



**CITY OF ROOSEVELT PARK**  
**City of Roosevelt Park**  
**PLANNING COMMISSION**  
**AGENDA**  
**April 24, 2023**  
**6:00 p.m.**

1. Call to Order
2. Roll Call
3. Approve minutes of the March 27, 2023 regular meeting
4. Public Hearing-
  - a. SLU Request-3145 Henry Street-61-25-164-000-0041-00
5. Unfinished Business-None
6. New Business
  - a. Planning Commission Decision-SLU Request-3145 Henry Street
7. Commission Members Questions/Comments
8. Public Comment
9. Adjournment

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City of Roosevelt Park  
Planning Commission  
Meeting Minutes  
March 27, 2023  
6:00 pm

This meeting was called to order by Commissioner Bob Jakubowski at 6:00 p.m.

**PRESENT:** Commissioners: Mayor Aaron Langlois, Michael Sutton, Richard Isacson, City Manager Jared Olson, Amber Weerstra-Berdimski, Tyra Jonas, Donald Nilson-Hinton

**ABSENT:** None

**2023-013** **Roll Call**  
City Clerk Ann Wisniewski called roll call.

**2023-014** **APPROVAL OF MINUTES:**  
Mayor Langlois moved to accept the minutes of the January 30, 2023 meeting. This motion was supported by City Manager Olson and carried unanimously.

**2023-015** **PUBLIC HEARING:**  
**4A. Rezoning Request – 3145 Henry Street 61-25-16-000-0041-00**  
City Manager Olson moved to open the public hearing on the rezoning, of 3145 Henry Street. This was supported by Commissioner Weerstra-Berdimski and carried unanimously. City Manager Olson explained the purpose for the rezoning request.  
Roll Call: 8 Ayes, 0 Nays Motion Carries

- 2023-016**      **PUBLIC COMMENT:** on rezoning request -3145 Henry Street  
None
- 2023-017**      **CLOSE PUBLIC HEARING:** Rezoning Request 3145 Henry Street  
Commissioner Jonas moved to close the public hearing on the rezoning,  
of 3145 Henry Street. This was supported by Commissioner Weestra-  
Berdinski.  
Roll Call: 8 Ayes, 0 Nays Motion Carries
- 2023-018**      **PUBLIC HEARING:**  
**4B. Special Land Use Request – 1534 Chapel 61-25-544-000-0894-00**  
Mayor Langlois moved to open the public hearing on the SLU request of  
1534 Chapel Rd. This was supported by Commissioner Jonas.  
Roll Call: 8 Ayes, 0 Nays Motion Carries
- 2023-019**      **PUBLIC COMMENT:** on SLU-1534 Chapel Rd.  
Katie Eikenberry of 1534 Chapel Road explained her SLU request.
- 2023-020**      **CLOSE PUBLIC HEARING:** SLU – 1534 Chapel Rd.  
Commissioner Jakubowski made a motion to close the public hearing on  
on the SLU for 1534 Chapel Road. This motion was supported by  
Commissioner Jonas.  
Roll Call: 8 Ayes, 0 Nays Motion Carries
- 2023-021**      **NEW BUSINESS:**  
**6A. Planning Commission Decision- Rezoning Request -3145 Henry St.**  
Mayor Langlois moved to recommend the zoning amendment as  
presented and send it to the City Council meeting set for April 3,  
2023, for approval. This motion was supported by Commissioner  
Sutton.  
Roll Call: 8 Ayes, 0 Nay, motion carries.
- 6B. Planning Commission Decision – SLU Request 1534 Chapel Rd.**  
Commissioner Jakubowski moved to recommend the approval as  
presented for the SLU request for 1534 Chapel Rd. and send it to the City  
Council meeting set for April 3, 2023. for approval. This motion was  
supported by Commissioner Jonas.  
Roll Call: 8 Ayes, 0 Nays, motion passes.

**6C. Planning Commission Application – Recommendation to Approve**  
Commissioner Weerstra-Berdimiski moved to recommend the approval of the application for a seat on the Planning Commission and send it to the City Council meeting set for April 3, 2023, for approval. This motion was supported by Commissioner Jakubowski.

**2023-022      COMMISSION MEMBERS QUESTIONS/COMMENTS:**

Commissioners asked questions.  
City Manager Olson shared city updates.

**2023-023      PUBLIC COMMENT:**

None

**2023-024      ADJOURNMENT:**

The meeting was adjourned at 6:40 p.m.

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Ann Wisniewski, City Clerk



# CITY OF ROOSEVELT PARK PLANNING COMMISSION MEETING April 24, 2023

<b>Special Land Use Request-3145 Henry Street</b>	<b>Date:</b> April 24, 2023
<p>Due to a process error in the property measurement system of the January 2023 meeting notices, several additional property owner notices were subsequently required to be mailed. This has resulted in a second review and notice letter being received by most neighbors within three hundred feet for a second time and is a near duplicate to those notified in January for the same rezoning request.</p> <p>The City received an application for a special land use in the C- Henry Commercial East district. According to the zoning ordinance, a restaurant with drive through facility requires a Special Land Use permit to operate within this zoning district. While completing the correct steps of this process, the applicant has redrawn their site plan to address several comments from the previous Planning and Council meetings. This includes flipping the site to the south end of the property as to ensure they control the site plan aspects that adjoin the neighbors to the south. The second major change is the complete removal of an access point along Cranbrook. The current site plan now shows only an entrance on the middle stretch of the property along Henry Street. This removes the two current egress points on Cranbrook making it now zero egress points.</p> <p>The SLU process is detailed in Chapter 10 of the Zoning Ordinance and the attached application is ready for your consideration. As indicated in the Zoning Ordinance Section 10.3, a public hearing is required as part of the SLU procedure. The proposed project consists of the complete redevelopment of the current office use into a completely new drive through restaurant as the focus and a future possible coffee shop drive through as a secondary tenet. Please see Section III of the attached application for a description of the proposal. The packet also contains an aerial view of the property along with the required plans including parking and car stacking requirements. Included in the attachments is a full review letter from McKenna and Associates as it relates to the SLU requirements and submitted documents.</p> <p>If approved, a full on site plan review will be necessary and will be on a future Planning Commission agenda.</p>	
<p><b>Staff Recommendation:</b> Following the public hearing on the proposed Special Land Use, the Planning Commission can either recommend the approval as presented, recommend the SLU with additional conditions, or they can recommend that it not be approved.</p>	
<b>Signature:</b>	<b>Title:</b> City Manager

FOR CITY USE

P.C. Date: **January 30, 2023**  
Date and Time Received January 10, 2023  
Received By: Jared D. Otson, City Manager  
Date Returned if Incomplete: \_\_\_\_\_  
Returned By: \_\_\_\_\_  
Revised Application Recd: \_\_\_\_\_  
Received By: \_\_\_\_\_

**SPECIAL USE PERMIT REQUEST**

**NOTE TO APPLICANT:**

The Roosevelt Park Planning Commission meetings are held on the fourth Monday of each month at 7 p.m. at the City Hall. All applications must be submitted **30 days** prior to the next regularly scheduled Planning Commission meeting to allow City staff sufficient opportunity to conduct an administrative review prior to submission to the Planning Commission. Any application received without sufficient time for City staff to conduct review will be held until the next regularly scheduled Planning Commission meeting. City Council meetings are held the first and third Monday of every month at 7:15 p.m. at the City Hall. An application fee of \$250.00 must be paid at the time of application.

The Planning Commission and/or City Council have the right to request additional information from an applicant prior to making a decision regarding the Special Use Permit application. The Planning Commission and/or City Council may table or hold a request for a reasonable period of time until the requested information is provided. Applicants are expected to attend the Planning Commission and City Council meetings to explain their request and to answer questions or comments from the Planning Commission and City Council or others who may be present. All meetings of the Planning Commission and City Council are open to the public.

**GENERAL REQUIREMENTS:**

The Planning Commission will be reviewing the site plan of the proposed Special Use to ensure conformance with the City's guidelines and regulations. The purpose of this review is to protect the health, safety and welfare of Roosevelt Park's residents and to ensure the compatible, logical use of property. The criterion that may be used in performing this review is outlined in the City's Zoning Ordinance.

In order to process a request, the applicant must submit a completed application form with the detailed information specified in Chapter 10 of the City's Zoning Ordinance. Twelve

(12) copies of the application and accompanying plans/details must be submitted. This information will be forwarded to the Planning Commission with notes and comments from the City staff regarding the City's review of the application.

After completing their review of the proposed site plan, the Planning Commission will forward a recommendation to the City Council. The City Council may choose to conduct a public hearing of its own. The City Council will consider all information pertaining to the request, including comments and advisories by City staff. Once this has been done, the City Council will then consider the proposed Special Use Permit and will take one of the following actions:

- They will approve the requested Special Use Permit subject to the terms, conditions and restrictions outlined in the application;
- They will approve the proposed Special Use Permit with additional terms, conditions and restrictions as determined by the City Council;
- The City Council will deny the requested Special Use Permit. An explanation for the City Council's denial will be provided to the applicant.

Persons aggrieved by the decision of the City Council regarding the granting or denial of a Special Use permit may file an appeal to have the decision reviewed by the Roosevelt Park Zoning Board of Appeals. Application forms for the Zoning Board of Appeals are available at City Hall.

**SPECIAL USE PERMIT APPLICATION  
REQUIRED INFORMATION:**

I. Name of Applicant/Owner requesting the Special Use Permit.

A. Applicant

1. Name(s) Restaurant Holdings LLC
2. Address(s) 45 Ottawa Ave SW Suite 600, Grand Rapids, MI 49503
3. Phone(s) \_\_\_\_\_

B. Owner of property if different than above.

1. Name(s) Restaurant Holdings LLC
2. Address(s) 45 Ottawa Ave SW Suite 600, Grand Rapids, MI 49503
3. Phone(s) \_\_\_\_\_

II. Location of Property

A. Parcel number, legal description, street name and number if assigned:

P/N: 61-25-164-000-0041-00, CITY OF ROOSEVELT PARK CRANBROOK  
ADDITION LOTS 41 TO 46, HENRY STREET 3145

B. A drawing(s) indicating all of the following information shall also be submitted with the application (such drawing shall be to scale). Special Use Permit requests not seeking final site plan approval may not need to submit all of the items identified. Please indicate on the application if you are seeking preliminary or final site plan approval.

1. Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location;
2. Date of preparation/revision;
3. Name, address, and professional seal of the preparer;
4. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land;
5. Existing man-made features;
6. Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one-hundred (100) feet of the property;
7. Street rights-of-way, indicating proposed access routes, internal circulation, relationship to existing rights-of-way, and curb cuts within one-hundred (100) feet of the property;

8. Proposed grading;
9. Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, and fire hydrants;
10. Location, sizes, and type of fences, waste receptacles, landscaping, buffer strips and screening;
11. Location, sizes and type of signs and on-site lighting, including information regarding lighting levels at the edges of the site;
12. Proposed parking areas and drives. Parking areas shall be designated by lines showing the individual spaces and shall conform with the provisions of the Zoning Ordinance on parking;
13. Any public and private easements;
14. Dimensions and number of proposed lots;
15. Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, flood plains, lakes and other significant natural features;
16. Building elevations.

C. You may also include photographs or other exhibits if you feel they aid in clarifying your request.

### III. Nature of Request

A detailed description of the requested Special Use should be provided in the space below. Be very specific in describing the project, referring to applicable sections of the Zoning Ordinance when possible. The description should include a detailed timeline for the implementation of the project. Attach additional sheets if necessary.

THIS REQUEST IS TO CHANGE THE WESTERLY PORTION OF 61-25-164-000-0041-00 AT 3145 HENRY STREET FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-E HENRY COMMERCIAL. THIS WOULD INCLUDE LOTS 41, 44, AND 45 OF THE CRANBROOK ADDITION LOT 41 TO 46 INC PLAT. THE ABOVE MENTIONED LOTS' CURRENT LAND USE IS COMMERCIAL (SURFACE PARKING). THE ROOSEVELT PARK PLAN (MASTER PLAN JANUARY 2020) EXISTING LAND USE EXHIBIT SHOWS THE LOTS BEING COMMERCIAL; THE FUTURE LAND USE EXHIBIT SHOWS THE LOTS BEING COORIDOR MIXED USE, WHICH INCLUDES COMMERCIAL USES.

THE SITE WILL BE SPLIT WITH THE NORTH PORTION BEING DEVELOPED INTO A DRIVE-THROUGH RESTAURANT AND THE SOUTH PORTION BEING MARKETED FOR A SMALL DRIVE-THROUGH ESTABLISHMENT.

ONCE PERMITS ARE APPROVED, IT IS ANTICIPATED THAT CONSTRUCTION WILL COMMENCE SPRING OF 2023 AND BE COMPLETE SUMMER OF 2023. THE INITIAL PHASE OF CONSTRUCTION ON THE SOUTH PORTION OF THE SITE WILL CONSIST OF THE ENTRANCE DRIVE AND SIDEWALK ON THE HENRY STREET FRONTAGE, AND NECESSARY PARKING CIRCULATION AISLES. THERE IS NO ANTICIPATED DATE FOR THE COMPLETE BUILDOUT OF THE SOUTH PORTION OF THE SITE.

**IV. Basis for Approving the requested Special Use**

In the space below, the applicant should outline how the proposed site plan and requested Special Use complies with the standards for granting a Special Use Permit. Attach additional sheets if necessary.

THE PROPOSED USE IS SIMILAR IN CHARACTER TO EXISTING ESTABLISHMENTS IN THE VICINITY AND WILL BE HARMONIOUS AND APPROPRIATE.

THE PROPOSED USE WILL USE NECESSARY PUBLIC FACILITIES THAT PRESENTLY SERVE THE SITE.

THE PROPOSED USE IS THE SAME AS NEIGHBORING ESTABLISHMENTS AND WILL NOT CREATE ADDITIONAL HAZARDS OR DISRUPTIONS.

THE PROPOSED USE WILL NOT INVOLVE ANY ADDITIONAL ACTIVITIES, PROCESSES, MATERIALS AND EQUIPMENT AND CONDITIONS OF OPERATIONS THAT DO NOT ALREADY EXIST IN THE VICINITY.

THE PROPOSED USE WILL BE IMPLEMENTED IN ACCORDANCE WITH THE ORDINANCE, AND THE SPECIAL LAND USE SECTION: RESTAURANTS WITH DRIVE-THROUGH FACILITIES.

**V. Effect of Request on Other Properties**

1. If the proposed use is approved, what effect will there be regarding the demand placed on governmental facilities?

THE PROPOSED USE WILL REQUIRE THE SAME SERVICES AS OTHER RESTAURANTS IN THE VICINITY INCLUDING, STORM SEWER (IN ACCORDANCE WITH MUSKEGON COUNTY STANDARDS), SANITARY SEWER, PUBLIC WATER SERVICE, GAS, ELECTRIC, AND DATA.

2. Will a substantial change be effected in the character of the neighborhood or will a substantial detriment be created for adjoining properties?

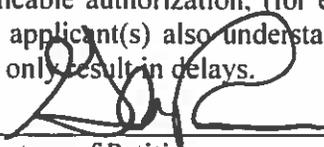
THE PROPOSED USE WILL NOT CREATE A SUBSTANTIAL CHANGE TO THE CHARACTER OF THE NEIGHBORHOOD OR SUBSTANTIAL DETRIMENT FOR ADJOINING PROPERTIES BY UTILIZING THE TOOLS IN THE ORDINANCE INCLUDING SETBACKS, SCREENING, BUFFERS, AND LANDSCAPE PLANTING. ADDITIONALLY, THE SAME USE CAN BE FOUND THROUGHOUT THE VICINITY.

**PROCESSING PROCEDURE:**

- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, the request will be scheduled to appear before the Planning Commission. This meeting will only be scheduled when it is found that your application is complete and all information is included.
  
- II. The Planning Commission will consider the request at their next scheduled meeting. The applicant will be given an opportunity to explain their request to the Planning Commission. It will be at the discretion of the Chair of the Planning Commission whether or not to allow or hear public comments or questions regarding the proposed site plan. The Planning Commission will consider all the information provided to them regarding the request. This will include staff reports and advisories. Once the Planning Commission has gathered all of the information necessary to make a decision, they will make a recommendation to the City Council to take one of the following actions:
  - A. Approve the requested Special Use Permit subject to the terms and conditions set forth in the application.
  - B. Approve the requested Special Use Permit subject to amended and/or additional terms and conditions the Planning Commission determines reasonable and appropriate to maintain the public health, safety and welfare. This may also include financial or other guarantees that will ensure compliance with the stated terms of approval.
  - C. Deny the requested Special Use Permit as not being in the public interest and as being contrary to the basic spirit and intent of the Zoning Ordinance.
  
- III. The City Council will consider the recommendation of the Planning Commission at the first Council meeting after receiving the recommendation. The City Council may or may not take additional comments and input from the public. The City Council may or may not follow the recommendation of the Planning Commission and will choose one of the three options outlined under II.

**ACKNOWLEDGEMENT AND CERTIFICATION:**

It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that any approval of the Planning Commission and City Council regarding this Special Use Permit does not relieve the applicant from obtaining other applicable authorization, (for example: building and electrical permits, business license, etc.). The applicant(s) also understands that the submission of incomplete or inaccurate information will only result in delays.

  
\_\_\_\_\_  
Signature of Petitioner

01/06/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner if different than petitioner

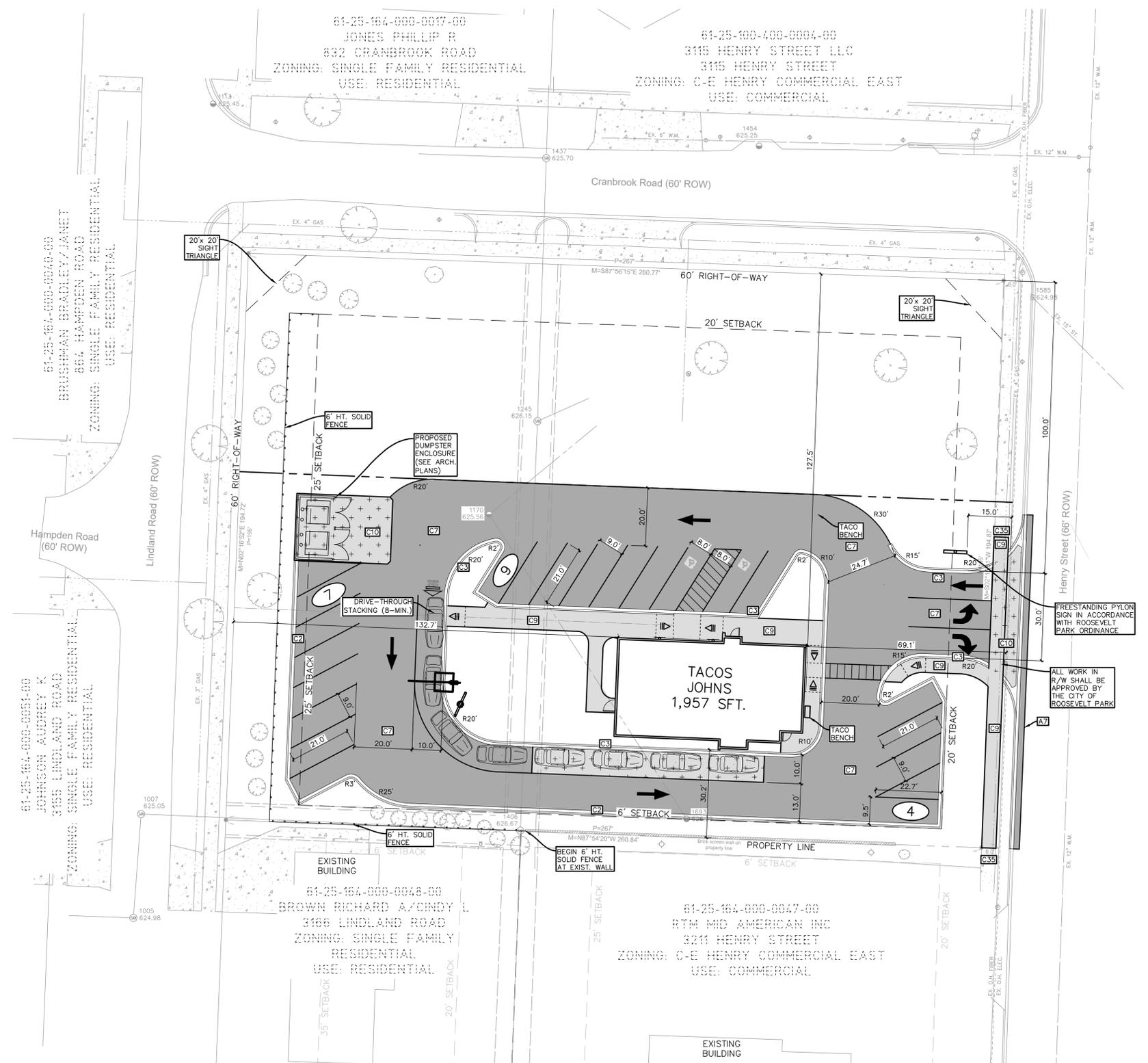
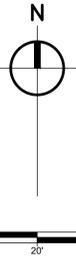
\_\_\_\_\_  
Date

**BENCHMARK**

BENCHMARK  
(NAD83 GCOID 18)  
NORTHWEST FLANGE BOLT UNDER "EAST" OF  
HYDRANT LOCATED AT THE NORTHWEST CORNER OF  
CRANBROOK ROAD AND HENRY STREET.  
ELEVATION 627.25



VICINITY MAP  
SCALE: NONE



**SITE LEGEND LAYOUT**

CONCRETE CURB & GUTTER	
CONCRETE STRAIGHT CURB	
SIGN	
BARRIER FREE RAMP	
BARRIER FREE LANDING	
PARKING AREA STRIPING	
STANDARD DUTY CONCRETE PAVEMENT	
STANDARD DUTY BITUMINOUS PAVEMENT	
HEAVY DUTY BITUMINOUS PAVEMENT	
GRAVEL PAVEMENT	
LANDSCAPE MAINTENANCE STRIP	
H.D. CONCRETE PAVEMENT	
TRAFFIC FLOW	
PARKING STALL COUNT	
TRANSITION FROM NORMAL TO REVERSE SLOPE GUTTER SECTION (5' TRANSITION LENGTH)	
LIGHT POLE (REFER TO AE PLANS)	

**SITE LAYOUT KEY**

A7	HEAVY DUTY BITUMINOUS PAVEMENT	SEE DETAIL A7
C2	ROLLED CONCRETE CURB & GUTTER	SEE DETAIL C2
C3	TYPE 1 CONCRETE CURB & GUTTER	SEE DETAIL C3
C9	STANDARD DUTY CONCRETE WALKWAY/PAVEMENT	SEE DETAIL C9
C10	HEAVY DUTY CONCRETE WALKWAY/PAVEMENT	SEE DETAIL C10
C35	CONCRETE WALKWAY CONNECTION	SEE DETAIL C35
C36	BARRIER-FREE CONCRETE WALK RAMP	SEE DETAIL C36
M16	MISCELLANEOUS CROSSWALK STRIPING	SEE DETAIL M16
M21	BARRIER-FREE PARKING SYMBOL	SEE DETAIL M21
M23	BARRIER-FREE PARKING SPACE LAYOUT - VAN	SEE DETAIL M23
T1	BARRIER-FREE PARKING SIGN	SEE DETAIL T1

**SITE DATA**

PARCEL IDENTIFICATION	= 61-25-164-000-0041-00
ADDRESS	= 3145 HENRY STREET
EXISTING USE	= PROFESSIONAL OFFICES
PROPOSED USE	= DRIVE-THROUGH RESTAURANT
ZONING	= C-E HENRY COMMERCIAL EAST
MINIMUM LOT WIDTH	= 50 FEET
MAXIMUM BUILDING HEIGHT	= 35 FEET
FRONT YARD SETBACK	= 20 FEET
SIDE YARD SETBACK	= 6 FEET
REAR YARD SETBACK	= 25 FEET
MAXIMUM LOT COVERAGE	= 35%
PROVIDED	= 6.7%
SITE AREA (PRIMARY)	= +0.67 ACRES (29,164 SFT.)
SITE AREA (SPLIT)	= +0.57 ACRES (22,770 SFT.)
1-STORY BUILDING	= 1,957 SFT
BUILDING HEIGHT	= 23.5 FEET
PARKING	
PROPOSED DRIVE-THROUGH RESTAURANT	= 20 SPACES REQUIRED
1,957 SFT/100	= 20 SPACES PROVIDED
	(1 SPACE/1.5 OCCUPANCY
	=40 PERSON OCCUPANCY)

**SITE PLAN NOTES**

1. APPLICANT RESTAURANT HOLDINGS LLC  
45 OTTAWA AVE., SW, SUITE 600  
GRAND RAPIDS, MI 49503
2. UTILITIES THE SITE SHALL BE SERVED BY PUBLIC STORM SEWER, SANITARY SEWER AND WATER MAIN.
3. STORM WATER DRAINAGE STORM WATER TREATMENT AND DETENTION SHALL BE DESIGNED IN ACCORDANCE WITH STATE OF MICHIGAN AND MUSKEGON COUNTY STORM WATER STANDARDS.
4. SITE LIGHTING PROPOSED SITE LIGHTING SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF ROOSEVELT PARK ZONING ORDINANCE.
5. SIGNAGE PROPOSED SITE SIGNAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF ROOSEVELT PARK ZONING ORDINANCE.
6. LANDSCAPE PLANTING PROPOSED SITE LANDSCAPE PLANTING, INCLUDING GREENBELTS AND BUFFERS, SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF ROOSEVELT PARK ZONING ORDINANCE.
7. PARCEL SPLITS AND EASEMENTS ALL PARCEL SPLITS AND PROPOSED EASEMENTS SHALL BE IN PLACE PRIOR TO CONSTRUCTION.

T:\04\10 PROJECTS\2023\222112 MERITAGE ROOSEVELT PARK - 400 DUNS (4 PROJ)\222112 - C20 SITE PLAN.DWG - MILLER - Apr 27 2023 - 02:58pm - P:\e\m\m\c

**811**  
Know what's below.  
Call before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NO.	REVISIONS	BY	DATE	DRAWN
				JAM
			03/27/2023	CHECKED
				JVP
				DATE
			03/27/2023	

3145 HENRY STREET  
MUSKEGON, MI 49441

**Prein & Newhof**  
Engineers • Surveyors • Environmental • Laboratory

**MERITAGE HOSPITALITY GROUP**  
45 OTTAWA AVENUE, SW, SUITE #600  
GRAND RAPIDS, MI 49503

**PRELIMINARY SITE PLAN**

PROJECT NO. 222112  
SHEET NO. C2.0



**MCKENNA**

April 19, 2023

Planning Commission  
City of Roosevelt Park  
900 Oak Ridge Road  
Roosevelt Park, MI 49441

**Subject: Taco John's, 3145 Henry Street  
Special Use Review and Recommendation – Revised Proposal**

Dear Commissioners:

The applicant, Restaurant Holdings LLC, has submitted for Special Use Approval to demolish the existing office building at 3145 Henry Street, and replace it with a Taco John's fast food restaurant, including a drive-thru. The application was previously recommended for approval by the Planning Commission, but has been substantially revised to eliminate the proposed second restaurant and drive-through.

Additionally, the City is now considering vacating Cranbrook Road, which would make it easier for the Taco John's to meet the Special Use requirements for drive-throughs, as detailed in this letter. This review anticipates that the vacation of Cranbrook will be completed, though that process could take up to a year, per the City Attorney.

McKenna has been asked by the City Manager to review the proposal against the City's Master Plan and Zoning Ordinance and provide a recommendation to the Planning Commission.

The lot in question was previously split zoned – part of it was within the C-E Henry Commercial (East) Zoning District and part was within the R-1 Single Family District. A rezoning was recently approved to place the entire parcel in the C-E District.

Restaurants are a permitted use in the C-E District, but drive-throughs require Special Use Approval.

Special uses are land uses that may be appropriate at certain locations in a zoning district with adequate assurances to protect surrounding property owners and the community at large from any adverse effects of the use. In order for a Special Use to be approved, the Planning Commission must hold a public hearing and make a recommendation to the City Council. The City Council then approves or denies the application. Approvals may include conditions on the design or operations of the facility.

The Zoning Ordinance includes both General Standards for determining whether a Special Use should be approved (in Section 10.4.C), and specific standards for individual Special Uses. The standards for "Restaurants with Drive-Through Facilities" are in Section 10.6.W.

### **General Standards**

We have reviewed the special use application and have the following comments based on the General Standards for approval of a Special Use in Section 10.4.C of the Zoning Ordinance:



1. ***The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.***

The applicant proposes to remove a multi-story office building and replace it with a fast food restaurant and drive-thru. This will have significant consequences for the surrounding area. The office building is set within a landscaped setback, with the parking lot hidden from Henry Street (though visible from residences along Lindland Road and Cranbrook Road). From the exterior, it is an attractive building, but our understanding is that interior, including the HVAC system, has deteriorated and that the building would be very expensive to bring up to modern standards, especially given the weak demand for office space with the rise in “work from home.”

The currently building generates little noise and has minimal negative impacts on the nearby residential uses along Lindland and Cranbrook Roads. A new restaurant with a drive-thru would increase the amount of noise, light, and car exhaust on the site. That does not necessarily mean that the Special Use should not be approved, but it does mean that the applicant may need to go above and beyond the requirements of the Zoning Ordinance for landscaping, site design, and lighting.

The vacation of Henry Street and the re-location of the Taco John’s further south creates a green space at the north end of the site. That mitigates our concerns somewhat, but, in preparation for the site plan phase, the site layout and landscaping requirements must be clear.

Therefore we recommend the following:

- Section 11.2.D states that if zoning districts requiring buffering are separated by a street, as they will along Lindland Road, then the buffering is reduced by one level in the chart in Section 11.2.E. In this case, the C-E District will be abut the R-1 District, which would generally require a moderate buffer, which would be bumped down to a minor buffer under Section 11.2.D. However, because of the proposed increase in potential negative impacts to the residential area due to the drive-through Special Use, we recommend that a moderate buffer be required along the Lindland Road frontage as a condition of approval.
- With Cranbrook Road being vacated, there will no longer be a street between the Taco John’s site and the house to the northwest. Therefore, a moderate buffer will be required in the northwest corner of the site.
- A moderate buffer is also required adjacent to the house to the southwest.
- Although there is no explicit requirement in Section 3.17 that light emanating from a property reach 0 footcandles at the property line, we recommend that that standard be applied to all portions of the property that abut residential or are across the street from residential, as a condition of approval. The applicant was able to comply with this requirement in the previous design.
- Previously, the ordering/menu board was set back 100 feet from the Lindland Road property line, in compliance with a condition of the previous recommended approval. In the new design, the menu



board is much closer to Lindland Road. Nothing has changed that would change the previous requirement to set the board back 100 feet.

2. ***The proposed use is served by necessary public facilities which are adequate or can be made adequate to serve the proposed use.*** There is no reason to believe the restaurant and its drive-through would burden streets, fire protection, police, emergency medical response, or public recreation. The drive-throughs, as shown on the preliminary site plan, are designed to avoid any stacking on adjacent public roads.

However, the restaurant may increase demand for public water and both sanitary and storm sewer capacity. The City Engineer should be consulted to determine if the increased demand can be met without upgrades to the system.

The decision to vacate Cranbrook is based on a separate set of criteria to be evaluated by the City Council. However, we do not see Cranbrook Road as necessary to support the traffic flow from Taco John's. In fact, it could be seen as an impediment, due to the impact on driveway location (see below) and the potential for fast food customers to cut through the nearby neighborhood.

3. ***The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.*** As noted under Criteria 1, there are residential homes in close proximity to the site. The noise and light generated by the drive-throughs are substantially greater than those generated by an office building. The conditions listed under Criteria 1 would mitigate the impacts by requiring site designs that go above and beyond Ordinance requirements.
4. ***The proposed use shall not involve activities, processes, materials, and equipment and conditions of operation that will have significant impact to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.*** Drive-throughs involve stacking/idling cars, speakers, video screens, and lights, and they locate many of those things in the rear yard, closer to the homes on this site. However, the mitigation measures described in Criteria 1 will help prevent negative impacts.
5. ***The proposed use shall be consistent with the intent and purpose of this Ordinance.*** The Ordinance designates drive-throughs as a Special Use in the C-E District, because drive-throughs have special design considerations and can have negative impacts on their surroundings. The Special Use process is an appropriate venue to place conditions on a proposal to make it fit better with neighboring uses, which is why we have recommended the conditions listed in Criteria 1.

### Specific Standards

We have also reviewed the Special Use Application and have the following comments based on the General Standards for approval of a Special Use in Section 10.6.W of the Zoning Ordinance:

1. ***Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for the service ordering station shall be provided.*** The preliminary site plan shows 8 stacking spaces for the drive-through with the stacking area well away from the entrance from Henry Street.



**Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.** The stacking spaces are wholly separate from the drive aisle, and the site design is a simple loop with easy access to all parking spaces.

**The stacking space requirement may be reduced by the Planning Commission based on the nature of the restaurant, provided sufficient reason is provided as to the reduction, but in no case shall fewer than six (6) spaces be provided.** We see no reason to reduce the number of required stacking spaces.

- 2. In addition to parking and stacking space requirements, at least two (2) standing or parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.** This standard is met by the three parking spaces in the southeast corner of the site, near the exit of the drive-through.
- 3. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.** The 100 foot street intersection setback requirement is met. It will also become moot when Cranbrook Road is vacated.

It is not clear if the driveway requirement is met. The distance between the proposed driveway and the Arby's driveway to the south must be submitted during the Site Plan phase. It is possible that the proposed driveway will have to move north to meet the 75 foot requirement, placing it too close to Cranbrook Road.

In order to allow the applicant flexibility to move the driveway, we recommend that, as a condition of the Special Use, the vacation of Cranbrook Road be approved and recorded prior to the issuance of a Certificate of Occupancy for Taco John's. This gives the City until the very end of construction to complete the vacation process, while ensuring that the driveway conforms to the Zoning Ordinance once the restaurant opens for business.

In the event that that the City does not conclude the vacation process before Taco John's is ready to open, we recommend that the applicant pursue a variance from the 100 foot setback requirement. We hope that will not be necessary.

Notably, we recommend that the Certificate of Occupancy be tied to the approval and recording process, not to the actual construction to remove Cranbrook Road. We understand that it would be replaced with a driveway to the home, a sidewalk, and green space, and that the land will be divided between the property owners to the north and south, but the conveyance of land and construction is likely to occur after Taco John's is complete and open.



4. **Menu/speaker boards shall be provided that minimize verbal feedback. Speakers shall be located, positioned and controlled to minimize noise impacts.** See our comments on the menu board location under Criteria 1.
5. **Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas, safe walkways to the restaurant, including measures to separate pedestrian and vehicular traffic in the areas nearest drive through windows.** We applaud the walkway/crosswalk from Henry Street to the restaurant. Pedestrian traffic is directed well-away from drive-through windows and stacking. Outdoor dining would be appreciated, especially given the extra space created by the removal of the second restaurant and the eventual vacation of Cranbrook Road.
6. **Enhanced architectural elements shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.** Architectural elevations must be submitted during the Site Plan phase to evaluate compliance with this requirement.

## RECOMMENDATION

We recommend that the Planning Commission recommend approval of the Special Use the City Council. The Special Use Approval should come with the following conditions:

1. The Cranbrook Road frontage will not be treated as a road frontage for the purposes of landscaping, setback, driveway spacing, and other relevant requirements of the Zoning Ordinance.
2. The Cranbrook Road vacation must be approved by the City Council and recorded by the City Assessor and the County Clerk prior to the issuance of a Certificate of Occupancy for Taco John's OR Taco John's must obtain a variance from the 100 foot spacing requirement between Cranbrook Road and the proposed driveway.
3. A moderate landscape buffer, as described in Section 11.2.E, shall be required along Lindland Road.
4. Light levels emanating from the site must be 0.0 footcandles along all property lines, except the Henry Street frontage.
5. All menu boards with video and/or audio capability must be set back at least 100 feet from Lindland Road.
6. Site Plan Approval, including compliance with all requirements of Section 10.6.W.

Please do not hesitate to contact us with any questions.

Respectfully submitted,  
**McKENNA**



Christopher Khorey, AICP  
West Michigan Manager

Jeff Keesler  
Associate Planner

**NOTICE OF PUBLIC HEARING  
CITY OF ROOSEVELT PARK**

NOTICE IS HEREBY GIVEN, pursuant to Public Act 110 of 2006, as amended, that a public hearing will be held by the City of Roosevelt Park Planning Commission At 6:00 p.m., Monday April 24, 2023 at the Roosevelt Park City Hall, 900 Oakridge Road, Roosevelt Park, Michigan. The purpose of the public hearing is as follows:

A public hearing regarding a proposed Special Use Permit request for a drive-through restaurant at 3145 Henry Street parcel #61-25-164-000-0041-00.

Any questions pertaining to this request should be directed to the City Clerk at 231-755-3721. The application may be reviewed at City Hall and written comments, may be received until April 24, 2023, at 900 Oak Ridge Road, Roosevelt Park MI 49441. ADA Policy: The City will provide necessary appropriate auxiliary aids and services to individuals with disabilities who want to attend the meeting upon forty-eight (48) hour notice to the City Clerk of Roosevelt Park, 900 Oak Ridge Rd. 231-755-3721.

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Ann Wisniewski  
City Clerk

Mailed via First Class Mail: April 13, 2023

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**CHAPTER 10**  
**SPECIAL LAND USES**

**Section 10.1**      **INTENT AND PURPOSE**

- A.** This Chapter is intended to respond to the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the community. Rather than assigning all uses to special, individual, and limited zoning districts, it is important to provide control and reasonable flexibility in requirements for certain kinds of uses that will allow practical latitude for the applicant, but will maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.
- B.** In order to accomplish this dual objective, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location and design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C.** Land and structure uses possessing these particularly unique characteristics are designated as Special Land Uses and may be authorized by the issuance of a Special Land Use permit, which contains conditions and safeguards necessary for the protection of the public welfare.
- D.** The following sections, together with previous references in other Chapters of this Ordinance, designate those uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all special land uses indicated.

**SECTION 10.2**      **APPLICATION PROCEDURES**

**A. Application Procedures**

1. An application for Special Land Use shall be submitted to the zoning administrator at least thirty (30) days prior to the next planning commission meeting. If the zoning administrator deems that the application is complete per the requirements of Section 9.3, A,2 then the plans will be reviewed and submitted to the Planning Commission for their consideration. The zoning administrator has the ability to reduce or extend the thirty (30) day period if it is deemed appropriate (ex - the submitted site plan is very basic and

review can be performed in less than thirty (30) days or the site plan requires additional time due to the high level of detail and size of the project).

2. An application for a Special Land Use shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
  - a. A completed application form, as provided by the City. The application shall be signed by an owner of, or person having an interest in, the property to be developed, or an authorized representative.
  - b. Twelve (12) copies of the Preliminary or Final Site Plan meeting the requirements of Section 9.3.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by City Council resolution.
  - d. A legal description, including the permanent parcel number, of the subject property.
  - e. A statement with supporting evidence regarding the required findings as specified in Section 10.4
  - f. Other materials as may be required in this Chapter or by the Zoning Administrator, Planning Commission, or City Council.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

### **SECTION 10.3**

### **REVIEW AND FINDINGS**

#### **A. Public Hearing**

1. The Planning Commission shall schedule a public hearing within sixty (60) days thereafter after receipt of a complete application. This date may be extended upon written request by the applicant, or by agreement of the applicant and the Planning Commission.
2. The City Clerk shall cause to be published a notice of public hearing, not less than five (5) days nor more than fifteen (15) days in advance of the hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners within three hundred (300) feet of the subject property.
3. Such notice shall describe the nature of the request; the location of the property involved, the time and place of the hearing, and indicate when and where the application may be examined and how written comments may be received.
4. Any person may speak or present documents or evidence in support of a position regarding the application at the public hearing.

- B. Upon conclusion of the hearing, and after time for deliberation, the Planning Commission shall make a recommendation to the City Council for approval, approval with conditions, or denial to the City Council. The Commission shall state its reasons for such recommendation in its minutes for submission to the Council.
- C. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Council may hold an additional public hearing, if it considers a further hearing necessary, using the same hearing requirements as the hearing held before the Planning Commission. The City Council, upon approval of an application for Special Land Use Permit, shall authorize the Zoning Administrator to issue the permit subject to the conditions specified by the City Council.

**SECTION 10.4****GENERAL STANDARDS FOR MAKING DETERMINATIONS**

- A. The Planning Commission and City Council shall review the particular facts, circumstances and evidence presented. The Planning Commission decisions shall be based on the General Standards of this Section and the applicable Specific Requirements contained in Section 10.5 and Section 10.6.
- B. It shall be incumbent upon the representatives of the applicant for a Special Land Use Permit to provide documentation and evidence in support of the proposal. It shall also be the obligation of the applicant to furnish evidence, or proof of compliance with the specific and general criteria contained in this Ordinance.
- C. **General Standards:** The General Standards are basic to all Special Land Uses; and the Specific Requirements of Section 10.5 and Section 10. are in addition to and shall be required in all applicable situations. All of the following general standards must be satisfied:
  - 1. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
  - 2. The proposed use is served by necessary public facilities which are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.
  - 3. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
  - 4. The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will have a significant impact to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

5. The proposed use shall be consistent with the intent and purpose of this Ordinance.
6. The site plan for the proposed use demonstrates compliance with any special land use specific design standards contained in Section 10.6.

#### SECTION 10.5 CONDITIONS AND SAFEGUARDS

- A. Before granting a Special Land Use Permit, the City Council may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Land Use Permit as may be necessary for the protection of the public interest.
- B. Such conditions may include those necessary to insure that public services and facilities affected will be capable of accommodating increased demand and facility loads; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; to promote the use of land in a socially and economically desirable manner and be consistent with the general standards as established in this Ordinance and are necessary to meet the intent and purpose of the regulations contained in this Ordinance.
- C. The conditions imposed shall be recorded in the minutes of the City Council and shall remain unchanged except upon mutual consent of the City Council and the owner of the property affected. The City Council shall record in its minutes any changes in conditions of approval of Special Land Use Permits.
- D. Conditions and requirements stated as part of Special Land Use Permit authorization, including all plans, specifications and statements submitted with the application for a Special Land Use Permit, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses authorized by Special Land Use Permits to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Council in its approval of the Special Land Use have been fulfilled.
- F. An application for a Special Land Use Permit which had been denied wholly or in part by the City Council shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found to be sufficient to justify reconsideration by the City Council.

**V. Restaurants, exclusive of drive-through facilities.**

1. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
2. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas and safe walkways (can be shown with striping) to the restaurant.
3. Enhanced architectural elements for principal buildings shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.

**W. Restaurants with drive-through facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility. The stacking space requirement may be reduced by the Planning Commission based on the nature of the restaurant, provided sufficient reason is provided as to the reduction, but in no case shall fewer than six (6) spaces be provided.
2. In addition to parking and stacking space requirements, at least two (2) standing or parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
4. Menu/speaker boards shall be provided that minimize verbal feedback. Speakers shall be located, positioned and controlled to minimize noise impacts.
5. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas, safe walkways to the restaurant, including measures to separate pedestrian and vehicular traffic in the areas nearest drive through windows.
6. Enhanced architectural elements shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.

**X. Shopping centers or shopping malls**

1. The minimum lot area for a shopping center or mall shall be three (3) acres.