new screening around the mechanical equipment to be installed on the east side of the building. Details of the screening are discussed in Comment 8, below.



- 8. Mechanical Equipment and other ground mounted units.** Prototype 1 phase includes the installation of a 98' x 103.5' enclosure on the east side of the building to house an NMP storage tank, SRS (Solvent Recovery System) and coolers. These units are essential for the manufacturing process. The applicant has submitted supplements showing the details of the NMP and SRS systems. The dimensional details on the addendum are for information purposes only. The actual height of the proposed NMP Storage tank which is the tallest piece of equipment will be 14.82'. All of the equipment is to be located within an enclosure. The enclosure wall is noted as 14' in height, constructed of masonry and provided with spandrel glass 'faux windows' to give it the appearance of a building extension. The Zoning Ordinance allows for 6' tall enclosures, which can be raised to 8' with Planning Commission approval. The wall height must be reduced to 8 feet or the applicant must apply for and obtain a variance from the Zoning Board of Appeals for the additional height intended as screening to almost the top of the tank. We recommend the wall be provided with an EIFS or limestone cap and painted to match the building.

In addition to the screen wall, the applicant proposes landscape screening on the east side of the enclosure. A row of 11 parking spaces abutting the aisle on the east side of the enclosure is to be converted into a large landscape island (20' x 104.5') and planted with 4 *Colorado Spruce* trees and 3 *Redmond Linden* trees in a staggered configuration. The mix of evergreen and deciduous plantings will create a year-round visual screen in addition to the enclosure wall. The landscape island has been placed on the other side of the aisle to allow for fire safety and fire truck circulation. The enclosure is located several hundred feet from any dwelling to the east, and the combination of screening proposed will render the equipment minimally visible from any abutting residential use parcel.

- 9. Tree Removal Permit.** No tree removal is proposed as part of Prototype Phase 1.
- 10. Lighting.** The plan set includes a photometric plan for the area includes in phase 1. The existing light pole and wall mounted fixtures on the building which were originally approved, are to remain. The only new addition is a couple of wall mounted light fixtures on the north side of the mechanical equipment enclosure wall to illuminate the gate area and interior of the space. The fixtures must be downward directed and shielded.
- 11. Architecture and Building Details.** The building on the site has already been constructed and was approved by the Planning Commission. The applicant has submitted elevations showing minor changes to the façade which include addition of 6 windows and an employee door on the east side, and removal of two (2) overhead doors and installation of a single employee door on the south side. The modifications are designed to align with existing windows and match the colors of the building façade.
- 12. Dumpster.** The originally approved site plan proposed compactors in lieu of dumpster enclosures on the north and south facades of the building. The waste generated by a distribution center are likely different than the waste generated by a manufacturing facility. Sheet CS1-SPA-PH1 shows the existing compactors to remain. In addition, the plan notes the construction of a dumpster enclosure on the southwest corner of the site with gates. The enclosure must be constructed of masonry, painted to match the building and provided with steel reinforced wooden gates. In addition, sheet CS1-SPA-PH1 includes a statement on generation of hazardous wastes. The site is expected to generate minimal hazardous waste; any waste generated in the solvent area will be distilled into small quantities and taken off from the site by a private vendor. The applicant notes



that they will comply with all regulations of overseeing State, County and Federal Regulatory Agencies.

13. Signs. No signage is proposed at this time. The applicant can submit signage for administrative review and approval at a later date.

14. Other. The applicant has stated that ONE will comply with all applicable standards of Section 8.102 of *Article 8: Environmental Performance* regarding industrial uses in the M-2 District.

RECOMMENDATION

The applicant has been working with the Township for the past several months to get issues pertaining to site design, engineering, fire access and other issues addressed. Since the building is already constructed, site improvements in place in accordance with the originally approved plan, and changes limited to a small portion of the site associated with this phase only, we recommend that the Planning Commission **grant preliminary and final site plan approval for Prototype Phase 1 for ONE** to locate its manufacturing facility at 42060 Ecorse Road, subject to the following conditions:

1. Submission of a complete traffic study with submission of plans for any future phase, as noted in Comment 5.b, above.
2. Fire Marshall approval of circulation around equipment area on the east side of the building, as noted in Comment 5.c, above.
3. Installation of a sidewalk along the frontage of all new handicap spaces, as noted in Comment 5.d, above.
4. Clarification regarding location of EV Charging poles, as noted in Comment 6.e, above.
5. Planning Commission approval of an 8' enclosure wall height and installation of an EIFS or limestone cap on top of the mechanical equipment enclosure wall, as noted in Comment 7, above OR approval of a variance from the Zoning Board of Appeals for a 14' wall height.
6. Installation of downward directed and shielded fixtures in the mechanical equipment enclosure area, as noted in Comment, 10 above.
7. Approval of proposed utility plans by the Township Engineer and Wayne County (if needed).

This approval is strictly limited to the site area occupied by Prototype Phase 1 only. All other changes shown on the larger plan are conceptual at this time and will be reviewed in detail when a plan is submitted for future phase(s).

Respectfully,
McKENNA

Vidya Krishnan
Senior Principal Planner

cc: Dan Power, Director of Planning and Economic Development
Paul Kammer, FTCH, Township Engineers
Andrew Lenaghan, Fire Marshal

May 18, 2023
Project No. 222016

Director Dan Power
Director of Water and Sewer
Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48311

Our Next Energy – Ashley Crossroads North Phase 1 Preliminary/Final Site Plan Review

Dear Director Lawrence:

At the request of Van Buren Township (Township), Fishbeck has reviewed the Preliminary/Final Site Plan dated May 9, 2023, submitted to the Township for preliminary and final site plan review, for the proposed Our Next Energy – Ashley Crossroads North site updates to the existing Crossroads Distribution Center North Building 6 located north of Ecorse Road and west of Haggerty Road in Van Buren Township, Wayne County (County), Michigan.

This project entails the addition of multiple solvent recycling areas, air-cooled chillers, a mechanical yard, site fencing with access gates and some potential layout and landscaping changes within the existing parking lot areas of the Ashley Capital CRN6 Building over several phases. The current plans submitted for review are for Phase 1 of this development which includes the addition of a mechanical yard on the east side of the building and some parking lot changes. A revised site plan was submitted on May 17, 2023 and is included as part of this review.

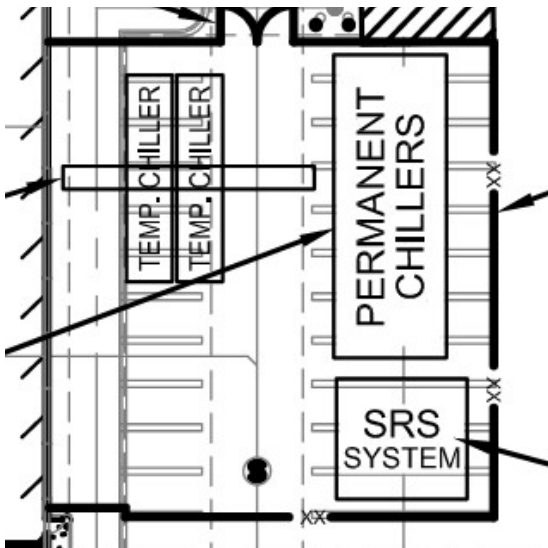
Fishbeck is conducting a preliminary and final site plan review for the Phase 1 work and looks at the engineering impacts to the site. It is anticipated that changes to the site for any subsequent phase (Phase 2 and beyond) will be submitted separately and will go through the same review process as Phase 1. Our review comments for the Phase 1 work are as follows:

General

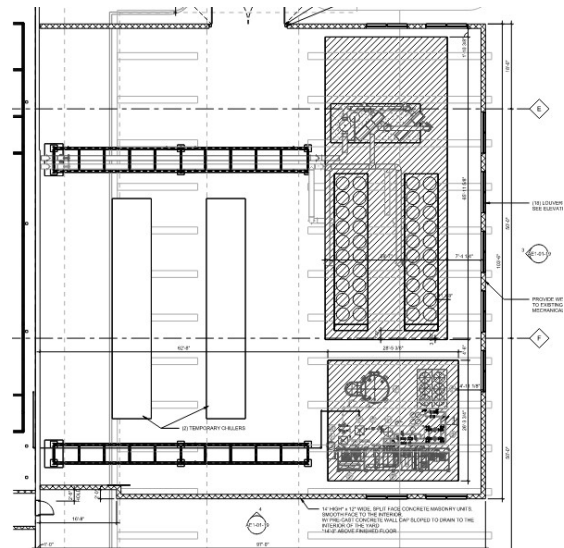
The following items are general requirements established as part of the *Engineering Standards Manual, Charter Township of Van Buren (April 2014)*. The applicant must include the following items as part of the construction plans:

1. In general, all preliminary engineering design and plan creation shall be done in accordance with the Township Requirements.
2. All site construction elements should be constructed per Township standard details and Township standard details should be added to the set. Single sheet details can be found at end of the Township Engineering Standards Manual, or full-size sheets can be provided upon request.
3. Further details of the mechanical yard should be added to the plans. The following note is shown on the plans: "no changes to paving or grading for phase 1 of the project". The mechanical yard does appear to be a minor addition to the site however, there appears to be parking lot modifications shown including pavement removal and new curb and gutter for the landscaping screen area.
4. There are different plan views in the submitted plan set of the mechanical yard being added to the east side of the building and they do not all match each other. For example, the mechanical yard on sheet CS1-SPA-PH1 shows permanent chillers, and SRS system, two temporary chillers in the northwest corner of the yard and a single permanent chiller trestle going from the building to the permanent chillers. The mechanical yard

plan on sheet AE1-01-19 shows two trestles and the temporary chillers in the south. Plans must match and show the actual equipment and layout being proposed.



Sheet CS1-SPA-PH1



Sheet AE1-01-19

Water Main Service

Existing: The site was recently developed and has existing water main service in place for this area.

Proposed: The Applicant's plan does not indicate any updates to the water main service system. One hydrant will be rotated in the same location to allow for hydrant nozzle clearance.

Comments:

- Existing water main service valves are indicated to be located within and adjacent to the proposed landscape buffer and sidewalk work. Details will need to be provided for adjusting the existing valve covers if needed.
 - A revised site plan was submitted on 5/17/2023 and shows the landscape buffer relocated to the east side of the mechanical yard and no longer in the area of the existing water main valves.
- The hydrant just north of the proposed mechanical yard fencing/screening is being shown as rotated for access with bollards being added. The Fire Marshal will need to accept on the clearances needed surrounding this hydrant for proper access and use.

Sanitary Sewer

Existing: The site was recently developed and has an existing sanitary sewer service system in place for this area.

Proposed: The Applicant's plan does not indicate any updates to the sanitary sewer system.

Comments:

- An existing sanitary manhole is indicated to be located within the temporary/permanent chiller enclosure. An access detail is shown on the plans however, additional details will need to be provided including accessibility for Township maintenance staff. Will the access gate be locked? Will the Township be able to unlock the gate if necessary?
- As stated previously, the layout of the mechanical yard on sheet AE1-01-19 does not match the layout of the mechanical yard on the site plan which shows the access to the existing sanitary manhole. On sheet AE1-01-19, the temporary chillers are in the southwest corner of the yard and potentially on top, or directly adjacent to the sanitary manhole, which is not what is depicted in the sanitary access detail. There also appears to be

two trestles shown between the building and the permanent chillers and SRS system instead of one. The sanitary access detail should be revised to match the actual mechanical yard layout and show vertical and horizontal clearances around the manhole. The plans should also indicate the accessibility/turning movements for the largest Van Buren maintenance vehicle (vector truck).

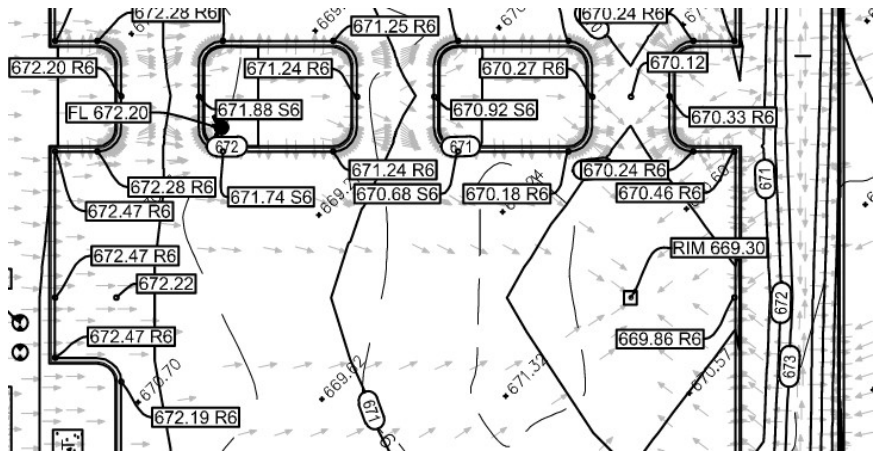
Storm Water Management

Existing: The site was recently developed and has an existing stormwater management system in place.

Proposed: The Applicant's plan does not indicate any updates to the stormwater collection system, however, there is an indication an update to the stormwater management system may be forthcoming, more specifically the already approved detention pond with the addition of the DTE substation to the north.

Comments:

1. The Applicant's plan indicates no modifications to the stormwater system for Phase 1. The mechanical yard screening wall provides weep holes to allow stormwater runoff to flow through to be collected at existing catch basins. Please provide details on the size and shape of the "weep holes". They should be large enough for debris to flow through.
2. Revised drawings were received on 5/17/2023 showing the landscaping screening area in a new location on the east side of the mechanical yard. Per previously approved engineering drawings and as-built plans for the Ashley Capital Crossroads Distribution Center, existing stormwater runoff drains to the east to existing catch basins in the parking lot, east of the landscape buffer. See picture from the original plans detailing flow direction. The Applicant shall add details and grading information for the landscaping buffer to show that runoff will be able to drain to site catch basins. A viable design to maintain positive drainage should be provided.
3. The Applicant's plan appears to indicate a Phase II future modification to the existing stormwater detention area in the northwest corner of the site for a new DTE Industrial Substation. The existing stormwater management area has been previously designed and approved for the entirety of the Ashley Capital Crossroads North property. Any modifications to the existing system will require full stormwater management review of the changes, including detailed calculations and final approval from the County.



Paving and Grading

1. Detail grading for all proposed sidewalk and parking lot modifications must be shown on the plans.
2. A landscape buffer is proposed on the east side of a new mechanical yard. More details of this area will be required for the removal and construction of this island/peninsula. Will this landscape buffer have curb and gutter around it? How will the curb and gutter integrate into the existing island? What are the removal limits for the existing curb and pavement? Will parking spots be removed? How does this affect the existing utilities (see sections above)?
3. The Applicant's revised plan appears to show the removal of an existing landscape island in order to accommodate vehicle movements around the fire hydrant and mechanical yard. The same comments as above (Comment #2), apply here. Applicant must indicate what will be removed and what materials will be placed back. There also appears to be striping shown but it is not labeled or detailed.

4. In general, construction details and labels should be provided for all site work shown on the plans including all removals and proposed site construction elements.

Traffic

Per the revised review schedule determined by the Township and the Applicant, a full traffic study will be required for the Phase II submittal to the Township. The scope of the traffic study shall include items detailed in the Applicant's response letter and items stated in previous review letters by Fishbeck.

Soil Erosion and Sedimentation Control (SESC)

If any disturbance of existing earth for pavement removal landscape adjustment or others is anticipated (more than one acre), the site may be subject to a County SESC Permit. Regardless of the need for a County permit, the Township requires an SESC plan to be submitted in accordance with the Township *Engineering Standards Manual*, Chapter II, Plan Requirements, Paragraph D, SESC Plan Requirements, and in accordance with the County SESC standards.

Recommendation

At this time, Fishbeck recommends the Planning Commission grant the Ashley Capital North - Our Next Energy (ONE) Building 6 Site Plan Preliminary and Final Site Plan Approval contingent to all items in the above review letter be answered or addressed in an Issued for Construction plan set, submitted to the Township Engineer for review. The Applicant must receive written approval of acceptance prior to moving forward to the Preconstruction portion of the process. If you have any questions regarding this project or our comments listed above, please contact me at 248.324.4796 or mtleppek@fishbeck.com or Paul Kammer at 248.324.2137 or pkammer@fishbeck.com.

Sincerely,



Michael T. Leppek, PE
Civil Engineer

Email

Copy: Kevin Lawrence – Township
Brittney Williams – Township
Vidya Krishnan – McKenna



Paul J. Kammer, PE
Senior Civil Engineer



VAN BUREN TOWNSHIP FIRE DEPARTMENT

46425 Tyler Road, Van Buren Township, MI 48111

David C. McNally II, Fire Chief: (734) 699-8900 x 8916

Andrew Lenaghan, Deputy Chief/Fire Marshal: (734) 699-8900 x 9416

May 16, 2023

Dan Power
Director of Planning and Economic Development
46425 Tyler Road
Van Buren Township, MI 48111

Our Next Energy
42060 Ecorse Road Building 6
Van Buren Township, Michigan 48111

This site plan review is for the East Side of the building only (Prototype Line). The focus of this review was Water Supply, Fire Department Access, and outside storage of Hazardous Materials. The Code used in the review is the Van Buren Township adopted fire code IFC 2021.

Project Overview:

This site plan review is for an existing building that plans to build a battery cell manufacturing facility at the above listed address. This manufacturing facility will produce battery cells for electric vehicle and grid storage applications.

Type of Construction: IIB

Use group: B, A2, & F1

Roof Height: 45 Feet

Square Footage: 659,546 ft²

Fire Flow Info: 8000 gpm for 8 hours Per IFC 2021 Table B105.1(2)

Water Supply: The building has 9 fire hydrants spaced around the structure. Two 12 inch C900 DR18 PVC water mains extend north on the East and West sides of the building from Ecorse Road and loop along the north end of bldg.6

Per the IFC Table B105.2- 8 Fire Hydrants or more are needed and 9 are provided.

Specific Comments:

1. The site plan shows a temporary/permanent chiller located on the east side of the building. Provide sufficient details to determine if any exiting from the structure will be impacted by the location of this unit. In addition, a fire hydrant appears to be obstructed by the gate and fence. Clearer detail on this will need to be provided.

The updated plans show the fire Hydrant has been rotated so it is no longer obstructed by gate. The gated area will not serve as an exit discharge.

2. On sheet CS1-SPA-PH2 the temporary/ permanent chiller is located in the fire lane access, and has created 2 dead ends that exceed the allowable distance in the fire code.

Please remove or reduce the landscape island to the north of the mechanical yard to allow a 20' east-west access route south of the parking spaces. In doing so, bollards may be required to protect the fire hydrant. Please also eliminate either 4 parking spaces south of the landscaping adjacent to the mechanical yard, or alternatively, eliminate that portion of landscaping island / landscaping in order to allow a 20' fire lane to the south of the mechanical yard as well.

The Dead Ends have been addressed and the above modifications shown in an Email to Dan Power dated 5/17/2023

3. Provide additional details to support the layout and pad configuration on the outdoor storage. Through the site plan process, it is important to verify the pad and location are acceptable for outdoor location with proximity to the building, other tanks, and property lines. Revised submittal should include sufficient information on the size of tanks, and chemicals that are being stored.

The information has been provided and the outdoor storage of the NMP tank and the Solvent Recovery System (SRS) tank comply with Table 5704.4.2 of the IFC 2021

4. Storage areas shall be provided with spill control and secondary containment in accordance with Section **5703.4 IFC 2021**

Per page P196680-0101 of the Solvent Recovery Supplemental submitted with the plans, the containment area shall be designed such that the full volume of NMP and condensate is adequately contained for safe removal in the event of a tank failure. Per Matt Lempke the containment area will handle 110% of the volume of the liquid in the tanks.

General Comments:

1. If a security gate is to be installed at the entrance to the complex, an approved access control device will be required. The device for Van Buren Township gate access is a Knox gate and key switch Model 3501.

If you have any questions regarding this review, please contact me at alenaghan@vanburen-mi.org or 734-699-9416.

Andrew Lenaghan
Deputy Fire Chief/Fire Marshal
Van Buren Township

CONDITIONAL REZONING AGREEMENT

THIS CONDITIONAL REZONING AGREEMENT (the "Agreement") is made of this 15th day of November 2022, by and between Ashley Capital, LLC, 2575 S. Haggerty Rd. Suite 500 Canton, MI 48188 a Michigan limited liability corporation ("Developer") Crossroads Distribution Center North 6, LLC, 2575 S. Haggerty Rd. Suite 500 Canton, MI 48188, a Michigan limited liability corporation ("Owner"), and the Charter Township of Van Buren, 46425 Tyler Rd., Van Buren Twp., MI 48111, a Michigan charter township (the "Township").

RECITALS

WHEREAS, the Owner is currently the fee owner of real property located at 42060 Ecorse Road, Belleville, MI 48111, legally described on the attached "**Exhibit A**" (the "Property").

WHEREAS, the Owner is currently negotiating a lease with a company that manufactures lithium-ion battery cells and modules for electric vehicles and energy storage applications.

WHEREAS, to facilitate the lease negotiations and to allow this tenant to occupy the Property and manufacture battery cells, the Owner desires to have the Property rezoned from "M-T" Industrial Transportation to "M-2" General Industrial as set forth in the Charter Township of Van Buren Zoning Ordinance, Section 12.507, Rezoning (Zoning Map Amendment) with Conditions.

WHEREAS, the Developer has voluntarily offered in writing to enter into this Agreement consistent with Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2016, as amended (MCL § 125.3405).

WHEREAS, this Agreement is made by the Township pursuant to the authority granted to the Township under MCL § 125.3405.

WHEREAS, on the 26th day of October, 2022, the Township Planning Commission held a Public Hearing and voted to recommend approval of this Conditional Rezoning Agreement.

WHEREAS, on the 15th day of November, 2022, the Township Board of Trustees voted to approve and accept the offer of the Owner to enter into this Conditional Rezoning Agreement based upon the conditions set forth herein.

NOW, THEREFORE, in consideration of the conditions and rights reserved, herein, and in order to accomplish the forgoing purposes, the undersigned hereby agree:

1. The Development Project. The Developer agrees to construct a 658,989 sf industrial building and execute a minimum 10 year lease with a lithium-ion battery manufacturer subject to conditions set forth in this Agreement, (the "Project").

2. Rezoning. The Township agrees to rezone the Property from "M-T" Industrial Transportation to "M-2" General Industrial as set forth in the Charter Township of Van Buren Zoning Ordinance Article 3, and allow the uses permitted by right and identified as "Permitted Uses" in Section 3.117. The following additional conditions shall apply to such rezoning:

- a. The assembly and/or manufacture of automobiles or automobile bodies shall not be permitted.
- b. Breweries, bump shops, metal buffing, plastering and polishing shops, lumber and planning mills, painting and sheet metal shops, undercoating and rust proofing shall not be permitted
- c. Truck and Railroad Terminals shall not be permitted
- d. All M-2 zoning district's special land uses identified in Section 3.117(C) of the zoning ordinance shall not be permitted

3. Conditions Subsequent to Rezoning. If any of the following events occur, then this Agreement shall be null and void and the zoning of the Property shall revert to the "M-T" Industrial Transportation zoning classification:

- a. The Owner's failure or inability to provide the Township with evidence that the Owner has executed a minimum 10 year lease with a lithium-ion battery manufacturer within 3 months from date in which Township Board of Trustees approves this Agreement.
- b. The Developer fails to commence any necessary construction of the Project within 6 months from the date in which Township Board of Trustees approves this Agreement
- c. The Owner ceases to lease the Property to a lithium-ion battery manufacturer
- d. The Developer fails to comply with any of the provisions set for in Section 2 of this Agreement.
- e. A Court of Law makes a determination that the Developer has violated the terms of this Agreement.

4. Compliance with Conditions. Upon the Developer commencing the proposed use upon the Property subject to this Agreement, Developer shall continuously operate and maintain the development or use in compliance with all the conditions set forth in this Agreement. Any failure to comply with a condition contained herein shall constitute a violation of the Van Buren Township Zoning Ordinance, and be punishable accordingly against the Developer. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

5. Entire Agreement. This agreement constitutes the entire agreement between the parties with respect to the matter set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supercedes all prior contemporaneous agreements, understandings, negotiations statements and discussion, written or oral, of the parties hereto, relating to the matters contemplated by the Agreement.

6. Modification. The terms of this Agreement shall not be modified, amended or altered, except by written agreement duly executed by the Developer, the Owner, if applicable, and the Township as authorized by Township Board of Trustees, after a public hearing and notification of abutting property owners and tenants as required by the Michigan Zoning Enabling Act, P.A. 110 of 2006.

7. No Waiver. The failure of any party to complain or enforce of any act or omission on the part of another party, no matter how long the same may continue, shall not be deemed to be an acquiescence or waiver by such party of any of its rights hereunder. No waiver by any party at any time, expressed or implied, or any breach of any provision of this Agreement shall be deemed a waiver of a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision of this agreement. If any action by any party shall require the consent or approval of another party(ies), such consent or approval of such action shall not be deemed a consent to or approval of any other provision of this agreement.

8. Governing Law. This Agreement shall be governed by the laws of the State of Michigan.

9. Notice. Notice shall be deemed as given hereunder upon personal delivery to the addresses set forth below, or if properly addressed, one (1) day after depositing such notice, with postage prepaid, in a United States mailbox or one (1) day after depositing such notice in the custody of a nationally recognized overnight delivery service. Notice shall be deemed properly addressed if sent to the following addresses:

Developer:	Ashley Capital 2575 S. Haggerty Road, Suite 500 Canton, MI 48188 734-394-19000
Owner:	Crossroads Distribution Center North 6, LLC 2575 S. Haggerty Road, Suite 500 Canton, MI 48188 734-394-1900
Township:	Charter Township of Van Buren 46425 Tyler Road Van Buren Twp, MI 48111

10. Counterparts. The parties agree that this Agreement may be executed by facsimile or in counterparts, and that all counterparts together, with or without facsimile signatures, shall constitute one integrated agreement and be deemed an original document.

11. Recording. This document shall be recorded with the Wayne County Register of Deeds Office.

IN WITNESS WHEREOF, the undersigned has executed this **CONDITIONAL REZONING AGREEMENT** on the date first above written.

[SIGNATURES ON THE FOLLOWING PAGES]

[Signature]

Witness

THE DEVELOPER:

ASHLEY CAPITAL, LLC

[Signature]

By: Kenneth J. Bowen
Its: Vice President

STATE OF MICHIGAN)
)SS.
COUNTY OF WAYNE)

On this 1st day of December 2022, before me, a Notary Public, in and for said County, personally appeared Kenneth J. Bowen, to me known to be the same persons described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.

[Signature]

Notary Public

Wayne County, Michigan

My Commission Expires: 3/24/26

SHARANE A. FUNK
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 24, 2026
ACTING IN COUNTY OF Wayne

THE OWNER:

**CROSSROADS DISTRIBUTION CENTER
NORTH 6, LLC**

By: **ASHLEY CAPITAL, LLC, its agent**

[Signature]

Witness

[Signature]

By: Kenneth J. Bowen
Its: Vice President

STATE OF MICHIGAN)
)SS.
COUNTY OF WAYNE)

On this 1st day of December 2022, before me, a Notary Public, in and for said County, personally appeared Kenneth J. Bowen, to me known to be the same persons described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.

[Signature]

Notary Public

Wayne County, Michigan

My Commission Expires: 3/24/26

SHARANE A. FUNK
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 24, 2026
ACTING IN COUNTY OF Wayne

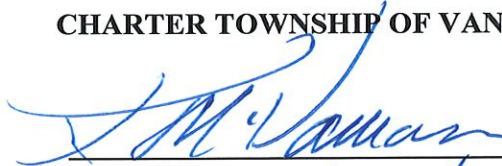
[Signatures Continued]

THE TOWNSHIP:

CHARTER TOWNSHIP OF VAN BUREN



Witness Signature



By:

Signature

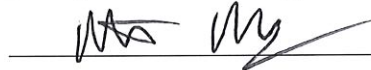
Printed Name

Its:

Printed Title

STATE OF MICHIGAN)
)SS.
COUNTY OF WAYNE)

On this 30th day of November, 2022, before me, a Notary Public, in and for said County, personally appeared Kevin McNamara, to me known to be the same persons described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.



Notary Public

Wayne County, Michigan

My Commission Expires: 4/13/24

BRITTANY BEAUDRY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Apr 13, 2024
ACTING IN COUNTY OF Wayne

EXHIBIT "A"
PROPERTY LEGAL DESCRIPTIONS

Land situated in the Township of Van Buren, County of Wayne, State of Michigan, described as follows:

A PARCEL OF LAND IN PART OF THE SE 1/4 OF SECTION 2, TOWN 3 SOUTH, RANGE 8 EAST, VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:

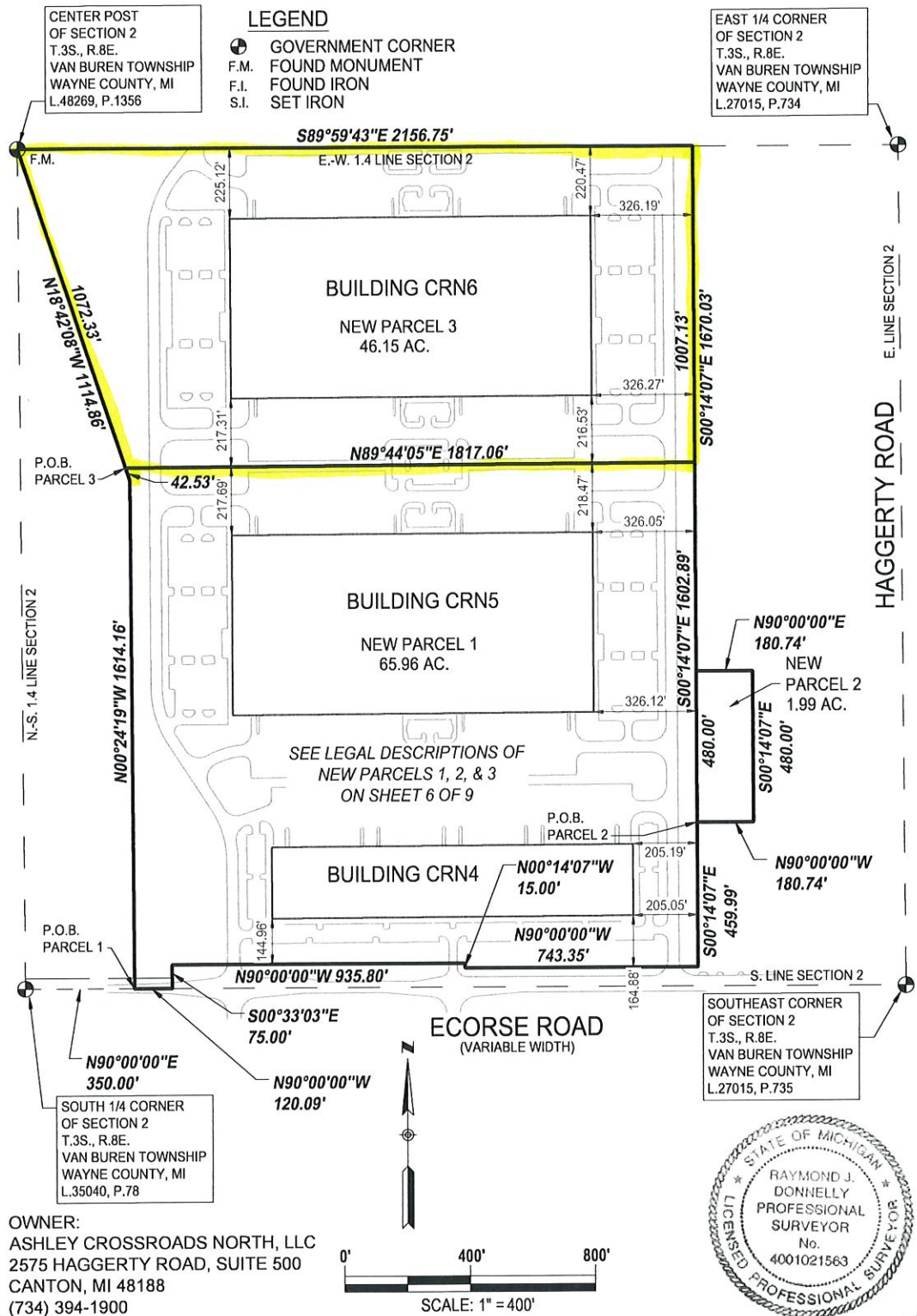
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2; THENCE SOUTH 90° 00' 00" EAST 350.00 FEET ALONG THE SOUTH LINE OF SECTION 2 AND CENTERLINE OF ECORSE ROAD; THENCE NORTH 00° 24' 19" WEST 1614.16 FEET; THENCE NORTH 18° 42' 08" WEST 42.53 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 18° 42' 08" WEST 1072.33 FEET TO THE CENTER POST OF SAID SECTION 2; THENCE SOUTH 89° 59' 43" EAST 2156.75 FEET ALONG THE EAST & WEST 1/4 LINE OF SAID SECTION 2; THENCE SOUTH 00° 14' 07" EAST 1007.13 FEET; THENCE SOUTH 89° 44' 05" WEST 1817.06 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 46.15 ACRES OF LAND.

Commonly known as: Vacant Ecorse Road, Van Buren Township, Michigan

Tax Parcel Identification No. 83-008-99-0002-706

CERTIFICATE OF SURVEY FOR PARCEL SPLIT



SPALDING DeDECKER
Engineers | Surveyors

905 South Blvd. East
Rochester Hills, MI 48307

Phone: (248) 844-5400
Fax: (248) 844-5440

www.sda-eng.com

DRAWN: L.THORNTON	DATE: 11-11-20
CHECKED: R.DONNELLY	DATE: 11-11-20
MANAGER: S.KEHRER	SCALE: 1" = 400'
JOB No. SM20-191	SHEET: 2 OF 9
SECTION 02 TOWN 03 SOUTH RANGE 08 EAST	
VAN BUREN TOWNSHIP, WAYNE COUNTY, MI	

WHEN RECORDED RETURN TO:

Gasiorek Morgan Greco McCauley & Kotzian P.C.
30500 Northwestern Highway
Suite 425
Farmington Hills, MI 48334
Attn. David Greco, Esq.

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

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

ROLL CALL:

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

Excused: None.

Staff: Director Power and Secretary Harman.

Planning Representatives: Vidya Krishnan, McKenna Associates.

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

Audience: Seven (7).

APPROVAL OF AGENDA:

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

Motion Carried.

APPROVAL OF MINUTES:

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

Motion Carried.

PUBLIC HEARING:

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

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

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

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

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

No questions or comments from the audience.

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

NEW BUSINESS:

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

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

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

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

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

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

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

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

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

Commissioners had the following questions and comments:

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

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

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

No comments from the audience.

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

Roll Call:

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

Nays: None.

Excused: None.

Motion Carried. (Letters Attached)

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

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

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

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

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

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

Commissioners had the following questions and comments:

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

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

No comments from the audience.

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

Roll Call:

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

Nays: None.

Excused: None.

Motion Carried. (Letter Attached)

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

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

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

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

Commissioners had the following questions and comments:

Side Entry Garage Language:

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

Building Separation Language:

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

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

No comments from the audience.

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

GENERAL DISCUSSION:

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

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

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

ADJOURNMENT:

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

Respectfully submitted,

Christina Harman
Recording Secretary

ITEM #2: 21-017 – ASHLEY CROSSROADS NORTH PRELIMINARY AND FINAL SITE PLAN AMENDMENT.

THE APPLICANT AND OWNER, ASHLEY CROSSROADS NORTH, LLC, SEEKS TO AMEND A PREVIOUSLY APPROVED PRELIMINARY AND FINAL SITE PLAN TO ADD ACCESSORY OUTDOOR INDUSTRIAL STORAGE AND ADJUST THE PREVIOUSLY APPROVED CONFIGURATION OF PARKING SPACES AND LANDSCAPING AROUND A DISTRIBUTION CENTER BUILDING.

THE AFFECTED PROPERTY IS APPROXIMATELY 41.6 ACRES OF A PARCEL LOCATED AT 42050 ECORSE ROAD (TAX PARCEL ID 83-008-99-0002-703), ZONED M-T – INDUSTRIAL TRANSPORTATION. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF ECORSE ROAD BETWEEN HAGGERTY ROAD AND KIRKBRIDGE STREET.

Director Power gave the presentation. The request is an amendment to preliminary and final site plan approval in which the changes were significant enough to warrant a new review.

Vidya Krishnan of McKenna Associates presented her review letter dated 4-8-21. The applicant's proposal at this time is to amend the site to enable them to accommodate the specific needs of a long-term tenant. When the site plan was originally approved for the building, it was presented as speculative industrial building. However, a building of this size would need a major tenant whose needs are specific. The proposed outdoor storage is in keeping with the intent of the Zoning Ordinance and meets the required standards. Therefore, McKenna Associates recommends that the Planning Commission grant preliminary and final site plan approval for the proposed Ashley Crossroads North Building 5 amended site plan, subject to the following conditions:

1. Submission of any proposed wall signs for administrative approval and permitting.
2. Installation of light poles in compliance with fixtures previously approved and maintaining required illumination levels.
3. Planning Commission approval of the reduced parking and increased trailer staging proposed.
4. Planning Commission approval of increased fence height from 6' to 8' and use of chain link for the interior fencing area.

Director Power presented the Fire Marshal Lenaghan's review letter dated 4-6-21. The plans are approved as long as the following items are addressed:

1. The tenant will be incorporating an 8-foot fence around the north, east and south sides. There will be two (2) guard sheds at the northwest and southwest sides.
 - Will the guard sheds be staffed around the clock? If not, access for Fire Department use will be required.
 - The fire hydrant currently located on the southwestern corner needs to be inside the fenced in area.
2. Outdoor storage is requested on the eastern side of the building to store tractors. No trailers will be stored in this area, however, box and deliver vans will be stored in this area.

- Emergency access will be required for the two (2) crash gates.

Kyle Morton of Ashley Capital informed that the building was designed to be flexible with not knowing what the ultimate tenant makeup would look like. The applicant agrees with the comments in the McKenna Associates review letter and the Fire Marshal's review letter and will address all comments.

Commissioner inquired what color the decorative fencing will be. The decorative fencing will be matte black. No comments from the audience.

Motion Kelley, Jahr second to grant the applicant, Ashley Crossroads North, LLC preliminary and final site plan approval to add accessory outdoor industrial storage and adjust the previously approved configuration of parking spaces and landscaping around a distribution center building, located at 42050 Ecorse Road, based on the analysis and subject to the conditions in the Van Buren Planning memo dated 4-9-21, McKenna Associates review letter dated 4-8-21 and Fire Marshal review letter dated 4-6-21.

Roll Call:

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

Nays: None.

Absent: Atchinson.

Motion Carried. (Letters Attached)

ITEM #3: 17-026 – METRO PARTY STORE – EXTENSION OF SITE PLAN APPROVAL.

THE APPLICANT, TIMOTHY SHAMMAS, IS REQUESTING AN EXTENSION TO THE EFFECT OF PRELIMINARY SITE PLAN APPROVAL THAT WAS GRANTED TO ADD A GASOLINE FILLING STATION TO AN EXISTING SHOPPING CENTER. THE PRELIMINARY SITE PLAN WAS APPROVED ON SEPTEMBER 26, 2018.

LOCATION: 41001 E. HURON RIVER DRIVE. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HAGGERTY ROAD AND E. HURON RIVER DRIVE.

Director Power gave the presentation. Preliminary site plan approval was granted on September 26, 2018, however, there been complications due to the work flow related to Covid 19. The applicant has been consistently working through design changes and a motion is needed to approve an extension in order to enable the case to come back for final site plan review.

No comments from the Commission or the audience.

Motion Kelley, Budd second to grant the applicant, Timothy Shamas, the request for an extension to the preliminary site plan approval for the property located at 41001 E. Huron River Drive, based on the analysis detailed in the Van Buren Planning Memo dated 4-9-21.

Commissioners expressed difficulty in conceptualizing without plans or renderings, discussed the possibility of looking at other future land use designations, location of boat slips and docks, the total number of units, use of conditional rezoning, examples of similar housing developments in the area and the projected time line for the amendment to the Future Land Use Map. A layout concept will be provided at a future meeting, Sandy's Marina will likely be utilized by most residents for boat docking and storage, 70 units is the target with a maximum of 74 to 75 units. The Commission asked the applicant if the timeline and conditional rezoning will work for the development project, Mr. Jones agreed the timeline and conditional rezoning would work for the development.

Local Real Estate Broker, Therese Antonelli of Moving the Mitten discussed the target audience of the development being seniors and/or snowbirds who are looking to downsize, gave examples of similar housing developments in neighboring Canton and expressed the need in the community for ranch homes and smaller compact dwellings with main floor masters to provide senior housing options.

The Commission wants to direct staff with an "Intent to Plan" and work with McKenna Associates on the feasibility of adding a residential district and to have it presented at the July 10th meeting.

Motion Boynton, Kelley second to send out the Notice of Intent to Plan. Motion Carried.

ITEM # 2 17-030 – ASHLEY CAPITAL CROSSROADS NORTH DISTRIBUTION CENTER – FINAL SITE PLAN APPROVAL.

TITLE: THE APPLICANT, ASHLEY CAPITAL, IS REQUESTING FINAL SITE PLAN APPROVAL TO CONSTRUCT A DISTRIBUTION CENTER. THE DISTRIBUTION CENTER IS PROPOSED TO CONSIST OF THREE (3) BUILDINGS TOTALING 1,579,325 SQUARE FEET OF SPACE.

LOCATION: THE PROPOSED DEVELOPMENT IS LOCATED NEAR THE NORTHWESTERN INTERSECTION OF ECORSE ROAD AND HAGGERTY ROAD. PARCEL ID #V-125-83-008-99-0002-703 & PARCEL ID #V-125-83-005-99-0009-701 (APPROXIMATELY 158.5 ACRES).

Allen Dresselhouse of Ashley Capital and Joe Webb of Webb Design asked to have the consultants present their review letters first and they would address any comments.

Vidya Krishnan of McKenna Associates presented her final site plan review letter dated 6-6-19 recommending the Planning Commission grant final site plan approval to the Ashley Capital Crossroads North project to be located on the north side of Ecorse Road, west of Haggerty Road, subject to the condition below:

1. Constructing the base of the monument signs with brick as the masonry material.

David Potter of Fishbeck Associates presented his final site plan review letter dated 6-7-19 recommending engineering site plan and final site plan approval subject to the review comments noted in the letter, in the marked-up plans and in accordance with the *Engineering Standards Manual*.

All comments must be addressed, all required permits must be obtained from Wayne County Department of Public Services (stormwater, ROW, SESC, sanitary sewer) and EGLE/MDEQ (water main, sanitary sewer, wetlands) and the plans resubmitted for final approval in an Issued-for-Construction plan set prior to the scheduling of the pre-construction meeting.

Commissioner Boynton presented the Fire Department review letter dated 5-30-19 recommending approval with exceptions, as long as the remaining items are addressed with authority having jurisdiction (AHJ).

The applicant will have brick as the masonry material for the monument signs, has spoken with the Fire Marshal to address the remaining items noted in the Fire review and has met with Director Akers to discuss the western most drive approach and traffic study for the intersection.

Commissioners discussed concern with eastbound traffic making a left turn at the intersection, the turn is narrow, having Township staff work with the applicant to monitor traffic and possibly have an additional traffic study if needed and adding a note to the plan to have staff and the applicant monitor the traffic flow and work together to address future issues. The applicant agreed to add a note to the site plan, will work with Township staff to monitor the traffic flow and when tenants move in will speak with the managers to make them aware of the intended traffic flow.

No comments from the audience.

Motion Kelley, Boynton second to grant Ashley Capital Crossroads North, final site plan approval to construct a distribution center, located near the northwestern intersection of Ecorse and Haggerty Roads, subject to and based on the analysis in the McKenna Associates review letter dated 6-6-19, Fishbeck Associates review letter dated 6-7-19, Fire Department review letter dated 5-30-19 with a note to be made on the plan that traffic is to be monitored going forward and staff will work with the applicant to address future issues. Motion Carried. (Letters attached)

ITEM # 3 19-022 – INFINITY HOMES TOWNSEND PARK – SITE PLAN AMENDMENT

TITLE: THE APPLICANT, INFINITY HOMES, IS REQUESTING AN AMENDMENT TO THE APPROVED TOWNSEND PARK SITE PLAN FOR REVISED SINGLE-FAMILY ARCHITECTURAL ELEVATIONS.

LOCATION: THE UNFINISHED TOWNSEND PARK SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MORTON TAYLOR ROAD, NORTH OF ECORSE ROAD.

The applicant, Infinity Homes, was not present for the meeting.

Motion Kelley, Franzoi second to table Infinity Homes request for a site plan amendment until the next meeting. Motion Carried.



MEMO

TO:	Van Buren Township Planning Commission
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Child Care Zoning Ordinance Amendments / Adjustments
DATE:	May 18, 2023

Planning Commission Members:

The State of Michigan has recently promoted efforts to increase child care capacity in communities including Van Buren Charter Township. Based on these efforts, the Township has received an influx of inquiries by existing proprietors of *family day care home* facilities which accommodate 1-6 children* to increase their capacity to become *group day care homes*, which accommodate 7-12 children*. Additionally, the State of Michigan's office of Licensing and Regulatory Affairs (LARA) has recently played a direct supporting role with proprietors seeking to increase their child care capacity category.

The "group child care home" designation requires special land use approval and an associated site plan that is reviewed by the Township's Planning Commission, as well as a procedural requirement for a public hearing. Reflective of rules included in the Michigan Zoning Enabling Act (MZEA) (PA 110 of 2006), Section 5.111 of the Van Buren Township Zoning Ordinance also requires *group day care homes* to meet certain dimensional requirements, including minimum separation distances from other group child care providers. I am requesting the Planning Commission to recommend staff and the Planning Consultant to review these standards and ensure the Township's Zoning Ordinance includes the maximum flexibility that is made available by the MZEA when considering group child care home uses, to assist potential providers with their ability to maximize their child care offerings.

If the Planning Commission is inclined to allow staff to proceed with this effort, I will work with the Planning Consultant to develop potential Zoning Ordinance amendment recommendations for an upcoming meeting. Thank you for considering this potential zoning ordinance research effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power'.

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

* Under a recent policy change from the State of Michigan, *family day care home* providers may increase their capacity from six (6) to seven (7) maximum children after 29 months of operation, and *group day care home* providers may increase their capacity from twelve (12) to fourteen (14).

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:
- (1) Another licensed group day care home.
 - (2) Adult foster care, small group home or large group home as defined in this Ordinance and by the State of Michigan.
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.
 - (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.
 - (5) Child care centers, subject to the requirements of [Section 5.108](#).
 - (6) Adult day care centers, subject to the requirements of [Section 5.110](#).
- (B) It has appropriate fencing for the safety of the children in the group day care home as determined by the Planning Commission.
- (C) It maintains the property consistent with the visible characteristics of the neighborhood.
- (D) It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
- (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.

Section 5.112 Distribution Centers

- (A) A building containing a distribution center shall be located not less than two hundred fifty (250) feet from any residential zoning district and five hundred (500) feet from any residential dwelling.
- (B) Any building containing a distribution center shall be located not less than four hundred fifty (450) feet from any public right-of-way, with all buildings conforming to all other minimum requirements. Off-street parking and loading shall be located relative to the building as otherwise required in this Ordinance.
- (C) Truck docks, overhead doors and trailer staging areas accessory to a distribution center shall be located not less than three hundred fifty (350) feet from and residential district. Truck docks, overhead doors, and trailer staging areas accessory to a distribution center shall be oriented away from, or shall be reduced in number and sufficiently screened where oriented

(60) DAY CARE FACILITIES: As used in this Ordinance, the following definitions shall apply to day care facilities:

- (a) DAY CARE OR CHILD CARE, FAMILY HOME:** A private home in which one (1) but less than seven (7) minor children are received for 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. Family 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 family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.
- (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.
- (c) DAY CARE CENTER, ADULT:** A center other than a private home where one (1) or more functionally impaired persons other than preschool or school age children are received for care and supervision and as further specified in this Ordinance. Convalescent homes, nursing homes and housing for seniors are not included in this definition. Such businesses, however, may establish adult day care centers within their own facilities as a permitted accessory use, if such use is permitted within the district. All adult day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.
- (d) DAY CARE CENTER, CHILD:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day and as further specified in the Ordinance. The facility also may be described as a day care center, a day nursery, nursery school, parent cooperative preschool, play room, before- or after-school program, or drop-in center. All child care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."

(61) DISTRIBUTION CENTER: Any building that meets one (1) or more of the following criteria:

- (a)** Any warehouse, or warehouse portion of a building, that measures more than two hundred fifty thousand (250,000) square feet in gross floor area.

(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) This act does not limit state regulatory authority under other statutes or rules.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013;—Am. 2018, Act 366, Eff. Mar. 12, 2019.

125.3205a Amateur radio service station antenna structures.

Sec. 205a. (1) 47 CFR 97.15 provides that owners of certain amateur radio service station antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the federal aviation administration and register with the federal communications commission as required by 47 CFR part 17.

(2) An amateur radio service station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur radio service communications. Regulation of an amateur radio service station antenna structure by a local unit of government must not preclude amateur radio service communications. Rather, it must reasonably accommodate those communications and must constitute the minimum practicable regulation to accomplish the local unit of government's legitimate purpose.

(3) To obtain information about the regulation of amateur radio service station antenna structures, a person may contact any advisory board that is jointly established by the Michigan section of the American radio relay league and 1 or more state organizations representing local units of government.

History: Add. 2014, Act 556, Imd. Eff. Jan. 15, 2014.

125.3205d Zoning ordinance; prohibition or regulation of commemorative signs.

Sec. 205d. (1) A zoning ordinance shall not regulate or prohibit a sign that is located on or within a building and that commemorates any of the following:

(a) Any of the following who die in the line of duty:

(i) Police officers.

(ii) Firefighters.

(iii) Medical first responders.

(iv) Members of the United States Armed Forces.

(v) Corrections officers.

(b) Veterans of the United States Armed Forces.

(2) As used in this section, "medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

History: Add. 2018, Act 506, Eff. Mar. 28, 2019.

125.3206 Residential use of property; adult foster care facilities; family, group child care homes, or qualified residential treatment programs.

Sec. 206. (1) Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:

(a) A state licensed residential facility.

(b) A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(c) A qualified residential treatment program that provides services for 10 or fewer individuals.

(2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(3) For a county or township, a family child care home is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2018, Act 513, Eff. Mar. 28, 2019;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

History: 2006, Act 110, Eff. July 1, 2006.

125.3208 Nonconforming uses or structures.

Sec. 208. (1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may