

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
December 11, 2019  
MINUTES**

Chairperson Thompson called the meeting to order at 7:30 p.m.

**ROLL CALL:**

**Present:** Jahr, Boynton, Atchinson, Budd, Franzoi and Thompson.

**Excused:** Kelley.

**Staff:** Secretary Harman.

**Planning Representatives:** McKenna Associate, Vidya Krishnan.

**Audience:** One (1).

**APPROVAL OF AGENDA:**

**Motion Franzoi, Jahr second to approve the agenda of December 11, 2019 as presented. Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Budd, Atchinson second to approve the regular meeting minutes of November 13, 2019 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                    19-029 – REZONING.**

**TITLE:                        THE APPLICANT, JUDY PENDERGRASS, ON BEHALF OF DTE ASOC IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 8001 HAGGERTY ROAD, FROM C-1, GENERAL BUSINESS TO M-1, LIGHT INDUSTRIAL.**

**LOCATION:                    SUBJECT PROPERTY IS LOCATED AT 8001 HAGGERTY ROAD (PARCEL ID#: 83-046-99-0001-702).**

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

Vidya Krishnan of McKenna Associates gave the presentation. The applicant, DTE ASOC, appeared before the Planning Commission on September 25, 2019 and received a recommendation for approval of the requested rezoning. At the time, the applicant was also seeking approval of a lot combination since the subject site was held under multiple tax parcel ID numbers. The lot combination was approved and a new tax parcel ID number was assigned to the site prior to being presented to the Township Board of Trustees. In order to avoid any discrepancies, staff recommended advertising for the public hearing again with the new tax parcel ID number and the Planning Commission formally take action again to recommend approval for the rezoning.

No comments from the Commission or the audience.

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

**NEW BUSINESS:**

**ITEM # 1                    19-029 – REZONING**

**TITLE:                        THE APPLICANT, JUDY PENDERGRASS, ON BEHALF OF DTE ASOC IS REQUESTING TO REZONE THE PROPERTY LOCATED AT 8001 HAGGERTY ROAD, FROM C-1, GENERAL BUSINESS TO M-1, LIGHT INDUSTRIAL.**

**LOCATION:                    SUBJECT PROPERTY IS LOCATED AT 8001 HAGGERTY ROAD (PARCEL ID#: 83-046-99-0001-702).**

No comments from the Commission or the audience.

**Motion Jahr, Boynton second to recommend to the Township Board of Trustees approval of applicant Judy Pendergrass' (DTE ASOC) request to rezone parcel number 83-046-99-0001-702, 8001 Haggerty Road from C-1, general business to M-1, light industrial, subject to the explanation in the McKenna Associates review letter dated 9-18-19:**

- 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 office/industrial designation envisioned in the Master Plan for the site and abutting properties.**
- 2. Section 12.504(B). The proposed rezoning is consistent with the intent to the zoning ordinance and the existing development pattern of the area.**
- 3. Section 12.504(C). The site has frontages on a major thoroughfare, which is capable of handling any traffic generated from the site in the future. If necessary, additional improvements can be required at the time of site plan approval.**
- 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. There is no use proposed for the parcel at this time. The request is to provide uniform zoning designation for a split zoned parcel.**
- 6. Section 12.504(F). The proposed rezoning is not causing any exclusionary zoning.**
- 7. Section 12.504(G). Although the site has hydric soils and possible wetlands, no changes are proposed to the site conditions at this time.**
- 8. Section 12.504(H). The uses permitted by right and special land use in the proposed M-1 zoning district is likely to have less adverse impacts on the adjacent neighborhood, than developing it under the current C-1 zoning designation.**
- 9. Section 12.504(I). The site is challenging for any development, owing to its narrow frontage and required setbacks for the current C-1 and proposed M-1 district. The site is part of a larger M-1 parcel and rezoning will not create a stand-alone non-viable parcel.**
- 10. Section 12.504(J). Given the possible options, we believe the M-1 designation is the most appropriate designation.**
- 11. Section 12.504(K). Amending the existing C-1 district to allow for light industrial uses would be inappropriate.**

**12. Section 12.504(L).** The proposed M-1 zoning of the site will be compatible with the uses currently existing around it. The applicant is proposing to leave the parcel in its present state. Any future development will be required to comply with zoning ordinance standards for greenbelts, buffering and landscaping will help to protect the existing nonconforming single-family residential use to the south.

**Roll Call:**

**Yeas:** Atchinson, Budd, Boynton, Jahr, Franzoi and Thompson.

**Nays:** None.

**Absent:** Kelley.

**Motion Carried. (Letter Attached)**

**GENERAL DISCUSSION:**

Vidya Krishnan of McKenna Associates gave a brief update of projects and plans to come in 2020 including the first senior housing development project in Van Buren Township. Chairperson Thompson thanked Commission members for another good year.

**ADJOURNMENT:**

**Motion Boynton, Budd second to adjourn at 7:39 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



September 18, 2019

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

**Subject: VBT-19-029 RZ; Review of DTE ASOC/8001 Haggerty Road Application to Amend the Charter Township of Van Buren Zoning Map**

Dear Commissioners:

We have reviewed the application by DTE ASOC (“applicant”) to rezone the following parcel illustrated on the map below from C-1 (General Business) to M-1 (Light Industrial). The site is located on the east side of Haggerty Road, just south of Ecorse Road and has a tax parcel identification number: V-125-83-046-99-0011-704. The parcel is mostly zoned M-1 with a narrow 82’ wide x 595’ deep piece on the north end, with frontage onto Haggerty and an area of 6.53 acres being zoned C-1. The applicant’s request is to zone the “strip” of land to M – 1 designation.

**Figure 1. Subject Site Location**



Source: Google Maps

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Planning and zoning law provides that government has a legitimate interest in maintaining compatibility of surrounding areas, protecting and preserving natural resources, and ensuring adequate infrastructure such as roads, water supply and sanitary sewage disposal. Adoption of a master plan and imposition of zoning restrictions to accomplish those interests, as well as to avoid overcrowding, preserve open space, and protect the aesthetics of an area of land are consistent with the Michigan Planning Enabling Act (P.A. 33 of 2008) and Michigan Zoning Enabling Act (P.A. 110 of 2006).

The Master Plan was originally adopted in 1989 and amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan). The Master Plan is currently under review for a complete revision. Our comments on and analysis of this request follows.

**DESCRIPTION**

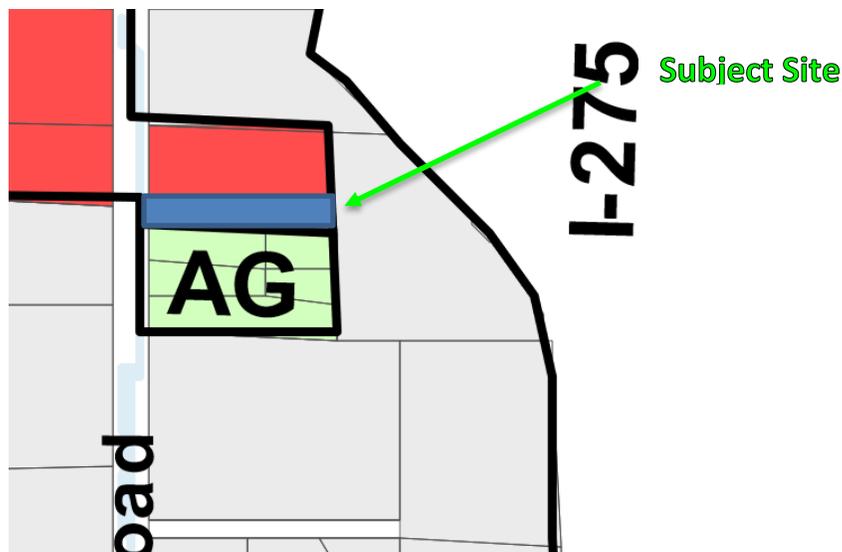
The table below summarizes the existing land use, zoning, and master plan designations in and around the subject site, according to the Master Plans and Zoning Ordinance.

	Existing Land Use	Zoning	Future Land Use Classification
<b>Subject Site</b>	Vacant wooded land	C-1 (General Business)	Office/Light Industrial
<b>North</b>	Vacant commercial	C-1 (General Business)	Office/Light Industrial
<b>South</b>	Single Family Residential	AG (Agricultural and Estates)	Office/Light Industrial
<b>East</b>	Vacant wooded land	M-1 (Light Industrial)	Office/Light Industrial
<b>West</b>	Industrial	M-1 (Light Industrial)	Office/Light Industrial

Specifically, the zoning of the subject site and surrounding areas are in the following figure:

**Figure 2. Zoning of Subject Site and Surrounding Area**

Source: Charter Township of Van Buren Zoning Map





## REZONING STANDARDS

Article 12, Chapter 5 of the Zoning Ordinance includes the procedures and standards for reviewing Zoning Ordinance amendment applications. Section 12.504(A) through (K) includes specific standards of review for the Planning Commission and Township Board of Trustees to consider prior to taking action on an amendment application. These standards are as follows:

**(A) Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.**

The Michigan Zoning Enabling Act requires a zoning ordinance to be based upon the Master Plan. Although the Master Plan was originally adopted in 1989, it has been amended in 1999 (Single Family Residential Plan), 2000 (Ecorse-Haggerty Corridor Plan), 2001 (Grace Lake Area Plan), 2007 (South Side Master Plan), and 2010 (Belleville Road District Plan).

The Master Plan designates the subject site and the abutting parcels to the north, east and west as office/light industrial district. The proposed M-1 designation is consistent with that vision in the Master Plan, more so than the current commercial zoning of the property. The M-1 district is intended to light industrial and office type of uses, while providing easy access with proximity to the freeway and interchanges. The existing uses in the area and the development trends clearly indicate the need for light industrial and office zoned parcels, rather than commercially zoned parcels. The future land use plan map has clearly delineated commercial corridors in different parts of the Township and the subject site is not one of them.

**(B) Consistency with the basic intent and purpose of this Zoning Ordinance.**

The Purpose and intent of Section 1.102 of the Zoning Ordinance includes imposing regulations and restrictions governing the location and construction of structures and buildings to be used for business, industry, residence, social purposes, and other specified purposes. To that end, there are provisions for zoning districts, setbacks, building height, land use, parking and loading, access management, landscaping and screening, and environmental performance.

The subject site is a narrow parcel that would be very challenging to build on for any commercial uses, and is located in an area of industrial-office uses. While having a commercial use at the site may be of service to the employees and tenants of the numerous industrial and office buildings in the area, the site is just a few miles from the main downtown Belleville Road corridor area with all types of commercial businesses. Further, commercial uses typically experience higher traffic volumes throughout the day than office/light industrial uses, which would be a concern next to existing single family residential use. The applicant is requesting a change of zoning to allow for the entire parcel to have a single zoning designation and has no plans to build on the parcel at this time. The parcel is to remain wooded and untouched.

**(C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.**

The site's frontage along Haggerty Road has 2 lanes in each direction and no center turn lanes; however, just north of the site is the deceleration lane for Ecorse Road which leads to the ramp to I-275. As previously noted, the subject site is a very narrow parcel not conducive to a commercial development and the applicant has no plans to make any changes to the parcel at this time. Therefore, the change of zoning will not result in any additional traffic on the abutting roadway.

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**(D) *The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.***

Although there are no plans to build on this parcel at this time, we are not aware of any constraints on the water and sewer systems that would prevent service to the subject site, we will defer to the Van Buren Township Department of Public Services.

**(E) *That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.***

We are not aware of any errors in the Zoning Ordinance or Zoning Map, so a rezoning cannot be granted on the grounds that there is an error to correct. The Township has granted a few requests for rezoning in the past few years, all based upon review of the Ordinance standards and the Master Plan. The applicant's current request for rezoning is also following the established and required process.

Over the last few years, Van Buren Township has experienced a high demand for new industrial development and expansions of existing industrial land uses. Several approved industrial site plans in the past few years include Costco, Ashley Capital, Subaru tech center, U.S. Signals, Chase Bank Data Center etc. There is a definite market trend showing the demand for more industrial and office-technology based uses, rather than commercial uses. The Township recently rezoned a commercial parcel at the corner of Tyler and Haggerty Road (close to the subject site) to industrial designation to accommodate such growth and demand. The Township Master Plan is currently being reviewed and will involve an inventory of land planned for various uses, potential demand for such land and identification of areas of the Township suitable for future industrial development, if any.

**(F) *That the amendment will not be expected to result in exclusionary zoning.***

In general, exclusionary zoning is a prohibition of a land use when there is a demonstrated need for the use in the community. If the site is rezoned from C-1 to M-1, there are many available areas of the township where uses in the C-1 district can be established. The applicant's request for rezoning is to convert a split zoned parcel to a single consistent zoning designation.

**(G) *If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.***

Currently, the site is a flat vacant wooded lot. According to the Michigan Department of Environmental Quality (MDEQ) Wetlands Map Viewer, a significant portion of the site is covered in hydric soils and there are some wetlands on the eastern edge of the parcel or close to it. According to FEMA, the site is an area of 'minimal flood hazard'. As noted previously, there are no plans to develop this parcel at this time. A plan being reviewed for site plan approval on the larger parcel (of which the subject site is part of) will be subject to review and approval by the Township Engineer and appropriate governing authorities.

**(H) *If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.***

The permitted uses and special land uses of the M-1 zoning district are listed in the following table:





PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>Wholesale Sales</li> <li>Warehousing (excluding Distribution Centers)</li> <li>Manufacturing and Processing (Light)</li> <li>Laboratories, Minor</li> <li>Laboratories, Major</li> <li>Retail Dry Cleaning Plants and Laundries</li> <li>Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity.</li> <li>High Tech, Data Processing, and Computer Centers</li> <li>Accessory Outdoor Industrial Storage</li> <li>Accessory structures and uses customarily incidental to the above permitted uses</li> <li>Indoor Recreation.</li> </ul>	<ul style="list-style-type: none"> <li>Automobile Wash Establishment, Automatic</li> <li>Drive-In Theaters</li> <li>Private Clubs</li> <li>Recreational Vehicle Storage Yards</li> <li>Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors)</li> <li>Outdoor Storage of Building or Contracting Equipment and Supplies</li> <li>Instructional Services, Outdoor</li> <li>Truck Repair and Maintenance Facility, Minor</li> <li>Accessory Caretaker Dwelling</li> </ul>

The area of focus for this standard is the impact that the proposed M-1 zoning district will have on the abutting properties, specifically any single family residential uses. As noted previously, the land to the north is zoned commercial, but vacant. All the uses to the west and east are non-residential. However, there is an existing non-conforming single family use located to the south of the subject property.

The M-1 District is intended to be located so that uses will be developed with limitations being placed on any negative impacts on adjacent uses from characteristics and conditions such as truck traffic, noise, glare, and other features of light industrial operation. The Zoning Ordinance has provisions for inclusion of greenbelts along property lines of non-residential uses and residential uses. In addition, aspects of landscaping, lighting, traffic and hours of operation are also strictly regulated. As noted the applicant has no plans to develop the subject site at this time and the request for rezoning is to provide uniform zoning to a split zoned parcel. The parcel currently is heavily wooded and vegetated and the applicant proposes no changes to it; therefore, no negative impacts are anticipated at this time. Should the parcel ever be built on in the future, the site plan review and approval process will review all potential impacts.

**(i) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.**

If the site is rezoned to M-1, the boundaries of this requested district would be contiguous with the remaining portion of the larger parcel to the east, which is zoned M-1. The site is a 6.53 acre parcel and is rectangular in shape. The limited size and narrow frontage will pose a challenge for any construction on the site. In its present configuration the parcel will likely only accommodate an access drive to the larger parcel to the east. If in the future the parcel to the north is rezoned to M-1 in conformance to the Master Plan, the subject site could possibly be combined with that parcel to create a viable buildable parcel.

**(J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.**

Based on market trends, there is not as much demand for commercial properties as there is for Industrial and office based uses. It is entirely appropriate to change the zoning of the subject site from commercial to M-1 to be in conformance with the zoning designation of the larger parcel, of which it is a part. The applicant is in the process of seeking site plan approval for a back-up systems operation center utility exchange building as part of the larger DTE site located to its south. Issues related to parking, screening, landscaping, fencing etc. will be reviewed with site plan approval.

**(K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.**

The applicant is not requesting any specific use for the parcel at this time. As noted above, the applicant is in the process of seeking site plan approval for a back-up systems operation center on the larger portion of the parcel to the east. The site plan proposes to leave the subject site as is, with no changes. Amending the C-1 district which is purely a commercial zoning district to allow for light industrial and similar uses would not be appropriate.

**(L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.**

The site is part of a larger M-1 zoned parcel. Therefore, the proposed rezoning is not creating an isolated or incompatible zone in the neighborhood. The proposed rezoning is consistent with the office/industrial designation of the parcel and all the surrounding properties in the future land use plan. The proximity of the site to the other industrial uses makes the proposed zoning to M-1 a good fit into the neighborhood. The existing nonconforming single family dwelling to the south of the subject site could be protected from any potential adverse effects of a use on the site, by the greenbelt and screening requirements in the Zoning Ordinance.

## **RECOMMENDATION**

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At this time, the application to rezone the subject site from C-1 to M-1 meets the following standards of Section 12.504(A) through (K) of the Zoning Ordinances:

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 office/industrial designation envisioned in the Master Plan for the site and abutting properties.
2. Section 12.504(B). The proposed rezoning is consistent with the intent to the zoning ordinance and the existing development pattern of the area.
3. Section 12.504 (C). The site has frontages on a major thoroughfare, which is capable of handling any traffic generated from the site in the future. If necessary, additional improvements can be required at the time of site plan approval.
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. There is no use proposed for the parcel at this time. The request is to provide uniform zoning designation for a split zoned parcel.
6. Section 12.504 (F). The proposed rezoning is not causing any exclusionary zoning.
7. Section 12.504 (G). Although the site has hydric soils and possible wetlands, no changes are proposed to the site conditions at this time.





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8. Section 12.504 (H). The uses permitted by right and special land use in the proposed M-1 zoning district is likely to have less adverse impacts on the adjacent neighborhood, than developing it under the current C-1 zoning designation.
9. Section 12.054(I). The site is challenging for any development owing to its narrow frontage and required setbacks for the current C-1 and proposed M-1 District. The site is part of a larger M-1 parcel and rezoning will not create a stand-alone non-viable parcel.
10. Section 12.054(J). Given the possible options, we believe the M-1 designation is the most appropriate designation.
11. Section 12.504 (K). Amending the existing C-1 district to allow for light industrial uses would be inappropriate.
12. Section 12.054(L). The proposed M-1 zoning of the site will be compatible with the uses currently existing around it. The applicant is proposing to leave the parcel in its present state. Any future development will be required to comply with zoning ordinance standards for greenbelts, buffering and landscaping will help protect the existing nonconforming single family residential use to the south.

Therefore we recommend that the Planning Commission recommend approval of the requested amendment to the Zoning Ordinance to rezone the subject property from C-1 to M-1 designation, to the Township Board of Trustees.

Respectfully Submitted,

**McKENNA**

Vidya Krishnan  
Principal Planner

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