

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF AUGUST 17, 2010

PLANNING COMMISSION  
MINUTES OF JULY 20, 2010  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bloomquist, Bueche, Goodheart, Hegyi, Postema, Spencer,  
Weller, Woodruff

MEMBERS ABSENT: Micele

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Bell, Recording Secretary

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

APPROVAL OF MINUTES

The minutes of June 15, 2010 were approved as written.

APPROVAL OF AGENDA

A revised agenda was proposed by Staff adding discussion of greenbelts on Chicago Drive and the GM Reuse Plan. The revised agenda was accepted as requested.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request for Special Use Approval for The Trailer Drop Terminal. This includes a truck trailer terminal, with trailer sales, rental, display and repair. The property is located at 2151 Beverly Avenue, SW. (Section 10) (Scott VanWieren) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. In 1989, Bond Construction obtained a use variance from the Board of Zoning Appeals to establish a construction company on this I-1 Light Industrial zoned site. A construction company with outdoor storage of equipment and materials is an I-2 General Industrial Special Use Approval.

That business operated from this site for nearly two decades before ceasing operations. Subsequently, the petitioner established his semi-trailer storage business on the property without authorization. Both a truck trailer terminal, and the sale, rental, repair and display of trailers are Special Use Approvals in this I-1 Light Industrial district, requiring Planning Commission approval. The petitioner has provided written statements describing his intentions and business operations.

The following review standards for Special Use Approval shall be used 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.

Substantial semi-trailer activity on Beverly Avenue has occurred for over 60 years to a number of nearby industrial facilities. This has occurred to such an extent that the character of the area is predisposed to these types of businesses. The properties on the south side of Beverly Avenue are zoned I-2 General Industrial and permit truck terminals by right. This I-1 zoned property has existed for several decades. Staff's belief is that it was intended to somewhat buffer the existing residences to the west from potentially problematic intense industrial uses. Those properties are separated from this site by a railroad. The prior Bond Construction operated a significant outdoor storage yard from the premises without significant detriment to those residents. Even though the trailer storage yard has been in operation without authorization the City could find no evidence of having received complaints from the nearby residents. However, if the business is authorized and grows (potential 500 stored trailers) there are two areas of concern that should be conditions of approval. Trailer repair requires heavy duty mechanical equipment. To minimize the potential for sound nuisances to the residents, the overhead doors along the west building wall shall be kept closed while repairs are conducted. In addition, dust control measures on the unpaved storage yard area must be periodically undertaken.

- 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. Trucking facilities are well established in the immediate area. 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 proposed trailer terminal has access to Beverly Avenue, which connects east to Burlingame Avenue and Burton Street, both designated truck routes. Beverly Avenue has substantial daily truck traffic. No adverse traffic impacts are anticipated.

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

The proposed use will occupy a previously vacated industrial property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed truck trailer storage, sales, rental and repair facility is compatible with other nearby facilities. The proposed use appears economically viable.

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

The homes to the west are separated from this site by a railroad. This proposed trailer terminal site lies in a hollow well below the railroad tracks and residences. A six foot fence, along substantial tree and shrub growth along the tracks further help to shield the property. Due to this combined situation, staff believes that no additional buffering would be practical or necessary.

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

Staff has no other concerns in this regard.

Staff had the following added site plan comments:

- 1. The proposed truck terminal requires no changes to the existing development. As such, they utilized the site development plan for Bond Construction. There are no conditions for Site Plan Approval.

The Development Review Team recommended the Planning Commission grant Special Use Approval for The Trailer Drop Terminal per Staff's Findings of Fact. Staff also recommended granting Site Plan Approval.

Chair Spencer opened the public hearing.

Scott Van Wieren, 2151 Beverly, said he has contracted with a company from Byron Center for dust control on a 30 day rotation. He also instructed the mechanics to keep the doors on the west down when making louder repairs.

Chair Spencer closed the public hearing.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for The Trailer Drop Terminal per Staff's Findings of Fact. Discussion followed.

Postema asked if the paving requirements only applied to cars.

Cochran noted truck and trailer storage have been allowed to be stored on unpaved surfaces by the Zoning Ordinance.

Bloomquist asked about the hours of operation.

The petitioner said hours of operation are normal day business hours, however dropping trailers can occur at other times later in the evening. He will redirect the drivers to drop trailers to the east side of the property after business hours.

Bueche questioned the property description. He noted the property was landlocked.

Cochran affirmed the property was landlocked but had access off a drive from Beverly. He agreed it was unusual in Wyoming for a property not to have street frontage.

Goodheart asked if the petitioner owned the property.

Cochran answered the petitioner was leasing the property.

Goodheart asked whether the access was within an easement.

The petitioner noted the access was an easement agreement, and the drive served the factory to the northeast as well.

Goodheart asked who owned the shared driveway.

Cochran answered it was owned by the factory to the east.

A vote on the motion carried 7 – 1, with Bueche opposed.

Motion by Hegyi, supported by Woodruff, to grant Site Plan Approval for The Trailer Drop Terminal. The motion carried 6 -2, with Bueche and Goodheart opposed.

#### AGENDA ITEM NO. 2

Request for Special Use Approval for Weller Auto Salvage. The property is located at 2401 Chicago Drive, SW. (Section 4) (Weller Auto Parts) (Includes Site Plan Approval)

Weller asked to abstain based on financial gain.

A motion was made Postema, supported by Hegyi to accept Weller's declaration of conflict of interest. The motion carried 7-0.

Cochran described the location, existing land use and current zoning around the area. Weller Auto Salvage has been in operation for several decades on the adjoining parcel to the west. They desire to expand their operation onto this 5.5 acre site. This property has been used for a considerable period as a trailer storage yard. The existing building would be used as a used vehicle sales office. The majority of the property would be used for storage of damaged and inoperable vehicles. These vehicles would be transported to the existing facility to the west for dismantlement. The petitioner has provided a written statement regarding their proposed use.

This salvage operation requires Special Use Approval from the Planning Commission. The following review standards for Special Use Approval shall be used 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 north side of Chicago Drive in this area is heavily encumbered by the Grand River floodplain. As such there is little development opportunity for building construction. This factor is the primary reason why industrial uses in this area incorporate large outdoor storage yards. The proposed auto salvage yard would be in character with similar businesses in the area.

- 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. Auto salvage, and other outdoor storage yards, are well established in the immediate area. 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 proposed auto salvage operation will have minimal traffic. No adverse traffic impacts are anticipated.

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

The proposed use will occupy a previously vacated industrial property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed salvage facility is the expansion of an adjoining use. The proposed use is economically viable.

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

It is Weller's practice to immediately remove batteries and all fluids from vehicles brought to their facility. In addition, no vehicle crushing or shredding will occur on this site. Staff has no additional concerns with this standard.

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

Technically, this salvage facility is classified as a junkyard under the Zoning Code. The Code, under Section 90-895, identifies several specific standards for such businesses. These include being a minimum of 10 acres, providing a 50 foot greenbelt with a six foot masonry wall along all property lines, and limiting the height of the stored materials to no higher than the height of the wall. From a staff perspective, these requirements were developed several decades ago and are not in place anywhere within Wyoming. Further, the masonry wall requirement appears particularly excessive. The authority to grant any waivers to these standards rests with the Board of Zoning Appeals, after review by the Planning Commission.

The proposal from Weller would incorporate the 5.5 acres with their existing parcel of 12 acres, thereby meeting the 10 acre minimum requirement. They propose to not provide the required greenbelt along the perimeter of the property, effectively using the full fenced in area used by the prior trailer storage business. This fencing abuts the ROW line of Chicago Drive, which results in a zero front yard setback. New industrial developments are required to provide a 25 foot minimum front yard greenbelt with 2 ½" caliper trees placed every 50 feet. Most of the businesses along Chicago drive do not have a front yard greenbelt. This is due to the age of the businesses, and the expansion of the street from a two-lane to a five-lane roadway. The attached exhibit shows the proposed construction of a seven foot – three inch high opaque fence along Chicago Drive to shield the adjoining the vehicle storage area. Rose bushes would be planted every 10 feet along this fence. Vehicles behind the fence will not be stacked or placed on racks. It is recognized that a redevelopment project on the property must occur to improve the overall site aesthetics. The issue is to what extent this should be. The property is located at a major entryway to Wyoming from the 196 expressway. The petitioner met with the Development Review Team (DRT) on July 19 to further discuss this proposed screening. A recommendation from the DRT regarding this matter has been provided.

In addition, Weller proposes to relocate their existing vehicle sales lot from the adjoining parcel to this site. These are the refurbished damaged vehicles suitable for return to the road. Car sales in the industrial districts are prohibited, however RV sales are a permitted use. A variance from the Board of Zoning Appeals would be required to allow this relocation.

Staff had the following added site plan comments:

1. The proposed salvage use will not include any site improvements other than fencing and possibly a greenbelt. Ultimately, whatever screening is approved must be maintained in a quality condition. Vehicles stored for recycling must be positioned in rows to maintain Fire Department accessibility. Vehicles for sale at the proposed sales lot must be placed on a paved surface.

The Development Review Team recommended the Planning Commission grant Special Use Approval for Weller Auto Salvage per the Findings of Fact and proposed conditions 1 - 4. The DRT also recommends granting Site Plan Approval subject to conditions 1 and 2. In addition, the DRT recommended this request be tabled until later in the meeting to more fully discuss the implications of the overall streetscape enhancements desired on Chicago Drive. The DRT recommendation stands unless a preferred streetscape is determined by the Planning Commission.

Chair Spencer opened the public hearing.

Earl Jordan, 3933 Clay, thought the proposed site plan was a good idea. He had a similar operation on Clay Ave., and the City would not allow him to sell cars on his property.

Ken Cox, Cox Leasing, 180 Lakeshore, Holland, owned the land and had leased it to commercial businesses for over 50 years. There had been a concrete plant there at one time, and most currently had been a trailer leasing operation. Weller would take over the lease. He was opposed to moving the cyclone fence 15' back. The fence is currently about 20' off the road. There is enough room to move a vehicle off the street. There is no reason to move the fence. The property would lose over a quarter acre of expensive property. Otherwise he was willing to work with the City on other issues. Weller would operate a neat and clean site.

Chris Weller, 5190 Kenowa, is a third generation recycler. His grandfather moved the business from Muskegon to its present location in 1949. They welcome this opportunity to expand the business, and add employees. The site is cramped by the railroad and highway access, etc. He had proposed a solid metal fence when he could have used a cyclone fence with slats. He felt the fence was in line with other businesses in Wyoming on Chicago Dr. He presented pictures of the area starting at the Grandville border to the west and ending at Burlingame Ave. He proposed to add sprinklers to the area of the right-of-way and rose bushes every ten feet. His opinion is a small well maintained right-of-way is better than a larger unmaintained right-of-way. Weller has more green space than other areas. The trailers presently stored on the lot are 13'6" and the current fence is only 6', which really does not provide screening, however it has been this way for at least 15 years. Weller will keep the lot well maintained and nice. They need all the space available with the 0' setback. This proposal is not really a redevelopment. If they do not use the lot, it could be used for another trailer storage facility. In the future, if they added a building, they could look at the setback again. He would be willing to work with the State and see if some trees could be planted in the right-of-way. He had proposed the steel fence, and a fire lane.

Chair Spencer closed the public hearing.

Motion by Hegyi, supported by Woodruff to table the motion to discuss revised agenda item no. 3.

A vote on the motion to table carried unanimously.

### AGENDA ITEM NO. 3

#### Chicago Drive Greenbelt

Cochran provided the following information to the Planning Commission to assist in the determination of future streetscape enhancements along Chicago Drive.

Chicago Drive is the historical transportation link between Grand Rapids and Holland. Through the Wyoming area, the street borders both the Grand River and railroad. Uses that developed on the north side of Chicago Drive were primarily open storage yards, many being salvage businesses. This was primarily due to this area being heavily encumbered by the Grand River's 100 year floodplain, with rail, street and market accessibility available.

For many decades, Chicago Drive was a two lane roadway within a 66 foot right of way. Building development of adjoining properties occurred up close to the roadway due to that being the practice of the time and the impact of the floodplain. Subsequently, when I-196 was constructed an interchange with Chicago Drive was provided. This created additional traffic demands and the right of way was expanded to 100 feet. This eventually allowed for the road to be widened to five lanes. It also eliminated essentially all front yard greenbelts that may have been in existence prior to the road widening. What remained was a zero setback for parking and storage yards for many of the businesses.

The development evolution of this corridor has left the streetscape stark and predominately unappealing. The properties west from Burlingame Avenue are primarily zoned I-2 General Industrial which requires for new developments a minimum front yard greenbelt of 25 feet. Trees must also be planted for every 50 feet of greenbelt. This is the design incorporated with the expansion of the HME property at the southeast corner of Chicago Drive and Byron Center Avenue. The 25 foot greenbelt in the I-2 district is identical with that required in most other commercial and industrial districts within Wyoming.

Properties that developed prior to, and different from, current regulations are considered nonconforming. These properties are entitled to remain as is unless proposed to redevelop or change into a Special Use. At that time, current regulations should be applied. For the reasons stated earlier, the 25 feet of greenbelt required in the I-2 districts may not be attainable for the majority of properties along Chicago Drive. Likewise, maintaining the existing zero setback with no greenbelt or trees does little to enhance the aesthetics of the corridor.

The DRT has considered these issues and recognizes that a vision for the corridor should be established to guide developers and staff in the redevelopment of these properties. The DRT suggests that a 15 foot greenbelt may be appropriate. Such a greenbelt would not excessively take away from the building development potential of the properties, provides for clear vision of oncoming traffic, provides an aesthetic green space, and provides a suitable surface area for trees to survive. Greenbelts of differing widths may also be practical. Whether to require trees or shrubs is another related issue. Another alternative is to maintain the existing setbacks, typically zero, and seek aesthetic treatments, such as fencing, to the extent possible.

Based on the discussion and resulting consensus vision of the Planning Commission, staff will in the short term guide any developers and recommend to the Board of Zoning Appeals, to achieve the desired corridor appearance. In the long term, amendments to the Zoning Code may be appropriate.

Spencer asked if the situation was consistent on the north and south sides of Chicago Dr.

Cochran said it was more pronounced on the north side of the street because of the flood plan.

Spencer then asked if it was unusual to have different conditions on different sides of the street.

Cochran said normally there is only a difference where there is a change in the zoning districts. The district including Gezon Parkway was different by design. The character of Chicago has not changed, but the road was widened, which changed the look by less depth in property.

Spencer suggested maybe the code could be modified to reflect the difference between north and south.

Cochran noted it takes time to effect property changes through zoning. Properties would be redeveloped one at a time.

Weller would like to see trees on Chicago Dr. but it may be impractical in a heavy I-2 use area. Trucks back into trees and snap them without even knowing it. It is also hard to find an area to put trees.

Hegyí saw the area as two separate situations, north and south sides, because of the railroad and flood plan. He noted staff had said there was no big demand for development in the area. The existing buildings will not be easily moved. If the north side could get a 15' front yard setback, it may be the best for the area. Those properties have already lost some area, and are already restricted. There might be a better chance to get 25' on the south side of the street.

Goodheart agreed that the north is different than south, also whether the development is completely new i.e. new building or just update, i.e. new asphalt or parking lot. It would be hard to have a broad interpretation for the corridor, it might be easier to consider each site individually.

Spencer noted there was already a code in place for a 25' setback, but she saw the point in individual considerations. 25' might be excessive in some instances. With guide lines from the Planning Commission, the staff could have a vision for what is reasonable.

Bueche asked if the flood plan affected both the north and side of the street.

Cochran noted the flood plan only affected the north side of Chicago Dr.

Bueche agreed with considering the development, whether or not it is completely new. The property owners should not be further penalized with additional setbacks unless there is a new development.

Postema concurred with individual consideration. Unless the whole area is reviewed, it is not reasonable to make a change to the code.

Rynbrandt recapped the discussion. The Planning Commission recognized a difference between the north and south sides of the street. Staff would be able to have discussions regarding the setbacks, but there is no strong feeling at this time to change the ordinance in regards to the required 25' setback.

#### AGENDA ITEM NO. 2 (continued)

Request for Special Use Approval for Weller Auto Salvage. The property is located at 2401 Chicago Drive, SW. (Section 4) (Weller Auto Parts) (Includes Site Plan Approval)

Motion by Hegyi, supported by Bloomquist to remove the motion from the table.

A vote on the motion carried unanimously, with Weller abstaining due to a conflict of interest.

Cochran presented staff's recommendation and special approval use conditions. He noted while Weller had not proposed the last three Special Use conditions, these are essential should a similar business be interested in development.

#### Recommended Special Use Approval Conditions:

1. Variances from the Board of Zoning Appeals are required to eliminate the required 50 foot perimeter greenbelt, eliminate the required six foot masonry wall surrounding the storage yard, allow a fence height above the six foot maximum, and permit through use variance the relocation of the used car sales lot to this site. The Chicago Drive streetscape shall include a 15 foot greenbelt along the storage yard area, one tree of 2 ½ inch caliper for each 50 feet of frontage, and a solid fence of 7 ¼ feet. The fence shall be maintained in good repair. The greenbelt plan shall be approved by the Planning department prior to installation.

2. Vehicles may not be stacked or placed on racks.
3. Vehicle crushing or shredding from this property is not permitted.
4. The use is restricted to vehicle salvage.

Recommended Site Plan conditions:

1. Vehicles stored for recycling must be positioned in rows to maintain Fire Department accessibility.
2. Vehicles for sale at the proposed sales lot must be placed on a paved surface.

Motion by Hegyi, supported by Woodruff, to grant Special Use Approval for Weller Auto Salvage, subject to conditions 1 - 4. Discussion followed.

Hegyi asked if the 15' greenbelt was required would the existing fence need to be moved.

Cochran answered, it would.

Hegyi asked why condition #4 was necessary.

Cochran answered it was necessary to restrict the use from ever changing the use to something more like metal salvage.

Hegyi withdrew his motion.

Motion by Hegyi, supported by Bloomquist, to grant Special Use Approval for Weller Auto Salvage, subject to conditions 1 - 4 but not to include a 15 foot greenbelt along the storage yard area, one tree of 2 ½ inch caliper for each 50 feet of frontage. He further suggested the Board encourage the owner to work with the State on putting trees in the right-of-way.

Spencer thought Weller had a good argument for no setback, however she was concerned about setting precedence for future requests. She would like to see some kind of setback.

Hegyi agreed it was a good thought, however he felt the requirement would stop the development. The proposed was better than looking at the existing cyclone fence.

Postema agreed with Hegyi. The City is getting concessions from the petitioner. It will be a huge improvement.

Goodheart did not agree it would set precedence. He felt the proposed was not a new development, just a change in use. He did not feel there had been any compromise, the petitioner had made his offers up front.

Bloomquist thought if all operations looked like Weller, it would be a good precedence to set.

Hegyí asked Postema if as a member of the Board of Zoning Appeals, if that Board would seriously consider the matter.

Postema said he felt the Board of Zoning Appeals always seriously considers the matters before them.

Weller said with the 15' of fire lane he proposed, he is already giving up space for the storage of 40 cars. Plus moving the fence would be costly regardless if it was 5' or 15'.

Bueche called for the question.

Goodheart was concerned about precedence, and wondered what staff thought.

Cochran thought the conditions made this request reasonable, and the ZBA would also consider precedence when making their finding of facts.

A vote on the motion carried 6 – 1, with Spencer opposed and Weller abstaining due to a conflict of interest.

Motion by Hegyí, supported by Bloomquist, to grant Site Plan Approval for Weller Auto Salvage.

A vote on the motion carried unanimously, with Weller abstaining due to a conflict of interest.

#### AGENDA ITEM NO. 4

Church regulation within the DC Downtown Center District.

Cochran referred to his memorandum on this subject.

The prohibition of church uses within the DC Downtown Center district is a historical evolution of decisions rather than a specific meeting deliberation.

Wyoming is well represented by over 50 churches scattered throughout the City. Most were established decades ago and served surrounding neighborhoods. These churches were just as likely to be on major thoroughfares as tucked away in residential neighborhoods. Over time, many of the congregations for these churches changed. Some churches decided to relocate off commercially developing streets and sold their properties for redevelopment. Some had shrinking congregations and sold the properties to other denominations. Many others grew in attendance. Some of these properties became constrained and could no longer accommodate their patrons without creating a nuisance to surrounding properties. The issue was so prevalent that several decades ago the Zoning Ordinance was amended to allow churches only in residential districts. Churches were prohibited in all non-residential (commercial, office and industrial)

districts. Further, any new churches were required to be on a major thoroughfare or collector street and be on properties of a minimum of three acres. Since these amendments, many new churches have developed in the southwest area of the City.

The Downtown Development Authority (DDA) for the 28<sup>th</sup> Street corridor was established in 1999. The impetus for their creation was the perception by business owners along the corridor, along with the Planning Commission, City Council and staff, that 28<sup>th</sup> Street was exhibiting significant economic decline. It was believed that a DDA would be able to more appropriately address this situation than either the City or individual business owners could.

In early 2002, the DDA fostered Downtown Plan was adopted as part of the Wyoming Land Use Plan. That Plan called for the redevelopment of 28<sup>th</sup> Street into a more urbanized corridor. Subsequently in 2002, the Zoning Ordinance was amended to create a DC Downtown Center district to implement the Plan along 28<sup>th</sup> Street and between Clyde Park and Burlingame Avenues. The DC district was more use restrictive than the prior and predominantly underlying B-2 General Business district by adopting the B-3 Planned Business standards. The B-3 district existed previously for the Rogers Plaza, Wyoming Village Mall and Studio 28 properties.

Churches by their nature provide a specific calling to individuals. As such, there are always start up churches or spin-offs looking to establish themselves. These churches typically have little money for facilities and are drawn to either commercial or industrial properties by the low rents, open floor space, and available parking. Typically, such spaces are not designed for assembly purposes and are in violation of our adopted Building Codes, which conforms to national standards. Money is rarely available to expend towards renovating the lease space, especially given the relative short term nature of the church at that location. The term “storefront churches” has been applied nationally to this issue.

Churches in business districts have other issues. Typically, DDA’s prefer not to have churches in their district. The primary reason is that churches do not pay property taxes. The DDA’s subsistence is driven by redeveloping properties to gain tax capture to fund reconstruction projects to foster additional redevelopment. In addition, many storefront churches are driven by a desire to help those in need in the surrounding area. Depending on the patronage, such churches may have a detrimental effect on surrounding businesses. Also to be considered is the fact that State requirements dictate a minimum 500 foot separation from establishments serving liquor and churches. There is a strong desire to obtain quality sit down restaurants in the downtown area. As an incentive, the City Council has set aside several liquor licenses specifically for the downtown area. Although waivers are possible, the separation requirements complicate attracting such restaurants.

In 2000, President Clinton signed into law the Religious Land Use and Institutionalized Persons Act (RLUIPA). Essentially, this law prescribed that communities may not treat churches different than any other assembly uses. Staff was aware of the Act. However, like most communities, we waited to see how it would be applied by the courts. Subsequently, in 2007, the City amended the Zoning Code in the following manner. Prior to 2007, the Zoning Code allowed assembly uses, such as banquet halls, only in the B-2 General Business district as a permitted

use. This regulation was amended to move assembly halls, and in addition churches, to a Special Approval Use in the B-2 district. Assembly uses and churches were thereby treated equally. This amendment did not extend assembly uses and churches into other commercial districts, such as the DC Downtown Center district.

In summary, churches exist and are allowed by right (with restrictions) in all residential districts. They are also permissible by Special Approval Use in the B-2 General Business district. They are not allowable in the I-1, I-2 I-3, B-1, B-3, PUD-2, RO-1 and DC districts. The Board of Zoning Appeals has denied use variance requests to place church uses within existing buildings in the I-1 Light Industrial, RO-1 Restricted Office and the DC Downtown Districts.

He noted the Board had been given a letter from H.U.B. ministry on the same subject.

Postema said he had brought up the question of churches in the DDA, to determine whether churches had specifically been considered. He wondered if banning churches from the DC was a good thing. The building requirements could be addressed. Churches should be welcomed. They draw people into an area. He understood they do not pay taxes unless it is through a tenant use, but they could enhance an existing area, like attracting people to restaurants after church services have completed.

Cochran added he had presented the same information to the DDA Board that he had just presented to the Planning Commission, and the DDA had not taken any action towards changing the ordinance.

Chair Spencer asked the Commission if any further action was necessary on this matter. No motions were presented.

#### AGENDA ITEM NO. 5

##### 28<sup>th</sup> Street Subarea Plan Update.

Cochran noted Spencer and Micele were on the steering committee. He explained there would be a bus tour of the 28<sup>th</sup> St. area on July 28, 2010 from 1 – 3 P.M. The group would be made of City Council member, Zoning Board of Appeals members, MDOT representatives, consulting team members, area and area business owners, as well as members of the Planning Commission. This will give the decision makers a chance to look at the issues on 28<sup>th</sup> St. as a start of their review. He welcomed any member to join, if seats were available. Reservations are needed by Monday, July 26<sup>th</sup>.

#### AGENDA ITEM NO. 6

##### Sign Ordinance Committee Update

Rynbrandt noted this committee has been meeting regularly, and minutes of the meetings are available on the City web site. Woodruff is a member of the committee. There had been an

article in the Grand Rapids Press that was not quite accurate. The group has reviewed steamers, banners, pennants, balloons and flags. Pedestrian signs have not yet been addressed. All results will be forwarded to the Planning Commission and the City Council at the conclusion of the review of the Sign Ordinance.

AGENDA ITEM NO. 7

GM Reuse Concept Plan

Rynbrandt explained a consultant from E2 hired by the Environmental Protection Agency funded by the Federal Government had put together a Concept Plan which has subsequently been presented to the City Council. City Manager asked staff to present the information to the Planning Commission as an informational item at tonight's meeting as an expedited process is necessary in creating a solution to the vacant GM property. Staff will be working on bringing forward a plan. If a PUD is considered, there be a need to change the City's Master Plan.

PUBLIC COMMENT

Mr. Glen Buter, 5148 S. Oakvale Ct. as a representative of the H.U.B. ministries appreciated the Commission taking the time to listen to the history of the background regarding churches in the DC. In the church's mind, the ministry is key to the vitality of the area. He felt the City is cutting out an important piece. The church works with people and helps to raise their standards. They also interact with neighboring businesses. He encouraged the City to stay on the issue, and work toward a solution to keep churches in the City without causing a negative impact. Churches of this size make sense.

ADJOURNMENT

The meeting was adjourned at 9:23 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Char Bell, Recording Secretary  
Wyoming Planning Commission