

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
April 22, 2015
MINUTES**

Chairperson Thompson called the meeting to order at 7:31 p.m.

ROLL CALL:

Present: Franzoi, Johnson, Boynton, Kelley, McKenna, Budd and Thompson.

Excused: None.

Staff: Director Knowles and Secretary Harman.

Planning Representatives: McKenna Associate, Sally Hodges and Wade Trim Associate, David Nummer.

Audience: Fifteen (15).

APPROVAL OF AGENDA:

Motion McKenna, Johnson second to approve the agenda of April 22, 2015 as amended to include item #2 Marijuana Moratorium under General Discussion.

Motion Carried.

APPROVAL OF MINUTES:

Motion Kelley, Franzoi second to approve the minutes from April 8, 2015 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 CASE# TLU 15-007

TITLE: THE APPLICANT, TNT FIREWORKS, IS REQUESTING TEMPORARY LAND USE APPROVAL BEYOND THE ADMINISTRATIVELY ALLOWABLE SEVEN (7) CONSECUTIVE DAYS AND MAY REQUIRE A PUBLIC HEARING AS DETAILED IN SECTION 4.44 OF TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION: BELLEVILLE WALMART #2872, 10562 BELLEVILLE ROAD. THIS SITE IS ON THE WEST SIDE OF BELLEVILLE ROAD NORTH OF THE NORTH I-94 SERVICE DRIVE AND SOUTH OF TYLER ROAD.

Motion Johnson, Kelley second to open the public hearing. Motion Carried.

Applicant Chuck Friese of TNT fireworks gave the presentation. The applicant is requesting to run sales for eleven days, roughly from June 25 – July 5. State license and insurance are with the application. This is the second year to operate in the Walmart parking lot location.

No comments from Commission members or the audience.

Motion McKenna, Budd second to close the public hearing. Motion Carried.

ITEM # 2 CASE# 14-031 (SLU & SPR)

TITLE: THE APPLICANT, ASHLEY CAPITAL, LLC, IS REQUESTING SPECIAL LAND USE APPROVAL FOR A DISTRIBUTION CENTER. A DISTRIBUTION CENTER IS A SPECIAL LAND USE IN THE M-T (INDUSTRIAL TRANSPORTATION) DISTRICT, AND THE PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH SECTION 15.03A (PERMITTED USES AFTER SPECIAL APPROVAL) OF THE ZONING ORDINANCE.

LOCATION: PARCEL NUMBER V125-83-008-99-0002-703, ALSO KNOWN AS 42000 ECORSE ROAD. THIS SITE IS LOCATED ON THE NORTH SIDE OF ECORSE ROAD, BETWEEN HAGGERTY ROAD TO THE EAST AND MORTON TAYLOR ROAD TO THE WEST.

Motion Franzoi, Kelley second to open the public hearing. Motion Carried.

Ken Bowen with Ashley Capital gave the presentation. The applicant is requesting special land use for a distribution center and has been working with the planning department on the site plan. The proposed building will be just less than 600,000 square feet and will meet all setback requirements under special use approval.

Residents expressed concerns with truck docks, setbacks, tree removal, noise and location.

No comments from the commission, neighboring residents to the site will be informed when this item is to appear on the agenda again.

Motion Boynton, Johnson second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE# RZ15-002

TITLE: THE APPLICANT, DAVID WOODARD, IS REQUESTING TO REZONE APPROXIMATELY 0.55 ACRES CURRENTLY ZONED C (LOCAL BUSINESS) TO R-1A (SINGLE FAMILY RESIDENTIAL). A PUBLIC HEARING WAS HELD ON APRIL 8, 2015.

LOCATION: PARCEL NUMBER V125-83-118-99-0020-000, ALSO KNOWN AS 51257 W. HURON RIVER DRIVE. THE SITE IS LOCATED ON THE SOUTH SIDE OF W. HURON RIVER DRIVE BETWEEN RAWSONVILLE ROAD TO THE WEST AND FARM ROAD TO THE EAST.

David Woodard gave the presentation. Mr. Woodard is trying to rezone the property back to its original R-1A zoning from C (local business).

Sally Hodges of McKenna Associates presented rezoning review letter dated 4-16-15 recommending the Planning Commission recommend that the Township Board of Trustees approve the request to rezone the site from C (Local Business District) to R-1A (Low Density Single Family A District) subject to the reasons referenced in the review letter.

No comments from Commission members or the audience.

Motion Kelley, Budd second to recommend to the Township Board the request to rezone parcel number V125-83-118-99-0020-000, also known as 51257 W. Huron River Drive from C (Local Business) to R-1A (Single Family Residential).

Roll Call:

Yeas: Kelley, McKenna, Budd, Boynton, Johnson, Franzoi and Thompson.

Nays: None.

Absent: None.

Motion Carried.

ITEM # 2 CASE# TLU 15-001

TITLE: THE APPLICANT, USA FIREWORKS, IS REQUESTING TEMPORARY LAND USE APPROVAL BEYOND THE ADMINISTRATIVELY ALLOWABLE SEVEN (7) CONSECUTIVE DAYS AND REQUIRES PLANNING COMMISSION APPROVAL AS DETAILED IN SECTION 4.44 OF TOWNSHIOP ZONING ORDINANCE 06-02-92, AS AMENDED. A PUBLIC HEARING WAS HELD ON MARCH 11, 2015.

LOCATION: THIS SITE IS ON THE WEST SIDE OF BELLEVILLE ROAD NORTH OF THE NORTH I-94 SERVICE DRIVE AND SOUTH OF TYLER ROAD, AT BELLEVILLE SQUARE SHOPPING CENTER, 10864 BELLEVILLE ROAD.

Jason Jackson of USA Fireworks gave the presentation. The applicant received a list of requirements from Director Knowles and the Fire Marshall has reviewed the site and has no concerns.

Director Knowles noted the location is at the Belleville Square Shopping Center, the applicant has received the license certificate and has provided updated insurance.

Commissioners McKenna and Boynton expressed concern with the number of fire extinguishers on the site. There shall be four (4) total with one (1) at each the three entrance/exits and (1) in the center of the tent.

No comments from the audience.

Motion Kelley, Boynton second to grant temporary land use approval beyond seven (7) consecutive days at Belleville Square Shopping Center, 10864 Belleville Road, including the recommendations in Director Knowles letter dated 2-27-15, Fire Department review letter dated 3-6-15 along with the addition of two (2) fire extinguishers to make four (4) total. Motion Carried. (Letters Attached)

ITEM # 3 CASE# TLU 15-004

TITLE: THE APPLICANT, USA FIREWORKS, IS REQUESTING TEMPORARY LAND USE APPROVAL BEYOND THE ADMINISTRATIVELY ALLOWABLE SEVEN (7) CONSECUTIVE DAYS AND MAY REQUIRE A PUBLIC HEARING AS DETAILED IN SECTION 4.44 OF TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION: FAITH UNITED METHODIST CHURCH, 6020 DENTON ROAD. THIS SITE IS ON THE WEST SIDE OF DENTON ROAD, SOUTH OF MICHIGAN AVENUE, AND EAST OF GILMORE STREET.

Jason Jackson of USA Fireworks gave the presentation. This is the fourth year of operation for the location. The applicant has fourteen (14) customary signs for the site.

Director Knowles noted the size difference of the location. The hours of operation are altered on Sundays from 12:00 p.m. – 10:00 p.m. to accommodate church services. The additional signage by the applicant must meet the zoning ordinance requirements. USA Fireworks has received the state license and insurance for the site.

Commissioner McKenna asked to have the number of fire extinguishers increased to four (4) at this site as well.

No comments from the audience.

Motion Johnson, McKenna second to grant temporary land use approval beyond seven (7) consecutive days at the Faith United Methodist Church, 6020 Denton Road, under the terms referenced in Director Knowles letter dated 3-6-15, Fire Department review letter dated 3-6-15 along with the addition of fire extinguishers to have four (4) total. Motion Carried. (Letters Attached)

ITEM # 4 CASE# 14-030 (SLU & SPR)

TITLE: THE APPLICANT, SADEK PROPERTIES, LLC, IS REQUESTING FINAL SITE PLAN APPROVAL FOR A DRIVE-THROUGH RESTAURANT. A DRIVE-THROUGH RESTAURANT IS A SPECIAL LAND USE IN THE C-2 DISTRICT, AND THE TOWNSHIP BOARD GRANTED SPECIAL LAND USE APPROVAL AT ITS APRIL 21, 2015 MEETING.

LOCATION: PARCEL NUMBER V125-83-064-99-0003-711, ALSO KNOWN AS 10950 BELLEVILLE ROAD. THE SITE IS APPROXIMATELY 0.80 ACRES AND IS LOCATED IN THE C-2, EXTENSIVE HIGHWAY BUSINESS ZONING DISTRICT. THIS SITE IS LOCATED AT THE NORTHWEST CORNER OF BELLEVILLE ROAD AND NORTH I-94 SERVICE DRIVE.

Robert Miller of Inform Studio gave the presentation. Special land use approval was granted at the Township Board meeting on April 21, 2015.

Sally Hodges of McKenna Associates presented the final site plan review letter dated 4-15-15 recommending the Planning Commission grant final site plan approval subject to the conditions referenced in the letter.

David Nummer of Wade Trim presented the final site plan review letter dated 4-15-15 recommending the Planning Commission grant final site plan approval.

The Fire Department will review after final inspection for certificate of occupancy.

Chris Sadek of Sadek Properties, LLC, provided a letter from the neighboring property owner (Arby's) regarding agreement on the maintenance of the Black Hill Spruce trees.

Motion Johnson, Franzoi second to grant final site plan approval for a Dunkin Donuts drive-through located at parcel number V125-83-064-99-0003-711, 10950 Belleville Road under the conditions referenced in the McKenna Associates review letter dated 4-15-15, Wade Trim review letter dated 4-15-15 and the Fire Department review letter dated 4-4-15. Motion Carried. (Letters Attached)

GENERAL DISCUSSION:

ITEM #1 PROPOSED BELLEVILLE LAKE ORDINANCE. PRESENTATION BY MCKENNA ASSOCIATES. GENERAL DISCUSSION AND QUESTIONS REGARDING CONSIDERING AMENDMENTS TO THE ZONING ORDINANCE TO ADD BELLEVILLE LAKE SHORELINE DISTRICTS AND ASSOCIATED REGULATIONS FOR ALL ZONING DISTRICTS ALONG THE SHORELINE OF BELLEVILLE LAKE.

Sally Hodges of McKenna Associates gave the presentation. A proposed draft of zoning regulations was provided to Commission members. The zoning regulations are to address complex issues associated with the Lake, French Landing Dam, protection of the use of lake frontage abutting land owners and other factors. .

Commissioners discussed dock setback requirements, the types of boat storage devices permitted, existing structures being grandfathered under the current ordinance and how to handle structures located at the brow of the hill.

Resident inquired about putting in boat launches on personal property. Nummer of Wade Trim noted that the addition of launches would alter the shoreline.

Commission members will review the draft and discuss the item further at an upcoming meeting.

ITEM #2 MARIJUANA MORATORIUM

Director Knowles informed the Commission and the audience that the Township Board passed a six (6) month moratorium of any marijuana related business within the township. The township attorney has suggested the Planning Commission examine an ordinance. The Planning Commission has a Zoning Ordinance Review Committee led by Patrick Sloan of McKenna Associates. Chairperson Thompson asked commission members on the Zoning Ordinance Review Committee if they would be willing to work on the medical marijuana ordinance. All members agreed the review is feasible to work on having a recommendation to the Board of Trustees within the six (6) month time frame.

Motion McKenna, Boynton second to adjourn at 9:07 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Memo

TO: Planning Commission

FROM: Jack Knowles, Director of Planning and Economic Development

**RE: Review of Temporary Land Use Request #TLU15-001 – USA Fireworks
Agenda Item for March 25, 2015**

DATE: February 27, 2015

USA Fireworks, Inc. is requesting a Temporary Land Use permit for a tent sale of fireworks at the Belleville Square Shopping Center at 10864 Belleville Road. The use is proposed to be from June 16, 2015 through July 7, 2015. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval. The Zoning Ordinance states that the Planning Commission may require a public hearing, and a public hearing was held on March 11, 2015

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 420 public parking spaces, 19 of which are handicapped reserved. The site is currently over-parked and has a major vacancy in its largest unit – Farmer Jack’s previous location. Therefore, the tent will have a limited impact on the number of available parking spaces. The 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 proposed use is retail sales in a parking lot of an existing shopping plaza. Therefore, the uses are compatible.
4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 4.44.c.4) – The tent is temporary in nature and tent sales regularly take place in parking lots, so no impacts are expected to the surrounding sites.
5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 4.44.c.5) – The tent is located behind a landscaping island within the Belleville Square parking lot, and it is sufficient and will not impact traffic flow or adjoining commercial businesses. The site is over 10 feet from the interior service road, and 125 feet from the nearest commercial structure.
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 Canvasser Development.
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) – Last year, USA Fireworks' hours of operation were from 9:00 a.m. to 10:00 p.m. 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 are reasonable.
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 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) – Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license, which expires on April 30, 2015. 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 or 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 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 4.44.c.14) – The road in the immediate vicinity is a major Township road (Belleville Road), and this temporary use will not impact traffic flow or travel volumes.
- 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 second (2nd) 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 four (4) 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.), they will be reasonable.
2. That the applicant obtains approval from the Van Buren Township Fire Marshall.
3. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
4. That all proposed signage comply with the Zoning Ordinance.



Memo

TO: Planning Commission

**FROM: Jack Knowles
Director of Planning and Economic Development**

**RE: Review of Temporary Land Use Request #TLU15-004 – USA Fireworks
Agenda Item for April 8, 2015**

DATE: March 6, 2015

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, 2015 through July 7, 2015. Per Section 4.44 of the Zoning Ordinance, temporary uses that operate for more than seven (7) consecutive days require Planning Commission approval. The Zoning Ordinance states that the Planning Commission may require a public hearing, and a public hearing has been scheduled for April 8, 2015

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 2014 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) – Last year, 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 a.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) – Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license, which expires on April 30, 2015. 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. Last year, no residents spoke up during the April 23, 2014 public hearing on this issue. In 2013 and 2014, 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 2015.
- 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 third (3rd) 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 four (4) 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 the applicant obtains approval from the Van Buren Township Fire Marshall.
3. That the applicant provide the Township with a current Consumer Fireworks Retail Facility: Non-Permanent license prior to the establishment of the temporary use.
4. That all proposed signage comply with the Zoning Ordinance, except where additional directional signage is recommended in item #14, above.

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

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111



March 6, 2015

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

Re: USA Fireworks
6020 Denton Rd
TLC-15-004

To Whom it may concern:

I have reviewed a set of site plans dated February 26, 2015 and received March 6,, 2015 for the above referenced project.

Project Overview:

The site plan is for a temporary fireworks retail facility. It is noted in the permit application packet submitted that Phantom Fireworks intends to follow **NFPA 1124** as required by the State of Michigan and the Township of VanBuren.

This site will be inspected by myself or Fire Marshall McNally as we are a 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.

At this point, I can approve the site plan and proposal as submitted.

The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and immediately prior to opening to verify compliance with the appropriate codes. One set of as built construction drawings, schedules, and details, as it relates to construction, fire protection and response, will be required, as well as a **digital cad layout** of the building by this department prior to our final C of O inspection.

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.

If you have any questions about this plan review report, please feel free to contact me at (517)812-7344.

Respectfully submitted,

Jason M Martin, Firefighter
Van Buren Fire Department
Fire Inspector 14-0133 / Certified Plan Examiner 14-0081

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

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111



March 6, 2015

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

Re: USA Fireworks
10864 Belleville Rd.
TLC-15-001

To Whom it may concern:

I have reviewed a set of site plans dated January 2, 2015 and received February 25, 2015 for the above referenced project.

Project Overview:

The site plan is for a temporary fireworks retail facility. It is noted in the permit application packet submitted that Phantom Fireworks intends to follow **NFPA 1124** as required by the State of Michigan and the Township of VanBuren.

This site will be inspected by myself or Fire Marshall McNally as we are a 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.

At this point, I can approve the site plan and proposal as submitted.

The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and immediately prior to opening to verify compliance with the appropriate codes. One set of as built construction drawings, schedules, and details, as it relates to construction, fire protection and response, will be required, as well as **a digital cad layout** of the building by this department prior to our final C of O inspection.

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.

If you have any questions about this plan review report, please feel free to contact me at (517)812-7344.

Respectfully submitted,

Jason M Martin, Firefighter
Van Buren Fire Department
Fire Inspector 14-0133 / Certified Plan Examiner 14-0081



WADE TRIM

April 15, 2015

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson
Van Buren Township Planning Commission

Re: Dunkin Donuts Final Site Plan Approval

Dear Ms. Thompson:

We have reviewed the final site plan package received April 1, 2015 for the above-referenced Project located at 10950 Belleville Road. This project involves the demolition of an existing car wash and the addition of a Dunkin Donuts drive-thru lane. Our comments for this site plan review are as follows:

WATER MAIN

There is no additional water main proposed for this site. The building is currently serviced by an existing 16-inch water main to the south, along the I-94 Service Drive. A hydrant to the south, serviced by a 6-inch water main, provides fire coverage for the building.

SANITARY SEWER

There is no additional sanitary sewer proposed for this site. There is currently a 6-inch sanitary sewer which collects water from a catch basin within the car wash and also services the building. In order to prevent a combined sewer, the existing catch basin will be removed and the sanitary sewer bulkheaded beyond the service once the car wash is removed. The system ultimately flows into an existing 10-inch sanitary sewer located south along the I-94 Service Drive.

STORM DRAINAGE

There is currently an underground detention system that treats existing site storm water and outlets to a 24-inch storm sewer along Belleville Road. With the Developer's addition of impervious area, the detention system will remain in compliance with Wayne County standards; however, it will be out of compliance with Van Buren standards by approximately 1.5%. Since the change in impervious area and required storm water treatment is very minimal, we do not see any issues with approving the storm water management system as it exists.

Wade Trim Associates, Inc.
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Charter Township of Van Buren
April 15, 2015
Page 2

A 4-foot catch basin is proposed and connected into the existing storm system with a 12-inch pipe to convey the new drainage from the proposed improvements. The new pipe is sized sufficiently for the 10-year storm.

PAVING/GRADING

The Developer is proposing to widen the drive-thru lane to approximately 23 feet to allow for a by-pass lane. Existing pavement will be removed and the new lane will be paved with eight inches of concrete on six inches of aggregate base, which is sufficient under Van Buren Township paving standards. The lane is delineated with concrete curb and gutter. Site drainage is currently directed across the car wash drive lane by existing trench drains. The drive-thru lane will be re-graded to eliminate trench drains.

The Designer has addressed all of our concerns and approval of the final site plan is recommended at this time. Should you have any questions or comments regarding this project, please feel free to contact our office at 734.947.2768.

Very truly yours,

Wade Trim Associates, Inc.



David M. Nummer, PE

DMN:CT:ka
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cc: Mr. James Taylor, Public Works Director
Mr. Jack Knowles, Director of Planning and Economic Development

April 15, 2015

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

Subject: VBT-15-001 (previously 14-030) SPR; Dunkin Donuts Drive Thru; Site Plan Review #4 – Final Site Plan; Plans Dated April 1, 2015

Dear Commissioners:

The applicant proposes replace the existing car wash with a drive-thru Dunkin Donuts restaurant at the existing gas station on the northwest corner of Belleville Road and the North Service Road. The Planning Commission granted preliminary site plan approval on March 25, 2015, and the Township Board granted special use approval on April 6, 2015. All of the requirements for special land use were met at the time of special land use approval; therefore, we have reviewed the revised plans for compliance with the conditions of preliminary site plan approval and offer the following comments for your consideration.

1. **Planning Commission approval of reducing the number of parking spaces on the site from 31 to 26 (2 regular parking spaces and 2 RV parking spaces), based on written justification from the applicant.** The applicant has submitted a written request dated 3/25/15, justifying the need for the deviation, and we believe the request is reasonable based on the peak hours of usage of the convenience store, drive-through and the functioning of the site. According to our notes, the Commission approved the modification at the preliminary site plan approval meeting. This condition has been met.
2. **Upgrade of the site amenities to the satisfaction of the Planning Commission. This condition has been met.** The Planning Commission found the existing amenities adequate to satisfy the Ordinance requirement. The plan notes that the low brick wall and community entrance sign will be cleaned and repaired. This condition has been met.
3. **The proposed façade materials and colors must be presented for Commission approval prior to final site plan approval.** The materials and colors of the changed areas of the façade must be presented at the meeting and are subject to Planning Commission approval. This condition remains to be met.
4. **Site Plan Details:**
 - a. **All site plan sheets must be revised to state the correct parking data and layouts made to match.** The required corrections have been made. This condition has been met.
 - b. **Eliminate the parking space abutting the Belleville Road driveway.** The parking space abutting the Belleville Road driveway has been eliminated and the area striped. This condition has been met.

- c. ***Submission of an updated photometric plan that shows the light intensity with the planned light replacements and note the light pole height on the plan, not to exceed 25 feet.*** In general, on-site lighting should not exceed 10 footcandles, although illumination up to 20 footcandles may be acceptable under a gas station canopy. The photometric plan indicates acceptable light intensity at the lot lines, with illumination intensities exceeding the permitted limit only at the light poles and gas station canopy. The applicant is proposing to remove and replace the lighting under the canopy to bring the illumination levels to a maximum of 24.9 footcandles, which is well below the existing intensity range of 24.6 - 137 footcandles. Proposed fixture details have been provided for the canopy and wall mounted fixtures and indicates a flat lens with recessed light source. The plan notes that all fixtures will be placed on existing poles not to exceed 25 feet in height. This condition has been met.
- d. ***The landscape maintenance plan should include a note that states the greenbelt shrubs will be allowed to grow together as a hedge and pruned in that manner.*** The note has been added. This condition has been met.
- e. ***Increase the height of the greenbelt buffer trees along the west lot line to 8 - 10 feet, and written evidence of approval of the neighbor for the trees overhanging the lot line.*** At the Planning Commission meeting it was suggested that the proposed row of Black Hills Spruce trees along the west property line be replaced with Arborvitae since the larger spruce trees would overhang the property line. The revised plan still includes the Black Hill Spruce trees (8'-10' high) and per our communication with the applicant, the owners of both properties are developing a written agreement for maintenance of the trees. A copy of the letter/agreement must be submitted prior to issuance of a certificate of occupancy for the Dunkin Donuts use. This condition remains to be met.
- f. ***Cleaning and repair of the brick wall/community entrance sign, and noted on the plan.*** The note has been added. This condition has been met.
- g. ***The drive-thru window canopy color and any signage must be noted.*** The drive-thru window canopy color is noted as brown with no signage on it. This condition has been met.
- h. ***The height of the directional signs must be lowered to not more than 48 inches in height.*** The signs are appropriately located at a height of 48 inches. This condition has been met.
- i. ***A detail of the proposed height clearance bar must be shown on the plans.*** The height clearance bar has been deleted from the plans and is not proposed as part of this site's design.
- j. ***Widen the sidewalk in front of the recycle shed.*** The sidewalk has been widened to 6 feet to allow a person to stand on it when opening the doors. This condition has been met.

RECOMMENDATION

Most of the conditions of the Planning Commission's preliminary site plan approval have been met. Therefore, we recommend final site plan approval subject to:

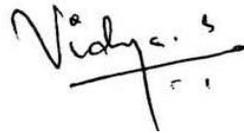
1. Planning Commission approval of the façade materials and colors;
2. Submission of a letter of agreement between the subject site and the abutting property to the west regarding maintenance of the Black Hill Spruce trees prior to C of O; and
3. Approval of the Township Engineer and all agencies with jurisdiction.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President



Vidya Krishnan
Senior Planner

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

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111



April 4, 2015

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

Re: Dunkin Doughnuts SPR-SLU 14-030

To Whom it may concern:

I have reviewed a set of plans from inFORM Studios, 235 E. Main St. suite 102b, Northville, Mi. 48167. Plans were received April 2, 2015, for the above referenced project. All NFPA guidelines adopted by the Township of Van Buren were used in referencing this project.

Project Overview:

The plan review was for revisions of an existing drive thru and renovations to accommodate a new mercantile occupancy.

After review of the plans submitted, I can approve the plan as submitted. I note that no mention of specific code compliance is noted. Please ensure the all NFPA guidelines are in effect as adopted by the Township of VanBuren.

The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and immediately prior to opening to verify compliance with the appropriate codes. One set of as built construction drawings, schedules, and details, as it relates to construction, fire protection and response, will be required, as well as a **digital cad layout** of the building by this department prior to our final C of O inspection.

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

If you have any questions about this plan review report, please feel free to contact me at (517)812-7344.

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.

Respectfully submitted,

Jason M Martin, Firefighter
Van Buren Fire Department
Fire Inspector 14-0133 / Certified Plan Examiner 14-0081