

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, March 22nd, 2023 – 5:30 PM
Van Buren Township Hall
46425 Tyler Road**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85465515482>

Or One tap mobile :

US: +16469313860,,85465515482# or +19294362866,,85465515482#

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US: +1 646 931 3860

Webinar ID: 854 6551 5482

International numbers available: <https://us06web.zoom.us/j/85465515482>

See the Van Buren Charter Township website for additional information regarding how to participate in a Zoom public meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES: Approval of minutes from the regular meeting of February 22, 2023.

CORRESPONDENCE / ANNOUNCEMENTS:

PUBLIC HEARING:

ITEM # 1: **Case 22-058:** A request by owner Cameron Smyth to rezone 16355 Haggerty Road (described as Parcel ID# V-125-83-142-99-0001-000), from **R-1B – Single Family Residential District to AG – Agricultural and Estates**. The parcel is located on the east side of Haggerty Road between Riggs Road and Savage Road. **This request has been temporarily suspended by the applicant and the public hearing has been canceled.**

OLD BUSINESS:

NEW BUSINESS:

ITEM # 1: Case 23-008 – Chips All Gone (Belleville Square) – Temporary Land Use

TITLE: The Applicant, Peter Burgard, is requesting a temporary land use permit to conduct a temporary windshield glass repair land use.

LOCATION: 10972 Belleville Road (parcel ID number 83 064 99 0003 707). This site is located in the Belleville Square Shopping Plaza parking lot on the west side of Belleville Road between the North Interstate 94 Service Drive and Westlake Circle.

INFO: This activity is proposed from March, 2023 to November, 2023.

ACTION ITEMS:

- A. Presentation from Township Staff
- B. Presentation from the applicant
- C. Planning Commission discussion
- D. Public comment
- E. Planning Commission considers approval of the Temporary Land Use

ITEM # 2: Case 23-009 – Ricardo, Inc. Temporary Land Use

TITLE: **The Applicant, Ricardo, Inc., is Requesting Temporary Land Use Approval to operate a Mobile Refueling Station at 4000 Ricardo Drive, Van Buren Township, MI 48111.**

LOCATION: Parcel number V-125-83-047-99-0007-702 (40000 Ricardo Drive). This property is located on Ricardo Drive which is on the east side of Haggerty Road, north of Tyler Road.

INFO: Ricardo Inc. requests a temporary fueling station for hydrogen fueled vehicles. This activity is proposed from March, 2023 through May, 2023.

ACTION ITEMS:

- A. Presentation from Applicant
- B. Presentation from Staff
- C. Planning Commission discussion
- D. Planning Commission considers approval of the Temporary Land Use

ITEM # 3: Case 23-013 - TNT Fireworks (Wal Mart Site)– Temporary Land Use

TITLE: 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 Wal Mart parking lot, which is on the west side of Belleville Road, south of Tyler Road.

INFO: This activity is proposed from June 22, 2023 to July 5, 2023.

ACTION ITEMS:

- A. Presentation from Township Staff
- B. Presentation from the applicant
- C. Planning Commission discussion
- D. Public comment

E. Planning Commission considers approval of the Temporary Land Use

ITEM # 4: Discussion – Residential Zoning Ordinance Text Amendment

INFO: The Planning Commission will be requested to begin consideration of a Zoning Ordinance Text Amendment to allow building height to be limited to the more restrictive of the following standards under Section 3.106(D) of the Van Buren Township Zoning Ordinance:

- 30 feet in height
- 2.5 stories, as amended from the current limit of 2 stories.

ACTION ITEMS: A. Presentation from Staff
B. Planning Commission discussion

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
March 8, 2023
MINUTES - DRAFT**

Vice-Chairperson Jahr called the meeting to order at 5:30 p.m.

ROLL CALL:

Present: Cullin, Pahle, Grant, Budd and Jahr.

Excused: Atchinson.

Staff: Director Power and Secretary Harman.

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

Applicant(s) in Attendance: Case 20-012 Jiffy Lube Minor Vehicle Service: Matt Pisko. Case 23-007 Phantom Fireworks: Richard Tapper. Cobblestone Creek Villas: Rino Soave of Infinity Acquisitions, LLC.

Audience: Six (6).

APPROVAL OF AGENDA:

Motion Grant, Cullin second to approve the agenda of March 8, 2023 as presented. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Budd, Cullin second to approve the regular meeting minutes of February 8, 2023 as presented. **Motion Carried.**

ANNOUNCEMENT:

Vice-Chairperson Jahr announced that Commissioner Barr has resigned from the Planning Commission as she has recently moved out of the Township. He thanked Commissioner Barr for her time and service on the Planning Commission.

NEW BUSINESS:

ITEM #1: EXTENSION REQUEST: 20-012 – FINAL SITE PLAN APPROVAL FOR JIFFY LUBE MINOR VEHICLE SERVICE.

TITLE: A REQUEST BY JIFFY LUBE INTERNATIONAL, INC. FOR AN EXTENSION OF AN APPROVAL OF A PREVIOUSLY APPROVED FINAL SITE PLAN TO CONSTRUCT A 3,064 SQUARE FOOT MINOR VEHICLE SERVICE BUILDING ALONG WITH RELATED SITE IMPROVEMENTS. APPROVAL WAS GRANTED ON MAY 12, 2021.

THE SITE IS LOCATED ON THE SOUTH SIDE OF TYLER ROAD EAST OF BELLEVILLE ROAD AT 44475 TYLER ROAD (PARCEL ID NUMBER 83-058-99-0006-712). THE PROPERTY IS ZONED C-2 EXTENSIVE HIGHWAY BUSINESS DISTRICT AND ALSO BELLEVILLE ROAD OVERLAY DISTRICT (BROD).

Director Power gave a brief presentation and displayed snapshots of the Jiffy Lube site. Jiffy Lube International, Inc. has applied for an extension of approval of a previously approved final site plan

to construct a 3,064 square foot minor vehicle service building along with related site improvements, final site plan approval was granted on May 12, 2021. Director Power received a letter from Rob Boarer of Jiffy Lube International, Inc. dated November 16, 2022 explaining that construction and labor costs had led to construction delays. The applicant is hoping to make a general contractor selection in the spring. Staff supports the Planning Commissions consideration and review of the request to consider extending the final site plan approval by one (1) additional year.

Matt Pisko of Jiffy Lube gave a brief presentation. Between covid, the cost of labor and materials, it has been difficult to put together the project plan. Mr. Pisko appreciates the patience and consideration of staff and the Commission and was present to answer any questions.

Commissioner inquired with Meijer doing construction, will that cause any problems? Mr. Pisko informed that it will not, Jiffy Lube has a blackout period agreement with Meijer.

No comments from the audience or remote viewers.

Motion Grant, Cullin second to grant Jiffy Lube International, Inc. a one (1) year extension of an approval of a previously approved final site plan to construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021. The site is located at 44475 Tyler Road (Parcel ID Number 83-058-99-0006-712), the property is zoned C-2, Extensive Highway Business District and is also in the Belleville Road Overlay District (BROD).

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

ITEM #2: 23-007 – PHANTOM FIREWORKS (LAKEWOOD SHOPPING CENTER) – TEMPORARY LAND USE.

TITLE: THE APPLICANT, PHANTOM FIREWORKS, IS REQUESTING A TEMPORARY LAND USE PERMIT TO CONDUCT A TEMPORARY FIREWORKS TENT SALE. THE PROPOSED ACTIVITY IS FROM JUNE 22 TO JULY 4, 2023.

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

Director Power presented his staff review letter dated 3-2-23. This is the 11th year that Phantom Fireworks is requesting to conduct a temporary fireworks tent sale located at the Lakewood Shopping Plaza, staff is not aware of any complaints or issues from previous years. The proposed tent sale would run from June 22nd through July 4th. A temporary land use that operates for more

than seven (7) consecutive days requires Planning Commission approval. Based on Director Power's review letter, staff recommends approval of the application subject to the following conditions:

1. The site plan drawing lists a generator in the notes but the generator is not shown on the plan. The plan shall be revised to show the location of the generator.
2. All application materials shall reference Van Buren Township, MI as the municipality.

Richard Tapper, Regional State Manager of Phantom Fireworks gave a presentation. Phantom Fireworks has been at the Lakewood Shopping Plaza location for the past ten (10) years and they also have another location within Van Buren Township as well. There have been no incidents at either of the locations. Mr. Tapper will submit a revised displaying where the generator is located, it is typically 15-20 feet away from the tent as it has to meet the requirements of the State Fire Marshal. Tent companies now are often using LED lighting with a power pack, which may not require a generator. Mr. Tapper will notify staff if a generator is not required.

No comments from the audience or remote viewers.

Motion Cullin, Budd second to grant Phantom Fireworks a temporary land use permit to conduct a temporary fireworks tent sale, located at 2095 Rawsonville Road in the Lakewood Shopping Plaza parking lot, subject to the conditions in Director Power's letter dated 3-2-23, Fire Department review letter dated 3-1-23, tent sale to run from June 22nd through July 4th.

Roll Call:

Yeas: Grant, Budd, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #3: COBBLESTONE CREEK VILLAS REVISION – FINAL PRD REVIEW.

TITLE: A REQUEST BY THE APPLICANT, INFINITY ACQUISITIONS, LLC ON BEHALF OF OWNER C. A. KIME, INC. FOR FINAL APPROVAL TO REVISE A PHASE OF ATTACHED CONDOMINIUM HOUSING UNITS WITHIN THE 117.06 ACRE COBBLESTONE CREEK PLANNED RESIDENTIAL DEVELOPMENT (PRD) TITLED COBBLESTONE CREEK VILLAS. THE REQUEST IS SUBJECT TO (1) FINAL CONDOMINIUM SITE PLAN AND (2) APPROVAL OF THE FINAL PRD PLAN AND MODIFICATIONS, INCLUDING A PRD AGREEMENT, BY THE TOWNSHIP BOARD OF TRUSTEES PER SECTIONS 6.104 AND 6.219 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE.

THE SITE IS ZONED R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) AND IS LOCATED ON THE SOUTH SIDE OF HURON RIVER DRIVE, EAST OF HOEFT ROAD. THE AREA SUBJECT TO THIS REQUEST INCLUDES 6.88 ACRES LOCATED ON CHINKAPIN DRIVE AND PINWOOD LANE BETWEEN 13687 PINWOOD LANE (PARCEL ID NUMBER V-125-83-114-02-0067-000) AND 13957 CHINKAPIN DRIVE (PARCEL ID NUBER V-125-83-114-02-0028-000).

Director Power gave the presentation providing an overview of the project and displaying the original site plan. The area has some attached and detached condominium units, the request is specifically looking at the attached units. Previously approved were 104 attached units in 26 two-story buildings, proposed are 96 units (including 44 units already constructed and 52 units proposed in 25 buildings (including 12 two-story buildings already constructed and 13 single and 1.5 story buildings proposed). As a general revision to an approved PRD, this project requires a determination of eligibility and approval of preliminary and final plans and modifications, based on the procedures outlined in Section 6.221 (A) (Revisions to Approved Plans) and 6.219 (Approved Procedures) of the Van Buren Township Zoning Ordinance. The project is also a condominium and is therefore subject to the approval procedures listed in Article 6, Chapter 1 of the Van Buren Township Zoning Ordinance. The area being altered by the applicant is proposed to be separated into its own 6.88-acre condominium site. Per Section 6.104 of the Van Buren Township Zoning Ordinance, the project is subject to site plan review. The Planning Commission held a public hearing on June 8, 2022, recommended special land use approval to the Township Board of Trustees on November 9, 2022, recommended preliminary site plan approval on November 9, 2022 and the Township Board of Trustees approved the special land use on November 15, 2022. The Commission is being requested to act on the following items:

1. Recommendation of approval of the final PRD plan and modifications, including a PRD agreement, by the Township Planning Commission to the Board of Trustees per Section 6.219 of the Van Buren township Zoning Ordinance, and
2. Final condominium site plan per Section 6.104 of the Van Buren Township Zoning Ordinance.

Vidya Krishnan of McKenna Associates presented her staff review letter dated 2-27-23. The site plan related comments of preliminary site plan approval have been met. In addition, the outstanding items regarding the PRD agreement have been addressed in the current submittal. McKenna Associates recommends that the Planning Commission grant final condominium site plan approval and recommend final PRD plan approval to the Township Board of Trustees, subject to the PRD documents being approved by the Township Attorney and final engineering approval being obtained from Wayne County and the Township Engineer.

Paul Kammer of Fishbeck Associates presented his review letter dated 1-26-23. Based on the standard engineering review of Cobblestone Creek Villas PRD amendment, Fishbeck offers no objection for the Planning Commission granting the applicant, Infinity Homes, approval to move forward in the process of amending the PRD plan. The recommendation is based upon the review of the sites previously constructed infrastructure (roadways, storm sewer, water main, sanitary sewer) and compliance with the Township engineering standards. Minor items listed in the review letter can be handled in a separate submittal to the Township Engineer for final compliance approval.

Director Power read an email from Fire Marshal Lenaghan, his only concern is the enforcing of parking on one side of the street only, which has been addressed.

Rino Soave of Infinity Acquisitions, LLC, informed that they have owned the property for fifteen (15) months, are looking forward to approvals and hope to start construction immediately. Mr. Soave was present to answer any questions.

Commissioner inquired about the comment in the engineer's letter that any damage to the existing asphalt will be replaced, who assesses that? Paul Kammer of Fishbeck Associates informed that prior to releasing bonds, the Township Engineer will go out and walk the site with the owner/applicant to see what needs to be repaired. Commissioner inquired if the asphalt is going in both sections or just the new construction portion? Rino Soave informed that the agreement is with the homeowners association (HOA) and both sides of the Cobblestone Creek Villas will be included. Commissioner commented that the process has been a long one, but a good one and it is a great thing for the community.

No comments from the audience or remote viewers.

Motion Cullin, Grant second to recommend the request by applicant Infinity Acquisitions, LLC on behalf of owner C.A. Kime, Inc. to the Township Board of Trustees for approval of the final PRD plan and modifications, including a PRD agreement, per sections 6.104 and 6.219 of the Van Buren Township Zoning Ordinance, subject to the conditions in the staff review letter dated 3-2-23, McKenna Associates review letter dated 2-27-23, Fishbeck Associates review letter dated 1-26-23 and Fire Department email dated 1-28-23.

Roll Call:

Yeas: Budd, Grant, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #4: COBBLESTONE CREEK VILLAS REVISION – FINAL CONDOMINIUM SITE PLAN REVIEW.

TITLE: A REQUEST BY THE APPLICANT, INFINITY ACQUISITIONS, LLC ON BEHALF OF OWNER C. A. KIME, INC. FOR FINAL APPROVAL TO REVISE A PHASE OF ATTACHED CONDOMINIUM HOUSING UNITS WITHIN THE 117.06 ACRE COBBLESTONE CREEK PLANNED RESIDENTIAL DEVELOPMENT (PRD) TITLED COBBLESTONE CREEK VILLAS. THE REQUEST IS SUBJECT TO (1) FINAL CONDOMINIUM SITE PLAN AND (2) APPROVAL OF THE FINAL PRD PLAN AND MODIFICATIONS, INCLUDING A PRD AGREEMENT, BY THE TOWNSHIP BOARD OF TRUSTEES PER SECTIONS 6.104 AND 6.219 OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE.

Director Power gave a brief presentation. In the condo section of the zoning ordinance, there were fairly minor items and all items have been addressed by the applicant. Director Power has no further comments.

No further comments from Rino Soave of Infinity Acquisitions, LLC.

Commissioner inquired about the mailboxes, could they be attached to the condos? Rino Soave of Infiniti Acquisitions, LLC informed that the post office determines the mailboxes and they go with all cluster boxes for new developments, sometimes they will have a canopy and lights. Mr. Soave will work with staff on the location of the cluster boxes.

No comments from the audience or remote viewers.

Motion Grant, Cullin second to grant final condominium site plan approval to Infinity Acquisitions, LLC on behalf of owner C.A. Kime, Inc., to revise a phase of attached condominium housing units within the 117.06 acre Cobblestone Creek Planned Residential Development (PRD) titled Cobblestone Creek Villas, located on the south side of Huron River Drive, east of Hoeft Road, including 6.88 acres located on Chinkapin Drive and Pinewood Lane between 13687 Pinewood Lane (parcel ID number V-125-83-114-02-0067-000) and 13957 Chinkapin Drive (parcel ID number V-125-83-114-02-0028-000), subject to the conditions in the staff review letter dated 3-2-23, McKenna Associates review letter dated 2-27-23 and Fishbeck Associates review letter dated 1-26-23.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #5: DISCUSSION – ZONING ORDINANCE TEXT AMENDMENTS AND COMMITTEE ASSIGNMENTS.

TITLE: STAFF WILL DISCUSS PROPOSED INITIATIVES ON ZONING ORDINANCE TEXT AMENDMENTS REGARDING ELECTRIC VEHICLES AND AGRICULTURAL TOURISM. STAFF AND PLANNING COMMISSIONERS WILL DISCUSS ASSIGNMENTS AND MEETING TIMES FOR FURTHER DISCUSSION OF THESE ORDINANCES.

Director Power gave a brief presentation. In November of 2022, Planning Commissioners were provided a list of potential zoning ordinance topics and asked to express their interest in these topics. Planning Commissioners also expressed interest in dispersing into small committees to discuss potential ordinance amendments in greater detail and address major issues prior to ordinances being reviewed during regular Planning Commission meetings. Staff and the Township's Planning Consultant are ready to support committee-level discussions regarding two (2) previously listed topics:

- Electric Vehicle charging stations.
- Agricultural tourism ("agritourism").

Staff asked the Commission to finalize its membership for the Committee-level discussions on the two topics and to consider potential meeting times for the Committee discussions.

Vice-Chairperson Jahr appointed Commissioners Cullin, Atchinson and Jahr to the Electric Vehicle (EV) Charging Stations subcommittee.

Vice-Chairperson Jahr appointed Commissioners Cullin, Grant and Pahle to the Agricultural (AG) Tourism subcommittee.

Staff will approach the subcommittee members for dates and times to meet.

No comments from the audience.

ITEM #6: ELECTION OF OFFICERS.

TITLE: THE PLANNING COMMISSION WILL HOLD A NEW ELECTION OF OFFICERS BASED ON THE RECENT VACANCY OF THE PLANNING COMMISSION CHAIR, PER ARTICLE III, SECTION 1 OF THE ADOPTED PLANNING COMMISSION RULES OF PROCEDURE.

Director Power gave a brief presentation. At the last meeting, there was a recommendation to have an election of officers, based on the vacancy of the Chairperson. The liaison to the BZA and the BZA secondary liaison have to be formalized by the Township Board of Trustees. If Commissioner Jahr (liaison) and Commissioner Cullin (secondary liaison) are not reappointed, any new appointment will need to go through the Township Board of Trustees for approval.

Motion Grant, Budd second to nominate Brian Cullin as Chairperson. Cullin accepted the nomination. Motion Carried.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Motion Budd, Cullin second to nominate Jeff Jahr as Vice Chairperson. Jahr accepted the nomination. Motion Carried.

Roll Call:

Yeas: Cullin, Pahle, Grant, Budd and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Vice-Chairperson Jahr spoke with Commissioner Atchinson, who informed him that if she were to be nominated as Secretary, she would accept. **Motion Budd, Cullin second to nominate Medina Atchinson as Secretary. Atchinson accepted the nomination. Motion Carried.**

Roll Call:

Yeas: Grant, Budd, Pahle, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

Motion Budd, Grant second to keep Jeff Jahr as the liaison member to the Board of Zoning Appeals (BZA) and Brian Cullin as the alternate liaison to the Board of Zoning Appeals (BZA) as recently approved by the Township Board of Trustees. Motion Carried.

Roll Call:

Yeas: Pahle, Grant, Budd, Cullin and Jahr.

Nays: None.

Excused: Atchinson.

Motion Carried.

GENERAL DISCUSSION:

Director Power anticipates there will be a Planning Commission meeting on March 22, 2023.

Commissioner drove through Cobblestone Creek and noticed there is construction back behind the Villas in the PRD. Director Power informed that Boji Builders is constructing the third planned phase of detached homes in Cobblestone Creek. Construction had taken longer to begin due to the crossing of a gas easement.

ADJOURNMENT:

Motion Budd, Cullin second to adjourn the meeting at 6:48 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

**CHARTER TOWNSHIP OF VAN BUREN PLANNING
COMMISSION
NOTICE OF PUBLIC HEARING CANCELLATION**

Notice is hereby given that the previously advertised public hearing to be held by the Van Buren Township Planning Commission on **March 22, 2023 at 5:30 p.m. at 46425 Tyler Road, Van Buren Township, MI 48111**, in the Board Room, is canceled. The advertised request was as follows:

Case 22-058: A request by owner Cameron Smyth to rezone 16355 Haggerty Road (described as Parcel ID# V-125-83-142-99-0001-000), from R-1B – Single Family Residential District to AG – Agricultural and Estates. The parcel is located on the east side of Haggerty Road between Riggs Road and Savage Road.

This request has been temporarily withdrawn by the applicant and the public hearing has been canceled.

If this request is to be reconsidered in the future, a public notice will again be posted in a newspaper of general circulation and public notices will be mailed to neighboring property owners within 300' of the subject property.

The Planning Commission will otherwise proceed with holding its regular meeting scheduled for March 22nd, 2023. Please refer any questions to Dan Power, Van Buren Township Planning and Economic Development Director, at dpower@vanburen-mi.org or 734-699-8913.



VAN BUREN CHARTER TOWNSHIP

Copy

23-008

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, VAN BUREN TOWNSHIP, MI 48111

PHONE (734) 699-8913 FAX (734) 699-8958

TEMPORARY LAND USE / SPECIAL EVENT APPLICATION

CONTACT INFORMATION

DATE OF APPLICATION:	12.1.2022	BUSINESS NAME:	CHips - ALL - GONE
CONTACT PERSON:	Peter Burgard	PHONE:	734 945 7755
SITE SUPERVISOR:	Peter Burgard	PHONE:	734 945 7755
PROPERTY OWNER REPRESENTATIVE:	MARK CANNASSER	PHONE:	248.790.4490
EMAIL ADDRESS:	CHipsallgone1@gmail.com		

EVENT INFORMATION

EVENT TITLE:	CHips ALL GONE		
TYPE OF EVENT:	Windshield chip Repair	DATES OF EVENT:	3.1.2023 - 11.30.23
LOCATION OF EVENT:	Bellville Square	ADDRESS OF LOCATION:	10900 Bellville Rd Bellville MI 48111
ARE SIGNS PROPOSED FOR ADVERTISING (YES) / NO			
IF YES, INCLUDE LOCATIONS AND DETAILS			
OTHER:			
<ul style="list-style-type: none">IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS.IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, OR VIBRATION, ARE EXPECTED BEYOND THE PROPERTY BOUNDARIES PLEASE EXPLAIN IN SEPARATE LETTER.ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM THE SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.			



PEDDLER'S LICENSE OBTAINED. CONTACT 734.699.8930 TO SCHEDULE A REQUEST FOR A PEDDLER'S LICENSE (REQUIRED FOR ANY FOOD TRUCK OR AN PERSON WHO SELLS OR PEDDLES ON THE TOWNSHIP STREETS, ALLEYS OR FROM DOOR-TO-DOOR OF HOMES, OFFICES, STORES, HOTELS, RESTAURANTS OR OTHER PLACES OF BUSINESS, FOOD OR OTHER PRODEUCTS NOT PRODUCED, MANUFACTURED OR MADE BY HIMSELF PER SEC. 22-341 OF THE VAN BUREN TOWNSHIP CODE OF ORDINANCES).

FEE INFORMATION

PROCESSING FEE:
BOND FEE:
TOTAL AMOUNT DUE:

SIGNATURE OF APPLICANT

Peter Burgard

DATE

12.1.22

APPROVED BY

DATE

For any temporary event involving food trucks or mobile food vendors, please ensure the vendor meets ALL requirements in the attached letter from the Van Buren Township Fire Marshal, below:



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #23-008 – Chips All Gone at Belleville Square Shopping Plaza (10900 Belleville Road)

DATE: March 16, 2023

PROJECT REVIEW

Applicant Peter Burgard has applied seeking a Temporary Land Use permit for a tent service use involving minor automotive glass repair at the Belleville Square Shopping Plaza at 10900 Belleville Road. The use is proposed to be from March 1, 2023 (or effective immediately following Planning Commission approval) through November 30, 2023, 8:00 a.m. through 9:00 p.m. Per the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval. The proposed business is titled “Chips All Gone”. The proposed use involves using adhesives to complete minor glass repairs to chipped windshields, based out of a tent in an existing parking lot.

This is the first such request for the use, which would generally be categorized as a temporary or seasonal application of a “vehicle service, minor” use under Section 2.102(A)(237) of the Van Buren Township Zoning Ordinance:

- (237) VEHICLE SERVICE, MINOR: Buildings or structures which are designed or used for the retail sale and furnishing fuel, lubricants, air, water and other operating commodities for motor vehicles, including aircraft and water craft, but excluding semi-trucks, and which has space and facilities for: 1.) the storage of such fuel in underground tanks; 2.) the installation of such commodities on or in such vehicles, and the storage, minor repair or servicing of such vehicles, but which does not have a space and facilities for the major repair, bumping, painting, refinishing, overhauling, steam cleaning, rust proofing or high speed washing of such vehicles.

In staff’s interpretation, because the use as described involves the minor application of adhesives and small glass components, and does not involve the identified categories of major repair listed above, it is most similar to the vehicle service, minor definition above.

Vehicle Service, Minor is a special land use in the Van Buren Township Zoning Ordinance.

Under Section 7.120(B)(4) of the Van Buren Township Zoning Ordinances, the applicant is eligible to apply for temporary land uses and activities intended for more than seven (7) consecutive days or two (2) consecutive weekends which are not otherwise mentioned in the exclusive list of temporary land uses in Section 7.120(B). Staff has found that the Zoning Ordinance does not exclude a special land use from being applied for as a temporary land use.

To assist in the review of this request, the applicant has provided a number of supplemental materials. These include an image of the proposed tent, a site plan / map showing the location of the proposed tent, and narrative materials. These narrative materials including a two-page overall narrative description of the use, a description of the environmental justification for the glass repair process, and an additional narrative with additional environmental comments and comments on the presence of one additional permanent glass repair business in the area.

The comments in my report will address the requirements of Section 7.120(C) which are necessary to grant a temporary land use permit.

1. **Adequacy of parking and access** - The site currently has roughly 400 public parking spaces. The proposed setup area and tent appear to occupy 16-18 parking spaces which are located at the end of the parking lot opposite the barrier free parking spaces. Parking should not be a concern.
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 a vehicle service use in a parking lot of an existing shopping plaza. While a vehicle service use may otherwise interfere with the retail, recreation and service uses that occupy the subject site, the use does not necessarily interrupt the circulation or have a negative external impact on the adjacent commercial uses. The use's impact on surrounding land uses is of a more specific concern as relates to the duration of the use. As a temporary use that may persist for a significant portion of the year, it benefits from the site and has some advantages relative to similar businesses in the Township that have invested in brick and mortar sites. I will go into greater detail in Point 16, below regarding the Planning Commission's ability to limit the duration of the proposed temporary use based on these concerns. If approved, the use shall involve full containment and daily disposal of excess resin that is generated as part of the use.
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. If approved, the temporary tent must be inspected by the Van Buren Township Building Department with regard to wind loading and security.
5. **Sufficient setbacks from road rights-of-way and lot lines** - The proposed site plan demonstrates sufficient front, side and rear setbacks. The proposed use will maintain front and rear setbacks in excess of 384 feet and a side yard setback of 78 feet according to the applicant.

6. **Adequate utilities** – The applicant has not listed any electrical power or other utility needs. The applicant shall indicate whether a generator or any electrical power will be required as part of their use. If so, and if the use is approved, an electrical inspection shall be required prior to the start of the operation.
7. **Trash disposal and site clean-up** – The applicant has indicated that one (1) 10-gallon trash can will be on site.
8. **Sanitary facilities** - Due to the short nature of the customer shopping, no sanitary facilities will be provided. The applicant has a signed agreement with the property owner for property usage in the event sanitary facilities are needed.
9. **Hours of operation** – The proposed hours are consistent with adjacent business hours of 8:00 a.m. to 9:00 p.m. seven days per week.
10. **Outdoor light and signs** – The applicant has indicated there will be no additional lights on site.
11. **Other licenses and permits required** - A Peddlers License has been obtained from the Van Buren Township Public Safety Department. If the temporary land use approval is granted, the Peddler's license must match the approved duration of use as the temporary land use permit is for. The applicant shall also submit any available liability insurance policy that covers this use on the site.
12. **Potential noise, odor, dust, and glare** - The proposed temporary use should not increase the noise, dust or glare from their use, though the applicant shall clarify if the resin that is applied with the use causes any odors. The applicant has provided a sample of the small capsule that contains the resin that is used to secure glass repairs.
13. **Fire lanes, fire protection, and security** – The proposed use is not anticipated to block any fire lanes. The Van Buren Township Fire Marshal / Deputy Chief is reviewing the proposed use. Any conditions of the Van Buren Township Fire Department must be addressed prior to the commencement of the use.
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** - As previously mentioned, there is a concern about the potential impact of a use that occupies a long-term presence on a given site even if it meets the definition of a temporary use. Such uses could set precedent for other temporary uses that are not built to the standards of applicable building codes or do not meet the development standards of the

Township Zoning Ordinance. For these reasons, I strongly recommend that the use is limited to no more than six months under the authority granted to the Van Buren Township Planning Commission per Section 7.120(F)(7) of the Van Buren Township Zoning Ordinance:

- The Planning Commission may set forth conditions for approval of the temporary use, may set a time limit for the expiration of the temporary use permit and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, clean-up or compensation for impacts of the temporary use.

Additionally, any proposed temporary sign must meet the sign requirements in Article 11 of the Van Buren Township Zoning Ordinance.

Recommendation

If the Van Buren Township Planning Commission finds that the proposed use meets the criteria of Section 7.120(C) of the Van Buren Township Zoning Ordinance, I recommend that the proposed use may be granted conditional approval on the following conditions:

1. The use shall involve full containment and daily disposal of excess resin that is generated as part of the use.
2. The temporary tent must be inspected by the Van Buren Township Building Department with regard to wind loading and security.
3. The applicant shall indicate whether a generator or any electrical power will be required as part of their use. If so, and if the use is approved, an electrical inspection shall be required prior to the start of the operation.
4. The Peddler's license must match the approved duration of use as the temporary land use permit is for.
5. The applicant shall also submit any available liability insurance policy that covers this use on the site.
6. The applicant shall clarify if the resin that is applied with the use causes any odors, and if so, shall clarify the means used to mitigate odor.
7. Any conditions of the Van Buren Township Fire Department must be addressed prior to the commencement of the use.
8. The use is limited to no more than six months under the authority granted to the Van Buren Township Planning Commission per Section 7.120(F)(7) of the Van Buren Township Zoning Ordinance.
9. Any proposed temporary sign must meet the sign requirements in Article 11 of the Van Buren Township Zoning Ordinance.

Thank you for allowing me to review and comment on this request.



VAN BUREN TOWNSHIP FIRE DEPARTMENT

46425 Tyler Road, Van Buren Township, MI 48111

David C. McNally II, Fire Chief: (734) 699-8900 x 8916

Andrew Lenaghan, Deputy Chief/Fire Marshal: (734) 699-8900 x 9416

March 21, 2023

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

Chips All Gone
10900 Belleville Road
Van Buren Township, MI 48111

VB-T 23-008

I have reviewed a set of emailed attachment plans sent to my office on March 16, 2023.
The plans are approved with the following exceptions:

Fire Lanes and Fire Access roads will be kept clear of all obstructions. **NFPA 1 2018 18.2.4**

A clear space shall be maintained around any Fire Hydrants that may be impacted by the
Business. **NFPA 1 2018 18.5.7.2**

Respectfully Submitted,

Andrew Lenaghan
Deputy Fire Chief/Fire Marshal
Van Buren Township Fire Department

Chips all gone

Location ; Bellville Square

March 1, 2023 to November 30, 2023

Service; windshield stone chip repair

Two sets of six parking spaces that measure 24' x 40' each

Which equals 12 parking spaces

(the tent fits inside three parking places) shown on diagram

Tent 20 ft x 20 ft. 8 ft tall legs with a 8 ft extension for the high peak

No driving isles, or fire lanes proposed to be occupied by outdoor service

No change to existing fire access as proposed noted on plan

Hours of operation 8 AM to 9 PM 7 days

A week

Setbacks are highlighted on the plan 348 feet from the north 78 feet from the east 384 feet from the south

No additional lighting to the site

One 10 gallon trash can on site for miscellaneous;

The chip repair service does not produce trash

Patrons and employees are expected to use Belleville Square shopping center restroom facilities

11.108 zoning signage ordinance

We have 1 sign 32 square feet free standing pole sign shown on plans

Peddlers permits included they will be updated when this permit is received

We give a lifetime guarantee with your windshield chip repair

All traffic patterns remain the same;

Just pull into a parking space and pull out just like you were going to any store in the mall there is no changes to the parking or the traffic patterns .

We give a lifetime guarantee to our clients.

We can clean up our location within four hours so there will be no problem leaving a clean site

Windshield stone chip repair is very beneficial to the public because it saves people from having to replace a whole new windshield that saves them Money

And broken windshields go in landfills they do not get recycled because of the plastic between the two pieces of glass

It takes 1 million years for a windshield to biodegrade

There are over 100 parking spaces that are not being used next to our location;

This gives easy traffic patterns

And lots of access in and out

(Elbow Room)



CRACKS N CHIPS WINDSHIELD REPAIR

May 19, 2018

WINDSHIELD REPAIR HELPS SAVE THE ENVIRONMENT

When you repair your windshield rather than replace it, you have made a decision to preserve the earth. Used windshields deface our environment, Because of the plastic interlayer of poly-vinyl-butylal (PVB) on the inside of the glass. it makes recycling very difficult. Most of the time the windshields end up in junkyards or our local landfill. Well over 12 million windshields are replaced every year!! When a windshield is replaced, the material isn't able to be processed the same way as other glass products, like beverage bottles. Due to special treatments, like lamination, the damaged material cannot be traditionally recycled. Repair can help reduce waste by replacing only when there is no other solution.

A windshield consists of 3 layers, the top piece of laminated glass then a layer of (PVB) then another layer of glass.

ADVANTAGES OF WINDSHIELD REPAIR

1. Windshield repair is environmentally friendly, as windshields are not commonly recycled.

2. Windshield repair saves time, money. The price to repair a windshield is a fraction of the cost to replace a windshield. A repair takes 10 to 20 min. to do a repair.

3. Repair also restores the structural integrity of your windshield and preserves existing glass. The other main benefit, however, is that choosing not to replace first helps minimize adverse effects on the environment.

4, The Factories pollution to make new GLASS

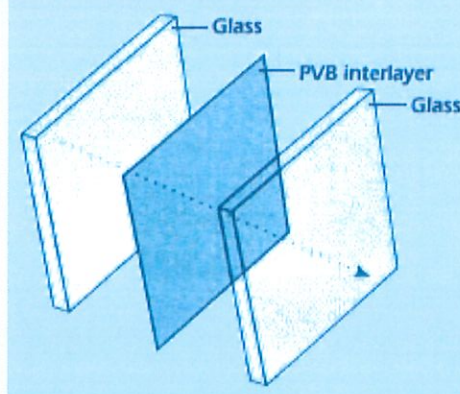
5, Semi-Trucks EXHAUST to haul away

BROKEN GLASS & EXHAUST TO HAUL NEW Windshields



CRACKS N CHIPS WINDSHIELD REP...

ction



Share

Labels: auto glass, being green, Cracks N Chips, Cracks N Chips Windshield Repair, free windshield repair salt lake city, rock chip repair, Rock chip. windshield repair, saving our environment, windshield chip repair

Location: Salt Lake City, UT 84115, USA

COMMENTS



Commercial Window Shield January 27, 2023 at 6:08 AM

You are sharing a particularly decent article here. It is a significant and factual article for us. Thankful to you for sharing an article like this. Keep blogging and give some info about Smart window film

REPLY

Power, Dan

Subject: FW: [EXTERNAL EMAIL] Our Adhesive is resin

Our Adhesive is resin

It dries very quickly, usually under one minute and turns into hard plastic that we can throw away

Environment; windshield Stone chip repair, really saves the environment from having to replace a whole windshield

Semi trucks, hauling broken windshields to the dump and new windshield from the factories to auto glass stores has a tremendous amount of exhaust

And by fixing the chip on the windshield, it can prevent all of this from happening

Huron glass Inc. is the only auto glass shop in Van Buren Township

The owner Dustin McDonald is happy to have chips are gone do stone chip repair anywhere in Van Buren Township under a tent, or in any parking lot

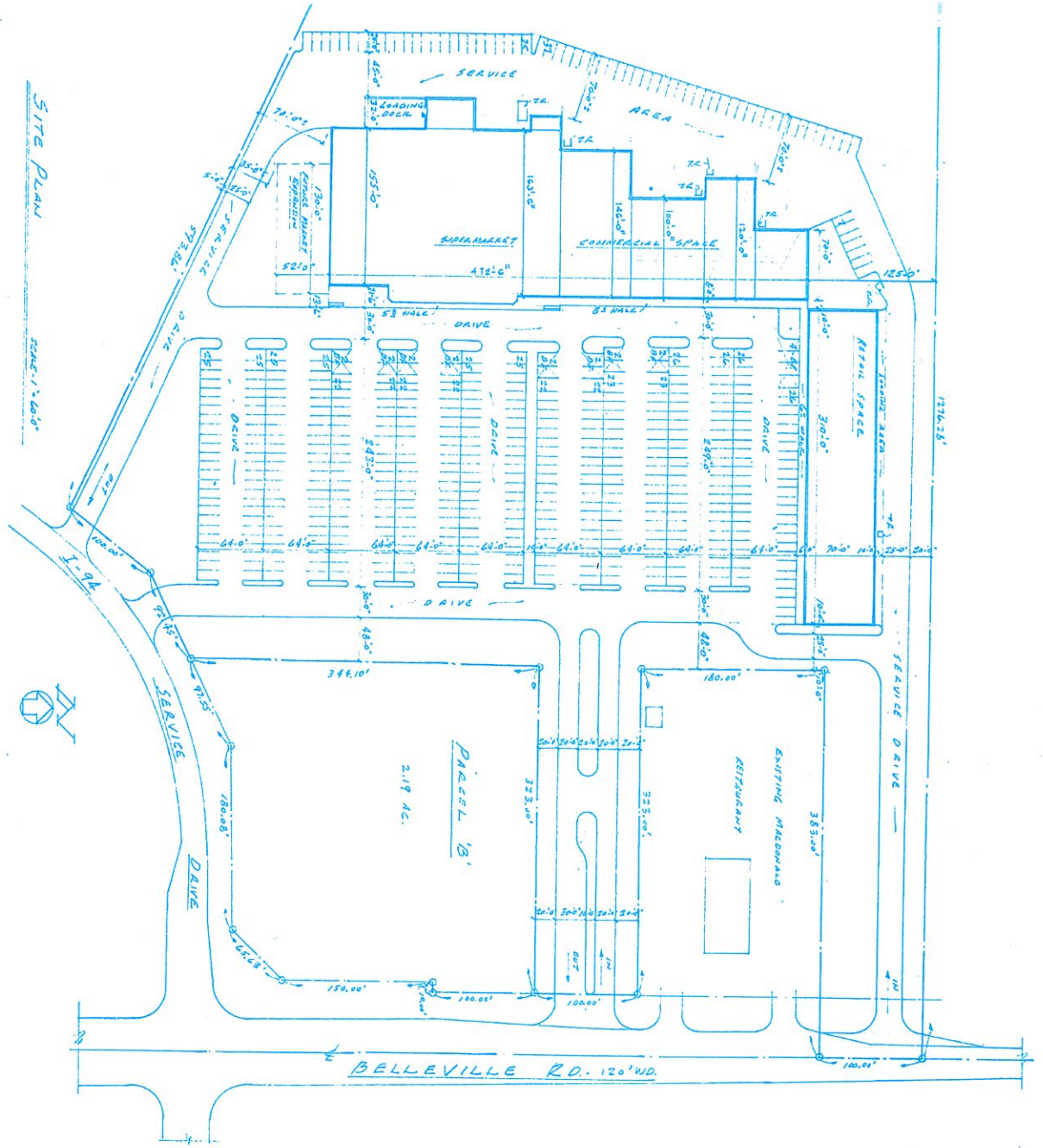
The bottom line is Windshield stone chip repair is very efficient very environmentally correct and helps the community by saving them time and money

People don't go to a car dealership to get their chipped windshield fixed It takes to much time;auto glass shops Don't want to fix stone chips they make all their money by replacing windshields

Thank you, Pete Burgard

Sent from my iPhone





SITE PLAN

SCALE: 1" = 60.0'

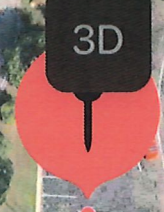


SITE PLAN			
DATE	ISSUED FOR	SCALE	DATE
		1" = 60.0'	12-1-85
		DATE	12-1-85
		DATE	12-1-85
		DATE	12-1-85
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		DATE	12-1-85

1-3-85

71351A-2

2:41



Bellville Road

McDonald's

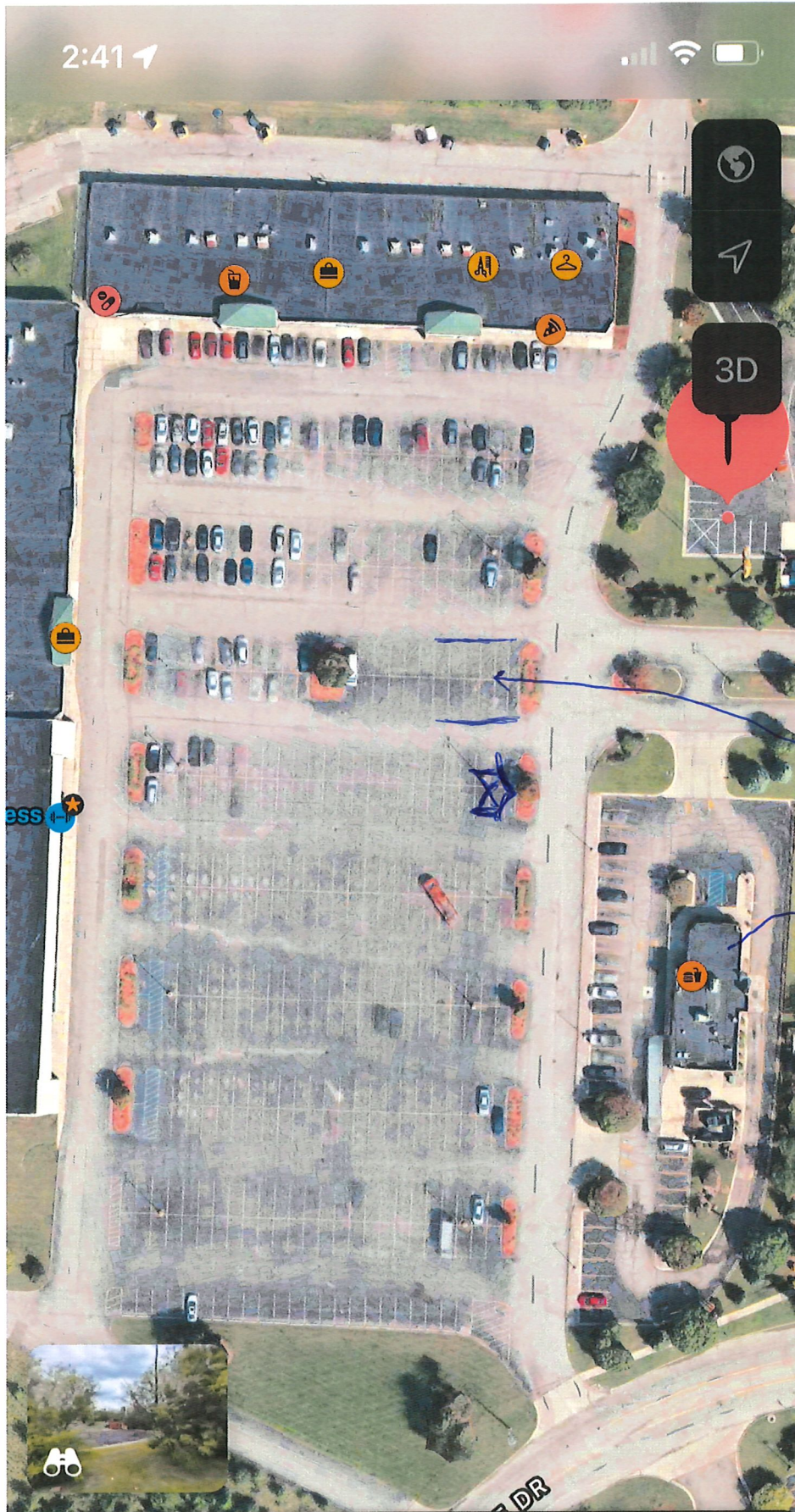
set up

Chips All gone

Abey's

Dollar store

Planet Fitness



Dropped Pin

14 mi away




Van Buren Township
 Soliciting, Canvassing, Peddling License # 22-10
 Name: Corrin Hopkins
 Company: Chips All Gone
 Issued: 11-10-2022
 Expires: 12-10-2022
 This License is the property of Van Buren Township and must be returned when the license expires.
 Van Buren Township does not endorse any product or company


Van Buren Township
 Soliciting, Canvassing, Peddling License # 22-10
 Name: Peter Burgard
 Company: Chips All Gone
 Issued: 11-10-2022
 Expires: 12-10-2022
 This License is the property of Van Buren Township and must be returned when the license expires.
 Van Buren Township does not endorse any product or company

No. 22-10 Amount, \$ 135.00
 Van Buren Township Michigan November 10, 2022
 This Certifies that Peter Burgard, Corrin Hopkins DBA Chips All Gone is hereby
 licensed to conduct windshield repair
 within the limits of the Van Buren Charter Township, County of Wayne, State of Michigan, in accordance with the
 Regulations of said Township for a period of 30 days from this date, unless this License be sooner revoked.
 This License is revocable at the pleasure of the Authority granting same.
 Expires December 10, 2022 Dad #796
 Authorized Signature

This License Agreement ("License") is executed on this ____11____ day of ____November____, 2022 ("Effective Date"), between Mark Canvasser ("Licensor," "We", "Our," "Us") by and through its property manager ("Manager"), and Chips All Gone, LLC, a(n) Michigan Limited Liability Company ("Licensee," "You", or "Your"), doing business as **Chips All Gone** ("Trade Name").

The following references furnish data as further set forth in this License:

- (1) **Licensed Premises:** Bell Square -10900 Belleville Rd. Belleville MI 48111
- (2) **License Period:** *Bellville Square*
 - (i) Possession Date: November 9th, 2022
 - (ii) Rent Commencement Date: November 9, 2022,
 - (ii) Expiration Date: October 31, 2023
- (3) **Base License Fee:** \$6,435 (total for term). Monthly rent is due by/on the 1st of every month in the amount of \$550 with the exception of November 2022 which shall be prorated per agreement.
- (4) **License Use:** For the non-exclusive retail sale, display, and promotion of operating a repair and replacement center for chipped and cracked windshields and for no other purpose whatsoever.

By signing this document, We are giving You the limited, revocable right to temporarily use and occupy certain space in Our Shopping Center. You cannot transfer this right to anyone else. This License is not a leasehold interest.



I. YOUR SPACE -

The current location of the Licensed Premises is shown on the attached site plan for the Shopping Center.

II. LICENSE PERIOD

You may use the Licensed Premises from November 9, 2022 (the "Possession Date") with November 9, 2022 (as the "Commencement Date") until October 31, 2023 (the "Expiration Date") (this entire period will be called the "License Period"), Your right to use the Licensed Premises under this License will not last beyond the Expiration Date, If You want to extend the License Period, You will need to contact the owner about renewal before the Expiration Date.

III. ADDITIONAL PROVISIONS

The Design Criteria and Operational Guidelines attached hereto are a part of this License, and are hereby incorporated herein. Time is of the essence.

- Licensee to take space in as-is condition.
- Staking into parking lot is not permitted.

IV. Conditions of Use. You are required to follow Our operating rules, which include, but are not limited to, the following:

- a) You must always maintain the Licensed Premises in good, clean and safe condition;
- b) You must always maintain all required permits and licenses and observe and comply with all laws, ordinances, rules, regulations and code requirements applicable to the Licensed Premises or Your business, and you must abide by our Operational Guidelines;
- c) You must not sell or market any unlawful or counterfeit goods or services, or otherwise infringe or confuse another party's trademarks, trade dress or other intellectual property rights;
- d) You must run Your business in a professional, first-class and tasteful manner in accordance with Our rules and regulations, as well as reputable business standards and practices;

2) This license may be revoked @ any time

1. Insurance. You must keep the insurance in force, during the License Period and such other times as You occupy the Licensed Premises. See attached Insurance Certificate.

IN WITNESS WHEREOF, the Guarantor has executed this Guaranty this _____ day of _____, 2022.

LICENSEE:

Peter Burgard

Printed Name: Pete Burgard

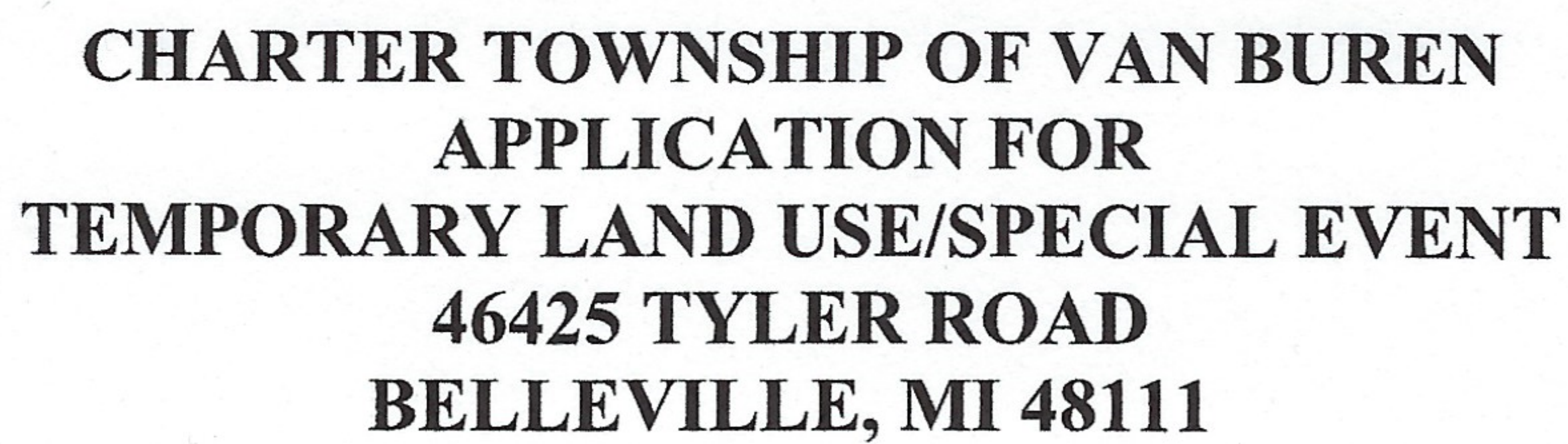
Social Security No. _____

LICENSOR:

Mark Canvasser

Printed Name: Mark Canvasser

Social Security No. _____



(DATE SIGNED)



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #23-009 – Ricardo, Inc. – Mobile Hydrogen Refueling Station

DATE: March 16, 2023

PROJECT REVIEW

Ricardo, Inc. has applied seeking a Temporary Land Use permit for a Mobile Hydrogen Refueling Station for Fuel Cell Vehicles in their secured vehicle lot at 40000 Ricardo Drive. The use is proposed to be from March 2023 – May 2023. Per article 7, section 7.120 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

I have reviewed the application, and have the following comments based on the requirements of Section 7.120 for temporary land use approval:

- 1. Adequacy of parking and access** (Section 7.120(C.1)) – The proposed use is placed in a location that does not impede access to the lot it is in. Its use will not increase vehicle traffic on the site and it does not take up any parking stalls in the main lot, so overall parking on the site remains adequate. The proposed use leaves a maneuverable area of greater than 20 feet between where it is proposed to be placed and the furthest extents of the nearest parking spaces.
- 2. Adequate drainage** (Section 7.120(C.2)) – The proposed use will be placed on the existing parking lot. It will not cause drainage issues because it does not change the amount of impervious lot surface or the amount of water directed into the storm system.
- 3. Compatibility with surrounding land uses** (Section 7.120(C.3)) – The site is zoned M-1, light industrial. It is bounded to the east by I-275, the south by Tyler Road, the north by another light industrial development, and the west by an open field. The proposed use is permitted on parcels zoned light industrial and is related to the current light industrial use of automotive research and development on the parcel, so it is compatible with surrounding land uses.
- 4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 7.120(C.4)) – There is no building to be constructed. The proposed use is a temporary mobile unit that will be removed when the permit expires.

5. **Sufficient setbacks from road rights-of-way and lot lines** (Section 7.120(C.5)) – The location of the proposed use meets the 50' front, 40' rear, and 40' side setback requirements.
6. **Adequate utilities** (Section 7.120(C.6)) – The proposed use does not require the use of any utilities at the site, so the site's current utilities are adequate.
7. **Trash disposal and site clean-up** (Section 7.120(C.7)) – The proposed use is not expected to generate any trash per correspondence with the applicant.
8. **Sanitary facilities** (Section 7.120(C.8)) – The proposed use will support the current operations of the applicant, not attract more people to the site. The applicant's existing sanitary facilities are sufficient.
9. **Hours of operation** (Section 7.120(C.9)) – The expected hours of operation are again during normal business hours from 7am- 5pm.
10. **Outdoor light and signs** (Section 7.120(C.10)) – The proposed use does not include any outdoor lights or signs.
11. **Other licenses and permits required** (Section 7.120(C.11)) – There are no other licenses or permits required for the proposed use.
12. **Potential noise, odor, dust, and glare** (Section 7.120(C.12)) – Per past correspondences with the applicant, the proposed use creates little if any noise, so there is not expected to be any noise, odors, dust, or glare from the proposed use which impacts surrounding properties or the public.
13. **Fire lanes, fire protection, and security** (Section 7.120(C.13)) – The location of the proposed use leaves adequate access to the lot it is placed in. The Fire Marshall is currently reviewing the application and will forward any recommended conditions of approval. When this use was most recently conditionally approved in December 2018, this approval was conditioned upon conditions stated in the Fire Marshal's letter dated 12-5-2018, which can be summarized below:
 - Certification of dispensing facilities;
 - The provision of a hazard analysis;
 - A requirement that the hydrogen dispensing systems must be leak tested;
 - That system maintenance shall be performed as required by manufacturer's instructions;
 - That dispensing equipment shall be provided with gas, leak, and flame detection,
 - That the Fire Department shall be notified of unauthorized release,
 - That personnel shall be trained in the hazards of the materials employed and actions required by an emergency plan,
 - That certain emergency plan procedures shall be followed; and
 - That protection is provided from vehicular damage.

14. **Off-site impacts of traffic volumes** (Section 7.120(C.14)) – The proposed refueling station will be placed in a secured lot on the property and only used by the applicant. Therefore, it will not increase or impede off-site traffic volume.
15. **Necessity of performance bond to ensure prompt removal** (Section 7.120(C.15)) – As the proposed use is not expected to negatively impact the site or the surrounding area, there is no need for a performance guarantee or insurance.
16. **Other concerns which may impact the public health, safety, or general welfare** (Section 7.120(C.16)) – The proposed use entails chemical storage (hydrogen) within the refueling unit, which would cause concern if the chemicals were not stored properly. However, the applicant has outlined safety measures and guidelines to sufficiently show that the unit is safe.

Recommendation

Ricardo, Inc. submitted an application for the same Mobile Hydrogen Refueling Station in 2016 and in 2018-2019 and was granted approval. To my understanding, there were no concerns or issues that arose as part of these temporary land use activities. If this year's application is approved, it would meet all of the same standards and requirements that the approved 2016 temporary land use did.

I recommend approval of Case #23-009 for Ricardo Inc.'s temporary land use permit for a Mobile Hydrogen Refueling Unit for Fuel Cell Vehicles from March 2023 – May 2023, subject to the following condition:

1. Compliance with any conditions set forth by the Van Buren Township Fire Marshal

Thank you for allowing me to review and comment on this request.



VAN BUREN TOWNSHIP FIRE DEPARTMENT

46425 Tyler Road, Van Buren Township, MI 48111

David C. McNally II, Fire Chief: (734) 699-8900 x 8916

Andrew Lenaghan, Deputy Chief/Fire Marshal: (734) 699-8900 x 9416

March 21, 2023

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

Re: Mobil Hydrogen Refueling Station
Ricardo Incorporated
40000 Ricardo Drive
Van Buren Township, MI 48111

I have reviewed a set of email attachments submitted by Theodore Byrne for a temporary use permit for the Air Products Mobile On-Site Hydrogen Fueller trailer submitted on 3/16/2023

Project Overview:

The refueling unit is requested to be used to fill Toyota Fuel Cell Vehicles at their facility. Since there are limited number of local hydrogen fueling stations throughout the state, Toyota Motor Sales is offering a refueling unit to be placed temporarily to refuel the vehicles during this testing period. (March 2023-May 2023) Per the application, this mobile refueler is an identical set-up and use as previously approved in 2016 and 2018. The set up complies with NFPA 2

1. Dispensing facilities shall be certified as meeting the requirements of this code by qualified engineer with expertise and competence in the design, fabrication and construction of the hydrogen containers, piping systems, site fire protection, gaseous detection, emergency shutdown provisions, isolation, drainage, site spacing, fire protection equipment, operating procedures, worker protection and other components of the facility. **NFPA 2**
10.2.1.1
2. Hydrogen dispensing systems shall be leak tested after final installation to prove them free from leaks at a pressure equal to at least the normal service pressure of that portion of the system. **NFPA 2 10.3.1.10.1**

3. System maintenance shall be performed as required by manufactures instructions.
NFPA 2 10.3.1.11
4. Dispensing equipment shall be provided with hydrogen gas detection, leak detection, and flame detection at the fueling area. **NFPA 2 10.3.1.18.1**
5. **Notification of unauthorized release.** The fire department shall be notified immediately or in accordance with approved emergency procedures when an unauthorized release becomes reportable understate, federal, or local regulations.
NFPA 2 4.10.4
6. Personnel shall be trained in the hazards of the materials employed and actions required by the emergency plan. The level of training to be conducted shall be consistent with the responsibilities of the persons to be trained in accordance with 4.11.1 through 4.11.4 **NFPA 2 4.11**
7. Protection from vehicular damage **NFPA 2 4.14-4.14.1.2**

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

If you have any questions about this plan review report, please feel free to contact me at alenaghan@vanburen-mi.org

Respectfully submitted,

Andrew Lenaghan
Deputy Fire Chief/ Fire Marshal
Van Buren Township Fire Department

Power, Dan

From: Van Buren Township Building Dept.
Sent: Sunday, February 19, 2023 8:08 PM
To: Power, Dan
Subject: FW: [EXTERNAL EMAIL] 40000 Ricardo Drive Permit for Temporary Land Use to operate Portable Hydrogen Refueling Station
Attachments: Signed Temporary Land Use Application.pdf; Mobile Hydrogen Refueling Permit Package from VBT Planning Commission 12-Dec-18.pdf; DOC021417-02142017092550.pdf
Categories: Internal Email

From: Byrne, Ted <Ted.Byrne@ricardo.com>
Sent: Friday, February 17, 2023 12:23 PM
To: Van Buren Township Building Dept. <building@vanburen-mi.org>
Subject: [EXTERNAL EMAIL] 40000 Ricardo Drive Permit for Temporary Land Use to operate Portable Hydrogen Refueling Station

CAUTION: Please be careful when opening links and attachments.

Van Buren Township Planning Commission,

Please find attached an application for a Temporary Land Use application for Ricardo, Inc. located at [40000 Ricardo Drive, Van Buren Township, MI 48111](#). If possible please indicate any timing concerns and the cost of the permit processing fee so we can provide payment.

This permit has been approved on two other occasions (2016 and 2018) and we find ourselves again in need of this permit for a temporary period to support an upcoming project. I have in addition provided the previous submission pack which includes the location on a site plan for the placement of this Mobile Hydrogen Refueler Station.

The conditions of use and testing requirements remain consistent with the previous projects:

- The Portable/Mobile Hydrogen Refueler is to be onsite from March 2023 thru May2023 and located in an exterior fenced and confidential parking lot outside the vehicle garage
- This secure location will include concrete barriers surrounding the unit to prevent any traffic near the refueler and located at required setbacks from any other structures
- All testing by Ricardo will be conducted outside at low speed within the boundaries of the Ricardo Campus during April and May2023 during normal business hours
- The vehicle garage where the vehicle will be worked on does not have a recirculating HVAC system, and hydrogen sensors will be in place as required. The vehicle is also fitted with hydrogen sensors
- The maximum capacity of Hydrogen for this vehicle is 16.8KG at 35MPa and is a Toyota hydrogen system product
- Fueled vehicles are to be stored in the exterior confidential vehicle parking lot whenever possible

The provider of the Portable Hydrogen Refueler as before is Air Products and Chemicals, Inc.

- Delivery and setup of all associated equipment to be provided by Air Products
- Safe and compliant operation of equipment to be verified by Air Products
- The portable refueler is self-contained and includes fire barrier wall construction

- Function of unit is to be physically monitored by Ricardo and externally through Wi-Fi monitoring from Air Products
- Redundant monitoring systems provide automatic safety shut-down upon detection of any operational anomaly and multiple manual E-Stops for shutdown
- Training on operation of the refueler to be provided and verified by Air Products at delivery and setup

Your kind consideration of our request is greatly appreciated.

Theodore Byrne

QHSE Advisor, Detroit Technical Center

Email: ted.byrne@ricardo.com

Telephone: +1.734.394.3712

Mobile: +1.734.262.6470



Ricardo plc

Automotive & Industrial

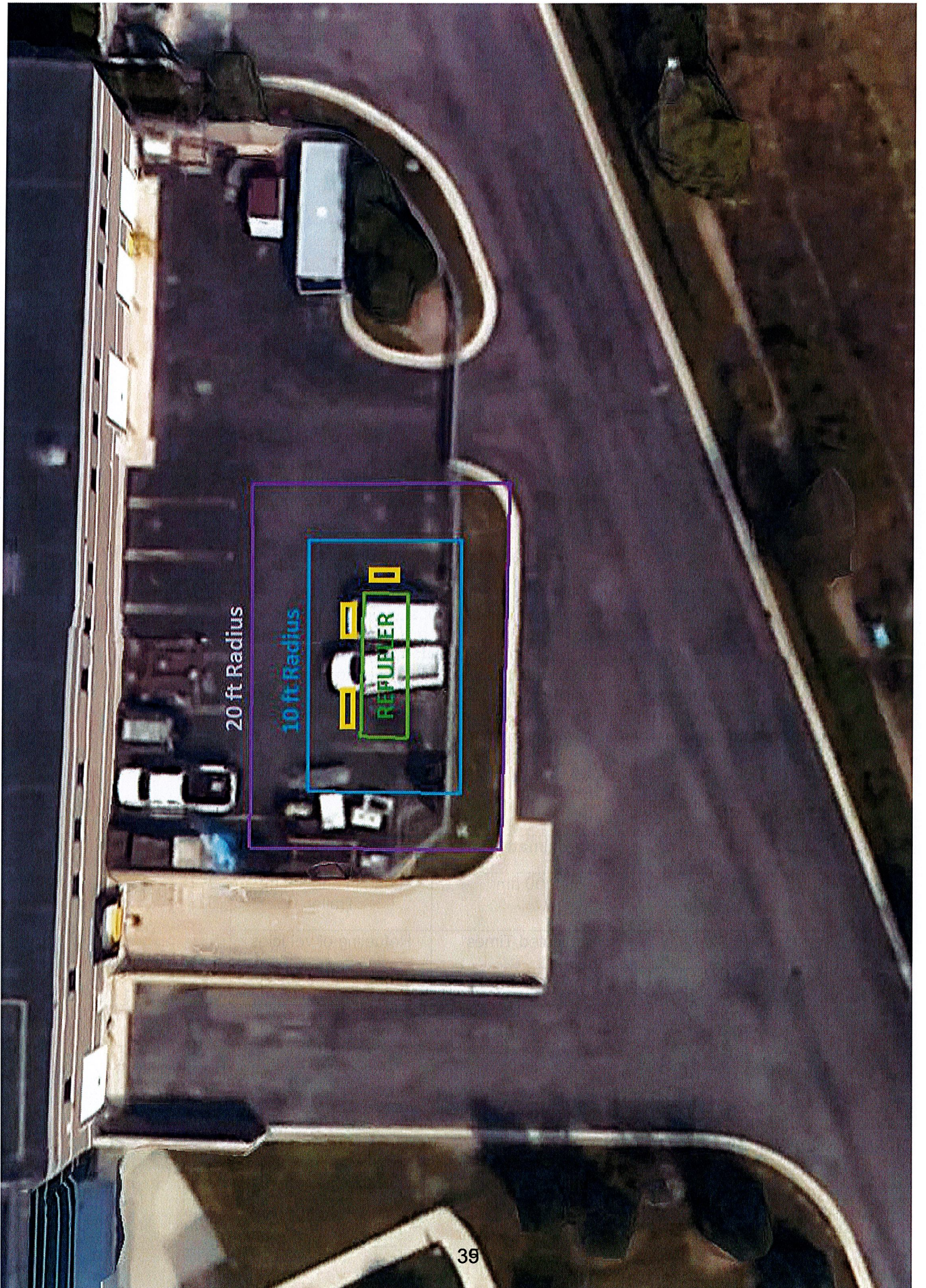
40000 Ricardo Drive, Van Buren Twp., MI 48111

Website: www.ricardo.com

LinkedIn: <https://www.linkedin.com/company/ricardo-plc>



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November 28, 2016

Charter Township of Van Buren
46425 Tyler Road
Belleville, M 48111

Van Buren Township,

This document serves as the requested document as part of the submission for the temporary use permit for the *Air Products Mobile On-Site Hydrogen Fueler* to be located at:

Ricardo, Inc.

4000 Ricardo Drive, Van Buren Township, Detroit, MI 48111-1641

This refueling unit is requested in support of Toyota and their new Hydrogen Fuel Cell Electric Vehicles. Since there are a very limited number of local hydrogen fueling stations throughout the State, Toyota Motor Sales is offering a hydrogen mobile refueling unit (manufactured and maintained by Air Products) to be placed temporarily to refuel the vehicles during this testing period. While this is a temporary solution, it will go a long way to ensure Toyota drivers have an option to refuel at a location at which they need to conduct testing. The actual fueling will be performed by a trained technician. Toyota has executed several similar projects in California using the same temporary mobile fueling stations to allow for other testing of new vehicles.

Proposed Trailer Schedule –

Date	Approximate Time	Activity
12/12/2016	10:00 am	Load in and set up Trailer
12/13/16 - 2/12/17	Dedicated Times	Refueling of vehicles
2/13/16	10:00 am	Load out the trailer

On-Site Hydrogen Fueler

The refueling trailer being provided is an Air Products HF-150 Mobile Hydrogen Fueler. Some basic facts are outlined and pictured below.

Service Pressure	46 MPa (6600 psig)
Total Capacity 150 kg,	63,450 SCF
Dispenser Press.	35 MPa (5076 psig)
Gasoline Equiv.	150 gallons
DOT Compliant	



Please see the supplementary Specification Sheet (Attachment 1), Safety Shut-off Features (Attachment 2), and Set-Back Distances document (Attachment 3), attached to this brief for more in-depth information on this trailer. The Set-Back Distance checklist (Attachment 3) is based upon NFPA 55, Chapter 10, 2010 and the trailer placement site has been remotely reviewed by Air Products and will be confirmed and signed off on when the trailer has been delivered.

Sincerely,

Air Products



Att1 Datasheet-
HF-150 Mobile ...



Att2
AP_HF150_Detai...



Att3 Air Products
C Siting For...

Attachment 4 is the Fueling Protocol and Site Safety Measures that Toyota, Ricard, and APEX are putting in place to aid in the safe operation of the mobile fueler. These items have not been confirmed by Air Products.

Attachment 4- Ricardo Fueling Protocol and Site Safety Measures

Fueling Protocol

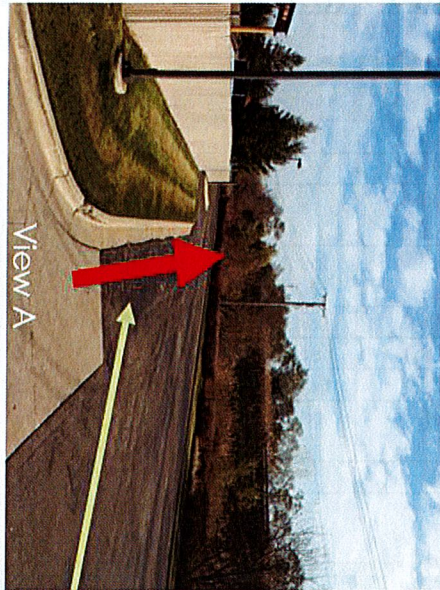
- *Fueling performed by authorized personnel only*
- *No unauthorized personnel in fueling area*
- *No unauthorized equipment or vehicles in fueling area*
- *Fueling only during designated times*
- *Mobile fueler may be secured, but unmanned when not fueling*
- *No smoking in fueling area*
- *Portable fire extinguisher (20-B:C) in fueling area*

Safety Measures

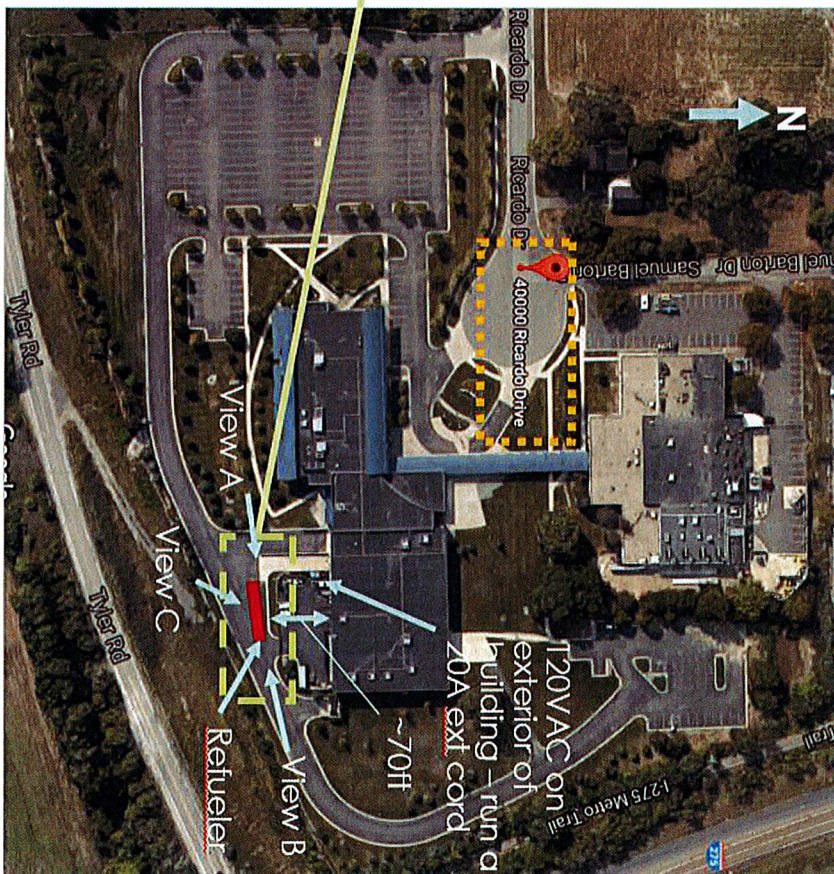
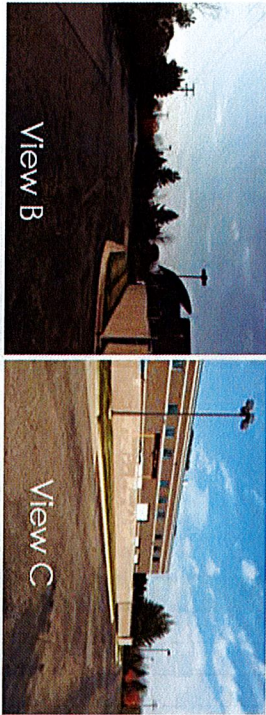
The fueling trailer will be protected from any vehicle impact by k-rail barriers placed around the perimeter. Chain link fence, with a locked gate will enclose the k-rail and trailer to keep the public out of the fueling area. A portable fire extinguisher will be on site as well.

Please feel free to contact our office with any questions surrounding the Mobile Hydrogen Fueler.

PROPOSED FUELER LOCATION



Fueler Parker Parallel to Curb





TECHNICAL DATA SHEET

EQUIPMENT: HF-150 MOBILE HYDROGEN FUELER

Design Parameters	Specification	Units of Measure
Service Pressure	6,600 (45)	psig (MPa)
Total Capacity	147	kg
Usable capacity for H35 service	70-90	kg
Dispensing Pressures (H35 service)	5,076 (35)	psig (MPa)
Trailer Length	26 (7.9)	feet (meters)
Trailer Width	8.5 (2.6)	feet (meters)
Trailer Height	7.0 (2.2)	Feet (meters)
Total Weight	43,500 (19,731)	pounds (kg)
Utilities Required	None	



DISPENSER DETAILS:

Item	Details
Vehicle Interface	SAE J2600 Compliant, Drive away / Breakaway Protection
Wireless Telemetry	Standard
Fill Types	Per APCI fueling spec.
Fill Method	PLC Automated Eight Tube Cascade
User Interface	Controlled personnel access by PIN (personal identification number)

EQUIPMENT DETAILS:

Description	Material	Details/Comments
Storage Vessels	High Strength Carbon Steel	Meets D.O.T. Requirements
Valves	Stainless Steel	Per ASME B31.3
Relief Vent	Stainless Steel	Relief valve set point 7000psig (48 MPa)
Pressure Relief Device	Brass	Per ASME B31.3
Thermal Relief Device	Rupture Disk	Meets D.O.T. Requirements

SITE REQUIREMENTS:

Item	Details
Foundations Required	None – Can be sited on Macadam Surfaces or gravel with proper supports
Electrical	None – Self Contained Power (Solar Panel, battery operated)
Water	None Required
Phone	None – Wireless telemetry included
Grounding Rod	Yes – required at site
Siting Distances	Per NFPA 55 – Air Products should provide site evaluation

TRANSPORTATION REQUIREMENTS:

Item	Details
Trailer Design	Complies with 49 CFR
Transport Requirements	Air Products Delivered and Set up for Operation, Tractor Trailer

AIR PRODUCTS ADDITIONAL SERVICES

- HYDROGEN REPLENISHMENT
- DELIVERY AND PICKUP
- USAGE TRACKING
- KNOWH₂OSM HYDROGEN SAFETY TRAINING

Air Products SmartFuel® HF-150 HYDROGEN FUELER

The HF-150 Hydrogen Fueler is a self-contained 350 bar hydrogen fueling trailer that holds approximately 150 kg (63,450 SCF) of hydrogen at a maximum settled pressure of 6600 psig. It is pulled by a tractor, parked, and left in a secure location until it needs to be refilled, at which point it may be taken to an Air Products facility for refilling or filled in place. The HF-150 requires no utilities but may be powered by 120V if used for long periods of time. The trailer must be grounded. When vehicles being fueled from the station are not parked on concrete, a grounding connection is provided by the HF-150.

Below is a listing of the HF-150's major safety features:

General:

- Equipment sited in conjunction with customer with appropriate setbacks, compliant with NFPA 2, "Hydrogen Technologies Code"
- Local and remote emergency stop buttons, which isolate all H₂ storage tubes and stop the flow of H₂ during fueling.
- **When idle or in an alarm state, the fueler is always considered to be in a safe mode; all actuated valves are closed except during a normal fueling operation.**
- Open top for maximum ventilation.
- Complete HAZOP analysis of fueler design
- Over a decade of successful operating experience: Eight HF-150 units are currently operating in California
- PIN code to control access to fueling operation

Fueling Operation:

- The HF-150 is grounded when parked at all times. A ground connection is provided for vehicle fueling.
- Fueling hose and vent hose breakaway connections.
- No Smoking, No Cell Phones, No Open Flames, and 350 Bar Hydrogen Labeling in Fueling Hose Compartment, compliant with NFPA 2
- Leak detection systems for the dispenser when idle (between fuelings) and also during fueling
- Use of hoses that significantly exceed burst pressure requirements.

Shutdowns:

The following table shows conditions that will shut down the fueler:

Control	Action
E-Stop (Remote)	Close All Valves; System Shutdown; Remove Power to Control
E-Stop (Panel)	
Hose Break	Close All Valves; Halt Fill Process; Screen Display of System Shutdown
Slow Leak	
Excess Flow	
Transmitter Failure	
Low Temperature	

High Temperature in Back Cabinet	Close All Valves; Halt Fill Process; Screen Display of System Shutdown; Energize External Beacon
Hydrogen Gas Detected at 25% of LFL (1% Hydrogen) During Fueling	

Attachment 3 - Set-Back Distance Checklist



Mobile Fueler Gaseous Hydrogen Site Evaluation

Date:	Category:		
Customer:			
Location:			

Type of Outdoor Exposure NFPA 55, Chapter 10, 2010 Edition	Minimum Distance Required (shortest distance between exposure and nearest point of H2 system)		
	3000 to ≤7500 psi Nearest 5 (ft) <i>For use with 3/8" SST, .086 WT max pipe diameter systems</i>	Evaluation	Notes
(1) Lot lines (greater of a or b); Includes lot lines to other customer owned properties	20		
(2) Exposed persons other than those involved in servicing of the system ^c	10		
(3) Buildings and structures; Combustible construction ^d	10		
(3) Buildings and structures; Noncombustible non-fire-rated construction ^e	10		
(3) Buildings and structures; Fire-rated construction with a fire resistance rating of not less than 2 hours ^f	5		
(4) Openings in buildings of fire-rated or non-fire-rated construction (doors, windows, and penetrations) Openable ^g ; Fire-rated or non-fire-rated	20		
(4) Openings in buildings of fire-rated or non-fire-rated construction (doors, windows, and penetrations) Unopenable ^g ; Fire-rated or non-fire-rated	10		
(5) Air Intakes (HVAC, compressors, other) ^h	20		
(6) Fire barrier walls or structures used to shield the bulk system from exposures ⁱ	5		
(7) Unclassified electrical equipment ^j	15		
(8) Utilities (overhead) including electric power, building services, hazardous materials piping ^k	10		
(9) Ignition sources such as open flames and welding ^l	20		
(10) Parked cars ^m	10		
(11) Flammable gas storage systems, including other hydrogen systems above ground; Nonbulk (<400 scf for hydrogen)	10		
(11) Flammable gas storage systems, including other hydrogen systems above ground; Bulk ⁿ	15		
(12) Aboveground vents or exposed piping and components of flammable gas storage systems, including other hydrogen systems below ground ^d Gaseous or cryogenic	10		
(13) Hazardous materials (other than flammable gases) storage below ground ^o ; Physical hazard materials or health hazard materials	10		
(14) Hazardous materials storage (other than flammable gases) above ground ^o ; Physical hazard materials or health hazard materials	10		
(15) Ordinary combustibles, including fast-burning solids such as ordinary lumber, excelsior, paper, and combustible waste and vegetation other than that found in maintained landscaped areas ^d	10		
(16) Heavy timber, coal, or other slow-burning combustible solids ^d	10		
Systems within 50' of aboveground storage of all classes of flammable and combustible liquids shall be located on ground higher than such storage, except where dikes, diversion curbs, grading, or separating solid walls are used to prevent accumulation of these liquids under the system.	Review		
Distances apply to the unloading connection on delivery equipment	Review		
Oxygen Storage >20,000 scf - Hydrogen storage 25,000 cubic feet or less (see oxygen site evaluation)	25		
Oxygen Storage >20,000 scf - Hydrogen storage 25,000 cubic feet or more (see oxygen site evaluation)	50		
Is there a ground rod located within 25 feet of the fueler to ground the fueler?	YES/NO		
Is there adequate room to allow easy access for the fuel cell vehicle to maneuver?	YES/NO		
Is the fueler located in a secure area?	YES/NO		
Is there adequate room to maneuver the fueler to locate it in the fueling position (drop area of 50' x 15' with a turn radius of 70')?	YES/NO		
Is there adequate room to refill the mobile fueler using the Hydra, if required? If refilling with Hydra, complete Hydra site evaluation form	YES/NO		
Will a remote dispenser be connected to the mobile fueler? If remote dispenser is within APCI scope, complete NFPA 52 site evaluation form.	YES/NO		

¹ Distances can be reduced by 1/2 of the distance shown if a fire barrier is installed between the system and the exposure. The fire barrier must have a minimum fire resistance rating of 2 hours. The resultant distance should be measured from the downstream side of the fire barrier wall to the exposure.		
² All distances except for air intakes and overhead utilities, unless otherwise noted, shall not apply if a fire barrier is installed between the system and the exposure. The fire barrier must have a minimum fire resistance rating of 2 hours.		
^a Unignited jet concentration decay distance to 4 percent mole fraction (volume fraction) hydrogen.	See Table Below for Equations (NFPA 55, 2010, Table 10.3.2.2.1.1(B))	
^b D _{adj} - radiation heat flux level of 500 Btu/hr ² ft ²		
^c D _{adj} for heat flux level of 1500 Btu/hr ² ft ² exposure to employees for a maximum of 3 minutes		
^d The greater of D _{adj} for combustible heat flux level of 6340 Btu/hr ² ft ² or the visible flame length.		
^e The greater of D _{adj} for noncombustible equipment heat flux level of 8000 Btu/hr ² ft ² or the visible flame length.		
^f The minimum clearance between the structure and the system required for access for service-related activities.		
^g Equipment classified at meeting Class I, Division 2, Group B requirements of NFPA 70, National Electrical Code, when the area is in accordance with NFPA 497, Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.		
^h Bulk hydrogen storage systems are allowed to co-locate other non-liquefied flammable gas systems where the output of the system is designed to deliver a product in which the gases are mixed or blended for delivery into the user's system. The separation distance indicated requires a minimum separation between gaseous and liquid systems integrated into a single system where the liquid source is vaporized, compressed, and stored in the gaseous state.		
Additional Notes:		
Where fire barrier walls are used on 3 sides - the fire barrier wall shall not have more than 2 sides at 90 degree directions or not more than 3 sides with connection angles of not less than 135 degrees. For hydrid tubes or tube trailers, the distance to any wall shall be not less than 1/2 of the width of the assembly with 5' as a minimum. Piping and controls shall be located at the open side to allow for filling and ventilation. See figure below (tank shown but can apply to tubes or tube trailers). NFPA 55, 2010, Figure A.11.3.2.2.4.1(b)		
Installing a fire wall directly behind a tube trailer (perpendicular to the tube trailer) should be avoided whenever possible. If the firewall needs to be installed directly behind the tube trailer (perpendicular to the tube trailer), a separation distance of 15' must be maintained between the back of the tube trailer and the firewall.		
The subscripts a, b, c, d, e correspond to equations.		
Based on NFPA 55 2010 Table 10.3.2.2.1(a) Minimum Distance from Outdoor Gaseous Hydrogen Systems to Exposures (U.S. Units)		
Items 13 and 14 include flammable liquid storage, toxic materials, oxidizing materials, pyrophoric gases, unstable reactive materials, corrosive gas, etc. For oxygen, refer to the oxygen site evaluation.		

Project Engineer:		Date:	
Approval:		Date:	

Air Products Confidential

Table 10.3.2.2.1.1(B) Separation Distance Based on Alternative Pipe or Tube Internal Diameters

Notes*	>15 to ≤250 psi (>103.4 to ≤1724 kPa)	>250 to ≤3000 psi (>1724 to ≤20,684 kPa)	>3000 to ≤7500 psi (>20,684 to ≤51,711 kPa)	>7500 to ≤15,000 psi (>51,711 to ≤103,421 kPa)
(a)	$D_a = 0.23179d^{0.99931}$	$D_a = 0.73903d^{0.99962}$	$D_a = 1.1062d^{0.99950}$	$D_a = 1.4507d^{0.99955}$
(b)	$D_b = 0.091137d^{1.1303} + e^{-0.084081d}(0.087694d^{0.72081} - 0.091137d^{1.1303})$	$D_b = 0.36599d^{1.1152} + e^{-0.10771d}(0.1885d^{1.2531} - 0.36599d^{1.1152})$	$D_b = 0.66173d^{1.1003} + e^{-0.30516d}(-0.00002521d^{5.9978} - 0.60173d^{1.1003})$	$D_b = 0.84053d^{1.1023} + e^{-0.40335d}(-0.000043007e^{5.7148} - 0.84053d^{1.1023})$
(c)	$D_c = 0.075952d^{1.1922} + e^{-0.087580d}(0.076814d^{0.83088} - 0.075952d^{1.1922})$	$D_c = 0.2889d^{1.092} + e^{-0.10592d}(0.18705d^{1.1795} - 0.2889d^{1.092})$	$D_c = 0.45889d^{1.0887} + e^{-0.4672d}(-0.000027779d^{5.8841} - 0.45889d^{1.0887})$	$D_c = 0.6324d^{1.0850} + e^{-0.52477d}(-0.000086234e^{5.8213} - 0.6324d^{1.0850})$
(d)	$D_d = 0.096359d^{0.99928}$	$D_d = 0.3072d^{0.99962}$	$D_d = 0.45967d^{0.99971}$	$D_d = 0.60297d^{0.99956}$
(e)	$D_e = 0.096359d^{0.99928}$	$D_e = 0.3072d^{0.99962}$	$D_e = 0.45967d^{0.99971}$	$D_e = 0.60297d^{0.99956}$

Notes:

(1) Use of this table assumes a leak diameter of 3 percent of the pipe flow area or internal diameter where d = inside diameter (ID) of pipe or tube expressed in millimeters (mm), and $D_{a,b,c,d,e}$ = separation distance in meters (m).

(2) All pressures are gauge pressures.

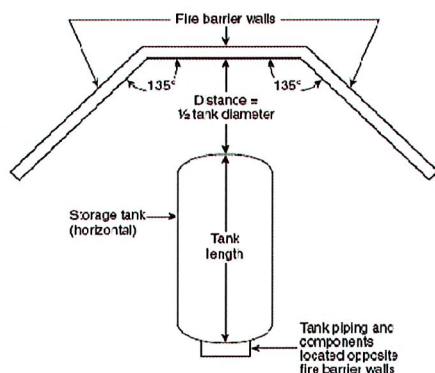


FIGURE A.11.3.2.2.4.1(b) Schematic of Three-Sided Fire Barrier Wall Enclosure for a Horizontal Hydrogen Storage System

Note: The distance criteria in OSHA can be found in OSHA Subpart H Hazardous Materials (29 CFR 1910.103) – although many municipalities use NFPA 55.



CHARTER TOWNSHIP OF VAN BUREN
APPLICATION FOR
TEMPORARY LAND USE/SPECIAL EVENT
46425 TYLER ROAD
BELLEVILLE, MI 48111

DATE: 3/6/2023

BUSINESS NAME: AMERICAN PROMOTIONAL EVENTS INC. DBA: TNT FIREWORKS

CONTACT PERSON: CHARLES FRIESE PHONE # 517.526.3839

SUPERVISOR FOR SITE: CHARLES FRIESE PHONE # 517.526.3839

EVENT TITLE: FIREWORKS TENT SALE

TYPE OF EVENT: TEMP/TENT SALE DATE(S): 6/22 TO 7/5/2023

LOCATION OF EVENT: WALMART PARKING LOT

ADDRESS OF LOCATION: 10562 BELLEVILLE RD, 48111

PROPERTY OWNER REPRESENTATIVE: STORE MANAGER PHONE # 734.697.2078

ARE SIGNS PROPOSED FOR ADVERTISING: ☒ YES ☐ NO IF YES, INCLUDE LOCATIONS & DETAILS

OTHER SIGNS ON TENT/BANNERS

IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:

IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ _____ BOND FEE \$ _____ TOTAL \$ _____


(SIGNATURE OF APPLICANT)

3/6/2023
(DATE SIGNED)

(APPROVED BY)

(DATE SIGNED)



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #23-013 – TNT Fireworks

DATE: March 16, 2023

PROJECT REVIEW

Charles Frieze of TNT Fireworks has applied seeking 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, 2023 through July 5, 2023. 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 18 parking spaces. 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. The only change to the proposed buildings and structures in comparison with past applications is the addition of a storage unit for goods at night time.

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.
11. **Other licenses and permits required** (Section 7.120(C.11)) –A current Consumer Fireworks Retail Facility license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshal will 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 ninth (9th) 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.
3. All application materials shall refer to Van Buren Township and not Belleville as the jurisdiction of the project site.

Chuck Friese
TNT Fireworks
Regional Manager
friesec@tntfireworks.com



PO Box 7
Three Rivers, MI 49093
Cell 517.526.3839
Fax 866.496.0838

March 6, 2023

Reference: Temporary Fireworks Sale in Walmart Parking Lot

To whom it may concern:

Below is information on the temporary fireworks tent sale.

1. Our company will be selling Michigan approved fireworks.
2. Our sales period will be no longer than from June 22nd through July 5th, 2023.
3. Hours of operation will be from 9am through 10pm daily.
4. Sales will be conducted from a tent erected by a local tent rental company with a flame sheet provided.
5. There will be several 'no smoking' signs around the tent.
6. Security will be provided by the group that is operating the tent. Items will be stored in a storage container overnight.
7. Our company will make sure the environment will be kept clean and safe.
8. There will be a fire extinguisher placed at each exit (**THREE** total- two 10lb ABC and 1 water cannon).
9. Orange cones will be used to mark off the safety buffer around the tent so cars don't drive right up next to it. (10 feet away)
10. Our company will also provide all necessary insurance.
11. A copy of the State Permit from LARA will be provided after they issue it to me.

Attached is also a rough sketch of the location of the tent in the parking lot of Walmart, a permission letter from Walmart and proof of insurance.

Also, please let me know if there are any changes or further requirements that need to be met.

Thank you,

Chuck Friese
TNT Fireworks
Michigan~Area Managers



702 SW 8th Street
Bentonville, AR 72716
Pete.Rosen@walmart.com

August 15, 2022

To Whom It May Concern,

American Promotional Events, Inc. dba TNT Fireworks is an approved National Supplier to conduct fireworks promotions on our Walmart parking lots where this type of promotion is legal. All stores have been researched and approved by the Walmart Realty Department. The approximate time frame for the promotions are:

- December 26th, 2022 through and including January 10th, 2023.
- June 12th, 2023 through and including July 12th, 2023 with the exception of Utah which has an additional selling period through the end of July for Pioneer Days.

American Promotional Events, Inc. dba TNT Fireworks is authorized to sign for and obtain all necessary permits and/or licenses for the promotion and must display such permits and/or licenses at each stand/tent. Walmart grants permission for all patrons of the sale to utilize the restroom facilities at each participating store.

An American Promotional Events, Inc. dba TNT Fireworks representative will call you to introduce the company and discuss your participation in the event. Participation is encouraged and does add additional income to your other income account. Store Management must approve the store's participation and placement on the parking lot.

Thank you in advance for your cooperation in this matter and if you have any questions, please contact TNT Fireworks at 256-767-7142.

Best Regards,

DocuSigned by:

Pete Rosen

377556219E43439...

Pete Rosen

Manager II

Walmart Retail Services



Site Plan for Belleville Walmart #2872- 10562 BELLEVILLE RD BELLEVILLE, MI 48111

End Row 2

North



Picture from MSN Maps

The yellow box on the south end of the parking lot is where the tent would be. (30x40)
The white area around it would be the 10 foot buffer for no cars to park. Orange cones will be used to mark off the buffer.

The green box would be a 8'x20' storage container for the items at night time.

** Cars would park no less than 10 feet away

** Any generator used would be placed 20 feet away



CERTIFICATE OF LIABILITY INSURANCE

11/1/2023

DATE (MM/DD/YYYY)

11/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME:	
	PHONE (A/C, No, Ext): FAX (A/C, No):	
INSURED 1378172 American Promotional Events, Inc. - East DBA TNT Fireworks, Inc. P.O. Box 1318 4511 Helton Drive Florence AL 35630	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Everest Indemnity Insurance Company	
	INSURER B: Arch Specialty Insurance Company	
	INSURER C: Gotham Insurance Company	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC #		
10851		
21199		
25569		

COVERAGES **CERTIFICATE NUMBER:** 13397800 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:	Y	N	SI8GL00242221	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS	Y	N	UXP0056189-09	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX
C	Excess Liability	Y	N	EX202200002826	11/1/2022	11/1/2023	\$5M Each Occurrence \$5M General Aggregate Total XS Limits: \$10M

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: FMI2872 Property located at Wal-Mart #2872 at 10562 Belleville Road, Belleville, MI 48111. Yvette Harris 2598162. The Township of Van Buren, all elected and appointed officials, all employees and volunteers, all boards, commission and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed that by naming the Township of Van Buren as additional insured, coverage afforded is considered to be primary and any other insurance the Township of Van Buren may have in effect shall be considered secondary and/or excess

CERTIFICATE HOLDER

CANCELLATION

13397800

Wal-Mart Stores, Inc.
2001 SE 10th Street
Bentonville AR 72716

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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VAN BUREN TOWNSHIP FIRE DEPARTMENT

46425 Tyler Road, Van Buren Township, MI 48111

David C. McNally II, Fire Chief: (734) 699-8900 x 8916

Andrew Lenaghan, Deputy Chief/Fire Marshal: (734) 699-8900 x 9416

March 16, 2023

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

Re: American Promotional Events Inc. /TNT Fireworks
Wal-Mart Parking Lot, 10562 Belleville Rd
VBT23-013

Project Overview:

This site plan review 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 and the Van Buren Township application for temporary land use. 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
Deputy Fire Chief/Fire Marshal
Van Buren Township Fire Department



MEMO

TO:	Van Buren Township Planning Commission
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Residential Height Interpretation / Appeal Request
DATE:	March 16, 2023

Planning Commission Members:

The Planning Commission is requested to consider reviewing a potential Zoning Ordinance text amendment to clarify section 3.106(D) of the Van Buren Township Zoning Ordinance, R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations. Under Section 3.106(D), the maximum building height in feet is 30, and the maximum building height in stories is 2. This request was referred to the Planning Commission by the Board of Zoning Appeals (BZA) at their regular meeting on March 14th, 2023, as is explained in the section below.

INFORMATION REGARDING THE REQUEST AND REVIEW PROCESS

During the March 14th Board of Zoning Appeals (BZA) meeting, the BZA was requested to consider an appeal from an interpretation of Section 3.106(D). Staff requested the BZA to consider whether the maximum allowable building height in the R-1A, R-2A, R-1B, and R-1C Zoning Districts is limited by one or both - height in feet and height in stories. If maximum building height is limited only by the height in feet, the number of stories would not be applicable, so long as the building height does not exceed 30 feet. The BZA was requested to make this interpretation based on their authority to appeal the interpretation of the provisions of the Zoning Ordinance per Section 12.403(B)(1) of the Van Buren Township Zoning Ordinance.

This case was brought before the BZA following the review of a building permit application. The Van Buren Township Planning and Economic Development Department processed a recent building permit application for a new home to be constructed at 13125 Ormond Drive. The home site was previously issued a permit in 2019 with a similar set of plans and elevations, but the permit application had expired since this time. A new permit application has recently been made by the same owner for the same site. In reviewing the new building permit application for compliance with the Zoning Ordinance, the building was determined by the Building Official and Planning and Economic Development Director to have 2.5 stories. The proposed home consists of a ground floor (story) built with its floor roughly at grade, which includes an attached garage and basement, a main second story, and a roughly half-third story which includes loft bedrooms and dormer windows. "Story" is defined in the Section 2.102(A)(207) of the Van Buren Township Zoning Ordinance as follows:

Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it, provided that a mezzanine shall be deemed a story when it covers more than fifty (50) percent of the area of the story underneath the mezzanine and/or when the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more, and provided further that portion of a building partly below grade shall be deemed a story if:

- a) over fifty (50) percent of its average height from the surface of the floor to the floor next above it is above the grade from which the height of the building is measured; or
- b) in any case, if the average distance from such grade to the next floor above it is five (5) feet or more;
- c) it is used for business purposes; or
- d) it is it used for dwelling purposes by any persons other than janitorial or domestic employees employed in the same building and their families.

Story, half: A part of a building between a pitched roof and the uppermost full story, having finished floor area which does not exceed one half (½) the floor area of the uppermost full story.

Under a certain interpretation of Section 3.106(D), the maximum allowable height requirement was not met with the application, because the building has 2.5 proposed stories instead of 2 stories, despite that the proposed building will maintain a maximum height less than 30 feet tall. The Building Official, Planning and Economic Development Director and other reviewing staff found ambiguity in the terminology of the Zoning Ordinance with regard to height. Staff therefore requested the BZA to make the appeal for the interpretation as referenced in the agenda text. During the meeting on March 14th, the BZA had a split decision and did not take action to affirm either the more permissive interpretation that height could be limited only by height in feet, or the more restrictive interpretation that both the height in feet and the height in number of stories would each independently limit the permissible height of a principal building in the R-1A, R-2A, R-1B, and R-1C zoning districts. The BZA did, however, move to request staff to work with the applicant to apply to seek a variance from the BZA from Section 3.106(D) and **to work with the Planning Commission to consider a zoning ordinance text amendment to clarify this section.** This direction is the basis of the request before the Planning Commission in this packet.

INITIAL ANALYSIS

Staff has researched this topic and has recommended that it would be appropriate for buildings in the R-1A, R-2A, R-1B and R-1C zoning districts to be limited based on height in feet and not limiting such buildings to 2.0 stories. This recommendation was broadly made for the reasons described below:

- **Maintaining sufficient standards for building height and bulk**, which is highlighted below as being one of the purposes and intents of the Township's Zoning Ordinance, per Section 1.102 of the Zoning Ordinance. Whether a single-family residence has two (2) or 2.5 floors will have no impact on the height and bulk of buildings, so long as the maximum allowable height is maintained:
 - Section 1.102 Purpose and Intent An Ordinance to regulate and restrict the use of land and buildings by dividing the Charter Township of Van Buren into districts; to define certain terms therein; to impose regulations, prohibitions and restrictions governing the location, erection and construction of structures and buildings to be used for business, industry, residence, social purposes and other specified purposes; to regulate and determine the use of lands including the size of yards and other open spaces; **to regulate and limit the height and bulk of buildings and other structures**; to regulate and limit the streets by providing for the off-street parking and loading of vehicles; to provide for the

gradual elimination of nonconforming uses of land, buildings and structures; to establish the boundaries of districts; to create a Board of Zoning Appeals (BZA), to define and limit the powers and duties of the Board, and to set standards to guide actions of the Board; to provide the means of enforcing the Ordinance and to provide penalties for violation of the Ordinance.

Additional standards in the Township's adopted Property Maintenance Code (Article V, Chapter 18 of the Township Code of Ordinances), the Township's Zoning Ordinance, and currently adopted Building Codes will ensure that each story of a multi-story structure is habitable and built according to applicable codes and ordinances. For example, Section 18-138 of the Township's Code of Ordinances specifies a minimum required ceiling height of seven (7) feet, with some exceptions. Requiring a minimum ceiling height of seven (7) feet with additional accounting for duct work, flooring, and framing will impose limits on the number of floors that a 30-foot tall building can accommodate. Section 5.114(F) of the Van Buren Township Zoning Ordinance additionally requires that all detached single-family residential dwellings are aesthetically compatible in design and appearance with other residences in the vicinity.

- **Reducing the likelihood of a Zoning Ordinance interpretation rendering properties in the Township non-conforming.** A preliminary search from the Assessor's Office has revealed eight (8) existing single-family dwellings that would be deemed non-conforming if the number of stories is used as a limiter on height, rather than the height in feet (see the handout attached to this report). Two examples of such structures are shown below:



6330 Denton Road



12822 Linda Vista Court

The requested amendment would also be consistent with some of the residential goals and objectives of the 2020 Van Buren Township Master Plan update. The broad residential goal from this Plan was *to provide an adequate supply of housing that meets the needs of new and existing Township residents of varying income levels, is responsive to changing generational preferences, allows residents to age in place, adds value to the community, and achieves a high standard of excellence in aesthetics and design.* Based on this goal, the Plan includes objectives and actions which encourage infill of existing residential areas in the Township and the pursuit of "missing middle" housing formats and/or layouts that are currently absent or in short supply. These items are well aligned with a direction toward allowing adaptive floor plans in new housing, including allowing flexibility regarding the number of stories, so long as height limits are being maintained and applicable building code requirements are

being met.

RECOMMENDATION

At this time, without further study, I would not recommend moving forward with an increase in building height (measured in feet). However, an increase in the allowable number of floors in the R-1A, R-2A, R-1B, R-1C and possibly AG zoning districts from 2 to 2.5 or 3 stories, or a removal in a cap on the number of stories so long as the height limit of 30 feet is met, would be appropriate. I therefore ask that the Planning Commission consider exploring one of the following Zoning Ordinance text amendments:

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- Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations
- Max. Building Height (ft.) 30. Max. Bldg. Height (stories) ~~2~~ OR
- Max. Building Height (ft.) 30. Max. Bldg. Height (stories) ~~2~~ 3.

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AND

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- Section 3.109(D) - AG, Agricultural and Estates Districts – Dimensional Regulations
- Max. Building Height (ft.) 30. Max. Bldg. Height (stories) ~~2~~ OR
- Max. Building Height (ft.) 30. Max. Bldg. Height (stories) ~~2~~ 3.

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The Planning Commission may advise staff to return to the Planning Commission with further information for their consideration before moving forward with a potential Zoning Ordinance text amendment, or may move forward with posting a public hearing notice for public review of the draft Zoning Ordinance text amendment.

Thank you for allowing me to comment on this request.

Sincerely,



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

CC: Ron Akers, AICP – Municipal Services Director, Van Buren Charter Township
Vidya Krishnan – Van Buren Charter Township Planning Consultant and Senior Principal Planner, McKenna Associates