

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION MINUTES  
MARCH 10, 2010**

The meeting was called to order by Chairperson Thompson at 7:30 p.m. Present: Koscielny, Johnson, Boynton, McKenna, Kelley, Budd and Thompson. Staff present: Director Swallow and Secretary Queener. McKenna Associates representative present: Sally Hodges. There were 22 people in the audience.

**APPROVAL OF THE AGENDA:**

**Motion Boynton, McKenna second to approve the agenda as presented.  
Motion carried.**

**MINUTES:**

**Motion Koscielny, Boynton second to approve the revised minutes of February 10, 2010.  
Motion carried.**

**PUBLIC HEARINGS:**

**ITEM #1            CASE # 10-001 RZ**

**TITLE:            THE APPLICANT, VISTEON CORPORATION, IS REQUESTING TO REZONE A PORTION OF PARCEL NUMBER V125-83-045-99-0020-705, APPROXIMATELY 18.3 ACRES, FROM AGRICULTURAL AND ESTATE (AG) TO OFFICE TECHNOLOGY (OT).**

**Motion McKenna, Kelley second to open the public hearing.  
Motion carried.**

Jim Militello, representing Visteon, requested rezoning of 18.3 acres from Agriculture and Estates (AG) to Office Technology (OT), stating 94 % of the land is currently zoned OT. Mr. Militello also stated the proposed rezoning is consistent with the Township's Master Plan.

Director Swallow reviewed the allowable and special approval uses that could be developed in the OT district, and explained that the public hearing was for the rezoning and a site plan or proposed development cannot be considered at this time.

Sally Hodges, representing McKenna Associates, stated the applicant submitted a proposal to rezone three areas from Agriculture and Estates (AG) to Office Technology (OT), and explained the Commissioners should consider whether the proposed location is appropriate location for all the uses permitted. Among the factors that should be answered are:

1. Would the rezoning be consistent with the other zones and land uses in the area?
2. Would the new district be consistent with the development trend in the area?
3. Would the proposed rezoning be consistent with the Master Plan's policies and future land uses for the area?

Hodges noted the policy of the Planning Commission has been to not make a recommendation on rezoning requests until a meeting following the public hearing. The OT district is intended to provide a community of office, research, technology and related uses, while specifically excluding incongruous uses. The permitted uses are generally lower intensity than those in industrial districts and have minimal impacts outside the principal building. The low intensity character allows the OT uses to be more compatible with residential, so as to not create a negative impact. The district also specifically prohibits outdoor storage, petroleum sales, storage and processing, hazardous materials, manufacturing and processing from raw materials, stamping, truck terminals and various types of higher impact industrial processing.

Robert Clark resides at 8200 Hannan Road, stated he did not hear about a proposed project that would burn methane gas from Waste Management. He stated he is against the rezoning.

Director Swallow stated he has heard about the proposed project and this type of use would have to be considered under the special use category because of the potential impacts.

Sally Hodges, with McKenna Associates, stated that if any of the proposals were special use they would have to meet specific standards, which would take into consideration the impact on the surrounding residential area. There would be an additional public hearing with the Planning Commission and the special use would need to be approved by the Board of Trustees.

George Deverich resides at 39540 Tyler Road, stated that he knows the proposed project can not be considered at this public hearing, but the project does not fit in OT and they should be looking at the northwest corner where there are no residents, and asked the Commissioners and staff to look very hard at the consideration. He also requested to be notified for additional public hearings on this project.

Commissioner Boynton inquired about the proposed project and asked what information the residents had received.

Director Swallow explained he had received several phone calls from a company called Ameresco regarding a proposed landfill gas to energy plant, but they were looking at several sites.

Charles Finch resides at 8812 Hannan Road, opposes the rezoning stating the proposed project should be built on the west side of the Visteon site.

Dave Ruff resides at 39580 Tyler Road, stated they are proposing to install five generators, and inquired about the allowable building height in the OT District. Mr. Ruff opposes the rezoning.

Ernie Tozer resides at 9200 Hannan Road, opposes the requested rezoning, stating he is very disappointed with the presentation of the rezoning, and the fact that the map is not accurate. He

also inquired if the purchasers of the surrounding properties that were sold recently were informed about the proposed rezoning. He feels that the residents east of I-275 are forgotten, when they should be taken into consideration when a proposed rezoning or proposed project comes before the Township.

Mr. Deverich brought to the attention of the Commissioner that in the Grace Lake Master Plan to rezone to OT they must have 10 or 15 contiguous acres. This was to prevent residents from being isolated similar to what occurred on Haggerty Road.

Chuck Finch 8812 Hannan Road, suggested that the proposed development be relocated to the west side of the Visteon Site. He opposes the requested rezoning.

Sally Hodges stated there were several meetings a number of years ago with the residents that would be affected by the Visteon site. At the conclusion of these meetings the residents preferred the land to be Master Planned OT, because this would bring a higher value to their property as long as there was the contiguous property protection to avoid isolation.

Mr. Deverich stated the applicant should have been informed of the rezoning conditions and requirements in the OT District. He also confirmed the neighbors did agree to the OT, but only with the contiguous wording.

Robert Clark resides at 8200 Hannan Road stated a gentleman from Ameresco called and offered him \$175,000 for his property. Then he called back and said that if he spoke for the rezoning he would make it worth his while. He was also taken to look at a similar facility on Elwell and he would not want this near his home.

Vern Hollandsworth resides at 8926 Hannan Road, has lived there 40 years and opposes the rezoning.

Roy Roeser resides at 7830 Hannan Road, was not against the rezoning until he found out about the proposed use.

John Delaney resides at 7696 Mida Drive, stated he feels as though the Township is not being up front about the proposed development.

Commissioner Boynton asked if anything was set in stone regarding the proposed project that the residents have mentioned.

Mr. Militello stated he has been approached by several different companies regarding this property, such as U of M for a cancer center, Data Center, Oakwood, and a movie studio out of California. As an agent for this property nothing has been finalized and at this time we are requesting the rezoning to comply with the Master Plan.

Director Swallow stated an individual from Ameresco has inquired about three different sites, including this site, regarding a landfill gas plant to generate electricity. Based on his understanding it would have a building and generators inside which would burn landfill gas. Swallow also stated at this time they have not looked into the noise or odor because all that has

been proposed is the rezoning. When a site plan is presented staff takes all of those issues into consideration.

Commissioner Boyton asked the residents if they would be opposed to some of the other uses permitted in the OT District.

Resident Dave Ruff stated Visteon has 260 acres, this request seems to be spot zoning. He does not want this area to end up like L & W on Haggerty Road where there are only a few homes between the plants.

Mr. Delaney asked how much developable OT property is vacant in the Township.

Director Swallow stated the only developable property currently zoned OT is at the Visteon site.

Pam Ruff resides at 39580 Hannan Road, opposes the rezoning and said that she feels as though there is a hidden agenda.

Commissioner Thompson stated there is not a hidden agenda, the applicant at this time is requesting a rezoning and that is what will be considered. The commissioners have not seen or heard about the proposed development and it appears the residents have more information than the commissioners.

**Motion Boynton, Kelley second to close the public hearing.**

**Motion carried.**

**ITEM # 2                    AMENDMENTS TO ACCESSORY STRUCTURES AND USES  
ZONING ORDINANCE SECTION 4.14**

**Motion Budd, Kelley second to open the public hearing.**

**Motion carried.**

Director Swallow reported that the maximum building heights proposed in the revised ordinance were increased by two feet. This change is included in the table with the applicable roof pitch. After additional research, it was determined that the maximum square footage for detached accessory buildings should remain at 4,000 square feet. After discussion with staff and residents, there were concerns with the 1,100 square foot per acre number. A 30' x 40' building is a common square footage, which would result in a 1,200 square foot building. Director Swallow asked the commissioners if they would like to look at the 1,100 square feet number again and increase it to 1,200 square feet.

Swallow stated he would also request changing the submittal requirements for a modification application. As currently written, the ordinance includes the entire site plan review requirements, which are designed around a larger development. It would be more appropriate for accessory structure modifications to only include the submittal requirements for administration review.

Comments from the Attorney's review were related to Nuisances, with a question if the Township wanted to expand this section. The Attorney also suggested including additional definitions. Sally Hodges stated that McKenna Associates recommends leaving the Nuisance portion of the ordinance the way it is currently written. "Accessory Structures" was added as a definition, on the recommendation from the Township Attorney. The other significant changes included the increased building height; and the dimensional regulation table was created for attached and detached buildings, which should make the ordinance easier to understand. The ordinance also provides for encroachments for decks at the ground floor level, in response to problems in the newer subdivisions. Finally, there is the proposed increase in detached accessory building size.

Commissioner Thompson asked what an acceptable multiplier would be for the amount of square feet per acre. Commissioner Budd stated she drove the township looking at garages and pole barns and called business to get an idea of the square footage for the kits that are sold. She would like the wording changed regarding the compatibility of the buildings. In some areas you can find the siding going vertical on the house and horizontal on the garage, and some people may not see that as being compatible but it looks nice. Commissioner Budd also asked why flat roofs are not allowed.

George Deverich resides at 39540 Tyler Road stated a common size is 1,280 square feet or 32 x 40 because of lumber dimensions.

Commissioner McKenna stated he also had a concern regarding compatibility and stated it seems the numbering of the tables may be wrong.

Commissioner Budd agreed with Mr. Deverich to increase the square footage to 1,280 per acre.

Sally Hodges stated if a structure is in character with the neighborhood, it does not say that it must have the same siding or windows. Compatibility means it should not overwhelm the property. Hodges also stated there has never been a request from a resident to have a flat roof, but that could be granted as a modification.

Director Swallow stated he would bring a clean copy of the proposed ordinance with the changes that were discussed back to the Commissioners for recommendation to the Township Board of Trustees.

**Motion McKenna, Koscielny second to close the public hearing.**

**Motion carried.**

#### **GENERAL DISCUSSION:**

Commissioner Kelley inquired about the status of the Foreclosed Home Ordinance and would like to see a public hearing scheduled. Director Swallow stated he would go over it with McKenna Associates then bring it before the Commission.

Commissioner Johnson inquired about the issues that have been discussed regarding the sidewalk behind Wal-Mart. Director Swallow stated he went to the site to see if there was an alternative

route for the sidewalk and there is not space along the fence line. He spoke to Wayne County about vacating the road right-of-way and it would have to go to the adjacent lot owner. Commissioner Budd asked if it were abandoned, who would start the process. Director Swallow stated a petition from all of the adjacent property owners would need to be signed. Without petitions, the County Commission could act on their own, but the County looks for support from the property owners.

Mr. Deverich inquired about updates to the sound and vibration ordinances. He suggested that these be updated due to the proposed generator facility and wind turbines. Director Swallow stated there are environmental performance standards in the current ordinance, but it has been some time since they have been updated.

**Motion McKenna, Boynton second to adjourn at 9:30 p.m.**

**Motion carried.**

Respectfully submitted,

Patricia Queener,  
Recording Secretary