

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF NOVEMBER 20, 2012

PLANNING COMMISSION  
MINUTES OF OCTOBER 16, 2012  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

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

MEMBERS ABSENT: Hegyi, Woodruff

STAFF PRESENT: Rynbrandt, Director of Community Services  
Lucar, Administrative Secretary

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

Motion by Postema, supported by Goodheart, to excuse Hegyi and Postema due to their attendance at the Michigan Association of Planning conference. Motion carried unanimously.

APPROVAL OF MINUTES

The meeting minutes of September 18, 2012 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 Express Care Lube & Wash – Auto Sales. The property is located at 2255 Gezon Parkway. (Section 34) (Steve Flikkema) (Includes Site Plan Approval)

Rynbrandt mentioned City Planner Cochran was out ill. She proceeded to describe the location, existing land use and current zoning around the area. In addition to the ongoing vehicle services on the site, the petitioner proposes to have up to four vehicles for sale on the property at any one time. The vehicle display area is in the southeast corner of the property on the existing pavement.

The car sales are intended to supplement the business owner's income. The petitioner would advertise the vehicles through the internet with no signage used on site.

Auto sales lots are allowable by Special Use Approval from the Planning Commission in this B-2 district. 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 car sales use as proposed, restricted to no more than four vehicles, would not be a customary car sales lot. Such lots typically employ temporary signage and lighting to attract drivers' attention to the assortment of vehicles. The petitioner's intentions are to market the vehicles through the internet. However, this would not prohibit the use of temporary signage to identify the vehicles from Gezon Parkway. Staff is concerned that by authorizing an outdoor business there would be the potential for future expansion of the use (more cars) or other outdoor uses to be proposed in the area. Staff is also concerned about setting a precedent for businesses to be able to sell vehicles as an ancillary part of their business in non-auto oriented commercial corridors. Past unauthorized community situations have included repossessed vehicles brought into banking facilities for sale. The Gezon Parkway corridor exhibits a higher quality of buildings and landscaping than other areas of the City. As such, staff did not recommend introducing uses that may have the potential to erode that character.

- 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. This area of Wyoming has no auto sales lots, and with the exception of a weekly seasonal farmers market at Metro Hospital, no open air businesses. Denial of the proposed auto sales use would maintain the existing character of the area.

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

The property has access to Gezon Parkway, a four lane thoroughfare. The proposed car sales lot will add negligible traffic to the site. 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 car lot use will occupy a small area of the site. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The car sales business use on this property 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.

Staff had the following added site plan comment:

- 1. The proposed car sales area would occupy a small portion of the overall 0.8 acre developed site. No site changes are proposed and none are requested by staff.

Rynbrandt referenced the letter submitted by the petitioner explaining his request. There was also a Site Plan Data Waiver Review completed by City Planner Cochran that was included in the Planning Commission packet.

The Development Review Team recommended the Planning Commission deny Special Use Approval for Express Care Lube & Wash – Auto Sales per Staff’s Findings of Fact. If the Special Use Approval is granted, it should be conditioned upon no more than four vehicles displayed for sale on the property. In addition, a separate motion to grant Site Plan Approval would be required.

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

Petitioner Steve Flikkema explained his business has been struggling due to the poor economy. With the ability to sell a few used cars on the site, it would help supplement his business financially. As far as setting precedence for other used car dealers to come in, he did not think many people would want to buy one of the expensive pieces of property in this area to put in a used car lot.

Motion by Arnoys, supported by Weller, to grant Special Use Approval for Express Care Lube & Wash – Auto Sales, with the condition that no more than four vehicles shall be displayed for sale on the property. Discussion followed.

Postema asked if a new Findings of Fact needed to be developed since the motion differs with staff’s recommendation. It is done this way at the Board of Zoning Appeals level. Rynbrandt noted the Board of Zoning Appeals is required to develop a new Findings of Fact if different

than staff's recommendation. She recommended Planning Commission clearly state for the record the reasons why it should be approved consistent with the Special Use provisions.

Arnoys believed, if controls are put in place, such as limiting the number of vehicles for sale to four, it would not have a negative impact on the area. Also, the current business there is already an auto-related use and the car sales as an accessory use would fit in with it.

Chair Spencer thought granting the Special Use would set precedence for other car sales lot requests. Also, if the property changes hands, the Special Use goes with the property.

Weller did not think four cars would be noticeable, and he doubted granting this approval would set a negative precedence for this area.

Micele asked if the cars to be sold were high-end or low-end vehicles. Flikkema noted the oldest car he has for sale is a 2005. He would rotate the vehicles periodically. He mentioned the property is zoned to allow wholesale, but this is not his business. If someone bought the property from him, there is not much room to sell cars. Micele asked if there would be any car repairs done on site. Flikkema responded negatively, only the services provided currently on site. Rynbrandt reviewed the B2 Zoning regulations noting the zoning only allows car showrooms for indoor sales, not outdoor sales unless Special Use Approval is granted. If the petitioner was previously approved for wholesale auto outdoor sales additional review of the files would need to be done to confirm.

Goodheart asked where employees park. Flikkema replied the employees park in the back and they have an easement with the neighboring property owner for additional parking for employees and customers. Goodheart asked if the easement was for access, parking, or both. The petitioner indicated his belief that the easement included shared parking. Goodheart asked staff what was originally approved as required parking per the original site plan. Rynbrandt indicated that Cochran had not shared any concerns regarding parking and could not immediately confirm the number of parking spots originally required. Goodheart concluded that 11 spaces are currently available with the parking easement, and they were using only half those spaces. He mentioned the likelihood of the property to the east of this site being developed is slim due to the wetlands in the area.

Postema pointed out signage can be restricted as part of the Special Use Approval. Weller agreed. Flikkema indicated he would need two signs inside the vehicle, a sales information sign and a warranty information sign.

Goodheart asked the opinions of the Development Review Team staff as to their reasons for recommending denial. Rynbrandt said the recommendation to deny was a consensus, but there was one staff member leaning more towards the limited impact side. Overall the group was concerned about preserving the integrity of the area, setting a negative precedence for future similar requests and auto related businesses not fitting in with the character of the area.

Postema asked, if the car wash were built today, how many parking spaces would be required. After referencing the Zoning Ordinance, he confirmed that 10 spaces would be required.

Arnoys added another condition to his motion – signage shall be limited to two signs inside the vehicle, one for the vehicle description and one for warranty information.

Rynbrandt gave an example of how the approval could be precedence setting in the future. She asked that if the bank on the corner of Gezon Parkway and Byron Center Avenue were to repossess a few cars then ask for Special Use Approval to sell them in their parking lot, would the Planning Commission feel it would be difficult to deny the bank their request should this be approved?

A vote on the motion failed 2 – 5, with Bueche, Goodheart, Micele, Postema and Spencer opposed.

#### AGENDA ITEM NO. 2

##### Parks and Recreation Master Plan

Rynbrandt indicated the master planning process for community 5-Year Recreation Plan is on track, with surveys completed and public meetings held. Recently the draft master plan was distributed and she would appreciate any comments from Planning Commissioners. A public hearing will be held at an upcoming City Council work session.

Micele said he was very impressed with the plan and the parks system in general. Rynbrandt also mentioned there is a section in the plan incorporating the Turn On 28<sup>th</sup> Street Plan. This is important in applying for future grant funding.

Postema asked if the City can purchase land outside of the city for park purposes. There is a piece of land in Byron Township between Byron Center and Ivanrest Avenues that has wetlands which would make a nice park. Rynbrandt replied that Wyoming has purchased land outside of its corporate boundaries in the past. She would not recommend doing this unless it could be tied in with another piece of Wyoming park property or would have a specific purpose in benefiting the citizens of Wyoming. Postema noted it is close to Kent Trails.

Weller asked about possible parks in the Wilson Avenue area. Rynbrandt replied, in the Land Use Plan, regional parks are recommended for the panhandle area. The Planned Unit Developments for this area also have open space requirements, and school district properties have recreational resources open to the public.

#### AGENDA ITEM NO. 3

##### Turn On 28<sup>th</sup> Street Form Based Code

Rynbrandt noted the Turn On 28<sup>th</sup> Street Form Based Code steering committee continues to meet and is making progress. The steering committee asked staff to review the proposed various uses and which ones would be best for certain sections of this one-mile stretch of 28<sup>th</sup> Street. Staff included Rynbrandt, Cochran, Deputy City Manager Barb VanDuren, and Chief Building Official Jim Delange. These suggestions will be presented at the next steering committee meeting. At last night's City Council meeting they approved funds to assist with the marketing for Turn On 28<sup>th</sup> Street.

AGENDA ITEM NO. 4

Wyoming Land Use Plan 2020 Update

Rynbrandt referred to the updated plan which was distributed to each of the Commissioners. An electronic copy of the plan is also available on the City's website. She recognized City Planner Cochran's work in the process of updating this Land Use Plan document, along with assistance from staff members Linda Guth and Kim Lucar.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Secretary  
Wyoming Planning Commission