

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING PLANNING COMMISSION AT ITS REGULAR MEETING OF JANUARY 20, 2015

PLANNING COMMISSION
MINUTES OF DECEMBER 16, 2014
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

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

MEMBERS ABSENT: Goodheart, Weller

STAFF PRESENT: Cochran, City Planner
Lucar, Administrative Aide

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

Motion by Bueche, supported by Micele, to excuse Goodheart and Weller. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of November 18, 2014 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no public comments.

AGENDA ITEM NO. 1

Request for Special Use Approval for Panera Bread Drive Through Restaurant. The property is located at 5500 Clyde Park Avenue. (Section 36) (Jeffrey Parker Architects) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. Panera Bread proposes to develop a 4,500 square foot restaurant within the parking lot for Meijer's. The use would incorporate a drive through service. This property is zoned B-3 Planned Business. The Zoning Code was amended earlier this year to potentially allow drive through restaurants in this, and all other, commercial districts. Panera desires to establish a separate parcel for this 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.

This proposed drive through restaurant would be developed on an underutilized parking area for Meijer's. Landscaped islands would be created to provide separation from the surrounding businesses. Panera's is a quality restaurant and would be an enhancement to this area. There will be no adverse effects 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. The Zoning Ordinance was recently amended to allow drive through restaurants in all commercial districts to provide opportunities for business development. Nearby are Steak n' Shake and Sonic Restaurants which provide vehicle service.

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

The potential drive through lane is well defined through the landscape island separations from the Meijer's parking lot and drive aisles. 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.

The potential drive through restaurant will have no blighting influence on 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 had no additional comments.

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

Staff is awaiting parking calculations for Meijer's and the surrounding out lots to determine conformance with the Zoning Ordinance requirements. The results of that analysis are anticipated to be available at the public hearing.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department.
2. A sidewalk connection shall be provided between the restaurant and the public sidewalk along Clyde Park Avenue.
3. The driveway at the southwest corner of the site shall be widened to allow full vehicle movements.
4. The property is proposed to be split from the Meijer parcel. The property would be 1.09 acres with 175.5 feet of frontage. This B-3 Planned Business district has a minimum lot area of 5 acres with a minimum lot width of 300 feet. A variance from the Board of Zoning Appeals is necessary to allow this property to be divided. The nearby Belle Tire, Chili's and Steak n' Shake are properties within the B-3 district that are of similar size as proposed.
5. The building façade is the customary corporate identity which incorporates primarily E.I.F.S. and windows. The proposed façade is adopted as part of the site plan approval.
6. The proposed landscape plan extends beyond the proposed property boundary and incorporates landscape islands within the Meijer parking lot. Irrigation in the front yard area will be provided. The landscape plan is adopted as part of the site plan approval.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Panera Bread will be a quality restaurant in this area. Such a business would contribute to the city's economic and social strength. The proposed Panera Bread Drive Through Restaurant conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Panera Bread Drive Through Restaurant per the findings of fact. In a separate motion, Staff recommended granting Site Plan Approval subject to conditions 1-6 noted.

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

Jeffrey Parker, architect representing Panera Bread, noted they are excited to become part of the Wyoming community and to help improve the overall look of the site.

Motion by Woodruff, supported by Hegyi, to grant Special Use Approval for Panera Bread Drive Through Restaurant per the findings of fact. Discussion followed.

Micele asked if this was the first drive-through restaurant for Panera Bread. Mr. Parker said this is a new design for them. They recently added a drive-through at their Kentwood location in front of Centerpoint Mall. Micele asked if the footprint for the proposed restaurant is smaller than normal for Panera. Mr. Parker replied it is the standard size. All the new Panera Bread restaurants will have drive-throughs.

A vote on the motion carried unanimously.

Motion by Woodruff, supported by Hegyi, to grant Site Plan Approval subject to conditions 1 – 6 noted. Discussion followed.

Postema asked if there was adequate parking for the drive-through design. Cochran responded affirmatively. Postema remarked they are showing only 9' x 18' parking spaces. Cochran replied this is the standard size throughout the city.

Bueche pointed out the site plan is not signed by a professional engineer or professional surveyor. Mr. Parker responded Engineer Paul Henderson of Roosien & Associates will sign the site plan. Bueche asked what type of survey was done. Mr. Parker replied a boundary survey. Woodruff asked if the Commission could approve a plan that is not sealed. Cochran responded affirmatively. Chair Spencer recommended discussing this topic at a later time. Mr. Parker noted, when the lot is split off from the parent parcel, they will have a professional survey done. They are doing their due diligence and will end up with an excellent product.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request for Special Use Approval for Express Auto Used Car Sales. The property is located at 2046 – 28th Street SW. (Section 15) (Joseph Giannloa) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. This property was initially constructed in 1987 as an auto service station with gasoline pump islands. It was subsequently used only for auto repair, but has been vacant and neglected for several years. The petitioner proposes to renovate the building and grounds for auto repair which is a permitted use in this district. In addition, he desires to introduce used car sales primarily along the 28th Street frontage. This is a Special Use Approval by the Planning Commission. 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 was used for auto related services for 25 years. There are also several auto related uses in this area, including auto sales. The establishment of a viable auto repair

and sales business on this vacated and deteriorating site will have a positive effect 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. There are other used car sales businesses in this area to the west in the City of Grandville and to the east near Burlingame Avenue. 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 used car sales business will occupy and renovate a vacant and deteriorating building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The use appears financially viable.

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

Staff had no additional comments.

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

All other provisions are met.

Staff had the following added site plan comments:

1. The site plan shows five trees of 2 ½ inch caliper to be planted in the greenbelt along 28th Street. Irrigation of this area shall also be provided. The specific trees to be planted shall be approved by the Planning Department prior to installation.
2. Site parking, including the required handicap accessible, shall be striped and signed. Vehicles waiting repair or pick up shall be placed in parking spaces and shall not occupy designated drive aisles.
3. Site lighting shall be directed to not cast off the property.

4. The petitioner will be restoring this neglected property with the proposed reuse. Plans are to resurface the parking lot and substantially resurface the building façade and roof. (Informational)

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed auto sales business will occupy a vacant and declining property. Employment will occur with the business use. As such, it will contribute to the city's economic strength. The proposed Express Auto Used Car Sales conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

Cochran noted one letter was received from a nearby business owner in favor of the request as long as there is a new façade and the parking lot is repaved. Another letter was received from a property owner whose home abuts this property. He indicated the fence that separates the properties is in disrepair and needs to be replaced or repaired. Cochran recommended adding the following condition:

5. The fence on the southeast corner of the site must be replaced or repaired to meet Ordinance standards.

The Development Review Team recommended the Planning Commission grant Special Use Approval for Express Auto Used Car Sales per Staff's Findings of Fact. In a separate motion, staff also recommended granting Site Plan Approval subject to conditions 1 – 3, and added condition 5.

Chair Spencer opened the public hearing.

Gary Chenoweth of 2827 Sharon Ave SW had submitted the letter regarding the fence situation. His main concern is that the fence is falling down and could be a safety hazard for his three small children, one whom is handicapped. He was also concerned about traffic on the site late in the evening.

Char Bell of 2908 Sharon Ave SW is a secretary in the Building Inspections Department for the City. She takes in many complaints concerning used car lots, especially along Division Avenue. The City has developed a new form based code for the downtown area of 28th Street, and she was disappointed that the City would settle on a used car lot here. The same standards should be in place for this area of 28th Street as for the downtown area.

Chair Spencer closed the public hearing.

Petitioner Joe Giannola said they are willing to take down the existing fence and replace it. They could also take down the trees that caused damage to the original fence. He would discuss the situation with Mr. Chenoweth. He presented before and after photos of a property they

redeveloped in Holland. They will redevelop this building, with some of the improvements being a new roof and repaving the parking lot. The lighting will be improved and directed towards their property. Their hours of operation would be weekdays from 9 a.m. – 6 p.m. and Saturday mornings.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for Express Auto Used Car Sales per Staff's Findings of Fact. Discussion followed.

Micele appreciated the redevelopment of a vacant building. He encouraged the petitioner to look at the form based code and address the type of look and vision the City has for 28th Street. Cochran could share information on the type of design desired in the form based code. Chair Spencer agreed.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Woodruff, to grant Site Plan Approval subject to conditions 1 – 3, and added condition 5. Discussion followed.

Bueche pointed out this plan is signed by a professional engineer and a professional surveyor.

Postema asked if there would be a greenbelt on 28th Street. Cochran said they will be adding trees and irrigation. They are not required to increase the greenbelt to 25 feet because this is an existing situation.

A vote on the motion carried 6 – 1, with Postema opposed.

AGENDA ITEM NO. 3

Wilson Avenue / 56th Street zoning considerations

Cochran mentioned the informational meeting that was held on December 3, 2014 regarding a major development proposal that would require the City to consider a significant rezoning change at the southeast area of Wilson Avenue and 56th Street. The purpose of the meeting was to receive input from neighboring residents, which will benefit the City Council and Planning Commission in their discussions regarding future rezoning considerations. This item was on last evening's City Council agenda as an informational item only. The residents in attendance at both meetings stated their opposition to apartments. The Granger Group has a desire to building a quality development here, and will be submitting an official proposal in the near future.

PUBLIC COMMENT

Petitioner Joe Giannola indicated he had erred in stating their hours of operation. They will be open 9:00 a.m. – 8:00 p.m. on weekdays.

Micele recommended the Commission be provided with a clear definition of what is required regarding plans being sealed by a professional engineer and professional surveyor. Postema pointed out one of the Site Plan Data Waiver Review form items requires a professional seal be included in the title block on the site plan, unless waived by staff. The Commission asked for more clarification in this regard.

ADJOURNMENT

The meeting was adjourned at 7:55 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission