

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
October 14, 2015
MINUTES**

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

ROLL CALL:

Present: Franzoi, Jackson, Boynton, Kelley, McKenna, Budd and Thompson.

Excused: None.

Staff: Director Akers and Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges.

Audience: Three (3).

APPROVAL OF AGENDA:

Motion McKenna, Franzoi second to approve the agenda of October 14, 2015 as presented. Motion Carried.

APPROVAL OF MINUTES:

Motion Franzoi, Kelley second to approve the minutes from September 23, 2015 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE# TLU15-015

TITLE: THE APPLICANT, DAVID BOUGHAN, IS REQUESTING A TEMPORARY LAND USE PERMIT FOR A HAUNTED HAYRIDE BEYOND THE TWO CONSECUTIVE WEEKENDS ALLOWED AS A RIGHT IN THE ZONING ORDINANCE FOR TEMPORARY LAND USES UNDER SECTION 4.44 OF THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION: THE SUBJECT SITE IS LOCATED ON PARCEL TAX ID NUMBER V125-83-138-99-0013-000, ALSO KNOWN AS 15851 MARTINSVILLE ROAD. THE SITE IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, BETWEEN HULL AND FRET ROADS. THE SITE IS IN THE AG, AGRICULTURAL AND ESTATES ZONING DISTRICT.

Applicant David Boughan gave the presentation. Mr. Boughan is asking for permission to operate a haunted hayride beyond the two consecutive weekends allowed under the zoning ordinance. The hayride operated the past two weekends with approval from the Planning Department.

Director Akers presented his review letter dated 10-9-15 recommending approval. The application submitted for the operation of the haunted hayride is the same as last year having no changes. The Planning Department administratively approved the first two weekends, under the zoning ordinance anything beyond requires Planning Commission approval. The Fire Department review letter dated 10-12-15 recommends approval for the temporary land use.

No comments from the Commission or the audience.

Motion Kelley, Boynton second to grant temporary land use to operate a haunted hayride at 15851 Martinsville Road subject to Director Akers review letter dated 10-9-15 and the Fire Department review letter dated 10-12-15. Motion Carried. (Letters Attached)

GENERAL DISCUSSION:

ITEM #1 DISCUSSION REGARDING THE DIGITAL PLANNING COMMISSION PACKETS

Director Akers discussed the digital delivery of Planning Commission packets. Commissioners expressed concerns with digital delivery of larger documents such as site plans and the potential for FOIA issues due to use on personal computers or tablets. The commission members would like to continue receiving hard copies of the Planning Commission packets. Director Akers will look into potential FOIA issues with digital delivery and follow up with Commission members.

Sally Hodges of McKenna Associates and Commissioner Boynton gave updates from the MAP Conference they recently attended. Hodges presented a handout on potential changes to sign regulations. Commissioner Boynton discussed a seminar on 3-D renderings for site plan applications.

Commissioner McKenna inquired about the cyclone fence surrounding the Michcon pig launch facility. The approved fencing was black cyclone and the fencing is currently a shiny silver. Director Akers will look into the issue and follow up with the Commission.

Motion McKenna, Franzoi second to adjourn at 8:05 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Linda H. Combs

CLERK
Leon Wright

TREASURER
Sharry A. Budd

TRUSTEE
Phillip C. Hart

TRUSTEE
Jeffrey L. Jahr

TRUSTEE
Brenda J. McClanahan

TRUSTEE
Reggie Miller

October 9, 2015

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

**Subject: TLU-15-015 TLU, Boughans Haunted Hayride of Fright; 15851 Martinsville Road
Temporary Land Use Review**

Dear Commissioners:

The application for this temporary use has been before the Planning Commission in previous years. The applicant David Boughan is requesting a Temporary Land Use permit for a haunted hayride at the farm at 15851 Martinsville Road, which is located on the east side of the road between Hull and Fret Roads. The site has historically been used as a tree farm, but many of mature trees have been cleared and these areas have been converted to seasonal crops. The applicant proposes to take passengers on a haunted hayride along existing farm lanes on the site.

The site and surrounding parcels to the north, east, and south are zoned AG, Agricultural and Estates District. The parcels to the west across Martinsville Road are zoned R-1B, Single Family Residential. The use is proposed to be in the evenings Friday through Sunday from October 16, 2015 through October 31, 2015. Per article 4.44 of the Township Zoning Ordinance Temporary uses that operate for more than two (2) consecutive weekends require Planning Commission approval.

The use and layout of the site are the same as last year, so we did not request McKenna & Associates to provide an additional review of the application. Based on the previous review for the project in 2014 and current staff review we offer the following comments (Comments in *italic font* are from the July 26, 2014 McKenna Review Letter):

1. Adequacy of parking and access (Section 4.44.c.1)

- a. *“The site has 2 curb cuts from Martinsville Road, one of which will be used for ingress and the other used for egress. There will be 3 employees along the 2-way drive that will direct traffic from the entrance to the parking area. The width of the drive will be 20 feet and the entrance to the parking lot will be 25 feet wide.”*

I have no additional comments.

- b. *“The plan states that the parking area is 396’ x 129’, with an area partitioned for ticket sales, portable restrooms, and hay storage. According to the July 7, 2014 use statement, the parking lot is proposed to fit 100 cars and 5 barrier free spaces. Section 6.02 of the Zoning Ordinance requires the parking spaces to be 9.5’ x 20’ and the aisles to be 24 feet wide. Based on the dimensions of the parking area, there is sufficient room for the 105 parking spaces proposed in this area. Overflow parking for up to 30 cars will be handled by a 118’ x 114’ parking area, which is large enough for 30 cars.”*

“Since the parking lot will not be paved, it need not be striped, but the parking and aisles must follow an orderly pattern in accordance with the Zoning Ordinance.”

In addition to these requirements, in 2014 the applicant has submitted a scaled diagram of the parking lot layout per the request of the Planning Commission.

- b.** *“According to the July 7, 2014 use statement, there will be 2 wagons: one wagon seats 20 and the other wagon seats 25. There will be 25 rides on Friday and Saturday evening, and 15 rides on Sunday evening. This will allow for up to 2,500 customers on Friday and Saturday evenings. There will be 25-30 on-site employees to accommodate customers.”*

I have no additional comments

- d.** *“Barrier free parking spaces must be specifically marked in accordance with Section 6.01.22 of the Zoning Ordinance.”*

This requirement has been addressed in the provided parking diagram.

- e.** *“ There is only one point for vehicles to enter and exit the parking area. Although a worker is proposed to be stationed at this point to direct traffic, we also recommend that signage be added so that vehicles do not mistakenly turn down the “tractor only” lanes. We recommend that any Planning Commission approval be subject to Fire Department approval of the plans for sufficient emergency vehicle access prior to opening the business for the season.”*

The application has been reviewed by the Fire Department and no concerns were brought to my attention regarding emergency vehicle access. A Fire Department review letter will be provided prior to the meeting.

- 2. Adequate drainage (Section 4.44.c.2.).** *“The vast majority of the site is permeable surfaces such as crop fields and dirt. Therefore, runoff is not a concern.”*

I have no additional comments.

- 3. Compatibility with surrounding land uses (Section 4.44.c.3).** *“As noted in this letter, the large lot single-family residential dwellings to the west and south could be negatively impacted by exterior lighting and noise generated by the use. These light fixtures should be monitored to ensure they do not cause glare or shine onto adjacent properties, and the generators should be appropriately buffered and position so as to minimize the off-site impact of noise. The Planning Commission held a public hearing on July 9, 2014, and there were no concerns raised from any neighbors with respect to off-site impacts.”*

Section 4.44 of the Zoning Ordinance indicates that the Planning Commission has the discretion to schedule a public hearing should it choose to do so. As this attraction has become an annual event and the public has previously had an opportunity to comment on this, I did not schedule a public hearing.

- 4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site (Section 4.44.c.4.).** *“The proposed temporary structures are the Sales Office and Clown Tent. Based on the description of the Sales Office and Clown Tent submitted by the applicant, the sizes are appropriate for the site, and the Clown Tent is an open, unroofed enclosure.”*

I have no additional comments.

- 5. Sufficient setback from road rights-of-way and lot lines (Section 4.44.c.5.).** *“All proposed structures associated with the temporary use appear to exceed Zoning Ordinance setback requirements, although the plan should show a minimum rear yard setback of 35 feet between the Clown Tent and the east lot line. The site to the east is vacant (wooded and agriculture) and the Clown Tent will be at least 300 feet from any other lot line, so the Clown Tent is unlikely to cause a nuisance.”*

I have no additional comments.

- 6. Adequate utilities (Section 4.44.c.6.).** *“The plans state that generators will be used for electrical service.”*

I have no additional comments.

- 7. Trash disposal and site clean-up (Section 4.44.c.7.).** *“According to the use statement, there will be trash cans set up at the office and in the parking lot and the trash will be cleaned up nightly.”*

I have no additional comments.

- 8. Sanitary facilities (Section 4.44.c.8.).** *“Two (2) portable restrooms are proposed. The applicant proposes cleaning these restrooms weekly and more often if needed. We recommend adding 2 more portable restrooms.”*

I have no additional comments.

- 9. Hours of operation (Section 4.44.c.9.).** *“The specific hours of operation are 7:00 p.m. to midnight on Fridays and Saturdays and 7:00 p.m. to 10:00 p.m. on Sundays, from September 19, 2014 through November 2, 2014. The application materials also state that the pumpkin patch will be open from 10:00 a.m. to dusk. We recommend that the pumpkin patch and all other activities, including sales, be closed before 7:00 p.m. on evenings when the haunted hayride is open.”*

The proposed hours on Fridays and Saturdays are from 7:30 p.m. to 12:00 a.m. and from 7:30 p.m. to 10:00 p.m. on Sundays. The use will be conducted on weekends from October 16, 2015 to October 31, 2015.

- 10. Outdoor lighting and signs (Section 4.44.c.10.).** *“The plans show 2 sets of floodlights to illuminate the parking lot. There will be 2 sets of floodlights to illuminate the parking lot, and the applicant states that the floodlight will not shine past the farm. These light fixtures should be monitored to ensure they do not cause glare or shine onto adjacent properties. The site plan shows a “Red Flashing Light” at the entrance, but does not state the purpose or specifications of*

this light. Flashing signs are not permitted, and the red light is subject to approval by the Township Public Safety Department.

The proposed identification sign is a vinyl banner. The dimensions and location of all proposed signs must be submitted and are subject to approval by the Township Building Department."

The plans were reviewed by the Police department and the e-mail is attached to the packet. The Building department has inspected the property.

11. Other licenses and permits required (Section 4.44.c.11.). "Evidence of all required permits and approvals, if any, must be provided to the Township prior to commencing operations."

Inspections from the Fire department and the Building department have occurred. It is my understanding the applicant has resolved any outstanding issues.

12. Potential noise, odors, dust and glare (Section 4.44.c.12.). "If the recommendations discussed above are satisfactorily addressed, the use should not create negative impacts from noise, odors, dust or glare."

I have no additional comments.

13. Fire lanes, fire protection and security (Section 4.44.c.13.). "According to the use statement, there will be fire extinguishers at the Clown Tent, the Ticket Office, with the generators, and on each wagon. It also states that in the case of a fire or emergency, all traffic will be stopped so that emergency vehicles can get to the back of the farm. The fire route is shown on the plans, and emergency measures are subject to the Township Public Safety Department's approval."

The Fire department has completed their review and inspection. Their review letter will be provided at the meeting.

14. Off-site impacts of traffic volumes (Section 4.44.c.14.). "All traffic will access the site via Martinsville Road. Martinsville Road can likely accommodate the traffic volumes, and the site will overflow parking and on-site staff directing cars for better circulation."

I have no additional comments.

15. Necessity of a performance bond or insurance to ensure prompt termination and removal of the use, clean up or compensation for the impacts if the temporary use (Section 4.44.c.15.). "The Planning Commission may require a performance guarantee to ensure restoration of the site at the end of the season."

I have no additional comments.

16. Other concerns which may impact the public health, safety or general welfare (Section 4.44.c.16.) "The extent of impacts to the surrounding area is impacted by the use is managed and operated."

I have no additional comments.

“This letter has noted several issues with respect to traffic, parking, noise, lighting, and garbage disposal. The application is only for September 19, 2014 through November 2, 2014, so any issues that arise during the operations can be addressed in a subsequent year if the applicant proposes the use again.”

I have not been made aware of any issues from previous years regarding this temporary use.

RECOMMENDATION

We recommend that the Planning Commission approve the Temporary Land Use application for the proposed dates and times in 2014, subject to the following conditions:

1. Barrier free parking spaces shall be marked per Section 6.01.22 of the Zoning Ordinance;
2. Directional signs added so that vehicles do not mistakenly turn down the “tractor only” lanes;
3. Fire Department review and approval of the plans for emergency vehicle access;
4. Light fixtures shall be positioned to ensure they do not shine onto adjacent properties;
5. The generators shall be buffered and positioned to minimize off-site noise;
6. A minimum rear yard setback of 35 feet dimensioned between the Clown Tent and the east lot line, and this noted on the site plan;
7. Addition of two more portable restrooms;
8. The pumpkin patch and all non-hayride activities, including sales, shall be closed before 7:00 p.m. on evenings when the haunted hayride is open;
9. The flashing light at the entrance is subject to approval of the Township Public Safety Department.
10. The dimensions and locations of all proposed signs must be submitted for review and approval by the Township Building Department; and
11. Evidence of all required permits and approvals, if any, shall be submitted to the Township prior to commencing.

Respectfully submitted,

Ron Akers, AICP
Director of Planning & Economic Development
Charter Township of Van Buren

David C. McNally II
Battalion Chief / Fire Marshal
O: 734-699-8900 ext9416

Van Buren Fire Department
46425 Tyler Rd
Van Buren Twp., MI 48111



October 12, 2015

Director of Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Boughans Hay Ride and Fright Haunted Maze

I have reviewed the plans by Boughan's dated 9-15-2015, for the above referenced project. NFPA 1 Fire Code (2012 Edition), and NFPA 101, Life Safety Code (2012 Edition), were the primary reference documents used for this review and I have the following items requiring further detail / attention:

1. Motorized parade floats and towing apparatus shall be provided with a minimum 2-A:10-B:C-rated portable fire extinguisher readily accessible to the operator.
NFPA 1 10.17.2
2. Generators used to power structures / areas must be at least 5 feet from combustibile buildings and 10 feet from combustibile vegetation.
NFPA 1
3. Generators must be equipped with spark arrestors.
AHJ

In regards to the access road for the east parking lot:

1. Fire Department access roads shall have an unobstructed width of not less than 20 ft.
NFPA 1 18.2.3.4.1.1
2. Fire Department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in.
NFPA 1 18.2.3.4.1.2
3. Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all weather driving surface.
NFPA 1 18.2.3.4.2

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

4. The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

NFPA 1 18.2.4.1.1

Note:

The plans are handwritten and do not show a scale. I am estimating a distance of over 500 feet to access the east parking lot from Martinsville road. The owners will **assume full responsibility** (including damage to the ground from the weight of a Fire apparatus) as well as **possible towing bills** from removing same apparatus if the proposed "Fire Department access road" is not properly maintained and the surface can not handle the full weight of the Fire Department apparatus.

With the compliance of the above listed conditions, the plan set is approved as submitted.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Respectfully Submitted,

Lt. Ryan McCormick
Van Buren Township Fire Department
Fire inspector / Certified Plan Examiner