

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
MARCH 22, 2017
MINUTES**

Chairperson Thompson called the meeting to order at 7:33 p.m.

ROLL CALL:

Present: Kelley, Atchinson, Budd and Thompson.

Excused: Boynton, Jackson and Franzoi.

Staff: Director Akers and Secretary Harman.

Planning Representatives: None.

Audience: Six (6).

APPROVAL OF AGENDA:

Motion Atchinson, Kelley second to approve the agenda of March 22, 2017 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Budd, Atchinson second to approve the regular meeting minutes of February 22, 2017 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE #14-022 TOWNPLACE SUITES HOTEL – SITE PLAN AMENDMENT

TITLE: THE APPLICANT, BELLEVILLE DEVELOPMENT, INC., IS REQUESTING AN AMENDMENT TO THEIR APPROVED SITE PLAN TO MAKE MODIFICATIONS TO THE ELEVATION OF THE PROPOSED HOTEL.

LOCATION: PARCEL NUMBER V125-83-064-99-0002-701. THIS SITE IS LOCATED NORTHEAST OF THE INTERSECTION OF QUIRK ROAD AND N. I-94 SERVICE DRIVE.

Applicant Remy Hanna gave the presentation. Mr. Hanna applied to amend the approved site plan to modify the elevations of the building due to a change in the design requirements by Marriott Hotels.

Director Akers presented his staff review letter dated February 28, 2017 recommending the Planning Commission approve the request to amend the approved site plan for the Townplace Suites development to incorporate the proposed building elevations on the elevation drawings dated February 15, 2017.

No comments from the Commission or the audience.

Motion Kelley, Atchinson second to grant Belleville Development, Inc., approval to make site plan modifications to the elevation of the proposed hotel based upon the Township staff report dated February 28, 2017 and finding that the proposed elevations dated February 15, 2017 are compliant with the Township Zoning Ordinance. Motion Carried. (Letter and drawings attached)

ITEM # 2 CASE # 17-008 – PLANET FITNESS FAÇADE IMPROVEMENT – SITE PLAN AMENDMENT

TITLE: THE APPLICANT, PF BELLEVILLE, LLC IS REQUESTING AN AMENDMENT TO THE APPROVED SITE PLAN TO MAKE MODIFICATIONS TO THE ELEVATION OF THE PLANET FITNESS BUILDING.

LOCATION: 10900 BELLEVILLE ROAD. THIS SITE IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 NORTH SERVICE DRIVE.

Bryan Rief of Planet Fitness gave the presentation. PF Belleville LLC is proposing to modify the exterior elevation of the building to improve the building appearance and include the formal Planet Fitness sign.

Director Akers presented his staff review letter dated March 2, 2017 recommending the Planning Commission grant approval for the request to amend the previously approved site plan in order to allow the applicant to modify the existing building elevations as depicted on the proposed concept drawing dated February 13, 2017 and approval conditioned upon the applicant complying with the current Zoning Ordinance in regard to the wall signage.

Commissioners discussed paint maintenance for the building. No comments from the audience.

Motion Kelley, Budd second to grant PF Belleville, LLC’s request to amend the approved site plan to make modifications to the elevation as detailed in the proposed concept drawings dated February 13, 2017 based upon the staff review letter dated February 13, 2017 and conditioned on the applicant complying with the current Zoning Ordinance standards with regard to wall signage. Motion Carried. (Letter and drawings attached).

ITEM # 3 CASE # 17-010 TNT FIREWORKS – 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 WALMART PARKING LOT, WHICH IS ON THE WEST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 NORTH SERVICE DRIVE.

Director Akers gave the presentation for the applicant. TNT Fireworks is requesting a temporary land use permit for a tent sale of fireworks located at the Belleville Road Walmart (10562 Belleville Road), from June 23, 2017 through July 5, 2017 with hours of operation from 9:00 a.m. – 10:00 p.m. A temporary land use permit is required to operate beyond the seven (7) consecutive days allowed in the township Zoning Ordinance. Director Akers presented his review letter dated March 2, 2017 recommending approval subject to the three (3) conditions referenced in the letter.

Director Akers presented the Fire Marshal's review letter dated March 2, 2017. The only concern is the location of the tent, Director Akers will advise the applicant to work with the Fire Department and to provide them with a diagram of the layout.

No questions or comments from the Commission or the audience.

Motion Kelley, Atchinson second to grant TNT Fireworks a temporary land use permit to conduct a temporary outdoor fireworks tent sale at 10562 Belleville Road subject to the conditions in Director Akers staff review letter dated March 2, 2017 with the applicant obtaining Fire Marshal approval, providing the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license, all proposed signage comply with the Zoning Ordinance and provide a diagram of the layout, also subject to the Fire Marshal review letter dated March 2, 2017. Motion Carried. (Letters Attached)

ITEM # 4 CASE # 17-011 USA FIREWORKS – TEMPORARY LAND USE

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

LOCATION: 6020 DENTON ROAD. THIS SITE IS LOCATED IN THE FAITH UNITED METHODIST CHURCH PARKING LOT, WHICH IS ON THE WEST SIDE OF DENTON ROAD, WOULD OF MICHIGAN AVENUE.

Director Akers gave the presentation for the applicant. USA Fireworks is requesting a temporary land use permit for a tent sale of fireworks at the Faith United Methodist Church (6020 Denton Road), from June 18, 2017 through July 7, 2017 with hours of operation Monday through Saturday from 9:00 a.m. – 10:00 p.m. and Sunday from 12:00 p.m. – 10:00 p.m. A temporary land use permit is required to operate beyond the seven (7) consecutive days allowed in the township Zoning Ordinance. Director Akers presented his review letter dated March 2, 2017 recommending approval subject to the three (3) conditions referenced in the letter.

Director Akers presented the Fire Marshal's review letter dated March 8, 2017.

No comments from the Commission or the audience.

Motion Kelley, Budd second to grant USA Fireworks a temporary land use permit to conduct a temporary outdoor fireworks tent sale at 6020 Denton Road subject to the conditions in the Fire Marshal review letter dated March 8, 2017 and staff review letter dated March 7, 2017, the hours of operation to comply with last year's hours, proposed signage to comply with the township Zoning Ordinance and the applicant to provide an updated Consumer Fireworks Retail Facility: Non-Permanent license. Motion Carried. (Letters Attached)

GENERAL DISCUSSION:

Director Akers informed Commission members and the audience that the public hearings scheduled for March 8, 2017 meeting (Zoning Ordinance Update and Alden Drive rezone) are rescheduled for the

April 12, 2017 Planning Commission meeting. Director Akers also announced that the Lake Ordinance was adopted at the February 2, 2017 Township Board meeting.

Motion Budd, Kelley second to adjourn at 8:07 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

DATE: February 28, 2017

TO: Planning Commission

FROM: Ron Akers, AICP – Director of Planning & Economic Development

RE: Townplace Suites Site Plan Amendment to Modify the Exterior Elevation of the Building.

Summary:

The Townplace Suites development located at the north east corner of the I-94 North Service Drive and Quirk Road has applied to amend their approved site plan in order to modify the elevations of the building. The adjustment, according to the owner, is due to a change in the design requirements from Marriott hotels. I have reviewed the proposed elevation and compared it to the elevation which was originally approved and the Township's Zoning Ordinance. Based on this review please consider the following:

Zoning Requirements:

The Township's Zoning Ordinance states,

“For all uses permitted a C District, a site plan shall be submitted to the Planning Commission and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 4.31. In addition to the criteria set forth in Section 4.31 (c) the Planning Commission shall reject any site plan which does not meet the following criteria:

- a. Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces.*
- b. Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way.”*

Based on this for the C-2, Highway Business zoning district any new building requires the principal material for exterior building surfaces to be brick or a similar material of similar architectural quality. This is the main architectural requirement of this district.

Previously Approved Elevation

Staff has reviewed the elevation under the previously approved site plan (included in packet) to determine what the siding material ratios were for the building. The summary is as follows:

	South Elevation:	North Elevation:	East Elevation:	West Elevation:
Brick	39.2%	39.1%	27%	27%
EIFS	21.6%	21.6%	47.1%	47.1%
Fiber Cement	18.6%	18.6%	6.8%	6.8%
Festration	20.6%	20.7%	19.1%	19.1%

The South Elevation is the main elevation which is adjacent to the I-94 North Service Drive. This elevation currently meets our Zoning Ordinance standards as the primary material for this is depicted as brick. There are other portions of the main façade are EIFS and cement panel which have similar ratios.

Proposed Elevation

The proposed elevation has the specific ratios called out on the provided elevation drawings. These material ratios are as follows:

	South Elevation:	North Elevation:	East Elevation:	West Elevation:
Brick	42%	41%	46%	46%
EIFS	31%	30%	15%	15%
Fiber Cement	9%	10%	22%	22%
Festration	18%	19%	17%	17%

In comparison, the proposed elevations incorporate a slightly greater amount of brick on the south portion of the building than the previously approved elevation (39% prior, 42% proposed). Additionally, the proposed elevation incorporates a substantially larger amount of brick on the east and west elevations of the proposed elevation (27% prior, 46% proposed). The proposed south and north elevations have more EIFS than the prior elevation, but this was not done as the expense of face brick. The cement panel was reduced in the proposed elevations as well.

Due to the proposed elevation having the primary building material be brick this elevation meets the Township's zoning requirements. The greater amount of face brick and the color pattern is consistent with adjacent properties and preferable according to the Planning Commission's prior practice. The greater amount of EIFS is not concerning because EIFS is a primary building material in the façade of the adjacent hotels.

Recommendation:

Staff recommends that the Planning Commissions approve the request to amend the approved site plan for the Townplace Suites development which was originally approved on October 26, 2016 in order to incorporate the proposed building elevations on the elevation drawings dated February 15, 2017. Approval shall be based upon Township staff report dated February 28, 2017 and the finding that the proposed elevations are compliant with the Township Zoning Ordinance.



Memo

DATE: March 2, 2017

TO: Planning Commission

FROM: Ron Akers, AICP – Director of Planning & Economic Development

RE: Planet Fitness Amendment to Modify the Exterior Elevation of the Building.

Summary:

Planet Fitness opened in the beginning of 2017 in a building which was previously occupied by Farmer Jack. The building is located at 10900 Belleville Road and is attached to the Belleville Square shopping center. The Planning Commission currently requires masonry façade materials on the Belleville Road corridor, but these properties were developed prior to the standard and thus the exterior of the Planet Fitness building and the Belleville Square shopping center is primarily comprised of EIFS. The Belleville Square building has been painted over the years and is currently a different color than the former Farmer Jack building which Planet Fitness currently occupies. The applicant is proposing to paint the EIFS of the former Farmer Jack building to match the adjacent Belleville Square shopping center and infill some of the existing windows to incorporate some the pink color of Planet Fitness's logo. Township staff has reviewed this based on the criteria in the Zoning Ordinance and has evaluated the design to evaluate its consistency with the adjacent properties. Please consider the following:

Zoning Requirements:

The Township's Zoning Ordinance requires that the applicant provide, "*Front, rear and side elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, i.e., air conditions, heating units, etc.*" as part of the required information for site plan approval.

In addition to this the Zoning Ordinance grants specific authority for the Planning Commission to review and approve elevations in the C zoning districts by stating, "*For all uses permitted a C District, a site plan shall be submitted to the Planning Commission and no building permit shall be issued until after the Planning Commission has reviewed and approved the site plan in accordance with Section 4.31. In addition to the criteria set forth in Section 4.31 (c) the Planning Commission shall reject any site plan which does not meet the following criteria:*

- a. *Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces.*
- b. *Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way."*

Based on these above sections of the Zoning Ordinance, the Planning Commission has the authority to review and approve the elevations of commercial buildings.

For new buildings, the Zoning Ordinance requires brick or a similar material to be a primary material used for the exterior of the building. The Township encourages existing buildings to meet the current standards in the Zoning Ordinance, but it is not required in every circumstance. The existing façade is considered as legal non-conforming and thus the applicant is allowed to keep and maintain it. While the modifications are fairly minor in nature, the Planning Commission will still need to review and approve them as they are tied to the existing site plan reviewed for the property.

Proposed Elevation

The proposed elevation maintains the existing EIFS material on the building, but paints the majority of it to match the existing Belleville Square shopping center. The paint color used for the trim of Belleville Square will be used on a portion of the EIFS above the “future tenant space” and a portion of the EIFS above the Planet Fitness store will be painted black to match the company logo. A portion of the glass in front of Planet Fitness will be infilled and painted purple. A portion of the EIFS near the entrance of the building will be painted pink to match the company logo as well.

The majority of the façade will be painted to match the earth toned color of the Belleville Square shopping center which will be more attractive and more consistent with the adjacent development than the lighter color the building currently is now. Additionally, the black and pink areas accent the company logo and differentiate it from the remainder of the building. Other buildings on Belleville Road incorporate brighter colors as an accent color in the building facade including the proposed Menards. Based on this review staff has no concerns with the colors of the building.

In addition to the façade staff has reviewed the proposed signs and is concerned that the signs indicated on the façade exceed the maximum allowable wall signage allowed for the zoning district. Any approval granted by the Planning Commission should include the condition that the applicant comply with the requirements of the Township’s Zoning Ordinance standards regarding signs.

Recommendation:

Staff recommends that the Planning Commissions approve the request to amend the approved site plan for the property at 10900 Belleville Road in order to allow the applicant to modify the existing building elevations as depicted on the proposed concept drawings dated February 13, 2017. Approval shall be conditioned on the applicant complying with the current Zoning Ordinance standards with regards to wall signage.



Memo

TO: Planning Commission

FROM: Matthew R. Best
Deputy Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #TLU 17-010 – TNT Fireworks
Agenda Item for March 8th, 2017

DATE: March 2nd, 2017

TNT Fireworks is requesting a Temporary Land Use permit for a tent sale of fireworks at the Belleville Road Walmart, Store #2872, at 10562 Belleville Road. The use is proposed to be from June 23, 2017 through July 5, 2017. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

I have reviewed the application and the requirements of Section 4.44 for temporary use approval, and have the following comments:

- 1. Adequacy of parking and access** (Section 4.44.c.1) – The site currently 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. This site is located in the heart of Van Buren’s downtown district, and sufficient access is available.
- 2. Adequate drainage** (Section 4.44.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 4.44.c.3) – The surrounding parcels are all commercial in nature, and this temporary use is not expected to impact the surrounding commercial uses.

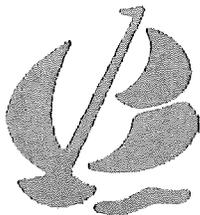
4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 4.44.c.4) – The tent is temporary in nature, and the parking lot Walmart store, and the surrounding commercial businesses will not be impacted by the bulk of the tent.
5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 4.44.c.5) – The tent is located behind a landscaping island within the Walmart Parking Lot. 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 4.44.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 4.44.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 4.44.c.8) – Walmart has authorized all customers and TNT employees to use its restroom facilities.
9. **Hours of operation** (Section 4.44.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 4.44.c.10) – No exterior lights are provided. Interior lights will be hung inside the tent. Although no temporary commercial sign permit requests have been received, the Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Any temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.
11. **Other licenses and permits required** (Section 4.44.c.11) – Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license. A current license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshal shall be separately issuing his review letter.
12. **Potential noise, odor, dust, and glare** (Section 4.44.c.12) – The proposed temporary use should not increase the noise, odor, dust of glare from their use.
13. **Fire lanes, fire protection, and security** (Section 4.44.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 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 4.44.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 4.44.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 4.44.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 will be the fourth (4th) year that TNT Fireworks has operated at this location, and I am not aware of any complaints or issues that took place last year. Per my review of the application, I recommend approval of this application subject to the following three (3) conditions:

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



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

RECEIVED

MAR 01 2017

BY: _____

17-010

DATE: 3/9/2016

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

CONTACT PERSON: JIL WILSON / CHARLES FRIESE PHONE # 248.309.2101

SUPERVISOR FOR SITE: JIL WILSON PHONE # 248.309.2101

EVENT TITLE: FIREWORKS TENT SALE

TYPE OF EVENT: TEMP/TENT SALE DATE(S): 6/23 TO 7/5/2017

LOCATION OF EVENT: WALMART PARKING LOT

ADDRESS OF LOCATION: 10562 BELLEVILLE RD, 48111

PROPERTY OWNER REPRESENTATIVE: STORE MANAGER-EUGENE 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)

2/28/2017
 (DATE SIGNED)

 (APPROVED BY)

 (DATE SIGNED)

Jil Wilson
TNT Fireworks
Michigan Area Manager
jil.wilson@tntfireworks.com



PO Box 36
Birmingham, MI 48009
Cell 248.309.2101
Fax 866.496.0838

February 28, 2017

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, 2017.
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. Fire extinguishers and 'no smoking' signs will be present.
6. Overnight security will be provided by the group that is operating the tent (2 people present at all times).
7. Our company will make sure the environment will be kept clean and safe.
8. Our company will also provide all necessary insurance.

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 available upon request.

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

Thank you,

A handwritten signature in black ink that reads 'Chuck Friese'. The signature is written in a cursive style with a long, sweeping underline.

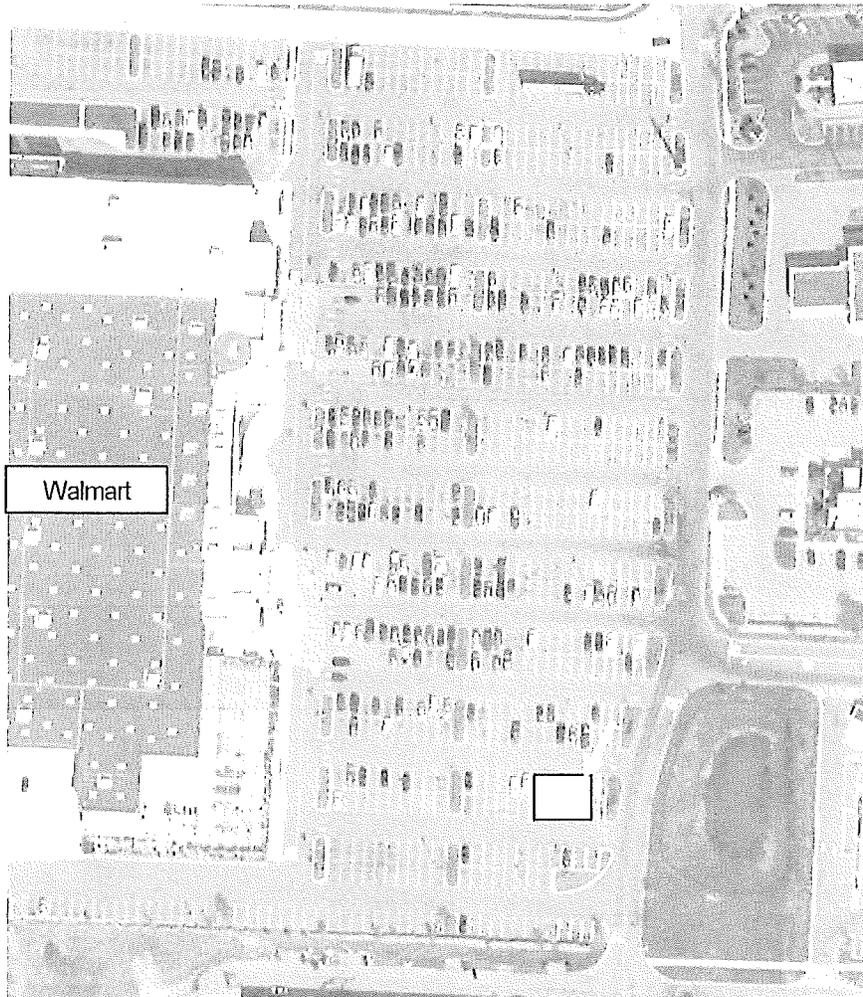
Chuck Friese and Jil Wilson
TNT Fireworks
Michigan~Area Managers



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

End Row 2

North



Picture from MSN Maps

The little box on the south end of the parking lot is where the tent would be. (30x40)

** Cars would park no less than 10 feet away

** Any generator used would be placed 20 feet away

Walmart

Independent Sales Organization (ISO) Access Letter

TNT Fireworks to scope parking lot space and sell fireworks

To American Promotional Events, Inc. D.B.A. TNT Fireworks

Walmart Services

Date 01/02/17

RE: TNT Fireworks to scope parking lot space and sell fireworks

Dear Valued ISO,

Thank you for your continued support and collaboration. Upon arrival at the store where the event/promotion will occur, this access Letter ("Letter") should be provided to store management. This letter shall serve as proof that you are authorized to enter the store and complete the parking lot scoping and execution of a temporary firework stand as a promotion/event for the time period specified below. You are also authorized and required to obtain the proper permitting as required by the local city, county, and/or state. Only your employees (collectively "Representatives") may perform the promotion on your behalf. Your Representatives must produce credentials to store management showing that the Representative has been authorized by you to perform the promotion on your behalf.

Scoping Timeline: Scope work may happen anytime from January 01, 2017 – July 31, 2018

Sales Timeline: Parking lot sales may happen anytime from June 15, 2017 – July 31, 2018

Store Associate (Management) Responsibilities:

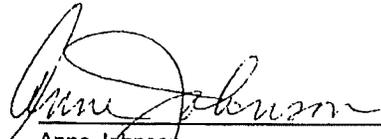
- 1) Allow and agree upon space with TNT Fireworks to sell fireworks on the parking lot during the Independence Day season
- 2) Customers and employees of TNT Fireworks may have access to restrooms in Walmart facilities
- 3) For other questions call Walmart Field Support at 1-700-Walmart
- 4) Keep a copy of this LOA for your records

This particular program does NOT violate the Walmart Corporate Solicitation Policy.

Best regards,



Jesse Danielson
Manager II, WM Services



Anne Johnson
Director, Walmart Services



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)	11/1/2017	2/13/2017
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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): _____ E-MAIL ADDRESS: _____													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Everest Indemnity Insurance Company</td> <td>10851</td> </tr> <tr> <td>INSURER B: Maxum Indemnity Company</td> <td>26743</td> </tr> <tr> <td>INSURER C: AXIS Surplus Insurance Company</td> <td>26620</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Everest Indemnity Insurance Company	10851	INSURER B: Maxum Indemnity Company	26743	INSURER C: AXIS Surplus Insurance Company	26620	INSURER D:		INSURER E:		INSURER F:
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INSURED 1378172 American Promotional Events, Inc. - East DBA TNT Fireworks, Inc. P.O. Box 1318 4511 Helton Drive Florence AL 35630														

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	SI8GL00242-161	11/1/2016	11/1/2017	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 <input type="checkbox"/> 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"/> RETENTION \$ _____	Y	N	EXC6023470-04	11/1/2016	11/1/2017	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	NOT APPLICABLE			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX
C	Excess Liability	Y	N	EAU 797996/01/2016	11/1/2016	11/1/2017	\$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)
 THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
 Additional Insured: FMI2872 Property located at Wal-Mart #2872 at 10562 Belleville Road, Belleville, MI 48111. 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

13397800
 Wal-Mart Stores, Inc.
 2001 SE 10th Street
 Bentonville AR 72716

CANCELLATION

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



Memo

TO: Planning Commission

FROM: Matthew R. Best
Deputy Director of Planning and Economic Development

RE: Review of Temporary Land Use Request #TLU 17-011 – USA Fireworks
Agenda Item for March 22, 2017

DATE: March 7, 2017

USA Fireworks, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at Faith United Methodist Church at 6020 Denton Road. The use is proposed to be from June 18, 2017 through July 7, 2017. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval.

Under Section 7 of Michigan Public Act 256 of 2011, local units of government are limited in their ability to regulate the sale of fireworks within their communities. The Michigan Attorney General has issued an Opinion on this section of the Act (Opinion #7266), which states, “so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may undertake their operations, the ordinance is not preempted by the Act.” Therefore, fireworks vendors are subject to the same Zoning Ordinance regulations as any other temporary land use.

I have reviewed the application and the requirements of Section 4.44 for temporary use approval, and have the following comments:

- 1. Adequacy of parking and access** (Section 4.44.c.1) – The site currently has 59 public parking spaces, 3 of which are handicapped reserved. Although the tent is expected to have a limited impact on the number of available parking spaces, there is a concern regarding the adequacy of parking on Sundays during church service, which ends at 11:30 a.m. Therefore, we recommend limited hours of operation on Sundays (addressed later in this report). We are not aware of any complaints in 2016 or any parking disputes between the landlord and tenant; therefore, the number of parking spaces should be sufficient for both uses. The site can be accessed from the west by Gilmore Street and from the east by Denton Road. Most traffic is expected to arrive and leave via Michigan Avenue to the north, so there should be limited traffic impact on nearby residential streets.

2. **Adequate drainage** (Section 4.44.c.2) – The tent is to be constructed on existing grass setback. The northerly half of the tent will drain directly onto the grass thus allowing for storm water absorption. The southerly half of the tent will drain onto the parking lot, and the additional 300 square feet of added impervious surface should not overwhelm the existing parking lot storm water management system.
3. **Compatibility with surrounding land uses** (Section 4.44.c.3) – The surrounding parcels to the east, south, and west are residential; however, the use fronts on Michigan Ave. and Denton Rd., so the temporary use should not impact the surrounding neighbors.
4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 4.44.c.4) – The tent is temporary in nature, and the church is significantly larger than the tent structure.
5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 4.44.c.5) – The tent is set back from the Michigan Avenue Service Drive by 31 feet, and 20 feet from Gilmore Street. The tent mirrors the setback of the house on the west side of Gilmore Street, and the tent matches the parking lot setback to the south.
6. **Adequate utilities** (Section 4.44.c.6) – USA 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 4.44.c.7) – USA Fireworks will be responsible for all trash disposal and site clean-up in relation to their lease agreement with Faith United Methodist Church.
8. **Sanitary facilities** (Section 4.44.c.8) – A porta-potty will be located in the area during the entire period of the sales.
9. **Hours of operation** (Section 4.44.c.9) – In previous years, USA Fireworks' hours of operation were from 9:00 a.m. to 10:00 p.m., except that hours of operation were limited on Sunday from Noon to 10:00 p.m. to eliminate conflicts with Sunday morning worship services. The applicant must state the proposed hours of operation on the application. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses. However, we are not aware of any complaints with USA Fireworks closing at 10:00 p.m. last year, 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 4.44.c.10) – No exterior lights are provided. Interior lights will be hung inside the tent. The Zoning Ordinance permits one (1) 32 sq. ft. temporary sign

for a period not to exceed 30 days. USA Fireworks proposes banner signs attached to the tent, and two (2) 4' x 8' (32 sq. ft.) ground signs. USA Fireworks' temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.

- 11. Other licenses and permits required** (Section 4.44.c.11) – In 2016, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license, which expires on April 30, 2017. A current license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshall shall be separately issuing his review letter.
- 12. Potential noise, odor, dust, and glare** (Section 4.44.c.12) – The proposed temporary use should not increase the noise, odor, dust of glare from their use.
- 13. Fire lanes, fire protection, and security** (Section 4.44.c.13) – The Van Buren Fire Marshall 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 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 4.44.c.14) – The roads in the immediate vicinity are major township roads (Michigan Avenue and Denton Road). In 2013, residents raised concerns during the Public Hearing about the possibility for the traffic to travel into the residential areas around the church. No residents spoke up during the April 23, 2014 public hearing on this issue. In 2013, 2014, 2015 and 2016, the Planning Commission required the following additional directional signage to direct traffic to enter the site off of Denton Road:
 - One (1) two-sided sign at the southwest corner of Denton Road and Michigan Avenue reading “Fireworks Sales Entrance – Turn Here” measuring four (4) feet by eight (8) feet with arrows.
 - One (1) sign at the entrance to the church parking lot off of Denton road reading “Fireworks Sales Entrance Here” measuring two (2) feet by four (4) feet.
 - One (1) “Right Turn Only” sign at the north exit from the church parking onto Gilmore Street.I recommend that the Planning Commission require the same directional signage in 2017.
- 15. Necessity of performance bond to ensure prompt removal** (Section 4.44.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 4.44.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 will be the fifth (5th) year that USA Fireworks has operated at this location, and I am not aware of any complaints or issues that have taken place in the previous years. Per my review of the application, I recommend approval of this application subject to the following two (2) conditions:

1. That the applicant state the proposed hours of operation for review. If they are the same hours of operation as last year (9:00 a.m. to 10:00 p.m. except that hours of operation are limited on Sunday from Noon to 10:00 a.m.), they will be reasonable.
2. That all proposed signage comply with the Zoning Ordinance, except where additional directional signage is recommended in item #14, above.



WEST ELEVATION



EAST ELEVATION

EXTERIOR FINISH KEY

-  FIBER CEMENT SIDING- NICHRIA, ILLUMINATION SERIES, HORIZONTAL, 18" W x 60" L PANELS- PRE-FINISHED "TOBACCO" EPC247N
-  FIBER CEMENT SIDING (ALT.)- HARDIE PLANK, LAP SIDING, HORIZONTAL, PRE-FINISHED "CHESTNUT BROWN"
-  E.I.F.S.- FINE FINISH, INTEGRAL COLOR TO MATCH BENJAMIN MOORE "OAK RIDGE" 235
-  BRICK- BELDEN, UTILITY, "8533"
-  ALUMINUM COPING, FASCIAS, GUTTERS AND DOWNSPOUTS @ PITCHED ROOF- MATCH PAC-CLAD COLOR "SIERRA TAN"
-  ALUMINUM COPING, FASCIAS @ LOW SLOPE/ FLAT ROOFS, MATCH PAC-CLAD COLOR "MEDIUM BRONZE"
-  ALUMINUM STOREFRONT, WINDOWS AND LOUVERS- CLEAR ANODIZED
-  FIBERGLASS REINFORCED SHINGLES- CERTAINTED LANDMARK "WEATHERED WOOD"
-  TRELLIS WOOD- STAINED TO MATCH SIDING
-  EXTERIOR HOLLOW METAL DOORS AND FRAMES- MATCH ADJACENT MATERIAL COLOR
-  EXTERIOR JOINT SEALANTS- MATCH MATERIAL BEING SEALED U.N.O. BRICK- MATCH MORTAR JOINTS, WINDOWS/ STOREFRONT- MATCH FRAME



NORTH ELEVATION



SOUTH ELEVATION

ELEVATIONS
TOWNEPLACE
SUITESSM
MARRIOTT

BELLEVILLE, MI
FEBRUARY 15th, 2017



10775 S. SAGINAW ST. SUITE B
GRAND BLANC, MI 48439
PH: 810.695.0793
FAX: 810.695.0569



**planet
fitness**

Belleville MI, Storefront Concept - 02.13.17



2 Existing Storefront

Belleville MI - Storefront Concepts Rev. 2.13.17



3

Proposed Storefront

Belleville MI - Storefront Concepts Rev. 2.13.17



4

Proposed Storefront

Belleville MI - Storefront Concepts Rev. 2.13.17



- Paint EIFS trim to MATCH EXISTING
- Paint EIFS to MATCH EXISTING
- Infill existing glass, paint SW PURPLE
- Paint EIFS Black
- Face lit channel letter sign - 6' Icon Height (Install plumb to facade)
- Paint EIFS SW PURPLE
- Flex Face, internally illuminated PF Icon - 16' Icon Height



David C. McInally II
Fire Marshal
O: 734-699-8900 ext 9416

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111



March 2, 2017

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

Re: American Promotional Events Inc. /TNT Fireworks
Wal-Mart Parking Lot, Belleville Rd
17-010

To whom it may concern:

I have reviewed a set of site plans dated March 1th, 2017 and received March 2, 2017 for the above referenced project.

Project Overview:

The site plan is for a temporary fireworks retail facility. It is noted in the permit application a copy of a letter of authorization signed by TNT and Wal-Mart representatives is included. Also included is a statement from the TNT representative Chuck Friese, stating that a rough sketch of the location of the tent, as well as proof of insurance are available upon request.

An affidavit of intent to comply with **NFPA 1123, 1124 and 1125** as required by the State of Michigan and the Township of Van Buren.

This site will be inspected by Fire Marshall McInally as we are the delegated agency for the State of Michigan. This will be conducted once the proper notices have been received from the State of Michigan indicating that Phantom Fireworks is in possession of a tentative permit to sell Fireworks.

Only concern is the map indicating where the tent will be does not include the 10 ft. radius that come out into the isles on the North and South side of the tent.

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shawn Bell', written over a horizontal line.

Shawn Bell
Fire Inspector
Van Buren Fire Department