

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
MARCH 14, 2018
MINUTES**

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

ROLL CALL:

Present: Kelley, Atchinson, Budd, Boynton, Jahr and Thompson.

Excused: Franzoi.

Staff: Director Akers and Secretary Harman.

Planning Representatives: None.

Audience: Nine (9).

APPROVAL OF AGENDA:

Motion Kelley, Boynton second to approve the agenda of March 14, 2018 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Boynton, Jahr second to approve the regular meeting minutes of February 28, 2018 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 ZONING ORDINANCE AMENDMENT – DETACHED ACCESSORY BUILDING REGULATIONS

TITLE: TO CONSIDER AMENDING THE TEXT OF THE VAN BUREN CHARTER TOWNSHIP ZONING ORDINANCE 5-2-17(2) BY MODIFYING THE REQUIRED SETBACKS FOR DETACHED ACCESSORY BUILDINGS GREATER THAN 768 SQUARE FEET AND FOR DETACHED ACCESSORY BUILDINGS IN COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS; MODIFYING THE APPROVAL PROCESS FOR NON-RESIDENTIAL DETACHED ACCESSORY BUILDINGS IN NON-RESIDENTIAL DISTRICTS; MODIFYING THE REQUIREMENT FOR DETACHED ACCESSORY BUILDINGS TO HAVE CONCRETE FLOORS AND RATWALLS IN THE AGRICULTURAL DISTRICT; AND MODIFYING THE LOT COVERAGE REQUIREMENTS BY CREATING AN EXCEPTION FOR DETACHED SHEDS 120 SQUARE FEET IN AREA OR LESS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

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

Director Akers gave the presentation referencing his staff memo dated 12-22-17. Over the past several months issues were raised regarding the accessory structure standards of the zoning ordinance. Director Akers presented examples of the issues raised and proposed changes to the accessory structure standards of the zoning ordinance. The proposed changes are:

- A. **Minimum Setbacks.** New Language: In all other districts, except as otherwise specified: A detached accessory building shall meet the same setbacks required for principal buildings in the district.

- B. **Approval Process for Accessory Buildings, which Exceed the Lot Coverage Requirements in Non-Residential Districts.** New Language: The approval process for a detached accessory building that exceeds the lot coverage limits shall be the same as the approval process for the principal use to which the detached building is accessory.
- C. **Concrete Floor and Rat Wall in Agricultural Districts.** Remove language: on an agricultural zoned lot with a lot area less than 2.5 acres.
- D. **Detached Shed Exemptions.** New language: In residential and agricultural districts, one (1) detached accessory building of up to one hundred twenty (120) square feet may be permitted in addition to the permitted lot coverage as described in Section 7.202(A). No permit shall be needed for an accessory building of one hundred twenty (120) square feet or less, but the accessory building will still be required to meet the setback, height and location standards in Section 7.202(A) and all other applicable standards of this ordinance.

No comments from the Commission or the audience.

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

ITEM # 2 17-024 – MASTER PLAN AMENDMENT - HAROLD SMITH FARM FUTURE LAND USE

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING AN AMENDMENT TO THE TOWNSHIP’S FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW DENISTY SINGLE FAMILY B TO LIGHT INDUSTRIAL.

LOCATION: THE PROPERTY LOCATED AT 50015 MICHIGAN AVENUE IS THE SUBJECT OF THE REQUEST. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE, EAST OF ECORSE ROAD AND WEST OF DENTON ROAD. (APPROXIMATELY 75 ACRES).

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

Applicant Ben Griffin gave the presentation. The applicant is requesting an amendment to the Township’s future land use map to change the future land use designation from low-density single family B to light industrial. Mr. Griffin is aware of the neighborhood to the east and a 400-foot landscape buffer will be integrated into the property in the event of future development.

Director Akers explained the amendment process, if the Planning Commission decides to move forward with the amendment they can choose to adopt the amendment and forward it to the Township Board for final approval. Director Akers asked McKenna Associates to review the property for light industrial rezoning; they identified the Harold Smith Farm as a property that may be suitable for the future land use classification. A 300-400 foot buffer will protect the neighboring residential area including a berm with planted trees and no drive access or pavement in the buffer area.

Two (2) Residents discussed concerns about noise, the residential buffer area, the berm and type of trees planted, size of the trees, the location of the entrance for future development, truck traffic on

Denton Road, the types of business that qualify as light industrial and keeping the quality of life for the residents of Denton Village.

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

NEW BUSINESS:

ITEM # 1 18-001 – TEMPORARY LAND USE APPROVAL

TITLE: THE APPLICANT, PHANTOM FIREWORKS, IS REQUESTING A TEMPORARY LAND USE PERMIT TO CONDUCT A TEMPORARY OUTDOOR FIREWORKS TENT SALE.

LOCATION: THE PROPERTY IS LOCATED AT 2095 RAWSONVILLE ROAD, VAN BUREN TOWNSHP, MI 48111. THIS SITE IS LOCATED IN THE PARKING LOT OF THE LAKEWOOD SHOPPING PLAZA.

Richard Tapper of Phantom Fireworks gave the presentation. Phantom Fireworks is requesting a temporary land use permit to conduct a temporary outdoor fireworks tent sale from June 22nd through July 4th with operating hours of 10:00 a.m. – 10:00 p.m. This is Phantom Fireworks seventh season at the Lakewood Shopping Plaza, the tent and storage will remain in the same location as previous years.

Director Akers presented his staff review letter dated 2-9-18 recommending approval based on three (3) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent License prior to the establishment of the temporary use.
3. That all proposed signage comply with the Zoning Ordinance.

Director Akers presented the Fire Department temporary land use approval letter dated 1-17-18.

Commissioner discussed fire extinguisher locations and the possibility of one by the cash register. The applicant informed the Commission there are a minimum of three (3) workers on the site at all times and would be able to access any of the existing extinguishers. No questions from the audience.

Motion Kelley, Boynton second to grant Phantom Fireworks a temporary land use permit to conduct a temporary outdoor fireworks tent sale from June 22 – July 4 based on the analysis and conditions in the staff review letter dated 2-9-18. Motion Carried. (Letter Attached)

ITEM # 2 17-024 – MASTER PLAN AMENDMENT HAROLD SMITH FARM FUTURE LAND USE

TITLE: THE APPLICANT, BEN GRIFFIN, IS REQUESTING AN AMENDMENT TO THE TOWNSHIP’S FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY SINGLE FAMILY B TO LIGHT INDUSTRIAL.

LOCATION: THE PROPERTY LOCATED AT 50015 MICHIGAN AVENUE IS THE SUBJECT OF THE REQUEST. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF MICHIGAN AVENUE, EAST OF ECORSE ROAD AND WEST OF DENTON ROAD. (APPROXIMATEY 75 ACRES).

The Commission discussed the action to adopt the amendment.

Motion Boynton, Jahr second to adopt an amendment to the future land use map for the Harold Smith Farm to change the future land use designation from Low Density Single Family B to Light Industrial, the property is located at 50015 Michigan Avenue, on the south side of Michigan Avenue, east of Ecorse Road and west of Denton Road, approximately 75 acres and recommend to the Township Board of Trustees for approval.

Roll Call:

Yeas: Jahr, Boynton, Kelley, Atchinson, Budd and Thompson.

Nays: None.

Absent: Franzoi.

Motion Carried.

ITEM # 3 ZONING ORDINANCE AMENDMENT – DETACHED ACCESSORY BUILDING REGULATIONS

TITLE: TO CONSIDER AMENDING THE TEXT OF THE VAN BUREN CHARTER TOWNSHIP ZONING ORDINANCE 5-2-17(2) BY MODIFYING THE REQUIRED SETBACKS FOR DETACHED ACCESSORY BUILDINGS GREATER THAN 768 SQUARE FEET AND FOR DETACHED ACCESSORY BUILDINGS IN COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS; MODIFYING THE APPROVAL PROCESS FOR NON-RESIDENTIAL DETACHED ACCESSORY BUILDINGS IN NON-RESIDENTIAL DISTRICTS; MODIFYING THE REQUIREMENT FOR DETEACHED ACCESSORY BUILDINGS TO HAVE CONCRETE FLOORS AND RATWALLS IN THE AGRICULTURAL DISTRICT; AND MODIFYING THE LOT COVERAGE REQUIREMENTS BY CREATING AN EXCEPTION FOR DETACHED SHEDS 120 SQUARE FEET IN AREA OR LESS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

No comments from the Commission or the audience.

Motion Kelley, Budd second to recommend the Zoning Ordinance Amendment for Detached Accessory Building Regulations to the Township Board of Trustees for approval.

Roll Call:

Yeas: Atchinson, Budd, Kelley, Boynton, Jahr and Thompson.

Nays: None.

Absent: Franzoi.

Motion Carried.

GENERAL DISCUSSION:

Commissioner inquired if there is an update regarding Ashley Capital. Director Akers gave a brief update; Ashley Capital is in the resubmittal process with Wayne County regarding the traffic study and will return to the Planning Commission once comments are received from the County.

ADJOURNMENT:

Motion Boynton, Kelley second to adjourn at 8:23 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

TO: Van Buren Township Planning Commission
FROM: Ron Akers, AICP - Director of Planning and Economic Development
RE: Review of Temporary Land Use Request #TLU18-001 – Phantom Fireworks

DATE: February 9, 2018

Phantom of Michigan, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Lakewood Shopping Plaza at 2095 Rawsonville Road. The use is proposed to be from June 22, 2018 through July 4, 2018, 10:00 a.m. to 10:00 p.m. Per 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.

In reviewing past applications for this temporary land use, the current application and the requirements of the Zoning Ordinance for temporary use approval, the following comments are pertinent to the Planning Commission.

1. Adequacy of parking and access

The site currently has 877 public parking spaces, 31 of which are handicapped reserved. The tent, portable storage container, and surrounding space will only remove approximately 39 regular parking spaces, the site will still have adequate parking while the temporary land use is ongoing.

2. Adequate drainage

The site is in an existing parking lot that already has storm water drainage. The tent and storage container will not affect the amount of impervious surface or water that would be diverted into the storm system.

3. Compatibility with surrounding land uses

The proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the uses are compatible.

4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site

The tent and portable 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

The sales area is setback 50 feet from the right-of-way of the South I-94 Service Drive and 30 feet from the adjoining outlot of the plaza to the east.

6. Adequate utilities

Phantom 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

Phantom will be responsible for all trash disposal and site clean-up in relation to their agreement with Schostak Brothers and Company, managing agent for Lakewood Shopping Center.

8. Sanitary facilities

Due to the short nature of the customer shopping, no sanitary facilities will be provided.

9. Hours of operation

From 10:00 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. However, we are not aware of any complaints with Phantom closing at 10:00 p.m. in previous years, so the hours of operation are reasonable.

10. Outdoor light and signs

No exterior lights are provided. Interior lights will be hung by the tent company. The Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Phantom requests a banner to measure 5' x 16' (80 sq. ft.). Phantom's temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.

11. Other licenses and permits required

A current Consumer Fireworks Retail Facility: Non-Permanent license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshall shall be separately issuing a review letter.

12. Potential noise, odor, dust, and glare

The proposed temporary use should not increase the noise, odor, dust of glare from their use.

13. Fire lanes, fire protection, and security

The Van Buren Fire Marshall shall review the application for adequacy of fire lanes and fire protection. The site will be staffed with 3-6 employees during open hours. During non-operating hours, all products will be returned to their fire-proof storage unit and locked up until the materials are returned for redisplay the following day.

14. Off-site impacts of traffic volumes

The roads in the immediate vicinity are major Township roads, and this temporary use will not impact their flow or travel volumes.

15. Necessity of performance bond to ensure prompt removal

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

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 will be the sixth (6) year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place in the previous years. Based on this review dated February 9, 2018 and the review of the Fire Marshall dated January 17, 2018, I recommend approval of this application subject to the following three (3) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
3. That all proposed signage comply with the Zoning Ordinance.