

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
JUNE 14, 2017  
MINUTES**

Chairperson Thompson called the meeting to order at 7:32 p.m.

**ROLL CALL:**

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

**Excused:** None.

**Staff:** Director Akers and Secretary Harman.

**Planning Representatives:** None.

**Audience:** Two (2).

**APPROVAL OF AGENDA:**

**Motion Kelley, Budd second to approve the agenda of June 14, 2017 as presented.**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Kelley, Franzoi second to approve the regular meeting minutes of May 24, 2017 as presented. Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1                    17-020 – TEMPORARY LAND USE**

**TITLE:                    THE APPLICANT, ANGRY TIGER FIREWORKS, IS REQUESTING TEMPORARY LAND USE APPROVAL BEYOND THE ADMINISTRATIVELY ALLOWABLE SEVEN (7) CONSECUTIVE DAYS AND REQUIRES PLANNING COMMISSION APPROVAL AS DETAILED IN SECTION 4.44 OF TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED. THIS PERMIT WOULD ALLOW ANGRY TIGER FIREWORKS TO CONDUCT A TEMPORARY OUTDOOR FIREWORKS TENT SALE.**

**LOCATION:                METRO PARTY STORE, 41001 E. HURON RIVER DRIVE. THIS SITE IS LOCATED AT THE SW CORNER OF E. HURON RIVER DRIVE AND OLD HAGGERTY ROAD.**

Frank Mattei of Angry Tiger Fireworks gave the presentation. The applicant is requesting temporary land use to operate beyond the administratively allowable seven (7) consecutive days in the zoning ordinance. No changes have been made to the site in the past 3 years of operation. Mr. Mattei was present to any answer questions.

Director Akers presented the staff review memo dated 6-1-17. The proposed used is from June 24, 2017 through July 5, 2017 with hours of operation from 9:00 a.m. to 10:00 p.m. The Planning Department recommends approval of the application subject to the following conditions:

1. The applicant provides the Township with a copy of an agreement with property owner for trash disposal and clean-up of site after use.
2. That the applicant provide for employee sanitary facilities, such as approved use of a bathroom in the main building or a port-a-potty.
3. The applicant obtains approval from the Van Buren Township Fire Marshall. Director Akers presented the Fire Department review letter dated 5-30-17 approving the plans as submitted.

Commissioners discussed how deliveries to the party store will be handled at the site. No questions or comments from the audience.

**Motion Kelley, Boynton second to grant the Angry Tiger Fireworks temporary land use approval beyond the administratively allowable seven (7) consecutive days, located at 41001 E. Huron River Drive subject to the recommendations in the Planning Department staff memo dated 6-1-17 and Fire Department letter dated 5-30-17. Motion Carried. (Letters Attached)**

**ITEM # 2                    17-016 – FINAL SITE PLAN APPROVAL**

**TITLE:                    THE APPLICANT, BELLEVILLE YACHT CLUB, IS REQUESTING FINAL SITE PLAN APPROVAL TO BUILD AN ACCESSORY BUILDING AT THEIR FACILITY LOCATED AT 831 E. HURON RIVER DRIVE, VAN BUREN TOWNSHIP, MI 48111.**

**LOCATION:                PARCEL NUMBER V125-83-088-99-0005-000 (831 E. Huron River Dr.). THE SITE IS LOCATED ON APPROXIMATELY 3.980 ACRES. IT IS LOCATED IN THE R1-C, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE NORTH SIDE OF HURON RIVER DRIVE BETWEEN EDGEMONT AND MARTINSVILLE ROADS.**

**ITEM # 3                    SPR 17-022 – SITE PLAN AMENDMENT**

**TITLE:                    THE APPLICANT, INFINITY CONSTRUCTION SERVICES, IS REQUESTING AN AMENDMENT TO THE APPROVED COUNTRY WALK SITE PLAN FOR REVISED SINGLE FAMILY ARCHITECTURAL ELEVATIONS.**

**LOCATION:                THE UNFINISHED COUNTRY WALK SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.**

Commissioners discussed tabling agenda item #2 – Belleville Yacht Club’s request for final site plan approval and item #3 – Infinity Construction’s request for a site plan amendment as no applicants or representatives were present at the meeting.

**Motion Boynton, Kelley second to table both agenda item #2 – Belleville Yacht Club final site plan approval and agenda item #3 – Infinity Construction Services site plan amendment. Motion Carried.**

**GENERAL DISCUSSION: None.**

**Motion Boynton, Kelley second to adjourn at 7:47 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



# Memo

**TO:** Planning Commission

**FROM:** Matthew R. Best, M.S.  
Deputy Director – Planning and Economic Development

**RE:** Review of Temporary Land Use Request #TLU17 -020 – Angry Tiger Fireworks  
Agenda Item for June 14, 2017

**DATE:** June 1, 2017

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Angry Tiger Fireworks LLC is requesting a Temporary Land Use permit for a tent sale of fireworks at the Metro Park Party Store located at 41001 E. Huron River Drive. The use is proposed to be from June 24, 2017 through July 5, 2015, 9:00 a.m. to 10:00 p.m. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

I have reviewed the application and the requirements of Section 4.44 for temporary use approval, and have the following comments:

- 1. Adequacy of parking and access** (Section 4.44.c.1) – Based on a review of satellite images, the site currently appears to have 35 public parking spaces, 2 of which appear to be handicapped reserved. The proposed 20’x 20’ pole tent will maintain a 10-foot clearance for parking around it. The site will also have a 14-foot high storage container with a 10-foot additional setback. This proposal will result in a loss of 6 regular parking spaces. Based on our observations of parking levels on the site, we do not believe the temporary loss of 6 parking spaces will result in a parking shortage on the site.
- 2. Adequate drainage** (Section 4.44.c.2) – The site is in an existing parking lot that already has storm water drainage. The pole tent will not affect the amount of impervious surface or water that would be diverted into the storm system.
- 3. Compatibility with surrounding land uses** (Section 4.44.c.3) – The proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the proposed use is compatible with on-site uses.

4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 4.44.c.4) – The pole tent and storage container are temporary in nature and tent sales regularly take place in parking lots, so no impacts are expected to the surrounding sites.
5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 4.44.c.5) – The tent is proposed to be located at the northeast corner of the site. There is sufficient setback from road right of ways and lot lines.
6. **Adequate utilities** (Section 4.44.c.6) – Angry Tiger will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements.
7. **Trash disposal and site clean-up** (Section 4.44.c.7) – Angry Tiger will be responsible for all trash disposal and site clean-up. *Such agreement should be between the applicant and the shopping center owner and a copy must be provided for Township records.*
8. **Sanitary facilities** (Section 4.44.c.8) – Due to the short nature of the customer shopping, no sanitary facilities will be provided. The application has provisions for employee sanitary facilities, such as approved use of a bathroom in the main building or a porta-potty.
9. **Hours of operation** (Section 4.44.c.9) – From 9:00 a.m. to 10:00 p.m. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses.
10. **Outdoor light and signs** (Section 4.44.c.10) – No exterior lights are provided. It is likely that interior lights will be hung by the tent company. Although no temporary commercial sign permit requests have been received, the Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Any temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.
11. **Other licenses and permits required** (Section 4.44.c.11) – The applicant has provided the Township with a copy of their State Tax License. A copy of a license authorizing the applicant as a Consumer Fireworks Retail Facility has been provided by the applicant. The Van Buren Fire Marshall has separately issued a review letter.
12. **Potential noise, odor, dust, and glare** (Section 4.44.c.12) – The proposed temporary use should not increase the noise, odor, dust of glare from their use.
13. **Fire lanes, fire protection, and security** (Section 4.44.c.13) – The Van Buren Fire Marshall has reviewed the application for adequacy of fire lanes and fire protection. Information regarding staffing of the site during business hours must be noted. Provisions for security of the fireworks is included in the application materials.
14. **Off-site impacts of traffic volumes** (Section 4.44.c.14) – The roads in the immediate vicinity are major Township roads, and this temporary use is not likely to impact their flow or travel volumes.

**15. Necessity of performance bond to ensure prompt removal** (Section 4.44.c.15) – The property owner will be responsible for ensuring the site is returned to its pre-sale condition.

**16. Other concerns which may impact the public health, safety, or general welfare** (Section 4.44.c.16) – There are no additional concerns; however, the applicant is subject to the regulations of Act 256 and applicable regulations of the Fire Department.

### **Recommendation**

This is the fourth year Angry Tiger Fireworks is requesting a temporary use permit from the Planning Commission to operate a fireworks tent in the Township. Although there is one application item missing, the temporary use should function well on the site if the conditions are met. Therefore, we recommend approval of this application subject to the following conditions:

1. The applicant provides the Township with a copy of an agreement with property owner for trash disposal and clean-up of site after use.
2. That the applicant provide for employee sanitary facilities, such as approved use of a bathroom in the main building or a porta-potty.
3. The applicant obtains approval from the Van Buren Township Fire Marshall.

David C. McNally II  
Fire Marshal  
O: 734-699-8900 ext 9416

Van Buren Fire Department  
46425 Tyler Rd  
Belleville, MI 48111



May 30th 2017

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

Re: Angry Tiger Fireworks LLC  
45378 Ecorse Rd  
Belleville, Mi. 48111  
TLU-17-020

To whom it may concern:

I have reviewed a site plan dated May 10<sup>th</sup> 2017 and received May 30<sup>th</sup> 2017 for the above referenced project.

**Project Overview:**

The site plan is for a temporary fireworks retail facility. It is noted in the permit application a copy of a letter of authorization signed by the property owner is included. Also included is a statement and sketch from the Angry Tiger Fireworks LLC representative, Franco Mattei. Describing storage measures, as well as tent layout and entrance and egress for the tent described.

**I can approve their plan as submitted.**

The State of Michigan is handling onsite inspections this year. We will verify applicant is following township adopted codes and submitted site plan

If you have any questions about this plan review report, please feel free to contact me at (734)699-8900 ext9416.

Respectfully submitted,

David C McNally  
Fire Marshal

**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.