

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF APRIL 21, 2015

PLANNING COMMISSION
MINUTES OF MARCH 17, 2015
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

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

MEMBERS ABSENT: Woodruff

STAFF PRESENT: Cochran, City Planner
Lucar, Administrative Aide

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

Motion by Hegyi, supported by Arnoys, to excuse Woodruff. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of February 17, 2015 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 Fox Powersports (open air business/outdoor motor and recreational vehicle display). The property is located at 4500 Clyde Park Avenue, SW. (Section 25) (Victor Real Estate Holdings, LLC) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to develop a 56,300 square foot power sports facility. This superstore will provide motorcycles, snowmobiles, ATV's, jet skis, and associated products. Some of these motor and recreational vehicles will be displayed in the open air in front of the building. In addition, an outdoor test track will be provided adjacent to U.S. 131. Both of these uses require Special Use Approval from 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 proposed development will be of regional influence. It is a destination business which will benefit surrounding businesses. The project is part of a master planned commercial development and will benefit from cross access with the intended developments. 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 outdoor display of power sport vehicles will occur in front of the building and distant from the public streets. The outdoor test track will be grassed and well maintained.

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

The Traffic Impact Analysis provided for the overall development identified that the developments could occur without significant adverse effects on traffic.

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

The proposed facility will have no blighting influence on neighboring properties. The project will redevelop a vacant building site.

- 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.

Variances for proposed signage will be addressed by the Board of Zoning Appeals.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department. Driveway design and openings shall be determined through permit by the Engineering Department. ~~Deceleration lanes for all driveways shall be provided.~~
2. ~~Cross access north of the proposed building on Lot B is not allowed. Cross access shall be south of the future building.~~
3. All utility, highway easements, and cross access easements shall be provided to the Engineering Department.
4. Fire hydrant coverage shall be determined by the Fire Department.
5. The proposed test track shall be well maintained and shall minimize dust.
6. The front building façade incorporates a combination of metal panels and glass. Masonry block will be primarily provided on the other facades. The proposed façade is adopted as part of the Site Plan Approval.
7. A final landscape plan has not been provided for the development. A landscape plan meeting City requirements shall be provided for review and approval by the Planning Department. Irrigation in the greenbelts adjoining the public streets must be provided.

Cochran noted some of the conditions have been addressed by the developer, specifically the deceleration lanes noted in condition 1, which are not needed, and condition 2.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed development will contribute greatly to the redevelopment of this significant commercial corner. The business development will contribute to the city's economic and social strength. The proposed Fox Powersports conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Fox Powersports per the Findings of Fact. In a separate motion, Staff recommended the Planning Commission grant Site Plan Approval subject to conditions 1 and 3 - 7 noted.

Chair Spencer opened the public hearing.

Fred Sturim, 4882 Grenadier Drive, asked if the test track is accessible during off hours.

Chair Spencer closed the public hearing.

Petitioner Jack Barr from Nederveld Associates responded that the test track is not a place for customers to test vehicles before they buy them. It will only be used by the mechanics to make sure that vehicles are running properly after being serviced. They agreed with the conditions noted.

Motion by Micele, supported by Hegyi, to grant Special Use Approval for Fox Powersports per the Findings of Fact. Discussion followed.

Arnoys asked what type of management they would have for the test track. The petitioner replied it is a grassy area that will not be identified as a test track. Micele asked if this area will be irrigated. Cochran noted the ordinance requires irrigation in the front yard greenbelts only.

Micele asked if there would be a café area inside the building. The petitioner responded that they will have coffee available for customers. Weller was in favor of the use and their site plan.

A vote on the motion carried unanimously.

Motion by Hegyi, supported by Arnoys, to grant Site Plan Approval subject to conditions 1 and 3 - 7 noted. Motion carried unanimously.

AGENDA ITEM NO. 2

Request for Special Use Approval for J & H Family Store (gas station with drive through restaurant). The property is located at 4404 Clyde Park Avenue. (Section 25) (Craig Hoppen) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to develop a 5,093 square foot gas station/convenience store that would include a Tim Horton's restaurant with a drive through. The development will replace a vacant bank building. The project is part of a master planned commercial development that includes Fox Powersports and an Extended Stay Hotel. Both the gas station and drive through restaurant uses require Special Use Approval from 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 proposed development will be compatible with surrounding commercial developments. There is an existing gas station/convenience store across Clyde Park Avenue, and there are two drive through restaurants north across 44th Street. The project is part of a master planned commercial development and will benefit from cross access with the intended developments. 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. Both gas station and drive through restaurant uses are established in the immediate area.

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

The Traffic Impact Analysis provided for the overall development identified that the developments could occur without significant adverse effects on traffic.

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

The gas station and drive through restaurant will have no blighting influence on neighboring properties. The project will redevelop a vacant building site.

- 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 had 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. Driveway design and openings shall be determined through permit by the Engineering Department.
2. The building façade incorporates a combination of brick, split face block, EFIS and glass. The proposed façade is adopted as part of the Site Plan Approval.
3. A landscape plan has not been provided for the development. A landscape plan meeting City requirements shall be provided for review and approval by the

Planning Department. Irrigation in the greenbelts adjoining the public streets must be provided.

Cochran noted the bypass lane for the drive through will be provided through an access easement and drive to the south. He recommended adding the following condition 4:

4. All utility, highway and cross access agreements shall be provided to the Engineering Department.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed development will contribute significantly to the redevelopment of this significant commercial corner. The business development will contribute to the city's economic and social strength. The proposed J & H Family Store conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval to J & H Family Store per the findings of fact. In a separate motion, Staff recommended granting Site Plan Approval subject to conditions 1-3 and added 4 noted.

Chair Spencer opened the public hearing.

Mr. Harrington, 4477 Edgemont Drive, was in favor of both the Fox Powersports and J & H proposals for this site, but would like to see the remaining two large parcels at least cleaned up if they are not developed in the near future. What is the overall plan for these two parcels?

Chair Spencer closed the public hearing.

Petitioner Craig Hoppen of J & H Oil Company said they hope to break ground in May.

Motion by Hegyi, supported by Postema, to grant Special Use Approval to J & H Family Store per the findings of fact. Motion carried unanimously.

Motion by Hegyi, supported by Postema, to grant Site Plan Approval subject to conditions 1 – 3 and added 4 noted. Discussion followed.

Hegyi asked the timetable for development of the two remaining parcels. Cochran replied the Extended Stay Hotel, Fox Powersports and J & H should be under construction this summer. Since the two remaining out lots are very visible, he assumed they would be maintained by the property owners.

Goodheart thought the motion on the floor should specify that this is a revised site plan. Hegyi and Postema agreed to amend the motion “ . . . to grant Site Plan Approval of the ‘revised’ plan subject to conditions 1 – 3 and added 4 noted.”

Postema asked if the two out lots will at least be seeded. The petitioner for Fox Powersports responded affirmatively, but they hope to development these lots as quickly as possible.

Micele asked if the J & H Family Store will have the same look and feel as their other stores around the West Michigan area.

The petitioner replied it will look similar to their store on Chicago Drive. They will make sure it looks nice.

A vote on the amended motion carried unanimously.

AGENDA ITEM NO. 3

Request for Special Use Approval for Byron Center Avenue Retail (drive through restaurant). The property is located at 5811 Byron Center Avenue. (Section 33) (First Companies) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to develop a 9,590 square feet commercial lease space building on this site. Two restaurant uses are anticipated within the tenant spaces. One of the tenants is a potential Subway on the north end of the building. That use incorporates a drive through service which requires a Special Use Approval from the Planning Commission. This property is zoned PUD-1 Planned Unit Development. The Zoning Code was amended last year to potentially allow drive through restaurants in this, and all other, commercial districts.

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 retail center will be compatible with the commercial developments to the north. The project will benefit from cross access with adjoining developments. The proposed drive through lane is separated from an adjoining parking area by a landscaped island. The plan shows stacking for six vehicles, which exceeds the minimum five required. 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. To the north are Biggby's, McDonald's and KFC 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 separation. 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 had no additional 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. The developer must participate in the Regional Storm Sewer cost sharing. The driveway to Bayberry Farms Drive requires a permit.
2. The developments in this immediate area provide ground signs instead of pole signs. This has established a particular character for the area. The development shall incorporate a ground sign as a condition of approval.
3. The building façade incorporates a combination of masonry, brick, EFIS and glass. The proposed façade is adopted as part of the Site Plan Approval.
4. The proposed landscape plan meets City requirements and is adopted as part of this Site Plan Approval. Irrigation in the greenbelts adjoining the public streets must be provided.
5. The City Assessing Department requires a property combination request.

Cochran noted this site plan should also be approved as “revised” since it has changed since its original submittal.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed overall development, including the restaurant use, will contribute to quality of this area. The business development will contribute to the city's economic and social strength. The proposed Byron Center Avenue Retail Drive Through Restaurant conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Byron Center Avenue Retail per the findings of fact. In a separate motion, Staff recommended the Planning Commission grant Site Plan Approval of the revised plan subject to conditions 1-5.

Chair Spencer opened the public hearing.

Jim Hamilton, 5872 Trillium Lake, did not want to experience flooding like he and many of the other condominium owners experienced in 2013. He asked if this development would negatively affect the condominiums as far as storm drainage.

Chair Spencer closed the public hearing.

Petitioner Rob Berens of Exxel Engineering noted the Engineering Department has reviewed and approved the storm drainage for this development.

Motion by Arnoys, supported by Weller, to grant Special Use Approval for Byron Center Avenue Retail per the findings of fact. Motion carried unanimously.

Motion by Bueche, supported by Arnoys, to grant Site Plan Approval of the revised plan subject to conditions 1 – 5. Discussion followed.

Hegyí asked if vehicles exiting the complex on the south side could make a left turn. Cochran replied yes, and the Engineering Department has approved the driveway's location.

Micele asked if the space has already been leased. The representative from First Companies responded they have leased the two end caps and have interest in the others. Micele asked if the Planning Commission would review the retail going in. Cochran replied only if a Special Use is required.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Request for Special Use Approval for Eagle Processing (processing and disposal of waste materials). The property is located at 1701 Porter Street. (Section 10) (Eagle Processing) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to establish a 20,220 square foot industrial waste water treatment facility within an existing tenant space. Liquid wastes will be brought to the site either by tanker truck or by railroad car. Extensive government oversight of the business will be provided through permitting and inspection by the U.S. EPA, Michigan DEQ, and the Wyoming Clean Water Plant staff. Eagle Processing has been engaged in conversations with City utility staff who have confirmed acceptance of the proposed facility and their operations.

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 waste treatment facility will be tightly regulated by all appropriate levels of government. Extensive care is taken to prevent spills and odors of any kind. 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. Nearby to this site is the Waste Management facility. Other recycling or disposal facilities are located in the heavy industrial area along Chicago Drive.

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

The potential truck traffic to this facility will be well within the expected operational needs for most industrial businesses of this size. 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 proposed waste treatment 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 had no concerns in this regard.

Staff had the following added site plan comments:

1. The property is fully developed. No site plan conditions are requested.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed business will provide a necessary service for this region by processing industrial waste waters appropriately into environmentally managed materials. This business strongly advances environmental quality and supplies necessary support to area businesses. Eagle Processing conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval to Eagle Processing subject to conformance with all applicable U.S. EPA, Michigan DEQ, and City of Wyoming permitting requirements. In a separate motion, staff also recommended granting Site Plan Approval.

Petitioner Jim Rosendall said he had provided a letter to the Planning Commission which summarized their process operations.

Chair Spencer opened the public hearing.

Fred Sturim, who owns property at 1803 Farragut Street and 2105 Beverly Avenue, asked the toxicity levels of the materials transported in and out of the site. He was concerned about toxic materials being carried across the railroad crossing at Beverly, which is not a controlled crossing. He was also concerned about toxic materials running off onto his properties.

Vern Bekkering, 2221 Beverly Avenue, was also concerned about the uncontrolled railroad crossing. He only lives about 500 feet from this crossing.

Chair Spencer closed the public hearing.

The petitioner explained, regarding toxicity, this is non-hazardous water that is being brought into their building. The water needs some minor filtration, but is below hazardous levels. After filtration it is taken to a type 2 landfill that is for non-hazardous materials. Eventually they will have three to five railroad cars coming in a day randomly. He thought the question regarding the unmanned railroad crossing should be addressed through CSX Railroad. For now they will receive materials by truck, which will be unloaded inside the plant only.

Motion by Arnoys, supported by Weller, to grant Special Use Approval to Eagle Processing subject to conformance with all applicable U.S. EPA, Michigan DEQ and City of Wyoming

permitting requirements. Discussion followed.

Micele asked, when materials come in by rail or truck, do they come from out of state? The petitioner replied that initially they will come from operations in West Michigan, but they hope to expand to other areas.

Micele asked, regarding the railroad crossing, can the City reach out to CSX Railroad in this regard? Goodheart stated that MDOT controls railroad crossings where they cross a public street. A request can be made to MDOT to inspect the railroad crossing, a public hearing is held, then MDOT issues an order either to approve or deny any requested changes. The petitioner mentioned they would not be using rail in the immediate future, only trucks. Goodheart thought the City should review the rail plan. The petitioner suggested the City review the rail plan at a later time.

Arnoys and Weller agreed to amend the motion, adding the following wording at the end “. . . restricted to truck delivery only.”

Chair Spencer announced that the petitioner’s summary of process operations could be provided to anyone who requests it.

Goodheart asked if there is a sanitary sewer on site in which they discharge materials. The petitioner said they will be installing an additional manhole and line outside the building where the City will test it. Goodheart asked what would prevent the materials from going into the groundwater. The petitioner said everything will be unloaded inside the building. No materials are collected outside the building which could go into the groundwater.

A vote on the amended motion carried unanimously.

Motion by Hegyi, supported by Arnoys, to grant Site Plan Approval for Eagle Processing. Discussion followed.

Weller thought the petitioner should consider planting trees along Burlingame Avenue to help dress up the site, such as White Pines or Blue Spruce. Cochran mentioned the power lines along Burlingame may interfere. The petitioner said he did not own the building, but hopes to make improvements at a later time.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 5

Request for Site Plan Approval for Metron. The property is located at 2060 Health Drive. (Section 34) (Metron Integrated Health Systems)

Cochran described the location, existing land use and current zoning around the area. The petitioners propose to construct a three-story, 65 bed, convalescent facility. The facility will

complement the broad range of medical care provided throughout Metro Health Village.

Staff had the following added site plan comments:

1. Final site grading and utility plans shall be approved by the Engineering Department. Storm water calculations shall be provided. The developer shall participate in the storm sewer cost sharing. Driveways shall be designed to City specifications.
2. The proposed landscape plan meets City requirements and is adopted as part of this Site Plan Approval.
3. The proposed façade plans incorporate primarily brick and glass treatments. The façade plans are acceptable and are adopted as part of this Site Plan approval.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Metron facility will provide a needed service for convalescent care in the community. This will contribute to the city's social strength. Substantial employment will also occur at the facility and short term with construction. The proposed Metron convalescent facility conforms to the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for Metron subject to conditions 1-3 noted.

Motion by Hegyi, supported by Micele, to grant Site Plan Approval for Metron subject to conditions 1 – 3 noted. Motion carried unanimously.

AGENDA ITEM NO. 6

Proposed rezoning at the northeast corner of Burlingame Avenue and 36th Street update.

Cochran informed that the City Council denied this request for rezoning, as recommended by the Planning Commission, on a split vote. The Council members seemed agreeable to multiple family, but not at such a high density.

AGENDA ITEM NO. 7

Form Based Code Division Avenue Update.

Cochran noted the FBC Steering Committee continues to meet and study the FBC for Division Avenue. Their next meeting will be held on April 13th. The current commercial zoning property lines will be followed for this 4 ½ mile long section of Division Avenue. The adopted FBC for 28th Street will be used as a guide.

PUBLIC COMMENT

There was no public comment.

Micele asked about the progress in developing the new Panera Bread restaurant on Clyde Park Avenue and 54th Street. Cochran responded they have applied for a building permit and should start construction soon.

Micele asked if there has been progress made on building the new crescent street that will run south of 28th Street. Goodheart replied it is still in the design stages, but moving forward. Wyoming Village Mall site development is on hold right now.

ADJOURNMENT

The meeting was adjourned at 8:50 P.M.

Anthony Woodruff, Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Aide
Wyoming Planning Commission