

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION MINUTES
AUGUST 22, 2012**

Chairperson Thompson called the meeting to order at 7:30 p.m. Present: McKenna, Budd, Kelley, Boynton, Johnson, Guenther and Thompson. Staff Present: Director Carroll and Secretary Harman. McKenna Associates present: Sally Hodges and Christopher Khorey. There were 18 people in the audience.

APPROVAL OF AGENDA:

**Motion Kelley, Boynton second to approve the agenda of August 22, 2012 as presented.
Motion carried.**

MINUTES:

**Motion Budd, McKenna second to approve the minutes of August 8, 2012 as presented.
Motion carried.**

PUBLIC HEARING:

ITEM #1

TITLE: ADOPT CHANGES TO THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO AMEND AND MODIFY PROVISIONS AND REQUIREMENTS OF SECTION 4.24b WIRELESS COMMUNICATION FACILITIES AND TO MODIFY SECTION 4.31.D COLOCATION ADMINISTRATIVE APPROVAL.

Motion Boynton, McKenna second to open the public hearing. Motion Carried.

Director Carroll explained the wireless communication facilities ordinance changes had been discussed at work study meetings and the changes recommended are to bring the ordinance current with code compliance. Christopher Khorey of McKenna Associates explained the changes made to the ordinance that were needed for compliance with the zoning and enabling act. These were minor wording changes.

No comments from the Planning Commission. No comments from the audience.

Motion Johnson, Boynton second to close the public hearing. Motion Carried.

ITEM #2

CASE # RZ12-001

TITLE: THE APPLICANT MENARD, INC. IS REQUESTING TO REZONE A PORTION OF PARCEL NUMBER V125-83-064-99-0001-000 ALSO KNOWN AS THE WAYNE COUNTY FAIRGROUNDS, 10871 QUIRK ROAD EQUAL TO 0.61 ACRES FROM R1-B (SINGLE FAMILY RESIDENTIAL) TO C-2 (EXTENSIVE HIGHWAY BUSINESS).

Motion Kelley, Boynton second to open the public hearing.

Director Carroll provided a legal description of the 0.61 acres and an outline of the site as presented by Menards, along with a draft schedule. The applicant Mike Simmons of Menards Inc. explained they would like to rezone the 0.61 acres to square off the overall Menards development to fit the site.

No comments from the Planning Commission.

Resident concerned with traffic patterns at the N. I-94 Service Drive at the Belleville Road bridge and also Quirk Road.

Commissioner McKenna also expressed concern with stacking of traffic at the N. I-94 Service Drive at Belleville Road and inquired if any provisions were being considered. Director Carroll has had discussion with the Wayne County Road Manager and the County has expressed interest in a traffic study for the area. Chairperson Thompson inquired when to expect the site plan. Hodges noted the site plan will come to the Planning Commission around October 24th because special land use is involved. Commissioner McKenna inquired what variances would be required. Hodges has not reviewed the application in its entirety yet, possibly 2-3 variances and the applicant would work to minimize the number.

Motion Budd, Johnson second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM #1

TITLE: PRESENTATION OF PROPOSED CANTON MASTER PLAN.

Sally Hodges of McKenna Associates gave a brief presentation on Canton Township's Master Plan amendments. The amendments are required to be reviewed by neighboring communities under the Michigan Planning and Enabling Act. Canton is amending a few small areas primarily related to the change of density in residential areas and shopping. The plan changes have no impact on Van Buren Township and in the past a letter was sent acknowledging the Township had reviewed the plan amendments and noted any comments.

Motion Boynton, Kelley second to send a letter of support to the Charter Township of Canton on their five year master plan amendments. Motion Carried.

UNFINISHED BUSINESS:

ITEM #1

CASE # 10-012 SUP, SPR & TPR

TITLE: THE APPLICANT, VISTEON CORPORATION/HOOSIER ENERGY, IS REQUESTING FINAL SITE PLAN APPROVAL, AND TREE PERMIT APPROVAL TO CONSTRUCT A LANDFILL GAS TO ENERGY PROJECT.

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.

The attorney on behalf of Visteon/Hoosier spoke on the expectation of a vote for final site plan approval at the meeting. The site plan has been reviewed with numerous submittals, sound consultant noise review, environmental commission review, letters of recommendation submitted from planner, engineer and Police and Fire Departments, special land use conditions have been fulfilled, meets design, landscape, site and noise criteria. The applicant also spoke of the benefits of the project with added jobs to the community, reduced greenhouse gas emissions, reduced landfill gas emissions, taxes, and lessened heat cost for the Visteon facility.

Sally Hodges of McKenna Associates review letter dated August 2, 2012 recommends the Planning Commission approve the Final Site Plan subject to the following:

1. Performance guarantees, in the form as determined by the Township must be submitted in the following amounts: Noise Compliance \$545,000, Landscaping \$124,479; and Stack Coating Maintenance \$22,600. The landscape maintenance guarantee shall be retained for a period of two

years from the date of Certificate of Occupancy to ensure that the plant materials are properly installed and established.

2. The Noise Compliance Evaluation (NCE) dated June 6, 2012, as approved by the Planning Commission must be executed by the applicant, and submitted to the Township. The use must cease and desist if it is not in compliance with the document.
3. The screen wall must be 20 feet along its entire length as agreed by the applicant, and the site plan revised accordingly.
4. The building roof and façade, screen wall materials and colors, and a sample of the proposed coating for the stacks must be presented to the Planning Commission and are subject to its official approval. The approved coating material sample shall be kept on file for comparison in the required annual stack appearance evaluation.
5. If the facility ceases to be a “cogeneration” plant, it must immediately stop operation and the Township must be notified within 30 days of cessation.
6. Approval of all regulatory agencies with jurisdiction is required, including the Wayne County Drain Abandonment permit. A signed copy of the ITC pipeline easement must be submitted to the Township and up-to-date copies of all permits must be provided to the Township before issuance of any building or construction permits.
7. Final site plan approval for the DTE substation. No building or construction permits shall be issued for the Hoosier site until the DTE site has received final site plan approval.
8. The approval is only valid for the facility as represented on the final site plan, any expansion or modification, including but not limited to installing a fifth engine/stack shall require compliance with Township codes and ordinances at that time and site plan approval from the Township. Submittal of valid Air Quality permits, noise compliance testing and approval for the facility, compliance with the Stack Coating Maintenance, new performance guarantees including but not limited to noise compliance will also be required at that time.
9. The Stack Coating Maintenance Plan dated 8-2-12 shall be executed and the stacks shall be maintained with a clean, white, high tech appearance.
10. An Emergency Response Plan specific to the site must be provided and is subject to approval by the township.
11. Approval by the Township Engineer.
12. Approval by the Police and Fire Departments.
13. Compliance with all conditions of the Township’s special approval.
14. Tree removal permit approval by the Planning Commission.

Commissioners Boynton and Budd discussed the emergency plan and would like Commissioner Boynton involved in the Public Safety review of the emergency plan. This language change to be noted under conditions in the McKenna Associates review letter to include the Public Safety Director, Building Director and Commissioner Boynton in the emergency plan review. Commissioner Budd would also like the Noise Compliance Evaluation condition language to include “The use shall cease and desist if it is not in compliance with the Noise Compliance Evaluation review, tested by third party noise professional, and reviewed by the applicant and Township Board.”

Residents expressed concerns that the facility does not fit the OT District and is in conflict with zoning and ordinance. Residents also expressed health and safety concerns and the desire to have more information go on to the Township Board before making a final decision.

Commissioner Budd noted that unless the ITC permit is corrected, there will be no issuance of any permits. Commissioner Johnson inquired if the applicant will need a new valid permit to operate. Commissioner Boynton noted that in order to get a permit to operate everything has to be current. Whatever the latest requirements are, they will have to be met and the applicant cannot do anything until the permit has been presented to the township. Before a shovel touches the ground or trees are removed a current operating permit will need to be in place.

Final Site Plan approval in Case No. VBT 10-012-SPR, Visteon/Hoosier Co-Generation Facility, located at 1 Village Center Drive.

Motion by Donald Boynton, second by Bryon Kelley,

The Planning Commission hereby grants Final Site Plan approval in Case No. VBT 10-012-SPR, Visteon/Hoosier Co-Generation Facility, subject to the conditions of the Township Board's special approval, the Planning Commission's conditions of preliminary site plan approval, McKenna's review letter of August 2, 2012, Kolano and Saha's review letter of February 16, 2012, Wade Trim's review letter of February 15, 2012, and also subject to the following conditions:

1. Performance Guarantees, in amounts and form to be determined by the Township, must be submitted for noise, landscaping and stack maintenance.
 - The landscaping guarantee shall be in the amount of \$124,479 and shall be retained for a period of two years from the date of issuance of the Certificate of Occupancy to ensure that the plant materials are properly installed and established.
 - The stack coating maintenance guarantee shall be in the amount of \$22,600 and shall be retained as provided by the Township Zoning Ordinance.
 - The noise compliance guarantee shall be in the amount of \$545,000 and retained until such time as it is determined by the Township that the facility is in compliance with the noise/vibration criteria as established at Special Approval and in accordance with the Noise Compliance Evaluation, dated June 6, 2012.
2. The site shall comply with the noise restrictions as established at Special Approval and shall comply with the Noise Compliance Evaluation dated June 6, 2012, as approved by the Planning Commission and described in McKenna's review letter dated August 2, 2012. The Noise Compliance Evaluation must be executed by the applicant, and submitted to the Township. The use shall cease and desist if it is not in compliance with the Noise Compliance Evaluation review, tested by third party noise professional, and reviewed by the applicant and Township Board.
3. The screen wall shall be 20 feet along its entire length, and the site plan must be revised accordingly.
4. The building roof, façade and screen wall materials and colors, and the proposed coating for the stacks shall be as specified on the site plan and approved by the Planning Commission. The approved stack coating material sample shall be kept on file at the Township for comparison in the required annual stack appearance evaluation.
5. The use must immediately cease operation if at any time it no longer functions as a "cogeneration" plant, and the Township must be notified within 30 days of cessation.
6. Approval of all regulatory agencies with jurisdiction is required, including the Wayne County Drain Abandonment permit. A signed copy of the ITC pipeline easement must be submitted to the Township, and up-to-date copies of all permits must be provided to the Township, before issuance of any building or construction permits.
7. Final Site Plan approval for the DTE substation. No building or construction permits shall be issued for the Hoosier site until the DTE site has received Final Site Plan Approval.
8. This approval is only valid for the facility as represented on the Final Site Plan. Any expansion or modification, including but not limited to installing a fifth engine and/or stack, shall require compliance with Township codes and ordinances at that time and site plan approval from the Township. Submittal of valid air quality permits, noise compliance testing and approval for the facility, compliance with the Stack Coating Maintenance Plan, and new performance guarantees, including but not limited to noise compliance, shall also be required at that time.

9. The Stack Coating Maintenance Plan dated 8/2/12, shall be executed and the stacks shall be maintained with a clean, white, high tech appearance.
10. An Emergency Response Plan specific to this site, must be provided and is subject to approval by the Township Public Safety Director, Building Director and Planning Commissioner Boynton.
11. Approval by the Township Engineer.
12. Approval by the Police and Fire Departments.
13. Approval of the tree removal permit by the Planning Commission.

ROLL CALL:

YEAS: McKenna, Budd, Kelley, Boynton, and Thompson

NAYS: Johnson and Guenther

ABSENT:

Motion Carried.

Chairperson Thompson asked staff members to inquire what can be provided to the Township Board.

8:47 p.m. recess. Meeting resumed at 8:55 p.m.

Motion McKenna, Boynton second to approve the three removal permit subject to approval of final site plan. Motion Carried.

GENERAL DISCUSSION:

Commissioner Johnson concerned with a number of issues to be addressed before final site plan approval at the Hoosier/Visteon facility. Director Carroll will report to commissioners on a monthly basis on the status of these issues.

Residents are disappointed in the decision to approve the final site plan.

**Motion Boynton, McKenna second to adjourn at 9:08 p.m.
Motion carried.**

Respectfully Submitted,

Christina Harman,
Recording Secretary