

UNAPPROVED MINUTES GRASS LAKE CHARTER TOWNSHIP PLANNING
COMMISSION PUBLIC HEARING APRIL 17, 2008
TOM AND ROBERT ZENZ SPECIAL USE PERMIT APPLICATION

CALL TO ORDER: Chairman Phillips called the public hearing to order at 7:01 p.m.

ROLL CALL: Members present – Lesinski, Phillips, Dorr, Memmer, Pindzia.
Members absent – Elliott, Bednarski-Lynch.
Also present – Zoning Administrator Thomas Nolte, and approximately 30 citizens.

PURPOSE: Chairman Phillips explained that the purpose of tonight's public hearing was to receive public comments on the special land use permit application from Tom and Robert Zenz on Parcel #000-10-36-300-001-03 for the purpose of storage of fireworks.

PUBLIC COMMENT:

Aaron Enzer, representing the applicants, gave a short presentation of the request. The intent is to store fireworks in a metal shipping container built and secured to Federal regulations, in a remote portion of the subject parcel. Said area is one half mile from nearest improvements. An aerial photograph of the subject area with noted dimensions was distributed for reference.

Carl Wells (2284 Mt. Hope) asked many questions including: identification of materials, volume of materials, type of containers being proposed, general description of area, insurance company.

Gail Stevens (Francisco Road) questioned the quantity of materials and whether this was a distribution center. Since no quantity of materials was specified on the application, an unlimited amount of fireworks could be stored.

John Lesinski read an excerpt from Section 55.219 of the Federal Explosives Law as published by the Bureau of Alcohol, Tobacco and Firearms, (BATF) 2000 Edition.

Mike McClintic (1860 S. Francisco) reiterated that since the application doesn't specify any quantity, then there is no limit as requested by the applicants.

Gail Stevens again questioned whether this was a distribution center and then questioned traffic volumes anticipated.

Mr. Enzer replied that yes this was a distribution center in that firework displayers would access the storage unit to obtain their pyrotechnics. Semi trailer traffic is anticipated in the delivery of materials during spring and summer seasons.

Joan Lutchka (1439 Francisco) noted that materials storage is not a permitted use nor is it a permitted special land use in the Agricultural District. Warehousing and general storage uses are provided for in other zoning districts within the Township.

Vic Camilleri (13807 Grass Lake) questioned the logic of storing explosives near occupied homes. He went on to question the effect of saleable value of homes if this application is approved. He felt there were other areas in the Township available for storage which were more remote.

Ted Wheeler (13916 E. Michigan Ave.) objected to the risk and danger of storing explosives in close proximity to existing homes.

James Stewart (1894 Francisco) felt that if twenty thousand (20,000 lbs) pounds of explosives (identified as the maximum quantity of fireworks stored in each container) would ignite, the blast wave would travel greater than one half mile.

Carl Wells identified himself as having experience with explosives in the armed services. He noted the nearest home is approximately 1500 feet from the subject area. No intrusion detection was proposed. No fencing was proposed. No fire suppression was proposed. Another risk existed from lightning strikes. No berming was proposed for containment purposes. He felt that a two million dollar liability insurance policy was inadequate. He also noted that the BATF regulations allow for storage of eighty thousand (80,000 lbs) pounds of explosives which equates to four (4) storage containers.

Vic Camilleri suggested that the applicants consider the Light Industrial (LI) zoning district for their storage needs.

Chairman Phillips closed the public hearing at 7:38 p.m.

ADJOURNMENT: Moved by Lesinski, supported by Dorr to adjourn the public hearing at 7:39 p.m. All ayes. Two absent. Motion carried.

Respectfully submitted,

Bruce Pindzia, Secretary
Grass Lake Charter Township Planning Commission

UNAPPROVED MINUTES GRASS LAKE CHARTER TOWNSHIP PLANNING
COMMISSION MEETING APRIL 17, 2008

CALL TO ORDER: Chairperson Phillips called the meeting to order at 7:42 p.m.

ROLL CALL: Members present – Memmer, Pindzia, Phillips, Lesinski, Dorr.
Members absent – Bednarski-Lynch, Elliott.
Also present – Zoning Administrator Thomas Nolte, and about 30 citizens.

PLEDGE TO THE FLAG: By all.

AGENDA ADDITIONS: None.

AGENDA APPROVAL: Moved by Lesinski, supported by Memmer to approve the agenda as presented. All Ayes. Two absent. Motion carried.

MINUTES OF THE FEBRUARY 21, 2008 REGULAR MEETING: Motion by Memmer, supported by Lesinski to approve the March 20, 2008 meeting minutes as presented (without changes). All Ayes. Two absent. Motion carried.

TOWNSHIP BOARD LIASON REPORT – JOHN LESINSKI:

- May 13, 2008 at 7:00 p.m. is the time set for a public hearing by the Board of Trustees for the Local Development Financing Authority (LDFA).
- A special presentation was given by Township Supervisor Jim Stormont regarding the proposed LDFA. Generally speaking, a portion of the taxes from existing and future businesses in the identified district can be captured for use for infrastructure improvements. The Township has been working the County Enterprise Group on this endeavor. Establishment of a LDFA does not mean new taxes will be levied. It means that existing taxes can be allocated for infrastructure improvements. It does not mean automatic rezoning of lands for new businesses. The rezoning process will not change. Rather the LDFA will help balance land uses in the subject district. There would be a time limit placed on capturing these taxes. The Planning Commission is encouraged to attend the public hearing.

NEW BUSINESS:

- Zenz Special Use Permit Application:
In response to questions from several Planning Commissioners, Aaron Enzer provided the following answers:
 1. The driveway is intended to be fifteen feet (15') in width surfaced with gravel.
 2. A fireworks display for the Grass Lake Sportsman's Club could be provided for free if the special land use permit is approved.
 3. Mr. Enzer's full time occupation is an airline pilot. Fireworks are his hobby.

4. Yes. The applicants would consider a limit on the volume of fireworks stored. However, they would like consideration given to future expansion of the operation.
5. For a half hour fireworks display, approximately twenty to forty thousand pounds (20,000 – 40,000 lbs) of fireworks are used for a display for the City of Detroit. A half hour display in Grass Lake would probably utilize one thousand to fifteen hundred pounds (1,000 – 1,500 lbs).
6. Storage would most likely be year round. Typically, fireworks are ordered in the late summer and early fall in anticipation of next year's displays. It takes six months to ship. They arrive approximately at the beginning of the second quarter.
7. A gate will be provided.
8. Mr. Enzer performed fifteen to twenty (15 – 20) displays last year.

Chairman Phillips indicated that the Ordinance does not permit storage either as a permitted use nor as a special land use in the Agricultural district. Since Mr. Enzer indicated that he has a storage facility in Washtenaw County, why is he interested in the Grass Lake location?

Mr. Enzer replied he felt the land is well suited. He is willing to provide additional insurance to the Township to minimize the Township's risk.

Lesinski recognized that the use is not a permitted nor a special land use in the Agricultural district.

Chairman Phillips noted that warehousing is a permitted use in the Light Industrial (LI) district.

Mr. Enzer indicated at this point that he has followed the course of action recommended to him by Township officials. He did not recognize a prohibition against fireworks.

Zoning Administrator Nolte noted that there is no requirement to list all prohibited uses. The only obligation is to list acceptable uses.

Dorr moved, Pindzia supported to deny the request for a special use permit to store fireworks on parcel #000-10-36-300-001-03 as storage is not a permitted use nor a permitted special land use in the Agricultural (AG) zoning district; storage is a permitted use in the Light Industrial (LI) zoning district; storage as a land use is more appropriate in the LI district than in the AG district.

Five (5) ayes. Two (2) absent. Motion carried. The applicants were advised that this decision could be appealed to the Zoning Board of Appeals.

- Lemieux Site Plan Review:

Zoning Administrator Nolte explained that this minor site plan was for limited building modifications and for expansion of their parking lot. The existing and proposed land use was conforming to the ordinance requirements. He recommended approval of the minor site plan.

Memmer moved, supported by Lesinski to approve the site plan contingent on providing a detailed parking plan acceptable to the Zoning Administrator. All ayes. Two absent. Motion carried.

- Toth Conditional Use Permit Application:

Chairman Phillips compared the subject land use to Gee Farms in Henrietta Township. He contacted the Township Assessor and learned that Gee Farms operates in the Agricultural zoning district while being assessed as a commercial building.

Lesinski and Memmer both thought the proposed operation should be considered as a farm stand.

Chairman Phillips noted the front yard setback in the Agricultural zone is sixty feet.

Zoning Administrator Nolte recommended making any proposed structure comply with the required setback.

Dorr indicated that a roadside stand is not a drive through land use.

It was discussed that the Township must rely upon the discretion of the Zoning Administrator to differentiate between a roadside stand/farm operation and a commercial land use. It was also noted that approval of a special land use could be granted with conditions.

Lesinski moved, Memmer supported to approve the special land use application with the conditions that the location any permanent structure must comply with the zoning ordinance requirements for Agricultural zoned property and that items sold must be produced with items grown on the subject premises.

All ayes. Two absent. Motion carried.

OLD BUSINESS: None

PUBLIC PARTICIPATION: No public present at this time.

MEETING SCHEDULE:

The next meeting of the Planning Commission has been scheduled for May 15, 2008 at 7:00 p.m.

ADJOURNMENT: Motion by Lesinski, supported Memmer to adjourn at 9:22 p.m. All in favor. Two absent. Motion carried.