

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION AGENDA  
Wednesday, January 25<sup>th</sup>, 2023 – 5:30 PM  
Van Buren Township Hall  
46425 Tyler Road**

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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 January 11, 2023.

**CORRESPONDENCE:**

**PUBLIC HEARING:**

**OLD BUSINESS:**

**ITEM # 1:** Case 22-059. Belleville Yacht Club – Marina Preliminary Site Plan Review and Comment

**TITLE:** Belleville Yacht Club requests 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. The site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). Marinas are a use that require special approval in the BLB district. The Planning Commission is requested to consider a revised preliminary site plan associated with a request for site plan and special approval for the marina use, and to provide comments on a special exception request to the Board of Zoning Appeals (BZA) for the marina's dock structures to extend to a length not to exceed 120', contrary to Section 3.120(D)(5) 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 provides comments for consideration by the Board of Zoning Appeals (BZA).

### **NEW BUSINESS:**

#### **ITEM # 1: Discussion on Rules of Procedure**

TITLE: The Planning Commission is requested to consider revisions to their Rules of Procedure to include the Pledge of Allegiance at the beginning of each meeting and to adjust the placement of the annual election of officers within the agenda of the first regular business meeting of December each year.

ACTION ITEMS: A. Presentation by the Township staff.  
B. Planning Commission discussion.  
C. Planning Commission considers a motion to adopt changes to Rules of Procedure, subject to a vote of a two-thirds (2/3) vote of the entire membership of the Planning Commission, subject to approval of the Township Board and adherence to the enabling act(s).

#### **ITEM # 2: Discussion on Election of Officers**

TITLE: The Planning Commission is requested to consider scheduling a new election of officers based on the recent vacancy of the Planning Commission Chair, per Article III, Section 1 of the adopted Planning Commission Rules of Procedure.

ACTION ITEMS: A. Presentation by the Township staff.  
B. Planning Commission discussion.  
C. Planning Commission considers placement of Election of Officers on next Regular Meeting agenda.

### **GENERAL DISCUSSION AND UPDATES**

#### **ITEM # 1: Forthcoming Zoning Ordinance Amendment Discussions**

### **ADJOURNMENT:**

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
January 11, 2023  
MINUTES - DRAFT**

Chairperson Kelley called the meeting to order at 5:30 p.m.

**ROLL CALL:**

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

**Excused:** Atchinson.

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

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

**Applicant(s) in Attendance:** Case 22-0533 Crossroads Distribution Center North, LLC: Dennis Schultz, Ashley Capital. Case 22-048 Nicole's Little Friends – Group Daycare Home: Homeowners, Nicole Burke and Robert Burke. Case 22-059 Belleville Yacht Club: Owner, Scott Jones.

**Audience:** Twenty-Seven (27) and Seven (7) remove viewers.

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

Motion Jahr, Cullin second to approve the regular meeting minutes of December 14, 2022 as presented. **Motion Carried.**

**PUBLIC HEARING:**

**ITEM #1: 22-053 – CROSSROADS DISTRIBUTION CENTER NORTH, LLC - REZONING.**

**TITLE: A REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH, LLC ON BEHALF OF OWNER FRANKEL-HODLEHS (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 DISTRICT).**

**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.**

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

Director Power gave a brief description of the rezoning request. The applicant is requesting to rezone a 16-acre parcel from R-1B (single family residential district) to M-1 (light industrial district). The rezoning is consistent with the future land use map.

No comments from the audience or remote viewers.

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

**ITEM #2: 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.**

**THE PROJECT IS PROPOSED TO BE LOCATED AT 45921 CHATSWORTH DRIVE (PARCEL ID #83-061-01-0231-000).**

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

Director Power gave a brief overview. The applicant is applying to the State of Michigan to operate a licensed Day Care Group Home for 12-14 children. Section 2.102 (A)(60)(b) of the Van Buren Township Zoning Ordinance allows for a private home to provide care and supervision to more than (6) but not more than (12) minor children for periods of less than twenty-four (24) hours a day. A recent change in State Law, will allow Day Care Group Homes to have additional capacity, up to two additional children. All group day care homes are required to be registered with or licensed by the State of Michigan Department of Licensing and Regulatory Affairs (LARA) or successor agency.

No comments from the audience or remote viewers.

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

**ITEM #3: 22-059 – BELLEVILLE YACHT CLUB – MARINA SPECIAL APPROVAL.**

**TITLE: A REQUEST BY THE 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 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 SHORELINE DISTRICT APPROVAL PROCESS) OF THE ZONING ORDINANCE.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000),**

**ON THE NORTH SIDE OF EAST HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

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

Director Power provided a brief overview. The applicant is requesting special approval and site plan approval for a marina use with two (2) dock structures with four (4) connecting docks each. The request is to rebuild permanent dockage at the Belleville Yacht Club (BYC). The Board of Zoning Appeals met on 1-10-23 to discuss a variance for the length of the two (2) dock structures proposed at 120 feet.

Chair Kelley informed that he is a BYC member. When the Commission reaches the New Business Items, he will address whether he needs to be recused from the discussion.

Residents and remote viewers had the following questions and comments:

- Resident inquired if the results of the Board of Zoning Appeals (BZA) meeting approved the 120 feet dock length? Director Power informed that action was postponed. Resident appreciates what the BYC does for the community and the school district. What the site plan does not show the proximity to the DNR Boat Launch, concerned with increasing the dock size.
- Resident displayed arial photos of the lake and proposed dock area. The BYC and its representatives have shown this board and lake owners that rules and the ordinance don't apply to them. A few examples are the current dock violation remain a hazard to boaters and the "tiki bar" structure put in at the water's edge a few years ago that wasn't permitted when it went up. The variance they are asking for would narrow the waterways to approximately 520 feet of no wake travel, when factoring in and allowing the 40-foot dock allowance on the north shore, 120-foot dock allowance on the south shore and 100 feet of no wake for each. The original plan years ago was rumored to be around 140 feet with no wake buoys. Having no wake buoys pushes the no wake zone out another 100 feet from the buoy, which is DNR approvable to residents understanding. Resident had conversation with a member of the Sheriff's Department Marine Unit and made mention of the safety measures requested by the zoning department at the BZA meeting to come back with options to make this a safe area. The suggestion was that the DNR makes that choice and their decision would be no wake buoys. Resident spoke with Jeremy Richardson of EGLE, they are fully aware of the BYC's intent to permit a marina, there is no such permit in Michigan it is the same type of permit that a homeowner or resident would apply for, they don't care about the footage going out and are waiting on the Township to decide. Resident displayed pictures of the BYC's docks at approximately 50 feet and during construction in 2021 to approximately 80 feet, they were not at 80 feet to begin with. Resident is opposed to the applicants request and commented that any BYC member on the Commission should recuse themselves.
- Resident feels its unsafe and very narrow with the no wake zone. A lot of boaters and jet skiers don't pay attention in that area.
- Resident commented that if a marina goes in, the State regulates and she has safety concerns. A new kayak launch was just put in at French Landing Dam, the dock extension

puts kayakers further out into the lake and the rowing team as well. The State is going to regulate, why did the Township submit a revised site plan prior to them sending a revised plan to the State? Do we do this for homeowners? Why is the Township going forward prior to the site plan going to the State?

- Resident stays off of the lake on the weekend, due to traffic on the lake, the area next to the DNR boat launch is a circus with boats lined up and down getting on and off of the lake. Concerned with adding the extended docks right next to the launch, it will pinch the lake in. How many boats are going to go in to that dock area? People want a spot to put their boat on the lake, Sandy's Marina is maxed out. Is the BYC going to charge people? What if some other person wants to start putting docks out, is this going to set a precedence? Safety is the major concern and the resident appreciates what the BYC does for the community.
- Remote viewer felt that anyone seated on the Planning Commission that is a member of the BYC should recuse themselves for the discussion. Resident loves being on the water, the boat traffic is already busy and Tuesday nights are crazy with the fishing tournament. The yacht club does not serve the public, it serves members only to utilize a public resource. The plan is not well thought out, there are a lot of safety concerns, they should look into acquiring more land.
- Director Power informed that he did share correspondence at the BZA meeting, which will be on record in the BZA meeting minutes.

No further comments from the audience and remote viewers.

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

#### **NEW BUSINESS:**

**ITEM #1: 22-053 – CROSSROADS DISTRIBUTION CENTER NORTH, LLC – REZONING.**

**TITLE: A REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH, LLC ON BEHALF OF OWNER FRANKEL-HODLEHS (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 DISTRICT).**

**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.**

Director Power displayed an image of the location. The property owner recently acquired the property, which is master planned industrially. Director Power deferred to the Principal Planner, Vidya Krishnan for presentation of her review.

Vidya Krishnan of McKenna Associates presented her review letter dated 12-16-22. 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 Ordinance:

1. Section 12.504(A). The proposed rezoning is consistent with the goals, policies and objectives of the Master Plan and its subsequent amendments. The proposed M-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 pattern of the area.
3. Section 12.504(C). The subject parcels have frontage onto Van Born, designated as an urban minor arterial. Improvements 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 are likely to be more consistent than developing it under the current R-1B zoning designation.
9. Section 12.504(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 12.504(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 12.504(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.

McKenna Associates recommends 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, to the Township Board of Trustees.

Dennis Schultz of Ashley Capital was present to answer any questions.

Commissioners had the following questions and comments:

- If the property is zoned M-1, what is the setback requirement if they were to build? Vidya Krishnan informed the challenge would come from the type of building, if there was a truck dock it would be 350 feet and without a truck dock the greenbelt requirement from R-1B would be 60 feet wide. Dennis Schultz informed that the whole property is going to be placed under a conservation easement.
- Is there a plan to combine the property with a larger parcel. Dennis Schultz informed that he was unsure as they are not building on it. Director Power informed that the long

narrow parcels to the east have all been combined. This site would be more of an effective buffer to the residential area.

- Commissioner inquired if the zoning map is up to date. Director Power informed that the future land use map is up to date.
- Commissioner inquired how many R-1B are there to the east of the property along Van Born Road. Vidya Krishnan informed that there are a couple of non-conforming single-family dwellings along Haggerty and Van Born. Ashley Capital owns the two (2) homes north of the church.
- Is the property immediately to the east owned by Ashley Capital? Yes.
- In the McKenna letter it mentions the applicant intends to place a conservation easement. Commissioner prefers that it say "will" place a conservation easement. Dennis Schultz confirmed that would be no problem.

No comments from the audience or remote viewers.

**Motion Jahr, Cullin second to recommend the Township Board of Trustees, approve the 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) district, based on the analysis and subject to the conditions in the McKenna Associates review letter dated 12-16-22 and noting the applicant has intent to place the conservation easement.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Motion Carried. (Letter Attached)**

**ITEM #2: 22-048 – NICOLE’S LITTLE FRIENDS – GROUP DAY CARE HOME – SPECIAL LAND USE.**

**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.**

**THE PROJECT IS PROPOSED TO BE LOCATED AT 45921 CHATSWORTH DRIVE (PARCEL ID #83-061-01-0231-000).**

Director Power gave the presentation. The Group Day Care Home use is specifically outlined in the Michigan Zoning and Enabling Act with specific conditions that municipalities should consider. The State law identifies that day care uses in a limited capacity are allowed to be permitted in residential zoning districts. A Group Day Care Home can have 7 to 12 children and new State law changes will allow for up to 14 children. The application is a prerequisite to State

licensing requirements. The applicant does not have a fully engineered site plan. Director Power displayed an overview of the site and the site plan submitted by the applicant and presented his review letter dated 1-6-23. Director Power recommends that the Planning Commission conditionally recommend approval of the requested special approval for the group day care home use and conditionally approve the submitted preliminary and final site plan, subject to the following conditions:

- 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.
- Recommend 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 submitted by the applicant.
- The applicant shall hard surface any parking area with concrete or asphalt.

Applicants, Nicole and Robert Burke, were present to answer any questions.

Commissioners had the following questions and comments:

- The garage is sinking, has it been taken down? No, Robert Burke plans to have the garage rebuilt before they open.
- No plans have been submitted for the garage? Robert Burke will submit a plan for the garage and has someone coming out to look at the fence.
- How many children are at the location now. Nicole Burke has six (6) children now, the maximum allowed until she submits for licensing.
- Concerned with parking, good with request as long as no more children are added until the property is fixed up. However, there is still a lot more information that needs to be provided.
- Director Power asked the applicants if there is phasing for repairs. Robert Burke informed that the garage will be the first item taken care of and the accessory building and addition will be taken care of at the same time.
- Commissioner inquired how many children above the current 6 is the applicant going to increase? Nicole Burke informed that she spoke to Director Power about having ten (10) until the building is complete. She has to send documents to LARA once approved by the Planning Commission, then they will come out to review the site.
- The applicant is limited to 6 children right now? Yes, until LARA comes out to review the site. Commissioner inquired that if LARA allows the applicant to have 10 children, will they still build out or is the accessory building optional?
- Commissioner inquired what is an Amish shed and is the intention to have electric, plumbing and heat? Robert Burke informed yes, the shed is prebuilt, looks like a normal shed and sits on a slab. The shed is required to be attached to the home and have an

entrance and exit. Commissioner inquired if a permit was needed. Director Power confirmed a permit is needed.

- Commissioner inquired what is LARA? The Michigan Department of Licensing and Regulatory Affairs.
- The request by the applicant is designated as two separate items, special approval and site plan approval, what does the applicant need to get started with LARA? Director Power informed that the Planning Commission can make separate recommendations or bring them back at a later date. Commissioner identified that there are a lot of deficiencies.
- Commissioner inquired when the applicant plans to start deconstruction and construction? Robert Burke informed that it will depend on the response from LARA. He will start the demo of the garage and plans on doing most of the work himself.
- Looking at what's on the site plan right now, would like to make a recommendation to address the deficiencies, add notations and bring back to the Planning Commission. Good first submittal, some revisions are needed, then look at preliminary and final site plan review. The Planning Commission is a recommending body for special land uses, the Township Board will also look at the request with a critical eye, have more detail added to the plan. Nicole Burke inquired about fencing. Planning staff can help the applicants address the fencing requirements. Commissioner recommends the applicant submit a set of modified plans.
- Commissioner inquired about temporary fence requirements. Director Power informed that the ordinance is clear as to the height of fencing but does not speak to temporary fencing.
- Commissioner inquired if the applicants are willing to go back, make revisions and bring them back to the Planning Commission. The applicants agreed they are willing to make the revisions.

No further comments from the audience or remote viewers.

**Motion Jahr, Cullin second to postpone special land use approval until such a time the applicant is able to update the site plan for additional review.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Motion Carried.**

**ITEM #3: 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.**

**THE PROJECT IS PROPOSED TO BE LOCATED AT 45921 CHATSWORTH DRIVE (PARCEL ID #83-061-01-0231-000).**

Director Power's presentation was provided under New Business Item #2 and there were no additional comments.

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

**Motion Jahr, Grant second to postpone preliminary and final site plan until such time as the applicant is able to provide more detail on the site plan for additional review.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Motion Carried.**

**ITEM #4: 22-059 – BELLEVILLE YACHT CLUB – MARINA SPECIAL APPROVAL.**

**TITLE: A REQUEST BY THE 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 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.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000), ON THE NORTH SIDE OF EAST HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

Commissioner Kelley believed he has a conflict of interest, being a BYC member and asked to be recused from the discussion.

**Motion Budd, Barr second to recuse Commissioner Kelley. Motion Carried.**

Director Power informed that he will provide review comments for special approval and site plan review in his presentation. The project involves construction of two (2) dock structures, each containing a single dock stem with four (4) connecting docks located in Belleville Lake property adjacent to a private upland parcel located at 831 E. Huron River Drive, Belleville Yacht Club (BYC). The project is proposed to replace two (2) floating dock structures. Director Power presented his

review letter dated 1-6-23. The items included in the review letter are minor in nature and can be addressed with final site plan adjustments as the project proceeds through engineering and final site plan review and through the creation of "Issued for Construction" drawings. Director Power recommends conditional approval of the plan dated 1-6-23, 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.

Owner/Applicant, Scott Jones informed that the use is a parking lot for boats to allow members to come and go by boat. Yacht Club of America members can also use the docks. The club does not rent docks out, but does allow members of the club that do not live on the lake to drop in their boat and keep it there over a weekend. BYC hosts major events 5-6 times a year such as the Polar Plunge for the Special Olympics, youth boater permit classes, 4<sup>th</sup> of July Fireworks, Dive Dogs diving classes at the club and Winterfest. New programs are being added to the club with swim classes and sailing programs. The BYC is working to bring the American Power Boat Association back to Belleville Lake and will coordinate with the Township and City of Belleville. The materials for the docks currently are 2 x 6 treated lumber and they intend to remain consistent. EGLE has bounced back and forth weather womanized is an acceptable use over water. Have applied for an EGLE permit, joint use permit, one application form is used for the whole permitting process and it falls under the marina classification. It's called a marine and mooring facility permit. The proposed docks are for the parking of 22 boats, 16 inner and 3 parallel on each side. The two (2) 120-foot docks will have 4-foot piers leaves 60 feet in the middle for the navigation of boats, have 50 feet down the center to bring a boat in. The first two spaces will be 28 feet each, 24 feet allows for two 8-foot boats tied up, with 6 feet of space between them. Boats will be parked on both sides of the pier and the seawall is existing with no proposed changes. The dock serves as access to the upland lot, where the Tiki Bar is located which is angled to not disturb the neighbors and there are no changes to the upland lot. Mr. Jones thanked the Commissioner for their consideration.

Commissioners had the following questions and comments:

- How many boats will the docks accommodate and when there is peak traffic will they double stack? Scott Jones informed there will be no stacking and 22 boats can be docked.

- When the docks are full will you turn people away? Mr. Jones confirmed yes, often people will consolidate to one boat if parking is not available.
- Similar to development on main roads, is there a marine safety impact study? Director Power informed that he is not aware of any, the applicant will have to meet all of EGLES requirements.
- Commissioner inquired if the applicant was using an engineer for the project and if there is a way that can be done. Mr. Jones is using King's Engineering for the project.
- Commissioner commented the applicant is tripling the distance. Mr. Jones commented they had 86-foot noncompliant docks that were taken out.
- Commissioner commented it was at 80-feet nonconforming, was part removed? Mr. Jones commented that the outer legs had been removed, had 30-60 days to remove them.
- Are the docks conforming or non-conforming currently? Director Power informed that they are non-conforming.
- Is the existing non-conforming rolled into the request? Director Power informed that this is a new request. Commissioner inquired what happens if this doesn't go through? Mr. Jones informed there are two (2) T's of floating docks.
- What do you have to prevent boats from parking perpendicularly? Mr. Jones informed that the area is really rough with the boat launch, it would be very difficult to tie a boat up there. Commissioner inquired who is enforcing? Mr. Jones informed that the BYC has a Dock Master in the club.
- Other yacht clubs can come in? Mr. Jones informed that 501(c)(7) social or recreational club organizations can go to other social clubs, they have to call first to accommodate. Commissioner inquired what happens if they come in to stay for the weekend? The club is fully staffed and would not allow it.
- In regard to the 120-foot docks, what's to stop Johnny's, Haywards, Doane's Landing and others from coming and asking to put a marina in? Director Power informed that there is a special set of criteria for the BZA that has to be met, it is not precedent setting, each has to meet at their own merit. Other factors were looked at in the BZA review, the limited frontage. The request is based on a specific service that is provided.
- Concerned that what if the City of Belleville had an agreement, they used to have 60 feet. Director Power informed that a district request would be the purview of the BZA.
- Commission agrees that he thinks we'll see an increase in requests.
- Commissioner is concerned with safety, what is the impact of traffic and safety. Commissioner would prefer to have an expert explain that it does or does not have safety impacts. Director Power informed that there is a layout aspect/volume aspect and asked if the concern is about the volume? The concern is about it all, traffic, pulling people on tubes in the area.
- Commissioner inquired if Director Power knows of any studies in his capacity? Director Power will look into and asked the applicant to describe the circulation of traffic. Mr. Jones informed that it is 898 feet across, 120 feet out, the boat traffic runs in a counter clockwise circulation. The dock to the left is within the first 64 feet, not in the path of traffic and he is not aware of a study.
- Commissioner inquired if the applicant is working with an engineer and if there is any way to ask them to have a graph with boating distances. Mr. Jones is working with King Engineering and can ask King Engineering for a graph to show the distance.

- Commissioner commented that this is definitely a different process, the Planning Commission usually would see before the BZA and the BZA gave no direction on how they feel. Would like to ask to table until we have direction from the BZA and have all questions answered.
- Commissioner commented that the BZA is very concerned with safety due to the length of the dock.
- Commissioner referenced an earlier public comment, that the use didn't serve the public as a whole. Commissioners understanding is that the membership was limited to men only? Mr. Jones informed no, that's not true. Commissioner inquired if women can become members of the Belleville Yacht club? Mr. Jones confirmed yes. Commissioner inquired when was that started. The club was founded in 2009 and they acquired the Moose Lodge in 2012. Commissioner inquired when were women allowed to become members? The by-laws have never excluded women. Commissioner asked if a woman could join today and become a full member. Mr. Jones confirmed, they could. They would have to meet the criteria for membership.
- Commissioner who is an acting BZA representative informed that the BZA has significant concern about safety about the 120-foot dock length and there was a lot of public comment. The Planning Commission has not had the benefit of reviewing the comments and correspondence as the BZA postponed their decision. It is in the applicant's and BZA's best interest to have all information available. The BZA felt that the site plan as presented was lacking for special approval and site plan review. Have not heard specific requests or comments on the site plan, would Commissioners like to make any comments on the site plan? The usage and depth need to be on there. The special exception was not given by the BZA, need to work on what the BZA will approve.
- Commissioner inquired if we approve the special approval are we saying ok to the 120-foot dock? The site plan wasn't sufficient, need to see more on the site plan.
- Commissioner inquired if the Planning Commission is ok with the 81.8% frontage? As long as it is not infringing on other properties. The west side is a boat launch and the east side is residential.
- Commissioner prefers to wait until we have more guidance from the BZA.
- Commissioner suggested including boats on the site plan and the addition of water depth and depth contour would be beneficial. The percentage of frontage excluded needs to be called out, show safety devices such as life jackets, lights, ladders and address. Have all items included on the next site plan.
- Commissioners commented that it would be helpful to have a plan graph to show boating zones and traffic patterns and a radius plan.
- Commissioner inquired regarding the previous public comment why is there not a site plan going to the state before coming to the Planning Commission? Director Power informed that in the typical process, the Township will make their review first. EGLE has been cc'd on the reports so they know where the Township is in the process and Director Akers has asked questions of EGLE.

Members of the audience and remote viewers had the following questions and comments:

- Resident read a letter from the State. The BYC has submitted an application, not a revised plan. The property owner had submitted it in the aftermath. If it had been done properly,

we would not be here today. Resident is tired of political favoritism. The permit was not issued, EGLE recommended a revised site plan, to date they have not received a revised site plan. Based on preliminary review, the docks appear to be limited if boats are docked. Resident asked Mr. Richardson of EGLE if this was usual, he said no, it is highly unusual. Director Power informed that the email letter is in the Commissioners packets.

- Residents big concern is the lake is really busy on summer weekends, who is going to enforce the traffic concern. Traffic has to cross in front of the boat launch, would like to see some input from law enforcement.
- Resident agrees that most of the issues around safety are valid. Thinks they should plan first and issue variances later. The traffic issue at the boat launch, on Saturdays there are in excess of 20 boats waiting to access the ramp. Another concern is marketing the traffic through the channel itself, it is significantly narrow, there are no buoys to the west end of the boat launch site and there is no sequestered or secluded area. Resident feels that these are all things that should be considered. Once you grant the variance, this will affect traffic patterns at the launch site, determine the traffic pattern first. Resident is not so concerned about setting a precedence as much as safety. The other examples exist in coves of the lake, they wouldn't greatly impede the traffic on the lake. Resident would like to see the planning done first and the variance later.
- Resident commented the 762 feet to the opposite side of the shoreline, 100 feet no wake, minus the 120 feet equaling 542 feet is not acceptable. A lake traffic study is needed, not making a decision in the winter.
- Resident commented the BYC is asking for a variance of a variance.

No further comments from the audience or remote viewers.

**Motion Cullin, Budd second to postpone 22-059 BYC Marina special approval to a future time.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Recused: Kelley.**

**Motion Carried.**

**ITEM #5: 22-059 – BELLEVILLE YACHT CLUB – MARINA PRELIMINARY AND FINAL SITE PLAN REVIEW.**

**TITLE: A REQUEST BY THE 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 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.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000), ON THE NORTH SIDE OF EAST HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

Director Power's presentation was provided under New Business Item #4 and there are no additional presentations.

Commissioners discussed actions moving forward. The BZA is looking for a more detailed site plan, they postponed pending site plan and safety concerns. Commissioners would like to hear what the BZA says and not have preliminary and final site plan reviews together, they can review before it goes back to the BZA. Commissioners would like to review the BZA minutes.

No comments from the audience or remote viewers.

**Motion Cullin, Grant second to postpone 22-059 BYC Marina preliminary site plan for further review as per the comments that were reflected to the BYC, prior to a site plan going to the BZA.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Recused: Kelley.**

**Motion Carried.**

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

**ITEM #6: 2022 PLANNING COMMISSION ANNUAL REPORT.**

Director Power presented the draft 2022 Planning Commission Annual Report dated 1-6-23. 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 Commissions activities. The Planning Commissions activities include: 17 public hearings, 8 preliminary site plan approvals, 4 final site plan approvals, 3 combined preliminary and final site plan approvals, 7 special land use approvals, 1 site plan amendment, 4 temporary land use approvals, 4 rezoning recommendations to the Township Board including 1 recommendation for conditional rezoning, 3 zoning text amendments and 2 tree removal permits.

**Motion Jahr, Barr second to recommend the 2022 Planning Commission annual report as written for acceptance to the Township Board of Trustees.**

**Roll Call:**

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

**Nays: None.**

**Excused: Atchinson.**

**Motion Carried. (Report Attached)**

**GENERAL DISCUSSION:**

Director Power informed he does anticipate there will be a meeting on January 25, 2023 and he will make training opportunities readily available to Commissioners.

Commissioner inquired what surveying is being done for at the northeast corner of Van Born and Sheldon Roads. Director Power informed that the surveying is being done as part of a preapplication phase.

Commissioner would like to look into a By-Law provision to possibly shift the election of officers to the end of the last meeting in December.

Commissioner has noticed that a lot of boards are doing the pledge of allegiance at the beginning of their meetings, inquired if the Planning Commission like to do the same. Commissioners agreed they are ok with the pledge of allegiance at the beginning of meetings.

**ADJOURNMENT:**

**Motion Budd, Cullin second to adjourn the meeting at 9:04 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary

# Zoom Comments received at 1/11/2023 Planning Commission Meeting

Jeffrey Riggs 06:06 PM

1. Per the VBT Planning Commission Meeting Packet, the drawing shows "762' to opposite shoreline". Per the attached pic, I did the math. 762' to opposite shoreline, minus 100' no wake zone, minus 100' the no wake zone on the north shoreline, minus 40' max for boat lifts/docks on the north shoreline = only 522' FOR ALL BOATS TRAVEL ABOVE NO-WAKE SPEEDS. Not acceptable, this needs review this summer to see the impact to all lake users, not just the BYC.
2. A lake traffic study is needed for this. Making this decision in the middle of winter without reviewing the current conditions and traffic on this section of the lake isn't proper due-diligence. To evaluate a request to go triple the distance currently allowed into the narrow channel of a public lake that could have serious future implications due to "setting a precedent", we need further information. This decision should not be taken lightly.
3. The BYC drawings were only submitted to VBT on December 21st, published Dec 22nd, only two working days

Anonymous Attendee 06:30 PM

Would it be possible to adjust the zoom camer angle? Currently we can not see the presentation screen, and see more ceiling than the meeting.

Anonymous Attendee 07:12 PM

Thank you for the youtube tip and camer adjustment.

Anonymous Attendee 08:24 PM

I would like to remind the commision members that the BYC is asking for a variance of a variance when they discuss how far they plan on going out with the docks. And the fact that this organization has already started the constructing the docks untill they got caught without permission. They continually use the logic of ask forgiveness and not permission, Similar to the "TIKI Hut" Fiasco!

Anonymous Attendee 08:41 PM

I would also like to remind the members that it was not to long ago that a variance was granted that went all the way to the michigan supreme court and cost taxpayers millions of dollars. This variance request reminds me of that fiasco on the garage height on harmonly lane.

Anonymous Attendee 08:45 PM

If a variance is ultimatly approved. Can there be a discusion of a penalty payment for starting constuction without permission, that could provide community benifit



# 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: <b>22-059</b>	DATE SUBMITTED:
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### 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

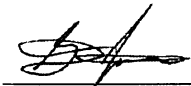
NAME OF PROJECT: BYC Docks			
PARCEL ID NO: V125-83-		PROJECT ADDRESS:	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the <u>North</u> Side of <u>Huron River Dr</u> Road; Between <u>Martinsville</u> Road and <u>Edgemont</u> Road.			
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	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

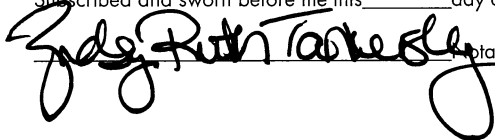
**12.21.2022**

DATE

STATE OF MICHIGAN  
COUNTY OF WAYNE
 LYNDSEY 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

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TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Planning Case #22-059 – Belleville Yacht Club Marina Site Plan and Special Approval (Staff Report # 2)

DATE: January 20, 2023

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### **Project Summary and Background**

Belleville Yacht Club has applied for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, 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), which is zoned R-1C – Single Family Residential. Because of the upland parcel’s institutional or nonresidential use, the site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB).

The proposed use will be considered a “marina” as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance. The proposed marina will replace two (2) previously existing dock structures, which may also be considered a “marina” under the current Zoning Ordinance. The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district. I have previously provided a report dated January 6, 2023 (revised January 10, 2023) which summarized findings based on the application requirements, special approval criteria, the required review criteria specifically for the Belleville Lake Shoreline District, and the Belleville Lake Shoreline District development regulations found in the Van Buren Township Zoning Ordinance.

The requested marina use will involve the construction of two (2) multi-dock structures which each exceed 40’ in length. Relief is sought from Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance, 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 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). Based on application being made for this request in December 2022, a public hearing was scheduled and held with the BZA on January 10, 2023 to consider the special exception request. The BZA postponed their decision on this request to allow additional review and commentary on the request and its associated marina site plan to inform the BZA’s decision.

## **Planning Commission Direction and New Site Plan Information**

On January 11, 2023, a public hearing was held by the Planning Commission to consider the marina special approval and site plan requests. At this meeting, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan and / or supplemental data, and for action to be taken by the BZA at a future meeting prior to a final decision on the site plan by the Planning Commission. Revised site plans were submitted to the Township, the latest being revision-dated 1/20/2023 (to be referenced herein as "site plan"). A list containing the requested submittals, with **comments regarding what was submitted by the applicant** following the January 11<sup>th</sup> meeting, is provided below:

1. Provision of a site plan map showing the lakeshore contour, the 140' slow no wake contour that is allowed without exception, and a contour showing how far the slow-no-wake zone is proposed to be moved into the lake based on the proposed design. The map should be drawn at a radius around the subject site that is large enough to include the same contours on the other side of the lake at the closest point on the opposite shore (about an 800' radius around the subject parcel). **Provided in the "overall site schematic" on page 1 and on the broad view site plan on page 2 of the site plan.**
2. Indication of the number of buoys included in the project and that no change to number or placement will be made after approval without permission from the township. **No buoys have been proposed.**
3. The applicant's dock design should carry a civil engineering stamp, and our township engineer, or another qualified civil engineering consultant, should review it. If no such civil engineering standards exist for this type of commercial dock, then a letter from our township Engineer confirming that no specific engineering standards apply should be included in the report. The applicant has been requested to indicate whether they are working with a civil engineer who is certifying the dock design and, if available, please submit a civil engineer's stamped drawing(s) for the dock design. **The site plan does not contain a civil engineering stamp.** The applicant understands this may be required, and Township staff has discussed the pending review of plans with the Township Engineer.
4. Indication of docking spaces using the standard boat sizes as listed in MCL 324.80124, which defines different fee schedules for boats based on size, and a definition of 'length of the vessel'. For example "two spaces for Motorboats 21 feet or over but less than 28 feet in length, four spaces for Motorboats 16 feet or over but less than 21 feet in length" etc. **Note 4 under the Use Statement in the site plan states that there will be (16) docking spaces for vessels of up to 28' in length.**
5. The maximum number of consecutive overnight stays at the docks in the marina for a single boat must be noted on the plan. If the applicant intends to make an exception for a service boat, tender, water taxi, or 'club boat' to be docked there seasonally, that should also be

called out on the plan. **The use statement includes a statement that “Members and guest will not be allowed to park overnight unless pre-approved by Belleville Yacht Club manager. If approved, no boat shall remain at docks for more than 3 nights.”**

6. Hours of operation must be noted. **The use statement indicates that dock hours will mirror club hours of Monday and Tuesday – closed, Wednesday, Thursday, and Friday – 4 pm to 10 pm, Saturday – 11 am to 1 am, Sunday – 11 am to 10 pm.**
7. If access to the short-term docked boats is allowed outside of normal club operating hours, then the plan must indicate how access to waste handling facilities will be provided to those boaters. This should include location of dumpsters and trash cans, bathroom access, and how the waste from the boat's head (marine toilet) will be handled. **The use statement notes that, “Outdoor bathrooms and waste dumpster are available 24 hours a day to all members”.**
8. There should be a "no sanitary pump out allowed" notation along with the "no fueling" one. **The use statement states that “Belleville Yacht Club will have no pump-out service and shall not allow removal of sanitary waste on premises”.**
9. If lighting is proposed, then the hours that the lights will be on must be noted in the plan, and should be chosen to correspond with the hours of operation of the marina and the DNR ramp next door. If safety lighting is proposed, a better solution would be for path lighting installed along the edge of the dock, and the position should be shown on the plan. **Note 3 under the Site Plan Notes section of the site plan states that, “Lighting will be provided to illuminate the docks from dusk until dawn, every day.” A drawing showing ornamental 46” tall x 10” wide dock lighting has been provided on sheet 2 of the site plan.**
10. A drawing of the current, existing site situation should be shown, so that the reviewers have a clear idea of what the new plan intends to change. **A drawing showing existing conditions has been provided on sheet 2 of the site plan.** The existing 2020 conditions included two (2) dock stems, each containing four (4) docks has been provided (typical dimensions of 4’ x 20’). The setback is shown as 6’ on the east/side lake lot line and appears to be narrower on the west/side lot line.
11. (Suggestion): It would help the reviewers to understand the request for exception if a conforming plan (less than or equal to 40’ and equal the maximum frontage extent) showing the number of possible spaces was provided. **Not provided in the 1/18/23 site plan.**

12. A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided. **A full use statement has been added to the site plan, copied below:**

- USE STATEMENT:

- THE MARINA WILL BE USED FOR THE TRANSIENT DOCKING OF MEMBERS AND GUEST OF THE BELLEVILLE YACHT CLUB.
- MEMBERS AND GUEST WILL NOT BE ALLOWED TO PARK OVERNIGHT UNLESS PRE-APPROVED BY BELLEVILLE YACHT CLUB MANAGER. IF APPROVED, NO BOAT SHALL REMAIN AT DOCKS FOR MORE THAN 3 NIGHTS.
- NO MAINTENANCE OR FUELING SHALL BE ALLOWED AT THE DOCKS. THE BELLEVILLE YACHT CLUB WILL HAVE NO PUMP-OUT SERVICE AND SHALL NOT ALLOW REMOVAL OF SANITARY WASTE ON PREMISES.
- DOCK HOURS WILL MIRROR CLUB HOURS OF: MONDAY AND TUESDAY - CLOSED, WEDNESDAY, THURSDAY, FRIDAY - 4pm TO 10pm, SATURDAY - 11 TO 1am, SUNDAY - 11am TO 10pm. OUTDOOR BATHROOMS AND WASTE DUMPSTER ARE AVAILABLE 24 HOURS A DAY TO ALL MEMBERS.
- THERE SHALL BE (16) DOCKING SPACES FOR VESSELS OF UP TO 28' IN LENGTH.

13. The dock surface material is subject to Planning Commission review. Verify that the materials meet any applicable requirements of EGLE. Please provide detailed descriptions and bring material samples if possible. **The site plan contains notes indicating that the dock will be constructed using 2"X6" treated lumber wood decking.** The applicant has indicated that wolmanized lumber will be used, and that he will bring material samples to the next Planning Commission meeting.

14. Provide dimensions that delineate the exact 'boat parking space' length x width dimensions for each parked / moored watercraft. Cleat marks should be shown on the plan where cleats will be installed. *Also see comment 4 above.* **The plan contains templates showing the dimensions of a typical 28' long boat, placed within the dock parking spaces in select locations.**

15. Dimensions shall be provided from the exterior limits of any exterior mooring spaces to the adjacent lake lot line, to demonstrate that 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. **The site plan indicates that there will be no exterior mooring spaces.**

16. Safety features including the locations of life preservers, exit ladders, lighting, and reflective markings shall be shown in plan view. **The site plan includes the location of a proposed post with a life ring along the site's seawall near the easternmost dock.**

17. A photometric drawing should be provided to demonstrate that the lighting will meet Section 8.106 of the Van Buren Township Zoning Ordinance, including that the light trespass will not exceed 0.5 foot candles at adjacent property lines. **The site plan does not include a photometric drawing.** The applicant has indicated that this will be provided later.
18. Bathymetric / depth contours shall be provided to demonstrate the bottom of the lake bed measured at the sea wall and measured at the farthest point of projection. **The dock/lake bed cross section drawing included with sheet 1 of the site plan shows an approximate depth of 6' near the seawall and an approximate depth of 14' at the farthest point of projection. Bathymetric contours are not shown at these locations in the site plan.**
19. Clarify that the depth you are showing on your site plan cross section is the water depth at the farthest point of projection (or if it is not the furthest depth, please provide the section at the farthest point of projection). **The dock/lake bed cross section drawing shows an approximate depth of 6' near the seawall and an approximate depth of 14' at the farthest point of projection.**
20. Show the location of the address marker on the lake side of 831 East Huron River Drive. **The site plan includes the location of the existing ladder along the site's seawall near the easternmost dock.**
21. Show the exact distance dimensions from the dock's furthest extent to the opposite shoreline. **The Overall Site Schematic plan on sheet 1 demonstrates a distance of 898.55' from shore line to shore line.**
22. Work with a design professional to demonstrate the no wake zones, wake zones, and navigable space extending out from the docks. **The site plan displays no wake zones and navigable spaces extending out from the docks on sheets 1 and 2.**
23. Additionally, the conditions in the staff reports that were previously provided per the BZA staff report from the Planning Director dated 1/9/2023 as revised and the Planning Commission packet from the Planning Director dated 1/10/2023 as revised:
  - The water depth at the farthest point of projection must be provided. **This was provided in the site plan as noted.**
  - 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. **This will be required at a later date.**
  - A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided. **This was provided in site plan as noted.**
  - The site shall not be used for fueling. **Notes committing to no fueling or maintenance are included in the site plan.**
  - Special approval must be obtained from the Township Board of Trustees. **This is to be determined pending outcome of Planning Commission and BZA reviews.**

- Special exception to Section 3.120(D)(5) must be obtained from the Van Buren Township Board of Zoning Appeals (BZA). **This is to be determined.**
- 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). **This is to be verified throughout review process.**
- 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. **This is to be determined upon the Planning Commission's consideration of final site plan review.**
- The dock surface material is subject to Planning Commission review. **A material sample will be provided as previously noted.**

## **Recommendation and Next Steps**

Based on the information that has been submitted with the 1/20/23 site plan, and any additional provided as part of their discussion on this case at a regular meeting, the Planning Commission is invited to make comment on the preliminary site plan submittal. The comments shared by the Planning Commission will then be recorded in the meeting minutes and then provided to the BZA. The BZA will then consider the request for a special exception for the excess length of the proposed dock structures beyond 40', as limited under Section 3.120(D)(5) of the Zoning Ordinance.

Pending the BZA's review and action, the final not-to-exceed length of the docks will be informed by the BZA's decision. Following that decision and any necessary revised site plan submittals, the Planning Commission may consider reviewing and acting on a recommendation for special approval to the Township Board of Trustees, and on site plan approval, for the proposed marina. The Board of Trustees may then consider the requested special approval for the marina. Following necessary agency approvals by EGLE and FERC, the Township will provide final lake authorization for the proposed use and dock structures at a later date. This review sequence is outlined below:

- Planning Commission preliminary review and commentary
- BZA action on requested special exception
- Planning Commission action on special approval use recommendation to the Board of Trustees and action on final site plan.
- Agency approvals from FERC and EGLE.
- Final Township authorization.

Thank you for allowing me to assist with this review.

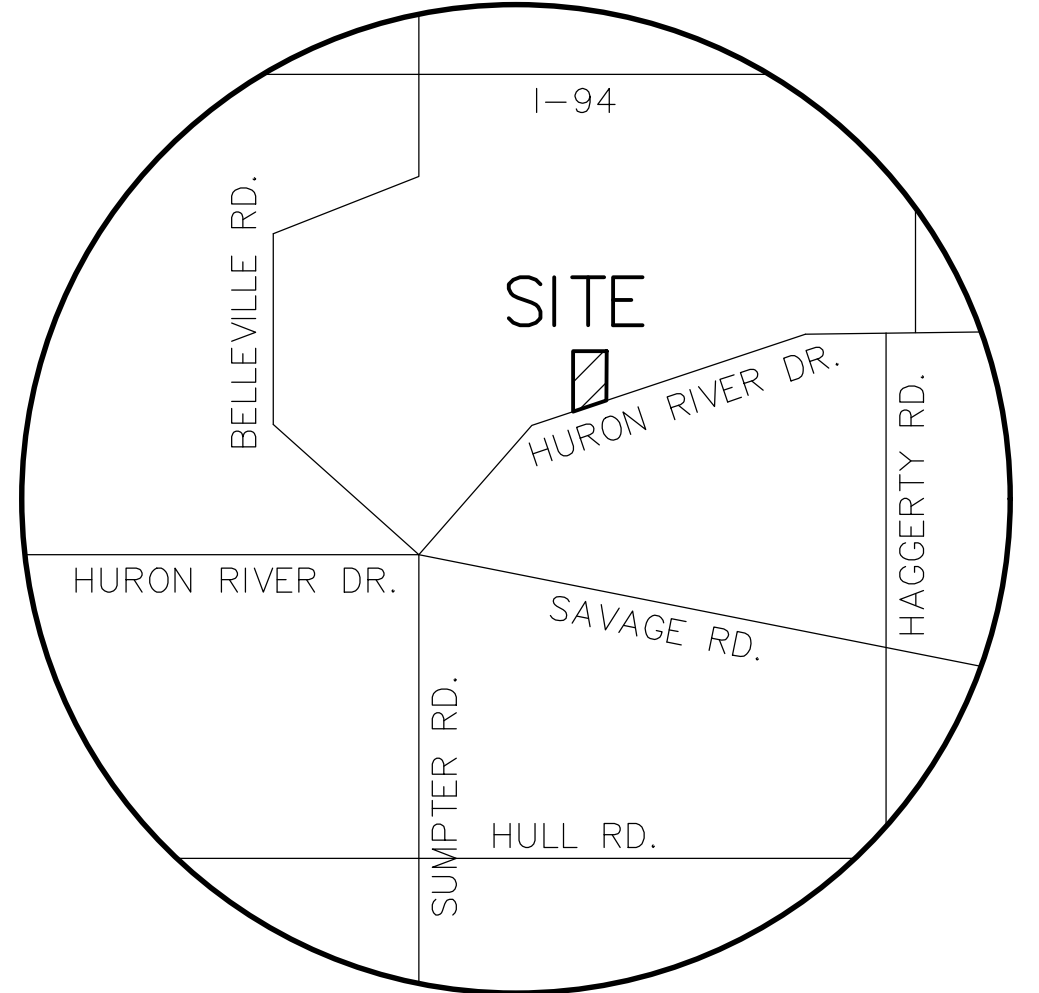
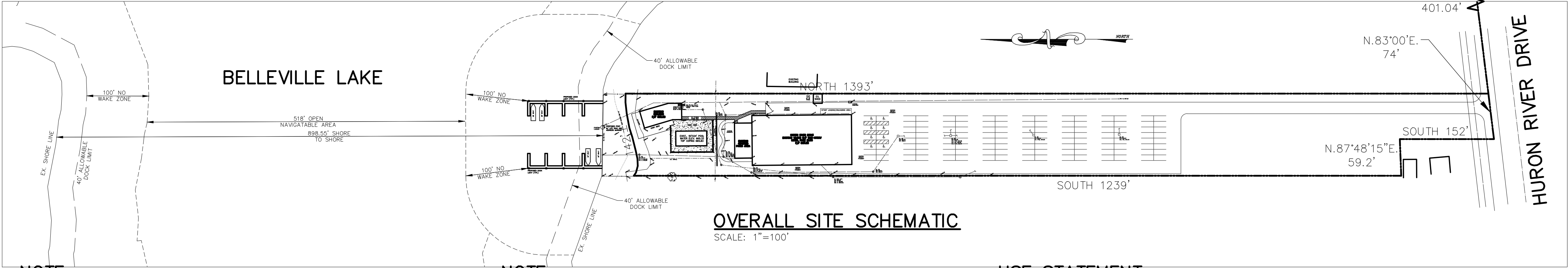
Sincerely,



Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

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

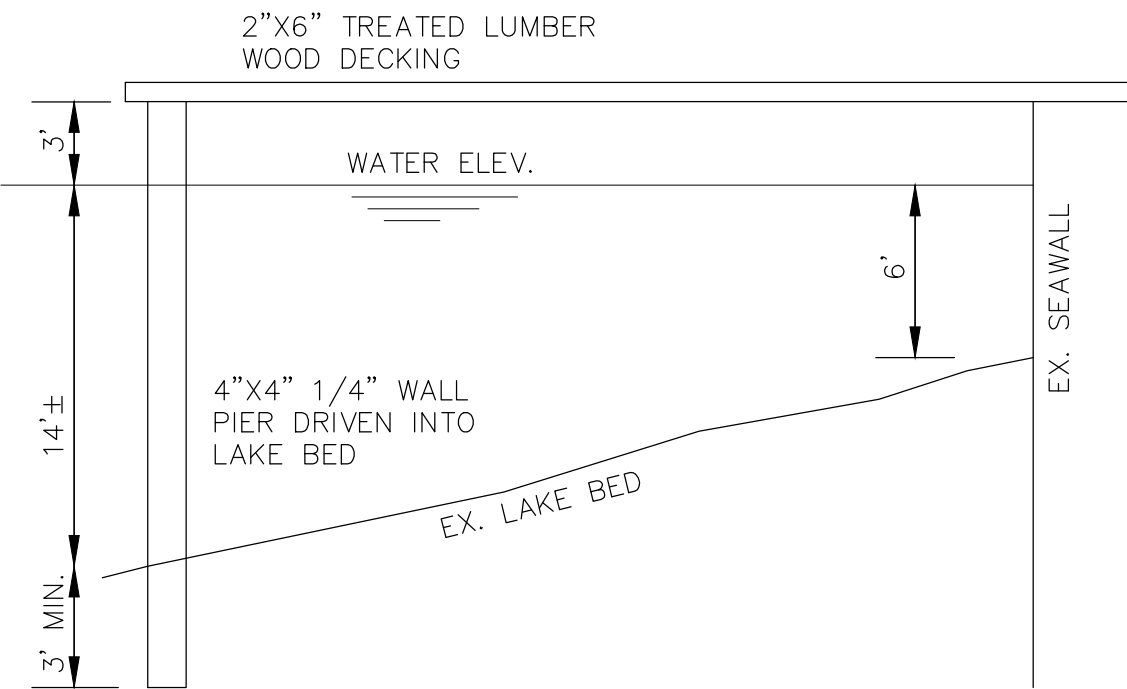
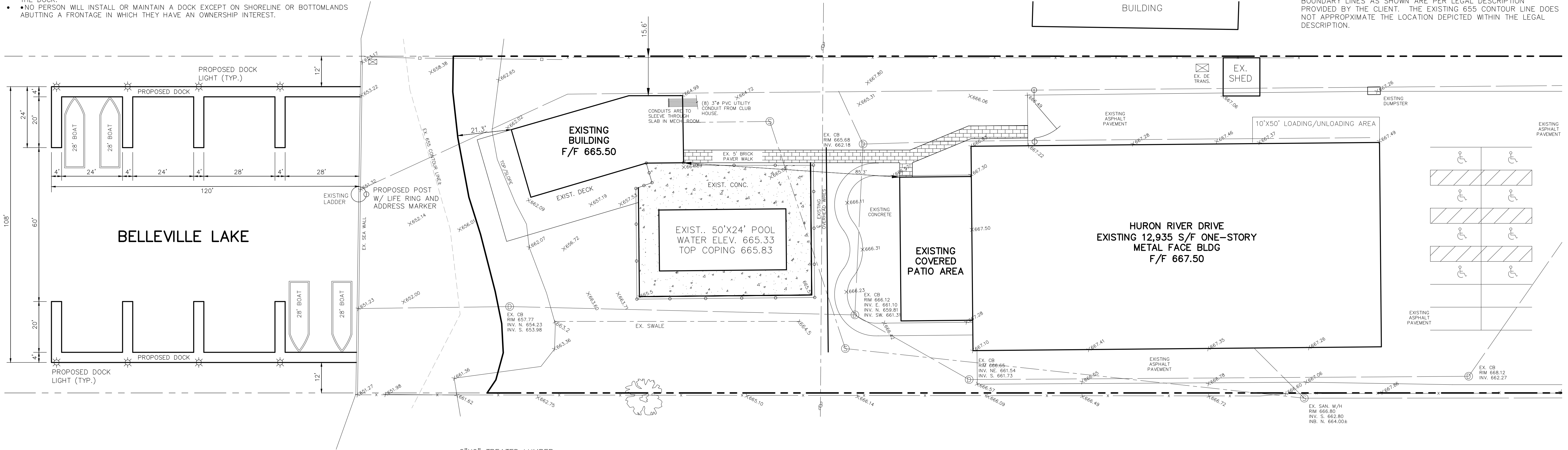


- NOTE:**
- NO BOAT LIFTS, CRADLES OR HOISTS WILL BE CONSTRUCTED.
  - NO BUILDINGS OR COVERED STRUCTURES WILL BE CONSTRUCTED ON THE WATER OR ON TOWNSHIP LAKE PROPERTY.
  - ALL USES AND STRUCTURES SHALL COMPLY WITH THE STANDARDS AND REQUIREMENTS OF SECTION 3.120(d) EXCEPT FOR ANY STATED EXCEPTIONS BEING PURSUED PER SEC. 3.120(i)(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.
  - 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.

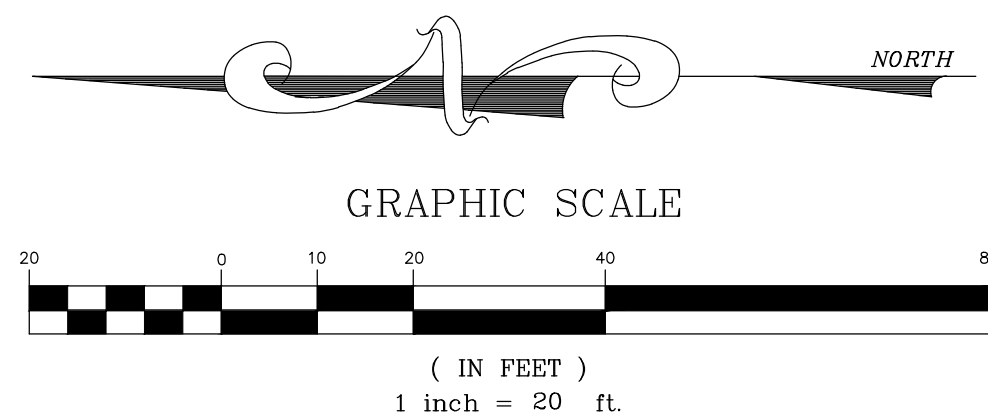
- NOTE:**
- ALL DOCKS WILL BE POSITIONED PERPENDICULAR TO THE SHORE, AND IN A MANNER THAT DOES NOT UNREASONABLY ENCRONCH ON THE USE AND ENJOYMENT OF THE LAKE BY NEIGHBORING LOTS.
  - DRY DOCKS AND DRY LAND STORAGE OF WATERCRAFT WILL NOT OCCUR AT THE SITE.
  - NO BOAT OR PORTION THEREOF WILL BE LAUNCHED, 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 3.120(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.
    - RELIEF FROM SE. 3.120(D)(5) WITH AN APPLICATION TO THE BOARD OF ZONING APPEALS (BZA) PURSUANT TO SEC. 3.120(F)(7).
  - ALL DOCKS WILL BE KEPT IN GOOD REPAIR.
  - THE MARINA WILL COMPLY WITH ALL APPLICABLE CONSTRUCTION STANDARDS AND PDERMIT 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.

- USE STATEMENT:**
- THE MARINA WILL BE USED FOR THE TRANSIENT DOCKING OF MEMBERS AND GUEST OF THE BELLEVILLE YACHT CLUB.
  - MEMBERS AND GUEST WILL NOT BE ALLOWED TO PARK OVERNIGHT UNLESS PRE-APPROVED BY BELLEVILLE YACHT CLUB MANAGER. IF APPROVED, NO BOAT SHALL REMAIN AT DOCKS FOR MORE THAN 3 NIGHTS
  - NO MAINTENANCE OR FUELING SHALL BE ALLOWED AT THE DOCKS. THE BELLEVILLE YACHT CLUB WILL HAVE NO PUMP-OUT SERVICE AND SHALL NOT ALLOW REMOVAL OF SANITARY WASTE ON PREMISES.
  - DOCK HOURS WILL MIRROR CLUB HOURS OF: MONDAY AND TUESDAY – CLOSED, WEDNESDAY, THURSDAY, FRIDAY – 4pm TO 10pm, SATURDAY – 11am TO 1am, SUNDAY – 11am TO 10pm. OUTDOOR BATHROOMS AND WASTE DUMPSTER ARE AVAILABLE 24 HOURS A DAY TO ALL MEMBERS.
  - THERE SHALL BE (16) DOCKING SPACES FOR VESSELS OF UP TO 28' IN LENGTH.

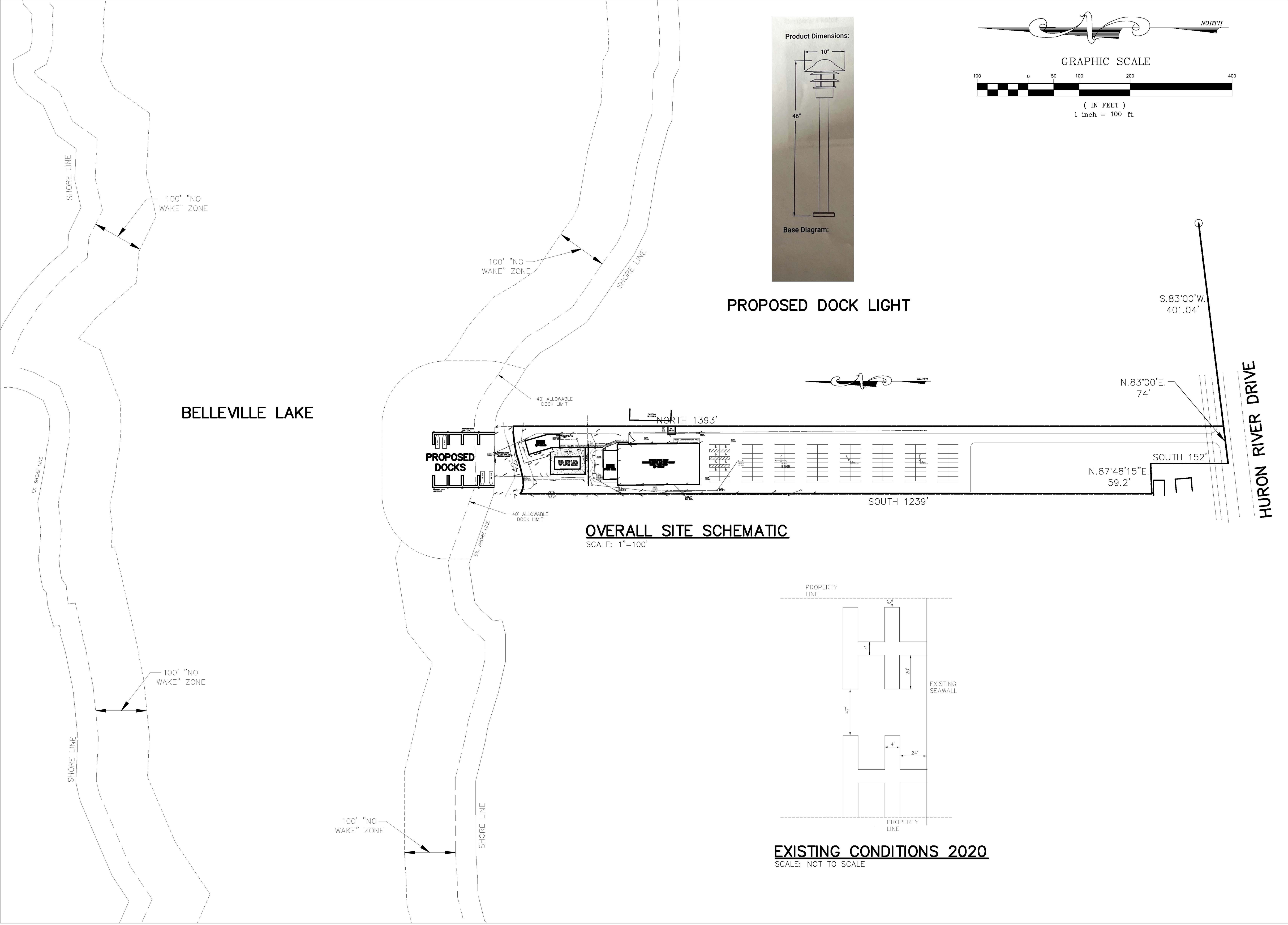
- SITE PLAN NOTES**
- THERE IS NO PROPOSED EARTH CHANGES IN CONJUNCTION WITH THE INSTALLATION OF THE PROPOSED DOCK.
  - DOCKS WILL COMPLY WITH THE MARINA STANDARDS OF THE TOWNSHIP ZONING ORDINANCE.
  - LIGHTING WILL BE PROVIDED TO ILLUMINATE THE DOCKS FROM DUST UNTIL DAWN, EVERY DAY.



**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" FASTEND 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
  - X— EX. FENCE
  - ⊙ EX. STREET SIGN
  - ⊙ EX. LIGHT POLE



SHEET No.	2	OF	2	2022-BYC	DRAWING No.	A-	DATE	REVISIONS	
								01-03-23	01-06-23
2	2	2	2022-BYC	K.B. HARDY	W.D. MILLS	01-18-23	01-20-23	BYC 831 HURON RIVER DRIVE	
								VAN BUREN TOWNSHIP,	
								WAYNE COUNTY, MICHIGAN	
								SITE PLAN	
								HARDY CIVIL DESIGN SERVICES LLC	
								4996 MOORE ST. WAYNE, MI 48184	
								(734) 756-2196	
								E-mail: kbhardy1964@hotmail.com	



# 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

## BOARD OF ZONING APPEALS APPLICATION

### APPLICANT INFORMATION

NAME: Scott Jones	PHONE: 313-215-3013
ADDRESS: 11696 Juniper Drive	CELL PHONE: 313-215-3013
CITY, STATE & ZIP Van Buren Twp, 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 Twp, MI 48111	FAX:
EMAIL:	

### SITE INFORMATION

PROJECT ADDRESS: 831 East Huron River Dr		
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:
DATE PROPERTY ACQUIRED:	TYPE OF OWNERSHIP OF PROPERTY:	
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION:		

### VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): 3.120(D)(5)(Belleville Lake Shoreline Districts-Develop Regulations-Dock Length & Width) - See Attached
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): In contrast to the requirement of Section 3.120(D)(5) that limits the dock length to 40 feet into the lake, measured perpendicularly from the shoreline unless greater length is necessary to reach water with a depth of three feet, I seek to install two(2) docks each with a length not to exceed 120 feet subject to approval by the State of Michigan.
APPLICANT MUST ALSO SUBMIT PHOTOGRAPHS OF THE BUILDING AND/OR STRUCTURES ON SITE AS WELL AS SKETCH PLAN OR PLOT PLAN SHOWING THE DIMENSIONS OF THE LOT AND THE EXISTING AND PROPOSED SETBACKS.

### OWNER'S AFFIDAVIT

Scott Jones

PRINT PROPERTY OWNER'S NAME

SIGNATURE OF PROPERTY OWNER

12/13/2022

DATE

STATE OF MICHIGAN  
COUNTY OF WAYNE

LYNDSY RUTH TANKERSLEY  
Notary Public, State of Michigan

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

My Commission Expires 02-22-2026  
Acting in the County of Wayne

Subscribed and sworn before me this 13th day of December, 2022.  
Lynsey Ruth Tankersley Notary Public, Wayne County, Michigan

My Commission expires 02/22, 2026.



## MEMO

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TO: Van Buren Township Planning Commission

FROM: Dan Power– Director of Planning and Economic Development

RE: Proposed Changes to Rules of Procedure and Election of Officers

DATE: January 19, 2023

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### Planning Commissioners:

Based on direction from the Planning Commission meeting held on January 11, 2023, the Planning Commission is requested to consider revisions to their bylaws to include the Pledge of Allegiance at the beginning of each meeting and to adjust the placement of the annual election of officers within the agenda of the first regular business meeting of December each year. I have submitted draft modifications to the Planning Commission for your review. Pending your acceptance, the draft modifications may be recommended for adoption. The Planning Commission may consider a motion to adopt changes to Rules of Procedure, subject to a vote of a two-thirds (2/3) vote of the entire membership of the Planning Commission, subject to approval of the Township Board and adherence to the enabling act(s).

Additionally, Based on the recent appointment of former Planning Commission Chair Bryon Kelley to the Board of Trustees, the Planning Commission is requested to consider scheduling a new election of officers based on the vacancy of a Chair, Vice-Chair, or Secretary, per Article III, Section 1 of the Township's adopted Rules of Procedure:

- A Chairperson, Vice-Chairperson and Secretary shall be elected by a majority vote of the Commissioners at the first regular business meeting of December each year, or when a vacancy occurs. Such other officers as are deemed necessary for the conduct of business shall be appointed by the Planning Commission as required. All officers shall take their respective office at the same meeting at which they were elected.

While the Planning Commission has not generally been holding elections each time there is a vacancy, with the absence of the recently reelected Planning Commission Chair for a period of almost one year until the next annual election in December 2023, the Planning Commission may wish to vote again for the election of officers for the remainder of 2023. If the Planning Commission agrees, they may consider placement of Election of Officers on next Regular Meeting agenda.

The following are the current officers of the Planning Commission.

- Chairperson: (Vacant)
- Vice-Chairperson: Commissioner Jahr
- Secretary: Commissioner Atchinson

The typical process for electing an officer is to have a nomination, a second to the nomination, and then a vote on the nomination by the full commission. The vote typically occurs in the following order:

- Chairperson
- Vice-Chairperson
- Secretary

The Planning Commission should also elect or reelect a liaison to the Board of Zoning Appeals (BZA). For the year 2022, Jeffrey Jahr was elected as the Board of Zoning Appeals member and Medina Atchinson was elected as the alternate Board of Zoning Appeals member.

Thank you for allowing me to comment on these procedural items. Please do not hesitate to contact me with any questions.

Sincerely,

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

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



## Planning Commission Rules and Procedures

*Adopted by the Planning Commission: October 28, 2015*  
*Approved by the Township Board: December 1, 2015*

~~October 28, 2015~~ January 19, 2023

## **Table of Contents**

Article I.	Objectives
Article II.	Commission Membership
Article III.	Officers
Article IV.	Meetings
Article V.	Procedures
Article VI.	Order of Business
Article VII.	Reports
Article VIII.	Expenditures
Article IX.	Responsibilities of Commissioners
Article X.	Amendments

## **Article I- Objectives**

The objectives of the Van Buren Township Planning Commission are those set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Act (MCL 125.3801 *et seq.*), and Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 *et seq.*). The powers and duties of the Planning Commission are those delegated to it by the above-mentioned Acts.

## **Article II – Commission Membership**

### *Section 1*

The Van Buren Township Planning Commission shall consist of seven (7) voting members each appointed by the Township Supervisor, subject to approval of the Township Board of Trustees. The Commission's seven (7) voting members shall be comprised of six (6) citizen-members from the community and one (1) member of the Township Board of Trustees. No other elected officer or employee of the township is eligible to be a member of the Planning Commission other than the Township Supervisor in his/her ex-officio capacity pursuant to Public Act 359 of 1947, MCL 42.10 (h).

In the event the Township Supervisor becomes an ex-officio member of the Planning Commission pursuant to MCL 42.10 (h), it shall be in a non-voting capacity and his/her position as an ex-officio member of the Planning Commission shall not affect the establishment of a quorum for voting purposes. In the event the Township Supervisor becomes the ex-officio member of the Planning Commission through appointment by the Township Board, it shall be in a voting capacity and for purposes of constituting a quorum.

### *Section 2*

Each member shall be appointed for a term of three (3) years and will continue to serve and perform until reappointed, a successor is appointed or removal for non-performance of duty. Successors will be appointed by the Township Supervisor, subject to approval of the Township Board of Trustees.

## **Article III- Election of Officers: Their Duties**

### *Section 1*

A Chairperson, Vice-Chairperson and Secretary shall be elected by a majority vote of the Commissioners as the last new business item at the first regular business meeting of December each year, or when a vacancy occurs. Such other officers as are deemed necessary for the conduct of business shall be appointed by the Planning Commission as required. All officers shall take their respective office at the ~~same~~ first regularly scheduled meeting following the meeting at which they were elected.

## *Planning Commission Rules and Procedures*

### *Section 2*

The Chairperson shall preside at all meetings of the Planning Commission and shall have the powers and duties conferred upon such officers by these rules and procedures and by parliamentary procedure. The Chairperson shall be a citizen-member of the Planning Commission and shall enjoy the privilege of discussing all matters before the Planning Commission, and of voting thereon. The Chairperson shall appoint such committees as may be authorized by the Planning Commission and shall be an ex-officio member of all such committees.

### *Section 3*

The Chairperson shall serve as the Planning Commission representative to the Board of Zoning Appeals, also known as the Zoning Board of Appeals. Alternatively, the Chairperson may appoint a citizen-member of the Planning Commission to serve as the representative to the Board of Zoning Appeals. This appointment, if necessary, shall be made each year at the same meeting as the election of officers or when a vacancy occurs.

### *Section 4*

The Vice-Chairperson shall be a citizen-member of the Planning Commission and shall preside and exercise all of the duties of the Chairperson in his/her absence. In the event both the Chairperson and the Vice-Chairperson are absent from a meeting, a temporary Chairperson shall be elected by a majority vote of the Commissioners present.

### *Section 5*

The Secretary shall sign all formal correspondence from the Planning Commission, and perform other duties normally devolving upon such office.

## **Article IV- Meetings**

### *Section 1*

All Planning Commission meetings shall be open to the public in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended; and all minutes and other records of proceedings shall be made matters of public record in accordance with the Freedom of Information Act, Michigan Public Act 442 of 1976, as amended.

### *Section 2*

A recording secretary, whose position shall be a non-voting one in order to record accurate minutes of the proceedings, shall be provided by the Township for all workshop, regular, and special Planning Commission meetings.

### *Section 3*

## *Planning Commission Rules and Procedures*

The schedule for regular business meetings, at which formal decisions and recommendations may be made, shall be adopted at or prior to the first meeting in December of each calendar year. Meetings may be rescheduled by a vote of the Planning Commission, then appropriately posted and properly noted by the recording secretary.

### *Section 4*

Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call such a meeting when requested to do so by a majority of the Commissioners. Special meetings shall be appropriately posted at least 48 hours prior to such a meeting and shall state the purpose, location, and time of the meeting and properly noted by the recording secretary.

If any individual or group of individuals requests a special meeting, the Township shall be reimbursed the costs for all necessary expenditures incurred.

### *Section 5*

A quorum shall consist of four (4) commissioners.

### *Section 6*

A concurring vote of the majority of the Commissioners present, but not less than four (4), shall be necessary to pass on any matter referred to the Planning Commission, or any matter upon which the Planning Commission is required to act by law.

### *Section 7*

It will be the responsibility of the Chairperson to limit debate so that all items placed on the agendas will be heard. In an effort to encourage public participation in the planning process, remarks from members of the public who are not associated with the applicant or appearing at the request of the Township to provide specific information, shall be limited to five minutes each. A second opportunity shall be afforded these individuals after all members of the public wishing to speak for the first time on the matter have had an opportunity to do so and the second set of remarks shall be limited to three minutes.

### *Section 8*

All proceedings of the Planning Commission shall be initiated by motion and voted upon by all Commissioners present. A roll call vote shall be taken in all matters pertaining to rezoning, other recommendations to the Township Board, and in all other cases where the nature of the matter to be decided appears to warrant a roll call vote. In the event one or more of the Commissioners abstains from voting on a particular matter, that abstinence shall not be counted as a vote either in favor of or opposed to the issue to be decided. Permission for such abstinence must be granted by a simple majority of the other Commissioners present.

### *Section 9*

Following the Call to Order and prior to Roll Call being taken on each Planning Commission agenda, the Pledge of Allegiance shall be stated.

## **Article V- Procedures**

### *Section 1*

All inquiries, applications and any other matters requiring action by the Planning Commission shall be submitted in writing to the Township Developmental Services Department a minimum of fourteen (14) days prior to a scheduled meeting of the Planning Commission. Actions requiring a public hearing are subject to the notice requirements in Section 3.

The Developmental Services Department shall forward a copy of the agenda to the Township Clerk and all agenda items to the Planning Commissioners, Director of Planning and appropriate consultants for expeditious preliminary review. Petitioners shall also be notified prior to the date of their scheduled agenda item.

### *Section 2*

The Planning Commission may require such surveys, plans or other information as it may deem necessary for the proper evaluation and consideration of the related matter. All petitions shall be made in the approved form, and shall contain complete information as to the full intentions for the petitioner, as well as, legal and informal description of the property in question. In the event insufficient data is provided, the Planning Commission may table the entire matter until such time as all required information is furnished.

### *Section 3*

When the Planning Commission is called upon to hold a public hearing on any proposed amendment to the Zoning Ordinance, Zoning Map, Master Plan, or special land use request; not less than a fifteen (15) day notice of the time and place of such hearing shall be published in a newspaper of general circulation within Van Buren Township.

Notice shall also be sent to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall do all of the following:

- a) Describe the nature of the request.
- b) Indicate the property that is the subject of the request.
- c) State when and where the request will be considered.
- d) Indicate when and where written comments will be received concerning the request.

### *Section 4*

## *Planning Commission Rules and Procedures*

At the time of application, the petitioner shall deposit with the Township Treasurer a check payable to the Van Buren Township. Said deposit shall be used to cover the expenses of the processing of the requested action in accordance with the Township Zoning Ordinance. Fees shall be reviewed from time to time by Township staff and then adopted by the Township Board.

### **Article VI- Order of Business**

#### *Section 1*

The order of business at regular meetings shall be:

1. Call to order
2. Roll call
3. Approval of Agenda
4. Approval of Minutes
5. Correspondence
6. Public Hearings
7. Unfinished business
8. New business
9. General Discussion
10. Adjournment

### **Article VII- Reports**

#### *Section 1*

The Planning Commission shall keep the Township Board apprised of its proceedings by forwarding copies of all approved minutes within one (1) week of their approval.

### **Article IX- Expenditures**

#### *Section 1*

All disbursements shall be accounted for in accordance with the Van Buren Township purchasing policy guidelines as established by the Township Board of Trustees.

### **Article X- Responsibilities of Commissioners**

#### *Section 1*

Commissioners shall endeavor to attend all meetings of the Planning Commission. When a Planning Commission member needs to be excused, he or she should notify the recording secretary prior to the meeting. If any member of the Planning Commission has three (3) unexcused absences in a row, then that member shall be

## *Planning Commission Rules and Procedures*

considered delinquent. Delinquency shall be grounds for the Township Board to remove any member for non-performance of duty. The recording secretary shall keep attendance records and shall notify the Township Supervisor whenever any member of the Planning Commission has three (3) unexcused absences in a row.

### *Section 2*

Commissioners shall attend training relative to the duties of the Planning Commission. All members of the Planning Commission should attend a minimum of two (2) Township approved training classes or sessions annually. Township staff shall inform Commissioners of training opportunities and attempt to organize training classes or sessions within Van Buren Township.

### *Section 3*

Commissioners shall make every effort to avoid a conflict of interest that shall arise from a real or seeming incompatibility between the Commissioner's private interests and the Commissioner's public or fiduciary duties. Planning Commission members shall declare a conflict of interest and abstain from participating in any hearing, deliberations, discussion, or vote on a request when:

- a) A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
- b) The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
- c) The Planning Commission member owns or has a financial interest in neighboring property. For the purposes of this section, a neighboring property shall include all property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance or state statute;
- d) There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
- e) The Commissioner has taken a public position on a matter before the Commission before participating in a hearing or voting shall be considered a conflict of interest.
- f) The majority of the members of the Planning Commission present vote in the affirmative that they believe a member has a conflict of interest in the matter before them.

Failure of a member to disclose a potential conflict of interest as required by these Bylaws shall constitute malfeasance in office.

## **Article XI- Amendments**

### *Section 1*

## *Planning Commission Rules and Procedures*

These bylaws may be amended by a two-thirds (2/3) vote of the entire membership of the Planning Commission, subject to approval of the Township Board and adherence to the enabling act(s).