

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF NOVEMBER 19, 2013

PLANNING COMMISSION
MINUTES OF OCTOBER 15, 2013
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,
Weller, Woodruff

MEMBERS ABSENT: None

STAFF PRESENT: Cochran, City Planner
Rynbrandt, Director of Community Services
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

The minutes of September 17, 2013 were approved as written.

APPROVAL OF AGENDA

Motion by Postema, supported by Woodruff, to amend the agenda to move Item No. 2 to the end of the agenda. Motion carried unanimously.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

John Zondervan, 4646 – 56th St SW, expressed opposition to the proposed rezoning of 21.3 acres from ER Estate Residential to R-7 Special Multiple Family Residential at the northwest corner of 56th Street and Canal Avenue. Dump trucks are already hauling fill dirt onto the site. All the surrounding property owners are opposed to a condominium development here, and City officials should listen to the wishes of taxpaying citizens.

AGENDA ITEM NO. 1

Request to rezone 21.3 acres from ER Estate Residential to R-7 Special Multiple Family Residential. The property is located at the northwest corner of 56th Street and Canal Avenue. (Section 31) (Rivertown Homes By Design)

Cochran noted this item was deferred last month at the request of the petitioner to obtain additional information on the wetland areas of this project and develop an alternate layout of the property as a single family development. They also wanted additional time to address the concerns of the Planning Commission and respond to the comments raised at the public hearing.

Cochran explained the petitioner's consultant has since developed several design alternatives. He presented the first exhibit showing how the site could be developed as a single family subdivision. There would be 44 building sites with five of those fronting on Canal Avenue. Department of Environmental Quality wetlands approval would be necessary. The streets would have to be wider to meet public street standards. He then presented the two options for the condominium layout design. Option A shows the visual relationship between where units would be placed and the buffering that would be retained, with the drive access to 56th Street. In Option B, the drive access has been switched from 56th Street to Canal Avenue. Engineering staff believes both options can work, whether the access is from 56th Street or Canal Avenue. Both streets have very low traffic volumes and are projected to remain low (below 6,000 vehicles per day) in 2035.

Staff suggested the Planning Commission recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

Motion by Woodruff, supported by Arnoys, to recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner. Discussion followed.

Postema asked if the site could be developed as a single family condominium project instead of a site condominium project. He thought the duplex design proposed could change the character of the area. Cochran did not think this would be permitted by ordinance, but would have to verify it with the City Attorney.

Chair Spencer was in favor of the petitioner's condominium design because there would be less impact on the neighbors and the wetlands.

Hegy asked for clarification regarding minimum lot sizes in the ER zone. Cochran replied the ER zone requires minimum two acre lots, but can be platted according to R-1 minimum lot standards. Hegyi asked if the petitioner has the right to develop this plat. Cochran responded affirmatively; it is a very reasonable proposal.

Rynbrandt pointed out there is an active motion on the floor from the August 20, 2013 meeting which still stands for this meeting:

“Motion by Hegyi, supported by Woodruff, to recommend to the City Council denial of the proposed rezoning. Discussion followed.”

In recognition of the August 20, 2013 motion, Woodruff withdrew his motion from this evening's meeting and Arnoys withdrew his support of same.

A vote on the original motion to deny the proposed rezoning failed 1 – 8, with Arnoys, Bueche, Goodheart, Hegyi, Micele, Spencer, Weller and Woodruff opposed.

Motion by Woodruff, supported by Arnoys, to recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner. Discussion followed.

Postema asked which access would be proposed, 56th Street or Canal Avenue. Cochran replied the proposal is that the access be to 56th Street. Petitioner Don DeGroot of Exxel Engineering said they could be flexible as far as the access point.

Woodruff asked if the petitioner had spoken to the residents regarding the design options. Petitioner DeGroot said they addressed the neighbors comments through the public hearing process.

A vote on the motion carried 6 – 3, with Goodheart, Postema and Weller opposed.

AGENDA ITEM NO. 3

Request for Special Use Approval for West Michigan Pawn (pawn shop). The property is located at 2811 Wyoming Avenue, SW. (Section 15) (Michael Friend) (Includes Site Plan Approval)

Cochran noted this request was initially before the Planning Commission on September 17, 2013. It was identified that the location of the proposed use had changed to an adjoining parcel from the time of submittal. Subsequently, the request was tabled for one month and re-noticed to the appropriate nearby property owners. The petitioner had submitted a letter describing the type of business proposed.

The petitioner proposes to renovate a 1,900 square foot lease space into a pawn shop. The City Council, upon recommendation from the Planning Commission and DDA, amended the Zoning Code in May 2011 to allow secondhand businesses and pawn shops in this DDA district with Special Use Approval. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This retail center has had difficulty retaining tenants for several years. The proposed pawn shop business would occupy a vacant space. The proposed business activity is anticipated to have a minimal effect on neighboring properties due to its location within the middle of the center and its relative size. The recent market analysis prepared by LandUse USA for the Turn-on 28th Street Subarea Plan strongly recommends a retail strategy that focuses on fostering small business growth.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are other used goods businesses along this area of 28th Street. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has direct access to 28th Street. No adverse traffic impacts are anticipated from this business use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The proposed pawn shop will occupy and renovate an under-utilized building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The pawn shop use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff has no additional comments.

- g. That all other provisions of this chapter are met.

All other provisions are met. By Zoning Code, pawn shops must be a minimum of 500 feet from another pawn shop or secondhand business.

Staff had the following added site plan comments:

- 1. There are no changes to the exterior of the property with this use. No conditions of approval are recommended.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

Although small in size, the proposed pawn shop business will occupy a lease space within an underutilized property. As such, it will contribute to the city's economic strength. The proposed West Michigan Pawn conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for West Michigan Pawn per Staff's Findings of Fact. In a separate motion, Staff also recommended granting Site Plan Approval.

Chair Spencer opened the public hearing. There were no comments, and the public hearing was closed.

Petitioner Michael Friend said they buy and sell a variety of items, and will not sell vehicles. They will be changing their name to Lake Michigan Pawn. Cochran indicated this should not be a problem.

Motion by Hegyi, supported by Postema, to remove this item from the table. Motion carried unanimously.

Motion by Hegyi, supported by Postema, to grant Special Use Approval for West Michigan Pawn per Staff's Findings of Fact. Motion carried unanimously.

Motion by Bueche, supported by Hegyi, to grant Site Plan Approval for West Michigan Pawn. Motion carried unanimously.

AGENDA ITEM NO. 4

Request for Special Use Approval for For the Kids Gymnastics (athletic training facility). The property is located at 1374 56th Street, SW. (Section 35) (Scott Geerlings) (Includes Site Plan Approval)

Cochran explained this project was initially considered by the Planning Commission on June 18, 2013. The petitioner obtained site plan approval to construct a 20,500 sq. ft. building. The building was industrial in design and permitted by-right in this I-3 Restricted Industrial district. However, it was identified that the proposed gymnastics use of the building was not permitted in this I-3 district by the Zoning Code. Subsequently, a Zoning Code amendment was proposed to allow athletic training facilities by Special Use Approval within all Industrial districts. That amendment was adopted by the City Council on September 2, 3013.

For the Kids Gymnastics would relocate from their current facility at 5960 Burlingame Avenue. The entire property covers approximately 2.7 acres. For the Kids would utilize the front portion of the property, leaving the balance for a future use.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed gymnastics facility will be totally contained within the building. The building construction is industrial, and will complement the area. No adverse effects will occur on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. For the Kids Gymnastics has had a presence in this vicinity for several years without detriment to nearby properties. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property shares an access drive to Gezon Parkway with an adjoining parcel. No adverse traffic impacts are anticipated from the proposed use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

This development will complement the Gezon Parkway corridor. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff has no additional comments.

- g. That all other provisions of this chapter are met.

City staff has no other concerns.

Staff had the following additional site plan comment:

1. The Planning Commission's June 18, 2013 site plan approval for this development shall apply.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed For the Kids Gymnastics would provide a recreational facility for residents throughout this region. The use will contribute to the City's economic strength and social well-being. Additional employment will occur at the facility and short term with construction. For the Kids Gymnastics conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for For the Kids Gymnastics per the Findings of Fact. In a separate motion, staff recommended granting Site Plan Approval subject to condition 1.

Chair Spencer opened the public hearing.

Don Dykstra, who owns 40 acres directly north of this property, said there is an agreement in place that no industrial development on Gezon Parkway can have access to 56th Street. He wondered why they have a 56th Street address.

Chair Spencer closed the public hearing.

Petitioner Scott Geerlings, 936 South Shore Drive in Holland, said they were in favor of changing their address to Gezon Parkway. There would be no access to 56th Street.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for For the Kids Gymnastics per the Findings of Fact. Discussion followed.

Hegyi asked if their address could be changed. Cochran replied the Assessor's Office will change the address to Gezon Parkway. Mr. Dykstra is correct in that there is a binding Ordinance in place to not allow industrial access to 56th Street.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Woodruff, to grant Site Plan Approval subject to condition 1. Motion carried unanimously.

AGENDA ITEM NO. 5

Request for Special Use Approval for Fisher Station (restaurant drive through lane). The property is located at 5301 Division Avenue, SW. (Section 36) (Richard Postema Associates) (Includes Site Plan Approval)

Cochran noted the petitioner's original proposal was to construct two additions to the north and south ends of the building and convert it to a multi-tenant commercial building. Four tenants are anticipated. The south end of the building is being designed for a drive through restaurant, although no specific tenant is known at this time. At the time of public notice, two apartments were proposed to be included on the upper story. As of today, that part of the request has been removed. The Special Use Approval request now only pertains to the drive through restaurant. A new building storefront would be added that includes extensive brick and glass.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

This property has a nondescript commercial building currently used for used car sales. The proposed redevelopment of this site will involve a substantial investment. It will begin the transition of uses along the corridor to that taking advantage of the Bus Rapid Transit currently under construction. The proposed redevelopment will have a positive impact on the surrounding properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are numerous other drive through restaurant facilities along the Division Avenue corridor. The proposed uses are consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has two drives accessing to Division Avenue, a five lane thoroughfare. No adverse traffic impacts are anticipated from the proposed use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

This redevelopment project will reclaim an underutilized property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff has no additional comments.

- g. That all other provisions of this chapter are met.

City staff has no other concerns.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided. Driveways are requested to be improved to meet current City standards.
2. Fire protection coverage of the property shall be approved by the Fire Department.
3. A landscape plan meeting City requirements shall be approved by the Planning Department prior to installation. A minimum of two trees, of 2 ½ inch caliper, are required in the front yard area with an additional tree near the building. Irrigation in the front yard area is required. (Revised)
4. The building architectural plan for the redevelopment is acceptable and is adopted as part of the site plan approval.

Conformance with the City of Wyoming's Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed redevelopment will restore a vacant and neglected property. The multi-tenant building will provide consumer services to the area and provide employment. This facility will contribute to the city's economic and social strength. The proposed Fisher Station redevelopment conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Fisher Station per the Findings of Fact. In a separate motion, staff recommended granting Site Plan Approval subject to conditions 1, 2, revised 3 and 4.

Chair Spencer opened the public hearing.

A resident of the Grand Rapids Inn asked if this proposal would affect the hotel. They are currently having problems with access. Cochran indicated the hotel is not in the vicinity of this proposal. He would meet with her after the meeting to address her questions.

Doug Kochneff, 4517 Canterwood Drive in Ada, who owns five buildings on Division Avenue, was in favor of the proposal and thought it would be a nice development for the area.

Chair Spencer closed the public hearing.

Petitioner Rick Postema indicated the total building area is down to about 6,000 sq. ft. with the elimination of the apartment units.

Postema asked to abstain from voting on this item due to a conflict of interest. Motion by Micele, supported by Woodruff, to grant Postema the abstention. Motion carried unanimously.

Goodheart asked to abstain from voting on this item due to a conflict of interest. Motion by Arnoys, supported by Hegyi, to grant Goodheart the abstention. Motion carried unanimously.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for Fisher Station per the Findings of Fact. Discussion followed.

Chair Spencer said she was disappointed the apartments were deleted from the plan because the development plans for the Bus Rapid Transit area call for live/work units.

A vote on the motion carried unanimously.

Motion by Micele, supported by Woodruff, to grant Site Plan Approval subject to conditions 1, 2, revised 3 and 4. Discussion followed.

Hegyí asked if existing trees would be removed. Petitioner Postema said they will submit a landscaping plan that will meet all City requirements regarding trees.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to amend Zoning Code Chapter 90 to establish Form Based Code provisions.

Cochran explained this item had been tabled last month in order for an ad hoc committee to meet and review the final document before this meeting. The ad hoc committee was made up of Commissioners Bueche and Postema, along with staff and the consultants. Cochran noted the amended draft of the FBC was sent via e-mail to the Commissioners prior the meeting. The updated Code reflects the points raised at last month's meeting, as well as those raised at the ad hoc committee review meeting held on September 25th. Most of the amendments were formatting references as the FBC evolved from an overlay district, to a stand-alone district, to integrate with the format of the Zoning Code. The FBC provisions now also include the Engineering Department's requested amendments to the Thoroughfare standards.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject revised Zoning Code amendments to establish Form Based Code provisions.

Motion by Hegyi, supported by Postema, to remove this item from the table. Motion carried unanimously.

Motion by Bueche, supported by Micele, to recommend to the City Council the subject revised Zoning Code amendments to establish Form Based Code provisions. Discussion followed.

Chair Spencer thanked Bueche and Postema for their detailed review of the FBC provisions.

Postema had several additional proposed changes:

Change wording in Division 11, Page 2, Definitions “F”, Form Based Code Area: form based code *‘overlay’* should be changed to *‘district’*.

Add wording in Division 3, Page 2, 90-1311 Lighting, A.: “Exterior site lighting, other than *‘flag and’* decorative lighting . . . “

Change wording in Division 2, Page 1, 90-1200 Applicability, B.1.: *‘taxable’* value should be changed to *‘assessed’* value.

Change wording in Division 2, Page 1, 90-1200 Applicability, B.2.: *‘Changing’* should be changed to *‘Reducing’*.

Delete wording in Division 2, Page 1, 90-1200 Applicability, B.3.: *‘Any change in building height’* should be deleted.

Add wording in Division 2, Page 1, 90-1200 Applicability, C.: “Any change in land use *‘substantially’* impacting parking requirements . . .”

The Commissioners agreed to these changes.

A vote on the motion carried unanimously.

INFORMATIONAL ITEMS

Woodruff remarked that the recent Michigan Planning Association conference was very informative. He had suggested to Rynbrandt bringing in one of the conference speakers to the next joint training meeting of the City Council, Planning Commission and BZA. Cochran mentioned there were about 500 people in attendance at the conference. Sharon Woods of LandUse USA and Lynee Wells of Williams & Works, consultants who helped develop the Turn On 28th Street Plan and now our Form Based Code, were presenters.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 8:40 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission