

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
JUNE 23, 2010**

The meeting was called to order by Chairperson Thompson at 7:30 p.m. Present: Koscielny, Johnson, McKenna, Kelley, Budd and Thompson. Absent excused: Boynton Township Staff present: Director Swallow and Secretary Grishaber. McKenna Associates representative present: Sally Hodges. There were 28 people in the audience.

APPROVAL OF AGENDA:

Motion Kelley, Koscielny second to approve the agenda as presented.

Motion carried.

MINUTES:

Commissioner Johnson noted that his motion to approve Statewide Boring included the seven specific items in McKenna Associates review letter and the alternate parking standard. The Commissioners requested that the minutes of May 26, 2010 be amended to include the specific items listed in the motion and to be brought back for approval at the next meeting.

Motion McKenna, Budd second to postpone approval of the minutes for May 26, 2010.

Motion carried.

UNFINISHED BUSINESS:

ITEM #1: CASE # 10-001 RZ, VISTEON REZONING
TITLE: THE APPLICANT, VISTEON CORPORATION, IS REQUESTING
TO REZONE A PORTION OF PARCEL NUMBER V125-83-045-99-
0020-705, APPROXIMATELY 7.01 ACRES, FROM
AGRICULTURAL AND ESTATE (AG) TO OFFICE
TECHNOLOGY (OT).

LOCATION: THIS PROPERTY IS LOCATED ON THE WEST SIDE OF
HANNAN ROAD, BETWEEN ECORSE ROAD AND TYLER
ROAD.

Timothy Stoepker, Visteon spokesperson, stated the property is currently zoned Agricultural and Estates and is master planned Office Technology. While not a consideration of the rezoning, the use being sought is a co-generation facility. Methane gas from the landfill will be utilized to create hot water heat for Visteon. The generators will all be inside a self contained building and the facility will be buffered from neighboring residents with landscaping to comply with the OT District requirements.

Mr. Stoepker stated the original application has been revised to comply with the Grace Lake Master Plan and the OT District requirements. He believes the request now conforms to all of the McKenna letter recommendations including setbacks and other concerns. Further, he believes the proposed development of the property requested for rezoning meets the criteria of the OT District. Mr. Stoepker stated they have offered as a condition to eliminate access to Hannan Road until the property is approved for OT development and they will provide an access road that runs east to west to the Visteon site.

McKenna Associates Sally Hodges stated the applicant amended their original rezoning application after comments from the public hearing and receiving the review recommendations from McKenna Associates. They have removed the north and south parcels, leaving only the central parcels. The applicant offers three conditions to the rezoning, which are paraphrased below:

1. Ingress and egress to the site will be limited to Visteon Way and not Hannan Road, unless the property abutting the site on Hannan Road is approved by Van Buren Township for non-residential development and rezoned accordingly.
2. The development will occur first on the west part of the site.
3. When the west part of the site is submitted for site plan approval, land will be set aside for an access easement to accommodate access to Visteon Way for future development that may occur on the east part of the site.

The applicant has also agreed to the termination and reversion requirements of the Rezoning with Conditions section of the Township Zoning Ordinance.

While the area is master planned for future Office Technology Uses, the applicant still does not comply with the Township Master Plan's sequencing standards sufficiently to protect the neighboring single-family residential uses from the potential negative impacts of OT development. The application also does not address how a quality use permitted in the OT District could be developed on this isolated parcel while accommodating future links and common elements with adjacent sites. The applicant has not demonstrated how the modified site could be developed for a permitted OT use. McKenna Associates also believes it is premature to rezone the site without a resolution of access to Visteon Way for the other abutting parcels. In summary, we find the following:

1. The requested rezoning is not supported by the Township's Master Plan sequencing standards, in that:
 - a. The site is an isolated finger of land, projecting into an established single family residential neighborhood, and no provision is made to accomplish the plans' (Master Plan and LDFA Plan) objective of using the Township's investment in Visteon Way to benefit the Township through expansion of the OT area, other than on the lots owned by the applicant;
 - b. The site plan presents a use that is not permitted by right;
 - c. The site does not strictly meet the lot area requirements of the sequencing standards;
 - d. The location of residential parcels on three sides negatively affect the buildability of the site, limiting its future use when required protective screening and setbacks are provided;
 - e. The substandard lot area and location of residential parcels on three sides may make it difficult to adequately protect the single family residential neighbors from the impacts of noise, nonresidential view, truck traffic, odors, lights, fumes and other impacts of OT uses.

2. The rezoning change could be precedent-setting for other sites that do not meet the sequencing standards of the Plan.
3. The requested rezoning boundaries are not compatible with the existing single family residential uses, and may cause land use conflicts between residential and non-residential uses, and lead to residential property value decline.
4. The proposed rezoning with the offered conditions will not result in the integration of the proposed project with the characteristics of the area nor enhance the area as compared to the existing zoning. The limiting of access to Visteon Way is the beneficial condition offered and its benefit is significant if it is extended to the other lots with frontage on Hannan Road.
5. The proposed rezoning may cause remaining AG property to the north and south to have a reduced value as AG property and as OT zoned property because of lack of access to Visteon Way.

Therefore, McKenna Associates recommends that the Planning Commission recommend denial of the requested rezoning to the Township Board.

Director Swallow stated he has contacted Wayne County regarding the Visteon Way becoming a public road. The County real estate staff responded that they have submitted a quit claim deed to Visteon, which to date has not been executed and returned. Swallow further stated that for this area to be able to transition to OT, the properties must have access to Visteon Way to protect the residential uses. While the Master Plan does contemplate OT development in this area and that residential properties may back to OT uses, he has concerns with the side-to-side impact of the proposed rezoning.

John Delaney, residing on Mida Drive, stated in a recent meeting at Visteon the residents were told power would be sold to the grid. He believes this project would have a negative impact on the neighboring residents.

John Whitbeck, residing at 9140 Hannan, stated that electrical generating facilities are usually located in industrial complexes. He asked if an environmental impact study was completed.

Michael West, residing at 8250 Hannan Road, stated he was not informed of the rezoning request before he purchased his home from Visteon, or he would not have bought it. He does not want a humming building near his property.

Pete Perala, residing at 8900 Hannan Road, stated he was concerned about Visteon's honesty in the rezoning proposal, and he was concerned about the residential property value.

Ernie Tozer, residing at 9200 Hannan Road, thanked McKenna Associates for the review letter with all the concerns they identified and stated he has concerns about the environmental impacts of the proposed project. He stated he believes the processing of gas to produce hot water and electricity makes the proposed project an industrial building.

Director Swallow responded that Visteon and the project sponsor have submitted noise contours and studies related to the potential environmental impacts. Methane is a clean burning fuel, so the air quality affects would be minimal. Visteon currently uses some lake water for cooling their buildings, but the proposed facility would not utilize Lake water.

Mr. Stoecker stated there will not be an impact on Grace Lake and they will be using Township water for the proposed facility. He further stated the emissions meet all environmental standards and they realize the property would need adequate screening and buffering.

Shari West, residing at 8250 Hannan Road, stated she was very upset and that she would not have bought the property if they knew this was being proposed.

Commissioner Koscielny asked the applicant if they could move the proposed facility to another location on the Visteon property away from the residents.

Mr. Stoecker responded that they did investigate other locations and they were being considered.

Mr. Militello, representing Visteon, asked if they moved the facility, would it then be permitted.

Director Swallow responded that the Township has issued a use interpretation that the proposed facility is not a Permitted Use in the OT District.

Chair Thompson stated she had concerns with the location of the rezoning request and the potential negative impacts on the surround residential uses, which the Grace Lake Master Plan was designed to prevent. She continued that there was a great deal of time spent with the residents with the development of the Plan, and she would not like to see that effort compromised.

Motion Budd, Kelley second to recommend to the Van Buren Township Board that they deny the request from Visteon Corporation to rezone a portion of parcel number V125-83-045-99-0020-705, approximately 7.01 acres, from Agricultural and Estate (AG) to Office Technology (OT), referencing and including the June 18, 2010 letter from McKenna Associates listing the proposed rezoning conditions and recommendation as follows:

The following comments and recommendation are from the June 18, 2010 letter from McKenna Associates.

1. Site and Surroundings.

Location	Existing Land Use	Master Plan	Existing Zoning
Site	Vacant, with residential accessory building	Office/Research	AG Agricultural & Estates (43,560 sq ft min. lot size)
North	Single Family Residential	Office/Research	AG Agricultural & Estates
East	Single Family Residential	Office/Research	AG Agricultural & Estates
South	Single Family Residential	Office/Research	AG Agricultural & Estates
West	Visteon Village Office Research Complex	Office/Research	Office Technology District

2. **Rezoning Dimensions.** The rezoning application is for a portion of three original parcels that previously have been combined under one legal description as part of the master parcel (tax id # 125-83-045-99-0020-705) for the Visteon Village complex. The application labels the parcels from north to south as Parcels C2, D, and E. Parcels D and E would be split zoned; that is, the east part of these parcels would remain AG and the west part is requested to become OT. The site abuts Visteon Way, which was developed and financed by the Van Buren Township LDFA to become a Wayne County public road. Visteon Way has not yet been conveyed to the County, therefore it remains a private road. The site is 7.01 acres in area, has 347 feet of frontage on Visteon Way and is approximately 881 feet in depth.

3. **Zoning Ordinance.** The intent of and permitted uses in the existing AG and the proposed OT zoning districts are as follows:
 - a. Existing AG Agricultural & Estates District. The AG District permits large lot single family residential and farm-related uses. Uses permitted by right in the AG District include single family farm and non-farm dwellings; farm buildings and greenhouses; farms; truck gardening; tree and shrub nurseries; stables; swimming pools; cemeteries; farm stands; family day care homes and customary accessory uses. Uses that may be permitted following special approval include dog kennels; country clubs; golf courses and driving ranges; group day care; sand and gravel extraction; gun clubs; retail sales of farm goods; churches; child care centers; adult day care centers; public utility buildings (without storage yards) when necessary to serve the immediate vicinity; and PRD's.

 - b. Proposed OT Office Technology District. The OT District is "intended to provide a community of office, research, technology and related uses, while specifically excluding incongruous uses". To accommodate and protect the Township's major investment in the Visteon project, the Township concurrently zoned the Visteon campus area as OT District. The permitted uses are distinct from other industrial districts because the uses are generally lower intensity with minimal impacts outside the principal building. This lower intensity character allows OT uses to be more compatible with residential, and to not create negative impacts like heavy truck traffic, excessive noise, glare, air pollution, waste water pollution or emissions which are impacts of a traditional industrial district. The OT District is intended to create a campus-type environment with low intensity land coverage, generous landscaping, preserving significant natural features and attractive buildings. The campus-type environment requires mixing of uses, interconnected sidewalks, vehicular and pedestrian cross access, site amenities and common architectural and landscaping elements within the developments.
 1. Permitted Uses. Permitted uses by right in the OT District include offices; medical clinics and research facilities; pharmacies; vocational or instructional schools for technical training; alarm and security businesses; data processing and computer centers; any use with the principal function of conducting research, design testing and pilot or experimental product development; high technology services; offices of manufacturers agents and sales representatives; public buildings and facilities such as fire stations and recreation buildings; parks; and essential service buildings without outdoor storage yards.

2. Permitted by Special Approval. Uses that may be permitted following special approval include wireless communication facilities; messenger services; banks and credit unions; limited accessory retail/service uses; assembly halls; publicly owned buildings and/or public utilities including but not limited to telephone exchanges, transformer stations and substations, and gas regulator stations with service yards but not including storage yards; and other uses that are similar in nature.
3. Prohibited Uses. The District specifically prohibits outdoor storage of goods or materials; petroleum sales, storage and processing; hazardous materials handling; manufacturing, processing and assembly from raw materials; stamping; truck terminals; and various industrial uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation, or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration.
4. **Master Plan.** The Master Plan designates the site and the land to the north, south, east and west for Office/Research uses. This vicinity was closely examined as part of the Grace Lake Area Master Plan amendment, adopted in December 2001. The goals and objectives of that Plan amendment support the area's potential for high image, high technology office research uses, as part of the I-275 Golden Corridor and the Detroit Wayne County Metropolitan Airport Aerotropolis. The Township of Van Buren, Wayne County and the State have invested millions of dollars to achieve and keep this image and the Township has stated its goal of continuing that image in the adopted Master Plan and LDFA Plan. The intent of the Master Plan is to encourage developments that would utilize the natural features of the land, working around its limitations to develop campus type settings; to improve the compatibility between existing and future uses, the I-275 freeway and the potentially high traffic Ecorse Road; and to protect and provide for residential uses with adequate land transitions, buffers access and design controls. Accordingly, the Master Plan envisions office, technology and support uses with high quality architecture, generous landscaping, open space areas, sidewalks and pathways, entry features, site interconnections, and other site design characteristics of a campus setting.
5. **Sequencing Standards.** The Master Plan recognizes that the land use changes envisioned by the Plan and supported by Township investment will likely occur over a period of years, not all at once. The single family residential parcels along Hannan Road are generally not large enough to individually accommodate office technology uses in a campus setting, thus the potential danger of creating isolated single family residences surrounded by nonresidential uses is evident. To avoid creating land use conflicts between the existing single family residential uses and the master planned nonresidential uses during the extended period which may be required to achieve the Master Plan, the Master Plan states that "development may need to be delayed to avoid introducing incompatible uses, or until and unless the effects of the potential incompatibilities of "leap-frog" relationships, vehicular traffic and circulation effects, developmental impacts, visual impacts and other effects can be eliminated or effectively mitigated."

The Plan specifies sequencing standards that must be applied when considering rezoning and development proposals to address timing and the objective to protect single family residential uses. These sequencing standards and our comments relative to the rezoning subject to conditions request are provided below. The parcel identifiers referenced below refer to the applicant's revised Exhibit A, attached to this letter.

- a. *Residential lots shall not be isolated by office technology uses or zoning. Office technology use shall not “wrap around” a single residential lot or isolate a single residential lot from other residential uses. The proposed rezoning parcel no longer projects in front of any dwelling currently located on the parcel immediately to the south, nor does it “wrap” the sides of Parcel C.*
- b. *Because the area is in transition, an office technology use or zone may “back” to a residential use during the interim, provided screening is installed to reduce negative impacts on the residential use or zone. Screening shall comply with the requirements of the OT district. The applicant previously split Parcel C2 from Parcel C. These two parcels used to be one residential parcel; Parcel C2 now contains a barn that was formerly an accessory building to the principal dwelling. Thus the application causes a situation where the site “backs” to a residential use. The dwelling on Parcel C is located about 125 feet from the proposed rezoning site’s east boundary. There is also a dwelling approximately 100 feet from the south boundary of the site. The site projects approximately 881 feet to the east into the existing residential neighborhood fronting on Hannan Road, and is bounded on three sides by AG residential zoned land. The OT District provisions require a complete visual and physical separation between residential and non-residential uses, such as a dense landscape screen that is a minimum of 50 feet wide.*
- c. *Rezoning for office technology uses shall be linked as closely as possible to the timing of development and land use change. Premature rezoning without a specific development proposal and site plan shall be avoided to minimize land use conflicts, property value decline, maintenance and safety problems. Although the conditional rezoning request is not for a specific use, the use illustrated on the general site plan (an electrical generating plant burning landfill gas) is not permitted by right in the OT District. The site’s protrusion into the surrounding AG properties will likely lessen the value of the surrounding properties for AG uses and for OT uses, in light of the surrounding properties’ lack of access to Visteon Way*
- d. *Office technology sites shall have sufficient width and area to facilitate development that satisfies the ordinance intent as well as specific standards for parking, circulation, delivery needs and landscaping, and without producing isolated islands of existing conditions which would not be economically viable for development. A minimum parcel width of 340 feet, and minimum area of 8 acres is generally required to meet present day development and ordinance standards. The site is 7.01 acres in area, less than the Master Plan’s minimum. The site is 347 feet wide, slightly exceeding the Master Plan minimum standard. The side yard setbacks in the OT district are 50 feet on each side that abuts a residential district, leaving 247 feet of width for potential development on the site. The substandard area of the site is a constraint to achieving quality site development that meets the Ordinance’s intent and specific standards.*
- e. *Driveway access to office technology uses shall be encouraged to be only from an internal road system, not from Hannan Road or Tyler Road. The purpose of this shall be to limit points of vehicular access (multiple driveways) from office technology development and minimize the impacts of the resultant traffic on single family residential uses which may be adjacent or across Hannan Road. The rezoning*

conditions would limit site access to only Visteon Way, thus complying with this standard for this site. To facilitate implementation of the Master Plan, Visteon should grant access to Visteon Way across its land to all other abutting lots that also have frontage on Hannan Road. This access would motivate redevelopment of the interior portions of the abutting lots and facilitate achievement of the Plan and a return on Township investment.

- f. *Any rezonings and development approved shall be compatible with the Plan as a whole, and able to stand and function on its own, without harm to the quality of the office technology sector, or the continuation of residential land uses where the single family owners wish it to continue.* The site's relative adjacency to single family residential uses will make it difficult for the impacts of future development on residential uses to be mitigated sufficiently to avoid negative impacts on property values. The application proposes an OT development pattern that would divide the existing AG-zoned land between Visteon Way and Hannan Road into an OT west half and AG east half. This pattern, if extended to the north and south of the site throughout the AG area, will work toward accomplishing the Master Plan. The lots owned by Visteon have full access to the internal road (Visteon Way) consistent with the Master Plan. However the lots that are not owned by Visteon do not have access to the internal road because the Visteon Way road right-of-way has not been conveyed to the County, and because in most cases there is a strip of Visteon's land between the parcels and the future right-of-way. Without access to Visteon Way, the non-Visteon owned lots can not be split to comply with Visteon's requested land use pattern of AG fronting Hannan and OT fronting Visteon Way, and thus those lots are without the same ability to redevelop consistent with the Township's Plan, including the sequencing standards. Without Visteon Way access, the non-Visteon lots have less value as OT lots, and further, if the Visteon-owned parcels are rezoned to OT, the value of the non-Visteon lots for AG residential land uses will be diminished. This is the situation the sequencing standards were designed to address.
- g. *Development proposals and rezoning requests which involve a change from residential to office technology or mixed use must encompass total parcels and not divide residential lots. This is necessary to ensure that sufficient land area remains on the thoroughfare frontage to permit the eventual rezoning and conversion to uses consistent with the Plan.* The proposal does involve a residential parcel that has been divided, however that division does not preclude the eventual rezoning and conversion of the remaining land to office technology. The rezoning would split-zone Parcels D and E. A land division would solve the problem.
- h. *Landscaping shall be used with office technology, mixed use and commercial development to enhance the image of the Plan area, to minimize noise, air and visual pollution, improve building appearance and screen and improve the appearance of parking and service areas. In particular, landscape screening, buffering and setbacks shall be provided along the Hannan Road frontage to buffer office technology uses on the west side from existing and master planned single family residential uses on the east side of Hannan Road. Along Ecorse Road, landscape improvements shall be consistent with and enhance the Ecorse Road/Haggerty Road Corridor Plan.* In light of the fact that a permitted use is not proposed and because the site is surrounded on three sides by single family residential lots, it may be

difficult to create an OT development that does not negatively impact the quality of life on the residential lots and that meets the landscaping, buffering and setback requirements. The OT District requires minimum side and rear setbacks of 50 feet when the site is adjacent to the AG Agricultural & Estates District. The 50 foot setbacks must be densely planted to achieve a year-round buffer that retains natural vegetation and adds a greenbelt of evergreen trees. One hundred feet of the site's width will not be available for buildings or non-landscape uses.

- i. *Sites shall be developed and designed to accommodate future connections, linkages and common elements with adjacent sites so as to create a campus style environment, consistent with the intent of the OT district.* The site plan shows no accommodation for future connections, linkages or common elements with adjacent sites to create a campus-style environment, other than the conditional rezoning allowance for Visteon Way access for the future user of the east portion of the rezoning site.
6. Access and Traffic. As noted above, the site owned by Visteon abuts Visteon Way and thus will have access to it. Visteon Way was financed by the Township to become a public street and would provide adequate, appropriate access for development of the rezoning site but as identified above, does not provide access to parcels to the north and south of the rezoning site. The rezoning conditions ensure that Visteon Way will be the only access for the rezoning site until the surrounding residential uses change.
 7. Natural Features. Any use must comply with the Township's Woodland and Tree Preservation regulations at the time that development is desired on these sites.

RECOMMEDATION

While the area is master planned for future office technology uses, the application still does not comply with the Township Master Plan's sequencing standards sufficiently to protect the neighboring single family residential uses from the potential negative impacts of OT development, nor does it address how a quality use permitted in the OT District could be developed on this isolated parcel while accommodating future links and common elements with adjacent sites master planned for OT development. While we find that the amendment has addressed several of the previous issues regarding Master Plan compliance, the applicant has not demonstrated how the modified site could be developed for a permitted OT use. We also believe it is premature to rezone the site without a resolution of access to Visteon Way for the other abutting parcels. In summary, we find the following:

1. The requested rezoning is not supported by the Township's Master Plan sequencing standards, in that:
 - a. The site is an isolated finger of land, projecting into an established single family residential neighborhood, and no provision is made to accomplish the plans' (Master Plan and LDFA Plan) objective of using the Township's investment in Visteon Way to benefit the Township through expansion of the OT area, other than on the lots owned by the applicant;
 - b. The site plan presents a use that is not permitted by right;
 - c. The site does not strictly meet the lot area requirements of the sequencing standards;
 - d. The location of residential parcels on three sides negatively affect the buildability of the site, limiting its future use when required protective screening and setbacks are provided;
 - e. The substandard lot area and location of residential parcels on three sides may make it difficult to adequately protect the single family residential neighbors from the impacts of

- noise, nonresidential view, truck traffic, odors, lights, fumes and other impacts of OT uses.
2. The zoning change could be precedent-setting for other sites that do not meet the sequencing standards of the Plan.
 3. The requested rezoning boundaries are not compatible with the existing single family residential uses, and may cause land use conflicts between residential and non-residential uses, and lead to residential property value decline.
 4. The proposed rezoning with the offered conditions will not result in the integration of the proposed project with the characteristics of the area nor enhance the area as compared to the existing zoning. The limiting of access to Visteon Way is the beneficial condition offered and its benefit is significant if it is extended to the other lots with frontage on Hannan Road.
 5. The proposed rezoning may cause remaining AG property to the north and south to have a reduced value as AG property and as OT zoned property because of lack of access to Visteon Way.

Roll call:

Yeas: Koscielny, Johnson, Kelley, McKenna, Budd and Thompson.

Nays: None.

Absent: Boynton

Motion carried.

GENERAL DISCUSSION

None.

ADJOURMENT

Motion Kelley, Johnson second to adjourn at 9:30 p.m.

Motion carried.

Respectfully Submitted,

Patricia Queener,
Recording Secretary