

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
April 10, 2019
MINUTES

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

ROLL CALL:

Present: Franzoi, Jahr, Boynton, Atchinson, Budd and Thompson.

Excused: Kelley.

Staff: Director Akers, Planning Intern Stamper and Secretary Harman.

Planning Representatives: McKenna Associate, Patrick Sloan and Fishbeck Associates, David Potter and Steven Clayton.

Audience: Eight (8).

APPROVAL OF AGENDA:

Motion Boynton, Jahr second to approve the agenda of April 10, 2019 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Budd, Boynton second to approve the regular meeting minutes of March 27, 2019 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 19-001 PROJECT SYCAMORE – FINAL SITE PLAN APPROVAL

TITLE: THE APPLICANT, JULIAN BEGLIN, IS REQUESTING FINAL SITE PLAN APPROVAL FOR SITE DEVELOPMENT FOR A VISITOR & VEHICLE RECEIVING CENTER BUILDING, ASSOCIATED IMPROVEMENTS AND SITE HARDENING FOR SECURITY PURPOSES FOR A DATA CENTER USE.

LOCATION: 9000 HAGGERTY ROAD. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF HAGGERTY ROAD AND TYLER ROAD.

Applicant, Julian Beglin of H.F. Lenz Company gave the presentation. Mr. Beglin gave a brief overview of changes made to the site plan since the preliminary site plan review including the sanitary sewer lead depth adjustment, addressed water main agreement comments, landscaping changes, architectural design of the building including the addition of windows and architectural lines, displayed the secure fence and semi secure fence. Mr. Beglin displayed a color rendering which depicted the building colors, new windows, added architectural lines to tie in the color scheme and fencing. The exterior façade panels of the building are cast panels with a brick texture.

Patrick Sloan of McKenna Associates presented his staff review letter recommending the Planning Commission grant final site plan approval for proposed Project Sycamore, subject to the following items being satisfactorily address prior to issuance of any permits (Mr. Sloan modified items 1 and 2):

1. To allow the required 24 deciduous/evergreen trees, 13 required ornamental trees and 263 shrubs required along Tyler Road frontage to be relocated at the Haggerty Road frontage and that sheet L-2003 be revised accordingly and item.
2. That the plans include a legend explaining symbols on the architectural elevations.
3. All sheets must show the dumpster enclosure location. The reference to Sheet A610 must be included and corrected. The dumpster enclosure gate must be steel-reinforced wolmanized wood so as to be opaque.
4. Any existing and proposed dumpsters must meet the screening requirements of Section 7.122 of the Zoning Ordinance.
5. Notation that no new identification signage is proposed at this time.

David Potter of Fishbeck Associates presented his review letter dated 4-5-19 recommending the Planning Commission grant the Sycamore Project engineering and final site plan approval, subject to the review comments noted and in accordance with Van Buren Township's Engineering Standards manual. All comments must be addressed and resubmitted for final approval in an Issued-For-Construction plan set prior to the scheduling of the preconstruction meeting.

Commissioners inquired if the added windows were a façade or windows, they are windows. Commissioners agreed upon the relocation of the 24 deciduous/evergreen trees, 13 ornamental trees and 263 shrubs from the Tyler Road frontage to the Haggerty Road frontage and agreed upon the building architectural design.

No comments from the audience.

Motion Boynton, Jahr second to grant the applicant, Julian Beglin, final site plan approval for site development of a visitor and vehicle receiving center building, associated improvements and site hardening for security purposes for a data center use, located at 9000 Haggerty Road, on the northwest corner of Haggerty Road and Tyler Road, subject to the conditions in the Fire Department review letter dated 4-3-19, Fishbeck Associates review letter dated 4-5-19 and McKenna Associates review letter dated 4-2-19 with modifications as stated by Patrick Sloan to items 1 and 2:

1. To allow the required 24 deciduous/evergreen trees, 13 required ornamental trees and 263 shrubs required along Tyler Road frontage to be relocated at the Haggerty Road frontage and that sheet L-2003 be revised accordingly and item.
2. That the plans include a legend explaining symbols on the architectural elevations.

Motion Carried. (Letters attached)

ITEM # 2 19-008 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.

Applicant, Charles Frieze of TNT Fireworks gave the presentation. The applicant is requesting a temporary land use permit to conduct a temporary outdoor fireworks tent sale from June 21st through July 5th in the parking lot of Walmart at 10562 Belleville Road.

Intern Stamper presented the staff review letter dated 3-18-19 recommending temporary land use approval subject to the following three (3) conditions:

1. That the applicant obtains approval from the Van Buren Fire Marshal.
2. That the applicant provides 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 complies with the Zoning Ordinance.

Commissioner Boynton presented the Fire Department review letter dated 3-14-19 recommending approval.

Commissioners discussed a note on the floor plan of not to exceed 6 ft. and whether the height for storage is measured from the ground or a table, adding a fire extinguisher to the back side tent opening, inquired what a flame break is and how many steps to reach the fire extinguisher from the register. The 6ft. note is measured from the ground up, the applicant is willing to add an additional extinguisher to the back tent opening, the flame break is a 4 ft. gap between tables and the fire extinguisher is located 2-3 steps from the register.

Motion Atchinson, Jahr second to grant TNT Fireworks a temporary land use permit to conduct a temporary outdoor fireworks tent sale at 10562 Belleville Road, located in the Walmart parking lot, on the west side of Belleville Road, north of the North I-94 Service Drive, subject to the recommendations in the staff review letter dated 3-18-19, Fire Department review letter dated 3-14-19 and the addition of a third fire extinguisher to be located inside the fireworks tent. Motion Carried. (Letters attached)

ITEM # 3 19-010 BAYSHORE STAIRCASE REPLACEMENT – SITE PLAN APPROVAL

TITLE: THE APPLICANT, BRIGHTON BUILDING COMPANY, IS REQUESTING SITE PLAN APPROVAL TO CONSTRUCT A SET OF STAIRS AT THE BAYSHORE CONDOMINIUMS.

LOCATION: SUBJECT PROPERTY IS LOCATED ON THE TOWNSHIP OWNED PROPERTY ADJACENT TO THE BAYSHORE CONDOMINIUMS.

Applicant, Kurt Harvey of Brighton Building Company gave the presentation. The applicant is requesting to replace an existing staircase that is deteriorating. The staircase is partially located on Township owned property.

Director Akers presented the staff review letter dated 3-27-19 recommending the Planning Commission grant site plan approval to the applicant, Brighton Building Company to remove and reconstruct a stairway to the water consistent with the provided plans. The approval should be based on the applications compliance with the approval criteria in section 3.120(f)4 and the staff review letter dated 3-27-19.

Commissioners inquired if the stairs were entirely on township property and if there is a specific parcel number for the project. Only about 3-4 stairs are located on township property and the parcel ID number is 83-078-99-0001-004.

Motion Jahr, Boynton second to grant site plan approval to the applicant, Brighton Building Company to remove and reconstruct a stairway leading to the water on Township property, located at Bayshore Condominiums, parcel ID #83-078-99-0001-004, subject to the applications compliance with the approval criteria in section 3.120(f)4 and the staff review letter dated 3-27-19. Motion Carried. (Letter attached)

ITEM # 4 19-015 UPLAND HOMES – SITE PLAN AMENDMENT

TITLE: THE APPLICANT, UPLAND HOMES, IS REQUESTING AN AMENDMENT TO THE APPROVED COUNTRY WALK SITE PLAN FOR REVISED SINGLE-FAMILY ARCHITECTURAL ELEVATIONS.

LOCATION: THE UNFINISHED COUNTRY WALK SUBDIVISION IS THE SUBJECT OF THE REQUEST. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF MARTINSVILLE ROAD, NORTH OF SAVAGE ROAD.

The applicant was not present for the meeting.

Motion Boynton, Franzoi second to postpone Upland Homes site plan amendment to allow the applicant to be present. Motion Carried.

GENERAL DISCUSSION:

Director Akers informed Commission members and the audience that Patrick Sloan of McKenna Associates has accepted a position with Canton Township and this will be his last Planning Commission meeting in Van Buren Township. Commissioners congratulated Mr. Sloan on his new position and commended him for a job well done for Van Buren Township.

ADJOURNMENT:

Motion Boynton, Budd second to adjourn at 8:20 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

April 5, 2018
FTCH Project Number 181873
VBT Project Number 19-001

Ms. Carol Thompson
Planning Commission Chairperson
Van Buren Township
46425 Tyler Road
Van Buren Township, MI 48311

Re: Sycamore Project
9000 Haggerty Road
Final Site Plan Review

Dear Ms. Thompson:

At the request of Van Buren Township (VBT), Fishbeck, Thompson, Carr & Huber, Inc. (FTCH) has reviewed the Site Plan dated March 22, 2019, submitted to VBT for Engineering and Final Site Plan review for the proposed Sycamore Project, which is located at 9000 Haggerty Road.

This proposed project entails the addition of several site improvements at 9000 Haggerty Road. The existing site includes several structures on the west half of the property and parking lots on the east half, with one driveway access to Tyler Road and three driveways accessing Haggerty Road. The proposed improvements include: removal of 390 pavement parking spaces; removal of two drive approaches to Haggerty Road; construction of a Visitor and Vehicle Receiving Center (VVRC) structure; construction of a 43-space bituminous pavement parking lot; construction of security measures including blast walls, perimeter fencing, and entrance gates; construction of underground utilities including a storm sewer pipe network, a sanitary sewer lead, and a water service lead; and other various landscaping and site plan improvements. We have attached a summary of our review comments below:

General

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

1. All utility crossings must be indicated in the profile view and must include the elevations of the top of pipe crossing under and the bottom of pipe crossing over. Utilities must cross with a minimum of 18-inches measured from outside of pipe to outside of pipe.
2. The proposed type of pipe and slope of pipe must be shown in each pipe profile view, both sanitary and storm.
3. Sewers shall be matched at the eight-tenths diameter depth above invert in manholes when changing the internal diameter sizes of sewers or connecting to an existing system.

Water Main Service

Existing: VBT's Geographic Information System (GIS) records indicate a 12-inch water main runs north-south on the west side of Haggerty Road and a 42-inch water main runs north-south on the east side of Haggerty Road and east-west along Tyler Road. A 12-inch water main loop around the existing building services the building and several fire hydrants. There is also one existing fire hydrant along the west side of Haggerty Road and three fire hydrants along the north side of Tyler Road.

Proposed: The applicant's plan proposes an 8-inch privately owned water service connection to the existing 12-inch water main loop within the property via a 12"x12"x8" tee connection, which will run east to service a fire hydrant and service the proposed VVRC building as both the fire flow lead and domestic water service lead.

Comments:

1. Final gate valve locations must be approved by the VBT Water and Sewer Department.
2. Per e-mail dated February 21, 2019, based on the information provided for the casing pipe spacers, end seals, and overall extension of the casing pipe, we have no objection to this design approach for the watermain below the blast wall.
3. Fix callout in profile view to have gate valve at the water main tee connection to be installed in a gate valve well. A "valve box" at the building shutoff is acceptable.

Sanitary Sewer

Existing: VBT's GIS records indicate there is an existing 16-inch sanitary sewer force main running north-south along the east side of Haggerty Road. Records also indicate an existing sanitary sewer manhole at the intersection of Haggerty Road and Tyler Road. The existing development at this location feeds into this manhole by a 10-inch Reinforced Concrete Pipe (RCP) gravity-fed sanitary sewer and flows into an 18-inch RCP gravity-fed sanitary sewer running south from the manhole along the west side of Haggerty Road.

Proposed: The applicant is proposing to install a 6-inch sanitary sewer lead from the south side of the proposed VVRC building and connecting to the existing 10-inch sanitary sewer within the property via a wye connection.

1. The sanitary service line shows a very shallow run between the VVRC to the public 10" sanitary line. In order to prevent freezing and to maintain reasonable velocities, the Township recommends the applicant deepen the sewer pipeline at a slope that will allow for proper crossing of storm lines. Due to this being a private service line, the applicant must provide calculations showing proper velocities within the system, and must provide insulation for any portion of the lead that cannot be placed at a depth sufficient to prevent freezing. Further investigation will be conducted by the Township and the Applicant prior to the Preconstruction meeting.

Storm Sewer

Existing: VBT's GIS records indicate the existing project site drains via roof drain leads, storm drain inlets, and a storm pipe system into an existing onsite detention basin adjacent to Tyler Road. A lift station pumps the storm water from the basin through a stormwater force main into the stormwater manhole at the intersection of Tyler Road and Haggerty Road. Surface runoff along the east and south sides of the property frontage flows into the existing roadside drain ditches. The existing storm system along Haggerty Road drains southerly into the Smock and Spear Drain.

Proposed: The applicant is proposing to construct a roof drain, underdrains, and drain inlets, which will flow into the existing storm drain system and the existing onsite detention basin. The plans indicate removing two asphalt parking lots and reducing the impervious area by one acre. The plans do not propose any modifications to the existing storm drain system downstream of the proposed storm drain tie-ins, including the onsite detention basin.

Comments:

1. Applicant must submit and obtain storm water and right-of-way (ROW) approval from Wayne County before a pre-construction meeting can be scheduled, and an approval letter from Wayne County must be submitted. We understand that the applicant is in conversations with Wayne County regarding their third review; however, it has been indicated that these comments will not significantly change the overall design of the site.
2. Plans must show the depth of the proposed and existing sewer and show the type and strain of loads on top (proposed blast wall).

Soil Erosion and Sedimentation Control (SESC)

1. An SESC Plan shall be provided in accordance with the VBT *Engineering Standards Manual*, Chapter II, Plan Requirements, Paragraph D, SESC Plan Requirements, and in accordance with Wayne County SESC standards. A permit must be acquired from the Wayne County SESC County Enforcing Agency (CEA).
<https://www.waynecounty.com/departments/environmental/landresources/soil-erosion.aspx>
2. SESC plans must account for soil stabilization in the areas of parking lot demolition and removal.

Recommendation

We are recommending the Planning Commission grant the Sycamore Project Engineering and Final Site Plan approval, subject to the review comments noted above and in accordance with VBT's *Engineering Standards* manual. All comments must be addressed and resubmitted for final approval in an Issued-For-Construction plan set prior to the scheduling of the Preconstruction Meeting.

If you have any questions regarding this project, please contact me at 248.324.4791 or dpotter@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.



David L. Potter, PE, CSI-CCCA



Paul J. Kammer, PE

ag2

Attachments

By email

cc: Mr. Ron Akers – Director Planning and Economic Development
Mr. Matthew Best – Director of Public Services
Mr. James Taylor – Director of Water and Sewer



MEMO

TO: Planning Commission

FROM: Matthew R. Best, M.S.
Director of Public Services

RE: 19-010 – Bayshore Step Replacement

DATE: March 27, 2019

The applicant, Brighter Building Company proposes to remove and reconstruct a set of existing stairs at the Bayshore Condominiums. As this property is used for multiple family residential the zoning designation would be under the Non-Single Family Residential (BLB) district standards which allows for stairs located on the Township Lake property as a use subject to Planning Commission approval. Due to this the application is before the Planning Commission.

COMMENTS

The application is required to be reviewed by the various approval standards in the ordinance attributed to the BLB district. They are as follows:

Development Regulations:

Stairs. Stairs, walkways, and landings for access from the abutting upland lot to the shoreline may be permitted on Township Lake property only if the Township determines that it is necessary for reasonable access.

Response: There is a current set of stairs in the proposed location. The applicant is simply requesting to remove and replace the existing steps. There is a steep slope between the waters edge and the brow of the hill. Based on this and the existing steps staff finds that the stairs are necessary to access the water.

To minimize visual and physical impacts on the frontage, such structures shall be limited to no more than one per Lake Frontage lot, or the number of dock clusters, or the number reasonably necessary to access the lake frontage, whichever is greater. Stairs, walkways and landings shall be included in the calculation of, and subject to the limitations on maximum lot frontage coverage, and the other standards of [Section 3.120\(D\)](#).

Response: The current dock cluster which is adjacent to the condominiums is in excess of 400' in length. There is one other stairway on this cluster of docks, but per the plans it is located on the far southern end. The proposed replacement of the stairs is located on the northern end of this dock cluster. Based on the large length of the dock replacing the stairs in the existing location is not unreasonable, but is reasonably necessary to access the dock cluster on the north side. The maximum allowed lot coverage for the frontage is 60% for the BLB district. Lot coverage can be calculated as follows:

Approximate width of docks and stairwells: 230'

*Approximate frontage amount 1,840'
Lot Coverage = ~12.5%*

Based on the above calculation the lot coverage is compliant with the Zoning Ordinance standards.

Stairs, walkways and landings must be placed entirely above the normal high water mark, except in cases where such structures are required to access the water due to a seawall or bulkhead.

Response: As depicted in the drawings. The stairway will extend to the existing boardwalk and will be above the ordinary high water mark.

Approval Criteria:

The Township shall find that the following criteria are met prior to granting approval for any use of Township Lake property in the Belleville Lake Shoreline District. The following are our responses to the approval criteria:

(a) The application shall demonstrate compliance with all of the requirements of [Section 3.120\(D\)](#) above, and all other applicable requirements of this Zoning Ordinance.

Response: Based on the above analysis this requirement has been met.

(b) The structure(s) shall not unreasonably interfere with the adjacent property owners' or public's use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off site impacts.

Response: Bayshore Condominium is located on a peninsula and the proposed stairs are greater than 100' from any adjacent properties. Based on this I anticipate no issues with neighboring properties.

(c) The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.

Response: There are an existing set of stairs which are being removed and replaced to provide necessary access to the lake. It is not anticipated that this will create a risk to the health, safety and welfare of persons who use Belleville Lake, nor will it interfere with safe navigation on the lake.

(d) The structure(s) will be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake.

Response: The stairs are proposed to be constructed of composite materials which is a common material for stairs and docks. It is not anticipated it will impair water quality, flow, or levels of the lake.

(e) To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.

Response: The applicant is proposing to replace a set of stairs which is in need of repair. The proposed changes will not create a negative visual impact on the lake.

(f) Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake.

Response: This is stairway construction at an existing non-commercial multi-docking facility. There are no issues anticipated with over crowding and excessive boat traffic.

(g) Consideration shall be given to maintaining consistency with the upland zoning and land use.

Response: The docks are currently utilized by residents of the condominiums. The stairs will be used by the residents to access their docks. The property is zoned RM, multiple family residential. This is consistent with the current use of the property.

(h) Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.

Response: Allowing the reconstruction of the steps will be consistent with permitting reasonable access to the lake.

RECOMMENDATION

Staff recommends that the Township grant site plan approval for the applicant, Brighton Building Company to remove and reconstruct a stairway to the water consistent with the provide plans. Approval should be based on the applications compliance with the approval criteria in section 3.120(f)4 and the staff review letter dated March 27th, 2019.



MCKENNA

April 2, 2019

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

**Subject: VBT-19-001; Project Sycamore; 9000 Haggerty Road; Final Site Plan Review #3
Revised Site Plans Dated March 22, 2019.**

Dear Commissioners:

The applicant H.F. Lenz Company, on behalf of J P Morgan Chase, proposes to convert an existing 348,000-square foot office and bank processing building into a data center and construct a new 2,300-square foot building on a 53.3-acre site at the northwest corner of Haggerty Road and Tyler Road intersection. The plans also include major changes to the circulation area and parking, as well as the construction of walls and other barriers. The applicant received preliminary site plan approval from the Planning Commission on March 13, 2019, subject to several conditions, which are noted below.

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

COMMENTS

- 1. Revisions to parking spaces in the new parking lot by angling spaces clarifying one-way circulation or widening aisles to 24 feet for two-way circulation.** This condition has been met. Although the arrows in the new parking lot show one-way movement, the aisles and the access drive into the lot are 24 feet wide allowing for two-way movement of vehicles in conformance to the Zoning Ordinance standards.
- 2. Addition of pavement striping or signage on the outer loop of Ecorse Street and the drive aisle immediately east of the existing building.** This condition has been met. The revised plan includes two-way circulation pavement striping for the drive aisle surrounding the building, and a one-way movement exiting out of the site on Ecorse Street along the far east side of the site.
- 3. Pursuant to Section 9.101(J) of the Zoning Ordinance, Planning Commission approval of the proposed 58 parking spaces as sufficient to meet the parking requirements of the site. If additional parking is needed in the future based on the use of the site, there is sufficient area on the site to construct new parking areas.** This condition has been met. The Planning Commission granted approval for the parking count proposed at its March 13, 2019 meeting.
- 4. Submission of additional details and justification regarding why the required trees and shrubs along Tyler Road cannot be located elsewhere on the site in lieu of the Tyler Road frontage landscaping.** This condition can be met. With a frontage of 1,317 feet on Tyler Road (minus a 30-foot driveway), the total plantings required for Tyler Road frontage are 33 deciduous or evergreen trees, 14 ornamental trees and 263 shrubs. Per Sheet L-3002, the frontage is deficient by 24 deciduous/evergreen trees, 13 ornamental trees and 263 shrubs. Pursuant to Section 10.106 of the Zoning Ordinance, the applicant sought a waiver from the Planning Commission to not provide any additional landscaping along

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
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Tyler Road. The applicant is concerned that additional plantings would impede line of sight, impact site security, and the site would not have adequate room for planting in the remaining area occupied by the slope of the detention basin. The Planning Commission granted preliminary approval subject to the applicant demonstrating if the required trees and shrubs could be located elsewhere on the site in lieu of the Tyler Road frontage landscaping. The final landscape plan at this time does not indicate an alternate location for the deficient plantings, and Sheet L-3002 includes an explanation that cites blocking clear lines of site, the presence of a decorative fence, required separation from the security fence, and required separation from the stormwater pond. While not waiving the required plantings at its 3/13/19 meeting, the Planning Commission discussed the possibility of the applicant contributing to the Township tree fund in lieu of the missing plants. Currently, there are 118 replacement trees proposed throughout the site to mitigate the trees to be removed. We recommend that the applicant allocate 47 of the "replacement trees" to count toward the required frontage tree requirement (i.e., 24 required deciduous/evergreen trees and 13 required ornamental trees). These trees may remain in their proposed location as an alternate location to the frontage trees, but we recommend that the species meet the Zoning Ordinance requirements for the frontage trees and we recommend that the shortfall of 47 "replacement trees" be mitigated by planting the trees elsewhere in the Township or contributing to the Township tree fund. These conditions can be satisfied administratively.

5. **Clarification regarding trees being included in the landscape plan to meet the interior landscaping requirement.** This condition has been met. Based on the proposed interior landscape area of 3,809 square feet, a total of 13 trees is required. The plan previously proposed 7 new deciduous trees and 6 existing trees to be preserved to meet this requirement. The revised plan proposed 9 new deciduous trees and 4 existing trees to be preserved, and meets the requirement. The tree locations are noted on Sheet L-2002.
6. **Notation of height and width of the berm to demonstrate that it will provide required screening of the VVRC building loading doors from Haggerty Road, and provision of a cross section diagram and a line of sight diagram to ensure adequate screening.** This condition has been met. Sheets A210 and A020 include elevation and line of sight details for the proposed VVRC building and demonstrate that the loading docks will be concealed from direct view of the public rights-of-way by the proposed wall projection, which will create a screen wall. Although a cross section of the landscape berm is not shown, the proposed plantings will only add to the screening and visual appearance of the building.
7. **Pursuant to Section 10.106 of the Zoning Ordinance, Planning Commission approval of existing landscaping for the 344-linear foot area on the south side of the eastern lot line, which includes approximately 36 existing trees (according to the plans), that have grown to maturity and accomplish the intended objective.** This condition has been met. The Planning Commission granted approval for the parking count proposed at its March 13, 2019 meeting.
8. **Pursuant to Section 10.106 of the Zoning Ordinance, Planning Commission approval of a modification of open space landscaping requirements to accept the 86 existing deciduous trees and 22 additional trees proposed, resulting in a shortfall of 307 trees. The applicant has stated that additional trees would impede line-of-sight on the property and create a security issue considering the nature of use on the site.** This condition has been met. The Planning Commission granted approval for the open space landscaping requirements to be modified to accept the 86 existing deciduous trees and 22 additional trees proposed.



9. **Provision of irrigation information on the plans and addition of statement: "Owner agrees to seasonal maintenance program and will replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune beginning upon completion of construction of landscaping."** This condition has been met. Sheet L-3002 states that the proposed plant species were specifically selected for endurance with regard to the local climate. Further, the plantings will be provided with irrigation by the landscape installer at the time of planting and until they are established, after which the plants will be weaned off irrigation. Subsequent survival of the plantings will be ensured under a long-term maintenance plan for all landscaping on the site. This is an acceptable proposal. The required notation has also been added to the plan.
10. **Notation of light fixture details on the photometric plan.** This condition has been met. Sheet C-7001 includes manufacturer's cut sheet detail of proposed fixture. The fixture is shoebox style with a flat lens and recessed light source allowing for the light to be downward directed and shielded.
11. **Changes to the elevations of the VVRC building to provide some additional detailing such as faux windows that are compatible with the research-tech appearance of several new businesses down the corridor.** This condition has been met. The applicant has made revisions to the east façade facing Haggerty Road to include what appears to be a narrow band of windows approximately 3' wide x 25' long, placed on the upper 1/3 of the building to break up the façade. It appears the windows are placed higher to conceal any potential view of trucks inside the building. The west façade includes a continuous horizontal band of windows of the same width across the entire façade. The windows are identified with a "D" but there is no legend describing what the various symbols on the elevations represent. While the proposed windows additions improve the building, the windows on the east façade appear to be out of scale. We suggest that the applicant consider extending the band of windows across the east façade to match the band on the west façade and provide the building with some symmetry.
12. **Notation of dumpster enclosure and gate details to meet the requirements of Section 7.122 of the Zoning Ordinance, including masonry walls and steel reinforced wooden gates. The dumpster must be located even with or behind the front line of the VVRC building.** This condition has been met. The dumpster has been relocated to the south side of the drive from Haggerty Road, just west of the drive that goes to the VVRC building. Therefore, the dumpster enclosure is now placed in the side yard. All sheets must show this enclosure location. Details of the proposed dumpster are noted on Sheet A210 and include a masonry enclosure with aluminum coping and steel gates. The detail references Sheet A610 for dumpster gate details; however no such sheet has been included in the site plan submission. The gate must be steel-reinforced wolmanized wood so as to be opaque.
13. **Location of existing dumpsters on the site, serving the main building. If required, changes to existing dumpster enclosures and gates to bring them into compliance with the Zoning Ordinance standards at this time.** This condition can be met. While no other dumpsters are shown, any existing and proposed dumpsters must meet the screening requirements of Section 7.122 of the Zoning Ordinance.
14. **Addition of signage details to the site plan.** This condition can be met. The site plan includes no details of any proposed signage with the exception of directional on-site signage and an address sign at the main access drive off Haggerty Road shown on Sheet C-2004. The existing address sign is well within Zoning Ordinance standards based on our view of the site from Haggerty Road. Owing to the



secure nature of the facility, we assume no additional identification signage is intended for the site; however, a note of clarification should be added to the plans.

RECOMMENDATION

The applicant is seeking final site plan approval at this time. Final site plan approval is granted when all conditions of preliminary approval are met or can be met administratively. While most of the conditions of preliminary approval have been addressed, there remain a few outstanding issues which could be administratively approved. Therefore, we recommend the Planning Commission grant final site plan approval for proposed Project Sycamore, subject to the following items being satisfactorily addressed prior to issuance of any permits:

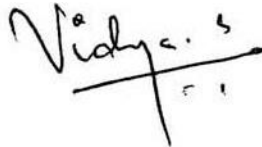
1. That the applicant allocate 47 of the “replacement trees” to count toward the required frontage tree requirement (i.e., 24 required deciduous/evergreen trees and 13 required ornamental trees). These trees may remain in their proposed location as an alternate location to the frontage trees, but the species must meet the Zoning Ordinance requirements for the frontage trees and the shortfall of 47 “replacement trees” must be mitigated by planting the trees elsewhere in the Township or contributing to the Township tree fund.
2. That the plans include a legend explaining symbols on the architectural elevations and that applicant consider the addition of a horizontal band of windows on the east façade of the VVRC building.
3. All sheets must show the enclosure dumpster enclosure location. The reference to Sheet A610 must be included or corrected. The dumpster enclosure gate must be steel-reinforced wolmanized wood so as to be opaque.
4. Any existing and proposed dumpsters must meet the screening requirements of Section 7.122 of the Zoning Ordinance
5. Notation that no new identification signage is proposed at this time.

Respectfully submitted,

McKENNA



Patrick J. Sloan, AICP
Senior Principal Planner



Vidya Krishnan
Senior Planner

c: Ron Akers, Van Buren Township Director of Planning & Economic Development
Matt Best, Van Buren Township Director of Public Services
Grace Moore, Van Buren Township Developmental Services Department
David Potter, FTCH, Township Engineers
Paul Kammer, FTCH, Township Engineers
David McNally, Van Buren Township Fire Marshal





Memo

TO: Planning Commission

FROM: Grace Stamper
Planning and Economic Development Intern

RE: Review of Temporary Land Use Request #19-008 – TNT Fireworks

DATE: March 18th, 2019

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 21, 2019 through July 5, 2019. Per Section 7.120 of the Zoning Ordinance, temporary land uses that operate for more than seven (7) consecutive days require Planning Commission approval.

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

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

- 1. Adequacy of parking and access** (Section 7.120(C.1)) – The site has 714 public parking spaces, 23 of which are handicapped reserved. The site is currently is over-parked, and the tent will have a limited impact on the number of available parking spaces. This site is located in the heart of Van Buren’s downtown district, and sufficient access is available.
- 2. Adequate drainage** (Section 7.120(C.2)) – The site is in an existing parking lot that already has storm water drainage. The tent will not affect the amount of impervious surface or water that would be diverted into the storm system.
- 3. Compatibility with surrounding land uses** (Section 7.120(C.3)) – The surrounding parcels are all commercial in nature, and this temporary land use is not expected to impact the surrounding commercial uses.

4. **Size, height, and type of construction of proposed buildings and structures in relation to surrounding site** (Section 7.120(C.4)) – The tent is temporary in nature, and the parking lot, Walmart store, and the surrounding commercial businesses will not be impacted by the bulk of the tent.
5. **Sufficient setbacks from road right-of-ways and lot lines** (Section 7.120(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 7.120(C.6)) – TNT Fireworks will supply its own electrical generation. The generator and electrical hook-up will be inspected to ensure compliance with National Fire Protection Association requirements.
7. **Trash disposal and site clean-up** (Section 7.120(C.7)) – TNT Fireworks will be responsible for all trash disposal and site clean-up in relation to their lease agreement with Walmart.
8. **Sanitary facilities** (Section 7.120(C.8)) – Walmart has authorized all customers and TNT employees to use its restroom facilities.
9. **Hours of operation** (Section 7.120(C.9)) – The hours of operation will be from 9:00 a.m. to 10:00 p.m. Although Van Buren Township has a Fireworks Ordinance (adopted in 1986) which requires fireworks sales to conclude at 9:00 p.m., Act 256 preempts this requirement as there is no restriction on the hours of operation for other temporary uses. However, staff are not aware of any complaints with TNT Fireworks closing at 10:00 p.m. in previous years, so the hours of operation approved last year are reasonable and we recommend the same hours of operation for this year.
10. **Outdoor light and signs** (Section 7.120(C.10)) – No exterior lights are provided. Interior lights will be hung inside the tent. Although no temporary commercial sign permit requests have been received, the Zoning Ordinance permits one (1) 32 sq. ft. temporary sign for a period not to exceed 30 days. Any temporary signage must comply with the Zoning Ordinance before it obtains a sign permit from the Building Department.
11. **Other licenses and permits required** (Section 7.120(C.11)) – Last year, the applicant provided the Township with their Consumer Fireworks Retail Facility: Non-Permanent license. A current license must be provided by the applicant prior to the establishment of the temporary use. The Van Buren Fire Marshal shall be separately issuing his review letter.
12. **Potential noise, odor, dust, and glare** (Section 7.120(C.12)) – The proposed temporary use should not increase the noise, odor, dust or glare from their use.
13. **Fire lanes, fire protection, and security** (Section 7.120(C.13)) – The Van Buren Fire Marshal shall review the application for adequacy of fire lanes and fire protection. The site will be continually staffed. During non-operating hours, all products will be stored inside the tent and tent security will be maintained at all times by the tent operator or their representative.
14. **Off-site impacts of traffic volumes** (Section 7.120(C.14)) – The road in the immediate vicinity is a major Township road (Belleville Road) and this temporary use will not impact the flow or travel volumes. During 2014's Public Hearing, a resident raised a concern of the launching of fireworks at the site. No fireworks are permitted to be launched within 300 feet.
15. **Necessity of performance bond to ensure prompt removal** (Section 7.120(C.15)) – The property owner will be responsible for ensuring the site is returned to its pre-sale condition.

16. Other concerns which may impact the public health, safety, or general welfare (Section 7.120(C.16)) – There are no additional concerns; however, the applicant is subject to the regulations of Act 256 and applicable regulations of the Fire Department.

Recommendation

This would be the fifth (5th) year that TNT Fireworks has been granted a temporary land use permit to operate at this location, and I am not aware of any issues or concerns from those previous years. 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 provides 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 complies with the Zoning Ordinance.

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

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



April 3, 2019

Department Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Project Sycamore
9000 Haggerty Rd
Van Buren Twp, MI 48111

#19-001
Final site plan approval

To: Ron Akers

I have looked at the site plan submitted called Project Sycamore submitted by H.F. Lenz Company and Omni Associates Architects, with Bryant Joshua Green licensed engineer.

Project Overview:

To construct a secure entrance to the Belleville Technology Center off of Haggerty Rd, remove the South Haggerty Rd entrance, and add a wall around the perimeter.

Please note that **all** applicable **NFPA** codes and standards apply as adopted by the Township of Van Buren. Please address the following items and return, before I can approve submitted site plans.

1. ~~Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first floor of the building is located not more than 150 ft. from fire department access roads as measured by an approved route around the exterior of the building or facility.~~
NFPA 1 18.2.3.2.2
2. ~~Dead-end fire department access roads in excess of 150ft. in length shall be provided with approved provisions for fire apparatus to turn around.~~
3. Fire department access roads shall have an unobstructed width of not less than 20ft. The only location where it is acceptable to reduce width, is the exit drive gate located on the North side of the property leading to Haggerty Road.

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

4. ~~Knox box lock box requested at both Haggerty and Tyler Rd entrance.~~
5. Two-Way Radio Communication Enhancement Systems are required for all new construction, unless after finished construction the occupant can prove through a signal test with the AHJ that it is not needed. NFPA 1 2012 11.10.1 In all new and **existing buildings**, minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ. The main building at 9000 Haggerty will need to be brought up to code, as there are several dead spots in the building currently.

NFPA 72.24.5.2.2.3

6. ~~IF suppressed, the FDC (4inch storz, with 30-degree elbow) will need to be within 50 ft. of hydrant.~~

Plans are approved as submitted.

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

Respectfully submitted,

David C McNally
Fire Marshal
Van Buren Fire Department

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

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



March 14, 2019

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

Re: American Promotional Events Inc. /TNT Fireworks
Wal-Mart Parking Lot, Belleville Rd
19-008

To whom it may concern:

I have reviewed a set of site plans dated February 27th, 2019 and received March 4, 2019 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 McNally. 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. This has been an unresolved issue the past couple of years. This shall be corrected prior to VBT C/O.

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

Respectfully submitted,

David McNally
Fire Marshal
Van Buren Fire Department