

**CHARTER TOWNSHIP OF VAN BUREN**  
**PLANNING COMMISSION AGENDA**  
**Wednesday, February 8<sup>th</sup>, 2023 – 5:30 PM**  
**Van Buren Township Hall**  
**46425 Tyler Road**

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

Please click this link to join the webinar: <https://us06web.zoom.us/j/87518269406>

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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 / ANNOUNCEMENTS:**

**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 Case 21-040 – DTE Morton Substation Final Site Plan Approval**

The applicants, Christopher Becker and Matthew Wolfe, on behalf of DTE Electric, seeks site plan review for the construction of a 120 – 13.2 kV, 80 MVA nine circuit substation and related site improvements.

LOCATION: 42061 Ecorse Road, tax parcel 83 041 99 0004 001, On the South side of Ecorse Road between Haggerty Road and Kirkridge Park Drive.

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

**ITEM # 2 Case 22-012 – Chahal Semi Truck Repair Facility Final Site Plan**

DESCRIPTION: Joe Davenport on behalf of owner Sukhdev Singh has applied to construct an 8,320 square foot truck and trailer repair building with truck well and site improvements. The property is zoned M-2 – General Industrial District.

LOCATION: 6100 Schooner Drive (parcel ID number V-125- 83 017 99 0014 714), located south of Michigan Avenue extending between Schooner Drive (west) and Schooner Drive (east).

ACTION ITEMS: A. Presentation from Township Staff  
B. Presentation from the applicant  
C. Planning Commission discussion  
D. Public comment  
E. Planning Commission considers final site plan approval

**ITEM # 3: Extension Request: Case 17-026 – Final Site Plan Approval for Metro Park Party Store Gas Station And Fuel Pumps**

TITLE: A request by Timothy Shammass and Andy Shina on behalf of owner Side Park, Inc. for an extension of approval of a previously approved final site plan to add a

gasoline filling station to an existing shopping center. Approval was granted on April 14, 2021.

**LOCATION:** The site is located at 41001 East Huron River Drive (parcel ID number 83 095 01 0231 010), located at the southwest corner of Haggerty Road and E. Huron River Drive.

**ACTION ITEMS:**

- A. Presentation by Township Staff.
- B. Planning Commission discussion.
- C. Planning Commission considers extension of final site plan approval.

**ITEM # 4: Extension Request: Case 20-012 – Final Site Plan Approval for Jiffy Lube Minor Vehicle Service**

**TITLE:** A request by Jiffy Lube International, Inc. for an extension of approval of a previously approved final site plan construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021.

**LOCATION:** The site is located on the south side of Tyler Road east of Belleville Road at 44475 Tyler Road (parcel ID number 83 058 99 0006 712). The property is zoned C-2 – Extensive Highway Business District and also in the Belleville Road Overlay District (BROD).

**ACTION ITEMS:**

- A. Presentation by Township Staff.
- B. Planning Commission discussion.
- C. Planning Commission considers extension of final site plan approval.

**ITEM # 5: 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 # 6: 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 themself.
- 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 the 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

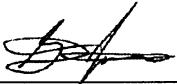
NAME OF PROJECT: BYC Docks			
PARCEL ID NO: V125-83-		PROJECT ADDRESS:	
*APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY			
PROPERTY LOCATION: On the <u>North</u> Side of <u>Huron River Dr</u> Road; Between <u>Martinsville</u> Road and <u>Edgemont</u> Road.			
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH: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

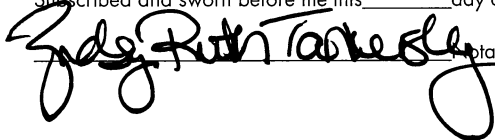
**12.21.2022**

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: February 2, 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 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.

The proposed marina use will involve the construction of two (2) multi-dock structures which have a proposed length of 120 feet each. Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance states that no dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Relief from Sec. 3.120(D)(5) is therefore sought with an application to the Board of Zoning Appeals (BZA) pursuant to Sec. 3.120(F)(7). The request of the Planning Commission at this time is to preliminarily review the revised site plan submittals and to provide comments to the BZA to assist in the BZA’s decision. This is explained more completely in the section below.

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

Based on application being made for the requested marina with an exception for the proposed dock length in December 2022, public hearings with the BZA and Planning Commission were scheduled. A public hearing was held with the BZA on January 10, 2023 to consider the special exception request. The BZA postponed their decision on this request to allow additional review and commentary on the request and its associated marina site plan to inform the BZA’s decision. A public hearing was held by the Planning Commission to consider the marina special approval and

site plan requests on January 11, 2023. At this meeting, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan and / or supplemental data, and for action to be taken by the BZA at a future meeting prior to a final decision on the site plan by the Planning Commission. Discussion and analysis during and following the BZA and Planning Commission reviews on January 10<sup>th</sup> and January 11<sup>th</sup> culminated in comments from members in the public, the BZA and the Planning Commission regarding the scope of the site's boating use, the impacts of the proposed docks on lake navigability, safety, and aesthetics, and the uniqueness of the property's or use's attributes or constraints relative to the land use request.

I have previously provided a report to the Planning Commission dated January 6, 2023 (revised January 10, 2023) which summarized findings based on the application requirement and various review criteria. Based on the analysis provided in staff reports and based on additional information received throughout the public input process, including any corrections or clarifications to previous staff findings, the Planning Commission and BZA should provide findings of fact that respond to the criteria these boards address under Section 3.120 of the Van Buren Township Zoning Ordinance. At their next meeting on this topic, the Planning Commission will follow the direction it established at their meeting on January 11<sup>th</sup>, 2023, to provide feedback to the BZA to assist the BZA in making its decision on the exception request. Specifically, the BZA will be making findings on the following five (5) criteria in determining whether to approve the requested special exception for excessive dock length, per Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance:

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

To assist the Planning Commission with analysis and commentary on these items, the applicant was provided direction on specific submittals to be provided following the January 11<sup>th</sup> public hearing. A revised 2-page site plan submittal from Hardy Civil Design Services, LLC was submitted to the Township, revision-dated 1/20/2023 (to be referenced herein as "site plan"). A list of the requested submittals and **analysis of these submittals** 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). **This was 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 at this time.**
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 site plan's use statement 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 dock lighting has been provided on sheet 2 of the site plan. The lighting dimensions are 46" tall x 10" wide.

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 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.** EGLE's purview over this request involves approval of the proposed dock configuration based on guidelines from Part 301 (Act 451 of 1994). EGLE reviews the impacts on adjacent property owners including the dock size and length on adjacent properties, adjacent land uses, impacts to navigation on the lake, and public comments received during a required 20-day comment period. During this process the applicant is asked to demonstrate how they are not impeding public interest and navigation on the lake. EGLE has stated to staff that their primary concern is a proposed plan that meets the criteria in Part 301 and that does not result in possible impacts to adjacent riparian owners and public's ability to navigate the waters.
- 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.**

24. Staff was also requested to provide insight regarding the inception of the 40-foot maximum length requirement under the Van Buren Township Zoning Ordinance. It is staff's understanding that at one time, discussion was held regarding extending the required length from 40 feet to 80 feet for BLB-zoned sites. The consensus in the final, published version of the Belleville Lake Shoreline Districts Ordinance was a 40-foot maximum length.

25. Discussion was also held regarding the use of a lake traffic impact study. Additional dimensional details have been secured, as summarized previously in this report. These additional details demonstrate the proximity of the docks to nearby lakefront parcels, potential dock construction areas in nearby properties, and wake and no wake zones. While a lake traffic study is not currently available, these details provide a basis for



measuring navigability around the Township Lake Property in relation to the docks' design. Navigability will also be closely studied as part of EGLE's review of the proposed docks.

## **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 and to provide commentary on the five (5) previously stated special exception criteria under Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance. 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.

Following a decision on the final not-to-exceed length of the docks by the BZA and any necessary revised site plan submittals, the Planning Commission may consider reviewing a request for special approval and making a recommendation to the Township Board of Trustees, and on site plan approval, for the proposed marina. Reviews by the Township Board of Trustees, EGLE and FERC will also occur. This review sequence is outlined below:

- Planning Commission preliminary review and commentary on special exception request
- BZA action on requested special exception
  - *Review criteria includes Sec. 3.120(F)(7) of the Van Buren Township Zoning Ordinance*
- Planning Commission action on special approval use recommendation to the Board of Trustees and action on site plan.
  - *Review criteria includes Sec. 3.120(C)(2)(c), 12.306, 3.120(D), and 3.120(F) of the Van Buren Township Zoning Ordinance*
- Agency review and approvals from EGLE and FERC.
- Final Township authorization.

Thank you for allowing me to assist with this review.

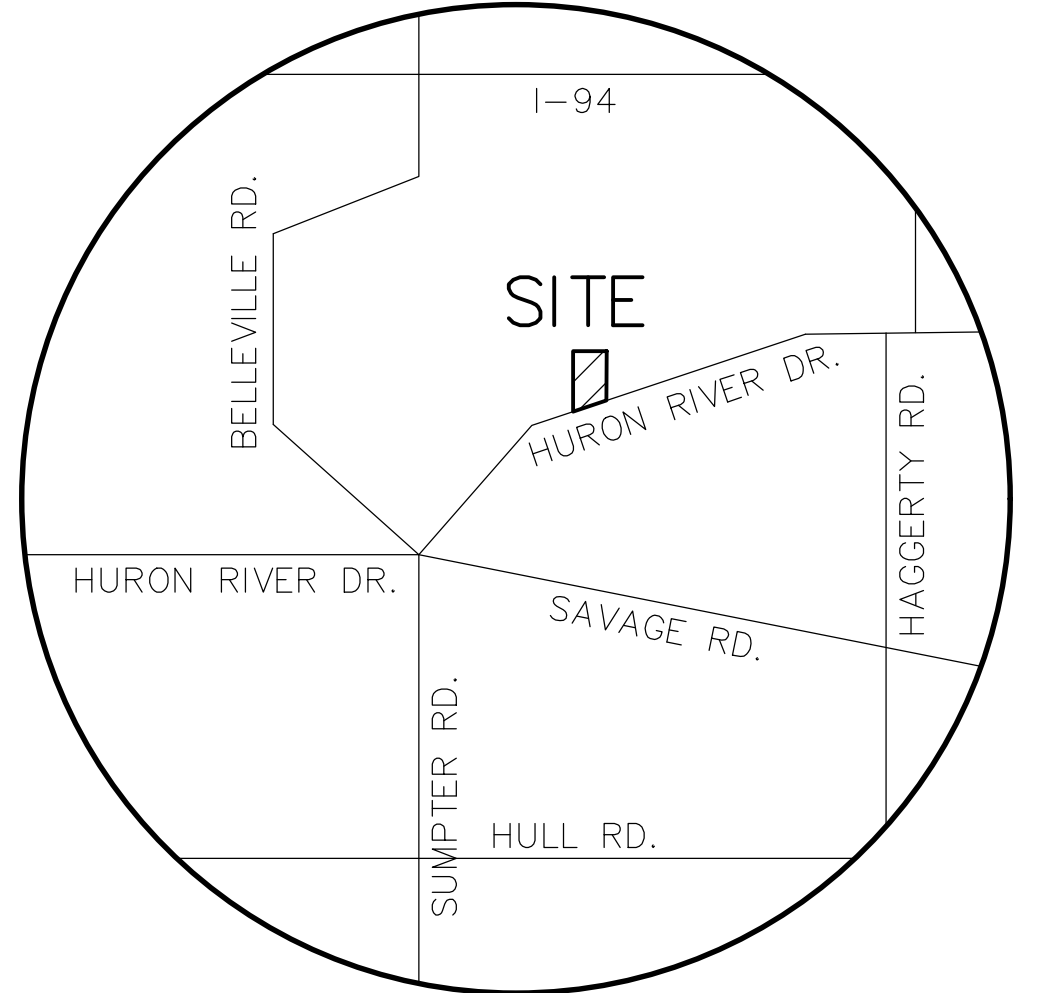
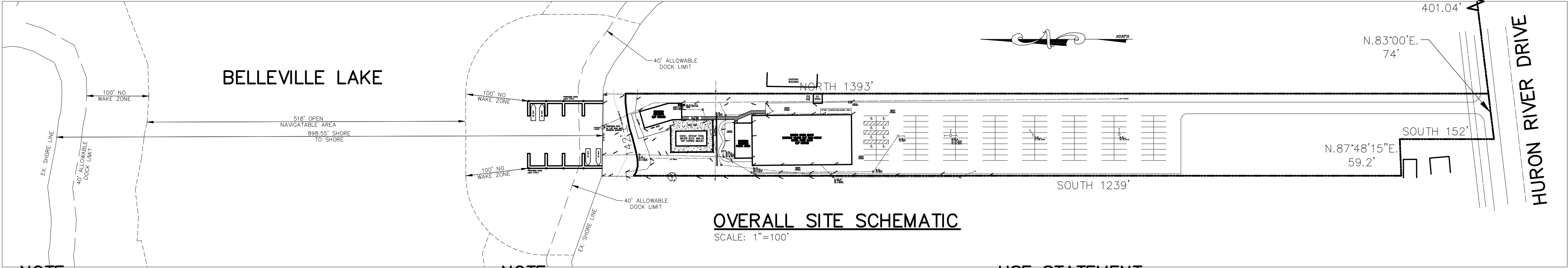
Sincerely,



Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

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

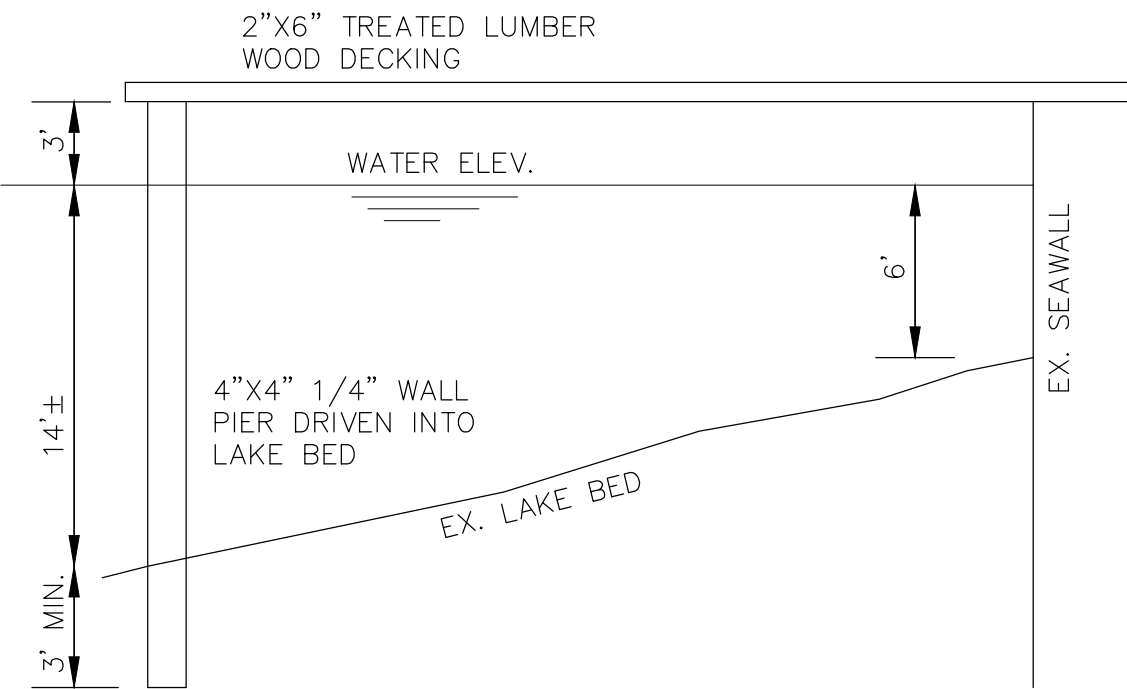
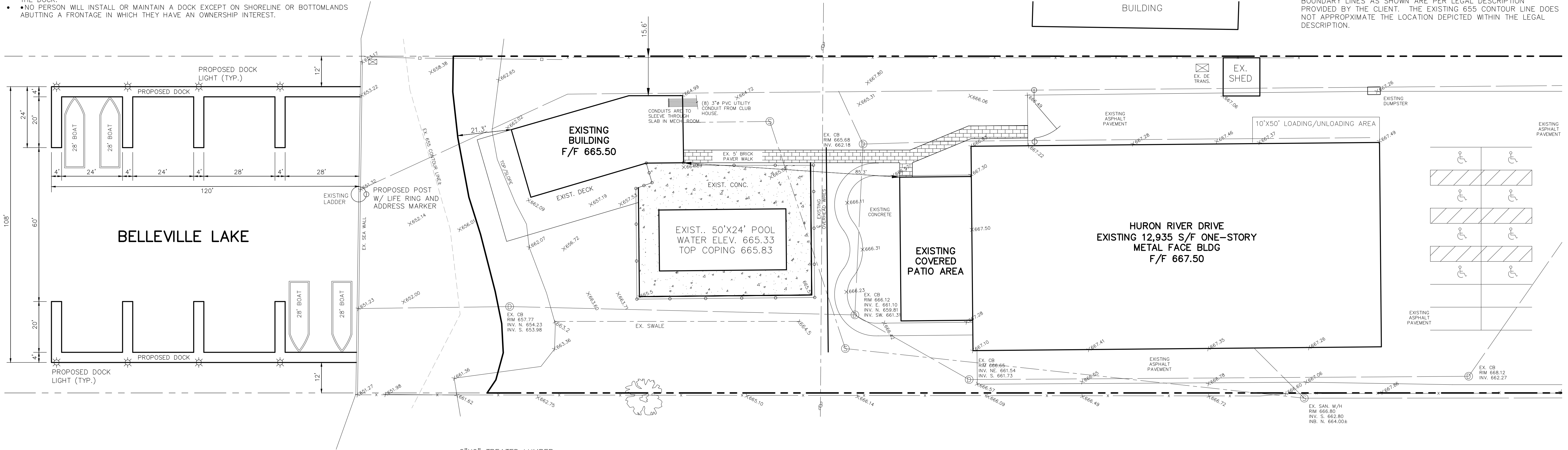


- NOTE:**
- NO BOAT LIFTS, CRADLES OR HOISTS WILL BE CONSTRUCTED.
  - NO BUILDINGS OR COVERED STRUCTURES WILL BE CONSTRUCTED ON THE WATER OR ON TOWNSHIP LAKE PROPERTY.
  - ALL USES AND STRUCTURES SHALL COMPLY WITH THE STANDARDS AND REQUIREMENTS OF SECTION 3.120(d) EXCEPT FOR ANY STATED EXCEPTIONS BEING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

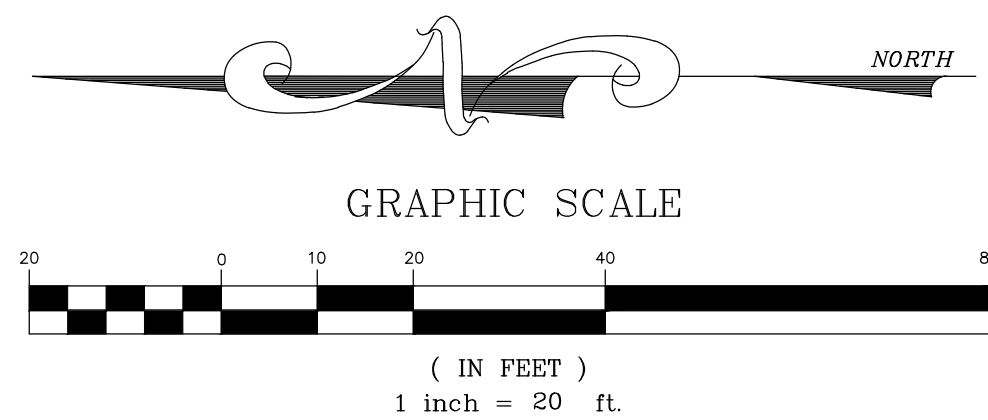
- NOTE:**
- ALL DOCKS WILL BE POSITIONED PERPENDICULAR TO THE SHORE, AND IN A MANNER THAT DOES NOT UNREASONABLY ENCR OACH ON THE USE AND ENJOYMENT OF THE LAKE BY NEIGHBORING LOTS.
  - DRY DOCKS AND DRY LAND STORAGE OF WATERCRAFT WILL NOT OCCUR AT THE SITE.
  - NO BOAT OR PORTION THEREOF WILL BE LAUNCHED, STORED, MOORED OR DOCKED WITHIN FIVE FEET OF THE SIDE LOT LINES OF AN ABUTTING UPLAND LOT AS EXTENDED INTO THE WATER.
  - NOTE THE FOLLOWING:
    - RELIEF IS SOUGHT FROM SECTION 3.120(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.



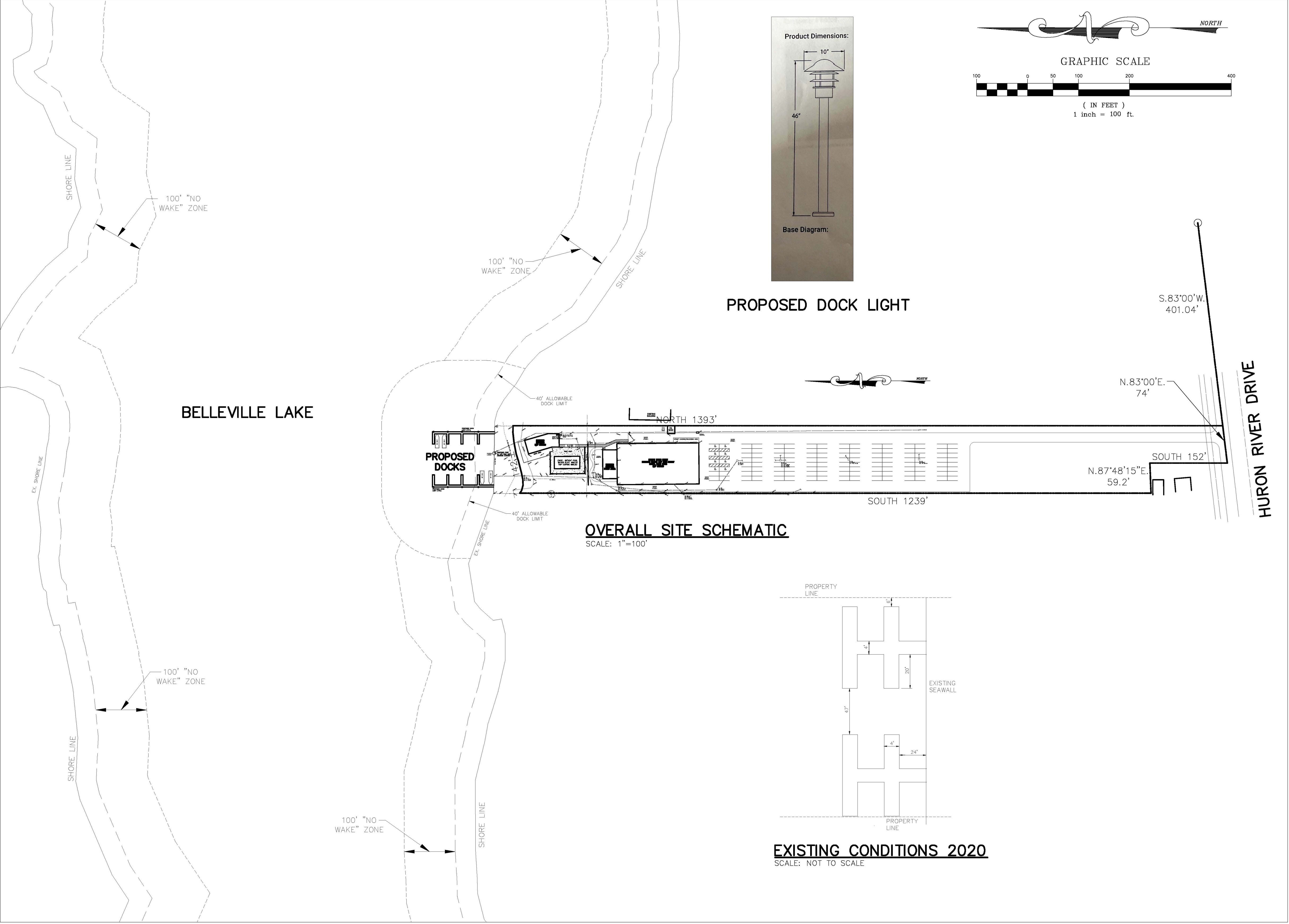
- LEGEND**
- EX. CATCH BASIN
  - ⊙ EX. SANITARY MANHOLE
  - ⊙ EX. STORM MANHOLE
  - ⊙ EX. HYDRANT
  - ⊙ EX. UTILITY POLE
  - ⊙ EX. VALVE WELL
  - ⊙ EX. FENCE
  - ⊙ EX. STREET SIGN
  - ⊙ EX. LIGHT POLE

**HARDY**  
CIVIL DESIGN SERVICES LLC  
4996 MOORE ST. WAYNE, MI 48184  
(734) 756-2196  
E-mail: kbhardy1964@hotmail.com

**SITE PLAN**

**BYC 891 HURON RIVER DRIVE  
VAN BUREN TOWNSHIP,  
WAYNE COUNTY, MICHIGAN**

SHEET No.	JOB No.	DRAWING No.	DATE	REVISIONS
1	2	A-	12-21-22	01-03-23
				01-06-23
				01-18-23
				01-20-23







# 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.

# PLANNING & ZONING APPLICATION

Case number \_\_\_\_\_

Date Submitted \_\_\_\_\_

## APPLICANT INFORMATION

**Applicant** Christopher W. Becker **Phone** 313.235.0394  
**Address** One Energy Plaza **Fax** christopher.becker@dteenergy.com  
**City, State** Detroit, Michigan **Zip** 48226  
**E:mail** christopher.becker@dteenergy.com **Cell Phone Number** 734.320.1711  
**Property Owner** DTE Electric **Phone** 313.235.7846  
(if different than applicant)  
**Address** One Energy Plaza **Fax** karen.bourdage@dteenergy.com  
**City, State** Detroit, Michigan **Zip** 48226  
**Billing Contact** Christopher W. Becker **Phone** 313.235.0394  
**Address** One Energy Plaza **Fax** christopher.becker@dteenergy.com  
**City, State** Detroit, Michigan **Zip** 48226

## SITE/ PROJECT INFORMATION

**Name of Project** Morton Substation

**Parcel Id No.** V125-83- 041-99-004-001

**Project Address** 42061 Ecorse Road

### Attach Legal Description of Property

**Property Location:** On the south Side of Ecorse Road Road; Between Hagerty Road and Kirkridge Street Road. **Size of Lot** Width \_\_\_\_\_ Depth \_\_\_\_\_

**Acreage of Site** 2.14 acres **Total Acres of Site to Review** 2.14 acres **Current Zoning of Site** C-1

**Project Description:** Building a 120 to 13.2 kV substation to support existing electrical distribution system and provide for growth in the area.

Is a re-zoning of this parcel being requested? Yes - see separate application YES (if yes complete next line) NO

**Current Zoning of Site** C-1

**Requested Zoning** M-1

## SPECIAL PERMIT INFORMATION

**Does the Proposed Use Require Special Approval?** No, 3.104, M-1 substation (if yes complete next line) NO

**Section of Zoning Ordinance for which you are applying** M-1, Light Industrial, Section 3.115, substation

**Is there an official Woodland within parcel?** No per Woodland Map 12/99 **Woodland acreage** \_\_\_\_\_

**List 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 Zoning Ordinance 6-2-92, as amended.

## OWNER'S AFFIDAVIT

DTE Electric

Print Property Owners Name

*Karen L. Bourdage*  
Signature of Property Owner

Karen L. Bourdage

STATE OF MICHIGAN  
COUNTY OF WAYNE

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

Subscribed and sworn before me this 20 day of October, 2021  
*Michelle A. Riley* Notary Public, Oakland County, Michigan

My Commission expires September 9, 2024  
Rev 1/12/06



**Legal Description for Property Located at 5355 Kidder Road, Almont MI**

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 6 NORTH, RANGE 12 EAST, ALMONT TOWNSHIP, LAPEER COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 27; THENCE NORTH 00 DEGREES 01 MINUTES 10 SECONDS WEST, 1515.60 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 27 AND THE CENTERLINE OF KIDDER ROAD TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 00 DEGREES 01 MINUTES 10 SECONDS WEST, 189.04 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 00 SECONDS EAST, 2196.03 FEET; THENCE SOUTH 02 DEGREES 34 MINUTES 42 SECONDS WEST, 525.51 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 24 SECONDS WEST, 1490.51 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 04 SECONDS WEST, 194.15 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 50 SECONDS WEST, 442.88 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 10 SECONDS WEST, 132.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 50 SECONDS WEST, 330.00 FEET TO THE POINT OF BEGINNING



## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 21-040: DTE Electric Final Site Plan Review  
DATE: February 2, 2023

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The Planning Commission will review the request by applicants Christopher Becker and Matthew Wolfe, on behalf of DTE Electric, for final site plan review for the construction of a 120 – 13.2 kV, 80 MVA nine circuit substation and related site improvements. The subject site is located at 42061 Ecorse Road, tax parcel 83 041 99 0004 001, on the South side of Ecorse Road between Haggerty Road and Kirkridge Park Drive. The site is zoned M-1 – Light Industrial.

For your reference, this packet includes a report from the Township’s Planning Consultant dated May 6, 2022 and a report from the Township Engineer dated May 6, 2022. The Fire Marshal had no comments regarding this request. The packet also includes minutes from the May 11, 2022 Planning Commission meeting regarding the preliminary site plan review for this request, along with submittals including a 15-page hard copy excerpt of a combined architectural and detail plan and submittal package including 37 pages.

Please note that at this time, the Planning Commission is being requested to consider granting final site approval. This typically requires an assurance that engineering details and conditions of preliminary site plan approval are addressed to near completion. Please note that there are a number of items yet unaddressed in the Township Engineer’s report, including receipt of the Wayne County right-of-way and stormwater permits for the project. To my understanding, as of today’s date, these items are nearing conclusion for Wayne County’s approvals, however, the sidewalk item remains unanswered. Staff supports this being addressed following the final site plan approval. Section 9.107 of the Van Buren Township Zoning Ordinance requires the construction of sidewalk along the full property frontage, as stated below:

- **Section 9.107 Sidewalks.** All developments requiring site plan review shall provide sidewalks along all public streets and major thoroughfares. Interior sidewalks shall also be provided within the development to provide circulation between the parking areas and the public right-of-way; the parking areas and the building entrance(s); and adjacent development(s) where practical. Sidewalks shall be five (5) feet wide (unless a greater width is required elsewhere in this Ordinance) and shall conform to the Township engineering and sidewalk standards...

Based on this Zoning Ordinance standard, the construction of sidewalk or a comparable pedestrian access path along the full property frontage is not considered optional under the Van Buren

Township Zoning Ordinance, and is required to be constructed by the Van Buren Township Planning Commission. This was required as a condition of preliminary site plan approval for the project (see affiliated minutes from May 11, 2022) and is anticipated to be a required condition of final site plan approval.

The Strong Drain lines the west edge of the subject property with a steep slope in the right-of-way (ROW) at the northwest corner of the site. There is a traffic control cabinet near the property's northeast corner in the ROW. To avoid these obstacles, as an alternative to a conventional public sidewalk within the Ecorse Road right-of-way, the applicant proposes routing the sidewalk just south of the site's front property line so as to cross a portion of the private property and crosses the drain via a bridge crossing at an optimal location inside the private property. This option will require recording an easement for public access over the sidewalk, which staff supports if necessary. Staff has also recommended the applicant pursue an alternative design approach that routes the sidewalk in the ROW uphill from, and to the north of, the drain culvert and adjacent to the road edge of Ecorse Road. This approach would include sidewalk widening and/or barriers as additional safety enhancements, and would be subject to approval by Wayne County.

Staff is supportive of any solution that will ensure full and adequate pedestrian connectivity across the property's frontage and meets applicable design standards. We would consider either alternative approach (bridge with easement, or roadside sidewalk with widening and/or barriers) to facilitate the completion of the sidewalk in alignment with the Township's Zoning Ordinance requirements, subject to approval by the Van Buren Township Engineer, Wayne County DPS, and other agencies holding jurisdiction. The applicant has worked diligently toward a bridge or sidewalk solution and we anticipate this will be resolved during the project's construction. Suitable resolution of the sidewalk issue would therefore be an acceptable condition of final site plan review.

If the project's final site plan is approved by the Van Buren Township Planning Commission, the project will move forward into a preconstruction process prior to the commencement of construction and any necessary building permits. I look forward to assisting with this review. Thank you for your consideration.

Sincerely,

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

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





February 2, 2023

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

**Subject: VBT 21-040-SPR, DTE Energy Substation/42061 Ecorse Road; Site Plan Review #3 (FINAL)  
Revised Plans Dated January 25, 2023.**

Dear Commissioners:

The applicant, DTE, proposes to construct a new circuit substation in collaboration with ITC. The substation will include several structures necessary for the functioning of the site. The site is located on the south side of Ecorse Road, west of Haggerty Road and has a tax parcel identification number: V-125-83-041-99-0004-001. The parcel is a rectangular piece of land with an area of approximately 2.14 acres. The applicant received preliminary site plan approval from the Planning Commission on May 11, 2022, subject to several conditions.

We have reviewed the revised site plan for compliance with the conditions of preliminary site plan approval and offer the following comments (any items that require changes or additional information are underlined):

## **COMMENTS**

1. **Designation of fire lanes through the site as required by the Township Fire Marshal.** This condition can be met. The site plan notes the services drives within the site will be constructed of crushed stone. Conventional striping of fire lanes is not feasible due to the pavement surface; therefore, the fire lanes need to be designated through signage or other means deemed adequate by the Fire Marshal.
2. **Notation of the height of all equipment.** This condition has been met. The plans submitted include cross-sections of the site showing height of various equipment on the site and the lighting tower. The plan notes that existing vegetation along the west property line would effectively screen most of the equipment on the site ranging from 12' to 70'.
3. **Clarification regarding pavement surface transition at the entrance to the site.** This condition has been met. The site plan notes the approach off Ecorse Road will be constructed of concrete and transition to crushed stone, at the point where the decorative wall along the frontage is located.
4. **Clarification regarding tree removal on the site with a field verification survey.** This condition has been met. It is our understanding the tree removal and site clearance has already been completed and inspected by Township Administration.
5. **Corrections to notations on the landscape plan.** This condition can be met. The landscape calculations have been corrected to note the correct section number and requirement. However, it appears that the applicant is using Rose of Sharon (*Hibiscus Syriacus*) to satisfy tree planting



requirements. The Township requires a minimum caliper size of 2.5" for all trees. Further, the planting proposed is considered a large woody shrub, not a tree, and must be replaced with a tree species.

6. **Revised photometric plan to comply with illumination intensities permissible by the Ordinance.**  
This condition can be met. The original plan submitted far exceeded the Township allowable light intensity on-site and on the public sidewalk. The applicant stated that increased illumination was required to comply with National Light Safety Code and would be reviewed to reduce intensity where feasible. The lighting plan submitted at this time indicates compliance with illumination intensity at the property lines and public sidewalk; however, the light intensity on the site is illegible and in miniscule font size. Please revise for legibility.
7. **Clarification regarding the monument sign as noted.** This condition has been met. The monument sign is provided with a 24" brick base and will not be internally illuminated. The sign is to be made of aluminum base with reflective sheeting.
8. **Wayne County and Township Engineer approval of all utilities and storm water management.**  
This condition can be met. The applicant has been working diligently with the Township and Wayne County towards finding a design for the sidewalk over the McClaughrey drain along the site's Ecorse Road frontage, that would be acceptable to the County. We defer to the Township Engineer for approval of the proposed utility and storm water detention plan.

## RECOMMENDATION

Many of the conditions of preliminary plan approval have been met at this time. The few items remaining to be addressed can be administratively checked or require a resolution with the County. Therefore, we recommend that the Planning Commission grant final site plan approval for DTE Energy Substation to be located on Ecorse Road, subject to making the necessary corrections to the landscape and lighting plans as noted above and finding a resolution for the sidewalk design.

Respectfully,  
**McKENNA**

Vidya Krishnan  
Senior Principal Planner

cc: Dan Power, Director of Planning and Economic Development  
Paul J. Kammer, FTCH, Township Engineers  
Andy Leneghan, Van Buren Township Fire Marshal

January 31, 2023  
Fishbeck Project No. 211528  
Township Project No. 21-040

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

## **DTE Morton Substation – 42061 Ecorse Road Engineering Review**

Dear Director Power:

At the request of Van Buren Township (Township), Fishbeck has reviewed the Engineering Plans dated January 25, 2023, submitted to the Township for Final Site Plan approval, as well as Engineering feasibility for the proposed DTE Substation located at 42061 Ecorse Road.

This proposed project includes construction of an electrical substation, including overhead support structures, a communications tower, lighting, a control house building, security fencing, an access driveway to Ecorse Road, stormwater improvements including an underground gravel storage area and underground treatment tank, and other various landscaping and site plan improvements.

Our review comments are as follows:

### **General**

1. The following items are general requirements established as part of the *Engineering Standards Manual, Township* (April 2014). The applicant must include the following items as part of the construction plans: Engineering Plans must include the applicable Standard Detail Drawings as found in Appendix A of the Township *Engineering Standards Manual*. The Township can provide full size sheets of multiple details upon request.
2. The applicant has received the EGLE Part 301 (Inland Lakes and Streams) and EGLE Part 303 (Wetlands Protection) permit approval. The applicant is required to adhere to the authorized activity as spelled out in the permit. (Permit # WRP032186 v.1)
3. Per the Township Engineering Standards, a quantity list itemizing all proposed public sanitary sewer, storm sewer and water main construction must appear on each sheet showing such construction. The proposed plans do not indicate any water main or sanitary sewer work so itemized quantity lists are not needed for those items.
4. Please show the existing contour elevation labels on each sheet where the contours are showing. Contour labels appear to be missing on the Stormwater Management Plan sheet.

## Water Main Service

**Existing:** The Township Geographic Information System (GIS) records indicate an existing asbestos cement 12-inch water main running east-west along the north side of the Ecorse Road.

**Proposed:** The proposed plans indicate no water main or water service improvements.

## Sanitary Sewer

**Existing:** The Township GIS records indicate there is an existing 30-inch Reinforced Concrete Pipe gravity-fed sanitary sewer pipeline running west-east along the south side of Ecorse Road and an abandoned sanitary sewer line running west-east along the south side of Ecorse Road.

**Proposed:** The proposed plans indicate no sanitary sewer main or service improvements.

## Storm Sewer

**Existing:** The Township GIS records indicate the Strong County Drain runs south-north along the west side of the property. The Robinson County Drain and the Strong County drain combine just south of the Applicants site and turns into the McClaughrey Drain at Ecorse Rd. The Applicant's plan shows the Wayne County (County) Drainage Easement for the McClaughrey Drain. The existing site is undeveloped with no storm drain improvements.

**Proposed:** The applicant's plan is proposing to capture drainage from the site via gravel surfaces, perforated pipe, and underdrains routed through a system of pipes and manholes and connecting to an underground pretreatment and storage system. The system is designed to store and discharge runoff at the allowable rates that satisfy both Wayne County and Van Buren Township. The final outlet location is the Strong Drain to the west. The plans note that the limits of disturbance will be within wetland extents and are noted on the drawings.

### Comments:

1. The permits list on the Cover sheet indicates that the Engineering Plans have been submitted to the County for Storm Water Management review and is pending approval. The Township will require Wayne County approved permit documents to be submitted to the Township before the Preconstruction meeting with the Township. Any changes to the plans due to County review will be subject to resubmittal and Engineering review by the Township.
2. Tributary areas must be labeled with an identifier, the acreage of that area, and the composite C value for that area. The "Underground Stormwater Detention Drainage" tributary is identified and labeled with an acreage, but a composite C value is missing from the label.
3. The tributary areas for the stormwater management system must include all drainage areas on and off site. It appears that runoff from the property to the east will flow onto the Applicant's site. How will this runoff be accounted for?

## Paving, Grading, and Sidewalk

1. As stated in previous reviews, a right-of-way (ROW) permit approval from Wayne County must be submitted to the Township for the work along Ecorse Road. The cover sheet indicates that the ROW is pending approval. The Applicant shall submit the approved permit prior to the Preconstruction meeting with the Township.
2. Show proposed easement for the sidewalk along the North property line.
3. On the site plan sheet, a few of the radii dimension labels on the service drive do not point to the driveway curves.

4. More detail grades are needed for the service drive off Ecorse Road. An enlarged view of the area may be needed to properly show the grades. Please provide Wayne County approved ROW permit to the Township to confirm the County's approval of the entrance drive geometry, location and grading.
5. On the Service Drive Plan sheet, confirm entrance drive radii dimension labels as well as service drive radii dimension labels.
6. Please note, the sidewalk and proposed sidewalk bridge was not reviewed as part of this Engineering review process. It is understood that the sidewalk layout and bridge is currently being discussed between the Applicant and the Township. When a proposed layout is determined, a final engineering review and submittal may be required.

## Soil Erosion and Sedimentation Control (SESC)

1. The SESC plan has been provided and the Wayne County Permit has been issued. (Permit # 22-055). Any additional requirements for soil erosion from the County or the Township shall follow the approved details.

## Recommendation

Fishbeck recommends the Planning Commission grant the DTE Morton Substation Engineering and Final Site Plan Approval, subject to the comments above and the pending Wayne County reviews and permit approvals. If changes occur due to requirements from the County, the Township reserves the right to require the Applicant resubmit and reapply for review of the site. Prior to the project continuing to the Preconstruction Phase, the applicant will be required to address all comments in an issued for Construction Plan set.

If you have any questions regarding this project, please contact Mike Leppek at 248.324.4796 or [mtleppek@fishbeck.com](mailto:mtleppek@fishbeck.com) or Paul Kammer at 248.324.2137 or [pkammer@fishbeck.com](mailto:pkammer@fishbeck.com).

Sincerely,



**Mike Leppek, PE**  
Civil Engineer



**Paul J. Kammer, PE**  
Senior Civil Engineer

By email

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

Andrew Lenaghan  
Fire Marshal  
O: 734-699-8900 ext 9426

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



November 9, 2021

Director of Building and Planning  
46425 Tyler Road  
Belleville, MI 48111

DTE Energy Substation  
42061 Ecorse Road  
Van Buren Township, Michigan 48111

RE: VBT21-040

The site plan for the DTE Energy Substation was reviewed for compliance with the Van Buren Township adopted fire code NFPA 1 2018.

This site plan as reviewed is approved.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Andrew Lenaghan  
Fire Marshal  
Van Buren Township

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

**Motion Jahr, Cullin second to recommend the Planning Commission recommend to the Township Board of Trustees approval of the requested amendment to the Zoning Map to rezone parcel numbers 83-008-99-0013-000, 83-008-99-0012-700, 83-008-99-0011-000, 83-008-99-0008-000, 83-008-99-0007-000, 83-008-99-0006-701, 83-005-01-0020-300, 83-005-01-0019-002, 83-005-01-0006-000, 83-005-99-0004-000, 83-005-99-0005-000, 83-005-99-0006-000, 83-005-99-0007-000, 83-005-99-0008-000, 83-005-99-0009-701, 83-005-99-0009-002, located between Ecorse Road and Van Born Road west of Haggerty Road from R-1B to M-1 designation, based on the analysis and subject to the conditions in Director Power's letter dated 5-5-22, McKenna Associates review letter dated 5-6-22 and noting the final condition in the McKenna Associates review letter has been dismissed.**

**Roll Call:**

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

**Nays: None.**

**Excused: Barr and Garrett.**

**Motion Carried. (Letters Attached)**

**ITEM #2: 21-040 – DTE SUBSTATION – PRELIMINARY SITE PLAN APPROVAL.**

**THE APPLICANT, CHRISTOPHER BECKER, ON BEHALF OF DTE ELECTRIC, SEEKS SITE PLAN REVIEW FOR THE CONSTRUCTION OF A 120 – 13.2 KV, 80 MVA NINE CIRCUIT SUBSTATION AND RELATED SITE IMPROVEMENTS.**

**42061 ECORSE ROAD, TAX PARCEL 83-041-99-0004-001, LOCATED ON THE SOUTH SIDE OF ECORSE ROAD AND KIRKBRIDGE PARK DRIVE.**

Director Power gave a brief presentation. The site had marginal tree clearing done and is now ready for consideration of the substation. Director Power deferred to the Principal Planner and Township Engineer for their reviews.

Vidya Krishnan of McKenna Associates presented her review letter dated May 6, 2022. The revised plan addresses most of the concerns discussed in the initial review process. The proposed substation will provide benefit to both the public and the property owner. Therefore, McKenna Associates recommends the Planning commission grant preliminary site plan approval for the proposed substation to be located at 42061 Ecorse Road, subject to the following conditions:

1. Designation of fire lanes through the site as required by the Township Fire Marshal.
2. Notation of the height of all equipment.
3. Clarification regarding pavement surface transition at the entrance to the site.
4. Clarification regarding tree removal on the site with a field verification survey.
5. Corrections to notations on the landscape plan.
6. Revised photometric plan to comply with illumination intensities permissible by the Ordinance.
7. Clarification regarding the monument sign as noted.
8. Planning Commission approval of the 8' tall fences with spikes along the decorative metal fence and barbed wire along the chain link fence.

9. Wayne County and Township Engineer approval of all utilities and storm water management.

Paul Kammer of Fishbeck Associates presented his review letter dated May 6, 2022. Fishbeck Associates is recommending the Planning Commission grant the DTE Morton Substation preliminary site plan approval, based on the engineering feasibility of the site and the current design presented in the plans. The applicant is encouraged to submit and continue discussions with Wayne County regarding the stormwater, driveway access and drain crossing. Engineering approval will be conditional upon receiving comments from Wayne County and addressing the comments listed in the review letter.

Chris Becker, the Engineering Manager overseeing the design and permitting for the DTE substation gave the presentation. Mr. Becker clarified that the plastic fence at the front of the site is opaque and is in lieu of the berm. On the west side of the site, not all tree removal is complete. Two (2) bare pits will be dug to allow for jack and bare under the drain. Trees will be planted for screening on the west side of the drain. The illumination requirements have to be met per safety code. Tree replacement plantings will take place at the Van Buren Park. Mr. Becker has reviewed all comments and will work with staff to address them all prior to final site plan review. There will be a change to the final site plan, the legal description of the drain, Wayne County will be adding the easement into the description.

Commissioners had the following questions and comments:

- The gravel paving inside, is that also a safety issue? Yes, in the event that anything were to become energized.
- Commissioner inquired to Vidya Krishnan of McKenna Associates if the Commission's recommendation needs a condition to include the fencing? Mrs. Krishnan informed that the applicant did submit the fencing information, she will make sure that it comes back to the Commission prior to final site plan review.

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

**Motion Jahr, Atchinson second to grant the applicant, Christopher Becker on behalf of DTE Energy, preliminary site plan approval to construct a 120 – 13.2 kV, 80 MVA nine circuit substation and related site improvements, located at 42160 Ecorse Road, based on the analysis and subject to the recommendations in the McKenna Associates review letter dated 5-6-22, Fishbeck Associates review letter dated 5-6-22 and Director Power's staff review letter dated 5-5-22.**

**Roll Call:**

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

**Nays: None.**

**Excused: Barr and Garrett.**

**Motion Carried. (Letters Attached)**



MAR 08 2022

# PLANNING & ZONING APPLICATION

Case number \_\_\_\_\_

Date Submitted \_\_\_\_\_

Initial: \_\_\_\_\_

Davenport Brothers Construction Co Inc. LLC

## APPLICANT INFORMATION

Applicant Joe Davenport Phone 313-350-0369, 734-697-2994 OF.  
 Address 301 Industrial Park Drive Fax 734-697-0200  
 City, State Bellville, Michigan Zip 48111  
 E:mail Joe@Davenportbrothers.com Cell Phone Number ABOVE  
 Property Owner SDUKHDEV SINGH Phone 734-419-3060  
 (if different than applicant)  
 Address 8385 Opal Fax \_\_\_\_\_  
 City, State Westland Mi Zip 48185  
 Billing Contact Joe @ Davenport Brothers Phone 734-419-3060  
 Address 301 Industrial Park Drive Fax 734-697-0200  
 City, State Bellville, Mi. Zip 48111

## SITE/PROJECT INFORMATION

Name of Project CHATHAM Semi Truck Repair Facility  
 Parcel Id No. V125-83- 83-017-99-0014-711 Project Address \_\_\_\_\_  
 Attach Legal Description of Property  
 Property Location: On the South Side of MICH AVE Road; Between OFF Schooner Road  
 and \_\_\_\_\_ Road. Size of Lot Width 274' Depth 1010.75'  
 Acreage of Site 6.5 Total Acres of Site to Review 3.8 Current Zoning of Site M-2  
 Project Description: New Project, Construct 8320 SF Repair Facility  
Detention pond complete, truckwell, asphaltic paving,  
Landscaping etc.  
 Is a re-zoning of this parcel being requested? NO YES (if yes complete next line) NO  
 Current Zoning of Site \_\_\_\_\_ Requested Zoning \_\_\_\_\_

## SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? \_\_\_\_\_ YES (if yes complete next line) NO  
 Section of Zoning Ordinance for which you are applying NO  
 Is there an official Woodland within parcel? NO Woodland acreage \_\_\_\_\_  
 List 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 Zoning Ordinance 6-2-92, as amended.

## OWNER'S AFFIDAVIT

SDUKHDEV SINGH  
 Print Property Owners Name

Signature of Property Owner

3/7/2022  
 Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

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

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 \_\_\_\_\_ Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_, 20\_\_\_\_.  
 Rev 1/12/06



## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 22-012: Chahal Trucking – Final Site Plan Review  
DATE: February 2, 2023

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Applicant Joe Davenport has applied on behalf of owner Sukhdev Singh for final site plan approval to construct an 8,320 square foot truck and trailer repair building with truck well and site improvements. The property is located at 6100 Schooner Drive (parcel ID number V-125- 83 017 99 0014 714), south of Michigan Avenue extending between Schooner Drive (west) and Schooner Drive (east). The property is zoned M-2 – General Industrial District. Truck repair as a principal use requires a special land use approval under Section 3.104 of the Van Buren Township Zoning Ordinance, which identifies the principal uses of Truck Repair and Maintenance Facility, Minor and Major as special land uses in the M-2 zoning district. A public hearing was held for the special land use request at the regular Planning Commission meeting on August 10, 2022. Minutes from this meeting are attached to this packet. The project gained preliminary site plan approval from the Planning Commission and special land use approval from the Board of Trustees in August and September, 2022, respectively.

To assist with the Planning Commission's review, this packet includes reports by the Township's Planning Consultant, Township Engineer, and Fire Marshal, a copy of the public hearing notice, and excerpts from a civil and architectural site plan set. If the Planning Commission moves to approve the final site plan, the project will move forward into preconstruction stage. The applicant has been working diligently toward securing Wayne County stormwater and right-of-way permit approvals, which will be required before a preconstruction meeting can be scheduled.

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

Sincerely,

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

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



November 20, 2022

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

**Subject: VBT-22-012 Chahal Transport/6100 Schooner Drive; Site Plan Review #4 (FINAL)  
Revised Plans Dated October 10, 2022.**

Dear Commissioners:

The applicant, Chahal Transport, Inc., proposes to construct an 8,320 square foot truck and trailer major repair building with truck well and site improvements on Schooner Drive. The 6.04-acre site is located south of Michigan Avenue extending between Schooner Drive (west) and Schooner Drive (east). The applicant received preliminary site plan approval from the Planning Commission on August 10, 2022, subject to several conditions. The applicant also received special land use approval from the Township Board of Trustees on September 20, 2022.

We have reviewed the revised site plan for compliance with the conditions of preliminary site plan approval and offer the following comments (any items that require changes or additional information are underlined):

**COMMENTS**

1. **Provision of barrier free access ramp to building from the crosswalk.** This condition has been met. The handicap accessible ramp has been shown on the north side of the building on sheet 1.
2. **Submission of a tree survey with replacement trees. The final submittal must include a tree survey identifying all regulated trees, i.e., trees with a d.b.h 5" or greater on the site. The tree survey can be limited to the area of disturbance if the limits are clearly specified. The wooded area on the rear of the site, if left undisturbed, need not be surveyed. A summary table of total number of trees on site, total number of regulated trees, trees to be preserved and trees to be removed, must be provided. All regulated trees to be removed must be replaced in accordance with Section 8.106 (J) of the Zoning Ordinance and clearly identified on the landscape plan. Required landscaping cannot be counted towards replacements.** This condition has been met. Per a tree survey list noted on Sheet L-2, a total of 12 trees are being removed in the area of disturbance and include species designated as 'removable' by the Township ordinance. Therefore, no additional tree replacement is being required. The landscape plan includes detailed calculations for all applicable requirements and complies with the Ordinance.
3. **Notation that dumpster enclosure masonry color will match the building color.** This condition has been met. The dumpster wall detail on Sheet 7 notes that the brick face color on the enclosure will match the building.
4. **Detention pond approval by Wayne County and Township Engineer.** This condition can be met. It is our understanding the applicant is still working with Wayne County and the Township Engineer to resolve site engineering issues.



## RECOMMENDATION

The site plan related conditions of preliminary plan approval have been met at this time. Engineering approval is yet to be obtained. Therefore, we recommend that the project be placed on the Planning Commission agenda for final site plan approval, **after** final engineering approval has been obtained from Wayne County and the Township Engineer.

Respectfully,  
**McKENNA**

Vidya Krishnan  
Senior Principal Planner

cc: Dan Power, Director of Planning and Economic Development  
Paul J. Kammer, FTCH, Township Engineers  
Andy Leneghan, Van Buren Township Fire Marshal

January 30, 2023  
Fishbeck Project No. 220675  
VBT Project No. 22-012

Dan Power  
Director of Planning and Economic Development  
Van Buren Township  
46425 Tyler Road  
Van Buren Township, MI 48311

### Chahal Semi Truck/Trailer Repair Facility Site Plan Engineering Review #3

Dear Director Power:

At the request of Van Buren Township (Township), Fishbeck has reviewed the engineering plans dated January 10, 2023 submitted to the Township for the Chahal Truck Repair Facility located at 6100 Schooner Drive in Van Buren Township, Michigan.

This project entails construction of an 8,320 square foot building within the interior loop of the Schooner Drive industrial park on the south side of Michigan Avenue. Proposed improvements include: the repair facility, a 41 space (22 vehicles, 19 truck) asphalt paved parking lot with curb, asphalt driveway with connection to Schooner Drive, a storm water collection and detention system, water and sanitary service connections to the proposed building, and other various landscaping and site plan improvements.

Our review comments are as follows:

### General

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

1. Plans must include the applicable Standard Detail Drawings for **Van Buren Township** as found in Appendix A of the Township *Engineering Standards Manual*. The Township can provide full size sheets of multiple details upon request.

### Water Main Service

**Existing:** The Township's Geographic Information System (GIS) records and the applicant's plan indicate there is an existing 12-inch ductile iron watermain running east-west through the northern portion of the property. The existing water main connects between the east and west legs of the 12-inch ductile iron, Schooner Drive water main loop. Existing information shows 2 hydrants and 2 gate valves in wells along the 12-inch water main.

**Proposed:** The applicant's plan does not indicate any new proposed water main work; however, they do indicate multiple locations where the existing water main needs to be adjusted due to storm sewer conflict, as well as the removal and relocation of the existing eastern hydrant. A proposed 1-inch copper service tap is also shown tapping the existing 12-inch water main loop for service to the proposed building.

**Comments:**

1. Fishbeck has reviewed the Applicant's plan and has no comments relating to water main.

## Sanitary Sewer

**Existing:** The Township's GIS records, and the submitted plans, indicate a 12-inch PVC truss pipe sanitary sewer main running north-south along the eastern leg of the Schooner Drive loop. The sanitary mains flow north towards the existing 24-inch sanitary main near the northern portion of the industrial park.

**Proposed:** The applicant's plan indicates a proposed 6-inch PVC sanitary sewer service lead with cleanouts from the proposed building to the existing 12-inch sanitary main along Schooner Drive.

**Comments:**

1. As stated in previous reviews, a ROW permit will be required from Wayne County for the sanitary work proposed in the ROW. The Township will require approved ROW permit documents from the County to be submitted to the Township before the Construction Phase.

## Storm Sewer

**Existing:** The Township GIS indicates a 36-inch storm sewer running north-south along the east side of Schooner Drive for the length of the property. North of the property, a 36-inch storm culvert inlet is indicated, which discharges into the roadway catch basin system, and eventually discharging into the 36-inch mainline. The 36-inch mainline appears to flow south before discharging into the existing Denton Drain on the south side of Schooner Drive.

**Proposed:** The applicant's plan proposes a new, fully detained storm management system which includes: C-76 CL IV concrete pipe, inlets, catch basins, manholes, a storm detention forebay, and a storm detention pond. The system discharges first into the forebay, which connects into the detention pond before discharging into the Schooner Drive 36-inch storm sewer.

**Comments:**

1. The Applicant's plan shows the proposed storm Manhole-A will tie into an existing bulkheaded 36" storm sewer that ultimately discharges into the storm system in Schooner Dr. It is the responsibility of the Applicant to field verify the existing bulkhead during construction and confirm that the proposed design is feasible. If field conditions are not as shown, the applicant will be responsible for extending a new storm sewer connection to outlet to the existing CB.
2. The Township requires all review documents and permit documents from the County to be submitted to the Township.

## Paving and Grading

1. An approved ROW permit from the County is required to be submitted to the Township prior to the Construction Phase.

## Soil Erosion and Sedimentation Control

Wayne County permit #22-229 has been received. The Applicant will be required to install and maintain SESC items per the approved plans in conjunction with Wayne County and Van Buren Township standards.



## Recommendation

Fishbeck recommends the Planning Commission grant Engineering and Final Site Plan Approval, subject to the comments listed above and the pending County review and approval. If changes occur due to requirements from the County, the Township reserves the right to require the Applicant resubmit and reapply for review of the site. Prior to the project continuing to the Preconstruction Phase, the Applicant will be required to address all comments in an issued for Construction Plan set. If you have any questions regarding this project or our comments listed above, please contact me at 248.324.4796 or [mtleppek@fishbeck.com](mailto:mtleppek@fishbeck.com).

Sincerely,



**Mike Leppek, PE**  
Civil Engineer



**Paul J. Kammer, PE**  
Senior Civil Engineer

Attachment

By email

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

Andrew Lenaghan  
Deputy Fire Chief/Fire Marshal  
O: 734-699-8900 ext 9416

Van Buren Fire Department  
46425 Tyler Rd  
Van Buren Twp., MI 48111



November 14, 2022

Director of Building and Planning  
46425 Tyler Road  
Van Buren Township, MI 48111

Chahal Semi-Truck/Trailer repair facility  
Schooner Drive  
Van Buren Township, Michigan 48111

A site plan for the Chahal Semi-Truck /Trailer repair facility was reviewed for compliance with the Van Buren Township adopted fire code NFPA 1 2018. Fire Department access and water supply were the focus of this review.

**A 4th review of the project was completed on 11/9/2022. All Fire Department concerns have been addressed.**

Upon review, the following will need clarification:

~~Construction type per NFPA 1~~ Confirmed Type 2 (000) in the 4/20 staff review meeting

~~Occupancy use group per NFPA~~ Confirmed Industrial Occupancy (NFPA 1) in the 4/20 staff review meeting

NFPA 1 2018 is the adopted fire code for the Charter Township of Van Buren, all future submittals will need to comply with this code.

### **Water Supply-Compliant**

The plans show 1 fire hydrant within the complex of the proposed structure, 1 hydrant approximately 450 feet north to the closest corner of the building, and a second hydrant 523 feet the south of the

**Our Mission:** The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.



building. All 3 hydrants are connected on a 12-inch water main. **This is sufficient to achieve the required fire flow.**

### **Fire Department Access-Compliant**

The plans show 360-degree access around the building. The fire lane width and turning radiuses are compliant. Fire lanes will need to be marked with approved signs.

If a security gate is to be installed at the entrance to the complex, and approved access control device **or Knox padlock for manual gates** will be required. The padlock shall be obtained from [www.knoxbox.com](http://www.knoxbox.com)

**Per the site plan (2<sup>nd</sup> page) under site “specific notes” #7 to avoid confusion, the Fire Department requires a Knox Padlock for the manual gate. The Fire Department does not supply the lock**

**Emergency Responder Radio Coverage System is required unless it can be proven after building is constructed, and occupied that coverage is sufficient. This will be verified by AHJ prior to final C/O.** **NFPA72 24.5.2.2.3**

If you have any questions regarding this review, feel free to contact me at [alenaghan@vanburen-mi.org](mailto:alenaghan@vanburen-mi.org) or (734) 699-8900 ext. 9416

Andrew Lenaghan  
Deputy Fire Chief/Fire Marshal  
Van Buren Township

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
August 10, 2022  
MINUTES - DRAFT**

Vice-Chairperson Jahr called the meeting to order at 5:30 p.m.

**ROLL CALL:**

**Present:** Cullin, Atchinson, Budd and Jahr.

**Excused:** Barr and Kelley.

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

**Planning Representatives:** McKenna Associate, Vidya Krishnan and Fishbeck Associate, David Potter.

**Applicant(s) in Attendance:** None.

**Audience:** Five (5).

**APPROVAL OF AGENDA:**

Motion Cullin, Atchinson second to approve the revised agenda of August 10, 2022 as presented.

**Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Budd, Cullin second to approve the regular meeting minutes of July 27, 2022 as presented. **Motion Carried.**

**PUBLIC HEARING:**

**ITEM #1: 22-012 – CHAHAL SEMI TRUCK REPAIR FACILITY SPECIAL LAND USE.**

**TITLE: JOE DAVENPORT, ON BEHALF OF OWNER SUKHDEV SINGH, HAS APPLIED TO CONSTRUCT AN 8,320 SQUARE FOOT TRUCK AND TRAILER REPAIR BUILDING WITH TRUCK WELL AND SITE IMPROVMENTS. THE PROPERTY IS ZONED M-2, GENERAL INDUSTRIAL DISTRICT. TRUCK REPAIR IS A PRINCIPAL USE AND REQUIRES SPECIAL LAND USE APPROVAL UNDER SECTION 3.104 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE, WHICH IDENTIFIES TRUCK REPAIR AND MAINTENANCE FACILITY, MINOR AND MAJOR REPAIR AS SPECIAL LAND USES UNDER ARTICLE 12, CHAPTER 3 OF THE ZONING ORDINANCE.**

**LOCATION: 6100 SCHOONER DRIVE (PARCEL ID NUMBER V-125-83-017-99-0014-714), LOCATED SOUTH OF MICHIGAN AVENUE EXTENDING BETWEEN SCHOONER DRIVE (WEST) AND SCHOONER DRIVE (EAST).**

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

Director Power informed the audience that the public hearing is an opportunity for members of the public and neighboring property owners to speak.

No questions or comments from the audience.

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

**NEW BUSINESS:**

**ITEM #1: 22-012 – CHAHAL SEMI TRUCK REPAIR FACILITY SPECIAL LAND USE.**

**TITLE: JOE DAVENPORT, ON BEHALF OF OWNER SUKHDEV SINGH, HAS APPLIED TO CONSTRUCT AN 8,320 SQUARE FOOT TRUCK AND TRAILER REPAIR BUILDING WITH TRUCK WELL AND SITE IMPROVMENTS. THE PROPERTY IS ZONED M-2, GENERAL INDUSTRIAL DISTRICT. TRUCK REPAIR AS A PRINCIPAL USE REQUIRES SPECIAL LAND USE APPROVAL UNDER SECTION 3.104 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE, WHICH IDENTIFIES TRUCK REPAIR AND MAINTENANCE FACILITY, MINOR AND MAJOR REPAIR AS SPECIAL LAND USES IN THE M-2 ZONING DISTRICT.**

**LOCATION: 6100 SCHOONER DRIVE (PARCEL ID NUMBER V-125-83-017-99-0014-714), LOCATED SOUTH OF MICHIGAN AVENUE EXTENDING BETWEEN SCHOONER DRIVE (WEST) AND SCHOONER DRIVE (EAST).**

Director Power provided a brief presentation. The site is located on 6 acres that had recently been split and is zoned M-2, General Industrial District. Truck repair, minor and major is a special land use in the M-2 District. Director Power deferred to Vidya Krishnan of McKenna Associates for her presentation.

Vidya Krishnan of McKenna Associates presented her special land use review letter dated 7-19-22. The proposed use meets the general standards for consideration of special land use approval as well as the specific criteria for vehicle service uses. Therefore, McKenna Associates recommends the Planning Commission recommend approval of the special land use for Chahal Transport to the Township Board of Trustees, subject to full site plan approval.

No questions or comments from the Commission or the audience.

**Motion Atchinson, Budd second to recommend to the Township Board of Trustees special land use approval for case number 22-012, Chahal Semi Truck Repair, located at 6100 Schooner Drive, parcel ID number V-125-83-017-99-0014-714 subject to the findings in the McKenna Associates review letter dated 7-19-22.**

**Roll Call:**

**Yeas: Cullin, Atchinson, Budd and Jahr.**

**Nays: None.**

**Excused: Barr and Kelley.**

**Motion Carried.**

**ITEM #2: 22-012 – CHAHAL SEMI TRUCK REPAIR FACILITY PRELIMINARY SITE PLAN.**

**TITLE: JOE DAVENPORT, ON BEHALF OF OWNER SUKHDEV SINGH, HAS APPLIED TO CONSTRUCT AN 8,320 SQUARE FOOT TRUCK AND TRAILER REPAIR BUILDING**

**WITH TRUCK WELL AND SITE IMPROVMENTS. THE PROPERTY IS ZONED M-2, GENERAL INDUSTRIAL DISTRICT.**

**LOCATION: 6100 SCHOONER DRIVE (PARCEL ID NUMBER V-125-83-017-99-0014-714), LOCATED SOUTH OF MICHIGAN AVENUE EXTENDING BETWEEN SCHOONER DRIVE (WEST) AND SCHOONER DRIVE (EAST).**

Director Power gave a brief presentation referencing the detailed site plan review including planning, engineering and fire reviews. Some of the plans in the packet have been revised but not reviewed yet. The applicant has provided color renderings of the building. Director Power displayed the site plan.

Vidya Krishnan of McKenna Associates presenter her site plan review letter dated 7-19-22. The revised site plan addresses most of the concerns from previous reviews, including parking standards, architectural standards and access and circulation standards. The items remaining to be addressed can be included for review with the final site plan submission. Therefore, McKenna Associates recommends the Planning Commission grant preliminary site plan approval for Chahal Transport to be located at 6100 Schooner Drive, subject to the following conditions:

1. Provision of barrier free access ramp to building.
2. Submission of a tree survey with replacement trees, as noted.
3. Notation that dumpster enclosure masonry color will match the building color.
4. Detention pond approval by Wayne County and the Township Engineer.

David Potter of Fishbeck Associates presented the preliminary site plan review letter dated 7-21-22. Fishbeck offers no objection and recommends the Planning Commission grant preliminary site plan approval to the Chahal Semi Truck/Trailer Repair Facility, based on the preliminary site plans submitted to the Township on June 30, 2022. Prior to the next submittal for final site plan and engineering approval, the applicant shall review and amend any of the plan comments listed in the letter, begin or continue conversations with Wayne County regarding storm water management and pavement design and include all information as required in the Van Buren Township Engineering Standards Manual with the next submittal.

Director Power presented the Fire Department review letter dated 7-13-22. The third review of the project was completed on 7-12-22 and all Fire Department concerns have been addressed. Deputy Fire Chief/Fire Marshal Lenaghan's letter had the following comments:

- NFPA 1 2018 is the adopted fire code for the Charter Township of Van Buren, all future submittals will need to comply with this code.
- If a security gate is to be installed at the entrance to the complex, an approved access control device or Knox padlock for manual gates will be required. The padlock shall only be obtained from [www.knoxbox.com](http://www.knoxbox.com).
- Per the site plan (2<sup>nd</sup> page) under site "specific notes" #7 to avoid confusion, the Fire Department requires a Knox Padlock for the manual gate. The Fire Department does not supply the lock.

Lance Warden of Chahal Trucking gave a brief presentation and displayed a color rendering of the building. The building is approximately 8,300 square feet, a modern design that will blend

into the neighborhood. The exterior is wood grain composite vinyl siding and vinyl modular panels and has a painted metal awning. The landscape plan is very detailed. The lighting is LED, a photometric grid was displayed and light is not spilling over onto the adjacent properties. The site provides ample parking. Mr. Warden was available to answer any questions.

Commissioners had the following questions and comments:

- Commissioner inquired if the applicant is planning on signage in the future or does this type of client typically not have signage. Lance Warden informed that he has not heard from the client on signage, if they have signage it would be minimal. Vidya Krishnan informed the applicant that any signage will be presented to staff for approval.
- Commissioner asked for clarification of the location of the light pole at the entrance to Schooner Drive, the applicant confirmed its location.
- Commissioner inquired about the comment in the engineering letter for the applicant to show how the existing storm water system operates. Lance Warden informed that his project engineer is diligently working on that requirement.

No comments from the audience.

**Motion Atchinson, Cullin second to grant preliminary site plan approval of the Chahal Semi Truck Repair Facility to applicant Joe Davenport, on behalf of owner Sukhdev Singh to construct a 8,320 square foot truck and trailer repair building with truck well and site improvements, located at 6100 Schooner Drive, parcel ID number V-125-83-019-99-0014-714, based on the facts and findings in the McKenna Associates review letter dated 7-19-22, Fishbeck Associates review letter dated 7-21-22 and the Fire Department review letter dated 7-13-22.**

**Roll Call:**

**Yeas: Budd, Atchinson, Cullin and Jahr.**

**Nays: None.**

**Excused: Barr and Kelley.**

**Motion Carried.**

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

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

Director Power gave a brief presentation. This is continued discussion from the 7-27-22 Planning Commission meeting, recognizing the need to look at options for different ways to meet the 30% side entry garage requirement and building separation requirements for future development. Commissioners were asked to discuss other means to meet these requirements, including architectural enhancements.

# PLANNING & ZONING APPLICATION

Case number 17-026

Date Submitted 7-31-17

## APPLICANT INFORMATION

Applicant Timothy Shammus Phone (734) 699-5810  
 Address 41001-19 E. Huron River Dr. Fax \_\_\_\_\_  
 City, State Belville MI Zip 48111  
 E-mail \_\_\_\_\_ Cell Phone Number (734) 699-5810  
 Property Owner Side park Inc. Phone (734) 699-5810  
 (if different than applicant)  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City, State \_\_\_\_\_ Zip \_\_\_\_\_  
 Billing Contact \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City, State \_\_\_\_\_ Zip \_\_\_\_\_

## SITE/PROJECT INFORMATION

Name of Project Side park Inc.  
 Parcel Id No. V125-83- Project Address 41001-19 E. Huron River Dr.  
 Attach Legal Description of Property  
 Property Location: On the South Side of E. Huron River Dr. and W. J. Haggerty Road  
 and \_\_\_\_\_ Road. Size of Lot Width 362.90 Depth 115.92'  
 Acreage of Site 1.03 Total Acres of Site to Review 1.03 Current Zoning of Site C-1  
 Project Description: Few (4) Gasoline Dispensers, Canopy and  
under ground tank.

Is a re-zoning of this parcel being requested? NO YES (if yes complete next line) NO  
 Current Zoning of Site C-1 Requested Zoning C-1

## SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? N YES (if yes complete next line) NO  
 Section of Zoning Ordinance for which you are applying \_\_\_\_\_  
 Is there an official Woodland within parcel? NO Woodland acreage NONE  
 List 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 Zoning Ordinance 6-2-92, as amended.

## OWNER'S AFFIDAVIT

Timothy Shammus  
 Print Property Owners Name  
 Signature of Property Owner

7-31-17

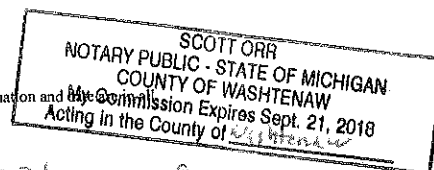
Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

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

Subscribed and sworn before me this 31 day of July 2017  
Scott Orr Notary Public, Washtenaw County, Michigan

My Commission expires Sept 21, 2018  
 Rev 1/12/06



Case number 17-026Dated submitted 7-31-17**Board of Zoning Appeals Application****APPLICANT INFORMATION**

Applicant Sidepark Inc. Phone (734) 699-5810  
 Property Owner (if different than applicant) Timothy Shammass Phone (734) 699-5810  
 Address 41001-19 E. Huron River Dr. Fax \_\_\_\_\_  
 City, State Belville Zip 48111 E-Mail Address \_\_\_\_\_

**SITE INFORMATION**

Property Location: On the South Side of E. Huron River Dr. and West of Haggerty Road  
 and \_\_\_\_\_ Road. Size of Lot Width 362.90' Depth 115.92' Acreage 1.03  
 Date Property Acquired and the Type of Ownership \_\_\_\_\_

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) \_\_\_\_\_  
 Explanation of the Practical Difficulty of the Property as defined in Section 19.07 SEE ATTACHED letter  
 \_\_\_\_\_  
 Explanation of request for Administrative Review Interpretation \_\_\_\_\_

**REQUIRED INFORMATION**

Photographs of the building and/or structures on site  
 Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

**OWNER'S AFFIDAVIT**

Timothy Shammass  
 Print Property Owners Name

[Signature]  
 Signature of Property Owner

7-31-17  
 Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

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

Subscribed and sworn before me this 31 day of July 2017

Scott Orr Notary Public, Washtenaw County, Michigan

My Commission expires SEPT 21, 2018



Rev 2/17/15

J&J Inc.  
1008 Military  
Suite 201  
Dearborn MI 48124  
(313) 460-1724

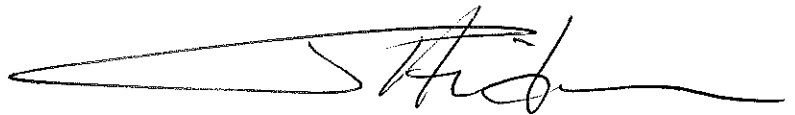
Response to Non-User Variance – Placticel Difficulty

Site Information

Located at 41001-19 E Huron River Drive  
South of E Huron River Dr.  
West of Haggerty Rd.

- #1 Yes  
Yes, it will affect the project making it unreasonable -- prevent proposed use of property
- #2 The variance would do substantial justice to the applicant and would enhance the property of the other owners in the district.
- #3 Yes  
The proposed property is too narrow and proposed project could not be done without it.

Thank-you  
Sincerely



J&J, Inc.

RECEIVED

JUL 28 2017

BY: \_\_\_\_\_





## MEMO

---

TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 17-026: Metro Park Party Store Final Site Plan Extension  
DATE: February 2, 2023

---

Applicant Timothy Shammass and Andy Shina on behalf of owner Side Park, Inc. for an extension of approval of a previously approved final site plan to add a gasoline filling station to an existing shopping center. Approval was granted on April 14, 2021. The site is located at 41001 East Huron River Drive (parcel ID number 83 095 01 0231 010), located at the southwest corner of Haggerty Road and E. Huron River Drive.

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

The applicant has supplied an emailed statement addressed to the Planning Commission explaining the reasoning for the delays in their project construction following final site plan approval. The applicant has been working closely with staff to work through a number of issues causing the delay of construction for this project, including issues with financing and material delays. The typical procedure should involve a formal request for extension to be processed within one (1) year of the subject site plan approval (in this case, by April 14, 2022). However, due to the circumstances documented by the applicant, staff supports the Planning Commission consider reviewing this request and considering extending their final approval by one (1) additional year from the date of the February 8, 2023 Planning Commission meeting, subject to issuance of any necessary permits by Wayne County, with construction beginning by no later than February 8, 2024.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', written in a cursive style.

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

## Power, Dan

---

**From:** Timothy Shammass <timmis1127@gmail.com>  
**Sent:** Thursday, February 2, 2023 1:00 PM  
**To:** Power, Dan  
**Cc:** ashina1407@icloud.com; Goerge Shammass  
**Subject:** [EXTERNAL EMAIL] Extension Letter

**CAUTION:** Please be careful when opening links and attachments.

Dear Van Buren Township Planning Commission,

We acknowledge the process for preparing the requested documents has taken longer than expected, when we initially submitted our documents to Wayne County we were told the turn around time was 2-4 months but it ended up taking 11 months, during this time the country was hit with Covid-19 and the county shut down for quite a while which halted all our plans. After that, we closed our business for 3 weeks due to Covid-19 outbreak in the store, our engineer also got hit with a severe case of Covid that put him on bed rest for over 2 months. When we finally finished preparing all our documents for approval, Van Buren Township requested a bond for \$384,200, thinking this is standard protocol we began making calls to insurance companies to get this bond in process but we were told from several insurance companies their bonds only go up to \$100,000.

Our contractor warned us about the shortage of tanks and parts needed to complete this project, when we heard that we immediately ordered them so we do not have to wait any longer and they are expected to arrive at the end of February 2023.

Thank you for your time.

PLANNING & ZONING APPLICATION

Case number \_\_\_\_\_ Date Submitted \_\_\_\_\_

APPLICANT INFORMATION

Applicant	Jiffy Lube International, Inc.	Phone	(832) 337-9809
Address	150 N. Dairy Ashford Rd, Building F, Rm F 376 D	Fax	
City, State	Houston, TX	Zip	77079
E:mail	Claire.Gilroy@shell.com	Cell Phone Number	
Property Owner	MEIJER INC	Phone	(616) 791-3909
	(if different than applicant)		
Address	2929 WALKER AVENUE NW	Fax	
City, State	GRAND RAPIDS, MI	Zip	49544
Billing Contact	Claire Gilroy	Phone	(832) 337-9809
Address	150 N. Dairy Ashford Rd, Building F, Rm F 376 D	Fax	
City, State	Houston, TX	Zip	77079

SITE/ PROJECT INFORMATION

Name of Project Jiffy Lube

Parcel Id No. V125-83- 058 99 0006 707 Project Address 9701 Belleville Rd, Van Buren Township

Attach Legal Description of Property

Property Location: On the South Side of Tyler Road; Between Belleville Road and Morton Taylor Road. Size of Lot Width 143' Depth 219'

Acreage of Site .72 Total Acres of Site to Review .72 Current Zoning of Site C-2

Project Description: New construction of a Jiffy Lube oil change facility.

Is a re-zoning of this parcel being requested? No YES (if yes complete next line) NO

Current Zoning of Site Requested Zoning

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? Special Use Approval YES (if yes complete next line) NO

Section of Zoning Ordinance for which you are applying Section 12.301

Is there an official Woodland within parcel? N/A Woodland acreage N/A

List total number of regulated trees outside the Woodland area? Total number of trees

Detailed description for cutting trees N/A

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 Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

Matthew Levitt, Real Estate Manager, Meijer, Inc.

Print Property Owners Name

Matthew Levitt

Signature of Property Owner

May 13, 2020

Date

STATE OF MICHIGAN  
COUNTY OF WAYNE

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

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_, 20\_\_\_\_.



## MEMO

---

TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Case 17-026: Metro Park Party Store Final Site Plan Extension  
DATE: February 2, 2023

---

Applicant Jiffy Lube International, Inc. has applied for an extension of approval of a previously approved final site plan construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021. The site is located on the south side of Tyler Road east of Belleville Road at 44475 Tyler Road (parcel ID number 83 058 99 0006 712). The property is zoned C-2 – Extensive Highway Business District.

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

A letter from Rob Boarer of Jiffy Lube International, Inc. dated November 16, 2022 has been provided. The letter explains construction and labor cost increases and other factors that have led to construction delays. Their letter indicates that they will select a General Contractor (GC) during the Spring of 2023. The typical procedure should involve a formal request for extension to be processed within one (1) year of the subject site plan approval (in this case, by May 12, 2022). However, due to the circumstances documented by the applicant, staff supports the Planning Commission consider reviewing this request and considering extending their final approval by one (1) additional year from the date of the February 8, 2023 Planning Commission meeting, subject to issuance of any necessary permits by Wayne County, with construction beginning by no later than February 8, 2024.

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

Sincerely,

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

Dan Power, AICP  
Director of Planning and Economic Development  
Department of Public Services  
Charter Township of Van Buren  
46425 Tyler Rd.  
Van Buren Twp., MI 48111

11/16/2022

To: Dan Power, AICP

Regarding our project is known as the Jiffy Lube MultiCare Service Development (Project Number 20-012 / 200630); we humbly request that any and all current approvals for our project are hereby extended, due to the unforeseen issues of the continual rise of construction and labor costs, which have been caused by a multitude of worldwide factors outside of our control.

In addition, regarding our updated timeline, we are likely looking to make our GC selection during the spring of 2023; in which we will be in close contact with you and your team to ensure that we maintain any approvals as needed.

Do not hesitate to reach out if you have any questions or concerns.

Sincerely,



**Rob Boarer**

Jiffy Lube International | Real Estate, Construction and Development Lead

150 N. Dairy Ashford, Houston, Texas, USA, 77079

W: +1 832-762-2148





## MEMO

---

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

---

### 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 flourish at the end.

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



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Article II.	Commission Membership
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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).