

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING PLANNING COMMISSION AT ITS REGULAR MEETING OF OCTOBER 18, 2016

PLANNING COMMISSION
MINUTES OF SEPTEMBER 20, 2016
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Smart, Spencer, Weller

MEMBERS ABSENT: Micele, Postema

STAFF PRESENT: Rynbrandt, Director of Community Services
Cochran, City Planner
Lucar, Planning & Development Department

Chair Spencer called the meeting to order at 7:00 PM. She introduced new Planning Commissioner Alex Smart who replaced Anthony Woodruff. The Planning Commission expressed their thanks to Woodruff for his six years of service.

Motion by Hegyi, supported by Arnoys, to excuse Micele and Postema. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of July 19, 2016 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to rezone 1.4 acres from I-1, Light Industrial to B-2, General Business. The property is located at the southwest corner of 54th Street and Crippen Avenue, SW. (Section 36) (Halle Properties, LLC)

Cochran described the location, existing land use and current zoning around the area. The petitioner has optioned 1.4 acres of this overall 5 acre property with the intention of developing a Discount Tire facility. The proposed use would be allowable by-right in the B-2

General Business zoning district. The balance of the property is intended to retain its I-1 Light Industrial zoning.

Rezoning Comments:

1. The City of Wyoming Land Use Plan was adopted in 2006. This site is recommended for Business Industrial use, with industrial uses extending west from this site to US 131. The proposed auto repair is a Community Commercial use and is contrary to the recommendation of the Land Use Plan. The Plan also identifies that the residential properties to the east along the south side of 54th Street are intended for Office Service uses. Such a transition would require land assembly to obtain sufficient area to reasonably integrate office developments with the surrounding neighborhood. If the subject property is rezoned to B-2 General Business and subsequently developed, it may lead to future requests for commercial zoning further along the south side of the 54th Street corridor. The development of Walmart and Home Depot along the north side of 54th Street is a strong influence on other commercial businesses who desire to be in close proximity.

2. Access to the overall 5 acre property must be carefully considered. The property has significant frontage along Crippen Avenue, which is primarily a residential street. Right turn ingress and egress from 54th Street is desirable to serve the overall property. With the proposed rezoning and associated development plan all access to the balance of the property would come from Crippen Avenue. Left turns from Crippen Avenue onto 54th Street may be difficult during peak traffic periods. Traffic progression through this area is a concern. The nearest signalized left turn occurs to the east at Haughey Avenue. Ideally, the entire property would be redeveloped cohesively and not split into separate uses. Industrial development within Wyoming has been very strong, with little available developed space remaining. The subject site could be redeveloped for industrial purposes in the manner which it is currently zoned.

Cochran highlighted how the proposal does not conform to the City of Wyoming Sustainability Principles. The proposed rezoning and subsequent Discount Tire development would negatively influence land use along the south side of 54th Street through this area. This would have a strong negative influence on the adjoining residential neighborhood to the east. The proposed rezoning and subsequent development of Discount Tire does not conform to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council denial of the subject rezoning.

Chair Spencer opened the public hearing.

Sam DeAngelo, owner of the property requested for rezoning, mentioned he was born and raised in Wyoming. He felt the 2006 Land Use Plan recommendations regarding 54th Street are outdated because this street has dramatically changed over the last ten years. Discount Tire will

be a good fit for this site. It is a solid business, has low traffic volumes and will create employment opportunities.

Chair Spencer closed the public hearing.

Ryan McEnhill of ENG, engineering consultant for Discount Tire, noted Discount Tire is the largest independent tire retailer in the United States. They strictly do tires and that is all. They are open Monday – Saturday, 8 a.m. – 6 p.m., with no overnight storage of vehicles. He presented the building elevations, which included a glass store front. They have consulted with the City's Engineering Department regarding traffic access points. Their property acquisition experts at Discount Tire have targeted and recommended this site as a great fit. They are open to a shared rear access out to 54th Street to serve the property to the south of them to benefit future development. They feel the Discount Tire use will serve as a softer buffer for the residential properties that are located across Crippen Avenue.

Motion by Weller, supported by Smart, to recommend the subject rezoning request to City Council for approval. Discussion followed.

Weller thought this use would create a good buffer from the train tracks and it is a good transitional use for the residents located across Crippen Avenue. It will be a benefit to clean up this site. He pointed out an office building would generate the same amount of traffic as this use.

Arnoys asked if there had been any recent traffic impact studies done for 54th Street. Cochran said there have been no new traffic analyses since the Walmart was developed. More analyses of this area are scheduled for 2019.

Chair Spencer pointed out this is a very busy street and there are still homes there. Traffic impact needs to be considered. This use could set a precedent for increased commercial uses.

Smart noted the property is currently zoned industrial with residential next door. He thought the neighbors would most likely favor this use as opposed to industrial development next to them. He was surprised that no neighbors were in attendance at the public hearing. This will be a nice buffer use for the residential properties and a good compromise for this site. He suggested the site plan include additional landscaping.

Goodheart expressed the need for 54th Street access for the industrial property directly to the south of this site. Weller pointed out there are currently industrial uses on Crippen that have always used only Crippen as an ingress and egress to their properties.

Arnoys thought the neighbors would prefer this use rather than an industrial use that will create additional semi-truck traffic.

A vote on the motion carried 5 – 2, with Bueche and Spencer opposed.

Bueche asked if the site plan would come back to the Planning Commission for approval.

Cochran said no, it would be a staff review. He would explore with the petitioner the issue of access to 54th Street for the industrial property to the south.

AGENDA ITEM NO. 2

Request to amend Zoning Ordinance Section 90-1008 Permits to require permits for tents. (Wyoming Planning Department)

Cochran proceeded to explain the amendment information:

Zoning Ordinance Section 90-1008 Permits specifies that permits shall be required for the following:

- (a) New construction of building or structure.
- (b) Moving a building.
- (c) Structural alteration or remodeling of an existing building or structure.
- (d) Any item which is regulated by the Michigan Building Code or any state agency.

It has come to our attention that the 2012 International Fire Code specifies that permits shall be required for the erection of tents exceeding 400 sq. ft. With the proliferation of firework vendors and other business related events, tent erections are common. Due to public safety concerns over wind securing, flame resistance, and placement, a City staff inspection is required and it should be clearly identified that a permit for this inspection is required.

The following amendment is proposed:

- (e) Tents exceeding 400 square feet.

Planning Commission Action:

The Community Services Departments suggested the Planning Commission recommend approval of the proposed Zoning Ordinance Section 90-1008 Permits amendment to the City Council.

Chair Spencer opened the public hearing. There was no public comment and the public hearing was closed.

Motion by Arnoys, supported by Hegyi, to recommend approval of the proposed Zoning Ordinance Section 90-1008 Permits amendment to the City Council. Discussion followed.

Weller asked if there was any way to exclude permits for tents for personal events such as weddings and open houses. Rynbrandt said they could not be exempt, as this is a requirement of the 2012 International Fire Code.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Request to amend Zoning Ordinance Section 90-328(3) Landscaping Maintenance to require front yard and secondary front yard irrigation for new Office District developments. (Wyoming Planning Department)

Cochran proceeded to explain the proposed amendment, with the proposed amended wording in bold:

Zoning Ordinance Section 90-328 (3) Landscape Maintenance states:

(a) In-ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all commercial zoned districts. Irrigation shall be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds 50 percent of the existing building width.

The requirement for irrigation in commercial zoned districts was adopted in January 2013. The requirement has been accepted by the business community and has improved the appearance of our commercial areas. With the desire to improve the appearance of other business zoned properties, staff recommends expanding this requirement to Office zoned districts to be applied with new developments. Industrial areas do not have the same aesthetic requirements as other non-residential areas, so they are recommended to continue to be excluded from the irrigation requirement.

The following amendment is proposed:

(a) In-ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all commercial **and office** zoned districts. Irrigation shall be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds 50 percent of the existing building width.

Planning Commission Action:

The Community Services Departments suggested the Planning Commission recommend approval of the proposed Zoning Ordinance Section 90-328 (3) Landscape Maintenance amendment to the City Council.

Chair Spencer opened the public hearing. There was no public comment and the public hearing was closed.

Motion by Hegyi, supported by Smart, to recommend approval of the proposed Zoning Ordinance Section 90-328(3) Landscape Maintenance amendment to the City Council. Motion carried unanimously.

AGENDA ITEM NO. 4

Request to amend Zoning Ordinance Section 90-311(3) Accessory Buildings and Uses to allow exposed fasteners on roofs and to relocate Section 90-311(8) Exterior Lighting to a new Section 90-330. (Wyoming Planning Department)

Cochran proceeded to explain the amendment information, with the proposed amended wording in bold:

Zoning Ordinance Section 90-311 (3) Accessory Buildings and Uses states:

(3) Any premanufactured accessory building larger than 120 square feet shall be in character with the primary building. Exterior building and roof materials shall be of a finished character with no visible exterior fastening system.

The Building Inspections Department finds that accessory building metal roof applications require specific manufacturer's specifications that may include exposed fasteners. These finished character roofing systems are of quality construction and appearance, are not considered by staff to be a detriment to the property or neighborhood character. Staff recommended that the Ordinance be amended to allow exposed fasteners when installed in accordance with manufacturer's specifications.

Also, within the same Zoning Ordinance Section subsection (8) states:

(8) Exterior house or yard lighting shall be arranged or shielded to reflect away from and not illuminate adjoining properties.

The Building Inspections Department has received objections from some property owners who contest whether the lighting restrictions anywhere on their property should apply to them as it is housed in the Accessory Building and Uses section of the Zoning Ordinance. This provision was tied with Accessory Buildings and Uses several decades ago. Staff recommends this provision be relocated to General Requirements with a new Section 90-330 to be specifically applicable anywhere on a property.

The following amendments are proposed:

90-311 (3) Any premanufactured accessory building larger than 120 square feet shall be in character with the primary building. Exterior building and roof materials shall be of a finished character **and shall be installed to manufacturer's specifications.**

90-311 (8) Deleted.

90-330 Exterior Lighting.

Exterior house or yard lighting shall be arranged or shielded to reflect away from and not illuminate adjoining properties.

Planning Commission Action:

The Community Services Departments suggested the Planning Commission recommend approval of the proposed amendments to Zoning Ordinance Section 90-311 (3) and (8) Accessory Buildings and Uses and 90-330 Exterior Lighting to the City Council.

Chair Spencer opened the public hearing. There was no public comment and the public hearing was closed.

Motion by Hegyi, supported by Bueche, to recommend the approval of the proposed amendments to Zoning Ordinance Section 90-311(3) and (8) Accessory Buildings and Uses and 90-330 Exterior Lighting to the City Council. Motion carried unanimously.

AGENDA ITEM NO. 5

Request to amend Zoning Ordinance Section 90-206 Definitions "F" to revise the Family definition. (Wyoming Planning Department)

Cochran proceeded to explain the proposed amendment, with the proposed amended wording in bold:

Zoning Ordinance Section 90-206 Definitions "F" states:

Family: means either of the following:

- (1) A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or
- (2) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a regular, permanent and distinct character or has a demonstrable and recognizable bond which renders the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.
- (3) This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

The Building Inspections Department is finding situations where homes are being used for

boarders to the degree that occupancy limits set by square footage provisions within the Building Code are exceeded. Also, ancillary issues such as excessive numbers of vehicles parked become safety issues and neighborhood nuisances. The US Department of Housing and Urban Development (HUD) accepts local regulations that cap the maximum number of unrelated people within a residence at six. Staff is supportive of adopting this restriction.

The following amendment is proposed:

- (2) The functional equivalent of the domestic family which is **six or fewer** persons living together in a dwelling unit whose relationship is of a regular, permanent and distinct character or has a demonstrable and recognizable bond which renders the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.

Planning Commission Action:

The Community Services Departments suggested the Planning Commission recommend approval of the proposed amendment to Zoning Ordinance Section 90-206 Definitions "F" to revise the Family definition to the City Council.

Chair Spencer opened the public hearing. There was no public comment and the public hearing was closed.

Motion by Hegyi, supported by Arnoys, to recommend approval of the proposed amendment to Zoning Ordinance Section 90-206 Definitions "F" to revise the Family definition to the City Council. Discussion followed.

Smart asked how we arrived at the number of six people. Cochran clarified these are six unrelated people. Rynbrandt added this number is based upon guidance from HUD. Weller could understand why regulation was needed because too many people at a residence lead to parking issues for the neighborhood and other problems.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 6

Request to amend Zoning Ordinance Sections 90-210 Definitions "J", Section 90-218 Definitions "R", Section 90-219 Definitions "S", Section 90-431B I-2 General Industrial District Special Approval Uses and Section 90-508 Special Approval Requirements, to establish new criteria for Salvage Yards and Recycling Facilities. (Wyoming Planning Department)

Cochran proceeded to explain the amendment information, with the proposed amended wording in bold:

There are several junk yards within the City primarily located along or near the Chicago Drive corridor. Although these facilities are all zoned I-2 General Industrial, they also all do not meet the minimum 10 acre, 50 foot greenbelt, and masonry wall requirements of the Zoning Ordinance. In addition, due to the high number of industrial facilities in and surrounding Wyoming, we have several recycling businesses. These have been regulated as special approval uses under the processing or disposal of solid or liquid waste materials provisions in the Ordinance. The recycling of all types of goods can be desirable, environmentally prudent and potentially profitable. It would be appropriate to consider amending the Ordinance to align its provisions with more modern terminology, remove negative connotations, and eliminate inappropriate standards. Given the potential for impacts (traffic, appearance, noise, odors, debris, dust, etc....) with such uses, they should remain Special Use Approvals by the Planning Commission and allowed only in the I-2 General Industrial district. Staff is not recommending any specific design requirements due to the broad range of the different types of salvage or recycling operations that are either in existence or may be proposed. This would allow the Planning Commission the flexibility to assign any conditions necessary to protect the public interest.

Also, for further Ordinance clarification in this section, we recommend adding meat processing plants (such as the two Michigan Turkey Producers facilities) as a distinct Special Use Approval. This region is internationally known for agriculture processing. Past considerations have included such uses with canning factories.

The following relevant Zoning Ordinance provisions state:

Section 90-210 Definitions "J":

Junk: For the purpose of this chapter, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk yard / scrap metal yard: Any area of more than 200 square feet unless entirely within an enclosed building, used for processing, storage, keeping or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition or abandonment automobiles or other vehicles or machinery or parts thereof.

Section 90-431B I-2 General Industrial District Permitted Uses after Special Approval:

- (2) Breweries, distilleries, canning factories, chemical plants, and handling, storage, processing or disposal of solid or liquid waste materials.
- (3) Junk yards.

Section 90-508 Requirements for Permitted Uses after Special Approval:

Junk yards:

- I-2
- 10 acre minimum lot area.
- 50 foot wide greenbelt adjoining all property lines.
- Masonry wall six feet in height required at interior boundaries of greenbelt.
- Junk may not be stacked higher than height of screening wall.

The following Zoning Ordinance amendments are proposed:

Section 90-210 Definitions "J":

Delete - **Junk and Junk yard / scrap metal yard.**

Section 90-218 Definitions "R":

Add - **Recycling facilities: A facility in which recyclables, such as newspapers, magazines, books, and other paper products; metal; asphalt products; plastics; wood products, other similar materials, liquids and solid wastes are reprocessed and treated to return such products to a condition in which they may be used again as a new product or separated for disposal.**

Section 90-219 Definitions "S":

Add - **Salvage yards: An outdoor facility exceeding 200 square feet where inoperable automobiles, machinery, appliances, and other products are stored to be dismantled or processed.**

Section 90-431B I-2 General Industrial District Permitted Uses after Special Approval:

- (2) Breweries, distilleries, canning factories, chemical plants, and **meat processing plants.**
- (3) **Salvage yards and recycling facilities.**

Section 90-508 Requirements for Permitted Uses after Special Approval:

Delete: Junk yard requirements.

Planning Commission Action:

The Community Services Departments suggested the Planning Commission recommend approval of the proposed amendments to Zoning Ordinance Section 90-210 Definitions "J", Section 90-218 Definitions "R", Section 90-219 Definitions "S", Section 90-431B I-2 General Industrial District Special Approval Uses and Section 90-508 Special Approval Requirements to establish new criteria for Salvage Yards and Recycling Facilities to the City Council.

Chair Spencer opened the public hearing. There was no public comment and the public hearing was closed.

Motion by Hegyi, supported by Smart, to recommend approval of the proposed amendments to Zoning Ordinance Section 90-210 Definitions "J", Section 90-218 Definitions "R", Section 90-219 Definitions "S", Section 90-431B I-2 General Industrial District Special Approval Uses and Section 90-508 Special Approval Requirements to establish new criteria for Salvage Yards and Recycling Facilities to the City Council. Discussion followed.

Weller agreed with this new wording. Goodheart and Weller inquired as to which sections of the ordinance would be deleted. Cochran replied all the wording in bold would stay and the rest of the wording would be deleted.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 7

Request for Site Plan Approval for an addition to D & D Building. The property is located at 3925 and 3959 Linden Avenue, SE. (Section 19) (Innovative Design)

Cochran described the location, existing land use and current zoning around the area. This proposal involves two adjoining properties. D & D Building proposes to combine the two sites into one property and construct a 16,898 sq. ft. warehouse addition. The two existing buildings comprise 27,340 sq. ft. The addition will provide for better utilization of the properties and the indoor storage of materials.

Staff had the following added site plan comments:

1. Final site grading and utility plans shall be approved by the Engineering Department.
2. A property combination request is required through the Assessing Department.
3. Additional front yard trees are required to meet current Zoning Ordinance requirements. A minimum of four trees, 2 ½ inch caliper, shall be placed in the front yard greenbelt. The plan shall be approved by the Planning Department prior to installation.
4. The Zoning Ordinance specifies a minimum 30 foot rear yard setback for buildings in the I-1 Light Industrial district. Ten feet is proposed, which would match the existing building. The Fire Department is comfortable with the proposed redevelopment plan. A variance from the Board of Zoning Appeals is necessary to allow this design.
5. The project shows two new overhead doors for the truck loading area. These are not permitted by the Zoning Ordinance. The existing building has an overhead door nearby. A variance from the Board of Appeals is necessary to allow this design.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability

Principles. The proposed addition to D & D Building will allow for the growth of a Wyoming business. This will contribute to the city's economic strength. Employment growth will also occur at the facility and short term with construction. The proposed addition to D & D Building conforms to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for the addition to D & D Building subject to conditions 1 - 5 noted.

Motion by Hegyi, supported by Arnoys, to grant Site Plan Approval for the addition to D & D Building subject to conditions 1 – 5 noted. Discussion followed.

Bueche asked the petitioner whether the site plan was prepared from a survey. Petitioner Mark McDowell of Innovative Design responded affirmatively, by Summit Surveying in Allendale. Summit issues this information to them electronically. Bueche pointed out the street names were not on the site plan and it is signed by an architect, not a surveyor.

Goodheart questioned the truck movements on this site and the parking at the north end. The petitioner responded that the Fire Marshall asked for a hammerhead turnaround design to accommodate ingress and egress for fire trucks. Cochran noted staff is comfortable with the design.

Smart asked about the uses in each of the buildings. The petitioner listed all the uses and noted the new addition will be for cold storage.

Hegyi asked if they could legally approve the site plan based on Bueche's comments. Cochran responded affirmatively. Minor alterations to a survey are not a factor.

A vote on the motion carried 5 – 2, with Bueche and Hegyi opposed.

AGENDA ITEM NO. 8

Division Avenue Form Based Code presentation September 26, 2016 at 6:00 p.m. in the Wyoming Senior Center Community Room.

Cochran announced this is an informational meeting. Public notices of the meeting were sent to over 3,600 property owners along and within 600 feet of the proposed Division Avenue rezoning. The Planning Commission public hearing will most likely be scheduled for the November 15, 2016 meeting. The City of Kentwood is also working on a comparable rezoning for their section of this area.

AGENDA ITEM NO. 9

28West (crescent street) update.

Cochran noted construction has begun on the 28 West crescent street. The utility work is currently being done. Goodheart, who is the engineer for the project, said the 15" sanitary sewer is in. The 60" sewer needs to go in next. The contractor's crane is broke, so this could be delayed. The project may not be completed until early next year. They are still working with MDOT regarding installation of the deceleration lane. The design calls for a future traffic signal at the crescent street.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

David Micele, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission