

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF MAY 17, 2016

PLANNING COMMISSION  
MINUTES OF APRIL 19, 2016  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

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

MEMBERS ABSENT: Micele

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Planning & Development Department

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

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

APPROVAL OF MINUTES

The minutes of March 15, 2016 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to assign an I-1 Light Industrial zoning to 60 acres of land obtained from Byron Township through a PA 425 agreement. The properties are located at the southeast corner of Burlingame Avenue and 60<sup>th</sup> Street, SW. (City of Wyoming Planning Department)

Cochran described the location, existing land use and current zoning around the area. The City of Wyoming has entered into a Public Act 425 agreement with Byron Township to transfer 60 acres of land into the City. A tax sharing between the two communities will occur for 50 years. The property is unable to be serviced by public utilities from Byron Township, but can be

serviced from those within the City. The terms of the PA 425 agreement specify that the property shall be used for industrial purposes. The property was zoned Rural Residential in Byron Township which is not transferable. The City and Township have previously entered into several PA 425 agreements for properties on the north side of M-6.

The surrounding properties in the City of Wyoming are used for industrial purposes and are zoned I-3 Planned Industrial. The City of Wyoming Land Use Plan 2020 identifies the properties under consideration as being suitable for industrial purposes. The I-3 zoning is effectively I-1 Light Industrial zoning for allowable uses, but has a greater requirement for landscaping and building façade treatments along Gezon Parkway. The properties will only have access to 60<sup>th</sup> Street due to the elevated ramp on Burlingame Avenue to cross over M-6. 60<sup>th</sup> Street only extends between Burlingame Avenue and Clyde Park Avenue and is not a major thoroughfare. In addition, due to the properties having a depth of only 250 feet from 60<sup>th</sup> Street to the transmission line corridor, the viable lot sizes along the frontage will be substantially less than 2 acres required in an I-3 district, but would comply with the I-1 Light Industrial minimum requirement of one acre. For these reasons, the I-1 Light Industrial zoning is considered by staff and the property owners to be more suitable than the nearby I-3 Planned Industrial zoning.

It is noted that these properties surround a 1.1 acre property that is not included in the PA 425 agreement. That property is currently being used as a residence and will remain in Byron Township for the foreseeable future.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed I-1 Light Industrial zoning will provide for the 60 acres to be developed to substantially enhance the City tax base and provide for significant employment. Such development will contribute to the city's economic and social strength. The proposed zoning conforms to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed zoning to I-1 Light Industrial.

Chair Spencer opened the public hearing.

Michael Syswerda, 6115 Burlingame Ave SW, Byron Center, questioned whether there was sufficient infrastructure to serve this area. He was concerned about storm water runoff and where it would drain.

Developer Ned Quinn stated this property has been for sale for almost 20 years because of lack of access to the sewer. The PA 425 agreement will allow this access. The plan presented is only a draft concept. They will come back later with the detailed site plan.

Roger Manshaem, owner of the property to the east of this site, was concerned about added traffic and asked when 60<sup>th</sup> Street will be improved.

Chair Spencer closed the public hearing.

Motion by Weller, supported by Woodruff, to recommend to the City Council the proposed zoning to I-1 Light Industrial. Discussion followed.

Goodheart stated for the record, along with Bueche, that they had done some minor survey work on this property. It is City staff's position that this is not a conflict of interest since it is being proposed by the City.

Cochran noted the City will be reviewing the issue of utilities and possible street improvements in this area. There are no plans for immediate improvements. Improvements are usually driven by development.

Weller asked if truck traffic would come off Burlingame Avenue. Cochran responded affirmatively.

A vote on the motion carried unanimously.

#### AGENDA ITEM NO. 2

Request to vacate Laville Avenue and Stanton Street (paper only streets) extending south from Chicago Drive, SW (Section 3) (Atonne Group, LLC)

Cochran described the location, existing land use and current zoning around the area. The petitioner owns all the surrounding properties with the exception of Baatjes Park to the south. The street right-of-ways were never developed as public streets, and have for several decades served just the adjoining industrial businesses for vehicular and truck access to Chicago Drive. The streets have no general public purpose. The petitioner requests the City vacate the paper streets so the land can be incorporated into three adjoining parcels, which will then be consolidated into more desirable and functional parcels. One building was also constructed partially within the right-of-way.

A 0.03 acre portion of the Stanton Street vacation borders Baatjes Park. The vacation process assigns ½ of the adjoining right-of-way to each side. A separate action will be required to transfer the additional vacated property to be normally assigned to Baatjes Park to the adjoining properties (0.01 and 0.02 acres respectively).

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed street vacations will provide for the adjoining industrial properties to consolidate into three properties and allow for their more efficient use and future expansion opportunities. This will provide for future economic growth. The proposed vacations conform to the City of Wyoming Sustainability Principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed vacation of Laville Avenue and Stanton Street.

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

Cochran recommended the following wording be added to the motion: “. . . assigning the easement for the DTE gas line.” The applicant is aware of this requirement.

Motion by Arnoys, supported by Bueche, to recommend to the City Council the proposed vacation of Laville Avenue and Stanton Street, assigning the easement for the DTE gas line. Discussion followed.

Weller asked if there will ever be a need to service the back side of the park. Rynbrandt explained this will become City property, but not officially part of Battjes Park. Adding land to designated park property requires a vote of the people.

Goodheart asked the price of the land. Cochran replied the value of the land will be determined by an appraisal. This will be handled at the City Council level.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Request for Special Use Approval for Chick-fil-A drive through restaurant. The property is located at the southwest corner of 54<sup>th</sup> Street and U.S.-131, SW. (Section 36) (Progressive AE) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes to develop a 4,971 square foot Chick-fil-A Restaurant with drive through service within an underutilized parking area for Meijers. If approved, it would become the fifth stand-alone business adjoined with Meijers. Drive through restaurants 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.

The proposed location is within the north parking lot of Meijers. Chick-fil-A is a regionally new franchise, but with national notoriety, and would be an enhancement to the City of Wyoming.

- 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 Meijer's out lots include a Panera with drive through service. Also in the immediate area is a Steak n' Shake with drive through service and a Sonic with drive-in service. The proposed use is consistent with the Zoning Ordinance.

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

This project will obtain access through the existing driveways serving Meijers and its out lots. The application includes a Traffic Impact Analysis which identifies the significant traffic congestion that occurs along the 54<sup>th</sup> Street corridor. This congestion is primarily due to the close convergence with US 131, the high employment areas to the west along Gezon Parkway, and the numerous major retailers in the immediate area. The addition of a Chick-fil-A restaurant at this location would further contribute to this congestion.

The City, as adopted within the Grand Valley Metro Council 2017-2020 Transportation Improvement Program, has reserved federal funding in 2019 to reconstruct 54<sup>th</sup> Street from Clyde Park Avenue to the eastern on-off ramps at US 131. The two focal points of that plan are to provide direct ingress / egress at the Meijers property from the southbound off ramp with an additional east-bound lane between Clyde Park Avenue and US 131. This planned reconstruction would be accommodated with the proposed Chick-fil-A development. The street reconfigurations will improve overall traffic flow and reduce congestion through the 54<sup>th</sup> Street corridor. The Engineering Department will need to work cooperatively with MDOT, Federal Highway Administration, and Meijers to obtain approval. Additional right-of way for the third east-bound lane will be needed. The improvements will also require closure of the existing driveway to 54<sup>th</sup> Street. During this interim, it would also be beneficial for 54<sup>th</sup> Street traffic flow for Meijers to direct all entering and exiting tractor trailers to Clyde Park Avenue.

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

The potential drive through restaurant will occupy an underutilized parking area and 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 has no additional comments.

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

Staff has no other concerns.

Staff had the following added site plan comments:

1. Final grading, utility and storm water management plans shall be approved by the Engineering Department.
2. The applicants propose to split a 1.46 acre parcel, with 187 feet of width, from the Meijers parcel. The minimum parcel area is 5 acres, and the minimum parcel width is 300 feet, in this B-3 Planned Business district. Variances from the Board of Zoning Appeals are required to allow the parcel split. The nearby out lots for Chili's, Belle Tire and Panera are comparable in size and have previously obtained similar variances. Staff supports the desired variances.
3. The restaurant is shown to have a front yard setback of 55 feet from the 54<sup>th</sup> Street right-of-way. The minimum building setback in this B-3 Planned Business district is 65 feet. A variance from the Board of Zoning Appeals is required to allow the proposed setback. The right-of-way along 54<sup>th</sup> Street is staggered, with a much greater width near US 131. The proposed Chick-fil-A would be set back substantially farther from the pavement than the nearby Chili's restaurant, and the lawn area would exceed 140 feet between the 54<sup>th</sup> Street pavement and building. Staff supports the desired variance.
4. The proposed Chick-fil-A will remove 131 parking spaces from the Meijers store use. Prior parking removals from when the Meijers store was initially developed include accommodations for the Chili's, Belle Tire and Panera developments. The parking analysis identifies that with the development of Chick-fil-A, the remaining parking for Meijers will be 824 spaces, with 960 specified being needed under the Zoning Ordinance. The 136 space shortage is 14.2% below that required. Section 90-646 (4) of the Zoning Ordinance allows the Planning Commission to reduce the required parking by up to 25% when it can be demonstrated that a more appropriate parking number is justified. The analysis identifies that this older 226,700 sq. ft. store includes over 42,000 sq. ft. of storage, which is unusual given modern marketing operations within Meijer stores. In addition, the site is served by RAPID bus service. Meijers is confident that they can function appropriately with the reduced parking. Staff supports authorization of the requested 14.2% reduction in required parking.

5. The building façade incorporates extensive brick and windows. The building's appearance will be an asset to the corridor. The proposed façade is adopted as part of this site plan approval.
6. A detailed landscape plan has been provided which exceeds City requirements. That landscape plan is adopted as part of this site plan approval. Irrigation in the front yard area shall be required.

Cochran highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Chick-fil-A Drive Through Restaurant will be a quality addition to the 54<sup>th</sup> Street corridor. Such a business would contribute to the city's economic and social strength. The proposed Chick-fil-A Drive Through Restaurant conforms to the City of Wyoming Sustainability Principles.

Cochran noted one letter was received in opposition to the use because of traffic concerns.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Chick-fil-A Drive Through Restaurant per the findings of fact. Staff also recommended granting Site Plan Approval through a separate motion subject to conditions 1-6 noted.

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

Cheryl Scales of Progressive AE said they were available for questions, along with Chick-fil-A and Meijer representatives.

Motion by Woodruff, supported by Arnoys, to grant Special Use Approval for Chick-fil-A Drive Through Restaurant per the findings of fact. Discussion followed.

Goodheart pointed out the major issues are traffic and carving out parking from Meijer. He asked if Meijer agreed with the loss of some parking. Cochran replied yes. Regarding traffic, Goodheart thought the plan to reconfigure the intersection at U.S.-131/54<sup>th</sup> Street so there is a straight drive access into Meijer will alleviate potential problems, but this won't happen until 2019. It also doesn't solve the traffic congestion at Clyde Park Avenue.

Pete Lamourie, Traffic Engineer for Progressive AE, said his analysis indicated a minor increase in traffic with this use. He recommended when the City does the improvements at the intersection, they also add in a short 300' lane on the west side of Clyde Park Avenue to help with the east bound traffic. Goodheart asked if the traffic level would remain the same. Lamourie responded the traffic level is currently at level F. Cochran said regionally street improvements are programmed and planned three years in advance. There is a placeholder of \$1 million for these improvements to happen in 2019. It has been identified as a priority within the

region.

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.

Weller thought closing the drive off 54<sup>th</sup> Street into Chili's would help with traffic. Goodheart asked how many cars could be stacked at the Chick-fil-A drive-through. Scales replied 24 cars.

A vote on the motion carried unanimously.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

---

Anthony Woodruff, Secretary  
Wyoming Planning Commission

---

Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission