

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
FEBRUARY 9, 2011**

Chairperson Thompson called the meeting to order at 7:30 p.m. Present: Guenther, Johnson, Budd, Boynton, McKenna and Thompson. Excused: Kelley. Staff Present: Interim Director Terry Carroll and Secretary Harman. McKenna Associates present: Sally Hodges, Wade-Trim representative present: David Nummer. There were 20 people in the audience.

APPROVAL OF AGENDA:

Motion McKenna, Johnson second to approve the agenda as presented.

Motion carried.

MINUTES:

Motion Boynton, Budd second to approve the minutes from January, 26, 2011 as presented.

Motion carried.

PUBLIC HEARINGS

ITEM #1

CASE #

TITLE:

THE APPLICANT, VICTORY PRE-OWNED IS REQUESTING SPECIAL USE APPROVAL FOR OUTDOOR SALES SPACE FOR EXCLUSIVE SALE OF USED, SECOND HAND AUTOMOBILES IN ACCORDANCE WITH SECTION 13.03 b. OF THE TOWNSHIP ZONING ORDINANCE.

LOCATION:

PARCEL NUMBER V125-83-061-99-0004-701 ALSO KNOWN AS 9700 BELLEVILLE ROAD, THIS PROPERTY IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD BETWEEN TYLER ROAD AND NORTH I-94 SERVICE DRIVE.

Motion Johnson, Boynton second to open the public hearing.

Motion carried.

David Shaff from Architects & Planners gave a presentation on the proposed use of the property located at 9700 Belleville Road for a used car facility. He explained the use of parking along the Right-Of-Way will be to display vehicles. Additional display area and employee parking to be on the west side of the property. The undeveloped areas on the property will be kept and additional landscaping along with natural grass areas will be added. Mr. Shaff gave a description of intended modifications to the existing building. Current entrances to the property will remain. A new sign will be added along with designated parking signage.

Sally Hodges of McKenna Associates spoke on the special use approval and preliminary site requirement review letters. A letter dated February 2, 2011, reviewed both general and specific standards and is satisfied that it is both socially and economically compatible. She would like to ask the commission to address the ordinance requirement that mobile homes/motor homes and/or large vehicles not be parked in the lot. Update narrative on the

plan to be with large vehicle language. The ordinance requires that an obscuring or opaque wall is necessary. The commission could determine that a screening wall is not necessary and the applicant could plant evergreens.

Site plan comments are to give the applicant time to address the deficiencies that are listed below:

1. In agreement with all the items within the letter. Modify parking standard with customer parking. Propose a parking standard that results in fewer parking spaces for customers and employees.
2. Screening wall/evergreens

Commissioner Johnson inquired as to what sort of screening is at the interface of adjacent properties. Sally Hodges stated there is none currently and that none is required. Evergreens would be consistent with neighboring car wash property that backs to residential properties.

David Shaff, response in terms of parking, came up with the approach of reasonable number of parking spaces. Changes may be made to the plan to provide additional spaces for customer parking in the area for used car display. He doesn't want to create too much extra parking, would like to create a good balance. Shaff plans to make a small parking revision. They have already agreed to the screening with evergreens and will meet with Sally Hodges of McKenna Associates.

Chairperson Thompson asked Hodges if there should be designated employee and customer parking. Hodges stated they can always provide more parking within the limits of the ordinance. David Shaff, stated they have already agreed to additional signage for customer and employee parking.

Chairperson Thompson asked if any commissioners have strong feelings on the number of parking spaces. Budd stated she had no specific number in mind. He can work out the number with McKenna representative. No further discussion.

Motion Budd, Johnson second to close the public hearing.

Motion carried.

OLDBUSINESS

ITEM #1

CASE #

10-012 SUP, SPR & TRP

TITLE:

THE APPLICANT, VISTEON CORPORATION/HOOSIER ENERGY, IS REQUESTING SPECIAL LAND USE RECOMMENDATION, PRELIMINARY SITE PLAN APPROVAL, AND TREE PERMIT APPROVAL TO CONSTRUCT A LANDFILL GAS TO ENERGY PROJECT. SPECIAL USE APPROVAL IS REQUIRED PER SECTION 14.03, SUB-SECTION 6. OF THE CHARTER TOWNSHIP OF VAN BUREN ZONING ORDINANCE.

LOCATION:

PARCEL NUMBER V125-83-045-99-0020-705 ALSO KNOWN AS 1 VILLAGE CENTER DRIVE, AN APPROXIMATELY ONE AND 1 HALF (1.5) ACRE SITE. THIS SITE IS LOCATED ON

THE SOUTH SIDE OF ECORSE ROAD, BETWEEN I-275 AND HANNAN ROAD, ON THE FAR WEST SIDE OF THE GRACE LAKE CORPORATE CENTER.

Terry Carroll, Interim Director stated that he went through and picked up each one of the items that were addressed two weeks ago at the January 26 meeting; use determination, sequence standards, odor, emission and height. Documentation was provided on each item and was mailed to McKenna Associates on February 4th. Interim Director Carroll secured James Voss, Senior Environmental Analyst for the Michigan Department of Environmental Quality who offered to come in and answer any questions.

James Voss gave an explanation of the air quality permit process by the MDEQ. Stack emissions modeling is done to see impact on neighboring facilities and homes to assure no risk to humans.

Chairperson Thompson inquired how often a field check is done and if a report is available. Voss stated this falls under title 5 of the Clean Air Act and they are required by the EPA to visit the site every 2 years. The permit once they begin operation will have additional reporting requirements and will have to apply for a renewable operating permit. They are required to report any upset at the facility. Everything is available under FOIA.

Chairperson Thompson inquired to Voss, in the engineers review for permitting what was looked at? They are constrained by Clean Air Act and the State Public Act parts 51 and 55. The permit engineer looked at what the expected emissions are and the controls to ensure that there is good combustion. Information provided on the composition of the fuel stock in order to evaluate air toxics. As for the effects to adjacent buildings or properties, the original location was passed by the model. This location is moving farther to the west so there is room for more dispersion. The Visteon building is far enough away that it wasn't modeled into the plan. They have to take tree line into account on the stack height. Air model is based on a year's worth of weather patterns to determine if the impact was within the regulated amounts. Plum well below national air quality standard will have no ill effects.

Commissioner McKenna inquired to Voss as to the site of the stacks oxidizer carbon filtration element. What is typically being burned off? Voss responded that heavier volatile compounds found in landfill gas, benzene, non-methane organic compounds are the primary concerns with landfill gas. The carbon would be regenerated periodically and a well generated flare should take care of any of those issues.

Director Carroll provided a copy of the sequence standards in packet marked Exhibit "C".

Commissioner Budd stated that the road is a problem and requested the Right-Of-Way into the property on Hannan Road. Dedication and access are necessary in order for recommendation to the Township Board.

Ken Kucell, Engineering Division Director, Wayne County Department of Public Services, stated Visteon and Wayne County finalized language to transfer Visteon Way Right-Of-Way by quit claim deed to the County. The County at this time is not prepared to discuss access. Dedication of right of way is solely a separate issue per Visteon Development and Economic

Development Grant project waiting to close that out. He explained the quit claim deed filing time frame, optimistically at least 1 month away from approval.

Hodges expressed the dedication of Right-Of-Way is part of the recommendation by McKenna, without this provision of access to that road for neighboring property owners makes it effectively a private road paid for by the public. Hodges continues to recommend provisions for the access as drafted and that they be included in the recommendation to Township Board.

Commissioner Johnson expressed concerns if there is a mishap and if emissions can be properly contained.

Commission Guenther expressed concerns with the stacks and building being so close to the road.

Commissioner Boynton discussed the benefits of the project.

Mr. Voss, read a paragraph from the 2009 public comment document to Commission members and audience. State of the art engines that are computer controlled should shut down and go into failure mode if there was a misfire or if a problem were to occur.

John Delaney, would like Commission to see hard facts before taking action and feels the findings were not fact based.

Ernie Tozier said the residents and Township officials produced the Grace Lake Master Plan documents to protect the residents and township. He is concerned about landfill gas processing and raw materials processing. He is concerned that stacks will be as tall as the Visteon buildings.

George Deverich, asked Chair Thompson to ask McKenna Associates if there is any opinion by either the Township's or McKenna Associates' attorneys? The township attorney has been watching the development and the review in process. He explained Special Use Approval and why he feels this development is a prohibited use and doesn't fit.

Chair Thompson asked Hodges to explain use to the commission members and audience. Addressing the question on the attorney's opinions, Sally Hodges stated that the decision being considered is not a decision for the attorneys and no decisions have been given. The Commission is moving forward with an understanding of ordinance, master plan, and use. Hodges explained how the facility qualifies under special land use.

Matt Dame, In-District Manager for Senator Colbeck's Office stated that the Senator met with Jeff Stander of Ameresco and was given an overview of the project last month and is in favor of the project moving forward. The project will bring temporary and permanent jobs to the township and the region. All the data appears to be here and the project is ready to roll. Senator Colbeck would like the Planning Commission to know that he can help communicate concerns to Governor Snyder and he'd be more than happy to do so. It is his hope that his assistance will not be necessary and the Planning Commission will vote to allow this project to proceed tonight.

Pam Ruff, stated that a landfill gas to energy power plant is not listed in the OT district and is prohibited processing of raw materials. She does not understand how this can be approved when it is prohibited.

Sandy Crosswell, opposes the proposed project, and is concerned that safety and health will be threatened.

Hodges, said that her previous quoted comments made were on use by right. Hodges explained that Special Land Use allows the commission to attach reasonable conditions that are necessary to mitigate the impacts. Considering a recommendation that has very stringent conditions that will limit the impact of use proposed is within the authority of the Planning Commission. There are sections of the OT district that do permit processing under certain circumstances with certain uses. This use is different in impact and characteristics than typical industrial, above ground, traffic causing uses.

Delaney, doesn't believe this a green project and does not agree with the project as a special land use.

Chairperson Thompson, felt she was ready to make a decision since every issue that has been brought up in meetings since applicant first came to the commission has been answered. Would like the Commission to recommend to the Township Board to consider granting special land use and to approve preliminary site plan, not ready for final site plan at this time.

Deverich, asked if under section 1403 permitted use of special approval, do prohibited uses apply. Disagrees on interpretation of Special Land Use to allow this project.

Ruff inquired if Thompson intended for a motion to be made on the project.

Motion by Boynton, second by Budd,

WHEREAS, the Applicant has filed application for special land use approval under Section 14.03 of the Township Zoning Ordinance; and

WHEREAS, the Township Zoning Ordinance permits special use approval for uses that are of a same nature or class as uses that are principal permitted uses or special land uses in the OT District; and

WHEREAS, essential services buildings are principal permitted uses and include public utilities which include gas and electrical facilities, and public utilities are permitted uses permitted following special approval in the OT District; and

WHEREAS, the Planning Commission finds that the proposed Co-Generation Facility will transfer landfill gas to electric energy and thermal energy to be used on the Grace Lake Corporate Center campus site; and

WHEREAS, the Planning Commission has considered the review and recommendations of McKenna Associates, dated January 21, 2011 along with other documentation, testimony and comments submitted to it.

NOW, THEREFORE, the Planning Commission finds that the Co-Generation Facility will be of the same nature or class of use as essential service buildings that are principal permitted uses and public utility uses that are permitted by special approval in the OT District, and the Co-Generation Facility is not inconsistent with the purpose of the OT Office Technology Article of the Zoning Ordinance, and subject to the conditions listed below, the use will not impair the present or potential use of adjacent properties, particularly in light of the location of this use and for the other reasons as stated in the above referenced McKenna letter.

BE IT RESOLVED that the Planning Commission recommend that the Township Board grant special land use approval in Case No. VBT 10-012-SUP, for Visteon/Hoosier Co-Generation Facility, located at 1 Village Center Drive, with the following conditions:

1. All noise generated shall comply with the recommended noise criteria, standards and protocol for evaluation and follow-up monitoring as set forth in Kolano and Saha Engineering, Inc.'s letter of January 21, 2011 to McKenna Associates. The Applicant is to establish to the satisfaction of Kolano and Saha Engineering, Inc. that the noise control measures planned for the facility will meet their recommended noise criteria at the time of final site plan approval. A financial performance guarantee, in an amount and form determined by the Township, shall be posted to ensure continued compliance with the noise criteria following commencement of operations. The financial guarantee shall be a minimum of \$500,000, which amount may be increased by the Township administration.

2. Visteon Way shall be dedicated to Wayne County in the form of a Quit Claim Deed acceptable in form and content to the County prior to final site plan approval or two months following special approval granted by the Township Board, whichever occurs first, and the dedication shall be accepted by Wayne County prior to the Township Board granting building permits for the project.

3. Applicant shall provide abutting property owners access Visteon Way so as to be in accordance with the Term Sheet for conveyance of Visteon Way for ingress and egress for contiguous property owners to Visteon Way as set forth in the attached Term Sheet to McKenna Associates letter of January 21, 2011 (Term Sheet as revised January 25, 2011).

4. Plans require 14 foot high screen wall of precast type construction, with stone appearance and a color to match the building, as approved by the Planning Commission.

5. The use conditions #1 and #2 of the site plan apply and the facility shall use landfill gas from only the Woodland Meadows Landfill and shall deliver all hot water created to the Grace Lake Campus. Condition #2 must be revised to require the first hot water report to be submitted on or before December 31, 2011.

6. Hoosier Energy shall submit an annual report to the Township Supervisor, confirming that the maintenance is being conducted consistent with regulatory and manufacturers' requirements.

7. Hoosier Energy shall be required to alert the Township Supervisor of any landfill gas leakage or alarm, and submit semi-annual reports to the Township Supervisor,

concerning emissions and compliance with odor, air quality, noise and other applicable standards to the satisfaction of the Township.

8. Compliance with all comments of the police and fire departments.

9. Approval of all federal and state regulatory agencies which jurisdiction is required, including receipt of all required permits, including air quality, all of which shall be submitted to the Township.

10. Site Plan approval, tree removal permit approval and all these conditions of the special land use approval are to be noted on the site plan.

YEAS: Boynton, Budd, Guenther, Thompson

NAYS: Johnson, McKenna

ABSENT: Kelley

Motion Carried.

Preliminary site plan approval in Case No. VBT 10-012-SPR, Visteon/Hoosier Co-Generation Facility, located at 1 Village Center Drive.

Motion by Boynton, second by Budd,

The Planning Commission having recommended special land use approval for the site; hereby approves the preliminary site plan in Case No. VBT 10-012-SPR, Visteon/Hoosier Co-Generation Facility, subject to special approval by the Township Board and subject to the following conditions that must be met prior to final site plan approval being granted:

1. The site plan provides a total of 7 parking spaces and relocates the required interior parking lot landscaping and foundation plantings to the edges of the parking lot.

2. Landscape items as described in Comment 5 of McKenna’s letter, dated January 21, 2011, including installation of a 14 foot screening wall as illustrated along the northwest and northern perimeters of the site prior to issuance of certificates of occupancy. The color, of the wall will match the building and façade materials and shall be as set forth below, the berm landscape screening shall achieve 80 percent opacity from I-275 prior to issuance of a certificate of occupancy, and the plan shall be revised to reflect tree replacements.

3. Compliance with the recommendations of Kolano and Saha Engineering’s letter of January 21, 2011 including recommended noise criteria, mitigation measures, monitoring and revisions to the site plan as may be required to achieve compliance.

4. The elevations, façade materials and colors of the building and screen wall provided to the Planning Commission as reviewed are approved.

5. The following items shall be submitted for approval with the complete revised final site plan:

a. Adjustment of the lease limits to include the entire site and provision of the corresponding survey and legal description, as noted in Comment 1.a. of McKenna's letter of January 21, 2011;

b. Corrected details on the building and elevation plans, as listed in Comment 4.b. of McKenna's letter of January 21, 2011;

c. Photometric plans and lighting cut sheets, as described in Comment 6 of McKenna's letter of January 21, 2011;

d. Addition of route for the landfill gas delivery pipeline on the final site plan, as described in Comment 8 of McKenna's letter of January 21, 2011;

e. Notation of the approved parking standard and calculations, as described in Comment 3.a. of McKenna's letter of January 21, 2011.

6. Tree Removal Permit approval prior to final site plan approval.

7. Compliance with recommendations of Township Engineer's letter of January 19, 2011, and final engineering approval.

8. Approval of Township Police and Fire Departments, including the width of the fire access drive.

9. Deposit of a financial performance guarantee to insure compliance, in an amount and form to be determined by Township staff.

YEAS: Boynton, Budd, Guenther, Johnson, Thompson

NAYS: McKenna

ABSENT: Kelley

Motion Carried.

Tree removal will carry over to time of final site plan. Chair Thompson thanked residents, commission members and McKenna Associates.

Director Carroll asked for a five minute break that was granted by the Chair.

NEW BUSINESS

ITEM #1

ELRO CORPORATION DEVELOPER OF BEDFORD COVE SUBDIVISION LOCATED ON HURON RIVER DRIVE, IS REQUESTING AN EXTENSION ON THEIR PRD AGREEMENT.

Richard Schoenherr of Elro Corporation gave an overview of the Bedford Cove property development. Elro Corporation also developed the Mission Point subdivision. Mr. Schoenherr requests an extension of the development agreement for 4 years from the time the agreement is amended due to the decline of the housing market and economy.

Terry Carroll, Interim Director stated that he had researched how the PRD extension comes about and asked the Township Attorney of the procedure to be followed. The procedure should be the same as the original granting of the PRD just no public hearing.

Sally Hodges of McKenna Associates explained the PRD. If the township amends the agreement the conditions originally approved are still valid. The Planning Commission and Township Board need to find if there is a benefit to users. The PRD could be amended by the township and applicant to be beneficial for both.

Chair Thompson stated the delay to start development will give the market a chance to recover.

Commissioner Johnson inquired if we do not grant the extension what does the developer lose financially? The response was that the developer loses all engineering costs, design, utilities, all plans relative to landscape, and permit fees.

Schoenherr would entertain a consideration of 4 year extension with no development until after 3 years. Commissioner Mckenna inquired as to what happens if the housing changed. Minimums and provisions are in the development agreement and have to be presented to the Planning Commission. David Nummer of Wade-Trim referenced that the developer has been cooperative with past projects.

The primary reason for the extension is that there is already an investment on both sides. There is more housing stock than can be taken advantage of at the current time.

Motion Johnson, McKenna second to recommend to the Township Board an extension on the PRD agreement for the Elro Corporation Development, Bedford Cove Subdivision, located on Huron River Drive for a period of 4 years with the condition that they refrain from building for a period of at least 3 years for the reasons established in the discussion. Motion Carried.

ITEM #2

ELECTION OF OFFICERS

CHAIRPERSON

VICE-CHAIRPERSON

CORRESPONDING SECRETARY

Motion Boynton, Johnson second to elect Thompson for Chairperson, Boynton for Vice-Chairperson and Kelley for Corresponding Secretary. Motion Carried.

GENERAL DISCUSSION:

None.

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Motion Boynton, Johnson second to adjourn at 10:35 p.m.

Motion carried

Respectfully Submitted,

Christina Harman,
Recording Secretary