

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION - VIRTUAL MEETING ON ZOOM  
April 14, 2021  
MINUTES**

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

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

**ROLL CALL:**

**Present:** Jahr, Cullin, Kelley, Budd, and Thompson.

**Excused:** Atchinson.

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

**Planning Representatives:** McKenna Associate, Vidya Krishnan and Fishbeck Associate, Paul Kammer.

**Applicant(s) in Attendance:** Dennis Wilkin, Todd Waller and Kenny Farmer for KW Land Development. James Jacobs for Neapco. Allen Dresselhouse and Kyle Morton for Crossroads Distribution North, LLC. Timothy Shammass for Metro Party Store. Richard Tapper for Phantom Fireworks and Chuck Frieze for TNT Fireworks.

**Audience:** Six (6).

**APPROVAL OF AGENDA:**

Motion Jahr, Kelley second to approve the agenda of April 14, 2021 as amended, correcting the parcel tax ID number to 83-008-99-0002-703 for New Business Item #2.

**Roll Call:**

**Yeas:** Cullin, Kelley, Budd, Jahr and Thompson.

**Nays:** None.

**Absent:** Atchinson.

**Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Jahr, Budd second to approve the regular meeting minutes of March 24, 2021 as presented.

**Roll Call:**

**Yeas:** Kelley, Budd, Cullin, Jahr and Thompson.

**Nays:** None.

**Absent:** Atchinson.

**Motion Carried.**

**PUBLIC HEARING:**

**ITEM #1: SENIOR HOUSING DEVELOPMENT ZONING ORDINANCE TEXT AMENDMENTS:  
MINIMUM USABLE FLOOR AREA AND SIGNAGE.**

**PROPOSED AMENDMENTS TO SECTION 5.143 THAT WOULD CLARIFY REQUIRED  
SITE MINIMUM USABLE FLOOR AREA IN SQUARE FEET PER DWELLING  
(INDEPENDENT SENIOR HOUSING DEVELOPMENTS) AND REVISE  
REQUIREMENTS FOR SIGNAGE IN SENIOR HOUSING DEVELOPMENTS.**

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

**Roll Call:**

**Yeas: Budd, Kelley, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried.**

Chairperson Thompson inquired if anyone in the audience was here to make a public comment on the senior housing zoning ordinance text amendments. There were no comments from the audience.

**Motion Jahr, Cullin second to close the public hearing. Motion Carried.**

**Roll Call:**

**Yeas: Budd, Kelley, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried.**

**OLD BUSINESS:**

**ITEM #1: SENIOR HOUSING DEVELOPMENT ZONING ORDINANCE TEXT AMENDMENTS:  
MINIMUM USABLE FLOOR AREA AND SIGNAGE.**

**PROPOSED AMENDMENTS TO SECTION 5.143 THAT WOULD CLARIFY REQUIRED  
SITE MINIMUM USABLE FLOOR AREA IN SQUARE FEET PER DWELLING  
(INDEPENDENT SENIOR HOUSING DEVELOPMENTS) AND REVISE  
REQUIREMENTS FOR SIGNAGE IN SENIOR HOUSING DEVELOPMENTS.**

Director Power informed that there have been minor changes to the amendments based on the discussion from the March 10, 2021 Planning Commission meeting. Director Power deferred to Vidya Krishnan to further discuss the changes.

Vidya Krishnan of McKenna Associates gave the presentation. The amendments are a result of discussions from previous meetings in which the Commission had requested to clearly define what cannot be included as common space areas. Mrs. Krishnan made sure to note that

balconies, decks, patios, unenclosed open spaces, elevators, utility rooms, storage rooms for units, corridor space and similar areas shall not be included as common space areas. The senior housing signage text amendment to the zoning ordinance clarifies that specific sign standards for senior housing developments shall be the same as the sign size and placement requirements as the underlying zoning district, except if wall signs are used, they are restricted to the limits of Section 11.108(A).

Commissioners commented that the text amendments look very good. No comments from the audience.

**Motion Kelley, Jahr second to recommend the proposed amendments to senior housing development zoning ordinance be adopted by the Township Board of Trustees.**

**Roll Call:**

**Yeas: Cullin, Kelley, Budd, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried.**

**ITEM #2: 20-035 – 44605 HULL ROAD AND VICINITY IRRIGATION PONDS**

**THE APPLICANT, KW LAND DEVELOPMENT, ON BEHALF OF OWNER, WILKIN FARM PROPERTIES, SEEKS TO CONSTRUCT TWO (2) FIVE ACRE IRRIGATION PONDS FOR AGRICULTURAL PURPOSES PURSUANT TO CHAPTER 42, ARTICLE IV OF THE VAN BUREN TOWNSHIP CODE OF ORDINANCES.**

**LOCATION: THE AFFECTED PROPERTIES INCLUDE 180.57 ACRES OF LAND ON THE SOUTH SIDE OF HULL ROAD BETWEEN SUMPTER ROAD AND MARTINSVILLE ROAD, INCLUDING PARCEL 83-134-99-0003-701, 44605 HULL ROAD / 83-134-99-0001-000, 44975 HULL ROAD / 83-134-99-0002-705 AND PARCEL 83-133-99-0003-701.**

Director Power presented his staff review letter dated 4-7-21. KW Land Development is proposing to dig two (2) 5-acre irrigation ponds for the purpose of irrigating crops and relocating the excavated materials offsite. The owner, Dennis Wilkin, owns and farms portions of roughly 247 acres of farm property. Ponds in Van Buren Township are regulated under Chapter 42 of the Code of Ordinance, the Planning Commission and staff have the authority to review and approve. The ponds will have safety signage, the slope will not exceed 4 on 1 and the depth not to exceed 10-12 feet below grade so as to act as an irrigation pond to agricultural areas. The Township Board of Trustees will review the request for the excavation of soil for the ponds. Regarding the impacts of drainage, the Planning Commission has the ability to request hydrological survey information be provided by the applicant.

Based on his review, Director Power offered the following recommended conditions of the submitted application and site plan for consideration of irrigation pond permit approval by the Planning Commission:

- The label, “Parcel 1” – unaffected parcel – tax parcel number 83-134-99-0003-701 must be relocated to be placed over the parcel to the west of “parcel 2” or it should be removed.
- The ponds must be used for irrigation for a commercial agricultural activity as permitted under the Michigan’s Right-to-Farm Act (PA 93 of 1981) (“RTFA”), and irrigation activities must be done in consistency with Generally Accepted Agricultural and Management Practices (GAAMP’s) for Irrigation Water Use as adopted by the Michigan Department of Agriculture and Rural Development (MDARD).
- An excavation permit must be secured from the Township Board under Section 42-176 of the Township Code of Ordinances prior to the commencement of construction.
- A soil erosion permit from Wayne County must be provided, or written verification that such permit is not required must be provided, per Section 42-212(3) of the Township Code of Ordinances.
- Prior to construction, the soil erosion permit or a bond, per Section 42-213(a)(2) must be provided.
- Excavated material shall not be constructed in such a manner that runoff, overflow, spillage or seepage encroaches on property owned by another person.
- The pond will not detrimentally impact aqueous or sub aqueous areas of the applicant’s property or adjoining properties.
- To the satisfaction of the Township Engineer, the applicant must:
  - Detail the existing site drainage with a drainage/overland flow map or sufficient narrative explanation.
  - Work with staff to demonstrate the relationship of the top of each pond to the surrounding grade as necessary.
  - The applicant may be required by staff to provide an engineer’s certification letter prior to the project close-out and use of the irrigation ponds. This letter will state that the ponds pose no negative downstream drainage impacts. The letter will reference adjacent land elevation data and as-built elevation data for the pond’s freeboard, lowest top of bank and bottom elevations as necessary.
- The applicant shall be accountable for any required Wayne County storm water permitting requirements.

Mr. Farmer informed that the applicant is good with all of the requirements and is here to answer any questions.

Resident expressed concern regarding the north pond including mosquito control, how the water will be moved and identified that the existing pumps used by the farmer are diesel and very loud. The pond will be located behind the resident’s property. Mr. Farmer informed that the owner, Mr. Wilkin, plans on watering the same way as he does currently with the diesel pump and will stay within the ordinance restrictions as to the hours that he can water. Mr. Farmer will check with Mr. Wilkin to see if there is anything that can be added to the pump to muffle the sound. Director Power informed that there are decibel limits for noise and recommended the applicant run testing on the pumps to assess the noise limit prior to getting started in order to address at preconstruction phase.

Residents on Burtrig road are concerned with water drainage and stated that Mr. Wilkin constructed a drainage ditch next to their property and identified that there is a lot of water coming through the ditch as it is a diversion to the Bradford drain. Residents believe that Wayne County instructed him to close the drainage ditch, but it is still open. Director Power is not aware of the drainage ditch, he will make the drainage ditch part of the follow through with Wayne County and the soil erosion permit. Director Power will also contact the applicant regarding the drainage ditch and will follow up with the residents to provide more direction within the week.

Commissioner inquired with the mention of a site plan and request for a permit, procedurally if the Commission takes action will this be a site plan or permit approval? Director Power informed that it is a permit approval that is issued by the planning commission. There is not a current or formal process as part of the general ordinance. Commissioner requested to discuss looking into potentially working on procedural requirements of general ordinances during general discussion.

**Motion Kelley, Jahr second to grant KW Land Development on behalf of owner, Wilkin Farm Properties, a pond permit to construct two (2) five acre irrigation ponds for agricultural purposes, around the property located at 44605 Hull Road and vicinity, based on the analysis and subject to the conditions in Director Power's staff review letter dated 4-7-21, with the understanding that the applicant will take a look at the sound issues prior to starting the pump equipment motors and staff to take a look at the potential ditch issue and address prior to the issuance of any permits.**

**Roll Call:**

**Yeas: Cullin, Kelley, Budd, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**NEW BUSINESS:**

**ITEM #1: 20-034 – NEAPCO DRIVELINES ADDITION – PRELIMINARY AND FINAL SITE PLAN REVIEW.**

**THE APPLICANT, JAMES S. JACOBS ARCHITECTS, PLLC, ON BEHALF OF OWNER NEAPCO DRIVELINES, LLC, SEEKS TO CONSTRUCT A 20,379 SQAURE FOOT ADDITION TO THEIR EXISTING 345,000 SQUARE FOOT BUILDING ALONG WITH RELATED SITE IMPROVEMENTS.**

**LOCATION: THE AFFECTED PROPERTY IS A 45.44 ACRE PARCEL LOCATED AT 6735 HAGGERTY ROAD (TAX PARCEL ID 83-002-99-0026-704), ZONED M-1, LIGHT INDUSTRIAL. THE PROPERTY IS LOCATED ON THE EAST SIDE OF HAGGERTY ROAD BETWEEN ECORSE ROAD AND VAN BORN ROAD.**

Director Power informed that there will not be an engineering review as the review does not involve any changes to storm water facilities, paving improvements, water, sanitary sewer or sewer review and deferred the presentation to Vidya Krishnan of McKenna Associates.

Vidya Krishnan of McKenna Associates presented her review letter dated 4-7-21. The applicant is requesting to build a canopy over a previously approved outdoor storage area and has worked with the Township over the past few months to get approval for the proposed canopy, including requesting an amendment to the Zoning Ordinance which is in the process of being adopted. The plan submitted at this time complies with the requirements of the ordinance, including those specific to outdoor storage areas. Therefore, McKenna Associates recommends the Planning Commission grant preliminary and final site plan approval to the proposed canopy addition to Neapco Drivelines, located at 6735 Haggerty Road.

Director Power presented the Van Buren Fire Marshal's review letter dated 4-5-21, the site plan is approved with the following exceptions:

1. A clear space of not less than 60 inches shall be provided in front of each hydrant connection having a diameter of greater than 2 ½ inches.
2. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.
3. Signage on the columns facing the Fire Department access road shall be provided. These signs will indicate the location of fire hydrants and the Fire Department connection. The signs shall be arranged so they are visible from the access road.

Applicant, James Jacobs informed that they have received all the staff comments. In regard to the Fire Marshal's review, they will provide the signage being requested and comments 1 and 2 are noted on the drawings. In Director Power's staff review letter he requests that the drainage be directed to the drains, that is the intent of the applicant, they will have the drainage directed through downspouts to the existing drain catch basins that are there.

No comments from the Commission or the audience.

**Motion Jahr, Kelley second to grant preliminary and final site plan approval to the applicant, James S. Jacobs Architects, PLLC, on behalf of the owner Neapco Drivelines, LLC to construct a 20,379 square foot addition to their existing 345,000 square foot building along with related site improvements, located at 6735 Haggerty Road, tax parcel ID 83-002-99-0026-704, zoned M-1, light industrial, located on the east side of Haggerty Road between Ecorse Road and Van Born Road, subject to the recommendations and requirements in Director Power's staff review letter dated 4-9-21, McKenna Associates review letter dated 4-7-21 and Fire Marshal Lenaghan's review letter dated 4-5-21.**

**Roll Call:**

**Yeas: Budd, Kelley, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**ITEM #2: 21-017 – ASHLEY CROSSROADS NORTH PRELIMINARY AND FINAL SITE PLAN AMENDMENT.**

**THE APPLICANT AND OWNER, ASHLEY CROSSROADS NORTH, LLC, SEEKS TO AMEND A PREVIOUSLY APPROVED PRELIMINARY AND FINAL SITE PLAN TO ADD ACCESSORY OUTDOOR INDUSTRIAL STORAGE AND ADJUST THE PREVIOUSLY APPROVED CONFIGURATION OF PARKING SPACES AND LANDSCAPING AROUND A DISTRIBUTION CENTER BUILDING.**

**THE AFFECTED PROPERTY IS APPROXIMATELY 41.6 ACRES OF A PARCEL LOCATED AT 42050 ECORSE ROAD (TAX PARCEL ID 83-008-99-0002-703), ZONED M-T – INDUSTRIAL TRANSPORTATION. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF ECORSE ROAD BETWEEN HAGGERTY ROAD AND KIRKBRIDGE STREET.**

Director Power gave the presentation. The request is an amendment to preliminary and final site plan approval in which the changes were significant enough to warrant a new review.

Vidya Krishnan of McKenna Associates presented her review letter dated 4-8-21. The applicant's proposal at this time is to amend the site to enable them to accommodate the specific needs of a long-term tenant. When the site plan was originally approved for the building, it was presented as speculative industrial building. However, a building of this size would need a major tenant whose needs are specific. The proposed outdoor storage is in keeping with the intent of the Zoning Ordinance and meets the required standards. Therefore, McKenna Associates recommends that the Planning Commission grant preliminary and final site plan approval for the proposed Ashley Crossroads North Building 5 amended site plan, subject to the following conditions:

1. Submission of any proposed wall signs for administrative approval and permitting.
2. Installation of light poles in compliance with fixtures previously approved and maintaining required illumination levels.
3. Planning Commission approval of the reduced parking and increased trailer staging proposed.
4. Planning Commission approval of increased fence height from 6' to 8' and use of chain link for the interior fencing area.

Director Power presented the Fire Marshal Lenaghan's review letter dated 4-6-21. The plans are approved as long as the following items are addressed:

1. The tenant will be incorporating an 8-foot fence around the north, east and south sides. There will be two (2) guard sheds at the northwest and southwest sides.
  - Will the guard sheds be staffed around the clock? If not, access for Fire Department use will be required.
  - The fire hydrant currently located on the southwestern corner needs to be inside the fenced in area.
2. Outdoor storage is requested on the eastern side of the building to store tractors. No trailers will be stored in this area, however, box and deliver vans will be stored in this area.

- Emergency access will be required for the two (2) crash gates.

Kyle Morton of Ashley Capital informed that the building was designed to be flexible with not knowing what the ultimate tenant makeup would look like. The applicant agrees with the comments in the McKenna Associates review letter and the Fire Marshal's review letter and will address all comments.

Commissioner inquired what color the decorative fencing will be. The decorative fencing will be matte black. No comments from the audience.

**Motion Kelley, Jahr second to grant the applicant, Ashley Crossroads North, LLC preliminary and final site plan approval to add accessory outdoor industrial storage and adjust the previously approved configuration of parking spaces and landscaping around a distribution center building, located at 42050 Ecorse Road, based on the analysis and subject to the conditions in the Van Buren Planning memo dated 4-9-21, McKenna Associates review letter dated 4-8-21 and Fire Marshal review letter dated 4-6-21.**

**Roll Call:**

**Yeas: Budd, Kelley, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**ITEM #3: 17-026 – METRO PARTY STORE – EXTENSION OF SITE PLAN APPROVAL.**

**THE APPLICANT, TIMOTHY SHAMMAS, IS REQUESTING AN EXTENSION TO THE EFFECT OF PRELIMINARY SITE PLAN APPROVAL THAT WAS GRANTED TO ADD A GASOLINE FILLING STATION TO AN EXISTING SHOPPING CENTER. THE PRELIMINARY SITE PLAN WAS APPROVED ON SEPTEMBER 26, 2018.**

**LOCATION: 41001 E. HURON RIVER DRIVE. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HAGGERTY ROAD AND E. HURON RIVER DRIVE.**

Director Power gave the presentation. Preliminary site plan approval was granted on September 26, 2018, however, there been complications due to the work flow related to Covid 19. The applicant has been consistently working through design changes and a motion is needed to approve an extension in order to enable the case to come back for final site plan review.

No comments from the Commission or the audience.

**Motion Kelley, Budd second to grant the applicant, Timothy Shamas, the request for an extension to the preliminary site plan approval for the property located at 41001 E. Huron River Drive, based on the analysis detailed in the Van Buren Planning Memo dated 4-9-21.**



**Roll Call:**

**Yeas: Cullin, Kelley, Budd, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letter Attached)**

**ITEM #4: 17-026 – METRO PARTY STORE – FINAL SITE PLAN APPROVAL.**

**THE APPLICANT, TIMOTHY SHAMMAS, IS REQUESTING FINAL SITE PLAN APPROVAL TO ADD A GASOLINE FILLING STATION TO AN EXISTING SHOPPING CENTER.**

**LOCATION: 41001 E. HURON RIVER DRIVE. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF HAGGERTY ROAD AND E. HURON RIVER DRIVE.**

Director Power displayed the site plan and deferred to Vidya Krishnan for presentation of her site plan review.

Vidya Krishnan of McKenna Associates presented her review letter dated 3-24-21 in which most of the conditions of preliminary site plan approval have been met and it is McKenna Associates understanding that the applicant just received approval from Wayne County for the site's engineering; which will be confirmed by the Township Engineer. Therefore, McKenna Associates recommends the Planning Commission grant final site plan approval for the proposed Metro Park Party Store Gas Station to be located at 41001 E. Huron River Drive subject to light fixture and signage approval prior to installation.

Paul Kammer of Fishbeck Associates presented his review letter dated 3-30-21 recommending the Planning Commission grant final site plan approval, subject to the comments listed in the review letter and in accordance with the Township's Engineering Standards manual. The applicant will be required to address the comments in the Issued for Construction Plan set prior to the Preconstruction meeting being scheduled.

Director Power presented the Fire Marshal's review letter dated 3-22-21, the plan has been approved with the following exceptions:

1. In addition to fire extinguishers located inside the building, fire extinguishers will be needed on the pump islands.
2. Addresses for all occupancies shall be above the front door and back doors.
3. At attended motor fuel dispensing facilities, the devices or disconnects shall be readily accessible and labeled with an approved sign stating "EMERGENCY FUEL SHUTOFF."
4. Warning signs shall be conspicuously posted in the dispersing area and incorporate the following or equivalent wording:
  - WARNING: it is unlawful and dangerous to dispense gasoline into unapproved containers.
  - NO Smoking
  - Stop Motor

- No filling of portable containers in or on a motor vehicle.
- Place container on ground before filling.
- Discharge your static electricity before refueling by touching a metal surface away from the nozzle.
- DO not re-enter your vehicle while gasoline is pumping.
- If a fire starts do not remove nozzle – back away immediately.
- Do not allow individuals under licensed age to pump.

Ziad El-Baba, Engineer for the applicant, clarified that all the columns will be completely brick enclosed and all signage will comply with the ordinance. The applicant is working with Wayne County and Township Engineer, Paul Kammer to comply with all of the site drainage requirements. The issue of the lighting of the sidewalk, the applicant did to enhance the area along Huron River Drive and has no objection to extending the sidewalk to Haggerty Road. All requirements in the Fire Department review will be addressed and when submitting plans to the state the applicant will resubmit to the Township as well and have the Fire Marshal complete a final walk through to make sure all is in compliance.

Commissioner inquired if the sidewalk along Huron River Drive is taking the Iron Belle Trail into consideration, is the applicant increasing the parking lot size and is the parking lot being completely redone? The applicant is unaware of the Iron Belle Trail connection, the parking lot size decreased to add landscaping and half of the parking lot will be resurfaced with the other half being repaired. Director Best informed that the site is compatible with the Iron Belle Trail.

No comments from the audience.

**Motion Jahr, Cullin second to grant final site plan approval to the applicant, Timothy Shammass, to add a gasoline filling station to an existing shopping center, located at 41001 E. Huron River Drive, the property being located at the southwest corner of Haggerty Road and E. Huron River Drive, subject to the conditions in the McKenna Associates review letter dated 3-24-21, Fishbeck Associates review letter dated 3-30-21 and Fire Marshal review letter dated 3-22-21.**

**Roll Call:**

**Yeas: Kelley, Budd, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**ITEM #5: 21-009 – PHANTOM FIREWORKS (LAKEWOOD SITE) – TEMPORARY LAND USE.**

**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 SOUTH SERVICE DRIVE.**

Director Power presented his staff review letter dated 4-9-21. Phantom of Michigan, Inc. is requesting a temporary land use permit for a tent sale of fireworks at the Lakewood Shopping Plaza located at 2095 Rawsonville Road. The proposed use is from June 21, 2021 through July 4, 2021, with hours of operation from 10:00 a.m. to 10:00 p.m. This will be the ninth (9<sup>th</sup>) year that Phantom has operated at this location and staff is not aware of any complaints or issues that have taken place in the previous years. Based on the review, Director Power recommends 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.

Rick Tapper of Phantom Fireworks reiterated that this will be the ninth (9<sup>th</sup>) year of operation at the same location and there have been no problems in previous years. The state license has already been provided to staff and he is available for any questions.

No comments from the Commission or the audience.

**Motion Kelley, Jahr second to grant the applicant, Phantom Fireworks, a temporary land use permit to conduct a temporary outdoor fireworks tent sale, located at 2095 Rawsonville Road in the Lakewood Shopping Plaza, based on the analysis and subject to the conditions in the Director Power's staff review letter dated 4-9-21 and Fire Marshal Lenaghan's review letter dated 3-9-21.**

**Roll Call:**

**Yeas: Cullin, Kelley, Budd, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**ITEM #6: 21-014 – PHANTOM FIREWORKS (MENARDS SITE) – TEMPORARY LAND USE.**

**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.**

Director Power presented his staff review letter dated 4-9-21. Phantom of Michigan is requesting a temporary land use permit for a tent sale of fireworks at the Menards parking lot at 10010 Belleville Road. The proposed use is to be from June 24, 2021 through July 4, 2021 with hours of operation from 10:00 a.m. to 10:00 p.m. This will be the second (2<sup>nd</sup>) year that Phantom has operated at this location and staff is not aware of any complaints or issues that have taken place

in the previous year. Based on the review, Director Power recommends 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.

Rick Tapper of Phantom Fireworks reiterated that this will be the second (2<sup>nd</sup>) year of operation at the same location, there were no problems the previous year and Menards was happy with the setup and cleanup of the site.

Commissioner inquired how many fire extinguishers will be located in the tent. There will be 3 fire extinguishers and the applicant will provide staff with an updated sheet displaying their locations. Commissioner inquired if the food truck will be coming back to the site and what is the location of the food truck in relation to the fireworks tent. Director Power informed that the food truck will be coming back and the location of the food truck will not conflict with the fireworks tent use.

**Motion Kelley, Jahr second to grant the applicant, Phantom Fireworks, a temporary land use permit to conduct a temporary outdoor fireworks tent sale, located at 10010 Belleville Road in the Menards parking lot, based on the analysis and subject to the conditions in the Director Power's staff review letter dated 4-9-21 and Fire Marshal Lenaghan's review letter dated 3-18-21 adding a note to see the fire extinguisher's locations on the plan.**

**Roll Call:**

**Yeas: Budd, Kelley, Cullin, Jahr and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**ITEM #7: 21-012 – TNT FIREWORKS (WALMART SITE) – TEMPORARY LAND USE.**

**THE APPLICANT, TNT FIREWORKS, IS REQUESTING A TEMPORARY LAND USE PERMIT TO CONDUCT A TEMPORARY OUTDOOR FIREWORKS TENT SALE.**

**LOCATION: 10562 BELLEVILLE ROAD. THIS SITE IS LOCATED IN THE WALMART PARKING LOT, WHICH IS ON THE WEST SIDE OF BELLEVILLE ROAD, SOUTH OF TYLER ROAD.**

Director Power presented his staff review letter dated 4-9-21 and display an image of the site. TNT Fireworks is requesting a temporary land use permit for a tent sale of fireworks at the Belleville Road Walmart at 10562 Belleville Road. The proposed use is from June 22, 2021 through July 5, 2021 with hours of operation from 9:00 a.m. to 10:00 p.m. This would be the seventh (7<sup>th</sup>) year that TNT Fireworks has been granted a temporary land use permit to operate at this location and staff is not aware of any issues or concerns from previous years. Director Power recommends approval of the application subject to the following conditions:

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

Chuck Frieze of TNT Fireworks was available to answer any questions.

Commissioner inquired if there were 3 exits on the tent and 3 fire extinguishers. Mr. Frieze confirmed there are 3 exits and fire extinguishers. There were no comments from the audience.

**Motion Kelley, Jahr second to grant the applicant, TNT Fireworks, a temporary land use permit to conduct a temporary outdoor fireworks tent sale, located at 10562 Belleville Road in the Walmart parking lot, based on the analysis and subject to the conditions in the Director Power's staff review letter dated 4-9-21 and Fire Marshal Lenaghan's review letter dated 3-10-21.**

**Roll Call:**

**Yeas: Jahr, Cullin, Kelley, Budd and Thompson.**

**Nays: None.**

**Absent: Atchinson.**

**Motion Carried. (Letters Attached)**

**GENERAL DISCUSSION:**

**Resignation of Commission Joan Franzoi:** Director Power informed the Commission and audience that Commissioner Joan Franzoi had announced her retirement, she first served on the Planning Commission in 1983. Commissioners thanked Franzoi for her many years of service, hard work and great mentorship to fellow Commissioners.

Commissioners discussed the potential of an update and review to the permitting process in the General Ordinance when outside of normal procedures. Director Best informed that a review and update can be worked on with the Planning Commission and the Board of Trustees. Commissioners requested staff to take a look into it and decide how to move forward and agreed mechanically the Ordinance is good but the permitting process needs to be restructured. Any changes to the Ordinance will come from the Board of Trustees. Director Power inquired what role the Planning Commission would like moving forward. Commissioners agreed that permit approvals still need to go through the Planning Commission. Staff will take a look at the General Ordinance to look at ways to simplify the permitting process and bring back information to the Commission.

**ADJOURNMENT:**

**Motion Budd, Cullin second to adjourn the meeting at 9:46 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



## MEMO

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TO: Van Buren Township Planning Commission

FROM: Dan Power– Director of Planning and Economic Development

RE: Planning Case 17-026: Metro Party Store - Requested Extension and Final Site Plan Review

DATE: April 9, 2021

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Applicant Timothy Shammass requests an extension to the effect of preliminary site plan approval that was granted to add a gasoline filling station to an existing shopping center, along with related site improvements. The preliminary site plan was conditionally approved on September 26, 2018. The location of the site is 41001 E. Huron river drive (parcel tax ID number 83 095 01 0231 010). The property is located at the southwest corner of Haggerty Road and E. Huron River Drive. The property is zoned C-1 – General Business District.

Because the original final site plan approval occurred in September 2018, over two years ago, terms regarding site plan expiration must be accounted for. The effect of a final site plan approval typically expires after one (1) year if construction activities have not commenced in that time. However, Section 12.207 of the Zoning Ordinance allows for the Planning Commission to consider an application by the owner, with cause shown, to extend site plan approval for a longer period. Staff believes that this enables the Planning Commission to grant an extension in this case to provide continuity following the September 26, 2018 approval. The Planning Commission is therefore requested to consider the applicant's requested for site plan approval extension in addition to and prior to the requested for approval of the final site plan.

Based on recommendations from the Township's Principal Planner, Township Engineer and Chief Fire Inspector, the application is now ready for consideration for conditional final site plan approval by the Planning Commission. To assist in this review, the following materials have been provided with this packet:

- A completed application form submitted by the applicant;
- A final site plan review letter from Vidya Krishnan, dated March 24, 2021;
- A final site plan review letter from Paul Kammer, dated March 30, 2021;
- A review letter from Andrew Lenaghan, dated March 22, 2021;
- Copies of minutes of approval from the Planning Commission meeting held September 26, 2018; and
- Civil and architectural final site drawings (hard copy provided separately).

I look forward to assisting with the discussion regarding this.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

Dan Power, AICP  
Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren



## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Neapco Drivelines Preliminary and Final Site Plan Review  
DATE: April 9, 2021

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Applicant, James S. Jacobs Architects, PLLC, on behalf of owner, Neapco Drivelines, LLC, seeks to construct a 20,379 square foot addition to their existing 345,000 square foot building along with related site improvements. The affected property is a 45.44-acre parcel located at 6735 Haggerty Road (tax parcel id 83 002 99 0026 704), zoned M-1, Light Industrial. The Property is located on the east side of Haggerty Road between Ecorse Road and Van Born Road.

Reports from the Principal Planner and Township Fire Marshall are included for consideration, along with application materials. Because the review does not involve changes to stormwater facilities, paving improvements, or water or sanitary or sewer review, the Township Engineer is not involved in the review. As a recommended condition of approval, I request that the applicant direct all drainage from the roof of the proposed canopy structure toward existing stormwater drains on site via downspouts.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a light blue horizontal line.

Dan Power, AICP  
Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner– McKenna Associates  
Andrew Lenaghan – Van Buren Charter Township Fire Marshall  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township





## MEMO

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TO: Van Buren Township Planning Commission  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Ashley Crossroads North Preliminary and Final Site Plan Amendment Review  
DATE: April 9, 2021

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Applicant and owner, Ashley Crossroads North, LLC, seeks to amend a previously approved preliminary and final site plan to add accessory outdoor industrial storage and adjust the previously approved configuration of parking spaces and landscaping around a distribution center building.

The affected property is approximately 41.6 acres of a parcel located at 42050 Ecorse Road (tax parcel ID 83 002 99 0026 704), zoned M-T – Industrial Transportation. The property is located on the north side of Ecorse Road between Haggerty Road and Kirkridge Street.

Reports from the Township's Principal Planner and Fire Marshall is included for consideration, along with application materials. I have also included minutes from the Planning Commission's previous final site plan approval for this site from their regular meeting held June 10, 2019. Because the review does not involve changes to stormwater facilities, paving improvements, or water or sanitary or sewer review, the Township Engineer is not involved in the review.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a light blue horizontal line.

Dan Power, AICP  
Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner– McKenna Associates  
Andrew Lenaghan – Van Buren Charter Township Fire Marshall



## MEMO

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TO: Township Planning Commission  
FROM: Dan Power – Director of Planning and Economic Development  
RE: Review of Temporary Land Use Request #21-014 – Phantom Fireworks Menards  
DATE: April 9, 2021

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### 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 24, 2021 through July 4, 2021, 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 rights-of-way 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 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 second year that Phantom has operated at this location, and I am not aware of any complaints or issues that have taken place at this location or Phantom Fireworks' other location in the Township (Lakewood Shopping Center) in previous years. Based on this review dated April 9, 2021, 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.

**Matthew Best, M.S. - Public Services Director, Van Buren Charter Township**



## MEMO

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TO: Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #21-012 – TNT Fireworks

DATE: April 9, 2021

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### PROJECT REVIEW

TNT Fireworks is requesting a Temporary Land Use permit for a tent sale of fireworks at the Belleville Road Walmart, Store #2872, at 10562 Belleville Road. The use is proposed to be from June 22, 2021 through July 5, 2021. Per Section 7.120 of the Zoning Ordinance, temporary land 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 7.120 for temporary land use approval and have the following comments:

- 1. Adequacy of parking and access** (Section 7.120(C.1)) – The site has 714 public parking spaces, 23 of which are handicapped reserved. The site is currently is over-parked, and the tent will have a limited impact on the number of available parking spaces. The tent and surrounding buffer will occupy roughly 16 parking spaces. This site is located in the heart of Van Buren’s downtown district, and sufficient access is available.
- 2. Adequate drainage** (Section 7.120(C.2)) – The site is in an existing parking lot that already has storm water drainage. The 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 7.120(C.3)) – The surrounding parcels are all commercial in nature, and this temporary land use is not expected to impact the surrounding commercial uses.
- 4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 7.120(C.4)) – The tent is temporary in nature, and the parking lot, Walmart store, and the surrounding commercial businesses will not be impacted by the bulk of the tent.

- 5. Sufficient setbacks from road rights-of-way and lot lines** (Section 7.120(C.5))
  - The tent is located behind a landscaping island within the Walmart Parking Lot near the southeast corner of the site. It is over 100 feet from the southern lot line, and 20 feet from the interior service road. Therefore, the setbacks are sufficient and the tent will not impact traffic flow or adjoining commercial businesses.
- 6. Adequate utilities** (Section 7.120(C.6)) - TNT Fireworks 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 7.120(C.7)) - TNT Fireworks will be responsible for all trash disposal and site clean-up in relation to their lease agreement with Walmart.
- 8. Sanitary facilities** (Section 7.120(C.8)) - Walmart has authorized all customers and TNT employees to use its restroom facilities.
- 9. Hours of operation** (Section 7.120(C.9)) - The hours of operation will be 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. However, staff are not aware of any complaints with TNT Fireworks closing at 10:00 p.m. in previous years, so the hours of operation approved last year are reasonable and we recommend the same hours of operation for this year.
- 10. Outdoor light and signs** (Section 7.120(C.10)) - No exterior lights are provided. Interior lights will be hung inside the tent. 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 7.120(C.11)) - Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license. A current license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshal shall be separately issuing his review letter.
- 12. Potential noise, odor, dust, and glare** (Section 7.120(C.12)) - The proposed temporary use should not increase the noise, odor, dust or glare from their use.
- 13. Fire lanes, fire protection, and security** (Section 7.120(C.13)) - The Van Buren Fire Marshal shall review the application for adequacy of fire lanes and fire protection. The site will be continually staffed. During non-operating hours, all products will be stored inside the tent and tent security will be maintained at all times by the tent operator or their representative.
- 14. Off-site impacts of traffic volumes** (Section 7.120(C.14)) - The road in the immediate vicinity is a major Township road (Belleville Road) and this temporary use will not impact the flow or travel volumes. During 2014's Public Hearing, a resident raised a concern of the launching of fireworks at the site. No fireworks are permitted to be launched within 300 feet.

- 15. Necessity of performance bond to ensure prompt removal** (Section 7.120(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 7.120(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 would be the seventh (7<sup>th</sup>) year that TNT Fireworks has been granted a temporary land use permit to operate at this location, and I am not aware of any issues or concerns from those previous years. I recommend approval of this application subject to the following conditions:

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





## MEMO

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TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #21-009 – Phantom Fireworks at Lakewood Shopping Plaza

DATE: April 9, 2021

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### 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 24, 2021 through July 4, 2021, 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 30 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 over 100 feet from the right-of-way of the South I-94 Service Drive and over 30 feet from the adjoining outlot of the plaza 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 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 ninth (9<sup>th</sup>) 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 April 9, 2021, 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.

Andrew Lenaghan  
Fire Marshal  
O: 734-699-8900 ext 9426

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



3/22/2021

Department Building and Planning  
46425 Tyler Road  
Van Buren Twp, MI 48111

Re: 17-026  
Metro Party Store Gas Pumps

To whom it may concern:

**Project Overview:** The scope of work is to install gas pumps at the current location

I have reviewed the site plan drawing and have approved them with exceptions:

- ~~1. A readily visible, durable sign in letters not less than 1 in. high on contrasting background that reads as follows is located on or adjacent to the door leaf: THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED. NFPA 101-7.2.5.5.1(2) Shall be placed on both front and back exit doors.~~
- ~~2. Emergency lighting NFPA 101-7.9~~
- ~~3. Venting of pizza oven NFPA 101-9.2.2~~
- ~~4. All commercial cooking equipment will comply with Chapter 50 of NFPA 1, and NFPA 96~~
5. In addition to fire extinguishers located inside the building, fire extinguishers will be needed on the pump islands. **NFPA 1 2018 42.7.2.6.2**
6. Addresses for all occupancies shall be above the front door and back doors.
- ~~7. The turning radius of a Fire Department access road shall be approved by the AHJ NFPA 1 18.2.3.5.3.1~~
8. At attended motor fuel dispensing facilities, the devices or disconnects shall be readily accessible and labeled with an approved sign stating "EMERGENCY FUEL SHUTOFF"  
**NFPA 30A 6.7.1**

**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.

9. Warning signs shall be conspicuously posted in the dispersing area and incorporate the following or equivalent wording:

**WARNING:** it is unlawful and dangerous to dispense gasoline into unapproved containers.

NO smoking

Stop Motor

No filling of portable containers in or on a motor vehicle

Place container on ground before filling

Discharge your static electricity before refueling by touching a metal surface away from the nozzle

DO not re-enter your vehicle while gasoline is pumping

If a fire starts do not remove nozzle-back away immediately

Do not allow individuals under licensed age to use pump

Please note that **all** applicable **NFPA** codes apply as adopted by the Township of Van Buren. These should be referenced when moving forward with this project.

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

If you have any questions about this plan review report, please feel free to contact me

Respectfully submitted,

Andrew Lenaghan

Fire Marshal  
Van Buren Fire Department

Andrw Lenaghan  
Fire Marshal  
O: 734-699-8900 ext. 9416

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



April 6, 2021

Director of Building and Planning  
46425 Tyler Road  
Van Buren Township, MI 48111

Re: Ashley Capital North Bldg #5  
42050 Ecorse Road  
Van Buren Township, MI 48111

To Whom it may concern:

Preliminary Site Plan Amendment Building #5

**Project Overview and Comments:**

1. The tenant will be incorporating an 8 ft. fence around the North, East and South Sides. There will be two guard shacks at the northwest and south west sides.

**Will the guard shacks be staffed around the clock? if not, access for Fire Department use will be required**

**The fire hydrant currently located on the southwest corner needs to be INSIDE the fenced in area.**

2. Outdoor storage is requested on the eastern side of the building to store tractors. No trailers will be stored in this area, however box and delivery vans will be stored in this area.

**Emergency access will be required for the 2 crash gates**

**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.

**Plans are approved with exceptions, as long as above items are addressed with AHJ**

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with the Van Buren Township adopted fire codes.

Respectfully submitted,

Andrew Lenaghan- Fire Marshal  
Van Buren Fire Department

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

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



4/5/2021

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

Re: Neapco Drivelines LLC  
6735 Haggerty  
Van Buren Township, MI 48111

To whom it may concern:

A 2nd review of a set of plans for the construction of a canopy approximately 75 feet by 272 feet over 16 truck wells at the Southeast corner of the above listed address.

The site plan is approved with the following exceptions:

1. A clear space of not less than 60 inches shall be provided in front of each hydrant connection having a diameter of greater than 2 ½ inches+ **NFPA 1 18.5.7.2 2018**
2. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. **NFPA 101 7.1.10.1 2018**
3. **Signage on the columns facing the Fire Department access road shall be provided. These signs will indicate the location of Fire Hydrants, and the Fire Department Connection. The signs shall be arranged so they are visible from access road.**

**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.



The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and Immediately prior to opening to verify compliance with the appropriate codes.

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

Respectfully submitted,

Andrew Lenaghan  
Van Buren Fire Department  
Fire Marshal

Andrew Lenaghan  
Fire Marshal  
O: 734-699-8900 ext 9416

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



March 10, 2021

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

Re: American Promotional Events Inc. /TNT Fireworks  
Wal-Mart Parking Lot, 10562 Belleville Rd  
VBT 21-012

To whom it may concern:

I have reviewed a site plan received on March 9, 2021 for the above referenced project.

**Project Overview:**

The site plan is for a temporary fireworks retail facility. Included in the permit application package is a letter of authorization signed by TNT and Wal-Mart representatives. Also included, is the site plan for the stand, showing the location of the tent as it sits in the store parking lot as well as proof of insurance.

The Temporary facility and the retail sales of fireworks must comply with **NFPA 1124** as required by the State of Michigan and the Township of Van Buren.

Upon approval from the State of Michigan Bureau of Fire Services, and the issuance of a tentative permit to sell fireworks, the site will be inspected by the Van Buren Township Fire Department.

A detailed floor plan showing the location of tables, displays and exits shall be kept on site of the CFRS location.

Respectfully submitted,

Andrew Lenaghan  
Fire Marshal  
Van Buren Township Fire Department

**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.





## MEMO

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TO: Van Buren Township Planning Commission

FROM: Dan Power– Director of Planning and Economic Development

RE: VBT Case 20-035 – Irrigation Pond Review – 44605 Hull Road (and Vicinity)

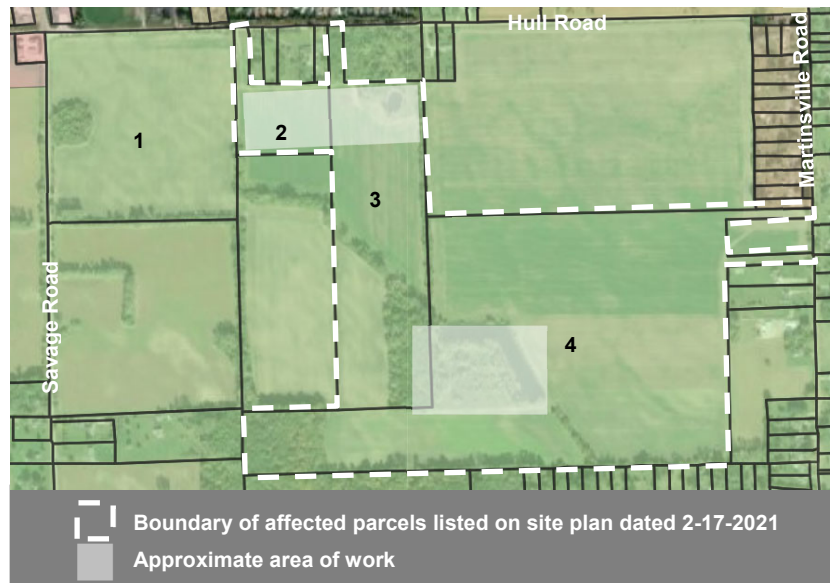
DATE: April 7, 2021

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### Planning Commissioners:

KW Land Development, representing owner Wilkin Farm Properties, LLC, has applied seeking an excavation permit for activities proposed three parcels near the southeast corner of Hull Road and Sumpter Road. These parcels and an adjacent parcel are labeled below and on the image to the right for context:

1. Parcel 83-134-99-0003-701 (unaffected)
2. 44605 Hull Road / 83-134-99-0001-000
3. 44975 Hull Road / 83-134-99-0002-705
4. Parcel 83-133-99-0003-701



The applicant proposes to dig two (2) 5-acre ponds for irrigating crops and relocating excavated materials off site. To my understanding, the owner owns and farms portions of roughly 250 acres of property across several contiguous parcels in the area, including the referenced parcels. According to the applicant, the site's existing groundwater sources do not always provide the water necessary to water all crops, and ten acres of additional irrigation water access will provide the water necessary to fulfill additional irrigation needs. The use of the ponds entirely for irrigation for commercial agricultural production is the basis of the request. The ponds must be used for irrigation for a commercial agricultural activity as permitted under the Michigan's Right-to-Farm Act (PA 93 of 1981) ("RTFA"), and irrigation activities must be done in consistency with Generally Accepted Agricultural and Management Practices (GAAMP's) for Irrigation Water Use as adopted by the Michigan Department of Agriculture and Rural Development (MDARD).

Local ordinances adopted by the Township in Article III of Chapter 42 (the "Soil Removal / Mining Ordinance") Article IV of Chapter 42 (the "Pond Ordinance") which address requirements for excavation activities and irrigation ponds apply where they do not conflict with the RTFA. Under the Pond Ordinance, irrigation ponds are subject to review by the Planning Commission.

The purpose of this report is to provide recommendations for the Planning Commission's review of the request under applicable terms of the Pond Ordinance. My analysis of the compliance of this application with applicable standards of based on the standards of the Pond Ordinance. To support this analysis, please refer to applicant submittals including a completed application form and a site and survey plan dated February 17, 2021. In my analysis, underlined comments are those that I recommend must be addressed as a condition of approval prior to the commencement of construction or at a time that is otherwise stated.

An application form has been submitted which has been signed by owner Dennis Wilkin. The applicant has provided a site and survey plan dated February 17, 2021 ("site plan"). The applicant has provided the following information consistent with the requirements of Article IV of Chapter 42. Where certain information has not been provided or requires corrections, applicable requests are stated in the **recommendations** section of this report.

**Setbacks.** General notes 1-3 indicate that the ponds will not be closer than 50 feet from any principal structure; closer than 50 feet from any telephone, electrical or other utility line of any recorded easement; or closer than 75 feet from any septic field. The site plan demonstrates compliance with the required setbacks for irrigation ponds, including a minimum 100' setback from a road right-of-way, 30' setback from a rear lot line, and 60' from side lot lines.

**Pond design details.** The applicant has provided proposed topographic information for both ponds. 192,800 cubic yards of excavation is proposed, including 97,600 cubic yards of material proposed to be excavated from the north proposed pond and 95,200 cubic yards proposed to be removed in the proposed south pond. General note 6 on the site plan indicates that material will not be excavated in such a manner that runoff, overflow, spillage or seepage encroaches on property owned by another person. General note 7 on the site plan indicates that the pond's side slopes will not exceed greater than one foot vertical to four feet horizontal. General note 8 of the site plan indicates that warning signs and life safety devices will be provided in compliance with [Sec. 42-217](#). The plan also includes proposed freeboard, top of water, lowest top of bank, and bottom elevations. General note 9 on the site plan indicates that proposed contours/elevations as depicted will remain level 10-12 feet below existing grade so as to act as an irrigation pond off agricultural purposes.

**Soil removal / mining.** Because the activity in question involves a one-time excavation pursuant to providing an irrigation pond for agricultural crops, it is not considered mining. However, the removal of spoils off site requires an excavation permit to be issued by the Township Board of Trustees under the Soil Removal / Mining Ordinance. A note verifying that soil will not be removed from the ponds except in accordance with Article III of Chapter 42 (Soil Removal and/or Mining) of the Van Buren Township code has been added to the plan under general note 5. An excavation permit must be secured from the Township Board under Section 42-176 of the Township Code of Ordinances prior to the commencement of construction.

**Site disturbance and restoration.** A soil erosion permit from Wayne County must be provided, or written verification that such permit is not required must be provided, per Section 42-212(3) of the Township code of ordinances. If such a soil erosion permit is required, it is our

understanding that it will be tied to assurances for soil erosion permit completion imposed by the County. In lieu of a soil erosion permit, a bond must be submitted with the Township as a beneficiary to cover the expenses of site restoration based per Section 42-213(a)(2) of the Van Buren Township code of ordinances. The bond value must be based on a professional engineer's cost estimate of the cost of full site restoration based on the area disturbed which is accepted by the Township Engineer. Prior to construction, the soil erosion permit or a bond per Section 42-213(a)(2) must be provided.

**Drainage and water impacts.** Several provisions in the Pond Ordinance speak to drainage and ground and surface water impacts. Excavated material shall not be constructed in such a manner that runoff, overflow, spillage or seepage encroaches on property owned by another person, per Section 42-216(3). Additionally, the Planning Commission may require a hydrological survey which gives evidence that the pond will not detrimentally impact aqueous or subaqueous areas of the applicant's property or adjoining properties, per Section 42-213(a)(1). Staff have provided analysis regarding the proposed ponds' drainage impacts consistent with the requirements in the comments below.

The proposed design includes a pond near the north end of the site and a southern pond which is near an existing pond and the Bradshaw Drain near the south end of the site. Site drainage patterns during and following the installation of the pond is a significant concern regarding the drainage pattern established between the two proposed ponds. The applicant must demonstrate their understanding of the existing conditions and demonstrate that the proposed system does not direct additional erosion or drainage to the Bradshaw Drain or the downstream properties.

The applicant has stated that the site's groundwater table lies only about 3 feet below the surface. This high groundwater table has implications impacts during construction. To explain the management of groundwater during construction, the applicant has provided general note 12 to the site plan and has provided additional explanation verbally. It is our understanding that, while the proposed north pond is excavated, exposed water will discharge to the adjacent pond. Next, while the proposed south pond is excavated, exposed water will be pumped roughly 2,000 feet to the completed north pond. The applicant has described that high-volume water pumps and irrigation piping are proposed to be used to pump the water from the south proposed pond to the north proposed pond.

Additional explanation may be necessary to ensure that no detrimental drainage impacts occur during or after construction. There must be assurance that the stormwater will be adequately managed if there is a failure in this pump and piping system. Several conditions listed in the **recommendations** section of this report address these drainage concerns. Additionally, if off-site discharge is anticipated, the project may be subject to Wayne County Storm Regulations and the applicant shall be accountable for any required Wayne County storm water permitting.

## **Recommendations**

Based on the analysis above, I offer the following recommended conditions of the submitted application and site plan for consideration of irrigation pond permit approval by the Planning Commission:

- The label, "Parcel 1 – unaffected parcel – tax parcel no 83-134-99-0003-701 must be relocated to be placed over the parcel to the west of "parcel 2" or it should be removed.
- The ponds must be used for irrigation for a commercial agricultural activity as permitted under the Michigan's Right-to-Farm Act (PA 93 of 1981) ("RTFA"), and irrigation activities must be done in consistency with Generally Accepted Agricultural and Management Practices (GAAMP's) for Irrigation Water Use as adopted by the Michigan Department of Agriculture and Rural Development (MDARD).
- An excavation permit must be secured from the Township Board under Section 42-176 of the Township Code of Ordinances prior to the commencement of construction.
- A soil erosion permit from Wayne County must be provided, or written verification that such permit is not required must be provided, per Section 42-212(3) of the Township code of ordinances.
- Prior to construction, the soil erosion permit or a bond per Section 42-213(a)(2) must be provided.
- Excavated material shall not be constructed in such a manner that runoff, overflow, spillage or seepage encroaches on property owned by another person.
- The pond will not detrimentally impact aqueous or subaqueous areas of the applicant's property or adjoining properties.
- To the satisfaction of the Township Engineer, the applicant must:
  - Detail how the existing site drainage and system currently work with a drainage / overland flow map.
  - Detail the current piping / pump layout as it applies to overflows and outfalls.
  - Demonstrate how sending high water levels from the southern pond to the northern pond affects the capacity of the northern ponds.
  - Describe how pond levels are monitored and how high levels are managed in the northern pond.
  - Provide a section view drawing to demonstrate the relationship of the top of each pond to the surrounding grade.
  - Provide an engineer's certification letter prior to project close-out and use of the irrigation ponds. This letter shall state that the ponds pose no negative downstream drainage impacts, which references adjacent land elevation data and as-built elevation data for the ponds' freeboard, lowest top of bank, and bottom elevations as necessary.
- The applicant shall be accountable for any required Wayne County storm water permitting requirements.

Thank you for your consideration.



Dan Power, AICP  
 Planning and Economic Development Director  
 Public Services Department  
 Charter Township of Van Buren

CC: Todd Waller and Kenny Farmer – Applicants and property owner representatives  
Paul Kammer – Van Buren Township Engineer, Fishbeck  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township



March 30, 2021  
Fishbeck Project Number 171556  
Township Project Number 17-026

Director James Taylor  
Director of Water and Sewer  
Charter Township of Van Buren  
46425 Tyler Road  
Van Buren, MI 48111

**Metro Party Store Gas Pumps Project  
41001 Huron River Drive  
Engineering and Final Site Plan Review**

Dear Director Taylor:

At the request of the Charter Township of Van Buren (Township), Fishbeck has reviewed the Engineering and Final Site Plan dated February 20, 2021, for the proposed Metro Party Store Gas Pumps project, located at 41001 Huron River Drive.

The existing site includes an 8,000-SF building and a 30-space parking lot. The proposed project includes the construction of four gasoline dispensers, a canopy, one underground storage tank, modifications to the existing storm sewer system including two new pretreatment structures and an underground storage structure, sidewalk, and various other site improvements.

Since receiving Wayne County Department of Public Services (DPS) Approval in December 2019, based on the plans submitted September 25, 2019, Fishbeck has been working extensively with the applicant to bring their plans up to the required standards outlined in the Township Engineering Standards Manual. Several iterations of comments and plan revisions have been made by Fishbeck and the applicant, respectively. Communication has been open with all parties involved during the process.

For the purpose of this review letter, Fishbeck has exclusively reviewed the set of plans submitted to and distributed by the Township Director of Planning and Economic Development, Dan Power. Previous iterations may be referenced for clarification, however, for a Final Site Plan and Engineering Approval, the plans submitted and dated February 20, 2021 will be used.

We have attached a summary of our review comments below:

## **General**

The following items are general requirements established as part of the *Engineering Standards Manual, Charter Township of Van Buren (April 2014)*. The applicant must include the following items as part of the construction plans.

1. The applicant will be required to submit an Issued for Construction Plan, dated with the most recent updates, that will be used by all parties during construction.

2. The plan submittal, including the electronic version, should include all the sheets listed in the sheet index in the proper order as intended by the applicant.
3. All applicable Township Standard Design Detail Sheets must be included in the plans and indexed accordingly. The Township or Fishbeck can provide these sheets prior to the issuance of the Issued for Construction Plan set.

## Water Main Service

**Existing:** The drawing indicates the location of the existing 12-inch watermain running east-west on Huron River Drive and the existing 2-inch water service to the main building and the existing water service shutoff valve.

**Proposed:** No water main service modifications or extensions are indicated on the drawings.

## Sanitary Sewer

**Existing:** The drawings indicate the location of the existing 12-inch sanitary sewer running north-south on Haggerty Road and the existing sanitary service lead to the existing building.

**Proposed:** No other sanitary sewer service modifications or extensions are indicated on the drawings. The drawings indicate, with a note, that the developer will field verify the existing sanitary sewer location and depth for a possible relocation, due to the service lines proximity to the canopy. The applicant will determine the need for relocation during construction plan development.

### Comments:

1. Size and material of existing sanitary sewer service should be labeled on drawings. Information can be assumed based on downstream sanitary structure information.

## Storm Sewer

**Existing:** The drawings indicates the existing building and parking lot collecting stormwater through a system of privately-owned catch basins and storm sewer pipes flowing into the existing unlabeled manhole near the south property line on the west side of Haggerty Road.

**Proposed:** The drawings indicate a proposed pretreatment facility near the existing catch basin No. 2 and a proposed underground storage area with pretreatment facility.

### Comments:

1. Applicant has submitted to Wayne County for stormwater plan approval and received a permit (R 19-024) dated December 3, 2019.
2. All calculated information should match with the corresponding detailed drawing(s).
  - a. The discharge structure outlet pipe detail indicated on sheet SP 5.1 is at a flat slope, whereas the outlet sizing calculation indicating a 0.4 slope. Upstream and downstream inverts are both at 649.70.
  - b. The outlet invert of the pump station indicated on sheet 5.1 does not match the manufacturers design on Sheet SP-11.
3. Applicant must indicate the source of back-up power for the pump station.
4. Tee oil separator cap appears to be incorrectly labeled 4 inches. Review and adjust accordingly.
5. The detail on sheet SP-10 indicating the KSI Riser Installation option for shallow bury applications indicates a topsoil installed over the underground detention system. The detail should updated to match the plan sheets.

## Paving and Grading

The site has two existing access driveways, one from Huron River Drive and one from Haggerty Road. The applicant is now indicating both driveways are to be modified to provide for wider entrances. A 5-foot wide concrete sidewalk is indicated to be constructed on Huron River Drive and Haggerty Road.

### Comments:

1. The applicant shall coordinate with Wayne County to meet the Americans with Disabilities Act of 2010 (ADA) design standard requirements at the corner of the intersection of Haggerty Road and Huron River Drive in accordance with the details indicated in the plans.

## Recommendation

At this time, we are recommending the Planning Commission grant Engineering and Final Site Plan approval, subject to the comments listed above, and in accordance with the Township's Engineering Standards manual. The applicant will be required to address the comments in the Issued for Construction Plan Set prior to the Preconstruction meeting being scheduled. If you have any questions regarding this project, please contact me at 248.324.2137 or [pkammer@fishbeck.com](mailto:pkammer@fishbeck.com).

Sincerely,



**Paul J. Kammer, PE**  
Senior Civil Engineer



**Stephen C. Clayton, PE**  
Civil Engineer

By email

Copy: Matthew Best – Township  
Dan Power – Township  
Vidya Krishnan– McKenna  
Dave Potter – Fishbeck

Andrew Lenaghan  
Fire Marshal  
O: 734-699-8900 ext9416

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



March 9, 2021

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

VB-T 21-009

Re: Phantom of Michigan Fireworks Temporary Land use at 2095 Rawsonville Road.

I have reviewed the plans submitted to my office on February 24, 2021 and found their application is in compliance with the Van Buren Township adopted codes as well as state regulations for fireworks sales.

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 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.

Andrew Lenaghan  
Fire Marshal  
O: 734-699-8900 ext9416

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



March 18, 2021

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

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

VB 21-014

I have reviewed the plans submitted to my office on March 17, 2021 and found their application is in compliance of the state regulations for fireworks sales.

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 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.



March 24, 2021

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

**Subject: VBT-17-026 Metro Park Party Store Gas Station/ 41001 E. Huron River Drive; Final Site Plan Review #7; Revised Site Plans Dated 2/20/2021.**

Dear Commissioners:

Plans have been received from Timothy Shammass, to construct four (4) gasoline pumps with a canopy on a site located at the southwest corner of Haggerty Road and E. Huron River Drive. The parcel has an area of 1.03 acres and has an existing 7,975 square foot building that is currently used as a party store and other retail and office uses. The applicant received preliminary site plan approval from the Planning Commission on September 26, 2018, subject to several conditions.

We have reviewed the revised site plan for compliance with the conditions of preliminary site plan approval and offer the following comments (any items that require changes or additional information are underlined):

#### **COMMENTS**

1. **Clear delineation of fire lane between the parallel and the perpendicular parking spaces, through pavement striping.** This condition has been met. The applicant has provided a fire lane with pavement marking (Sheet SP-1).
2. **Correction of plans to delete notation of "Fuel Pump Above" near the catch basin. No pumps shall be located elsewhere on the site, other than the four shown below the canopy.** This condition has been met. The required correction has been made to the plans and the erroneous note deleted.
3. **Clarification regarding cross access easement with adjacent property to west and copy of said agreement.** This condition has been met. The 20' open access easement is still labeled on the site plan and the applicant has provided a cross-access agreement.
4. **Painting of the screen wall to match the building color and extension of the 6' high wall along the entire south boundary line.** This condition has been met. The applicant has added a note that the new screening wall will match the building. The wall will be extended along the south property lien to connect to the existing block wall which will be painted to match.
5. **Clarification on type of usable open space being proposed to meet the Ordinance requirement.** This condition has been met. The site plan proposes a brick paver plaza area on the northeast corner of which includes two benches surrounded by 3' tall brick walls. The plan notes the

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elements will be in conformance to Township standards, which we assume is the recommended designs within the DDA area.

6. **Information regarding all on-site signage.** This condition can be met. The applicant has noted details of proposed ground monument sign. Elevation and color details of the proposed canopy and pump signage have been submitted. The signage will be reviewed for conformance to the Ordinance. All signage must be submitted for permitting prior to installation and is subject to review and approval by Township Administration.
7. **Information regarding existing and proposed light fixtures and corrections to the photometric plans.** This condition can be met. The applicant has clarified that 2 additional lights will be installed for a total of 3 fixtures on each pole. The height of the poles is noted as 15'. The addition of fixtures provides the required minimum illumination to the abutting sidewalks. The luminaire schedule describes proposed wall mounted fixtures as "forward throw with flat lens"; however a cut sheet detail has not been included. A cut sheet of the fixture must be submitted for administrative approval prior to installation.
8. **Labeling of all building materials and colors.** This condition has been met. The Planning Commission approved the elevations subject to all building materials and colors being labeled. All building materials have been labeled with proposed color palette on the revised plans. .
9. **Gas station canopy materials must be noted with a revised roof design.** This condition can be met. Sheet SP-1 includes details of the proposed gas station columns to be brick wrapped and a pitched asphalt shingled roof. Canopy material has not been noted but appears to be steel. The colored rendering does not indicate brick at the support columns; therefore the rendering, will be accepted as representative of the canopy color and signage only.

## RECOMMENDATION

Most of the conditions of preliminary plan approval have been met at this time. It is our understanding that they just got approval from Wayne County for the site's engineering; which will be confirmed by the Township Engineer. Therefore, we recommend that the Planning Commission grant final site plan approval for the proposed Metro Park Party Store Gas Station to be located at 41001 E. Huron River Drive subject to light fixture and signage approval prior to installation.

Respectfully,  
**McKENNA**

Vidya Krishnan  
Principal Planner

c: Dan Power, Director of Planning & Economic Development  
Matt Best, Director of Public Services  
Paul Kammer, FTCH, Township Engineers  
David McNally, Van Buren Township Fire Chief





April 7, 2021

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

**Subject: VBT-20-034 NEAPCO Drivelines, LLC / 6735 Haggerty Road; Site Plan Review #2; Revised Site Plans Dated March 18, 2021.**

Dear Commissioners:

We have reviewed the application by NEAPCO Drivelines, LLC ("applicant") to construct an unenclosed canopy over existing outdoor storage areas located at 6735 Haggerty Road. The site is located along Haggerty Road between Van Born Road and Ecorse Road, has a tax parcel identification number: V-125-83-002-99-0026-704, is zoned M-1 (Light Industrial District), and has a total area of 45.44. The proposed canopy measures 20,379 square feet. We have reviewed the site plan request based on Zoning Ordinance standards and sound planning and design principles. Our comments are as follows (items requiring changes or additional information are underlined):

## **COMMENTS**

1. **Dimensional Requirements.** The required front, rear and side yard setbacks for the M-1 District are 50 feet, 40 feet, and 40 feet, respectively. Section 5.101 (C) of the Zoning Ordinance specifies that in the case of a site with multiple buildings, the rear or side yard shall be based on the configuration of all buildings on the site having a single common front, side, and rear yard instead of calculating yards for each building individually. The proposed canopy addition falls within the setback configuration for all buildings.

The existing building and the canopy addition are proposed to be 36.5 feet in height. The maximum permitted building height in the M-1 District is 30 feet. Section 4.103 (S) specifies buildings of greater height may be allowed in the M-1 district provided front, side and rear yards are increased by one (1) foot for each additional foot of building height that exceeds the maximum height allowed. Based on the location of the addition, the increased setback standard is met.

The maximum lot coverage for the M-1 district is 35%. The Township is currently in the process of adopting an amendment to the Zoning Ordinance which states:

*"For industrially zoned parcels located in the M-1, M-2 and M-T zoning districts, lot coverage shall not include unenclosed roofed structures that provide shelter over approved outdoor storage areas located over existing paved surfaces."*

The Ordinance limits this additional coverage to 10% or 20,000 square feet, whichever is lesser. The proposed coverage on the subject site is within these limits.





2. **Circulation.** Specific truck circulation movements have been detailed on the site are proposed to be continuously maintained free of all obstructions or impediments.
3. **Lighting.** A photometric plan limited to the east side of the building and the area around the proposed canopy addition has been provided. The average illumination levels for the parking lot have been noted as 0.9 footcandles, in compliance with Section 8.105 (B) (2) of the Zoning Ordinance. Although a full photometric plan hasn't been submitted for the whole site it appears that light trespass will not exceed 0.5-foot candles at any property lines.
4. **Architecture and Facades.** Detailed elevations of the canopy addition have been submitted. The canopy addition is to be constructed with steel poles supporting a metal roof in red and blue color striping. All proposed building materials and colors have been clearly noted and a colored rendering to ensure the addition is integrated into the existing façade has been submitted.
5. **Specific Use Standards.** Section 5.101 has specific standards for accessory outdoor industrial storage:
  - a. *Accessory outdoor storage areas shall be located such that no materials, equipment, products or goods being stored outdoors are visible from a public right-of-way.*  
The storage areas will be screened from Haggerty Road by the existing building on site.
  - b. *Accessory outdoor storage areas shall be set back a minimum of one hundred fifty (150) feet from any residential district or use, and shall be completely screened from view from any residential district or use by a decorative masonry wall matching the materials used on the principal structure or a dense landscaping buffer on all sides necessary to completely obstruct the view of the stored materials from the adjacent residential district or use. Compliance with this requirement may require the applicant to exceed the greenbelt landscaping requirements of Article 10 of this Ordinance.*  
The outdoor storage is not proposed within 150 feet of a residential district or use. The existing building on site will adequately screen the outdoor storage from adjacent uses.
  - c. *Accessory outdoor storage areas shall be located only in a rear or side yard, but shall not be located in a required setback area. In the case of a site with multiple buildings, the rear or side yard shall be based on the configuration of all buildings on the site having a single common front, side, and rear yard instead of calculating yards for each building individually.*  
The outdoor storage is not located within any required setback area.
  - d. *Accessory outdoor storage areas may not cover an area larger than twenty percent (20%) of the area of the ground floor area of the principal building. The Planning Commission may permit accessory outdoor storage areas up to thirty-three (33%) of the area of the ground floor area of the principal building following a public hearing held in accordance with the requirements of Article 12, Chapter 6 if the expanded area complies with all of the requirements of this section and will not create any deleterious impacts on neighboring or nearby properties.*  
The proposed outdoor storage does not cover an area larger than twenty percent (20%) of the area of the ground floor area of the principal buildings.



e. *The maximum height for stored materials is as follows:*

- i. *Materials being stored in a rear yard area and located more than three hundred (300) feet from a residential district or use shall be no higher than six (6) feet below the top of the roof elevation of the principal building. In no case shall the stored materials exceed a height of twenty-four (24) feet.*

Although the proposed canopy storage addition exceeds 24 feet, it complies with Section 4.103 (S) of the Zoning Ordinance and will not be taller than the existing building and will not be visible to adjacent properties. Therefore, we find the proposed height compliant with the Zoning Ordinance.

- ii. *Materials being stored in a side yard or stored in a rear yard and located between 150 and 300 feet from a residential district or use shall not exceed a height of eight (8) feet.*

The outdoor storage is proposed greater than 300 feet from a residential district or use so this standard is not applicable.

- f. *Accessory outdoor storage areas shall be located such that they do not impede or obstruct any parking, traffic, circulation, or landscaping area on the site.*

The truck circulation plan indicates there is adequate space for truck circulation on site.

- g. *Accessory outdoor storage must be maintained in an orderly manner with no junk, trash, or debris. Materials shall be stored in durable containers. Non-durable containers and containers beyond their useful life or in a state of disrepair are prohibited in accessory outdoor storage areas.*

The elevation of the outdoor storage ensures the storage is in an orderly manner and materials are stored in durable containers.

- h. *Outdoor storage areas shall comply with all federal, state, county and local fire safety regulations. Adequate emergency access lanes shall be maintained around and through the storage area and to the building.*

The applicant has noted outdoor storage areas shall comply with all federal, state, county and local fire safety regulations and that adequate emergency access lanes shall be maintained around and through the storage area and to the building.

- i. *Outdoor storage areas shall be located on paved impervious surfaces and shall have adequate storm water management systems.*

The previously approved outdoor storage area is entirely paved.



## RECOMMENDATION

The applicant has worked with the Township over the past few months to get approval for the proposed canopy, including requesting an amendment to the Zoning Ordinance which is in the process of being adopted. The plan submitted at this time complies with the requirements of the ordinance, including those specific to outdoor storage areas. Therefore, we recommend that the Planning Commission grant preliminary and final site plan approval to the proposed canopy addition to NEAPCO Drivelines located at 6735 Haggerty Road.

Respectfully,  
**McKENNA**

Vidya Krishnan  
Principal Planner

Hunter Whitehill  
Associate Planner

c: Dan Power, Director of Planning and Economic Development  
Matt Best, Van Buren Township Director of Public Services  
Paul Kammer, FTCH, Township Engineers  
David McNally, Van Buren Township Fire Chief



**MCKENNA**

April 8, 2021

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

**Subject: VBT-21-017 Ashley Crossroads North Building 5/ North of Ecorse Road, west of Haggerty Road; Amended Site Plan Review; Amended plan dated 04/05/2021.**

Dear Planning Commissioners:

The applicant, Ashley Crossroads North LLC, received site plan approval from the Planning Commission on June 12, 2019 to construct three (3) industrial Buildings with a gross floor area of 1,579,325 square feet on a 162.13-acre site located on the north side of Ecorse Road west of Haggerty Road. The 3 buildings were named "Building 4," "Building 5," and "Building 6", with building 4 being the smaller light industrial building along Ecorse Road frontage; Building 5, the middle building and Building 6, the northernmost building.




Site Area (Source: Google Images)

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At this time the applicant is proposing an amendment to the approved site plan to add accessory outdoor storage for Building 5. The site plan is limited to the 41.6 acres of the site which encompasses Building 5 and the parking/loading areas and landscaping around it. The reference to the term “site” hereinafter, refers to this limited portion of the site for which the applicant is seeking an amendment.

We have reviewed the site plan application in accordance with the regulations of the Van Buren Township Zoning Ordinance and sound planning and zoning principles.

## COMMENTS

1. **Zoning and Use.** The site is zoned M-T (Industrial Transportation) District. Building 5 has been built with a gross floor area of 658,989 square feet and a truck loading dock/floor area ratio of 1:5,883.83 square feet, which qualifies it as a distribution center building. Distribution Centers are permitted as a special land use in the district, and the applicant recd. approval for the use from the Board of Trustees on May 7, 2019.

The applicant at this time has a tenant that would like to occupy all of Building 5. However, the tenant is in need of outdoor storage specific to the use. The outdoor storage includes dolly and tractor storage. The M-T district permits accessory structures and uses incidental to permitted uses, as a principal land use per Section 3.116 of the Zoning Ordinance. The proposed outdoor storage is clearly incidental to the primary use of the building which will operate as a distribution center and warehouse type use, and is therefore permitted subject to Section 5.101 which has specific standards for accessory outdoor industrial storage.

2. **Required Information.** Section 12.203 of the Zoning Ordinance includes all the requirements for information on a site plan, and the plans contain all of the required information.


3. **Dimensional Requirements.** Buildings 5 has a height of 44' to the highest point, which is 9' above the maximum permitted height of 35' and required a corresponding increase of 18 feet for every setback required by the Zoning Ordinance. The structure was built in compliance to the Ordinance standards for the increased setback from the residential district to the east and the trailer staging area on the north and south sides of the building.

The proposed accessory outdoor storage area at this time is located on the east side of Building 5, intended to store the tractors. Per Section 5.101.b, such areas have to be placed a minimum of 150 feet from any residential area or use and completely screened. The site plan identified the 150' setback which the tractor storage area complies with.

In addition to the above setbacks, Section 5.112(D) of the Zoning Ordinance requires off-street parking and loading areas, access drives, and paved surfaces accessory to a Distribution Center to be located at least 60 feet from any residential district. The access drives along the east and west sides of the site are 60 feet from the property lines abutting the R-1B-zoned areas and comply.

4. **Access and Circulation.** The overall site has 3 driveways off Ecorse Road. The east access drive is 36 feet wide and designed for 3 lanes of traffic, while the west access drives is 30 feet wide and designed for two-way movement of vehicles. In addition, the site has a third centrally placed, 26' wide access drive off Ecorse Road leading to the main parking lot. No changes are proposed to the access routes or circulation through the site.



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5. **Sidewalks.** The proposed tenant intends to use the parking area on the west side of the building for employee and visitor parking. The layout and the sidewalk connections in this area are consistent with the previously approved site plan and provide for sidewalk connections and crosswalks to the building entrance. The parking area on the east side of the building has been reconfigured to eliminate regular vehicular parking and is striped instead for van parking and the accessory outdoor storage of tractors. The plan continues to provide sidewalk and crosswalk connections at the northeast corner, southeast corner and middle of the building.

6. **Parking and Loading.**


- a. **Number of Parking Spaces.** The parking requirement for distribution centers is 5 spaces plus 1 space per 1,500 square feet of gross floor area plus 1 space per 350 useable square feet of office, sales or similar space plus 1 space per truck or company vehicle operating from the premises. Based on the data previously submitted, parking required was 603 spaces for the building. The applicant received approval from the Planning Commission to exceed the parking count and stripe a total of 712 spaces. At this time, with a long term tenant ready to occupy the building, the applicant has a clearer picture of the required parking for the site. The parking proposed at this time is for 297 passenger vehicles, 74 van parking spaces, for a total of 371 parking spaces, which is much below the ordinance requirement. These counts are based on the specific needs of the tenant, which the applicant is presenting as justification for their request. This results in a layout with one row of storage and 2 rows of van parking on the east side of the building, rather than the approved 6 rows of parking. Further, the number of truck docks on the building have been reduced from 108 to 79 (reduction of 29 docks), resulting in a truck dock to floor area ratio of 1:8345 square feet. The trailer staging spots have been increased from 144 to 217. While the size of the building still qualifies it as a distribution center per the Zoning Ordinance, the dock area ratio and the layout appears to show a significant warehouse component.
- b. **Space Dimensions.** All of the passenger vehicle parking spaces are double striped in compliance with the Ordinance standards with a dimension of 9.5' x 20'. The proposed van parking spaces are dimensioned at 10' x 30'. Proposed aisles are 24 feet wide on the west side of the building and 40' wide on the east side of the building allowing for ample circulation and movement.
- c. **Barrier Free Spaces.** The site plan indicates the required number of barrier free spaces for the building.

7. **Landscaping.** The site plan was approved with extensive landscaping which encompassed the site's frontage on Ecorse Road, the east and west property line greenbelts, detention pond landscaping, parking lot landscaping and more. The amended site plan at this time proposes no alterations to the previously approved landscape plan, with the exception of minor changes to the east side parking lot landscaping.

The revision to the parking counts noted above, and the change of parking spaces from passenger vehicle to van parking on the east side of the building, will result in wider aisles and fewer rows of parking. Correspondingly, the plan proposes to consolidate the landscape islands shown at the ends of the middle rows into a larger landscape islands that meet the minimum size requirements and also provide for adequate circulation around them. Each landscape island is to be planted with 3 trees. The reduction in the number of islands results in a displacement of 30 trees, which the applicant proposes to relocate to the large island on the east side of the east parking area, providing separation from the main drive aisle. In addition the plan proposes







8 additional trees for a consistent planting plan.

**Greenbelt Buffering.** Section 10.103(E) has specific requirements for greenbelts abutting other M-T, M-1, and R-1 zoning. The required greenbelt along the east and west property lines generally follow the R-1 district standards even through a few isolated parcels to the east are zoned M-1. The applicant has constructed landscape plan as approved, with 60 foot greenbelts along the east and west property lines. The greenbelts are on a berm and planted in conformance to ordinance standards. The applicant has attached photographs of the existing greenbelt on the east side of the site which abuts some R-1B zoned parcels. Combined with the existing heavily wooded rear yards, the proposed outdoor storage areas are completely screened from view.

8. **Tree Removal Permit.** A tree removal permit was previously approved for the site. The approved permit required the replacement of 23 trees, all of which were provided as 8' tall evergreen trees concentrated in the front of the site along Ecorse Road. No change is proposed at this time.
9. **Signs.** The amended site plan does not propose any signage at this time. Monument signs were previously approved for the site along its Ecorse Road frontage. The prospective tenant will likely be using the assigned area on the monument signs per their lease agreement. Any proposed wall signs must be submitted for administrative approval prior to installation.
10. **Lighting.** A detailed lighting and photometric plan was previously approved for the site. The plan included a dual-head light pole within the passenger vehicle parking areas on either sides of the building. The consolidation of the landscape islands is likely to impact the placement of the poles on the east side parking and storage area. If poles are shifted, the applicant must ensure that illumination levels are maintained and the pole and fixture design remains the same.
11. **Architecture and Building Details.** No changes are proposed to the building architecture as part of this request.
12. **Fencing.** The amended site plan proposes to enclose all of the trailer parking areas located on the north and south sides of Building 5 and the outdoor storage and van parking spaces located on the east side of Building 5. The proposed fence is a combination of 8' tall chain link in the interior areas and an 8' tall decorative flat-top fence on the east side. Section 7.205 (B)(2)(a) permits 6 foot high decorative fences in the M-T district. The Planning Commission has the discretion to allow for 8 foot tall fences for security purposes and also permit the use of chain link in areas that are not visible from public rights-of-way. The applicant's proposed fence in conjunction with the landscaping meets the intent of the Ordinance.
13. **Section 5.101: Specific standards for accessory outdoor industrial storage:**
  - a. *Accessory outdoor storage areas shall be located such that no materials, equipment, products or goods being stored outdoors are visible from a public right-of-way.*  
The storage area located on the east side of the building is not visible from Ecorse Road or any other public right-of-way.
  - b. *Accessory outdoor storage areas shall be set back a minimum of one hundred fifty (150) feet from any residential district or use, and shall be completely screened from view from any residential district or use by a decorative masonry wall matching the materials used on the principal structure or a dense landscaping buffer on all sides necessary to completely obstruct the view of the stored*



materials from the adjacent residential district or use. Compliance with this requirement may require the applicant to exceed the greenbelt landscaping requirements of Article 10 of this Ordinance.

The outdoor storage is located over 150 feet from the edge of a residentially zoned parcel and over 300 feet from an actual dwelling. The area is heavily screened with a fence, greenbelt berm and natural vegetation.

- c. *Accessory outdoor storage areas shall be located only in a rear or side yard, but shall not be located in a required setback area. In the case of a site with multiple buildings, the rear or side yard shall be based on the configuration of all buildings on the site having a single common front, side, and rear yard instead of calculating yards for each building individually.*  
The outdoor storage is located within the side yard outside of the 150' setback.
- d. *Accessory outdoor storage areas may not cover an area larger than twenty percent (20%) of the area of the ground floor area of the principal building.*  
The proposed outdoor storage occupy a 2.4% area (15,570 sq. ft).
- e. The maximum height for stored materials is as follows:
  - i. *Materials being stored in a rear yard area and located more than three hundred (300) feet from a residential district or use shall be no higher than six (6) feet below the top of the roof elevation of the principal building. In no case shall the stored materials exceed a height of twenty-four (24) feet.*  
The outdoor storage proposed in the rear yard is dollies which are only a few feet tall and screened in the middle of the trailer staging areas.
  - ii. *Materials being stored in a side yard or stored in a rear yard and located between 150 and 300 feet from a residential district or use shall not exceed a height of eight (8) feet.*  
The proposed storage in the side yard is for tractors, not materials.
- f. *Accessory outdoor storage areas shall be located such that they do not impede or obstruct any parking, traffic, circulation, or landscaping area on the site.*  
The proposed accessory storage areas are laid out with ample circulation around them.
- g. *Accessory outdoor storage must be maintained in an orderly manner with no junk, trash, or debris. Materials shall be stored in durable containers. Non-durable containers and containers beyond their useful life or in a state of disrepair are prohibited in accessory outdoor storage areas.*  
The tractors to be stored will be parked in designated spaces and will not include any junk or debris.
- h. *Outdoor storage areas shall comply with all federal, state, county and local fire safety regulations. Adequate emergency access lanes shall be maintained around and through the storage area and to the building.*  
The plan was previously reviews and approved for compliance with all safety regulations. No changes are proposed at this time that would impact compliance with any of these safety standards.  
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- i. *Outdoor storage areas shall be located on paved impervious surfaces and shall have adequate*







*storm water management systems.*

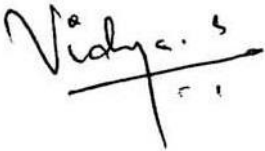
The accessory outdoor storage area is located in an area that was previously approved as a paved parking lot.

## RECOMMENDATION

The applicant's proposal at this time to amend the site is to enable them to accommodate the specific needs of a long term tenant. When the site plan was originally approved for the Building, it was presented as a speculative industrial building. However, a building of this size would need a major tenant whose needs are specific. The proposed accessory outdoor storage is in keeping with the intent of the Zoning Ordinance and meets the required standards. Therefore, we recommend that the Planning Commission grant preliminary and final site plan approval for the proposed Ashley Crossroads North Building 5 amended site plan, subject to the following conditions:

1. Submission of any proposed wall signs for administrative approval and permitting.
2. Installation of light poles in compliance with fixtures previously approved and maintaining required illumination levels.
3. Planning Commission approval of the reduced parking and increased trailer staging proposed.
3. Planning Commission approval of increased fence height from 6' to 8' and use of chain link for the interior fencing area.

Respectfully,  
**McKENNA**



Vidya Krishnan  
Principal Planner

- c: Dan Power, Director of Planning and Economic Development  
Matt Best, Van Buren Township Director of Public Services  
Paul Kammer, FTCH, Township Engineers  
David McNally, Van Buren Township Fire Chief

