



CITY OF ROOSEVELT PARK
City of Roosevelt Park
PLANNING COMMISSION
AGENDA
January 30, 2023
6:00 p.m.

1. Call to Order
2. Roll Call
3. Approve minutes of the September 26, 2022 regular meeting
4. Public Hearing-
 - a. Rezoning Request-3145 Henry Street- 61-25-16-000-0041-00
 - b. SLU Request-3145 Henry Street-61-25-164-000-0041-00
5. Unfinished Business-None
6. New Business
 - a. Planning Commission Decision-Rezoning Request-3145 Henry Street
 - b. Planning Commission Decision-SLU-Drive Through Request-3145 Henry Street
7. Commission Members Questions/Comments
8. Public Comment
9. Adjournment

American Disability Act Compliance: For access to open meetings of the City Council and any of its committees or subcommittees, the City of Roosevelt Park will provide necessary reasonable auxiliary aids and services, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Roosevelt Park. Individuals with disabilities requiring auxiliary aids or services should contact the City of Roosevelt Park, City Clerk by writing or calling, 231-755-3721 or call the following: TDD: Dial 7-1-1 and request a representative to dial 231-755-3721.



City of Roosevelt Park Planning Commission

Meeting Minutes
February 28, 2022

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

PRESENT: Commissioners: Mayor Aaron Langlois, Michael Sutton, City Manager Jared Olson, Tammy Vrosh, Donald Nilson-Hinton

ABSENT: Richard Isacson, Amber Weerstra

2022-016 **Roll Call**
City Clerk Ann Wisniewski called roll call.

2022-017 **APPROVAL OF MINUTES:**
Mayor Langlois moved to accept the minutes of the April 25, 2022 meeting. This motion was supported by Commissioner Jakubowski and carried unanimously.

2022-018 **PUBLIC HEARING:**
None

2022-019 **UNFINISHED BUSINESS:**
5A. Final Parks and Recreation Vision Document- No Action Requested

2020-020 **NEW BUSINESS:**
6A. Appointment Recommendation - Vacancy Appointment Recommendation
Commissioner Chair Jakubowski moved to accept the appointment of Tyra Jonas as a new commissioner on the City of Roosevelt Parks Planning Commission Board. This motion was supported by City Manager Olson and carried unanimously.

2022-021 **COMMISSION MEMBERS QUESTIONS/COMMENTS:**

Commissioners asked questions.

2022-022 **PUBLIC COMMENT:**

None

2022-023 **ADJOURNMENT:**

The meeting was adjourned at 6:14 p.m.

Ann Wisniewski, City Clerk



CITY OF ROOSEVELT PARK PLANNING COMMISSION MEETING January 30, 2023

Item: Rezoning Request-3145 Henry Street	Date: January 30,2023
<p>The owners and applicant of 3145 Henry Street have submitted a request to rezone the property from the current C-E Henry Commercial/Family Residential to a singularly zoned parcel of C-E Henry Commercial.</p> <p>The single parcel in question currently has most of the property zoned CE-Henry Commercial with the smaller east portion of the same parcel being zoned as Single Family Residential.</p> <p>As such, the current zoning to the north, south, and east of the property are currently commercially zoned and thus this would not create a singularly zoned “island.”</p> <p>The request fulfills what was already approved by the Planning Commission and the City Council in the 2020 Roosevelt Park Master Plan in which the future land use map utilizes a full commercial zoning for the property. That map along with the application and documents is attached.</p> <p>The property owners will be on hand to discuss their request and go into detail as to why they are requesting the zoning change. Page 15-3 of the current zoning code covers the checklist for rezoning requests and as such, will be the basis for a Planning Commission recommendation.</p>	
<p><u>Staff Recommendation:</u> Following the public hearing on the proposed rezoning the Planning Commission can either recommend the zoning amendment as presented or they can recommend that it not be approved.</p>	
Signature:	Title: City Manager



City of Roosevelt Park REZONING APPLICATION

900 Oak Ridge Road
Muskegon, MI. 49441
Phone: (231) 755-3721
Fax: (231) 755-1442

1. APPLICANT: Name: Restaurant Holdings LLC
(Last) (First) (M.I.)
Address: 45 Ottawa Ave SW Suite 600, Grand Rapids MI 49503
(No. & Street) (City) (State) (Zip)
Phone: 616-988-8749 gtroth@mhgi.net
(Work) (Home) (Cell) (email address)

2. OWNER: Name: Restaurant Holdings LLC
(Last) (First) (M.I.)
Address: 45 Ottawa Ave SW Suite 600, Grand Rapids MI 49503
(No. & Street) (City) (State) (Zip)
Phone: 616-988-8749 gtroth@mhgi.net
(Work) (Home) (Cell) (email address)

3. REQUEST: To Rezone From: R-1 Single Family Residential To: C-E Henry Commercial East

4. LEGAL DESCRIPTION OF PROPERTY: CITY OF ROOSEVELT PARK CRANBROOK ADDITION
LOTS 41 TO 46 INC (According to Muskegon County GIS)

5. ADDRESS OF PROPERTY: 3145 Henry Street, Muskegon, MI 49441

6. PRESENT USE OF PROPERTY: Professional Offices

7. NAMES & ADDRESSES OF ALL OTHER PERSONS, FIRMS, OR CORPORATIONS HAVING A
LEGAL INTEREST IN THE PROPERTY: NA

8. APPLICANT'S SIGNATURE: [Signature]
X _____ Date: 01/06/23

9. OWNER'S SIGNATURE:
X _____ Date: _____

-OFFICIAL USE ONLY-	
CASE NO:	_____
FILING DATE:	_____
REC'D BY:	RECEIPT NO: _____
PC ACTION:	DATE: _____
BOARD ACTION:	DATE: _____
EFFECTIVE DATE:	_____

\$350 Fee must be submitted with application

January 9, 2023
2221132

Mr. Jared Olson
City of Roosevelt Park
900 Oak Ridge Road
Roosevelt Park, MI 49441

RE: 3145 Henry Street – Rezoning Application

Dear Mr. Olson:

This letter addresses the proposed Map Amendment (Rezoning) for the following Property:

Address: 3145 Henry Street
Muskegon MI 49441
PIN: 61-25-164-000-0041-00

The applicant requests the rezoning (Existing Zoning: Single Family Residential to Proposed Zoning: C-E Henry Commercial East) of Lots 41, 44, and 45 of the property described as follows: Lots 41-46, inclusive, Cranbrook Addition, as recorded in Liber 15 of Plats, Page 62, Muskegon County, State of Michigan. Granting this rezoning request would bring the entire parcel into the C-E Henry East zoning district.

The following are explanations of how the property will meet the Roosevelt Park Map Amendment Standards:

Consistency

The parcel's current land use is commercial (surface parking). The Roosevelt Park Plan (Master Plan January 2020) Existing Land Use Exhibit shows the lots being commercial, and the Future Land Use Exhibit shows the lots being Corridor Mixed Use, which includes commercial uses.

Compatibility

The existing use (surface parking) is allowed in the C-E Henry Commercial East zoning district. The existing use (surface parking) and potential uses can be found in the vicinity of Henry Street, both north and south of the parcel.

Capability

The infrastructure including streets, sanitary sewers, storm sewer, sidewalks, and street lighting is sufficient to support those uses provided within the proposed zoning district classification. This is demonstrated by the existing commercial office building, surface parking, and surrounding uses within the C-E Henry Commercial East zoning district.

Mr. Jared Olson
January 9, 2023
Page 2

Existing City Facilities and Services

The rezoning, of the lots will not have an adverse effect on city facilities and services as the parcel's existing use is commercial (surface parking). Granting the rezoning will bring the lots into compliance with the current zoning and The Roosevelt Park Plan (Master Plan).

Sincerely,

Prein&Newhof



Jeffery A. Miller, PLA

JAM/jam

Enclosure(s):

City of Roosevelt Park Rezoning Application

Fees

cc:

Ana Pelhank, Meritage Hospitality Group

George Troth, Meritage Hospitality Group

John VerPlank, Prein & Newhof



City of Roosevelt Park

A Proud Community

NAME

Address

Address

Dear Property Owner,

NOTICE IS HEREBY GIVEN, pursuant to Public Act 110 of 2006, as amended, that two public hearings will be held by the Roosevelt Park Planning Commission at 6:00 p.m., Monday, January 30, 2023.

The purpose of the public hearings is to hear and consider the following regarding the property at 3145 Henry Street:

- A rezoning of the western portion of the property from R-1 Single Family Residential to C-E Henry Commercial East, to be consistent with the eastern portion of the property, which is already zoned C-E Henry Commercial East.
- A Special Use Permit for a drive-through, to serve a new fast-food restaurant.

The Meeting will be held at Roosevelt Park City Hall, located at 900 Oak Ridge Road, Muskegon, Michigan, 49441

Written comments or questions on the proposed rezoning and special use can be emailed to City Manager Jared Olson at jolson@rooseveltpark.org until 4:30 p.m. the day of the meeting.

Sincerely,

Ann Wisniewski
City Clerk

Doris Blanchette/Jane Anderson
3106 Lindland Rd
Muskegon MI 49441

Audrey K Johnson
3155 Lindland Rd
Muskegon MI 49441

Richard and Cindy Brown
3166 Lindland Road
Muskegon MI 49441

Renee and Harmany Delashmit
3171 Lindland Road
Muskegon MI 49441

Andrew Bernard
3178 Lindland Road
Muskegon MI 49441

Bradley and Janet Brushman
864 Hampden Road
Muskegon MI 49441

Aaron and Kelly Connell
875 Sherwood Road
Muskegon MI 49441

Thomas Buffum
877 Hampden Rd.
Muskegon MI 49441

Yvonne Lee
878 Hampden Rd.
Muskegon MI 49441

Donna Carlston
850 Sherwood Rd
Muskegon, MI 49441

3089 Henry Street LLC
940 Monroe NW #524
Grand Rapids, MI 49503

Christopher Kahrs
861 Sherwood Rd
Muskegon MI 49441

3130-3146 Henry Street LLC
3146 Henry Street
Muskegon MI 49441

Hughes & Sons Partnership
1848 S Dengl Road
Muskegon MI 49444

Phillip Jones
832 Cranbrook Road
Muskegon MI 49441

Ian and Katie Moriarty
KAM2012 LLC
1431 Bayview Dr. Norton Shores MI 49441

JRB Corp.
390 E 8th
Holland MI 49423

Muskegon Retail Management LLC
3200 Telegraph Rd. #205
Bingham Farm MI. 48025

RTM Mid America Inc.
3 Glen Lake Parkway 5th Floor
Atlanta GA. 30328

Brian Holman
858 Post Road
Muskegon MI 49441

Julie Billman
5263 E Apple Ave.
Muskegon MI 49442

Restaurant Holdings LLC
45 Ottawa Ave. SW Suite 600
Grand Rapids MI 49503

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

SECTION 15.1 RESPONSIBILITY

- A. **Deputy Administrator** - Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the City Manager.
- B. **Basic Duties** - The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- C. **Official Zoning Map** - The Zoning Administrator shall be responsible for maintaining the Official Zoning Map.
- D. **Violations** - The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

SECTION 15.2 ZONING ORDINANCE AMENDMENTS, INITIATION

- A. **Timeframe for Application Submittal** - All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least twenty-one (21) days prior to the first consideration by the City Planning Commission.
- B. **Initiation of Amendments and Application Requirements** - Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the City Planning Commission or the City Council through official action of the Commission or Council taken at a public meeting which has been properly noticed as required by law.

In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

- 1) Completion of a Zoning Amendment Application as provided by the Zoning Administrator. Said application to include:
 - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
 - b. In the case of a text amendment, the specific section to be amended and the proposed text change.
 - c. If the requested amendment requires a change in the zoning map, the

common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by map form, the location of the property requested for rezoning. Sufficient copies of the map shall accompany the original application.

If, in the opinion of the Zoning Administrator, Planning Commission, or City Council, the information submitted does not provide a clear delineation of the specific area to be rezoned, said Zoning Administrator, Planning Commission, or City Council shall require the applicant to submit a boundary survey of the property in question. Said survey to include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor registered by the State of Michigan. Sufficient copies of the boundary survey shall be provided.

- d. The nature of the amendment shall be fully identified in writing.
- e. Payment of all fees as required by the City of Roosevelt Park.

SECTION 15.3 AMENDMENT PROCEDURE

After submission of the application and fee, amendments to this Ordinance shall be processed as provided for in the Zoning Act.

SECTION 15.4 CONSIDERATION OF AMENDMENT

The following guidelines shall be used by the Planning Commission and City Council pursuant to consideration of amendments to the Zoning Ordinance:

A. Text Amendment

1. The proposed text amendment would correct an error in the Ordinance.
2. The proposed text amendment would clarify the intent of the Ordinance.
3. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other City Ordinances and County, State or Federal regulations.
5. In the event the amendment will add a use to a district, said use shall be fully consistent with the character of the range of uses provided for within the district.
6. The amendment shall not result in problems of incompatibility among land uses within a zoning district, or among adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

8. As applicable, the proposed change shall be consistent with the City's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the City's desire to protect the public health, safety, and welfare of the community.

B. Map Amendment (also known as a Rezoning)

The following standards are to be used before making a map amendment. The first three (3) numbered items are often called the "3 C's" and are fundamental to rezoning questions:

1. **Consistency** with the goals and policies listed in the Master Plan section of this Ordinance. If conditions have changed since the development of the Master Plan provisions, then decisions shall be based on consistency with recent development trends in the area.
2. **Compatibility** of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. The potential uses allowed in the proposed zoning district shall be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
3. **Capability** of the existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting to sufficiently support those uses provided for within the proposed zoning district classification.
4. Existing City facilities and services including, but not limited to, police and fire protection, recreational facilities, educational facilities, and waste collection shall have sufficient capacity to support those uses provided for within the proposed zoning district classification.
5. The proposed change shall be governed by sufficient standards to ensure that the potential for problems of incompatibility between the proposed and adjoining districts shall be minimal.
6. The requested rezoning will not create an isolated and unplanned spot zone.
7. The proposed change shall not endanger the public health, safety, or welfare.
8. Other factors deemed appropriate by the Planning Commission.

SECTION 15.5 ZONING COMPLIANCE PERMITS

- A.** Unless otherwise exempted by this Ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall require receipt of a zoning permit and issuance of a certificate of zoning compliance. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefore. Issuance of such a certificate shall indicate

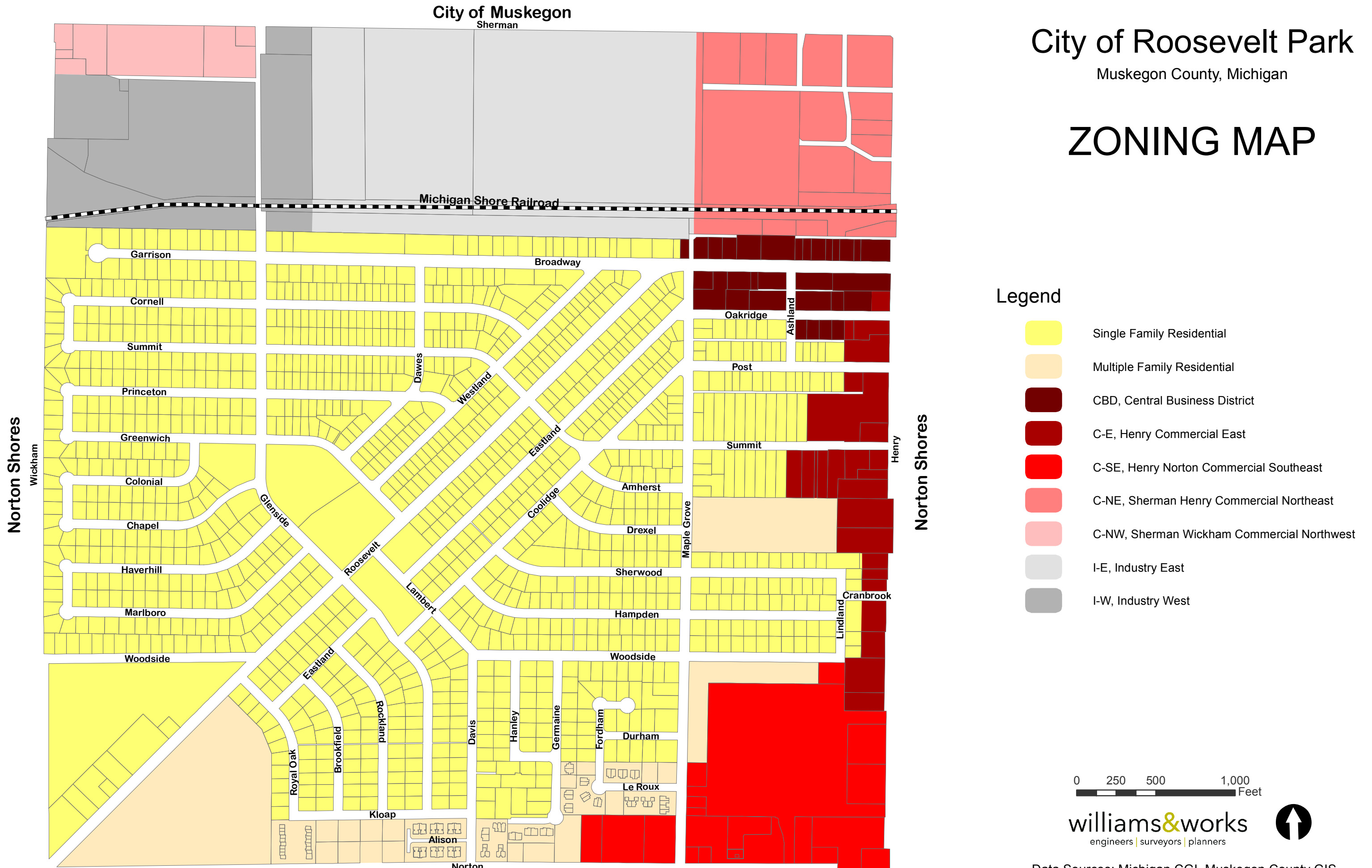
City of Muskegon

Sherman

City of Roosevelt Park

Muskegon County, Michigan

ZONING MAP



Legend

- Single Family Residential
- Multiple Family Residential
- CBD, Central Business District
- C-E, Henry Commercial East
- C-SE, Henry Norton Commercial Southeast
- C-NE, Sherman Henry Commercial Northeast
- C-NW, Sherman Wickham Commercial Northwest
- I-E, Industry East
- I-W, Industry West



williams&works
engineers | surveyors | planners














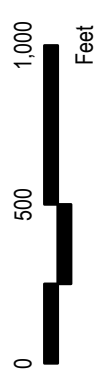
Data Sources: Michigan CGI, Muskegon County GIS

Future Land Use

City of Roosevelt Park, Michigan

January 20, 2020

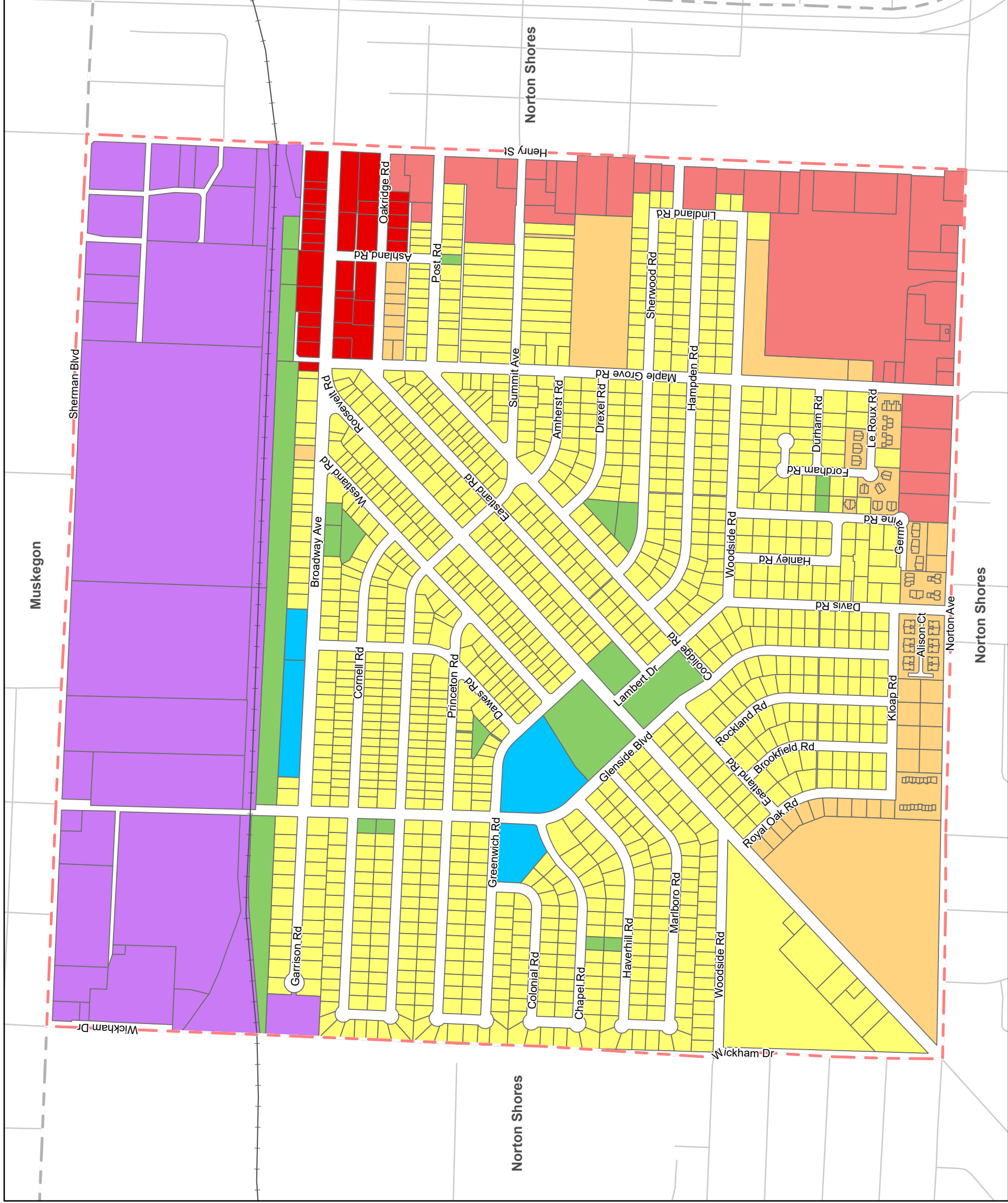
- Legend**
-  Roosevelt Park Boundary
 -  Other Municipal Boundaries
 -  Roads
 -  Railroads
 -  Neighborhood Preservation
 -  Park
 -  Institutional
 -  Multi-Family
 -  Enterprise
 -  Downtown
 -  Corridor Mixed Use



SOURCES
 Basemap Source: Michigan Center for Geographic Information, Version 17a.
 Data Source: Muskegon County Parcel Data 2020; Mckenna 2020.



MCKENNA





CITY OF ROOSEVELT PARK PLANNING COMMISSION MEETING January 30, 2023

Special Land Use Request-3145 Henry Street	Date: January 30,2023
<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.</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.</p> <p>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.</p> <p>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><u>Staff Recommendation:</u> Following the public hearing on the proposed Special Land Use, the Planning Commission can either recommend the approval as presented, recommend the SLU with conditions, or they can recommend that it not be approved.</p>	
Signature:	Title: 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:

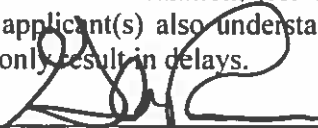
- I. Upon completion of the above information and submission of the application and related materials and/or exhibits, the request will be scheduled to appear before the Planning Commission. This meeting will only be scheduled when it is found that your application is complete and all information is 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



MCKENNA

January 16, 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**

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, and a second, smaller building that would also have a drive-through. 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 is split zoned – part of it is within the C-E Henry Commercial (East) Zoning District and part is within the R-1 Single Family District. A public hearing on the rezoning will take place at the same meeting (January 30) as the special use permit, and the Planning Commission will make recommendations to the City Council on both applications at that meeting.

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

This review assumes that the rezoning will be approved, because the applicant has submitted a design that would locate the restaurant and drive-through on both sides of the existing zoning line. If the rezoning is not approved, then we recommend that the Special Use also not be approved, and a new application be submitted confining the restaurant and drive-through to only the portion of the property that is currently zoned C-E.

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.

Specifically, we recommend the following:

- Section 11.2.D states that if zoning districts requiring buffering are separated by a street (as they are in this case), 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 as a condition of approval. See our Site Plan letter.

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. According to the photometric plan submitted by the applicant, the design is very close to hitting 0.0 footcandles along Lindland (some areas are 0.1), but the portion of Cranbrook where the house is across the street is not included. The lot line abutting the home to the southwest is at 0.2/0.3 footcandles and must be reduced. See our Site Plan letter.
- We applaud the location of the ordering/menu board close the building in the Taco John’s drive-through. The board is set back nearly 100 feet from the Lindland Road property line. The menu/ordering board for the second drive-through is not shown. We recommend that, as a condition of approval, the second drive-through board be set back at least 100 feet from Lindland Road.

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 restaurants and their drive-throughs 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 restaurants 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.

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 both drive-throughs, with the stacking area well away from entrances onto public roads. There is some risk of the Taco John's stacking backing up into Cranbrook Road, but that would only happen if 12-14 cars were in line, far more than the 8 spaces required.

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. We are somewhat concerned about the ability of cars to access the parking spaces north and east of Taco John's if they enter from Cranbrook Road. However, this is not an impediment to approving the Special Use. See our Site Plan letter.



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 for Taco John's, but not for the second restaurant. This is not an impediment to Special Use Approval, but will need to be addressed during Site Plan Approval.
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. This requirement is not met.*** The Cranbrook driveway is too close to Lindland Road, and the Henry driveway is too close to the Arby's driveway to the south. The applicant is proposing to alter the existing driveways, but even if they use the existing driveways, they are not considered legal non-conformities, because this requirement applies specifically to restaurants with drive-throughs – and no restaurant with a drive-through currently exists on the site.

Along Cranbrook Road, it is possible for the applicant to construct a driveway that is at least 100 feet from both Lindland and Henry (the block is 260 feet long, leaving 60 feet in the middle where a driveway would be located), though moving the driveway into the conforming 60 feet may impact circulation on the site.

Along Henry Street, it is possible to construct a driveway that conforms, because the distance from Cranbrook to the Arby's driveway is 230 feet, leaving a 55-foot-wide zone that would conform. However, it may not be possible to construct a driveway within that zone AND meet Specific Standards 2 and 5. A variance may be required, or the applicant may need to remove the second drive-through (or the second building all together) in order to ensure that all requirements for Taco John's can be met.

Because it is possible for the driveways to conform, we do not see this driveway issue as an impediment to a recommendation of approval of the Special Use, but the applicant will have to resolve this issue prior to Site Plan Approval.

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 walkways/crosswalks from Henry Street and Cranbrook Road to the two restaurants. Pedestrian traffic is directed well-away from drive-through windows and stacking. Outdoor dining would be appreciated, though circulation concerns may need to take precedence.



- 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, if the Council chooses to approve the proposed rezoning. The Special Use Approval should come with the following conditions:

1. A moderate landscape buffer, as described in Section 11.2.E, shall be required along Lindland Road, along Cranbrook Road where there is a residential use across the street, and on the southern lot line abutting a single family home.
2. Light levels emanating from the site must be 0.0 footcandles along Lindland Road, along Cranbrook Road where there is a residential use across the street, and on the southern lot line abutting a single family home.
3. All menu boards with video and/or audio capability must be set back at least 100 feet from Lindland Road.
4. Site Plan Approval, including compliance with all requirements of Section 10.6.W. If compliance with the requirements of Section 10.6.W does not allow for two drive-throughs on the site, then only one drive-through will be permitted.

Please do not hesitate to contact us with any questions.

Respectfully submitted,
McKENNA

Christopher Khorey, AICP
West Michigan Manager

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.

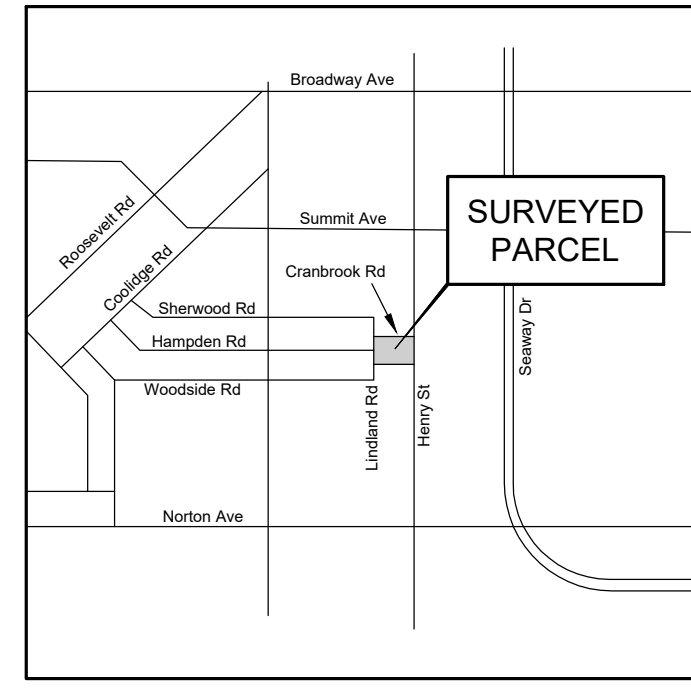
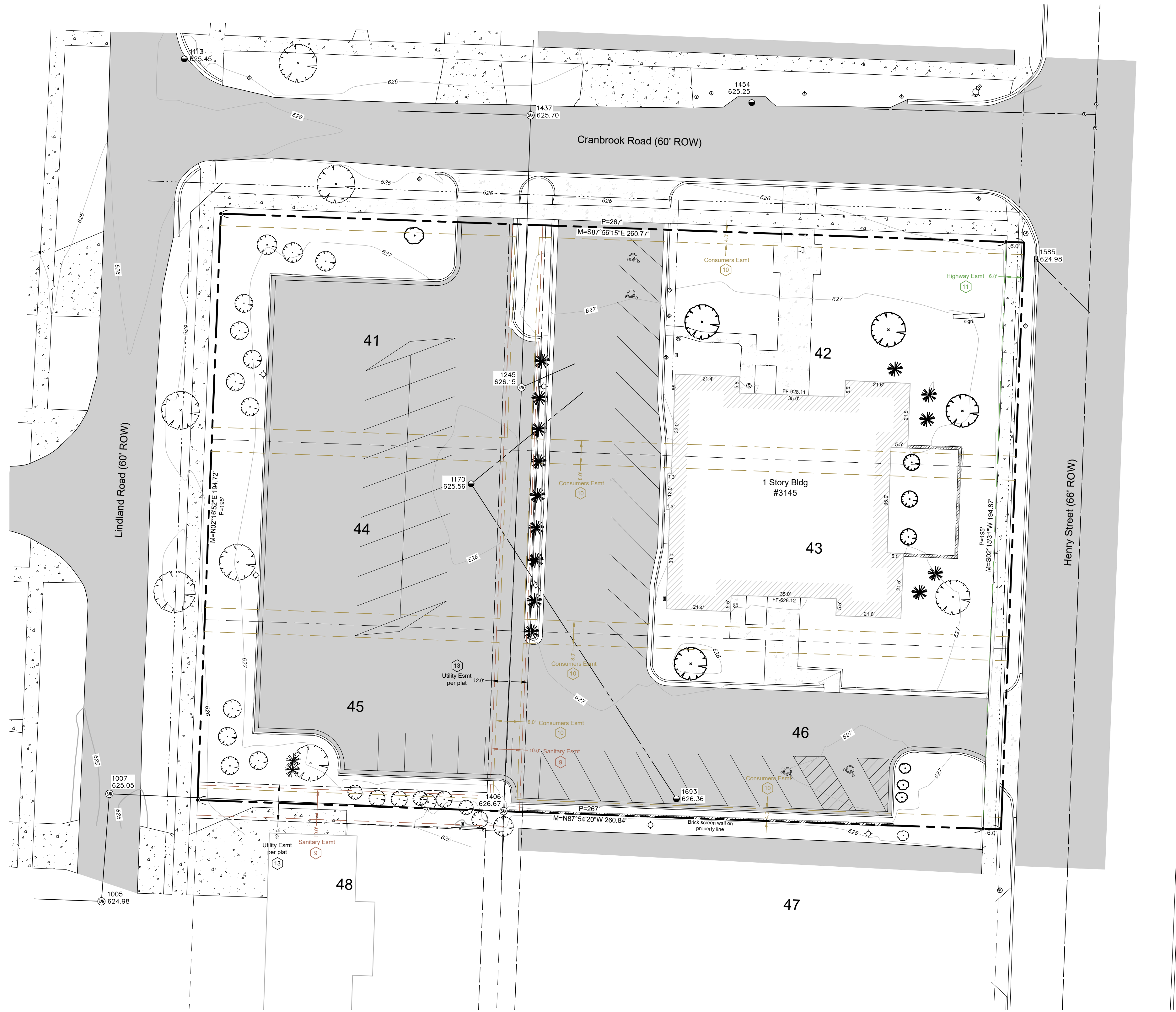
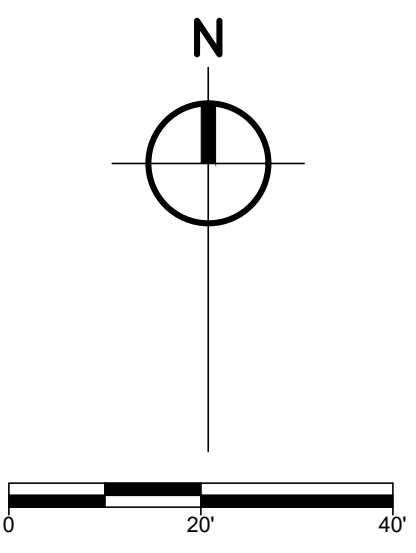
1. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
2. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas and safe walkways (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.



VICINITY MAP
SCALE: NONE

Legal Description:
Land in the City of Roosevelt Park, Muskegon County, MI, described as follows:
Lots 41-46, inclusive, Cranbrook Addition, as recorded in Liber 15 of Plats, Page 62,
Muskegon County, State of Michigan.

EXISTING STORM SEWER			
Number	Type	Rim	Invert
1113	Round CB	625.45	Leach basin
1170	Round CB	625.56	10' SE, NE - 621.11
1454	Round CB	625.25	Leach basin
1585	Curb Inset	624.98	12' SE - 620.38
1693	Round CB	626.36	10' NW - 621.61

EXISTING SANITARY SEWER		
Number	Rim	Invert
1005	624.98	8" W - 617.23 8" N - 617.28
1007	625.05	8" S - 617.40 8" W - 617.45
1245	626.15	8" N, S - 618.60 8" N - 618.65 8" NE - 618.90
1406	626.67	8" N, S - 618.27 8" W - 618.22
1437	625.70	8" N, W - 617.70 8" S - Grouted stowed

- Symbol Legend**
- | Symbol | Denotes |
|--------|--------------------|
| | Benchmark |
| | Bush |
| | Curb Inlet |
| | Round CB |
| | Clean out |
| | Deciduous tree |
| | Coniferous tree |
| | Flag pole |
| | Found iron |
| | Gas meter |
| | Hydrant |
| | Light pole |
| | Sign |
| | Sanitary MH |
| | Telephone pedestal |
| | Power pole |
| | Water valve box |
| | Water well |

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NO.	REVISIONS	BY	DATE

DRAWN: JAM
 DATE: 01/09/2023
 CHECKED: JVP
 DATE: 01/09/2023

taco john's
 SINCE 1969
 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

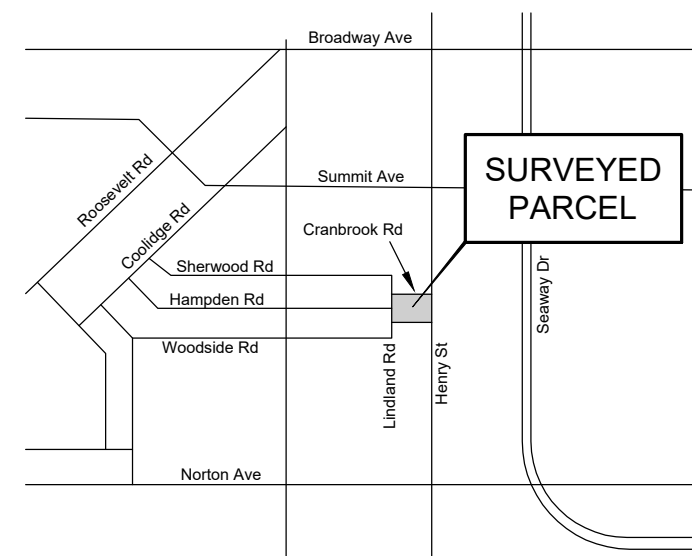
EXISTING CONDITIONS PLAN

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2221132

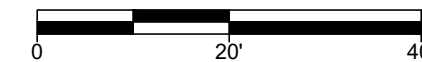
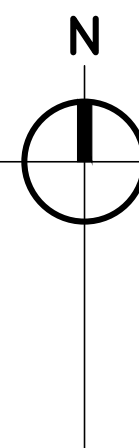
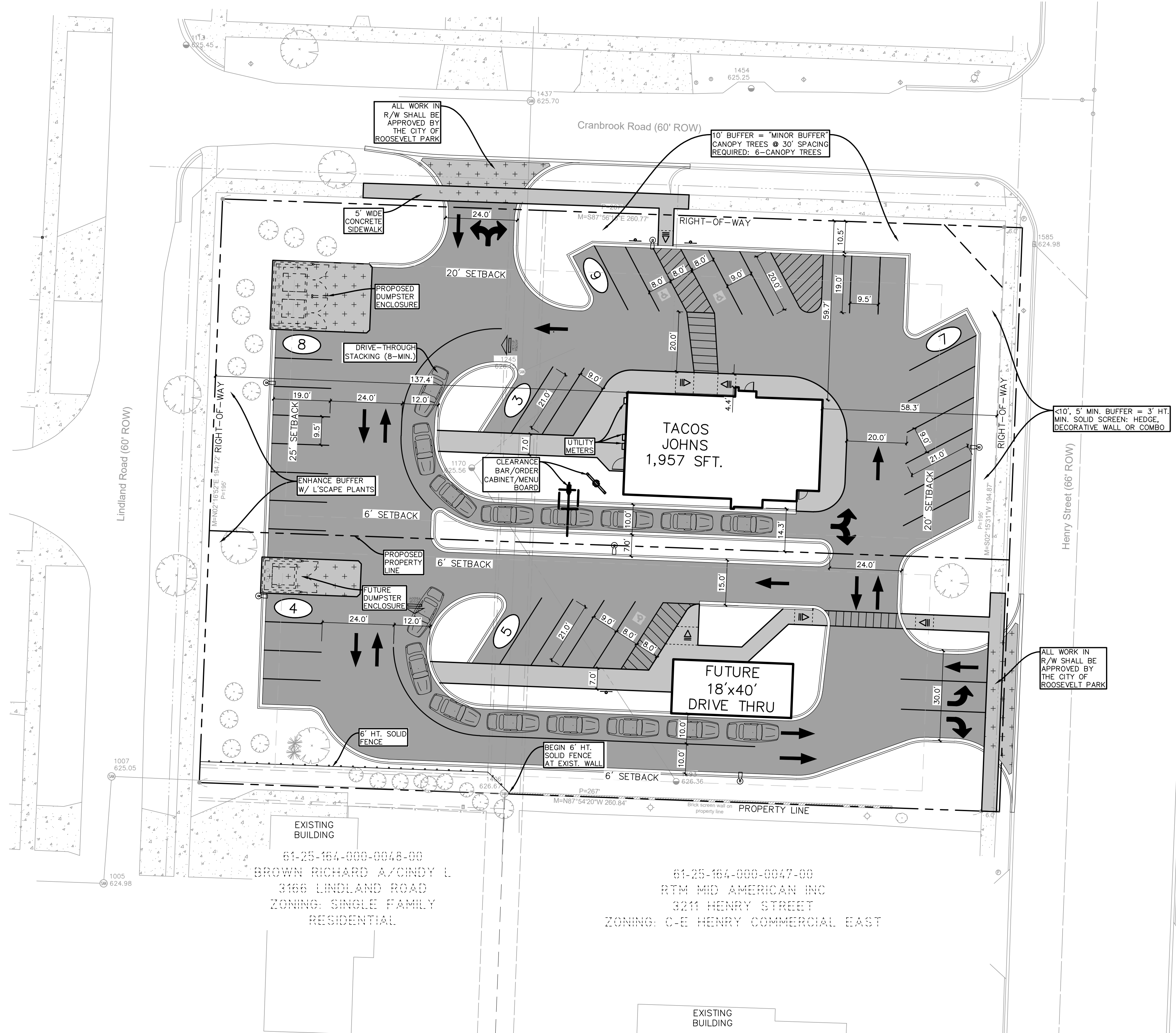
SHEET NO.
C1.0

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

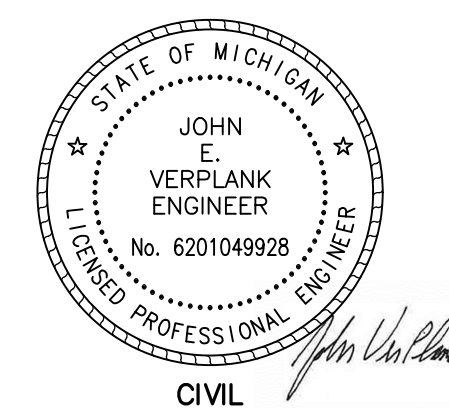
CONCRETE CURB & GUTTER	
CONCRETE STRAIGHT CURB	
SIGN	
BARRIER FREE RAMP	
BARRIER FREE LANDING	
PARKING AREA STRIPING ISLAND	
STANDARD DUTY CONCRETE PAVEMENT	
STANDARD DUTY BITUMINOUS PAVEMENT	
HEAVY DUTY BITUMINOUS PAVEMENT	
GRAVEL PAVEMENT	
LANDSCAPE MAINTENANCE STRIP	
H.D. CONCRETE PAVEMENT	
TRAFFIC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

SITE 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%
SITE AREA	= 1.15 ACRES
1-STORY BUILDING	= 1,957 SFT
PARKING	
PROPOSED DRIVE-THROUGH RESTAURANT	= 20 SPACES REQUIRED
1,957 SFT/100	= 27 SPACES PROVIDED
	(1 SPACE/1.5 OCCUPANCY)
FUTURE DRIVE-THROUGH RESTAURANT	= 8 SPACES REQUIRED
720 SFT/100	= 9 SPACES PROVIDED
	(1 SPACE/1.5 OCCUPANCY)
	=13 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.



CIVIL

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NO.	REVISIONS	BY	DATE	DRAWN
				JAM
			01/09/2023	CHECKED
				JVP
			01/09/2023	



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

SITE PLAN

PROJECT NO.
2221132

SHEET NO.
C2.0



Crites, Tidey, & Assoc., Inc.
 908C West River Center Dr
 Comstock Park MI 49321
 PH: 616-647-2400
 www.critestidey.com

PHOTOMETRIC EVALUATION
 NOT FOR CONSTRUCTION
 Based on the information provided, all dimensions and luminaire locations represent a recommended application. The engineer and/or architect must determine the applicability of the layout regarding existing or future field conditions.
 This lighting layout represents illumination levels calculated using laboratory data taken under controlled conditions in accordance with The Illuminating Engineering Society (IES) approved method. Actual performance of a manufacturer's luminaires may vary due to changes in electrical voltage, tolerance in LEDs, and other field conditions. Calculations may not include obstructions such as buildings, curbs, landscaping, or other architectural elements. Future nomenclature may not include mounting hardware or poles. This layout is for photometric evaluation purposes only and should not be used as a construction document or as a final document for ordering product.

DESIGNED FOR:

3145 HENRY STREET
 ADDRESS

SALES
 T MCBRIDE

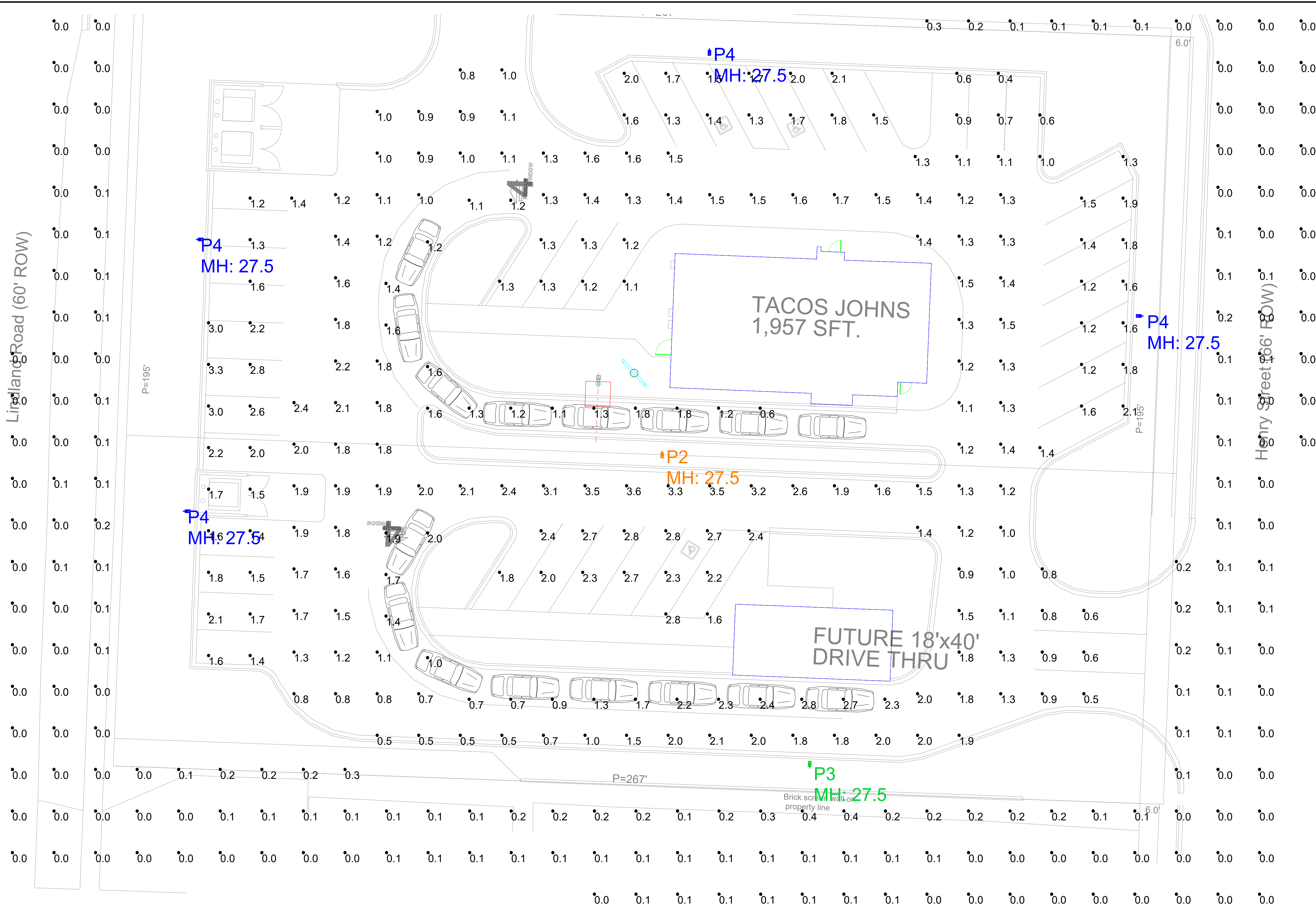
DATE
 1.6.2023

DESIGNER
 JEN YONKERS

REVISIONS	
DATE	NAME
XX	XX

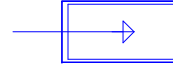

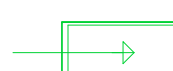
SHEET

1



PHOTOMETRIC PLAN

SCALE: NTS

Luminaire Schedule											
Scene: GEN											
Symbol	Qty	Label	Arrangement	LLD	LDD	BF	[MANUFAC]	Description	MNT HEIGHT	MNT TYPE	Ttl Watts
	4	P4	Single	0.980	0.940	1.000	COOPER - McGRAW-EDISON	GALN-SA2D-740-U-T4FT-HSS	27.5	POLE	500
	1	P2	Single	0.980	0.940	1.000	COOPER - McGRAW-EDISON	GALN-SA2D-740-U-T2	27.5	POLE	125
	1	P3	Single	0.980	0.940	1.000	COOPER - McGRAW-EDISON	GALN-SA2D-740-U-T3-HSS	27.5	POLE	125



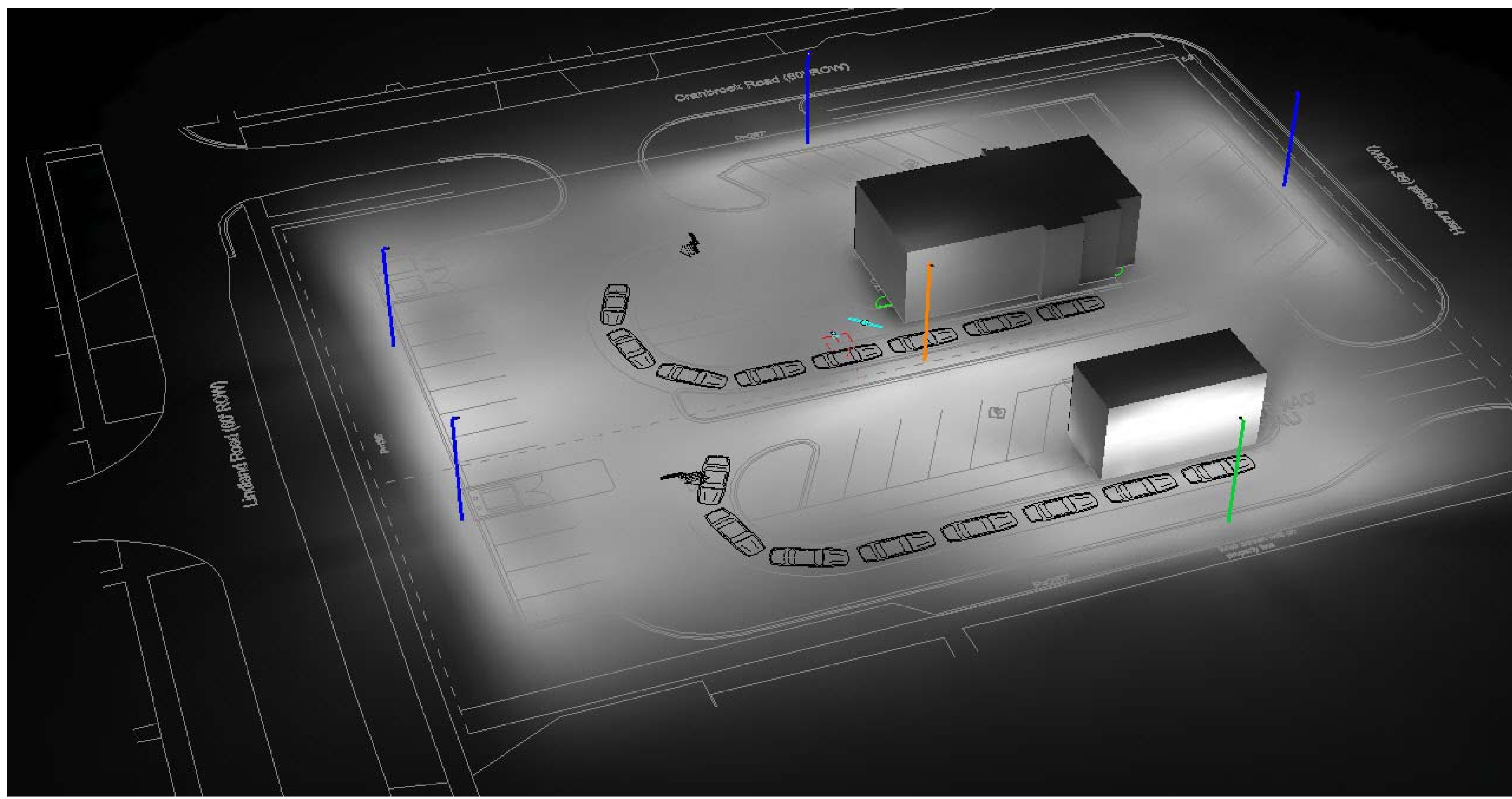
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DESIGNED FOR:

Calculation Summary							
Scene: GEN							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
DRIVE	Illuminance	Fc	1.49	3.6	0.5	2.98	7.20
DRIVE THRU	Illuminance	Fc	1.55	2.8	0.6	2.58	4.67
LIGHT TRESPASS	Illuminance	Fc	0.07	0.4	0.0	N.A.	N.A.
PARKING	Illuminance	Fc	1.72	3.3	0.4	4.30	8.25

NOTES:
 - CALC AT GRADE



3145 HENRY STREET
 ADDRESS

SALES
 T MCBRIDE

DATE
 1.6.2023

DESIGNER
 JEN YONKERS

REVISIONS	
DATE	NAME
XX	XX

SHEET
2

SCHEDULES
 SCALE: NTS



MCKENNA

January 17, 2023

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

**Subject: Taco John's, 3145 Henry Street
Preliminary Site Plan Review**

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, and a second, smaller building that would also have a drive-through. 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 is split zoned – part of it is within the C-E Henry Commercial (East) Zoning District and part is within the R-1 Single Family District. A public hearing on the rezoning will take place at the same meeting (January 30) as the Special Use permit, and the Planning Commission will make recommendations to the City Council on both applications at that meeting.

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

In order for the development to be approved, the rezoning and Special Use must be approved, as well as Site Plan Approval. The Site Plan is not on the agenda for the January 30 meeting because the other two approvals required Council action. However, a preliminary site plan has been submitted, so we are issuing this review with our preliminary thoughts so that revisions and additions can be made prior to the Planning Commission meeting where the Site Plan will appear.

Our Site Plan comments follow:

1. Dimensional Requirements.

- a. Lot Split:** A lot split is proposed so that the Taco John's and the other business will be on separate lots. Because the two lots will share a parking lot, a cross access agreement must be submitted for City approval. Submission of the signed agreement will be a condition of Site Plan Approval. The dimensional requirements for lots in the C-E District are as follows:
- **Minimum Width:** 50 feet. The exact widths of the two lots are not included on the plan. However, the Taco John's lot will be at least 74 feet wide, and the other lot will be at least 53 feet wide, based on other dimensions included on the plan.
 - **Minimum Area:** There is no minimum lot area in the C-E District, provided that the minimum width is met.



- b. **Front Setback:** Since the Taco John's lot is a corner lot, Section 3.7.A states that it shall have two front lot lines. The shorter of the two (Henry Street for both lots) is considered the "Primary Front Lot Line." However, for new construction, a front setback of 20 feet is required along both front lot lines. This setback is met for both lot lines. However, Section 6.3.F states that the entire depth of the required front yard must be landscaped. That requirement is not met. See Section 5 of this letter, regarding Landscaping.

On the other lot, the 20 foot setback from Henry Street is again met from the standpoint of the building, but the frontage landscape area is not deep enough. See Section 5 of this letter.

- c. **Rear Setback:** The required rear yard setback is 25 feet. It is met for both buildings on both lots.
- d. **Side Setback:** The required side setbacks are 6 feet. All side setbacks are in compliance.
- e. **Building Height.** The maximum building height is 35 feet. While the plan notes that both buildings will be one story, the actual height in feet must be submitted.
- f. **Lot Coverage.** The maximum lot coverage is 35%. Both parcels appear to comply, but the plan must include the actual lot coverage percentage for both lots.

2. Parking, Loading, and Access.

- a. **Number of Parking Spaces.** The parking standard for restaurants with drive-throughs is one space per 100 square feet of floor area. The Taco John's building is proposed to be 1,957 square feet (for 20 required spaces) and the other building is proposed to be 720 square feet (for 8 required spaces). 27 spaces are provided on the Taco John's lot, and 9 are provided on the other lot, so the plan is in compliance.
- b. **Parking and Access Dimensions.** Most parking spaces and access aisles meet or exceed City dimensional standards, except the parking spaces at the west end of the site, which are only 19 feet deep. 20 feet is required.

The one-way aisles are all 20 feet wide with parking spaces angled at approximately 65 degrees. They could be as narrow as 13 feet wide (12 feet if the angle of the parking of the parking spaces is reduced below 50 degrees), if necessary to meet other access and design requirements, including the frontage landscaping requirement in Section 6.3.F and some of the requirements of Section 10.6.W.

- c. **Barrier-Free Parking.** Two barrier-free spaces are required on the Taco John's lot (note: this could be reduced to one if the number of total parking spaces is reduced to 25 or fewer in subsequent revisions). One barrier-free space is required on the other lot. The required barrier-free spaces are included on the plans.
- d. **Loading Docks.** There are less than 2,000 square feet of building space on both lots, so neither lot requires a loading space.



- e. **Pedestrian Access.** Section 6.3.E requires sidewalk to be constructed along all public road frontages. The sidewalks area already in place. Section 10.6.W.5 requires “pedestrian elements” including “safe walkways to the restaurant frontage.” The safe walkways have been provided.
- f. **Driveways.** Section 10.6.W.3 requires all driveways to be at least 100 feet from an intersection and at least 75 feet from another driveway. This requirement is not met. The Cranbrook driveway is too close to Lindland Road, and the Henry driveway is too close to the Arby’s driveway to the south. The applicant is proposing to alter the existing driveways, but even if they use the existing driveways, they are not considered legal non-conformities, because this requirement applies specifically to restaurants with drive-throughs – and no restaurant with a drive-through currently exists on the site.

Along Cranbrook Road, it is possible for the applicant to construct a driveway that is at least 100 feet from both Lindland and Henry (the block is 260 feet long, leaving 60 feet in the middle where a driveway would be located), though moving the driveway into the conforming 60 feet may impact circulation on the site.

Along Henry Street, it is possible to construct a driveway that conforms, because the distance from Cranbrook to the Arby’s driveway is 230 feet, leaving a 55-foot-wide zone that would conform. However, it may not be possible to construct a driveway within that zone AND meet the requirements of Section 10.6.W.5 (regarding pedestrian access, see above) and 10.6.W.2 (regarding order delivery spaces, see below). A variance may be required, or the applicant may need to remove the second drive-through (or the second building all together) in order to ensure that all requirements for Taco John’s can be met.

- g. **Drive-Through Requirements.** Section 10.6.W.1 requires room for at least 8 stacking spaces without blocking drive aisles or public roads. This requirement is met on both lots. Section 10.6.W.2 requires two parking spaces “in close proximity” to the exist of the drive-through, for people to pull to when their order is not ready at the window. The Taco John’s lot meets this requirement, but the other lot does not.
3. **Signage.** In our site plan letter, we recommended a condition of Site Plan Approval that all menu boards with audio or video capabilities be set back at least 100 feet from Lindland Road. On the current plan, the signs meet that requirement.

There is an existing sign near the corner of Henry and Cranbrook. That sign may remain in place (with new content) if desired by the applicant.

No other sign information has been submitted. While sign permits may be approved separately from Site Plan Approval, at least the location of freestanding signs should be added to the Site Plan.

4. **Landscaping.** The following landscaping requirements apply to the site:
- a. **Street Frontage Landscaping:** Section 6.3.F requires a 20 foot landscape area along the Henry and Cranbrook frontages, meeting the requirements of Section 12.16.E. In our Special Use review, we



recommend that moderate buffer landscaping (as described in Section 11.2) be installed along the Lindland Road frontage, as well as the portion of the Cranbrook Road frontage that is across the street from a residence. Therefore, the following frontage landscaping is required:

- **Henry Street:** A landscaped area 20 feet wide, with a “solid screen comprised of a hedge or decorative wall” OR canopy trees space every 3- feet (3 trees on the Taco John’s site and two trees on the other site). There are two large trees in the front yard of the existing building. The preliminary site plan shows one of them being preserved on the non-Taco John’s site, but does not show any other trees, nor a decorative wall or shrub screen.
- **Cranbrook Road (from the proposed driveway east):** A landscaped area 20 feet wide, with a “solid screen comprised of a hedge or decorative wall” OR canopy trees space every 30 feet (approximately four trees, though the distance should be dimensioned on the plans to confirm). The preliminary site plan does not show any trees, nor a decorative wall or shrub screen.
- **Cranbrook Road (from the proposed driveway west):** A landscaped area 20 feet wide, with canopy trees space every 20 feet (approximately four trees, though the distance should be dimensioned on the plans to confirm) AND a six foot high continuous screen made of plant material, berming, screen wall, or fence. If a wall or fence is used, then both sides of the fence must be lined with four shrubs per 20 feet, unless the fence/wall is located on the property line, in which landscaping is only required on the interior side of the fence or wall. The preliminary site plan shows three existing trees, plus one in the Cranbrook Road right-of-way, which, if left in place, meet the tree requirement. Using the Planning Commission’s authority to alter buffer requirements (See Section 11.2.F.7), we recommend that six foot tall evergreens be planted to form a continuous screen between the existing trees and the driveway, but that no other landscaping, fence, or wall be required in the vicinity of the existing trees. This would meet the spirit of the Ordinance, while keeping the existing “lawn” feeling. It would also be less likely to threaten the long-term viability of the existing trees than building a fence in their immediate vicinity.
- **Lindland Road:** A landscaped area 20 feet wide, with canopy trees space every 20 feet (10 trees) AND a six foot high continuous screen made of plant material, berming, screen wall, or fence. If a wall or fence is used, then both sides of the fence must be lined with four shrubs per 20 feet, unless the fence/wall is located on the property line, in which landscaping is only required on the interior side of the fence or wall. The preliminary site plan shows 10 existing trees, plus two more in the Lindland right-of-way, which, if left in place, meet the tree requirement. For the screening requirement, we recommend that six foot tall evergreens be planted to fill the gaps between the existing trees. While this would not necessarily be “continuous”, it would meet the spirit of the Ordinance, while keeping the existing “lawn” feeling. It would also be less likely to threaten the long-term viability of the existing trees than building a fence in their immediate vicinity.

Please note that the Planning Commission’s authority under Section 11.2.F.7 applies only to the components of buffers, and cannot be used to waive the required 20 foot depth for landscape areas in Section 6.3.F.



- b. Buffer Landscaping.** Adjacent to the house southwest of the site, a landscaped area 20 feet wide, with canopy trees space every 20 feet (approximately 6 trees, though the distance should be dimensioned on the plans to confirm) AND a six foot high continuous screen made of plant material, berming, screen wall, or fence. If a wall or fence is used, then both sides of the fence must be lined with four shrubs per 20 feet, unless the fence/wall is located on the property line, in which landscaping is only required on the interior side of the fence or wall. The preliminary site plan shows 9 existing trees, which, if left in place, meet the tree requirement. There is also a fence on the plans, which meets the fence requirement. However the buffer zone is not 20 feet wide, and does not have the required shrubs.
- c. Parking Lot Landscaping:** Section 12.16.F requires a interior landscape islands in any parking lot with more than 12 spaces, so the non-Taco John's lot is exempt, but the Taco John's lot must meet the following requirements:
- **One island per 12 parking spaces:** Landscape requirements are generally rounded up, for a requirement of three islands. Two landscape islands have been provided, and no landscaping is shown on them on the preliminary plan, and one of the islands will be largely incorporated into the frontage landscaping once it is widened to 20 feet. The applicant may wish to consider reducing the number of parking spaces to 24, which would eliminate one required island while still complying with the minimum parking requirement.
 - **Minimum Island Size: 90 square feet.** This appears to be met for both landscape islands, though the exact area should be submitted to be sure.
- d. Pedestrian Walkway Landscaping:** Section 11.6.G.1.b requires at least 50% of the length of pedestrian walkways from the sidewalk to building entrances to be lined with "landscaping, benches, and bicycle facilities." This standard can be met on the non-Taco-John's site, where most of the walkway passes through landscape areas or areas where benches or bike racks could be located. However, the way the preliminary plan is designed, the walkway on the Taco John's site will not be able to meet this requirement.
- e. Dumpster Landscaping:** Section 11.3.E requires a continuous opaque screen (berming, plant material, screen walls or fences) to surround all dumpsters. Dumpster enclosures are shown on the plan, but the height and material of the enclosures must be submitted. The applicant may also wish to consider having a single dumpster enclosure for both restaurants, which would be permitted provided that there is an agreement in place to allow both buildings to use the dumpster enclosure in perpetuity. Such an agreement would have to be submitted to the City for approval as a condition of Site Plan Approval.
- 5. Building Design.** No elevations have been submitted. The building design must meet the requirements of Section 11.6.
- 6. Outdoor Dining.** No outdoor dining is proposed, though the Planning Commission may choose to require outdoor dining as part of the Special Use approval, in enforcing Section 10.6.W.5.



7. **Lighting.** The following lighting requirements must be met:

- a. **Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any Residential District or use.** Cut sheets of the proposed light fixtures must be submitted to confirm that this requirement is met. Additionally, in our Special Use review, we recommended a more objective standard to achieve this goal – 0.0 footcandles of light along Cranbrook Road, Lindland Road, and the southwest property line. According to the photometric plan submitted by the applicant, the design is very close to hitting 0.0 footcandles along Lindland (some areas are 0.1), but the portion of Cranbrook where the house is across the street is not included. The lot line abutting the home to the southwest is at 0.2/0.3 footcandles and must be reduced.
- b. **Light fixtures shall be no higher than twenty (30) feet and shall be provided with light cut-off fixtures that direct light downward.** The fixtures will be 27.5 feet high, meeting the height requirement. Cut sheets of the proposed light fixtures must be submitted to confirm that the rest of this requirement is met
- c. **Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.** This requirement is met.

RECOMMENDATION

The concerns listed in this letter must be addressed on a revised Site Plan prior to approval by the Planning Commission.

Please do not hesitate to contact us with any questions.

Respectfully submitted,
McKENNA

Christopher Khorey, AICP
West Michigan Manager