

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION - VIRTUAL MEETING ON ZOOM
May 27, 2020
MINUTES**

Prior to the start of the meeting, the public was giving instructions on how to take part in the meeting.

ROLL CALL:

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

Excused: None.

Staff: Director Best, Director Power, Fire Marshal McInally and Secretary Harman.

Planning Representatives: McKenna Associate, Vidya Krishnan.

Applicant(s) in Attendance: Richard Tapper of Phantom Fireworks.

Audience: Three (3).

APPROVAL OF AGENDA:

Motion Boynton, Kelley second to approve the agenda of May 27, 2020 as presented. Motion Carried.

APPROVAL OF MINUTES:

Motion Jahr, Boynton second to approve the regular meeting minutes of March 11, 2020 as presented.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried.

NEW BUSINESS:

ITEM #1: 20-007 – PHANTOM FIREWORKS – TEMPORARY LAND USE

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

LOCATION: 2095 RAWSONVILLE ROAD. THIS SITE IS LOCATED IN THE LAKEWOOD SHOPPING PLAZA PARKING LOT ON THE EAST SIDE OF RAWSONVILLE ROAD AND ON THE SOUTH SIDE OF THE I-94 SERVICE DRIVE.

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 5th with operating hours from 10:00 a.m. to 10:00 p.m. This is their ninth year operating at this location. Mr. Tapper received an email from the State of Michigan regarding COVID requirements: no more than ten (10) customers at a time, all must wear masks and have

taped off 6 ft. markings for social distancing. There will be signs at the entrances to the tent for customers to wear masks and identifying the number of customers allowed in the tent.

Director Best presented the staff review letter dated March 19, 2020 recommending approval of the application subject to the following two (2) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshal.
2. That all proposed signage complies with the Zoning Ordinance.

Fire Marshal McNally presented his review letter dated May 21, 2020 recommending approval of the application, the site inspection is satisfactory.

No comments from the Commission or the audience.

Motion Kelley, Jahr second to grant a temporary land use permit to Phantom Fireworks to conduct a temporary outdoor fireworks tent sale, located at 2095 Rawsonville Road, based on the analysis and subject to the conditions in the staff review letter dated March 19, 2020 and the fire department review letter dated May 21, 2020.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried. (Letters attached)

ITEM #2: 20-010 – PHANTOM FIREWORKS – TEMPORARY LAND USE

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

LOCATION: 10010 BELLEVILLE ROAD. THIS SITE IS LOCATED IN THE MENARDS PARKING LOT, WHICH IS ON THE WEST SIDE OF BELLEVILLE ROAD, SOUTH OF TYLER ROAD.

Richard Tapper of Phantom Fireworks gave the presentation. This is the first time requesting the Menards location, Menards has fireworks product in other states, this will be the first in Michigan. Kmart is closing at the Lakewood shopping center location and Mr. Tapper will monitor both sites to see how this year goes. If both locations don't do well, he might only operate at the Menards location next year. Operators for the site are in training all next week and all COVID requirements are in place.

Director Best presented his staff review letter dated May 11, 2020 recommending approval of the application subject to the following two (2) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshal.
2. That all proposed signage complies with the Zoning Ordinance.

Fire Marshal McInally presented his review letter dated May 21, 2020 recommending approval of the application.

Commissioners discussed the number of fire extinguishers at the site, need to have at least three (3) in the tent and the Township needs to be listed as additional insured on the Certificate of Liability Insurance. Mr. Tapper confirmed that there will be three (3) fire extinguishers in the tent and the missing language on the Certificate was an oversight. He will have the Township added to the Certificate and a corrected Certificate sent over.

No comments from the audience.

Motion Kelley, Budd second to grant Phantom Fireworks a temporary land use permit at 10010 Belleville Road (Menards) to conduct a temporary outdoor fireworks tent sale, based on the analysis and subject to the conditions in the staff review letter dated May 11, 2020, fire department review letter dated May 21, 2020, with the Township listed as additional insured on the Certificate of Liability Insurance and a notation of three (3) fire extinguishers at the site.

Roll Call:

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

Nays: None.

Absent: None.

Motion Carried. (Letters attached)

ITEM #3: 20-002 – ACTIVE AERO GROUP ADMINISTRATIVE SITE PLAN UPDATE

DESCRIPTION: STAFF WILL PROVIDE AN UPDATE ON AN ADMINISTRATIVELY APPROVED 23,597 SQUARE FOOT AIRPLANE PARTS AND STORAGE BUILDING AND RELATED SITE IMPROVEMENTS.

LOCATION: 48155 F STREET. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF F STREET IN THE WILLOW RUN AIRPORT.

Director Power gave the presentation by providing an update on the Administrative Site plan review for Active Aero, referencing his review letter dated May 21, 2020. The Active Aero Group seeks to build a 23,597 square foot airplane parts storage and office building on approximately 1.13 acres of property located at 48155 F Street in the Willow Run Airport. There will be three (3) working shifts with ten (10) people per shift. The proposed use is consistent with the following description, which is a permitted use by right in the AP (airport district) zoning district: Assembly and fabrication plants which use an airplane taxiway from the main airport runway directly to the manufacturing firm. The AP district allows for a modified administrative site plan review. Based on the administrative review, the set of plans received on April 17, 2020, as revised per Van Buren Township and Wayne County Airport Authority comments dated April 16, 2020, Active Aero has received zoning administrative approval. The approval of the building permit will be subject to approval by the Van Buren Township Building Official and Van Buren Township Fire Department. Active Aero is to forward three (3) additional copies of the site plan for review by

the Fire Marshal and Building Official at the time of seeking a building permit along with an approval letter from the Wayne County Airport Authority (WCAA).

Commissioners inquired if the Kalitta Air office expansion in 2018 was a similar process and if Kalitta Air and Active Aero are doing this project together, are they related. This is a separate project by Active Aero unrelated to Kalitta Air. Kalitta Air went through the same administrative review process for their expansion in 2018.

GENERAL DISCUSSION:

Director Best and Director Power informed Commission members and the audience that this will not be the last virtual meeting of the Planning Commission, virtual meetings will continue until at least June 30th. Upcoming meetings will have public hearings and public comment, there will be more on the next two (2) agendas. Staff will work with Commission members and the audience to make sure all have access to visual displays/shared screens during presentations.

ADJOURNMENT:

Motion Budd, Boynton second to adjourn at 8:22 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

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

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



May 21, 2020

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

Re: Phantom of Michigan Fireworks Temporary Land use 10010 Belleville rd.

I have reviewed the plans submitted to my office on May 13, 2020 and found their application is in compliance of the state regulations for fireworks sales. They are also following NFPA 1123, 1124 and 1125 as well.

The Van Buren Fire Department will conduct an onsite inspection for Van Buren Township only. The State of Michigan will conduct the required inspection per license requirements from the State.

Respectfully Submitted,

Andrew Lenaghan
Fire Inspector

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MEMO

TO: Township Planning Commission
FROM: Matthew R. Best – Director of Public Services
RE: Review of Temporary Land Use Request #20-010 –
Phantom Fireworks Menards
DATE: May 11, 2020

PROJECT REVIEW

Phantom of Michigan, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Menards parking lot at 10010 Belleville Road. The use is proposed to be from June 22, 2020 through July 4, 2020, 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 adequate public parking spaces, and has the appropriate number handicapped reserved. The tent, portable storage container, and surrounding space will remove regular parking spaces, but 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 more than 50 feet from the right-of-way of Belleville Road and more than 30 feet from the adjoining property to the west.
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 Menards.
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 first year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place at Phantom Fireworks other location in the Township (Lakewood Shopping Center) the previous eight (8) years. Based on this review dated May 11th, 2020, I recommend approval of this application subject to the following two (2) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That all proposed signage complies with the Zoning Ordinance.



MEMO

TO: Township Planning Commission
FROM: Matthew R. Best – Director of Public Services
RE: Review of Temporary Land Use Request #20-007 – Phantom Fireworks
DATE: March 19, 2020

PROJECT REVIEW

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, 2020 through July 5, 2020, 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 or 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 eighth (8) 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 March 19, 2020, I recommend approval of this application subject to the following two (2) conditions:

1. That the applicant obtains approval from the Van Buren Township Fire Marshall.
2. That all proposed signage complies with the Zoning Ordinance.

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

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