

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, January 11th, 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:

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See the Van Buren Charter Township website for additional information regarding how to participate in a Zoom public meeting.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES: Approval of minutes from the regular meeting of December 14, 2022.

CORRESPONDENCE:

PUBLIC HEARING:

ITEM # 1: Case 22-053. Crossroads Distribution Center North, LLC - Rezoning

TITLE: A request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from R-1B – Single Family Residential District to M-1 – Light Industrial.

LOCATION: The site is parcel ID #83 006 99 0004 000, which is located on the west side of Haggerty Road on the south side of Van Born Road.

ACTION ITEMS: A. Open public hearing.
 B. Public comment.
 C. Close public hearing.

ITEM # 2: Case 22-048. Nicole’s Little Friends – Group Day Care Home – Special Land Use Review

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

LOCATION: The project is proposed to be located at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000).

ACTION ITEMS: A. Open public hearing.
 B. Public comment.
 C. Close public hearing.

ITEM # 3: Case 22-059. Belleville Yacht Club – Marina Special Approval

TITLE: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with ~~up to five (5)~~ **four (4)** connecting docks. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

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

ACTION ITEMS: A. Open public hearing.
 B. Public comment.
 C. Close public hearing.

OLD BUSINESS:

NEW BUSINESS:

- ITEM # 1:** **Case 22-053. Crossroads Distribution Center North, LLC - Rezoning**
- TITLE:** A request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from R-1B – Single Family Residential District to M-1 – Light Industrial.
- LOCATION:** The site is parcel ID #83 006 99 0004 000, which is located on the west side of Haggerty Road on the south side of Van Born Road.
- ACTION ITEMS:**
- A. Presentation by the Township staff.
 - B. Presentation by the applicant.
 - C. Planning Commission discussion.
 - D. Public Comment.
 - E. Planning Commission recommends adoption of the proposed rezoning by the Township Board of Trustees.
- ITEM # 2:** **Case 22-048. Nicole’s Little Friends – Group Day Care Home – Special Land Use Review**
- TITLE:** A request by Nicole and Robert Burke to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.
- LOCATION:** The project is proposed to be located at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000).
- ACTION ITEMS:**
- A. Presentation by the Township staff.
 - B. Presentation by the applicant.
 - C. Planning Commission discussion.
 - D. Public Comment.
 - E. Planning Commission considers recommendation for special land use approval to Township Board of Trustees.
- ITEM # 3:** **Case 22-048. Nicole’s Little Friends – Group Day Care Home – Preliminary and Final Site Plan Review**
- TITLE:** A request by Nicole and Robert Burke to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.

- LOCATION: The project is proposed to be located at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000).
- ACTION ITEMS:
- A. Presentation by the Township staff.
 - B. Presentation by the applicant.
 - C. Planning Commission discussion.
 - D. Public Comment.
 - E. Planning Commission considers approval of preliminary and final site plan.

ITEM # 4: Case 22-059. Belleville Yacht Club – Marina Special Approval

TITLE: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with ~~up to five (5)~~ **four (4)** connecting docks. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

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

- ACTION ITEMS:
- A. Presentation by the Township staff.
 - B. Presentation by the applicant.
 - C. Planning Commission discussion.
 - D. Public Comment.
 - E. Planning Commission considers recommendation for special approval to Township Board of Trustees.

I ITEM # 5: Case 22-059. Belleville Yacht Club – Marina Preliminary and Final Site Plan Approval

TITLE: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with ~~up to five (5)~~ **four (4)** connecting docks. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

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

- ACTION ITEMS:
- A. Presentation by the Township staff.
 - B. Presentation by the applicant.
 - C. Planning Commission discussion.
 - D. Public Comment.
 - E. Planning Commission considers preliminary and final site plan approval.

ITEM # 6: 2022 Planning Commission Annual Report

- ACTION ITEMS:
- A. Overview by the Township Staff.
 - B. Planning Commission discussion.
 - C. Planning Commission considers approval of the annual report.

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
December 14, 2022
MINUTES - DRAFT**

Chairperson Kelley called the meeting to order at 5:32 p.m.

ROLL CALL:

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

Excused: Barr.

Staff: Director Power and Secretary Harman.

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

Applicant(s) in Attendance: Case 21-032 Brookwood: Chris Garner, Garner Property Management, Tom Gritter, Gritter Real Estate Services LLC and Veronica Clark, Wade Trim. Case 20-037 Integrity Component and Design: Allen Scott, Rand Construction and Peter Mans, Mans Lumber. Case 22-010 Zippy Auto Wash: Dave Brewer, Vanston/O'Brian, Inc. and Corey Weaver, Zippy Auto Wash. Case 22-042 Menards: Tyler Edwards, Menards.

Audience: Twenty-One (21) and Three (3) remove viewers.

ELECTION OF OFFICERS:

Motion Jahr, Budd second to nominate Bryon Kelley as Chairperson. Kelley accepted the nomination. Motion Carried.

Motion Atchinson, Cullin second to nominate Jeff Jahr as Vice Chairperson. Jahr accepted the nomination. Motion Carried.

Motion Jahr, Budd second to nominate Medina Atchinson as Secretary. Atchinson accepted the nomination. Motion Carried.

Motion Cullin, Atchinson second to nominate Jeff Jahr as the liaison member to the Board of Zoning Appeals (BZA). Jahr accepted the nomination. Motion Carried.

Motion Jahr, Atchinson second to nominate Brian Cullin as the secondary liaison to the Board of Zoning Appeals (BZA). Cullin accepted the nomination. Motion Carried.

APPROVAL OF AGENDA:

Motion Grant, Atchinson second to approve the agenda of December 14, 2022 as amended, correcting New Business Item #5 Night Hawk Properties / Zippy Auto Wash heading to Preliminary Site Plan Review and removing New Business Item #7 Belleville Yacht Club – Preliminary Special Exception Discussion. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Budd, Cullin second to approve the regular meeting minutes of November 9, 2022 as presented. **Motion Carried.**

PUBLIC HEARING:

ITEM #1: ZONING ORDINANCE TEXT AMENDMENTS – RESIDENTIAL ZONING REGULATIONS.

TITLE: PROPOSED AMENDMENTS THAT WILL MODIFY THE REQUIREMENT FOR AT LEAST THIRTY PERCENT (30%) OF ALL STRUCTURES WITHIN A PROPOSED RESIDENTIAL PLAT OR SITE CONDOMINIUM PROJECT TO HAVE THE GARAGE DOOR ORIENTED OTHER THAN TO THE FRONT OF THE LOT (I.E., ORIENTED TO THE SIDE OR REAR OF THE LOT), AND WILL ALLOW MODIFICATIONS TO RESTRICTIONS ON MINIMUM SEPARATION DISTANCE BETWEEN BUILDINGS IN PLANNED RESIDENTIAL DEVELOPMENTS (PRDS). THE AMENDMENTS WILL INCLUDE UPDATES TO SECTION 5.115 (B) (DWELLING, SINGLE-FAMILY RESIDENTIAL (ALL SITE CONDOMINIUMS AND SUBDIVISIONS)), 6.203 (A) (PLANNED RESIDENTIAL DEVELOPMENTS – MODIFICATIONS, MODIFICATIONS PERMITTED) AND 6.207 (B) – 6.207 (C) (PLANNED RESIDENTIAL DEVELOPMENTS – DESIGN, BUILDING SETBACKS AND BUILDING SEPARATION).

Director Power provided information to the audience of the overall format of the agenda and informed that the public hearings are an opportunity for members of the public and neighboring property owners to speak.

Motion Cullin, Budd second to open the public hearing. Motion Carried.

No comments from the audience or remote viewers.

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

ITEM #2: 5M VAN BUREN LLC / INTEGRITY COMPONENT AND DESIGN – SPECIAL LAND USE REVIEW.

TITLE: A REQUEST BY RAND CONSTRUCTION ENGINEERING, INC. ON BEHALF OF OWNER 5M VAN BUREN LLC TO CONSTRUCT A ROOF AND FLOOR TRUSS MANUFACTURING FACILITY WHICH INCLUDES A 68,228 SQUARE FOOT BUILDING, AN OUTDOOR STORAGE AREA FOR BUILDING EQUIPMENT AND SUPPLIES. OUTDOOR STORAGE OF BUILDING EQUIPMENT AND SUPPLIES IS A SPECIAL LAND USE IN THE M-1 (LIGHT INDUSTRIAL DISTRICT), AND THE PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH ARTICLE 12, CHAPTER 3 (SPECIAL LAND USE REVIEW) OF THE ZONING ORDINANCE.

THE PROJECT IS PROPOSED TO BE LOCATED AT THE 21.3-ACRE SITE LOCATED AT 5925 BECK ROAD (PARCEL ID NUMBER 83-014-99-0001-703), ON THE EAST SIDE OF BECK ROAD, SOUTH OF MICHIGAN AVENUE. THE PARCEL IS ZONED M-1 (LIGHT INDUSTRIAL).

Motion Budd, Cullin second to open the public hearing. Motion Carried.

No comments from the audience or remote viewers.

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

ITEM #3: NIGHT HAWK PROPERTIES / ZIPPY AUTO WASH – SPECIAL LAND USE REVIEW.

TITLE: A REQUEST BY DAVID BREWER OF VANSTON / O'BRIEN INC. ON BEHALF OF OWNER NIGHT HAWK PROPERTIES TO CONSTRUCT A 4,900 SQUARE FOOT AUTOMATIC CAR WASH AND RELATED SITE IMPROVEMENTS ON A 1.65-ACRE SITE. AUTOMATIC AUTOMOBILE WASH ESTABLISHMENTS ARE A SPECIAL LAND USE IN THE C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT), AND THE PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH ARTICLE 12, CHAPTER 4 (SPECIAL LAND USE REVIEW) OF THE ZONING ORDINANCE.

THE PROJECT IS TO BE LOCATED AT 11650 BELLEVILLE ROAD (PARCEL ID NUMBER 83-081-99-0004-709), WHICH IS ZONED C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT). THE PROPERTY IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, BETWEEN VENETIAN AVENUE AND SUNRISE LANE.

Motion Cullin, Grant second to open the public hearing. Motion Carried.

Member of the audience is a 3rd generation car wash owner/operator in the Township and has two (2) primary concerns for the site. The first concern is increased traffic volume exiting at the intersection of the shared drive with the medical center, that there will be more accidents and he inquired if the applicant has performed a traffic study. The second concern is the number of stacking spaces on the site, the possibility of cars backing up into traffic from the shared drive onto Belleville Road and the possibility of a blockage of access to the urgent care facility.

No further comments from the audience, no comments from remote viewers.

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

OLD BUSINESS:

ITEM #1: CHRIS GARNER / SB – INVEST L.P. (BROOKWOOD) – SPECIAL LAND USE REVIEW.

TITLE: A REQUEST BY CHRIS GARNER ON BEHALF OF OWNER SB – INVEST L.P. TO CONSTRUCT AN INDEPENDENT MULTI-FAMILY RESIDENTIAL SENIOR HOUSING DEVELOPMENT WITH 132 DWELLING UNITS WITH A COMBINED GROSS FLOOR AREA OF APPROXIMATELY 154,110 SQUARE FEET. SENIOR HOUSING DEVELOPMENTS ARE A SPECIAL LAND USE IN THE RM (MULTIPLE DWELLING RESIDENTIAL DISTRICT). THE PROJECT IS PROPOSED TO BE TITLED "BROOKWOOD".

THE PROJECT IS PROPOSED TO BE LOCATED ON THE NORTH SIDE OF TYLER ROAD, BETWEEN MORTON TAYLOR AND HAGGERTY ROADS ON A 44.4-ACRE SITE. THE SITE HAS TAX PARCEL ID #83-043-99-0015-000 AND IS ZONED RM (MULTIPLE DWELLING RESIDENTIAL DISTRICT).

Director Power presented his review letter dated 12-7-22. The applicant is requesting to construct an independent multi-family residential senior housing development with 132 dwelling units with a combined gross floor area of 154,110 square feet. The project was presented at the 11-9-22 Planning Commission meeting in which the Commission requested a more complete review. The applicant has provided the following additional information and revisions to the project:

- A summary of comparison senior housing projects in Grand Rapids, Ann Arbor and Chelsea, Michigan was forwarded to Planning Commissioners via email on 11-23-22.
- An updated Traffic Impact Study dated 11-30-22, which includes the projected traffic from the Hampton Manor senior housing project on Tyler Road.
- A stone strip has been proposed to provide separation between driveways serving adjacent units with side entry garages.
- Tree protections have been noted and new trees have been proposed along the east property line.
- Strategic unit-to-unit landscape screening has been provided between proposed units 87 and 60 and proposed units 57 and 97 and elsewhere.
- A draft conservation easement to EGLE has been provided which covers a significant portion of the norther part of the property.
- The entry boulevard traveling lane widths have been increased to 22 feet.

In addition, Director Power recommends the following as conditions of approval for the proposed preliminary site plan and special land use:

- The pump station will require Township Board approval as part of any special land use approval.
- A set of deed and/or lease restrictions requiring the primary occupancy of each unit to be by seniors must be provided to Township staff.

Vidya Krishnan of McKenna Associates presented her review letter dated 12-9-22. The applicant has worked with the Township over the past several months to address all concerns previously raised. McKenna Associates finds that the proposed senior housing development meets the criteria for special land use approval, subject to conditions. Therefore, McKenna Associates recommends the Planning Commission recommend special approval to the Township Board, subject to the following conditions:

1. Clarification regarding minimum floor area of each unit.
2. Approval of utility plan ad storm water detention plan by Township Engineer and Wayne County.
3. That all conditions of preliminary site plan approval are met including landscaping and parking.
4. Final site plan approval.

Tom Gritter, Gritter Real Estate Services LLC, was present to answer any questions.

Resident on Bradley Drive inquired what the distance is from the wetlands at the proposed development to the back of his property. Paul Kammer of Fishbeck Associates informed that in looking at a diagram it is approximately 375 feet.

Remote resident from Hickory Woods lives along the tree line and is concerned about the removal of trees and loss of screening.

Chris Garner of Garner Property Management informed that the intent is to leave the tree line as is. If there is any disturbance, they will replant more trees. Vidya Krishnan of McKenna Associates confirmed that the applicant is maintaining all trees and any gaps will be filled in with new trees, planted by the applicant.

No comments from the Commission. No further comments from the audience or remote viewers.

Motion Jahr, Cullin second to recommend the Township Board of Trustees, grant the request by applicant Chris Garner on behalf of owner SB – Invest L.P. to construct an independent multi-family residential senior housing development with 132 dwelling units with a combined gross floor area of approximately 154,110 square feet, at the 44.4-acre site located on the north side of Tyler Road, between Morton Taylor and Haggerty Roads, tax parcel ID number 83-043-99-0015-000 based on the analysis and subject to the conditions in the McKenna Associates review letter dated 12-9-22 and staff review letter dated 12-7-22.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

ITEM #2: CHRIS GARNER / SB – INVEST L.P. (BROOKWOOD) – PRELIMINARY SITE PLAN REVIEW.

TITLE: A REQUEST BY CHRIS GARNER ON BEHALF OF OWNER SB – INVEST L.P. TO CONSTRUCT AN INDEPENDENT MULTI-FAMILY RESIDENTIAL SENIOR HOUSING DEVELOPMENT WITH 132 DWELLING UNITS WITH A COMBINED GROSS FLOOR AREA OF APPROXIMATELY 154,110 SQUARE FEET. THE PROJECT IS PROPOSED TO BE TITLED “BROOKWOOD”.

THE PROJECT IS PROPOSED TO BE LOCATED ON THE NORTH SIDE OF TYLER ROAD, BETWEEN MORTON TAYLOR AND HAGGERTY ROADS ON A 44.4-ACRE SITE. THE SITE HAS TAX PARCEL ID #83-043-99-0015-000 AND IS ZONED RM (MULTIPLE DWELLING RESIDENTIAL DISTRICT).

Director Power had no more comments to report for the preliminary site plan review. Director Power deferred to the Principal Planner and Township Engineer for their reviews.

Vidya Krishnan of McKenna Associates presented her review letter dated 12-9-22. The site plan addresses most of the details required by the Zoning Ordinance. Any items that are either missing or require additional information can be included at final site plan review. McKenna Associates recommends the Planning Commission approve the preliminary site plan for Brookwood Senior Housing, subject to the following conditions:

1. Notation of a detailed phasing timeline and clarification regarding the self-sufficiency of each phrase.
2. Planning Commission approval of the additional parking to be provided, to satisfy visitor parking needs.
3. Addition of a deciduous or evergreen tree at the front lot line.
4. Wayne County and Township Engineer approval of detention pond designs and landscaping.
5. Special land use approval by Township Board of Trustees.

Paul Kammer of Fishbeck Associates presented his review letter dated 11-2-22. Fishbeck recommends the Planning Commission grant the Brookwood Van Buren Township multi-family residential development preliminary site plan approval for engineering feasibility, subject to the comments in the review letter and in accordance with the Township's Engineering Standards manual for the engineering review submittal. A more in-depth engineering review will be completed during the final site plan and engineering review stage of the process. It is also recommended that the applicant continue discussions with Township staff regarding the items listed in the review letter and have discussion with Wayne County for roadways and stormwater to determine their requirements before finalizing certain design elements.

Director Power presented the Fire Department review letter dated 10-26-22. The applicant has adequately addressed all comments.

Tom McGregor informed the applicant plans to develop all infrastructure at one time.

No comments from the audience or remote viewers.

Commissioners had the following questions and comments:

- There is no dumpster on the plan, is one not needed for the clubhouse? Chris Garner informed that in the applicant's other developments such as the Taylor location there is no dumpster, multiple smaller trash totes are utilized when needed. Vidya Krishnan informed that the applicant's loading area is much larger than required, there is room if the applicant needs to add a dumpster.
- In the plan, they have sidewalks, but not always on both sides of the street. Is that common? It is part of the design.
- Are the mountable gutters on both sides of the street? Paul Kammer of Fishbeck Associates informed yes, they are and there should be no issue handling stormwater.
- Are the fire departments turn radius for the ladder truck and road width conditions met? Director Power informed that the letter provided in the packet was prior to the last meeting. The condition has been met with the increase in width of the travel lane and the sprinkling of the units allows for one access road with two-way traffic, addressing both conditions.

- Is there a template for the turn radius for the garage driveways? Director Power informed that a template was provided by the applicant. Vidya Krishan of McKenna Associates informed that a standard passenger vehicle could make a 3-point turn, a longer vehicle such as a large truck, would have to back out.
- Regarding phasing, how is the applicant developing? Chris Garner informed that the phasing is done so that a group can get started, there will likely be three (3) phases and they will be done as quickly as possible.
- Commissioner inquired if the Commission wants to require a turn radius diagram prior to final site plan review? Commissioners agreed to add as a condition of final site plan approval. Director Power displayed a diagram that he had.
- When construction begins on the site are there standards for dust, noise and debris. Director Power informed yes, there are part of the Township engineering standards.
- These are one story single-family housing units in a multi-family district. Someone could request to come in and build a multi-story multiple-family building. Director Power confirmed that the applicant is building to a lesser density.

Resident in Hickory Woods back door faces the tree line. She is concerned about the noise, dirt and traffic on Tyler Road. Vidya Krishnan of McKenna Associates confirmed that the applicant is replacing trees if any are removed and trees will be added to the gaps to fill in coverage.

No further comments from the audience or remote viewers.

Motion Atchinson, Jahr second to grant the applicant, SB – Invest L.P. (Brookwood), preliminary site plan approval to construct and independent multi-family residential senior housing development with 132 dwelling units with a combined gross floor area of approximately 154,110 square feet, located on the north side of Tyler Road, between Morton Taylor and Haggerty Roads on a 44.4-acre site, parcel number 83-043-99-0015-000, subject to the conditions in the McKenna Associates review letter dated 12-9-22, Fishbeck Associates review letter dated 11-2-22, Fire Department review letter dated 10-26-22, Wade Trim letter dated 12-1-22, with a dumpster included and a turn radius diagram provided prior to final site plan review.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

NEW BUSINESS:

ITEM #1: ZONING ORDINANCE TEXT AMENDMENTS – RESIDENTIAL ZONING REGULATIONS.

TITLE: PROPOSED AMENDMENTS THAT WILL MODIFY THE REQUIREMENT FOR AT LEAST THIRTY PERCENT (30%) OF ALL STRUCTURES WITHIN A PROPOSED RESIDENTIAL PLLAT OR SITE CONDOMINIUM PROJECT TO HAVE THE GARAGE

DOOR ORIENTED OTHER THAN TO THE FRONT OF THE LOT (I.E., ORIENTED TO THE SIDE OR REAR OF THE LOT), AND WILL ALLOW MODIFICATIONS TO RESTRICTIONS ON MINIMUM SEPARATION DISTANCE BETWEEN BUILDINGS IN PLANNED RESIDENTIAL DEVELOPMENTS (PRDS). THE AMENDMENTS WILL INCLUDE UPDATES TO SECTION 5.115 (B) (DWELLING, SINGLE-FAMILY RESIDENTIAL (ALL SITE CONDOMINIUMS AND SUBDIVISIONS)), 6.203 (A) (PLANNED RESIDENTIAL DEVELOPMENTS – MODIFICATIONS, MODIFICATIONS PERMITTED) AND 6.207 (B) – 6.207 (C) (PLANNED RESIDENTIAL DEVELOPMENTS – DESIGN, BUILDING SETBACKS AND BUILDING SEPARATION).

Director Power gave the presentation. At the 10-26-22 Planning Commission meeting, Commissioners came to a consensus that the proposed amendments to Section 5.115(B) Dwelling, Single-Family Residential (All Site Condominiums and Subdivisions) of the Zoning Ordinance, percentage to garage door orientation, were ready to be considered in a public hearing. Regarding the required 20-foot separation between dwellings in Planned Residential Districts (PRD's), the Planning Commission decided to strike the provision in the PRD ordinance that outright prohibited modifications from this requirement. The specific language regarding building separation is in a set of proposed revisions to Sections 6.203 (A) (Planned Residential Developments – Modifications, Modifications Permitted) and 6.207 (B) – 6.207 (C) (Planned Residential Developments – Design, Building Setbacks and Building Separation).

Vidya Krishnan of McKenna Associates noted that the Planning Commission worked on the text amendments for many months and did not want to put a number on the building separation language, to allow for flexibility. Substantially different and orientation language (side and rear) was added to the thirty percent garage requirement language.

Commissioner is glad the Commission got to this point with the text amendments, the change aligns the Township to be more competitive.

No comments from the audience or remote viewers.

Motion Jahr, Atchinson second to recommend adoption of the proposed Zoning Ordinance text amendments to Section 5.115(B) (Dwelling, Single-Family Residential (All Site Condominiums and Subdivisions)), Section 6.203(A) (Planned Residential Developments - Modifications, Modifications Permitted) and Section 6.207(B) through 6.207(C) (Planned Residential Developments - Design, Building Setbacks and Building separation), as presented.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried.

ITEM #2: 5M VAN BUREN LLC / INTEGRITY COMPONENT AND DESIGN – SPECIAL LAND USE REVIEW.

TITLE: A REQUEST BY RAND CONSTRUCTION ENGINEERING, INC. ON BEHALF OF OWNER 5M VAN BUREN LLC TO CONSTRUCT A ROOF AND FLOOR TRUSS MANUFACTURING FACILITY WHICH INCLUDES A 68,228 SQUARE FOOT BUILDING, AND OUTDOOR STORAGE AREA FOR BUILDING EQUIPMENT AND SUPPLIES. OUTDOOR STORAGE OF BUILDING EQUIPMENT AND SUPPLIES IS A SPECIAL LAND USE IN THE M-1 (LIGHT INDUSTRIAL DISTRICT).

THE PROJECT IS PROPOSED TO BE LOCATED AT THE 21.3-ACRE SITE LOCATED AT 5925 BECK ROAD (PARCEL ID NUMBER 83-014-99-0001-703), ON THE EAST SIDE OF BECK ROAD, SOUTH OF MICHIGAN AVENUE. THE PARCEL IS ZONED M-1 (LIGHT INDUSTRIAL).

Director Power gave a brief description. The applicant is requesting to construct a roof and floor truss manufacturing facility which includes a 68,228 square foot building, an outdoor storage area for building and equipment supplies. The proposed site is located on a 21.3-acre site at 5925 Beck Road, on the east side of Beck Road south of Michigan Avenue. The parcel is zoned M-1 (Light Industrial) District.

Vidya Krishan of McKenna Associates presented her review letter dated 11-17-22. Most of the general standards for consideration of special land use approval and specific standards for outdoor storage have been addressed at this time with a few minor exceptions which require revisions to details on the site plan. McKenna Associates recommends that the Planning Commission recommend approval of the proposed special land use request to the Board of Trustees, subject to the following conditions:

1. Installation of a sidewalk along the site's Beck Road frontage or Planning Commission approval of deferred installation with terms and conditions.
2. Revision to fencing proposed.
3. Clarification regarding need for variance or deletion of note.
4. Site plan approval.

Allen Scott of Rand Construction was present to answer any questions. Mr. Scott will save his presentation/comments for site plan review.

Commissioners had the following questions and comments:

- The sidewalk needs to be installed, not deferred. Allen Scott of Rand Construction commented that there is a mile and quarter of dirt roadway between the property and Michigan Avenue, not sure who would use the sidewalk. The water main and roadway will be redone on the west side of the property. Vidya Krishan informed that Wayne County does not have any plan at this time for the road or water main.
- Commission asked the applicant to explain the need for the variance? Allen Scott displayed a photo from Mans Lumber as an example of how the lumber will be stored. There will be 3 stacks of lumber with a height of 12 feet and it will never be stored on a rack. Vidya Krishnan of McKenna Associates believes that a variance is not necessary.

- Mr. Allen also discussed the decorative fence, the arrangement with Canton is for a decorative fence on the east side of the property to continue what is already in place in Canton, with chain link fence running north and south. Mr. Allen is willing to do plastic-coated chain-link fencing to the north and south and will correct the fence on the front (west) side to be a decorative fence as requested.
- Commissioner agrees on the sidewalk, we need to be prepared even though we don't know when the area will be developed. If there is any damage done by road construction, Wayne County will pay for the repairs.
- Commissioner commented on the phrase "all sidewalks go nowhere until someone connects to them", is it possible to put the sidewalk in after the other connections are made? Vidya Krishnan informed the challenges are not knowing the time frame of future connections, hard for the Township.
- Commissioner asked the applicant to clarify the decorative fence, is it all the way around? Scott Allen confirmed that the decorative fence is only on the west side of the site, plastic-coated chain-link fencing to the north, east and south.

No comments from the audience or remote viewers.

Motion Jahr, Cullin second to recommend the Township Board of Trustees grant special land use approval the applicant, Rand Construction Engineering, Inc. on behalf of owner 5M Van Buren LLC, to construct a roof and floor truss manufacturing facility which includes a 68,228 square foot building, an outdoor storage area for building equipment and supplies, located at 5925 Beck Road, parcel ID number 83-014-99-0001-703, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 11-17-22, staff review letter dated 12-7-22 and with the condition of the sidewalk not deferred .

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

Motion Jahr, Budd second to adjourn the meeting for a 5-minute break. Motion Carried.

ITEM #3: 5M VAN BUREN LLC / INTEGRITY COMPONENT AND DESIGN – PRELIMINARY SITE PLAN REVIEW.

TITLE: A REQUEST BY RAND CONSTRUCTION ENGINEERING, INC. ON BEHALF OF OWNER 5M VAN BUREN LLC TO CONSTRUCT A ROOF AND FLOOR TRUSS MANUFACTURING FACILITY WHICH INCLUDES A 68,228 SQUARE FOOT BUILDING, AND OUTDOOR STORAGE AREA FOR BUILDING EQUIPMENT AND SUPPLIES. OUTDOOR STORAGE OF BUILDING EQUIPMENT AND SUPPLIES IS A SPECIAL LAND USE IN THE M-1 (LIGHT INDUSTRIAL DISTRICT).

THE PROJECT IS PROPOSED TO BE LOCATED AT THE 21.3-ACRE SITE LOCATED AT 5925 BECK ROAD (PARCEL ID NUMBER 83-014-99-0001-703), ON THE EAST SIDE

OF BECK ROAD, SOUTH OF MICHIGAN AVENUE. THE PARCEL IS ZONED M-1 (LIGHT INDUSTRIAL).

Director Power deferred the discussion to the Principal Planner and Township Engineer for presentation of their reviews.

Vidya Krishnan of McKenna Associates presented her staff review letter dated 11-17-22. Most of the items noted in the previous review letters have been address, especially the truck circulation plan for the site. A few additional items of information remain to be addressed but can be addressed during the final site plan review process. McKenna Associates recommends the Planning Commission grant preliminary site plan approval based on the revised plans dated 10-13-22, subject to the following conditions:

1. Installation of a sidewalk along the site's Beck Road frontage or Planning Commission approval of a deferred installation with terms and conditions.
2. Wayne County Road Commission approval of roadway improvements to Beck Road along the site's frontage.
3. Submission of an updated traffic study for the site based on establishment of cross access with site to the north.
4. Approval of proposed stormwater detention system by the Township Engineer and Wayne County.
5. Approval of proposed detention pond area planting by Wayne County.
6. Planning Commission approval of proposed building materials and colors.
7. Replacement of fence and gates along frontage and visible from public right-of-way to a decorative style.
8. Modification to proposed chain link fence and decorative fence design.
9. Approval of proposed special land use by the Board of Trustees.

Paul Kammer of Fishbeck Associates presented his review letter dated 11-17-22. Fishbeck Associates recommends the Planning Commission grant the Integrity Component and Design preliminary site plan approval for engineering feasibility, subject to the comments listed in the review letter and in accordance with the Township's Engineering Standards manual.

Director Power presented the Fire Department's review letter dated 11-3-22.

Allen Scott of Rand Construction displayed a color rendering and passed around samples of the exterior façade materials.

Commissioners had the following questions and comments:

- The split face block, looks like there are 2 different colors of grey on the rendering. Allen Scott informed that the building will be one color.
- What is the vertical material, hardy siding? Where is the block? There is no block on the office, only the warehouse and hardy siding goes to the grade on the office portion.
- Allen Scott informed that the drain is in the process of being renamed to Horner Drain.
- Van Buren Township likes to protect wildlife and wetlands, are the wetlands protected. Vidya Krishan of McKenna Associates informed that they are not regulated wetlands. The applicant is already in discussion with EGLE and are not touching the wetland areas. Paul

Kammer of Fishbeck Associates confirmed that the applicant will work with EGLE, it is part of the engineering process to make sure everything is completed and approved.

- The trucks are not going to be using Beck Road, is there any type of agreement? Vidya Krishnan informed that the truck access is sealed with the project.
- There is no retail component? Allen Scott informed no, there is not. Retail will be at Mans Lumber.
- Commissioner thanked the applicant for bringing samples of the exterior façade.

No comments from the audience or remote viewers.

Motion Jahr, Budd second to grant the applicant, Rand Construction Engineering, Inc. on behalf of owner 5M Van Buren LLC, preliminary site plan approval to construct a roof and floor truss manufacturing facility which includes a 68,228 square foot building, an outdoor storage area for building equipment and supplies, located at 5925 Beck Road, parcel ID number 83-014-99-0001-703, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 11-17-22, Fishbeck Associates review letter dated 11-17-22, Fire Department review letter dated 11-3-22, staff review letter dated 12-7-22 and with the condition of the sidewalk not deferred.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

ITEM #4: NIGHT HAWK PROPERTIES / ZIPPY AUTO WASH – SPECIAL LAND USE REVIEW.

TITLE: A REQUEST BY DAVID BREWER OF VANSTON / O'BRIEN INC. ON BEHALF OF OWNER NIGHT HAWK PROPERTIES TO CONSTRUCT A 4,900 SQUARE FOOT AUTOMATIC CAR WASH AND RELATED SITE IMPROVEMENTS ON A 1.65-ACRE SITE. AUTOMATIC AUTOMOBILE WASH ESTABLISHMENTS ARE A SPECIAL LAND USE IN THE C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT).

THE PROJECT IS PROPOSED TO BE LOCATED AT 11650 BELLEVILLE ROAD (PARCEL ID NUMBER 83-081-99-0004-709), WHICH IS ZONED C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT). THE PROPERTY IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, BETWEEN VENETIAN AVENUE AND SUNRISE LANE.

Director Power gave a brief presentation. The applicant's request is to construct a 4,900 square foot automatic car wash and related site improvements on a 1.65-acre site. The site location shares and access drive with Meridian Medical center.

Vidya Krishnan of McKenna Associates presented her staff review letter dated 11-16-22. The proposed use meets the general standards for consideration of special land use approval. McKenna Associates recommends the Planning Commission recommend approval of the special land use to the Township Board of Trustees, subject to site plan approval.

Corey Weaver, owner of Zippy Auto Wash, provided a PowerPoint presentation discussing the following: the locations of Zippy Auto Wash properties, background of the business, the newest locations, maximum resource efficiency, facilities are all electric, maximize water efficiency, have minimal sewer/solids impact and Zippy Auto Wash is a philanthropic small business. Mr. Weaver displayed a color rendering with a metal roof, dormers, awnings, the block is half height with three (3) masonry colors. The site can stack about twenty-five (25) cars, which proved to be more than efficient at existing sites. Night Hawk Properties is fully supportive of the proposed lot splits and access easements.

Commissioners had the following questions and comments:

- Was there a traffic study and is one required? Vidya Krishnan of McKenna Associates informed that the Ordinance does not require a traffic study. The applicant was asked to provide data from existing sites. Mr. Weaver did provide the data which showed significant stacking from entry to exit.
- Is there a bypass? Mr. Weaver informed yes, there is a bypass so someone can get out if they need to. There is also an exit lane prior to the pay terminals.
- Commissioner asked for clarification on the stacking when you leave the auto wash. Mr. Weaver informed that there are parking spaces for detailed drying. There are also employee parking spaces and 2 EV charging stations.
- Director Power commented that the stacking going into the auto wash is all on site. David Brewer confirmed, yes.
- Vidya Krishnan asked the applicant to clarify the hours of operation. Mr. Weaver informed that the hours of operation are 7:00 a.m. – 8:00 p.m. Monday through Saturday and they open one (1) hour later on Sunday.
- Is there staff on hand, only pay terminals or both? The applicant will have both. The site is staffed with 2-3 employees at any given time.
- Is there a cash option? Mr. Weaver informed that they have eliminated cash transactions all together.
- On a good day, how many cars would stack and how long the wash takes? Mr. Weaver informed not more than 25, normally around 10-15 cars. The wash takes about 3 minutes.
- How many cars do you see per day and what times are the busiest? Existing locations see 200-300 cars per day with bursts at rush hour, 7:00 a.m. – 8:00 a.m. and 5:00 p.m. – 6:00 p.m.

Remote view inquired about water runoff onto Belleville Road. Mr. Weaver explained that at the exit of all facilities there is a heated 20-foot concrete slab and trench drain, they also regularly de-ice all driveways.

No further comments from the audience or remote viewers.

Motion Jahr, Cullen second to recommend the Township Board of Trustees grant the applicant, David Brewer of Vanston / O'Brien, Inc. on behalf of owner Night Hawk Properties, special land use approval to construct a 4,900 square foot automatic car wash and related site improvements on a 1.65-acre site, located at 11650 Belleville Road, parcel ID number 83-081-99-0004-709, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 11-16-22 and staff review letter dated 12-7-22.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

ITEM #5: NIGHT HAWK PROPERTIES / ZIPPY AUTO WASH – PRELIMINARY SITE PLAN REVIEW.

TITLE: A REQUEST BY DAVID BREWER OF VANSTON / O'BRIEN INC. ON BEHALF OF OWNER NIGHT HAWK PROPERTIES TO CONSTRUCT A 4,900 SQUARE FOOT AUTOMATIC CAR WASH AND RELATED SITE IMPROVEMENTS ON A 1.65-ACRE SITE. AUTOMATIC AUTOMOBILE WASH ESTABLISHMENTS ARE A SPECIAL LAND USE IN THE C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT).

THE PROJECT IS PROPOSED TO BE LOCATED AT 11650 BELLEVILLE ROAD (PARCEL ID NUMBER 83-081-99-0004-709), WHICH IS ZONED C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT). THE PROPERTY IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, BETWEEN VENETIAN AVENUE AND SUNRISE LANE.

Director Power deferred the discussion to the Principal Planner and Township Engineer for presentation of their reviews.

Vidya Krishnan of McKenna Associates presented her review letter dated 12-7-22. Most of the required site plan items have been addressed at this time. The remaining items require review and approval by other entities and can be included for final site plan review. McKenna Associates recommends the Planning Commission grant preliminary site plan approval for Zippy Auto Wash to be located on Belleville Road as noted, subject to the following conditions:

1. Completion of lot split prior to final site plan approval.
2. Submission of a copy of an irrevocable cross access easement agreement with the Urgent Care to the west.
3. Approval of the proposed stormwater detention system by the Township Engineer and Wayne County.
4. Approval of detention pond landscaping by the County.
5. Revision to on-site signage along Belleville Road frontage to include Zippy Auto on a new replacement monument sign or granting of an easement for the Meridian Plaza sign.
6. Approval of special land use by the Township Board of Trustees.

Paul Kammer of Fishbeck Associates presented his review letter dated 12-7-22. Fishbeck offers no objection and recommends the Planning Commission grant preliminary site plan approval to the Zippy Auto Wash, based on the preliminary site plans submitted to the Township on November 22, 2022. The applicant shall review and amend any of the plan comments listed in the review letter and it is also recommended that the applicant begin conversations with the County regarding storm water management and ROW impacts and implement the requirements of both the Township and the County into the plans prior to engineering review.

Director Power presented the Fire Department review letter dated 11-1-22, which had the following comments regarding Fire Department Access:

- The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.
- No Park Fire Lanes will need to be shown on future submittals.
- Dead ends of Fire Department access in excess of 150 feet shall be provided with approved provisions for fire apparatus to turn around. NFPA 1 18.2.3.5.4
- On sheet C-3, the 15-foot opening between the vacuum stations needs to be widened to at least 20 feet.

Commissioners had the following questions and comments:

- In regard to stacking, is there a plan to have a sign at the exit to prevent stacking? Vidya Krishnan commented that is an excellent condition to add to the approval. Corey Weaver explained that other locations have similar signage.
- In regard to the heated concrete pad and trench drain, are they shown on the site plan? Yes.
- With regard to the BROD bike rack, an employee might ride a bike to work there.
- With the relaxed screening on the curve, are there any concerns with headlights shining into traffic on Belleville Road? There are no concerns. Vidya Krishnan commented that additional landscape could be added.
- Are there EV charging stations at the applicant's other locations, are customers allowed to use them and are they free? Mr. Weaver explained that all the new locations will have them, customers are allowed to use them and they are free. They are a 10KW type of charger and are intended for employees to be able to charge their vehicles. Commissioner inquired if there is signage for the EV spaces? Vidya Krishnan suggested possibly adding short term charging language. The applicant will consult with staff.
- Is there the ability to shut the charging stations down when the auto wash closed? Yes, the applicant could do that.

No comments from the audience or remote viewers.

Motion Jahr, Cullin second to grant the applicant David Brewer of Vanston / O'Brien, Inc. on behalf of owner Night Hawk Properties, preliminary site plan approval to construct a 4,900 square foot automatic car wash and related site improvements on a 1.65-acre site, located at 11650 Belleville Road, parcel ID number 83-081-99-0004-709, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 12-7-22, Fishbeck Associates review letter dated 12-7-22, Fire Department review letter dated 11-1-22, staff review letter dated 12-7-22, noting the feedback and concerns with regard to EV signage, with the condition that no parking signage outside the conveyer system will be installed and the addition of a row of evergreen trees to the greenbelt.

Roll Call:

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

Nays: None.

Excused: Barr.

Motion Carried. (Letters Attached)

ITEM #6: TYLER EDWARDS / MENARD’S, INC. – PRELIMINARY VARIANCE DISCUSSION.

TITLE: TYLER EDWARDS ON BEHALF OF MENARD’S, INC. SEEKS A DIMENSIONAL VARIANCE TO INSTALL AN ADDITION TO THE EXISTING ACCESSORY DRIVE-THRU CANOPY, WHICH IS ATTACHED TO THE PRINCIPAL BUILDING, TO WITHIN FIFTEEN (15) FEET OF THE SIDE LOT LINE, CONTRARY TO THE REQUIREMENTS OF SECTION 3.112 (E) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE WHICH REQUIRES A 25 FOOT SIDE YARD SETBACK.

THE PROJECT IS PROPOSED TO BE LOCATED AT 10010 BELLEVILLE ROAD, LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, BETWEEN WESTLAKE CIRCLE AND TYLER ROAD ON A 24.0-ACRE SITE. THE SITE HAS TAX PARCEL ID NUMBER 83-061-99-0005-726 AND IS ZONED C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT).

Director Power gave a brief presentation. The applicant, Tyler Edwards, has applied for a dimensional variance, to install an addition to the existing accessory drive-thru canopy which is attached to the principal building. The proposed addition would be located within fifteen (15) feet of the side lot line, contrary to the requirements of Section 3.112 (E) of the Van Buren Township Zoning Ordinance which requires a 25-foot side yard setback. The proposed expansion area is intended to serve an extended drive-up lane for the Menards store.

Tyler Edwards on behalf of Menards, Inc. gave his presentation. Shortly after the Menards store was built, ordering online and picking up in the store increased. Currently you have to go through the gate to pick up items ordered online. The applicant is seeking to add another entrance lane that is automated where a barcode can be scanned. If they had known the volume of online ordering beforehand, they would have shifted the building prior to being built. The landscaping will replicate the existing landscape, there are several hundred feet from the neighboring property dwellings. Their addition will include four (4) 4 x 4 posts and the entrance will have a garage door. There are a couple options with a wall or without a wall. Mr. Edwards displayed a photo of what is being requested.

Commissioners had the following questions and comments:

- Commissioner inquired if the applicant is looking for feedback? Director Power informed, yes. Commissioners can provide feedback at the meeting or send comments to staff by email.
- It’s not a matter of the 4 posts, it would still encroach into the setback. Director Power confirmed, it’s the addition of the structure.
- Vidya Krishnan of McKenna Associates informed that she has never seen a wait line, she’s not sure what kind of convenience that it provides. Mr. Edwards explained that it advances the technology to prepare orders for pickup and provides tracking.
- What is the difference with the bar code scanner and the employee that is already there, to save time? Mr. Edwards confirmed, to save time, the employees are taxed.
- Commission commented it seems all you need to do is a bypass lane, don’t need a full covered canopy.

- Is this also for compliance and consistency? Yes. Would the variance be required if the drive was encroaching with no canopy? No. If there was a fence or gate, that would be different as well.
- Commissioners are ok with modifying the greenbelt standards. If the applicant is able to get a variance, they are not against it.

ITEM #7: 2022 PLANNING COMMISSION ANNUAL REPORT.

Director Power is making some revisions to the annual report included in the commissioner's packet, he will save the details and bring the final report back to the Commission in January.

Motion Jahr, Cullin second to postpone review of the 2022 Planning Commission Annual Report. Motion Carried.

ITEM #8: 2023 PLANNING COMMISSION MEETING SCHEDULE.

Director Power presented the 2023 Planning Commission meeting schedule. The Planning Commission regularly meets on the 2nd and 4th Wednesdays of each month at 5:30 p.m., except for November and December have meetings only on the 2nd Wednesday.

Commissioner inquired if we should add additional dates in the months of November and December. Commissioners have the option to schedule special meetings if they are needed.

Motion Grant, Atchinson second to approve the 2023 Planning Commission Meeting Schedule. Motion Carried.

GENERAL DISCUSSION:

Director Power informed that Van Buren Township is kitty corner from Augusta Township, Commissioners are invited to take a look at their Master Plan which is up for review and provide comments by January 2, 2023.

Commissioner mentioned looking at the Planning Commission By-Laws and possibly shifting the election of officers to the end of the last meeting in December.

ADJOURNMENT:

Motion Budd, Cullin second to adjourn the meeting at 9:55 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:	DATE SUBMITTED:
--------------	-----------------

APPLICANT INFORMATION

NAME: Crossroads Distribution Center North, LLC	PHONE: 734-394-1900
ADDRESS: 2575 S. Haggerty Road, Suite 500	CELL PHONE: 734-637-4763
CITY, STATE & ZIP: Canton, MI 48188	FAX: N/A
EMAIL: dschultz@ashleycapital.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Frankel-Nodlehs (Stuart Frankel Development Company)	PHONE: (248) 649-2924
ADDRESS: 1334 Maplelawn Drive	CELL PHONE:
CITY, STATE & ZIP: Troy, MI 48084	FAX:
EMAIL:	

BILLING CONTACT

NAME: Dennis Schultz, Sr. Project Manager	PHONE: 734-394-1900
ADDRESS: Ashley Capital, 2575 S. Haggerty Road, Suite 500	CELL PHONE: 734-637-4763
CITY, STATE & ZIP: Canton, MI 48188	FAX: N/A
EMAIL: dschultz@ashleycapital.com	

SITE/PROJECT INFORMATION

NAME OF PROJECT: Crossroads Distribution Center North			
PARCEL ID NO: V125-83- 006-99-0004-000		PROJECT ADDRESS: vacant land	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the <u>South</u> Side of <u>Van Born</u> Road; Between <u>Haggerty</u> Road and <u>Morton Taylor</u> Road.			
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	ACREAGE OF SITE: 16.18	TOTAL ACRES OF SITE TO REVIEW: 16.18
CURRENT ZONING: R1B	IS A REZONING OF THIS PARCEL BEING REQUESTED? Y / N YES		REQUESTED ZONING: M-1
PROJECT DESCRIPTION: Under contract on 4 parcels to west of planned next phase Crossroads Distribution Center North project. Specific site will be used for wetlands preservation. Rezoning conforms with master plan. Will allow us to reduce setbacks for CRN development.			

SPECIAL PERMIT INFORMATION

DOES THE PROPOSED USE REQUIRE SPECIAL APPROVAL? Y / N	
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.	

OWNER'S AFFIDAVIT

Kyle Morton

PRINT PROPERTY OWNER'S NAME


SIGNATURE OF PROPERTY OWNER

11/17/22

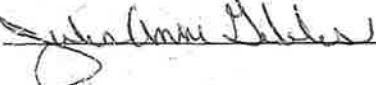
DATE

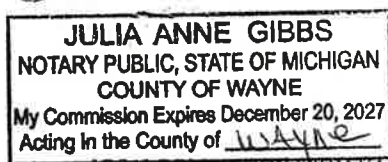
Printed name:

STATE OF MICHIGAN
COUNTY OF WAYNE

^{above signed}
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 17 day of November 20 22.

 Notary Public, Wayne County, Michigan My Commission expires 12/20, 2027.

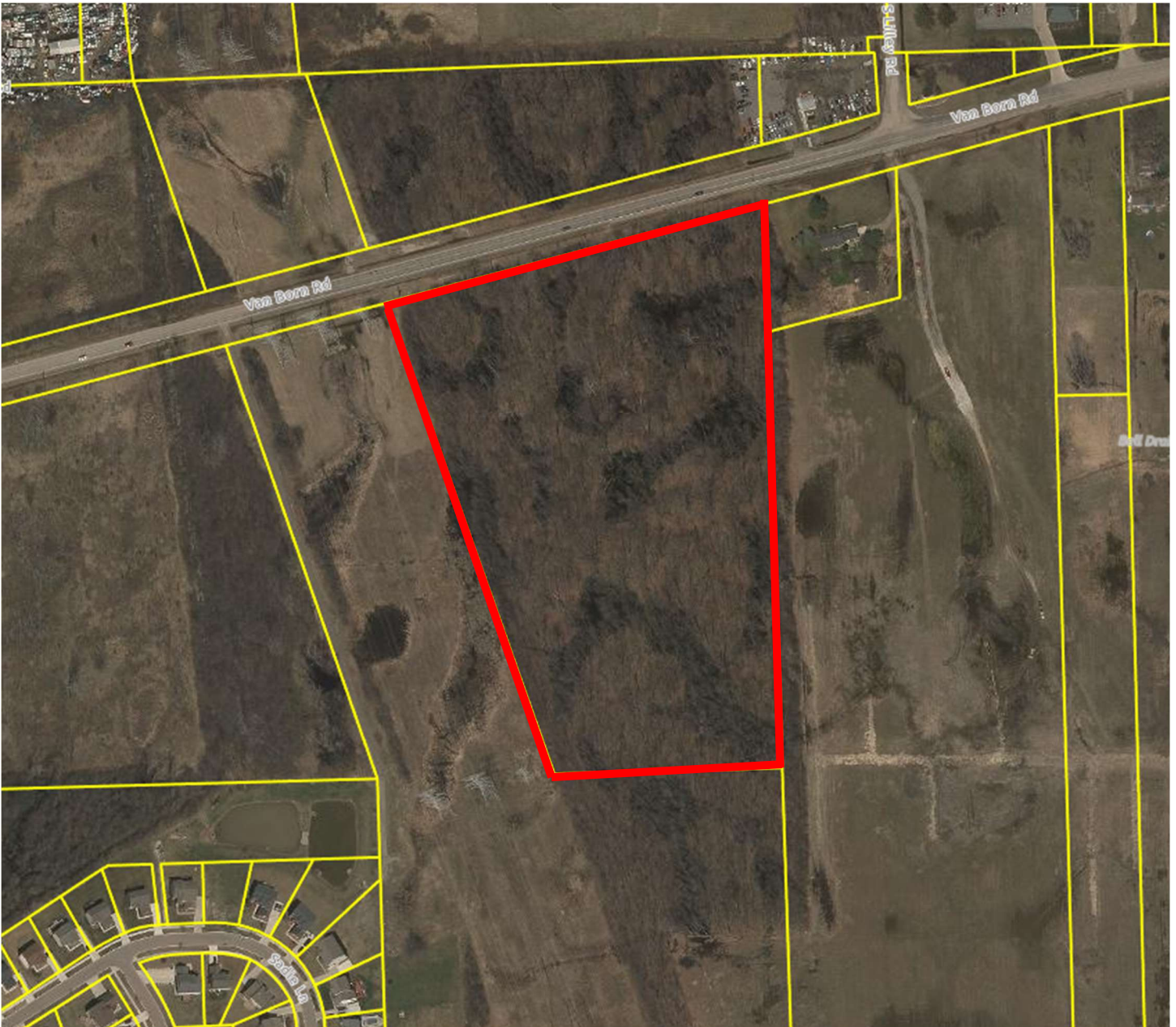


LEGAL DESCRIPTION FROM VAN BUREN PROPERTY TAX WEBSITE:

02F1 PART OF NW 1/4 OF SEC 2 BEG N1DEG 21M 20S W 1486.30FT FROM CEN 1/4 COR SEC 2 TH N1DEG 21M 20S W 1176.42FT TH S75DEG 46M 27S W 812.31FT TH S18DEG 40M 42S E 1039.48FT TH N89DEG 01M 10S E 482.39FT POB 16.18 AC

PARCEL: V125-83-006-99-0004-000

16.18 Acres



LEGAL DESCRIPTION FROM VAN BUREN PROPERTY TAX WEBSITE:

02F1 PART OF NW 1/4 OF SEC 2 BEG N1DEG 21M 20S W 1486.30FT FROM CEN 1/4 COR SEC 2 TH N1DEG 21M 20S W 1176.42FT TH S75DEG 46M 27S W 812.31FT TH S18DEG 40M 42S E 1039.48FT TH N89DEG 01M 10S E 482.39FT POB 16.18 AC



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: Parcel 83 006 99 0004 000 Rezoning Request by Crossroads
Distribution Center North, LLC
DATE: January 4, 2023

The Planning Commission is asked to consider a request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from R-1B – Single Family Residential District to M-1 – Light Industrial. The site is located on the west side of Haggerty Road on the south side of Van Born Road.

A completed application form; a memo from the Township Principal Planner / Planning Consultant dated December 16, 2022; and a copy of the public hearing notice for the January 10, 2023 meeting are included in this packet for the Planning Commission's reference.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a light blue horizontal line.

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

CC: Vidya Krishnan – Planning Consultant / Principal Planner, Van Buren Charter Township



MCKENNA

December 16, 2022

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

**Subject: VBT-22-053-RZ Crossroads Distribution Center North, LLC/ Rezoning Review;
Application Dated September 26, 2022.**

Dear Commissioners:

We have reviewed an application from Dennis Schultz on behalf of Crossroads Distribution Center North LLC, owners of Building 6 within the Crossroads North Industrial Development located at Parcel V125-83-006-99-0004-00042060, which lies on the south side of Van Born Road, between Morton Taylor and Haggerty Roads. The applicant proposes to rezone the parcel from its current zoning classification of R-1B, Single-Family Residential to M-1, Light Industrial. This parcel is approximately 16.18 acres.

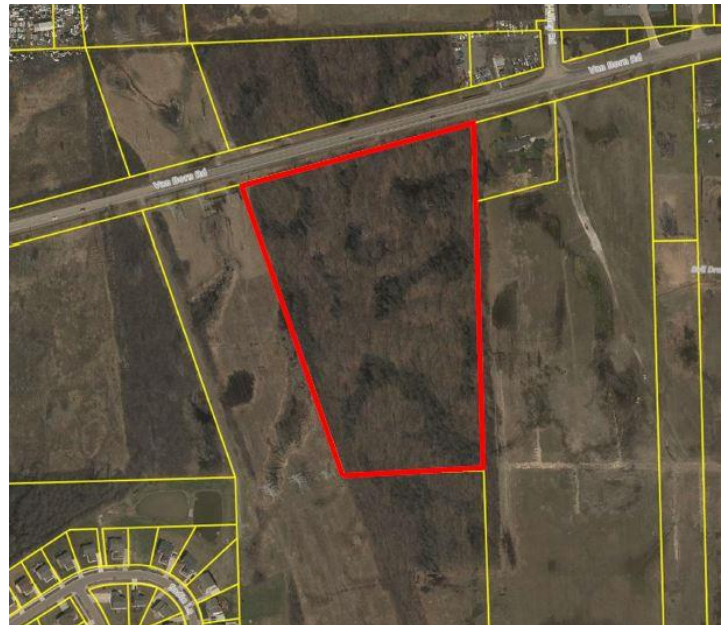


Figure 1 and 2: Site Location (google Maps)

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



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

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

EXISTING CONDITIONS

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

	Existing Land Use	Current Zoning	Future Land Use
Subject Site	Vacant/Undeveloped	R-1B, Single-Family Residential	Light Industrial
North	Vacant/Undeveloped	M-1, Light Industrial	Light Industrial
South	Undeveloped / Utility Easement	R-1B, Single-Family Residential*	Single-Family Residential
East	Vacant/Undeveloped	MT, Industrial Transportation / R-1B	Light Industrial
West	Utility Easement	R-1B, Single-Family Residential	Single-Family Residential

*The narrow triangular piece below the subject site, abutting the ITC corridor.

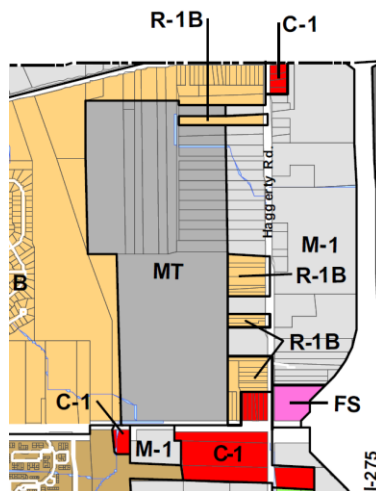


Figure 3: Zoning Map



REZONING STANDARDS

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

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

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

The applicant proposes to rezone the parcel to preserve existing wetland and woodland to act as a buffer for industrial uses to the south and east. Per the Master Plan the Light Industrial designation is *“intended for industrial uses which do not impact neighboring properties, and do not produce large amounts of noise, smoke, glare, waste, or other adverse off-site environmental effects. These areas should serve as a transition between non-industrial and heavy industrial areas. The uses most appropriate in this district include warehousing, research and development, industrial flex space, associated office uses, and quasi-retail sales.”* The change of the existing residential zone to an industrial zone, even if left as woodland and wetland, is a step towards accomplishing the Township’s Master Plan objectives and providing adequate transition between heavier industrial uses/trucking and residential uses.

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

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

It is intended that the M-1 zoning district shall act as a transition between heavy industrial uses and non-industrial uses. There is an ITC corridor to the west, zoned residential, that cannot be built upon. The addition of the subject parcel as a transition area to be left undisturbed, gives the applicant the benefit of setbacks from an industrial zoned parcel rather than a residentially zoned parcel, at such time when the parcels to the east are developed.

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

The applicant does not plan to develop this particular parcel. The other parcels owned by the applicant to the east of this site, all have frontage onto Van Born Road and in the future are likely to connect the south north to south from Van Born to Ecorse Road. The applicant’s proposal to rezone the parcels is not an approval of any use of the site. At such time when a site plan is submitted for development of the remaining portion of the applicants parcels north of Crossroads North distribution center facility, additional traffic impact studies will be required for Van Born Road with related improvements.

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

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



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

We are not aware of any errors in the Zoning Ordinance or Zoning Map, so a rezoning cannot be granted on the grounds that there is an error to correct. Over the last few years, Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses. There is a definite market trend showing the demand for more industrial uses. The Township's Master Plan specifically designates the subject site as an area for industrial uses. As previously noted, the subject site is likely to remain an undeveloped parcel in the future too with the applicant's intent to place a conservation easement on it, to protect existing woodlands and wetlands.

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

In general, exclusionary zoning is a prohibition of a land use when there is a demonstrated need for the use in the community. Although zoned R-1B, the subject site is essentially unbuildable due to the presences of significant regulated wetlands on it. Rezoning of the parcel provides the applicant with the benefit of measuring setbacks for future buildings from the ITC corridor boundary rather than the edge of the unbuildable subject site.

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

As previously noted, majority of the site is a heavily wooded and occupied by regulated wetlands. It is our understanding that working with the Environment, Great Lakes and Energy (EGLE) of Michigan, the applicant intends to place a conservation easement on the subject site. There are no plans to build on the subject site at this time.

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

The permitted uses and special land uses of the M-1 zoning district are listed in the following table:

PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none">• Wholesale Sales• Warehousing (excluding Distribution Centers)• Manufacturing and Processing (Light)• Laboratories, Minor• Laboratories, Major• Retail Dry Cleaning Plants and Laundries• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity.• High Tech, Data Processing, and Computer Centers• Accessory Outdoor Industrial Storage• Accessory structures and uses customarily incidental to the above permitted uses• Indoor Recreation	<ul style="list-style-type: none">• Automobile Wash Establishment, Automatic• Drive-In Theaters• Private Clubs• Recreational Vehicle Storage Yards• Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors)• Outdoor Storage of Building or Contracting Equipment and Supplies• Instructional Services, Outdoor• Truck Repair and Maintenance Facility, Minor• Accessory Caretaker Dwelling



The M-1 District is intended to be located so that uses will be developed without creating negative impacts on adjacent uses from characteristics and conditions such as heavy truck traffic, excessive noise, glare, air pollution, wastewater pollution or emissions, which are commonly found in a traditional industrial district. With the likelihood that this parcel will not be developed and be preserved in its natural state, there are no concerns to address regarding potential negative impacts.

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

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

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

Based on the location of the parcel abutting recently rezoning M-1 parcels to the east in conformance with the Master Plan, the proposed M-1 zoning would be most appropriate to create a contiguous zoning district. The subject site does not require site plan approval as no new construction is proposed.

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

Rezoning of the land will provide consistency with the Master plan and create a clear delineation between the industrially zoned and use parcels and the residential parcels on the west side of the ITC corridor. Adding of an industrial use to the R-1B (Single Family Residential) district would not be appropriate. Therefore, rezoning the land to M-1 is more appropriate than amending the list of permitted or special land uses in the current R-1B zoning district.

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

Rezoning will create a continuous industrially zoned area, and will not create an isolated or incompatible zone.

RECOMMENDATION

At this time, the application to rezone the subject sites from R-1B to M-1 meets the following standards of Section 12.504(A) through (L) of the Zoning Ordinances:

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



3. Section 12.504 (C). The subject parcels have frontage onto Van Born, designated as an urban minor arterial. Improvements to abutting roadways to handle additional traffic will be considered at the time of site plan review and approval of the parcels to the east.
4. Section 12.504 (D). We are not aware of any constraints in the ability of public services to serve this site.
5. Section 12.504(E). Van Buren Township has experienced a high demand for additional industrial development and expansions of existing industrial land uses.
6. Section 12.504 (F). The proposed rezoning is not causing any exclusionary zoning.
7. Section 12.504 (G). The subject site has existing wetlands, and it is the applicant's intent to preserve the parcel as is and place a conservation easement on some (if not all) portions of the parcel.
8. Section 12.504 (H). The uses permitted by right and special land use in the proposed M-1 zoning district is likely to be more consistent than developing it under the current R-1B zoning designation.
9. Section 12.054(I). If rezoned, the site will be required to be developed in conformance to required standards for the M-1 district. However, the applicant has no plans at this time to build on the parcel.
10. Section 12.054(J). Given the possible options, we believe the M-1 designation is the most appropriate for the subject sites considering its present location.
11. Section 12.504 (K). Amending the existing R-1B district to allow for industrial uses would be inappropriate.
12. Section 12.054(L). The proposed M-1 zoning of the subject parcels will be compatible with the zoning currently existing around it. Compliance with any zoning ordinance standards requiring greenbelts, buffering and landscaping will be reviewed if and when the parcels to the east, also owned by the applicant, are developed.

Therefore, we recommend that the Planning Commission recommend approval of the requested amendment to the Zoning Map to rezone the subject parcel from R-1B to M-1 designation as listed, to the Township Board of Trustees

Respectfully
McKENNA

Vidya Krishnan
Senior Principal Planner

Gage Belko
Assistant Planner

Cc: Dan Power, Director of Planning and Economic Development

**CHARTER TOWNSHIP OF VAN BUREN PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **January 11, 2023 at 5:30 p.m.** The meeting will be held in person at Van Buren Township Hall, located at **46425 Tyler Road, Van Buren Township, MI 48111**, in the Board Room. Instructions for attending the meeting electronically are provided in this notice. The Planning Commission will consider the following items:

Case 22-048: A request by Nicole and Robert Burke to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance, at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000). The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.

Case 22-053: A request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from **R-1B – Single Family Residential District to M-1 – Light Industrial**. The parcel is located on the west side of Haggerty Road on the south side of Van Born Road.

Case 22-059: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with up to five (5) connecting docks. The project is proposed to be located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

On the agenda for the meeting, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel. A complete procedure for public comment by electronic means is provided on a guide which is accessible on the Van Buren Township website (www.vanburen-mi.org). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments or questions about the meeting via e-mail to dpower@vanburen-mi.org. To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk's Office at 734.699.8900, extension 9205.

Posted: December 20, 2022

Published: December 21, 2022



VAN BUREN CHARTER TOWNSHIP

RECEIVED

OCT 24 2022

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, VAN BUREN TOWNSHIP, MI 48111

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

Initial: _____

PLANNING & ZONING APPLICATION

CASE INFORMATION

CASE NUMBER:	DATE SUBMITTED:
--------------	-----------------

APPLICANT INFORMATION

NAME: Nicole Burke/Robert Burke	PHONE: <input checked="" type="checkbox"/>
ADDRESS: 45921 Chatsworth	CELL PHONE: (734) 796-5844
CITY, STATE & ZIP: Van Buren MI 48111	FAX: <input checked="" type="checkbox"/>
EMAIL: Nicolestephens32@yahoo.com Robburke84@gmail.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Robert Burke	PHONE:
ADDRESS: 45921 Chatsworth	CELL PHONE: (734) 796-5138
CITY, STATE & ZIP: Van Buren MI 48111	FAX:
EMAIL: Robburke84@gmail.com	

BILLING CONTACT

NAME: Robert & Nicole Burke	PHONE: Nicole Robert
ADDRESS: 45921 Chatsworth	CELL PHONE: (734) 796-5844 (734) 796-5138
CITY, STATE & ZIP: Van Buren MI 48111	FAX:
EMAIL: Nicolestephens32@yahoo.com Robburke84@gmail.com	

SITE/PROJECT INFORMATION

NAME OF PROJECT: Nicole's little Friends			
PARCEL ID NO: V125-83- 261-01-0231-660		PROJECT ADDRESS: 45921 Chatsworth Dr.	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the Side of Road; Between Road and Road.			
5 Side of Chatsworth			
SIZE OF LOT WIDTH: 80	SIZE OF LOT DEPTH: 200	ACREAGE OF SITE: 0.367	TOTAL ACRES OF SITE TO REVIEW: 0.367
CURRENT ZONING: R1B	IS A REZONING OF THIS PARCEL BEING REQUESTED? Y/N <input checked="" type="radio"/>		REQUESTED ZONING:
PROJECT DESCRIPTION: Group childcare home (capacity 7-12 children) In home daycare			

SPECIAL PERMIT INFORMATION

DOES THE PROPOSED USE REQUIRE SPECIAL APPROVAL? Y / N	
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.	

OWNER'S AFFIDAVIT

Robert Burke
PRINT PROPERTY OWNER'S NAME

Robert Burke
SIGNATURE OF PROPERTY OWNER

10-24-22
DATE

STATE OF MICHIGAN
COUNTY OF WAYNE

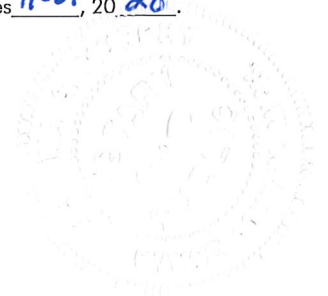
The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 24th day of OCTOBER, 2022.

Deanna S. Murphy
Deanna S. Murphy Notary Public, Wayne County, Michigan

My Commission expires 11-01, 2028.

DEANNA S. MURPHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Nov 1, 2028
ACTING IN COUNTY OF Wayne



ZONING APPROVAL FOR GROUP CHILD CARE HOMES
Michigan Department of Licensing and Regulatory Affairs
Child Care Licensing Bureau

Licensee Name: (734) 796-5844 (Nicole Burke)
Licensee Address: 45921 Chatsworth Van Buren Township
48111

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Licensing and Regulatory Affairs, Child Care Licensing Bureau, at 517-284-9730.

Thank you.

-
- ☐ Location is APPROVED by the local zoning authority.
☐ Location is DISAPPROVED by the local zoning authority.
☐ City, township or county is unzoned.

Signature of Zoning Authority or
City, Township, County Manager for Unzoned Communities

Date

Telephone Number

Printed Name of Zoning Authority or
City, Township, County Manager for Unzoned Communities

Jurisdiction (City, Township)

Authority: 1973 PA 116 Completion: Required Penalty: Applicant cannot be licensed/registered	LARA is an equal opportunity employer/program.
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MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power, AICP – Director of Planning and Economic Development
RE: Nicole's Little Friends Day Care Group Home – 45921 Chatsworth Drive
DATE: January 6, 2023

Nicole and Robert Burke request to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance. The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance. The project is proposed to be located at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000). The requirement of special land use review also prompts the submittal of a site plan and review of relevant site plan review standards of Article 12, Chapter 2 of the Van Buren Township Zoning Ordinance.

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

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

Based on a recent change in State Law, Day Care Group Homes will be allowed to have additional capacity (up to two additional children). The Planning Consultant for Van Buren Township and Township staff will recommend a modification to the text of Section 2.102(A)(60)(b) at a later date to reflect this change.

The proposed use will occur at the residence of Nicole and Robert Burke. The current house floor area is 1,300 square feet, according to Assessor's office records. Included with the submittal is a narrative letter received from Nicole Burke on January 5, 2023, and a plot plan received on January 5, 2023, as revised. For Planning Commissioners' reference, I have also included a plot plan that was filed with the house from a 2005 permit application to the Van Buren Township Building Department, along with an earlier version of the submitted plot/site plan. In addition to the existing floor area of the home, the applicant proposes to construct a 193.2-square foot addition to the home along with a 640 square foot "Amish shed". In a previously submitted site plan, the applicant also proposed to enclose an area with a 600' perimeter in the rear yard with fencing.

Based on the submittals provided, I will review the submitted Group Day Care Home permit application and make recommendations to the Planning Commission below based on general site plan observations, general special land use standards of **Section 12.306 (Standards for Granting Special Approval)**, below. No special approval shall be recommended for approval by the Planning Commission or granted by the Township Board unless the special use:

- a) **Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The property is located at the end of a residential street adjacent to an undeveloped commercially zoned property. The property is 0.37 acres in area, which far exceeds the minimum required 10,000 square feet for properties in the R-1B zoning district. The property will be well situated and will have ample land available to accommodate this use.
- b) **Is necessary for the public convenience at that location.** Day care capacity is a widespread need in Van Buren Township, and even at the State and national level. This site will help to fulfill that need.
- c) **Is compatible with adjacent uses of land.** Due to the site's relative isolation and its adequate land area, the group day care home use should be compatible with the adjacent uses of land. While the proposed use entails 833.2 square feet of building addition, the resulting total building area of 2,133.2 square feet will be in line with and compatible with floor areas of nearby homes.
- d) **Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.** This criterion will be met, subject to adherence to certain conditions I state below in this report.
- e) **Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.** The site is adequately served by public services and facilities.
- f) **Will not cause injury to other property in the neighborhood in which it is to be located.** The uses in the site will adhere to required setbacks and the site is well situated with ample land available. I do not anticipate the group day care home use causing injury to other property in the neighborhood.
- g) **Will consider the natural environment and help conserve natural resources and energy.** The proposed group day care home use is anticipated to have a negligible impact on the natural environment and natural resources.

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

Section 5.111 Day Care or Child Care, Group Home

- A. Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
 - o (1) Another licensed group day care home.
 - o (2) Adult foster care, small group home or large group home as defined in this Ordinance and by the State of Michigan.
 - o (3) A facility offering substance abuse treatment and rehabilitation service to seven (7)

or more people licensed by the State of Michigan.

- (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.
- Staff has reviewed and verified that the proposed site is located greater than 1,500' from the listed uses. See the worksheet attached to this report for more information.
- B. It has appropriate fencing for the safety of the children in the group day care home as determined by the Planning Commission. The applicant should clarify if they intend to install the 600' of perimeter fencing they originally proposed. **I recommend fencing to be required around a perimeter area of open space in the rear of the site for safety purposes. Proposed fence materials shall be submitted for review by the Planning Director prior to Township approval.**
- C. It maintains the property consistent with the visible characteristics of the neighborhood. This criterion can be met. The applicant shall submit additional detail regarding the proposed "Amish shed". **A complete building addition, or an attached or detached accessory building, must meet all requirements of Article 7, Chapter 2 of the Zoning Ordinance (Accessory Structures and Uses). Plans and building elevations must be submitted for review by the Planning Director prior to issuance of any permits.**
- D. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The applicant has clarified that their hours will be 7:00 a.m. – 5:30 p.m., Monday – Friday.
- E. The group day care home operator shall provide off-street parking for his or her employees in accordance with Article 9, in the ratio of one (1) parking space for each employee. The Van Buren Township Zoning Ordinance requires the following off-street parking for child care uses per Section 9.102:
- 1 space per employee (2 required)
 - 1 space per each bracket of 10 children cared for (2 required)
 - (5) stacking spaces
 - Total: (4) parking spaces and (5) stacking spaces

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

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

Per the Township Planning Consultant's analysis, ITE says that the average parking demand for a day care facility is: 3.3 spaces per 1,000sf gross floor area (8 spaces required using this threshold), or 1.3 spaces per employee (3 spaces required), or .21 spaces per child (3 spaces maximum). The site contains an open space approximately 30' x 70' in front of the garage. I have advised the applicant that this area could accommodate three parallel parking spaces where cars can park along the northeast / side lot line in spaces that are 8' wide and 23' long, per Zoning Ordinance requirements. An area in front of the home where additional space could be paved for two (2) 10' x 20' 90-degree parking spaces. The garage may be used for one of the employee parking spaces and the other resident of the property. Achieving these seven (7) formal designated parking spaces will meet the parking demands of the site and the intent of the Zoning Ordinance. Pending findings from the current ITE standards for day care parking requirements, **I recommend that the Planning Commission consider a modification of the minimum required number of parking spaces under Sec. 9.101(J) of the Van Buren Township Zoning Ordinance to accept the basic 7-space parking layout as has been submitted by the applicant. The applicant shall hard surface any parking area with concrete or asphalt.** I encourage the applicant to hard surface their entire driveway, for long term maintenance purposes.

Additional site plan comments.

- If the applicant anticipates the generation of garbage beyond what would be consistent with residential land use, they may have to take additional measures for waste disposal and screening of waste.
- While not required, I encourage the applicant to install additional evergreen landscaping around the children's play area and along the edge of parking areas for additional screening.
- If the applicant proposes to have any signage, any signage must comply with Article 11 of the Van Buren Township Zoning Ordinance._
- If the applicant proposes any exterior lighting, any exterior lighting must comply with Section 8.105 of the Van Buren Township Zoning Ordinance.

Recommendation.

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

- **I recommend fencing to be required around a perimeter area of open space in the rear of the site for safety purposes.**
- **Proposed fence materials shall be submitted for review by the Planning Director prior to Township approval.**
- **A complete building addition, or an attached or detached accessory building, must meet all requirements of Article 7, Chapter 2 of the Zoning Ordinance (Accessory Structures and Uses).**

- Plans and building elevations must be submitted for review by the Planning Director prior to issuance of any permits.
- I recommend that the Planning Commission consider a modification of the minimum required number of parking spaces under Sec. 9.101(J) of the Van Buren Township Zoning Ordinance to accept the basic 7-space parking layout as has been submitted by the applicant.
- The applicant shall hard surface any parking area with concrete or asphalt.

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

Sincerely,

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

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

Exhibit A. Proximity of 48111 Facilities

Facility	Address	Distance	GDC	AFC	CCC	REH	HH	ADC
						None found in 48111		
Blooming Buddies	6191 Rawsonville	>1,500'	x					
TYLER AFC HOME	42901 TYLERBELLEVILLE	>1,500'		x (7-12)				
ELWELL POINT	17100 ELWELL RD	>1,500'		x				
TYLER TWO	43063 TYLER ROAD	>1,500'		x				
GRACE AT ECORSE	44257 ECORSE RD	>1,500'		x				
BELLEVILLE LAKE	46131 HULL RD	>1,500'		x				
EDWARDS HOME II	7050 EDWARDS	>1,500'		x				
COTTAGE RESIDENTIAL	175 HURON RIVER DR	>1,500'		x				
LENMOORE	14250 LENMOORE RD	>1,500'		x				
BEMIS	48722 BEMIS	>1,500'		x				
BELLEVILLE HOUSE	46131 HULL	>1,500'		x				
TYLER RESIDENTIAL	43001 TYLER RD.	>1,500'		x				
RESILIENT ELWELL	17100 ELWELL RD	>1,500'		x				
LINDA VISTA	12890 LINDA VISTA C	>1,500'		x				
COTTAGE RESIDENTIAL	175 EAST HURON RI	>1,500'		x				
TYLER AFC HOME	42901 TYLER	>1,500'		x (7-12)				
TYLER RESIDENTIAL	43001 TYLER ROAD	>1,500'		x				
WISE HOME	7309 ANNA DRIVE	>1,500'		x				
BEMIS RIDGE	48722 BEMIS RD.	>1,500'		x				
SUMPTER SENIOR L	23560 SUMPTER RD	>1,500'		x				
RESILIENT - BELLEVILLE	46131 HULL	>1,500'		x				
ELWELL HOUSE	17100 ELWELL ROAD	>1,500'		x				
TYLER TWO	43063 TYLER ROAD	>1,500'		x				
CLEO'S HOUSE L.L.C.	10525 RAWSONVILLE	>1,500'		x				
RESILIENT - BEMIS	48722 BEMIS RD	>1,500'		x				
BELAIR HOME	279 CHURCH	>1,500'		x				
HIDDEN TREASURE	48880 WEAR RD	>1,500'		x				
RENTON	17200 RENTON	>1,500'		x				
BELLEVILLE MANOR	9812 BARKLEY	>1,500'		x				
HOMES SENIOR LIVING	14250 LENMOORE RD	>1,500'		x				
Becky and Jessica's Place	970 Savage	>1,500'			x			
Bethany Day Care	810 EHRD	>1,500'			x			
Blessed Beginnings	9800 Haggerty	>1,500'			x			
Little Arrow	111 South Street	>1,500'			x			
O2BA Kid	337 Industrial Park Dr	>1,500'			x			
Open Arms	7865 Belleville	>1,500'			x			
Owen Elementary	45201 Owen	>1,500'			x			
Savage Elementary	42795 Savage	>1,500'			x			
STARS	47295 Bemis	>1,500'			x			
The Early Childhood Center	451 W Columbia	>1,500'			x			
Tyler Elementary	42200 Tyler	>1,500'			x			

Key

GDC	Licensed group day care home.
AFC	Adult foster care, small group home or large group home as defined in this Ordinance and by the State of Michigan.
CCC	Child care centers
REH	A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan (none found)
HH	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.
ADC	Adult day care centers.

Site Plans

Good afternoon, my name is Nicole Burke. I am sending you my site plans in detail. I am attaching a clean version of the site and the plans. I also added to the site plan what I want to do in the near future to flourish my business.

I eliminated the pool and the shed that are no longer in the yard. The shed attached to the garage my husband and I plan taking down and taking the garage down and rebuilding due to the foundation sinking into the ground making the garage not safe.

-Business name, Nicole's Little Friends

-Business address is 45921 chatsworth van buren Mi 48111

-phone number- (734)796-5844

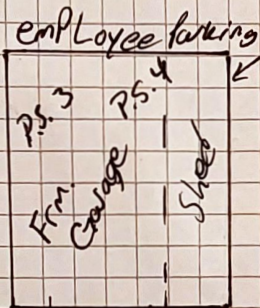
our trash gets picked up every Tuesday whatever the trash people dont take we take to the dump.

-Hours of operation are mondat through Friday 7:00 A.M. to 5:30 P.M.

-Parking with be provided in the fron of the house and the side lot from the house. there will be two parking spots in front and three parking spots on the side, this does not include the two parking spots in the drive.

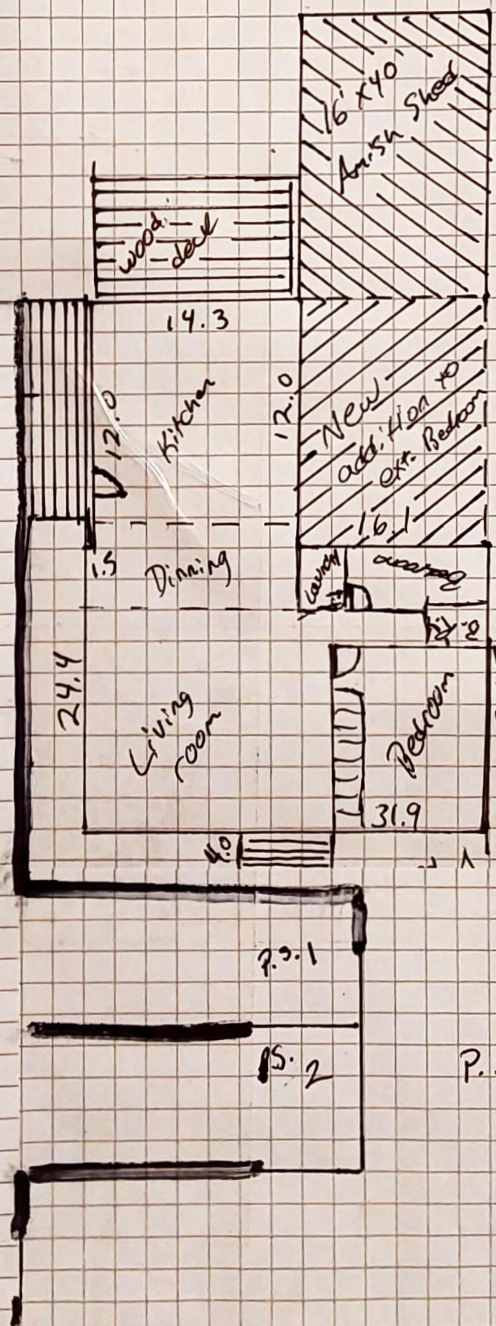
-The use of the property will be for my in home day for up to 14 children with two employees (I will eventually have two staff for now it is just me).

Revised Site Plan Submitted January 5, 2023



25.1 | 25.6 | 25.5

New Paved driveway



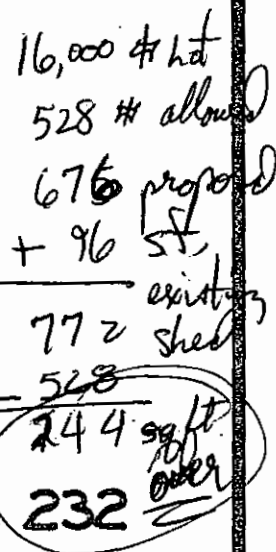
Lot Line

24.5
14.5

25.1
25.2

P.S. = Parking spot

80.00 REC.



- need 10.5
on side
other side
yard

48.0 N RES

160.02 REC. TO
ENDICOTT DR.

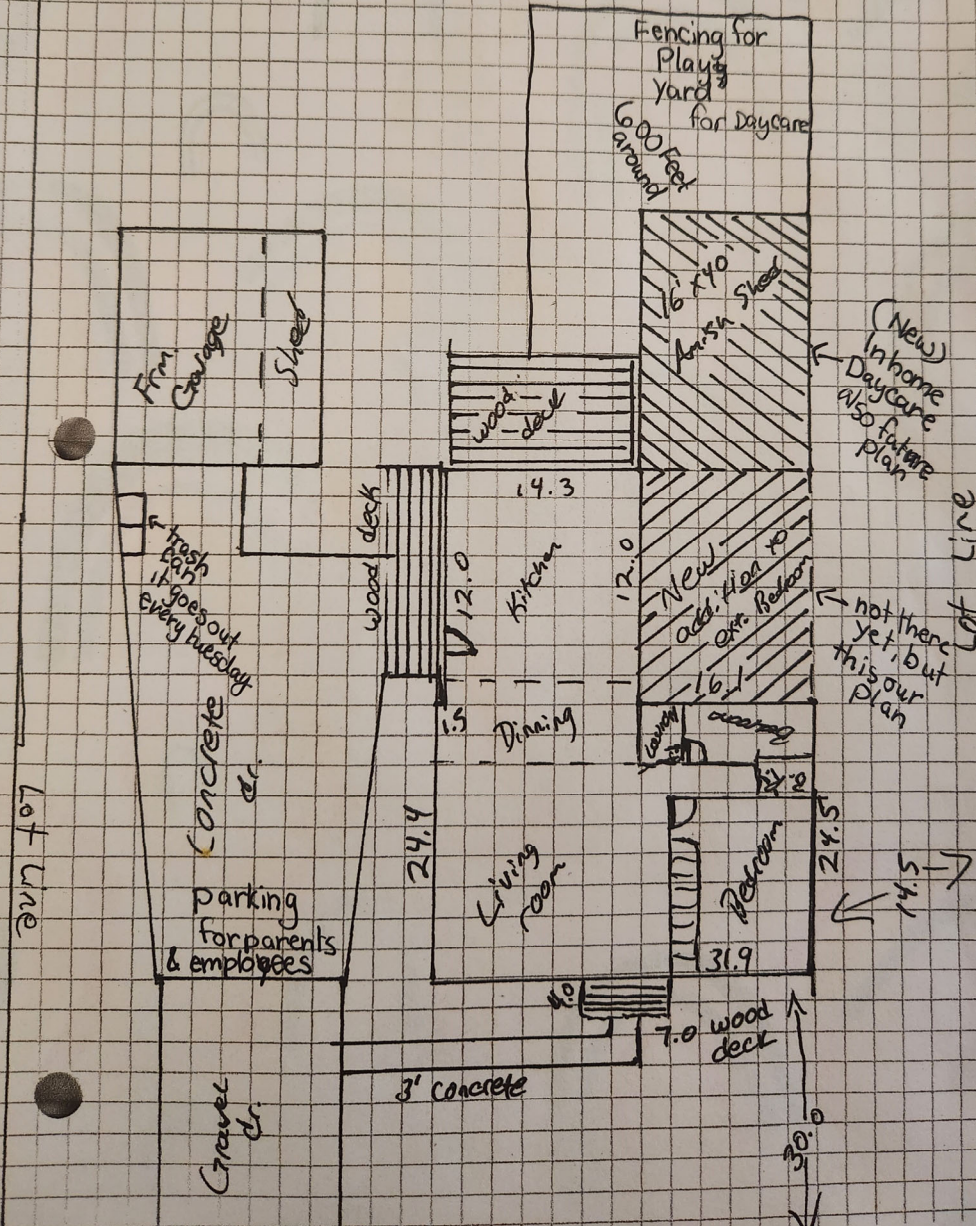
NO WALK
NO CURB

CHATS WORTH DR. 50' R.O.W.

PURCHASER: Rickey D. & Cheryl A. Burke

CERTIFIED TO ALL TITLE COMPANYS:

Previously Submitted Site Plan



**CHARTER TOWNSHIP OF VAN BUREN PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **January 11, 2023 at 5:30 p.m.** The meeting will be held in person at Van Buren Township Hall, located at **46425 Tyler Road, Van Buren Township, MI 48111**, in the Board Room. Instructions for attending the meeting electronically are provided in this notice. The Planning Commission will consider the following items:

Case 22-048: A request by Nicole and Robert Burke to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance, at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000). The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.

Case 22-053: A request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from **R-1B – Single Family Residential District to M-1 – Light Industrial**. The parcel is located on the west side of Haggerty Road on the south side of Van Born Road.

Case 22-059: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with up to five (5) connecting docks. The project is proposed to be located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

On the agenda for the meeting, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel. A complete procedure for public comment by electronic means is provided on a guide which is accessible on the Van Buren Township website (www.vanburen-mi.org). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments or questions about the meeting via e-mail to dpower@vanburen-mi.org. To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk's Office at 734.699.8900, extension 9205.

Posted: December 20, 2022

Published: December 21, 2022



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: 22-059	DATE SUBMITTED:
----------------------------	-----------------

APPLICANT INFORMATION

NAME: Scott Jones	PHONE: 313.215.3013
ADDRESS: 11696 Juniper Drive	CELL PHONE: 313.215.3013
CITY, STATE & ZIP Van Buren Township, MI 48111	FAX:
EMAIL: sjones@autokiniton.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Belleville Yacht Club	PHONE: 313.215.3013
ADDRESS: 831 East Huron River Drive	CELL PHONE:
CITY, STATE & ZIP Van Buren Township, MI 48111	FAX:
EMAIL:	

BILLING CONTACT

NAME: Scott Jones	PHONE: 313.215.3013
ADDRESS: 11696 Juniper Drive	CELL PHONE:
CITY, STATE & ZIP Van Buren Township, MI 48111	FAX:
EMAIL: sjones@autokiniton.com	

SITE/PROJECT INFORMATION

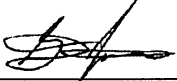
NAME OF PROJECT: BYC Docks			
PARCEL ID NO: V125-83-		PROJECT ADDRESS:	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the <u>North</u> Side of <u>Huron River Dr</u> Road; Between <u>Martinsville</u> Road and <u>Edgemont</u> Road.			
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	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: Construct a mariana as defined under Section 3.12(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with up to five (5) connecting docks.			

SPECIAL PERMIT INFORMATION

DOES THE PROPOSED USE REQUIRE SPECIAL APPROVAL? Y / N	
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.	

OWNER'S AFFIDAVIT**Scott Jones**

PRINT PROPERTY OWNER'S NAME



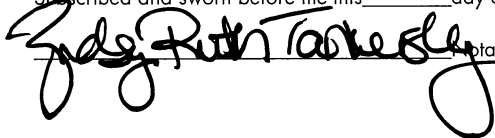
SIGNATURE OF PROPERTY OWNER

12.21.2022

DATE

STATE OF MICHIGAN
COUNTY OF WAYNELYNDSY RUTH TANKERSLEY
Notary Public, State of Michigan
County of Wayne
My Commission Expires 02-22-2026
Acting in the 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 21 day of December, 2022.Notary Public, Waynes

County, Michigan

My Commission expires 02/22, 2026.



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Site Plan Review #22-059 – Belleville Yacht Club Marina Site Plan and Special Approval

DATE: January 6, 2023, revised January 10, 2023

Project Summary

Belleville Yacht Club has applied for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with four (4) connecting docks. Upon completion, the project is proposed to replace two (2) floating dock structures.

The project is proposed to be located in Belleville Lake Property (referred to herein as “Township Lake Property”) adjacent to a private upland parcel located at 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The parcel is bordered on its west by a DNR boat launch site and on its east by a single-family dwelling, which are each zoned R-1C in Van Buren Township.

831 East Huron River Drive is zoned R-1C – Single Family Residential. Despite the single-family zoning designation of the upland parcel, the parcel is used as a private club, which is considered as a use similar to an institutional use. The following zoning district descriptions are provided for the Township Lake Property per Section 3.120(C) of the Van Buren Township Zoning Ordinance:

- The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single-family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Because of the upland parcel’s institutional or nonresidential use, the site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB).

The proposed use will be considered a “marina” as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance:

- “Marina” means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.

Marinas are also defined under the State of Michigan Natural Resources And Environmental Protection Act (PA 451 of 1994), and are regulated by the State of Michigan Department of Environment, Great Lakes and Energy (EGLE).

The proposed marina will replace two (2) previously existing dock structures, which may also be considered a “marina” under the current Zoning Ordinance. In accordance with State law and the Van Buren Township Zoning Ordinance, any approvals or permissions that applied to the previous set of docks, will no longer apply, due to the full replacement and expansion of these docks. The partial removal of the preexisting docks and installation of posts for new dockage in Fall 2020 resulted in a citation. The ticket was dismissed with conditions. The applicant was enabled pursue valid approvals through EGLE and Van Buren Township. The applicant has made good faith efforts to do so, and no further code enforcement action is required while this is occurring.

The Van Buren Township Zoning Ordinance was amended to write a comprehensive lake ordinance for uses in Township Lake Property, which became Section 3.120 of the currently adopted Township Zoning Ordinance (Belleville Lake Shoreline Districts). The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

My report will review the submittals by the applicant including a completed application form and a site plan revision-dated January 6, 2023. Throughout this report, recommended conditions or requests for revisions are underlined.

Application Requirements

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

- ✓ A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.
- ✓ A site plan dated December 21, 2022 that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation was provided.
- ✓ A copy of any existing survey from the abutting upland lot and photographs of the existing conditions: An existing survey has previously been provided. Photographs of the site have also been taken by staff.
- ✓ Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation. The submitted site plan demonstrates that there will be two (2) dock structures with a total length of 120'. Each dock stem will contain one main stem which is four (4) feet wide, along with four (4) perpendicular docks which are each four (4) feet wide x 24' long. The docks are spaced 24'-28' apart. A cross section drawing has been provided which shows the typical cross section including a 3' depth of footing in the lake bed, 14' depth, and 3' clearance above the water level to the bottom of the dock.

- ✓ Materials and aesthetics must also be considered. The dock surface will be 2" x 6" treated lumber wood decking. This material **is subject to Planning Commission review.**
- Additional dock length beyond the 40-foot length that is typically required under Section 3.120(D)(15) has been requested. Because additional dock length has been requested, **the water depth at the farthest point of projection must therefore be provided.**
- ✓ A description of the existing shoreline features and uses has been provided on the submitted site plan.
- ✓ The site plan indicates that there will be no shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project must be provided.
- The applicant has indicated they have made application to EGLE. **A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted.**

Additionally, per Section 3.120(F)(3)(b), certain uses in the BLB district, including marinas, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance, Section 12.203. The scope of applicability of Section 12.203 is guided in part by the fact that the use will only occur in the Township Lake Property and is not subject to certain stormwater management, utility, landscaping / buffering, architectural, or other requirements typically considered for land-based development. Relevant requirements of Section 12.203 have been provided as mentioned below:

- An adequate site plan has been provided which includes basic formatting, property lines, zoning information, applicant and design professional contact information, and adjoining property and building information. Existing and proposed topography have been provided.
- **A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided.**

Special Approval Criteria.

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

- a) **Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site's impact in relation to its immediate neighbors and its systemic impact on the Township Lake Property at large and all of its property owners is significant to this finding. Staff also recognizes a potential precedent-setting impact for authorizing a marina use. However, the subject site is uniquely situated in a way that is unlikely to be replicated by other sites throughout the Township. The majority of property along Belleville Lake is zoned and planned for single family residential uses. The majority of these properties

are constructed as single-family dwellings. Relatively little land exists that would be marketable or developable as uses that could be developed or redeveloped as commercial, institutional or public properties with marinas. Other properties that exist today in the BLB District, with nonresidential zoning or land use, are also limited and unlikely to accommodate marina uses. Sandy's Marina is unlikely to expand outward due to its proximity to the French Landing Dam. The Township's adopted 2021 Future Land Use Map is attached to this packet for your reference.

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

Van Buren Township is home to over 10,000 parcels of land, of which only roughly 678 parcels abut Belleville Lake. The site serves an opportunity for lake access

△to some people who reside at properties without lake access in addition to others who reside at properties with lake access. It also provides a distinct educational and recreational amenity to its members which is distinct from that of other marinas or multi docking facilities in the Township.

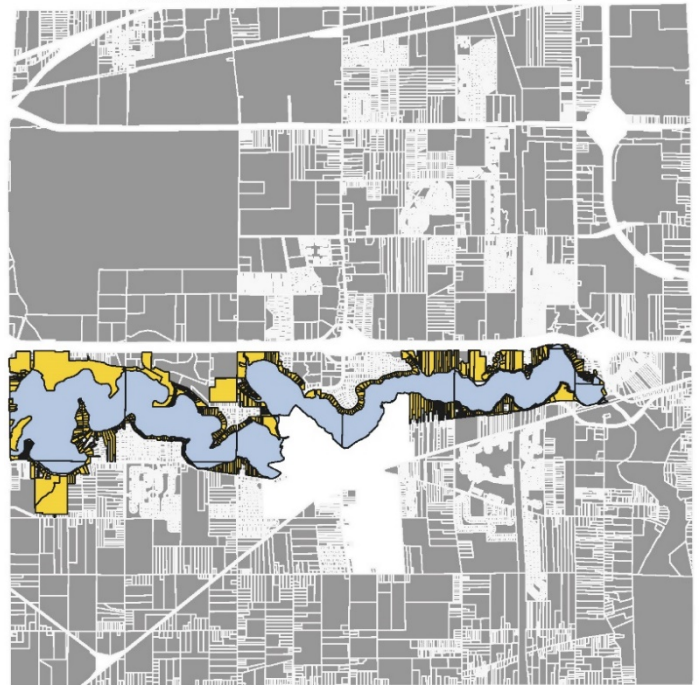
c) **Is compatible with adjacent uses of land.**

The site will maintain 12' side setbacks on both sides, which is an improvement from the current configuration of docks which had between 0 and 5 feet of setback to their side lake lot lines. The furthest extent of the dock will be roughly 762 feet from the opposite shoreline. The marina's adequate side setbacks from neighboring lake lot lines and its adequate separation from the opposite shore will help to ensure this standard is met. The property is adjacent to a DNR boat launch site to its west. The relationship between these two sites will be carefully considered during the permitting process. The proposed increase in side yard setback from between 0-5' to 12' will likely improve maneuvering in a portion of the area between this marina and the boat launch. The proposed docks will be +/- 162' from the launch.

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

Broadly, the use will be for the mooring and launching of boats, and will not involve fueling, repair, or more intensive marina activities associated with conventional marinas. EGLE

Lakeshore Parcels in Van Buren Township




will further review the marina permit application and apply their standards of approval to the project. This criterion has been met.

- e) **Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.** The site is adequately served by public services and facilities.
- f) **Will not cause injury to other property in the neighborhood in which it is to be located.** Subject to the Planning Commission's review of the requested setbacks, their review of the circulation around the site, and the review of the site by EGLE, this criterion can be met. EGLE will additionally review the application for consistency with the requirements of Part 301 of the NREPA, to ensure that the marina extends from riparian property of the applicant, that the marina does not unreasonably interfere with navigation and that the marina is located and designed to be operated consistently with the correlative rights of other riparians, including the rights of adjacent riparians.
- g) **Will consider the natural environment and help conserve natural resources and energy.** The marina will slightly increase boat capacity at the site. However, the applicant agrees not to use the site for fueling, diminishing some of the long-term environmental concerns that could come with fueling. **The site shall not be used for fueling.** The applicant has indicated that a fueling station is not, and will not be, proposed.

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


Per Section 3.120(F)(4) of the Van Buren Township Zoning Ordinance, I find the following:

- (a) The application **can** demonstrate compliance with all of the requirements of Section 3.120(D) of the Zoning Ordinance (Belleville Lake Shoreline Districts – Development Standards) , and all other applicable requirements of this Zoning Ordinance, subject to the notes and conditions in my analysis in my “Development Standards” discussion below.
- (b) The structure(s) shall not unreasonably interfere with the adjacent property owners’ or public’s use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off-site impacts. The use will  provide a benefit to its members, who include residents from various areas within Van Buren Township, without significantly impacting adjacent property owners’ or the public’s use and enjoyment of the waters of Belleville Lake.
- (c) The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.
- (d) The structure(s) must be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake. This will be evaluated in the EGLE permitting process.
- (e) To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.
- (f) Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake. Attached to this report, I have provided locations of marinas or multi-docking facilities in Van Buren Township and in other lake communities in the region including Ypsilanti Township, Lake Orion, and a portion of West Bloomfield Township, as documented by EGLE. Van Buren Township has a relatively

low quantity of existing marinas and multi-docking facilities, and with the addition of the Belleville Yacht Club's marina will maintain a reasonable number of such facilities in comparison with other lake communities in the region. When the marina is built, it will be roughly 1.4 miles from Sandy's Marina, the nearest marina.

- (g) Consideration shall be given to maintaining consistency with the upland zoning and land use. In this case, the marina use fits well with the upland land use which is a nonprofit / private club. The stated purpose of the Belleville Yacht Club according to their website is as follows:

The purpose of the BYC is to create a community of boat owners and water craft enthusiasts through events and social gatherings; to induct new boaters through youth and family programs that teach the basics of safe boating while giving access to a range of boating experiences; to pursue and encourage additional access to Belleville Lake; and to promote boating safety, expertise and knowledge through educational programs delivered by and to our membership.

- (h) Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners. The approved uses at this marina will be consistent with the primary goal of permitting reasonable use by Lake residents and land owners. 

Belleville Lake Shoreline District Development Regulations

Various development regulations are applicable to this project, and they are articulated below as requirements or comments: The applicant has included the following required notes on their site plan dated January 6, 2023:

- ✓ No boat lifts, cradles or hoists will be constructed.
- ✓ No buildings or covered structures will be constructed on the water or on Township Lake property.
- ✓ All uses and structures shall comply with the standards and requirements of Section 3.120(D), except for any stated exceptions being pursued per Sec. 3.120(F)(7).
- ✓ There will be no private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage use.
- ✓ No signs will be built other than those approved by the Township and necessary for public safety.
- ✓ All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.


- ✓ Any facilities installed hereunder are subject to the terms of the FERC license.
- ✓ No dock will be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor.
- ✓ No person will install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest.
- ✓ All docks will be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.
- ✓ Dry docks and dry land storage of watercraft will not occur at the site.
- ✓ No boat or portion thereof will be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
- ✓ All docks will be kept in good repair.
- ✓ The marina will comply with all applicable construction standards and permit requirements of EGLE.
- ✓ All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Note that hoists and similar structures will not be permitted.
- ✓ There will be no fueling station at the marina.
- ✓ Relief is sought from Section 3.120(D)(5), which states that no dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. [△]Note: The applicant preliminarily explored a zoning ordinance text amendment to address the extension of the dockage, at the direction of staff. Based on the unique circumstances of the subject site as compared with the general nature of a zoning ordinance text amendment, special exception through the BZA was deemed more appropriate and the applicant has pursued this review route. Relief from Sec. 3.120(D)(5) is therefore sought with an application to the Board of Zoning Appeals (BZA) pursuant to Sec. 3.120(F)(7). This is noted on the submitted site plan.

The applicant will seek relief from the requirement that the dock length is limited to 40 feet, through an application that is currently pending from the BZA. Staff supports the granting of this exception. A copy of the BZA report is attached to this packet for the Planning Commission's reference.

Per Section 3.120(D)(6) of the Zoning Ordinance, In the BLB District, docks, For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval. The docks will occupy 108 feet (81.8%) of the property's 132 feet of frontage. In staff's opinion, this coverage is acceptable, considering the relatively narrow lake frontage enjoyed by the parcel and considering that it will be a reduction from the previously existing dock coverage. **Staff finds the extension across roughly 81.8% of the lake frontage to be acceptable, and the Planning Commission will have to find the same as part of any approval.**

Recommendation

The items included in this 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. I **recommend conditional approval** of the Plan dated January 6, 2023, subject to the following conditions:

- **The water depth at the farthest point of projection must therefore be provided.**
- **A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted, and The construction is subject to any necessary approvals from EGLE and FERC.**
- **A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided.**
- **The site shall not be used for fueling.**
- **Special approval must be obtained from the Township Board of Trustees.**
- **Special exception to Section 3.120(D)(5) must be obtained from the Van Buren Township Board of Zoning Appeals (BZA).**
- **The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).**
- **Staff finds the extension across roughly 81.8% of the lake frontage to be acceptable, and the Planning Commission will have to find the same as part of any approval.**
- **The dock surface material is subject to Planning Commission review.** 

If the Planning Commission conditionally approves the requested site plan and recommends special approval for this marina, the request will be considered for special approval by the Board of Trustees, subject to approval of the requested dock length modification by the BZA.

Thank you for allowing me to assist with this review.

Sincerely,

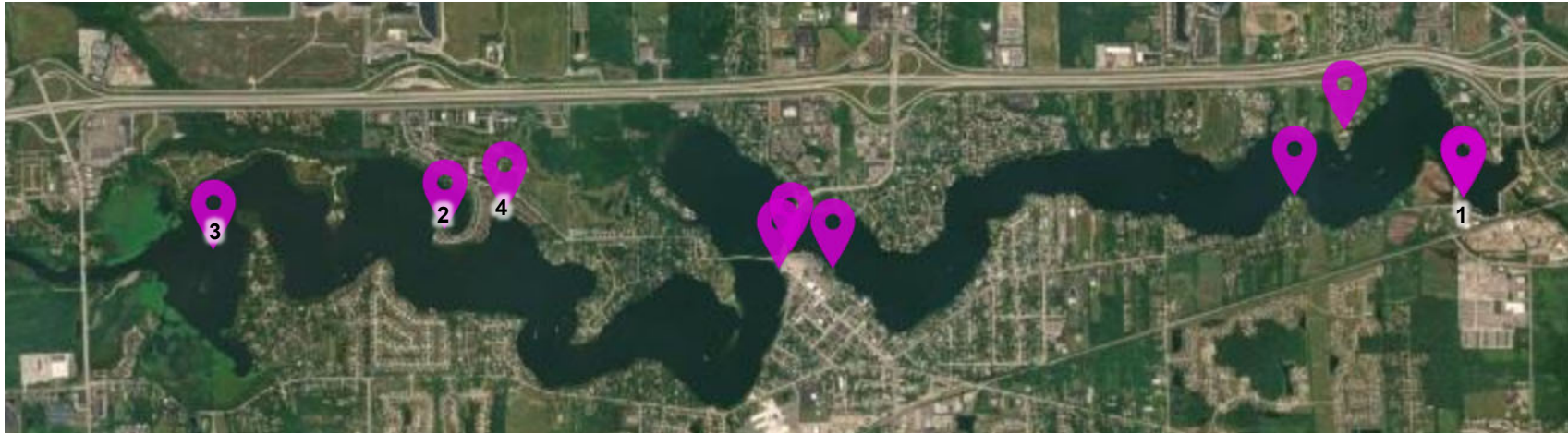


Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

CC: Ronald Akers, AICP – Municipal Services Director, Van Buren Charter Township
Jeremy Richardson - Michigan Department of Environment, Great Lakes, and Energy

Marinas or Similar Multi Docking Facilities in Van Buren Township



Lakeside Marina Inc.: 80-15-0444-M
573 Main Street
Belleville MI 48111

Doane Battery & Marine Supply: 80-15-0441-M
574 North Liberty Street
Belleville MI 48111

4 Bayshore North Condominiums: 02-82-0001-M
Bayshore Drive
Belleville MI 48111

1 Sandy's Marina: 79-15-0392-M
41382 Edison Lake Road
Belleville MI 48111

CKM Launch: 05-82-0001-M
42490 East Huron River Drive
Belleville MI 48111

Kouza Lakeside Estates: 00-82-0001-M
Kouza Court
Belleville MI 48111

BYC Club House marina-Belleville: 10-82-0093-P
430 North Liberty Street
Belleville MI 48111

2 Harbour Club LTD: 97-15-1377-M
49000 Denton Road
Belleville MI 48111

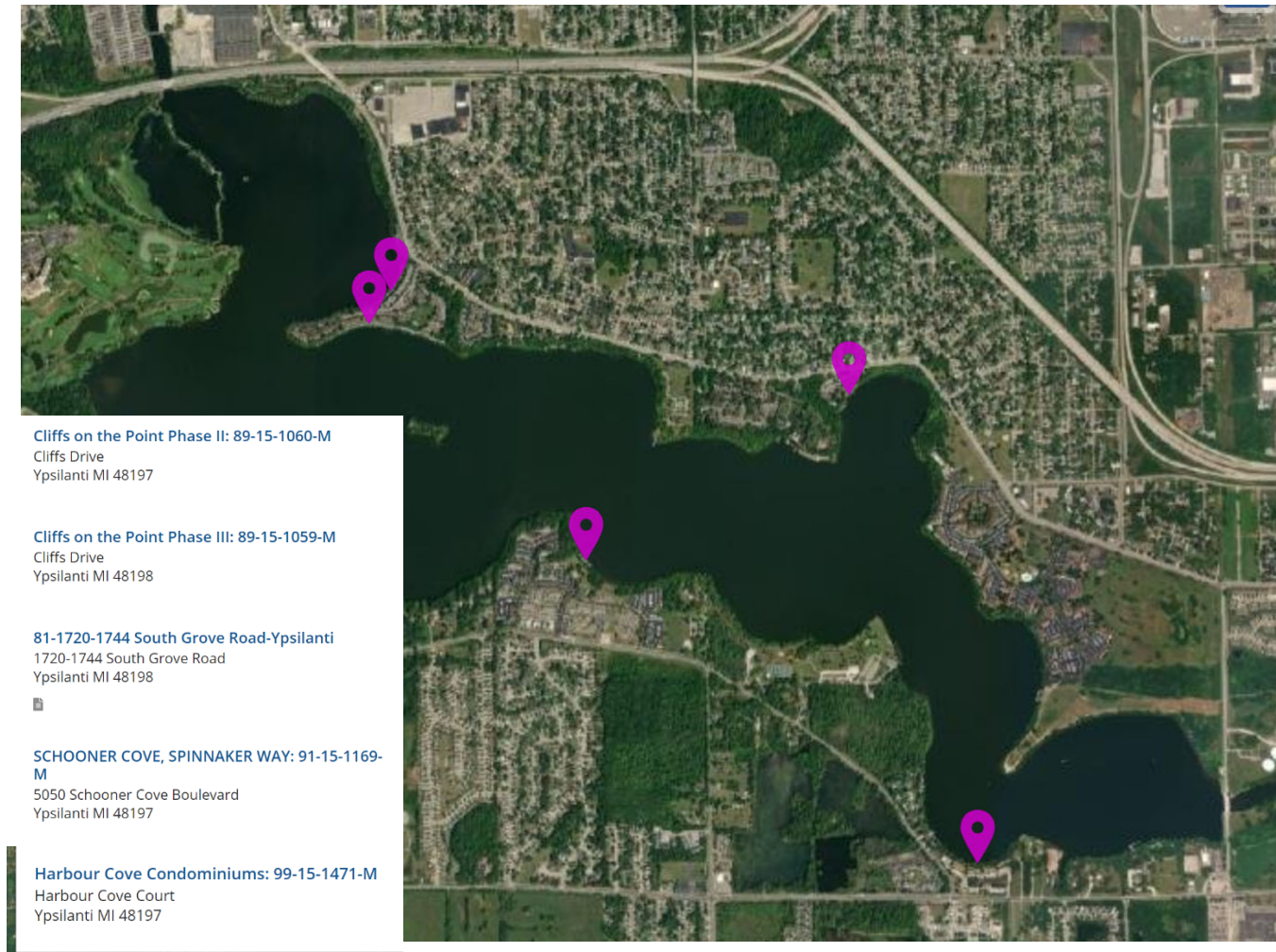
1 J H Guenther & Sons Marina: 71-15-0053-M
41382 Edison Lake Road
Belleville MI 48111

3 U of M Crew Facilities: 99-15-1485-M
46425 Tyler Road
Belleville MI 48111

Source: State of Michigan EGLE

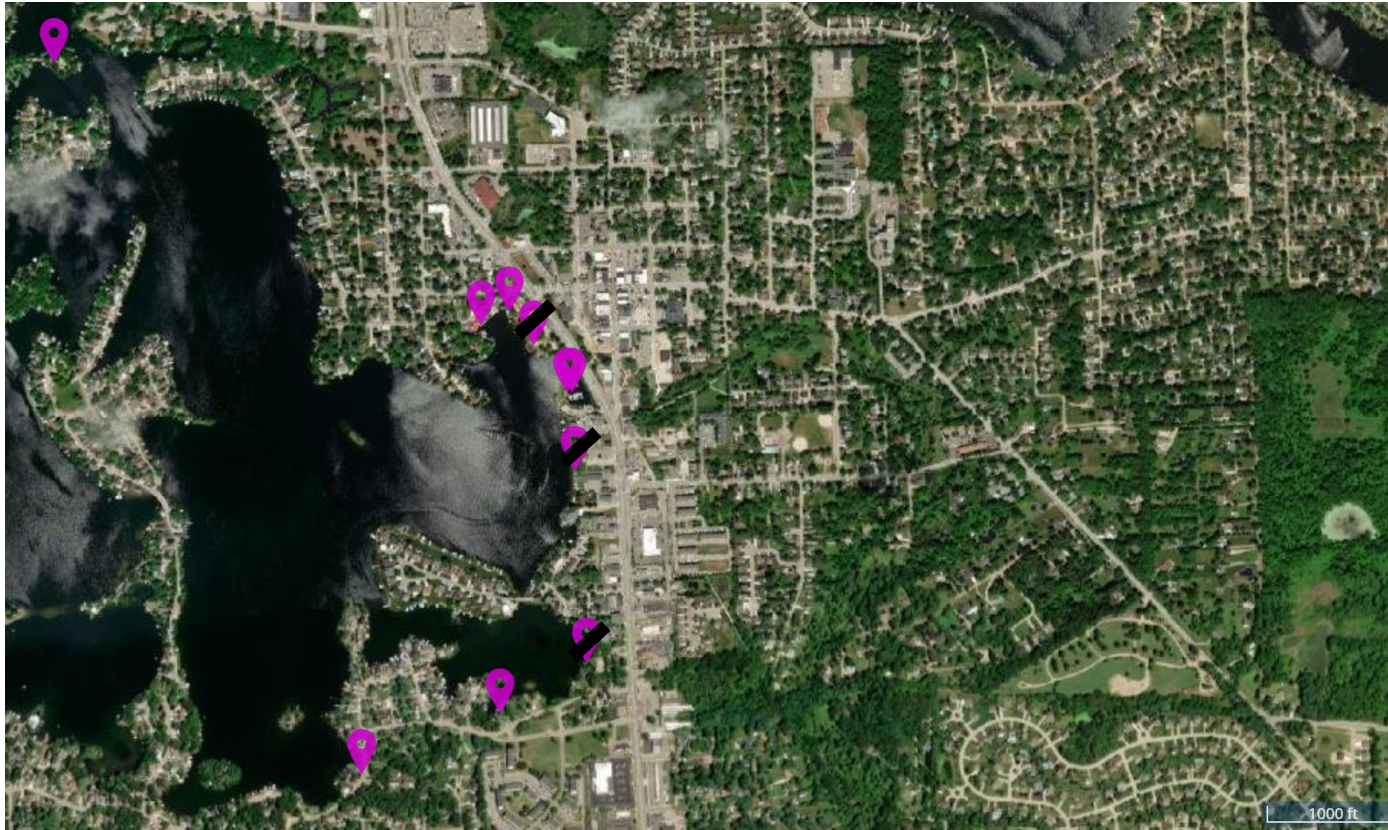
MiEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer

Marinas or Similar Multi Docking Facilities in Ypsilanti Township



Source: State of Michigan EGLE
MiEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer

Marinas or Similar Multi Docking Facilities in the Village of Lake Orion



Source: State of Michigan EGLE
MiEnviro Portal for Air Quality Permitting/
Compliance, Water Quality, and
Resources Permitting/Compliance
Site Map Explorer

Site Name	Address
Temp Name: 95-15-1309-M	160 Heights Road
Orion Marine Center: 79-15-0390-M	10 South Park Boulevard
Pine Island Marina: 06-63-0001-M	460 Cushing Street
Orion Pointe, LLC: 78-15-0325-M	214 South Broadway Street
Snug Harbor: 83-15-0708-M	160 Heights Road
63-Pelton Drive Boat Docks-Village of Lake Orion	Marina on Pelton Drive
Orion Marine, Inc.: 75-15-0250-M	195 Lake Street

Marinas or Similar Multi Docking Facilities in West Bloomfield Township – Pine Lake



Pine Lake Marina: 79-15-0401-M

3599 Orchard Lake Road
West Bloomfield MI 48324

Pine Lake Woods Estates Riparians: 90-15-1138-M

Birch Harbor Lane & Pine Lake Road
West Bloomfield MI 48324

Pine Harbor Condominium Assoc.: 90-15-1099-M

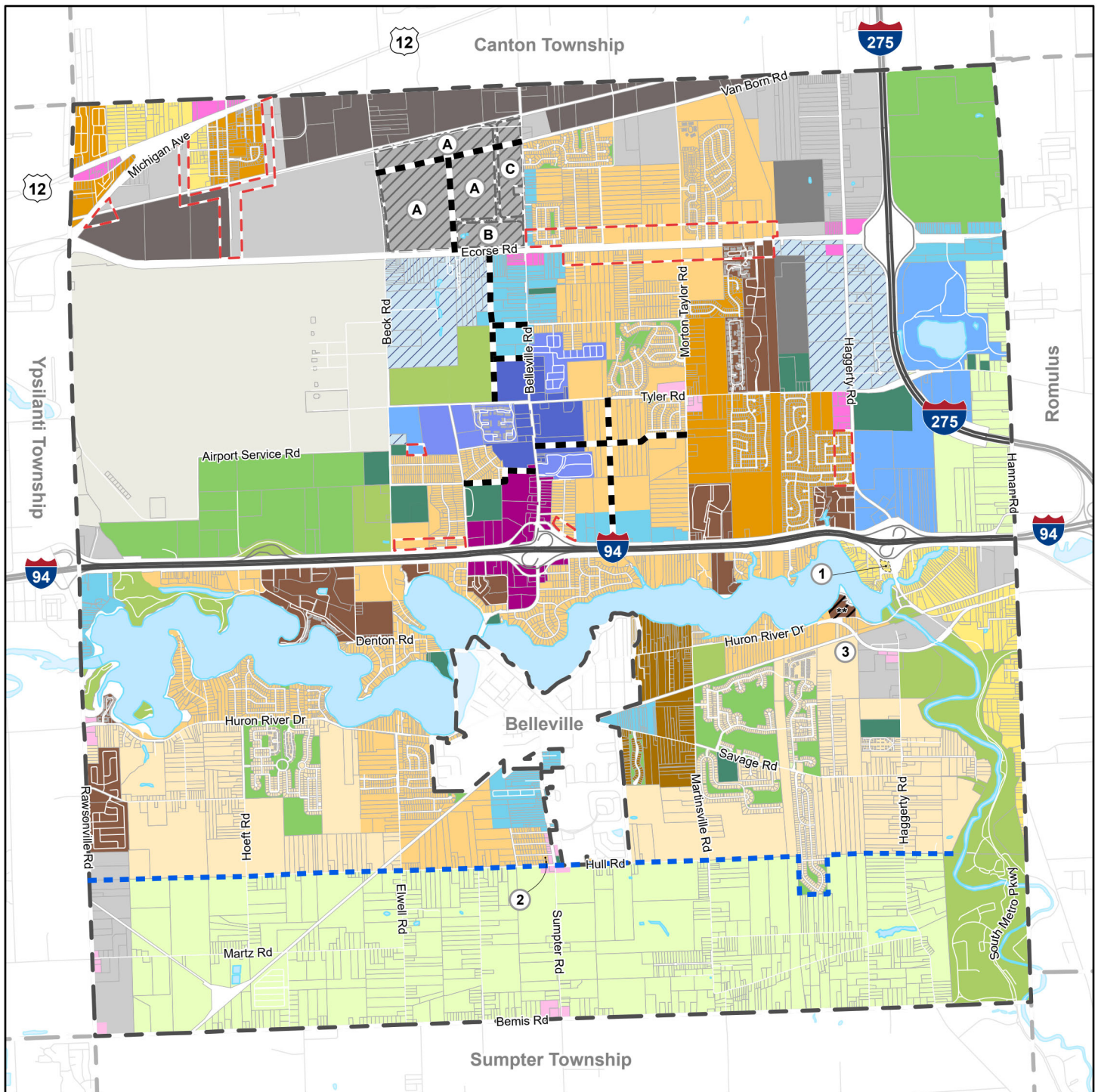
Pine Harbor Drive
West Bloomfield MI 48323

Maple Hill on the Lake Condominiums: 90-15-1139-M

Maple Hill Drives East and West
West Bloomfield MI 48324

Source: State of Michigan EGLE

MIEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer



Map 4: Future Land Use

Charter Township of
Van Buren, Michigan

December 23, 2020

CERTIFICATION
I, Leon Wright, Township Clerk, Van Buren Township, do hereby certify that this is a true copy of the Future
Land Use Map adopted by the Township Board for Van Buren Township, Wayne County, Michigan on
DATE, 2020.

Leon Wright, Clerk
Van Buren Township, Wayne County, Michigan

Date: _____



0 0.5 1
Miles

Basemap Source: Michigan Center for Geographic Information, v. 17a. Data: Van Buren Twp 2020. McKenna 2020.



ARTICLE VI. BELLEVILLE LAKE AND TOWNSHIP-OWNED PROPERTY¹

Sec. 42-281. Intent and purpose.

The Van Buren Township Board recognizes and concludes that the proper and safe use of the Belleville Lake and Township-owned shoreline is desirable for the reasons stated in the Charter Township of Van Buren Zoning Ordinance, Article XVIC, Belleville Lake Shoreline Districts (the "zoning ordinance"). Accordingly, it is the intent of the board of trustees through this article to adopt reasonable regulations for the use of township-owned Belleville Lake property (the "township lake property" or "township-owned lake property"), as it is defined in the zoning ordinance, and for the maintenance and use of all structures, improvements and alterations made on that property, for the promotion and protection of public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the township. The township-owned Belleville Lake property is property that exists below the abutting property owner's property line and extends into Belleville Lake and is generally recognized as the property below the 655-foot contour line or the brow of the hill. Nothing in this article shall overrule any applicable court decisions.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-282. Exclusive use and enjoyment.

The owners of the abutting property to the township-owned Belleville Lake property shoreline shall have the exclusive right of use, control and enjoyment of that township lake property lying above the water level of Belleville Lake as it is regularly maintained, subject to section 42-281. The township may allow access to the township lake property by an additional adjacent township lake property owner, solely to safely traverse to the township lake property that the adjacent owner has the right to use, but only in the event that the township determines that such access is reasonably necessary to safely access the adjacent township lake property due to physical land features or topography, the exclusive right to use, control and enjoy the township lake property does not create or convey any legal or equitable right, title, ownership or interest whatsoever in the township lake property other than as expressly set forth herein, and in the township zoning ordinance. The township shall have the right to enter the township lake property for any purpose. The township may access the township lake property by requesting permission from the abutting property owner, and if permission is denied, then access by the township shall be permitted from the lake or other permissible access point. Structures and improvements shall include, but not be limited to, docks, decks, boat hoists, seawalls and other structures.

All structures and improvements on the township lake property shall be the personal property of the owners of the abutting property and shall be subject to the requirements of the township zoning ordinance and all applicable federal, state and local laws, regulations, rules and license requirements, as may be amended. All structures, improvements and alterations, including any and all repairs and maintenance that may be required for such structures, improvements and alterations, shall be the sole responsibility of the owner of the abutting property. All structures or other improvements now existing or hereafter made on township lake property shall be

¹Editor's note(s)—Ord. No. 02-21-17(1), effective March 24, 2017, enacted provisions designated as §§ 42-219—42-225. Inasmuch as sections so numbered already exist, said provisions have been redesignated as 42-281—42-286, at the discretion of the editor.

removed at the expense of the owner of the abutting property if such removal is required by the Federal Energy Regulatory Commission.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-283. Compliance with law.

In consideration of the exclusive use, control and enjoyment of the township lake property conferred by this article and referenced in section 42-282 above, the owner of the abutting property shall use and maintain the township lake property in compliance with all existing applicable federal, state and local laws, regulations, rules and license requirements, as may be amended, including, but not limited to, any and all requirements of the township license from the Federal Energy Regulatory Commission. Such compliance shall include providing and maintaining proper shoreline erosion protection and maintaining any structures, improvements and alterations on the township lake property in good repair and in a safe condition.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-284. Penalties and enforcement.

- (a) *Penalty.* Violation of this article is a municipal civil infraction, for which the fines shall be not less than \$100.00 or more than \$500.00 for the first and any subsequent offense, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law.
- (b) *Injunction.* Any violation of this article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this article by proceeding under section 42-284(a), the township may institute an action in a court of competent jurisdiction seeking injunctive or equitable relief and shall be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees, costs and expenses to abate the nuisance, and all other costs allowed by law.
- (c) *Immediate hazard.* If the township determines that there is an immediate hazard or otherwise dangerous condition that exists on the township lake property, it may take any action that it deems necessary to abate and/or otherwise make safe the hazardous or dangerous condition and shall be entitled to recover the costs to abate the immediate hazard or dangerous condition from the abutting property owner and/or otherwise responsible party. The township shall also be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees and all other costs allowed by law to enforce this section.
- (d) *Enforcement and administration.* This section shall be enforced and administered by the township director of planning and economic development or such other township official as may be designated from time to time by resolution by the township board.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-285. Severability.

In the event that any one or more sections, provisions, phrases or words of this article shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this article.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-286. Conflicts.

If any provision of this article conflicts with any provision of any other township general ordinance or zoning ordinance, the most restrictive provision shall apply.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-287. Effective date.

The provisions of this article shall take effect upon publication in a newspaper of general circulation within the township.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Secs. 42-289—42-300. Reserved.

ZONING & EXISTING USE:

SUBJECT PROPERTY ZONED R1-C, SINGLE FAMILY RESIDENTIAL, COUNTRY CLUB

ADJACENT ZONING:

NORTH- BELLEVILLE LAKE
EAST- R1-C, SINGLE FAMILY RESIDENTIAL & SINGLE FAMILY HOMES
SOUTH- R1-C, SINGLE FAMILY RESIDENTIAL & CHURCH
WEST- R1-C, SINGLE FAMILY RESIDENTIAL & PUBLIC BOAT LAUNCH

SETBACK REQUIREMENTS:

FRONT SETBACK	30'	+1000'
REAR SETBACK	N/A	21'
SIDE SETBACK	5'**	15'
SIDE SETBACK	5'**	76'
HEIGHT	14'**	14'
LOT COVERAGE	30%	9.2%
ACC. BLDG COV.	4800SF	1665SF

** ACCESSORY BUILDINGS STANDARDS PER 7.202 OF THE ZONING ORDINANCE.

PARKING REQUIREMENTS:

REQUIRED PARKING: 3.5 PARKING SPACES PER 1000S/F
(16193/1000)*3.5 = 56.68, SAY 57 REQUIRED SPACES

	MIN. REQ.	EX	% EXCEEDED
PARKING SPACES	57	116	203%
BARRIER FREE	08	8	0.0%

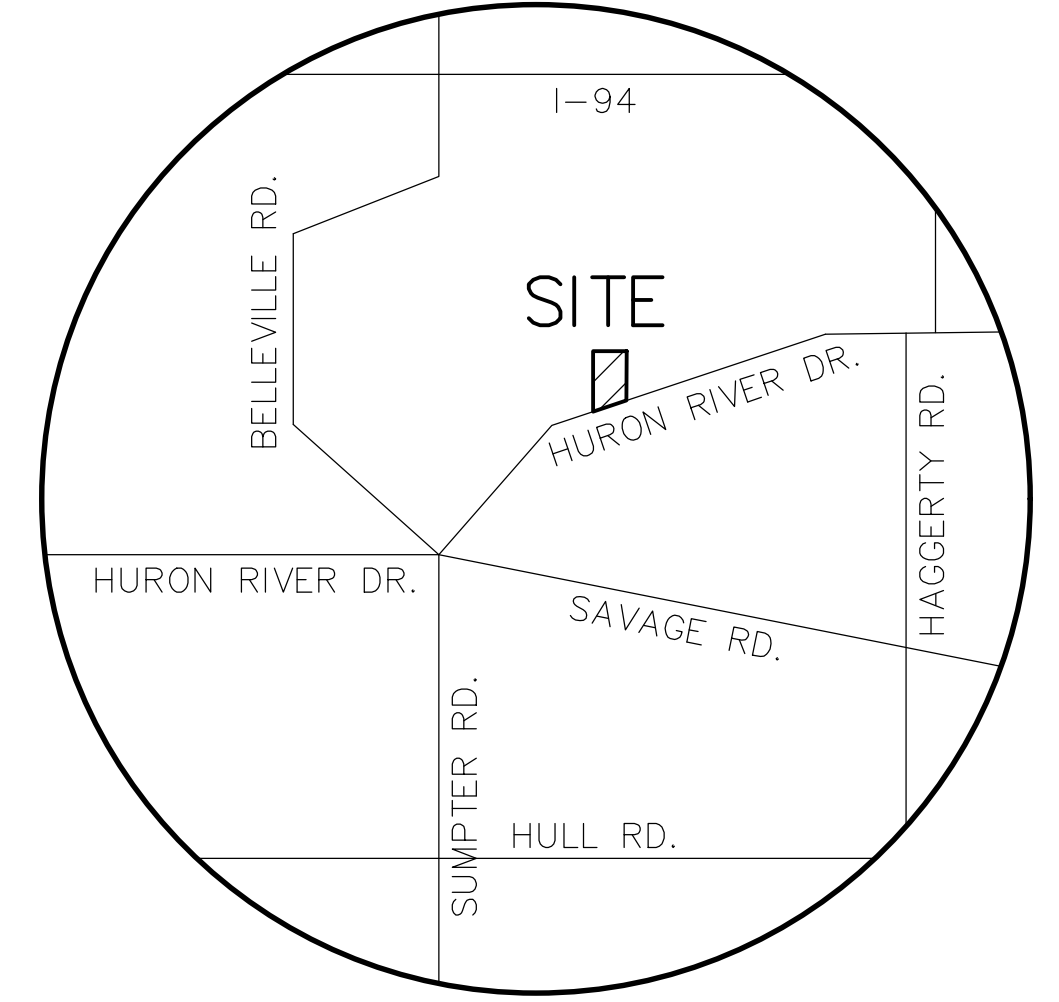
LANDSCAPING REQUIREMENTS:

FRONTAGE LANDSCAPING:
FRONTAGE = 76'-20' DRIVE = 56'
REQUIRED NUMBER OF PLANTS

DECIDUOUS OR EVERGREEN TREES	56'/40'=	2 TREES	3" DIA.
ORNAMENTAL TREES	56'/100'=	1 TREE	3" DIA.
SHRUBS	(56'/40')*8=	12 SHRUBS	36" HT.

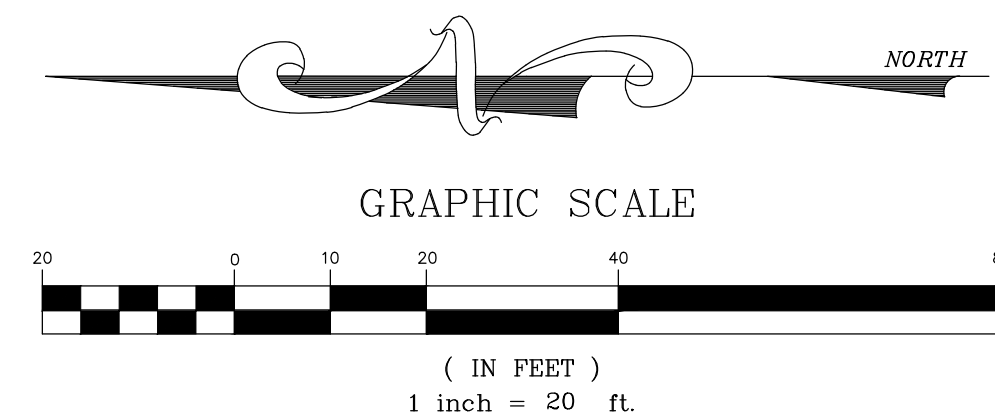
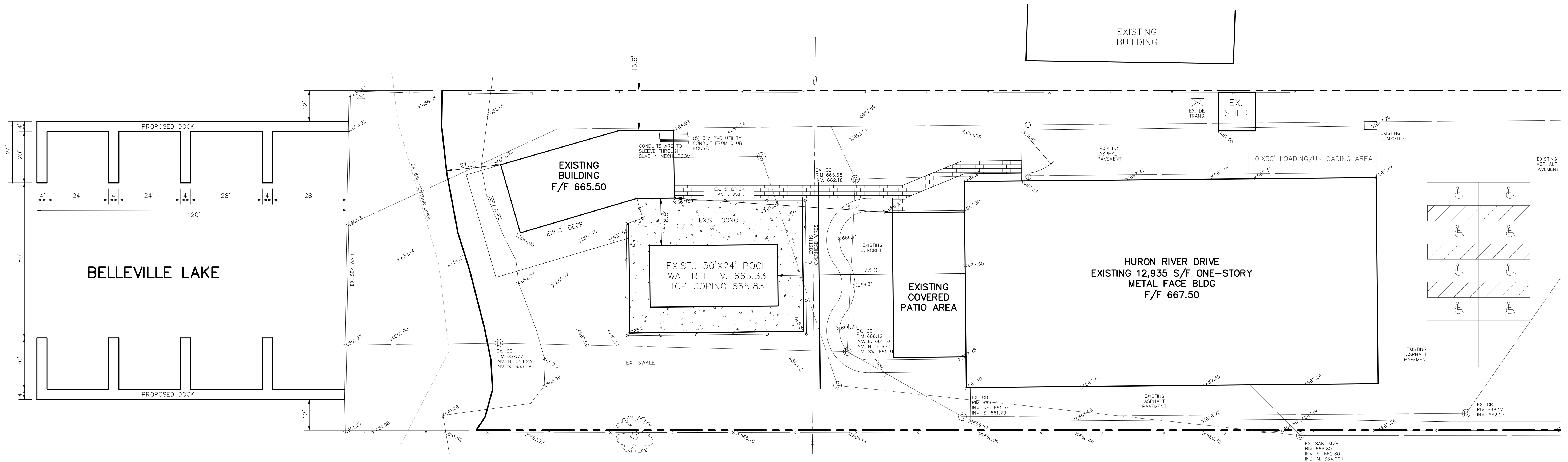
PLANTINGS PROPOSED:

2 RED MAPLES	(RM) 3" DIA.
1 EASTERN REDBUD	(EB) 3" DIA.
6 MY MONET WEIGELA	(MM) 36" HT.
6 BURNING BUSH COMPACTA	(BB) 36" HT.



LOCATION MAP

NOT TO SCALE



LEGEND

- EX. CATCH BASIN
- EX. SANITARY MANHOLE
- EX. STORM MANHOLE
- EX. HYDRANT
- EX. UTILITY POLE
- EX. VALVE WELL
- EX. FENCE
- EX. STREET SIGN
- EX. LIGHT POLE



3 WORKING DAYS
BEFORE STARTING YOUR PROJECT
811
(TOLL FREE)

**CHARTER TOWNSHIP OF VAN BUREN PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold public hearings on **January 11, 2023 at 5:30 p.m.** The meeting will be held in person at Van Buren Township Hall, located at **46425 Tyler Road, Van Buren Township, MI 48111**, in the Board Room. Instructions for attending the meeting electronically are provided in this notice. The Planning Commission will consider the following items:

Case 22-048: A request by Nicole and Robert Burke to begin a Day Care, Group Home use as defined per Section 2.102(A)(60)(b) of the Van Buren Township Zoning Ordinance, at 45921 Chatsworth Drive (parcel ID number 83 061 01 0231 000). The parcel is zoned R-1B – Single Family Residential. Day Care, Group Home is a Special Land Use in the R-1B (Single Family Residential) District, and the proposed Special Land Use requires a public hearing. This hearing is being held in accordance with Article 12, Chapter 3 (Special Land Use Review) of the Zoning Ordinance.

Case 22-053: A request by Crossroads Distribution Center North, LLC on behalf of owner Frankel-Nodlehs (Stuart Frankel Development Company), to rezone the parcel described as Parcel ID# 83 006 99 0004 000, from **R-1B – Single Family Residential District to M-1 – Light Industrial**. The parcel is located on the west side of Haggerty Road on the south side of Van Born Road.

Case 22-059: A request by Belleville Yacht Club for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with up to five (5) connecting docks. The project is proposed to be located in Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB) and the adjacent upland parcel is zoned R-1C – Single Family Residential. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

On the agenda for the meeting, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel. A complete procedure for public comment by electronic means is provided on a guide which is accessible on the Van Buren Township website (www.vanburen-mi.org). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments or questions about the meeting via e-mail to dpower@vanburen-mi.org. To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk's Office at 734.699.8900, extension 9205.

Posted: December 20, 2022

Published: December 21, 2022



MEMO

TO:	Van Buren Township Board of Zoning Appeals (BZA)
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Belleville Yacht Club / 831 East Huron River Drive Special Exception Request
DATE:	January 6, 2023

Dear Board Members:

I have reviewed a request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The request will be reviewed by the Board of Zoning Appeals (BZA) per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

This request requires review by the BZA under a set of requirements that apply to modifications of standards of the Van Buren Township Belleville Lake Shoreline Districts Ordinance (Section 3.120 of the Zoning Ordinance) which was adopted in 2016. Section 3.120 applies to uses of *Township Lake Property*, defined as land owned by the Township at Belleville Lake, whether or not it is above the normal high-water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655 ft. contour line (1929 NGVD) or brow of the hill. Exceptions from or modifications to standards of Section 3.120 require a review process outlined in Section 3.120(F) of the Van Buren Township Zoning Ordinance. Such exceptions or modifications are not considered *variances* as applied elsewhere within the Van Buren Township Zoning Ordinance and under State law. This report contains basic background information to assist with understanding the reason for the request and the context of the subject site, and contains staff's analysis of the request under the framework of Section 3.120(F)(7). A public hearing is required in accordance with Section 3.120(F)(7)(f) of the Van Buren Township Zoning Ordinance.

The following are my review comments based on the criteria in the Zoning Ordinance and the information provided, including a site plan with an updated revision date of January 6, 2023:

File Number: VBT-22-056

Parcel Size and Tax ID: The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. 831 East Huron River Drive is 4.04 acres in area.

Property Owner: Belleville Yacht Club

Zoning and Existing Use: The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB) and is adjacent to an upland private parcel that is zoned R-1C – Single Family

Residential and used as a private club with an accessory building and pool. Despite the single-family zoning designation of the upland parcel, the parcel is used as a private club, which is considered as a use similar to an institutional use. The following zoning district descriptions are provided for the Township Lake Property per Section 3.120(C) of the Van Buren Township Zoning Ordinance:

- The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single-family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Because of the upland parcel's institutional or nonresidential use, the site within the Township Lake Property is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). The site in the Township Lake property previously contained two (2) floating dock structures which extended to roughly 52 feet into Belleville Lake. One of these structures remains in place, however, one has been replaced by a partially constructed new dock structure.

Project Description: The submitted site plan demonstrates that there will be two (2) dock structures with a total length of 120'. Each dock stem will contain one main stem which is four (4) feet wide, along with four (4) perpendicular docks which are each four (4) feet wide x 24' long. The docks are spaced 24'-28' apart. The proposed use will be considered a "marina" as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance:

- "Marina" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.

Marinas are also defined under the State of Michigan Natural Resources And Environmental Protection Act (PA 451 of 1994), and are regulated by the State of Michigan Department of Environment, Great Lakes and Energy (EGLE).

The proposed marina will replace two (2) existing dock structures that accommodate 16 boats at maximum capacity, which may also be considered a "marina" under the current Zoning Ordinance. In accordance with State law and the Van Buren Township Zoning Ordinance, any approvals or permissions that applied to the previous set of docks, will no longer apply, due to the full replacement and expansion of these docks. The Van Buren Township Zoning Ordinance was amended in 2016 to write a comprehensive lake ordinance for uses in Township Lake Property, which became Section 3.120 of the currently adopted Township Zoning Ordinance (Belleville Lake Shoreline Districts). The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing with the Planning Commission and approval by the Township Board of Trustees. These approvals are being sought concurrently with the BZA's approval.

Notice: Notice for the public hearing was published in the Belleville Area Independent on December 21, 2022 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject upland parcel on December 21, 2022.

Special Exception Request:

Section 3.120(D)(5) pertaining to maximum dock length.

- **Allowable maximum:** No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth.
- **Proposed:** Dock extended to 120 feet into the Lake, measured perpendicularly from the shoreline.

COMMENTS

The BZA shall not grant a special exception to any provision of this Section 3.120 unless it first makes all of the following findings specified in Section 3.120(F)(7)(c) of the Van Buren Township Zoning Ordinance (Standards for Special Exceptions). These findings are evaluated below, and any recommended conditions for the BZA to consider will be underlined.

- 1) **Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property.** The stated purpose of the Belleville Yacht Club according to their website is as follows:

The purpose of the BYC is to create a community of boat owners and water craft enthusiasts through events and social gatherings; to induct new boaters through youth and family programs that teach the basics of safe boating while giving access to a range of boating experiences; to pursue and encourage additional access to Belleville Lake; and to promote boating safety, expertise and knowledge through educational programs delivered by and to our membership.

Within Van Buren Township, this organization provides a distinct service and lake access to those may or may not currently have lake access at their residences. In order to provide this service, there is a certain amount of dockage that can be considered as essential to fulfilling the organization's purpose. However, the property is constrained in how much dockage it can provide within the 40-foot shoreline extension limit, given that it only has approximately 132' of lake frontage on a 4.04-acre parcel. The project site, if approved, will be the only formal marina apart from Sandy's Marina at 41382 Edison Lake Road. By way of comparison, that site has over 750' of lake frontage on a combined 1.13 acres of property. To accommodate a sufficient amount of dockage for the Belleville Yacht Club's stated purpose involving lake access and boating education, it is reasonable to infer that their docks will need to be extended longer, to accommodate the capacity that is not available in the relatively narrow frontage of the parcel. For this reason, this criterion appears to be met.

- 2) **The special exception would not unduly prevent the realization of the purposes of this Ordinance.** The purpose of the Belleville Lake Shoreline Districts Ordinance is as stated below, per Section 3.120(A) of the Van Buren Township Zoning Ordinance:

Purpose. The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality

and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake, as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessory to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township- owned Lake property abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

As part of reviewing this criterion, the BZA must evaluate the overall quality of construction, the nature of the use, and the physical impact associated with the extended dock structures, and the assurance that the use and structures will be evaluated thoroughly for consistency with physical, ecological, cultural and aesthetic characteristics of the Lake. Some of this will be discussed more in depth under the next criterion ("no substantial harm"). Broadly, the use will be for the mooring and launching of boats, and will not involve fueling, repair, or more intensive marina activities associated with conventional marinas.

EGLE will additionally review the application for consistency with the requirements of Part 301 of the NREPA, to ensure that the marina extends from riparian property of the applicant, that the marina does not unreasonably interfere with navigation and that the marina is located and designed to be operated consistently with the correlative rights of other riparians, including the rights of adjacent riparians. **The proposed dock structures are subject to any necessary review and approval of this application by EGLE and FERC. The extended dock structures and marina use shall not include fueling.** The applicant has noted that fueling is not and will not be proposed, on their latest site plan. Subject to these conditions and any other conditions stated by the BZA, this criterion has been satisfied.

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

The BZA must be confident that the extended dock structures will not cause substantial harm or detriment to the adjacent or nearby lands or boats or the public interest or safety. In these regards, I note that the request entails adequate side setbacks, adequate distance to the shoreline across the water, and enables sufficient circulation around the proposed dock structures, to sufficiently meet these requirements. Per the image below, the proposed dock structures will maintain a 12-foot side setback, where a 10-foot setback is required. The previously existing dock structures had a side setback to the adjacent lake lot lines of between zero (0) and five (5) feet, so the proposed structures will improve circulation around the portion of the site that is within the length distance of the current docks. To the west, the proposed western dock structure will maintain a distance of roughly 162 feet from the nearest boat launch at the boat launch site operated by the Michigan DNR. The eastern dock structure will maintain a distance of roughly 75 feet from an existing boat house to the east. The dock structures will also maintain a distance of approximately 762 feet from the opposite shoreline.

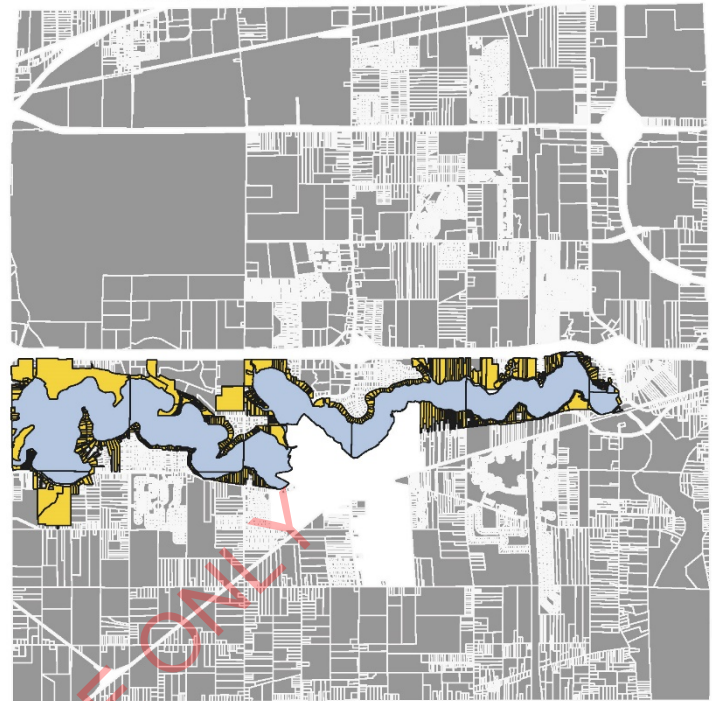


Materials and aesthetics must also be considered. The dock surface will be 2" x 6" treated lumber wood decking. Subject to review by the BZA and Planning Commission, this material is aesthetically acceptable and consistent with surrounding properties' docks. Subject to this condition and other conditions recommend by the BZA, the "no substantial harm" criterion has been adequately addressed.

4) Unusual circumstances or conditions are involved;

Regarding this criterion, the site has a unique role within Van Buren Township. The Township Van Buren Township is home to over 10,000 parcels of land, of which only roughly 678 parcels abut Belleville Lake. The site serves an opportunity for lake access to many residents who would otherwise not have such access. The site is also unique within a broader land use context in the Township. Its upland adjacent parcel is one of a small share of parcels on the lake that is either used for a non-single-family residential use or zoned under a non-residential zoning district in either the City of Belleville or Van Buren Township.

Lakeshore Parcels in Van Buren Township



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

A vital aspect of this criterion will be to consider the near- and long-term impacts of increasing boating traffic on Belleville Lake, and the proximity between higher intensity lakeshore land uses such as marinas and multi-docking facilities and lesser-intensity and passive facilities enjoyed by single family home sites. As part of the Planning Commission's required justification for a marina special approval, they will need to find that the proposed marina and other marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake. I have included some materials with this packet that are also being provided as part of the Planning Commission's review, which demonstrate the presence of four (4) significant EGLE-licensed marinas or multi-docking sites in Van Buren Township. The subject site is roughly 1.4 miles from Sandy's Marina. As a reference for comparison, I have also provided exhibits demonstrating the presence of these facilities in Ypsilanti Township, a portion of West Bloomfield Township, and the Village of Lake Orion. By way of comparison, the addition of this marina site will not impair the goal of providing reasonable, equitable access to all abutting lake owners.

The Township also must consider the potential for future build-out of marina sites. The potential for proliferation of marinas and multiple docking facilities is limited by a required special approval process for each of these types of facilities, and by the existing zoning and future land use conditions of properties around Belleville Lake. For this specific dock length exception request by the BZA, in accordance with Section 3.120(F)(7)(d) of the Van Buren Township Zoning Ordinance, granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.

Recommendation

For the BZA to consider granting the requested special exception, they will need to conclude that there are positive findings for all five (5) standards for special exceptions described above. At this time, I recommend **approval** of the requested special exception, subject to the conditions listed below:

- **The proposed dock structures and marina are subject to any necessary review and approval of this application by EGLE and FERC.**
- **The extended dock structures and marina use shall not include fueling activities.**
- **The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).**

I have provided a motion template with this report to assist the BZA in making their decision on this special exception request. The BZA may grant the requested special exception, with or without conditions, postpone their decision, or deny the request. If the BZA decides to postpone their decision on the request, they should provide specific tabling conditions to instruct staff and the applicant regarding what is required to return for further consideration of the request by the BZA.

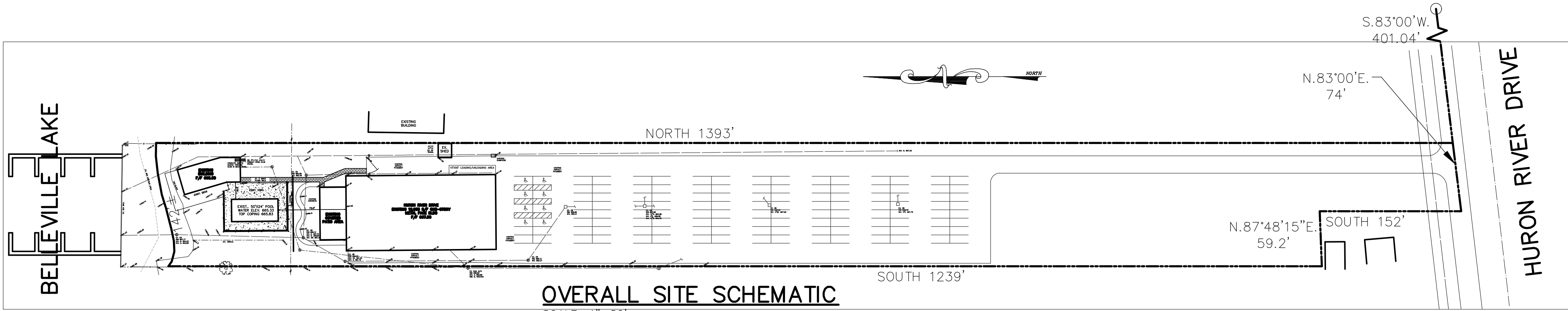
Thank you for allowing me to comment on this request.

Sincerely,



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

CC: Ronald Akers, AICP – Municipal Services Director, Van Buren Charter Township
Jeremy Richardson - Michigan Department of Environment, Great Lakes, and Energy

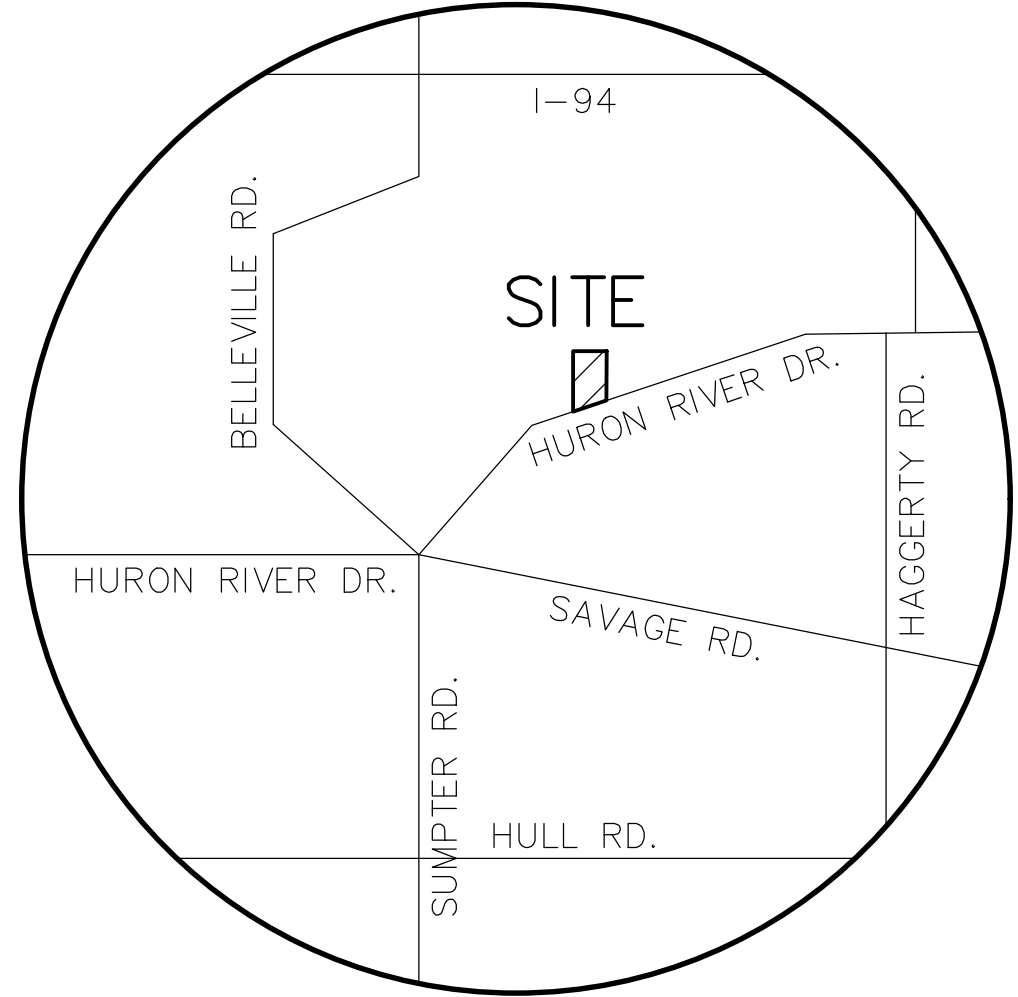


LEGAL DESCRIPTION

PART OF THE EAST 1/2 OF SECTION 22, BEGINNING AT A POINT ON THE CENTERLINE OF HURON RIVER DRIVE, S.83°00'W., 401.04 FEET FROM INTERSECTION OF LINE AND EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22; THENCE NORTH 1393 FEET; THENCE WESTERLY ALONG CONTOUR AT ELEVATION 655 FEET (USGS DATUM) APPROXIMATELY 140 FEET; THENCE SOUTH 1239.0 FEET; THENCE N.87°48'15"E., 59.2 FEET; THENCE SOUTH 152 FEET; THENCE N.83°00'E., 74 FEET TO POINT OF BEGINNING. SAID PARCEL CONTAINING 4.04 ACRES

TAX ID#83-088-99-0005-000.

BOUNDARY LINES AS SHOWN ARE PER LEGAL DESCRIPTION PROVIDED BY THE CLIENT. THE EXISTING 655 CONTOUR LINE DOES NOT APPROXIMATE THE LOCATION DEPICTED WITHIN THE LEGAL DESCRIPTION.



LOCATION MAP

NOT TO SCALE

NOTE:

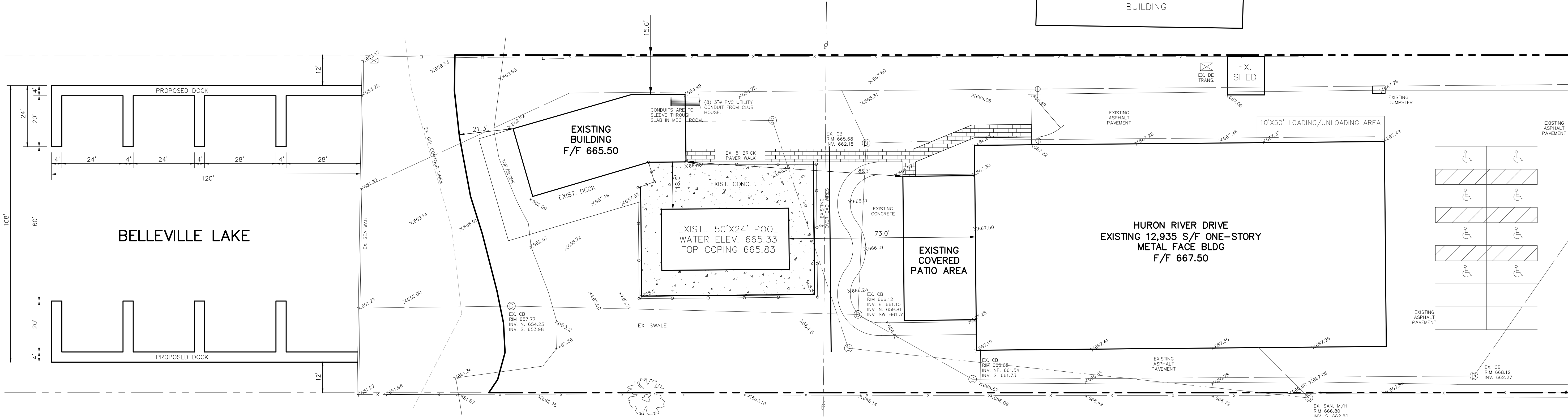
- NO BOAT LIFTS, CRADLES OR HOISTS WILL BE CONSTRUCTED.
- NO BUILDINGS OR COVERED STRUCTURES WILL BE CONSTRUCTED ON THE WATER OR ON TOWNSHIP LAKE PROPERTY.
- ALL USES AND STRUCTURES SHALL COMPLY WITH THE STANDARDS AND REQUIREMENTS OF SECTION 3.120(d) EXCEPT FOR ANY STATED EXCEPTIONS BEING PURSUED PER SEC. 3.120(f)(7).
- THERE WILL BE NO PRIVATE RAMPS OR LAUNCHES INTENDED TO PROVIDE ACCESS TO THE LAKE FOR MULTIPLE NON-ABUTTING OR BACK LOTS OF A SUBDIVISION, SITE CONDOMINIUM, MULTIPLE FAMILY DEVELOPMENT OR OTHER NON-FRONTAGE USE.
- NO SIGNS WILL BE BUILT OTHER THAN THOSE APPROVED BY THE TOWNSHIP AND NECESSARY FOR PUBLIC SAFETY.
- ALL WATERCRAFT, DOCKS, BOATS, WATERCRAFT STORAGE FACILITIES INCLUDING BOAT CRADLES, SHORE STATIONS AND BOAT LIFTS AND OTHER STRUCTURES AND FACILITIES PERMITTED IN THIS "BLB" DISTRICT ARE LIMITED SOLELY FOR THE NON-COMMERCIAL USE AND QUIET ENJOYMENT OF THE ABUTTING FRONTAGE LOT OWNERS, LESSEES, RENTERS, AND THEIR INVITED GUEST. NO SUCH FACILITIES AS LISTED ABOVE SHALL BE RENTED LEASED OR ALLOWED TO BE USED BY ANY OTHER PERSONS UNLESS APPROVED BY THE TOWNSHIP IN CONJUNCTION WITH A MARINA. FOR PURPOSES OF THIS SECTION, COMMERCIAL USE SHALL MEAN THE RENTAL, LEASE OR ALLOWED USE OF DOCKS, BOAT CRADLES, SHORE STATIONS AND BOAT LIFTS BY PERSONS WHO ARE NOT ABUTTING FRONTAGE OWNERS, LESSEES, OR RENTERS, EXCLUDING THOSE FACILITIES THAT ARE OPEN TO THE PUBLIC AND OPERATED BY THE TOWNSHIP, CITY OR STATE OR MICHIGAN.

NOTE:

- ANY FACILITIES INSTALLED HEREUNDER ARE SUBJECT TO THE TERMS OF THE "FERC" LICENSE.
- NO DOCK WILL BE PLACED OR MAINTAINED IN A LOCATION WHERE IT CAN PRESENT A HAZARD TO NAVIGATION, OR CREATE A RISK THAT BOATS WILL RUN AGROUND WHILE ATTEMPTING TO MOOR AT THE DOCK.
- NO PERSON WILL INSTALL OR MAINTAIN A DOCK EXCEPT ON SHORELINE OR BOTTOMLANDS ABUTTING A FRONTAGE IN WHICH THEY HAVE AN OWNERSHIP INTEREST.
- ALL DOCKS WILL BE POSITIONED PERPENDICULAR TO THE SHORE, AND IN A MANNER THAT DOES NOT UNREASONABLY ENCR OACH ON THE USE AND ENJOYMENT OF THE LAKE BY NEIGHBORING LOTS.
- DRY DOCKS AND DRY LAND STORAGE OF WATERCRAFT WILL NOT OCCUR AT THE SITE.
- NO BOAT OR PORTION THEREOF WILL BE LAUNCHED, STORED, MOORED OR DOCKED WITHIN FIVE FEET OF THE SIDE LOT LINES OF AN ABUTTING UPLAND LOT AS EXTENDED INTO THE WATER.
- NOTE THE FOLLOWING:
 - RELIEF IS SOUGHT FROM SECTION 3.12(D)(5), WHICH STATES THAT NO DOCK OR ANY OTHER STRUCTURE OR APPURTENANCE SHALL EXTEND MORE THAN 40 FEET INTO THE LAKE, MEASURED PERPENDICULARLY FROM THE SHORELINE, UNLESS GREATER LENGTH IS NECESSARY TO REACH WATER WITH A DEPTH OF THREE FEET, AND THEN NO FURTHER THAN NECESSARY TO REACH SUCH DEPTH.
 - RELIEF FROM SE. 3.120(D)(5) WITH AN APPLICATION TO THE BOARD OF ZONING APPEALS (BZA) PURSUANT TO SEC. 3.120(F)(7).

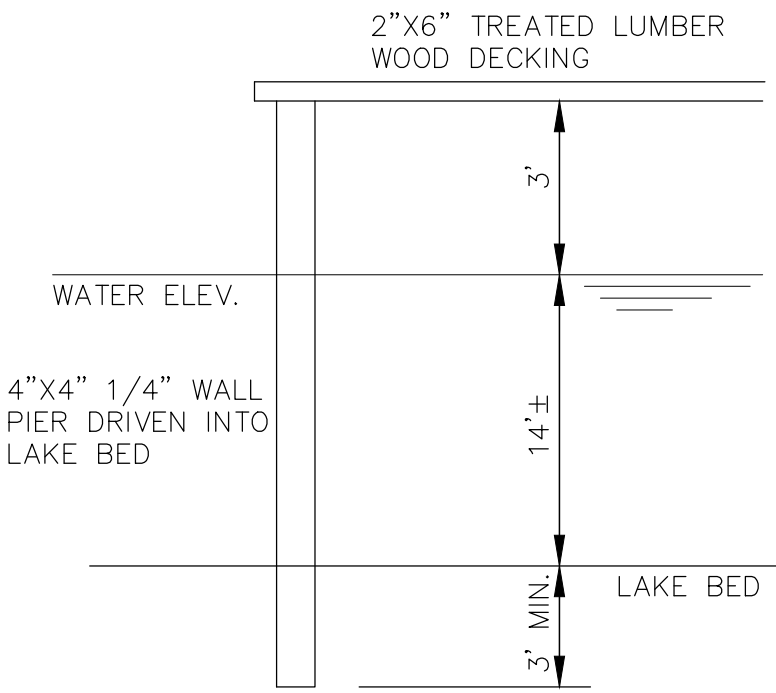
NOTE:

- ALL DOCKS WILL BE KEPT IN GOOD REPAIR.
- THE MARINA WILL COMPLY WITH ALL APPLICABLE CONSTRUCTION STANDARDS AND POERMIT REQUIREMENTS OF 'EGLE'.
- ALL DOCKS, HOIST AND SIMILAR STRUCTURES INSTALLED SHALL BE UNDER COMMON OWNERSHIP AND OF A COMMON DESIGN SO AS TO CREATE A UNIFIED APPEARANCE AT THE SITE. NOTE THAT HOIST AND SIMILAR STRUCTURES WILL NOT BE PERMITTED.
- A FUELING STATION WILL NOT AND IS NOT PROPOSED.



SITE PLAN NOTES

- THERE IS NO PROPOSED EARTH CHANGES IN CONJUNCTION WITH THE INSTALLATION OF THE PROPOSED DOCK.
- DOCKS WILL COMPLY WITH THE MARINA STANDARDS OF THE TOWNSHIP ZONING ORDINANCE.

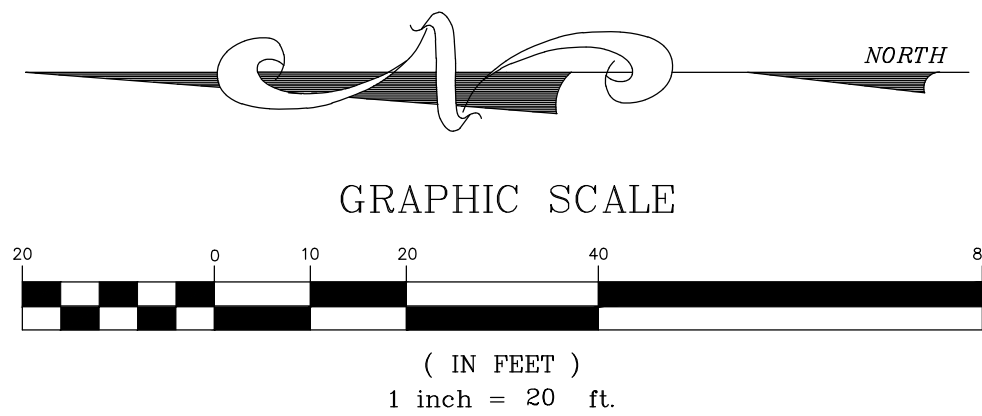


DOCK CROSS-SECTION

NOT TO SCALE

PROPOSED DOCK

TO BE 4"x4" 1/4" PIER DRIVEN INTO LAKE BED WITH A 4"x4" ANGLE SUPPORTING 2"x10" WITH 2"x6" DECK BOARDS. TOPOF DOCK IS 36" ABOVE WATER. DECK SCREWS ARE FASTENERS TO 2"x10" FASTEN TO ANGLE WITH 3/4"x4" BOLTS AND ALL STEEL IS WELDED.



LEGEND

- EX. CATCH BASIN
- EX. SANITARY MANHOLE
- EX. STORM MANHOLE
- EX. HYDRANT
- EX. UTILITY POLE
- EX. VALVE WELL
- EX. FENCE
- EX. STREET SIGN
- EX. LIGHT POLE



MISS DIG

3 WORKING DAYS
BEFORE STARTING YOUR PROJECT

811

(TOLL FREE)



VAN BUREN

CHARTER TOWNSHIP

Kevin McNamara | Supervisor · **Sharry A. Budd** | Treasurer · **Leon Wright** | Clerk
Reggie Miller | Trustee · **Kevin Martin** | Trustee · **Sherry Frazier** | Trustee · **Donald Boynton Jr.** | Trustee

January 6, 2023

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

Subject: DRAFT Planning Commission Annual Report for 2022

In accordance with P.A. 33 of 2008, as amended, MCL 125.3801 et seq, Michigan Planning Enabling Act, please find the attached annual report regarding the Planning Commission activities for 2021. Following acceptance by the Planning Commission, the report will be forwarded to the Van Buren Township Board of Trustees. The report includes updates on the Planning Commission's progress in implementing the Township-wide 2020 Van Buren Township Master Plan, Engagement Activities, and Economic Development Plan (future), as well as an overall listing of the Planning Commission's activities. The report is summarized as follows:

Engagement Activities

- **Public Hearings:** The Planning Commission held seventeen (17) public hearings.

Overall listing of the Planning Commission's Activities

- **Preliminary Site Plan Approvals:** The Planning Commission granted eight (8) preliminary site plan approvals.
- **Final Site Plan Approvals:** The Planning Commission granted four (4) final site plan approvals.
- **Combined Preliminary / Final Site Plan Approvals:** The Planning Commission granted three (3) combined preliminary / final site plan approvals.
- **Special Land Use:** The Planning Commission recommended seven (7) special land use approvals to the Township Board.
- **Site Plan Amendments:** The Planning Commission granted one (1) site plan amendment.
- **Temporary Land Use Approvals:** The Planning Commission granted four (4) temporary land use permits.
- **Rezoning Recommendations:** The Planning Commission made four (4) rezoning recommendation to the Township Board, including one (1) recommendation for conditional rezoning.
- **Zoning Text Amendment Recommendations:** The Planning Commission made three (3) zoning ordinance text amendment recommendations to the Township Board. These included the development



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of a comprehensive set of zoning ordinance amendments reflective of the master plan efforts from the 2022 Sumpter Road Corridor Plan, including the adoption of the Sumpter Road Mixed Use (SRMU) District and Sumpter Road Overlay District (SROD).

- **Tree Removal Permits:** The Planning Commission granted two (2) tree removal permits.
- **Other Activities and Approvals:**
 - The Planning Commission recommended adoption of the Van Buren Township 2022-2026 Parks and Recreation Master Plan to the Township Board of Trustees
 - The Planning Commission granted two (2) extensions to previous preliminary or final site plan reviews.
 - The Planning Commission preliminarily reviewed two (2) requests for items that will require review by the Township Board of Zoning Appeals (BZA).
 - The Planning Commission received comments from staff regarding minor renovation, building re-occupancy, or administratively reviewed Willow Run Airport development projects.

Implementing the 2020 Van Buren Township Master Plan. The following actions are direct and recommended strategies or objectives from the 2020 Van Buren Township Master Plan which were partially or fully achieved this year:

- The Planning Commission held several public meetings regarding the Sumpter Road Corridor Plan, an area-specific amendment to the 2020 Van Buren Township Master Plan, and adopted the 2022 Sumpter Road Corridor Plan.
- *Encourage the development of new housing in “missing middle” formats and/or layouts that are currently absent or in short supply, by creating zoning districts and design standards as necessary in the appropriate areas of the Township.*
- *Provisions should be made for small-scale industry with minimal externalities and a public-facing component, otherwise known as artisanal or craft industry, to develop in the Township in Mixed Use areas. Examples include small breweries that serve the public, bakeries with a retail component, and small-scale apparel production.*
- *Develop criteria for retrofitting existing single-use commercial, office, and industrial areas with new uses and building formats, so that they may continue to economically function in the event that demand shifts away from these areas.*
- *Encourage the preservation of large and significant open spaces through voluntary dedications, development approval extractions, and establishing special funding sources for acquisition, and seeking grants for acquisition.*
- *Apply the relevant land use objectives previously stated with respect to Residential, Commercial, Office, and Industrial uses on the southern and extreme eastern sides of the Township.*
- *The established Urban Services Boundary for public water and sanitary sewer shall remain in place.*
- *Develop a strategy to enhance local road connectivity, and complete critical road improvements and connections consistent with the Circulation Plan, to reduce traffic congestion and duplicate trips in key areas of the Township.*



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- *Continue to provide the necessary recreation services to the expanding population of the Township. Maintain existing partnerships, and foster new partnerships, with community organizations to develop, improve, and offer a comprehensive range of recreation programs.*
- *Maximize use of existing park sites by expanding facilities and amenities available to residents to further increase quality of life for residents, and further encourage others to visit and reside in the Township.*
- *Continue the processes for development of the Van Buren Township Community Center, development of parklands in the Town Center Mixed Use district, and enhancement of Van Buren Township Park and Beach.*

Strategies or objectives that are listed as “ongoing” in the 2020 Master Plan are not listed in this report but should be implemented as part of recommendations and actions by the Planning Commission related to Zoning Ordinance development and development review.

Significant Activities:

Significant construction progress has been made at several major project sites which were approved by the Planning Commission in the past several years, including completion of two of the three buildings in the 1.6 million square foot Ashley Crossroads North logistics and manufacturing park near Ecorse and Haggerty Road, construction in new phases of the Victoria Estates / Townsend Park and Cobblestone Creek subdivisions, and completion of redevelopment of a 53-acre data center site at 9000 Haggerty Road. Several other projects including the 128-unit Clover Communities senior apartments at 8470 Belleville Road, the Kenworth Truck Sales facility at 44660 North Interstate 94 Service Drive, and the Community Center expansion at 46425 Tyler Road, have broken ground. The Planning Commission also completed a future land use plan for the Sumpter Road Corridor, which will provide future direction for zoning and design standards along Sumpter Road and on adjacent lands, along with an affiliated update to the Van Buren Township Zoning Ordinance to provide standards and regulations for the Sumpter Road Mixed Use (SRMU) zoning district and Sumpter Road Overlay District (SROD).

For additional reference, the Planning Commission may also refer to an interactive map showing the locations of development projects in various stages of review or construction:

[Interactive VBT Development Map](#)